



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

Date: Wednesday, April 11, 2012
Time: 6:00 pm
Place: Dripping Springs City Hall
Located: 511 Mercer Street, Dripping Springs, Tx. 78620

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:**
Tressy Gumbert:
 - Jimmy Skipton and Mark Key approved and signed Meeting Minutes for February and March 2012.
- **Monthly Financial Report & Budget to Actual Report:**
Rick Broun:
 - Presented the first quarter financials to the Board.
 - 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:
 - Thanked Rick Broun for the backup documents supporting the meeting agenda items.
Mark Key
 - An operating permit application which was filed with the District 7 years ago. It was removed from the office by a previous board member for review and was never returned. Advised that no one remove original documents from the District office only copies of documents/files should be taken.
Rick Broun
 - The District received a "Vendor Application" to participate in the Rainwater Revival which is being held on October 27, 2012 in Boerne Tx.
Jimmy Skipton
 - His understanding was that the Rainwater Revival would be held in Hays County. It can be put on the next meeting agenda for discussion and action.
- **Public Comments: Non-Agenda Items**
The following presented: Commissioner Will Conley

Agenda Items:

Discuss and Possible Actions on:

1. Drought Stage Status:

- Rick Broun:
- The drought trigger for the Pedernales is at 58 days and 60 days for the Blanco River.
 - Presented Board Order # 156 – Order determining that drought condition triggers for the District have subsided to voluntary conservation stage status from alarm stage status.

- From February to March wells north of Camp Ben are up an average of 13.3 feet wells south of Camp Ben are up and average of 4.8 feet.
- In March there were 5 PWS connections and 9 well registrations.

Public Comments:

None Provided

Motion

Ed Pope: Move to accept Order # 156.

Greg Nesbit: Seconded motion

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

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 has spent around \$17,000 on legal fees to this point.

Public Comments:

None Provided

3. Update on Dripping Springs Water Supply Corp permit with HTGCD

Board & Staff:

Jimmy Skipton

- DSWSC and HTGCD have been in contact.
- Hopes to have something on permit by next month..

Public Comments:

The following presented: Greg Perrin-General Manager for DSWSC

4. 2012 Proposed Education Project: Lower Trinity

- Investing \$5,000 in technology
- Transition quarterly data to daily data on District website

Board & Staff:

Joan Jernigan

- Project fits into studies for Cypress Creek and Jacob's Well
- Whisenant & Lyle have offered use of their well to the District for studies on the lower trinity.
- TWDB will install the telemetry equipment and maintain and host the data.
- A group of geologist called together by Joan met on Tuesday 4-10-12 to discuss goals and objectives of studying a lower trinity well.
- Travis county is also interested in the project and the possibility of studying the lower trinity.

Al Broun

- Presented a log of the Whisenant & Lyle Well.
- The Hosston is one of the primary interests of a lower trinity study
- Aqua Texas plans to have a lower trinity well drilled. The well will be logged and tested.
- The project committee will create a wish list of components they would like to study and work with Aqua Texas to do as much as possible to evaluate the well and the potential of the lower trinity.

Public Comments:

None provided

Motion

Joan Jernigan: Move to fund the Whisenant & Lyle Telemetry well up to \$5000.
Ed Pope: Seconded motion
Vote: 5-0 in Favor (Jimmy Skipton, Mark Key, Greg Nesbitt, Joan Jernigan, and Ed Pope)

5. Groundwater Management Area

- 30 Foot Desired Future Conditions confirmed by the Texas Water Development Board (TWDB)
- Next steps to manage the Modeled Available Groundwater for the entire District
- Next steps to consider a GMA in the Jacob's Well area

Board & Staff:

Ed Pope

- In March the TWDB found the 30 foot DFC to be reasonable therefore the District's Management Plan will be based on that.
- The District has the ability to manage a smaller groundwater management area within the district's boundaries.
- Provided a list of supporters for a special groundwater management area.
- Would like for the Board to direct the District's General Manager to pull a group together to look into the feasibility of a special groundwater management area.

Al Broun

- Important to consider the status of GMA 9 and their discussions.
- The first step should be to establish a way to monitor draw downs.
- Project can be done but envisions it being done by working with GMA 9 and in time frames, short term, midterm, and long term.

Jimmy Skipton

- Agrees with Al, GMA 9 is having issues amongst themselves.
- No new committees should be created until the Rule Committee has completed revising the rules.
- The Board not the General Manager should make committee member selections.
- According to the District's attorney, creating a special management area requires legal justification.

Mark Key

- If one special management area is created there will be requests for eighteen more special management areas.
- The majority of the recharge occurs in Blanco & Gillespie Counties.

Public Comments:

The following presented: Linda Kinney – read a position statement of behalf of Commissioner Ray Whisenant, Bill Davis, Chris Clary, Linda Kaye Rogers, and Jon Cobb

Motion

Ed Pope: The Board to direct the General Manager to pull together a group of interested parties to begin the process of determining feasibility of a special management area for the Jacobs Well and Cypress Creek areas.

Joan Jernigan: Seconded motion
Vote: 3-2 Opposed (Jimmy Skipton, Mark Key & Greg Nesbitt)

7:10 Break
7:25 Reconvene

7:25 Hearing opens

Hearing Item:

Discuss and Possible Actions on:

A. Permit Application: Blue Hole Regional Park

Board & Staff:

Rick Broun

- Variances need to be considered and approved by the Board which include: a variance to Rule 11 – aquifer test and results of that aquifer test, 50 foot outside a CCN and Resolution 20111215
- Recommendations include:
 - 1) A well capacity test to be performed on the well.

2) Required to complete the well to state standard as to prevent comingling of aquifers.

3) Install transducers in neighboring wells to monitor any draw down.

Joan Jernigan

- o Recalls suggesting to the City Administrator and Mayor back on December 6 that they should complete a permit application.

Applicant Comments:

The following presented: Don Ferguson – Well was tested when it was drilled and does not need to be re-tested. The city will allow the District to continue monitoring the well. They will not agree to install transducers in neighboring wells. If neighboring wells are effected the plan is to stop using the well and use potable water. In the future the soccer fields will be irrigated with affluent water. The city plans to keep the permit active for fire protection purposes. The city agrees that variances are needed and has followed the guidance of the District's staff.

Public Comments:

The following presented: Bill Davis, Clint Frankman – is against using groundwater to water a soccer field and contested the permit application, Richard Sullivan – Contested the permit application

7:55 Hearing Closed

• **Comments from Board & Staff:**

Al Broun

- o Asked the contested case requestors to reconsider contesting, the Board has enough evidence to make a decision and vote.

Greg Nesbit

- o Property owners have rights to the water beneath their property.

Ed Pope

- o The District's Management Plan states "The District has a goal to manage the use of the aquifer such that sufficient groundwater resources are available for high priority uses during drought conditions. Irrigation-recreation is number 9 on the list of groundwater priorities

Motion

Joan Jernigan: Give the City of Wimberley a temporary permit for 9 AF

Mark Key: Seconded motion

Jimmy Skipton: Well must be completed to TDLR standards. The District will hold a continuance hearing within the next couple of weeks to determine if contested case requestors have standing.

Vote: 4-1 in Favor (Jimmy Skipton, Mark Key, Greg Nesbitt, Joan Jernigan)

8:20 p.m. Meeting Adjourned

Approved:

Jimmy Skipton, President

Date:

5-17-12

2012

Approved

Mark Key, Secretary/Treasurer

Date:

5-17

2012