

Clearwater Underground Water Conservation District Meeting
2180 N. Main Street
Central Texas Council of Governments Building
Belton, Texas
Tuesday, October 11, 2011

Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a board meeting on Tuesday, October 11, 2011 in the Central Texas Council of Governments (CTCOG) Building, located at 2180 N. Main Street, Belton, Texas.

Board Members Present:

Leland Gersbach, President
Wallace Biskup, Vice President
Judy Parker, Secretary
Bill Bartlett, Director

Public Advisory Committee Members:

Henry Bunke
Bradley Ware
Tom Madden

Staff Present:

Dirk Aaron
Benae McFarland
Cheryl Maxwell
Kitty Aguilar

Others Present:

Larry Guest
Bobby Jones
Michael Jahns
Charles Broecker
Tommy Lovelace

President Leland Gersbach called the meeting to order at 1:40 pm.

1. *Invocation and Pledge of Allegiance.*

Vice President Wallace Biskup gave the invocation and Director Bill Bartlett led the Pledge.

2. *Public comment.*

Question asked about the Stage 4 Level and what it meant to the well owners. Dirk Aaron explained the stages of Water Conservation Levels of Stage 4 – Voluntary request and people with wells to try and reduce water use by 40% reduction on all wells.

3. *Administer Oath of Office to Interim At-Large Board Member, David Cole.*

David Cole was not present and tabled until November 8th meeting.

4. *Approve minutes of the September 13, 2011 Workshop and Board meeting.*

Vice President Wallace Biskup moved to approve the minutes of the September 13, 2011 Workshop and Board meeting, seconded by Secretary Judy Parker. The motion carried 4-0.

5. Hold public hearing on the following permit applications:

President Leland Gersbach opened the public hearing at 1:48 pm. Board President followed the public hearing script and informed all present of the process.

Discussed the Operating Permit for James and Terry Boston that would be for a replacement well in the Edwards BFZ Aquifer to produce 1.657 acre-feet per year for office/warehouse use located on 7.62 acre tract located at 6871 S. HI 35, Belton, Texas 76513. Approval of the operating permit would be contingent on plugging the existing well.

1.657 *DA CORRECTION*

Tommy Lovelace, Bobby Jones and Michael Jahns were present. Randy Williams, BarW, was on conference call. Dirk Aaron explained the 12 criteria that needed to be met for the permit to be approved. President, Gersbach closed the public hearing at 2:32 p.m.

Director Bill Bartlett moved that the Board approve the application as presented for James and Terry Boston; Vice President Wallace Biskup seconded the motion. The motion carried 4-0.

6. Hold public hearing on the following permit application:

President Leland Gersbach opened the hearing at 2:32 p.m. Presented facts per the script.

(a) The Board discussed the proposed exception to District Rule 11.5 – Spacing Requirements, to allow a reduction in the east (side) setback on property located at 949 West Village Rd. Salado, Texas 76571 (Charles Broecker) to allow construction of a new well for business use that provides proper setback from neighbors proposed septic system. (Larry Guest, LWG Associates, LLC). Mr. Broecker and Mr. Guest were present to discuss the matter with the Board. Mr. Guest expressed his concern that he would have to abandon his business if the application was not approved.

(b) Next was a discussion on the proposed Combination Drilling and Operating Permit authorizing drilling and withdrawal from a new well in the Edwards BFZ Aquifer to produce .994 acre-feet per year for landscape irrigation purposes on a 0.967 acre tract located at 949 West Village Rd., Salado, Texas 76571 (Charles Broecker). Approval of the combination drilling and operating permit would be contingent on plugging the existing well.

President, Gersbach closed the public hearing at 2:45.

President Leland Gersbach excused himself from the voting, on potential conflict of interest.

(a) Secretary Judy Parker moved to accept the proposed exception to District Rule 11.5 – Spacing Requirements for Boston Application and approve the operating permit as submitted, Vice President, Wallace Biskup seconded the motion. The motion carried 2-1.

(b) Secretary Judy Parker moved that the proposed Combination Drilling and Operating Permit be accepted as requested; Vice President Wallace Biskup seconded the motion. The motion carried 2-1.

7. Discuss, consider and take action if necessary on proposed exception to District Rule 11.5 – Spacing Requirements, to allow a reduction in the west (side) setback on property located at 13242 Estate Trail, Belton, Texas 76513 (Christopher Bowen) to allow construction of an exempt new well for domestic purposes. The property was divided into small tracts around the lake prior to March 1, 2004.

Tom Lovelace presented the request for the exception to the spacing requirements per Mr. Bowen's authorization. Lovelace did indicate that this is Christopher Bowden's only source of water.

Board Secretary, Judy Parker moved to accept the request as presented; Vice President Wallace Biskup seconded the motion. The motion carried 4-0.

8. Discuss, consider and take appropriate action if necessary on the request by East Bell Water Supply Corporation for exception to District rules 8.92 (e), regarding the hydro geological report requirements in relation to their upcoming Operating permit on well N=4-010P.

The board recognized that the drilling permit was requested prior to the district rule changes requiring the hydrogeological report.

Vice President Wallace Biskup moved that the board provided and the requested exception; Secretary Judy Parker seconded the motion. The motion was carried 4 – 0.

9. Discuss, consider and take the appropriate action if necessary on Senate Bill 18 Compliance Request from the Texas Comptrollers Office concerning the Documentation of Eminent Domain Authority.

Pac member, Bradley Ware, voiced his concerns of the Eminent Domain and the Board reassured him that it was not something they would take lightly and would probably not need in any near future, but did not want to dismiss Eminent Domain in a rare chance it might be needed to conserve the ground water in the distant future.

Secretary Judy Parker moved that the board direct staff to provide the necessary information to the Texas Comptroller's office as needed to maintain the privilege per Chapter 36. Director Bill Bartlett seconded the motion. The motion carried 4-0.

10. Discuss, consider and take appropriate action if necessary on the budget amendment items for the end of FY2011.

The Board and staff discussed amending the budget as needed and requested.

Vice President Wallace Biskup moved that the board amend the budget as discussed; Secretary, Judy Parker seconded the motion. Motion carried 4-0.

11. Discuss, consider and take appropriate action if necessary on the recommendation from At-Large Board Member, David Cole, to appoint his replacement for the At Large position vacated on the Public Advisory Committee.

Director Bill Bartlett moved to approve Bill Schuman as PAC Member at large as recommended by David Cole; Vice President Wallace Biskup seconded the motion. Motion carried 4-0.

12. Receive monthly report and possible consideration and Board action on the following:

- a. District financial status report,
- b. monitoring wells,
- c. Salado Creek stream flow gauges,
- d. rainfall/drought conditions,
- e. well registrations,
- f. non-exempt well production ,
- g. 2011 - Water Symposium Agenda November 17, 2011,
- h. 2011 Newsletter.

Final planning for 11th Annual Water Symposium at the next scheduled meeting.

13. Managers Report and staff comments.

Staff handed the Board the Managers Report and discussed well water usages, also informed the board that Shelly Chapman was hired as the Administrative Assistant and will be a member of the staff that transitions to the new building.

14. Public Advisory Committee comments

No Comment.

15. Director Comments and reports

President, Leland Gersbach and other Board members thanked Benae McFarland for her wonderful service and wished her well in her new position.

16. Discussed agenda items for next meeting.

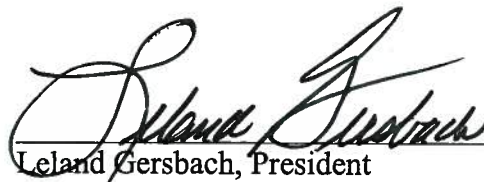
Next meeting agenda will be East bell Co. WSC, Schwertner increasing transport and the Water Symposium.

17. Set time and place for the next Board meeting.

The next Board Meeting was set for November 8, 2011 at 1:30 p.m.

18. Adjourn

Meeting was adjourned at 3:54 p.m.


Leland Gersbach, President

ATTEST:


JUDY PARKER, Secretary

(A compact disc of this meeting is available upon request.)