

MINUTES
EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT
September 7, 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: Frank Kruciak, Vice-President
Diane Savage, Secretary/Treasurer
Clifton Stacy
Larry Fox
Jay Troell
Thomas Moy III
Sherman Posey

Directors Absent: Blaine Schorp, President
Jason Peeler

Employees Present: Russell Labus, General Manager
Christopher McFarlane, Assistant Manager
Melissa Gonzalez, District Secretary/Bookkeeper
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 9:17 a.m. The meeting was posted and filed as required by law.

Pledge of Allegiance.

Recess to Public Hearing

Public Hearing- Water Well Drilling and Production Permit Applications

a. Call to Order

Vice-President Kruciak called the Public Hearing to order at 9:19 a.m.

b. Public Comments:

Tina Shearman said that the City of Kenedy test well will have an impact on the surrounding community today and in the future. Ms. Shearman feels the decision made here today will affect her property value and her family's future. Ms. Shearman said she is not opposed to the City of Kenedy needing more water but says there are other options where the people will not be affected.

Beverly Legget stated that there are only so many acres in Karnes County and if there is no water there are no farms.

Philip Wright said that there are better options that the City of Kenedy can consider to get more water for their residents. Mr. Wright stated that he and others in the area cannot survive without water since water is needed not only for themselves but also their cattle. Mr. Wright asked that the board deny this permit.

Carl Hummel asked why the City of Kenedy is making their water shortage problem their problem when they can go into the Carrizo in Falls City that will provide better water,

Patrick Hundley, Attorney for Carl Hummell asked the board if they have received sufficient information concerning the landowners around the projected test well area whether the board received names of the landowners, if they have been contacted, and whose wells will be used for monitoring. Assistant Manager, Chris McFarlane stated that we have acquired about 20 wells to monitor in the area and we will be working with Kaveh on how this monitoring will be done and which wells will be monitored. Mr. Hundley said that at the last meeting it was said by someone who ranched on the property that there are a couple of wells on the property that were not listed and asked if the Evergreen found those wells during the site inspection. Chris McFarlane said that they did find a total of three wells on the property and that all wells were shut in, one was not capped but Kaveh went ahead and capped it, and there is no electricity running to them.

David Morgan feels the only thing right about the City of Kenedy's application and project are the coordinates provided. Mr. Morgan said that the City of Kenedy will be drawing from their reserve and in no time that reserve will be gone. Mr. Morgan stated that he cannot understand why the City of Kenedy wants to spend money on a project that is not feasible and will just put them back in the same situation they are in now. Mr. Morgan is opposed to this permit and asked that it be denied by the board.

Barbara Byers said she is very concerned what will happen to her wells if this well is approved and said she would like to know what the annual production for the City of Kenedy is for the years 2015 and 2016 which has not been provided by the City of Kenedy. Ms. Byers wants to know how the aquifer will be replenished once the seven wells are in production and feels there are too many unanswered questions in regards to this project.

David Jalufka said he just heard about this project and said if this well goes into production they will be out of water. Mr. Jalufka asked how is he going to get more water in order to survive and who do they need to go to when this happens. Mr. Jalufka said he doesn't understand why they are only going to drill down 400 feet which means they will be drawing from the landowners' wells that are in the same level.

Art Dohmann suggested that the City of Kenedy consider drilling a deeper well below the Evangeline Aquifer which will have a greater water supply and will be in a zone that will not affect the shallow wells.

Mr. Dohmann provided to the board a copy of a handout titled, "Goliad County GCD Discussion Points", which he read from as well. (A copy of the letter will be attached to the minutes)

Andrew Donnelly referred to the chart of average drawdowns on the handout provided by Mr. Dohmann. Mr. Donnelly said that the Goliad GCD, through monitoring, is already seeing drawdowns occurring overtime in the area and in some areas up to a foot. Mr. Donnelly stated that the Goliad GCD is concerned as to why the test well is looking to be drilled at such a shallow zone and not at a greater depth to where they are not interfering with local users and competing for the same water supply. General Manager, Russell Labus mentioned that the Cross Sections Graph 16 of the TWDB study, shown on the screen, goes right through the area of the proposed test well. Mr. Labus asked Mr. Donnelly if he is in agreement that the Evangeline Aquifer does not extend over into Karnes County. Mr. Donnelly said that yes based on what the cross sections is showing but he does not have the logs and this does not change that the depth of the proposed test well is in the same production zone as local users.

Barbara Shaw said that water is an emotional issue anywhere you go and the only thing that changes are the faces in the audience. Ms., Shaw stated that they are here today to apply for a test well permit and that the City of Kenedy has met all requirements and procedurally have done all that they were supposed to do. Ms. Shaw said in their land lease there is a mitigation clause that states if something happens they have to make it right. Ms. Shaw said that if this test well does not prove feasible to project stops. Ms. Shaw expressed that all they want is to obtain scientific data and until they are allowed to do so they will never have the answers,

Lou Rosenberg asked Ms. Shaw and Kaveh if they would be comfortable committing today to go to a deeper depth for the test well. Kaveh said we are only asking for a test well and not a well field or to pump water after this test well is drilled. Kaveh stated that they are looking for a certain quality of water and to obtain data. If the data shows this is not sustainable the project stops, but if the project is sustainable they will have to come back to the District and go through the permitting process once again with that data proving it is sustainable. Kaveh said to answer Mr. Rosenberg's question yes they are willing to drill at a deeper depth.

Mr. Rosenberg stated that the landowner and the City are committed to comply with the rules and a lot of the concerns can be addressed directly through a mitigation plan of protection if the well goes beyond a test well. Mr. Rosenberg said he feels the concerns brought today are bonafide but the test well is the key to answering those concerns and the test well needs to be drilled and properly monitored in order to get the data that is needed.

General Manager, Russell Labus asked Kaveh if they can agree today to amend the permit to state a minimum depth. Mr. Rosenberg stated that on behalf of the landowner he recommends the well not be drilled less than 600 feet. Kaveh said they can commit to drilling to pilot hole to 600 feet. Mr. Labus said to amend the drilling permit to show the 600 feet along with a new schematic.

Attorney, Monique Norman stated that she just wants everyone to understand that right now before us is an application for a 150 gpm test well. If this does proceed the process has to start completely new, notices have to go out, and heightened reports will have to be presented to the District. Ms. Norman said that this test well is of beneficial use and the City of Kenedy has met all requirements.

c. Drilling/Production Permit Applications:

The Board was presented with one drilling and production permit application for the City of Kenedy (Production Permit#PK00330) for a new well (test well) to be located in Karnes County. Director Savage moved to approve the drilling and production permit to be drilled at the minimum of 600 feet. Director Posey seconded the motion and there being no further discussion the motion carried unanimously.

The Board was presented with two drilling and production permit applications for Pate Place Partners LTD (Production Permit#PF00451, #PF00452) for new wells to be located in Frio County. Director Stacy moved to approve the two drilling and production permits. Director Savage seconded the motion and there being no further discussion the motion carried unanimously.

d. Permits on Existing Wells:

The Board was presented with one production permit application for Lorraine Schorsch (Permit #PA00437), for an existing well located in Atascosa County. Director Troell 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 Mary Wiatrek (Permit #PK00331), for an existing well located in Karnes County. Director Stacy moved to approve the production permit. Director Posey seconded the motion and there being no further discussion the motion carried unanimously.

e. Adjourn:

Vice-President Kruciak declared the Public Hearing adjourned at 10:48 a.m.

(Vice-President Kruciak called for a 10 minute recess at 10:49 a.m.)

Reconvene to Regular Meeting.

Production Permit Renewals:

None.

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

None.

Approval of Minutes from the July 28, 2017 Board of Directors Meeting:

The minutes of the July 28th meeting were presented to the Board. Director Savage moved to approve the minutes as amended. Director Fox seconded the motion, and there being no further discussion the motion carried unanimously.

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

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

Discussion with McCoy Water Supply on Possible Acquisition on Monitor Well at Water Plant No. 7 North of Leming, Tx in Atascosa County:

Table for next meeting.

Discussion and Action Regarding Implementing a Joint Resolution with Goliad County Groundwater Conservation District Concerning the City of Kenedy Water Supply Project in the Evangeline Aquifer:

Attorney, Monique Norman stated that until we know if this project will be moving forward that entering into a joint resolution right now will be premature. The Board directed General Manager, Russell Labus to send a letter of response to the Goliad GCD in reference to their letter of request in regards to the City of Kenedy Well Field Project. No action was taken.

Review of the DRAFT 2017-2018 Budget:

General Manager, Russell Labus gave a review of the Draft Budget for Fiscal Year 2017-2018.

South Texas Weather Modification Association Update by Kendell LaRoche:

Kendell LaRoche gave a slide presentation.

Staff Report on District Activities:

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

- Region L- August 3, 2017
- Conoco Roundtable Discussion- August 9, 2017.
- TAGD Summit- August 29-31, 2017
- Weather Modification Association Presentation at Region L- November 2, 2017

- **Legislative Updates:**

None

- **Exempt Well Registrations:**

Assistant Manager, Chris McFarlane stated that there were ten exempt well registrations, three of them were Oil & Gas which will probably be permitted at the next meeting.

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

Field Technician, Matthew Pope said that Frio County was looking low but feels that those numbers will rise with the recent rains. Mr. Pope stated that he and Mr. McFarlane will be taking baseline water samples in relation to the Frac Sand Mining Projects. Mr. Pope said that he has gone out and performed 3 flow tests in Atascosa County and has had a few water samples brought into the office for testing.

- **Complaints and Investigations:**

General Manager, Russell Labus stated that we have received complaints in regards to the City of Kenedy test well.

- **Other District Activities:**

None.

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

- Nueces River Authority Presentation and Invoices.
- Discussion with McCoy Water Supply on Possible Acquisition on Monitor Well at Water Plant No. 7 North of Leming, Tx in Atascosa County.

Set Date and Time for the Next Board Meeting:

The Board agreed to set the next meeting date for Friday, September 29, 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 Kruciak declared the meeting adjourned at 11:51 a.m.


Blaine Schorp, President

ATTEST:


Diane Savage, Secretary/Treasurer