

MINUTES
EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT
April 28, 2017 – REGULARLY SCHEDULED BOARD MEETING

The Meeting of the Board of Directors of the Evergreen Underground Water Conservation District, pursuant to notice, at the District Office, 110 Wyoming Blvd., Pleasanton, Atascosa County, Texas.

Directors Present: Clifton L. Stacy, Vice-President
Blaine Schorp, Secretary/ Treasurer
Diane Savage
Jay Troell
Frank Kruciak
Larry Fox
Jason Peeler
Craig Nieschwietz

Directors Absent: Steve Snider, President

Employees Present: Russell Labus, General Manager
Melissa Gonzalez, District Secretary/Bookkeeper
Christopher McFarlane, Assistant Manager
Matthew Pope, Field Technician

Guests Present: Attached
Agenda: Attached.

Declaration of Quorum and Call to Order:

Vice President Stacy declared a quorum present and called the meeting to order at 9:17 a.m. The meeting was posted and filed as required by law.

Pledge of Allegiance.

The Board went into Executive Session at 9:17 a.m.
The Board returned from Executive Session at 9:27 a.m.

Recess to Public Hearing

Public Hearing- Water Well Drilling and Production Permit Applications

a. Call to Order

Vice President Stacy called the Public Hearing to order at 9:27 a.m.

b. Permits on Existing Wells:

The Board was presented with one production permit application for Sanchez Oil and Gas (Permit #PF00448), for an existing well located in Frio County. Director Schorp moved to approve the production permit. Director Savage seconded the motion and there being no further discussion the motion carried unanimously.

The Board was presented with one production permit application for 74 Ranch (Permit #PA00428), for an existing well located in Atascosa County. Director Troell moved to approve the production permit. Director Fox seconded the motion and there being no further discussion the motion carried unanimously.

The Board was presented with one production permit application for 74 Ranch (Permit #PA00429), for an existing well located in Atascosa County. Director Troell moved to approve the production permit. Director Fox seconded the motion and there being no further discussion the motion carried unanimously.

c. Permit Amendments:

The Board was presented with one permit amendment from Encana Oil and Gas (USA) Inc. (TH Ranch) (Permit #PK00088) in Karnes County. Permit amended from 640 acres to 3,485.5 acres and the total maximum production will be amended from 1280 acre feet to 529.02 acre feet. Director Kruciak moved to approve the permit amendment. Director Savage seconded the motion, and there being no further discussion the motion carried unanimously.

The Board was presented with one permit amendment from Encana Oil and Gas (USA) Inc. (Carmody Trust) (Permit #PK00089) in Karnes County. Permit amended from 420 acres to 789.28 acres and the total maximum production will be amended from 840 acre feet to 423.22 acre feet. Director Schorp moved to approve the permit amendment. Director Kruciak seconded the motion, and there being no further discussion the motion carried unanimously.

The Board was presented with one permit amendment from Encana Oil and Gas (USA) Inc. (Dzuiik Family Investment) (Permit #PK00090) in Karnes County. Permit amended from 616 acres to 292.1522 acres and the total maximum production will be amended from 1232 acre feet to 211.61 acre feet. Director Savage moved to approve the permit amendment. Director Schorp seconded the motion, and there being no further discussion the motion carried unanimously.

The Board was presented with one permit amendment from Encana Oil and Gas (USA) Inc. (Molina Trust) (Permit #PK00091) in Karnes County. Permit amended from 640 acres to 1842.342 acres and the total maximum production will be amended from 1280 acre feet to 705.37 acre feet. Director Schorp moved to approve the permit amendment. Director Nieschwietz seconded the motion, and there being no further discussion the motion carried unanimously.

The Board was presented with one permit amendment from Encana Oil and Gas (USA) Inc. (Dougherty) (Permit #PK00092) in Karnes County. The total maximum production will be amended from 1052.14 acre feet to 211.61 acre feet. Director Schorp moved to approve the permit amendment. Director Kruciak seconded the motion, and there being no further discussion the motion carried unanimously.

The Board was presented with one permit amendment from Encana Oil and Gas (USA) Inc. (WPFEKF Partners) (Permit #PK00094) in Karnes County. Permit amended from 320 acres to 596.68 acres and the total maximum production will be amended from 640 acre feet to 1790 acre feet. Director Schorp moved to approve the permit amendment. Director Savage seconded the motion, and there being no further discussion the motion carried unanimously.

The Board was presented with one permit amendment from Encana Oil and Gas (USA) Inc. (Gramm) (Permit #PK00095) in Karnes County. Permit amended from 550 acres to 3,992.43 acres and the total maximum production will be amended from 1100 acre feet to 846.44 acre feet. Director Kruciak moved to approve the permit amendment. Director Schorp seconded the motion, and there being no further discussion the motion carried unanimously.

The Board was presented with one permit amendment from Encana Oil and Gas (USA) Inc. (Permit #PK00098) in Karnes County. Permit amended from 248 acres to 826.93 acres and the total maximum production will be amended from 496 acre feet to 2480.79 acre feet. Director Schorp moved to approve the permit amendment. Director Savage seconded the motion, and there being no further discussion the motion carried unanimously.

The Board was presented with one permit amendment from Encana Oil and Gas (USA) Inc. (Franta Love) (Permit #PK000100) in Karnes County. Permit amended from 677 acres to 680.094 acres and the total maximum production will be amended from 1354 acre feet to 2040.2825 acre feet. Director Schorp moved to approve the permit amendment. Director Kruciak seconded the motion, and there being no further discussion the motion carried unanimously.

d. Adjourn.

Vice President Stacy declared the Public Hearing adjourned at 9:40 a.m.

Reconvene to Meeting.

Production Permit Renewals:

Director Savage moved to approve the Permit Renewals. Director Kruciak seconded the motion, and there being no further discussion the motion carried unanimously.

Public Comments, Requests or Discussion by the Public, Limited to 5 Minutes Concerning Agenda Items or Other District Business:

Rick Reyes mentioned that he would like to find a balance between what Not Just Dust is doing and the Sand Mining Pit Project. Mr. Reyes said that we have to take care of the land that is already existing which is in the recharge zone and this recharge zone needs to be protected for the future of our families.

Oscar Korus stated that the Board are the guardians of the water and people look up to them for the protection of this precious resource. Mr. Korus said that he hopes the Board would come together when it comes to fighting those that can potentially pollute our water resource. Mr. Korus asked the Board to remember that any actions taken now will set precedence for the future when other companies want to come in and potentially contaminate our water.

Janice Jones said that clean water is necessary for us today and for the future. Mrs. Jones mentioned that the environmental effects can be irreversible and dangerous since water affects all aspects of life, and because of this the sensitive recharge zone must be protected.

Weldon Riggs mentioned that he is an election candidate for Atascosa County and wanted some clarification from one of the board members about some comments he made at a Not Just Dust meeting that was held in Poteet. Mr. Riggs asked Director Troell to clarify the statement he made at that meeting when he said that at time the other board members are not in favor of Atascosa County. Director Troell said that this statement is provable in the minutes from years ago and asked if Mr. Riggs' nephew works for SAWS. Mr. Riggs said yes and that before that he worked for the Extension Service but has no ties to himself with SAWS. Attorney, Monique Norman stated that Mr. Riggs can state his comments but that members of the Board are not posted to discuss.

Minutes of the March 31, 2017 Board of Directors' Meeting:

The minutes of the March 31st meeting were presented to the Board. Director Fox moved to approve the minutes with minor correction. Director Schorp 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 2017:

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

Approval of Election Workers for Early Voting and Election Day for Atascosa County:

Early Voting Workers:

Judge- Janice Ruple Alternate Judges- Samantha Garcia, Brenda Ochoa

Election Day Workers:

Judge- Sandra English Alternate Judge- Corina Ambriz

Early Voting Ballot Board: Judge- Mildred Kvapil

Central Count: Judge- J.D. Kvapil

Director Troell moved to approve the election workers for Early Voting and Election Day for Atascosa County. Director Savage seconded the motion, and there being no further discussion the motion carried unanimously.

Discussion of Water Releases from the SAWS Desalination Plant:

General Manager, Russell Labus stated the he received a call from a landowner saying that water is running through her property on Lucas Creek. Mr. Labus said he and Matt Pope went to the area to investigate on that same day and found a McCoy field technician already there and the field technician confirmed that the water is not a leak from one of their systems. Mr. Labus said they continued following Lucas Creek north and ended at Hardy Road. Mr. Labus contacted Roberto Macias and Steven Siebert with SAWS and

they mentioned that there was a release at the plant because there was a well that shut down and they had to flush out the wells and the retention ponds were already full from the recent rains so water was running down Lucas Creek. Mr. Labus said he contacted the landowner and let them know what the situation was. Mr. Labus stated that we have since, with the help of Steven Siebert, coordinated a meeting with SAWS officials and at that meeting they informed us of a course of action which is outlined in the letter that was provided to the board. A couple of remedies that are mentioned in the letter are increasing the retention pond capacity and installing irrigation cannons to irrigate the property around the wells. Mr. Labus said that he requested that we be given advanced notification when SAWS will be conducting a release and that SAWS agreed to that request.

Carrizo-Wilcox Aquifer Cross-Sections Project Presentation by Steve Young with Intera, Inc.:

Tabled.

General Manager, Russell Labus gave a brief background of the Cross-Sections study and mentioned that it would be valuable information for our District to extend this study into Frio County and South Atascosa County in order to have a Cross-Sectional cut of the whole District. Steve Young will draw up a proposal and presentation to continue the Cross-Sections study into those additional areas in the next month or two.

Presentation by “Not Just Dust” to Discuss Sand Mining of Texas and Related Water Issues. No Action Will be Taken on This Item:

Jessica Hardy asked why this agenda item says that there will be no action taken. Attorney, Monique Norman stated that this agenda item is only a presentation and there is nothing to take action on at this time. Mrs. Hardy said she feels that action should be taken in regards to this agenda item. Mrs. Hardy continues by quoting sections of the Evergreen’s Management Plan and expressed that the Evergreen’s Board is disregarding and not following the rules set out in the Management Plan.

Russell Wilson stated that the request for a rehearing is based on the rules of the Evergreen UWCD. Mr. Wilson said that the State of Texas has invested in this group the power to enforce regulations to protect our groundwater and asked that the Board be diligent in monitoring what is going with the Sand Mining Plant and to give the “Not Just Dust” group an opportunity for a rehearing.

Staff Report on District Activities:

- **Meetings and Conferences Attended and Schedule of Upcoming Meetings:**

General Manager, Russell Labus mentioned that Chris McFarlane and Matt Pope met with Encana Oil and Gas to get wells renewed and amended and that the Nueces River Authority gave a presentation at the Falls City Elementary at the beginning of April. Mr. Labus said that there will be a Region L meeting on May 4, 2017, a GMA 15 meeting on May 11, 2017, a TCEQ meeting in regards to Sand Mining of Texas on May 11, 2017 at the Pleasanton Civic Center, and a TAGD Business Meeting on May 31, 2017.

- **Legislative Updates:**

Attorney, Monique Norman gave a summary of the legislative updates.

- **Exempt Well Registrations:**

Assistant Manager, Chris McFarlane mentioned that there were seven exempt well registrations this month.

- **Monitor Well Report and Water Sampling Activity:**

Chris McFarlane said that the monitor wells in Karnes County are either steady or up in levels and that the monitor wells in Wilson County are either steady or just a little down in levels, but not many major changes.

Matt Pope said that the ASR area in Atascosa County is looking real good, the middle region of Atascosa is slightly up from last month, and that west Frio County are going down a little.

- **Complaints and Investigations:**

None.

- **Other District Activities:**

General Manager, Russell Labus mentioned that President Steve Snider turned in his letter of resignation from the EUWCD Board effective immediately.

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

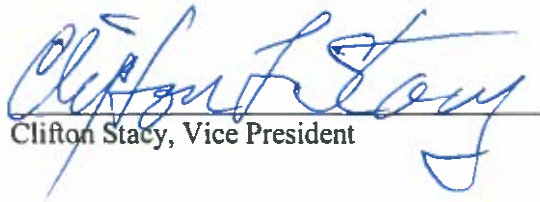
No Action.

Set Date and Time for the Next Board Meeting:

The Board agreed to set the next meeting date for Friday, May 19, 2017 at 09:00 a.m. at the District Office in Pleasanton, TX 78064.

Adjourn:

There being no further business to come before the Board, Vice President Stacy declared the meeting adjourned at 11:20 a.m.


Clifton Stacy, Vice President

ATTEST:


Blaine Schorp, Secretary/Treasurer