

THE STATE OF TEXAS * GROUNDWATER CONSERVATION DISTRICT
COUNTY OF KENEDY * OF KENEDY COUNTY, TEXAS

On the 22nd day of June, 2011, at 8:00 o'clock a.m., a regular meeting of the Kenedy County Groundwater Conservation District was held in Sarita, Texas, at the Kenedy County Courthouse.

Directors present:

Chuck Burns, President
David Delaney, Secretary
Homero S. Vera

Also present:

Leo Villarreal, Administrative Assistant
Andy Garza, General Manager
Mary Sahs
Kathryn Miles
Felix Saenz
Bobby Jemison
Mark S. Pelizzo
Delphine Whitehorse
Cody Fry
Cindy Smiley
Dr. Venkatesh Uddameri

Absent:

Daniel Y. Butler
Jerry Miller

1. **Call Meeting to Order**

Chuck Burns, President, called the meeting to order at 8:00 a.m.

2. **Public Comments**

No public comments were made.

3. **Discuss & Act on Jerry Miller's Resignation.**

Chuck Burns presented the Board of Directors with Jerry Miller's Resignation dated June 21, 2011.

David Delaney moved and Homero S. Vera seconded the motion; the motion was unanimously passed that Jerry Miller's resignation be accepted effective June 22, 2011.

4. **Discuss & Act on Appointing New Board Member**

Chuck Burns informed the Board of Directors that this item needed to be tabled.

David Delaney moved and Homero S. Vera seconded the motion; the motion was unanimously passed that this item be tabled.

5. **Discuss & Act on Minutes of May 18, 2011, Meeting**

Chuck Burns, President, presented to the Board of Directors the Minutes of the May 18, 2011, regular meeting of the Kenedy County Groundwater Conservation District.

David Delaney moved and Homero Vera seconded the motion; the motion was unanimously passed that the May 18, 2011, regular meeting minutes be accepted as presented.

6. **Receive General Manager's Activity Report and Act, If Necessary**

Andy Garza, General Manager, presented his General Manager's Activity Report.

Andy Garza further presented to the Board of Directors a Resolution to nominate a candidate from the Kenedy County Groundwater Conservation District to serve on the Kleberg County Appraisal District's Board of Directors.

David Delaney moved and Homero Vera seconded the motion; the motion was unanimously passed that Daniel Morales, the Santa Gertrudis Independent School District representative, be asked to represent the interest of the Kenedy County Groundwater Conservation District on the Kleberg County Appraisal District Board of Directors.

7. **Discuss & Act on the District's Monitoring Well Project**

Andy Garza provided the Board of Directors an update on progress being made on both the uranium mining project and the water level measurements project.

This being a report only, no vote was needed and none was taken.

8. **Receive Report on Los Finados Project, and Act, If Necessary**

Director Homero S. Vera recused himself from discussion or action on this item.

Mary Sahs reported to the Board of Directors that URI's background water sampling analytical results were sent to Allan Standen, DBS&A, for review. URI Anticipates that exploration activities will begin June 20, 2011. Mr. Standen believes there is no problem doing background sampling in July because it will still give background levels of constituents.

URI's Bobby Jemison and Mark Pelizzo attended the meeting and answered questions. When an exempt aquifer status is granted, the territory covered is site specific, but always within the permitted exploration aquifer. Between 1980 and 1994, the Bureau of Radiation Control did some studies and those may have something about livestock and wildlife consuming water from an exempt aquifer. Mr. Pelizzo offered to loan copies to the District at their request.

This being a report only, no vote was needed and none was taken.

9. **Discuss & Act on Communicating with General Marc Cisneros Regarding TAMUK's Non-Participation in Kenedy Foundation's Uranium Project**

Director Homero S. Vera recused himself from discussion or action on this item.

Leo Villarreal informed the Board of Directors that a letter had been prepared to inform General Marc Cisneros to confirm that TAMUK would not be allowed to participate when sampling wells located on Kenedy Memorial Foundation properties.

David Delaney moved and Chuck Burns seconded the motion; the motion was unanimously passed that the proposed letter be sent to Marc Cisneros.

10. **Discuss & Act on Approval of Contract with Daniel B. Stephens & Associates to Undertake the District's Uranium Exploration Background Water Quality Sampling Project**

Director Homero S. Vera recused himself from discussion or action on this item.

Mary Sahs distributed three proposed contracts. She mentioned that at the May meeting, the Board had approved the first phase of the sampling program to be done by DBS&A. These are the contracts for the three sampling events. She recommended approval and signature of the first contract for the July sampling event. She reported that King Ranch has done background sampling of six exempt water wells and shared those results with the District even though there is no requirement to do so. Those have been forwarded to Allan Standen for review. There was extensive discussion about the fact that this data will be subject to the Public Information Act and may be made public and whether the landowners whose wells were to be sampled would have any concerns about that. Cody Fry said that Armstrong Ranch would not have any concerns. David Delaney said the same for King Ranch. The Board directed Leo Villarreal to send notice letters to landowners prior to the sampling.

David Delaney moved and Chuck Burns seconded the motion; the motion was unanimously passed that the Daniel B. Stephens & Associates contract for the District's uranium exploration background water sampling project, July 2011 sampling event, be approved and signed.

11. **Discuss & Act on Retaining a Consultant to Review Water Quality Data Received by the District**

Mary Sahs distributed a summary of water quality reports received in response to letters to District permit holders. Andy Garza reported on his discussions with Dr. Clapp and with Rick Hay at A&M Corpus Christi regarding reviewing these reports.

This being a report only, no vote was needed and none was taken.

12. **Discuss & Act on GMA-16 Joint Planning**

Mary Sahs reported to the Board of Directors that all pending TWDB reports have been received and forwarded to Dr. Uddameri and that Scottie Bledsoe is looking at dates in late July for the next GMA-16 meeting. She reported that the District requested the meeting be scheduled on July 20 or 21. The purpose of the meeting will be to decide what tasks the GMA-16 group has next. He asked Ms. Sahs to present a legislative update. Ms Sahs asked him to include on the agenda the issue of the TWDB's estimates of exempt pumpage because the GMA-16's repose is due in September.

This being a report only, no vote was needed and none was taken.

13. **Discuss & Act on Approval of Contract with Dr. Venkatesh Uddameri for Review, Analysis and Presentation of Additional Reports Related to GMA-16 Joint Planning**

Mary Sahs distributed to the Board of Directors a proposed contract to retain Dr. Venkatesh Uddameri to perform additional tasks related to GMA joint planning on behalf of the District. Some of the report review tasks and presentation are covered by the existing contract, but review and analysis of the GAM report, presentation and attendance at the next GMA-16 meeting require another contract. Mary Sahs recommended approval of the contract for these services, which will be for \$2,500.00.

David Delaney moved and Homero Vera seconded the motion; the motion was unanimously passed that the proposed contract for Dr. Uddameri to perform tasks including review and analysis of the GAM report, presentation, and attendance at the next GMA-16 meeting not to exceed \$2,500.00 be approved.

14. **Receive Presentation by Dr. Uddameri Regarding the GMA-16 Groundwater Model Run (GR10-047) Results and Exempt Use Estimates, and Act, If Necessary**

Dr. Venkatesh Uddameri presented a PowerPoint presentation to the Board of Directors regarding the two TWDB desired future condition and managed available groundwater reports. He also summarized the joint planning process and the history of GMA-16's joint planning activities. A copy of the PowerPoint presentation was distributed to the Directors.

This being a report only, no vote was needed and none was taken.

15. **Receive Report on Legislation and Litigation of Interest to the District**

Mary Sahs distributed a legislative update to the Board of Directors and briefly summarized the bills of interest to the District that were enacted during the 82nd legislature.

This being a report only, no vote was needed and none was taken.

16. **Discuss & Act on Initiation of Rulemaking to Address Recent Changes in the Law, Among Other Issues**

Mary Sahs recommended to the Board of Directors that the District initiate rulemaking. She reported that recent enacted legislation, recent uranium exploration rules adopted by the Railroad Commission of Texas; and adoption of the desired future condition and issuance of the managed available groundwater numbers required updates to the District Rules. She added that she has kept a running list of changes that may be needed based on her office's experience with registration and permitting tasks.

David Delaney moved and Homero S. Vera seconded the motion; the motion was unanimously passed that changes to the District's Rules be initiated at the next Board meeting with changes that will require policy decisions by the Board.

17. **Discuss & Act on Water Well Registration and Permitting and Related Water Well Issues**

Mary Sahs distributed to the Board of Directors the registration and permitting well activity report. She asked the Directors if they had identified any of the ExxonMobil wells from the South Texas list attached to the report. Delphine Whitehorse from ExxonMobil reported that ExxonMobil will continue to work on locating these wells, but so far, has not had success. Dr. Uddameri said that he could plot the co-ordinates on a map. Ms. Sahs noted that many registered wells still do not have co-ordinates, primarily from the large landowners who provided extensive data about wells early in the process. She provided a list attached to the report. David Delaney stated that he believed King Ranch had submitted co-ordinates. Homero Vera stated the same about the Kenedy Foundation. The Directors directed Ms. Sahs to check the District's files further and to write letters to the large landowners if co-ordinates are not in the files. The list of the individual well owners whose wells did not have co-ordinates was provided to Andy Garza for his follow-up. Chuck Burns noted that the District had told those well owners that the District would arrange to obtain location co-ordinates using the District's GPS unit.

This being a report only, no vote was needed and none was taken.

18. **Discuss & Act on Reapportionment of the Kenedy County Groundwater Conservation District**

Leo Villarreal presented the Board of Directors with a report on the 2010 Reapportionment of Kenedy County; that the population by precinct regarding the Kenedy County 2010 Census exceeded the permissible 10% deviation, as shown in the below chart; therefore, the Kenedy County Groundwater Conservation District Directors' precincts had to be redrawn.

Kenedy County 2010 Census

Population by Precinct

	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Total
Population	95	120	116	107	438
Ideal Population	109.5	109.5	109.5	109.5	438
Deviation from Ideal	-14.5	10.5	6.5	-2.5	
Percent Deviation from Ideal	-13.24%	9.59%	5.94%	-2.28%	

Range of Percent Deviation (Max – Min) 22.83%

Homero Vera moved and David Delaney seconded the motion; the motion was unanimously passed that the Kenedy County Groundwater Conservation District be reapportioned pursuant to the 2010 Census and the District's census counts.

19. **Discuss & Act on Appointing a Citizens Reapportionment Committee**

Leo Villarreal informed the Board of Directors that it was necessary to appoint a 2011 Citizens Reapportionment Committee.

David Delaney moved and Homero S. Vera seconded the motion; the motion was unanimously passed that Gary Don Hopkins, Craig Weiland and Bo Hester are appointed to the 2011 Citizens Reapportionment Committee.

20. **Discuss & Act on Publishing Notice of a Reapportionment Public Meeting**

Leo Villarreal informed the Board of Directors that it was necessary to publish a notice of a Reapportionment Public Meeting.

Homero Vera moved and David Delaney seconded the motion; the motion was unanimously passed that a notice be published in the Kingsville Record newspaper regarding the Reapportionment Public Meeting.

21. **Receive Kenedy County Appraisal District' proposed 2012 Operating Budget**

Leo Villarreal presented Kenedy County Appraisal District's Proposed 2012 Operating Budget to the Board of Directors.

This being a report only, no vote was needed and none was taken.

22. **Discuss & Act on Date of Next Board Meeting**

Chuck Burns informed the Board of Directors that the Board needed to meet in July 2011 and that a date for the meeting needed to be designated.

Homero S. Vera moved and David Delaney seconded the motion; the motion was unanimously passed that the next Board of Directors meeting be held on July 20, 2010, at 8:00 a.m.

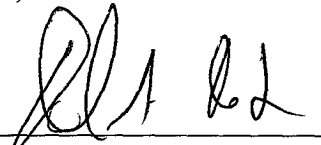
23. **Discuss & Act on Payment of Bills**

Chuck Burns presented the bills to the Board of Directors and informed the Board of Directors that the bills should be considered for payment.

Homero S. Vera moved and David Delaney seconded the motion; the motion was unanimously passed that the bills, including Dr. Uddameri's \$4,000.00 invoice, be paid as presented.


24. **Adjournment**

There being no other business to come before the Board of Directors, Homero S. Vera moved and David Delaney seconded the motion; the motion was unanimously passed that the meeting be adjourned at 11:10 o'clock a.m.



David Delaney, Secretary

ATTESTED TO:



Chuck Burns, President