

Middle Pecos Groundwater Conservation District Minutes of December 18, 2012

On this the 18th day of December, 2012, a public hearing 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
Alvaro Mandujano, Jr.	Precinct 4
Vanessa Cardwell	Fort Stockton, City of
Terry Whigham	At Large

Quorum Present.

Members absent: Ronald Cooper and Evans Turpin

Others present: Paul Weatherby, Mike Gershon, Allan Standen, Melissa Mills, Harvey Gray, Gil Van Deventer, Elizabeth Ferry, Mike Thornhill, Ed McCarthy, Jeff Williams, Darrell Peckham, Gary Drgac, Jerry McQuairt, Steve Cole, Mr. McDonnold, Alan Murphy, J. Carlos Saracho, Richard Morton, David Turner, Raul Rodriguez, Adrian Rosas, John Jansing, Mike Orr, Stefan Schuster, Fred Rothauge, Rocky Lorenz, Belinda Denman, Sathish Santharam, Randy Braden, Frances Gomez.

CONTINUED PUBLIC HEARINGS

- I Call to Order at 1:05 PM by President Glenn Honaker
- II Continued Public Hearing on **McDonnold Operating LLC Production Permit Application**

Uncontested Hearing.

Party representing the McDonnold Operating LLC: Mr. McDonnold and Steve Cole.

Paul Weatherby addressed the Board. The area available to McDonnold Operating is 640 acres. Clarified applicant as Alcam Resources LLC. The water comes from the Pecos Valley aquifer, and they are asking for 150 acre feet. The application is administratively complete.

Vanessa Cardwell made a motion to adjourn the public hearing. Seconded by Merrell Daggett. Motion carried.

III Adjourn. The hearing adjourned at 1:37 PM.

I Call to Order 1:37 PM

II Continued Public Hearing on **Randy Braden Production Permit Application**
Paul Weatherby announced that the hearing will need to be renoticed and Edwards/Trinity and Pecos Valley aquifers will both need to be referenced on the notice.

III Adjourn @ 1:42 PM

REGULAR BOARD MEETING

I Call to Order at 1:43 PM.

II Comments from **Public and Media (limit 5 minutes per person)**
No comments

III Consider and/or act upon **Minutes of November 27, 2012**
Merrell Daggett made a motion to approve the minutes of November 27, 2012.
Seconded by Weldon Blackwelder. Motion carried.

IV Consider and/or act upon **Accounts Payable and Treasurer's Report and Line Item Transfers for the Month Ending 11-30-2012**
Merrell Daggett made a motion to approve the accounts payable and treasurer's report for 11-30-2012. Seconded by John Dorris. Motion carried.

V Consider and/or act upon **2013 Meeting and Holiday Schedule**
Merrell Daggett made a motion to approve the 2013 meeting and holiday schedule. Seconded by Weldon Blackwelder. Motion carried.

VI Consider and/or act upon **McDonnold Operating LLC Production Permit Application**

Merrell Daggett made a motion to grant the application as presented for 150 acre feet from the Pecos Valley aquifer for Industrial use. Motion seconded by Terry Whigham. The motion failed with a vote of 5 for, 4 against.

Janet Groth made a motion to grant 100 acre feet from the Pecos Valley aquifer for industrial use. Motion seconded by M. R. Gonzalez. Motion carried unanimously.

John Dorris made a motion to allow the permit application to be effective until December 31, 2013. Motion seconded by Merrell Daggett. Motion carried unanimously.

VII Consider and/or act upon **Randy Braden Production Permit Application**
To be continued and renoticed showing both Edwards/Trinity and Pecos Valley aquifers.

Board recessed at 2:40. Reconvened at 3 PM.

Manager Paul Weatherby presented the Board with a plaque to commemorate the Districts 10 year anniversary. He also introduced Yaraniz Lujan to the Board. Yara is a new part time office employee.

VIII Consider and/or act upon **2010 Benchmark Aquifer Levels** in accordance with Rule 10.5

Allan Standen, MPGCD Hydrogeologist, requested that the item be tabled in order for modifications to be made to the report regarding monitor wells.

Merrell Daggett made a motion to table the 2010 Benchmark Aquifer Levels. Seconded by John Dorris. Motion carried.

IX Presentation of **City of Fort Stockton/City of Odessa Water Development Plan**
Raul Rodriguez, Fort Stockton City Manager, presented a slide show to the Board.

He introduced others that were in attendance on behalf of the Odessa project: Stefan Shuster, Hydrogeologist; Richard Morton, Odessa City Manager; David Turner, Odessa Mayor; Alan Murphy, with the Fort Stockton Desal Plant; Adrian Russell, Trey and Associates. Mr. Alan Murphy gave a presentation to the Board explaining the Reverse Osmosis treatment plant revisions, storage facility, evaporation ponds and monitoring systems.

Schedule review: 21 months after the test well is complete, the following should be complete: routing study, design of project report review by TCEQ, and construction. The water supply pipeline from Fort Stockton to Odessa will be within the TXDOT right-of-ways and Odessa's right-of-ways. The line will travel down Highway 1053 to Interstate 10 and then east to Odessa. A 90 mile pipeline that is 54 inch diameter. The City of Fort Stockton will be filing an amended application for the drilling of the test well because the location has changed.

The Odessa City Manager, Richard Morton, explained to the Board that an amendment was made to their contract with CRMWD to allow the City of Odessa to seek additional water sources when water restrictions are in place. That is the reason for the drilling into the Capitan Reef Aquifer. If CRMWD can supply the City of Odessa with 100% of their water needs, Odessa will be obligated to get their water from CRMWD and also pay for the Capitan Reef project in Fort Stockton and not use the Capitan waters. He believes that if large quantities of industrial water is needed by Odessa, that CRMWD may allow them to use the Capitan Reef aquifer for that purpose.

John Dorris stepped out of the meeting during agenda item #IX, and returned at 4:20 PM. Janet Groth also stepped out of the meeting during agenda item #IX.

- X Consider and/or act upon **Progress Reports: Well Registrations, Production Permits, Drilling Permits, Data Loggers, ongoing Water Quality Analysis and Legislative Update**
- Well Registrations: Progress report included in their notebook.
 - Palmer Drought Map: Current map in their notebook for review.
 - Production Permits: Tabled Braden. Production permit applications in progress are a Coyanosa farmer, Schuyler Wight, two water stations and a few other water stations are possible
 - Drilling Permits: City of Fort Stockton may have an amended application due to relocation of drilling site. There are a few for oil field supply.
 - Data Loggers: Increasing our monitoring system and have ordered a couple of transducers.
 - Water Quality Analysis: Continuing
 - USGS update in their notebook

Note: Janet Groth returned to the meeting during agenda item #X.

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

Theft Report filed because of a transducer and cable stolen from a monitor well.

XII Review **rulemaking at Texas Water Development Board, Railroad Commission, and Texas Department of Licensing and Regulation** relevant to District

The Board was provided a copy of the proposed rules relating to the protection of groundwater to review.

Texas Water Development Board went final on their chapter 356 rules on the Desired Future Condition process. Relating to GMA 3, there are processes for adopting and appealing the DFC's, and relating it to the Management Plan.

Texas Department of Licensing and Regulation published draft rules. Section 7 removes the driller apprentice program, it addressed the use of unlicensed employees by well drillers to drill small wells, and removal of registrations by driller. It also addresses various completion standards. The draft came out on December 7th and you have 30 days to make comments.

XIII **Executive Session to discuss staffing needs** under personnel exception of the Texas Open Meetings Act

President Honaker called an executive session at 4:32 PM for the purposes authorized under the Texas Open Meetings Act, V.T.C.A., Government Code, Chapter 551.071 to consult with attorney and Chapter 551.074 personnel matters.

The meeting reconvened into open meeting at 5:59 PM and Mr. Honaker stated that no decisions were made in executive session on personnel staffing needs. The Districts enforcement program was discussed, and we gave Paul general guidance on the enforcement program.

Appointed Janet Groth, Vanessa Cardwell, Terry Whigham and Glenn Honaker to review application process for additional staff.

XIV Discuss and provide guidance to General Manager regarding implementation of **District's enforcement program**

A motion was made by John Dorris to provide guidance to General Manager regarding implementation of District's enforcement program according to our District rules. Motion seconded by Vanessa Cardwell. Motion carried unanimously.

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

The Randy Braden permit. Hiring of temporary employee. 2010 Benchmarks.

XVI **Adjourn** Merrell Daggett made a motion to adjourn, seconded by Janet Groth. The motion carried, and the meeting adjourned at 6:02 PM.

M. R. Gonzalez, Secretary/Treasurer

President

Date Approved _____