

MINUTES
EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT
FEBRUARY 23, 2018 – 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: Frank Kruciak, Vice-President
Diane Savage, Secretary/Treasurer
Clifton Stacy
Thomas Moy III
Jay Troell
Sherman Posey
Jason Peeler

Directors Absent: Blaine Schorp, President
Larry Fox

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:

Vice President Kruciak declared a quorum present and called the meeting to order at 9:10 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

Vice President Kruciak called the Public Hearing to order at 9:12 a.m.

b. Public Comments:

None.

c. Drilling/Production Permit Applications:

The Board was presented with one drilling and production permit application for Greg Dicaro (Production Permit#PA00444) for new well to be located in Atascosa County. Director Troell moved to approve the drilling and production permit. Director Savage seconded the motion, Director Moy abstained, and there being no further discussion the motion carried.

The Board was presented with one drilling and production permit application for Greg Dicaro (Production Permit#PA00445) for new well to be located in Atascosa County. Director Troell moved to approve the drilling and production permit. Director Savage seconded the motion, Director Moy abstained, and there being no further discussion the motion carried.

The Board was presented with one drilling and production permit application for Greg Dicaro (Production Permit#PA00446) for new well to be located in Atascosa County. Director Troell moved to approve the drilling and production permit. Director Savage seconded the motion, Director Moy abstained, and there being no further discussion the motion carried.

The Board was presented with one drilling and production permit application for Iron Oak Ranch LLC (Production Permit#PA00447) for new well to be located in Atascosa County. Director Savage moved to approve the drilling and production permit. Director Posey seconded the motion, Director Moy abstained, and there being no further discussion the motion carried.

The Board was presented with one drilling and production permit application for Iron Oak Ranch LLC (Production Permit#PW00249) for new well to be located in Wilson County. Director Posey moved to approve the drilling and production permit. Director Savage 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 production permit application for EXCO Resources (Permit #PF00456), for an existing well located in Frio County. Director Savage moved to approve the production permit. Director Posey seconded the motion and there being no further discussion the motion carried unanimously.

The Board was presented with one production permit application for EOG Resources Inc. (Permit #PK00343), for an existing well located in Karnes County. Director Savage moved to approve the production permit. Director Stacy seconded the motion and there being no further discussion the motion carried unanimously.

e. Adjourn

Vice President Kruciak declared the Public Hearing adjourned at 9:20 a.m.

Reconvene to Regular Meeting.

Production Permit Renewals:

None.

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

Pam Uszynski asked a couple questions. First, she asked at what point does the board review the rules and make adjustments and are there plans to do so in the near future?

Attorney Monique Norman said that this is not a posted agenda item, so the board cannot answer but mentioned that there was a massive revision to the rules that was adopted in October and the rules will continually be evaluated and revised.

Mrs. Uszynski asked if there are steps being taken to review the hydrology in the area around FM 743 and what is the status of the process because at the last meeting she mentioned that it was motioned, directed and then tabled to begin a study.

General Manager Russell Labus stated that the process has been started. Mr. Labus said he spoke to two different technical consultants. Mr. Labus said he had a long conversation with Heather Sumpter, the Manager of the Goliad County Groundwater District, and ask her if they have had any technical studies done when they were formulating their permitting process and allotments. Mrs. Sumpter mentioned that they did not have any studies done but instead used an in-house methodology or formula, done by Art Dohmann in order to come up with their allotments.

Lastly, Mrs. Uszynski asked how the representatives of Karnes County, Directors Moy and Kruciak, feel about adjusting the pumping allotments to half an acre foot in the area or approaching those rule changes?

Tina Shearman- Comments are attached.

Approval of Minutes from the January 26, 2018 Board of Directors Meeting:

The minutes of the January 26th meeting were presented to the Board. Director Savage moved to approve the minutes with a minor correction. Director Troell seconded the motion, and there being no further discussion the motion carried unanimously.

Approval of Report of Bills Paid, Deposits, and Financial Statements for January 2018:

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

Approve Resolution #R2018-0223-01 to Designate Christopher McFarlane as the Evergreen UWCD Alternate Representative to GMA 15:

Director Troell moved to approve Resolution #R2018-0223-01. Director Moy seconded the motion, and there being no further discussion the motion carried unanimously.

Approve Resolution #R2018-0223-02 the By Laws of the GMA 15 Committee:

Director Savage moved to approve Resolution #R2018-0223-02. Director Posey seconded the motion, and there being no further discussion the motion carried unanimously.

Approve Resolution #R2018-0223-03 Authorizing the Interlocal Agreement for Cost Sharing for Member Districts of the GMA 15 Committee:

Director Savage moved to approve Resolution #R2018-0223-03. Director Troell seconded the motion, and there being no further discussion the motion carried unanimously.

Approval and Adoption of the Administrative Procedures of the GMA 15 Joint Planning Committee:

Director Savage moved to adopt the Administrative Procedures of the GMA 15 Joint Planning Committee. Director Troell seconded the motion, and there being no further discussion the motion carried unanimously.

Presentation by Steve Young with Intera, Inc. on Southern Atascosa County Cross-Section Study:

Item Tabled.

General Manager's Annual Report on District Activities for 2017:

General Manager, Russell Labus presented the Board with a summary report of the districts day to day activities for 2017.

Staff Report on District Activities:

General Manager, Russell Labus mentioned that there was a Region L meeting.

Director Savage wanted to remind everyone that the Home and Garden show will be at the Floresville Event Center on March 3rd and 4th and encouraged everyone to attend.

David Morgan asked Russell Labus if there were no complaints this past month. General Manager Russell Labus said that Chris McFarlane went out to Mr. Griffin's well and checked the static level to see what impact a neighboring Conoco well was having on his well. Mr. Labus mentioned that the Conoco well was shut down about 3 weeks ago, but we still want to get additional readings. Chris McFarlane said that Mr. Griffin's well had started having issues before he contacted the EUWCD and Mr. McFarlane has monitored Mr. Griffin's well three different times. Mr. McFarlane stated that he contacted Conoco in order to get preliminary data for their well but has not heard back from them, and Attorney, Monique Norman said she has sent Conoco an enforcement letter. General Manager, Russell Labus said we will continue to investigate.

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

- Intera Final Presentation by Steve Young.
- Karnes County study.

Set Date and Time for the Next Board Meeting:

The Board agreed to set the next meeting date for Friday, March 23, 2018 at 09:00 a.m. at the District Office in Pleasanton, TX 78064.

Adjourn:

Vice President Kruciak declared the meeting adjourned at 10:25 a.m.



Frank Kruciak, Vice President

ATTEST:



Diane Savage, Secretary/Treasurer

Evergreen speech Feb 23

Good morning board members , staff , and guests . Thank you for the opportunity to address you **once** again .

Last month **Neighbors Against Destroying Aquifers (NADA)** came before you asking for you to consider letting the southern end of Karnes County be moved to Goliad Water Conservation District . **We** will remind you why we are seeking this . Basically it boils down to the simple fact we have more in common with **the Goliad District** than we do the rest of the Evergreen District . We share the same aquifer and are geographically closer to Goliad .

We felt that the board was at least receptive to our request when we first brought this up , but by the end of the meeting **we were** not inclined to believe so , and have heard second hand that there were statements made to the effect this would never happen . **We** sincerely hope this is not the case .

After the last meeting **members of NADA** had the chance to talk to Mr. Schorp . He indicated that the board was considering some rules changes to help protect us . This brings to light a couple of questions .

First of all , we spent a considerable sum of money obtaining the scientific data you all informed us we would have to obtain for the board to consider any amendments to furnish us some protection , as well as an attorney to help draft these proposed rules changes . This all occurred sometime back , and **we don't feel our concerns were clearly addressed** .Because of this , **we** have come to the conclusion there were not going to be any beneficial amendments forthcoming **in a timely manner** that would offer us any protection .

Secondly , after extensive fact finding expeditions , we realized that Evergreen Underground Water District does not have a very good record of **enforcing its** existing rules . Case in point is the situation with the water wells being used by the City of Kenedy . These wells are being operated and were drilled in what appears to be a blatant violation of **our** spacing rules , and screening rules , not to mention the fact the wells are from 2 to 6 miles outside the CCN boundaries held by Kenedy . This makes **us** more inclined to want to be in a different Water

Conservation District that actually is concerned with and enforces its regulations .
We are finding this is not the case with Evergreen.

We would like to remind each of the director of Evergreen, that you have chosen to serve on this board and we presume you all have the best intentions of fulfilling your duties to the best of your abilities .We also realize that every day you deal with people who are not happy with the water situation near them . We can understand how someone could become complacent to dealing with this . However , we would like to remind you all that it appears the complacency disappears when a board member's well is involved such as was the case last month with the near one of the directors wells. This being said

We would like to inquire as to what progress has been made on the study that was supposed to be done for our area . We understand and know Russell was instructed to look further into the issue as per the board's instruction at the last meeting . We truly hope this issue will be resolved to everyone's satisfaction in the very near future . The longer this issue drags on the greater the likelihood of further damage to an already fragile aquifer system .

We respectfully request the board's consideration of this matter be given the urgency and attention it would garner if it was a board member making the request .