

Fayette County Groundwater Conservation District

255 Svoboda Lane, Room 115
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MINUTES of the May 2, 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, General Counsel; Cindy Rodibaugh; Wayne Karstadt; Leo Kainer; Gene Kruppa; Art Dohmann

The meeting was called to order by President Wick at 8:30 a.m. on May 2, 2011, at the Fayette County Agricultural Building Conference Room 104 located at 255 Svoboda Lane, in La Grange, Texas. A quorum to conduct business was declared to be present.

President Wick asked for public comments; there were none.

Minutes from the April 4, 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 April financial statement and all outstanding bills to be paid were presented. Mr. Leer made the motion to accept the financial statement and to pay the bills presented. Mr. Hayek seconded the motion and it was approved.

A complaint letter from Mrs. Barbara Kallous was read and discussed. The board discussed ponds and waste. The issue of permitting for ponds was discussed and what the district has the authority to enforce. Mr. Hays made the recommendation to require a leaking pond to have a liner installed. Mr. Leer stated that a public education program must be maintained regarding the subject. Mr. Leer made the motion to table the issue and form a committee to discuss the issue. Mr. Hays seconded the motion and the motion was approved.

The board considered action on the extension of the Fayette Water Supply Corporation permit p-2009-007. Mr. Kruppa presented information to the board stating that the FWSC was awaiting funding from the USDA. Mr. Hays made the motion to extend the permit 90 days. Mr. Leer seconded the motion and the motion was approved.

Mr. Art Dohmann presented information to the board on uranium mining activities in Goliad County. Mr. Dohmann focused his presentation on exploration, mining sites, and basic procedures. He highly suggested that baseline data be collected on wells in the area of a mine's proposed location. Mr. Dohmann discussed the restoration of an aquifer and water use during mining activities. A slide was presented that indicated uranium concentrations during three sampling events taken at a mine in Goliad County. Mr. Dohmann stated that Radium and other daughter products are released during mining and do not re-precipitate and will migrate. Mr. Dohmann said that uranium is not mobile until it is activated by oxygen.

Mr. Van Dresar gave the District Manager's report to the board. Mr. Van Dresar stated that he made two presentations during the month of April. On April 16, he joined two other speakers at a conservative forum held at La Grange City Hall from 9:00 am to 12:00 pm. Topics discussed included water resources and legislative topics of concern to area residents. Van Dresar stated that the meeting was attended by approximately 30 people. On April 26, Mr. Van Dresar presented information on surface water supplies of the Lower Colorado River to a citizens group in Columbus. He stated that the event was organized by the Sierra Club and topics of discussion included surface water supplies, power plants and future water demands of the river. Approximately 25 people were in attendance and the information was well received.

Mr. Van Dresar updated the board on the Estoban Huerta complaint. Van Dresar stated that Mr. Huerta had contacted the office and advised the district that the pipe leading to the well was removed and that a berm had been placed around the well to prevent surface water intrusion. Van Dresar then advised the board that Mr. Huerta could not find a vacuum truck service to assist him and that the service was expensive. Mr. Van Dresar stated that he advised Mr. Huerta that he had 180 days from the date of the notice of violation to comply.

Mr. Van Dresar then informed the board of the letter received from Mrs. Kallous which was discussed earlier in the meeting.

Mr. Van Dresar then discussed:

- Update on well monitoring. Mr. Van Dresar stated that over ten wells were inspected and sampled during the month of April. Monitoring will continue through the months of May and June. Mr. Van Dresar also advised the board that, in cooperation with the Bureau of Economic Geology, two evapo-transpiration gauges were installed near the La Grange High School. The units will be maintained by the district and the information gained may prove useful in calculating recharge rates into the aquifers. Mr. Van Dresar stated that DBS&A were nearing the completion of the recharge and water quality studies and were asking for any feedback from the board regarding the draft material previously furnished. Van Dresar then advised the board that he and Mr. Wick visited several sites in April regarding residents concerns of oil and gas rig supply wells being completed near their properties. Mr. Van Dresar said that continued monitoring of both groundwater levels and water quality in these areas are vital for the protection of the aquifer systems.
- Update on drought conditions. Mr. Van Dresar advised the board that the Drought Preparedness Council met in Austin on April 14. According to state climatologists Texas is drier than it has ever been since records began being kept in 1895. The last significant rain for the state was Tropical Storm Hermine. 60.57% of the state is in extreme drought and the three month forecast

for precipitation is unpredictable for the northern portions of the state and worsens as you move south. Mr. Van Dresar stated that overall, drought is forecast to persist and a tropical system may be the only means of improving the conditions. Mr. Van Dresar stated that wildfires in the west Texas counties of Stonewall and Jeff Davis have claimed a combined total of 267, 000 acres of property, 500-600 miles of fence, and increased the demand for hay in the state. Van Dresar said that TAGD members are pretty silent if the drought is affecting their activities thus far. Eight districts responded to an email for requesting information for the DPC. Three districts are implementing some phase of their drought plans while the rest are either not seeing any problems as of yet or do not have a plan to implement. The Permian Basin gave the grimmest report stating that dust is filling the air in that area and farmers are afraid to plant as there is a fear of the wind eroding the soil with no moisture to keep it in place.

- Update on 82nd Legislature and Bills of Note. Mr. Van Dresar and Ms. Norman advised the board that CSSB 1306 is being watched as it moves through the committees and is being revised and reviewed. CSSB 1306 adds definitions for DFCs, expands requirements for posting notices for meetings dealing with the DFC process, specifies the public hearing process and approval process for the DFCs in a GMA, and some of the versions of this bill include a revision to the appeals process for DFCs. Additionally, CSSB 332 is being tracked. Van Dresar stated that currently, some language has been changed in the bill that removes the words vested ownership and substitutes that the landowner has real property ownership in the groundwater.

Upcoming meetings and seminars were presented.

The board considered action on the funding of GMA-12 Yegua-Jackson modeling. Mr. Van Dresar presented an email from Mr. John Seifert of LBG-Guyton Associates requesting funds from the Fayette County Groundwater Conservation District in the amount of \$2,500.00 for work that LBG-Guyton performed on the Yegua-Jackson aquifer to resolve the DFC and MAG compatibility issues. The email states that the requested funds represent approximately 17% of the effort expended by LBG-Guyton since January 2011. After a brief discussion, Mr. Leer made the motion that, due to lack of budget funds, the district declined to participate at this time. Mr. Hays seconded the motion and the motion was approved.

One bid was received for FCAD unsold property, being Blk C. Lots 29-30, 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 \$1000.00. A discussion ensued regarding what is the procedure if the district does not accept the bid. Mr. Hayek made the motion to table the bid until more information is obtained. Mr. Hays seconded the motion. The motion was approved.

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, June 13, 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. Hays made the motion to adjourn the meeting. Mr. Richter seconded the motion and the meeting was adjourned at 11:20 a.m.

Leo Wick, Sr., President

Harvey Hayek, Secretary-Treasurer