

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

AGENDA PREPARED AND POSTED: March 2, 2012
DATE OF MEETING: March 6, 2012
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; Edmund Weinheimer – Secretary CBGCD; Leonard Wittig – Director CBGCD; Arthur Priesmeyer – Director CBGCD; Neil Hudgins – Manager CBGCD; Greg Ellis, Craig Elam, Cindy Jordy, Judge Philip Spenrath

III. Call to Order:

The meeting was called to order at 8:16 A.M.

IV. Public Comments:

None.

V. Approval of Minutes:

Secretary Weinheimer made a motion to accept the February 7, 2012 regular meeting minutes as presented and the February 7, 2012 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 \$ 150,193.83 and a money market balance of \$ 719,710.61. A budget vs. actual, a list of total District investments, and the balance sheet for January was also presented. After discussion and review, Director Wittig made a motion to approve the checking account balance, the money market account balance, the investment report, and a list of detailed checks and deposits for the month of February as presented. Director Priesmeyer seconded. All voted for; motion carried.

Well Monitoring Update – Mr. Hudgins has not yet completed the measuring all monitor wells due to the early March meeting. He will email those measurements out to board in the next few days.

2011 Water Use Report – Ninety-seven percent of the water use reports have been submitted to the District. As of February 29, 2012, 184,027 acre feet has been reported to the District.

VII. Review and Approve Permit Applications: After hearing the three month extension request of consideration by Conoco-Philips, Secretary Weinheimer made the motion to grant the extension, Director Wittig seconded. All voted for; motion carried. After discussion and review of the permit applications, Director Wittig made a motion to approve permits and permit amendments for OP-12022101 for Janet Holub, OP-07112903 for Boling MUD, OP-12022102 for Alan Zbranek, OP-04092802 for Ben & Debbie Hoffpauir, OP-06021502 for Colorado Bend Energy, OP-05031601 for James Kainer, OP-04110202 for Earl Schmidt, OP-04070201 for Philip Stelzel; and also approving permit amendments at a reduced amount below their requested amount, for OP-05020701 for James E. Kainer for a 3 yr total amount of 605 ac.ft., for OP-04070601 for Rancho Grande Farms for a 3 yr total amount of 552.55 ac.ft., for OP-

04122104 for Z&B Partnership for a 3 yr total amount of 1767 ac.ft. Secretary Weinheimer seconded. All voted for, motion carried.

- VIII. **Discussion of Health Benefits Plan:** Mr. Hudgins reported on the possibility of CBGCD board members be covered on the TML-IEBP insurance plan. Comparing the current rates and possible future rates that the directors could incur vs. their current coverage, the board chose not to pursue this any further.
- IX. **Review and Discuss Scope of Work from Intera:** As the board requested, Mr. Hudgins has been communicating with Steve Young, CBGCD hydrologist, to put together a scope of work to perform an assessment of the sensitivity of predicted drawdowns in Wharton County to changes in pumping in Wharton County. The cost for the proposed work is \$10,000 with an anticipated start in early to mid April 2012. Secretary Weinheimer voted to approve the scope of work and authorize the work to begin, Director Preismeyer Seconded. All voted for; motion carried.
- X. **Coastal Plains Rule Amendments:** The District's attorney, Greg Ellis, reviewed the Rule Amendments that the Coastal Plains Groundwater District proposed on January 26, 2012. He mentioned that CPGCD has received a number of comments that will need to be considered before CPGCD takes action on those rules. He also gave an overview of the Texas Supreme Court ruling of the Day & McDaniel v. EAA. He felt that the CPGCD rules offer a good option considering the Supreme Court ruling in that the Rules are not rejecting a landowner's right to drill a new well on their property. The CPGCD rule amendments in consideration offer a higher level of protection to historic users if reductions are necessary based on aquifer conditions. After discussion, the board will review the proposed Rule Amendments of CPGCD dealing with historic use, and discuss in detail at the next general board meeting. At the next CBGCD meeting, the board will consider proposing rules dealing with contested case hearing administrative proceedings. Mr. Ellis will send his recommendations to Mr. Hudgins prior to the CBGCD April meeting.
- XI. **Next Meeting:** The next general board meeting was set for Tuesday, April 10, 2012 at 8:00 a.m. at the District Office.
- XII. **Adjournment:** Secretary Weinheimer made a motion to adjourn. Director Priesmeyer seconded. All voted for; motion carried. Adjournment at 10:48 a.m.