

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, Texas
Tuesday, February 12, 2013
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a board meeting on Tuesday, February 12, 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
Bill Bartlett, Director
David Cole, Director

Public Advisory Committee:

Henry Bunke
Bradley Ware
Tom Madden
Bill Schumann

Staff:

Dirk Aaron
Shelly Chapman
Todd Strait

Guest:

Joe McMann (MWSC)
Robert Garber (MWSC)
Bernardine Reynolds (MWSC)
Mike Gershon – Attorney (via phone)

Gil Gregory (Bury & Partners)
Tim Brown (Bell County)
Alton Thiele (CPA)

Jos Poremann (Harker Hgts)
Russell Krumnow (CPA)
Randy Williams (BarW)

Workshop was convened with Board President, Leland Gersbach, at 1:35p.m.

Workshop:

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

Dirk Aaron informed the Board that a new comment period has been reopened and will close on March 11, 2013. Dirk introduced Commissioner Tim Brown and asked him to give a quick overview and update as to where we are in the process. Commissioner Brown informed the Board that comment period was reopened because of the economic impact analysis associated with the potential listing. This is an opportunity for CUWCD and the Stakeholders to refresh comments previously submitted and refine them with feedback that has been obtained from the technical consultants that are doing work in the field. The rules associated with the proposed listing only designate critical habitat. The critical habitat is the area surrounding the spring heads themselves where the salamander has been found. As it stands, the economic impact is minimal. The concern remains that at some point in time USFWS could expand the rules to deal with recharge characteristics. Dr. Yelderman is currently looking at and studying the recharge characteristics at this time. Mr. Brown also informed the Board that Dr. Gulley has stepped down from his role in project and Mike Gershon with Lloyd Gosselink Attorneys At Law, will be taking over for Dr. Gulley as Interim Project Manager.

Board Meeting convened with Board President, Leland Gersbach, at 1:56 p.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 January 8, 2013 Board Meeting and Workshop.

Secretary, Judy Parker, moved to accept the minutes as they stand. Director, David Cole, seconded the motion. **Motion carried 5-0.**

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

Vice President, Wallace Biskup, moved to accept the monthly Financial Report as presented. Director, Bill Bartlett, seconded the motion. **Motion carried 5-0**

Public Hearing convened with Board President, Leland Gersbach, at 2:04 p.m.

5. Hold public hearing on the following permit application:

a. Discuss, consider and take appropriate action if necessary on the Operating Permit for Moffat Water Supply Corporation New Well #2 (N2-08-006P) in the Lower Trinity Aquifer to produce 55.24 acre-feet per year for public water supply use located on 1.97 acre tract located at, 12191 South Whitehall Road, Temple, TX.

b. Discuss, consider and take appropriate action if necessary on the proposed Historic and Existing Use Permit Amendment for Moffat Water Supply Corporation Well #1 (N-02-022G), to amend existing permit of 47.7 acre feet/year from the Lower Trinity Aquifer for an aggregate well system to add Well #2 (N2-08-006P).

c. Discuss, consider and take appropriate action if necessary on the Operating Permit Amendment for Moffat Water Supply Corporation to amend the existing operating permit on Well #1 (N-202-022G) of 13.04 ac-ft/year from the Lower Trinity Aquifer for public water supply use to add Well #2 (N2-08-022G) for an aggregate well system.

d. Discuss, consider and take appropriate action if necessary on the proposed Operating Permit Amendment for Moffat Water Supply Corporation to amend the new operating permit on Well #2 (N2-08-022P) of 55.24 ac-ft/year from the Lower Trinity Aquifer for public water supply use to add Well #1 (N-02-022G) for and aggregate well system.

General Manager, Dirk Aaron wanted to put on record, prior to the Public Hearing, some issues that came to light at the end of the process. While drilling the well, the drill bit broke. The well location had to be moved. Dirk Aaron approved moving the well 30 feet from the original location, but no more than 50 feet. The moved well sits 47+ feet away from the original well. The District has received plugging reports for the original well and the drillers log for the new well. All documentation is in the file.

President, Leland Gersbach opened the public meeting at 2:04 p.m. Attorney, Mike Gershon, was present via phone for the hearing. Mr. Gersbach reviewed the procedures and informed everyone that Director, David Cole, also General Manager for Moffat WSC, recused himself and filed a Notarized Disclosure Affidavit with the District. Mr. Gersbach stated that David Cole will not participate in Board deliberation or vote on the application. However, Mr. Cole may provide comments on the application in his capacity as Moffat WSC General Manager. Mr. Gersbach invited interested Parties wanting to comment on the Hearing to sign up to speak. He continued to review procedures of the Hearing. Mr. Gersbach recognized the parties in attendance for the Hearing: Dirk Aaron, GM-CUWCD; Randy Williams, Hydrologist-BarW; Gil Gregory, Bury & Partners; David Cole, GM-Moffat WSC and several Board Members of Moffat WSC. Mr. Gersbach noted that no parties signed up to make public comments or protest the Hearing.

Mr. Gersbach proceeded with the Order of Hearing and administered an Oath to Dirk Aaron, Randy Williams, Gill Gregory, and David Cole to testify in the Hearing. Dirk Aaron reviewed the 12 criteria Exploration, reviewed the application to determine if the hydrogeologic report submitted with the application met CUWCD requirements and whether the findings of the report were reasonable. He also presented information on anticipated drawdown and scenarios based on his review.

David Cole, General Manager-Moffat WSC, commented that they have been working on this project for a long time. The project came in under budget. He thanked all involved in the process for helping them to reach their goal. Gil Gregory, Bury & Partners commented on the process and things that occurred while working on the project. He also informed the Board about the issues that occurred causing them to move the well.

Mr. Gersbach opened the floor for questions from the Board. No questions or comments were made.

Board Meeting Reconvened with President, Leland Gersbach, at 2:53 p.m.

5. Hold public hearing on the following permit application:

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After receiving thorough information during the Public Hearing, the Board did not deliberate on the application.

Secretary, Judy Parker, moved to accept the proposal as presented by the applicant and recommended by the General Manger to approve all items in one motion. Vice President, Wallace Biskup, seconded the motion. **Motion carried 4-0, 1 recused (David Cole).**

6. Discuss, consider and take appropriate action if necessary to accept the 2012 Financial Audit Report from District's contracted auditing firm.

Alton Thiele, CPA, presented the findings and recommended adjustments of the 2012 Financial Audit Report. He also informed the District about TCEQ filing reports and Registration forms that needed to be sent in.

Director, Bill Bartlett, moved to accept the 2012 Financial Audit Report as presented and the recommended adjustments be made. 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 2013 Water Symposium will be held at the CTCOG and the date has been set for November 14, 2013.

CUWCD will hold another teacher in-service this summer.

Texas Groundwater Day at the Capitol will be February 27th. Dirk encouraged all Board members to attend if they were available.

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

a. Salado Creek stream flow gauges

Dirk Aaron reviewed the stream flow gauge information with the Board.

b. Education Outreach Update

Todd Strait gave an update on educational events and other projects he is currently working on.

b. Monitoring wells

Dirk Aaron presented the Monitor Well readings to the Board

c. Rainfall

Dirk Aaron presented the Rainfall map for January.

d. Well registration

Shelly Chapman reported 6 exempt well were registered in January (3 new wells and 3 grandfathered wells).

e. Non-exempt Monthly well production

Dirk Aaron & Todd Strait presented the monthly production reports.

9. Public Advisory Committee comments.³

None

10. Director comments.³

Director, David Cole, thanked the Staff, on behalf of Moffat WSC, for all the help with the drilling and permitting process of their new well.

11. Discuss agenda items for next meeting.


Possible drilling permit from Hilliard

12. Set time and place of next meeting.

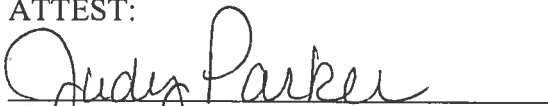
March 5, 2013 @ 1:30

13. Adjourn.

Meeting adjourned by President, Leland Gersbach at 4:45 pm.


Leland Gersbach, President

ATTEST:


JUDY PARKER, Secretary

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