

# Victoria County Groundwater Conservation District



**Directors:**

Mark Meek  
*President*

Jerry Hroch  
*Vice-President*

Barbara Dietzel  
*Secretary*

Thurman Clements  
Kenneth Eller

## THE STATE OF TEXAS VICTORIA COUNTY

The Victoria County Groundwater Conservation District Board of Directors' **SPECIAL CALLED MEETING and PERMIT HEARING** convened in the Dr. Patti Dodson Health Center, 2805 N. Navarro St., Classroom 108A, Victoria, Texas, on **Friday, OCTOBER 2, 2009, at 9:00 a.m.**

<b>Present:</b>	Mr. Mark Meek	President	Precinct No. 4
	Mr. Jerry Hroch	Vice President	Precinct No. 1
	Mrs. Barbara Dietzel	Secretary	Precinct No. 3
	Mr. Tim Andruss	General Manager	
<b>Absent:</b>	Mr. Thurman Clements	Director,	Precinct No. 2
	Mr. Kenneth Eller	Director	At-Large
	Mr. James Allison	Attorney	

**1) CALL TO ORDER.**

Mark Meek, Board President, called the meeting to order at 9:00 a.m.

**2) WELCOME GUESTS.**

Mark Meek, Board President, welcomed guests: Mr. Kenneth Marbach and Ms. Sheridan Franke.

**3) PUBLIC COMMENT.**

No public comment was offered.

**4) PERMIT HEARING ON AN APPLICATION TO OPERATE A WELL FOR NON-EXEMPT USES – APPLICANT MR. KENNETH B. MARBACH SEEKS APPROVAL OF PERMIT APPLICATION TO OPERATE AN EXISTING WATER WELL FOR THE TOTAL ANNUAL PRODUCTION OF 51.0 ACRE-FEET/YEAR FOR NON-EXEMPT USES (COMMERCIAL USE AND LIVESTOCK) ON A 102.7 ACRE TRACT OF LAND LOCATED AT 7238 US HWY. 77 SOUTH, VICTORIA, TEXAS.**

Tim Andruss, VCGCD General Manager, explained the details related to the permit application.

**Mark Meek, Board President, opened the Permit Hearing.**

## Victoria County Groundwater Conservation District

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No public comment was provided.

**Mark Meek, Board President, closed the Permit Hearing.**

**MOTION by Mr. Hroch and seconded by Mrs. Dietzel, to move to close the Permit Hearing. Motion carried - three (3) ayes and zero (0) no.**

- 5) APPROVAL OF AN APPLICATION TO OPERATE A WELL FOR NON-EXEMPT USES – APPLICANT MR. KENNETH B. MARBACH SEEKS APPROVAL OF PERMIT APPLICATION TO OPERATE AN EXISTING WATER WELL FOR THE TOTAL ANNUAL PRODUCTION OF 51.0 ACRE-FEET/YEAR FOR NON-EXEMPT USES (COMMERCIAL USE AND LIVESTOCK) ON A 102.7 ACRE TRACT OF LAND LOCATED AT 7238 US HWY. 77 SOUTH, VICTORIA, TEXAS.**

Tim Andruss, VCGCD General Manager, explained that the commercial use was related to the development of an arena and associated restaurant/bar as well as travel trailer facilities.

**MOTION by Mr. Hroch and seconded by Mrs. Dietzel, to move to approve the operating application with the following conditions:**

- 1. Maximum Rate of Production per Minute: 90 gpm;**
- 2. Maximum Rate of Production per Day: 45,530 gpd;**
- 3. Maximum Rate of Production per Year: 51.0 ac-ft/yr;**
- 4. All existing and future non-exempt wells will be permitted such that the total annual groundwater production rate will not exceed the 1/2 acre-foot per contiguous acre owned or controlled limitation; and**
- 5. The District may collect water samples on a reasonable basis.**

**Motion carried – three (3) ayes and zero (0) no.**

- 6) PERMIT HEARING ON APPLICATIONS TO DRILL AND OPERATE A WELL FOR NON-EXEMPT USES - APPLICANT MS. SHERIDAN P. FRANKE SEEKS APPROVAL OF PERMIT APPLICATIONS TO DRILL AND OPERATE A NEW WATER WELL FOR THE TOTAL ANNUAL PRODUCTION OF 35.64 ACRE- FEET/YEAR FOR NONEXEMPT USE (IRRIGATION USE) ON A 71.2851 ACRE TRACT OF LAND LOCATED NEAR THE INTERSECTION OF EDNA LN. SOUTH AND BLACK BAYOU ROAD #2, VICTORIA, TEXAS.**

Tim Andruss, VCGCD General Manager, explained the details related to the permit application.

**Mark Meek, Board President, opened the Permit Hearing.**

No public comment was provided.

**Mark Meek, Board President, closed the Permit Hearing.**

**MOTION by Mr. Hroch and seconded by Mrs. Dietzel, to move to close the Permit Hearing. Motion carried – three (3) ayes and zero (0) no.**

## Victoria County Groundwater Conservation District

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- 7) **APPROVAL OF APPLICATIONS TO DRILL AND OPERATE A WELL FOR NON-EXEMPT USES - APPLICANT MS. SHERIDAN P. FRANKE SEEKS APPROVAL OF PERMIT APPLICATIONS TO DRILL AND OPERATE A NEW WATER WELL FOR THE TOTAL ANNUAL PRODUCTION OF 35.64 ACRE- FEET/YEAR FOR NON-EXEMPT USE (IRRIGATION USE) ON A 71.2851 ACRE TRACT OF LAND LOCATED NEAR THE INTERSECTION OF EDNA LN. SOUTH AND BLACK BAYOU ROAD #2, VICTORIA, TEXAS.**

Tim Andruss, General Manager, explained that the commercial use was related to hay field irrigation. In addition, Mr. Andruss explained that the applicant was seeking the permits for two separate but adjacent properties and that despite the presence of a county road (Black Bayou Rd #2) the property was considered to be contiguous for District purposes.

**MOTION by Mrs. Dietzel and seconded by Mr. Hroch, to move to approve the application to drill the new well with an additional requirement that the new well be drilled no closer than 70 feet to any existing property line; and to approve the operating application with the following conditions:**

1. Maximum Rate of Production per Minute: 70 gpm;
2. Maximum Rate of Production per Day: 32,000 gpd;
3. Maximum Rate of Production per Year: 35.64 ac-ft/yr;
4. All existing and future non-exempt wells will be permitted such that the total annual groundwater production rate will not exceed the 1/2 acre-foot per contiguous acre owned or controlled limitation; and
5. The District may collect water samples on a reasonable basis.

**Motion carried – three (3) ayes and zero (0) no.**

- 8) **CLOSED MEETING: PURSUANT TO V.T.C.A. GOVERNMENT CODE 551.071, TO CONDUCT PRIVATE CONSULTATION WITH VCGCD ATTORNEY REGARDING MATTERS PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE OR V.T.C.A. GOVERNMENT CODE REGARDING PERSONNEL.**

The Board did not go into closed meeting.

- 9) **RETURN TO OPEN MEETING: PURSUANT TO V.T.C.A. GOVERNMENT CODE 551.102, RETURN TO OPEN MEETING AND TAKE ANY ACTION DEEMED NECESSARY BASED UPON DISCUSSION IN CLOSED MEETING.**

The Board did not go into closed meeting.

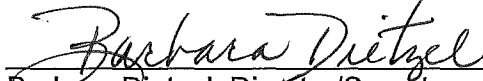
- 10) **ADJOURN.**

**MOTION by Mr. Hroch and seconded by Mrs. Dietzel, to move for the Victoria County Groundwater Conservation District Board of Directors to**

## Victoria County Groundwater Conservation District

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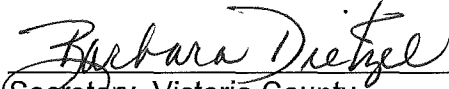
adjourn the VCGCD Special Called Meeting of October 2, 2009, at 9:12 a.m.  
Motion carried - three (3) ayes and zero (0) no.



Barbara Dietzel, Director/Secretary of the Victoria  
County Groundwater Conservation District  
Board of Directors

THE ABOVE AND FOREGOING MINUTES WERE READ AND APPROVED ON  
THIS THE 16<sup>th</sup> DAY OF October A.D. 2009.

ATTEST:



Secretary, Victoria County  
Groundwater Conservation District



President, Victoria County  
Groundwater Conservation District