

**COASTAL BEND GROUNDWATER CONSERVATION DISTRICT
BOARD OF DIRECTORS MEETING**

AGENDA PREPARED AND POSTED: November 07, 2013
DATE OF MEETING: November 12, 2013
TIME OF MEETING: 8:00 A.M.

PLACE WHERE MEETING WAS HELD: District Office, 109 E. Milam, WHARTON, TEXAS 77488.

I. In Attendance:

II. Ronald Gertson – President CBGCD; L.G. Raun – Vice-President CBGCD; Edmund Weinheimer – Secretary CBGCD; Leonard Wittig – Director CBGCD; Arthur Priesmeyer – Director CBGCD; Neil Hudgins – Manager CBGCD; Jaime Bosch – Office Manager CBGCD; Greg Ellis – CBGCD General Counsel; Robert Spitzmiller; Philip Spenrath; Kenneth Hlavinka, Andres Garza; Bowie Duncan; Mr. Hershey.

III. Call to Order:

The meeting was called to order at 8:06 A.M.

IV. Public Comments:

Kenneth Hlavinka expressed his concern about the July 31, 2013 cutoff date for an “interim user” in the proposed rules. He would like to see the date extended to December 31, 2013 or redefine “historic user” in the rules. Andres Garza, Wharton City Manager, explained submitted written comments as follows: future users unknown; may have a large customer or company move into the City and need service. District should have a municipal category so future cutbacks are limited to no more than 20%. City hasn’t grown like other area cities, but there may be future growth. Need rules they can work with in the future. Who determines the conditions of the aquifer?; No definition of “Desired Future Condition”; Provide an exception to the 5,000 gallon limit for de-watering wells.; and Meeting any future 80% reduction required by rule 6.11(c)(3) would be very difficult for a municipality, and the Board should limit municipal reductions to 20%.

V. Approval of Minutes:

Secretary Weinheimer made a motion to accept the meeting minutes for October 08, 2013 regular meeting minutes as presented and the October 08, 2013 permit hearing minutes as presented. Director Wittig seconded. All voted for; motion carried.

VI. Manager's Report:

Financial Report – Mr. Hudgins reported a checking account balance of \$ 42,244.29 and a money market balance of \$874,457.28. A budget vs. actual and the balance sheet for October were also presented. After discussion and review, Vice-President Raun made a motion to approve the financials as presented. Secretary Weinheimer seconded. All voted for; motion carried.

Well Registration Update – Mr. Hudgins presented the Board with a detailed breakdown of current Exempt and Non Exempt Well Information for the 2011-2013 permitting term.

Well Monitoring Update – Mr. Hudgins presented the Board with the October well monitoring report. Recovery is slow; wells show an increase and hopeful of recovery with much needed rainfall.

2012 Water Use Report – Ninety-Nine percent of the water use reports have been submitted to the District. 152,928 acre feet have been reported to the District.

Upcoming Meetings – none

- VII. **Discussion to Review and Approve Permit Applications:** After discussion and review of the permit applications, Vice-President Raun made a motion to approve permits OP-05021504 for Chrystal Bacak; OP-11072504 for Oak Pecan Research, LLC; OP-12020901 for Terrance Hlavinka Cattle Company; OP-06071101 for Edwina Moreland RT & Nina Mueller RIT; OP-13102901 for Abuelo, Inc.; OP-13101705 for Thomas Mahalite Farm’s; OP-13101704 for Nina Mueller & Edwina Moreland; OP-13101703 for Swedeland Farms; OP-13101701 for Trenton L. Kelley; OP-13101702 for 3TK Cattle, Inc.; OP-13101601 for BMG Farms LLC; OP-13101602 for BMG Farms LLC; OP-05012606 for Sliva Services LLC; OP-13092402 for Robert Gao; OP-05011128 for Rose Marie Bain; OP-05010614 for GH Harfst, Jr. Test Trust A; OP-04091502 for Greg&Robert Schmidt; OP-04091501 for Greg&Robert Schmit; OP-08052701 for Norman Wilson; OP-08051419 for Mike Ryan; OP-08062341 for Margie S. Weisner; OP-05040501 for Mark Bain; OP-04120707 for Alan Meek; OP-05011025 Boettcher-Quirey; OP-05011219 for Circle H Farms; OP-05052402 for Praseks/ Hillje Smokehouse; OP-09070602 for Cross Roads Oil Field Supply; OP-04111002 Appling Farms; OP-04111908 for George A. Fucik; OP-05051106 for Reitz Family Limited Partnership; OP-04071402 for Edmund Weinheimer, Jr.; OP-06041901 for Carolyn Lange; OP-05011114 for Glen Pasak (board recommend meter); OP-11072501 for Glen Pasak (board recommend meter); OP-06092502 for LCRA Bay City; OP-04092801 for Burney & Otto Partnership and OP-05011126 for Carl Bain were tabled until December meeting for further review; OP-08051410 for William Truede was approved for 700 ac/ft rather than 800 ac/ft , Director Wittig seconded. Secretary Weinheimer abstained from the vote on OP-04071402. All voted for motion carried.
- VIII. **Consider approval of Proposed Draft Rule Amendments Regarding Spacing, Historic Use Protections and Methods of Achieving Desired Future Conditions:** After Discussion the following changes to the CBGCD Draft Rule Amendments were made: Director Priesmeyer made a motion to approve adding a definition of desired future conditions, Director Wittig seconded. Vice-President Raun made a motion to change the definition of interim user cut off date from “July 01, 2013” to “November 12, 2013”, Secretary Weinheimer seconded. Vice-President Raun made a motion to make a change to 3.6(i) changing “with” to “based on”, Secretary Weinheimer seconded. All voted for motion carried. Secretary Weinheimer made a motion to approve the rules as amended, Director Priesmeyer seconded. All Voted for motion carried.
- IX. **Discussion of CBGCD Rules Regarding Spacing:** After Discussion Director Wittig made a motion to propose the following rule changes regarding well spacing. The current rule 7.4 (3) (c) says “Replacement wells must still meet all applicable spacing limitations unless the new well is drill within 50 feet of the original well. The proposed change will change 50 feet to 100 feet. Section 7.8 (a) says “...other than a well owned by the same person, must be set back at least 100 from the applicant’s property line,...” The proposed change will change 100 feet to 50 feet. Director Priesmeyer second. All voted for motion carried.
- X. **Discussion of Spacing/Screening Requirements Based on Casing Size:** It was brought to the boards’ attention that there is a concern by some with CBGCD rules on spacing/screening. It was decided to table the discussion until the December meeting.
- XI. **Discussion of Interim Historic User Status:** Mr. Hudgins presented the board with a few questions that need to be addressed with Interim Historic User Status and the 2014

water use reports. After discussion by the board it was decided to table the discussion until the December meeting.

- XII. **Discussion of Budget for Meters:** Staff informed the board that the increase in newly drilled permitted wells will deplete the \$20,000.00 budget allotment. After discussion the Director Wittig made a motion to move \$20,000.00 from Unassigned Fund Balance increasing meter budget to \$40,000.00. Secretary Weinheimer seconded. All voted for motion carried.
- XIII. **Budget Amendment Regarding Funding Commitment for GMA 15 Joint Planning Fund:** After discussion Vice-President Raun made a motion to move \$5,000.00 from Unassigned Fund Balance to Association and Membership Dues, Director Wittig seconded. All voted for motion carried.
- XIV. **Discussion of General CBGCD Permit Amendments and Board Recommendations to Staff:** CBGCD staffed discussed some of the amendments coming into the office. The board recommended to staff to continue to handle on an individual bases.
- XV. **Discussion of CBGCD 2014 Permit Renewal Process and Board Recommendation to Staff:** After discussion it was decided that if a 2014 permit renewal is at or below what was permitted for the 2011 term, Mr. Hudgins can approve the permit without board action. If the permit changes type use or is higher than the 2011 permit term, the board will take action.
- XVI. **Discussion of Defining Waterfowl as Irrigation or Recreational:** After discussion with the CBGCD Board and Attorney Gregg Ellis, it was decided to leave waterfowl defined as irrigation
- XVII. **Discussion and Review of Compliance and Enforcement Policy and Compromise and Settlement Guidelines:** It was decided to have the CBGCD attorney Greg Ellis review the documents and table until the December meeting.
- XVIII. **Unfinished Business:** None
- XIX. **Public Comments/Announcements:** None
- XX. **Date of Next Meeting:** The next CBGCD board meeting was set for Monday, December 09, 2013 at 8:00 am.
- XXI. **Adjournment:** Vice-President Raun made a motion to adjourn. Director Priesmeyer seconded. All voted for; motion carried. Adjournment at 11:45 a.m.