

**Clearwater Underground Water Conservation District Meeting**  
**700 Kennedy Court**  
**Belton, TX**  
**Wednesday, September 13, 2023**  
**Minutes**

The Clearwater Underground Water Conservation District (CUWCD) held a Workshop and Board meeting at 1:30 p.m. on Wednesday, September 13, 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**

Sandra Blankenship – WCID #1  
James Boger – applicant  
Travis Redding  
Terry Cook – Commissioner, Williamson County

Michael Spano – Georgetown  
Peter DiLillo  
Keith Elliston – ACA

Spencer Smith – Harker Heights  
Jim Beebe – Liberty Hill

**Board meeting opened with President, Leland Gersbach at 1:32 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.***

None

**3. *Approve minutes of the August 23, 2023, Board meeting.***

Board members received the minutes of the August 23, 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 August 23, 2023, Board meeting and Workshop as presented. Director, Scott Brooks, seconded the motion.

**Motion carried 5-0.**

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

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

Director, Scott Brooks, moved to accept the August 2023 financial report as presented. Vice President, 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 August 2023 (FY23) as presented.***

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

Director, Jim Brown, moved to accept the monthly Investment Fund account report for August 2023 as presented. Secretary, Gary Young, seconded the motion.

**Motion carried 5-0.**

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

Shelly presented the requests for line-item budget amendments for the following purpose:

1. Reimbursement cost of training academy for 5 4-H Water Ambassadors (\$250 each)
2. Shipping charges not included in the quote from EnoScientific
3. GMA 8 Technical Committee expenses
4. Legal fees related to rule changes and investigations.

Vendor	Line Item	Invoice Amount	Available Funds	Amount Requested	New Balance	From	Available Funds	New Balance
Bell County 4-H	53605-Event Cost	\$1,250.00	\$291.46	\$958.54	\$0.00	53620-Ed Outch -Supplies Equip	\$2,494.40	\$1,535.86
EnoScientific	53140-Mon Well Exp	\$1,113.50	\$958.85	\$154.65	\$0.00	53141-Weather Station	\$1,542.04	\$1,387.39
NTGCD	50605-GMA & Technical	\$3,607.69	\$0.00	\$3,607.69	\$0.00	50250-Contingency	\$24,718.84	\$21,111.15
Lloyd Gosselink	53703-Rules Account	\$7,794.70	\$0.00	\$7,794.70	\$0.00	50250-Contingency	\$21,111.15	\$13,316.45

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

**Motion carried 5-0.**

**Convene to Public Hearing with President, Leland Gersbach, at 1:37 p.m.**

7. *Hold a Public Hearing on the following application:*  
*a.) Discuss, consider, and take appropriate action if necessary, for a combination drilling and operating permit of 0.067 acre-feet or 21,726 gallons per year for James Boger authorizing production from a new well (N3-23-009P) completed in the Middle Trinity aquifer at 7-gpm for domestic use on a 0.903-acre tract located at 2465 Bell County Sportsman Club Road, Belton, Texas, Latitude 31.159997°/Longitude -97.477239°.*

President, Leland Gersbach opened the public hearing at 1:37 p.m. and 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 application 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 James Boger. Leland will hear testimony from James Boger (applicant) and Dirk Aaron (General Manager - CUWCD). Leland noted that Mike Keester would not be in attendance but submitted his report/analysis to Dirk prior to the hearing.

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 parties (Dirk Aaron and James Boger). James Boger addressed the Board and explained his request for a well.

Dirk gave a general explanation of the application. He noted that 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 had been paid. Dirk recommended the Board approve a drilling/operating permit at this time.

Dirk presented Mike Keester's analysis of the application at hand.

Leland addressed the applicant with questions about his understanding related to the proposed application and the special provisions agreed upon. James replied that she understood all special provisions and 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 James Boger's request for a combination drilling/operating permit of .067 ac-ft/year from the Hensell layer of the Middle Trinity aquifer as described in the hearing.

Director, Jim Brown, moved to grant the applicant's request for a drilling/operating permit not to exceed .067 ac-ft/year with special provisions as agreed upon. Secretary, Gary Young, seconded the motion.

**Motion carried 5-0.**

**Public Hearing closed and Workshop convened with President, Leland Gersbach, at 2:08 p.m.**

**Workshop item #1: Receive information from the Aquifer Conservation Alliance.**

Keith Elliston presented information related to the resubmission of the petition for annexation of portions of Williamson County by CUWCD.

**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 information related to the Bell County Water Symposium on November 14<sup>th</sup>.

**Workshop item #4: Review and discuss information related to changes in the District Rules as required by Chapter 36 Groundwater Code per the 88<sup>th</sup> Legislative Session.**

Madison Huerta with Lloyd Gosselink briefed the Board on the revisions and corrections to the District Rules as required by Chapter 36 Groundwater Code per the 88<sup>th</sup> Legislative Session.

**Workshop item #5: Review and discuss information related to amendments to the District's current Management Plan to update Round 3 Desired Future Conditions set forth by GMA8.**

Dirk briefed the Board on items related to the District's current Management Plan to update round 3 DFCs.

**Workshop closed and Regular Board meeting reconvened with President, Leland Gersbach, at 4:23 p.m.**

(Leland noted for the record that Gary Young had to leave the meeting early.)

8. ***Discuss, consider, and take appropriate action, if necessary, to approve the setback waiver submitted by Billy Meyerdirk for a new well to encroach an adjacent property to less than the required 75 for setback per District Rule 9.5.5(e)Exception to Spacing Requirements.***

Dirk presented the request for a setback waiver submitted by Billy Meyerdirk. He laid out the details of the request noting that the property is outside the service area of the City of Morgan's Point Resort. There is no

public water available on this property. The adjacent property is owned by the City of Morgan's Point Resort. Morgan's Point has agreed to the setback waiver. The applicant has provided the required waiver and all signatures have been notarized.

Dirk recommends the Board approve the request as presented noting that requirements per district rules have been met and submitted.

Director, Jim Brown, moved to approve the setback waiver as presented. Director, Scott Brooks, seconded the motion.

**Motion carried 4-0 (1 absent).**

9. **General Manager's report concerning office management and staffing related to District Management Plan.**
  - Dirk is working to correct a driller violation.
  - Mustang Springs application submitted. It is not administratively complete at this time.
  - Moffat WSC requesting amendment to permit.
  - Big Elm withdrew their application.
  - 3 Texans Winery has an irrigation-only permit. The winery wants to use the well for food service and events. Dirk is discussing this with them.
10. **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.)

11. **Director's comments and reports.**
  - **Leland Gersbach:** None
  - **Jody Williams:** None
  - **Gary Young:** None
  - **Scott Brooks:** None
  - **James Brown:** None
12. **Discuss agenda items for the next meeting.**
  - Public Hearing on District rule changes and Management Plan.
  - Possible permit application
13. **Set the time and place of the next meeting.**

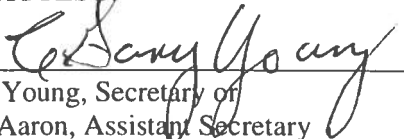
Wednesday, October 11, 2023, 1:30 p.m. CUWCD office.

14. **Adjourn.**

**Board meeting closed with President, Leland Gersbach, at 4:47 p.m.**

  
Leland Gersbach, President

ATTEST:

  
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Gary Young, Secretary of  
Dirk Aaron, Assistant Secretary