

# Texana Groundwater Conservation District

411 N. Wells, Room 118, Edna, Texas 77957

P.O. Box 1098, Edna, Texas 77957

Phone (361) 781-0624 | Fax (361) 781-0453 | www.texanagcd.org

The meeting of the Texana Groundwater Conservation District Board of Directors convened at 411 N. Wells, Edna, Texas 77957 on Thursday, January 20, 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	Absent
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.

**Meeting Discussion:** Mr. Skalicky called the meeting to order at approximately 8:33 am.

**Board Action:** No action taken.

## Agenda Item 2: Receive public comments.

**Meeting Discussion:** None.

**Board Action:** No action taken.

## Agenda Item 3: Consideration and possible action on matters related to forbearance request by Ekstrom Aquaculture.

### 3.1 – Ekstrom Forbearance Request

**Meeting Discussion:** Mr. Andruss on January 11, 2022, Mr. Ekstrom submitted a forbearance request on the permit's method of a stepped return to unrestricted pumping and an immediate cessation of the current requirement for curtailment. The request was accompanied by the pumping test report for the pumping test that occurred between December 2, 2021, and December 16, 2021. Groundwater production in December 2021 from the fresh zone occurred at well R1GW-00452 (the replacement well for IW-3) totaling

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61.6 acre-feet. The average conductivity measurement at the monitoring well for the lower fresh zone on the East site of the property (East - Lower Fresh DAMW/ FMW-3) in December 2021 dropped by 532 units to 2,394  $\mu\text{S}/\text{cm}$ . The performance standard is 2,087  $\mu\text{S}/\text{cm}$ .

On January 12, 2021, the pumping test report was forwarded to Dr. Uddameri for review.

Mr. Mark Kubecka, representing the fish farm, and staff of the District discussed the pumping test report at length.

Mr. Andruss notified the board under the provisions of the wavier, in particular under item 2 of section 5.11, that he intended to reduce the performance responses for the permitted entity based on scientific creditable showings within the pumping test report were caused by conditions outside the permitted entity's control.

The curtailment of production for well R1GW-00452 (IW-3) would be set to 61.602 acre-feet during January 2022 which is based on the volume of groundwater produced during the pumping test. The curtailment of production for well GW-00XXX (IW-2) would be set to 127.505 acre-feet during January 2022. The curtailment of production for well GW-00XXX (IW-1) would be set 67.570 acre-feet during January 2022. The volumes were based on the volumes of groundwater produced the past twelve months.

**Board Action:** No action taken.

**Agenda Item 4: 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.**

## **4.1 – Report regarding Groundwater Management**

**Meeting Discussion:** The District has initiated 68 permitting request cases (PRCs) since October 1, 2021.

As of January 14, 2022, there are seven permitting requests and applications are pending with the District.

**Board Action:** None.

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## 4.2: Groundwater Production Permits

**Meeting Discussion:** Mr. Andruss explained as of January 18, 2022, the volume of groundwater production authorized for 1) water wells permitted under aggregate production permits (well fields and well systems) is 25,868.03 acre-feet per year, 2) water wells not permitted under aggregate production permits is 140,364.37 acre-feet per year.

**Board Action:** None.

## 4.3: Groundwater Production

**Meeting Discussion:** Mr. Andruss explained as of January 14, 2022, the District has recorded groundwater production of 26,084.80 acre-feet during calendar year 2020 from 205 groundwater production reports. The district mailed out 193 notices regarding the groundwater production reporting for non-exempt use wells registered in the TGCD database. Per the rules of the district, required groundwater production reports for calendar year 2021 should be submitted by January 31, 2022.

**Board Action:** None.

## 4.4: Production Permit Renewals

**Meeting Discussion:** Mr. Andruss explained the district has identified six production permits due to expire in CY2022.

**Board Action:** None.

### 4.5.1: Investigations related to Well Log Accuracy and Well Location

**Meeting Discussion:** Mr. Andruss explained as of January 14, 2022, the District had 64 active investigations related to groundwater management.

The District has 17 active investigations associated with well drillers apparently failing to satisfy a requirement of a drilling permit. Most of the apparent violations appeared to be related to the reported location of the well (GPS coordinate reported on the well log) being outside of the authorized drilling area of the

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associated drilling permit. Item 1 of Rule 7.1: DRILLING WELLS went into effect on December 14, 2015, and states "A person drilling a well shall locate the well within the authorized drilling area specified on a drilling permit issued by the District."

The District believes the apparent violations likely arise because of imprecise or inaccurate GPS coordinates being recorded on well logs, imprecise or inaccurate information being submitted or used to identify the subject property of an application for a drilling permit resulting in the identification of an authorized drilling area that does not encompass the location intended for the new well to be drilled, or a combination of both circumstances. While instances have occurred in which the proposed well was drilled on a property or location not intended by the permit applicant, the District is not aware of this circumstance existing associated with these investigations.

**Board Action:** Mr. Skalicky moved to authorize the General Manager to notify the property owner and well driller associated with each investigation, by regular mail, of the requirement to drill a well within the authorized drilling area under Rule 7.1 of the Rules of the District and that the information provided to the District suggests a violation of item 1 of Rule 7.1 may have occurred, and that if either party believes that an actual violation occurred to contact the District otherwise the investigation will be closed on March 15, 2022; and authorize the General Manager to close any of the investigations that the District has not been requested to keep active by March 15, 2022. Mr. Revel seconded the motion. The motion passed unanimously.

## 4.5.2: Investigations related to Well Registration and Permitting

**Meeting Discussion:** Mr. Andruss explained as of January 14, 2022, the District had 64 active investigations related to groundwater management.

The District has 47 active investigations associated with well registration, permitting, the sealing of the annular space of new wells. The District will review the investigations and attempt to resolve any potential violations administratively.

The District will initiate an enforcement cases for presentation to the Board on April 21, 2022 for those investigation in which the District identifies potential violations that remain unresolved.

**Board Action:** None.

## 4.6.1: Enforcement Case – EC-20220114-01 – Ryan Golsby

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**Meeting Discussion:** Mr. Andruss explained the District has one active enforcement case 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."

**Board Action:** Mr. Skalicky moved to 1) find that Mr. Golsby 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 well NW-00530; and 2) authorize the General Manager to offer to settle the violation if Mr. Golsby acknowledges the violation and that subsequent violations may result in additional enforcement proceedings in accordance with the Enforcement Policy of the District. Mr. Gendke seconded the motion. The motion passed unanimously.

## **Agenda Item 5: Consideration of and possible action on matters related to Groundwater Protection including complaints, investigations, violations, and enforcement cases.**

### **5.1: Report regarding Groundwater Protection**

**Meeting Discussion:** Mr. Andruss explained as of January 17, 2022, the District has five active investigations related to possible groundwater contamination or water quality degradation.

**Board Action:** None.

## **Agenda Item 6: Consideration of and possible action on matters related to Groundwater Monitoring.**

### **6.1 – Report regarding Groundwater Monitoring**

**Meeting Discussion:** Mr. Andruss explained the District will begin the synoptic water level and water quality monitoring efforts in February 2022.

**Board Action:** None.

### **6.2 – Report regarding Groundwater Monitoring near West Ranch**

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**Meeting Discussion:** Mr. Andruss explained the District has identified 20 wells at which conductivity or TDS values were measured near West Ranch in the past.

The District has identified 9 wells with known depths which are located within the boundary of wells with TDS or conductivity measurements near West Ranch as candidates for future monitoring.

The estimated cost for lab analysis to total dissolved solids and conductivity is \$50 per sample. If the Board authorized additional monitoring activities near West Ranch, the field work would be scheduled to June - July of 2022.

**Board Action:** Mr. Skalicky moved to authorize the General Manager to obtain water samples from all of the previously sampled wells as well as five of the candidates for future monitoring at a cost not to exceed \$1,250.00. Mr. Gendke seconded the motion. The motion passed unanimously.

## **6.3 – Drought Monitoring**

**Meeting Discussion:** Mr. Andruss explained the U.S. Drought Monitor, produced through a partnership between the National Drought Mitigation Center at the University of Nebraska-Lincoln, the United States Department of Agriculture, and the National Oceanic and Atmospheric Administration, indicates that all portions of Jackson County were experiencing dry or drought conditions as of January 18, 2022.

**Board Action:** None.

**Agenda Item 7: Consideration of and possible action on matters related to groundwater conservation including cost sharing on a conservation education project.**

## **7.1 – Report regarding Groundwater Conservation**

**Meeting Discussion:** Mr. Andruss explained the University of Houston - Victoria, through professors Teresa La Sage-Clements and Dmitri Sobolev have submitted a proposal to VCGCD and its cooperating districts for a project for professional teacher development and associated student camp focusing on groundwater conservation. The project is described as follows; emphasis added:

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*To continue the partnership between UH-Victoria and the VCGCD sustaining the teacher and student environmental groundwater water quality education, we propose the following hands-on teacher professional development opportunity and student camp on how surface and groundwater are polluted and connected. Teachers and students will be recruited from schools within Victoria, Calhoun, Jackson, and Refugio Counties.*

*Teachers will acquire water quality testing skills, compare well water and watershed quality results. Both teachers and students need to understand how the hydrologic cycle, the Guadalupe River watershed, Texas freshwater, and global freshwater quality are all related. The teachers' knowledge can be transferred to their students in the classroom and improve student understanding of groundwater and the watershed.*

*Up to 10 middle and/or high school teachers completing professional development can earn up to 12 hours of continuing education credit through UHV and the Texas Education Agency. The 10 teachers will experience a well water quality and watershed water quality workshop. Also, one student camp will be held for up to 20 students.*

*The delivery dates of the teacher professional development and the student camps will depend on external environment constraints such as COVID-19 variants and if it is safe for teachers and students to meet face-to-face. The first teacher Professional development workshop was planned for the fall of 2021 but may need to be postponed to Spring 22 or Summer 22 due to COVID issues.*

The cost to fund the project is \$16,678.00 and is comprised of the following:  
Professional Development for 10 Teachers: \$13,028.00

- Teacher stipend: \$5,000.00
- Teacher supplies: \$6,500.00
- Transportation van: \$1,000.00
- Student lab worker: \$240.00
- Professors, in kind: \$0.00
- Food: \$288

Student Camp for 20 Students: \$1,272.00

- Teacher facilitators: \$400.00
- Student lab worker: \$120.00
- Professors, in kind: \$0.00
- Food: \$252.00
- Transportation van: \$500.00

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Physical Aquifer Model: \$1,378.00 (the district recommends the use of the Envision 2000 Series - Sand & Gravel Aquifer Model from Creative Lab Works, <http://www.creativelabworks.com/>)

Incidentals \$1,000 (other teacher and student supplies unforeseen)

The funding agreement negotiated by the staff of the District establishes a payment model in which actual costs of the project, not to exceed \$16,678.00, would be reimbursed by VCGCD to UHV based on periodic status reports submitted by UHV. The agreement and proposal will be presented to the VCGCD Board of Directors for consideration on January 21, 2022, with a recommendation to accept the proposal and approve the funding agreement for the purposes of promoting groundwater conservation. If the District agrees to share the costs of the project and the other cooperating district do the same, each district will contribute up to \$4,169.50.

**Board Action:** Mr. Skalicky moved to accept the proposal for the Teacher Professional Development and Student Camp project and agree to share the costs of the project with Victoria County Groundwater Conservation District in an amount not to exceed \$4,169.50 for the purposes of promoting groundwater conservation. Mr. Gendke seconded the motion. The motion passed unanimously.

### **Agenda Item 8: Consideration of and possible action on matters related to Groundwater Resource Planning including Groundwater Management Area 15 Joint Planning and regional water planning.**

#### **8.1 – Report regarding Groundwater Resource Planning**

**Meeting Discussion:** Mr. Andruss explained the District will participate in the Region P Regional Water Planning Group Meeting scheduled for February 28, 2022 at 2:00 PM.

The District participated in the Management Area 15 Meeting on December 9, 2021. At the meeting, the representatives re-affirmed the adoption of proposed DFC for GMA 15, approved the explanatory report for the adopted DFC, approved the special request of Goliad County GCD to request TWDB use increased evaluation criteria when considering feasibility of the adopted DFC. The adopted DFC and associated explanatory report were submitted to TWDB before the required deadline (60 days after the adoption of the DFC). The next meeting of GMA 15 is scheduled for April 14, 2022.



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**Board Action:** None.

**Agenda Item 9: Consideration of and possible action on matters related to groundwater policy including the Management plan of the District and the Rules of the District.**

## **9.1 – Report regarding Groundwater Policy**

**Meeting Discussion:** Mr. Andruss explained the staff of the District are currently reviewing the Rules of the District for the purposes of identifying potential revisions to eliminate unnecessary regulations and requirement, simplify regulations and requirements, streamline procedures, needed clarifications, correct grammatical and formatting errors. At the meeting scheduled for April 18, draft revisions to the Rules of the District will likely be presented to the Board for consideration and possible designation as proposed Rules of the District and initiation of rule-making procedures.

**Board Action:** None.

**Agenda Item 10: Consideration of and possible action on matters related to Groundwater Research.**

**Meeting Discussion:** None.

**Board Action:** None.

**Agenda Item 11: Consideration of and possible action on matters related to performance management including management goals and objectives of the District.**

**Meeting Discussion:** None.

**Board Action:** None.

**Agenda Item 12: Consideration of and possible action on matters related to meeting management including minutes of previous meeting.**

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## **12.1 – Report regarding Meeting Management**

**Meeting Discussion:** Mr. Andruss explained the proposed schedule of meetings of the Board of Directors for calendar year is **April 21, 2022, July 21, 2022, 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:** Mr. Skalicky moved to adopt the proposed meeting schedule for CY2022. Mr. Borne seconded the motion. The motion passed unanimously.

## **12.2 – Minutes of Previous Meeting**

**Meeting Discussion:** Mr. Andruss explained the minutes for the meeting held on November 18, 2021, were sent the board members prior to the meeting.

**Board Action:** Mr. Gendke moved to accept and approved the meeting minutes for November 18, 2021, as drafted. Mr. Koop seconded the motion. The motion passed unanimously.

**Agenda Item 13: Consideration of and possible action on matters related to financial management including the annual budget of the district, financial reports of the district, bills, and invoices of the district.**

## **13.1 – Report on Financial Management**

**Meeting Discussion:** Mr. Andruss explained the financial reports for December 2021 have been compiled, reviewed, and sent to the board members prior to the meeting. All accounts reconcile with internal records. All expenditures are related to business of the District and properly authorized.

**Board Action:** Mr. Skalicky moved to accept and approve the financial records for December 2021. Mr. Woodland seconded the motion. The motion passed unanimously.

## **13.2 – Unpaid Accounts Payable**

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**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. Gendke moved to authorize the general manager to pay the listed items. Mr. Skalicky seconded the motion. The motion passed unanimously.

**Agenda Item 14: Consideration of and possible action on matters related to office administration and management including personnel, staffing, employment agreements, consultant agreements, inter-local cooperation agreements, and support services provided to and from other groundwater conservation districts.**

**Meeting Discussion:** None.

**Board Action:** None.

**Agenda Item 15: Consideration of and possible action on matters related to legal counsel report.**

**Meeting Discussion:** None.

**Board Action:** None.

**Agenda Item 16: Adjourn.**

**Meeting Discussion:** None.

**Board Action:** Mr. Koop moved to adjourn at 11:38 AM. Mr. Skalicky seconded the motion. The motion passed unanimously.

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Prepared by:  
Tim Andruss, General Manager  
Texana Groundwater Conservation District

The above and foregoing minutes were read and approved on this the 21<sup>st</sup> day of APRIL, 2022.

ATTEST:

  
\_\_\_\_\_  
District Director

  
\_\_\_\_\_  
District Director