



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

Date: Thursday, August 19, 2010  
Time: 6:00 pm  
Place: Wimberley Community Center  
Located: 14068 RR 12, Wimberley, Texas 78620

6:06 pm: Regular Meeting Opens

Board Present: Jimmy K. Skipton-President, Mark A. Key-Secretary/Treasurer, Greg F. Nesbitt, Joan S. Jernigan

6:21 pm: David G. Baker-Vice President - arrives

Staff Present: Rick D. Broun-General Manager, Wes Schumacher-Staff Geologist, Tressy Gumbert – Administrative Assistant

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

- **Review of Board Meeting Protocol:**

Jimmy K. Skipton:

- Presented meeting protocol to audience
- Reviewed Public Comment Cards procedure

- **Consider approval of prior meeting Minutes:**

Rick D. Broun:

- Jimmy K. Skipton and Mark A. Key signed July 15<sup>th</sup> meeting minutes

- **Financial Report:**

Mark A. Key:

- Presented monthly report to Board on all District bank accounts

- **General Manager's Report of Activities:**

Rick D. Broun:

- Dates of Upcoming Events
- Update on well registrations

- **Acknowledgment of Bank Reconciliations:**

Rick D. Broun:

- Requested Mark A. Key to sign May 2010 bank statements

- **Report from Staff Geologist:**

Wes Schumacher:

- Will start monitoring run on August 23, 2010
- Tracking wells for database
- Working with Robin Grace, IT Consultant, on monitoring well website
- Continue working on the Management Plan revision due in early October

- **Board & Staff Announcements:**

Jimmy K. Skipton:

- Announced that there will be a TCEQ hearing on October 28, about combining Comal, Hays and Travis into a single groundwater district.
- The Folio is almost done. We still support the folio. Final printing billing was suppose to go through HTGCD but did not

David G. Baker:

- Former HTGCD Board President, Doug Wierman, P.G., has assured the HTGCD that there will be no unexpected expenses related to the "Folio" and that other partners (contributors) in the project are picking up costs.
- Is committed to the HTGCD's mission to conserve, preserve, recharge and prevent waste of groundwater and feels the current Board has steered the district into adopting policies that encourage depletion and mining the aquifer. He invited the Board to visit Jacob's Well Natural Area for a tour to learn more about the JWNA and the research and education programs currently being conducted in the preserve.

Mark A. Key:

- Spoke to the Hays Commissioner's Court ( in early August ) concerning objections to the Jacob's Well land purchase

Rick D. Broun:

- Announced to the Board that the District Office received a document from the Texas Legislative Council revising the local laws ( as part of the statutory revision program by Section 323.007, Government Code ) governing various special districts for inclusion in the Special District Local Law Code enacted by the 78<sup>th</sup> Legislature, Regular Session, 2003.

Jimmy K. Skipton:

Staff members Rick Broun and Wes Schumacher and I met with HDR Engineering who informed us on their work with the county concerning estimating exempt well numbers

○ **Public Comments: Non-Agenda Items**

Richard Sullivan: The folio has a value, who does it belong to?

Andrew Backus: Objective was to get the folio out and available to the general public

Patricia Sullivan: Will there be more information added to the folio?

Andrew Backus: A report concerning the 3 counties combining can be found on the TCEQ website related to "Priority Groundwater Management Area"

Jack Hollon: David Baker has devoted the last 20 years of his life to preserving Jacob's Well and the Wimberley Valley Watershed Association has been a long time partner and supporter of the HTGCD.

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**6:46 pm: Hearing Opens**

**I. Dr. Guy Hodgson Permit**

Rick D. Broun:

- Presented information concerning the permit to the Board for review
  - 2009 Production = 866,170 gallons
  - Over Permit Production by 18,985 gallons
  - 2010 First Quarter Production = 238,750 gallons
  - 2010 Second Quarter Production = 317,000 gallons
- Presented staff recommendations to the Board for review
  - Remain as a Non-Exempt permit
  - Continue with Quarterly Reporting to the District

Dr. Hodgson:

- Presented his information to the Board
- Requested no quarterly reporting and a change to Exempt from Non Exempt

● **Public Comment:**

Andrew Backus:

- Recalled how the previous Board handled Dr. Hodgson's permit

**Board Review:**

Joan S. Jernigan:

- Requested a legal opinion on this case
- Requested a letter of explanation and send to the attorney

Jimmy K. Skipton:

- Requested that we speak with Greg Ellis
- Requested that Rick Broun and Jimmy Skipton visit Dr. Hodgson's property

**7:20 pm: Hearing Closes**

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**7:21 pm: Hearing Opens**

**II. Cielo Azul Ranch Permit**

Joan S. Jernigan:

- Presented information concerning the permit to the Board for review
- Recommended maximum fine for operating without a permit

Rick D. Broun:

- Presented information concerning the permit to the Board for review
  1. Late Quarterly Reporting
  2. 2009 Pumpage overages for 2009
  3. Unable to present number of connections to his system
  4. Two site visits
  5. Phone calls and certified letters sent
- Staff recommendations of Rule 10.1 Enforcement Sections C.4 and C.5
  1. Create a Notice of Violation letter, with Council review
  2. Detail fines associated to violations C.4 and C.5

**7:29 pm: Hearing Closes**

**Motion:**

Joan S. Jernigan: To take staff recommendations beginning fines on July 15<sup>th</sup>, 2010

David G. Baker: Seconded motion

Vote: 5-0, All in Favor

**7:38 pm: Hearing Closes**

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**Agenda Items:**

**1. Update on Desired Future Condition for the Trinity Aquifer, GMA# 10:**

○ **Public Comments:**

Andrew Backus: Discussed BSEACD 100' draw down scenario

**Board:**

David G. Baker:

- Is concerned that pumping along the edge of the HTGCD boundary may impact existing wells in the unconfined Trinity Aquifer in the HTGCD jurisdiction. The majority of the Trinity Aquifer in GMA# 10 is confined underneath the Edwards Aquifer and does not impact local spring flows.
  - Made a motion at the last GMA# 10 meeting for a 0' draw down for the Hays Trinity GCD segment of the Trinity Aquifer in the GMA# 10 boundary. The motion passed unanimously.
  - Announced GMA# 10 meeting set for Monday, August 23 in San Antonio
  - Would support a 5' draw down on Monday's meeting but has Board authorization to vote for a 0' up to 50' draw down on Monday's meeting.
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**2. Update on Desired Future Condition for the Trinity Aquifer, GMA# 9:**

○ **Public Comments:**

Andrew Backus: No one has defined *average draw down*

**Board:**

Jimmy S. Skipton:

- Reviewed previous GMA# 9 voting meeting of 30' draw down
- Discussed possible outside parties requesting a change to the Desired Future Condition vote

David G. Baker:

- Announced that we are over-drafting the aquifer based on our 2005 Management Plan
  - Discussed that we should reconsider a lower Desired Future Condition
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**3. Discuss and possible action on Aqua Texas Stand Still Agreement**

○ **Public Comments:**

No public comment

**Board:**

David G. Baker:

- Discussed terms of the Stand Still agreement

Jimmy S. Skipton:

- Discussed terms of the Stand Still agreement in recent Aqua Texas meeting
- Announced that he would continue with talks with Aqua Texas

**Motion:**

David G. Baker: Approve the Stand Still Agreement and work on it over the next six months

David G. Baker: Withdraws motion

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**4. Discuss and possible action on Long Term Permits for Water Supply Companies:**

○ **Public Comments:**

Tom Haley: We need to be a part of this 50 year planning. We would like to propose a 5 year permit.

Andrew Backus: Prior Board issued one year permits because we didn't have a MAG. The District shouldn't be turned over to the water utilities.

**Motion:**

Joan S. Jemigan: Provide Wimberley WSC with a 5 year permit provided they show the District how they would get off of groundwater  
Joan S. Jemigan: Withdraws motion

Jimmy S. Skipton:

- o Suggested that this topic be tabled and added as a future agenda item

**5. Update on Management Plan:**

**o Public Comments:**

No public comment

Jimmy K. Skipton:

- o Previously discussed and project on-going

**6. Discuss and possible action of Permit Allocation Strategies:**

**o Public Comments:**

No public comment

**Motion:**

David G. Baker: To hold a workshop with water supply companies  
Not seconded

David G. Baker: Excused himself from the meeting

**7. Discuss and possible action on camera equipment:**

**Public Comments:**

No public comment

**Motion:**

Jimmy S. Skipton: At his time the District will not buy a camera  
Greg F. Nesbitt: Seconded motion  
Vote: 4-0, All in Favor

**8. Discuss and possible action on Outstanding permits**

**Public Comments:**

No public comment

Jimmy K Skipton:

- o Began communications with Mr. Cobb and his business partner
- o Announced that more work is required and would bring results to the Board at a later time

**9. Discuss outreach and education program:**

**Public Comments:**

Susan Cook: Education should start with the Board

Jimmy K. Skipton:


- o The District is working on an outreach and education plan

**10. Future Agenda Items:**

Jimmy Skipton:

- o A resolution for TCEQ stating that Hays Trinity GCD will not like to join the combined counties
- o Request a model run
- o Long term permits

Adjourn: 9:27 pm

Approved:  President: 9-20 2010

Approved:  Secretary/Treasurer 9/20 2010