

MINUTES  
EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT  
APRIL 30, 2021- REGULAR SCHEDULED BOARD MEETING

The public meeting of the Board of Directors of the Evergreen Underground Water Conservation District, pursuant to notice, was at the District Office, 110 Wyoming Blvd., Pleasanton, Atascosa County, Texas and by teleconference at (844) 854-2222, Access Code: 221637\*, Online Meeting ID: info38353.

Directors Present: Blaine Schorp, President  
Frank Kruciak, Vice President  
Diane Savage, Secretary/Treasurer  
Larry Bartek  
Jay Troell  
Weldon Riggs  
Thomas Moy III  
Sherman Posey (call-in)  
Clayton Neal

Employees Present: Russell Labus, General Manager  
Christopher McFarlane, Assistant Manager  
Melissa Gonzalez, District Secretary/Bookkeeper  
Landon Yosko, Technical Specialist

Guests Present: Attached.

Agenda: Attached.

**Declaration of Quorum and Call to Order:**

President Schorp declared a quorum present and called the meeting to order at 9:07 a.m. The meeting was posted and filed as required by law.

**Presentation and Proposal by Steve Young with Intera for a Study of the Yegua-Jackson Aquifer:**

Presentation and Proposal attached.

Director Bartek moved to approve the proposal for the study of the Yegua-Jackson aquifer for the amount of \$62,000.00. Director Troell seconded the motion, and there being no further discussion, the motion carried unanimously.

***Recess to Public Hearing***

## **Public Hearing- Water Well Drilling and Production Permit Applications**

### ***a. Call to Order:***

President Schorp called the Public Hearing to order at 10:02 a.m.

### ***b. Public Comments:***

None.

### ***c. Drilling/Production Permit Applications:***

The Board was presented with two drilling and production permit applications for Verdun Oil (Drilling/Production Permit#2957&2958) for new wells to be located in Karnes County for Industrial use. Director Kruciak moved to approve the two drilling and production permits. Director Savage seconded the motion, and there being no further discussion the motion carried.

The Board was presented with one drilling and production permit application for Cecil Rankin (Drilling/Production Permit#2959) for new well to be located in Frio County for Irrigation use. Director Bartek moved to approve the drilling and production permit. Director Neal seconded the motion, Director Moy abstained, and there being no further discussion the motion carried.

The Board was presented with two drilling and production permit applications for Chris Jenschke (Drilling/Production Permit#2960&2961) for new wells to be located in Atascosa County for Irrigation use. Director Troell moved to approve the two drilling and production permits. Director Riggs seconded the motion, and there being no further discussion the motion carried.

The Board was presented with one drilling and production permit application for VOG Palo Alto (Drilling/Production Permit#2962) for new well to be located in Atascosa County for Industrial use. Director Bartek moved to approve the drilling and production permit. Director Troell seconded the motion, and there being no further discussion the motion carried.

The Board was presented with one drilling and production permit application for BPX Properties (Drilling/Production Permit#2963) for new well to be located in Wilson County for Irrigation use. Director Savage moved to approve the drilling and production permit. Director Bartek seconded the motion, Director Moy abstained, and there being no further discussion the motion carried.

### ***d. Permits on Existing Wells:***

The Board was presented with one permit for BPX Properties (Drilling/Production Permit #2964) on an existing well located in Karnes County for Industrial use. Director Kruciak moved to approve the permit. Director Neal seconded the motion, Director Moy abstained, and there being no further discussion the motion carried.

### ***e. Permits Amendments on Existing Wells:***

The Board was presented with two permit amendments for Picoso Water Supply (Production Permit #1350 & 1351) for existing wells in Wilson County for Public Supply use. Original allotment was 153.32 acre feet. The new allotment is based on 940 service connections. Total maximum annual production from the wells will be 315.73 acre feet. Director Savage moved to approve the two permit amendments. Director Moy seconded the motion, and there being no further discussion the motion carried.

*f. Adjourn:*

President Schorp called the Public Hearing adjourned at 10:26 a.m.

**Public Comments on Agenda Items, Limited to 5 minutes each:**

None.

**Approval of Minutes from the March 26, 2021 Board of Directors Meeting:**

The minutes of the March 26, 2021 was presented to the board. Director Riggs moved to approve the minutes as presented. Director Neal seconded the motion, and there being no further discussion the motion carried unanimously.

**Approval of Report of Bills Paid, Deposits, and Financial Statements for March 2021:**

The report of bills paid, deposits, and financial statements for March were presented to the Board. Director Kruciak moved to receive and file the reports. Director Moy seconded the motion, and there being no further discussion the motion carried unanimously.

**General Manager's Annual Report for 2019 and 2020:**

General Manager, Russell Labus gave a presentation of the 2019 and 2020 annual reports. Reports are attached.

**Scholarship Essay Update:**

Director Savage mentioned that there were twenty-one essays received and would like to meet with the scholarship committee within the next week to determine winners.

**Staff Report on District Activities:**

General Manager, Russell Labus gave a list of meetings attended this month and upcoming meetings:

April 15, 2021- GMA 15 Meeting

April 23, 2021- GMA 13 Meeting

May 6, 2021- Region L Meeting

May 11, 2021- TAGD Business & Finance Committee Meeting

Mr. Labus presented the Drought Monitor Map.

**Legislative Update:**

Attorney, Monique Norman, gave legislative update. Summary report attached.

**Public Comments on Other District Business, Limited to 5 minutes each:**

None.

**Consider and Take Appropriate Action on Items to be Placed on the Next Agenda:**

Director Bartek mentioned a couple of items he would like discussed as an agenda item in regard to the monitor well program and annual pumping reports.

**Set Date and Time for Next Board of Directors Meeting:**

The Board agreed to set the next meeting date for Wednesday, May 26, 2021 at 9 a.m. at the District Office in Pleasanton, TX 78064.

**Adjourn:**

There being no further business to come before the Board, President Schorp declared the meeting adjourned at 12:15 p.m.

  
Blaine Schorp, President

**ATTEST:**

  
Diane Savage, Secretary/Treasurer

BILL	AUTHOR	STATUS	COMMENTS
HB 668 (666)	Harris	Filed 11/30/2020 Referred to HNR 3-1-21	<b>GCD LEGISLATION</b> <b>ATTORNEY'S FEES</b> — Amends §36.066, Water Code to change “shall” to “may” regarding court granting GCD attorney fees if GCD prevails  — Makes same change to all GCD enabling acts
SB152	Perry	Filed 11/10/2020 Placed on Senate intent calendar 3/31/21  Engrossed 4/7/21  Reported favorable out of HNR as substituted	<b>PETITION FOR RULEMAKING</b> - adds §36.1025 to allow a person with groundwater rights in the GCD to petition to adopt or modify a GCD rule. - requires petitioner to provide written notice to all affected by proposed rule - GCD must grant or deny petition within 90 days after a hearing and GCD “shall provide an explanation for the action the district takes on the petition, including a determination about the consistency of the action with the concerns raised by the petitioner’s explanation” - GCD shall engage in granted rulemaking as soon as practicable
HB 966	Burns Ref. to HNR 3/1/21	Filed 1/05/2021 -----	<b>NOTICE REQUIRED FOR PERMIT APPLICATION/AMENDMENT</b> - Amends §36.114(h) and adds §36.1141, Water Code, is amended to require permit (or amendment) applicant to “provide notice by certified mail, return receipt requested, to each person with a real property interest in the groundwater beneath the land within the space prescribed by the district’s spacing rules for the proposed or existing well” before the application can be administratively complete. The people receiving notice are deemed to have “a personal justiciable interest” to “contest the application for the permit or permit amendment.”
			<b>ATTORNEY'S FEES</b> - Amends §§36.066 and 36.102, Water Code to change “shall” to “may” regarding court granting GCD attorney fees if GCD prevails - Makes same change to all GCD enabling acts

			<p>Amends Section 36.108 (DFCs):  (d) the districts shall consider:  ***  (3) hydrological conditions, including for each aquifer in the management area the total estimated recoverable storage and modeled sustainable groundwater pumping as provided by the executive administrator, and the average annual recharge, inflows, and discharge;</p> <p>(d-5) Notwithstanding Subsection (d)(3), the executive administrator may not calculate the modeled sustainable groundwater pumping for an aquifer located in a management area that wholly or partly overlies an aquifer with a recharge rate such that an owner of land that overlies the aquifer qualifies under federal tax law for a cost depletion deduction for the groundwater withdrawn from the aquifer for irrigation purposes.</p> <p>HNR substitute made some tweaks to the exception language with respect to the Ogallala and Dockum aquifers</p>
SB 946	Eckhardt	Filed 03/02/2021 Ref to SWAR 3/11/21	<p>(d) ... Before granting or denying a permit, or a permit amendment issued in accordance with Section 36.1146, the district shall consider whether:  ***  (2) the proposed use of water unreasonably affects:  (A) existing groundwater and surface water resources; [ø] <del>or</del>  (B) existing permit holders; or  (C) wells that are exempt from the requirement to obtain a permit under this chapter or district rules</p>
HB3619	Bowers	Filed 03/10/2021 Passed House 4/20 and received in Senate	<p>Sec. 36.2515. SURETY BOND REQUIRED. A person shall obtain a surety bond before filing a suit under Section 36.251. The surety bond must cover all legal costs associated with the suit, including:  (1) costs that may be incurred by the district and applicant; and  (2) the cost of a hearing before the State Office of Administrative Hearings if requested.</p>
SB1314	Lucio	Filed 03/10/2021 Ref to SWAR 3/18/21 -----	

<p>HB 3801</p>	<p>Metcalf</p>	<p>Filed 03/11/2021  Ref to HNR  3/23/21</p> <p>HNR reported favorably as substituted 4/1</p> <p>House engrossed 4/20</p> <p>Received in Senate 420</p>	<p>Section 36.1071, Water Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:</p> <p>(b) The management plan, or any amendments to the plan, shall:</p> <p>(1) be developed using the district's best available data and forwarded to the regional water planning group for use in their planning process; and</p> <p>(2) include the:</p> <p>(A) <u>most recently approved desired future conditions adopted under Section 36.108; and</u></p> <p>(B) <u>amount of modeled available groundwater corresponding to the most recently approved desired future conditions.</u></p> <p>(b-1) <u>A district shall amend a management plan before the second anniversary of the adoption of desired future conditions included under Subsection (b).</u></p> <p>(b-2) <u>If a petition challenging the reasonableness of a desired future condition is filed under Section 36.1083(b), the executive administrator shall consider the management plan administratively complete if the district includes:</u></p> <p>(1) <u>the most recently approved desired future conditions adopted under Section 36.108;</u></p> <p>(2) <u>the amount of modeled available groundwater corresponding to the desired future conditions;</u></p> <p>(3) <u>a statement of the status of the petition challenging the reasonableness of a desired future condition; and</u></p> <p>(4) <u>the information required by Subsections (a) and (e).</u></p>
----------------	----------------	---	---