

**MINUTES OF MEETING  
DECEMBER 12, 2006 - 4:00 P.M.  
PVGCD OFFICE  
CUERO PLAZA MALL- SUITE 1129  
CUERO, TX 77954**

**BOARD MEMBERS PRESENT:** Errol John Dietze, Bubba Steen, Tim Voelkel, Gary Colman, Bob Davis

**ALSO IN ATTENDANCE:** GM, Bob McCurdy; Kay Wild; guest, Barry Breaux

**CALL TO ORDER:** A quorum present, and all notices properly posted, the meeting was called to order at 4:00 P.M. by Chairman Dietze.

**PUBLIC COMMENT:** None present, none made.

**APPROVAL OF MINUTES:** The minutes from the two previous meetings were reviewed and corrections noted. A motion to accept the minutes as corrected was made by Bob Davis, second by Gary Colman; the motion carried unanimously.

**FINANCIAL REPORT:** Deferred to the next meeting for approval.

**MANAGER'S REPORT:**

- a. Bob McCurdy gave an over-view of the status of the GMA. Since the changes in the GMA have not been adopted, no action was taken at this time.
- b. Bob McCurdy informed the board that the audit has been completed and is currently being prepared for presentation at a future board meeting.
- c. Bob McCurdy also gave the board information regarding the *Decision Making & Cooperative Problem Solving: Making the DFC Process Work* (public policy dispute resolution) seminar which he attended in Bastrop.
- d. Discussion was then put before the board regarding the bulk water sales by the City of Cuero and the transporting of water out of the district. It was determined that 1) Barry Breaux should not have received a letter, 2) it was not necessary for him to apply for a permit to export water, and 3) the responsibility of obtaining a transport permit weighs on the owner of the well, in this instance the City of Cuero. In a conversation Bob had with Corlis Rediesel, she indicated that the City may stop selling water all together if the bulk water sales are going to present a problem.
- e. The board discussed the issue of Brannan Paving and the possible violation of the well application filed by Waylan Brannan, Jr. The application filed with the District indicates that the well is to be used for domestic/agriculture purposes, but is being used for the road construction project on FM 236. Bob McCurdy asked how this situation could be policed. Mr. Dietze indicated that it was the duty of the GM to investigate this issue. Gary Colman suggested that every well permit should be followed-up on to make sure that it is being used for the purpose indicated on the permit. Bob McCurdy said that if the drillers were required to give additional information regarding the depth of the well and the size pump installed, it would help to determine the capability of the well and better identify wells capable of production that exceed 25,000 gallons per day. Bob Davis concurred with Mr. Colman that the applications need to be followed up on. Bubba Steen said that it would be an impossible task to check on all wells. He gave the instance of grandfathered wells that existed prior to the formation of PVGCD, which could change the intended use of their wells without the district knowing, and it would be impossible to keep up with all the

wells. The board then agreed that this would not be the best approach. Errol John Dietze then said that the situation was not handled correctly, and that once we knew of the infraction, action should have been taken.

- f. Bob McCurdy then said that the City of Cuero issue needed to be resolved. Bob McCurdy said that on his first call received from Barry Breaux, the discussion was regarding the possibility of selling water from his own well, and did not include buying water from the City. Bob McCurdy brought up the question, can an exempt well produce water to sell within the county if it does not exceed the 25,000 gallons a day limit. There was no clarification given to this question. Gary Colman reiterated that the City has the obligation of obtaining the permit, and it is not the responsibility of PVGCD to indicate whether they should sell or not sell bulk water. It is the City's choice to cut off water sales. Errol John Dietze said that the letter that was sent incorrectly to Corlis Rediesel should be re-sent correctly, with the addressee being Corlis Rediesel, in order to inform the City that they need to make application for a transport permit if they are selling bulk water that is being transported out of the District's boundaries. Bob McCurdy said if we tell the City to fill out a transport permit, what are the limitations imposed? The board said they would determine the stipulations of the transport permit, once an application is received.
- g. At this time, Barry Breaux joined the meeting. Mr. Dietze introduced him to the board and asked Mr. Breaux if he was under the understanding that the City of Cuero has to secure the production permit. Mr. Breaux said he was not. He said that he had notified the PVGCD on two occasions that he was buying water from the City and transporting it out of the district. He did agree that he discussed with Mr. McCurdy the possibility of using his own water well to secure water to transport, although he was not doing so at that time. Mr. Breaux said that during his conversations with Mr. McCurdy, that Mr. McCurdy said he would call Corlis regarding this issue. Mr. Breaux said he feels that he should not have gotten the letter. He also said that he immediately stopped hauling water as the letter indicated he must do or face possible legal action. Mr. Breaux wanted to know why he was the only one who received the letter and none of the other companies who buy from the City received that same letter. The board explained to him that because he indicated an interest in the possibility of producing water from his own well, and exporting out of the district, he would then be the well owner and required to make application for a transport permit. Mr. Breaux was thanked for coming, and then left the meeting.
- h. Mr. Dietze told Bob to contact the City Manager the next morning and inform her that the City needs to apply for a permit in order to continue selling water. The board said that the same letter that was sent out before should go individually to the City Manager, the Mayor of Cuero, and the City attorney, James Crain.
- i. The board then gave several directives which were put into motions and voted on. First, Bob Davis made a motion directing Errol John Dietze to respond to the letter of concerns from Jim Mann notifying him of the board's decisions. Tim Voelkel seconded the motion and the motion carried unanimously. The second motion was made by Gary Colman to direct Bob McCurdy to 1) send a letter to Brannan Paving, 2) determine well metering, 3) call other districts to determine reasonable fees, and 4) to notify Waylan Brannan, Jr. that he is a) in violation of the well permit on file at the PVGCD that states that the well is to be used for domestic and agriculture, b) that a production permit is required, and c) he is to cease and desist until that permit is granted. The motion was

seconded by Tim Voelkel and carried unanimously. Bubba Steen made a motion that Bob McCurdy be required to keep a daily log of activities, second by Tim Voelkel; the motion carried unanimously. A second motion was made by Bubba Steen that Kay Wild also be required to keep a log of daily activities, seconded by Tim Voelkel; the motion carried unanimously. Gary Colman asked if calls should get irate, can they legally be recorded; the board indicated that it was legal to do so.

**ADJOURNMENT:** Tim Voelkel made a motion to adjourn the meeting, second by Bob Davis; the meeting was adjourned by Vice-Chairman Bubba Steen at 6:10 P.M.

---

Sec/Gary Colman

Recorded: Kay Wild/Office Asst/PVGCD