

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, April 20, 2023, at 8:30 AM.

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

Precinct 1:	Kenneth Koop	Absent
Precinct 2:	Michael Skalicky	Present
Precinct 3:	Clifford Born	Present
Precinct 4:	Robert Gendke Jr.	Absent
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 8:30 AM.

Board Action: None.

Agenda Item 2: Receive public comments.

Meeting Discussion: Mr. Skalicky offered to accept public comment from attendees.

No comments were made at this time.

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, complaints, investigations, violations, and enforcement cases associated with permitting.

3.0 – Report regarding Groundwater Management

Meeting Discussion: Mr. Andruss explained as of April 18, 2023, staff had received 85 well registration applications (ARWs) and 13 Notices of Intent to Drill a Well (NIDWs) since October 1, 2022.

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

As of April 18, 2023, staff had received 3 production permit renewal requests (ARPPs) since October 1, 2022.

As of April 18, 2023, staff had initiated 86 permitting request cases (PRCs) since October 1, 2022, and 5 permitting request cases remain pending.

As of April 18, 2023, staff have processed 199 groundwater production reports for calendar year 2022 reporting 25,854 acre-feet of groundwater production. (TWDB estimated the volume of groundwater produced for rural domestic, livestock, mining, and rig supply exempt uses in Jackson County in Year 2020 was 1,581 acre-feet.

As of April 18, 2023, the volume of groundwater production authorized under 148 active or approved production permits totals 167,437 acre-feet per year.

As of April 18, 2023, staff had 2 open investigations related to groundwater management (i.e., permitting).

As of April 18, 2023, staff had 2 open enforcement cases related to groundwater management (i.e., permitting).

Board Action: None.

3.0.1 – Review of Permitting Request Cases

Meeting Discussion: Mr. Andruss explained as of April 18, 2023, the District has initiated 81 permitting request cases (PRCs) since January 1, 2023.

As of April 18, 2023, the District has 10 permitting request cases pending.

Board Action: None.

3.1 – Permit Hearing for PRC-20220928-01 – Ranches at Mustang Creek LLC

Meeting Discussion: Mr. Andruss explained Mr. Darryl R. Hammond for The Ranches at Mustang Creek, LLC seeks, under permitting request case PRC-20220928-01, a historic use production permit authorizing production of groundwater for irrigation of crops and lake maintenance at rates not to exceed 2,500 gallons per minute or 945 acre-feet per year from grandfathered well GW-00569. The subject well is located on a 322.65-acre tract of land near the intersection of U.S. Highway 59 North and County Road 202 in Jackson County, Texas.

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 applications and supplemental information associated with this permitting request case are considered administratively complete and contain sufficient information to evaluate the request relative to the Rules of the District. Provided the resulting permit is 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 states that the "[w]ell has been used for at least 28 years." The application indicates groundwater produced from well GW-00569 was used for irrigation of corps and maintaining water level in a lake. The volume of historic use from well GW-00569 is estimated to be 945 acre-feet per year. The volume of historic use for grass irrigation is estimated to be 933 acre-feet per year. The volume of historic use for maintaining lake levels is estimated to be 12 acre-feet per year. The application includes affidavits from Mr. Darryl R. Hammond and Mr. Karl Reckaway. The District confirmed the existence of the pond on aerial imagery dated 1/23/1996 and 4/11/2007 from Google Earth.

On October 5, 2022, the public notice related to the consideration of the permit case was completed.

As of October 18, 2022, the District had not received notice of intent to contest the permitting request.

On February 20, 2023, the District received an affidavit from affiant Karl Reckaway regarding historic use of groundwater for irrigation and pond maintenance purposes on the J-Bar Ranch. The affidavit appears to:

1. revise the annual period of time the well was historically operated for irrigation uses from "to October" to "through October",
2. specify that the well was used to "fill the pond that tis located on the Property.", and
3. specify that the pond was "used for various purposes on the property."

On March 3, 2023, the District completed the process of publishing the public notice for the hearing scheduled at this meeting.

On April 13, 2023, the district requested confirmation of the boundaries of the contiguous tracts of groundwater ownership and landownership.

On April 13, 2023, Mr. Bridges of Urban Engineering provided to documents representing the boundary surveys of the tracts that comprise The Ranches at Mustang Creek Subdivision.

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

On March 18, 2023, staff reviewed the submitted information and revised the associated boundary for PRC-20220928-01 and the boundaries of the boundaries of the contiguous tracts of groundwater ownership and landownership.

On March 18, 2023, staff compared the list of parcels within the boundaries associated with the PRC to the information available on the JCAD website. All of the parcels are shown to be owned by The Ranches at Mustang Creek.

Board Action: The public hearing was opened at approximately 9:43 AM. Mr. Revel moved to leave the hearing open. Mr. Born seconded the motion. The motion passed unanimously.

3.2 – Investigation INV-20221107.1343 regarding Failure to Satisfy Permit Condition.

Meeting Discussion: Mr. Andruss explained on November 18, 2022, the Board passed a motion that included conditions to settle permitting violation requiring suspension of fresh groundwater production unless temperatures fell below 42 degrees Fahrenheit for 3 or more days and required permitting request intended to address the recurring exceedances of the performance conditions established by waiver WV-20191219-01 by April 2023.

On March 21, 2023, Mr. Kubecka submitted an application to the district seeking to amend permit AP-201203-14 on behalf of Bowers and Saha Aquaculture LLC. The application has been assigned the following identification number: AAPC-20230321-01. The application is being processed under permitting request case PRC-20230321-01.

With the submittal of the application on March 21, 2023, the district considers the violation settled and resolved.

Board Action: None.

3.3 – Permit Hearing for PRC-20230321-01 – Bowers and Saha LLC

Meeting Discussion: Mr. Andruss explained on March 21, 2023, Mr. Kubecka submitted an application to the district seeking to amend permit AP-201203-14 on behalf of Bowers and Saha Aquaculture LLC. The application has been assigned the following identification number: AAPC-20230321-01. The application is being processed under permitting request case PRC-20230321-01

Although the application is administratively complete (i.e., contains adequate information to evaluate the request relative to the rules of the district), staff

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

determined that the request is logically inconsistent and therefore contested the request. The request, as specified in application AAPC-20230321-01, seeks to alter permit AP-20121203-14 by eliminating "weekly groundwater testing requirements" and "curtailment requirements". However, the permit does not contain 1) "weekly groundwater testing requirements", or 2) "curtailment requirements".

On March 24, 2023, staff notified Mr. Kubecka of the identified issues with the application and the District's intent to contest the application as submitted. The notice of intent to contest the application was sent to Bowers and Saha Aquaculture LLC by certified mail.

On March 29, 2023, Mr. Kubecka submitted a revised application.

On March 30, 2023, the general manager reviewed the application submitted on March 29, 2023, and issued a notice of intent to contest the application.

Mr. Kubecka gave a presentation and answered questions.

Board Action: Mr. Revel moved to:

1. designate the permitting request case contested;
2. authorize the general manager to engage and pay for services rendered by a qualified technical consultant for the review of application and supporting documentation for the purposes of expressing an opinion regarding the validity of the technical statements within the application and degree to which the "DiSorbo Report" and monitoring data supports technical claims by Bower and Saha; and
3. schedule a meeting for the purpose of receiving a report from the technical consultant and continue the contested case proceedings.
4. grant Bowers and Saha LLC forbearance authorizing a) pumping of 30% of their permitted groundwater volume in the fresh zone, and their full permitted volume in the brackish zone so long as water levels in monitoring wells do not decline more than 20 feet below the initial condition of the of the monitoring well, b) authorization to produce groundwater from the fresh zone while air temperature falls below 40 degrees for two or more consecutive days, c) elimination of weekly monitoring requirements by the permitted entity, until the review of the amendment request by the District is completed, and presented to the board, or otherwise withdrawn by the board.

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

3.4 – Groundwater Production Reporting for CY2022

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

Meeting Discussion: Mr. Andruss explained on December 28, 2022, staff produced a set of courtesy notices for those wells for which the required reporting for CY2022.

On February 21, 2023, staff started the internal QC work on reported groundwater production for CY2022.

On March 6, 2023, staff reviewed the groundwater production reporting for CY2022 and produced a set of courtesy notices for those wells for which the required reporting for CY2022 had not been received.

On March 6, 2023, the general manager initiated the investigation regarding potential violations of the rules of the district related to groundwater production reporting.

As of April 18, 2023, staff have processed 199 groundwater production reports for calendar year 2022 reporting 25,854 acre-feet of groundwater production.

Board Action: None.

3.5 – INV-20230306.1132 – Failure to Report Groundwater Production

Meeting Discussion: Mr. Andruss explained as of April 18, 2023, the District has identified 12 wells under investigation INV-20230306.1132- Failure to Satisfy Rules of the District - Production Reporting for CY2022 - Active that have potentially violated RULE 2.6: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS by failing to report the volume of groundwater produced from the non-exempt-use well for the previous calendar year (January 1 to December 31) during January of the current calendar year.

On March 6, 2023, the general manager initiated the investigation.

On April 18, 2023, the general manager developed a list of wells and ownership information related to wells that appear to currently have not satisfied the requirement to report groundwater production for CY2022.

The district has classified the potential violators based on landownership into the following groups based the provisions of RULE 11.10: PENALTIES of the Rules of the District:

Group 1: Persons with one violation and no previous violations:

1. SAENZ CANDIDO (Candido Saenz);

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

2. THE RANCHES AT MUSTANG CREEK, LLC (The Ranches at Mustang Creek, LLC);
3. EPS VENTURES LLC (Mirage Industrial Group, LLC);
4. SALINAS, HECTOR, Sr. (Hector Salinas);
5. ROGERS, MAURITZ S & WILSON B & JOHN S (Mauritz S. Rogers);
6. ROGERS, ELIZABETH (Elizabeth C. Rogers);
7. ENGELMOHR, CODY WADE & MELINDA / ENGELMOHR, HARRY ALTON (Alice Combs)

Group: 2: Persons with previous violation of the related rule in the previous 5-year period:

1. COMBS ALICE M (Alice Combs)
 1. ECV-20210712-11 - Level 1 - Failure to Report Groundwater Production for CY2020 - Resolved
 2. ECV-20210712-13 - Level 1 - Failure to Report Groundwater Production for CY2020 - Resolved
 3. ECV-20210712-14 - Level 1 - Failure to Report Groundwater Production for CY2020 - Resolved
 4. ECV-20210712-15 - Level 1 - Failure to Report Groundwater Production for CY2020 - Resolved
 5. ECV-20210712-17 - Level 1 - Failure to Report Groundwater Production for CY2020 – Resolved

If the boards find that violations have occurred in the instances identified in file TGCD - List of Wells and Ownership Data - Potential Failure to Report Groundwater Production - 20230418.pdf and instruct staff to proceed with enforcement efforts, staff will:

- a) mail 1st notice of violation and any approved settlement offer to the landowner associated with the appraisal district tax parcel by CMRRR and to the registered well owner by regular mail by May 1, 2023;
- b) mail the 2nd notice of violation and any approved settlement offer to the landowner associated with the appraisal district tax parcel by CMRRR and to the registered well owner by regular mail by June 1, 2023,
- c) mail the notice of need to file suit and any approved settlement offer to the landowner associated with the appraisal district tax parcel by CMRRR and to the registered well owner by regular mail by June 30, 2023,
- d) publish an enforcement hearing notice for any unresolved violations for the July 20, 2023, board meeting by July 6, 2023, and
- e) present any unresolved violations to the board at the July 20, 2023, meeting with a recommendation that board: 1) confirm the findings of violation and penalties and 2) referred to the violations to legal counsel for filing suit before the meeting scheduled for October 19, 2023.

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

Board Action: For Persons with one violation and no previous violations Mr. Revel moved to:

1. find that SAENZ CANDIDO (Candido Saenz) violated RULE 2.6: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well GW-00547 unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;
2. authorize the General Manager to initiate an enforcement case regarding the violation;
3. set a \$100.00 penalty for the violation per RULE 9.6: Rule Enforcement of the Rules of the District; and
4. offer to settle the violation if SAENZ CANDIDO (Candido Saenz) consents to the following conditions:
 1. acknowledges the violation by June 30, 2023;
 2. pays a settlement fee of \$0.00 by June 30, 2023; and
 3. submits an administratively complete groundwater production report for calendar year 2022 by June 30, 2023.

1. find that THE RANCHES AT MUSTANG CREEK, LLC (The Ranches at Mustang Creek, LLC) violated RULE 2.6: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well GW-00569 unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;
2. authorize the General Manager to initiate an enforcement case regarding the violation;
3. set a \$100.00 penalty for the violation per RULE 9.6: Rule Enforcement of the Rules of the District; and
4. offer to settle the violation if THE RANCHES AT MUSTANG CREEK, LLC (The Ranches at Mustang Creek, LLC) consents to the following conditions:
 1. acknowledges the violation by June 30, 2023;
 2. pays a settlement fee of \$0.00 by June 30, 2023; and
 3. submits an administratively complete groundwater production report for calendar year 2022 by June 30, 2023.

1. find that EPS VENTURES LLC (Mirage Industrial Group, LLC) violated RULE 2.6: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well NW-00477 unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;
2. authorize the General Manager to initiate an enforcement case regarding the violation;
3. set a \$100.00 penalty for the violation per RULE 9.6: Rule Enforcement of the Rules of the District; and

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

4. offer to settle the violation if EPS VENTURES LLC (Mirage Industrial Group, LLC) consents to the following conditions:

1. acknowledges the violation by June 30, 2023;
2. pays a settlement fee of \$0.00 by June 30, 2023; and
3. submits an administratively complete groundwater production report for calendar year 2022 by June 30, 2023.

1. find that SALINAS, HECTOR, Sr. (Hector Salinas) violated RULE 2.6: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well NW-00585 unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;

2. authorize the General Manager to initiate an enforcement case regarding the violation;

3. set a \$100.00 penalty for the violation per RULE 9.6: Rule Enforcement of the Rules of the District; and

4. offer to settle the violation if SALINAS, HECTOR, Sr. (Hector Salinas) consents to the following conditions:

1. acknowledges the violation by June 30, 2023;
2. pays a settlement fee of \$0.00 by June 30, 2023; and
3. submits an administratively complete groundwater production report for calendar year 2022 by June 30, 2023.

1. find that ROGERS, MAURITZ S & WILSON B & JOHN S (Mauritz S. Rogers) violated RULE 2.6: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well GW-00358 unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;

2. authorize the General Manager to initiate an enforcement case regarding the violation;

3. set a \$100.00 penalty for the violation per RULE 9.6: Rule Enforcement of the Rules of the District; and

4. offer to settle the violation if ROGERS, MAURITZ S & WILSON B & JOHN S (Mauritz S. Rogers) consents to the following conditions:

1. acknowledges the violation by June 30, 2023;
2. pays a settlement fee of \$0.00 by June 30, 2023; and
3. submits an administratively complete groundwater production report for calendar year 2022 by June 30, 2023.

1. find that ROGERS, ELIZABETH (Elizabeth C. Rogers) violated RULE 2.6: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well GW-00362 unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;

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

2. authorize the General Manager to initiate an enforcement case regarding the violation;
3. set a \$100.00 penalty for the violation per RULE 9.6: Rule Enforcement of the Rules of the District; and
4. offer to settle the violation if ROGERS, ELIZABETH (Elizabeth C. Rogers) consents to the following conditions:
 1. acknowledges the violation by June 30, 2023;
 2. pays a settlement fee of \$0.00 by June 30, 2023; and
 3. submits an administratively complete groundwater production report for calendar year 2022 by June 30, 2023.

1. find that ENGELMOHR, CODY WADE & MELINDA / ENGELMOHR, HARRY ALTON (Alice Combs) violated RULE 2.6: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well GW-00363 unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;
2. authorize the General Manager to initiate an enforcement case regarding the violation;
3. set a \$100.00 penalty for the violation per RULE 9.6: Rule Enforcement of the Rules of the District; and
4. offer to settle the violation if ENGELMOHR, CODY WADE & MELINDA (Alice Combs) consents to the following conditions:
 1. acknowledges the violation by June 30, 2023;
 2. pays a settlement fee of \$0.00 by June 30, 2023; and
 3. submits an administratively complete groundwater production report for calendar year 2022 by June 30, 2023.

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

For persons with a previous violation of the related rule in the previous 5-year period, Mr. Revel moved to:

1. find that COMBS ALICE M (Alice Combs) violated RULE 2.6: REPORTING REQUIREMENT RELATED TO NON-EXEMPTUSE WELLS of the Rules of the District related to well GW-00357, GW-00359, GW-00360, and GW-00361 unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;
2. authorize the General Manager to initiate an enforcement case regarding the violation;
3. set a \$250.00 penalty for the violation per RULE 9.6: Rule Enforcement of the Rules of the District; and
4. offer to settle the violation if COMBS ALICE M (Alice Combs) consents to the following conditions:

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

1. acknowledges the violation by June 30, 2023;
2. pays a settlement fee of \$20.00 by June 30, 2023; and
3. submits an administratively complete groundwater production report for calendar year 2022 by June 30, 2023.

Mr. Skalicky 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 related to groundwater contamination and waste.

4.0 – Report regarding Groundwater Protection

Meeting Discussion: Mr. Andruss explained as of April 18, 2023, staff had recorded no well inspections since October 1, 2023. Well inspections are scheduled to be completed in connection with PRJ-20234100.02 - Synoptic Aquifer Monitoring for FY2023 (MG4:O1) (MG7:O1) - Active; PRJ-20234100.04 - Baseline Water Quality Aquifer Monitoring for FY2023 (MG4:O1) - Active; and PRJ-20234100.09 - West Ranch Monitoring for FY2023 - Active.

As of January 13, 2023, the District has 1 active investigation related to possible groundwater protection: INV-20220708.1129 - Confirmed Contamination of Groundwater at 629 South Well St. - Edna - Texas - 77957 - 7-Eleven - Active.

On January 17, 2023, the District emailed Corbin Reyes with TCEQ to inquire about an update concerning the groundwater contamination site. Per Corbin Reyes:

"The last document I reviewed from this site was the Drinking Water Survey Report, dated 5/17/2022. The site was referred to both our Toxicology and Remediation Division Impact Evaluation Team 6/9/2022. It was assessed and afterwards Toxicology sent out the following notifications to private drinking water well owners in the area, dated 7/6/2022 (see attached). and requested Groundwater Monitoring Report by 9/18/2023."

As of April 18, 2023, staff had received 11 Notices of Intent to Place Casing in new wells and completed no site visits since October 1, 2022. Project PRJ-20236100.03 - Observation of Casing Placement for FY2023 (MG2:O1) - Active is no longer actively managed as notices of intent to place casing are no longer submitted to the district under the recently adopted rules of the district.

As of April 18, 2023, staff had no open enforcement cases related to groundwater protection.

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

Board Action: None.

4.1 – Use and Reporting related to Well NW-00605

Meeting Discussion: Mr. Andruss explained on March 31, 2023, the district notified Mr. Brzozowski, General Manager of the Lavaca Navidad River Authority, that the following agenda item would be placed on the meeting notice for this meeting at the request of Director Dugger. The purpose of placing the item on the notice to afford the directors an opportunity to consider the use of well NW-00605 as it relates to the definition of waste within the rules of the district and Chapter 36 of the Texas Water Code.

The subject well, NW-00605, is located outside of and adjacent to the dam of Lake Texana. The was operated by LNRA to investigate potential issues and remedies to the water seepage occurring at the dam of the lake.

The board first considered the potential need to use water wells to investigate water seepage below the dam of Lake Texana on May 20, 2021. The board took no action regarding the matter.

The district received an application to drill the proposed well and an application to operate the proposed well in August 2021. The district processed the application under permitting request case PRC-20210823-02. See: PRC-20210823-02 - ADW-20210817-02/AOW-20210817-03 - Lavaca-Navidad River Authority - Complete. The district posted a hearing notice for the permitting request for the meeting scheduled for September 16, 2021. The meeting was cancelled. The district posted a permit issuance notice for the permitting request following the meeting cancellation. On September 23, 2021, the board was notified of the permit issuance notices posted for the requested drilling permit and production permit. The board took no action regarding the matter.

The district issued drilling permit DP-20210929-01 on September 29, 2021. The district registered well NW-00605 on April 5, 2022. The district issued production permit OPW-20210929-02 for 5 AFY for Pump Test Uses on April 22, 2022.

On January 10, 2023, the district received the groundwater production report from LNRA for well NW-00605 reporting no production in CY2022. On April 17, 2023, LNRA submitted a revised groundwater production report for CY2022 indicating production for well NW-00605 totaled 2.5661 acre-feet in year 2022.

Under Chapter 36 of the Texas Water Code, waste is defined as:

(8) "Waste" means any one or more of the following:

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

(A) withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes;

(B) the flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose;

(C) escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater;

(D) pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;

(E) willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the commission under Chapter 26;

(F) groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge; or

(G) for water produced from an artesian well, "waste" also has the meaning assigned by Section 11.205.

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 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 63% of Jackson County was experiencing abnormally dry conditions while 37% of Jackson County was experiencing drought as of April 18, 2023.

Drought condition information related to the district and the surrounding region of Texas collected from the Water Data for Texas website

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

(<https://www.waterdatafortexas.org/drought/>) indicates that a significant portion of Jackson County is experiencing abnormally dry or moderate drought conditions as of April 18, 2023.

Board Action: None.

5.1 – Monitoring Instruments

Meeting Discussion: Mr. Andruss explained on January 19, 2023, the board authorized the purchase of additional continuous aquifer monitoring probes in an amount not to exceed \$6,500.00. The district issued purchase order PO-20230206-01 - Solinst Canada Ltd. for the purchase of the quoted instruments. The district has been invoiced for the equipment.

Upon receipt of the new probes, staff discovered the purchased instruments did not contain the required conductivity sensor. Solinst has agreed to accept the return of the probes and provided a quote to the instruments with the conductivity sensor. The cost for the probes with conductivity sensors is \$14,590.00.

Board Action: Mr. Revel moved to authorize the general manager to return the instruments purchased under PO-20230206-01 to Solinst Canada Ltd. and authorize the purchase of the instruments specified on Solinst Canada Ltd. Quotation Q000106020 in an amount not to exceed \$14,590.00 plus shipping fees. Mr. Born seconded the motion. The motion passed unanimously.

Agenda Item 6: Consideration of and possible action on matters related to groundwater conservation.

6.0 – Report regarding Groundwater Conservation

Meeting Discussion: Mr. Andruss explained on December 6, 2022, Professor Teresa LeSage-Clements, Ed. D., submitted the final report regarding the University of Houston-Victoria conservation promotion project sponsored by RGCD, CCGCD, TGCD, and VCGCD.

On April 6, 2023, Ms. LeSage-Clements submitted a preliminary proposal for continuing the conservation promotion project. Suggested revisions to the proposal have been provided to Ms. LeSage-Clements suggesting that 1) the UHV PD be implemented in such a way as to connect the PD activities like water sampling and analysis to the relevant Texas Essential Knowledge and Skills (TEKS) and 2) eliminate the student camp component. The district anticipates that identifying the relationships between TEKS and PD activities will serve to increase

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

interest in participating in the PD by teachers and ensure the activities are relevant to future teaching efforts related to conservation.

If the district(s) agrees to fund the UHV PD project, management recommends that the districts use a teacher's participation in the UHV PD as a prerequisite to seeking sponsorship from the GCDs for the development and teaching of water conservation curriculum in their classrooms. The development and execution of curriculum, lesson plans, and possibly field trips would be a responsibility of those teachers, if any, sponsored by the GCDs, independent of UHV. Management believes the implementation of district-sponsored curriculum can serve to offset the negative consequences of eliminating the student camp component in the original UHV proposal.

On April 17, 2023, at the suggestion of Director Snyder, the RGCD board of directors authorized the expenditure of up to \$5,000.00 for sponsorship of field trips by 4th and 5th grade students from Refugio County to the Wetland Education Center located in the INVISTA Victoria Plant Wetland for the purposes of promoting water conservation.

Board Action: Mr. Born moved to authorize the expenditure of up to \$5,000.00 for sponsorship of field trips by 4th and 5th grade students from Jackson County to the Wetland Education Center located in the INVISTA Victoria Plant Wetland for the purposes of promoting water conservation. Mr. Revel seconded the motion. The motion passed unanimously.

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.

Meeting Discussion: Mr. Andruss explained the representatives of Region P met on March 6, 2023, to continue efforts to develop the 2026 Regional Water Plan. The general manager joined the meeting virtually. The meeting focused on the review of demand projections in the region.

The representatives of Management Area 15 met on April 13, 2023, to continue their joint planning efforts. The representatives of GMA 15 1) discussed the new groundwater availability model being developed by TWDB for the central and southern portions of the Gulf Coast Aquifer, 2) reviewed management plans of certain member districts, 3) reviewed achievements of certain member districts, 4) approved for distribution draft revisions of bylaws and a cost sharing agreement, and 5) requested VCGCD serve as the GMA 15 Administrator for the purposes of a) holding the GMA 15 Joint Planning Funds, b) soliciting proposals from qualified entities to provide technical services

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

to GMA 15 to support the development and adoption of desired future conditions and associated explanatory report for the 4th Joint Planning Cycle, and c) negotiating terms of an agreement for consulting services from the preferred respondent(s) identified by the GMA-15 Committee Members.

The next meeting of GMA 15 is scheduled for July 13, 2023.

Board Action: None.

Agenda Item 8: Consideration of and possible action on matters related to groundwater policy including the Management Plan of the District, the proposed Management Plan of the District, the Rules of the District, and fee schedule.

8.0 – Report regarding Groundwater Policy

Meeting Discussion: Mr. Andruss explained on April 7, 2023, the staff of the district completed the public notice requirements related to the hearing for proposed management plan of the district scheduled for this meeting.

The 88th regular session of the Texas Legislature began on January 9, 2023. Staff have monitored legislation proposed during the session.

Board Action: None.

8.1 – Hearing on Proposed Management Plan of the District

Meeting Discussion: Mr. Andruss explained staff prepared a draft management plan with the best available technical data from TWDB with the goals, objectives, and performance standards approved on January 19, 2023.

The Management Plan of the District with proposed revisions was developed using the best available data and addresses the following management goals, as applicable: (1) providing the most efficient use of groundwater; (2) controlling and preventing waste of groundwater; (3) controlling and preventing subsidence; (4) addressing conjunctive surface water management issues; (5) addressing natural resource issues; (6) addressing drought conditions; (7) addressing conservation, recharge enhancement, rainwater harvesting, precipitation enhancement, or brush control, where appropriate and cost-effective; and (8) addressing the desired future conditions adopted by the district under Section 36.108.

The Management Plan of the District with proposed revisions (1) identifies the performance standards and management objectives under which the district will operate to achieve the management goals ; (2) specifies the actions, procedures,

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

performance, and avoidance that are or may be necessary to effect the plan; (3) includes estimates of (A) modeled available groundwater in the district based on the desired future condition established under Section 36.108; (B) the amount of groundwater being used within the district on an annual basis; (C) the annual amount of recharge from precipitation, if any, to the groundwater resources within the district; (D) for each aquifer, the annual volume of water that discharges from the aquifer to springs and any surface water bodies, including lakes, streams, and rivers; (E) the annual volume of flow into and out of the district within each aquifer and between aquifers in the district, if a groundwater availability model is available; (F) the projected surface water supply in the district according to the most recently adopted state water plan; and (G) the projected total demand for water in the district according to the most recently adopted state water plan; and (4) considers the water supply needs and water management strategies included in the adopted state water plan.

On April 7, 2023, the staff of the district completed the public notice requirements related to the hearing for the proposed management plan of the district scheduled for this meeting.

As of April 18, 2023, the district had not received comments from the public regarding the proposed management plan.

If, after concluding the public hearing on the proposed management plan of the district, the board wishes to adopt the management plan without substantive revisions, the board should adopt the attached resolution.

Board Action: The public hearing was opened at approximately 12:22 PM. The Board received no comments regarding the proposed management plan of the district. Mr. Skalicky moved to close the public hearing at approximately 12:23 PM. Mr. Revel seconded the motion. The motion passed unanimously.

Mr. Revel moved to adopt the proposed management plan of the district without substantive revisions by resolution. Mr. Born seconded the motion. The motion passed unanimously.

8.2 – 88th Regular Session of the Texas Legislature

Meeting Discussion: Mr. Andruss explained as of April 14, 2023, the following bills with "groundwater" in the text of the bill had been added to the list of bills being monitored by staff.

Board Action: None.

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

Agenda Item 9: Consideration of and possible action on matters related to meeting management including minutes of previous meetings.

9.0 – Report on Meeting Management

Meeting Discussion: Mr. Andruss explained the next meetings of the Board are scheduled for July 20, 2023, August 17, 2023, and October 19, 2023, with each meeting to convene at 8:30 AM. Special meetings may be scheduled to address unforeseen issues.

Board Action: None.

9.1 – Minutes of the Previous Meetings

Meeting Discussion: Mr. Andruss explained the minutes for the meeting held on January 19, 2023, were sent to the board members prior to the meeting.

Board Action: Mr. Born moved to accept and approve the meeting minutes for January 19, 2023, as drafted. Mr. Skalicky seconded the motion. The motion passed unanimously.

Agenda Item 10: Consideration of and possible action on matters related to financial management including the annual budget of the district, bank accounts, investments, financial reports of the district, bills and invoices of the district.

10.0 – Report on Financial Management

Meeting Discussion: Mr. Andruss explained the financial records for December 2022, January and February 2023 have been compiled, reviewed, and sent to the board members prior to the meeting.

Board Action: Mr. Revel moved to accept and approve the financial records for December 2022, January and February 2023. Mr. Woodland seconded the motion. The motion passed unanimously.

10.0.1 – Financial Transaction Review

Meeting Discussion: Mr. Andruss explained as of April 18, 2023, since January 14, 2023, there have been 9 accounts payable, and 12 accounts receivable transactions recorded.

Board Action: None.

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

10.1 – 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. Skalicky moved to authorize the general manager to pay the following items:

1. ACCTP-20230301-01 - \$540.00 - ABM Invoice 6855
2. ACCTP-20230320-01 - \$1,472.43 - JCAD Invoice No. 1027
3. ACCTP-20230411-01 - \$208.60 - Inv No. 345352_0323
4. ACCTP-20230412-01 - \$7,313.30 - VCGCD - District Invoice - January 2023
5. ACCTP-20230412-02 - \$7,238.79 - VCGCD - District Invoice - February 2023
6. ACCTP-20230412-03 - \$7,269.90 - VCGCD - District Invoice - March 2023
7. ACCTP-20230412-04 - \$13,750.00 - VCGCD - District Invoice - Intera Cost Share
8. ACCTP-20230417-01 - \$325.08 - Prosperity Bank Visa Card

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

10.2 – Investments of the District

Meeting Discussion: Mr. Andruss explained the investment reports for December 2022, January and February 2023 have been sent to the board prior to the meeting.

Board Action: Mr. Skalicky moved to accept the investment reports for December 2022, January and February 2023. Mr. Born seconded the motion. The motion passed unanimously.

10.3 – Depository Services Contract

Meeting Discussion: Mr. Andruss explained Prosperity Bank has offered to extend the depository services agreement with the district until April 30, 2024.

Board Action: Mr. Skalicky moved to authorize the General Manager to execute the depository services agreement submitted by Prosperity Bank, dated March 16, 2023, to extend the depository services agreement with the district until April 30, 2024. Mr. Woodland seconded the motion. The motion passed unanimously.

10.4 – FY2022 Financial Audit

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

Meeting Discussion: Mr. Andruss explained on October 20, 2022, the Board authorized Goldman, Hunt and Notz to conduct a financial audit of the District for the fiscal year ending September 30, 2022.

Mr. Cox of Goldman, Hunt, and Notz was in attendance and presented the findings of the financial audit of the District for the fiscal year ending September 30, 2022, at this meeting.

Board Action: Mr. Born moved to accept and approve the financial audit for fiscal year ending September 30, 2022, as presented. Mr. Revel seconded the motion. The motion passed unanimously.

Agenda Item 11: Consideration of and possible action on matters related to office administration and management including management goals and objectives of the district, administrative policies, election of officers of the board, staffing, consultant agreements, interlocal cooperation agreements, and support services provided to and from other groundwater conservation districts.

11.0 – Report regarding Administration and Management

Meeting Discussion: Mr. Andruss explained staff continue to develop projects to manage the administrative tasks to be completed during the fiscal year with project milestones.

Board Action: None.

11.1 – Report regarding Performance Management for the District for FY2022

Meeting Discussion: Mr. Andruss explained on April 19, 2023, compiled the annual performance report for the fiscal year ending September 30, 2022. Based on the review of the activities and projects of the Refugio Groundwater Conservation District between October 1, 2021, and September 30, 2022 and an assessment of the performance standards, management has determined that all goals and associated objectives established within the Management Plan of the District have been fully achieved during the fiscal year ending September 30, 2022.

Board Action: Mr. Skalicky moved to accept and approve the annual performance report for the fiscal year ending September 30, 2022. Mr. Revel seconded the motion. The motion passed unanimously.

11.2 – New Printer and Copier

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

Meeting Discussion: Mr. Andruss explained the District presently relies on a ink-jet printer to print internal documents and meeting packets. The district plans to begin a digital archiving project this fiscal year. The current printer is unlikely to be able to sustain the amount of printing to be completed under this project and result in significant expenses for ink. The district has obtain a proposal from Office Systems for the purchase of a printer (\$2,198.80) and service service fees that includes toner supplies (\$0.02 per black print page; \$0.08 per color print page).

Board Action: Mr. Born moved to authorize the General Manager to purchase the printer and execute the service agreement with Office Systems, as proposed. Mr. Skalicky seconded the motion. The motion passed unanimously.

11.3 – Website Hosting

Meeting Discussion: Mr. Andruss explained presently, the website of the district is hosted by a service referred to as iPower and maintained using a service referred to a Weebly via iPower. Staff have encountered frequent issues with the websites hosted and maintained via iPower. On several occasions, the issues were significant and required significant time to resolve (e.g., rebuilding links and uploading replacement documents). While the technical support is generally responsive, the resolutions sometime require long periods of time for the resolution to propagate through the system.

In response to these issues and a general uncomfortable feeling regarding the reliability and maintenance of the website of the district, staff have reviewed a service provided by Streamline. Streamline is a California-based firm that develops website and communication products for local government district.

The web hosting service provides districts with a simple to use interface for building and maintaining a website that is designed around the needs of local government needs such as RGCD. Of particular value to RGCD is the easy-to-use interface for maintaining/updating the district website and the in-country technical support provided by Streamline.

Staff obtained a quote from Streamline Web for hosting the website of the district. The monthly cost for hosting the district website is quoted at \$120 per month, \$1,440.00 per year. In FY2022, the district incurred expenses totaling \$657.12 for internet-related services which includes email hosting services.

Board Action: Mr. Skalicky moved to authorize the general manager to switch the hosting of the website of the district to Streamline, make any necessary adjustments to other inter-related services such as email hosting services, and pay

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

associated fees. Mr. Woodland seconded the motion. The motion passed unanimously.

11.4 – Interlocal Agreement with VCGCD for FY2024

Meeting Discussion: Mr. Andruss explained on August 18, 2021, the board last considered and approved the revised interlocal agreement with VCGCD through which services are provided to the district by VCGCD staff. The agreement establishes a monthly fee of \$7,166.25 per month for services.

The agreement automatically renews for an additional one (1) year period on October 1 of each year unless either party provides 90-day written notice of their intent to not renew the agreement. The deadline to provide the notice falls on July 3 of each year. This district is not scheduled to meet again until after this notice deadline on July 17, 2023. The VCGCD board is scheduled to meet on April 21, 2023 and this matter will be presented for their consideration at that time.

Board Action: The board chose to renew the agreement with the Victoria County Groundwater Conservation District.

11.5 – Cybersecurity Training for FY2023

Meeting Discussion: Mr. Andruss explained the state requires local government entities to complete cyber training on an annual basis. The training requirement applies to employees and elected officials (e.g., directors of the district). While a number of methods are available to satisfy this requirement, the simplest method and least time consuming is the viewing of one of the following YouTube videos:

1. TxDIR Cyber Security Training YouTube Video (28 minutes)
2. TMLIRP Cyber Security Training Youtube Video (17 minutes)

Directors are encouraged to notify staff of their completion of the training for reporting purposes. The district is required to certify to the state the degree to which the requirements were satisfied each year.

Board Action: None.

Mr. Skalicky informed the general manager that he has completed his cybersecurity training for FY2023.

Agenda Item 12: Consideration of and possible action on matters related to vacancy in the office of director of the Texana Groundwater Conservation District.

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

Meeting Discussion: Mr. Andruss explained on March 30, 2023, Mr. Dugger submitted a letter of resignation from board of directors of the Texana Groundwater Conservation District.

Board Action: None.

Agenda Item 13: Consideration of and possible action on matters related to legal counsel report.

Agenda Item 14: Adjourn Meeting

Meeting Discussion: None.

Board Action: Mr. Born moved to adjourn the meeting after concluding all the business of the District. Mr. Skalicky seconded the motion. The motion passed unanimously.

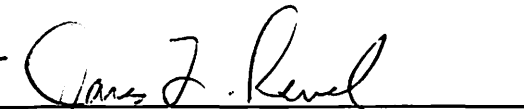
The above and foregoing minutes were read and approved on this the 20TH day of

July, 2023.

ATTEST:



District Director



District Director