

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, Texas
Tuesday, May 14, 2013
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a board meeting on Tuesday, May 14, 2013 at the Clearwater UWCD Building, located at 700 Kennedy Court, Belton, Texas.

Board Members Present:

Leland Gersbach, President
Wallace Biskup, Vice President
Judy Parker, Secretary
David Cole, Director

Public Advisory Committee:

Henry Bunke
Bradley Ware

Staff:

Dirk Aaron
Shelly Chapman

Guests:

Dr. Joe Yelderman – Baylor
Stephanie Wong – Baylor
Randy Williams – Bar-W
Laurie Gehring

David Yobe – Jarrell Schwertner WSC
Mike Keaster – Thornhill Group, Inc.
Kim Gehring
Linda Fletcher (via conference call)

Board Meeting convened with Board President, Leland Gersbach, at 1:32p.m.

1. *Invocation and Pledge of Allegiance:*

Vice President, Wallace Biskup, gave the invocation.
Director, Bill Bartlett, lead the Pledge of Allegiance.

2. *Public Comment.*²

None.

3. *Approve minutes of the April 9, 2013 Board Meeting and Workshop.*

Vice President, Wallace Biskup, moved to accept the minutes as they stand. Secretary, Judy Parker, seconded the motion. **Motion carried 5-0.**

4. *Discuss, consider and take action if necessary to accept the monthly financial report as presented.*

General Manager, Dirk Aaron, presented the monthly Financial Report to the Board.

Director, David Cole, moved to accept the monthly Financial Report as presented. Director, Bill Bartlett, seconded the motion. **Motion carried 5-0.**

President, Leland Gersbach, called the Public Hearing to order at 1:38 pm.

Mr. Gersbach reviewed the procedures of the Hearing and informed everyone that the hearing had been posted and notifications made appropriately. He gave a summary of the hearing to be held. Mr. Gersbach administered the oath to all parties testifying or wishing to comment on the permit applications. Oaths were administered to: Dirk Aaron – CUWC D General Manager; Randy Williams – Hydrologist Bar-W Exploration; Mike Keaster – Thornhill Group (representing Jack Hilliard Dozer & Material); Lind Fletcher (via conference call); Laurie Gehring. Mr. Gersbach informed the group that Legal Counsel would be available via telephone if needed.

5. *Hold public hearing on the following permit applications:*

- a. *Discuss, consider and take appropriate action if necessary on proposed exception to District Rule 11.5—Spacing Requirements, to allow Linda and Mark Fletcher a reduction in the north (side)*

setback and west (point) setback on property located on (Prop ID 399907) Spruce Drive, Morgan's Point, TX, to allow construction of a new well for domestic use.

General Manager, Dirk Aaron, presented the facts and research information of the application and spacing requirement. Well driller, Tom Lovelace, worked with Linda Fletcher to establish a spot for the well. Mrs. Fletcher obtained letters from property owners agreeing to reduce the setbacks from their individual property lines. Kim Gehring is present to protest the application. Dirk informed the Board that the setback from Mrs. Gehring's property line was more than 50 feet and, therefore, meets the setback requirement from the Gehring property line. The applicant is asking to forego the setback according to #5 in the executive summary as described by Dirk Aaron.

- b. Discuss, consider and take appropriate action if necessary on the proposed combination drilling and operating permit, for Linda and Mike Fletcher, authorizing drilling and withdrawal from a proposed well in the Middle Trinity (Hensell) aquifer with a 1 1/4 inch column pipe on a .5 acre tract located on (Prop ID 399907) Spruce Dr. in Morgan's Point, TX, Latitude 31.15305°, Longitude -97.48941666°, to produce water for domestic use in a proposed annual quantity of 316,860 gallons per year or 0.97 acre-feet per year.***

Dirk Aaron informed the Board that, with the approval of the reduced set-backs, the application meets all 12 requirements. Randy Williams, Hydrologist – Bar-W, presented his technical review and projections on the affects this well, if approved, would have on the surrounding wells in the area. Draw down was insignificant. Dirk Aaron recommended, based on the information submitted, that the Board approve a combination Drilling and Operating permit that does not require a meter.

Leland Gersbach allowed Linda Fletcher to make a statement if she wished. Mr. Gersbach gave Kim Gehring the opportunity to speak regarding her protest of the well. Ms. Gehring informed the Board that she owned the property south of Mrs. Fletcher's. Ms. Gehring stated that she was concerned about the placement of the set-backs. The well set-backs would push the Fletcher's house closer to the Gehring's property line. Ms. Gehring was concerned that this would limit their view. Her other concern was that of the environment around the lake. Ms. Gehring informed the Board that she has a well on her property and she fulfilled all requirements to have that well drilled. Mr. Gersbach clarified with Ms. Gehring the reason for the protest being obstruction of view. Ms. Gehring verified that and also mentioned that she was glad to hear the edge of the lake would not be decimated by the drilling of the well. Mrs. Fletcher responded by saying the placement of the house meets the required set-backs for construction. She stated that the placement of the well doesn't change where the construction of the house will be. Board Secretary, Judy Parker, addressed Ms. Gehring by stating that the job of the Board is not to determine house placement, but to determine if the well meets the criteria required for drilling the well.

Vice President, Wallace Biskup, moved to allow reduction of the spacing setback as laid out in agenda item 5a. Secretary, Judy Parker, seconded the motion. **Motion carried 5-0.**

Secretary, Judy Parker, moved to approve a combination drilling and operating permit for Linda and Mike Fletcher. Director, David Cole, seconded the motion. **Motion carried 5-0.**

- c. Discuss, consider and take appropriate action if necessary on the proposed drilling permit to authorize drilling of a new well by Jack Hillard Dozer & Materials in the Lower Trinity (Hosston) aquifer with a 6 inch column pipe on a 120 acre tract located at 12495 Reed's Lake Loop, Temple, Texas, Latitude 30.3961194444', Longitude -97.30894444 to produce water for industrial use, with a proposed annual withdraw is 23,852,293 gallons or 73.2 acre-feet.***

Dirk Aaron introduced Mike Keaster – Thornhill Group representing the applicant Jack Hilliard Dozer & Materials, LLP. Dirk presented the application to the Board. He reviewed the information and stated that the 12 requirements have been met. Dirk presented his research and site visit information to the Board. Randy Williams presented his technical review and analysis of the well. Dirk made a recommendation that the Board approve the drilling permit for Jack Hilliard Dozer & Materials with a proposed withdraw of 73.2 acre-feet. Director, David Cole, asked Mike Keaster if the applicant was

agreeable with the 73.2 acre-feet. Mr. Keaster stated that the applicant is agreeable with the 73.2 acre-feet. Mr. Keaster and the applicant worked with Dirk Aaron and Randy Williams to determine what was needed.

Director, David Cole, moved to approve the drilling permit as described. Secretary, Judy Parker, seconded the motion. **Motion carried 4-0 (1 Board President abstained)**

(Leland Gersbach recused himself from the vote. A signed Disclosure Affidavit will be included with the minutes.)

President, Leland Gersbach, closed the Public Hearing at 3:06pm. Board meeting reconvened at 3:12 pm.

6. *Discuss, consider and take appropriate action if necessary to approve the Annual FY12 Report by District Staff as presented in accordance with the District Management Plan.*

Dirk Aaron presented a hard copy of the Annual FY12 Report to the Board members. An electronic copy had been sent to the Board members for review prior to the Board meeting.

Director, Bill Bartlett, moved to approve the Annual FY12 Report as presented. Vice President, Wallace Biskup, seconded the motion. **Motion carried 5-0.**

7. *General Manager's Report concerning office management and staffing related to District Management Plan.*

Dirk Aaron informed the Board that the State Auditor's Office contacted the District about conducting a preliminary audit of the District. CUWCD is one of 34 Districts that has never been audited by the State Auditor's Office (SAO). Dirk stated that the District has complied and given the Auditors all requested information. Material sent to the SAO will be reviewed by May 15th. At that time, the SAO will determine if the District will undergo a more in-depth audit.

Dirk will be attending the TAGD meeting May 29-30. Judy Parker will not be able to attend. If any other Board member is interested in going they need to contact Shelly Chapman and she will get you registered. David Cole mentioned that he would like to attend. He will check his calendar and get back with Shelly on Wednesday. Dirk informed Leland Gersbach that he needed to attend the refresher course for the Public Funds Investment act. Dirk will attend the course. Leland has other commitments and will schedule the course at a later date. He and Dirk will find a date and location for the next training.

TAGD Groundwater Summit is coming up in late August. Dirk encouraged all Board members to attend. The Summit will be held in San Marcos.

Dirk attended the Bell County Tax Appraisal District Annual Meeting last month. They will be sending out preliminary tax revenue information soon. Once the certified information is received, the District can begin work on the FY14 Budget.

Dirk Aaron and Randy Williams are engaged with Armstrong WSC on the drilling of their new well. They are receiving weekly updates on the progress.

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

a. Salado Creek stream flow gauges

Dirk Aaron presented information on stream flow gauges and drought status reports. Dirk, Randy, and Dr. Yelderman met with TxDot to discuss issues arising from the bridge construction.

b. Education Outreach Update

Todd Strait submitted his report on Education Outreach. Dirk Aaron touched on some of the highlights.

c. Monitoring wells

Dirk Aaron presented the measurements of the monitor wells.

d. Rainfall

Dirk Aaron discussed the rainfall totals in conjunction with the drought status report.

e. Well registration

Shelly Chapman informed the Board that 2 new exempt wells were registered and one N2 has been proposed (JHM).

f. Non-exempt Monthly well production

Dirk Aaron presented the monthly well production information to the Board.

Copies of the Monthly Staff Reports were given to the Board Members to review. No action required. Informational items only.

9. Public Advisory Committee comments.³

None

10. Director comments.³

Judy Parker stated that Dirk did a great job with the latest press release. She was impressed that the media was responsive.

11. Discuss agenda items for next meeting.

FY14 Budget Timeline

FY14 Budget Workshop

12. Set time and place of next meeting.

June 11, 2013 @ 1:30

13. Adjourn.

Meeting adjourned by President, Leland Gersbach at 4:22 pm.

Workshop convened with President, Leland Gersbach at 4:22 pm.

1. Discuss the issues and status of the potential listing of the Salado Salamander.

Nothing new to discuss at this time.

2. Discuss Legislative issues.

Brackish water bills have been killed. Duncan's Bill (SB1282) will extend the deadline for the next DFC process to be equal to the State water plan. Larson's Bill (HB2578) is a concern because brackish water is anything over 1000 TDS. The Senate and Natural Resource Committee has suggested that studies be conducted on this issue and then address it in the next session. Another bill was a permitting bill that would do away with the DFCs. There were more than 280 water related bills on the floor. There are also disagreements regarding the "rainy day" fund.

Workshop closed by President Leland Gersbach at 4:29 pm


Leland Gersbach, President

ATTEST:


JUDY PARKER, Secretary

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