



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

Date: Thursday, June 16, 2011

Time: 6:00pm

Place: Wimberley Community Center

Located: 14068 Ranch Road 12, Wimberley, Texas 78676

6:04 pm: Regular Meeting Opens

**Board Present:** Jimmy Skipton-President, Greg Nesbitt-Vice President, Mark Key-Secretary/Treasurer, Joan Jernigan, & Edward 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:**  
Tressy Gumbert:
  - Jimmy Skipton and Mark Key approved and signed Meeting Minutes for April 28 & May 9, 2011.
- **Monthly Financial Report & Budget to Actual Report:**  
Rick Broun:
  - Presented YTD Financial Report. Mark Key reviewed and signed off on report.
  - Presented Budget Vs. Actual Report. Mark Key reviewed and signed off on report.
- **General Manager's Report of Activities:**  
Rick Broun:
  - The District received a Recognition of Achievement certificate for our completion of the District's Management Plan
  - District staff completed June's monitor run on Monday, June 13<sup>th</sup> and Tuesday, June 14<sup>th</sup>, 2011.
  - Well water levels are down an average of 5 to 15 feet.
  - There were 10 new well registrations for May, 36 YTD, and 23 YTD public water connections.
  - The Auditors, Neffendorf & Company completed and approved our 2009 audit.
  - Second quarter reporting for non-exempt wells is due by July 15, 2011.
- **Acknowledgment of Bank Reconciliations and Monthly Invoices:**  
Rick Broun:
  - Mark Key has reviewed and signed off on May 2011 bank statements and monthly invoices.
- **General Comments from Board & Staff:**  
Jimmy Skipton:
  - The District has been served with a law suit by Wimberley Valley Watershed Association.
  - Commented on the "Every Drop Counts" article which was published in the July issue of Texas Parks & Wildlife.  
Mark Key:
  - Has reviewed outstanding NOVs in his precinct and would like to get them cleared up & off of the books.  
Al Broun:
  - Presented a draft copy of GeoExchange Well Rules. He will be soliciting comments from Drillers, Board and Staff members in hopes of having a final recommendation to present at the next regularly scheduled Board Meeting.
- **Public Comments: Non-Agenda Items**  
The following presented: Roberta Shoemaker Beal, Larry Calvert, Jack Hollon, & Bill Davis

**Agenda Items:**

1. **Discuss and possible action on Creating a committee concerning District Rules – Jimmy Skipton**
  - Updating rules including Rule 9

**Board:**

Jimmy Skipton

- Rules are not clear. Recommends creating a committee to streamline them.
- No more than two board members can serve on the committee; Jimmy would like to be one of the committee members.

Greg Nesbitt

- Suggests creating two committees and splitting the rules up between them.

Ed Pope

- Suggests having a community citizen serve on the committee.

**Public Comments:**

None provided

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**2. Discuss Cottages at Country Lane (Ruben Contreras) – Mark Key**

- Ruben Contreras presented plans for developing a retirement community to board for review.
- Land has not been purchased yet.
- There is an existing well on the proposed property.
- Rainwater collection systems can be presented to potential residents as an option.
- Plan proposal is for 40 units, 2-BR, 2-Bth approx. 1300 sq ft. each

**Board:**

Jimmy Skipton

- Feels a retirement community is a good idea.
- Mr. Contreras will have to get with TCEQ as he will be the water provider.
- A Water Availability study will have to be completed.

Joan Jemigan

- Commended Mr. Contreras and asked to meet with him about his research and plans.

**Public Comments:**

None provided

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**3. Discuss Kelly's Country Cabins (Jim Kelly) – Rick Broun**

- Rick presented map of Kelly Country Cabins, a small neighborhood which are sharing wells.
- There are currently 4 wells on the property only 2 of them have been registered with the district.
- Each well has 2 to 4 homes connected to it.
- Recommends treating them as a public water connection and charging a connection fee.
- The District has no rules on shared well agreements/connections.

**Board:**

Jimmy Skipton

- Previous Board had approved shared well agreements.
- What rules do TCEQ have on sharing wells?
- The rule committee needs to address a rule for shared wells when modifying current rules.
- Advised that staff should contact Mr. Kelly and request he attend a future Board Meeting to discuss issue.

Ed Pope

- This issue needs to be reviewed for future purposes.

**Staff:**

Al Broun

- Enabling Legislation prohibits shared wells.
- Mr. Kelly's concept early on was to build a series of cabins and rent them out for weekend use.

**Public Comments:**

The following presented: Jack Hollon

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**4. Update on Educational Video – Joan Jemigan**

- Education meetings took place on June 14<sup>th</sup> and 15<sup>th</sup>.
- The narrative portion for the first section of the video has been completed.
- Video production is on schedule.
- Cow Creek Conservation District is asking for \$1000 for the rights to use portions of their video production.
- An additional \$500 is needed to produce copies and purchase sleeves.
- Total cost for video production will be \$9500.

**Board:**

Jimmy Skipton

- Defended his stance that funds should not be spent on video at this time as money is needed for lawsuit.

**Public Comments:**

The following presented: Roberta Shoemaker Beal

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**5. Update on Water Educational Tool (W.E.T.) – Rick Broun**

- Work on the W.E.T. project is still in progress.
- A "2011 Area Visitor & Relocation Guide" was recently released to the public. It contained some of the information that Rick had planned to publish in the W.E.T. tablet.

**Board:**

No comments provided

**Public Comments:**

No comments provided

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**Addendum Agenda Items:**

Discuss and possible action on:

**A. Pending lawsuit with Wimberley Watershed Association & other Plaintiffs – Jimmy Skipton**

- Discuss primary contact for litigation management.

**Public Comments:**

The following presented: Roger Kew & Bill Davis

7:00 pm: Into Executive Session

7:35 pm: Out of Executive Session

**Motion:**

Mark Key: Appoint Jimmy Skipton and Rick Broun as primary contacts for litigation management.

Greg Nesbitt – Seconded motion.

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

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**B. GMA 10 update – Jimmy Skipton**

- Electing District Representative.
- Exempt Use numbers for HTGCD for MAG process

**Motion:**

Jimmy Skipton: Appoint Mark Key as the District Representative for GMA 10.

Greg Nesbitt – Seconded motion.

Vote: 4-1 in favor (Jimmy Skipton, Greg Nesbitt, Mark Key, and Ed Pope) Opposed (Joan Jemigan)

**Staff:**

Al Broun

- GMA 10 covers only 3% of our District.
- Presented maps showing what part of the District is included in GMA10 and wells recorded by Texas Water Development Board in that particular area.
- Recommends using 74 ac-ft for 2010 and 174 ac-ft for year 2060 as the exempt use numbers.

**Motion:**

Jimmy Skipton: Adopt 74 ac-ft – 174 ac-ft per Al's recommendation.

Ed Pope – Seconded motion.

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

**Public Comments:**

None provided

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8:00 pm: Break

8:07 pm: Hearing Opens

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**Hearing Items:**

Discuss and possible action on:

**6. Renewal Application for Radiance WSC (Roger Kew) -- Mark Key**

- Permit allows 10 AF per year
- 2010 Pumped 1,790,500 gallons / 5.49 AF
- 34 Connections / 144 gallons per day per (gpd) household
- Requesting 15 AF
- Requesting 3-Year Permit

Roger Kew - Radiance

- Radiance existed well before the District was created.
- Will not use more water during drought conditions.
- Requesting 15 ac-ft due to 9 undeveloped lots which he must provide water for when they are developed.
- Desire to replant oaks trees and water fruit trees on common property.
- He closed the community garden due to the drought conditions.
- As a CCN he is allowed to provide up to 49 taps.
- There is no justification for Radiance being allocated less water than other permitted wells.

**Public Comments:**

The following presented: Roberta Shoemaker Beal – contests, Lila McCall – contests, Linda Kay Rogers, Jim McMeans – contests, Dorothy Knight – contests, and Bill Davis.

**Board:**

Jimmy Skipton

- Read the 2 letters of contest that Andrew Backus submitted.
- Allocating water to the people who have been here is a wise way to allocate.
- Feels that 3-year permits are a smart move

Mark Key

- Radiance is a good steward of the water and should not be punished. We should reward those who are already established in the district and who use the water wisely.

Ed Pope

- Doesn't feel Radiance presented a justifiable reason for adding 5 ac-ft.

Greg Nesbitt

- Based on Rule 5.5 Section G. The Board may approve a temporary permit to authorize groundwater withdraws while the contested case hearing is being conducted.

**Staff:**

Rick Broun

- Doesn't feel that 144 gpd is a fair allotment.
- Recommends 1 year permits.

**Motion:**

Greg Nesbitt: Approve temporary 3 –year permit for 15 ac-ft.

Jimmy Skipton: Before approving even a temporary permit a pre-hearing must take place to determine if those who have contested have a standing.

**Motion:**

Jimmy Skipton: Take this issue to a hearing.

Mark Key: Seconded motion.

Vote: 5-0 In favor (Jimmy Skipton, Greg Nesbitt, Mark Key, Joan Jemigan, and Ed Pope)

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9:13 pm: Break

9:20 pm: Reconvene

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Greg Nesbitt

- Withdrew previous motion for approving temporary permit.
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**7. Renewal Application for Goldenwood West – Mark Key**

- Permit allows 60 AF per year
- 2010 Pumped 12,810,000 gallons / 39.3 AF
- 149 Connections / 235 gpd per household
- Requesting 3-Year Permit

**Public Comments:**

The following presented: Jim McMeans – contests, Linda Kay Rogers

Polly Mayfield Johnson – Goldenwood West

- 3-year permit helps plan for future growth.
- Not asking for increase in water.
- Goldenwood practices water conservation and has low rate of water loss.

**Board:**

Mark Key

- Attended Goldenwood Board meeting.
- PGMS does an excellent job.
- What happens in Dripping does not affect Jacobs Well.

Ed Pope

- Agrees with Mark that Goldenwood numbers look good however he does not support a 3-year permit at this time.

Joan Jemigan

- Doesn't see why a 1 year permit would keep them from making a 5-year plan

**Motion:**

Jimmy Skipton: Move Goldenwood to a preliminary hearing.

Ed Pope: Seconded motion.

Vote: 5-0 In favor (Jimmy Skipton, Greg Nesbitt, Mark Key, Joan Jemigan, and Ed Pope)

**8. Renewal Application for La Ventana – Mark Key**

- Permit allows for 78 AF per year
- 2010 Pumped 18,350,400 gallons / 56.31 AF
- 131 Connections / 383 gpd per household
- Requesting 3-Year Permit

**Public Comments:**

The following presented: Jim McMeans – contests, Robert Shoemaker Beal – contests, Linda Kay Rogers, Bill Davis - contests

Hershal Janus - PGMS

- 3-year permit helps to plan and regulate.

**Board:**

Mark Key

- During previous drought La Ventana was having water hauled in.

**Motion:**

Jimmy Skipton: Move La Ventana to a preliminary hearing.

Greg Nesbitt: Seconded motion.

Vote: 5-0 In favor (Jimmy Skipton, Greg Nesbitt, Mark Key, Joan Jemigan, and Ed Pope)

9:59 pm: Meeting Adjourn

Approved:  President 7-21-11 2011

Approved:  Secretary/Treasurer 7-21 2011