

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' **REGULAR MEETING and PUBLIC PERMIT HEARING** convened in the Dr. Patti Dodson Health Center, Classroom 108A, 2805 N. Navarro St., Victoria, Texas, on **Friday, March 19, 2010, at 9:00 a.m.**

Mr. Mark Meek	President	Precinct No. 4	Present
Mr. Jerry Hroch	Vice President	Precinct No. 1	Present
Mrs. Barbara Dietzel	Secretary	Precinct No. 3	Present
Mr. Thurman Clements	Director	Precinct No. 2	Absent
Mr. Kenneth Eller	Director	At Large	Present
Mr. Timothy Andruss	General Manager		Present
Mr. James Allison	Attorney	Represented by Mr. Eric McGee	

1) CALL TO ORDER.

Mr. Mark Meek, President, called the meeting to order at 9:00 a.m. Pledge of Allegiance, to the United States and Texas flags, was observed.

2) WELCOME GUESTS.

Mr. Mark Meek, President, welcomed guests – Mrs. Mary Innocenti-Ideal Aluminum-Applicant, Mrs. Linda Lenz Elsmore-Citizen, Mr. John W. Goldman-Applicant, Mr. Clarence Littlefield-Southwest Engineers, and Mr. Jeff Turner-Stripes LLC-Applicant...

3) PUBLIC COMMENT.

None.

4) APPROVAL OF MINUTES OF PREVIOUS MEETING – February 19, 2010.

**MOTION by Mr. Eller and seconded by Mr. Hroch, to move to accept and approve the minutes of VCGCD Regular Meeting – February 19, 2010.
Motion carried four (4) ayes and zero (0) no.**

5) APPROVAL OF FINANCIAL REPORTS OF PREVIOUS MONTHS – DECEMBER 2009; JANUARY 2010; FEBRUARY 2010.

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MOTION by Mr. Eller and seconded by Mr. Hroch, to move to accept and approve the financial reports for the months of December 2009; January 2010; and February 2010. Motion carried four (4) ayes and zero (0) no.

6) PERMIT HEARING ON VALIDATION PERMIT - APPLICANT MARY A. INNOCENTI SEEKS APPROVAL OF A VALIDATION PERMIT FOR A NON-EXEMPT WELL LOCATED WITHIN VICTORIA COUNTY AT 2753 FM 1685 NEAR THE INTERSECTION OF ADCOCK DAIRY ROAD AND FM 1685. MARY A. INNOCENTI IS SEEKING TO VALIDATE HISTORIC GROUNDWATER PRODUCTION OF 1.31 ACRE- FEET PER YEAR FOR MANUFACTURING AND COMMERCIAL USES.

Mrs. Innocenti, owner of Ideal Aluminum Siding and Roofing Co., Inc, is requesting validation of the historic use associated with the original water well located on the company premises. The well is currently operational.

Mrs. Innocenti is requesting the validation of 429,000 gallons per year (1.31 ac-ft/yr) for commercial and manufacturing purposes. The basis for this request is a calculation of employee usage not historical pumping measurements.

**President Mark Meek -
OPEN PUBLIC PERMIT HEARING
PUBLIC COMMENT - None
CLOSE PUBLIC PERMIT HEARING**

MOTION by Mr. Hroch and seconded by Mr. Eller, to move to close the Public Permit Hearing on the Validation Permit of Applicant Mrs. Mary A. Innocenti- Ideal Aluminum. Motion carried four (4) ayes and zero (0) no.

7) APPROVAL OF VALIDATION PERMIT - APPLICANT MARY A. INNOCENTI SEEKS APPROVAL OF A VALIDATION PERMIT FOR A NON-EXEMPT WELL LOCATED WITHIN VICTORIA COUNTY AT 2753 FM 1685 NEAR THE INTERSECTION OF ADCOCK DAIRY ROAD AND FM 1685. MARY A. INNOCENTI IS SEEKING TO VALIDATE HISTORIC GROUNDWATER PRODUCTION OF 1.31 ACRE - FEET PER YEAR FOR MANUFACTURING AND COMMERCIAL USES. APPROVAL OF VALIDATION PERMIT - APPLICANT MARY A. INNOCENTI SEEKS APPROVAL OF A VALIDATION PERMIT FOR A NON-EXEMPT WELL LOCATED WITHIN VICTORIA COUNTY AT 2753 FM 1685 NEAR THE INTERSECTION OF ADCOCK DAIRY ROAD AND FM 1685. MARY A. INNOCENTI IS SEEKING TO VALIDATE HISTORIC GROUNDWATER PRODUCTION OF 1.31 ACRE - FEET PER YEAR FOR MANUFACTURING AND COMMERCIAL USES.

Mrs. Innocenti's application identified as ARGNW-20090528-01 is administratively complete and includes adequate evidence to support the validation of 1.31 ac-ft/yr historic groundwater production for manufacturing and commercial purposes. The associated well has been registered and assigned the following well registration number of GW-000015.

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MOTION by Mr. Eller and seconded by Mrs. Dietzel, to move to approve the request to validate 1.31 ac-ft/yr of historic use on well GW-000015 for manufacturing and commercial purposes. Motion carried four (4) ayes and zero (0) no.

8) PERMIT HEARING - VALIDATION PERMIT AND DRILLING PERMIT– STRIPES, LLC AND JOHN W. GOLDMAN SEEK APPROVAL OF A VALIDATION PERMIT FOR A NONEXEMPT WELL LOCATED WITHIN VICTORIA COUNTY AT 3494 SOUTH U.S. HIGHWAY 59 NEAR THE INTERSECTION OF SOUTH U.S HIGHWAY 59 AND FM 236. STRIPES LLC AND JOHN W. GOLDMAN ARE SEEKING TO VALIDATE HISTORIC GROUNDWATER PRODUCTION OF 1.0 ACRE - FEET PER YEAR FOR COMMERCIAL USES. STRIPES, LLC AND JOHN W. GOLDMAN SEEK APPROVAL OF A DRILLING PERMIT FOR THE PURPOSES OF REPLACING THE NON-EXEMPT WELL.

At the December 18, 2009 VCGCD meeting, the District held a public hearing regarding a request by Stripes LLC to drill and operate a new non-exempt well. After considering the legal aspect of the applications, the board tabled the matter until the parties filed applications jointly.

On February 9, 2010, Stripes LLC and Mr. Goldman filed joint applications. The applicants jointly filed an application to register and validate the existing non-exempt well at the location. In addition, the applicants filed an application to drill a replacement well for the nonexempt well.

**President Mark Meek -
OPEN PUBLIC PERMIT HEARING
PUBLIC COMMENT- None
CLOSE PUBLIC PERMIT HEARING**

MOTION by Mr. Hroch and seconded by Mr. Eller, to close the Public Permit Hearing on the Validation Permit and Drilling Permit – Stripes, LLC and John W. Goldman. Motion carried four (4) ayes and zero (0) no.

9) APPROVAL OF VALIDATION PERMIT AND DRILLING PERMIT– STRIPES, LLC AND JOHN W. GOLDMAN SEEK APPROVAL OF A VALIDATION PERMIT FOR A NONEXEMPT WELL LOCATED WITHIN VICTORIA COUNTY AT 3494 SOUTH U.S. HIGHWAY 59 NEAR THE INTERSECTION OF SOUTH U.S HIGHWAY 59 AND FM 236. STRIPES LLC AND JOHN W. GOLDMAN ARE SEEKING TO VALIDATE HISTORIC GROUNDWATER PRODUCTION OF 1.0 ACRE FEET PER YEAR FOR COMMERCIAL USES. STRIPES, LLC AND JOHN W. GOLDMAN SEEK APPROVAL OF A DRILLING PERMIT FOR THE PURPOSES OF REPLACING THE NON-EXEMPT WELL.

The application identified as ARGNW-20100209-02 is administratively complete and includes adequate evidence to support the validation of 1.0 ac-ft/yr historic groundwater production for commercial purposes.

The application identified as ADNW-20100209-01 is administratively complete. The requirements associated with well spacing and completion standards are met. In

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particular, the replacement well will be located within 300 feet of the grandfathered well and therefore meets the requirements associated with well replacements. The original non-exempt well will be plugged and abandoned.

MOTION by Mr. Eller and seconded by Mr. Hroch, to move to approve the request to validate 1.0 ac-ft/yr of historic use for commercial purposes and approve the application to drill a new nonexempt well to replace the original non-exempt well. Motion carried four (4) ayes and zero (0) no.

10) DENIAL OR WITHDRAWAL OF STRIPES LLC APPLICATIONS: ADNW-20091023-03 AND AONW-20091023-04.

In order to maintain complete and accurate files regarding well applications, the board is encouraged to take final action on the following applications: ADNW-20091023-03 and AONW-20091023-04.

These applications were tabled at the December 18, 2009 meeting to allow Stripes LLC and Mr. Goldman an opportunity to address legal issues related to well ownership interests that were discovered during the public hearing for these applications. Subsequently, Stripes LLC and Mr. Goldman submitted new applications that addressed the ownership issues. Agenda items 9 and 10 of this agenda deal with the new applications.

If the applicants submit a written request to withdraw the applications, then no additional action is required by the board.

Stripes, LLC and Mr. John Goldman agreed to withdraw the above applications: ADNW-20091023-03 and AONW-20091023-04. Mr. Clarence Littlefield – Southwest Engineers is to email a withdrawal request to VCGCD General Manager, Tim Andruss.

11) DENIAL OR WITHDRAWAL OF COLONY CREEK HOA APPLICATIONS: ADNW-20090623-01 AND AONW-20090623-02.

Mr. Ross has submitted a letter requesting the withdrawal of the applications he submitted on the behalf of the Colony Creek Home Owners Association: ADNW-20090623-01 and AONW-20090623-02.

12) PUBLICITY AND PROMOTION OF DISTRICT PROGRAMS.

In response to the desire expressed by board members publicize the District's well registration efforts and provide the general public with an update regarding the District activities, the cost associated with placing a newspaper insert into the Victoria Advocate was investigated.

The estimated cost is based on developing a one-page (double-sided) insert. The insert would be printed on color paper and inserted into approximately 18,000 papers. The cost is estimated at \$1,620.00. Additional options may result in additional costs. If this expenditure is approved, then the general manager, Tim Andruss, and Barbara

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Dietzel will work with the Victoria Advocate on the design and formatting of the insert. The insert will focus on listing the types of activities that the District is involved in as well as topics related to well registration and regional groundwater planning efforts.

MOTION BY Mr. Eller and seconded by Mrs. Dietzel, to move to authorize the general manager, Tim Andruss, to pay for the expenses associated with placing a newspaper insert in the Victoria Advocate in an amount not to exceed \$2,000.00 from account 356 - Public Education. Motion carried four (4) ayes and zero (0) no.

13) AUTHORIZATION TO PAY USGS INVOICE - COLETO CREEK STUDY.

At the September 25, 2009 VCGCD meeting, the board committed funds in the FY09-10 budget from account 405 to the continuation of the Coleto Creek SW/GW Interaction Study in an amount not to exceed \$10,000.

USGS has submitted an invoice in the amount of \$2500.00 for expenses incurred on this study between October 2009 and December 2009.

MOTION by Mr. Eller and seconded by Mr. Hroch, to move to authorize the general manager, Tim Andruss, to pay USGS invoice 0-8653-DPR464 in an amount of \$2,500.00 from account 405 - Research and Consultation. Motion carried four (4) ayes and zero (0) no.

14) GENERAL MANAGER REPORT – REGION L UPDATE; GMA 15 UPDATE; REGISTRATION UPDATE; DROUGHT MONITORING; CALENDAR OF EVENTS.

Region L Update: Region L will hold a public hearing on the initially Prepared Plan, on April 12, 2010, 7:00 p.m. at the Victoria Community Center.

GMA 15: GMA 15 met on March 11, 2010, TWDB discussed a number of calculation errors discovered in the draft report on GAM Run 09-010. TWDB agreed to submit a revised GAM Run report by March 18, 2010.

Registration and Permitting Update:

	Previous Report	Current Report
Drilling Permit Applications	165	178
Operating Permit Applications	14	15
Registration Applications	161	166
Registered Wells	329	329

Drought Monitoring:
See Meeting Packet for details.

Calendar of Events:
See Meeting Packet for details.

15) CLOSED MEETING: PURSUANT TO V.T.C.A. GOVERNMENT CODE 551.071, TO CONDUCT PRIVATE CONSULTATION WITH VCGCD ATTORNEY REGARDING

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MATTERS PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE OR V.T.C.A. GOVERNMENT CODE 551.074 REGARDING PERSONNEL.

MOTION by Mr. Hroch and seconded by Mrs. Dietzel, to move for the VCGCD Board of Directors to go into Closed Meeting at 9:37 a.m., 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. Motion carried four (4) ayes and zero (0) no.

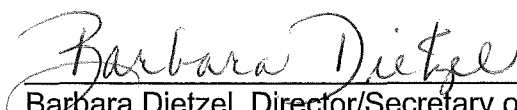
16) RETURN TO OPEN MEETING: PURSUANT TO V.T.C.A. GOVERNMENT CODE 551.102, RETURN TO OPEN MEETING AND TAKE ANY ACTION DEEMED NECESSARY BASED UPON DISCUSSION IN CLOSED MEETING.

MOTION by Mr. Hroch and seconded by Mr. Eller, to move for the VCGCD Board of Directors to return to Open Meeting at 10:05 a.m., pursuant to V.T.C.A. Government Code 551.102, to return to Open Meeting to take any action deemed necessary based upon discussion in closed meeting. Motion carried four (4) ayes and zero (0) no.

17) DISCUSSION AND ACTION RELATED TO CLOSED MEETING. No action taken.

18) ADJOURN.


MOTION by Mr. Hroch and seconded by Mr. Eller, to move for the Victoria County Groundwater Conservation District Board of Directors to adjourn the VCGCD Regular Meeting and Public Permit Hearing of March 19, 2010, at 10:07 a.m. Motion carried four (4) 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 16th DAY OF April A.D. 2010.

ATTEST:


Secretary, Victoria County
Groundwater Conservation District


President, Victoria County
Groundwater Conservation District