

Middle Pecos Groundwater Conservation District
Minutes of April 15, 2014

On this the 15th day of April, 2014, a regular board meeting and public hearings were 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:

Jerry McGuairt	President, Precinct 1
John Dorris	Vice President, Precinct 3
Janet Groth	Precinct 1
Weldon Blackwelder	Precinct 3
Alvaro Mandujano, Jr.	Precinct 4
Ronald Cooper	Precinct 4
Vanessa Cardwell	City of Fort Stockton
Evans Turpin	City of Iraan
Terry Whigham	At Large

Quorum Present.

Member Absent: M. R. Gonzalez and Merrell Daggett

Others present: Paul Weatherby, Mike Gershon, Allan Standen, Gail Reeves, Ty Edwards, Melissa Mills, Harvey Gray, Tommy Ervin, John Litchenberger, Edmond (Eddie) McCarthy, III, Brock Thompson, Mike Thornhill, Jeff Williams, James Cravens, Mark Dobson, Gary Harrell, Jerry Funck, Doug May, Elmer Braden, Val and Tom Beard, Betty Tankersly, Mary Criddle, Charles Fridge, Eddie Vaughn, Dennis James, John Conquest, Todd Suter and Polly Taylor with the Fort Stockton Pioneer.

REGULAR BOARD MEETING

- I Call to order at 10:02 a.m. by President Jerry McGuairt

- II Comments from **public and media** (limit 5 minutes per person) - Members of the public may address the Board for a limited time concerning any subject whether or not it is on the agenda. The Board is not allowed to take action on any subject presented that is not on the agenda, nor is the Board required to provide a response.

None

- III Consider and/or act upon **Minutes of March 17, 2014**
Ronnie Cooper made a motion to approve the minutes as presented. Seconded by Weldon Blackwelder. Motion carried without opposition.

- IV Consider and/or act upon **Minutes of March 18, 2014**
Janet Groth made a motion to approve the minutes as presented. Seconded by John Dorris. Motion carried without opposition.

V Consider and/or act upon **Accounts Payable and Treasurer's Report for the Month Ending March 31, 2014**

The financial reports were presented to the board in a different format from the Quickbooks Program. Vanessa Cardwell made a motion to approve the Treasurer's Report and Accounts Payable as presented. Motion seconded by Evans Turpin. Motion carried.

VI Consider and/or act upon **Barilla Solar, LLC Application for Tax Abatement**
Doug May addressed the Board on the importance of Economic Development and urged the Board to consider approving the tax abatement.

John Litchenberger approached the Board on behalf of Barilla Solar and explained the tax abatement application and answered questions from the Board.

VII Consider and/or act upon **Barilla Solar, LLC Tax Abatement Agreement**
Vanessa Cardwell made a motion to approve the tax abatement agreement and have Board President Jerry McGuairt and one other Board member sign the agreement. Seconded by Terry Whigham. Vote: 6 For. 3 Oppose. 2 Absent. Motion carried.

The regular board meeting was recessed at 10:50 a.m.

Note: The following items are taken up out of order.

Production Permit Hearing for Elmer Braden, DBA E&A Braden Water Station.

I Call to order at 10:50 a.m. on Public Hearing on **Production Permit Application for Elmer Braden, DBA E&A Braden Water Station** by Jerry McGuairt.

Party representing application: Elmer Braden

Protestant to application: None

Public comment: None

Permit request: 3 well system located approximately 3.2 miles north of Ranch Road 1450 on Ranch Road 1776 in H&GN RR CO Block 8 Section 8 in Pecos County, Texas. The purpose of this 3 well system is for Industrial Use and requests 30 acre feet/year from the Pecos Valley Aquifer.

Ty Edwards presented the application to the Board. He declared the application administratively complete and recommended it be approved.

II Adjourn hearing and consider and/or act on **Production Permit Application for Elmer Braden, DBA E&A Braden Water Station.**

Alvaro Mandujano, Jr. made a motion to adjourn the hearing. Motion seconded by Weldon Blackwelder. Motion carried. Hearing adjourned at 11:00 a.m.

Weldon Blackwelder made a motion to approve the production permit application for 30 acre feet/year from the Pecos Valley Aquifer for the 3 well system located approximately 3.2 miles north of Ranch Road 1450 on Ranch Road 1776 in H&GN RR CO Block 8 Section 8 in Pecos County, Texas, for Industrial Use. Motion seconded by John Dorris. Motion carried without opposition.

Drilling Permit Hearing for Todd Suter, DBA Suter Farms LLC

I Call to order at 11:00 a.m. on Public Hearing on **Drilling Permit Application for Todd Suter, DBA Suter Farms LLC**

Party representing application: Todd Suter

Protestant to application: None

Public comment: None

Permit request: 2 Drilling Permits. The 1st well is located approximately .7 miles west of Ranch Rd 1776 on McIntyre Rd in Pecos County, TX. The well is projected to be 900-2000 ft in depth, and drilled into the Rustler Aquifer. The 2nd well is located .75 miles west of Ranch Rd 1776 in T&P RR CO Block 48T8 Section 25 in Pecos County, Texas. The well is projected to be 700-1000 ft in depth, and drilled into the Pecos Valley Aquifer. The purpose of these 2 wells is for Agricultural Use.

Ty Edwards presented the application to the Board. He declared the application administratively complete and recommended it be approved.

II Adjourn hearing and consider and/or act on **Drilling Permit Application for Todd Suter, DBA Suter Farms LLC**

John Dorris made a motion to adjourn the hearing. Motion seconded by Weldon Blackwelder. Motion carried. Hearing adjourned at 11:13 a.m.

Janet Groth made a motion to approve the application for 2 drilling permits. The 1st well is located approximately .7 miles west of Ranch Rd 1776 on McIntyre Rd in Pecos County, TX. The well is projected to be 900-2000 ft in depth, and drilled into the Rustler Aquifer. The 2nd well is

located .75 miles west of Ranch Rd 1776 in T&P RR CO Block 48T8 Section 25 in Pecos County, Texas. The well is projected to be 700-1000 ft in depth, and drilled into the Pecos Valley Aquifer. The purpose of these 2 wells is for Agricultural Use. Motion seconded by Alvaro Mandujano, Jr. Motion passed with opposition.

Production Permit Hearing for Paul Weatherby

I Call to order at 11:15 a.m. on Public Hearing on **Production Permit Application for Paul Weatherby**

Party representing application: Paul Weatherby

Protestant to application: None

Public comment: None

Permit request: 1 well located at 592 W. 44th Lane, Ft. Stockton, Texas 79735. The purpose of this water well is for Agricultural Use for 600 trees on 10 acres and requests 21 acre feet/year from the Edwards Trinity Aquifer.

Ty Edwards presented the application to the Board. He declared the application administratively complete and recommended it be approved.

II Adjourn hearing and consider and/or act on **Production Permit Application for Paul Weatherby**

Evans Turpin made a motion to adjourn the hearing. Motion seconded by John Dorris. Motion carried. Hearing adjourned at 11:19 a.m.

Janet Groth made a motion to approve the production permit application for 21 acre feet/year from the Edwards Trinity Aquifer for 1 well located at 592 W. 44th Lane, Ft. Stockton, Texas 79735. The purpose of this water well is for Agricultural Use. Motion seconded by John Dorris. Motion carried without opposition.

Production Permit Hearing for Edwin E. Vaughn, on behalf of Throne Petroleum Resources, LLC

I Call to order at 11:15 a.m. on Public Hearing on **Production Permit Application for Edwin E. Vaughn, on behalf of Throne Petroleum Resources, LLC**

Party representing application: Edwin Vaughn

Protestant to application: Tom Beard, Leoncita Land Company

Public comment: Tom Beard stated that he and the applicant have met, and the protest is withdrawn and he supports the application.

Permit request: 1 well located in GH and SA Block 10 section 308 approximately 22 miles south of I-10 in Hwy 67 and 4.5 miles west of pavement, in Pecos County, Texas. The purpose of this water well is for Industrial Use and requests 30 acre feet/year from the Edwards Trinity Aquifer.

Ty Edwards presented the application to the Board. He reported that the well will be metered and a transducer will be installed in the area for monitoring purposes. He declared the application administratively complete and recommended it be approved.

II Adjourn hearing and consider and/or act on **Production Permit Application for Edwin E. Vaughn, on behalf of Throne Petroleum Resources, LLC**

Weldon Blackwelder made a motion to adjourn the hearing. Seconded by Janet Groth. Motion carried and the hearing adjourned at 11:30 a.m.

Weldon Blackwelder made a motion to approve the production permit application for 30 acre feet/year from the Edwards Trinity Aquifer for 1 well located in GH and SA Block 10 section 308 approximately 22 miles south of I-10 in Hwy 67 and 4.5 miles west of pavement, in Pecos County, Texas. The purpose of this water well is for Industrial Use. Motion seconded by Vanessa Cardwell. Motion carried without opposition.

Continued Production Permit Hearing for Pecos SS, LLC

Manager Paul Weatherby announced the application is not administratively complete. There are more pump tests needed. The application hearing is expected to be on the May 20th agenda.

11:32 a.m. The regular Board Meeting resumed.

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

- Well Registrations are coming in normally.
- Water Quality Analysis: Continuing normally.

IX Consider and/or act upon **General Manager's Correspondence and Report**

- Commissioners' Court approved up to \$25,000 for restroom construction
- Martin Ibarra has been issued a Show Cause Hearing Notice, and the hearing is set for May 20, 2014.
- A graph of the Blue Ridge well #46-62-801 was presented to the Board. The graph reflects a drop in the water level from 211.33' to from 221.87' December 2013 to January 2014. The reason for the drop may be heaving pumping in Reeves County. The City of Fort Stockton is operating the water station without a production permit. They have been contacted, and are expected to be on the next agenda with an application for a permit.
- Legislative update from Bob Turner.
- Road signs have been ordered and will be placed at the entry points into Pecos County notifying the public of our Ground Water District.
- The Board was given an update on Legislative Interim – Texas Water Conservation Association and Texas Alliance of Groundwater Districts activities highlighted
- Lloyd Gosselink, P.C. prepared information in table form to show our Desired Future Conditions, Managed Available Groundwater, and Total Estimated Recoverable Storage for Groundwater Management Area 3 and Groundwater Management Area 7.
- We are in communications with the Railroad Commission regarding possible water contamination from a water flood project on the Priest and Beavers lease. We have pulled several water samples in the area that will be sent off for testing, and have documented water wells in the general vicinity of the lease, and pictures have been taken.

X Consider and/or act upon **General Managers Quarterly Report**

Manager Weatherby presented the quarterly report to the Board. He reported that potential Capitan Reef Aquifer Production by the City of Fort Stockton and various stakeholders is being considered and that a stakeholder meeting will be on April 16th at 9 a.m. and MPGCD is invited to attend.

Ronnie Cooper made a motion to accept the General Managers Quarterly Report as presented. Motion seconded by Janet Groth. Motion carried.

The Board recessed for lunch at 11:55 a.m.

The Board meeting was reconvened at 1:00 p.m.

XI Discussion on **MPGCD Rules regarding Well Spacing, Rule 13.5**

Manager Weatherby feels there is nothing wrong with our current spacing rule. Would like the Board to consider changing the spacing requirements to discourage large-land owners from subdividing the property into small 10 acres tracts and having a non-exempt well on it that would create a cone of depression affecting the surrounding land owner. An example would be that you could not have a new non-exempt well on 10 acres or less. Or that, the limit would be 4 non-exempt wells on 640 acres. These are examples only.

XII Discussion on **MPGCD Rules reference 11.9.1(13)**

Manager Weatherby said he supports the idea that when water is exported from Pecos County, that the receiving area should have a Groundwater Conservation District.

The regular meeting was recessed at 1:16 p.m.

PUBLIC HEARING AND BOARD ACTION ON PROPOSED RULES

I Call to order at 1:16 p.m.

II The Middle Pecos Groundwater Conservation District (District) will receive public input at a hearing on proposed amendments to the District's rules intended to address hydrogeological report and associated permitting requirements.

Public Comment: Eddie McCarthy, on behalf of Fort Stockton Holdings, handed the Board a Draft Proposal of Rule 11.9.3 which was prepared with the help of Thornhill Group, Inc.

The rules were improperly posted to the website; therefore the public hearing will be re-noticed and re-posted for the May 20th meeting.

III Adjourn hearing and consider and/or act on proposed rules
John Dorris made a motion to adjourn the public hearing. Motion seconded by Alvaro Mandujano, Jr. Motion carried. Hearing adjourned at 1:40 p.m.

REGULAR BOARD MEETING CONTINUED

XIII **Directors' comments**

- We should consider cancelling the website.
- State Representative Lyle Larson will be at our office on Thursday around 11 a.m.

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

- Martin Ibarra Show Cause Hearing;
- Rule Hearing
- Pecos SS Production Permit Hearing
- Rule 11.9.3
- Mandujano Production Permit Hearing
- Aquifer Group Production Permit Hearing
- Pecos Fresh Water Production Permit Hearing
- City of Fort Stockton Production Permit Hearing
- Suggested time to start the meeting is 10 a.m.

XV **Adjourn**

Weldon Blackwelder made a motion to adjourn. Motion seconded by John Dorris. Motion carried and the meeting adjourned at 1:45 p.m.

M. R. Gonzalez, Secretary/Treasurer

Jerry McGuairt, President

Date Approved _____