

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

**AGENDA PREPARED AND POSTED:** November 9, 2007  
**DATE OF MEETING:** November 15, 2007  
**TIME OF MEETING:** 1:30 P.M.

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

**I. In Attendance:**

Ronald Gertson – President CBGCD; L.G. Raun – Vice President CBGCD; Ed Weinheimer – Secretary CBGCD; Leonard Wittig – Director CBGCD; Arthur Priesmeyer – Director CBGCD; Neil Hudgins – Manager CBGCD; Mandy Bain – Administrative Assistant CBGCD; Jeffery Hershey, John and Judy Jurek.

**II. Call to Order:**

The meeting was called to order at 1:33 P.M.

**III. Public Comments:**

None.

**IV. Approval of Minutes:**

***Regular Meeting Minutes*** – Vice President Raun made a motion to accept the minutes as presented. Director Wittig seconded. All voted for; motion carried.

**V. Manager's Report:**

***Financial Report*** – Mr. Hudgins reported a checking account balance of \$25,739.83 and a money market balance of \$212,763.26. A budget vs. actual and a list of total District investments was also presented. Director Wittig made a motion to approve the financial report as presented. Director Priesmeyer seconded. All voted for; motion carried.

***Well Registration Update*** – Mr. Hudgins reported the District has had, as of November 15, 2007, 3,974 well registrations, 682 of the 3,974 are non exempt. Mr. Hudgins also presented the Board with a detailed breakdown of current Exempt and Non Exempt Well Information.

***Water Use Report*** – Staff reviewed the water usage summary with the Board. One hundred percent of reports have been submitted to the District for 2006. The board reviewed the recommended permit amounts compared to actual 2006 water usage. After discussion, the Board recommends using 1 acre foot per acre for row crop, 3 acre feet per acre for turfgrass, 1 acre foot per acre for pasture/hay, 1 acre foot per acre for waterfowl and 4.25 acre feet per acre for rice for the permit requests. Staff will send out a letter, renewal permits and 2007 water use reports to all nonexempt well owners by the end of November.

***Well Monitoring Update*** – Mr. Hudgins presented the Board with a copy of the monitor well water level readings for November. Although some of the levels were down a little from last month, overall the levels are better than they were last November.

GMA 15 – On November 8, Haskell Simon, Ronald Gertson and Neil Hudgins attended the GMA 15 meeting hosted by the Victoria County GCD. At the meeting, Andy Donnelly of the Texas Water Development Board reviewed the details of the last Central Gulf Coast GAM run the GMA 15 group requested. GMA 15 members decided to conduct two more runs.

Upcoming Meetings – TAGD meeting will be in Austin on November 28, 2007. President Gertson would like to attend the 2007 Water Summit held in San Antonio on December 3 and 4. Mr. Hudgins will attend the Texas Water Law Seminar on December 5, 6 and 7 in Austin.

- VI. **Third Party Review of LSWP Groundwater Study:** There is nothing new to report on the third party review of the LSWP Groundwater Study.
- VII. **Review and Approve Permit Applications:** After discussion and review of the permit applications, Vice President Raun made a motion to approve the submitted permit applications as presented with the exception of no action taken on Permit Application OP-07110104 and to increase Permit Application OP-07110103 to 1400 acre feet from 700 acre feet and to grant King Ranch – Wharton Turf Grass with Historical User Status. Director Wittig seconded. All voted for; motion carried.
- VIII. **Historic User Status:** The Board suggested that Mr. Hudgins ask the District’s Attorney, Greg Ellis, his opinion on setting a Historical User deadline.
- IX. **Compromise and Settlement Guidelines:** After discussion and review, Secretary Weinheimer made a motion to instruct the General Manager, Neil Hudgins to fully enforce the Compromise and Settlement Guidelines as amended beginning January 1, 2008. The amendments are as follows:
1. Deleting the fifth bullet under Major Violations stating “failure to file a well registration on a non-exempt well that is not permitted”,
  2. Revising the title of section # 2 Calculations to say “Calculations for violations except for drilling violations”,
  3. Add to section #3 Drilling Violations the paragraph “A second occurrence shall be any violation within 3 years of the previous occurrence of the same level. A third occurrence shall be any violation following the second occurrence within 3 years of the first occurrence.”
  4. changing the drilling violation penalties for wells  $\leq$  5 inches nominal inside casing diameter to \$500 first occurrence \$1000 second occurrence and civil suit for injunction or penalties third occurrence and for wells  $>$  5 inches nominal inside casing diameter to \$1000 first occurrence \$2000 second occurrence and civil suit for injunction or penalties third occurrence.
  5. Remove section #4.
- Director Priesmeyer seconded. Four voted for; one against. Motion carries.
- X. **Progress of District’s Attorney’s Rule Proposals:** The District’s Attorney, Greg Ellis, has not yet submitted his recommendations for the Rule change proposal.
- XI. **Hydrogeological Report Guidelines:** After discussion and review, Secretary Weinheimer made a motion to reword Section 3(a)(3)(C) “A **projection of the draw down given in a map contoured in feet at the proposed well location and the radius of influence that would result from the anticipated daily rate of pumping from the test well after one month (30 days) and after one year (365 days).**” to “A

projection of the draw down given in a map contoured in feet at the proposed well location and the radius of influence that would result from the anticipated daily rate of pumping from the test well after one month (30 days), after one year (365 days), after ten years (3,650 days) and twenty-five years (9,125 days)” and to reword section 3(b)(4)(C) from “A projection of the draw down given in a map contoured in feet at the proposed well location and the radius of influence that would result from the anticipated daily rate of pumping from the test well after one month (30 days) and after one year (365 days).” to “A projection of the draw down given in a map contoured in feet at the proposed well location and the radius of influence that would result from the anticipated daily rate of pumping from the test well after one month (30 days), after one year (365 days), after ten years (3,650 days) and twenty-five years (9,125 days)” . President Gertson seconded. All voted for; motion carried.

- XII. **Pledging CBGCD funds toward Guitar holding vs. Hudspeth County UWCD Amicus Brief:** After discussion and review, Vice President Raun made a motion to contribute up to \$500 towards the amicus brief. President Gertson seconded. All voted for; motion carried.
- XIII. **Unfinished Business:** Vice President Raun would like to see the District help host a local seminar/workshop on Texas Water Law. He will contact Texas A & M to see if they would be interested in co-hosting an event.
- XIV. **Next Meeting:** The next general board meeting was set for Tuesday, December 11, 2007 at 8:00 a.m. at the District Office, 109 E. Milam, Wharton, Texas.
- XV. **Adjournment:** Secretary Weinheimer made a motion to adjourn. Director Wittig seconded. All voted for; motion carried. Adjournment at 3:57 p.m.