

**Refugio Groundwater Conservation District
Meeting Notice and Agenda**

Notice is hereby given in accordance with the Open Meetings Act, Chapter 551, Government Code and Section 36.064 of the Texas Water Code that the Refugio Groundwater Conservation District Board of Directors will hold a meeting on December 4, 2023, at 6:00 PM at the First Baptist Church of Woodsboro Fellowship Hall, 309 Johnson Street, Woodsboro, Texas 78393.

AGENDA

1. Call the meeting to order and welcome guests.
2. Receive public comments.
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.
 - a. Permit Hearing – Mr. Andrew Biery for the City of Austwell seeks, under permitting request case PRC-20231108-01, a historic-use production permit protecting the historic production of groundwater from a grandfathered well system comprised of grandfathered well GW-00173 located on a 12.84-acre tract of land near the intersection of Vandenberg Street and Dilworth Street and grandfathered well GW-00359 located on a 0.21-acre tract of land near the intersection of Bay Street and Mernitz Street in the City of Austwell, Refugio County, Texas for public water supply uses in the amount of 20.71 acre-feet per year.
 - b. Permit Hearing - Mr. Jose Deleon for The Town of Refugio seeks, under permitting request case PRC-20231113-01, a historic-use production permit protecting the historic production of groundwater from a grandfathered well system comprised of grandfathered well GW-00194 located on a 3.04-acre tract of land near the intersection of Palmetto Street and East Plasuela Street and grandfathered well GW-00272 located on a 4.27-acre tract of land near the intersection of 1st Street and East Vance Street in the Town of Refugio, Refugio County, Texas for public water system uses in the amount of 572.66 acre-feet per year.
4. Consideration of and possible action on matters related to district director vacancies.
5. Adjourn.

The Refugio Groundwater Conservation District may close the meeting, if necessary, to conduct private consultation with legal counsel regarding matters protected by the attorney-client privilege pursuant to Section 551.071 of the Government Code or to discuss matters regarding personnel pursuant to Section 551.074 of the Government Code. The Refugio Groundwater Conservation District will return to open meeting, if necessary, to take any action deemed necessary based on discussion in closed meeting pursuant to Section 551.102 of the Government Code.

In Accordance with Title III of the Americans with Disabilities Act, the District invites all attendees to advise us of any special accommodations due to disability. Please submit your request as far as possible in advance of event you wish to attend.

Certificate of Posting

The above Notice of Meeting was posted Nov. 14, 2023 at a place convenient to the public on a bulletin board in the Refugio County Courthouse at Refugio, Texas.

WITNESS MY HAND AND SEAL of office on above date.



Ida Ramirez, Clerk County Court
Refugio County, Texas

By Erin Allen Deputy
Erin Allen

Certificate of Posting

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WITNESS MY HAND AND SEAL of office on above date.



**Ida Ramirez, Clerk County Court
Refugio County, Texas**

By Erin Allen Deputy
Erin Allen

**Refugio Groundwater Conservation District
Board of Directors**

Notice of Public Meeting and Permit Hearing

Notice is hereby given in accordance with the Open Meetings Act, Chapter 551, Government Code and Section 36.404 of the Texas Water Code, that the Refugio Groundwater Conservation District Board of Directors will hold a public meeting on December 4, 2023, at 6:00 PM at the First Baptist Church of Woodsboro Activity Center, 309 Johnson Street, Woodsboro, Texas 78393.

During the meeting, the Board of Directors is scheduled to conduct a permit hearing, consider, and possibly take action regarding the following permitting request(s):

Mr. Andrew Biery for the City of Austwell seeks, under permitting request case PRC-20231108-01, a historic-use production permit protecting the historic production of groundwater from a grandfathered well system comprised of grandfathered well GW-00173 located on a 12.84-acre tract of land near the intersection of Vandenberg Street and Dilworth Street and grandfathered well GW-00359 located on a 0.21-acre tract of land near the intersection of Bay Street and Mernitz Street in the City of Austwell, Refugio County, Texas for public water supply uses in the amount of 20.71 acre-feet per year.

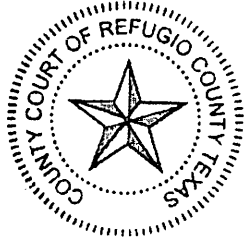
Any person who intends to contest a permitting request must provide written notice of that intent to the District at P.O. Box 116, Refugio, Texas 78377 or 604 Commerce St., Refugio, Texas 78377 at least three calendar days prior to the hearing date in this public notice. If the District does not receive a timely notice of intent to contest a permitting request, the Board of Directors may cancel the related permit hearing and take action on the permit request(s) at the next regular board meeting in accordance with the Rules of the District.

For more information regarding this matter, contact Tim Andruss, General Manager of the Refugio Groundwater Conservation District at 361-526-1483 or at admin@rgcd.org.

Certificate of Posting

The above Notice of Meeting was posted Nov. 14, 2023 at a place convenient to the public on a bulletin board in the Refugio County Courthouse at Refugio, Texas.

WITNESS MY HAND AND SEAL of office on above date.



Ida Ramirez, Clerk County Court
Refugio County, Texas

By Erin Allen Deputy
Erin Allen

**Refugio Groundwater Conservation District
Board of Directors**

Notice of Public Meeting and Permit Hearing

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During the meeting, the Board of Directors is scheduled to conduct a permit hearing, consider, and possibly take action regarding the following permitting request(s):

Mr. Jose Deleon for The Town of Refugio seeks, under permitting request case PRC-20231113-01, a historic-use production permit protecting the historic production of groundwater from a grandfathered well system comprised of grandfathered well GW-00194 located on a 3.04-acre tract of land near the intersection of Palmetto Street and East Plasuela Street and grandfathered well GW-00272 located on a 4.27-acre tract of land near the intersection of 1st Street and East Vance Street in the Town of Refugio, Refugio County, Texas for public water system uses in the amount of 572.66 acre-feet per year.

Any person who intends to contest a permitting request must provide written notice of that intent to the District at P.O. Box 116, Refugio, Texas 78377 or 604 Commerce St., Refugio, Texas 78377 at least three calendar days prior to the hearing date in this public notice. If the District does not receive a timely notice of intent to contest a permitting request, the Board of Directors may cancel the related permit hearing and take action on the permit request(s) at the next regular board meeting in accordance with the Rules of the District.

For more information regarding this matter, contact Tim Andruss, General Manager of the Refugio Groundwater Conservation District at 361-526-1483 or at admin@rgcd.org.

RGCD - Matters for Consideration - 20231204

Item 1.0 - Convene Meeting

Management Discussion: staff completed all necessary public notification requirements for the meeting.

See:

1. [Public Notice - 20231204 - Board Meeting](#)
2. [Public Notice - 20231204 - Permit Hearing - PRC-20231108-01](#)
3. [Public Notice - 20231204 - Permit Hearing - PRC-20231113-01](#)

Management Recommendation: call the meeting to order and record the district representatives present at the meeting.

Precinct 1: Mr. John Snyder, Treasurer, _____ .

Precinct 2: Mr. Carroll Borden, President, _____ .

Precinct 3: Vacancy

Precinct 4: Mr. Fredric Biery, Secretary, _____ .

At Large: Mr. Scott Carter, Vice President, _____ .

General Manager: Mr. Tim Andruss, _____ .

General Counsel: Mr. James Allison, _____ .

Item 2.0 - Receive Public Comment

Management Discussion: offer to accept public comment from attendees.

Management Recommendation: none.

Item 3.0 - Report regarding Groundwater Management

Previous Consideration by the Board: [MFC-20230717-3.0 - Report regarding Groundwater Management.](#)

Related Programs: [PRG-3000 - Groundwater Management - FY2024.](#)

Related Projects:

1. [Project - PRJ-20243100.01 - Well Registration Processing for FY2024.](#)
2. [Project - PRJ-20243100.02 - Production Permit Renewal Processing for FY2024.](#)
3. [Project - PRJ-20243100.03 - Permit Processing for FY2024.](#)
4. [Project - PRJ-20243100.04 - Groundwater Production Report Processing for CY2023.](#)
5. [Project - PRJ-20243100.05 - Manage Investigations related to Permitting Violations for FY2024.](#)
6. [Project - PRJ-20243100.06 - Manage Enforcement Cases related to Permitting Violations for FY2024.](#)

Management Discussion: none.

Management Recommendation: none.

Item 3.1 - Permit Hearing and Consideration for Permitting Request Case - PRC-20231113-01

Previous Consideration by the Board: None.

Related Programs: [PRG-3000 - Groundwater Management - FY2024](#).

Related Projects:

1. [Project - PRJ-20243100.03 - Permit Processing for FY2024](#).
2. [Project - PRJ-20243100.06 - Manage Enforcement Cases related to Permitting Violations for FY2024](#).

Management Discussion: Mr. Jose Deleon for The Town of Refugio seeks, under permitting request case [PRC-20231113-01](#), a historic-use production permit protecting the historic production of groundwater from a grandfathered well system comprised of grandfathered well GW-00194 located on a 3.04-acre tract of land near the intersection of Palmetto Street and East Plasuela Street in Refugio County, Texas and grandfathered well GW-00272 located on a 4.27-acre tract of land near the intersection of 1st Street and East Vance Street in Refugio County, Texas for public water system uses in the amount of 572.66 acre-feet per year.

RGCD - AVHUWS-20231101-01 - Application Bundle - Town of Refugio.pdf

 RGCD - AVHUWS-20231101-01 - Appli... 3 MB

The application and supplemental information associated with this permitting request case are considered administratively complete and contain sufficient information evaluate the request relative to the rules of the district.

The applicant has not submitted a request for a district waiver in connection with the permitting request.

Based on the review of the information provided within the associated application and supplemental information provided by the applicant, the district has determined that the request is consistent with the policies and rules of the district. Accordingly, the district has not notified the applicant of the intent of the district to contested the permitting request.

The following sequence of administrative tasks were completed in connection with the permitting request case:

On October 16, 2023, the district designated application administratively complete.

On November 13, 2023, the district completed the public notice process for the permitting request case.

The application includes a record of the Town of Refugio evidence of historic use from the Texas Water Development Board water use survey for calendar year 2002. This record indicates that the water system used 186,602,000 gallons during the year. The volume equates to 572.66 acre-feet. The application includes an affidavit titled AFFIDAVIT REGARDING EVIDENCE OF HISTORIC USE from Mr. Deleon.

As of November 29, 2023, the District had received the following notices of intent to contest the permitting request:

- none.

On November 29, 2023, the District drafted a permit in anticipation of the Board of Directors taking action to approve the permit request. See: [Production Permits - HUPPW-20231204-02 - The Town of Refugio - Draft](#).

RGCD - HUPPWS-20231204-02 - The Town of Refugio - Draft.pdf

 RGCD - HUPPWS-20231204-02 - Th... 674 kB

Management Recommendation: move to 1) cancel the permit hearing and proceed with the permitting case as an uncontested matter; and 2) issue a production permit for historic use of a well system to The Town of Refugio for the subject well system under permitting request case PRC-20231113-01 with the following parameters and conditions and the requirements established in the rules of the district now in effect:

Permit Identification Number: HUPPWS-202301204-02

Associated Application Number: AVHUWS-20231101-01

Subject Non-Grandfathered Wells: GW-00194, GW-00272

Authorized Groundwater Production Amount: 572.66 acre-feet per year;

Authorized Groundwater Production Purpose: Public Water Supply;

Well Owner: The Town of Refugio

Owners of Groundwater Resources: The Town of Refugio

Authorized Operator: The Town of Refugio

Reporting Requirements: per RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS

1. The authorized operator of a permit shall report to the district any monitoring data required under the permit within thirty days (30 days) of the close of the relevant reporting period unless specified otherwise within the rules of the district or the permit.
2. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well to the district on an annual basis.
3. The well owner, authorized agent, or the authorized operator of a production permit shall measure the volume of produced groundwater from each of the subject wells using a device or method that is accurate within ten percent (10%) of the actual volume produced.
4. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well that is accurate within ten percent (10%) of the actual volume of groundwater produced by the non-exempt use during the calendar year.
5. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well for the previous calendar year (January 1 to December 31) during January of the current calendar year.
6. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well using a form provided by the district.
7. The well owner of a non-exempt-use well shall include the following information when reporting the volume of groundwater produced from a non-exempt-use well:
 - 7.1. the well registration number assigned by the district;
 - 7.2. the production permit identification number;
 - 7.3. the reporting period;
 - 7.4. the volume of groundwater produced during the reporting period in acre-foot;
 - 7.5. the method used to determine the volumes of groundwater produced during the reporting period;
 - 7.6. a statement certifying, under penalty of law, that the information reported on and attached to the report was prepared under the direction or supervision of the well owner and is, to the best of the knowledge and belief of the well owner, true, accurate and complete;
 - 7.7. the printed name of the person submitting the report; and
 - 7.8. the dated signature of the person submitting the report.

Item 3.2 - Permit Hearing and Consideration for Permitting Request Case - PRC-20231108-01

Previous Consideration by the Board: None.

Related Programs: [PRG-3000 - Groundwater Management - FY2024](#).

Related Projects:

1. [Project - PRJ-20243100.03 - Permit Processing for FY2024.](#)
2. [Project - PRJ-20243100.06 - Manage Enforcement Cases related to Permitting Violations for FY2024.](#)

Management Discussion: Mr. Andrew Biery for The City of Austwell seeks, under permitting request case [PRC-20231108-01](#), a historic-use production permit protecting the historic production of groundwater from a grandfathered well system comprised of grandfathered well GW-00173 located on a 12.84-acre tract of land near the intersection of Vandenberg Street and Dilworth Street in Refugio County, Texas and grandfathered well GW-00359 located on a 0.21-acre tract of land near the intersection of Bay Street and Mernitz Street in Refugio County, Texas for public water supply uses in the amount of 20.71 acre-feet per year.

RGCD - AVHUWS-20231101-02 - Application Bundle - City of Austwell.pdf

 RGCD - AVHUWS-20231101-02 - Appl... 2 MB

The application and supplemental information associated with this permitting request case are considered administratively complete and contain sufficient information evaluate the request relative to the rules of the district.

The applicant has not submitted a request for a district waiver in connection with the permitting request.

Based on the review of the information provided within the associated application and supplemental information provided by the applicant, the district has determined that the request is consistent with the policies and rules of the district. Accordingly, the district has not notified the applicant of the intent of the district to contested the permitting request.

The following sequence of administrative tasks were completed in connection with the permitting request case:

On November 10, 2023, the district designated application administratively complete.

On November 13, 2023, the district completed the public notice process for the permitting request case.

The application includes a record of the City of Austwell evidence of historic use from the Texas Water Development Board water use survey for calendar year 2003. This record indicates that the water system used 6,750,500 gallons during the year. The volume equates to 20.71 acre-feet. The application includes an affidavit titled AFFIDAVIT REGARDING EVIDENCE OF HISTORIC USE from Mr. Biery.

As of November 29, 2023, the District had received the following notices of intent to contest the permitting request:

- none.

On November 29, 2023, the District drafted a permit in anticipation of the Board of Directors taking action to approve the permit request. See: [Production Permits - HUPPWS-20231204-01 - The City of Austwell - Draft.](#)

RGCD - HUPPWS-20231204-01 - The City of Austwell - Draft.pdf

 RGCD - HUPPWS-20231204-01 - Th... 674 kB

Management Recommendation: move to 1) cancel the permit hearing and proceed with the permitting case as an uncontested matter; and 2) issue a production permit for historic use of a well system to The City of Austwell for the subject well system under permitting request case PRC-20231108-01 with the following parameters and conditions and the requirements established in the rules of the district now in effect:

Permit Identification Number: HUPPWS-202301204-01

Associated Application Number: AVHUWS-20231101-02

Subject Non-Grandfathered Wells: GW-00173, GW-00359

Authorized Groundwater Production Amount: 20.71 acre-feet per year;

Authorized Groundwater Production Purpose: Public Water Supply;

Well Owner: The City of Austwell

Owners of Groundwater Resources: The City of Austwell

Authorized Operator: The City of Austwell

Reporting Requirements: per RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS

1. The authorized operator of a permit shall report to the district any monitoring data required under the permit within thirty days (30 days) of the close of the relevant reporting period unless specified otherwise within the rules of the district or the permit.
2. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well to the district on an annual basis.
3. The well owner, authorized agent, or the authorized operator of a production permit shall measure the volume of produced groundwater from each of the subject wells using a device or method that is accurate within ten percent (10%) of the actual volume produced.
4. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well that is accurate within ten percent (10%) of the actual volume of groundwater produced by the non-exempt use during the calendar year.
5. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well for the previous calendar year (January 1 to December 31) during January of the current calendar year.
6. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well using a form provided by the district.
7. The well owner of a non-exempt-use well shall include the following information when reporting the volume of groundwater produced from a non-exempt-use well:
 - 7.1. the well registration number assigned by the district;
 - 7.2. the production permit identification number;
 - 7.3. the reporting period;
 - 7.4. the volume of groundwater produced during the reporting period in acre-foot;
 - 7.5. the method used to determine the volumes of groundwater produced during the reporting period;
 - 7.6. a statement certifying, under penalty of law, that the information reported on and attached to the report was prepared under the direction or supervision of the well owner and is, to the best of the knowledge and belief of the well owner, true, accurate and complete;
 - 7.7. the printed name of the person submitting the report; and
 - 7.8. the dated signature of the person submitting the report.

Item 4.0 - Vacancy in Office of Director

Previous Consideration by the Board: [MFC-20210816-14.1 - Vacancy in Office of Director](#); [MFC-20200720-3.1 - Director Vacancy](#).

Related Programs: [Program - PRG-1000 - Administration - FY2024](#).

Related Projects: None.

Management Discussion: on October 17, 2023, Mr. Snyder notified staff that he had identified two individuals as potential candidates to fill a vacancy on the Refugio Groundwater Conservation District Board of Directors: Ms. Cindi Rose of Precinct 3 and Ms. Hannah Lafond.

If the board wishes to appoint a qualified and willing individual to fill a vacancy on the Refugio Groundwater Conservation District Board of Directors, a motion to that effect should be made and approved. After passage of the motion, the newly appointed director should make the statement of officer and take oath of office and complete the associated forms for the records of the District.

Management Recommendation: none.

Item 5.0 - Adjourn Meeting

Management Discussion: none.

Management Recommendation: move to adjourn the meeting after concluding all business of the District.