



**Minutes for Meeting/Hearing of the Hays Trinity Groundwater Conservation District**

Date: Wednesday, March 7, 2012  
Time: 6:00 pm  
Place: Wimberley Community Center  
Located: 14068 RR 12, Wimberley, TX. 78676

**6:00 pm: Regular Meeting Opens**

**Board Present:** Jimmy Skipton-President, Greg Nesbitt-Vice President, Mark Key-Secretary/Treasurer, Joan Jernigan, & Ed Pope

**Staff Present:** Rick Broun-General Manager, Tressy Gumbert-Administrative Assistant, and Alex Broun-District Geologist, P.G. 4845

*The following subjects were considered for discussion and/or action at said meeting:*

- **Board Roll Call:**  
Rick Broun:
  - Roll Call was taken, a quorum was present
- **Review of Board Meeting Protocol:**  
Jimmy Skipton:
  - Explained meeting protocol to audience.
- **Consider approval of prior meeting Minutes:**  
Jimmy Skipton:
  - The February Meeting Minutes will be approved at the next regularly scheduled Board Meeting.
- **Monthly Financial Report & Budget to Actual Report:**  
Rick Broun:
  - Mark Key reviewed and signed off on the Financial and Budget to Actual reports.
- **Acknowledgment of Bank Reconciliations and Monthly Invoices:**  
Rick Broun:
  - Mark Key has reviewed and signed off on bank statements and monthly invoices.
- **General Comments from Board & Staff:**  
Ed Pope:
  - Received a notice for a conference regarding investing in water.
- **Public Comments: Non-Agenda Items**  
The following presented: Jon Cobb

**Agenda Items:**

Discuss and Possible Actions on:

1. **Item #6: Blue Hole Well Registration Modification**
  - Modification of well use from monitoring to an irrigation well
  - Requesting to irrigate new Blue Hole soccer fields with groundwater

And

Discussion Only on:

2. **Item #7: Blue Hole Permit**
  - Board of Directors to review Non-Exempt permit options

**Board & Staff:**

- Jimmy Skipton
- The District received a letter from Don Ferguson on behalf of the City of Wimberley requesting a two-year temporary permit to pump fifteen (15) AF per year from an existing monitoring well. Using the water to irrigate soccer fields at the Blue Hole Park.
  - The City of Wimberley is against the 30 foot DFC and recently passed a resolution on forming a Special Groundwater Management area with less drawdown.

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- The City of Wimberley will be required to go through the permit process to obtain a permit
  - Blue Hole Park has access to Wimberley Water Supply Corporation water
- Mark Key
- Supports the rights of property owners and is In favor of issuing the City of Wimberley a temporary permit for 90 to 120 days.
- Al Broun
- Point of information: Changing a well from exempt to non-exempt for 15 AF requires a permit and a well test to make sure the well does not impact other wells in the area.
- Ed Pope
- Changing the well to a non-exempt well falls under District guidelines therefore the applicant should go through the same process as all other applicants for obtaining an operating permit.
- Greg Nesbitt
- How does the recent Supreme Court decision affect this issue if the city of Wimberley isn't granted the requested 15 AF? The city owns the property and is entitled to the water beneath it
- Rick Broun
- Agrees that they have a right to the water however doesn't agree that 15 AF is needed.
  - Recommends issuing a 1 year permit for up to 264 gallons a day as required by Resolution 20111215

**Applicant Comments:**

The following presented: Don Ferguson – The city would like to utilize water from the well for fire protection and to temporarily irrigate two (2) soccer fields at the Blue Hole Park. The landscaping architect estimates it will take five (5) million gallons of water a year to irrigate the fields. Once the turf for the soccer fields is established pumping for irrigation would reduce. It will take 4 to 5 months of irrigation to get the turf established. Once funds are raised to install a wastewater effluent irrigation system the use of groundwater would be discontinued. The city is sensitive to monitoring the impact that pumping may have on neighboring wells.

**Public Comments:**

The following presented: Bill Davis & Jon Cobb

**Motion**

Mark Key: Give the City of Wimberley a temporary 90 day permit for irrigation.

Greg Nesbitt: Seconded motion

Mark Key: Withdraw motion

Greg Nesbitt: Withdraw second

Joan Jernigan: Make a motion to give the City of Wimberley a 60 day permit to allow them to start irrigation while fulfilling the permit requirements set forth by the District. The permit will be up for review at the end of 60 days.

Jimmy Skipton

- The permit is on the agenda as a discussion only item. Doesn't feel action can be taken on permit at this time.
- The District has a resolution in place and needs advice from our attorney on how to proceed with the permit.
- A special meeting can be scheduled for action on the Blue Hole Permit.

Joan Jernigan: Withdraw motion

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**3. Item #3: Drought Stage Status**

- Review triggers, drought chart, monitoring water level data, determine drought stage

**Board & Staff:**

Rick Broun

- We are currently in drought alarm stage
- February well water levels south of Camp Ben McCulloch are up and average of 3 feet. Well water levels north of Camp Ben McCulloch are up an average of 7 feet.
- There were 4 new public water supply connections and 14 new well registrations in February

**Public Comments:**

None provided

**4. Item #2: Update on lawsuit: Plaintiffs vs. HTGCD**

- Wimberley Valley Watershed Association
- Johanna L. Smith, H.K. Acord, Janet Acord, James R. McMeans and David Glenn

**Board & Staff:**

- Jimmy Skipton
- The District filed a counter suit claim for legal fees

**Public Comments:**

The following presented: Jon Cobb

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**5. Item #1: GMA9**

- Update on DFC Petition with Texas Water Development Board (TWDB)

**Board & Staff:**

- Jimmy Skipton
- The Texas Water Development Board (TWDB) found in favor of GMA 9 and voted the 30 DFC to be reasonable.
  - The Wimberley Valley Watershed Association and Flying L's petitions were dismissed.
- Ed Pope
- During the TWDB meeting much support for creating a special groundwater management area was expressed
  - Creating a special groundwater management area will be included as an agenda item for the next regularly scheduled Board Meeting.
- Mark Key
- Majority of the drawdown is by exempt wells not businesses.

**Public Comments:**

The following presented: J.J. Jones and Hershel McCullough

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**6. Item #4: New Order 155**

- Drought condition levels move from Critical Stage to alarm Stage, 20% reduction

**Motion**

Jimmy Skipton: To approve Order 155  
Greg Nesbitt: Seconded motion  
Vote: 5-0 in Favor (Jimmy Skipton, Mark Key, Greg Nesbitt, Joan Jernigan, and Ed Pope)

**Public Comments:**

None presented

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**7:00 Break**

**7:10 Reconvene**

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**7. Item #5: 2012 Proposed Education Project**

- Investing in Lower Trinity telemetry equipment to transmit data to District website

**Board & Staff**

Joan Jernigan

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- The Lower Trinity is the deepest of the 3 Trinity Aquifer segments
- Study of the Lower trinity has not yet been done and feels the study would be beneficial
  
- Would like to do a little more research, touch base with other interested parties and put on the next month's meeting agenda.

Rick Broun

- Insitu quoted a price of \$2500 for a cable and software. The District would be responsible for manually downloading the data from the transducer which requires a staff member to be at the location with the transducer plugged into a laptop.
- The Texas Water Development Board (TWDB) quoted a price of \$4400 which could be paid in two payments, half at time of equipment installation and the other half in 2013. TWDB would install and setup the hardware and software and host the data on their website. Data could be captured and viewed daily.
- Has contacted Barton Springs Edwards Aquifer Conservation District and Blanco-Pedemales Conservation District to see if they are interested in the project and would care to contribute funds.

Al Broun

- Suggests the District also contact Travis County/Representative Workman
- The majority of data the District has is on the Middle Trinity. The lower Trinity is a confined aquifer it acts and reacts differently than the middle trinity.

**Public Comments:**

No public comments provided

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**7:23 Hearing opens**

**Hearing Item:**

Discuss and Possible Actions on:

**A. JP & LP Rentals LLC**

- Permittee requesting a one-year permit to produce 2 Acre feet. According to Resolution 20111215
- Permittee requests a variance from generating an aquifer test as yearly production is low.
- Project has 6 homes (each containing two bedrooms, one bath) and 1 workshop on site.
- Location: 191 Brownson Lane, Driftwood
- Permittee will: report monthly production on-line, report monthly static water level, check for leaks
- Review connections fees of \$300 per home

**Public Comments:**

None provided

**7:24 Hearing closed**

**Board & Staff:**

Rick Broun

- The application is administratively complete
- Spoke with TCEQ in reference to what they consider a connection. Transient would not be considered a connection, community (living unit) would be considered a connection.
- This project falls within the category of community.

Mark Key

- Disagrees with charging a connection fee the master meter is the only meter on the property.

Greg Nesbitt

- Does not support requiring a meter and charging a connection fee for each unit.

Jimmy Skipton

- Recommends addressing this issue in our new rules and being more specific as to what is considered a living unit.
- Mr. Peter is not a water supply corporation according to TCEQ rules.

Rick Broun

- The staff recommends a permit for 1.27 AF, pro-rating the remainder of the year for a permit of 1.14 AF and a variance from Rule 11 – Aquifer Test.

**Motion**

Ed Pope: Approve permit on staff recommendation of 1.27 AF, accept Mr. Peter's offer of paying an additional \$300 and include staff recommendation on variance from aquifer test.


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Greg Nesbit: Seconded motion

Vote: 5-0 in Favor (Jimmy Skipton, Mark Key, Greg Nesbitt, Joan Jernigan, and Ed Pope)

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7:43 p.m. Meeting Adjourned

Approved:  Date: 4-11, 2012  
Jimmy Skipton, President

Approved:  Date: 4/11, 2012  
Mark Key, Secretary/Treasurer