

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 December 4, 2023, at 6:00 PM at the First Baptist Church of Woodsboro Fellowship Hall, 309 Johnson Street, Woodsboro, Texas 78393

Meeting Attendance:

Precinct 1:	Mr. John Snyder, Treasurer	Present
Precinct 2:	Mr. Carroll Borden, President	Present
Precinct 3:	Vacant	
Precinct 4:	Mr. Fredric Biery, Secretary	Present
At Large:	Mr. Scott Carter, Vice President	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: None.

Agenda Item 3: Consideration of and possible action on matters related to groundwater management including the efforts and activities of the District regarding permitting, complaints, investigations, violations, and enforcement cases associated with permitting.

3.0 – Report regarding Groundwater Management

Meeting Discussion: None.

Board Action: None.

3.1 – Permit Hearing and Consideration for Permitting Request Case – PRC-20231113-01

Working to Conserve, Preserve, Protect, and Prevent Waste of Groundwater Resources Within Refugio County for the Benefit of Refugio County's Landowners, Citizens, Economy, and Environment.

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Meeting Discussion: Mr. Andruss explained Mr. Jose Deleon for The Town of Refugio seeks, under permitting request case PRC-20231113-01, a historic-use production permit protecting the historic production of groundwater from a grandfathered well system comprised of grandfathered well GW-00194 located on a 3.04-acre tract of land near the intersection of Palmetto Street and East Plasuela Street in Refugio County, Texas and grandfathered well GW-00272 located on a 4.27-acre tract of land near the intersection of 1st Street and East Vance Street in Refugio County, Texas for public water system uses in the amount of 572.66 acre-feet per year.

The application 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.

Based on the review of the information provided within the associated application and supplemental information provided by the applicant, the district has determined that the request is consistent with the policies and rules of the district. Accordingly, the district has not notified the applicant of the intent of the district to contest the permitting request.

The following sequence of administrative tasks were completed in connection with the permitting request case:

On October 16, 2023, the district designated the application administratively complete.

On November 13, 2023, the district completed the public notice process for the permitting request case.

The application includes a record of the Town of Refugio evidence of historic use from the Texas Water Development Board water use survey for calendar year 2002. This record indicates that the water system used 186,602,000 gallons during the year. The volume equates to 572.66 acre-feet. The application includes an affidavit titled AFFIDAVIT REGARDING EVIDENCE OF HISTORIC USE from Mr. Deleon.

As of November 29, 2023, the District had received the following notices of intent to contest the permitting request:

- none.

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On November 29, 2023, the District drafted a permit in anticipation of the Board of Directors taking action to approve the permit request.

Board Action: Mr. Borden moved to 1) cancel the permit hearing and proceed with the permitting case as an uncontested matter; and 2) issue a production permit for historic use of a well system to The Town of Refugio for the subject well system under permitting request case PRC-20231113-01 with the following parameters and conditions and the requirements established in the rules of the district now in effect:

Permit Identification Number: HUPPWS-202301204-02

Associated Application Number: AVHUWS-20231101-01

Subject Non-Grandfathered Wells: GW-00194, GW-00272

Authorized Groundwater Production Amount: 572.66 acre-feet per year;

Authorized Groundwater Production Purpose: Public Water Supply;

Well Owner: The Town of Refugio

Owners of Groundwater Resources: The Town of Refugio

Authorized Operator: The Town of Refugio

Reporting Requirements: per RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS

1. The authorized operator of a permit shall report to the district any monitoring data required under the permit within thirty days (30 days) of the close of the relevant reporting period unless specified otherwise within the rules of the district or the permit.
2. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well to the district on an annual basis.
3. The well owner, authorized agent, or the authorized operator of a production permit shall measure the volume of produced groundwater from each of the subject wells using a device or method that is accurate within ten percent (10%) of the actual volume produced.
4. The well owner of a non-exempt-use well 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 well owner of a non-exempt-use well 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.

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6. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well using a form provided by the district.
7. The well owner of a non-exempt-use well shall include the following information when reporting the volume of groundwater produced from a non-exempt-use well:
 - 7.1. the well registration number assigned by the district;
 - 7.2. the production permit identification number;
 - 7.3. the reporting period;
 - 7.4. the volume of groundwater produced during the reporting period in acre-foot;
 - 7.5. the method used to determine the volumes of groundwater produced during the reporting period;
 - 7.6. a statement certifying, under penalty of law, that the information reported on and attached to the report was prepared under the direction or supervision of the well owner and is, to the best of the knowledge and belief of the well owner, true, accurate and complete;
 - 7.7. the printed name of the person submitting the report; and
 - 7.8. the dated signature of the person submitting the report.

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

3.2 – Permit Hearing and Considerations for Permitting Request Case – PRC-20231108-01

Meeting Discussion: Mr. Andruss explained Mr. Andrew Biery for The City of Austwell seeks, under permitting request case PRC-20231108-01, a historic-use production permit protecting the historic production of groundwater from a grandfathered well system comprised of grandfathered well GW-00173 located on a 12.84-acre tract of land near the intersection of Vandenberg Street and Dilworth Street in Refugio County, Texas and grandfathered well GW-00359 located on a 0.21-acre tract of land near the intersection of Bay Street and Mernitz Street in Refugio County, Texas for public water supply uses in the amount of 20.71 acre-feet per year.

The application 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 information provided within the associated application and supplemental information provided by the applicant, the district has determined that the request is consistent with the policies and rules of the district. Accordingly, the district has not notified the applicant of the intent of the district to contest the permitting request.

The following sequence of administrative tasks were completed in connection with the permitting request case:

On November 10, 2023, the district designated the application administratively complete.

On November 13, 2023, the district completed the public notice process for the permitting request case.

The application includes a record of the City of Austwell evidence of historic use from the Texas Water Development Board water use survey for calendar year 2003. This record indicates that the water system used 6,750,500 gallons during the year. The volume equates to 20.71 acre-feet. The application includes an affidavit titled AFFIDAVIT REGARDING EVIDENCE OF HISTORIC USE from Mr. Biery.

As of November 29, 2023, the District had received the following notices of intent to contest the permitting request:

- none.

On November 29, 2023, the District drafted a permit in anticipation of the Board of Directors taking action to approve the permit request.

Board Action: Mr. Borden moved to 1) cancel the permit hearing and proceed with the permitting case as an uncontested matter; and 2) issue a production permit for historic use of a well system to The City of Austwell for the subject well system under permitting request case PRC-20231108-01 with the following parameters and conditions and the requirements established in the rules of the district now in effect:

Permit Identification Number: HUPPWS-202301204-01

Associated Application Number: AVHUWS-20231101-02

Subject Non-Grandfathered Wells: GW-00173, GW-00359

Authorized Groundwater Production Amount: 20.71 acre-feet per year;

Authorized Groundwater Production Purpose: Public Water Supply;

Well Owner: The City of Austwell

Owners of Groundwater Resources: The City of Austwell

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Authorized Operator: The City of Austwell

Reporting Requirements: per RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS

1. The authorized operator of a permit shall report to the district any monitoring data required under the permit within thirty days (30 days) of the close of the relevant reporting period unless specified otherwise within the rules of the district or the permit.
2. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well to the district on an annual basis.
3. The well owner, authorized agent, or the authorized operator of a production permit shall measure the volume of produced groundwater from each of the subject wells using a device or method that is accurate within ten percent (10%) of the actual volume produced.
4. The well owner of a non-exempt-use well 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 well owner of a non-exempt-use well 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 well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well using a form provided by the district.
7. The well owner of a non-exempt-use well shall include the following information when reporting the volume of groundwater produced from a non-exempt-use well:
 - 7.1. the well registration number assigned by the district;
 - 7.2. the production permit identification number;
 - 7.3. the reporting period;
 - 7.4. the volume of groundwater produced during the reporting period in acre-foot;
 - 7.5. the method used to determine the volumes of groundwater produced during the reporting period;
 - 7.6. a statement certifying, under penalty of law, that the information reported on and attached to the report was prepared under the direction or supervision of the well owner and is, to the

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best of the knowledge and belief of the well owner, true, accurate and complete;

7.7. the printed name of the person submitting the report; and

7.8. the dated signature of the person submitting the report.

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

Agenda Item 4: Consideration of and possible action on matters related to district director vacancies.

4.0 – Vacancy in Office of Director

Meeting Discussion: Mr. Andruss explained on October 17, 2023, Mr. Snyder notified staff that he had identified two individuals as potential candidates to fill a vacancy on the Refugio Groundwater Conservation District Board of Directors: Ms. Cindi Rose of Precinct 3 and Ms. Hannah Lafond.

If the board wishes to appoint a qualified and willing individual to fill a vacancy on the Refugio Groundwater Conservation District Board of Directors, a motion to that effect should be made and approved. After passage of the motion, the newly appointed director should make the statement of officer and take oath of office and complete the associated forms for the records of the District.

Board Action: Mr. Borden moved to elect Ms. Rose to the office of Directors, Precinct 3. Mr. Snyder seconded the motion. The motion passed unanimously.

Agenda Item 5: Adjourn.

5.0 – Adjourn Meeting

Meeting Discussion: None.

Board Action: Mr. Borden moved to adjourn the meeting after concluding all business of the District at approximately 6:36 PM. Mr. Snyder seconded the motion. The motion passed unanimously.

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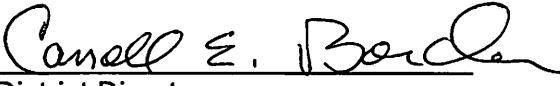
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The above and foregoing minutes were read and approved on this the 5th day of February, 2024.

ATTEST:


District Director


District Director

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