

## Middle Pecos Groundwater Conservation District Minutes of March 18, 2013

On this the 18th day of March, 2013, 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:

Open position	President
John Dorris	Vice President, Precinct 3
M. R. Gonzalez	Secretary/Treasurer, Precinct 2
Jerry McGuairt	Precinct 1
Weldon Blackwelder	Precinct 3
Alvaro Mandujano, Jr.	Precinct 4
Ronald Cooper	Precinct 4
Vanessa Cardwell	Fort Stockton, City of
Terry Whigham	At Large

Quorum Present.

Members Absent: Janet Groth, Merrell Daggett, and Evans Turpin

Others present: Paul Weatherby, Mike Gershon, Allan Standen, Melissa Mills, Harvey Gray, Craig Pearson, Ed McCarthy, Jeff Williams, Brock Thompson, Gary Drgac, Robert Scogin and Darrell Peckham.

I Call to order at 1:00 p.m. by Vice President John Dorris.

II Consider and/or act on repealing and/or amending **District's bylaws**  
Ronnie Cooper made a motion to adopt the Bylaws. Seconded by Weldon Blackwelder. Motion carried.

III Consider and/or act on **Board Officer positions** for 2013  
Weldon Blackwelder made a motion to nominate Ronnie Cooper as President by acclimation. The motion died for lack of a second.

Vanessa Cardwell arrived after the motion.

Alvaro Mandujano, Jr. made a motion to table the election of Board Officers until the next regular meeting. Seconded by M. R. Gonzalez. Motion carried with 7 Ayes. Vice President Dorris did not vote.

IV Comments from **public and media** (limit 5 minutes per person) None

V Consider and/or act on **Minutes of February 19, 2013**

Vanessa Cardwell made a motion to approve the minutes of February 19, 2013 with one correction on page 2 referencing agenda item number III: Change from "The vote was unanimous" change to "Alvaro Mandujano, Jr. abstained and the motion carried - 9 For and 1 Abstained."

The motion to approve the minutes with the correction was seconded by Alvaro Mandujano, Jr.. Motion carried.

VI Consider and/or act upon **Accounts Payable and Treasurer's Report and Line Item Transfers for the Month Ending 02-28-2013**

Vanessa Cardwell made a motion to approve the accounts payable and treasurer's report and line item transfers for 02-28-2013. Seconded by Weldon Blackwelder. Motion carried.

VII Consider and take action as appropriate regarding **Gary Drgac's Request for Findings and Conclusions in the Matter of Randy Braden's Application**

All parties have agreed that the 35 day deadline for the District to present facts and findings will be postponed. Mr. Scogin, Gary Drgac's attorney, verbally agreed during this agenda item to allow more time for the findings and conclusions.

No action taken at this time.

VIII Consider and/or act upon **Acosta Drilling fine enforcement** and remedies to be imposed or imposed in court

Paul Weatherby notified the Board that Mr. Acosta has been notified via certified mail of the actions imposed upon him during the February 18th Board Meeting. As of today's meeting, we have not heard from Mr. Acosta.

No action taken.

Note: During the Executive session, Mike Gershon called Mr. Acosta, and Mr. Acosta said he had gotten emails from MPGCD about the violation and fine and the Board meetings and hearing. He will meet with Mr. Weatherby possibly on Thursday, March 21st for discussion.

- IX **Executive/Closed Session** to address personnel issues and to consult with legal counsel  
Vice President Dorris called an executive session at 1:45 p.m. 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 3:05 p.m. and Mr. Dorris stated that no decisions were made in executive session
- X Consider and/or take action on **personnel and staffing**  
No action taken.
- XI Update on **developments with Groundwater Management Area 3**  
Manager Paul Weatherby gave an update on GMA3 developments. Reeves and Loving counties are pursuing a Groundwater Conservation District through the legislature. Ward, Winkler and Crane counties are not actively seeking a Groundwater Conservation District. The *Desired Future Conditions* are set for review in 2015. Texas Commission on Environmental Quality (TCEQ) has tabled the review of the Priority Groundwater Management Area. The plan is to review the matter when the current session has concluded.
- XII Consider and/or act upon **General Manager's 2012 Annual Report**  
Alvaro Mandujano, Jr., made a motion to approve the General Manager's 2012 Annual Report. Motion seconded by Vanessa Cardwell. Motion carried.
- XIII Consider and/or act upon **Progress Reports: Well Registrations, Production Permits, Drilling Permits, Data Loggers, ongoing Water Quality Analysis, USGS update and Legislative Update**
- Well Registrations: Progress report included in their notebook. We have mailed compliance letters to several well owners asking for well registrations.
  - Palmer Drought Map: Current map in their notebook for review.
  - Production Permits: There are several coming up for water stations.
  - Data Loggers: Monthly and Quarterly monitoring of water levels continues.
  - Water Quality Analysis: Normal operations. Reviewing key wells.
  - USGS update in their notebook. The graphs in the report show a spike in the gage height in January on the Santa Rosa and Diamond Y. The Comanche Springs only needs 4' to start flowing.

- Legislative Update: Provided a copy of TAGD's Legislative outlook
- Regarding Cuervo, Inc.: Mr. Weatherby reported that he had been getting a lot of calls this week regarding an injection well that is being drilled. The injection well is around the Alamo Ranchette's area. The drilling permit has been approved by the Texas Railroad Commission, and they issued Cuervo a letter telling them to protect the aquifers. The well is 2,705' deep and in the Yates formation. Cuervo has not applied for a production permit from the Texas Railroad Commission. It is not our jurisdiction, but MPGCD has been taking water samples from neighbors in that area.

XIV **General Manager's Correspondence and Report**

- RigData report: In their notebook.
- Region F meeting in Big Spring on March 21st.
- 2013 Texas Groundwater Summit in Austin on August 27-29, 2013.
- Mr. Weatherby received a phone call from John Brocksch, CEO of Aquifer Group, LLC, and he would like to be on the April agenda.
- Folks from Jerusalem are interested in algae testing for pharmaceutical purposes in Imperial on Bart Reid's farm
- The people who wanted to mine for sulfur on Highway 1053 have backed off, and may request to export water.

XV **Directors' comments**

Alvaro Mandujano, Jr. complimented the office for their good work.

XVI Consider and/or act upon **agenda for next meeting**

Board positions, Randy Braden issues, possible production permits

XVII **Adjourn** Alvaro Mandujano, Jr. made a motion to adjourn, seconded by Weldon Blackwelder. The motion carried, and the meeting adjourned at 3:47 p.m.

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Secretary/Treasurer

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President

Date Approved \_\_\_\_\_