

# Fayette County Groundwater Conservation District

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## MINUTES of the August 6, 2007 8:30 a.m. Board of Directors Meeting

**Directors Present:** Eddie Schneider, L.J. Calley, Leo Wick, Leo Kainer  
**Directors Absent:** Lloyd Brunner  
**Others Present:** David Van Dresar, General Manager; Ronald Brossman, City of Schulenburg; Candace Berger, City of Schulenburg

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The meeting was called to order by President Schneider at 8:30 a.m. on August 6, 2007 at the Fayette County Groundwater Conservation District office located at 254 N. Jefferson, Room 600 in La Grange, Texas. A quorum to conduct business was declared to be present.

There were no public comments.

Minutes from the July 2, 2007 Board of Directors meeting were presented. There being no additions or corrections to the minutes, they were approved as read.

The financial statement was presented and all outstanding bills were listed to be paid. Mr. Wick made the motion to approve the financial statement and pay the bills presented. Mr. Calley seconded the motion and it was approved.

Mr. Van Dresar gave the District Manager's report to the Board. He stated that two complaint calls were received in July concerning the same individual pumping water into a pond. Van Dresar stated that a letter was sent to the alleged violator requesting access to his property to complete a drawdown test of his well and that as of the date of the Board of Directors meeting, no response has been received. A certified letter will be sent to the alleged violator regarding performing the pumping test. Van Dresar updated the Board regarding the complaint received in July of a damaged water well and the possibility of surface water intrusion into the well. He advised the Board that the well owner came into compliance by sand bagging around the water well on July 20, 2007, this being the same day that a compliance inspection of the well site was conducted. The well owner has the remainder of 180 days to properly cap and/or plug the well. Mr. Van Dresar advised the Board of two Applications for Exception to the District's Rules that were received in July. Both applications were from Donald and Darla Brandt, one being a request for exception to the minimum tract size rule and the other requesting an exception to the well spacing rules. As the property was subdivided prior to the District Rules being adopted, Van Dresar stated that he granted the exception to the minimum tract size rules as was allowed for in the District's Rules. He stated that the request for exception regarding the well spacing was on the agenda for consideration by the Board. Van Dresar then updated the Board on the progress of the Existing and Historic Use permitting process. He stated that the District ceased excepting EHUP applications at the close of business on August 1, 2007. A total of 87 applications were received at the District for EHU consideration and that the staff was hopeful to have all of the applications reviewed and prepared for approval by the Board of Directors by the September meeting. Van Dresar stated that Ledbetter was the only public water supplier to contact the office wishing to request an extension to the application deadline. The gentleman that called was advised the no extensions to the deadline would be given. The District also received telephone calls from two other public water suppliers regarding the maximum production figures recommended in

their EHU permits. Both entities were informed that the current permitting process is for Historic Use only and that projected demands of the PWS s 'would be considered once this permitting process was complete. Mr. Van Dresar updated the Board regarding the LCRA power plant monitoring wells. He advised the Board that he had spoken with the TCEQ and requested to be kept informed as to any changes in status of the power plant and if any migration of pollutants were to occur. The TCEQ representative informed Mr. Van Dresar that they, the TCEQ, and the LCRA had an alert system in place that would warn well owners, within one quarter of a mile, if pollutants began to migrate toward the perimeter of the plant site. Mr. Schneider instructed Mr. Van Dresar to formally request that the District be placed on that alert list. Mr. Van Dresar then updated the Board on activities in the *Aquifer Watch* monitoring program. Due to the volume of work regarding the EHU permit applications water level monitoring was very limited during the month of July. GCD activities around the state were discussed along with upcoming training events and meetings.

The Board considered a request from the staff to transfer \$25,000.00 of the current fiscal year s 'undesigned budget balance to the Professional Services Reserve Fund. Mr. Kainer made the motion to approve the transfer of funds with Mr. Wick seconding the motion. The motion was approved.

The Board considered the draft budget for fiscal year 2007-2008. Mr. Calley made the motion to approve the budget presented for the fiscal year 2007-2008. Mr. Kainer seconded the motion and it was approved. Mr. Schneider instructed Mr. Van Dresar to set a public hearing on the tax rate.

The Board was presented with the Certificate of Deposit which matures on August 11, 2007. Mr. Van Dresar informed the Board that the Certificate of Deposit was currently held at Fayetteville Bank. His recommendation to the Board was to keep the Certificate of Deposit with Fayetteville Bank as the APY offered by the bank matched that of other financial institutions in the county. Mr. Wick made the motion to renew the Certificate of Deposit with Fayetteville Bank. Mr. Kainer seconded the motion and the motion was approved.

Mr. Van Dresar presented the Board his recommendation to approve the following Existing and Historic Use Permit Applications:

1. A-HUP- 2007-0112, A-HUP-2007-0113, A-HUP-2007-0114, A-HUP-2007-0115, A-HUP-2007-0116, and A-HUP-2007-0117 for the Fayette Water Supply Corporation for the aggregated total production of 858.46 acre feet of water per year for use as a public water supply.

Mr. Wick made the motion to approve publishing the required public notice in the local newspapers and Mr. Calley seconded the motion. The motion was approved.

2. A-HUP- 2007-0118, A-HUP-2007-0119, A-HUP-2007-0120, A-HUP-2007-0121, A-HUP-2007-0122, A-HUP-2007-0123, and A-HUP-2007-0124 for the City of La Grange for the aggregated total production of 1030.00 acre feet of water per year for use as a public water supply.

Mr. Calley made the motion to approve publishing the required public notice in the local newspapers and Mr. Kainer seconded the motion. The motion was approved.

3. A-HUP- 2007-0112 for Mr. Larry J. Hoeninghaus for the production of 2.17 acre feet of water per year for use to irrigate 7 acres of hay.

Mr. Wick made the motion to approve publishing the required public notice in the local newspapers and Mr. Calley seconded the motion. The motion was approved.

4. A-HUP- 2007-0108 for Mr. Frank H. Ayers for the production of 12.84 acre feet of water per year for use as a commercial business well.

After extensive deliberation, Mr. Kainer made the motion to table this application pending legal counsel s' review and Mr. Calley seconded the motion. The motion was approved.

5. A-HUP- 2007-0129, A-HUP-2007-0130, A-HUP-2007-0131, A-HUP-2007-0132, and A-HUP-2007-0133 for the City of Schulenburg for the aggregated total production of 817.00 acre feet of water per year for use as a public water supply.

Mr. Wick made the motion to approve publishing the required public notice in the local newspapers and Mr. Kainer seconded the motion. The motion was approved.

6. A-HUP- 2007-0134 for the West End Water Supply Corporation for the total production of 47.90 acre feet of water per year for use as a public water supply.

Mr. Calley made the motion to approve publishing the required public notice in the local newspapers and Mr. Wick seconded the motion. The motion was approved.

Mr. Van Dresar presented the Board his recommendation to issue the following Existing and Historic Use Permit:

1. HUP-2007-0101 to Mr. Leo Ernestes, dba Ernestes Farms, for the maximum annual production of 28.4 acre feet, to be used to irrigate 32 acres of hay at 2819 Roitsch Road, Schulenburg, Texas 78956.

No public comments or requests for hearing were received on Mr. Ernestes permit during the 90 day comment period.

Mr. Kainer made the motion to grant, and issue, permit HUP-2007-0101 to Mr. Leo Ernestes. Mr. Calley seconded the motion. The motion was approved.

The Board considered an Application for Exception to the District Rules regarding well spacing requirements, submitted by Donald and Darla Brandt, for property located at 7837 FM 155. After review of the tract size and location of adjacent wells, Mr. Kainer made the motion to approve the Application for Exception, and that the approval correspondence state the exception is only in regard to Fayette County Groundwater Conservation District Rules only. Mr. Wick seconded the motion and it was approved.

One bid was received for FCAD unsold property, being Lot 45 Clear Lake Pines, Section 1, located in the La Grange ISD and Fayette County Groundwater Conservation District jurisdictions, from Luke Briscoe in the amount of \$2,000.00. Mr. Calley made the motion to accept the bid. Mr. Kainer seconded the motion and it was approved.

Mr. Van Dresar updated the Board on the District Goals and Management Objectives.

Items were identified for the next meeting s'agenda. A Tax Rate Public Hearing is scheduled for 8:30 a.m. on Tuesday, September 4, 2007 at the District office. The next Board meeting is scheduled for Tuesday, September 4, 2007 at 9:00 a.m. at the District office, as Monday, September 3, 2007 is a holiday and the office will be closed.

Mr. Kainer made the motion to adjourn the meeting and Mr. Calley seconded the motion. The meeting was adjourned at 10:38 a.m.

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Eddie Schneider-President

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L.J. Calley, Secretary-Treasurer