

**BREWSTER COUNTY GROUNDWATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS MEETING**

**Monday, April 7, 2008**

**MINUTES**

**WORKSHOP**

**1. Consider new form for an Application for a Transportation Permit**

The Board did not take up this item. Chairman Beard tabled this item for the next meeting.

**2. Consider revisions to Applications for (1) Drilling and (2) Operating Permits and to form for Well Registration**

The Board did not take up this. Chairman Beard tabled this item for the next meeting.

**3. Consider revisions and amendments to Rules**

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The called meeting of the Board of Directors of the Brewster County Groundwater Conservation District was called to order by Chairman Tom Beard at 10:19 a.m. A quorum was present. Members of the Board present were: Chairman Tom Beard, Vice-Chairman Mike Davidson, Leo Dominguez, Tom Santry, Rob Dean and Billito Donnell. General Manager Conrad J. Arriola was also present.

Chairman Beard declared that a quorum was present and the notice of the meeting had been posted as required by law.

**3. Approval of Minutes of Meeting of March 25, 2008**

The General Manager told the Board he had not finished the minutes for the meeting of March 25, 2008. He told the Board he was still working on the minutes and they should be completed before the next meeting.

**4. General Manager's Report, Directors' Report/Discussion and appropriate action**

The General Manager told the Board he had approved an application for a new well citing it met the District's requirements. The General Manager also told the Board that he had spoken to Janet Adams about the next possible Groundwater Management Area #4 meeting, Ms. Adams told the General Manager the last two weeks in May may be

possible hard dates for the meeting. Chairman Beard told the General Manager to tie down a date and let the Board know in advance. The General Manager told the Board he was finished with his report. Mike Davidson made a motion to accept the General Manager's report, and Tom Santry seconded the motion. The Chairman called for the vote, and the Board unanimously approved the report.

## **5. Financial Report**

The General Manager told the Board he did not have anything new concerning the finances of the District since the last meeting two weeks ago. Tom Santry moved to accept his report and Leo Dominguez seconded the motion. Chairman Beard called for the vote and the Board approved the General Manager's report.

**\*\*\*\*\*Chairman Beard asked the Board if he could skip down to Items #7,8,9 before returning to agenda #6.\*\*\*\*\***

## **7. Discussion and appropriate action on adopting a form for a Transportation Permit**

Chairman Beard told the Board since work was not done on the transportation permit during the Workshop, the Board will look at this form at its next meeting. No action was taken

## **8. Discussion and appropriate action on Amending District Rules**

Chairman Beard told the Board no action was being taken on this item. He told the Board that the revisions to the District's Rules were going to be drafted and the Board would receive a copy of these revisions before the next meeting.

## **9. Discussion and appropriate action on Amending or Revising Drilling and Operating Permit Applications**

Chairman told the Board that no action was to be taken on these forms because the Board did not have time work on the forms during the Workshop.

## **10. Discussion and appropriate action on matters related to Groundwater Management Area #4**

The General Manager once again told the Board he would try to give the Board a hard date for the next GMA #4 meeting.

## **11. Discussion and appropriate action on Drought Conditions in District**

Chairman Beard told he did not have any information on this item. No discussion by the Board

## **12. Report on Lobbying/ Political Issues**

Chairman Beard did not have anything to report on this item. No discussion by the Board.

### **13. Administrative and Procedural Matters**

The General Manager asked the Board when the next meeting would take place. Chairman Beard told the Board that the next meeting should take place in the next few weeks so the Board could go over the District Rules' revisions. Chairman Beard asked the Board if April 21<sup>st</sup> would work. Mr. Dominguez told the Board he could not attend on that date. The rest of the Board decided the date was acceptable.

### **6. Discussion and appropriate action on Drilling and Operating Permits**

Chairman Beard told the Board that he did not think this agenda item was done properly and correct. He told the Board that "Discussion and appropriate action on Drilling and Operating Permits," should be separate items. He told the General Manager to make sure he separates this item next meeting so there will not be any confusion moving forward. The General Manager told the Chairman he would separate the two agenda items in the future.

Chairman Beard asked the Board if they found the new well drilling application submitted by Big Bend Land & Cattle Co., ready for approval. Billito Donnell moved to approve the new well drilling application and Tom Santry seconded the motion. Chairman Beard called for the vote and the Board unanimously approved the new well drilling application.

Rob Dean asked the Board if the Board was going to take any action on the Buddy Cavness' Operating Permit. Chairman Beard told the Board he thought the agenda item was not put on the agenda correctly.

\*\*\*\*\* A comment was made by a member of the public that she thought that Chairman Beard was not going to be in the discussion in regards to the Cavness' operating permit.\*\*\*\*\*

Chairman Beard told the Board he would not be in the discussion or would not vote on the pending application. Chairman Beard told Vice-Chairman Mike Davidson for him to take over and run the rest of the meeting. Vice-Chairman Davidson told the Board and the public that the Cavness' well had been drilled before the driller had an approved drilling permit. Mr. Davidson continued to tell the Board and public that the Board had this situation happen before with last year in 2007 with an RV Park south of Alpine. He stated that in this instance, since the well has been drilled, the proper measure to move forward is to approve the New Well and Drilling application. Mr. Donnell moved to accept the Cavness' New Well and Drilling application. Mr. Santry seconded the motion.

Vice-Chairman Davidson asked if there was any comment.

\*\*\*\*\*A gentlemen from the public asked the Board for clarification on the what exactly was the Board was about to approve. Mr. Davidson told the gentlemen that the motion on the floor was to approve and accept the Buddy Cavness' new well and drilling application – not the Operating Permit.\*\*\*\*\*

Mr. Dean asked if he could make a comment before the Board. Mr. Dean commented that working for Big Bend National Park, he was a man that has lived by the Rules. He believes that the mission statement and goals of the District and Park are similar. Mr. Dean continued to tell the Board he did not think the Board has ever been “heavy handed” in its approach, but he believes that rules need to be enforced. Mr. Dean stated that the Cavness well was found to have been drilled without an appropriate approved permit in violation, and this was in violation of District rule 8.1.1 and the Texas Water Code Sec.36 Rules. Mr. Dean stated that water wells drilled without the appropriate permits are illegal and subject to penalties that could carry up to \$10,000 per violation per day.

Mr. Donnell told the Board he did not think the Board should impose a fine, but he stated that the District should send a letter to Buddy Cavness and the Driller who drilled the well. Mr. Donnell amended his original motion to add sending a letter to both parties. Mr. Santry seconded the motion. Mr. Davidson noted that Chairman Beard was abstaining from the vote. Mr. Davidson asked for the vote and the Board with a 4-1 vote, Mr. Dean voting against, approved Buddy Cavness' well registration and drilling permit and approved sending a letter to Mr. Cavness and White Drilling.

**The Board Adjourned at approximately 11:15**