

**MINUTES
EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT
DECEMBER 15, 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: Blaine Schorp, President
 Frank Kruciak, Vice-President
 Diane Savage, Secretary/Treasurer
 Clifton Stacy
 Jason Peeler
 Jay Troell
 Larry Fox

Directors Absent: Thomas Moy III
 Sherman Posey

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

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 9:04 a.m. The meeting was posted and filed as required by law.

Pledge of Allegiance.

Recess to Public Hearings

Public Hearing- Water Well Drilling and Production Permit Applications

a. Call to Order

President Schorp called the Public Hearing to order at 9:05 a.m.

b. Public Comments:

None.

c. Amendment to an Existing Permit:

The Board was presented with one drilling and production permit application amendment for D&L Fresh Water (Production Permit #PK00341) for new well to be located in Karnes County. The permit amendment will reflect a change of production from the Gulf Coast Aquifer to the Yegua/Jackson Aquifer. Director Savage moved to approve the drilling and production permit amendment. Director Kruciak seconded the motion, and there being no further discussion the motion carried.

d. Adjourn:

President Schorp declared the Public Hearing adjourned at 9:07 a.m.

Reconvene to Regular Meeting.

Production Permit Renewals:

None.

Public Comments on Agenda Items or Other District Business, Limited to 5 Minutes Each:

Tina Shearman thanked Chris McFarlane for his hard work and going above and beyond in regards to the City of Kenedy test well.

David Morgan- Comments are attached.

Approval of Minutes from the November 30, 2017 Board of Directors Meeting:

The minutes of the November 30th meeting were presented to the Board. Director Stacy moved to approve the minutes as presented. Director Savage seconded the motion, and there being no further discussion the motion carried unanimously.

Approval of Report of Bills Paid, Deposits, and Financial Statements for November 2017:

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

Discussion/Update on Activities of the South Texas Weather Modification Association:

President Schorp informed the board that the lease the STWMA has with the City of Pleasanton for the hangar space has expired and the City of Pleasanton is currently working on a new lease.

Discussion on Securing Agricultural Water Conservation Grants from Texas Water Development Board for Installation of Flow Meters on Permitted Irrigation Wells:

The board asked General Manager, Russell Labus to find out some more details on the application process and the put this on next month's agenda for discussion.

Staff Report on District Activities:

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

- There was an STWMA meeting on December 13, 2017.

- **Legislative Updates:**

None.

- **Exempt Well Registrations:**

General Manager, Russell Labus said that there were nine exempt wells.

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

Field Technician, Matt Pope said that his monitor well levels are a little lower than last year and the ASR levels are way up. Mr. Pope mentioned that he did a few in house water samples and sent one to the SARA lab.

Assistant Manager, Chris McFarlane said that his monitor well levels are seasonably down. Mr. McFarlane stated that there are 2 or 3 camera jobs scheduled for Monday.

- **Complaints and Investigations:**

None.

- **Other District Activities:**

Assistant Manager, Chris McFarlane mentioned that the final results of the Kenedy test well were presented to the City of Kenedy City Council by Kaveh Korzad. Kaveh informed the city that the project is not feasible to pursue.

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

Texas Water Development Board Grant Application.

Set Date and Time for the Next Board Meeting:

The Board agreed to set the next meeting date for Friday, January 26, 2018 at 09:00 a.m. at the District Office in Pleasanton, TX 78064.

Adjourn:

President Schorp declared the meeting adjourned at 10:15 a.m.


Blaine Schorp, President

ATTEST:


Diane Savage, Secretary/Treasurer

Good Morning Evergreen Groundwater Conservation District Board members and Staff.

My name is David Morgan from Choate Texas.

The Texas Legislature has established that groundwater conservation districts, such as the Evergreen Groundwater Conservation District, are the state's preferred method of groundwater management. The Texas Legislature codified its groundwater management policy decision in Section 36.0015 of the Texas Water Code, which provides that districts will manage the groundwater resources within their boundaries through rules developed and implemented in accordance with Chapter 36 of the Texas Water Code. Chapter 36 provides directives for districts and the statutory authority to carry out such directives to enable districts to have the necessary tools to protect and preserve the groundwater resources within their boundaries. The District should use the regulatory tools it has been given by Chapter 36 to properly address the groundwater issues within its boundaries, including groundwater supply and groundwater quality. While using its regulatory tools to accomplish the District's statutory objectives,

the District should give strong consideration to the economic and cultural activities which occur within the District and which rely upon the continued use of groundwater. Section 36.1072 of the Water Code requires the District to adopt rules necessary to implement a management plan to conserve groundwater.

One of the District's objectives should be to lessen the interference between wells. District rules should require wells to comply with spacing requirements set forth in the Texas Water Well Drillers and pump Installers Rules. The District should establish additional spacing rules which require new wells to be spaced a certain distance from existing or previously permitted wells. Another way the District can work to lessen interference between wells would be to require existing wells otherwise exempted from registration, to register with the District. This requirement will allow the District to have information on the location and proximity of all wells within its boundaries. The District also should requires hydrogeologic reports for certain sized wells to determine well interference.

The District should also uses the regulatory tools granted to districts by Chapter 36 to preserve and protect existing and historic users of

groundwater within its boundaries. The Texas Legislature gives the District the authority to protect existing users of groundwater, which are those individuals or entities currently invested in and using groundwater or the groundwater resources within the District for a beneficial purpose. The Texas Legislature also provides the authority to preserve historic use by historic users, which are those individuals or entities who used groundwater beneficially in the past.

Pursuant to legislative authority, including Section 36.113(e) of the Texas Water Code, the District could protect existing use by imposing more restrictive permit conditions on new permit applications. In protecting existing users, the District could establish limitations that apply to all subsequent new permit applications. In accordance with Section 36.116(b) of the Texas Water Code, the District may preserve historic use when developing and implementing rules limiting groundwater production to the maximum extent practicable and consistent with a Management Plan. The District should protect existing and historic users of groundwater by creating a monitoring well network for the entire District. The monitoring well network will enable the District to determine if new wells should be

permitted based on the water levels indicated in various parts of the District's monitoring well network.

In order to better manage the groundwater resources within the District's boundaries, the District should establish management zones and adopt different rules for each subdivision of an aquifer or geologic strata located in whole or in part within the boundaries of the District or each geographic area overlying a subdivision of an aquifer located in whole or in part within the boundaries of the District. As previously stated, the District has rules to regulate groundwater withdrawals by means of spacing and/or production limits.

The factors to be considered in deciding whether to grant or deny a permit or limit groundwater withdrawals should include those factors set forth in the District's Enabling Act, Chapter 36 of the Texas Water Code, and the changes needed to the District rules.

Section 36.108 of the Texas Water Code requires the District to work and plan with other groundwater conservation districts in GMA-15. The District should use its Management Plan as part of its cooperation efforts with the neighboring groundwater conservation districts.

The enforcement of and the enacting of new rules should be driven by the hydrogeological and technical information available to the District.

Today the District has a report that supports my argument that our section of Karnes County should have a permit limit of 1/2 acre feet of water per acre of land. I hope the District will adopt this change to the District rules for the Gulf Coast Aquifer.

Thank you for your time.

Respectfully submitted

David N. Morgan

Choate Texas