

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, March 9, 2022
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a Workshop at 10:00 a.m. and the Regular Board meeting at 1:30 p.m. on Wednesday, March 9, 2022, at the Clearwater UWCD Building, located at 700 Kennedy Court, Belton, Texas.

Board Members Present:

Leland Gersbach, President, Pct 1
David Cole, Vice President, At Large
Gary Young, Secretary, Pct 2
Jody Williams, Director, Pct 3
Scott Brooks, Director, Pct 4

Absent:

Staff:

Dirk Aaron, General Manager
Shelly Chapman, Admin Manager
Corey Dawson, Field Tech

Guest:

Cole Ruiz – Lloyd Gosselink
Raul Zavala – Zavala Drilling
William Gamblin – Gamblin Eng.
Dr. Joe Yelderman – Baylor Univ.

James Beach – AGS
Tomas Reynoso, Jr.
Vince Clause

Mike Keester – RWH&A
Tomas Reynoso, Sr.
Allan Standen

Workshop convened with President, Leland Gersbach, at 10:03 a.m.

Workshop Item #1: Discuss the process for implementing management zones within Bell County and potential rule changes.

Received presentations by Cole Ruiz, James Beach, and Dirk Aaron to begin a process of monthly deliberation and open Q&A for the Board to begin seeing and discussing what changes can be accomplished within the framework of the district rules and Chapter 36 Water Code and implementing management zones within Bell County.

Workshop Item #2: Receive information related to Groundwater Management Area 8, per the Joint Planning and Development of the Round 3 Desired Future Conditions.

James Beach noted that WSP submitted the Explanatory Report to TWDB and addressed questions regarding the report. Still waiting for TWDB to formally accept the report.

Workshop Item #3: Receive updates on the Bell-Cor RHCP.

Nothing new to report at this time.

Workshop Item #4: Receive draft of the Annual Report for 2021.

Dirk will give the Board a draft copy of the Annual Report for 2021 at the Board meeting. He commented that Tristin needs any edits or changes submitted by March 31st.

Workshop closed with President, Leland Gersbach, at 12:16 p.m. Regular Board meeting to convene at 1:30.

Regular Board meeting convened with President, Leland Gersbach at 1:30 p.m.

1. Invocation and Pledge of Allegiance.

Vice President, David Cole, gave the invocation.

Secretary, Gary Young, led the Pledge of Allegiance.

2. Public Comment.

None.

3. Approve minutes of February 16, 2022, Board meeting.

Board members received the minutes of the February 16, 2022, Board meeting and workshop in their Board packet to review prior to the meeting.

Secretary, Gary Young, moved to approve the minutes of the February 16, 2022, Board meeting and Workshop. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

4. ***Discuss, consider, and take appropriate action if necessary, to accept the monthly financial report for February 2022 FY22) as presented.***

Board members received the monthly financial report for February 2022 in their Board packet to review prior to the meeting.

Vice President, David Cole, moved to accept the monthly financial report for February 2022 as presented. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

5. ***Discuss, consider, and take appropriate action if necessary, to accept the monthly Investment Fund Account report for February 2022 (FY22) as presented.***

Board members received the monthly investment fund account report for February 2022 in their Board packet to review prior to the meeting.

Director, Jody Williams, moved to accept the monthly investment fund account report for February 2022 as presented. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

6. ***Discuss, consider, and take appropriate action if necessary, to approve the FY22 line-item budget amendments as requested.***

Shelly Chapman commented that there were none.

Show Cause Hearing opened with President, Leland Gersbach, at 1:32 p.m.

7. ***Hold a show cause hearing on the following violations;***
a) Discuss, consider, and take appropriate action necessary upon receiving testimony related to violation of District Rule 6.5 by drilling and completing a well on January 22, 2022, without a formal CUWCD permit on a tract of land less than 10-acres and greater than or equal to 2-acres, Latitude 30.930066 and Longitude - 97.701384 by both Raul Zavala (“Driller”) (TDLR License #54363) officed at 1910 S. Wheeler St., Jasper, TX 76951 and Mr. Tomas Reynoso (“Property Owner”), located at 15731 Cedar Valley Rd., Salado, TX.

As the presiding officer of the hearing, President, Leland Gersbach, called to order the show cause hearing at 1:32 p.m. He noted that the hearing is the result of a formal notice by the District General Manager, Dirk Aaron, per District rule 12.3.2(a)(b). Dirk sent said order on February 24, 2022, to both parties to appear before the Board today, March 9, 2022.

Leland reviewed the procedures that would apply to the hearing and noted, for the record, that the District’s Legal Counsel, Cole Ruiz, is present to address any procedural questions or concerns. He explained that the show cause hearing has undergone administrative and legal review by the District Staff and General Counsel.

Leland offered the general public wishing to speak an opportunity to do so. There were no public comments.

Leland will take appearances and hear testimony related to the alleged violation in accordance with the procedures outlined in the District Rules. Leland administered an oath to all parties participating in today’s show cause hearing (Dirk Aaron – General Manager, Cole Ruiz – Legal Counsel, Tomas Reynoso Sr., Tomas Reynoso Jr. – Property Owner, and Raul Zavala – Driller).

Leland asked Dirk to review the facts of the case. Dirk summarized the facts of the case and the necessary actions needed for potential compliance. Dirk also prepared a formal notice and sent the order to both parties involved to appear before the Board on March 9, 2022.

Leland addressed questions to Tomas Reynoso and Raul Zavala and gave the Board members an opportunity to ask any additional questions of the parties. No other questions were asked.

Leland concluded the discussion on the alleged violations described in today's hearing.

Leland addressed the General Manager and asked if he still held to the recommendations listed in the Board's packet related to the Enforcement Order.

Dirk recapped the findings of the Enforceable Order and recommended a fine of \$1,000 be imposed on both Tomas Reynoso and Raul Zavala and recommended actions to correct the violations by May 11th.

Legal Counsel, Cole Ruiz, clarified that Tomas Reynoso and Raul Zavala understood everything discussed in the Enforceable Order and the elements therein. They both indicated they understood.

Cole recommended the Board extend the imposed deadline to 90 days (June 7th), allowing the parties time to meet all of the requirements required for compliance. Dirk stated that the June Board meeting is scheduled for June 8th, which would be 91 days. Cole indicated that would be acceptable.

Dirk reminded Tomas that once all the elements are met, he would need to submit another application and pay the \$200 application fee. The new application will then be presented to the Board in a public hearing for review.

Leland asked if the Board had an interest in any further discussion. Hearing none, Leland asked for a motion for the entire enforcement order or a modified version based on the findings.

Director, Jody Williams, moved to issue the enforcement order as presented with the correction to 91 days or the June 8th Board meeting. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

Show Cause Hearing closed with President, Leland Gersbach at 1:55 p.m.

Public Hearing opened with President, Leland Gersbach, at 1:1:57 p.m.

8. *Hold Public Hearing on the following application:*

a) Discuss, consider, and take appropriate action if necessary, on an application submitted by William Gamblin, P.E. on behalf of Zachary & Charlotte Baird, for a combination drilling and operating permit to authorize drilling and withdrawal from a proposed new well (N2-21-008P) to complete the prescribed TCEQ Groundwater Availability Study for plating the proposed Rancho Vista Phase 2 Subdivision under Title 30, Texas Administrative Code, Chapter 230, Section 230.2 through and including 230.11 permit to authorize the withdrawal from a new well completed in the Middle Trinity Aquifer with a 2-inch column pipe on an 88.47-acre tract located at 21801 Williamson Road, Salado, TX 76571, Latitude 30.872972/Longitude -97.602789 (well # N2-21-008P), to produce water for domestic use in a shared well system serving 8 homes and no more than 22 people for a proposed annual quantity not to exceed 5.0 acre-feet or 1,657,465 gallons per year total.

As presiding officer of the hearing, President, Leland Gersbach, called to order the public hearing at 1:57 p.m. Leland gave a summary of the application to be considered and a brief explanation of the procedural issues. He confirmed a quorum of the Board was in attendance to participate in the ruling of the application. Leland stated that the permit applications had undergone administrative and technical review by District staff, consultants, and legal counsel.

Leland reviewed the procedures that would apply to the hearing and noted the meeting had been properly noticed.

Leland stated anyone wishing to participate in the hearing, in support or protest, would need to sign up to speak and should do so while he addressed other procedural issues.

As presiding officer, Leland will take evidence and sworn testimony, and rule on any procedural issues.

Leland noted that the Board would hear testimony and deliberate on the well application submitted by William Gamblin, P.E. on behalf of Zachary & Charlotte Baird. Leland will hear testimony by William Gamblin

(applicant's representative), Dirk Aaron (General Manager - CUWCD), Mike Keester (LRE Water), and Cole Ruiz (Lloyd Gosselink Attorneys at Law), and any qualified party to the case.

Leland invited anyone wishing to make a public comment or protest the application to speak up. There were no public comments or protestants.

Leland administered an oath to all participants (Dirk Aaron, Mike Keester, Cole Ruiz, and William Gamblin).

William Gamblin addressed the Board and gave a presentation explaining the request for a well.

Dirk gave a general explanation of the application and noted that the applicant has been working with William Gamblin. The applicant has met all criteria and has agreed to the special provisions laid out for him. Dirk replied to Leland's questions and stated that the application had been deemed administratively complete, all fees have been paid.

Mike Keesters presented his analysis of the application at hand. Leland addressed questions to Mike pertaining to his findings.

Leland addressed the applicant with questions about his understanding related to the proposed application and special provisions agreed upon. William Gamblin replied that he understood and agreed to the special provisions.

Leland gave the Board an opportunity to ask any additional questions they might have concerning the application. Hearing none, Leland invited the applicant an opportunity for rebuttal. He had none.

Leland concluded the discussion on the application. Seeing that all parties had an opportunity to make their cases, Leland asked if any parties were interested in submitting additional evidence. There was none.

Leland concluded the evidentiary portion of the application.

Leland asked for a motion to grant/deny/partially grant the applicant's request for a combination drilling/operating permit of 5.0 ac-ft/year from the Hensell layer known as the Middle Trinity aquifer as described in today's hearing.

Leland stated that if the Board agrees, they can approve the drilling permit and reconvene the hearing at a later date to receive a formal presentation on the results of the prescribed TCEQ GAC study.

Director, Scott Brooks, moved to grant the applicant's request for a drilling permit only with the noted special condition and provisions as discussed and agreed upon by the applicant's representative. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

Public Hearing closed and Board meeting reconvened with President Leland Gersbach at 2:56 p.m.

9. ***Discuss, consider, and take appropriate action if necessary, to approve the set-back waiver for Sherry Collins.***
The applicant, Sherry Collins, is requesting an exception to the District's requirement that wells observe a minimum setback of 50' from all property lines. She is requesting a setback reduction of approximately 6' feet from the north property line (she owns the adjacent property). The applicant has provided the required waiver from the adjacent property owner (who is herself) and all signatures have been notarized.

Dirk recommends approval of this request subject to an OSSF contingency plan approved by the Bell County Public Health Department. He noted that all requirements per district rule 9.5.5(a)(e) have been met and submitted.

Secretary, Gary Young, moved to approve the set-back waiver as requested. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

- 10. General Manager's report concerning office management and staffing related to District Management Plan.**
- Dirk informed the Board of an automobile accident involving Corey Dawson and the district truck. He described the details of the accident and noted that no one was injured. The insurance company was notified immediately and will be handling all communication.
 - Dirk gave a brief update on the re-platting of the Clearwater property and details of the communications between Dirk and the City of Belton.

11. Review monthly report and possible consideration and Board action on the following:

- a) **Drought Status Reports**
- b) **Education Outreach Update**
- c) **Monitoring Wells**
- d) **Rainfall Reports**
- e) **Well Registration Update**
- f) **Aquifer Status Report & Non-exempt Monthly Well Production Reports**

(Copiers of the Monthly Staff Reports were given to the Board Members to review. No action required. Information items only.)

12. Director's comments and reports.

- **Leland Gersbach:** None
- **Jody Williams:** None
- **Gary Young:** None
- **Scott Brooks:** None
- **David Cole:** None

13. Discuss agenda items for the next meeting.


- Possible permit hearings
- Final edition of the 2021 Annual Report
- Continue discussion of Management Zones/Rule Changes in Workshop

14. Set time and place of next meeting.

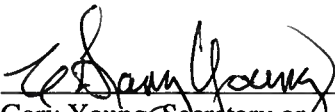
Wednesday, April 13, 2022 – Workshop beginning at 10:00 a.m. and Regular Board meeting at 1:30 p.m. at the CUWCD office

15. Adjourn.

Board Meeting closed with President, Leland Gersbach, at 3:08 p.m.


Leland Gersbach, President

ATTEST:



Gary Young, Secretary or
Dirk Aaron, Assistant Secretary