

Fayette County Groundwater Conservation District

255 Svoboda Lane, Room 115
La Grange, Texas 78945
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MINUTES Of the August 1, 2011 Board of Directors Meeting

Directors Present: Robert Leer, Leo Wick, Sr., Harvey Hayek, Charles Richter, Terry Hays
Directors Absent: None
Others Present: David Van Dresar, General Manager; Wendi Denton, Administrative Assistant; Monique Norman, Legal Council; Paul Kirby, DBS&A; Stefan Schuster, DBS&A; Cindy Rodibaugh; John Bumgarner, USGS; Meghan Roussel, USGS; George Ozuna, USGS; Barbara Kalous; Carol Kutac; David A. Butler; Mary A. Butler

The meeting was called to order by President Wick at 9:00 a.m. on August 1, 2011, at the Fayette County Agricultural Building Conference Room 104 located at 255 Svoboda Lane, in La Grange, Texas, immediately following the public hearing. A quorum to conduct business was declared to be present.

President Wick asked for public comments. Barbara Kalous read aloud a letter of complaint regarding water being pumped into a pond by Marless Waldrop. Ms. Kalous submitted a formal petition requesting the board not to grant Mr. Waldrop any permit to fill his pond and that the district make Mr. Waldrop stop pumping water into his pond. Ms. Kalous stated that the district and Mr. Van Dresar were not complying with Chapter 36 and that Mr. Van Dresar was showing favoritism towards one well owner. Carol Kutac stated that her well did not have pressure when Mr. Waldrop was pumping and that her water levels are not being checked. Mr. Van Dresar stated that district rules were revised in 2009 and that the filling of ponds is not against the rules but may require a permit. Ms. Kalous was provided with a copy of the revised rules.

Minutes from the July 12, 2011, public hearing were presented. Mr. Hays made the motion to accept the minutes as presented. Mr. Richter seconded the motion and the motion was approved.

Minutes from the July 12, 2011 board of directors meeting were presented. Mr. Hays made the motion to accept the minutes as presented. Mr. Leer seconded the motion and the motion was approved.

The July financial statement and all outstanding bills to be paid were presented. Mr. Richter made the motion to accept the financial statement and to pay the bills presented. Mr. Hays seconded the motion and it was approved.

Mr. Van Dresar gave the District Manager s'report to the board. Mr. Van Dresar stated that the following presentations were made during the month of July:

On July 24, I attended a screening of the movie Gas Land at the Bugle Boy. I was asked to attend by the event organizer to answer questions that might arise from the movie. The movie was attended by approximately 40 people. I was joined during the question and answer session by a representative from Stallion Oil Field service. The event was well attended and the questions were very relevant.

On July 26, I made a presentation to the Schulenburg Young Farmers. The meeting was attended by approximately 15 people. Topics discussed included the current drought and its affects on agriculture, the proposed uranium mining in the county, and water resources in the state and district. There were many questions and the presentation was well received.

Mr. Van Dresar informed the Board that the district office continues to receive calls regarding oil and gas activities within the county and what affect it will have on water resources.

Mr. Van Dresar then discussed:

- Update on the Commissioners Court Meeting
 - The Fayette County Commissioners Court met on July 25 at 9:00 a.m.
 - The FCGCD was asked to attend to discuss a county wide water sampling program for those residents that had concerns about the oil and gas activities affecting groundwater supplies here.
 - In preparation for the meeting I contacted four labs to get pricing for BETX and TPH testing
 - DHL Analytical in Round Rock had the most economical pricing at \$45 per BETX sample.
 - The Judge asked me to arrange for the lab to provide sampling bottles and instruction sheet, but stated that he felt the county and district should only facilitate the program not pay for any of the testing.
 - I have emailed DHL and am awaiting response from them.
- Update on GMA 12 Meeting
 - Members of GMA 12 met in Milano on July 25, at 1:00 p.m. Mr. Wick, Monique Norman, Stefan Schuster, Andy Donnelly and I were in attendance.
 - The meeting was conducted to discuss what action to take regarding two petitions that were received by GMA 12 on the reasonableness of our desired future conditions.
 - One petition states that we are not allowing enough pumping, the other states that we are allowing too much drawdown.
 - After taking public comments and a brief discussion by the member districts, it was decided to allow the petitions to move on to the TWDB without any action taken by the GMA at this time.
 - This will be a long process that will involve our legal counsel and hydrologist participation.

- Update on Uranium mining
 - On July 14, the district office received a letter for the Railroad Commission of Texas stating that they had received an exploration permit application from Uranium Company of Texas on June 13, 2011.
 - On July 25, we received a letter from the RRC stating that the exploration permit had been granted to Uranium Company of Texas on July 20.
 - This speed at which the permit application was approved is concerning both DBS&A and I as we are in the midst of planning for the groundwater background sampling which was approved on July 12.
- Update on Drought Conditions
 - The state is in a record setting drought. This 2011 is the third worse drought in Texas history with an average 6.37 inch deficit in rainfall across the state. The second worse drought on record was the 1916-1918 Drought when the state experienced a 7.09 inch average deficit. The drought of record 1951-1957 averaged a 7.80 deficit in the state.
 - June was the warmest on record. October 2010 through June 2011 has been the driest nine months on record.
 - Crop loss is at an alarming level at this point in the state with corn and sorghum crops not emerging in the Edwards Plateau.
 - There is an estimate of 3 million out of 7.1 million acres of crop loss currently.
 - State surface reservoir levels at the end of June were at 76% total storage. On July 14, the date of the Drought Preparedness Council meeting, the reservoirs were at less than 70% total storage, with many using their conservation supplies.
 - 551 public water systems are on the drought list presently. 317 have mandatory restrictions in place and 234 are in voluntary conservation.
 - La Grange and the West End Water Supply Corporation are implementing some phase of their DPC. I do not have word from the other public supplies in the district.

Upcoming meetings and seminars were presented.

The board considered action on the proposed budget for Fiscal Year 2011-2012. Mr. Van Dresar presented a budget totaling \$312,520.00. Mr. Leer questioned the need for a \$70,000 stream flow study, stating that there is insufficient rainfall and flow in the streams to perform such a study at this time. After a brief discussion, Mr. Hays made the motion to approve the Fiscal Year 2011-2012 budget with the deletion of the \$70,000 stream study, making the total budget \$242,520.00. Mr. Richter seconded the motion. There being no further discussion the motion was approved unanimously.

The board considered action on one bid received for FCAD unsold properties. Being a lot at the corner of Black and James (Appraisal District Number 44269) in Schulenburg, Texas, cause number 3279, located in the Schulenburg ISD, Fayette County, City of Schulenburg, and Fayette County Groundwater Conservation District jurisdictions, from Kathryn Mae Moore in the amount of \$2,100.00. Mr. Richter made the motion to accept the bid. Mr. Hays seconded the motion. The motion was approved, with Mr. Leer voting Nay.

Mr. Van Dresar updated the Board on the District Goals and Management Objectives.

Items were identified for the next meeting s'agenda. The next meeting is scheduled for Monday, September 12, 2011 in Room 104 of the Fayette County Agricultural Building located at 255 Svoboda Lane, La Grange, Texas 78945.

There being no further business, Mr. Leer made the motion to adjourn the meeting. Mr. Hays seconded the motion and the meeting was adjourned at 10:17 a.m.

Leo Wick, Sr., President

Harvey Hayek, Secretary-Treasurer