



# Bleyl & Associates

Planning • Engineering • Management

318 W. Highland  
San Angelo, Texas 76903  
*Tex. Reg. No. F-678*

August 12, 2015

The Hon. Steve Floyd  
Tom Green County Judge  
112 West Beauregard  
San Angelo, TX 76903

Reference: Tom Green County's 2014 Texas Disaster Grant Application  
Water Improvements for Concho Rural Water Corporation – Grape Creek System

Dear Judge Floyd:

Bleyl & Associates has worked with the Concho Rural Water Corporation ("CRWC") to choose a location for their proposed water well associated with the Disaster Grant.

Many reasons limited the land viability for the location of the new water wells and water plant. Most of the land in areas with sufficient ground water sources are not for sale, are currently being used for livestock operations, or are being used for agricultural purposes. Also, the land north of State Highway 87 is located in the Lipan Kickapoo Water Conservation District which drastically restricts ground water use. Furthermore, obtaining land from a land owner who is not already prepared to sell land can be a timely and expensive task.

Mr. Ben Wiese owns and operates CRWC and personally owns several properties within the Grape Creek Water System area. One parcel in particular, south of State Highway 87 was purchased by Mr. Wiese due to the fact it already had an irrigation well producing approximately 100 gpm, therefore adequate ground water supply was already known and no subsurface exploration would be needed, which would add to the overall cost of the project. Other land adjacent to Mr. Wiese's property was researched for project viability but the land owners were not receptive to our discussions and refused to discuss possible easements on their property. Land south of Mr. Wiese's property was determined not feasible due to the fact the Concho River would have to be crossed, thus again adding unnecessary cost to the project.

Due to the urgent need to complete disaster relief grant, the potential for sufficient ground water supply, readily available land, low cost and short time frame of obtaining land for CRWC's new water wells and water plant, Mr. Wiese offered personally owned land parcels to CRWC.

We determined the **Best** option for CRWC's proposed water wells was determined to be a piece of property owned by Mr. Ben Wiese. There is an existing irrigation water well on this property that tested at 100 gpm and the preliminary water quality reports show low TDS and all tested constituents were below their MCL's. It was determined new water wells would need to be constructed in compliance with 30 TAC §290 and the old well abandoned.

Mr. Wiese has offered to give the easements for the water wells, water plant and water distribution line to CRWC for no compensation.

San Angelo  
(325) 262-4082  
(325) 480-0451

Bryan  
(979) 268-1125  
(979) 260-3849 Fax

Austin  
(512) 328-7878  
(512) 328-7884 Fax

Conroe  
(936) 441-7833  
(936) 760-3833 Fax

I recommend the County and CRWC disclose the conflict of interest and submit an exception request to the funding agency to allow the long term lease agreement with Mr. Wiese.

Should you have any questions or need additional information please feel free to contact me at (325) 262-4082 or by e-mail at [dfentress@bleylengineering.com](mailto:dfentress@bleylengineering.com).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Darin Fentress', with a long horizontal flourish extending to the right.

Darin Fentress, P.E.

Water  
at Your  
Service



**CONCHO RURAL WATER CORP.**

8174 HWY. 87 N., SAN ANGELO, TEXAS 76901

OFFICE: (325) 658-2961

FAX: (325) 658-2962

HOME: (325) 465-4692

7-23-15

The Honorable Stephen C. Floyd  
County Judge  
Tom Green County  
112 West Beauregard  
San Angelo, TX 76903

RE: Texas Department of Agriculture Disaster Relief Fund Community Development Block Grant  
TxCDBG Contract #7214037 – Tom Green County (Grape Creek)

Dear Judge Floyd:

Tom Green County has been awarded a 2014 Disaster Relief Texas Community Development Block grant by the Texas Department of Agriculture (TDA) to improve the Concho Rural Water Corporation's (the CRWC's) water system facilities in Grape Creek. This grant will allow the construction of four (4) water wells, install one (1) hydroneumatic tank, one (1) one hundred thousand (100,000) gallon ground storage tank, one (1) booster pump station, chlorination equipment, electrical and controls, approximately two thousand six hundred linear feet (2,600 l.f.) of six-inch (6") water line, and all associated appurtenances. The project will address severe water supply issues that left unaddressed could potentially result in not having a source of water.

After consideration of several sites during the grant application, the most suitable location was identified and is owned by the Owner and Operator of the CRWC. TDA's guidelines prohibit conflicts of interest as stated below:

*Under the conflict of interest provisions at 24 CFR 570.489(h) included in the regulations governing state administration of CDBG non-entitlement funds (24 CFR 570, Subpart I), no persons who exercise or have exercised any function or responsibilities with respect to TxCDBG activities, or who are in a position to participate in a decision-making process, or gain inside information regarding TxCDBG activities, may obtain a financial interest or benefit from the activity, or have interest in any contract, subcontract, or agreement, or the proceeds thereof, either for themselves or those with whom they have family or business ties, during their tenure, or for one year thereafter. These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official of the state, or of a unit of general local government, or of any designated public agencies, or sub-recipients receiving CDBG funds. **Upon written request, the State may elect to grant certain exceptions to these criteria as provided in 24 CFR 570.489(h)(4).***

The CRWC relies upon water wells for its water supply and lacks adequate water system infrastructure. Due to the urgent need to successfully complete this project, in accordance with 24 CFR 570.489(h), the CRWC respectfully asks Tom Green County to request an exception to the conflict of interest criteria from the TDA.

This request requires:

1. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made.
2. An opinion of the attorney for the county that the interest for which the exception is sought would not violate state or local law.

To support the exception request, the CRWC has considered the following:

- This exception would provide a significant project benefit otherwise not available. This is the best location that can be acquired within the grant's budget and timeline.
- Alternate locations were evaluated as described in the enclosed letter from the engineer.
- The Owner is not a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class.
- The Owner will withdraw from his/her functions or responsibilities and from the decision making process with respect to this project.
- The interest or benefit became apparent while the Owner was in the position as a sub-recipient representative receiving CDBG funds.
- Actions to avoid the prohibited conflict will create an undue hardship to the CRWC service area residents in Grape Creek.

The CRWC understands that Federal acquisition guidelines apply to this project. Any compensation offers made to the Owner would be based on market value derived by a method acceptable to the TDA.

The CRWC is very grateful for the opportunity to utilize County grant funds for this project. All decisions and actions pertaining to securing the proposed well site will be taken with authorization from the County and the TDA. If you have any questions, please contact Cristal Funderburk, Grant Administrator, at 512-420-0303 ext.318. Thank you in advance for your immediate assistance in this matter.

Sincerely,



Ben Wiese, President  
Concho Rural Water Corporation