

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

On the 21st day of February, 2012, 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, Vice-President
David Delaney, Secretary
Daniel Y. Butler
Craig Weiland

Also present:

Andy Garza, General Manager
Leo Villarreal, Administrative Assistant
Mary Sahs
Kathryn Miles
Dr. Venkatesh Uddameri
Felix Saenz, Brush Country GCD
Shana Horton, La Paloma
O. D. Head, Laborcitas Ranch

Absent:

None

1. **Call Meeting to Order**

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

2. **Receive Public Comments**

No public comments were made.

3. **Discuss & Act on Minutes of January 18, 2012, Regular Meeting**

Chuck Burns, President, presented to the Board of Directors the Minutes of the January 18, 2012, regular meeting of the Kenedy County Groundwater Conservation District.

Homero Vera moved and David Delaney seconded the motion; the motion was unanimously passed that the January 18, 2012, regular meeting minutes be accepted as presented.

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

- a. **TWDB Water Level Measurements in Kenedy County**
- b. **Cool Season Hydrostatic Level Measurements**
- c. **TAMUK Groundwater Survey**
- d. **Unregistered Wells**
- e. **EC Meter**
- f. **New Office Location and Proposed Lease/Memorandum of Understanding**
- g. **Other**

Andy Garza reported on the following: a. assisted David Garcia, TWDB technician, with water level measurements on La Paloma, Kenedy Trust and King Ranch Norias Division; b. cool season hydrostatic level measurements should be completed by end of February; c. TAMUK groundwater quality survey has resumed with 3 wells being sampled on February 3, 2012, and 5 more scheduled on February 24, 2012; d. electrical conductivity meter probe is being replaced due to malfunction; e. district office is now in Courthouse; and f. handout on interim charges being assigned to Texas Senate Natural Resources Committee by Lt. Governor Dewhurst.

This being a report only, no vote was needed and none was taken.

5. **Receive Water Use Reports**

Andy Garza handed out and reviewed water use reports for both permitted wells and temporary rig supply wells. Mr. Garza reported that the only permit report that is lacking as of today is the one from Kenedy County. Mary Sahs suggested that Mr. Garza contact Kenedy Trust and Santa Fe East Ranch and inquire about Permits #2009-006 and #2010-003 which showed no usage in 2011 and the Border Patrol because its permit is for so much more water than is being used. Ms. Sahs also suggested that Mr. Garza follow up with those oil and gas operators who have not responded to letters from District.

This being a report only, no vote was needed and none was taken.

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

Mary Sahs reported that two new wells had been registered since the last meeting and that no Operating Permits applications had been received in the same timeframe. Work continues on obtaining coordinates for various wells located on different properties. Ms. Sahs reported that progress continues on updating the database. Andy Garza noted that in working with the TAMUK staff on the groundwater quality survey, it has become apparent that many of the wells being sampled have not been registered with the District. Mr. Garza reported that the well owners are being notified of the need for well registrations. Ms. Sahs further recommended that a letter be sent to ExxonMobil because its water quality reports for its public water supply well are very late.

David Delaney moved and Homero Vera seconded the motion; the motion was unanimously passed that a letter be sent to Delphine Whitehorse with ExxonMobil reminding her

that the water quality reports for Permit #2010-004 are overdue and that Chuck Burns is authorized to sign the letter.

7. Discuss & Act, If Necessary, on Request from King Ranch for Permit Variance

Mary Sahs reviewed the letter from King Ranch in which a variance was requested to allow Texas Eastern Inc. to use approximately 500,000 gallons of water to pressure test a new natural gas pipeline from a water well covered under Permit #2009-008 (District Well No. 936). Permit 2009-008 authorized groundwater to be used for operation of the cotton gin located on the King Ranch Laureles Division. Mary Sahs recommended that King Ranch submit a Report of Changed Well Conditions or Operations to the District. The change in use, with no change in maximum production amount, is considered to be a minor amendment to the Operating Permit. Under District Rules, the General Manager could grant the amendment allowing water to be used for other incidental beneficial use.

Homero Vera moved and Daniel Butler seconded the motion; the motion was passed by a vote of 4 to 0, with David Delaney signing a Conflict of Interest Affidavit and abstaining from voting, that the King Ranch's request for a minor amendment to its Permit 2009-008 be granted.

8. Discuss & Act, If Necessary, to Approve Travel for General Manager to Attend TAGD Meeting in Austin, TX on March 27-28, 2012

Chuck Burns informed the Board of Directors that it was necessary for Andy Garza, General Manager, to attend the TAGD meeting in Austin, Texas, on March 27-28, 2012.

Homero Vera moved and Daniel Butler seconded the motion; the motion was unanimously passed that Andy Garza attend the quarterly TAGD Meeting in Austin, Texas, on March 27-28, 2012.

9. Receive Update on State Audit of District

Leo Villarreal and Andy Garza informed the Board of Directors that Kels Farmer will e-mail the final report to all of the Directors.

This being a report only, no vote was needed and none was taken.

10. Discuss & Act on Use of GoToMeeting, Skype, etc. for Online Meetings

Andy Garza informed the Board that regarding online meetings, the District could use concepts like GoToMeeting or Skype. Garza indicated that Skype was available at the present time. Chuck Burns expressed his experience with GoToMeeting as a member of another organization. After further discussion on its use, the Board was of the consensus that GoToMeeting would be made available for online meetings in the future. This concept could conceivably save the District money especially if the person in the on-line meeting would not have to travel to Sarita.

Daniel Butler moved and David Delaney seconded the motion; the motion was unanimously passed that Andy Garza be authorized to make arrangements to purchase the GoToMeeting program for future use.

11. Discuss & Act, If Necessary, to Purchase Projector for District Use

Andy Garza informed the Board that the District was in need of a projector for presentations at Board meetings, online meetings and presentations, etc. Leo Villarreal mentioned that the District could share the projector and GoToMeeting meeting program with the County to compensate for use of Andy Garza's office in the Courthouse. Chuck Burns added that the District would also need a speaker phone that can be used for online meetings.

Homero Vera moved and Daniel Butler seconded the motion; the motion was unanimously passed that Andy Garza is authorized to purchase a projector and speaker phone for the District in an amount not to exceed \$1,200.00.

12. Discuss & Act, If Necessary, on Proposed Amendments to TWDB Chapter 356 Rules

Mary Sahs informed the Board of Directors that she had attended the TWDB stakeholder meeting in Austin on January 9, 2012 during which the TWDB staff kicked off rulemaking to implement SB660, SB727 and SB737-all portions relating to joint planning, the desired future condition, modeled available groundwater and management plans. The rulemaking will basically involve changes to TWDB rules in Chapter 356. Ms. Sahs reported that she had consulted with Chuck Burns prior to submitting comments on behalf of the district that were due on January 31, 2012. A copy of the comments were distributed to the Directors. The Board determined that Mary Sahs is authorized to submit pre-draft comments as needed and that Chuck Burns and David Delaney would serve as resources regarding the compilation of comments, as necessary.

David Delaney moved and Daniel Butler seconded the motion; the motion was unanimously passed that Mary Sahs is authorized to continue submitting comments to the TWDB Rulemaking on Chapter 356 to implement recent legislation and that Chuck Burns and David Delaney would serve as resources, if necessary.

13. Receive Report From Dr. Uddameri on Desired Future Condition (DFC)

Dr. Venki Uddameri gave a powerpoint presentation on "Up-dip Boundaries and Spatial Distribution of Pumping." He presented information on the thicknesses of the Chicot, Evangeline, Burkeville Confining Unit and Jasper layers of the Gulf Coast Aquifer, water quality gradients and use of water quality and layer thickness to obtain pumping indices for the Chicot and Evangeline layers.

This information will be helpful in distributing pumping allocations in the up-dip and down-dip areas of the District.

This being a report only, no vote was needed and none was taken.

14. **Discuss & Act, If Necessary, on GMA-16 Joint Planning, Including Cost-Sharing Agreements and Request for Proposals to Consultants and Presentation by Dr. Uddameri On DFC**

Mary Sahs and Andy Garza reported that the next GMA-16 meeting would be held on February 28, 2012, in Falfurrias. A Request for Qualifications was prepared by the Subcommittee, reviewed by Mary Sahs, Bill Dugat and Scotty Bledsoe and mailed to 7 entities and/or individuals for responses. Responses were due on February 24, 2012. Ms. Sahs and Mr. Garza also reported on the Cost-Sharing Interlocal Participation Agreement that has been drafted and will be presented to the joint planning committee for review on February 28, 2012. Ms. Sahs recommended some changes to the draft of the agreement. The Directors agreed with the proposed changes.

Dr. Uddameri informed the Board that he was reluctant to bid for a contract with GMA-16 because it might jeopardize his working relationship with the Kenedy County Groundwater Conservation District. The directors were in agreement with him. He assured the Board of Directors that he would not seek a contract with the GMA.

This being a report only, no vote was needed and none was taken.

15. **Conduct 2012 District Groundwater Management Plan Work Session**

Chuck Burns informed the Board of Directors of the need to conduct a 2012 District Groundwater Management Plan work session.

Mary Sahs took the lead on this item and provided the Board with handouts on information pertaining to Chapter 356 of TAC on groundwater management plans, excerpts from the 2012 State Water Plan and executive summaries for Regions M and N as background information on the requirements for adopting a groundwater management plan. She also distributed a draft of the revised District Management Plan. Ms. Sahs, Dr. Uddameri and Andy Garza provided input for the revision of various sections of the plan. Mary Sahs indicated that Dr. Uddameri still needed updated information from the TWDB to complete specific sections of the plan. The Directors were asked to review the revised draft copy and provide comments at the March meeting during a Groundwater Management Plan work session. She also emphasized the various deadlines for timely submittal of the Plan to the Texas Water Development Board.

This being a work session only, no vote was needed and none was taken.

16. **Conduct District Rules Amendment Work Session**

Chuck Burns informed the Board of Directors of the need to conduct a District Rules Amendment work session.

Mary Sahs reviewed recommended changes to well construction and completion standards, procedural rules, enforcement and reporting and recordkeeping.

This being a work session only, no vote was needed and none was taken.

17. **Receive Report on 2012 Budget, Possible Amendments and Uncollected 2011 Tax Revenue**

Leo Villarreal informed the Board that with a General Manager in place, the District is a good position to receive guidance on prioritizing budget expenditures and provide more precise budget line item amounts for the 2013 budget. Mr. Villarreal is working on obtaining the amount of 2011 uncollected taxes.

This being a report only, no vote was needed and none was taken.

18. **Discuss & Act on Date of Next Board Meeting**

Chuck Burns informed the Board of Directors that a date for the February 2012 meeting needed to be determined.

David Delaney moved and Homero Vera seconded the motion; the motion was unanimously passed that the next regular Board of Directors meeting be held on March 21, 2012, at 8:00 a.m.

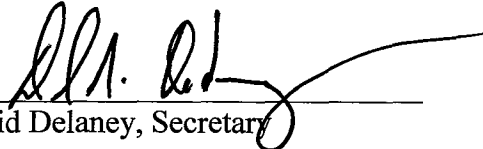
19. **Discuss & Act on Payment of Bills**

Chuck Burns presented the bills to the Board of Directors and informed the Board of Directors that the bills should be considered for payment.

David Delaney moved and Craig Weiland seconded the motion; the motion was unanimously passed that the bills be paid as presented.


20. **Adjournment**

There being no other business to come before the Board of Directors, Homero Vera moved and Daniel Butler seconded the motion; the motion was unanimously passed that the meeting be adjourned at 11:30 o'clock a.m.



David Delaney, Secretary

ATTESTED TO:



Chuck Burns, President