

# Refugio Groundwater Conservation District

604 E. Commerce St., Refugio, Texas 78377

P.O. Box 116, Refugio, Texas 78377

Phone (361) 526-1483 | Fax (361) 526-1294 | www.rgcd.org

THE STATE OF TEXAS  
REFUGIO COUNTY

The Board of Directors of the Refugio Groundwater Conservation District convened a meeting on February 5, 2024, at 6:00 PM at the First Baptist Church of Woodsboro Fellowship Hall, 309 Johnson Street, Woodsboro, Texas 78393

## Meeting Attendance:

Precinct 1:	Mr. John Snyder, Treasurer	Present
Precinct 2:	Mr. Carroll Borden, President	Present
Precinct 3:	Ms. Cynthia Rose	Present
Precinct 4:	Mr. Fredric Biery, Secretary	Present
At Large:	Mr. Scott Carter, Vice President	Absent
General Manager:	Mr. Timothy Andruss	Present
Legal Counsel:	Mr. James Allison	Absent

## Agenda Item 1: Call the meeting to order and welcome guests.

**Meeting Discussion:** Carroll Borden called the meeting to order at approximately 6:00 PM.

**Board Action:** No action taken.

## Agenda Item 2: Receive public comments.

**Meeting Discussion:** None.

**Board Action:** None.



**Agenda Item 3: Consideration of and possible action on matters related to groundwater management including the efforts and activities of the District regarding permitting, complaints, investigations, violations, and enforcement cases associated with permitting.**

### 3.0 – Report regarding Groundwater Management

**Meeting Discussion:** Mr. Andruss explained as of January 30, 2024, staff had received 2 well registration applications (ARWs) since October 1, 2023:

1. ARW-20231218-01 - Hilcorp Energy - Administratively Complete
2. ARWF-20230918-01 - Boardwalk Field Services - Administratively Complete

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As of January 30, 2024, staff had received 1 Notices of Intent to Drill a Well (NIDWs) since October 1, 2023:

1. GCI-20240130.0906 - RGCD - Notice of Intent to Drill a Well - Carter Water Well Drilling

As of January 30, 2024, staff had received 0 production permit renewal requests (ARPs) since October 1, 2023.

As of January 30, 2024, staff had initiated 2 permitting request cases (PRCs) since October 1, 2023:

1. PRC-20231108-01 - AVHUWS-20231101-02 - City of Austwell - Closed
2. PRC-20231113-01 - AVHUWS-20231101-01 - The Town of Refugio - Closed

As of January 30, 2024, staff had 1 permitting request cases pending:

1. PRC-20201215-01 - ADW-20201210-01/AOW-20201210-02 - Chandra Purnama - Pending

As of January 30, 2024, staff had 25 active or approved production permits recorded in the permitting database with a combined amount of authorized groundwater production per year of 2,026 acre-feet.

As of January 30, 2024, staff had processed 0 groundwater production reports since October 1, 2023.

As of January 30, 2024, staff had initiated 2 investigations related to groundwater management (i.e., permitting) since October 1, 2023:

1. INV-20231115.1519 - Failure to Satisfy Rules of the District - Production Reporting for CY2023 - Active
2. INV-20231208.1203 - Failure to Satisfy Rules of the District - Failure to Register a Well - Active

As of January 30, 2024, staff had 2 active investigation related to groundwater management (i.e., permitting):

1. INV-20231115.1519 - Failure to Satisfy Rules of the District - Production Reporting for CY2023 - Active
2. INV-20231208.1203 - Failure to Satisfy Rules of the District - Failure to Register a Well - Active

As of January 30, 2024, the Board had initiated 2 enforcement case violations related to groundwater management (i.e., permitting) since October 1, 2023:

1. ECV-20231101-01 - Failure to Obtain Production Permit - The City of Austwell - Resolved

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2. ECV-20231101-02 - Failure to Obtain Production Permit - Hilcorp Energy - Unresolved

As of January 30, 2024, staff had 2 unresolved enforcement cases related to groundwater management (i.e., permitting):

1. ECV-20230418-03 - Roywell Services Inc. - Failure to Report Groundwater Production CY2022 for Well NW-00382 - Unresolved/Suspended
2. ECV-20231101-02 - Failure to Obtain Production Permit - Hilcorp Energy - Unresolved

**Board Action:** None.

## 3.1 – Enforcement Case Violations related to Failures to Obtain Production Permits

**Meeting Discussion:** Mr. Andruss explained on October 16, 2023, the Board of Directors passed a motion to:

1. Find that Hilcorp Energy violated RULE 4.1: GENERAL POLICIES RELATED TO PERMITS of the Rules of the District related to water well(s) owned by Hilcorp Energy used to produce groundwater for public water system uses unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;
2. Authorize the General Manager to initiate an enforcement case regarding the violation;
3. Set a \$2,000.00 penalty to be paid by Hilcorp Energy for each violation per RULE 11.10: PENALTIES of the rules of the District; and
4. Offer to settle the violation without payment of the penalties if Hilcorp Energy consents to the following conditions:
  1. Acknowledges the violation by December 31, 2023;
  2. Pays a settlement fee of \$0.00 by December 31, 2023; and
  3. Submits an administratively complete production permit application and any applicable application fees to the District by December 31, 2023

On November 1, 2023, staff initiated enforcement case violation ECV-20231101-02.

On November 3, 2023, and December 6, 2023, staff sent notices of violation by certified mail to Hilcorp Energy.

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On December 14, 2023, Hilcorp Energy submitted a production permit application related to historic use protection for the subject well and acknowledgement of violation ECV-20231101-02.

On January 12, 2024, staff reviewed the application and determined the application to be administratively incomplete.

On January 26, 2024, Hilcorp Energy submitted a production permit application related to non-historic use for the subject well.

On January 30, 2024, staff designated application ANHUPPW-20230130-01 administratively complete.

**Board Action:** Mr. Borden moved to designate violation ECV-20231101-02 resolved. Mr. Biery seconded the motion. The motion passed unanimously.

## **Agenda Item 4: Consideration of and possible action on matters related to groundwater protection including complaints, investigations, violations, and enforcement cases related to groundwater contamination and waste.**

### **4.0 – Report regarding Groundwater Protection**

**Meeting Discussion:** Mr. Andruss explained as of January 30, 2024, staff had recorded 1 well inspection form (WIFs) since October 1, 2023:

1. Well Inspections - WIF-20231206-01.

As of January 30, 2024, staff had initiated 0 investigations related to Groundwater Protection since October 1, 2023:

1. none.

As of January 30, 2024, staff had 1 active investigation related to Groundwater Protection:

1. Investigations - INV-20191202:1017 - Potential Contamination of Groundwater at Woodsboro Farmers Cooperative - Active.

As of January 30, 2024, the Board had initiated 0 enforcement cases related to Groundwater Protection since October 1, 2023:

1. none.

As of January 30, 2024, staff had 0 unresolved enforcement case violations related to Groundwater Protection:

1. none.

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**Board Action:** None.

## **Agenda Item 5: Consideration of and possible action on matters related to groundwater monitoring.**

### **5.0 – Report regarding Groundwater Monitoring**

**Meeting Discussion:** Mr. Andruss explained as of January 30, 2024, the U.S. Drought Monitor (<https://www.drought.gov/states/texas/county/refugio>) indicates that 0% of Refugio County is experiencing dry or drought conditions.

As of January 30, 2024, drought condition information related to the district and the surrounding region of Texas collected from the Water Data for Texas website (<https://www.waterdatafortexas.org/drought/>) indicates that no portions of Refugio County are experiencing dry or drought conditions.

As of January 30, 2024, staff had collected 2 water level measurements since October 1, 2023:

1. Water Level - WLM-20231206-01
2. Water Level - WLM-20240126-01

As of January 30, 2023, staff had collected 5 water quality field measurements since October 1, 2023:

1. Water Quality Field Measurement - WQFM-20231206.1324 - WELL ID

As of January 30, 2024, staff had collected 0 water quality samples since October 1, 2023:

1. none.

As of January 30, 2024, staff had received 0 water quality lab reports since October 1, 2023:

1. none.

**Board Action:** None.

### **5.1 – Report regarding Groundwater Level Analysis**

**Meeting Discussion:** Mr. Andruss explained on December 18, 2023, Dr. Young submitted the report on analysis of CY2022 water levels using the geostatistical approach for Victoria County, Calhoun County, Jackson County, and Refugio County.

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**Board Action:** Mr. Snyder moved to 1) accept the report on analysis of CY2022 water levels using the geostatistical approach submitted by Dr. Young of Intera, 2) find that the report supports the finding that the district is, as of CY2022, satisfying the desired future condition for Refugio County, and 3) authorize the general manager to pay the district's share of the project costs. Ms. Rose seconded the motion. The motion passed unanimously.

## **Agenda Item 6: Consideration of and possible action on matters related to groundwater conservation.**

### **6.0 – Report regarding Groundwater Conservation**

**Meeting Discussion:** None.

**Board Action:** None.

## **Agenda Item 7: Consideration of and possible action on matters related to groundwater resource planning including Groundwater Management Area 15 Joint Planning and regional water planning.**

### **7.0 – Report regarding Groundwater Resource Planning**

**Meeting Discussion:** Mr. Andruss explained representatives of the district participated in the meeting of the South Central Texas Regional Planning Group (Region L) held on November 2, 2023, to continue efforts to develop the 2026 Regional Water Plan. The next meeting of Region P is scheduled for February 14, 2024.

Representatives of the district participated in the meeting of the representatives of Groundwater Management Area 15 on January 11, 2024, to continue joint planning efforts. During the meeting the members received a report from TWDB stating that the internal work to compare predictive results when modeling the GMA 15 DFC pumping scenario using the previous GAM (CGCD-GAM) and the current GAM (combined GMA 15 and GMA 16 extent) resulted in significant discrepancies and issues. TWDB is undertaking a review of the new model. The representatives agreed to postpone action on the joint planning work until the next meeting of GMA 15. Staff of the district had suspended efforts to negotiate terms of an agreement with Intera until TWDB provides clarity regarding the GAM to be used during the current joint planning cycle. The next meeting of the representatives of Groundwater Management Area 15 is scheduled for April 11, 2024, at Goliad County GCD offices.

**Board Action:** None.

Working to Conserve, Preserve, Protect, and Prevent Waste of Groundwater Resources Within Refugio County for the Benefit of Refugio County's Landowners, Citizens, Economy, and Environment.

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**Agenda Item 8: Consideration of and possible action on matters related to groundwater policy including the Management Plan of the District, the hearing regarding the Proposed Rules of the District, and the Rules of the District.**

## 8.0 – Report regarding Groundwater Policy

**Meeting Discussion:** Mr. Andruss explained that staff and legal counsel reviewed the passed legislation of the previous legislative session and developed, posted, and provided notice of proposed rule revisions to be considered at this meeting scheduled by the Board of Directors.

**Board Action:** None.

## 8.1 – Hearing regarding Proposed Rules

**Meeting Discussion:** Mr. Andruss explained on December 15, 2023, staff of the district posted the public notice for this rulemaking hearing and the proposed rule revisions on the district website.

On January 12, 2024, staff of the district completed the public notice requirements for this rulemaking hearing.

The proposed revisions represent policy changes and clarifications related to:

1. policies related to permitting,
2. policies related to historic use of groundwater,
3. policies related to non-historic use of groundwater,
4. policies related to district waivers and petitions to amend the rules of the district, and policies related to waste, violations, investigations, and enforcement.

The proposed revisions are intended to clarify the regulations of the district, correct typographical errors, and incorporate required provisions associated with rule amendment petitions.

As of January 30, 2024, the District had received no feedback regarding the proposed revisions.

**Board Action:** Mr. Borden moved to convene the public hearing at 6:14 PM. Mr. Biery seconded the motion. The motion passed unanimously.

No public comments.

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Mr. Borden moved to close the public hearing after receiving no public comments or questions regarding the proposed rules at 6:15 PM. Mr. Biery seconded the motion. The motion passed unanimously.

## 8.1.1 – Adoption of Proposed Rules

**Meeting Discussion:** Mr. Andruss explained that provided the board does not incorporate any substantive revisions to the proposed rules of the district and closes the rulemaking hearing for the proposed rules of the district, consideration of and possible adoption of the proposed rules of the district would be appropriate.

**Board Action:** Mr. Biery moved to adopt the proposed rules of the district. Mr. Snyder seconded the motion. The motion passed unanimously.

**Agenda Item 9: Consideration of and possible action on matters related to administration and management including the minutes of previous meetings, the annual budget of the district, bank accounts, investments, financial reports of the district, bills and invoices of the district, management goals and objectives of the district, administrative policies, staffing, consultant agreements, interlocal cooperation agreements, and support services provided to and from other groundwater conservation districts.**

## 9.0 – Report regarding Administration and Management

**Meeting Discussion:** Mr. Andruss explained the next meetings of the Board are scheduled for April 15, 2024, July 15, 2024, August 19, 2024 (Budget and Tax Rate Matters), and October 21, 2024, with each meeting to convene at 6:00 PM. Regular meetings will be rescheduled as necessary and special meeting may be scheduled to address unforeseen issues.

**Board Action:** None.

## 9.1 – Minutes of the Previous Meeting

**Meeting Discussion:** Mr. Andruss explained the minutes for the previous meeting were sent to the board member prior to the meeting.

**Board Action:** Mr. Borden moved to accept and approve the meeting minutes for October 16, 2023, and December 4, 2023, as drafted. Mr. Snyder seconded the motion. The motion passed unanimously.

## 9.2 – Financial Reports of the District



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**Meeting Discussion:** Mr. Andruss explained the internal financial reports of the District for September, October, November and December 2023, have been sent to the directors prior to the meeting.

**Board Action:** Mr. Biery moved to accept and approve the financial reports for September, October, November and December 2023. Mr. Borden seconded the motion. The motion passed unanimously.

## 9.2.1 – Financial Transaction Review

**Meeting Discussion:** Mr. Andruss explained that since October 11, 2023, as of January 29, 2024, there have been 23 accounts payable, and 15 accounts receivable transactions recorded.

**Board Action:** None.

## 9.3 – Investments of the District

**Meeting Discussion:** Mr. Andruss explained the investment reports for September, October, November and December 2023 have been sent to the board prior to the meeting.

**Board Action:** Mr. Borden moved to accept the investment reports for September, October, November, and December 2023. Mr. Snyder seconded the motion. The motion passed unanimously.

## 9.4 – Unpaid Accounts Payable

**Meeting Discussion:** Mr. Andruss explained the District has outstanding accounts payable invoices that are not considered regular and routine for which the District has received the goods and services billed for under the invoices.

**Board Action:** Mr. Borden moved to authorize the general manager to pay the following items:

1. ACCTP-20240205-01 - \$180.00 - ABM
2. ACCTP-20240205-02 - \$250.00 - Carroll Borden - February Meeting
3. ACCTP-20240205-03 - \$250.00 - Fredric Biery - February Meeting
4. ACCTP-20240205-04 - \$250.00 - John Snyder - February Meeting
5. ACCTP-20240205-05 - \$250.00 - Cynthia Rose - February Meeting
6. ACCTP-20240205-06 - \$250.00 – Cynthia Rose – December Meeting

Mr. Snyder seconded the motion. The motion passed unanimously.

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## 9.5 – Certification of Tax Levy

**Meeting Discussion:** Mr. Andruss explained Ms. Turner, Refugio County Tax Assessor-Collector has requested that the Board approve the Tax Levy for Tax Year 2023. The total 2023 AD Valorum Tax Levy is \$181,900.47

**Board Action:** Mr. Borden moved to approve the Tax Levy for Tax Year 2023 and execute the associated form. Mr. Biery seconded the motion. The motion passed unanimously.

## 9.6 – Review of Consultants

**Meeting Discussion:** Mr. Andruss explained that the District previously reviewed and considered the services provided by consultants on September 6, 2022. The District has obtained services from Jim Allison of Allison, Bass and Magee, Dr. Venkatesh Uddameri, as well as, Steve Young of Intera, Inc. in the past. Their services provided by each consultant have been considered acceptable by the District. The services provided by Dr. Venkatesh Uddameri and Steve Young of Intera, Inc. have been obtained through interlocal cooperation agreements with the VCGCD.

**Board Action:** Mr. Borden moved to continue the authorization for the General Manager to obtain proposals and services from Dr. Venkatesh Uddameri, Steve Young of Intera, Inc., and other consultants contracted with the VCGCD in accordance with the conditions established in the agreements between VCGCD and the Consultants as appropriate. Mr. Snyder seconded the motion. The motion passed unanimously.

## Agenda Item 10: Consideration of and possible action on matters related to legal counsel report.

### 10.0 – Legal Counsel Report

**Meeting Discussion:** None.

**Board Action:** None.

## Agenda Item 11: Consideration of and possible action on matters related to district director vacancies.

### 11.0 – Vacancies in Office of Director

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**Meeting Discussion:** Mr. Andruss explained on January 8, 2024, Mr. Allison was asked to investigate and advise the board regarding options for filling vacancies on the Board of Directors at Mr. Borden's request.

**Board Action:** Mr. Borden moved to accept Mr. Carter's resignation letter. Mr. Biery seconded the motion. The motion passed unanimously.

## Agenda Item 12: Adjourn.

### 12.0 – Adjourn Meeting

**Meeting Discussion:** None.

**Board Action:** Mr. Borden moved to adjourn the meeting at approximately 6:41 PM, after concluding all business of the District. Mr. Biery seconded the motion. The motion passed unanimously.

The above and foregoing minutes were read and approved on this the 15<sup>th</sup> day of April, 2024.

ATTEST:

  
District Director

  
District Director