

Refugio Groundwater Conservation District

604 E. Commerce St., Refugio, Texas 78377

P.O. Box 116, Refugio, Texas 78377

Phone (361) 526-1483 | Fax (361) 526-1294 | www.rgcd.org

THE STATE OF TEXAS REFUGIO COUNTY

The Board of Directors of the Refugio Groundwater Conservation District convened a meeting on October 21, 2024, at 6:00 PM at 708 Commerce Street, Refugio, Texas 78377.

Meeting Attendance:

Precinct 1:	Mr. John Snyder, Treasurer	Present
Precinct 2:	Mr. Carroll Borden, President	Present
Precinct 3:	Ms. Cynthia Rose	Present
Precinct 4:	Mr. Fredric Biery, Secretary	Present
At Large:	Vacant	Absent
General Manager:	Mr. Timothy Andruss	Present
Legal Counsel:	Mr. James Allison	Absent

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

Meeting Discussion: Carroll Borden called the meeting to order at approximately 6:00 PM.

Board Action: No action taken.

Agenda Item 2: Receive public comments.

Meeting Discussion: None.

Board Action: No action taken.

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.

3.1 - Report

Meeting Discussion: Mr. Andruss provided the following report:

Regarding Well Registration Processing for FY2024.

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As of October 15, 2024, staff had received 10 well registration applications (ARWs) since October 1, 2023.

As of October 15, 2024, staff had received 21 Notices of Intent to Drill a Well (NIDWs) since October 1, 2023.

Regarding Production Permit Renewal Processing for FY2024.

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

Regarding Permit Processing for FY2024.

As of October 15, 2024, staff had initiated 4 permitting request case (PRCs) since October 1, 2023.

As of October 15, 2024, staff had 0 permitting request cases pending.

As of October 15, 2024, staff had 20 active or approved production permits recorded in the permitting database with a combined amount of authorized groundwater production per year of 1,891 acre-feet.

On October 7, 2024, Mr. Richard Shaw contacted the district concerned about a plan to drill a well for Woodsboro in close proximity to his property. Staff have contacted the project manager, Mr. Hector Castaneda of Ardurra, regarding the project and recommendation that staff strongly encourages the owner of the proposed well to seek and obtain a production permit prior to commencing any drilling activities to avoid difficulties or the potential inability to use the well for the intended purpose at the intended production rates. Mr. Castaneda notified staff that he would contact Mr. Benavides to coordinate regarding a production permit application.

Regarding Groundwater Production Report Processing for CY2023.

As of October 15, 2024, staff had processed 41 groundwater production reports for the preceding calendar year since October 1, 2023.

As of October 15, 2024, staff had recorded groundwater production reports for 41 water wells reporting 1,019 acre-feet of groundwater production during CY2023. (TWDB estimated the volume of groundwater produced for rural domestic, livestock, mining, and rig supply exempt uses in Refugio County in Year 2020 was 580 acre-feet.

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Regarding Manage Investigations related to Permitting Violations for FY2024.

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

As of October 16, 2024, staff had 0 active investigations related to groundwater management (i.e., permitting).

Regarding Manage Enforcement Cases related to Permitting Violations for FY2024.

As of October 15, 2024, the Board had initiated 4 enforcement case violations related to groundwater management (i.e., permitting) since October 1, 2023.

As of October 15, 2024, staff had 0 unresolved enforcement cases related to groundwater management (i.e., permitting).

Board Action: No action taken.

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.

4.1 - Report

Meeting Discussion: Mr. Andruss provided the following report:

Regarding Well Inspections for FY2024.

As of October 15, 2024, staff had recorded 13 well inspection forms (WIFs) since October 1, 2023.

Regarding Manage Investigations related to Groundwater Protection for FY2024.

As of October 15, 2024, staff had initiated 0 investigations related to Groundwater Protection since October 1, 2023.

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

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Regarding Manage Enforcement Cases related to Groundwater Protection for FY2024.

As of October 15, 2024, the Board had initiated 0 enforcement case violations related to Groundwater Protection since October 1, 2023.

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

Board Action: No action taken.

Agenda Item 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 FY2024.

As of October 16, 2024, the U.S. Drought Monitor indicates that 100% of Refugio County is experiencing dry or drought conditions.

As of October 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 Refugio County are experiencing abnormally dry conditions.

Regarding Synoptic Aquifer Monitoring for FY2024.

As of October 17, 2024, staff had collected 13 water level measurements since October 1, 2023.

Regarding Advanced Aquifer Monitoring for FY2024.

No report.

Regarding Baseline Water Quality Aquifer Monitoring for FY2024.

No report.

Regarding Ad-Hoc Baseline Water Quality Sampling for FY2024.

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As of October 17, 2024, staff had collected 7 water quality field measurements since October 1, 2023.

As of October 17, 2024, staff had collected 0 water quality samples since October 1, 2023.

As of October 17, 2024, staff had received 0 water quality lab reports since October 1, 2023.

Regarding Annual Water Level Assessment for FY2024.

No report.

Regarding Annual Water Quality Assessment for FY2024.

No report.

Regarding Monitoring Network Assessment and Improvement Project for FY2024.

No report.

Board Action: No action taken.

5.2 – Incentivizing Aquifer Monitoring Cooperation

Meeting Discussion: Mr. Andruss explained the purpose of the groundwater monitoring program is to facilitate the coordination of activities and tasks completed by staff, consultants, and contractors to evaluate the condition of the groundwater resources within the county.

The management plan of the district establishes the following objectives to be achieved through the implementation of the groundwater monitoring program:

Management Plan Goal 4 - Addressing Natural Resource Issues

Objective 1: Develop and maintain a program to monitor the water quality of at least twelve (12) water wells within the district per year.

Management Plan Goal 7 - Addressing the Desired Future Conditions

Objective 1: Develop and maintain a program to monitor the water level of at least twelve (12) water wells within the district per year.

Objective 2: Analyze aquifer monitoring information to evaluate achievement of the desired future conditions of the district based on information available during the fiscal year.

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On October 20, 2023, the Board of Directors authorized the implementation of a project to incentivize cooperation between well owners and the district regarding aquifer monitoring through the payment of access fee of \$50.00 per monitoring event to cooperating well owners. The funding was limited to \$5,000.00 during Fiscal Year 2024.

After the approval of the incentivization by the Board and the boards of Calhoun County GCD and Victoria County GCD, staff mailed out approximately 100 letters to property owners in the 3-county region regarding the incentivization project. Staff received very limited interest in the offer.

Board Action: Mr. Borden moved to authorize the general manager to implement a project to incentivize cooperation with the district regarding aquifer monitoring limiting financial incentives to \$100.00 per monitoring event at a well and \$5,000.00 during the fiscal year. Mr. Biery seconded the motion. The motion passed unanimously.

5.3 – TWDB Grant Program

Meeting Discussion: Mr. Andruss explained the Texas Water Development Board has established a program to facilitate water conservation in agriculture called the Agricultural Water Conservation Grants Program. Through the program, TWDB provides funding to entities such as GCDs to promote water conservation. Numerous GCDs across the state have secured funds for this purpose with meter cost-sharing being a common example of the type of program that is funded.

This grants program could represent an opportunity for the district to promote water conservation through awareness of pumping impacts while simultaneously improving the district's monitoring efforts of the groundwater resources in the county if a project for cost-sharing aquifer monitoring equipment were submitted and approved.

In particular, a program to fund the procurement and installation of the WellIntel monitoring system at strategic locations around the county would enable groundwater producers, nearby landowners, and staff of district to assess groundwater production impacts in real-time.

Board Action: Mr. Borden moved to authorize the general manager to submit a joint grant application with CCGCD, VCGCD, and TGCD to TWDB for advanced aquifer monitoring equipment at well sites used to produce groundwater for agricultural purposes. Ms. Rose seconded the motion. The motion passed unanimously.

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

6.1 - Report

Meeting Discussion: Mr. Andruss gave the following report:

Regarding Promote Conservation for FY2024.

No Report.

Regarding conservation Education and Teacher Professional Development for FY2024

No Report.

Board Action: No action taken.

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

7.1 – Report.

Meeting Discussion: Mr. Andruss provided the following report:

Regarding Regional Water Planning Participation for FY2024.

The South Central Texas Regional Water Planning Group (Region L) met on August 1, 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 November 7, 2024.

Regarding GMA 15 Joint Planning for 4th Planning Cycle in FY2024.

The representatives of Groundwater Management Area 15 met on October 15, 2024 at 1:30 PM and upon conclusion of the Stakeholder Advisory Presentation by Texas Water Development Board staff regarding updates to the groundwater availability model for the central and southern portions of the Gulf Coast Aquifer System, on Tuesday, October 15, 2024, at the Nueces River Authority Office, 500 IH 69, Suite 805, Robstown, TX 78380.

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On October 10, 2024, the district executed the agreement with Intera, Inc. on behalf of the member districts of GMA 15 that had contributed funds to the GMA 15 Joint Planning Fund for technical services to adopt a desired future conditions during the 4th Joint Planning Cycle.

Board Action: No action taken.

Agenda Item 8: Consideration of and possible action on matters related to groundwater policy including the Management Plan of the District, the hearing regarding the Proposed Rules 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.

No report.

Board Action: No action taken.

8.2 – Rulemaking Hearing

Meeting Discussion: Mr. Andruss explained on September 16, 2024, the public notice for the rule making hearing was posted on the website of the district with a copy of the proposed rules and a comparison document of the proposed rules to the current rules of the district.

On September 25, 2024, the public notice requirements for the rulemaking hearing were completed with the publication of the notice in the Victoria Advocate.

The revisions to the rules primarily include clarifications regarding the foundational policies of the district including the clarification regarding 1) non-historic use well offset from property lines, 2) maintaining well registration information with the district, 3) permit renewals associated with proposed (non-existing) wells, 4)

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procedures related to permit amendments, 5) production limitations for non-historic use, and 6) the elimination of unnecessary notice requirements related to notices of need to file suit in association with violations.

Board Action: Mr. Borden moved to open the rulemaking hearing at approximately 6:20 PM. Mr. Biery seconded the motion. The motion passed unanimously.

Mr. Borden moved to close the rulemaking hearing after receiving no public comment on the proposed rules. Mr. Snyder seconded the motion. The motion passed unanimously.

8.3 – Consideration of Proposed Rule Revisions

Meeting Discussion: None.

Board Action: Mr. Borden moved to adopt the proposed rules as the Rules of the District, as drafted. Ms. Rose seconded the motion. The motion passed unanimously.

8.4 – District Fees

Meeting Discussion: Mr. Andruss explained the fee schedule of the district was adopted on April 17, 2023.

The legislature revised the transfer fee limitations in Chapter 36 of the Texas Water Code:

Sec. 36.122. TRANSFER OF GROUNDWATER OUT OF DISTRICT.

(e) Except as provided by Subsection (e-1), the district may impose an export fee or surcharge using one of the following methods:

- (1) a fee negotiated between the district and the exporter;
- (2) for a tax-based district, a rate not to exceed 20 cents for each thousand gallons of water exported from the district; or
- (3) for a fee-based district, a rate not to exceed the greater of 20 cents for each thousand gallons or a 50 percent surcharge, in addition to the district's production fee, for water exported from the district.

(e-1) Effective January 1, 2024, the maximum allowable rate a district may impose for an export fee or surcharge under Subsection (e)(2) or (e)(3) increases by three percent each calendar year.

Effective January 1, 2024, the maximum rate increased to \$0.206 cents per thousand gallons. On January 1, 2025, the maximum rate will increase to \$0.212

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cents per thousand gallons. These rates equal \$67.125 per acre-foot of groundwater transferred out of the district and \$69.129 per acre-foot of groundwater transferred out of the district, respectively.

Staff have developed revisions to the fee schedule to update the fees to be assessed for the transfer of groundwater out of the district and establish fees to be assessed for excess groundwater production.

Board Action: Mr. Borden moved to adopt the draft fee schedule by resolution, as drafted. Ms. Rose seconded the motion. The motion passed unanimously.

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.

9.1 - Report

Meeting Discussion: Mr. Andruss provided the following report:

Regarding Election Coordination for CY2024.

No Report.

Regarding Financial Audit for FY2023.

No Report.

Regarding Investment Management for FY2024.

No Report.

Regarding Financial Record Processing and Reporting for FY2024.

No Report.

Regarding Budget Development for FY2025.

No Report.

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Regarding Asset Tracking for FY2024.

No Report.

Regarding Public Funds Training for FY2024.

No Report.

Regarding Website Improvements.

No Report.

Regarding Public Notice and Meeting Coordination for FY2024.

The next meetings of the Board are scheduled for January 20, 2025, 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.

Regarding Performance Audit for FY2023.

No Report.

Regarding Project Management for FY2024.

No Report.

Regarding Administrative Policy Review for FY2024.

No Report.

Regarding Transparency Reporting for FY2024.

No Report.

Regarding Cybersecurity Training for FY2024.

No Report.

Regarding Consultant Review for FY2024.

No Report.

Regarding Open Government Training for FY2024.

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No Report.

Regarding District Liability Insurance Review and Renewal for FY2024.

No Report.

Regarding Digital Record Archiving for FY2024.

No Report.

Regarding Physical Record Archiving for FY2024.

No Report.

Board Action: No action taken.

9.2 – Minutes of the 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. Biery moved to accept and approve the meeting minutes for July 15, August 19, and September 10, 2024, as drafted. Mr. Borden seconded the motion. The motion passed unanimously.

9.3 – Financial Reports of the District

Meeting Discussion: Mr. Andruss explained the internal financial reports of the District for June, July and August 2024, have been sent to the directors prior to the meeting.

Board Action: Ms. Biery moved to accept and approve the financial reports for June, July and August 2024. Mr. Snyder seconded the motion. The motion passed unanimously.

9.4 – Financial Transaction Review

Meeting Discussion: Mr. Andruss explained that since July 5, 2024, as of October 17, 2024, there have been 32 accounts payable, and 7 accounts receivable transactions recorded.

Board Action: No action taken.

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9.5 – Investments of the District

Meeting Discussion: Mr. Andruss explained the investment reports for July and August 2024 have been sent to the board prior to the meeting.

Board Action: Ms. Rose moved to accept the investment reports for March, July and August 2024. Mr. Biery 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. Borden moved to authorize the general manager to pay the following items:

1. ACCTP-20241021-01 - \$250.00 - Carroll Borden - October Meeting
2. ACCTP-20241021-01 - \$250.00 – John Snyder - October Meeting
3. ACCTP-20241021-03 - \$250.00 - Fredric Biery - October Meeting
4. ACCTP-20241021-04 - \$250.00 - Cynthia Rose - October Meeting
5. ACCTP-20241021-05 - \$1,110.00 - Allison, Bass & Magee, LLP
6. ACCTP-20241021-06 - \$875.00 - Higginbotham

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

9.7 – Forms of Payment of Penalties and Settlement Fees

Meeting Discussion: Mr. Andruss explained the district has accepted payments of penalties and settlement fees in the form of personal and business checks. Recently, the Victoria County GCD experienced a situation in which the violator (7-Eleven) stopped payment on a business check used to pay a penalty fee. The stop payment resulted in the district incurring a bank fee of \$12.00 and additional administrative processing to investigate, report and re-process the payment. In addition, several business violators at the other cooperating districts have requested the districts provide administrative information to register as vendors. This is an additional administrative cost incurred by the districts to resolve violations caused by other parties.

Board Action: Mr. Borden moved to limit the acceptable form of payment for penalties and settlement fees to cashier's check or money order made payable to

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the Refugio Groundwater Conservation District. Mr. Biery seconded the motion. The motion passed unanimously.

9.8 – Financial Audit for the Previous Fiscal Year

Meeting Discussion: Mr. Andruss explained, Mr. Goldman of Goldman, Hunt, and Notz LLP has expressed his firm's interest in performing the financial audit of the District for FY2024.

Board Action: Mr. Borden moved to 1) accept the offer of Goldman, Hunt, and Notz LLP to perform the financial audit for the fiscal year ending September 30, 2024, 2) authorize the general manager to execute the associated engagement letter, 3) authorize the firm to begin the audit upon development of the internal financial reports for September 30, 2024, and 4) instruct the general manager to develop and present to the board a request for proposal for auditing services for the audit of the financial records for the fiscal year ending September 30, 2025. Ms. Rose seconded the motion. The motion passed unanimously.

9.10 – District Assets and Office Consolidation

Meeting Discussion: Mr. Andruss explained on October 4, 2024, Mr. Andruss notified Judge Poynter of the administrative changes under way at the district (i.e., the 5-year ILA and office consolidation).

With the consolidation office space, staff have:

1. secured a central post office box (P.O. Box 69, Victoria, Texas 77902) for the districts,
2. transferred the physical records and fire proof cabinets to the VCGCD office,
3. investigated options for transferring surplus equipment and furnishing to Refugio County,
4. begun investigation for consolidating existing phone lines,
5. posted job notices with the Texas Workforce Commission, on the VCGCD website, and on Indeed,
6. begun the process for identifying a new location of the consolidated offices.

Mr. Allison developed a draft interlocal agreement to be used to properly transfer excess equipment and furnishings to Jackson County. The draft agreement was provided to Judge Poynter for consideration on October 4, 2024.

Board Action: Ms. Rose moved to authorize the general manager to execute the Interlocal Agreement Between Refugio Groundwater Conservation District and

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Refugio County related to excess equipment, as drafted. Mr. Snyder seconded the motion. The motion passed unanimously.

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: No action taken.

Agenda Item 11: Adjourn Meeting.

11.0 – Adjourn Meeting

Meeting Discussion: None.

Board Action: Mr. Borden moved to adjourn the meeting after concluding all business of the District at 7:04 PM. Mr. Snyder seconded the motion. The motion passed unanimously.

The above and foregoing minutes were read and approved on this the 21st day of January, 2025.

ATTEST:

Candace E. Borden
District Director

[Signature]
District Director

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