

The meeting of the Texana Groundwater Conservation District Board of Directors convened at 411 N. Wells, Edna, Texas 77957 on Thursday, July 21, 2022, at 8:30 AM.

The following representatives of Texana Groundwater Conservation District attended the meeting:

Precinct 1:	Kenneth Koop	Present
Precinct 2:	Michael Skalicky	Present
Precinct 3:	Clifford Born	Present
Precinct 4:	Robert Gendke Jr.	Present
At Large:	Jim Revel	Present
At Large:	Johnny Dugger	Present
At Large:	Fredrick Woodland	Present
General Manager:	Tim Andruss	Present
Legal Counsel:	Jim Allison of Allison, Bass & Magee, LLP	Present

**Agenda Item 1: Call the meeting to order and welcome guests.**

**1.0 – Convene Meeting**

**Meeting Discussion:** Mr. Skalicky called the meeting to order at approximately 8:32 AM.

**Board Action:** None.

**Agenda Item 2: Receive public comments.**

**2.0 – Receive Public Comment**

**Meeting Discussion:** None.

**Board Action:** None.

**Agenda Item 3: Consideration of and possible action on matters related to groundwater management including the efforts and activities of the District regarding permitting as well as complaints, investigations, and enforcement cases associated with permitting.**

### **3.0 – Report regarding Groundwater Management**

**Meeting Discussion:** Mr. Andruss explained the District had initiated 28 permitting request cases (PRCs) since April 2022.

Mr. Andruss also explained as of July 20, 2022, there were 8 permitting requests and applications that are pending with the District.

**Board Action:** None.

### **3.1 – Groundwater Production Permits**

**Meeting Discussion:** Mr. Andruss explained, as of July 19, 2022, the volume of groundwater production authorized for:

- 1) Water wells permitted under aggregate production permits (well fields and well systems) was 31,752 acre-feet per year.
- 2) Water wells not permitted under aggregate production permits was 134,313 acre-feet per year.

**Board Action:** None.

### **3.2 – Groundwater Production**

**Meeting Discussion:** Mr. Andruss explained that the District mailed put 193 notices regarding the groundwater production reporting for non-exempt use wells registered in the TGCD database. Per ruled of the district, required groundwater production reports for calendar year 2021 should be submitted by January 31, 2022.

As of July 20, 2022, the District had recorded groundwater production of 16,175.1 arce-feet during calendar year 2021 from 189 groundwater production reports.

The District anticipated but did not receive groundwater production reports for 23 wells.

Mr. Andruss also explained that, on July 20, 2022, the District initiated investigation *INV-20220720.1015 - Failure to Report Groundwater Production for CY2021 - Active* for the purposes of 1) confirming groundwater production reports for CY2021 had not been submitted for the water wells identified below, 2) identifying the landowner and mailing address of the property on which the well is located, 3) sending a final courtesy notice to the well owner/landowner regarding a) the requirement to report or amend the registration of the well, b) offering to forego enforcement proceedings if the required report is submitted by September 31,

2022, and c) the intention of the district to recommend enforcement proceedings for each case in which a well owner failed to report groundwater production for CY2021 at the meeting of the Board of Directors scheduled for October 20, 2022.

**Board Action:** None.

### **3.3 Production Permit Renewals**

**Meeting Discussion:** Mr. Andruss explained the District had not received Applications to Renew a Production Permit since April 2022.

**Board Action:** None.

#### **3.4.1 – PRC-20211026-01 – Quadvest LP**

**Discussion:** Mr. Andruss explained that Ms. Margo Watson for Quadvest LP sought, under permitting request case *PRC-20211026-01*, 1) a historic use production permit authorizing production of groundwater for public water supply uses at rates not to exceed 2.771 acre-feet per year, and 2) a production permit authorizing production of groundwater at rates not to exceed 30 gallons per minute or 48.39 acre-feet per year from grandfathered well GW-00568. The subject well is located on a 1.19-acre tract of land near the intersection of Windswept Drive and Sunrise Bay Drive and within a certificate of convenience and necessity held by Quadvest LP totaling 604 acres in Jackson County, Texas.

The applications and supplemental information associated with this permitting request case were considered administratively complete and contain sufficient information evaluate the request relative to the Rules of the District. Provided the resulting permits are properly conditioned, the operation of the existing well would satisfy the requirements as established within the Rules of the District without a waiver or variance.

The application requesting protection of the historic use for well GW-00568 identifies year 2009 as the validation year and provides a contemporaneous business records of groundwater production. In year 2009, the records indicated that 903,000 gallons of groundwater was produced from well GW-00568. The application is supported by an affidavit from Ms. Watson.

On June 14, 2022, Ms. Watson of Quadvest LP notified the District of the pending sale of the subject well with a closing date of July 12, 2022.

On June 20, 2022, the public notice related to the consideration of the permit case was completed.

On July 20, 2022, the District was informed by Ms. Watson that the pending sale of the subject well to NextEra Water Texas, LLC. on July 12, 2022.

As of July 20, 2022, the District had not received notice of intent to contest the permitting request.

**Board Action:** Mr. Skalicky moved to authorize

1. cancel the permit hearing and proceed with the permitting case as an uncontested matter;
2. authorize the general manager to issue a historic use permit to Quadvest LP under application AVW-20220512-01 for well GW-00568 authorizing the production of 2.771 acre-feet of groundwater per year for public water supply uses; and
3. authorize the general manager to issue a production permit to Quadvest LP under application AOW-20220518-01 with the following conditions in accordance with the Rules of the District:
  1. Authorized Purpose of Use: public water supply uses.
  2. Authorized Maximum Rate of Production per Minute: 30 gallons per minute.
  3. Authorized Maximum Rate of Production per Year: 48.39 acre-feet per year; and
  4. Expiration Date: July 31, 2026.

Mr. Dugger seconded the motion. The motion passed unanimously.

### **3.4.2 Forbearance Request – Bower and Saha Aquaculture, LLC**

**Meeting Discussion:** Mr. Andruss explained on July 8, 2022, Mr. Kubecka of Bower and Saha Aquaculture LLC submitted a request for forbearance to the District requesting immediate cessation of the current requirement for curtailment of groundwater production from the fresh water zone (IW-1, IW-2, and IW-3) under waiver WV-20191219-01 "until true water quality parameters can be established". Mr. Kubecka stated the reason for the request as being "the large conductivity discrepancy in the district's meter reading and the in-well data logger" and "the fact that we have not been pumping to cause the increase in the well if there is a true increase."

Regarding the discrepancy between conductivity measuring equipment ... On August 20, 2020 (See TGCD - Adm - MM - Meeting Minutes - 20200820 - Board of Directors), the Board accepted a report from Dr. Uddameri regarding his work to "[i]nvestigate the apparent discrepancy between conductivity measurements collected by the District using the Solinst 3001 Probes and the Solinst LTC Tape

instruments;" The report stated the following on pages 13-14, emphasis added: "Based on theoretical considerations, the use of analog hand-held TLC meters are only recommended for screening purposes as these instruments are likely to be less reliable. The continuous TLC loggers are advantageous over hand-held meters but also could suffer from malfunction and manufacturing defects as noted from the data used in the study. When instruments gave consistent results, the within-instrument variability was small and within acceptable limits. Instrument drifts were noted at both low and higher concentrations in some probes are likely due to manufacturing defects. The instrument drift affected the correlation between the probes and also affected the variability that was captured. However, they seem to have little influence on the bias (the average value). Thus, these instruments are more suited for assessing long-term average behavior more so than short-term trends. It is recommended that duplicate sensors be placed in each well to avoid potential data loss."

The District had attempted to assist Mr. Kubecka in his efforts to understand the procedures used to gather monitoring data from the monitoring wells at the fish farm and the discrepancy between conductivity measurements made by the Solinst 3001 Probes and the Solinst LTC Tape instruments.

On July 1, 2022, the collected field measurements and continuous aquifer monitoring data from the monitoring wells on the fish farm. Mr. Kubeck was present to observe the procedure used to collect the data. See *Daily Field Records - DFR-20220701-01*. The field parameters recorded for well NW-00488/FMW-3 are located in *Water Quality Field Measurement - WQFM-20220701.0942 - East LF-DAMW - NW-00488* as:

#### Measurement Details

Date/ Start Time: 7-1-22 9:47

#### Solinst LTC-Tape Aquifer Monitoring Details

Pre-Probe Removal Measurement - Hold Depth (ft): 320'

Pre-Probe Removal Measurement - Conductivity ( $\mu\text{S}/\text{cm}$ ): 1,089

Pre-Probe Removal Measurement - Temperature ( $^{\circ}\text{C}$ ): 24.8

On July 11, 2022, the District collected water samples from 1) the East Lower Fresh Dedicated Aquifer Monitoring Well (NW-00488/ FMW-3) using a well bailer and 2) a discharge pipe while well R1GW-00482 was running. See *Daily Field Records - DFR-20220711-01*. The field parameters recorded for well NW-00488/FMW-3 are located in *Water Quality Field Measurement - WQFM-20220711.0950 - East LF-DAMW - NW-00488* as:

Measurement Details (NOTE: measurements collected from water bailed from well.)

Start Time: 09:50 AM

Displayed Meter Readings - Temp (°C): N/A

Displayed Meter Readings - pH: N/A

Displayed Meter Readings - Specific Conductivity (µS/cm): 1,111

The samples were analyzed by Pace Analytical for conductivity and total dissolved solids. The results of the analysis are contained with lab report *Water Quality Lab Report - WQLR-20220720.1357*. The report contains the following conductivity measurements:

conductivity of water sample collected from NW-00488/FMW-3: 1,730

conductivity of water sample collected from discharge pipe: 7,950

The District has responded to requests from nearby well owners to collect conductivity measurements from their wells.

See:

*Water Level - WLM-20220719-01 - GW-00451;*

*Water Level - WLM-20220719-02 - GW-00446;*

*Water Level - WLM-20220719-03 - NW-00444;*

*Water Level - WLM-20220719-04 - GW-00090;*

*Water Quality Field Measurement - WQFM-20220719.0928- GW-00451;*

*Water Quality Field Measurement - WQFM-20220719.1000- GW-00446;*

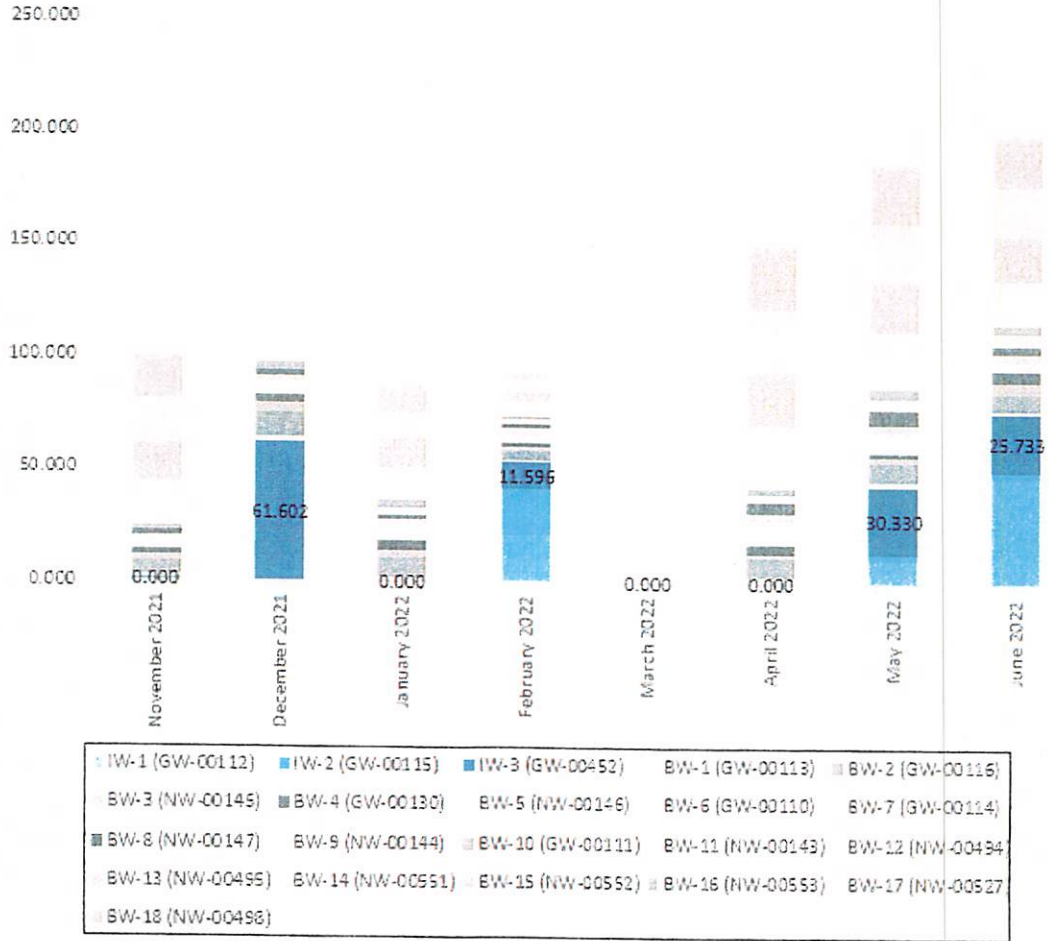
*Water Quality Field Measurement - WQFM-20220719.1024- NW-00444;*

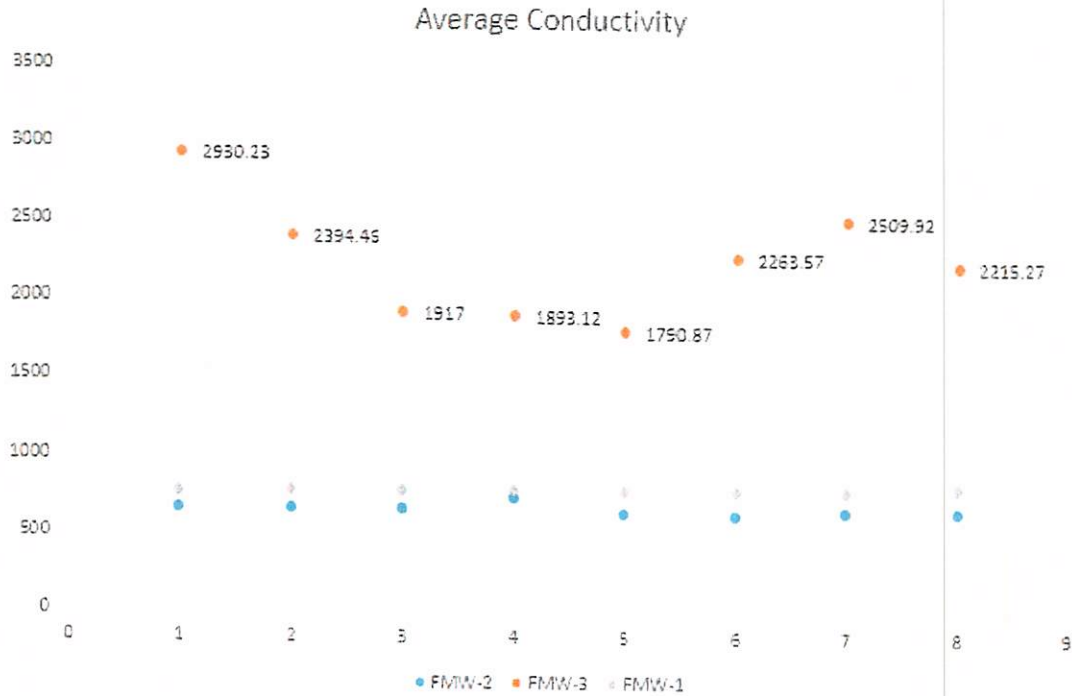
*Water Quality Field Measurement - WQFM-20220719.1045- GW-00090; and*

*Water Quality Field Measurement - WQFM-20220719.1110- GW-00092.*

Regarding the pumping of groundwater at the Bower and Saha Fish Farm ...  
Based on pumping data assembled from monthly monitoring reports submitted for the fish farm, it appears that approximately 200 acre-feet was produced in June 2022 with 25.7 acre-feet being produced from fresh water well R1GW-00452/IW-3.

### Groundwater Production





**Board Action:** Mr. Koop moved to grant forbearance to Bower and Saha Aquaculture LLC until October 20, 2022, with the following limitations: 1) production of fresh groundwater from the well field shall not exceed 480 acre-feet, 2) the maximum value for conductivity in the East Lower Fresh DAMW shall not exceed 2,900  $\mu\text{S}/\text{cm}$  while all other performance conditions remain in effect. Mr. Revel seconded the motion. The motion passed with five ayes and two nays.

### 3.5.1 – Report regarding Groundwater Management Investigations

**Meeting Discussion:** Mr. Andruss explained the District had 35 active investigations and provided a listing of active investigations.

**Board Action:** None.

### 3.5.2 – Investigation related Failure to Provide Notice of Intent to Place Casing.



**Meeting Discussion:** Mr. Andruss explained the District has 6 active investigations associated with well drillers apparently failing to provide notice to the District of intent to place casing into a new well boreholes. Item 4 of Rule 4.2: PERMITTING POLICIES AND PROCEDURES RELATED TO DRILLING PERMITS went into effect on October 29, 2015, and states "A person drilling a well shall provide the District with notice of intent to place casing in the borehole at least two hours and not more than three hours before placing casing in the borehole."

The following investigations are associated with well drillers without previous violations related to failing to provide notice to the District of intent to place casing into a new well boreholes:

1. Well Driller: Mr. Jay Chaffin: Investigation *INV-20220520.1406* - *Failure to Provide Notice of Intent to Place Casing - Active*;
2. Well Driller: Mr. Jay Chaffin: Investigation *INV-20220520.1321* - *Failure to Provide Notice of Intent to Place Casing - Active*;
3. Well Driller: Mr. John Storm: Investigation *INV-20220405.1133* - *Failure to Provide Notice of Intent to Place Casing - Active*; and
4. Well Driller: Michael Patrick O'Day II: Investigation *INV-20220131.1329* - *Failure to Provide Notice of Intent to Place Casing - Active*

**Board Action:** Mr. Revel moved to

1. authorize the General Manager to open an enforcement case for each investigation listed above;
2. find that the subject well driller of each investigation violated Rule 4.2: PERMITTING POLICIES AND PROCEDURES RELATED TO DRILLING PERMITS by failing to provide notice of intent to place casing in association with the drilling of the subject well; and
3. authorize the General Manager to offer to settle the violation if well driller acknowledges the violation and that subsequent violations may result in additional enforcement proceedings in accordance with the Enforcement Policy of the District.

Mr. Dugger seconded the motion. The motion passed unanimously.

**Meeting Discussion:** Mr. Andruss explained the following investigations are associated with a well drillers with a previous violation related to failing to provide notice to the District of intent to place casing into a new well borehole (see TGCD - Adm - MM - Matter For Consideration - MFC-20220721-3.6.3 - Enforcement Case - EC-20220114-01 - Ryan Golsby):

1. Well Driller: Mr. Ryan Goolsby: Investigation *INV-20220519.1556 - Failure to Provide Notice of Intent to Place Casing - Active*;
2. Well Driller: Mr. Ryan Goolsby: Investigation *INV-20220519.1522 - Failure to Provide Notice of Intent to Place Casing – Active*.

The enforcement policy of the District (see *TGCD - Adm - Enforcement Policy - Adopted Jan 19, 2017 - 20200522-01*) suggests that initial violations should be assessed minimum penalties of \$100.00 per violation.

**Board Action:** Mr. Revel moved to:

1. authorize the General Manager to open an enforcement case for each investigation listed above;
2. find that Mr. Ryan Goolsby committed two violations of Rule 4.2: PERMITTING POLICIES AND PROCEDURES RELATED TO DRILLING PERMITS by failing to provide notice of intent to place casing in association with the drilling of the subject wells; and
3. authorize the General Manager to offer to settle each violation if well driller acknowledges the violation and that subsequent violations may result in additional enforcement proceedings in accordance with the Enforcement Policy of the District, pays a \$100.00 penalty per violation.

Mr. Dugger seconded the motion. The motion passed unanimously.

### **3.6.1 – Report regarding Groundwater Management Enforcement Cases**

**Meeting Discussion:** Mr. Andurss explained the District has two active investigations related to the following potential violations:

Failure to Obtain Permit:

1. *Enforcement Case - EC-20200505-01 - Failure to Obtain Permit - Active*

Failure to Provide Notice of intent to Place Casing:

1. *Enforcement Case - EC-20220114-01 - Failure to Provide Notice of Intent to Place Casing – Active*

**Board Action:** None.

### **3.6.2 – Enforcement Case – EC-20200505-01 – Edwin Juranek**

**Meeting Discussion:** Mr. Andruss explained the District continues to process enforcement case *Enforcement Case - EC-20200505-01 - Failure to Obtain Permit - Active*.

On April 15, 2021, the Board of Directors approved the following settlement offer: The District will consider the violations settled if Mr. Juranek:

1. cease groundwater production immediately from the well until he demonstrates that:
  1. the subject well was re-worked/re-construct in a manner that satisfies the annular seal requirements of Rule 7.2.3.a; or
  2. the subject well was plugged and replaced in accordance with the Rules of the District including proper sealing of the annual space; and
  3. either:
    1. demonstrate the actual production rate of the subject well is less than 720,000 GPD (500 GPM) and complete with the permitting process established by the Rules of the District for wells that do not exceed a production capacity of 720,000 GPD; or
    2. install of two monitoring wells; provide the monthly water level and water quality measurements in accordance with Rule 4.3.18 and Rule 4.3.19; and complete with the permitting process established by the Rules of the District for wells that exceed a production capacity of 720,000 GPD.

On May 20, 2021, the Board of Directors considered the revised well log submitted by Mr. Juranek and failed to accept the revised well log as sufficient to address the identified violation regarding well completion.

On January 26, 2022, Mr. Juranek submitted groundwater production report *GPR-20220126-02 - NW-00529 - 2021 - Administratively Complete* indicating the well was not operated in CY2021.

Item 3 or Rule 7.2 reads as follows: Non-grandfathered wells and replacement wells must be completed such that annular space is filled from ground level to a depth of ten (10) feet as specified under Texas Administrative Code, Chapter 76, Water Well Drillers and Pump Installers Rules, the annular space seal crosses a confining layer having a thickness in excess of five (5) feet, and in accordance with the following specifications and in compliance with the local county or incorporated city ordinances: a. The annular space between the borehole wall and the casing

of a well shall be filled with an authorized annular space sealant such that: i. The annular space is sealed from ground level to the top of the water producing strata; or ii. The annular space is sealed from ground level to a depth of fifty (50) feet below the land surface; or iii. The annular space is sealed from ground level to a depth of ten (10) feet below the land surface and the placement of at least two commercially manufactured, formation packers that exceed the diameter of well boring by at least 2 inches in the annular space and placement of a commercially manufactured, formation packers that exceed the diameter of well boring by at least 2 inches in the annular space in each confining stratigraphic layers above the production zone of the well.

The primary purposes of the District establishing specific requirements relate to sealing the annular space of new wells was to 1) reduce the risk of the new wells contaminating or diminishing the quality of groundwater resources through the commingling of waters of different chemical quality, and 2) reduce the risk of new wells allowing pollutants migrate into groundwater resources through the annular space.

In the absence of reliable well construction records demonstrating adequate sealing of the annular space of a new well, other techniques may develop credible evidence that the annual space of a new well is not contaminating or diminishing the quality of groundwater resources through the commingling of waters of different chemical quality and is not allowing pollutants migrate into groundwater resources through the annular space. Techniques that could be investigated are cement-bond logging used in the oil and gas industry and various techniques used to assess the external mechanical integrity of certain injection wells.

Alternatively, a monitoring program could be designed and implemented that evaluates characteristics of groundwater produced from a well over time to identify issues likely related to the sealing of new wells with improperly sealed annular spaces.

Finally, in the absence of credible evidence that the annual space of a new well is not contaminating or diminishing the quality of groundwater resources through the commingling of waters of different chemical quality and is not allowing pollutants to migrate into groundwater resources through the annular space, the Board should consider requiring the well owner to perforate and cement the casing of the subject well in a manner that will 1) prevent the contamination of or diminishing of the quality of groundwater resources through the commingling of waters of different chemical quality through the annular space of the subject well, and 2) reduce the risk of allowing pollutants migrate into groundwater resources through the annular space of the subject well.

On April 21, 2022, the Board passed a motion to:

1. find that Mr. Juranek remains in violation of the Rules of the District;
2. instruct the General Manager to notify Mr. Juranek, by certified mail, of:
  1. the Board's finding that he continues to be in violation of the Rules of the District; and
  2. the necessity for him to take action to resolve the violations before July 7, 2022 by either:
    1. submitting credible evidence that the annular space of a new well is not contaminating or diminishing the quality of groundwater resources through the commingling of waters of different chemical quality and is not allowing pollutants to migrate into groundwater resources through the annular space; or
    2. submitting credible evidence that subject well was plugged, by a licensed well driller, by perforating and cementing the casing of the subject well in a manner that will 1) prevent the contamination of or diminishing of the quality of groundwater resources through the commingling of waters of different chemical quality through the annular space of the subject well, and 2) reduce the risk of allowing pollutants migrate to groundwater resources through the annular space of the subject well; and
3. the intention of the Board to instruct legal counsel file suit regarding the violations on July 21, 2022, if the violations remain unresolved as of July 7, 2022.

On July 13, 2022, Mr. Juranek requested the District dismiss violation *ECV-20210415-04 - LEVEL 1 - Failure to Properly Seal the Annulus of a Well - Approved by Board* "based on the following two facts.

1. Texas Administrative Code Title 16 Part 4 Chapter 76 Rule 76.100 (e) Annular Seal. The annular space to a minimum of ten (10) feet shall be three (3) inches larger in diameter than the outside diameter of the casing and filled from ground level to a depth of not less than ten (10) feet below the land surface.

We have exceeded the State of Texas requirements for sealing the annular space around the well therefore ensuring we are not allowing for the contamination or diminishing the quality of groundwater resources.

2. We have reviewed every irrigation well that has been drilled in Jackson County from 11/01/15 through 07/10/2022 per the Submitted Drillers Reports (SDR) Database and discovered that 60% (10 out of 17) of the wells have greater than

10 feet but less than 50 feet of the annular spaced sealed and did not use commercial packers.

Since these wells have set the precedence of being permitted to operate in Jackson County, we request the same opportunity."

In response to Mr. Juranek's assertion (60% of well logs for irrigation wells have not been properly constructed), the District reviewed both versions of the well log for the subject well of the enforcement case submitted by Mr. Juranek.

The current rules of the district define the following elements that appear to be relevant:

- PRODUCTION ZONE means the water bearing stratum or strata that a well is completed in from which groundwater is released into the water well.
- WATER BEARING STRATA means a geologic formation from which groundwater can be produced from a water well.
- Item a.1 of Rule 7.2.3 reads "The annular space is sealed from ground level to the top of the water producing strata: or ...".
- Item f of Rule 7.2.3 reads "All wells shall be constructed so that water bearing strata which are allowed to commingle through a gravel pack do not cause quality degradation of any aquifer or zone."

In both versions of the well log, Mr. Juranek has indicated that the annual space is sealed from ground level to the top of the water bearing strata which, in effect, begin at the top of the section of the annular space that is gravel packed.

It appears that the description of the borehole completion and annular seal data (in both versions) of the well log satisfies the annual seal requirements of the district.

**Board Action:** Mr. Born moved to rescind the finding of violation *ECV-20210415-04 – Level-1 – Failure to properly Seal the Annulus of a Well*. Mr. Dugger seconded the motion. The motion passed unanimously.

### **3.6.3 – Enforcement Case – EC-20220114-01-Ryan Golsby**

**Meeting Discussion:** Mr. Andruss explained the District continues to process enforcement case *EC-20220114-01 - Failure to Provide Notice of Intent to Place Casing - Active*.

On April 4, 2022, the District:

1. recorded the violation associated with enforcement case *EC-20220114-01* (see *TGCD - GMa - CIE - Enforcement Case Violation - ECV-20220404-01 - 1st Notice of Violation - Failure to Povided Notice of Intent to Place Casing - Active*);
2. recorded the settlement offer approved by the board for the related violation (see *TGCD - GMa - CIE - Enforcement Case Settlement - ECS-20220404-01 - Failure to Povided Notice of Intent to Place Casing - Active*); and
3. sent, via certified mail (see *TGCD - Adm - AO - Correspondence-Certified Mail - GCOCM - 20220404.1428 - Goolsby Water Well Service LLC.*), the 1st notice of violation to Mr. Goolsby.

USPS tracking records for the certified mail indicated that the 1st of NOV was delivered on or before April 11, 2022.

On May 19, 2022, the District initiated investigations related to failing to provide notice to the District of intent to place casing into a new well borehole by Mr. Goolsby. See *TGCD - Adm - MM - Matter for Consideration - MFC-20220721-3.5.2 - Investigations related Failure to Provide Notice of Intent to Place Casing*.

**Board Action:** Mr. Gendke moved to authorize the General Manager to send via certified mail the 2nd notice of violation to Mr. Goolsby related to this enforcement case. Mr. Dugger seconded the motion. The motion passed unanimously.

**Agenda Item 4: Consideration of and possible action on matters related to Groundwater protection including complaints, investigations, violations and enforcement cases.**

#### **4.0 – Report regarding Groundwater Protection**

**Meeting Discussion:** Mr. Andruss explained as of July 19, 2022, the District had no active investigation related to possible groundwater protection.

**Board Action:** None.

**Agenda Item 5: Consideration of and possible action on matters related to Groundwater Monitoring.**

#### **5.1 – Report regarding Groundwater Monitoring**

**Meeting Discussion:** Mr. Andruss explained the District completed the synoptic water level and water quality monitoring efforts in February 2022. The District received authorization to collect water level and water quality measurements from four wells within Refugio County not previously monitored.

A provided graph illustrated the water level measurements stored within the groundwater monitoring database. Generally, the depth to water has remained constant or decreased from the first quarter of year 2021 to the first quarter of year 2022.

A provided graph illustrated the water level measurements stored within the groundwater monitoring database. Generally, the depth to water has remained constant or decreased from the first quarter of year 2021 to the first quarter of year 2022.

On June 30, 2022, Dr. Young of Intera submitted the report titled Application of Geostatistical Techniques to Interpret Measured 2021 Water Levels and district-specific presentations titled Geostatistical Technique to Assess and to Evaluate Changes in Water Levels regarding the update of water level assessments for the Chicot and Evangeline Aquifers in Refugio, Calhoun, Victoria, and Jackson Counties.

The report contained the following county-wide estimates for Jackson County between year 2000 and 2021:

- The water level change of the Chicot Aquifer was +4.1 feet.
- The water level change of the Evangeline Aquifer was -4.9 feet.
- The combined water level change of the Chicot and Evangeline Aquifers was -0.3 feet.

The 3-year average of water level change- between year 2019 and 2021 is +1.4 feet. The use of a 3-year average of water level changes moderates the effects of the estimates of a single year and represents a measure of the recent trend. The consideration of the 3-year average water level change in the context of the measurement distribution offers a possibility that the condition of the aquifer is significantly better than the water level change from year 2000 to year 2021 indicates.

**Board Action:** Mr. Dugger moved to

1. accept the report developed by Dr. Young of Intera titled Application of Geostatistical Techniques to Interpret Measured 2021 Water Levels;
2. find that the district is presently achieving the desired future condition for Jackson County; and



3. authorize the General Manager to pay the associated invoice from VCGCD in the amount of \$2,500.00 for reimbursement of the district's cost-share.

Mr. Skalicky seconded the motion. The motion passed unanimously.

### **5.3 – Drought Monitoring**

**Meeting Discussion:** Mr. Andruss explained according to the National Integrated Drought Information System, the U.S. Drought Monitor (USDM) is updated each Thursday to show the location and intensity of drought across the country using a five-category system, from Abnormally Dry (D0) conditions to Exceptional Drought (D4). The USDM is a joint effort of the National Drought Mitigation Center, USDA, and NOAA.

The U.S. Drought Monitor (<https://www.drought.gov/states/texas/county/jackson>) indicates that 100% of Jackson County was experiencing moderate drought conditions while 52.22% of Jackson County was experiencing severe drought, and 31.99 % of Jackson County was experiencing exceptional drought as of July 12, 2022.

**Board Action:** None.

**Agenda Item 6: Consideration of and possible action on matters related to Groundwater Conservation including cost sharing on a conservation education project.**

### **6.1 – Report regarding Groundwater Conservation**

**Meeting Discussion:** Mr. Andruss explained on June 7 and 8, 2022, Dr. Le Sage-Clements and Dr. Dimitri Sobolev of University of Houston-Victoria conducted the professional development sessions proposed as part of the Conservation Education and Teacher Professional Development for FY2022 project that is co-sponsored by the District. The sessions were attended by approximately 10 teachers from school districts located within Victoria, Calhoun, Refugio, and Jackson Counties.

**Board Action:** None.

**Agenda Item 7: Consideration of and possible action on matters related to Groundwater Resource planning including Groundwater Management Area 15 Joint Planning and regional water planning.**

**7.1 – Report regarding Groundwater Resource Planning**

**Meeting Discussion:** Mr. Andruss explained the members of Region P met on scheduled for May 16, 2022. The next meeting of Region P is anticipated to occur in August 2022.

The representatives of Management Area 15 met on July 14, 2022, to continue its joint planning efforts. The next meeting of GMA 15 is scheduled for October 13, 2022.

**Board Action:** None.

**7.2/9.1 DFC Adoption**

**Meeting Discussion:** Mr. Andruss explained:

WHEREAS, the Groundwater Conservation Districts located wholly or partially within Groundwater Management Area 15 (GMA 15), as designated by the Texas Water Development Board (TWDB), as of the date of this resolution are as follows: Bee Groundwater Conservation District, Calhoun County Groundwater Conservation District, Coastal Bend Groundwater Conservation District, Coastal Plains Groundwater Conservation District, Colorado County Groundwater Conservation District, Corpus Christi Aquifer Storage and Recovery Conservation District, Evergreen Underground Water Conservation District, Fayette County Groundwater Conservation District, Goliad County Groundwater Conservation District, Pecan Valley Groundwater Conservation District, Refugio Groundwater Conservation District, Texana Groundwater Conservation District, and Victoria County Groundwater Conservation District;

WHEREAS, the representatives of GMA 15 considered reports regarding predicted groundwater availability estimations for multiple groundwater pumping scenarios modeled using the Central Gulf Coast Aquifer Groundwater Availability Model, the aquifer uses or conditions within the management area, the water supply needs and water management strategies included in the state water plan, hydrological conditions, environmental impacts, the impact on subsidence, socioeconomic impacts, the impact on the interests and rights in private property, the feasibility of achieving the desired future condition, and other information

relevant to the specific desired future conditions in accordance with Texas Water Code §36.108 (d);

WHEREAS, on December 9, 2021, the representatives of GMA 15 approved a resolution adopting the proposed desired future conditions for GMA 15 in accordance with Texas Water Code §36.108 (d-3);

WHEREAS, on December 10, 2021, the administrator of GMA 15 submitted the desired future conditions resolution and explanatory report to TWDB.

WHEREAS, on April 22, 2022, the TWDB issued notification to the representatives of GMA 15 stating the desired future conditions resolution and explanatory report submitted under Texas Water Code §36.108 (d-3) were administratively complete in accordance with 31 Texas Administrative Code §356.33.

WHEREAS Texas Water Code §36.108 (d-4) states, after a district receives notification from TWDB that the desired future conditions resolution and explanatory report in accordance with Texas Water Code §36.108 (d-3) are administratively complete, the district shall adopt the applicable desired future conditions in the resolution and report.

WHEREAS the desired future condition adopted by the representatives of GMA 15 on December 9, 2021, stated as follows:

1. The Desired Future Condition for the counties in the groundwater management area (gma-specific DFC) shall not exceed an average drawdown of 13 feet for the Gulf Coast Aquifer System in December 2080; and

2. The Desired Future Conditions for each county within the groundwater management area (county-specific DFCs) shall not exceed the values specified in Table A in December 2080:

Table A. Desired Future Conditions for Counties of GMA 15 expressed as an Average Drawdown between January 2000 and December 2080.

- \* Aransas County: 0 feet of drawdown of the Gulf Coast Aquifer System.
- \* Bee County: 7 feet of drawdown of the Gulf Coast Aquifer System.
- \* Calhoun County: 5 feet of drawdown of the Gulf Coast Aquifer System.
- \* Colorado County: 17 feet of drawdown of the Chicot and Evangeline Aquifers; and 25 feet of drawdown of the Jasper Aquifer.
- \* DeWitt County: 17 feet of drawdown of the Gulf Coast Aquifer System.
- \* Fayette County: 44 feet of drawdown of the Gulf Coast Aquifer System.
- \* Goliad County: 4 feet of recovery of the Chicot Aquifer; 2 feet of recovery of the Evangeline Aquifer; 7 feet of drawdown of the Burkeville Aquifer; and 14 feet of drawdown of the Jasper Aquifer.
- \* Jackson County: 15 feet of drawdown of the Gulf Coast Aquifer System.

- \* Karnes County: 22 feet of drawdown of the Gulf Coast Aquifer System.
- \* Lavaca County: 18 feet of drawdown of the Gulf Coast Aquifer System.
- \* Matagorda County: 11 feet of drawdown of the Chicot and Evangeline Aquifers.
- \* Refugio County: 5 feet of drawdown of the Gulf Coast Aquifer System.
- \* Victoria County: 5 feet of drawdown of the Gulf Coast Aquifer System.
- \* Wharton County: 15 feet of drawdown of the Chicot and Evangeline Aquifers

**Board Action:** Mr. Skalicky moved to adopt above-described desired future conditions for Management Area 15 by resolution. Mr. Koop seconded the motion. The motion passed unanimously.

**Agenda Item 8: Consideration of and possible action on matters related to Groundwater Policy including the Management Plan of the District and the Rules of the District and fee schedule.**

**8.1 – Report regarding Groundwater Policy**

**Meeting Discussion:** Mr. Andruss explained the staff of the District have drafted revisions to the Rules of the District for the purposes of eliminating unnecessary regulations, streamlining procedures, improving groundwater regulation and long-term management of groundwater resources within Refugio County. See TGCD - Adm - MM - Matter For Consideration - MFC-20220721-8.2 - Review of Draft Rule Revisions and Draft Fee Schedule.

In anticipation of the adoption of the desired future conditions for Groundwater Management Area 15 and development of Modeled Available Groundwater (MAG) estimates by the Texas Water Development Board (TWDB), the District has initiated a project for updating the Management Plan of the District. The draft management plan will be presented to the Board for consideration after TWDB develops MAG values and other technical data required to be incorporated in the management plan.

**Board Action:** None.

**8.2 Review of Draft Rule Revisions and Draft Fee Schedule**

**Meeting Discussion:** Mr. Andruss explained the staff of the District have made significant progress, with the assistance of Mr. Allison, on the draft changes to the rules of the district. The draft revisions were developed simultaneously with draft revisions for VCGCC, CCGCD, and RGCD for the purpose of maximizing consistency regarding groundwater regulation in the region. Dr. Uddameri has been asked to review and provide comments on the technical elements within the draft rules.

To improve the readability of the rules, the sentence structure has been standardized to be consistent throughout the document (sentence structure: <the relevant persons> <shall, shall not, or may> <requirement>) and the items reorganized in terms of sequence and location within the document.

The major policy changes contained within are:

1. revision of exempt-use definition.
2. elimination of drilling permits.
3. creation of provisions for the establishment of deep-saline groundwater management zones.
4. creation of provisions for the establishment of special well construction areas.
5. revision of spacing requirements for new wells relative to property lines.
6. revision of the requirements related to production permitting associated with potentially high impact production permitting.
7. clarification of the requirements for plugging deteriorated wells and the consequences of plugging water wells regarding existing production permits.
8. creation of a requirement to install and use a meter in connection with transfer permits.
9. creation of provisions for petitioning for changes to the rules of the district.
10. creation of provision to establish excess production penalties; and
11. incorporation of the enforcement polices into the rules of the district.

Mr. Andruss provided a report summarizing the recommended changes, a detailed discussion of the provisions associated with high-capacity production permitting and answer any questions you raise regarding the recommendations.

A series of tables were provided that summarizes the differences between draft rules to the existing rules by identifying the significant provisions that have been 1) eliminated, 2) revised, or 3) added.

**Board Action:** None.

**Agenda Item 9: Consideration of and possible adoption of the desired future conditions of Groundwater Management Area 15.**

**Meeting Discussion:** None.

**Board Action:** None.

**Agenda Item 10: Consideration of and possible action on matters related to performance management including management goals and objectives of the District and the annual report for FY2021.**

**Meeting Discussion:** None.

**Board Action:** None.

**Agenda Item 11: Consideration of and possible action on matters related to meeting management including minutes of previous meeting.**

### **11.0 – Report regarding Meeting Management**

**Meeting Discussion:** Mr. Andruss explained the next meetings of the Board are scheduled for August 18, 2022 (Budget and Tax Rate Matters), and October 20, 2022, with each meeting to convene at 8:30 AM. Special meeting may be scheduled to address unforeseen issues.

**Board Action:** None.

### **11.1 - Minutes of Previous Meeting**

**Meeting Discussion:** Mr. Andruss explained the minutes for the meeting held on April 21, 2022, were sent the board members prior to the meeting.

**Board Action:** Mr. Skalicky moved to accept and approved the meeting minutes for April 21, 2022, as drafted. Mr. Dugger seconded the motion. The motion unanimously.

**Agenda Item 12: Consideration of and possible action on matters related to financial management including the annual budget of the district, financial reports of the district, financial reports of the district, and bills and invoices of the district.**

### **12.1.1 - Report on Financial Management**

**Meeting Discussion:** Mr. Andruss explained the financial records for May 2022 had been compiled, reviewed, and sent to the board members prior to the meeting.

Mr. Andruss notified the Board that he intended to develop a budget recommendation for fiscal year 2023 based on the anticipated adoption of the No-

New-Revenue Tax Rate for Tax Year 2022 and would post the necessary notices regarding the budget and tax rate hearings to facilitate the adoption of the budget for FY2023 and the tax rate for TY2022 on August 18, 2022.

**Board Action:** Mr. Koop moved to accept and approve the financial records for May 2022. Mr. Born seconded the motion. The motion unanimously.

#### **12.1.1 – Financial Transaction Review**

**Meeting Discussion:** Mr. Andruss provided a list of the accounts payable and accounts receivable transactions recorded since April 1, 2022, as of July 13, 2022.

**Board Action:** None.

#### **12.2 – Unpaid Accounts Payable**

**Meeting Discussion:** Mr. Andruss explained the District has outstanding accounts payable invoices that are not considered regular and routine for which the District has received the goods and services billed for under the invoices.

**Board Action:** Mr. Duggar moved to authorize the general manager to pay the following invoices:

1. ACCTP-20220705-01 - \$201.85 - Victoria Advocate Invoice No. 345352\_0622
2. ACCTP-20220711-02 - \$6,934.98 - VCGCD - March 2022 Inv# ILA-20220301-T
3. ACCTP-20220713-01 - \$299.74 - Pace Analytical Invoice No. 22751509282
4. ACCTP-20220713-01 - \$331.28 - Prosperity Visa Card
5. ACCTP-20220718-01 - \$870.00 - ABM - Invoice No. 6629

Mr. Koop seconded the motion. The motion passed unanimously.

**Agenda Item 13: Consideration of and possible action on matters to office administration and management including administrative policies, election of officers of the board, personnel, staffing, employment agreements, consultant agreements, interlocal cooperation agreements, and support services provided to and from other groundwater conservation districts.**

#### **13.1 – Report regarding Administration and Management**

**Meeting Discussion:** Mr. Andruss explained that Ms. Foster, Jackson County Tax Assessor-Collector had requested that the District execute an agreement for collection services for tax year 2022.

**Board Action:** Mr. Skalicky moved to authorize the presiding officer to execute the agreement with the County of Jackson for collection services for tax year 2022. Mr. Dugger seconded the motion. The motion passed unanimously.

**Agenda Item 14: Consideration of and possible action on matters related to legal counsel report.**

**14.0 – Legal Counsel Report**

**Meeting Discussion:** None.

**Board Action:** None.

**Agenda Item 15: Adjourn.**


**Meeting Discussion:** None.

**Board Action:** Mr. Koop moved to adjourn at 12:40 PM. Mr. Dugger seconded the motion. The motion passed unanimously.

The above and foregoing minutes were read and approved on this the 18<sup>th</sup> day of August, 2022

ATTEST:

  
District Director  
sexiy

  
District Director