

Middle Pecos Groundwater Conservation District
Minutes of February 21, 2012

On this the 21st day of February, 2012, a Public Hearing on a Drilling Permit and a Regular Board Meeting was held by the Middle Pecos Groundwater Conservation District in the office located at 405 North Spring Drive, Fort Stockton, Texas, 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
Weldon Blackwelder	Precinct 3
Houston McKenzie	At Large

Member Absent: Alvaro Mandujano, Jr., Ronald Cooper, Evans Turpin & Vanessa Cardwell.

Quorum Present.

Others Present: Paul Weatherby/General Manager, Melissa Mills, Bob Varmette and Jeff Williams.

Public Hearing

I Call to Order at 1:02 PM by Board President Glenn Honaker.

II Public hearing on **JRGMI LLC Drilling Permit Application**

Manager Paul Weatherby presented the application to the Board. JRGMI LLC was formed by Jay Garvin and Martin Ibarra to sell water for public sales, industrial use, and for their own office use. The drilling site is located near the intersection of Imperial Highway and 40th Lane. They will be pumping from the Edwards/Trinity aquifer. The application file contains maps with the proposed drilling site, a warranty deed, notice of intent to drill, a notice of drilling permit application, a listing of adjacent property owners with names and addresses from the Pecos County Appraisal District, and a statement from MPGCD attorney Mike Gershon that the application is administratively complete.

Mr. Weatherby presented additional information to the following questions.

- 1) Wells within a ½ mile of the proposed well. He reported that there were only 3 operating wells within a half mile radius of the new well.
- 2) Comments or protests from the landowners within the half mile radius. He reported that he did not have any protests. The comments received were that one land owner has offered a monitoring well in the area, and another wanted assurance that the water levels would be monitored – not only in the vicinity of the new well but in Pecos County.

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- 3) Proposed water usage. 30 acre feet for industrial sales and some for domestic use for an office or shop.
- 4) Subdivision rules. Mr. Weatherby obtained a copy of the subdivision rules for the Board to review. He reported that there were no specific references pertaining to the drilling of wells – other than public supply wells. The paragraph that mentions non-public wells is also in reference to drinking water.

The Board discussions revealed several concerns. One concern was the conditions or restrictions that may be placed on the production permit which would be after the well was drilled and the financial cost of drilling a well may be too great versus the amount of water that may be permitted.

Director John Dorris requested an executive session to consult with the MPGCD attorney. President Honaker called an executive session at 1:42 PM for the purposes authorized under the Texas Open Meetings Act, V.T.C.A., Government Code, Chapter 551.071 to consult with attorney.

President Honaker reconvened the public hearing at 2:30 PM after conference call with attorney Mike Gershon, and stated that no decisions were made in executive session.

There were no comments received from the public during the public hearing.

- III Adjourn Weldon Blackwelder made a motion to adjourn, seconded by John Dorris. The motion carried, and the hearing adjourned at 2:31 PM.

Regular Board Meeting

- I Call to Order @ 2:31 PM by Board President Glenn Honaker. A quorum of the Board is present.
- II Comments from **Public and Media (limit 5 minutes per person)** None.
- III Consider and/or act upon **minutes of January 17, 2012**
Weldon Blackwelder made a motion to approve the January 17, 2012, minutes as presented. Seconded by M. R. Gonzalez. Motion carried.

IV Consider and/or act upon **Accounts Payable and Treasurer's Report and Line Item Transfers for 01-31-2012**

Merrell Daggett made a motion to approve the accounts payable and treasurer's report for 01-31-2012. Seconded by John Dorris. Motion carried.

V Consider and/or act upon **General Managers' Annual Report**

Manager Weatherby presented his 2011 Annual Report to the Board for review. Merrell Daggett made a motion to accept the 2011 Annual Report as presented. Seconded by Houston McKenzie. Motion carried.

VI Consider and/or act upon **JRGMI LLC Drilling Permit Application**

Manager Weatherby recommended that the application be approved.

The Board's concerns with the application resulted in the tabling of the application.

The Board requested that drilling applications and production permit applications be combined, and the signature of the applicant be notarized. President Honaker stated that the reason for the questions is to maintain consistency with all applications. It was recommended that rule 11.9.1 and 11.9.2 be combined.

Merrell Daggett made a motion to table the application until a new or amended application for the drilling and production could be completed and sworn to. Seconded by Janet Groth. Motion carried.

VII Consider and/or act upon **Depository Contract with Pecos County State Bank**

M. R. Gonzalez motioned that MPGCD set policy and strategy to invest District funds in Demand Deposit accounts, Certificates of Deposit and other interest-bearing bank accounts at Pecos County State Bank- in compliance with the Public Funds Investment Act for the next 12 months beginning March 1, 2012. Motion seconded by John Dorris. Motion carried.

VIII Consider and/or act upon **Progress Reports: Well Registrations, Production Permits, Drilling Permits, Data Loggers, ongoing Water Quality Analysis, USGS update**

- Well Registrations: A letter was mailed out with the billing for Pecos County Water Control and Improvement District #1 on 01-31-2012. The letter was to inform anyone that has a well to register it.

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- Production Permits: JRGMI and one more farmer has a production permit in the process of submission.
- Drilling Permits: No new drilling permits.
- Data Loggers: Installing more data loggers. There are about 40 Bi-Annual wells, and several have been changed to monthly, and some quarterly. I am going to have more along the Pecos River.
- Water Quality Analysis: On going.
- Palmer Drought map: Map was reviewed in the Managers' Annual report.

IX General Manager's report on incoming **Groundwater District-related Correspondence**

- TAGD meeting is March 27 and 28 in Austin and Paul will be going.
- Drought Emergency workshop is February 28th in Midland and Paul will be going.
- Legislative update from Bob Turner in Directors' books.
- Sherbino 2 Wind Farm will be having a dedication ceremony and luncheon on Wednesday, February 22, 2012.
- Due to the future increase of water transportations out of Ward County by the Colorado River Water Municipal District, Mr. Weatherby is concerned about the possible effect that will have on the Coyanosa area. He will ask for a Priority Groundwater Management Area to be set up to monitor the situation. TCEQ has only one satellite left to monitor a well and they are willing to monitor a Ward County well. Mr. Weatherby has been invited to speak at a Public Forum in Ward County on March 1, 2012 – and he has accepted.

X Consider and/or act upon **Agenda for next meeting**

- JRGMI combination drilling/production permit hearing
- USGS presentation

The directors discovered that there would probably not be a quorum on the next regularly scheduled board meeting day Tuesday, March 20th, so it was decided to move the meeting to Wednesday, March 21st.

XI **Adjourn** **Weldon Blackwelder** made a motion to adjourn, seconded by Houston McKenzie. The motion carried, and the meeting adjourned at 3:59 PM.

M. R. Gonzalez, Secretary/Treasurer

Glenn Honaker, President

Date Approved _____