

Victoria County Groundwater Conservation District

THE STATE OF TEXAS
VICTORIA COUNTY

The Board of Directors of the Victoria County Groundwater Conservation District convened a meeting at the UHV Northwest Campus, Room 129, 1604 E. Airline Rd., Victoria, Texas, 77901 on January 17, 2025, at 9:00 AM.

Meeting Attendance:

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

Agenda Items -

1. Call the meeting to order and welcome guests.

Meeting Discussion: Mr. Meek called the meeting to order at 9:00 AM.

Board Action: None.

2. Receive public comments.

Meeting Discussion: None.

Board Action: None.

3. Consideration of and possible action on matters related to Groundwater Management including efforts and activities of the District regarding permitting, complaints, investigations, violations, and enforcement cases associated with permitting.

3.1 - Report

Meeting Discussion: Mr. Andruss provided the following report:

Regarding Well Registration Processing for FY2025.

As of January 15, 2025, staff had received 8 well registration applications (ARWs) since October 1, 2024.

As of January 15, 2025, staff had received 30 Notices of Intent to Drill a Well (NIDWs) since October 1, 2024.

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Regarding Production Permit Renewal Processing for FY2025.

As of January 15, 2025, staff had received 0 production permit renewal requests (ARPs) since October 1, 2024.

Regarding Permit Processing for FY2025

As of January 15, 2025, staff had initiated 1 permitting request case (PRCs) since October 1, 2024.

As of January 15, 2025, staff had 9 permitting request cases pending.

1. PRC-20211110-01 - ARW-20211109-01/03/ADW-20211109-05/AOW-20211109-02/04/06 - William G. Hoad - Pending
2. PRC-20220329-01 - ADW-20220322-01/AOW-20220322-02 - Michael Dillon Hannasch - Pending
3. PRC-20220624-01 - ADW-20220624-01 - Kenneth and Jennifer Charbula/AOW-20220624-02 - Kenneth and Jennifer Charbula - John and Gladys Stockbauer - Pending
4. PRC-20220705-03 - ADW-20220630-02/AOW-20220630-03 - Chase Thompson - Pending
5. PRC-20231003-01 - ANHUPPW-20230925-03 - Ray Young - Pending
6. PRC-20231003-02 - ANHUPPW-20230926-01 - Kevin Broll - Pending
7. PRC-20231003-04 - AAP-20230815-01 - VCWCID1 - R1GW-000311 - Pending/Contested
8. PRC-20231226-01 - ANHUPPW-20231226-01 - The Barn - Pending/Uncontested
9. PRC-20240913-01 - ARP-20240726-01 - Argent Trust Company, Trustee of the William M. Murphy, III Testamentary Trust - Pending/Uncontested

As of January 15, 2025, staff had 253 active or approved production permits recorded in the permitting database with a combined amount of authorized groundwater production per year of 115276 acre-feet.

Regarding Groundwater Production Report Processing for CY2024.

As of January 15, 2025, staff had processed 55 groundwater production reports for the preceding calendar year since October 1, 2024.

As of January 15, 2025, staff had recorded groundwater production reports for 55 water wells reporting 1,996 acre-feet of groundwater production during CY 2024. (TWDB estimated the volume of groundwater produced for rural domestic, livestock, mining, and rig supply exempt uses in Victoria County

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in Year 2020 was 1,920 acre-feet. See: TWDB - Projected Exempt Groundwater Use Estimates.).

Regarding Manage Investigations related to Permitting Violations for FY2025.

As of January 15, 2025, staff had initiated 0 investigations related to groundwater management (i.e., permitting) since October 1, 2024.

As of January 15, 2025, staff had 1 active investigation related to groundwater management (i.e., permitting).

1. INV-20190715.1503 - Unpermitted Non-Exempt Use - Active.

Staff will review all expired permits and unresolved permitting matters during the fiscal year, while processing permits due to expire during the fiscal year, to ensure all well owners and operators comply with the requirements established under the rules of the district regarding production permitting and production reporting.

Regarding Manage Enforcement Cases related to Permitting Violations for FY2025.

As of January 15, 2025, the Board had initiated 25 enforcement case violations related to groundwater management (i.e., permitting) since October 1, 2024.

As of January 15, 2025, staff had 2 unresolved enforcement cases related to groundwater management (i.e., permitting).

See:

1. Enforcement Case Violation - ECV-20231105-03 - Coletto Water - Failure to Obtain Production Permit - Active;
2. Enforcement Case Violation - ECV-20231105-06 - North Victoria Utilities - Failure to Obtain Production Permit - Active.

Board Action: None.

3.2 – Permit Hearing – PRC-20231003-04

Meeting Discussion: Mr. Andruss explained the following:

Mr. Patrick Linder, Attorney for Victoria County Water Control Improvement District 1 (VCWCID1) seeks on behalf of VCWCID1, under permitting request case PRC-20231003-04, an amendment to permit AP-20101119-03 to a) expand the production area to the 0.65 acre-tract of contiguous groundwater control held by the VCWCID1 surrounding well GW-000311 and replacement well R1GW-000311 and b) transfer the validated historic production of well GW-000311 to replacement well R1GW-000311.

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On August 14, 2023, staff of the District received an application to amend permit VP-20101119-05 seeking to transfer the authorized production from well GW-000311 to well R1GW-000311 from Mr. McCaskill on behalf of VCWCID1.

Between September 18, 2024, and December 27, 2024, staff of the District and representatives of VCWCID1 communicated regarding additional information requested for the application.

On December 27, 2024, staff of the District received a new application bundle from Mr. Patrick Linder.

On January 3, 2025, staff of the District completed the public notice requirements with the publication of the permit hearing notice in the Victoria Advocate.

On January 6, 2025, Ms. Venglar contacted the office and spoke with the general manager, she stated that she intends to contest the permitting request and would send correspondence by email and regular mail regarding the contest.

On January 6, 2025, Ms. Venglar emailed the general manager of the District that she plans to be at the permit hearing to contest the permit for the new well in Bloomington and will follow up with an official mailed notice as well.

On January 10, 2025, staff of the District received notice of intent to contest the application by regular mail from Ms. Venglar.

On January 10, 2025, staff of the District provided notice of Ms. Venglar's intent to contest the application to the applicant by certified mail.

On January 14, 2025, staff of the District received notice of intent to contest the application from Mr. D. Hernandez and Mr. E. Hernandez by hand-delivery.

On January 15, 2025, staff of the District provided notice of Mr. D. Hernandez's and Mr. E. Hernandez's intent to contest the application to the applicant by certified mail.

On January 15, 2025, staff of the District received correspondence from Mr. Linder responding to the notices of intent to contest the permitting application.

On January 16, 2025, staff of the district forwarded Mr. Linder's response to the notices of intent to contest the permitting application to Ms. Venglar and Mr. D. Hernandez by email.

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. The applicant has not submitted a request for a district waiver in connection with the permitting request.

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Based on the review of the permitting request and the supplemental documentation submitted by the agents of VCWCID1, management believes the request complies with the requirements established under Chapter 36 of the Texas Water Code and the rules of the district.

Staff of the District made the following evaluation of the validity of the permitting request:

1. **Yes:** Does the permitting request satisfy the requirements of [TWC 36.113\(d\)](#)?
 - a. **Yes:** (1) the application conforms to the requirements prescribed by this chapter and is accompanied by the prescribed fees;
 - b. **No:** (2) the proposed use of water unreasonably affects existing groundwater and surface water resources or existing permit holders;
 - c. **Yes:** (3) the proposed use of water is dedicated to any beneficial use;
 - d. **Yes :** (4) the proposed use of water is consistent with the district's approved management plan;
 - e. **N/A:** (5) if the well will be located in the Hill Country Priority Groundwater Management Area, the proposed use of water from the well is wholly or partly to provide water to a pond, lake, or reservoir to enhance the appearance of the landscape;
 - f. **Yes:** (6) the applicant has agreed to avoid waste and achieve water conservation; and
 - g. **Yes:** (7) the applicant has agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure.
2. **Yes:** Was the subject permit unexpired and valid on the date the permitting request was submitted?
3. **Yes:** Was a well plugging report submitted within ninety days (90 days) of concluding the well plugging activities associated with the well or within one hundred and twenty days (120 days) of commencing plugging activities, whichever condition occurs first, if the request seeks to amend a production permit to associate the authorized groundwater production of a plugged well to the replacement well per Rule 2.7(7)?
4. **Yes:** Was the permitting request submitted within ninety days (90 days) of concluding the well construction activities if the request seeks to amend a production permit to associate the authorized groundwater production of a plugged well to the replacement well per Rule 2.7(8)? **NOTE:** Well R1GW-000311 was completed on 3/20/2023. Permitting Request AAP-20230815-01 was submitted 148 days after concluding well construction activities (i.e., well completion). Based on a letter from VCWCID1's attorney, Mr. Linder, dated December 18, 2024, the improvement district contends that well

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construction activities did not conclude until November 2024 with the connection of the well to the improvement districts water system.

5. **NA:** Was the permitting request submitted within ninety days (90 days) of acquiring the non-exempt-use well, the non-exempt-use well field, or the non-exempt-use well system, if applicable, per Rule 4.4(8).
6. Is the amendment being sought consistent with the rules of the district and the conditions of the associate permit?
 - a. **Yes:** Rule 1.1 - REPLACEMENT WELL means a well drilled for the purposes of replacing a registered well that is deteriorated provided the new well is drilled within one hundred yards (100 yards) of and constructed in a manner consistent with the construction of the well being replaced including the production zones and the production capacity.
 - b. **Yes:** Rule 2.7(7) - A person plugging a well shall submit a complete and accurate well plugging report to the district within ninety days (90 days) of concluding the well plugging activities associated with the well or within one hundred and twenty days (120 days) of commencing plugging activities, whichever condition occurs first.
 - c. **Yes:** Rule 2.7(8) - The well owner of a properly located and constructed replacement well of a plugged well used for non-exempt use associated with valid production permits shall, within ninety days (90 days) of concluding the well construction activities, submit an application to amend the valid production permits to associate the authorized groundwater production of the plugged well to the replacement well. NOTE: Well R1GW-000311 was completed on 3/20/2023. Permitting Request AAP-20230815-01 was submitted 148 days after concluding well construction activities (i.e., well completion). Based on a letter from VCWCID1's attorney, Mr. Linder, dated December 18, 2024, the improvement district contends that well construction activities did not conclude until November 2024 with the connection of the well to the improvement districts water system
 - d. **Yes:** Rule 4.1(14) - The district shall require groundwater produced under a production permit to originate from non-exempt-use wells located within the production area of the production permit.
 1. Rule 1.1 - PRODUCTION AREA means the spatial boundary and extent of the area within the boundary of ownership or control of groundwater resources associated with a production permit that: 1. encompasses the location of the subject well, subject well field, or subject well system; and encompasses sufficient area to satisfy the associated groundwater production limitations under which the permit was issued by the district if the production permit authorizes non-historic use; or 2. encompasses the location of the

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subject well, subject well field, or subject well system; and encompasses the portion of the ownership or control of groundwater resources associated with the validated historic use of the permit if the production permit authorizes historic use.

- e. **N/A:** Rule 4.4.(8) - The well owner, well field owner, or well system owner of a non-exempt-use well, a non-exempt-use well field, or a non-exempt-use well system shall submit to the district an application to amend any registrations or permits within ninety days (90 days) of acquiring the non-exempt-use well, the non-exempt-use well field, or the non-exempt-use well system.
- f. **Yes:** Rule 5.2.1(1) - The applicant for an application for the protection of historic use of a grandfathered well shall include the following information and any other information the general manager may determine to be of need to evaluate the request relative to the rules of the district:
- g. **Yes:** Rule 5.2.1(1)(1.9) - a statement certifying, under penalty of law, that the well owner possesses the legal authority to produce groundwater resources from the subject well.

There was an imaged presented that illustrates a fundamental change to the circumstances associated with amending permit [AP-20101119-03](#) (the aggregate production permit associated with wells GW-000311 and GW-000312) and associated permit [VP-20101119-05](#) (the historic use protection permit for well GW-000311). The production area associated with VP-20101119-05 (blue-shaded area) encompasses well GW-000311 but does not encompass well R1GW-000311. The proposed production area (green-shaded area) encompasses well GW-000311 and well R1GW-000311.

Representatives from the public and VCWCID1 were present and spoke during the public hearing.

Board Action: Mr. Meek moved to open and record a public hearing at approximately 9:09 AM. Mr. Eller seconded the motion. The motion passed unanimously.

Mr. Meek moved to hold the record open, recess the hearing and stop the recording at approximately 9:59 AM. Mr. Clements seconded the motion. The motion passed unanimously.

Mr. Meek opened to recess the open meeting and go into a closed executive session at approximately 10:05 am.

Mr. Eller moved to end the closed executive session at approximately 10:46 AM and return to the open meeting. Mr. Clements seconded the motion. The motion passed unanimously.

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3.3 – Investigation of Unreported Groundwater Production for Irrigation

Meeting Discussion: Mr. Andruss explained that while reviewing estimates of groundwater production related to irrigation for the Texas Water Development Board (TWDB), staff identified a significant discrepancy between 1) the volume of groundwater production reported to the District for years 2022 and 2023 and 2) the volume of groundwater production for irrigation estimated by TWDB. In Jackson County, the reported groundwater production across all types of permitted uses (including irrigation) totals 25,816 AF while the estimate of groundwater use for irrigation is 61,961 AF, a difference of 36,145 AF.

Based on rice crop information retrieved from GMU's CropScape and USDA's CroplandCROS, it appears that rice irrigation may be substantially under reported to TGCD. This may be the case for VCGCD as well. The image below illustrates those areas with rice crops without reported groundwater production in close proximity. The likely unreported groundwater production associated with these areas likely account for the significant difference between your estimate and TGCD's reported production amounts.

Board Action: Mr. Clements moved to authorize the general manager to initiate an investigation to resolve potential violations associated with any confirmed instances of failure to report groundwater production associated with rice irrigation. Mr. Eller seconded the motion. The motion passed unanimously.

3.4 – Production Permit DSPPW-20230120-01

Meeting Discussion: Mr. Andruss explained on December 17, 2024, Ms. Lauren Daniels of Westward Environmental, Inc inquired about the status and opportunity to request an amendment of the deep-saline production permit DSPPW-20230120-01 issued to the Port of Victoria on January 20, 2023. Based on a review of the relevant rules of the district and the current circumstances related to the permit, management notified Ms. Daniels that the District considers the permit automatically terminated on January 21, 2024, due to the subject well having not been constructed within 365 days of the permit issuance, and ineligible for amendment. Rule 6.2(12) of the rules of the district states "A permit shall be automatically terminated if the construction of the proposed well is not completed within 365 days of the date the production permit was issued by the district." In addition, Ms. Daniels was notified that staff would inform the board of the inquiry and seek confirmation of the determination and other guidance regarding amendment or new permit applications.

Board Action: None.

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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.

4.1 - Report

Meeting Discussion: Mr. Andruss provided the following report:

Regarding Well Inspections for FY2025.

As of January 16, 2025, staff had recorded 0 well inspection forms (WIFs) since October 1, 2024.

Regarding Manage Investigations related to Groundwater Protection for FY2025.

As of January 16, 2025, staff had initiated 0 investigations related to Groundwater Protection since October 1, 2024.

As of January 16, 2025, staff had 2 active investigations related to Groundwater Protection.

1. Investigations - INV-20220328.0813 - Potential Contamination of Groundwater at Smitty's Food Mart Inez - Active
2. Investigations - INV-20180730.0800 - Potential Contamination of Groundwater on FM 236 and Weber Rd - Active

Regarding Manage Enforcement Cases related to Groundwater Protection for FY2025.

As of January 16, 2025, the Board had initiated 0 enforcement case violations related to Groundwater Protection since October 1, 2024.

As of January 16, 2025, staff had 0 unresolved enforcement case violations related to Groundwater Protection.

Board Action: None.

5. Consideration of and possible action on matters related to groundwater monitoring.

5.1 - Report

Meeting Discussion: Mr. Andruss provided the following report:

Regarding Monitor Drought Conditions for FY2025.

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As of January 16, 2025, the U.S. Drought Monitor indicated that 0% of Victoria County was experiencing drought conditions while 61% of Victoria County was experiencing abnormally dry conditions.

As of January 16, 2025, 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 100% portion of Victoria County are experiencing abnormally dry conditions.

Regarding Synoptic Aquifer Monitoring for FY2025.

As of January 16, 2025, staff had collected 0 water level measurements since October 1, 2024.

Regarding Advanced Aquifer Monitoring for FY2025.

Regarding Baseline Water Quality Aquifer Monitoring for FY2025.

Regarding Ad-Hoc Baseline Water Quality Sampling for FY2025.

As of January 16, 2025, staff had collected 0 water quality field measurements since October 1, 2024.

As of January 16, 2025, staff had collected 0 water quality samples since October 1, 2024.

As of January 16, 2024, staff had received 0 water quality lab reports since October 1, 2024.

Regarding Annual Water Level Assessment for FY2025.
See: Topic 5.2 - Water Level Assessment Report

Regarding Annual Water Quality Assessment for FY2025.
See: Topic 5.3 - Water Quality Assessment Proposal

Regarding Monitoring Network Assessment and Improvement Project for FY2025.

Regarding Synoptic Aquifer Monitoring for PVGCD for FY2025.

Board Action: None.

5.2 – Incentivizing Aquifer Monitoring Cooperation

Meeting Discussion: Mr. Andruss explained on July 19, 2024, the Board accepted the proposal from Intera regarding the analysis of CY2023 water levels and authorized Intera to proceed with the work at a cost not to exceed \$18,000,

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contingent upon cost sharing arrangements being agree to by CCGCD, RGCD, and TGCD.

On December 18, 2024, Dr. Young submitted the report and presentation on the analysis of CY2023 water levels using the geostatistical approach for Victoria County, Calhoun County, Refugio County, and Jackson County.

Based on Table 5 of the Intera's report, water levels in Jackson County in the calendar year 2023 for the Chicot and the Evangeline Aquifers, combined, have recovered 5.6 feet since the calendar year 2000. However, the water levels in the Chicot Aquifer, alone, have declined 4.2 feet in Victoria County and the water levels in the Evangeline Aquifer, alone, have recovered 14.8 feet since the calendar year 2000.

Board Action: Mr. Clements moved to 1) accept the report on the analysis of CY2023 water levels using the geostatistical approach submitted by Dr. Young of Intera, 2) find that the report supports the finding that the district is, as of CY2023, satisfying the desired future condition for Victoria County, and 3) authorize the general manager to pay the associated invoice for \$18,000.00 and invoice the cooperating districts for their share of the cost (\$4,500 per district). Mr. Hroch seconded the motion. The motion passed unanimously.

5.3 – Water Quality Assessment Proposal

Meeting Discussion: Mr. Andruss explained the Board has consistently expressed interest in groundwater quality impacts associated with groundwater production. In fact, the management plan of the district states

"The district will monitor aquifer conditions in and around Victoria County in order to monitor changing water levels and water quality of groundwater resources within Victoria County. The district will make periodic assessments of aquifer conditions and will report those conditions to the Board of Directors of the district and to the public. The district may undertake, as necessary, investigations of the groundwater resources within Victoria County and will make the results of investigations available to the public."

Furthermore, the rules of the district address groundwater quality extensively including the following:

Rule 1.2 states "The board of directors shall adopt rules pursuant to the authority of Section 36.101, Texas Water Code, for the purpose of conserving, preserving, protecting, and recharging groundwater in the district in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater, and protect the rights of owners of groundwater resources."

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Rule 2.2(1) states "The district shall regulate the spacing of non-grandfathered wells and replacement wells in order to:

- 1.1. prevent or limit the drawdown of the water table or the reduction in artesian pressure,
- 1.2. prevent or limit interference between wells,
- 1.3. prevent or limit the degradation of water quality, or
- 1.4. prevent waste of groundwater."

Rule 6.1.1(4) states "The district shall limit the authorized groundwater production amount of a production permit for non-historic use of a non-exempt-use well to the degree the board of directors determines to be necessary to ensure the groundwater production from the subject well will not likely cause excessive water level declines within the district, excessive water quality changes of groundwater resources within the district, or significantly contribute to subsidence within the district."

In order to improve the ability of the district to evaluate changes to and impacts on groundwater quality, staff has obtained a proposal from Daniel B. Stephens and Associates, Inc. (DBSA) to study and document groundwater quality for Victoria, Calhoun, Refugio, and Jackson Counties as a jointly funded project of Victoria County GCD, Calhoun County GCD, Refugio GCD, and Texana GCD. As proposed the proposed work is estimated to cost approximately \$74,000.00, or \$18,500.00 per district.

Board Action: Mr. Clements moved to 1) accept the proposal from Daniel B. Stephens and Associates, Inc. (DBSA) to study and document groundwater quality for Victoria, Calhoun, Refugio, and Jackson Counties and 2) authorize the general manager to authorize the work as proposed and cost-share in the expenses for the proposed work in an amount not to exceed \$74,000.00, contingent upon Texana GCD, Calhoun County GCD, and Refugio GCD agreeing to the same. Mr. Eller seconded the motion. The motion passed unanimously.

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

6.1 - Report

Meeting Discussion: Mr. Andruss provided the following reports:

Regarding Promote Conservation for FY2024.

No report.

Regarding Conservation Education and Teacher Professional Development for FY2024.

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No report.

Board Action: None.

7. Consideration of and possible action on matters related to groundwater resource planning including Groundwater Management Area 15 Joint Planning and regional water planning.

7.1 - Report

Meeting Discussion: Mr. Andruss provided the following report:

Regarding Regional Water Planning Participation for FY2025.

The South Central Texas Regional Water Planning Group (Region L) met on November 7, 2024. During the meeting, the planning group continued its efforts to develop the 2026 regional water plan for the region. The next meeting of the group is scheduled to meet on January 23, 2025. See: <https://www.regionltexas.org/>.

Regarding GMA 15 Joint Planning for 4th Planning Cycle in FY2025.

The representatives of Groundwater Management Area 15 met on October 10, 2024, at 9:30 AM at the offices of the Evergreen Underground Water Control District and actively began the process for developing desired future conditions for GMA 15 with the assistance of its technical consultant, Dr. Young of Intera.

Board Action: None.

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.

8.1 - Report

Meeting Discussion: Mr. Andruss provided the following report:

Regarding Management Plan Revisions for FY2024.

No report.

Regarding Rule Amendments for FY2024.

No report.

Regarding Legislative Support and Lobbying for FY2024.

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No report.

Board Action: None.

8.2 – Legislative Session

Meeting Discussion: Mr. Andruss explained on the legislative session of the Texas Legislature began on Tuesday, January 14, 2025. As of January 10, 2025, staff had identified the following bills with "groundwater" within the text of the introduced bills:

89(R) HB 279 - Introduced Version - Bill Text Author: Guillen Caption: Relating to procedural requirements for uranium mining production area authorizations.

89(R) HB 873 - Introduced Version - Bill Text Author: Wilson Caption: Relating to air quality permits for aggregate production operations and concrete batch plants.

89(R) HB 914 - Introduced Version - Bill Text Author: Thompson, Senfronia Caption: Relating to repealing civil asset forfeiture provisions and establishing criminal asset forfeiture in this state.

89(R) HB 1050 - Introduced Version - Bill Text Author: Dorazio Caption: Relating to the award of attorney's fees in certain suits involving a groundwater conservation district.

89(R) HB 1322 - Introduced Version - Bill Text Author: Hopper Caption: Relating to municipal approval of subdivision plans or plats in certain municipalities.

89(R) HB 1400 - Introduced Version - Bill Text Author: Harris Caption: Relating to creation of the groundwater science, research, and innovation fund to be administered by the Texas Water Development Board.

89(R) HB 1438 - Introduced Version - Bill Text Author: Zwiener Caption: Relating to climate change planning and reporting.

89(R) HB 1523 - Introduced Version - Bill Text Author: Gerdes Caption: Relating to a prohibition on the authorization by the Texas Commission on Environmental Quality of the use of a Class V injection well for certain aquifer storage and recovery projects.

89(R) HB 1529 - Introduced Version - Bill Text Author: Goodwin Caption: Relating to production fees imposed by the Southwestern Travis County Groundwater Conservation District; authorizing an increase in the rate of the fee.

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89(R) HB 1618 - Introduced Version - Bill Text Author: Harris Davila Caption: Relating to aquifer storage and recovery projects that transect a portion of the Edwards Aquifer.

89(R) HB 1633 - Introduced Version - Bill Text Author: Gerdes Caption: Relating to the criteria considered by groundwater conservation districts before granting or denying a permit or permit amendment.

89(R) HB 1643 - Introduced Version - Bill Text Author: Oliverson Caption: Relating to the authority of the Harris-Galveston Subsidence District over the North Harris County Regional Water Authority.

89(R) HB 1689 - Introduced Version - Bill Text Author: Gerdes Caption: Relating to the use of certain groundwater export fees collected by a groundwater conservation district.

89(R) HB 1690 - Introduced Version - Bill Text Author: Gerdes Caption: Relating to an application for a permit for the transfer of groundwater out of a groundwater conservation district.

89(R) SB 325 - Introduced Version - Bill Text Author: Perry Caption: Relating to county regulation of subdivisions and approval of subdivision plans or plats.

89(R) SB 444 - Introduced Version - Bill Text Author: Hinojosa, Juan "Chuy" Caption: Relating to a requirement that certain special purpose districts cause certain information to be posted on an Internet website.

89(R) SB 616 - Introduced Version - Bill Text Author: Schwertner Caption: Relating to aquifer storage and recovery projects that transect a portion of the Edwards Aquifer.

89(R) SB 624 - Introduced Version - Bill Text Author: Kolkhorst Caption: Relating to the criteria considered by groundwater conservation districts before granting or denying a permit or permit amendment.

Board Action: None.

8.3 – Reporting Requirements

Meeting Discussion: Mr. Andruss explained in order to clarify that reporting requirements apply to all wells used to produce groundwater used for purposes other than exempt-use purposes, regardless of any classification that may be applied to the registration of a well by the district, Rule 4.2 would benefit from the following revisions:

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2. ~~The owner of groundwater resources produced from a non-exempt-use well well that produced groundwater for non-exempt-use purposes shall report the volume of groundwater produced from the non-exempt-use well for the preceding calendar year to the district.~~

4. ~~The owner of groundwater resources produced from a non-exempt-use well well that produced groundwater for non-exempt-use purposes shall report the volume of groundwater produced from the non-exempt-use well that is accurate within ten percent (10%) of the actual volume of groundwater produced by the non-exempt use during the calendar year.~~

5. ~~The owner of groundwater resources produced from a non-exempt-use well well that produced groundwater for non-exempt-use purposes shall 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.~~

6. ~~The owner of groundwater resources produced from a non-exempt-use well well that produced groundwater for non-exempt-use purposes shall report the volume of groundwater produced from the non-exempt-use well using a form provided by the district.~~

7. ~~The owner of groundwater resources produced from a non-exempt-use well well that produced groundwater for non-exempt-use purposes shall include the following information when reporting the volume of groundwater produced from a non-exempt-use well:~~

Board Action: None.

8.4 – District Compensation and Fees of Office

Meeting Discussion: Mr. Andruss explained the District, not unlike other groundwater conservation district, will likely struggle to recruit new directors to serve on its board of directors if the need arises. This could result in existing directors remaining on the board longer than they had intended and could result in situations in which a quorum of directors are unable to attend regular meetings and vacant director positions going unfilled for extended periods time.

Currently, the District may compensate its directors for the performance of their duties under Chapter 36.060 of the Texas Water Code. See: <https://statutes.capitol.texas.gov/Docs/WA/htm/WA.36.htm#36.060>. TWC 36.06 limits fees of office to not more than \$250 a day for each day the director actually spends performing the duties of a director and not more than \$9,000 a year.

If the directors wish to seek an increase in the limits established under TWC 36.06 for fees for office, the Board would need to take action on this matter at the meetings

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to enable staff to coordinate with legislators for the possible filing of a bill during the regular legislative session beginning in January 2025.

In preparation for this matter, legal counsel has drafted a resolution for consideration by the Board.

Board Action: Mr. Eller moved to adopt Resolution to Authorize Compensation for Directors as drafted by legal counsel and authorize staff to seek to coordinate with legislators for possible filing of a bill during the regular legislative session beginning in January 2025 regarding the matter. Mr. Clements seconded the motion. The motion passed unanimously.

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, 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.

9.1 - Report

Meeting Discussion: Mr. Andruss provided the following report:

Regarding Public Notice and Meeting Coordination for FY2024.

The next meeting of the Board is scheduled for the 2nd Friday in April, April 11, 2025, (instead of April 18, 2025, which is an office closure day) to convene at 9:00 AM. The meeting will be held at the UHV Northwest Campus Building. Regular meetings will be rescheduled as necessary and special meeting may be scheduled to address unforeseen issues.

Board Action: None.

9.2 – Minutes of Previous Meeting

Meeting Discussion: Mr. Andruss explained the minutes for the previous meeting were sent to the board members prior to the meeting.

Board Action: Mr. Clements moved to accept and approve the meeting minutes for October 18, 2024. Mr. Eller seconded the motion. The motion passed unanimously.

9.3 – Financial Reports of the District

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Meeting Discussion: Mr. Andruss explained the internal control review reports and internal financial reports for September, October and November 2024, have been compiled, reviewed and forwarded to the directors prior to the meeting.

Board Action: Mr. Clements moved to accept the investment reports for September, October and November 2024. Mr. Eller seconded the motion. The motion passed unanimously.

9.4 – Financial Transaction Review

Meeting Discussion: Mr. Andruss explained since October 18, 2024, as of January 15, 2025 there have been 58 accounts payable transactions and 21 accounts receivable transactions recorded.

Board Action: None.

9.5 – Investments of the District

Meeting Discussion: Mr. Andruss explained the investment reports for September, October and November 2024 have been compiled, reviewed and sent to the board members prior to the meeting.

Board Action: Mr. Clements moved to accept and approve the internal control review and the internal financial reports for September, October and November 2024. Mr. Eller seconded the motion. The motion passed unanimously.

9.6 – 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. Clements moved to authorize the general manager to pay the following items:

1. ACCTP-20250117-02 - \$1,620.00 - Allison, Bass & Magee
2. ACCTP-20250117-03 - \$3,525.00 - Allison, Bass & Magee
3. ACCTP-20250117-11 - \$2,517.05 - Dell
4. ACCTP-20250117-12 - \$576.47 - Tim Andruss - TEC-20250116-01
5. ACCTP-20250117-13 - \$229.46 - Tim Andruss - TEC-20250116-02

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

9.7 – Review of Administrative Policies

Meeting Discussion: Mr. Andruss explained on January 20, 2023, the Board re-adopted the following policies as the administrative policies of the District:

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1. Leave Accrual Policy - Adopted 20230120
2. Rules of Procedure, Conduct & Decorum at Meetings of VCGCD - Adopted 20230120
3. Water Well Plugging and Capping - Adopted 20230120
4. Investment Policy - Adopted 20230120
5. Records Management Policy - Adopted 20230120
6. Injection Well - Adopted 20230120
7. E-Logging Policy - Adopted 20230120
8. Capitalization - Adopted 20230120
9. By-Laws of the District - Adopted 20230120

Recently, a staff member has been summoned to jury duty and questions have arisen regarding the administrative policy regarding missed work hours related to jury duty. Management has drafted a basic policy statement for consideration for inclusion in the Leave Accrual Policy of the District as follows:

Use of Accrued Leave for Jury Duty

Staff members summoned for or selected for jury duty shall not be required to use accrued leave to account for work hours missed while in consideration for or in service as a jury member. Staff members summoned for consideration as or serving as a juror may be required to provide documentation from the court regarding the dates and times service was required.

Board Action: Mr. Clements moved to re-adopt the following policies as the administrative policies of the District:

1. Leave Accrual Policy - Adopted 20230120 (revised with the jury duty provisions).
2. Rules of Procedure, Conduct & Decorum at Meetings of VCGCD - Adopted 20230120
3. Water Well Plugging and Capping - Adopted 20230120
4. Investment Policy - Adopted 20230120
5. Records Management Policy - Adopted 20230120
6. Injection Well - Adopted 20230120
7. E-Logging Policy - Adopted 20230120
8. Capitalization - Adopted 20230120
9. By-Laws of the District - Adopted 20230120

Mr. Eller seconded the motion. The motion passed unanimously

9.8 – Election of Officers

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Meeting Discussion: Mr. Andruss explained the By-Laws of the district require the election of four officers, President, Vice-President, Secretary, and Treasurer, each January. Currently Mr. Meek serves as President; Mr. Hroch serves as Vice-President; Mrs. Dietzel serves as Secretary; Mr. Clements serves as Treasurer.

Board Action: Mr. Clements moved to 1) re-elect the existing officers, and 2) authorize the General Manager to submit an updated district information form to TCEQ. Mr. Eller seconded the motion. The motion passed unanimously.

9.9 – End-of-Year Budget Amendments for FY2024

Meeting Discussion: Mr. Andruss explained in order to adjust the budget for FY2024 to align with the actual expenditures authorized by the Board, a series of budget amendments have been drafted for the FY2024 Budget. The recommended amendments (i.e., decreases to budgeted revenue or increases to budget expenses) were developed with the goal of adjusting the budgeted revenue and expenses to more closely align with actual revenue and actual expenditures.

Board Action: Mr. Clements moved to approve the recommended end-of-year budget amendments, as drafted. Mr. Eller seconded the motion. The motion passed unanimously.

9.10 – District Assets and Office Consolidation

Meeting Discussion: Mr. Andruss explained on October 28, 2024, the Board of Directors of the Calhoun County Groundwater Conservation District authorized the execution of the Interlocal Agreement between Calhoun County Groundwater Conservation District and Victoria county Groundwater Conservation District related to excess equipment, as drafted. The agreement authorized VCGCD to accept, utilize and dispose of excess office equipment and furnishings of CCGCD in order to proceed with the consolidation of the administrative offices of both districts.

Board Action: Mr. Eller moved to authorize the general manager to execute the Interlocal Agreement between Calhoun County Groundwater Conservation District and Victoria County Groundwater Conservation District related to excess equipment, as drafted. Mr. Clements seconded the motion. The motion passed unanimously.

10. Consideration of and possible action on matters related to legal counsel report.

10.0 – Legal Counsel Report

Meeting Discussion: Mr. Allison provided a verbal report regarding legal matters.

Board Action: None.

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11. Adjourn.

11.0 – Adjourn Meeting

Meeting Discussion: None.

Board Action: Mr. Clements moved to adjourn the meeting at 12:14 AM after concluding all business of the District. Mr. Eller seconded the motion. The motion passed unanimously.

THE ABOVE AND FOREGOING MINUTES WERE READ AND APPROVED ON THIS

THE 9 DAY OF MAY A.D. 2025.



Director of the Victoria County Groundwater Conservation District

ATTEST:



Director of the Victoria County Groundwater Conservation District