

Middle Pecos Groundwater Conservation District
Minutes of March 21, 2012

On this the 21st day of March, 2012, a Public Hearing on a Consolidated Application for Water Well Drilling and Production 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
Ronald Cooper	Precinct 4
Vanessa Cardwell	Fort Stockton, City of
Evans Turpin	Iraan, City of
Houston McKenzie	At Large

Member Absent: Alvaro Mandujano, Jr.

Quorum Present.

Others Present: Paul Weatherby/General Manager, Mike Gershon and Shauna Fitzsimmons/MPGCD legal counsel, Melissa Mills, Frances Gomez/Pioneer, Daniel Pearson and Greg Stanton with USGS, Harvey Gray, Brock Thompson, Jeff Williams, Dr. Jim Duke, Mike Thornhill, Jay Garvin, Preston Irwin, Dan Pearcy, and Justin Till/Field Representative for Congressman Conseco.

- I Call to Order at 1:02 PM by Board President Glenn Honaker.
- II Public hearing on **JRGMI LLC Consolidated Application for Water Well and Production Permits**

The consolidated application is requesting permission to drill a water well and produce 30 acre-feet of groundwater per year from the Edwards-Trinity aquifer. The well is to be located at 3960 North Highway 1053. The purpose of use will be industrial use. The term requested for the production permit is 10 years.

Preston Irwin was present. He is a near by landowner. He is not protesting the application, but asked MPGCD to judiciously monitor wells in the area for a negative impact. Mr. Irwin is allowing one of his wells to be a monitor well in the vicinity.

Jeff Williams asked if the request was any different than the previous one. The answer was no, except for this application combines drilling and production.

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President Honaker requested that anyone who would like to be a party to the application come forward. No one came forward and the application was declared uncontested.

Houston McKenzie made a motion to let Manager Paul Weatherby make the decision about granting or not granting the application. Seconded by Vanessa Cardwell. Motion carried unanimously.

- III Adjourn Evans Turpin made a motion to adjourn, seconded by Houston McKenzie. The motion carried, and the hearing adjourned at 1:31 PM.

Regular Board Meeting

- I Call to Order @ 1:32 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 February 21, 2012.**
Weldon Blackwelder made a motion to approve the February 21, 2012, minutes as presented. Seconded by John Dorris. Motion carried.
- IV Consider and/or act upon **Accounts Payable and Treasurer's Report and Line Item Transfers for 02-29-2012**
Merrell Daggett made a motion to approve the accounts payable and treasurer's report for 02-29-2012. Seconded by Janet Groth. Motion carried.
- V Consider and/or act upon **JRGMI Consolidated Application for Water Well and Production Permits**

No action necessary as decision has been deferred to Manager Weatherby.

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VI Consider and/or act upon **Report from U. S. Geological Survey**

U. S. Geological Survey representatives Greg Stanton and Daniel Pearson were present to give a slide show presentation on the status of the Pecos County groundwater availability study.

Phase I – Geodatabase Development and Data Collection – Non-Interpretive. Has been completed.

- 1) Data compilation and gap analysis.
 - Identified readily available digital data sources for compilation that included over 8,000 data points from 10 sources.
 - Identified areas of additional data needs.
- 2) Data collection to supplement existing data.
 - The springs in Pecos County were monitored for flow measurements.
 - Surface geophysics included time-domain electromagnetics collected at four sites, and audiomagnetotellurics soundings collected at 13 sites.
 - Borehole Geophysics were collected at 44 wells
 - Water quality sampling – Geochemical analysis included 44 sites being sampled.
 - Water levels: 30, 701 measurements used from 1927 – current
 - Water quality: 34,797 measurements from 1930 - current

Phase II – Conceptual Model and Report – Completed portions include:

- 1) Hydrogeologic framework: hydrostratigraphy, structure, and aquifer properties
- 2) Geochemistry
- 3) Groundwater-flow system: regional trend, recharge, and groundwater mixing and discharge
- 4) Integrating conceptual model into groundwater model

Phase II – Conceptual Model and Report and Phase III – Groundwater Flow Model and Report that are to be completed 2012 – 2013

- 1) Pumpage compilation for groundwater flow model
- 2) Refinement of the conceptual and numerical aspects of the groundwater flow model
- 3) Complete groundwater flow model calibration
- 4) Final sensitivity analysis of the flow model
- 5) Simulation of pumping scenarios

President Honaker called for a break at 2:12 PM.

Meeting reconvened at 2:29 PM.

VII Consider and/or act upon **Interlocal Agreement Between Pecos County and MPGCD reference USGS Water Study**

Evans Turpin made a motion to continue the Interlocal Agreement between Pecos County and MPGCD reference the USGS Water Study funding. Seconded by Houston McKenzie. Motion Carried.

VIII Consider and/or act **upon Pecos Pecan Farm LLC Historic/Existing Use Permits**

Manager Paul Weatherby presented the facts regarding the Historic and Existing Use (referred to as H&E) production permit for Mr. Dan Percy.

- In the early stages of the H&E program, Mr. Percy had discussions with Mr. Weatherby and Mr. Honaker and did not want to participate.
- Near the deadline of 09-15-2005; Mr. Percy decided to participate in the H&E program and called Mr. Weatherby who was out of town at the time. Mr. Weatherby advised Mr. Percy he would need to go to the MPGCD office and fill out the paper work by 09-15-2005.
- Mr. Percy attested that he did go to the MPGCD office and did in fact fill out and sign what he believed to be the "Historic and Existing Use Permit" paper work that the MPGCD secretary helped him prepare.
- The backup material such as crop data reports to verify water usage during the H&E time period was brought to the office several days later, which was allowed to happen on all applications. The date was 09-23-2005 on the paperwork.
- Mr. Percy assumed that everything was fine, and that once there was a hearing - he would have "H&E" permits.
- The completed application was ready to be posted for hearing, but was overlooked, and never made it to the "Hearing" agenda.
- Mr. Weatherby attested that Mr. Percy has complied with rules on reporting production.
- Additional discussion point in open discussions:
- Mr. Percy found out that he was not on the "List" of H&E permits holders when some one pointed this out to him. The farm has since changed ownership, and the H&E permits are once again being requested to be brought before the Board of Directors.
- Rule 11.4 in affect means we go back to the rules in affect 09-15-2005. Have Mr. Percy to recreate the application and be administratively complete; post the appropriate notices (notice of filing and a notice of hearing). The notices require a 30 day notice and will be published in the newspaper. Once the notice of filing goes out, the application will be complete and ready to set a hearing date.
- The original that was applied for is 6,980 acre feet, and the use is irrigation of 1,060 acres of alfalfa on 09-15-2005. The file was administratively complete back in 2005. Today the Historic and Existing Use paperwork is misplaced and can not be located. The new application will be for the exact same acreage and the same wells and same irrigation use as in 2005.

- Mike Gershon, legal counsel for MPGCD: Our rules say if you filed an application for Historic and Existing Use permit, you are entitled to pump at the same rate under your application. Technically, Mr. Pearcy has not been violating our rules. He is operating under a pending application.
- Mr. Pearcy currently has part ownership in the farm. He owns the farm in conjunction with Mr. Hatcher and Mr. Ackerly. Mr. Gershon suggested to the Board that during the hearing - evidence/information should taken, and any action should be based on current ownership. The permit will be allocated as needed according to ownership.
- Mr. Gershon also recommended that formal action need not be taken today. He suggested that the Board recognize that it is appropriate for the applicant and Mr. Weatherby to proceed to get the application in order for a hearing.

* No action taken.

IX Set Date for Public Hearing on Adoption of Maps showing maximum water-level recovery conditions for the year 2010 for Management Zone water level Benchmarks for Future Comparisons (as set forth in rule 10.5 e 3)

Mr. Weatherby addressed the Board. He told them that the 04-15th deadline will not be met, but that it should be ready for the May meeting.

(Summary) Mr. Gershon suggested that during the hearing on the Historic and Existing Use permit, that we also have a hearing to amend our rules and change the deadline for setting the Benchmarks, as well as any other rule updates needed. He felt that the April 15, 2012 deadline is for making a meaningful assessment and information should be collected for 2 – 5 years to accomplish that; and that our current monitoring would catch immediate problems. (In other words: There is no problem with extending the April 15, 2012 deadline for setting the Benchmark in his opinion.)

No action taken

- X Review Status of Fort Stockton Holdings LP vs. MPGCD, etal**
President Honaker called an executive session at 3:30 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 open meeting at 5:03 PM and stated that no decisions were made in executive session.

XI Review Status of EAA vs. Day and McDaniel

Reviewed in executive session also.

Note: Ronald Cooper left following agenda item #11. Nine board members remain.

XII Discuss and/or act upon **Surplus MPGCD equipment for 4-H Scholarship Auction**

John Dorris made a motion to have surplus MPGCD equipment put in the 4-H scholarship auction. The items include 4 Michelin tires and 1 grill guard. Motion seconded by Weldon Blackwelder. Motion carried.

XIII Consider and/or act upon **Progress Reports: Well Registrations, Production Permits, Drilling Permits, Data Loggers, ongoing Water Quality Analysis, Monthly Drought Report/Palmer Drought Severity Index map**

- Well Registrations: Still increasing.
- Production Permits: Some are pending.
- Drilling Permits: There are a few exempt wells.
- Data Loggers: Installing more data loggers.
- Water Quality Analysis: On going. This month we have done 6 arsenic samples where the old plants were.
- Palmer Drought map: Map included in their notebook.

Note: John Dorris left following agenda item #13. Eight board members remain.

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

- Texas Alliance of Groundwater Districts (TAGD) meeting March 27 and 28th in Austin.
- Texas Alliance of Groundwater Districts (TAGD) Summit August 28-30, 2012 in Austin.
- Mr. Bob Turner's legislative update
- Texas Workforce Commission Tax Rate Notice for 2012 is 2.9% up from last year
- West Texas Contractors proposal for store room in back of our office

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

- Possible production permit hearing for water station
- Benchmark hearing possibly
- Pecos Pecan Farm and Rule Hearings possibly

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XVI **Adjourn** Merrell Daggett made a motion to adjourn, seconded by Weldon Blackwelder. The motion carried, and the meeting adjourned at 5:21 PM.

M. R. Gonzalez, Secretary/Treasurer

Glenn Honaker, President

Date Approved _____