

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 HEARING convened at Dr. Pattie Dodson Health Center, 2805 N. Navarro St. Room 108, Victoria, Texas 77901 on November 18, 2011 at 09:00 A.M.

Meeting Attendance:

Precinct 1:	Mr. Jerry Hroch, Vice President	Present
Precinct 2:	Mr. Thurman Clements, Jr., Director	Absent
Precinct 3:	Mrs. Barbara Dietzel, Secretary	Present
Precinct 4:	Mr. Mark Meek, President	Present
At-Large:	Mr. Kenneth Eller, Director	Present
General Manager:	Mr. Timothy Andruss	Present
Attorney:	Mr. James Allison	Absent

Agenda Items

1) Call to Order and Pledge o Allegiance.

Discussion Details: Mr. Meek called the meeting to order at 9:00 A.M.

2) Welcome Guests.

Discussion Details: Mr. Meek welcomed all guests in attendance. The following individuals signed in: Sam Bishop, Matt Johnson, Stan Johnson, Galen Franz, Jerry James, and Larry C. Green.

3) Public Comment.

Discussion Details: Jerry James gave an update on River Flow, Stage 2 - Water Conservation, BBASC, instream flow workgroup, and rules being developed by TCEQ.

4) Consideration of Minutes from Previous Meeting. (Copies of document delivered to Board prior to the meeting.)

Discussion Details: none.

Mr. Eller, Director moved to accept and approve the meeting minutes from October 21, 2011 and November 7, 2011. Mr. Hroch, Vice President seconded the motion.

Vote Record

Precinct 1:	Mr. Jerry Hroch, Vice President	<u>Aye</u>
Precinct 2:	Mr. Thurman Clements, Jr., Director	<u>Absent</u>
Precinct 3:	Mrs. Barbara Dietzel, Secretary	<u>Aye</u>
Precinct 4:	Mr. Mark Meek, President	<u>Aye</u>
At-Large:	Mr. Kenneth Eller, Director	<u>Aye</u>

With four (4) ayes and zero (0) nays, the motion passed.

5) **Consideration of Financial Report of Previous Month. (Copies of document delivered to Board prior to the meeting.)**

Discussion Details: none.

Mr. Eller, Director moved to accept and approve the Financial Report for October 2011. Mr. Hroch, Vice President seconded the motion.

Vote Record

Precinct 1:	Mr. Jerry Hroch, Vice President	<u>Aye</u>
Precinct 2:	Mr. Thurman Clements, Jr., Director	<u>Absent</u>
Precinct 3:	Mrs. Barbara Dietzel, Secretary	<u>Aye</u>
Precinct 4:	Mr. Mark Meek, President	<u>Aye</u>
At-Large:	Mr. Kenneth Eller, Director	<u>Aye</u>

With four (4) ayes and zero (0) nays, the motion passed.

6) **Permit Hearing on Permit Application - Mr. Stanley Johnson for James A. Winne, III of the Lucky J Ranch seeks approval of a drilling permit requested under application ADNW-20111006-02 to replace a grandfathered well GW-000101 operated under operating permit OP-20100521-02 for wildlife management, livestock, recreational, landscape management, domestic, and fire control uses (non-exempt uses) on a 3,067.9 acre tract of land located near the intersection of FM 616 and Keeran Rd., Victoria County, Texas.**

Discussion Details: Mr. Meek opened the permit hearing.

Mr. Andruss summarized the details of the application and explained that the application identified as ADNW-20111006-02 included evidence to support the replacing of a grandfathered well GW-000101 operated under operating permit OP-20100521-02 for wildlife management, livestock, recreational, landscape management, domestic, and fire control uses (non-exempt uses) and the limitations established under VCGCD Rule 7.2 regarding replacement wells, requires

- 41 the submittal of appropriate application;
- 51 the granting of appropriate permits;
- 61 the well be drilled within 100 yards of the original well; and
- 71 a replacement well of a grandfathered well not increase degree (if any) to which the grandfathered well violates the spacing requirements of the District.

The operating permit authorizes a production rate of 75 GPM and the original well is in excess of 1,500 from the nearest property line. Therefore, a replacement well located within 100 yards of the original well will satisfy the spacing requirement of the District.

Mr. Hroch, Vice President moved to close permit hearing. Mr. Eller, Director seconded the motion.

Vote Record

Precinct 1:	Mr. Jerry Hroch, Vice President	<u>Aye</u>
Precinct 2:	Mr. Thurman Clements, Jr., Director	<u>Absent</u>
Precinct 3:	Mrs. Barbara Dietzel, Secretary	<u>Aye</u>
Precinct 4:	Mr. Mark Meek, President	<u>Aye</u>
At-Large:	Mr. Kenneth Eller, Director	<u>Aye</u>

With four (4) ayes and zero (0) nays, the motion passed.

- 7) **Consideration of Permit Application - Mr. Stanley Johnson for James A. Winne, III of the Lucky J Ranch seeks approval of a drilling permit requested under application ADNW-20111006-02 to replace a grandfathered well GW-000101 operated under operating permit OP-20100521-02 for wildlife management, livestock, recreational, landscape management, domestic, and fire control uses (non-exempt uses) on a 3,067.9 acre tract of land located near the intersection of FM 616 and Keeran Rd., Victoria County, Texas.**

Discussion Details: none.

Mr. Eller, Director moved to authorize the general manager to issue a drilling permit to replace well GW-000101 and to register the replacement well and to modify operating permit OP-20100521-02 to authorize the production from the replacement well if drilled within 300 feet of the original well; and to authorize the applicant to not plug and abandon the well provided will be used as only as a monitoring well contingent on landowner's permission. Mr. Hroch, Vice President seconded the motion.

Vote Record

Precinct 1:	Mr. Jerry Hroch, Vice President	<u>Aye</u>
Precinct 2:	Mr. Thurman Clements, Jr., Director	<u>Absent</u>
Precinct 3:	Mrs. Barbara Dietzel, Secretary	<u>Aye</u>
Precinct 4:	Mr. Mark Meek, President	<u>Aye</u>
At-Large:	Mr. Kenneth Eller, Director	<u>Aye</u>

With four (4) ayes and zero (0) nays, the motion passed.

- 8) **Permit Hearing on Permit Application - Mr. Douglas Luster seeks approval of an operating permit requested under application AONW-20110920-02 for a non-grandfathered well for R.V. and mobile home park uses (non-exempt uses) on an 3.77 acre tract of land located near the intersection of NW Zac Lentz Parkway and FM 1685, Victoria County, Texas. The requested production amount is 1.8 acre-feet per year.**

Discussion Details: Mr. Meek opened the permit hearing.

Mr. Andruss summarized the details of the application and explained that Mr. Luster drilled a well at this location under a exempt-use well drilling permit. He has since submitted the drilling log and the well has be registered as NW-000314. Mr. Luster is requesting an operating permit for the purpose of providing water to a R.V. and mobile home park that he is currently constructing.

The requested Annual Total Groundwater Production of 1.8 ac-ft/yr satisfies the production limitations established under VCGCD Rule 4.1 (1/2 ac-ft/yr per acre owned or controlled).

The requested maximum rate of withdrawal of 75 gpm satisfies the spacing limitations established under VCGCD Rule 4.2 (50' property line offset; 1' of spacing per 1 gpm from nearest registered well).

Mr. Eller, Director moved to close the permit hearing. Mr. Hroch, Vice President seconded the motion.

Vote Record

Precinct 1:	Mr. Jerry Hroch, Vice President	<u>Aye</u>
Precinct 2:	Mr. Thurman Clements, Jr., Director	<u>Absent</u>
Precinct 3:	Mrs. Barbara Dietzel, Secretary	<u>Aye</u>
Precinct 4:	Mr. Mark Meek, President	<u>Aye</u>
At-Large:	Mr. Kenneth Eller, Director	<u>Aye</u>

With four (4) ayes and zero (0) nays, the motion passed.

- 9) **Consideration of Permit Application - Mr. Douglas Luster seeks approval of an operating permit requested under application AONW-20110920-02 for a non-grandfathered well for R.V. and mobile home park uses (non-exempt uses) on an 3.77 acre tract of land located near the intersection of NW Zac Lentz Parkway and FM 1685, Victoria County, Texas. The requested production amount is 1.8 acre-feet per year.**

Discussion Details: none.

Mr. Eller, Director moved to authorize the general manager to issue an operating permit to Mr. Douglas Luster under application AONW-20110920-02 for well NW-000314 with the following conditions:

- 1. Authorized Purpose of Use: R.V. and mobile home park uses;**
- 2. Maximum Rate of Production per Minute: 75 gpm;**
- 3. Maximum Rate of Production per Day: 108,000 gpd;**
- 4. Maximum Rate of Production per year: 1.8 ac-ft/yr;**
- 5. All existing and future wells will be permitted such that the total annual groundwater production rate will not exceed the 1/2 acre foot per acre owned of controlled limitation; and**
- 6. The well site shall be accessible to District representatives for the purposes of collecting groundwater samples from the permitted well and the permittee agrees to cooperate fully in any reasonable efforts to collect groundwater samples from the well by the District representatives. Mr. Hroch, Vice President seconded the motion.**

Vote Record

Precinct 1:	Mr. Jerry Hroch, Vice President	<u>Aye</u>
Precinct 2:	Mr. Thurman Clements, Jr., Director	<u>Absent</u>
Precinct 3:	Mrs. Barbara Dietzel, Secretary	<u>Aye</u>
Precinct 4:	Mr. Mark Meek, President	<u>Aye</u>
At-Large:	Mr. Kenneth Eller, Director	<u>Aye</u>

With four (4) ayes and zero (0) nays, the motion passed.

- 10) **Consideration of a waiver requested by Mr. Larry Green of the Fordtran Volunteer Fire Department regarding the District's requirement to report groundwater production from non-exempt-use wells GW-000339 and NW-000207 located on a 2.3 acre tract of land near the intersection of U.S. Hwy 77 N and Fordtran Rd.**

Discussion Details: Mr. Andruss explained that Mr. Green of the Fordtran Volunteer Fire Department (FVFD), in response to a letter from the district regarding the requirement to report groundwater production from non-exempt-use wells, contacted the District. Ultimately, Mr. Green indicated that this requirement for a volunteer fire department was excessive and impractical.

Mr. Green explained to the Board that he did not have a method for accurately measuring or estimating the amount of water produced from the wells owned by Fordtran VFD for a variety of reasons and that doing so would be difficult. In addition, Mr. Green pointed out that Fordtran VFD was the only VFD to have receive the letter requesting groundwater production reporting.

Mr. Andruss explained that Fordtran VFD was currently the only VFD with properly permitted wells and therefore was the only VFD to receive the letters related to reporting well production.

Mrs. Dietzel, Secretary moved instruct the general manager and legal counsel to:

- 1) request all documentation from Fordtran Volunteer Fire Department**

necessary to establish the facts of the request including a formal request of waiver,
2) evaluate the facts of the request,
3) identify other, if any, reasonable solutions to the waiver request, and
4) evaluate the impact of the waiver request to achievement of the District's goals and objectives. Mr. Hroch, Vice President seconded the motion.

Vote Record

Precinct 1:	Mr. Jerry Hroch, Vice President	<u>Aye</u>
Precinct 2:	Mr. Thurman Clements, Jr., Director	<u>Absent</u>
Precinct 3:	Mrs. Barbara Dietzel, Secretary	<u>Aye</u>
Precinct 4:	Mr. Mark Meek, President	<u>Aye</u>
At-Large:	Mr. Kenneth Eller, Director	<u>Aye</u>

With four (4) ayes and zero (0) nays, the motion passed.

11) Public Hearing on the Continuation of Goods-in-Transit Taxation.

Discussion Details: Mr. Meek opened the public hearing.

Mr. Andruss explained that, as requested by the Board, notice was published for a public hearing regarding the continuation of taxation of goods-in-transit. In addition, he explained that if the VCGCD Board does not take appropriate action to continue to tax goods-in-transit, then future tax revenue of the VCGCD would be levied against all other property owners should a properly qualified warehouse operator apply for the goods-in-transit exemption.

Mr. Jerry James of the City of Victoria informed the Board that the City did not grant the exemption.

Mr. Hroch, Vice President moved to close the public hearing. Mr. Eller, Director seconded the motion.

Vote Record

Precinct 1:	Mr. Jerry Hroch, Vice President	<u>Aye</u>
Precinct 2:	Mr. Thurman Clements, Jr., Director	<u>Absent</u>
Precinct 3:	Mrs. Barbara Dietzel, Secretary	<u>Aye</u>
Precinct 4:	Mr. Mark Meek, President	<u>Aye</u>
At-Large:	Mr. Kenneth Eller, Director	<u>Aye</u>

With four (4) ayes and zero (0) nays, the motion passed.

12) Consideration of the Continuation of Goods-in-Transit Taxation.

Discussion Details: none.

Mr. Eller, Director moved to accept and adopt Resolution 2011-11-18-A Resolution to Continue Taxation of Goods-In-Transit as read. Mr. Hroch, Vice President seconded the motion.

Vote Record

Precinct 1:	Mr. Jerry Hroch, Vice President	<u>Aye</u>
Precinct 2:	Mr. Thurman Clements, Jr., Director	<u>Absent</u>
Precinct 3:	Mrs. Barbara Dietzel, Secretary	<u>Aye</u>
Precinct 4:	Mr. Mark Meek, President	<u>Aye</u>

At-Large: Mr. Kenneth Eller, Director Aye

With four (4) ayes and zero (0) nays, the motion passed.

13) Consideration of the formation of a Stakeholder Advisory Subcommittee of the VCGCD Board of Directors.

Discussion Details: Mr. Andruss explained that VCGCD has utilized stakeholder groups and stakeholder surveys as a means to gather preference information regarding the management of the groundwater resources within Victoria County. He reminded the Board that the District currently has two projects (Intera-Groundwater Science Development Program Phases 1, 2, and 3; Uddameri - Evaluation of Groundwater Production Limitation) that will rely on stakeholder input to be completed as designed.

Mr. Andruss encouraged the VCGCD Board to consider the establishment of a stakeholder advisory committee that hold meetings that are open to the public. The establishment of such a committee with properly developed bylaws would improve the overall process of obtaining stakeholder preferences and recommendations regarding groundwater policy. Committee members would, over time, become better informed on the various groundwater policy issues and would be prepared to represent their given stakeholder category.

Mr. Eller, Director moved to authorize the general manager and legal counsel to draft a set of bylaws for a stakeholder advisory committee that addresses the purpose of the committee, the composition and structure of the committee, the role and responsibilities of the committee, and meeting requirements of the committee for consideration by the Board at a future meeting. Mrs. Dietzel, Secretary seconded the motion.

Vote Record

Precinct 1: Mr. Jerry Hroch, Vice President Aye
Precinct 2: Mr. Thurman Clements, Jr., Director Absent
Precinct 3: Mrs. Barbara Dietzel, Secretary Aye
Precinct 4: Mr. Mark Meek, President Aye
At-Large: Mr. Kenneth Eller, Director Aye

With four (4) ayes and zero (0) nays, the motion passed.

14) Consideration of Payment - Pastor, Behling & Wheeler, LLC

Discussion Details: none.

Mr. Hroch, Vice President moved to authorize the General Manager to pay the PBW Invoice 3161-T11-6 in the amount of \$852.50 from 5405 - Research and Consultation. Mr. Eller, Director seconded the motion.

Vote Record

Precinct 1: Mr. Jerry Hroch, Vice President Aye
Precinct 2: Mr. Thurman Clements, Jr., Director Absent
Precinct 3: Mrs. Barbara Dietzel, Secretary Aye
Precinct 4: Mr. Mark Meek, President Aye
At-Large: Mr. Kenneth Eller, Director Aye

With four (4) ayes and zero (0) nays, the motion passed.

- 15) **Consideration of a consultation contract with Mrs. Brandee Hill for administrative support services.**

Discussion Details: Mr. Andruss asked that this be discussed in a closed meeting.

- 16) **General Managers Report - Regional Water Planning (Region L) Update, Groundwater Management Area (GMA 15) Update, District Registration and Permitting Update, Aquifer Monitoring Update, Calendar of Events, and Future Agenda Items.**

Discussion Details: Mr. Andruss provided the following report:

Regional Water Planning Update:

Region L Update: Next meeting is scheduled for February 2, 2012

GMA 15 Update: Next meeting is scheduled for December 2011.

District Registration and Permitting Update:

Application Summary:

Application Type	Total	Pending
Drill Exempt-Use Well	375	3
Drill Non-Exempt-Use Well	38	2
Operate Non-Exempt-Use Well	37	2
Register Exempt-Use Well	217	1
Register Non-Exempt-Use Well	119	66

Well Registration Summary: 783 registered water wells

	Exempt-Use	Non-Exempt-Use
Grandfathered	343	121
Non-Grandfathered	303	16

Groundwater Production Reporting:

Total Production Reported for 2010: 4,306 ac-ft

Total Production Reported for 2011: 7,794 ac-ft

Aquifer Monitoring: See Drought Map attached to the meeting packet.

Calendar of Events: See Calendar attached to the meeting packet.

Future Agenda Items:

Review of District Management Plan and Rules (December 2011)

Report from State Auditor's Office

Other topics of interest to the Board

- 17) **Closed Meeting (If Necessary) - Close the meeting to conduct private consultation with VCGCD Attorney regarding matters protected by the attorney-client privilege pursuant to V.T.C.A. Government Code 551.071 or to discuss matters regarding personnel pursuant to V.T.C.A. Government Code 551.074.**

Discussion Details: none.

Mr. Eller, Director moved to go into closed meeting at 10:33 A.M. Mr. Hroch, Vice President seconded the motion.

Vote Record

Precinct 1: Mr. Jerry Hroch, Vice President **Aye**
 Precinct 2: Mr. Thurman Clements, Jr., Director **Absent**
 Precinct 3: Mrs. Barbara Dietzel, Secretary **Aye**
 Precinct 4: Mr. Mark Meek, President **Aye**
 At-Large: Mr. Kenneth Eller, Director **Aye**

With four (4) ayes and zero (0) nays, the motion passed.

- 18) **Return to Open Meeting (If Necessary) - Return to open meeting and take any action deemed necessary based upon discussions in closed meeting pursuant to V.T.C.A. Government Code 551.102.**

Discussion Details: none.

Mr. Eller, Director moved to return to open meeting at 11:54 A.M. Mr. Hroch, Vice President seconded the motion.

Vote Record

Precinct 1: Mr. Jerry Hroch, Vice President Aye
Precinct 2: Mr. Thurman Clements, Jr., Director Absent
Precinct 3: Mrs. Barbara Dietzel, Secretary Aye
Precinct 4: Mr. Mark Meek, President Aye
At-Large: Mr. Kenneth Eller, Director Aye

With four (4) ayes and zero (0) nays, the motion passed.

- 19) **Discussion and Action related to Closed meeting (If Necessary).**

Discussion Details: none.

Mr. Eller, Director moved to accept Ms. Brandee Hill's resignation as office secretary and agree to retain the services of Ms. Hill on a contract basis without any employer benefits for a training project at a hourly rate of \$15.00/hour. Mr. Hroch, Vice President seconded the motion.

Vote Record

Precinct 1: Mr. Jerry Hroch, Vice President Aye
Precinct 2: Mr. Thurman Clements, Jr., Director Absent
Precinct 3: Mrs. Barbara Dietzel, Secretary Aye
Precinct 4: Mr. Mark Meek, President Aye
At-Large: Mr. Kenneth Eller, Director Aye

With four (4) ayes and zero (0) nays, the motion passed.

- 20) **Adjourn.**

Discussion Details: none.

Mr. Eller, Director moved to adjourn the meeting at 11:59 A.M. Mr. Hroch, Vice President seconded the motion.

Vote Record

Precinct 1: Mr. Jerry Hroch, Vice President Aye
Precinct 2: Mr. Thurman Clements, Jr., Director Absent
Precinct 3: Mrs. Barbara Dietzel, Secretary Aye
Precinct 4: Mr. Mark Meek, President Aye
At-Large: Mr. Kenneth Eller, Director Aye

With four (4) ayes and zero (0) nays, the motion passed.

Prepared by:

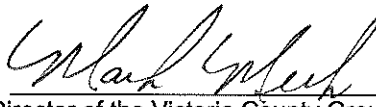

Victoria County Groundwater Conservation District Official

THE ABOVE AND FOREGOING MINUTES WERE READ AND APPROVED ON

THIS THE 16th DAY OF December A.D. 2011.

ATTEST:


Director of the Victoria County Groundwater
Conservation District


Director of the Victoria County Groundwater
Conservation District

2805 N. Navarro St. Suite 210, Victoria, TX 77901, Phone (361) 579-6863, Fax (361) 579-0041



VICTORIA COUNTY GROUNDWATER CONSERVATION DISTRICT

DATE: 11-18-11

NAME	COMPANY OR ORGANIZATION	AGENDA ITEM # (If you wish to speak)
Sam Bishop	Lucky J Ranch	
MATT JOHNSON	AC Water Well Serv.	
Stan Johnson	AC water well serv.	
Galen Franz		
Joseph James	COV	
Larry E Green	FordtranVal Fire Dept	