

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, October 11, 2023
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a Workshop and Board meeting at 1:30 p.m. on Wednesday, October 11, 2023, at the Clearwater UWCD Building at 700 Kennedy Court, Belton, Texas.

Board Members Present:

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

Absent:

Staff:

Dirk Aaron, General Manager
Shelly Chapman, Admin. Manager

Guests

Bill Schumann – Bell County
Billy Conway – Hugh Shine’s Office
Maddison Huerta – Lloyd Gosselink

Bobby Whitson – Bell County
Billy White – BellCAD
Sandra Blankenship – WCID#1

Marvin Bell
Tammy Hubnik – BellCAD
Peter DiLillo

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

Workshop item #1: Receive presentation from Billy White, Tax Appraisal District of Bell County Chief Appraiser it relates to SB2 from the 88th Legislative Session transition to an elected Board of Directors for the Appraisal District in 2024.

Received presentation from Billy White with Bell County Appraisal District related to SB2.

Workshop item #2: Receive updates related to GMA8 DFC determination, per TWC section 36.108, and plans for the next round.

Dirk had nothing new to report at this time.

Workshop item #3: Receive updates related to the 2023 Bell County Water Symposium.

Dirk presented the final agenda and discussed details related to the Water Symposium on November 14th.

Workshop closed and Regular Board meeting convened with President, Leland Gersbach, at 2:08 p.m.

1. Invocation and Pledge of Allegiance.

Director, Jody Williams, gave the invocation.
Secretary, Gary Young, led the Pledge of Allegiance.

2. Public Comment.

Marvin Bell – glad to be here to learn and listen.

3. Approve minutes of the September 13, 2023, Board meeting.

Board members received the minutes of the September 13, 2023, Board meeting and workshop in their Board packet to review prior to the meeting.

Secretary, Gary Young, moved to approve the minutes of the September 13, 2023, Board meeting and Workshop as presented. Director, Jim Brown, seconded the motion.

Motion carried 5-0.

4. Discuss, consider, and take appropriate action, if necessary, to accept the monthly Financial Report for September 2023 (FY23) as presented.

Board members received the monthly financial report for September 2023 in their Board packet to review prior to the meeting.

Vice President, Jody Williams, moved to accept the September 2023 financial report 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 September 2023 (FY23) as presented.*

Board members received the monthly investment Fund account report for September 2023 in their Board packet to review prior to the meeting.

Secretary, Gary Young, moved to accept the monthly Investment Fund account report for September 2023 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, Scott Brooks, moved to accept the quarterly report as presented. Vice President, Jody Williams, seconded the motion.

Motion carried 5-0.

7. *Discuss, consider, and take appropriate action, if necessary, to approve the FY23 line-item budget amendments as requested.*

Shelly presented the budget line-item amendments as follows:

1. Monthly subscription for Austin Am. Statesman and Drop Box
2. Water Utility expense – use of water by building crew
3. GMA 8 Technical Committee expenses
4. Legal fees related to rule changes and groundwater management plan
5. Hydrogeologist consulting fee related to Mustang Spring WWTP
6. Director Fee for Pct 2 Director for additional meetings he attended (GMA8 and Water Summit)

Vendor	Line Item	Invoice Amount	Available Funds	Amount Requested	New Balance	From	Available Funds	New Balance
Card Services	53780-Subscriptions	\$33.01	\$0.00	\$33.01	\$0.00	53750-Printing	\$1,380.37	\$1,347.36
City of Belton	55500-Water/Trash	\$191.24	\$157.95	\$33.29	\$0.00	55300-Internet	\$1,227.36	\$1,194.07
Lloyd Gosselink	53703-Rules/Accountabil	\$4,151.00	\$0.00	\$4,151.00	\$0.00	53706-GMA/DFC/MAG	\$10,000.00	\$5,849.00
Lloyd Gosselink	53703-Rules/Accountabil	\$2,274.50	\$0.00	\$2,274.50	\$0.00	53706-GMA/DFC/MAG	\$5,849.00	\$3,574.50
NorthTexas GCD	50605-GMA8 Tech Revi	\$5,016.13	\$0.00	\$5,016.13	\$0.00	53130.1-DFC Process	\$7,500.00	\$2,483.87
RW Harden	53130.4-Investigation	\$892.50	\$0.00	\$892.50	\$0.00	53130.1-DFC Process	\$2,483.87	\$1,591.37
Gary Young	50415-pct 2	\$600.00	\$450.00	\$150.00	\$0.00	50410-pct 1	\$2,550.00	\$2,400.00

Director, Jim Brown, moved to accept the FY23 line-item budget amendments as requested. Vice President, Jody Williams, seconded the motion.

Motion carried 5-0.

8. *Discuss, consider, and take appropriate action, if necessary, to approve the FY24 line-item budget amendments as requested.*

There were none.

Convene to Public Hearing with President, Leland Gersbach, at 2:15 p.m.

9. *Hold a Public Hearing on the proposed changes to the District's Rules and Management Plan:*

a) Discuss, consider, and take appropriate action, if necessary, to hold a public hearing to receive input on proposed amendments to the District Rules to comply with action by the 88th Texas Legislature and include changes to (1) the District's procedure for finalizing a decision in a groundwater permit contested case hearing; (2) the list of wells exempt from permitting requirements; (3) the allowable rate at which the District may assess a transport fee; (4) the rulemaking process; and (5) the definition and requirements for a Well Completion Inspection. The proposed revisions also include non-substantive changes.

President, Leland Gersbach opened the public hearing at 2:15 p.m.

Dirk noted that Madison Huerta (Lloyd Gosselink – Attorneys at Law) was in attendance to answer any questions there might be. He noted that the hearing had been properly noticed and ads were placed in the TDT and KDH. He stated that a copy of the changes was made available in the district office as well as on the district website for anyone wanting to view them.

Dirk discussed the changes to the Rules and explained how they affect the district.

Leland opened the hearing for public comments and discussion. Hearing none, he closed this public hearing at 2:30 p.m.

He noted for the record action on this item would be taken in agenda item #10.

b) Discuss, consider, and take appropriate action, if necessary, to hold a public hearing to receive input on the proposed amendments to the District's Groundwater Management Plan as proposed to update Round 3 Desired Future Conditions set forth by GMA8 and language associated with management zones.

President, Leland Gersbach opened the public hearing at 2:30 p.m.

Dirk gave a summary of the proposed amendments as required by Chapter 36 of the Texas Water Code and Chapter 356 of the TWDB rules. He noted that the hearing had been properly noticed and ads were placed in the TDT and KDH.

Leland opened the hearing for public comment and discussion. Hearing none, he closed the public hearing at 2:40 p.m.

He noted for the record action on this item would be taken in agenda item #11.

10. *Discuss, consider, and take appropriate action, if necessary, by resolution to approve the proposed amendments to the District Rules.*

Director, Scott Brooks, moved to approve the proposed amendments to the District Rules by resolution as presented. Vice President, Jody Williams, seconded the motion.

Motion carried 5-0.

11. *Discuss, consider, and take appropriate action, if necessary, by resolution to approve the proposed amendments to the District Groundwater Management Plan.*

Secretary, Gary Young, moved to approve the proposed amendments to the District Groundwater Management Plan as presented by resolution. Director, Jim Brown, seconded the motion.

Motion carried 5-0.

12. *Discuss, consider, and take appropriate action, if necessary, by resolution to nominate an individual to represent the “all other taxing units jointly” for the seventh member of the Tax Appraisal District of Bell County.*

The agenda item was tabled to give GM time to investigate and prepare a resolution.

13. *General Manager’s report concerning office management and staffing related to District Management Plan.*

- Pending permit hearings for Mustang Springs & Moffat WSC at the November 8th meeting.
- Newsletter articles needed for the newsletter. Jim Brown has agreed to write an article.
- New board room update and monetary contribution.
- Received annexation petition from ACA. Will present it at the December meeting.
- Dr. Joe will conduct a pump test in Hidden Springs
- Possibility of the District acquiring a new monitor well.

14. *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*

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

15. *Director’s comments and reports.*

- **Leland Gersbach:** None
- **Jody Williams:** None
- **Gary Young:** None
- **Scott Brooks:** None
- **James Brown:** None

16. *Discuss agenda items for the next meeting.*

- FY23 Close-out
- Possible permit hearings
- Tabled item #12 – Appraisal District Board nomination/resolution.

17. *Set the time and place of the next meeting.*

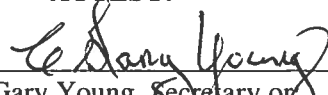
Wednesday, November 8, 2023, 1:30 p.m. CUWCD office.

18. *Adjourn.*

Board meeting closed with President, Leland Gersbach, at 3:10 p.m.


Leland Gersbach, President

ATTEST:



Gary Young, Secretary or
Dirk Aaron, Assistant Secretary

**RESOLUTION
OF THE BOARD OF DIRECTORS OF THE
CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT
MEETING HELD OCTOBER 11, 2023**

**A RESOLUTION ADOPTING AND AMENDING CERTAIN
DISTRICT RULES**

WHEREAS, the Clearwater Underground Water Conservation District (CUWCD) is a political subdivision of the State of Texas and underground water conservation district created and operating under and by virtue of Article XVI, Section 59, of the Texas Constitution; Texas Water Code Chapter 36; the District's enabling act, Act of May 27, 1989, 71st Legislature, Regular Session, Chapter 524 (House Bill 3172), as amended by Act of April 25, 2001, 77th Legislature, Regular Session, Chapter 22 (Senate Bill 404), Act of May 7, 2009, 81st Legislature, Regular Session, Chapter 64 (Senate Bill 1755), and Act of May 27, 2015, 84th Legislature, Regular Session, Chapter 1196, Section 2 (Senate Bill 1336)(omnibus districts bill); and the applicable general laws of the State of Texas;

WHEREAS, there are currently rules of the District in effect establishing procedural and substantive regulations governing activities within the jurisdiction of the District;

WHEREAS, the District Board of Directors (the "Board") determined that further review, amendment, repeal, and adoption of the District's rules is necessary to implement the requirements of the District's enabling act, Texas Water Code Chapter 36, and the laws of the State of Texas, and to accomplish the objectives of the District;

WHEREAS, the Board of Directors of the Clearwater Underground Water Conservation District ("District") instructed the District's General Manager to advertise and post that a public hearing is held on Wednesday, October 11, 2023, 1:30 p.m. at the District Office located at 700 Kennedy Court, Belton, Texas 76513 to discuss, consider, receive public comment, and potentially act on proposed amendments to the District Rules to comply with action by the 88th Texas Legislature as it relates to Petitions for Rule Changes and the proposed amendments to the District Rules include changes to (1) the District's procedure for finalizing a decision in a groundwater permit contested case hearing; (2) the list of wells exempt from permitting requirements; (3) the allowable rate at which the District may assess a transport fee; (4) the rulemaking process; and (5) the definition and requirements for a Well Completion Report.

WHEREAS, the District will receive, and incorporated suggestions during the Rule Making Hearing on October 11, 2023 related to the proposed rule changes and that (1) provide for minor amendments and (2) provide clarification when the District may and/or shall require all or portions proposed amendments to the District Rules to comply with action by the 88th Texas Legislature and the proposed amendments to the District Rules include changes to (1) the District's procedure for finalizing a decision in a groundwater permit contested case hearing; (2) the list of wells exempt from permitting requirements; (3) the allowable rate at which the District may assess a transport fee; (4) the rulemaking process; and (5) the definition and requirements for a Well Completion Report.

WHEREAS, it is recognized that the state's preferred method of groundwater management is through rules developed, adopted, and promulgated by groundwater conservation districts, in order to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions; that the District shall adopt and enforce rules to implement Texas Water Code Chapter 36; and that District rules may limit or alter

ownership and rights in groundwater, as specifically provided by Texas Water Code §§ 36.0015, 36.002, and 36.101, and other provisions of Chapter 36 of the Texas Water Code;

WHEREAS, the notice and hearing requirements set forth pursuant to Texas Water Code §36.101 have been met, specifically, wherein the District Board conducted a rulemaking hearing on October 11, 2023; the District published notices in two newspapers of general circulation, posted notice in place readily accessible to the public at the District office, provided notice to the Bell County Clerk, and made a copy of the proposed rules available both during and after the normal business hours of the District at least 20 days before the rulemaking hearing held October 11, 2023;

WHEREAS, the Board reviewed and considered public comments during its deliberations at the District's rulemaking hearing;

WHEREAS, during its review and deliberation of the proposed rules amendments, the District has taken into consideration all groundwater uses and needs within the District, and has worked to develop rules which are fair and impartial, pursuant to Texas Water Code § 36.101(a);

WHEREAS, Texas Water Code § 36.101 provides the District with the authority to make and enforce rules, including rules limiting groundwater production based on tract size or the spacing of wells, to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater and to carry out the powers and duties provided by this Chapter 36 of the Texas Water Code and the District's enabling act;

WHEREAS, the Board finds it necessary to provide for the regulation of geothermal wells in the District and to provide for greater efficiency in District operations by authorizing the General Manager to approve certain replacement well applications in the District's rules; and

WHEREAS, the Board finds that the adoption, repeal, and amendment of certain District rules are merited to support the District's efforts to manage the groundwater located within the District, and that the adoption, repeal, and amendment of rules are supportable under Texas law.

NOW THEREFORE BE IT RESOLVED THAT:

The above recitals are true and correct.

The attached rules of the District are incorporated herein by reference and hereby approved to reflect the adoption of new rules and repeal and amendment of existing rules, as reflected in the attachment subject only to those modifications described in the motion adopting this resolution. These rules shall be used to expeditiously and effectively implement the provisions of the District's enabling act, Texas Water Code Chapter 36, and other applicable laws, and to govern procedures and other activities within the jurisdiction of the District. Any conflicting provisions in any District policy, order, or bylaw, as may be recognized and determined by the Board, are hereby repealed.

The Board instructs its consultant and legal counsel to finalize the rules to conform to the Board's motion to adopt the resolution, and hereby authorizes and directs the District's General Manager to compile and publish these rules and make them available for use and inspection at the District's office and provide copies to any person or persons upon request.

The Board and General Manager are further authorized to take any and all action necessary to implement this resolution.

This adoption of new rules and repeal and amendment of existing rules shall be effective the date of passage of this resolution reflected on the date of execution below.

AND IT IS SO ORDERED.

Upon motion duly made by Director Scott Brooks and seconded by Director Jody Williams, and upon discussion, the Board voted 5 in favor and 0 opposed, 0 abstained, and 0 absent, and the motion thereby passed on the 11th day of October, 2023.

CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT

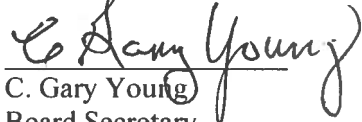
By:



Leland Gersbach

Board President

ATTEST:



C. Gary Young
Board Secretary

**RESOLUTION
OF THE BOARD OF DIRECTORS OF THE
CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT
MEETING HELD OCTOBER 11, 2023**

A RESOLUTION ADOPTING AMENDED MANAGEMENT PLAN

WHEREAS, Clearwater Underground Water Conservation District is a political subdivision of the State of Texas and underground water conservation district created and operating under and by virtue of Article XVI, Section 59, of the Texas Constitution; Texas Water Code Chapter 36; the District's enabling act, Act of May 27, 1989, 71st Legislature, Regular Session, Chapter 524 (House Bill 3172), as amended by Act of April 25, 2001, 77th Legislature, Regular Session, Chapter 22 (Senate Bill 404), Act of May 7, 2009, 81st Legislature, Regular Session, Chapter 64 (Senate Bill 1755), and Act of May 27, 2015, 84th Legislature, Regular Session, Chapter 1196, Section 2 (Senate Bill 1336)(omnibus districts bill); and the applicable general laws of the State of Texas; and confirmed by voters of Bell County in 1999.

WHEREAS, under the direction of the Board of Directors, and in accordance with Texas Water Code §§ 36.1071 and 36.1072, Title 31, Chapter 356 of the Texas Administrative Code, and the District's rules, the District has timely undertaken the requisite five-year review of its existing Groundwater Management Plan, initially adopted by the District's Board on October 24, 2000, and certified by the Texas Water Development Board (the "TWDB") on February 21, 2001, and revised and readopted by the District's Board on December 13, 2005, and certified by TWDB on March 6, 2006; and revised and readopted by the District's Board on February 8, 2011 and certified by TWDB on April 13, 2011, and revised and readopted by the Districts Board on January 13, 2016 and certified by TWDB on February 19, 2016, and revised and readopted by the District's Board on January 9, 2019 and certified by TWDB on March 12, 2019 revised and readopted by the District's Board on November 11, 2020 and certified by TWDB on December 30, 2020;

WHEREAS, in conducting a the requisite five-year review of its existing Groundwater Management Plan, the District and its consultants reviewed, analyzed, and factored in the District's best available data, the groundwater availability modeling information provided by the TWDB, the technical information and estimates required by the TWDB, for Third Round of Desired Future Conditions GMA8 of the aquifers within the District, and the available site-specific information that has previously been provided by the District to the TWDB for review and comment;

WHEREAS, the District issued the appropriate notices and held a public hearing to receive public comments on the proposed amendments to the Groundwater Management Plan at the District's office located at 700 Kennedy Court, Belton, Texas, on October 11, 202;

WHEREAS, the District obtained comments from the TWDB through a preliminary review process the District's Groundwater Management Plan conducted by TWDB staff, and the District has considered and addressed all such comments in the development of its Management Plan;

WHEREAS, the District requested, received, reviewed, and took into consideration comments from the Brazos River Authority and all other Surface Water Management Entities during preparation of its Groundwater Management Plan;

WHEREAS, the Board of Directors finds that the Groundwater Management Plan meets all of the requirements of Chapter 36 of the Texas Water Code, the District's enabling act, Chapter 356, Title 31, Texas Administrative Code, and the District's rules; and

WHEREAS, the Board of Directors, upon proper notice and in an open meeting, seeks to readopt its amended Groundwater Management Plan pursuant to Texas Water Code § 36.1072(e).

NOW THEREFORE BE IT RESOLVED THAT:

The above recitals are true and correct;

The Groundwater Management Plan is hereby readopted with those changes reflected in the proposed, draft Groundwater Management Plan before the District's Board of Directors on this date, along with those changes agreed upon during deliberation and after formal action on this date by the District's Board of Directors;


The Board of Directors further instructs the General Manager to compile a final, readopted Groundwater Management Plan, and file it with the TWDB's Executive Director within 60 calendar days from the date of re-adoption, pursuant to Texas Water Code § 36.1072(e); and

The Board of Directors and General Manager are further authorized to take any and all action necessary to coordinate with the TWDB as may be required in furtherance of TWDB's approval pursuant to the provisions of § 36.1072 of the Texas Water Code.

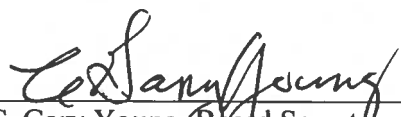
AND IT IS SO ORDERED.

Upon motion duly made by Gary Young, and seconded by Director James Brown and upon discussion, the Board of Directors voted 5 in favor and 0 opposed, 0 abstained, and 0 absent, and the motion thereby PASSED on this 11th day of October 2023.

CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT

By: 
Leland Gersbach, Board President

ATTEST:



C. Gary Young, Board Secretary
Dirk Aaron, Assistant Secretary