

**MINUTES OF THE BOARD OF DIRECTORS' SHOW CAUSE HEARING  
RED RIVER GROUNDWATER CONSERVATION DISTRICT  
THURSDAY, MAY 21, 2015**

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Members Present: Harold Latham, Mark Gibson, Don Wortham, Mark Newhouse, William Purcell, Mark Patterson

Members Absent: David Gattis

Staff: Drew Satterwhite, P.E., Carolyn Bennett, Velma Starks, Wayne Parkman

Visitors: Sandra Barbey, Lass Water System  
Rockie Martin, Pintail Farms  
Chuck Dodd, Starr Water Supply Corporation

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1. Call to order, declare show cause hearing open to the public, and take roll

President Patterson convened the show cause hearing at 2:02pm. All Board members were present except Board Member Gattis. President Patterson determined there was a quorum present.

2. Conduct Show Cause Hearing under Rule 9.6 on the following for alleged violations of District Rules; discuss, consider, receive testimony, and take appropriate action, including without limitation authorizing the District to initiate a civil lawsuit to enforce compliance with the District rules, including recovery of civil penalties, costs, and attorneys fees, and all other appropriate legal and equitable relief:

A. Lass Water System, Ms. Sandra Barbey, P.O. Box 314, Magnolia, TX 77353

Mr. Satterwhite provided the Board with the evidence necessitating the Show Cause Hearing, including violations of District Rules 8.1 and 7.3 (a) pertaining to installation of meters and failure to submit water usage fees, respectively.

The first violation for failure to submit water use fees within 60 days of payment being due. Staff, in consultation with the President, allowed Lass Water System six months to pay off the balance at the owners' request. One payment was submitted in the amount of \$1,000. The first quarterly readings for 2015 have not been provided either.

Mrs. Sandra Barbey was present at the meeting representing Lass Water System. Mrs. Barbey informed the Board she has inherited the system from her father, who had passed in December 2014. She stated her father was not good with finances, and passed leaving the system in a great deal of debt. She stated she would like to work out a payment plan. Mrs. Barbey also stated she is in the process of attempting to relinquish the system to someone else. She asked for \$500.00 down and \$250.00 per month to pay off the fees for the violations to date.

B. Pintail Farms, Mr. Rockie Martin, 6730 Horizon Rd. #B, Heath, TX 75032

General Manager Satterwhite provided the Board with the evidence necessitating the Show Cause Hearing, including violations of failure to register non-exempt wells. There were 4 major violations in the amount of \$500.00 assessed at the last Board meeting for failure to register non-exempt wells. Pintail farms has since registered the four (4) wells on this property, which were drilled for wildlife. The wells in question have a wildlife exemption, thus the wells are required to be metered and usage provided to the District, but no production fee is required at this time based on the District's current fee schedule. Rockie Martin was present at the Show Cause Hearing to discuss the wells.

Rockie Martin addressed the Board and stated that ten years ago he had the four wells drilled. Mr. Martin stated he was not aware of the Red River Groundwater Conservation District, and did not understand why the certified letters were sent to the farm instead of the address on the permit or the address on the tax rolls. Mr. Martin stated Alan Scott is his ranch hand and is only on the property from November to the end of February. Mr. Martin stated he first found out about the circumstances at the end of February, when the District's attorney telephoned him and informed him he was in violation of the District's rules and was being assessed a fine. He stated as soon as he found out about the circumstances he telephoned the District offices. District staff informed him the application was incomplete and missing two signatures. Mr. Martin stated the documents have been corrected, and the proper forms provided. He stated the land is in the wetlands, with the wells designed to maintain integrity of wetlands. Mr. Martin further stated the wells were struck by lightning and are not currently in service. Mr. Martin stated he did not understand why he has to meter his wells. He stated he would like to work out the violations with the Board, and asked for forgiveness of the \$2,000 fine and work out a schedule for the meters necessary for each well.

Wayne Parkman, District Field Technician stated his inspection of the property found the wells to be disconnected at well head. He stated he found four wells within 50 – 60 yards of each other, and a shed in which the controls are located. Mr. Parkman stated he was unsure if the shed or the line got struck not positive if the controls are fried or well components.

Kristen Fancher, District's Legal Counsel, asked Mr. Martin if he had considered capping the wells. Mr. Martin stated that he had not, and indicated he would be getting them repaired.

Vice President Gibson asked Mr. Martin if under the federal program he received any benefits. Mr. Martin responded negatively, and stated only the previous owner received \$500.00 per acre for the program. Mr. Martin stated he has not received anything from the federal program for the use of the property, and that he does use the property for commercial hunting purposes.

Pursuant to Government Code 551.071, the Board of Directors adjourned into closed Executive Session at 2:21 pm

The Board reconvened the show cause hearing at 3:08pm. No action was taken in executive session.

Board Member Purcell stated a resolution for the issues discussed in Executive Session would be made in Open Session in public forum so the public can be aware the Board is trying to make sure all well owners are in compliance with state law. Board Member Purcell made a motion to offer Lass a 12-month payment plan with payments of \$1,013.33 due the last day of each month, with the first payment due June 30<sup>th</sup>, with failure to pay the past de balance or keep the account current on fees or reporting use resulting in additional enforcement being enacted. The motion was seconded by Board Member Newhouse and abstained by President Patterson, the motion passed, with one board member absent.

Motion was made by Mark Patterson to require Pintail Farms to meter or cap the four (4) non-exempt wells within 60 days, in lieu of the \$2,000,000 fine assessed for not following the District Rules, specifically Section 8. The motion was seconded by Board Member Wortham, and passed unanimously, with one board member absent.

3. Adjourn or continue show cause hearing.

The show cause hearing adjourned at 3:14pm.

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Recording Secretary

  
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Secretary-Treasurer