

Middle Pecos Groundwater Conservation District

Minutes of May 12 2011

On this the 12th day of May, 2011, a Special Called Meeting for Public Permit Hearing of the Middle Pecos Groundwater Conservation District, of Pecos County, Texas, met in the Courtroom of the Pecos County Courthouse, Fort Stockton, Texas located at 103 West Callaghan with the following members present, to-wit:

Glenn Honaker	President, Precinct 1
John Dorris	Vice President, Precinct 3
M. R. Gonzalez	Secretary/Treasurer, Precinct 2
Janet Groth	Precinct 1
Merrell Daggett	Precinct 2
Lynn Holland	Precinct 3
Alvaro Mandujano, Jr	Precinct 4
Ronald Cooper	Precinct 4
Vanessa Cardwell	City of Fort Stockton/Here in afternoon only
S. Evans Turpin	City of Iraan
Houston McKenzie	At Large

Quorum Present.

Member(s) absent: Vanessa Cardwell absent morning only.

Others Present: Paul Weatherby, Kayla Carrillo, Mike Gershon, Kristen Fancher, Anna Howard, Bill Dugat III, Charles (Randy) Williams/MPGCD Hydrogeologist and wife Erika, Jane McGill/Certified Court Reporter, Bob Varmette/Fort Stockton Pioneer, Lynn Sherman, Mark Davis, William Lannom, L. B. and Ruthie Ryan, Russell Johnson, Mark Osborn, Drew Miller, Carl Galant, Ori White, Jeff Williams, Dr. Jim Duke, Ed McCarthy, Bruce Scrafford, and Robert Rendell, Brock Thompson, Val Beard, Tom Beard, Michael Thornhill, Darrell S. Peckham, Harvey Gray, Melanie McKenzie, Ruben Falcon, Conrad Arriola, Chachi Hawkins, Santiago Cantu, Jr., Joe Shuster, D. A. Harral, Delma Gonzalez, Rachel Koshi, Amie Hansen, Stefan Schuster, Raul Rodriguez and Gary Bryant. The City of Fort Stockton recorded the hearing from start to finish.

I Special Called Meeting for Continuation of contested hearing on Fort Stockton Holdings, L. P.'s amended application for production permit and authorization to export *Call to Order* at 8:09 am by President Honaker.

II. Comments from Public and Media (Limit to 5 minutes) will be permitted only if directed by a majority of the Board.

Motion passed on May 4, 2011 for no public/media comment.

III. Consider and/or act upon Fort Stockton Holdings, L. P.'s Amended Application for Production Permit and Authorization to Export

The Middle Pecos Groundwater Conservation District Board of Directors conducted the continuation of contested hearing on Fort Stockton Holdings, L.P.'s pending permit application and took sworn testimony related to the permit application. These minutes recognize a verbatim transcript was made by a court reporter and they are hereby incorporated by reference into the minutes and are available at the Middle Pecos Groundwater Conservation District office.

Mr. Galant called Mr. Raul Rodriguez to testify on behalf of the City of Fort Stockton. Mr. Rodriguez is the City Manager for Fort Stockton. He is also a registered professional engineer in the state of Texas. Mr. Galant conducted the examination.

Mr. Rodriguez was crossed examined by Ms. McKenzie for Gregg McKenzie; by several Board Members; recrossed examined by Mr. Galant and several Board Members.

Mr. Johnson called Mr. Stefan Schuster to witness for the City of Fort Stockton. Mr. Schuster is a Texas Water Resource Manager for Daniel B. Stephens and Associates. Mr. Schuster is a licensed geoscientist in the State of Texas. Mr. Johnson conducted the examination.

Mr. Schuster was examined by Mr. McCarthy for Fort Stockton Holdings LP; Mr. Sherman for Mark Davis; Ms. McKenzie for Gregg McKenzie; several Board Members; and recross examination by Mr. McCarthy.

Mr. Tom Beard testified next, he was examined by Ms. McKenzie. Mr. Beard is a protestant party in this application. Mr. Beard was cross examined by Board Members.

Harvey Gray, Chairman of the Board of Directors of the Pecos County Water Control and Improvement District #1, was called to testify by Ms. McKenzie. Mr. Gray was cross examined by Board Members.

Next, Mr. Mike Gershon took the floor for the Middle Pecos GCD manager Paul Weatherby. The General Manager has no further evidence to bring before the Board. The General Managers recommendation to the Board will be laid out in his closing statement.

The Applicant has waived their rebuttal case. In lieu of a rebuttal case, the parties have agreed to file written closing arguments, limited to 5 pages and may also have an addendum for special conditions. The applicants closing arguments are due by 5 PM on Friday, May 20th. All responses are due by Tuesday, May 24th at 5 PM.

For the purposes of the time period for which the Board needs to make a decision, the hearing will be closed on Tuesday, May 24th. The presiding officer will notify the parties when the Board will convene to have a hearing to make a decision. The Board has 60 days from May 24th to make a decision.

No action taken.

IV. Adjourn or recess at 5 PM each day unless the time is extended upon action of the Board to continue Hearing as scheduled or to some other time, date or place, if necessary, as determined by the Presiding Officer.

The Board recessed the meeting at 3:12 PM.

M. R. Gonzalez,
Secretary/Treasurer

Glenn Honaker
President

Date Approved