

**Hays Trinity Groundwater
Conservation District,
Hays County, Texas**

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Minutes of Open Meeting of the Hays Trinity Groundwater Conservation District

A meeting of the Hays Trinity Groundwater Conservation District was held:

Thursday, October 8, 2009

Time: 6:00 pm

Place: Dripping Springs City Hall

Located at: 511 Mercer St., Dripping Springs, Texas 78620

Present: Douglas A. Wierman (President) DAW, David G. Baker (Vice President) DGB, Jack A. Hollon (Secretary/Treasurer) JAH, Andrew H. Backus AHB, and Greg F. Nesbitt GFN

Staff: Dana R. Carmean (DRC), Rick D. Broun (RDB), and Wes Schumacher (WS)

6:00 pm: Regular Meeting Opens

- **Review of Board Meeting Protocol by DAW**
- **Consider approval of prior meeting Minutes;** Review and approval of 9/17/09 Board Meeting/Hearing Minutes with recommended changes from DAW and JAH, and AHB.
- **General Manager's Report of Activities:** DRC presented (copies attached):
 - Unity Church letter from 9/21/09 in appreciation of the HTGCD, with a check for \$297
 - Volunteer Activity Report
 - September 2009 Manager's Report to include Bank Balances, Well and PWS Registrations
 - September 2009 Budget Chart
 - September 2009 Cumulative Income and Expense Chart
 - Upcoming Dates of Importance
 - Next Board Meeting/Budget Amendment Hearing 11/12/09 at Woodcreek City Hall.
- **Report from Staff Geologist, Wes Schumacher.** WS presented:
 - January – September 2009 Well Registration Map
 - January – September 2009 Well Decline Map (Dry Well Reports – 40 locations)
 - October 7, 2009 Discharge Flow Rate for Pedemales River, Onion Creek, Blanco River, and Jacob's Well
 - Flow rates are up overall but not out of the Drought.
 - Delay of last month's Monitoring Well program due to broken e-lines.
 - Well Monitoring Assessment: Some wells up 4' to 5' due to recent rains but overall the wells had declined 50 to 80 + feet due to Critical Drought
- **Board & Staff Announcements:**
 - JAH announced there will be a Rainwater Harvesting Festival in April 2009.
 - DAW announced he gave a presentation recently at the HTGCD/Cypress Creek Workshop on recent TWDB DFC model runs.
 - DGB announced:
 - An overview of the DFC process was given to Dr. Schwarz' class at TSU.
 - DAW and DGB were asked by Representative Patrick Rose and Senator Jeff Wentworth to give a Science/Folio Presentation on October 21, 2009.
 - EAA hosting a hearing on 10/17/09 regarding impervious cover limits. An invitation to speak was offered. DGB recommends Raymond Slade as speaker.
 - AHB announced:
 - "DAW gave a great presentation at the recent Workshop with TSU."
 - City of Wimberley is seeking an Attorney General Opinion regarding authority over Water Quality in their ETJ. Mayor Haley, who was in the crowd, addressed this.

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• **Public Comments:**

Jimmy Skipton commented on:

- 1) The importance of having working e-lines in order for the District to do their job.
- 2) "DAW gave a great presentation on the DFC."
- 3) Inquired as to the Board's reaction to the TCEQ Draft Report on:
 - Identifying and evaluating the areas of the Hill Country PGMA not included in a GCD
 - DAW responded that the notification had been sent but no comment has been issued by the HTGCD as of yet.

• **Report on GMA #9 Efforts towards establishing a "desired future condition" of the Trinity Aquifer:** Report by DAW regarding:

- Discussions about technical review on the latest model runs
- Three bodies appealed recent DFC that was submitted to the TWDB
 - A hearing is set for 11/9/09 or 11/12/09 for GMA 9 Appeal Hearing
 - 90 minutes will be given to the parties appealing
 - 90 minutes will be given to the GMA
 - An adhoc committee has been established to speak on behalf of GMA9
 - DAW is part of that committee
 - Other appealed cases include;
 - GMA 1 – the case was settled
 - GMA 8 – the case is still pending
- The Deadline to complete the DFC submissions is September 10, 2010; in order to get into the 2012 TWDB Water Plan.

Board Meeting Agenda Items

1. **Review of Deferred Items from the September 17, 2009 Board Meeting/Hearing to include schedules for:**

DRC handed out Agenda Item #1 Overview for the items below.

a. Wimberley Springs Partners (Quicksand) permit application:

- DRC gave the Board an overview of the schedule with Wimberley Springs Partners. Item scheduled for the January 2010 Board Hearing.

b. Howard Ranch permit application

- HTGCD Counsel, Greg Ellis, recommended presenting the HTGCD Board with the Request for Evidentiary Hearing schedule presented to the Board Members at the 9/17/09 Board Hearing by Helen Gilbert. (Schedule attached).

c. Jon Cobb NOV:

- Matt Kutac, legal representation for Jon Cobb, requested a deferral until the next HTGCD Board Meeting in order to respond to the email received from Greg Ellis.
- DGB inquires as to whether he is still irrigating. Matt Kutac indicated it was not necessary with the recent rains.

GFN makes a motion:

To accept Jon Cobb's request for 30 day deferral or until the November 2009 Board Meeting.
JAH seconds the motion.
All in favor. (Passed unanimously).

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d. Alfred Albert LLC – Browning Ranch NOV

- Board requests staff overview.
 - DRC presented:
 - The request from Dan Wheelus, on behalf of his client, to seek authorization from the District to be allowed to pump groundwater into his pond, by his house, to sustain water levels. This matter was referred to the Board for discussion and consideration.
 - Recent rainfall data and Hays County Fire Marshall lift of the burn ban was reported to the Board and previously to HTGCD Counsel for follow up with Dan Wheelus.
 - Recommended water tank storage, like that at Jacob's Well Elementary School in Wimberley, as an alternative for firefighting purposes. (see photo). 10K gallon tank would be adequate per Board Discussion.
 - RDB gave an overview of his research with the Hays County Fire Marshall relating to firefighting in areas without fire hydrants in Hays County. The Fire Marshall indicated there is no expectation for residence of the District to maintain ponds for fire fighting purposes.
- Public Comment given by Charles O'Dell. He asked the HTGCD Board to look at this practically and indicated that if the Board allows the pumping of Groundwater into an open body pond, they will be setting precedent.

7:38pm Executive Session 551.071

8:03pm Out of Executive Session

8:08pm Regular Session:

DGB makes a motion:

To refer the matter of Alfred Albert LLC (Browning Ranch) Notice of Violation, related to the pumping of Groundwater into a surface water course, to the District's Counsel to either:

- Settle the violation by District Rules or
- File a Civil Suit seeking an injunction against further violations, and civil penalties for prior violations.

JAH seconds the motion.

All in favor (Motion passes unanimously)

e. Frank Leal NOV:

- Board requested at the 9/17/09 Board Meeting that HTGCD refer the matter to District Counsel for further action to either settle the violation or file civil suit seeking an injunction against further violations and civil penalties for prior violations.
- DRC explained NOV was returned to office "unclaimed." Counsel recommended sending NOV again and following up by the end of October for handling. Counsel's recommendation referred to the Board by DRC.

2. Aqua Texas permit requirement review and overview of Woodcreek Phase 1 & 2 Water Main Evaluation Study.

- a. DRC presented an overview of the Water Main Evaluation Study for Woodcreek Phase 1 & 2
- b. Discussion regarding loss and permit requirements from Board and Public comment received from Jimmy Skipton and Charles O'Dell.

GFN makes a motion:

To extend the permit requirement deadline to 10/31/09, with an understanding that if it is not in by then, HTGCD will refer this to HTGCD Counsel for action.

JAH seconds the motion.

DAW, DGB, JAH, and GFN in favor

AHB against

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Motion passes 4 to 1

3. Budget Revision Discussion

- a. DRC passed out a September 2009 Year to Date Budget. DAW recommended a Board Hearing to Amend the 2009 Budget to include:
 - 1. \$2,500 for the Folio Project
 - 2. \$25,000 from Hays County for the 2009/2010 Grant Award
- o DAW recommended another hearing scheduled for December 2009 to adopt the 2010 Budget. DAW instructs staff to develop a proposed 2010 budget and have it ready for discussion at the November 2009 Board Meeting/Hearing.

4. Professional Services to help update the Management Plan and selection of Board Committee to oversee revisions to the HTGCD Management Plan.

- a. DAW gives overview of solicited position, due date of amended Mgmt Plan of 2010, policy work requirements, and contract not to exceed 5K.
- b. GFN recommends posting through a statewide distribution channel.
- c. DAW recommends posting with:
 - 1. TAGD
 - 2. TWDB
- d. DAW recommends workshops and Public Input on the revised Management Plan.

DAW makes a motion:

To form a Management Plan Committee and nominates David Baker and Andrew Backus.

JAH Seconds the motion

All in favor.

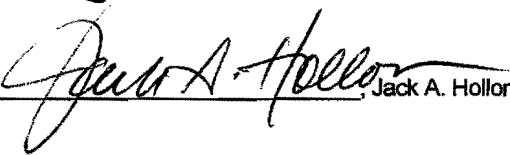
5. Executive session with counsel to discuss potential and ongoing litigation and enforcement matters: 551.071 from 7:38pm until 8:03pm.

6. Possible future agenda items;

- a. 2009 Budget Revision (Hearing)
- b. 2010 Budget Adoption (Hearing)
- c. 2007 Audit Overview by Keith Neffendorf
- d. Revisions of Well Construction Rules (GFN and AHB volunteer to form subcommittee to work on standards)
- e. Rule Changes (see list)
- f. Public Outreach (DGB volunteered to identify groups and calendars)
- g. Definition of the Recharge Zone of the Trinity Aquifer
- h. TCEQ Report on Comal and Western Travis County PGMA alignment

8:18pm Adjourn

Approved By:  _____, Douglas A. Wiernman (President), 4/15, 2009

Attested By:  _____, Jack A. Hollon, (Secretary/Treasurer), 4/15 ~~2009~~ 2010