

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, April 13, 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, April 13, 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

Guest:

Cole Ruiz – Lloyd Gosselink
Sandra Blankenship – WCID #1
Carl Menyhert
Cy Long IV

Mike Keester – RWH&A
Sara Thornton – Lloyd Gosselink
Karen Pratt

Patrick Wagner – MTGCD
William Gamblin – Gamblin Eng.
Jim Lievens

Workshop convened with President, Leland Gersbach, at 10:05 a.m.

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

Dirk Aaron gave the Board a “red-lined” version of the rules to review. Dirk walked the Board through the proposed changes page by page. There was discussion on the proposed changes and suggestions were noted.

Workshop paused at 12:47 p.m. for lunch break with President, Leland Gersbach, to reconvene at 1:30 p.m.

Workshop reconvened with President, Leland Gersbach, at 1:30 p.m.

Workshop Item #4: Receive presentation from the Texas A&M School of Law, Environmental and Natural Resources Systems.

Leland noted for the record that the Board would enter into Executive Session with the legal team for attorney/client privilege for the presentation from Texas A&M School of Law, Environmental and Natural Resources Systems Law Clinic.

Executive Session convened with President, Leland Gersbach at 1:31 p.m.

Executive Session closed and Workshop reconvened with President, Leland Gersbach, at 2:27 p.m.

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

Dirk stated that there was nothing new to report. Still waiting for TWDB to formally accept the report. The MAG assignments have yet to be made.

Workshop Item #3: Receive information related to Cyber Security Training required for 2022.

Shelly Chapman presented the information related to Cyber Security Training. She gave Board members login information and requested the training be complete by the May Board meeting. This training must be reported to the State each year.

Workshop closed and Regular Board meeting convened with President, Leland Gersbach at 2:29 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 the March 9, 2022, Board meeting.*

Board members received the minutes of the March 9, 2022, Board meeting and workshop in their Board packet to review prior to the meeting.

Director, Scott Brooks, moved to approve the minutes of the March 9, 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 March 2022 (FY22) as presented.*

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

Vice President, David Cole, moved to accept the monthly financial report for March 2022 as presented.
Director, Jody Williams, 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 March 2022 (FY22) as presented.*

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

Secretary, Gary Young, moved to accept the monthly investment fund account report for March 2022 as presented. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

6. *Discuss, consider, and take appropriate action if necessary, to accept the Quarterly Deferred Compensation Employee Retirement Program account report as presented.*

Board members received the Quarterly Report in their Board packet to review prior to the meeting.

Director, Jody Williams, moved to accept the Quarterly Report as presented. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

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

Shelly Chapman presented the request for line-item budget amendments for the purpose of:

- 1) Paying legal counsel for fees related to GM employment contract and General Rules/Accountability.
- 2) Paying AGS for consulting on the project related to rule changes and updates.

The requests are simple adjustments between line items as listed.

	Line Item	Invoice Amount	Available Funds	Amount Requested	New Balance	From	Available Funds	New Balance
Lloyd Gosseli	53730-General (rules/acc	\$7,363.37	\$1,912.00	\$5,451.37	\$7,363.37	50250-Contingency Fund	\$58,714.00	\$53,262.63
AGS	53130.2 - General Consu	\$3,250.40	\$3,164.00	\$86.40	\$3,250.40	50250-Contingency Fund	\$53,262.63	\$53,176.23

8. Discuss, consider, and take appropriate action if necessary, to accept the 2021 CUWCD Annual Report as presented.

Dirk presented the 2021 Annual Report. Board members were given a draft to review at the March Board meeting. No changes were needed. Dirk noted that Tristin had done a good job on the report.

Vice President, David Cole, moved to accept the Annual Report as presented. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

Public Hearing called to order with President, Leland Gersbach at 2:39 p.m.

9. Hold Public Hearing on the following application:

a) William Gamblin P.E. submitted an application, on behalf of Cy Long, dba Aria Prairie LLC, to the Clearwater Underground Water Conservation District (CUWCD) on February 1, 2022, for a combination drilling and operating permit to authorize drilling and withdrawal from a proposed new well (N2-22-001P) to be completed in the Edwards BFZ Aquifer with a 1 1/2 in column pipe on a 46-acre tract located at 1500 -1400 block, Elmer King Rd, Belton, TX 76513, to produce groundwater necessary for the prescribed groundwater availability stud (GAS) for the proposed subdivision of 8-lots, each serviced by one well, each with an annual quantity not to exceed 0.34-acre-feet/yr or 110,790 gallons per year per lot, thus 2.72-acre-feet/yr or 886,315 gallons per year for 8 wells to serve the proposed subdivision known as Aria Prairie LLC.

As presiding officer of the hearing, President, Leland Gersbach, called to order the public hearing at 2:39 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 Cy Long dba Aria Prairie. Leland will hear testimony by William Gamblin (applicant's representative), Cy Long IV (applicant), 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. Dirk noted for the record that 2 individuals signed up to speak. They asked questions of the applicant and William Gamblin prior to the start of the meeting. Their concerns/questions were addressed to their satisfaction, and they did not stay for the hearing.

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

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

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, and all fees have been paid. Dirk recommended the Board approve a drilling permit only at this time.

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 the special provisions agreed upon. William Gamblin and Cy Long replied that he understood and agreed to the groundwater availability study and other requirements as discussed and agreed to.

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 .34 ac-ft/year from the Edwards BFZ Aquifer as described in today's hearing. He also suggested the board entertain issuing a DRILLING permit ONLY at this time for the purpose of completing a Groundwater Availability Study and NOT issuing an OPERATING permit until the applicant reapplies for said operating permit should the study support groundwater use in a sustainable manner for the proposed subdivision.

Secretary, Gary Young, moved to grant the applicant's request for a drilling permit only for the purpose of completing the Groundwater Availability Study and must reapply for the operating permit should the study support groundwater use in a sustainable manner for the proposed subdivision. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

Public Hearing closed and Board meeting reconvened with President Leland Gersbach at 3:26 p.m.

10. Discuss, consider, and take appropriate action if necessary, to approve CUWCD/Bell County ILA to designate a project manager for the Bell-Cor Karst Coalition RHCP.

Dirk presented the information related to the ILA between CUWCD and Bell County to designate Dirk as the project manager for the Bell-Cor Karst Coalition RHCP. Dirk explained the need for the project manager and what it means for the Coalition.

Secretary, Gary Young, moved to approve the designation of Dirk Aaron as the project manager for the Bell-Cor Karst Coalition RHCP. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

11. Discuss, consider, and take appropriate action if necessary, to approve registration and sponsorship of the 2022 Texas Groundwater Summit on August 30-September 1, 2022.

Dirk presented information related to the TAGD Texas Groundwater Summit. He included sponsorship information and requested the Board continue to sponsor the same level they have sponsored for the past few

years. The Program sponsorship is \$3500 again this year. Dirk encouraged all Board members to attend the Summit.

Shelly requested the Board members let her know as soon as possible if they would be attending so she can get them registered and reserve hotel rooms for them.

Director, Jody Williams, moved to approve the Program Sponsorship of \$3,500 and registrations for the event. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

12. General Manager's report concerning office management and staffing related to District Management Plan.

- Dirk informed the Board of the upcoming application for an RV Park. The application is administratively complete.
- Possible application on the horizon for a Data Center in east Temple
- Tax Appraisal District Entity report will be available next month. He will present it in Workshop.

13. 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.)

14. Director's comments and reports.

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

15. Discuss agenda items for the next meeting.

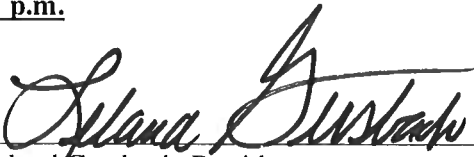
- Possible permit hearings
- Budget Development process

16. Set time and place of next meeting.

Wednesday, May 11, 2022 – Workshop beginning at 10:00 a.m. and Regular Board meeting at 1:30 p.m. at the CUWCD office

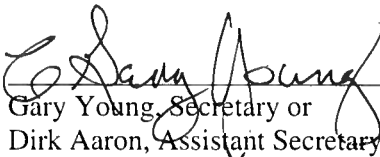
17. Adjourn.

Board Meeting closed with President, Leland Gersbach, at 4:21 p.m.



Leland Gersbach, President

ATTEST:



Gary Young, Secretary or
Dirk Aaron, Assistant Secretary