

THE STATE OF TEXAS \* GROUNDWATER CONSERVATION DISTRICT  
COUNTY OF KENEDY \* OF KENEDY COUNTY, TEXAS

On the 21st day of September, 2011, at 8:00 o'clock a.m., a regular meeting of the Kenedy County Groundwater Conservation District was held in Sarita, Texas, at the Kenedy County Courthouse.

**Directors present:**

Chuck Burns, President  
Homero Vera  
Daniel Butler

**Also present:**

Leo Villarreal, Administrative Assistant  
Mary Sahs  
Andy Garza, General Manager  
Bobby Jemison  
Cindy Smiley

**Absent:**

David Delaney

1. **Call Meeting to Order**

Chuck Burns, President, called the meeting to order at 8:00 a.m.

2. **Public Comments**

No public comments were offered.

3. **Discuss & Act on Minutes of August 24, 2011, Meeting**

Chuck Burns, President, presented to the Board of Directors the minutes of the August 24, 2011, regular meeting of the Kenedy County Groundwater Conservation District.

Danny Butler moved and Homero Vera seconded the motion; the motion was unanimously passed that the minutes from the August 24, 2011, meeting be accepted as presented.

4. **Receive General Manager's Activity Report and Act, If Necessary**

Andy Garza presented reports on: a. water level measurements project that has been completed and will be repeated in early March, b. groundwater quality survey as per TAMUK that will eventually include at 25 wells, c. TAGD meeting attended in late August, 2011, d. database training from Mary Sah's office, e. water level information that will be presented to Commissioners Court in October, 2011, and f. baseline water sampling results provided by DBSA as per uranium exploration project. Various handouts were provided to the board.

5. **Discuss GMA-16 Joint Planning, including Consideration of Interlocal Participation Agreement, and Act, if Necessary**

Mary Sah's reported on the GMA-16 Joint Planning meeting that was held on September 3, 2011 in Kingsville, Texas. Steve Young's presentation at the meeting was discussed in detail. Chuck Burns also gave his assessment of the meeting in which Brush Country GCD expressed strong concerns for the current DFC model run. Sah's reported on the election of officers for GMA-16 officers and that Andy Garza had been selected to represent GMA-16 on the region N water planning group.

Vera moved and Butler seconded the motion; the motion was unanimously passed that the Interlocal Participation Agreement for GMA-16 be approved through resolution as presented.

6. **Receive Report on Registration and Permitting Program and Act, If Necessary**

Mary Sah's reported that handout was self explanatory. No action was need and none was taken.

7. **Discuss & Act on Operating Permit Application**

Mary Sah's reviewed operating permit application submitted by Headington Oil Company LLC. The well is located on the Armstrong Ranch. Permit #2011-001 will be for 1,825 gallons per year that will be used for operation of compressor station.

Vera moved and Butler seconded the motion; the motion was unanimously passed that Permit #2011-001 for Headington Oil Company be approved as presented.

8. **Discuss & Act on Failure of Kenedy County to Submit Water Quality Reports**

Mary Sah's reported that after repeated attempts by the Kenedy County GCD to acquire water quality reports from Process Control Services which operates the public water supply system for Kenedy County, it was necessary to send letter to inform Kenedy County Judge Turcotte about the deficiency.

Butler moved and Vera seconded the motion; the motion was unanimously passed that letter addressed to County Judge be sent as presented.

9. **Receive Report on LMBI Irrigation Wells and Possible Need for Operating Permit**

Andy Garza reported that when he was completing irrigation survey for the TWDB, he noticed that was no permit in place for the irrigation being carried out for hay production on LMBI property located in Kleberg County. Cindy Smiley commented that there is some irrigation taking place and that an permit application will be forthcoming.

10. **Receive Report on Status and Schedule for Updating District's Management Plan**

Mary Sahs presented the board with schedule for updating the management plan. If all works out according to the proposed schedule, the board should be able to submit the draft plan for pre-review to the TWDB by April 2, 2012.

No action need and none was taken.

11. **Receive Report on Required Reporting of Groundwater Contamination to TCEQ and Railroad Commission**

Mary Sahs presented the board with a handout that provided information on the state agencies that are responsible for specific type of spills.

No action needed and none was taken.

12. **Receive Report on Results of Phase I, Task 2 of the Daniel B. Stephens and Associates(DBSA) Uranium Exploration Background Water Sampling Performed in July, 2011**

Andy Garza reported on the water sampling results provided by DBSA. Other than slightly elevated concentrations of arsenic and sulfate in some samples, the results were normal overall.

13. **Discuss and Act on the Contract for Phase I, Task 2 of the DBSA Uranium Exploration Background Water Sampling scheduled for October, 2011**

Mary Sahs presented the board with a contract from DBSA for the second sampling event to gain background water chemistry in the area that is being explored for uranium in the Kenedy County GCD. The proposed amount for the contract is \$11,107.00.

After some discussion on the value of a second sampling event in the absence of actual uranium mining, it was concluded that a second sampling event can only strengthen the validity of the background data.

Butler moved and Chuck Burns seconded the motion; the motion was unanimously passed to approve the sampling contract with DBSA to be carried out in October, 2011. H. Vera abstained and signed conflict of interest affidavit.

14. **Receive Report on Mestena’s Application for New Production Area Authorization from TCEQ, and Act, If Necessary**

Andy Garza reported that this operation is outside the boundaries of the Kenedy County GCD.

No action was needed and none was taken.

15. **Discuss and Act on SB 18 Requirements Related to the District’s Power of Eminent Domain**

Mary Sahs presented the board with information on some of the requirements set forth through SB 18. As per SB 18, all public and private entities authorized to exercise the power of eminent domain in Texas are required to submit a letter/form to the Comptroller of Public Accounts detailing their legal authority to exercise this power.

Butler moved and Vera seconded the motion; the motion was unanimously passed to have Andy Garza complete the required form and present it to the board for approval at the next meeting.

16. **Conduct Rulemaking Work Session, And Act, if Necessary**

Mary Sahs

17. **Discuss and Act on Certification of Kenedy County Groundwater Conservation District’s 2011 Tax Roll**

Leo Villarreal

Vera moved and Butler seconded the motion; the motion was unanimously passed to certify the 2011 tax roll for the Kenedy County Groundwater Conservation District.

18. **Discuss and Act on Nomination of a Director to Serve on the Jim Wells County Appraisal District Board**

Leo Villarreal reviewed letter from the Jim Wells County Appraisal District giving the Kenedy County GCD the opportunity to nominate a director to serve on board of directors.

No action was .

19. **Discuss and Act on Authorizing Execution of Audit Letter to John Womack and Co., PC**

Leo Villarreal

20. **Discuss and Act on Redistricting**

Leo Villarreal reviewed resolution pertinent to the 2011 reapportionment plan that will be submitted to the office of the Attorney General to terminate the district's plan and subsequent amendments.

Vera moved and Butler seconded the motion; the motion was unanimously passed to approve resolution as presented.

21. **Discuss and Act on Date of Next Board Meeting**

Butler moved and Vera seconded the motion; the motion was unanimously passed to tentatively schedule the next meeting on October 19, 2011

22. **Discuss and Act on Payment of Bills**

Leo Villarreal reviewed the bills since the last meeting.

Butler moved and Vera seconded the motion; the motion was unanimously passed to pay the bills as presented.

23. **Adjournment**

There being no other business to come before the Board of Directors, Butler moved and Vera seconded the motion; the motion was unanimously passed that the meeting be adjourned at 11:55 a.m.

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David Delaney, Secretary

ATTESTED TO:

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Chuck Burns, President





