

Texana Groundwater Conservation District Meeting Minutes for January 16, 2025

The Board of Directors of the Texana Groundwater Conservation District convened a meeting at the LNRA Headquarters Building C., 4631 F.M. 3131, Edna, Jackson County Texas on January 16, 2025, at 6:00 PM.

Item 1. Call the meeting to order and welcome guests.

Mr. Tupa called the meeting to order and called the roll of representatives:

Precinct 1: Mr. Boone, Director, Present.

Precinct 2: Vacant.

Precinct 3: Mr. Clifford Born, Director, Present.

Precinct 4: Mr. Marr, Treasurer, Present.

At Large 1: Mr. Vacant.

At Large 2: Mr. Tupa, Vice-President, Present.

At Large 3: Mr. Robert Gendke, Jr., Director, Present.

General Manager: Tim Andruss, Present.

General Counsel: Jim Allison, Absent.

Item 2. Receive public comments.

Mr. Tupa offered to accept public comment.

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.

Topic 3.1 - Report

Mr. Andruss provided the following report:

Regarding Well Registration Processing for FY2025.

As of January 9, 2025, staff had received 0 well registration applications (ARWs) since October 1, 2024.

As of January 9, 2025, staff had received 12 Notices of Intent to Drill a Well (NIDWs) since October 1, 2024.

Regarding Production Permit Renewal Processing for FY2025.

As of January 9, 2025, staff had received 0 production permit renewal requests (ARPs) since October 1, 2024.

Regarding Permit Processing for FY2025.

As of January 9, 2025, staff had initiated 2 permitting request cases (PRCs) since October 1, 2024.

As of January 9, 2025, staff had 2 permitting request cases pending.

- PRC-20241120-01 - AVWS-20240624-02 - City of Ganado - Pending/Uncontested
- PRC 20241101 01 AAPC 20241017 01 BSA WV 20191219 01 Pending/Uncontested

As of January 9, 2025, staff had 149 active or approved production permits recorded in the permitting database with a combined amount of authorized groundwater production per year of 164,026 acre feet.

Regarding Groundwater Production Report Processing for CY2024.

As of January 9, 2025, staff had processed 13 groundwater production reports for the preceding calendar year since October 1, 2024.

As of January 9, 2025, staff had recorded groundwater production reports for 13 water wells reporting 1.104 acre-feet of groundwater production during CY2024. (TWDB estimated the volume of groundwater produced for rural domestic, livestock, mining, and rig supply exempt uses in Jackson County in Year 2020 was 1,581 acre feet. See: TWDB Projected Exempt Groundwater Use Estimates.)

Regarding Manage Investigations related to Permitting Violations for FY2025.

As of January 9, 2025, staff had initiated 1 investigation related to groundwater management (i.e., permitting) since October 1, 2024.

As of January 9, 2025, staff had 0 active investigations related to groundwater management (i.e., permitting).

Staff will review all expired permits and unresolved permitting matters during the fiscal year, while processing permits due to expire during the fiscal year, to ensure all well owners and operators comply with the requirements established under the rules of the district regarding production permitting and production reporting.

Regarding Manage Enforcement Cases related to Permitting Violations for FY2025.

As of January 9, 2025, the Board had initiated 0 enforcement case violations related to groundwater management (i.e., permitting) since October 1, 2024.

As of January 9, 2025, staff had 0 unresolved enforcement cases related to groundwater management (i.e., permitting).

Topic 3.2 - PRC-20241101-01 - Bowers and Saha Aquaculture, LLC

Mr. Andruss provided the following discussion:

Mr. Reed Bowers for Bowers and Saha Aquaculture LLC. seeks, under permitting request case PRC 20241101 01, amendments to waiver WV 20191219 01 to revise the monitoring requirements, the performance criteria, and performance responses, and curtailment requirements established within the waiver. The subject well field is located near the intersection of County Road 477 and County Road 479 in Jackson County, Texas.

See: PRC 20241101 01 AAPC 20241017 01 BSA WV 20191219 01
Pending.

During the meeting held on July 18, 2024, Mr. Kubecka, representing Bowers and Saha Aquaculture, LLC (BSA), notified the district that he intended to submit a new amendment request for waiver WV 20191219 01.

On September 27, 2024, Mr. Kubecka notified the district of the changes he wished to have amended into waiver WV-20191219-01.

On October 1, 2024, Mr. Andruss provided files that documented (as tracked changes) the changes to be requested by Mr. Kubecka and a draft application for the new amendment request with instructions for submitting the new request to the district.

On October 7, 2024, Mr. Kubecka expressed his acceptance of the application and draft waiver documents. He explained that he would provide the executed application on October 8, 2024.

Mr. Reed Bowers for Bowers and Saha Aquaculture LLC. seeks, under permitting request case PRC 20241101 01, amendments to waiver WV 20191219 01 to revise the monitoring requirements, performance criteria, performance responses, and curtailment requirements established within the waiver. The subject well field is located near the intersection of County Road 477 and County Road 479 in Jackson County, Texas.

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

The General Manager of the District considers the request to be an amendment request that involves the substantive provisions of the related waiver.

On October 17, 2024, the Board of Directors passed a motion "to 1) authorize the general manager to submit the new amendment request to Dr. Uddameri or other qualified consultant of the district for technical review and 2) schedule a special meeting for a public hearing on and consideration of the amendment request upon completion of the technical review."

On November 1, 2024, the General Manager requested that Dr. Uddameri provide "a written expression of either your support or opposition to the BSA-proposed waiver that expresses an opinion as to whether or not 1) the proposed monitoring of, 2) the proposed reporting of, and 3) the proposed responses to measured aquifer conditions of the draft revision of the existing waiver will adequately protect the fresh groundwater resources used by existing groundwater users in the vicinity of the production wells with the continued production of groundwater as authorized by the associated production permit."

On November 4, 2024, Dr. Uddameri agreed to complete the review of the request.

On November 26, 2024, staff of the District met with Mr. Frankson to discuss the waiver revisions submitted to the District by Bowers and Saha Aquaculture.

On December 3, 2024, Mr. Bowers for Bowers and Saha Aquaculture LLC submitted the requested \$6,500 application fee to the district.

On December 20, 2024, the public notice related to the consideration of the permit case was completed. See: Public Notice 20250116 Permit Hearing_PRC 20241101 01.

On January 1, 2025, Dr. Uddameri submitted his final report and invoice regarding his evaluation of the requested amendment to waiver WV-20191219-01.

In the report, Dr. Uddameri expressed his support for the requested amendment submitted by BSA stating:

"The scope of the evaluation therefore was to evaluate the reasonableness of the proposed conditions in the context of available technical (hydrological and hydrogeological) information available for carrying out such an assessment. The continued monitoring at the site will provide useful information to understand the aquifer dynamics. There appears to be sufficient checks and balances in place to prevent continued over stressing of the aquifer while providing production flexibility to the permittee to satisfy their groundwater needs. Therefore, my overall recommendation is that the waiver and amendment provides a good path forward and help promote the brackish groundwater use, conservation of freshwater resources that are not directly recharged at the site and also collect useful information to understand aquifer dynamics and future policies. The recommendations proposed here should help improve the clarity of the waiver and amendment document." (Emphasis added)

On January 2, 2025, BSA notified the District of its intent to initiate groundwater production from both the fresh and groundwater production wells for cold weather protection purposes.

As of January 9, 2025, the District had not received notice of intent to contest the permitting request.

On January 13, 2025, staff of the District provided Dr. Uddameri's report to Mr. Kubecka and Mr. Frankson for review.

Mr. Kubecka provided comments and expressed support for the recommendations offered by Dr. Uddameri for the waiver.

Board Action: Mr. Boone moved to 1) cancel the permit hearing and proceed with the permitting case as an uncontested matter; 2) find good cause to amend waiver WV 20191219 01; 3) authorize the general manager to issue an amended waiver to Bowers and Saha Aquaculture, LLC under application AAPC-20241017-01 as requested in accordance with the Rules of the District; and 4) authorize the general manager to pay the invoice from Dr. Uddameri in the amount of \$10,200.00. Mr. Gendke seconded the motion. The motion passed unanimously.

Topic 3.3 - PRC-20241120-01 - City of Ganado

Mr. Andruss provided the following discussion:

Mr. Phillip Green for the City of Ganado seeks, under permitting request case PRC 20241120 01, a historic use production permit protecting the historic production of groundwater from a grandfathered well system comprised of grandfathered well GW-00278 located on a 1.08-acre tract of land near the intersection of Menefee Street and South 2nd Street in Jackson County, Texas and grandfathered well GW 00578 located on a 0.92 acre tract of land near the intersection of Fairlane Drive and South 2nd Street in Jackson County, Texas for municipal uses in the amount of 225.26 acre-feet per year.

See: Permitting Request Cases PRC 20241120 01 AVWS 20240624 02 City of Ganado.

The applications and supplemental information associated with this permitting request case are considered administratively complete and contain sufficient information to evaluate the request relative to the Rules of the District. Provided the resulting permit is properly conditioned, the operation of the existing well system would satisfy the requirements as established within the Rules of the District without a waiver or variance.

The application includes an affidavit, executed by Mr. Phillip Green, regarding the evidence of historic use submitted in the application that states "1. I am 18 years of age or older and competent to submit this affidavit. 2. To the best of my knowledge and belief, the information contained in the attached application to validate the historic use of a well system is true and correct. 3. All available information concerning groundwater production during the validation period has been provided to the Texana Groundwater Conservation District."

The application includes supplemental documentation containing the TWDB Water Use Survey (Survey Number: 0317000) for the subject well field for calendar year 2004. The survey indicates the subject well system produced 73,400,000 gallons in year 2004 (225.26 acre feet).

On December 9, 2024, the public notice related to the consideration of the permit case was completed. See: Public Notice - 20250116 - Permit Hearing - PRC-20241120-01

As of January 9, 2025, the District had not received notice of intent to contest the permitting request.

Board Action: Mr. Born moved to 1) cancel the permit hearing and proceed with the permitting case as an uncontested matter; and 2) authorize the general manager to issue a historic use permit to the City of Ganado under application AVWS 20240624 02 for well GW 00578, GW 00278, authorizing the production of 225.26 acre-feet of groundwater per year for public water system uses. Mr. Boone seconded the motion. The motion passed unanimously.

Topic 3.4 - Investigation of Unreported Groundwater Production for Irrigation

Mr. Andruss provided the following discussion:

While reviewing estimates of groundwater production related to irrigation for the Texas Water Development Board (TWDB), staff identified a significant discrepancy between 1) the volume of groundwater production reported to the District for years 2022 and 2023 and 2) the volume of groundwater production for irrigation estimated by TWDB. In Jackson County, the reported groundwater production across all types of permitted uses (including irrigation) totals 25,816 AF while the estimate of groundwater use for irrigation is 61,961 AF, a difference of 36,145 AF.

Based on rice crop information retrieved from GMU's CropScape and USDA's CroplandCROS, it appears that rice irrigation may be substantially under reported to TGCD. The image below illustrates those areas with rice crops without reported groundwater production in close proximity. The likely unreported groundwater production associated with these areas likely account for the significant difference between your estimate and TGCD's reported production amounts.

Board Action: Mr. Boone moved to authorize the general manager to initiate an investigation to resolve potential violations associated with any confirmed instances of failure to report groundwater production associated with rice irrigation. Mr. Gendke seconded the motion. The motion passed unanimously.

Topic 3.5 - Brackish Groundwater Assessment

Mr. Andruss provided the following discussion:

With the adoption of the revised rules of the district for Texana GCD, Calhoun County GCD, and Refugio GCD, which includes a framework for incentivizing production permitting in deep saline groundwater zones, staff has requested a cost estimate from Dr. Young of Intera for extending the technical work completed for VCGCD (See: https://www.vcgcd.org/groundwater_research) used to support the development of its deep-saline production zone rules. The work completed for VCGCD by Intera cost approximately \$55,000.00. Dr. Young estimated the cost at \$20,000 per county.

Board Action: Mr. Boone moved to instruct the general manager to obtain a proposal from Intera for the characterization of brackish groundwater resources in Jackson County from Dr. Young of Intera. Mr. Marr seconded the motion. The motion passed unanimously.

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.

Topic 4.1 - Report

Mr. Andruss provided the following discussion:

Regarding Well Inspections for FY2025.

As of January 9, 2025, staff had recorded 0 well inspection forms (WIFs) since October 1, 2024.

Regarding Manage Investigations related to Groundwater Protection for FY2025.

As of January 9, 2025, staff had initiated 0 investigations related to groundwater protection since October 1, 2024.

As of January 9, 2025, staff had 1 active investigation related to groundwater protection.

- INV-20220708.1129 - Confirmed Contamination of Groundwater at 629 South Well St. Edna Texas - 77957 - 7-Eleven - Active

Regarding Manage Enforcement Cases related to Groundwater Protection for FY2025.

As of January 9, 2025, the Board had initiated 0 enforcement case violations related to groundwater protection since October 1, 2024.

As of January 9, 2025, staff had 0 unresolved enforcement case violations related to groundwater protection.

Item 5. Consideration of and possible action on matters related to groundwater monitoring.

Topic 5.1 - Report

Mr. Andruss provided the following discussion:

Regarding Monitor Drought Conditions for FY2025.

As of January 13, 2025, the U.S. Drought Monitor (<https://www.drought.gov/states/texas/county/jackson>) indicates that 100% of Jackson County was experiencing drought conditions.

As of January 13, 2025, 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 100% of Jackson County are experiencing moderate drought conditions.

Regarding Synoptic Aquifer Monitoring for FY2025,

As of January 13, 2025, staff had collected 24 water level measurements since October 1, 2024.

Regarding Continuous Water Level Monitoring for FY2025.

As of January 13, 2025, staff had collected and processed 48 time series aquifer monitoring datasets since October 1, 2024.

Regarding Baseline Water Quality Aquifer Monitoring for FY2025.

Regarding Ad-Hoc Baseline Water Quality Sampling for FY2025.

As of October 8, 2024, staff had collected 24 water quality field measurements since October 1, 2024.

As of October 8, 2024, staff had collected 0 water quality samples since October 1, 2024.

As of October 8, 2024, staff had received 0 water quality lab reports since October 1, 2024.

Regarding Annual Water Level Assessment for FY2025.

Regarding Annual Water Quality Assessment for FY2025.

Regarding Monitoring Network Assessment and Improvement Project for FY2025.

The Texas Water Development Board has issued the following notice regarding its Agricultural Water Conservation Grant Program:

The Texas Water Development Board (TWDB) is now accepting applications for Fiscal Year 2025 Agricultural Water Conservation Grants. Applications are due to the TWDB by Wednesday, March 19, at 2:00 p.m.

Up to \$1,500,000 in grant funding is available to eligible political subdivisions and state agencies for agricultural water conservation projects that improve irrigation efficiency, enhance resilience to weather extremes and climate variability, and promote innovation in agriculture. Selected projects will further water conservation in the state and serve the public interest by supporting the implementation of water conservation strategies identified in the state and regional water plans.

Applicants may apply to one of the following categories:

- Category 1: Agricultural Water Conservation Projects
- Category 2: Remote Sensing Data to Assist with Estimating Agricultural Irrigation Water Use

For more information, please view the full request for applications and application instructions on the [TWDB's website](#).

The TWDB will host webinars on January 8, January 29, and February 19 to provide additional information about the program and the application process. Please [register](#) in advance.

Staff intends to apply for the TWDB irrigation conservation grant under category 1 through a proposal to promote conservation by irrigators through the use of well run-time monitoring, real-time continuous aquifer monitoring, and telemetry equipment to enhance pumping impact awareness and decision making regarding irrigation.

Topic 5.2 - Water Level Assessment Report

Mr. Andruss provided the following discussion:

On July 18, 2024, the Board accepted the proposal from Intera regarding the analysis of CY2023 water levels and authorized Intera to proceed with the work at a cost not to exceed \$4,500.

On December 18, 2024, Dr. Young submitted the report and presentation on the analysis of CY2023 water levels using the geostatistical approach for Jackson County, Victoria County, Calhoun County, and Refugio County.

Based on Table 3 of the Intera's report, water levels in Jackson County in the calendar year 2023 for the Chicot and the Evangeline Aquifers, combined, have recovered 0.2 feet since the calendar year 2000. The water levels in the Chicot Aquifer, alone, have recovered 2.3 feet in Jackson County and the water levels in the Evangeline Aquifer, alone, have declined 2.0 feet since the calendar year 2000.

The desired future condition for GMA 15 (GMA Wide) is to not exceed an average drawdown of 13 feet in the Gulf Coast Aquifer within GMA 15 at the end of year 2080. The desired future condition for Jackson County is to not exceed an average drawdown of 15 feet in the Gulf Coast Aquifer within GMA 15 at the end of year 2080.

Board Action: Mr. Boone moved to 1) accept the report on the analysis of CY2023 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 CY2023, satisfying the desired future condition for Jackson County, and 3) authorize the general manager to pay the district's share of the project costs. Mr. Born seconded the motion. The motion passed unanimously.

Topic 5.3 - Water Quality Assessment Proposal

Mr. Andruss provided the following discussion:

The Board has consistently expressed interest in groundwater quality impacts associated with groundwater production. In fact, the management plan of the district states:

"The district will monitor aquifer conditions in and around Jackson County in order to monitor changing water levels and water quality of groundwater resources within Jackson County. The district will make periodic assessments of aquifer conditions and will report those conditions to the Board of Directors of the district and to the public. The district may undertake, as necessary, investigations of the groundwater resources within Jackson County and will make the results of investigations available to the public."

Furthermore, the rules of the district address groundwater quality extensively including the following:

Rule 1.2 states "The board of directors shall adopt rules pursuant to the authority of Section 36.101, Texas Water Code, for the purpose of conserving, preserving, protecting, and recharging groundwater in the district in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater, and protect the rights of owners of groundwater resources."

Rule 2.2(1) states "The district shall regulate the spacing of non grandfathered wells and replacement wells in order to:

- 1.1. prevent or limit the drawdown of the water table or the reduction in artesian pressure,
- 1.2. prevent or limit interference between wells,
- 1.3. prevent or limit the degradation of water quality, or
- 1.4. prevent waste of groundwater."

Rule 6.1.1(4) states "The district shall limit the authorized groundwater production amount of a production permit for non historic use of a non exempt use well to the degree the board of directors determines to be necessary to ensure the groundwater production from the subject well will not likely cause excessive water level declines within the district, excessive water quality changes of groundwater resources within the district, or significantly contribute to subsidence within the district."

In order to improve the ability of the district to evaluate changes to and impacts on groundwater quality, staff has obtained a proposal from Daniel B. Stephens and Associates, Inc. (DBSA) to study and document groundwater quality for Jackson, Victoria, Calhoun, and Refugio Counties as a jointly funded project of Texana GCD, Victoria County GCD, Calhoun County GCD, and Refugio GCD. As

proposed the proposed work is estimated to cost approximately \$74,000.00, or \$18,500.00 per district.

Board Action: Mr. Boone moved to 1) accept the proposal from Daniel B. Stephens and Associates, Inc. (DBSA) to study and document groundwater quality for Jackson, Victoria, Calhoun, and Refugio Counties and 2) authorize the general manager to authorize the work as proposed and cost-share in the expenses for the proposed work in an amount not to exceed \$18,500.00, contingent upon Victoria County GCD, Calhoun County GCD, and Refugio GCD agreeing to the same. Mr. Marr seconded the motion. The motion passed unanimously.

Topic 5.4 - LaSalle Water Quality Issue

Mr. Andruss provided the following discussion:

On July 20, 2023, the board instructed the General Manager to review water quality information gathered from wells outside of West Ranch. The attached map illustrates locations where conductivity measurement, and certain lab measurements (i.e., BETX, Hydrocarbons, and Mercury) collected by staff of the district since calendar year 2012.

Below is a chart of water wells from which the district has collected conductivity measurements from in the past.

GCD Water Well ID	Measurement Date	Parameter	Parameter Measurement
Texana GCD - GW-00338	5/3/2012	Conductivity, Specific (µmhos/cm)	4610.7
Texana GCD GW 00140	8/9/2012	Conductivity, Specific (µmhos/cm)	2453
Texana GCD - GW-00134	5/28/2015	Conductivity, Specific (µmhos/cm)	1580
Texana GCD GW 00136	5/28/2015	Conductivity, Specific (µmhos/cm)	2093
Texana GCD - GW-00139	5/28/2015	Conductivity, Specific (µmhos/cm)	3991
Texana GCD GW 00158	3/2/2017	Conductivity, Specific (µmhos/cm)	2581.1
Texana GCD - GW-00407	3/2/2017	Conductivity, Specific (µmhos/cm)	1580.9
Texana GCD GW 00030	5/16/2017	Conductivity, Specific (µmhos/cm)	4536.7
Texana GCD - GW-00157	5/16/2017	Conductivity, Specific (µmhos/cm)	2244.4
Texana GCD GW 00405	5/16/2017	Conductivity, Specific (µmhos/cm)	2129.1
Texana GCD - GW-00406	5/16/2017	Conductivity, Specific (µmhos/cm)	1069
Texana GCD GW 00154	5/18/2017	Conductivity, Specific (µmhos/cm)	1458.3
Texana GCD - GW-00407	5/18/2017	Conductivity, Specific (µmhos/cm)	1649.6
Texana GCD GW 00136	1/23/2018	Conductivity, Specific (µmhos/cm)	1922.6

Texana GCD GW 00140	2/14/2018	Conductivity, Specific (μmhos/cm)	2274.9
Texana GCD - GW- 00158	2/14/2018	Conductivity, Specific (μmhos/cm)	2586.1
Texana GCD GW 00159	2/14/2018	Conductivity, Specific (μmhos/cm)	4168.9
Texana GCD - GW- 00162	2/14/2018	Conductivity, Specific (μmhos/cm)	2568.5
Texana GCD GW 00166	2/14/2018	Conductivity, Specific (μmhos/cm)	3080.9
Texana GCD - GW- 00169	2/14/2018	Conductivity, Specific (μmhos/cm)	3216.2
Texana GCD GW 00030	2/23/2018	Conductivity, Specific (μmhos/cm)	4506.4
Texana GCD - GW- 00157	2/23/2018	Conductivity, Specific (μmhos/cm)	2215.2
Texana GCD GW 00338	2/23/2018	Conductivity, Specific (μmhos/cm)	3648.2
Texana GCD - GW- 00166	7/21/2021	Conductivity, Specific (μmhos/cm)	3000
Texana GCD GW 00169	7/21/2021	Conductivity, Specific (μmhos/cm)	3133
Texana GCD - GW- 00159	7/21/2021	Conductivity, Specific (μmhos/cm)	4114
Texana GCD GW 00162	7/21/2021	Conductivity, Specific (μmhos/cm)	2531
Texana GCD - GW- 00140	7/21/2021	Conductivity, Specific (μmhos/cm)	2198
Texana GCD GW 00161	7/21/2021	Conductivity, Specific (μmhos/cm)	3193

Texana GCD GW 00158	7/21/2021	Conductivity, Specific (µmhos/cm)	2604
Texana GCD - GW- 00338	7/21/2021	Conductivity, Specific (µmhos/cm)	3660
Texana GCD GW 00157	7/26/2021	Conductivity, Specific (µmhos/cm)	2315
Texana GCD - GW- 00030	8/5/2021	Conductivity, Specific (µmhos/cm)	4364
Texana GCD GW 00575	9/18/2023	Conductivity, Specific (µmhos/cm)	25190

On September 15, 2023, Mr. Matt Johnson alerted the staff of the district of a potential groundwater quality issue near the community of LaSalle in Jackson County. On September 18, 2023, staff collected a water sample from well GW 00575 and had the sample processed by Pace Analytical.

On September 29, 2023, the District received the report from Pace Analytical. See: [Water Quality Lab Report WQLR 20230918.1300](#). The specific conductance of the sample was measured as 23,600 umhos/cm. The total dissolved solids of the sample was measured as 15,300 mg/L. The mercury level of the sample was measured as 0.000418 mg/L.

Board Action: Mr. Boone moved to authorize the general manager to initiate an investigation into water quality issues in the vicinity of well GW 00575 and collect and submit up to five water quality samples to Pace Analytical for detailed analysis of water quality parameters limiting expenditures to no more than \$3,000.00. Mr. Gendke seconded the motion. The motion passed unanimously.

Item 6. Consideration of and possible action on matters related to groundwater conservation.

The item was not discussed or acted upon during the meeting.

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.

Topic 7.1 - Report

Mr. Andruss provided the following discussion:

Regarding [Regional Water Planning Participation for FY2025](#).

The Lavaca Regional Planning Group (Region P) met on November 4, 2024, and was attended by Mr. Andruss. The next meeting of the group is scheduled for

January 27, 2025, at 12:30 PM at the Lavaca Navidad River Authority Office Complex. See: <https://www.lnra.org/water/lavaca-regional-water-planning-group/>.

Regarding GMA 15 Joint Planning for 4th Planning Cycle in FY2025.

The representatives of Groundwater Management Area 15 met on January 9, 2025, at the Evergreen Underground Water Conservation District in Pleasanton, Texas to participate in 4th Cycle of the Joint Planning as required under Chapter 36 of the Texas Water Code. The next meeting is scheduled for April 10, 2025, in Victoria, Texas.

Topic 7.2 - Nomination to Lavaca Regional Water Planning Group

Mr. Andruss provided the following discussion:

Mr. Skalicky, former director of the district, was a member of the Lavaca Regional Water Planning Group representing water districts of Jackson County. It appears that Mr. Skalicky has ended his participation in the meetings of the planning group.

Board Action: Mr. Born moved to nominate Mr. Boone as a representative of the Texana Groundwater Conservation District as a member of the Lavaca Regional Water Planning Group representing water districts of Jackson County. Mr. Gendke seconded the motion. The motion passed unanimously.

Item 8. Consideration of and possible action on matters related to groundwater policy including the management plan of the district, the rules of the district, and bills of the 89th Legislative Session of the Texas Legislature.

Topic 8.1 - Report

The topic was not discussed or acted upon during the meeting.

Topic 8.2 - Legislative Session

Mr. Andruss provided the following discussion:

The legislative session of the Texas Legislature began on Tuesday, January 14, 2025. As of January 10, 2025, staff had identified the following bills with "groundwater" within the text of the introduced bills:

89(R) HB 279 - Introduced Version - Bill Text Author: Guillen Caption: Relating to procedural requirements for uranium mining production area authorizations.

89(R) HB 873 Introduced Version Bill Text Author: Wilson Caption: Relating to air quality permits for aggregate production operations and concrete batch plants.

89(R) HB 914 Introduced Version Bill Text Author: Thompson, Senfronia Caption: Relating to repealing civil asset forfeiture provisions and establishing criminal asset forfeiture in this state.

89(R) HB 1050 Introduced Version Bill Text Author: Dorazio Caption: Relating to the award of attorney's fees in certain suits involving a groundwater conservation district.

89(R) HB 1322 Introduced Version Bill Text Author: Hopper Caption: Relating to municipal approval of subdivision plans or plats in certain municipalities.

89(R) HB 1400 - Introduced Version - Bill Text Author: Harris Caption: Relating to creation of the groundwater science, research, and innovation fund to be administered by the Texas Water Development Board.

89(R) HB 1438 - Introduced Version - Bill Text Author: Zwiener Caption: Relating to climate change planning and reporting.

89(R) HB 1523 Introduced Version Bill Text Author: Gerdes Caption: Relating to a prohibition on the authorization by the Texas Commission on Environmental Quality of the use of a Class V injection well for certain aquifer storage and recovery projects.

89(R) HB 1529 Introduced Version Bill Text Author: Goodwin Caption: Relating to production fees imposed by the Southwestern Travis County Groundwater Conservation District; authorizing an increase in the rate of the fee.

89(R) HB 1618 Introduced Version Bill Text Author: Harris Davila Caption: Relating to aquifer storage and recovery projects that transect a portion of the Edwards Aquifer.

89(R) HB 1633 - Introduced Version - Bill Text Author: Gerdes Caption: Relating to the criteria considered by groundwater conservation districts before granting or denying a permit or permit amendment.

89(R) HB 1643 - Introduced Version - Bill Text Author: Oliverson Caption: Relating to the authority of the Harris-Galveston Subsidence District over the North Harris County Regional Water Authority.

89(R) HB 1689 Introduced Version Bill Text Author: Gerdes Caption: Relating to the use of certain groundwater export fees collected by a groundwater conservation district.

89(R) HB 1690 Introduced Version Bill Text Author: Gerdes Caption: Relating to an application for a permit for the transfer of groundwater out of a groundwater conservation district.

89(R) SB 325 - Introduced Version - Bill Text Author: Perry Caption: Relating to county regulation of subdivisions and approval of subdivision plans or plats.

89(R) SB 444 Introduced Version Bill Text Author: Hinojosa, Juan "Chuy"
Caption: Relating to a requirement that certain special purpose districts cause certain information to be posted on an Internet website.

89(R) SB 616 Introduced Version Bill Text Author: Schwertner Caption:
Relating to aquifer storage and recovery projects that transect a portion of the Edwards Aquifer.

89(R) SB 624 - Introduced Version - Bill Text Author: Kolkhorst Caption:
Relating to the criteria considered by groundwater conservation districts before granting or denying a permit or permit amendment.

Topic 8.3 - Reporting Requirements

Mr. Andruss provided the following discussion:

In order to clarify that reporting requirements apply to all wells used to produce groundwater used for purposes other than exempt use purposes, regardless of any classification that may be applied to the registration of a well by the district, Rule 4.2 would benefit from the following revisions:

2. The owner of groundwater resources produced from a non exempt use well well that produced groundwater for non exempt use purposes shall report the volume of groundwater produced from the non-exempt-use well for the preceding calendar year to the district.
4. The owner of groundwater resources produced from a non exempt use well well that produced groundwater for non exempt use purposes shall 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 owner of groundwater resources produced from a non exempt use well well that produced groundwater for non-exempt-use purposes shall 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 owner of groundwater resources produced from a non-exempt-use well well that produced groundwater for non-exempt-use purposes shall shall report the volume of groundwater produced from the non exempt use well using a form provided by the district.
7. The owner of groundwater resources produced from a non-exempt-use well well that produced groundwater for non-exempt-use purposes shall shall include the following information when reporting the volume of groundwater produced from a non exempt use well:

Topic 8.4 - Director Compensation and Fees of Office

Mr. Andruss provided the following discussion:

The District, not unlike other groundwater conservation district, struggles to recruit new directors to serve on its board of directors. This has resulted in existing directors remaining on the board longer than they had intended, directors being unable to attend regular meetings, and vacant director positions going unfilled for extended periods time. The district currently has two director positions vacant which have been vacant since July 2024. Management believes the current limitations in place for Texana GCD regarding compensation and fees of office is a significant contributing factor that will increase, potentially to the point of the district becoming non-operational, if not addressed.

Please note that this topic was discussed in the past when the District was reorganizing, and a deliberate decision was made by the directors at that time to have its enabling legislation drafted to prohibit the compensation of directors. Currently, the District is prohibited from compensating its directors for the performance of their duties while other groundwater conservation districts may compensate directors under Chapter 36.060 of the Texas Water Code. See: <https://statutes.capitol.texas.gov/Docs/WA/htm/WA.36.htm#36.060>. TWC 36.06 limits fees of office to not more than \$250 a day for each day the director actually spends performing the duties of a director and not more than \$9,000 a year.

If the directors wish to obtain this authority and consider establishing fees for office, the Board would need to take action on this matter at the meetings to enable staff to coordinate with legislators for the possible filling of a bill during the regular legislative session beginning in January 2025.

In preparation for this matter, legal counsel has drafted a resolution for consideration by the Board.

Board Action: Mr. Tupa moved to adopt the Resolution to Authorize Compensation for Directors as drafted by legal counsel and authorize staff to seek to coordinate with legislators for the possible filling of a bill during the regular legislative session beginning in January 2025 regarding the matter. Mr. Boone seconded the motion. The motion passed unanimously.

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.

Topic 9.1 - Report

Mr. Andruss provided the following discussion:

Regarding Election Coordination for CY2025.

Regarding Financial Audit for FY2024.

Regarding Investment Management for FY2025.

Regarding Financial Record Processing and Reporting for FY2025.

Regarding Budget Development for FY2026.

Regarding Asset Tracking for FY2025.

Regarding Public Funds Training for FY2025.

Regarding Website Improvements for FY2025.

Regarding Public Notice and Meeting Coordination for FY2025.

The next meetings of the Board are scheduled for April 17, 2025, July 17, 2025, and August 21, 2025, 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.

Regarding Performance Audit for FY2024.

Regarding Project Management for FY2025.

Regarding Administrative Policy Review for FY2025.

Regarding Transparency Reporting for FY2025.

Regarding Cybersecurity Training for FY2025.

Regarding Consultant Review for FY2025.

Regarding Open Government Training for FY2025.

Regarding District Liability Insurance Review and Renewal for FY2025.

Regarding Digital Record Archiving for FY2025.

Regarding Physical Record Archiving for FY2025.

Topic 9.2 - Minutes of Previous Meeting

Mr. Andruss provided the following discussion:

The minutes for the previous meeting were sent the board members prior to the meeting.

Board Action: Mr. Born moved to accept and approve the meeting minutes for October 17, 2024, as drafted. Mr. Gendke seconded the motion. The motion passed unanimously.

Topic 9.3 - Investments of the District

Mr. Andruss provided the following discussion:

The investment reports for September, October 2024, and November 2024, have been sent to the board prior to the meeting.

As of November 30, 2024, the fund balance of all accounts on a cash basis was \$903,964.84.

Board Action: Mr. Gendke moved to accept the investment reports for September 2024, October 2024, and November 2024. Mr. Born seconded the motion. The motion passed unanimously.

Topic 9.4 - Financial Transaction Review

Mr. Andruss provided a list of accounts payable transaction that were recorded since October 1, 2024 to January 9, 2025 and a list of accounts receivable transaction that were recorded since October 1, 2024 to January 9, 2025.

Topic 9.5 - Financial Reports of the District

Mr. Andruss provided the following discussion:

The internal financial reports of the District for September 2024, October 2024, and November 2024, have been sent to the directors prior to the meeting.

Board Action: Mr. Born moved to accept and approve the financial reports for September 2024, October 2024, and November 2024. Mr. Gendke seconded the motion. The motion passed unanimously.

Topic 9.6 - Unpaid Invoices and Bills

Mr. Andruss provided the following discussion:

The District has outstanding bills and 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. Boone moved to authorize the General Manager to pay the outstanding bills and invoices for goods and services received by the district. Mr. Marr seconded the motion. The motion passed unanimously.

- ACCTP-20241219-02 - \$30,487.69 - VCGCD - Interlocal Agreement
- ACCTP 20241219 03 \$30,333.66 VCGCD Interlocal Agreement
- ACCTP 20240116 01 \$10,200.00 Venkatesh Uddameri, Ph.D. P.E.
- ACCTP-20250116-01 - \$1,890.00 - Allison, Bass and Magee LLP

Topic 9.7 - Formosa Tax Abatement

Mr. Andruss provided the following discussion:

On October 30, 2024, Ms. Odefey of Roberts, Odefey, Witte and Wall, LLP, representing Formosa Plastics, Texas submitted a request to the district to consider the approval of a tax abatement in connection with Formosa's C-6 Project. The request was accompanied by draft documents and an offer to assist with the approval process.

On January 14, 2025, Ms. Odefey of Roberts, Odefey, Witte and Wall, LLP, representing Formosa Plastics, Texas, withdrew the request to the district to consider the approval of a tax abatement in connection with Formosa's C 6 Project.

If the Board wishes to consider tax abatements as a method of encouraging economic development within Jackson County, direction should be given to management and legal counsel to prepare for the consideration of required policies, criteria, and procedures related to tax abatements by the board at a future meeting.

Topic 9.8 - Certification of 2024 Tax Levy

Mr. Andruss provided the following discussion:

On December 12, 2024, Ms. Foster, Jackson County Tax Assessor Collector, requested that the Board consider and approve the 2024 tax levy and special assessment calculations for Tax Year 2024. The total tax levy and special assessment is \$275,299.33.

Board Action: Mr. Gendke moved to accept and approve the 2024 tax levy and special assessment as provided by the Jackson County Tax Assessor Collector. Mr. Boone seconded the motion. The motion passed unanimously.

Topic 9.9 - Election of Officers

Mr. Andruss provided the following discussion:

The By Laws of the District require the election of four officers, President, Vice President, Secretary, and Treasurer, each January. On January 19, 2023, the Board approved a motion to 1) elect Mr. Skalicky to serve as President, Mr. Tupa to serve as Vice President, Mr. Revel to serve as Secretary, and Mr. Marr to serve as Treasurer.

Board Action:

Mr. Boone moved to elect Mr. Tupa to serve as President. Mr. Born seconded the motion. The motion passed unanimously.

Mr. Born moved to elect Mr. Boone to serve as the Vice President; Mr. Gendke seconded the motion. The motion passed unanimously.

Mr. Born moved to elect Mr. Gendke, Jr. to serve as Secretary. Mr. Boone seconded the motion. The motion passed unanimously.

Mr. Marr moved to elect Mr. Charles Marr to serve as Treasurer. Mr. Tupa seconded the motion. The motion passed unanimously.

Mr. Marr moved authorized the General Manager to submit an updated district information form to TCEQ. Mr. Tupa seconded the motion. The motion passed unanimously.

Topic 9.10 - Review of Administrative Policies

Mr. Andruss provided the following discussion:

The following links represent the administrative policies in effect as of January 9, 2025:

- By-Laws of the District - Adopted 20230119

- Enforcement Policy of the District Adopted 20230119
- Investment Policy of the District - Adopted 20230119

On January 14, 2023, the policies were reviewed and no revisions to the policies have been drafted. Management believes that SECTION 11: POLICIES RELATED TO WASTE, VIOLATIONS, INVESTIGATIONS, AND ENFORCEMENT of the Rules of the District as adopted on October 17, 2024, eliminates the need for the Enforcement Policy of the District.

Board Action: Mr. Boone moved to revoke the Enforcement Policy of the District adopted on January 19, 2023 and re adopt the following policies as the administrative policies of the District:

- the By-Laws of the District as adopted on January 19, 2023;
- the Investment Policy of the District as adopted on January 19, 2023.

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

Topic 9.11 - End-of-Year Budget Amendments for FY2024

Mr. Andruss provided the following discussion:

In order to adjust the budget for FY2024 to align with the actual expenditures authorized by the Board, a series of budget amendments have been drafted for the FY2024 Budget. The recommended amendments (i.e., decreases to budgeted revenue or increases to budget expenses) were developed with the goal of adjusting the budgeted revenue and expenses to more closely align with actual revenue and actual expenditures.

Of particular note, are the recommended expense amendments associated with new interlocal cooperation agreement with Victoria County GCD. In order to properly reflect the authorized expenditures, the recommended budget amendments reflect the transfer of \$157,000 from the Reserve Fund to the Operating Fund and an increase of 172,600.00 to the budget expense line item of \$172,600.00.

Board Action: Mr. Gendke moved to approve the recommended end of year budget amendments, as drafted. Mr. Born seconded the motion. The motion passed unanimously.

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

The item was not discussed or acted upon during the meeting.

Item 11. Adjourn.

Board Action: Mr. Born moved to adjourn the meeting at 7:30 p.m. after concluding all business of the District. Mr. Boone seconded the motion. The motion passed unanimously.