

# 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 18, 2024, at 6:00 PM.

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.	Present
At Large:	Jim Revel	Present
At Large:	Johnny Dugger	Absent
At Large:	Fredrick Woodland	Absent
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 6:00 PM.

**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 11: Consideration of and possible account on matters related to district director vacancies.

### 11.0 – Vacancy in Office of Director

**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.

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On August 20, 2023, Mr. Koop and Mr. Woodland submitted a letter of resignation from board of directors of the Texana Groundwater Conservation District.

The district has been contacted by several individuals regarding the vacancies in the office of director. In each case, the individual was encouraged to attend the meeting for the purpose of expressing their interest directly to the board members.

**Board Action:** Mr. Gendke moved to appoint Mr. Boone as director, Precinct 1, Mr. Marr as director, Precinct 4, and Mr. Tupa as director, At Large. Mr. Revel seconded the motion. The motion passed unanimously.

Mr. Skalicky moved to appoint the following:

- President – Mr. Skalicky
- Vice President – Mr. Tupa
- Secretary – Mr. Revel
- Treasurer – Mr. Marr

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

**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 January 15, 2024, staff had received 4 well registration applications (ARWs) since October 1, 2023.

As of January 15, 2024, staff had received 7 Notices of Intent to Drill a Well (NIDWs) since October 1, 2023.

As of January 15, 2024, staff had received 0 production permit renewal requests (ARPs) since October 1, 2023.

As of January 15, 2024, staff had 2 permit renewal request cases pending.

As of January 15, 2024, staff had initiated 3 permitting request cases (PRCs) since October 1, 2023.

As of January 15, 2024, staff had 18 permitting request cases pending.

As of January 15, 2024, staff had 152 active production permits with a combined amount of authorized groundwater production per year of 164,732 acre-feet.

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As of January 15, 2024, staff had processed 0 groundwater production reports since October 1, 2023.

As of January 15, 2024, staff had initiated 2 investigations related to groundwater management (i.e., permitting) since October 1, 2023.

As of January 15, 2024, staff had 2 active investigations related to groundwater management (i.e., permitting).

As of January 15, 2024, the Board had initiated 0 enforcement case violations related to groundwater management (i.e., permitting) since October 1, 2023.

As of January 15, 2024, staff had 4 unresolved enforcement cases related to groundwater management (i.e., permitting).

**Board Action:** None.

## **3.1 – 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 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.

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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.

On April 20, 2023, the Board passed a motion 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.

On May 18, 2023, Dr. Uddameri agreed to review the information provided in the amendment request (AAPC-20230329-01) and to provide a report regarding his review at the meeting. The District requested Dr. Uddameri prepare a memorandum/report documenting 1) his review the request to amend the waiver (i.e., AAPC-20230329-01), 2) his assessment of relevant reports and data gathered by the District, and 3) his expert opinion whether:

1. the reports titled Associated Permitting Applications to the report Assessment of Proposed Groundwater Production at Ekstrom Aquaculture LLC Expansion Project authored by Venkatesh Uddameri, Ph.D., P.E., and Assessment of Proposed Groundwater Production at Ekstrom Aquaculture LLC Expansion Project - Additional Simulations and Water Quality Analysis authored by Venkatesh Uddameri, Ph.D., P.E. include or represent scientifically credible evidence to support the applicant's justification for finding good cause to approve the amendment request;
2. the information provided within the AAPC includes or represents scientifically credible evidence to support the applicant's justification for finding good cause to approve the amendment request;
3. the monitoring data and pumping data submitted by the fish farm includes or represents scientifically credible evidence to support the applicant's justification for finding good cause to approve the amendment request;
4. the underlying premise of the applicant that the upper brackish zone is sufficiently isolated from the lower brackish zone to justify the authorization to transfer historic groundwater production (up to 5,884 AFY or 9,210 GPM) from the lower fresh zone to the upper brackish zone without performance criteria or performance responses associated with the lower freshwater zone;
5. the requested amendment of the waiver (as represented in the redlined, draft waiver attached to the AAPC) will or is likely to produce data that demonstrates, over the long term (i.e., over the next 30 years) in the vicinity

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of the fish farm, water levels in the upper brackish zone have not declined by more than 20' as compared to the initial conditions in the upper brackish zone; and

6. any recommendations regarding revisions to the requested amendment (as represented in the redlined, draft waiver attached to the AAPC) that would be appropriate if you determine that scientifically credible evidence exists to support the premise that the upper brackish zone is sufficiently isolated from the lower brackish zone to justify the authorization to transfer historic groundwater production from the lower fresh zone to the upper brackish zone without performance criteria or performance responses associated with the lower freshwater zone.

On July 17, 2023, Dr. Uddameri submitted a draft report with responses to items 2, 3, 4, 5, 6.

On July 17, 2023, staff submitted clarification questions to Dr. Uddameri regarding the draft report.

On July 20, 2023, Dr. Uddameri did not attend the meeting of the board to present his findings.

On July 20, 2023, the Board passed a motion to extend the forbearance previously granted to Bowers and Saha LLC until the report was received from Dr. Uddameri.

On August 9, 2023, Dr. Uddameri confirmed that he would attend the meeting scheduled for August 17, 2023, to deliver his report. The meeting was not convened due to a lack of a quorum of directors.

On August 15, 2023, Mr. Kubecka of Bowers and Saha Aquaculture submitted a letter requesting the forbearance previously extended to the fish farm be continued until it has had an opportunity to analyze any information provided by Dr. Uddameri regarding his review of the amendment request.

On August 30, 2023, Dr. Uddameri submitted his response to the clarification questions.

On September 1, 2023, staff provided updated information regarding monthly performance and production at the fish farm to Dr. Uddameri for review.

On September 5, 2023, staff provided the following pumping and conductivity information for the fish farm to visually identify a relationship between the two in which a relationship between pumping and conductivity at the East Aquifer Monitoring Site was not visually observed.

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On January 12, 2024, Mr. Kubecka of Bowers and Saha Aquaculture provided the following advance notice of the fish farms intention to “begin pumping groundwater from its wells as part of the fish protection measures during the freeze scheduled for Sunday thru Wednesday. The plan is to start water this afternoon or tomorrow morning so that the fish can find the protection zones we have set up before the freezing temperatures arrive.”

**Board Action:** Mr. Revel moved to accept the report from Dr. Uddameri. Mr. Born seconded the motion. The motion passed unanimously.

Mr. Skalicky moved to continue the hearing and extend the forbearance. Mr. Revel seconded the motion. The motion passed unanimously.

Mr. Revel moved to have the General Manager of the District to coordinate a meeting with interested parties. Mr. Skalicky seconded the motion. The motion passed unanimously.

Mr. Marr abstained from all motions regarding this matter.

## 3.2 – Permit Hearing for PRC-20230620-02 – City of Edna

**Meeting Discussion:** Mr. Andruss explained Mr. Brad Ryan for The City of Edna seeks, under permitting request case PRC-20230620-02, a historic use production permit authorizing production of groundwater for municipal uses at rates not to exceed 2,150 gallons per minute or 843.78 acre-feet per year from grandfathered well GW-00573, the subject well is be located on a 2.07-acre tract of land near the intersection of South Colorado Street and West Live Oak Street and well GW-00574 the subject well is be located on a 3.35-acre tract of land near the intersection of East Cedar Street and North Kleas Street in Jackson County, Texas.

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 system would satisfy the requirements as established within the Rules of the District without a waiver or variance.

The application includes an affidavit, executed by Mr. Brad Ryan, regarding the evidence of historic use submitted in the application that states 1. I am 18 years of age or older and competent to submit this affidavit. 2. To the best of my knowledge and belief, the information contained in the attached application to validate the

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historic use of a well system is true and correct. 3. All available information concerning groundwater production during the validation period has been provided to the Texana Groundwater Conservation District."

The application includes supplemental documentation containing the TWDB Water Use Survey (Survey Number: 0254200) for the subject well system for calendar year 2009. The survey indicates the subject well system produced 274,947,000 gallons in the year 2009 (843.78 acre-feet).

On January 5, 2024, the public notice related to the consideration of the permit case was completed.

As of January 15, 2024, the District had not received notice of intent to contest the permitting request.

**Board Action:** Mr. Skalicky moved to 1) cancel the permit hearing and proceed with the permitting case as an uncontested matter; and 2) authorize the general manager to issue a historic use permit to the City of Edna under application AVWS-20230609-02 for well GW-00573 and GW-00574 authorizing the production of 843.78 acre-feet of groundwater per year for municipal uses. Mr. Revel seconded the motion. The motion passed unanimously.

### 3.3 – Permit Hearing for PRC-20231005-01 – City of La Ward

**Meeting Discussion:** Mr. Andruss explained Mr. William Koch for the City of La Ward seeks, under permitting request case PRC-20231005-01, a historic-use production permit protecting the historic production of groundwater from a grandfathered well field comprised of grandfathered well GW-00403 and grandfathered well GW-00404 for public water system uses in the amount of 37.81 acre-feet per year. The subject well field is located on a 0.17-acre tract of land near the intersection of State Hwy 172 and La Ward Street in Jackson County, Texas.

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 field would satisfy the requirements for grandfathered wells as defined by the District without a water permit review.

The application includes an affidavit, executed by Mr. William Koch, regarding the evidence of historic use submitted in the application that states: 1. I am 16 years of age or older and competent to submit this affidavit. 2. To the best of my knowledge,

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historic use of a well system is true and correct. 3. All available information concerning groundwater production during the validation period has been provided to the Texana Groundwater Conservation District."

The application includes supplemental documentation containing the TWDB Water Use Survey (Survey Number: 0254200) for the subject well system for calendar year 2009. The survey indicates the subject well system produced 274,947,000 gallons in the year 2009 (843.78 acre-feet).

On January 5, 2024, the public notice related to the consideration of the permit case was completed.

As of January 15, 2024, the District had not received notice of intent to contest the permitting request.

**Board Action:** Mr. Skalicky moved to 1) cancel the permit hearing and proceed with the permitting case as an uncontested matter; and 2) authorize the general manager to issue a historic use permit to the City of Edna under application AVWS-20230609-02 for well GW-00573 and GW-00574 authorizing the production of 843.78 acre-feet of groundwater per year for municipal uses. Mr. Revel seconded the motion. The motion passed unanimously.

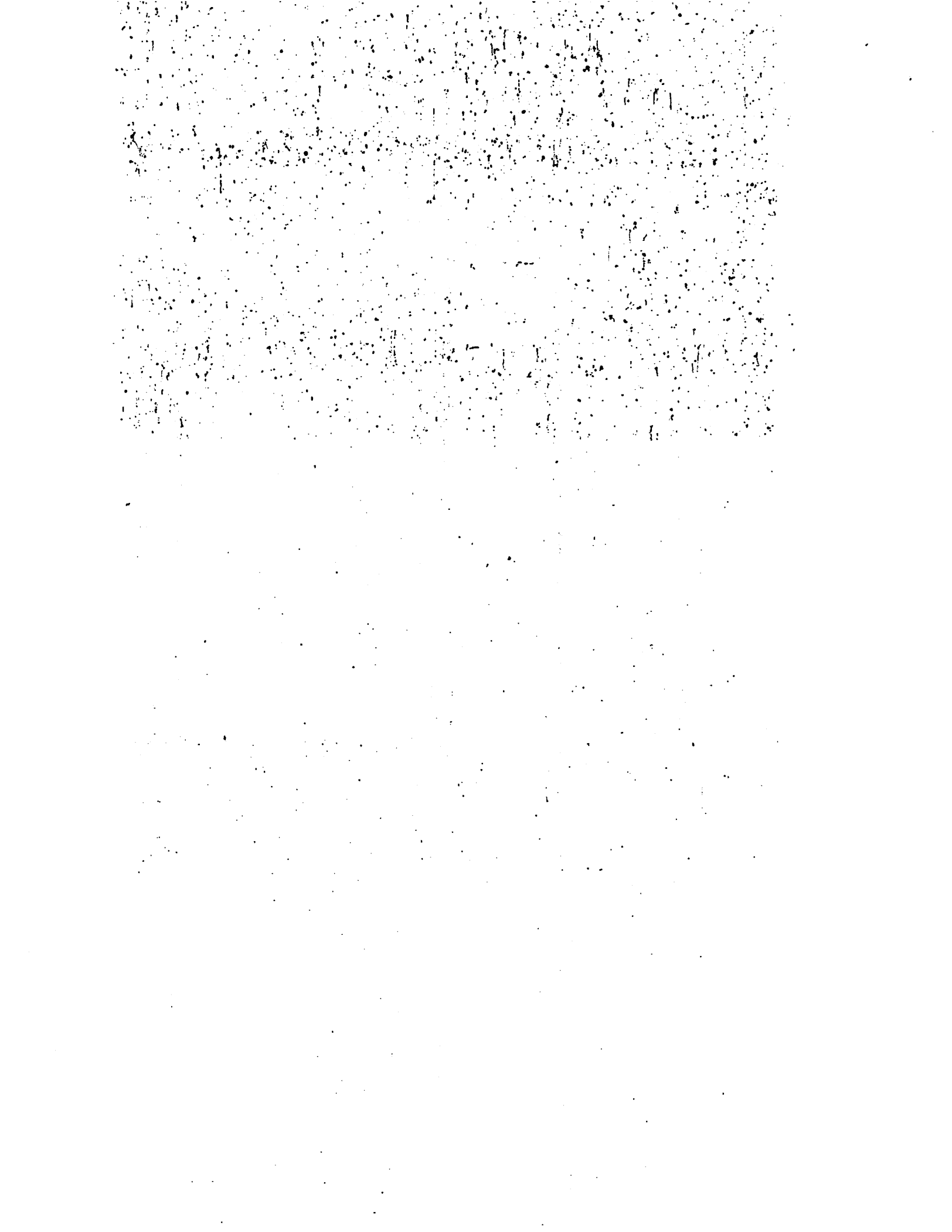
### 3.3 – Permit Hearing for PRC-20231005-01 – City of La Ward

**Meeting Discussion:** Mr. Andruss explained Mr. William Koch for the City of La Ward seeks, under permitting request case PRC-20231005-01, a historic-use production permit protecting the historic production of groundwater from a grandfathered well field comprised of grandfathered well GW-00403 and grandfathered well GW-00404 for public water system uses in the amount of 37.81 acre-feet per year. The subject well field is located on a 0.17-acre tract of land near the intersection of State Hwy 172 and La Ward Street in Jackson County, Texas.

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 Field would satisfy the requirements as established within the Rules of the District without a waiver or variance.

The application includes an affidavit, executed by Mr. William Koch, regarding the evidence of historic use submitted in the application that states 1. I am 18 years of age or older and competent to submit this affidavit. 2. To the best of my knowledge





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and belief, the information contained in the attached application to validate the historic use of a well field is true and correct. 3. All available information concerning groundwater production during the validation period has been provided to the Texana Groundwater Conservation District."

The application includes supplemental documentation containing the TWDB Water Use Survey (Survey Number: 0487500) for the subject well Field for calendar year 2009. The survey indicates the subject well system produced 12,320,440 gallons in the year 2009 (37.81 acre-feet).

On January 5, 2024, the public notice related to the consideration of the permit case was completed.

As of January 15, 2024, the District had not received notice of intent to contest the permitting request.

**Board Action:** Mr. Skalicky moved to 1) cancel the permit hearing and proceed with the permitting case as an uncontested matter; and 2) authorize the general manager to issue a historic use permit to the City of La Ward under application AVWF-20230927-01 for well GW-00403 and GW-00404 authorizing the production of 37.81 acre-feet of groundwater per year for public water system uses. Mr. Revel seconded the motion. The motion passed unanimously.

### 3.4 – Investigation related to Failure to Obtain Production Permits

**Meeting Discussion:** Mr. Andruss explained on October 12, 2022, staff initiated an investigation to gather information regarding active utilities within Jackson County that obtain water from groundwater-based public water systems that do not have valid groundwater production permits issued by the District.

The relevant provisions of the rules of the district associated with the investigations are:

Item 2 of RULE 4.9: PRODUCTION RELATED VIOLATIONS of the Rules of the District states "[a] person violates these rules by producing any amount of groundwater for non-exempt uses from a well, well field, or well system without a valid production permit issued by the Board."

As of October 12, 2023, staff had an open investigation related to groundwater management associated with 3 entities that had not submitted administratively complete permitting applications. The entities are:

1. City of Ganado;
2. Jackson County WCID 1 (Lolita);
3. Tri County Point Water Systems;

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If the boards find that violations have occurred in the instances identified for Potential Failure to Obtain Production Permits 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 on which the subject well(s) is located by CMRRR and to the well owner by regular mail by November 1, 2023;
- b) mail the 2nd notice of violation and any approved settlement offer to the landowner associated with the appraisal district tax parcel on which the subject well(s) is located by CMRRR and to the well owner by regular mail by December 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 on which the subject well(s) is located by CMRRR and to the well owner by regular mail by January 1, 2024,
- d) publish an enforcement hearing notice for any unresolved violations for the January 18, 2024, board meeting by January 3, 2024, and
- e) present any unresolved violations to the board at the January 18, 2024 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 January 18, 2024.

On October 12, 2023, staff of the District reviewed the TWDB website <https://www3.twdb.texas.gov/apps/WaterServiceBoundaries> and obtained the most recent water use survey submitted in CY2021 which evinces that associated entity is violating the rules of the district by producing groundwater for non-exempt-use purposes without the necessary production permit.

**Board Action:** No Action.

### **3.5 – Enforcement Hearing re ECV-20230421-01 – Candido Saenz – Failure to Report Groundwater Production CY2022**

**Meeting Discussion:** Mr. Andruss explained on July 20, 2023, the board considered violation ECV-20230421-01.

On July 20, 2023, the Board passed a motion approving the enforcement order.

On July 20, 2023, Mrs. Saenz provided the following response to the district regarding the notice of need to file suit Letter for violation ECV-20230424-01.

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On July 21, 2023, Mrs. Saenz provided the following response to the district regarding the notice of need to file suit letter for violation ECV-20230421-01.

On August 2, 2023, the District mailed letter to Mr. Candido Saenz informing him of the receipt of the of the groundwater production reports for CY2022, CY2023 and the application to register the well as an exempt use well and to cease the operation of the well for non-exempt uses.

**Board Action:** Mr. Revel moved to rescind the enforcement order related to ECV-20230421-01 adopted on July 20, 2023. Mr. Gendke seconded the motion. The motion passed unanimously.

### **3.6 – Enforcement Hearing re ECV-20230421-02 – The Ranches at Mustang Creek – Failure to Report Groundwater Production CY2022**

**Meeting Discussion:** Mr. Andruss explained on July 20, 2023, the Board considered violation ECV-20230421-02.

On July 19, 2023, Mr. Hammond provided the following response to the district regarding the notice of need to file suit Letter for violation ECV-20230421-02.

On July 20, 2023, the board convened the enforcement hearing for the violation and passed a motion to recess the hearing until the next meeting of the board to provide an opportunity for staff to review the response to the district regarding the notice of need to file suit Letter for violation ECV-20230421-02.

Based on a review of the response provided by Mr. Hammond on July 19, 2023, it appears that Mr. Hammond satisfied the requirements established for settling the violation but failed to do so by the deadline of June 30, 2023.

**Board Action:** Mr. Revel moved to designate violation ECV-20230421-02 resolved. Mr. Gendke seconded the motion. The motion passed unanimously.

### **3.7 – Enforcement Hearing re ECV-20230421-07 – Alice M. Combs – Failure to Report Groundwater Production CY2022**

**Meeting Discussion:** Mr. Andruss explained on July 20, 2023, the Board considered violation ECV-20230421-07.

On July 20, 2023, the Board passed a motion approving the enforcement order.

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On July 31, 2023, staff of the District met with Mr. Stephen Rogers at the VCGCD office. Mr. Rogers stated that Alice M. Combs was his grandmother and that she has been in the hospital for some time, and he would like to get this matter resolved for her. While reviewing the groundwater production reports with Mr. Rogers, it appeared that the positioning of one or more wells owned by Ms. Combs were incorrect. Staff agreed to produce a packet of information regarding the permits, and well locations for Mr. Rogers review. Mr. Rogers agreed to reconcile the positions identified for the wells registered to Ms. Combs and provide corrected locations for mispositioned wells. Mr. Rogers agreed to submit the required groundwater production reports for CY2022 for the wells owned by Ms. Combs as soon as possible. The staff of the District provided the following information regarding enforcement order NO. ECV-20230421-07 to Mr. Stephen Rogers during the meeting.

On August 1, 2023, staff produced a packet of applications, permits, previous GPR's, and vicinity maps related to the wells owned by Mr. Stephen Rogers, Mrs. Elizabeth C. Rogers, and Mrs. Alice Combs. The packet was transmitted to Mr. Rogers via email on August 1, 2023.

On August 7, 2023, Mr. Stephen Rogers hand delivered groundwater production reports for CY2022 for each of the wells owned by Ms. Combs and a letter requesting leniency for Alice M. Combs regarding the violations ECV-20230421-07 and ECV-20230421-08.

**Board Action:** Mr. Revel moved to rescind the enforcement order related to ECV-20230421-07 adopted on July 20, 2023. Mr. Gendke seconded the motion. The motion passed unanimously.

### **3.8 – Enforcement Hearing re ECV-20230421-08 – Alice M. Combs – Failure to Report Groundwater Production CY2022**

**Meeting Discussion:** Mr. Andruss explained on July 20, 2023, the Board considered violation ECV-20230421-08.

On July 20, 2023, the Board passed a motion approving the enforcement order.

On July 31, 2023, staff of the District met with Mr. Stephen Rogers at the VCGCD office. Mr. Rogers stated that Alice M. Combs was his grandmother and that she has been in the hospital for some time, and he would like to get this matter resolved for her. While reviewing the groundwater production reports with Mr. Rogers, it appeared that the positioning of one or more wells owned by Ms. Combs were incorrect. Staff agreed to produce a packet of information regarding the permits, and well locations for Mr. Rogers review. Mr. Rogers agreed to reconcile the

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positions identified for the wells registered to Ms. Combs and provide corrected locations for mispositioned wells. Mr. Rogers agreed to submit the required groundwater production reports for CY2022 for the wells owned by Ms. Combs as soon as possible. The staff of the District provided the following information regarding enforcement order NO. ECV-20230421-07 to Mr. Stephen Rogers during the meeting.

On August 1, 2023, staff produced a packet of applications, permits, previous GPR's, and vicinity maps related to the wells owned by Mr. Stephen Rogers, Mrs. Elizabeth C. Rogers, and Mrs. Alice Combs. The packet was transmitted to Mr. Rogers via email on August 1, 2023.

On August 7, 2023, Mr. Stephen Rogers hand delivered groundwater production reports for CY2022 for each of the wells owned by Ms. Combs and a letter requesting leniency for Alice M. Combs regarding the violations ECV-20230421-07 and ECV-20230421-08.

**Board Action:** Mr. Revel moved to rescind the enforcement order related to ECV-20230421-08 adopted on July 20, 2023. Mr. Gendke seconded the motion. The motion passed unanimously.

### **3.9 – Investigation related to Water Well Drilling by an Unlicensed Person**

**Meeting Discussion:** Mr. Andruss explained on July 20, 2023, Mr. Skalicky stated that about four months ago he noticed a new well drilled on Chris Hajovsky's land behind his barn and it is a 6" well for irrigation. He went by the TGCD office and asked Candace if we had any knowledge of that well and staff of the district couldn't find anything. Mr. Skalicky stated that he was harvesting and had to drive by another grandfathered irrigation well on Chris Hajovsky's property and saw that Ryan Juranek was in the process of reworking the well by installing 6" pvc pipe and submergible pump.

On July 24, 2023, staff of the district opened an investigation into potential violations of the rules of the district.

On July 25, 2023, staff of the District contacted Mr. Michael Skalicky, TGCD Board Member and Mr. David Giesel by email in regard to potential violation of the rules of the district for Water Well Drilling by an Unlicensed Persons in Jackson County.

On July 25, 2023, at 2:30 PM the staff of the District received an email from Mr. Skalicky.

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On July 26, 2023, staff of the District began to collect information for the potential violation of the rules and water well drilling by unlicensed persons at the property owned by Christopher and Lauren Hajovsky, parcel ID R27111, 1512 FM 1157, Ganado, Texas, 77962. The district reviewed available information from the Jackson Central Appraisal District Records for the mailing address of the owned by Christopher & Lauren Hajovsky, and discovered that the property was sold on May 9, 2018, by seller, Srubar, Partnership to buyer, Christopher & Lauren Hajovsky.

Staff of the District reviewed the information available regarding the new well drilled at the coordinate 29°01'57.5"N 96°25'28.3"W provided by Mr. Skalicky and could not locate the notice of intent to drill a well, well Log, or application to register a well for the well located on the property owned by Christopher & Lauren Hajovsky.

Staff of the District reviewed the information available regarding the well that was in the process of being reworked in May of 2023, well ID GW-00348, well coordinate 29°02'10.9"N 96°25'25.7"W provided by Mr. Skalicky, the subject well GW-00348 was permitted for Historic Production on December 15, 2016, Permit ID: VPW-201612-01, authorized operator : Glen Srubar, for the authorized purpose of use: Irrigation Uses at the authorized maximum rate of production per year: 1,007.5 Ac-Ft/Yr.

The District has 1 record for groundwater production report for well GW-00348 for calendar year 2016 that was received on Feb 1, 2017, and the report indicated that the well was dormant.

On January 5, 2021, an application to designate a well as dormant ADWD-20210105-12 was submitted to the district and processed under permitting request cases PRC-20210719-03.

On August 29, 2023, staff of the District mailed a letter by certified and regular mail letter to Mr. Christopher Hajovsky regarding the investigation INV-20230724.1050 of the potential drilling and operation of a water well for non-exempt uses.

On September 15, 2023, Mr. Christopher Hajovsky contacted the District regarding INV-20230724.1050 and scheduled a meeting at the VCGCD office on September 18, 2023.

On September 18, 2023, Mr. Hajovsky met with staff of the District and submitted the following application to amend a permit or certificate to show current ownership of well GW-00348. Tim Andruss, General Manager explained to several options for permitting of the well and he would send an email to Mr. Hajovsky.

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On September 19, 2023, Tim Andruss, General Manager sent an email to Mr. Hajovsky.

On October 9, 2023, Mr. Hajovsky contacted the District to schedule a meeting for October 10, 2023, at 10:30 PM to discuss the permitting and waivers.

On October 10, 2023, Mr. Hajovsky submitted a waiver request and unsigned well log.

On October 10, 2023, Mr. Hajovsky met with staff of the District and submitted an application to register a well and the signed well log.

The Well ID assigned to the well: NW-00751

On October 12, 2023, Mr. Hajovsky submitted an application to amend a permit or certificate AAPC-20231012-01 with a companion waiver request.

Based on the information provided by Mr. Hajovsky, it appears he may have violated the rules of the district by:

1. not satisfying the well spacing requirements for the non-grandfathered wells completed on March 4, 2023, as required under Rule 5.1 by locating well NW-00751, which has a stated capacity of 1,200 gallons per minute, approximately 600 feet from the nearest property line,
2. failing to provide notice of intent to drill well NW-00751 as required under Rule 4.2.

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

- 1) find that Christopher Hajovsky violated RULE 5.1: WELL SPACING REQUIREMENTS OF NON-GRANDFATHERED WELLS of the Rules of the District related to well NW-00751 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 Christopher Hajovsky consents to the following conditions:
  - a. acknowledges the violation by February 28, 2024;
  - b. pays a settlement fee of \$0.00 by February 28, 2024; and
  - c. agrees to not operate well until permitting is completed; and
  - d. submits a waiver from the adjacent landowner or adjacent landowner agent by February 28, 2024.



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- 5) find that Christopher Hajovsky violated RULE 4.2: PERMITTING POLICIES AND PROCEDURES RELATED TO DRILLING WELLS of the Rules of the District related to well NW-00751 unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;
  - a. authorize the General Manager to initiate an enforcement case regarding the violation;
  - b. set a \$100.00 penalty for the violation per RULE 9.6: Rule Enforcement of the Rules of the District; and
  - c. offer to settle the violation if Christopher Hajovsky consents to the following conditions:
    - i. acknowledges the violation by February 28, 2024;
    - ii. pays a settlement fee of \$0.00 by February 28, 2024; and
    - iii. agrees to not operate well until permitting is completed; and
    - iv. submits an administratively complete Notice of Intent to Drill a Well form by February 28, 2024.

**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 January 15, 2024, staff had recorded 30 well inspection forms (WIFs) since October 1, 2022.

As of January 15, 2024, staff had initiated 0 investigations related to Groundwater Protection since October 1, 2022.

As of January 15, 2024, staff had 1 active investigation related to Groundwater Protection.

As of January 15, 2024, the Board had initiated 0 enforcement cases related to Groundwater Protection since October 1, 2022.

As of January 15, 2024, staff had 0 unresolved enforcement case violations related to Groundwater Protection.

**Board Action:** None.

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## **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 as of January 16, 2024, the U.S. Drought Monitor (<https://www.drought.gov/states/texas/county/jackson>) indicates that 100% of Jackson County is experiencing abnormally dry or moderate drought conditions.

As of January 16, 2024, drought condition information related to the district and the surrounding region of Texas collected from the Water Data for Texas website (<https://www.waterdatafortexas.org/drought/>) indicates that all portions of Jackson County are experiencing drought conditions.

As of January 16, 2024, staff had collected 123 water level measurements since October 1, 2022.

As of January 16, 2024, staff had collected 107 water quality field measurements since October 1, 2022.

As of January 16, 2024, staff had collected 2 water quality samples since October 1, 2022.

As of January 16, 2024, staff had received 1 water quality lab reports since October 1, 2022.

During FY2023, staff have attempted to improve the network of wells used to monitor aquifer conditions with the county. The district has attempted to contact owners of wells that had previously cooperated with the district on monitoring to regain access to those wells. In addition, staff have attempted to gain access to those wells identified by Dr. Young as preferred additions to the monitoring network. Staff have attempted to make contact via mail (44 letters), email messages, and phone calls. This effort resulted in a response from a single well owner.

**Board Action:** None.

### **5.1 – Groundwater Quality Measurements for Calendar Year 2022**

**Meeting Discussion:** Mr. Andruss explained staff have collected water level measurements from 16 wells during the year 2022. The chart provided compared the water average conductivity by well over time.

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**Board Action:** None.

## 5.2 – Monitoring Near West Ranch

**Meeting Discussion:** Mr. Andruss explained on July 20, 2023, the board instructed the General Manager to submit an open records request to Jackson County WCID 2 for pumping and analytical data. The public information request was submitted on September 5, 2023. The district has not received a response to the request.

On July 20, 2023, the board instructed the General Manager to review water quality information gathered from wells outside of West Ranch. The attached map illustrates locations where conductivity measurement, and certain lab measurements (i.e., BETX, Hydrocarbons, and Mercury) collected by staff of the district since calendar year 2012.

Provided was a chart of water wells from which the district has collected conductivity measurements from the past.

On September 15, Mr. Matt Johnson alerted the staff of the district of a potential groundwater quality issue near the community of LaSalle in Jackson County. On September 18, 2023, staff collected a water sample from well GW-00575 and had the sample processed by Pace Analytical.

On September 29, 2023, the District received the report from Pace Analytical. The specific conductance of the sample was measured as 23,600 umhos/cm. The total dissolved solids of the sample were measured as 15,300 mg/L. The mercury level of the sample was measured as 0.000418 mg/L.

**Board Action:** None.

## 5.3 – WellIntell Service for Continuous Aquifer Monitoring

**Meeting Discussion:** Mr. Andruss explained on July 20, 2023, the board instructed the General Manager to inquire about reducing the scope and duration of recommended pilot project to evaluate the utility of the WellIntel Service for continuous aquifer monitoring.

On October 10, 2023, WellIntel provided a revised quote for the project in response to the inquiry.

**Board Action:** None.

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## **5.4 – Report regarding Groundwater Level Analysis**

**Meeting Discussion:** Mr. Andruss explained on December 18, 2023, Dr. Young submitted the report on analysis of CY2022 water levels using the geostatistical approach for Jackson County, Victoria County, Calhoun County, and Refugio County.

**Board Action:** None.

**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 September 11, 2023, the staff of the district reviewed and updated the webpage on website of the district related to promotion of groundwater conservation.

As of September 30, 2023, staff had received and processed an application 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 during FY2023. On June 21, 2023, staff awarded a sponsorship to Dr. Jared Duncum, Assistant Superintendent of Curriculum and Instruction, Palacios ISD for \$700.00 in connection with ARS-20230608-01.

With the adoption of the budget for FY2024, staff published a notice on the website of the district to inform entities wishing to seek sponsorship from the district of a project intended to promote water conservation, especially through rainwater harvesting or brush control within Refugio County, could submit a application for sponsorship.

**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.**

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

**Meeting Discussion:** Mr. Andruss explained representatives of the district did not participate in the meeting of the Lavaca Regional Planning Group (Region P) held

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on July 24, 2023. Representatives of the district participated in the meeting of the Lavaca Regional Planning Group (Region P) held on October 23, 2023.

Representatives of the district participated in the meeting of the representatives of Groundwater Management Area 15 on July 13, 2023, October 12, 2023, and January 11, 2024, to continue joint planning efforts. The next meeting of the representatives of Groundwater Management Area 15 is scheduled for April 11, 2024.

**Board Action:** None.

**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.**

## **8.0 – Report regarding Groundwater Policy**

**Meeting Discussion:** Mr. Andruss explained on July 17, 2023, the Texas Water Development Board designated the management plan for the district, adopted on April 20, 2023, administratively complete.

Staff will review the passed legislation of the previous legislative session, coordinate with legal counsel to develop proposed rule revisions, and post the required rulemaking hearing notice for the meeting scheduled for January 18, 2023.

**Board Action:** None.

**Agenda Item 9: Consideration of and possible action on matters related to administration and management including the minutes of previous meetings, the annual budget of the district, bank accounts, investments, financial reports of the district, bills and invoices of the district, management goals and objectives of the district, administrative policies, staffing, consultant agreements, interlocal cooperation agreements, and support services provided to and from other groundwater conservation districts.**

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

**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.

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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.

The next meetings of the Board are scheduled for April 18, 2024, July 18, 2024, August 15, 2024 (Budget and Tax Rate Matters), and October 17, 2024, with each meeting to convene at 6:00 PM. Regular meetings will be rescheduled as necessary and special meeting 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 previous meeting were sent the board members prior to the meeting. On October 15, 2023, Mr. Allison alerted staff to a possible misstatement within the minutes for the meeting held on July 20, 2023. In particular, on page 6 of the minutes, the minutes record the following motion regarding item 3.3 – Permit Hearing for PRC-20230928-01 – Ranches at Mustang Creek LLC: "Board Action: Mr. Revel moved to close the hearing and deny the application. Mr. Skalicky seconded the motion. The motion passed with a vote of 4 to 1, with Mr. Gendke being opposed." Mr. Allison believes that the Board determined that the application had insufficient information and rejected it as incomplete."

**Board Action:** Mr. Skalicky moved to accept and approve the meeting minutes for July 20, 2023 and August 31, 2023, as drafted. Mr. Revel seconded the motion. The motion passed unanimously.

## 9.2 – Financial Reports of the District

**Meeting Discussion:** Mr. Andruss explained the internal financial reports of the District for June, July and August 2023, have been sent to the directors prior to the meeting.

**Board Action:** None.

### 9.2.1 – Financial Transaction Review

**Meeting Discussion:** Mr. Andruss explained that there have been 24 accounts payable and 28 accounts receivable transactions since July 15, 2023, as of January 14, 2024.

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**Board Action:** None.

## **9.3 – Investments of the District.**

**Meeting Discussion:** Mr. Andruss explained the investment reports for June, July and August 2023, have been sent to the board prior to the meeting.

**Board Action:** None.

## **9.4 – Review of Bank Accounts**

**Meeting Discussion:** Mr. Andruss explained in response to discussions of the August meeting, staff have obtained the “signature cards” for each bank account of the district for review and update by the Board.

**Board Action:** None.

## **9.5 – 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. Revel moved to authorize the general manager to pay the following items:

1. ACCTP-20231208-02 - \$1,648.57 – JCAD
2. ACCTP-20240115-01 - \$74.12 – Office Systems
3. ACCTP-20240115-01-02 - \$21.00 – Jackson County Clerk

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

## **9.6 – Financial Audit for the Previous Fiscal Year**

**Meeting Discussion:** Mr. Andruss explained Mr. Goldman of Goldman, Hunt, and Notz LLP has submitted an engagement letter related performance of a financial audit of the District for FY2023.

**Board Action:** Mr. Gendke moved to accept the offer of Goldman, Hunt, and Notz LLP to perform the financial audit for the fiscal year ending September 30, 2023, and authorize the firm to begin the audit upon development of the internal financial reports for September 30, 2023. Mr. Revel seconded the motion. The motion passed unanimously.

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## 9.7 – Records Management

**Meeting Discussion:** Mr. Andruss explained the District presently creates, maintains, and stores the records of the district within the Evernote System. The records of the district are electronically archived to the Dropbox System after processing of the records are complete.

Email messages including associated attachments received by staff that essential to the fulfilment of statutory obligations or the documentation of agency functions of the District are imported from the iPower Email System into the Evernote System as records of on-going record series and ultimately archived to the Dropbox System. The District has amassed many emails since its existence and increased to a significant cumulative file size. The size of the mailboxes has resulted in a system that is difficult to maintain.

**Board Action:** None.

## 9.8 – Agreement with JCTAC

**Meeting Discussion:** Mr. Andruss explained on May 17, 2023, staff received a copy of the agreement with the Jackson county Tax Assessor-Collector for Tax Year 2023.

Mr. Allison identified an error in the agreement: Paragraph 6, the bond should be payable to SMALL TAXING UNIT, not Jackson County Tax Assessor-Collector.

Staff have notified the Jackson County Tax Assessor-Collector of the issues and requested a revised agreement.

**Board Action:** Mr. Revel moved to authorize the president of the district to execute the agreement with the Jackson County Tax Assessor-Collector for Tax Year 2023 with the Necessary revisions approved. Mr. Born seconded the motion. The motion passed unanimously.

## 9.9 – Review of Consultants

**Meeting Discussion:** Mr. Andruss explained the District previously reviewed and considered the services provided by consultants. The District has obtained services from Jim Allison of Allison, Bass and Magee, Dr. Venkatesh Uddameri as well as Steve Young of Intera, Inc. in the past. The services provided by each consultant have been considered acceptable by the District. The services provided



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by Dr. Venkatesh Uddameri and Steve Young of Intera, Inc. have been obtained through interlocal cooperation agreements with the VCGCD.

**Board Action:** None.

**Agenda Item 10: Consideration of and possible action on matters related to legal counsel report.**

**10.0 – Legal Counsel Report**

**Meeting Discussion:** None.

**Board Action:** None.

**Agenda Item 12: Adjourn**

**12.0 – Adjourn Meeting**

**Meeting Discussion:** None.

**Board Action:** Mr. Born moved to adjourn the meeting after concluding all business of the District, at approximately 9:12 PM. Mr. Gendke 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 April, 2024.

ATTEST:

Charles Marr  
District Director

Alton J. Tupa  
District Director