

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

On the 20th day of June, 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, Board Member  
Craig Weiland, Board Member

**Also present:**

Leo Villarreal, Administrative Assistant  
Andy Garza, General Manager  
Mary Sahs  
Kathryn Miles  
Sean Sahs  
Felix Saenz, Brush Country GCD  
Shana Horton, La Paloma Ranch  
Bob Renbarger, Laborcitas Ranch

**Absent:**

**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 provided to the Board.

**3. Discuss & Act on Minutes of May 23, 2012, Regular Meeting**

Chuck Burns, President, presented to the Board of Directors the Minutes of the May 23, 2012 regular meeting of the Kenedy County Groundwater Conservation District.

David Delaney moved and Homero Vera seconded the motion; the motion was passed unanimously that the minutes of the May 23, 2012 meeting be accepted as presented.

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

- b. TWCA meeting report
- c. Sarita Overpass project and water needs
- d. News articles
- e. District by-laws
- f. Personnel Policy manual
- g. Summer hydrostatic level measurements
- h. Annexation inquiry

Andy Garza reported to the Board of Directors the following:

- a. Communications with Tecpetrol and Texoma: Tecpetrol representative called and indicated that water use report for 2011 would be forthcoming. Texoma representative informed the District that the P-13 paperwork for a well was being completed.
- b. TWCA meeting report: Due to an ailment, Andy Garza was not able to attend this meeting in its entirety.
- c. Sarita Overpass project and water needs: The company that will be constructing the overpass has inquired about the availability of water for the project in the vicinity of Sarita. The County has indicated that it has no interest in providing the water.
- d. News articles: The board was provided was provided with three articles covering drought, reuse and the Ogallala Aquifer.
- e. District by-laws: Both Andy Garza and Leo Villarreal currently are working on a revision of the District by-laws. A draft copy of the by-laws should be ready for review at the July, 2012 meeting.
- f. Personnel policy manual: Leo Villarreal and Andy Garza informed the Board that a proposed copy of the manual should be ready for review at the July, 2012 meeting.
- g. Summer hydrostatic level measurements: The 2012 summer measurements will be taken during July, 2012. Approximately 50 wells will be measured.
- h. Annexation Inquiry: Mr. Leonard May has indicated that he may be interested in having his property in Nueces County annexed into the District.

##### **5. Conduct Work Session Regarding District Rule Amendments**

Chuck Burns informed the Board of Directors that a workshop regarding the District Rule amendments was now in session. Mary Sahs reviewed the final draft proposed District Rule amendments and specifically those amendments that needed further review and clarification.

## **6. Discuss & Act on Proposed Rule Amendments**

Chuck Burns informed the Board of Directors that a motion was needed to approve the rule amendments discussed in detail today.

Craig Weiland moved and H. Vera seconded the motion; the motion was unanimously passed to approve rule amendments.

## **7. Discuss & Act on Setting a Public Hearing Date Regarding the Proposed Rule Amendments with Notice of Comment Period**

Chuck Burns informed the Board of Directors that a Public Hearing needed to be set to approve the proposed rule amendments and provide for a comment period.

D. Delaney moved and Danny Butler seconded the motion; the motion was passed unanimously to hold public hearing on July 25, 2012 at the Kenedy County courtroom in Sarita, TX.

## **8. Conduct Work Session Regarding the Management Plan**

Chuck Burns informed the Board of Directors that a workshop regarding the Management Plan was now in session. Mary Sahs, Andy Garza and Dr. Uddameri reviewed the required and suggested changes provided by the TWDB in their pre-review of the proposed revised plan. The required changes pertained to historical groundwater use, 2012 State Water Plan Data Elements and subsidence. The suggested changes were minor and pertained to grammar, units of measurements, moving some information from one section to another, etc.

Mary Sahs stressed to the Board that the District should not submit the plan for another pre-review, but, rather submit it for approval. The Board was in agreement with strategy.

## **9. Discuss & Act on Setting a Public Hearing on the Proposed 2012 Management Plan with Notice of Comment Period**

Chuck Burns informed the Board of Directors that a Public Hearing needed to be set regarding the proposed 2012 Management Plan with notice of comment period.

D. Butler moved and D. Delaney seconded the motion; the motion was passed unanimously to hold public hearing on July 25, 2012 at the Kenedy County courtroom in Sarita, TX.

## **10. Discuss & Act, If Necessary, on Registration and Permitting Report**

Mary Sahs informed the Board of Directors that there had been no well registrations since the last meeting. Letters addressed to Fausto Yturria and Vern Crocker and pertaining to well registrations have been prepared and will be sent if necessary.

A revised Certificate of water Production Based on Acreage form was reviewed. Andy Garza will revise the production certificates for LMBI and EOG.

D. Butler moved and C. Weiland seconded the motion; the motion passed unanimously to approve the Certificate of Production Based on Acreage form as presented.

The District has received water quality reports from ExxonMobil and are now up to date.

Mary Sahs asked Kathryn Miles to give an update on database. Miss Miles stated that Brilliant Solutions is the company that designed and maintains the District's well database. The company recently has changed servers which may causing the ongoing problems. Currently, there is certain data that simply can not be uploaded into the database. Several attempts to contact Mr. Brant Winterbottom have been unsuccessful. After much discussion, the Board agreed to sent Brilliant Solutions/Brant Winterbottom a letter asking him to correct the problems plaguing the database. The next step will be to transfer maintenance of the database to the Robert Williams Company if at all possible.

D. Delaney moved and D. Butler seconded the motion; the motion was passed unanimously to send letter to Brant Winterbottom asking him to correct the problems associated with the database.

Sean Sahs, intern hired by the District to upload information into the database, gave report on work he is doing for the District. Mr. Sahs indicated that he would be meeting with the Kenedy Memorial Foundation to sort out double registrations on the same well. All water quality reports provided by the King Ranch have been successfully uploaded.

#### **11. Discuss & Act, If Necessary, on Texas Alliance of Groundwater Districts Proposed Bylaws Amendment and Legislative Policy**

Mary Sahs gave a report on amendments to the by-laws and legislative policy that TAGD will be considering at its next meeting on June 26-27, 2012. Mary Sahs provided some recommended changes to the section on Position Statements and the Board was in agreement.

C. Weiland moved and D. Butler seconded the motion; the motion was unanimously passed to approve recommendations for the by-laws and legislative policy as presented by Mary Sahs.

#### **12. Receive Report on Legislation, Agency Rules and Litigation of Interest to Groundwater Conservation Districts**

Mary Sahs reported that the proposed rule changes for Chapters 357 and 358 had been through the public comment and are expected to go before the TWDB in August, 2012. The Board instructed her to provide them with a brief summary of the proposed rules.

As per the latest action by the courts, the Day vs. EEA decision stands as per Texas Supreme Court.

The Board was informed that a meeting will be held in Austin during the week of June 25, 2012 to discuss the water-energy nexus.

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

**13. Discuss & Act on Authorizing Execution of Engagement Letters with John Womack & Co., P.C. Regarding 2011 Audit**

Leo Villarreal informed the Board of Directors that he had received engagement letters from John Womack & Co., P.C. regarding the District's 2011 Audit.

Homero Vera moved and D. Delaney seconded the motion; the motion was unanimously passed that Chuck Burns be authorized to execute the aforementioned engagement letters with John Womack & Co., P.C. regarding the District's 2011 Audit at a cost of \$5,000.00

**14. Receive 2012 Budget Report In Preparation for the 2013 Budget**

Leo Villarreal presented the Board of Directors with a summary of the income and expenditures through June, 2012 as a primer to prepare for the 2013 Budget.

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

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

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

D. Delaney moved and C. Weiland seconded the motion; the motion was unanimously passed that the next regular Board of Directors meeting be held on Wednesday, July 25, 2012, at 8:00 a.m.

**16. 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.

D. Butler moved and H. Vera seconded the motion; the motion was unanimously passed that the bills be paid as presented.

**17. Adjournment**

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

*David Delaney*

David Delaney, Secretary

ATTESTED TO:

*Chuck Burns*

Chuck Burns, President