

**Clearwater Underground Water Conservation District Meeting**  
**640 Kennedy Court**  
**Belton, TX**  
**Wednesday, April 10, 2024**  
**Minutes**

The Clearwater Underground Water Conservation District (CUWCD) held a Workshop and Board meeting at 1:30 p.m. on Wednesday, April 10, 2024, in the Clearwater UWCD Board Room located at 640 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  
Whitney Ingram, Assist General Mgr  
Shelly Chapman, Administrative Mgr  
Tristin Smith, Education & Compliance  
Corey Dawson, Field Tech

**Guests**

Cole Ruiz – Lloyd Gosselink	Tomas Reynoso	Bryan Neaves – Bell County Eng.
Patrick Wagner – Middle Trinity GCD	Scott Cusick – Victory Rock	Mike Keester – KT Groundwater
Bill Schumann – Commissioner Pct3	Johnny Baird – Salado	Jordan Furnans – LRE Water
William Gamblin – Gamblin Eng.	Rick Hubbell	Dennis Baraid – Salado
Kibbie Saxon	Kalvin Cusick – Victory Rock	John Taliaferno – Victory Rock

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

**1. *Invocation and Pledge of Allegiance.***

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

**2. *Public Comment.***

There were none.

**3. *Approve minutes of the March 13, 2024, Board meeting.***

Board members received the minutes of the March 13, 2024, Board meeting and workshop in their Board packet to review prior to the meeting.

Secretary, Gary Young, moved to approve the minutes of the March 13, 2024, 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 March 2024 (FY24) as presented.***

Board members received the monthly financial report for March 2024 in their Board packet to review prior to the meeting.

Director, Jim Brown, moved to accept the March 2024 financial report as presented. Secretary, Gary Young, 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 2024 (FY24) as presented.***

Board members received the monthly investment Fund account report for March 2024 in their Board packet to review prior to the meeting.

Vice President, Jody Williams, moved to accept the monthly Investment Fund account report for March 2024 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.

*Secretary, Gary Young*

Director, Scott Brooks, moved to accept the quarterly report as presented. Director, Scott Brooks, seconded the motion.

**Motion carried 5-0.**

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

Shelly presented the request for a line-item budget amendment to cover the following:

1. Increased expenses for janitorial needs and supplies related to cleaning the new office and Board room.
2. Additional phone/service/license for new employee.
3. Office furniture for the new office and meeting room.

	Line Item		Available Funds	Amount Requested	New Balance	From	Available Funds	New Balance
Internal	55400-Phone	Price Increase	\$857.07	\$450.00	\$1,307.07	50250-Contingency	\$39,175.00	\$38,725.00
Internal	54300-Janitorial Services	Price Increase	\$3,100.00	\$900.00	\$4,000.00	50250-Contingency	\$38,725.00	\$37,825.00
Internal	54400-Janitorial Supplies	Additional supplies	\$369.86	\$500.00	\$869.86	50250-Contingency	\$37,825.00	\$37,352.00
Peny Office	53650-furniture		\$50.08	\$2,657.69	\$2,707.77	50250-Contingency	\$37,352.00	\$34,694.31

Secretary, Gary Young, moved to approve the line-item budget amendment as requested. Director, Jim Brown, seconded the motion.

**Motion carried 5-0.**

8. *Continue show-cause hearing on the following violation:*

*a.) Discuss, consider, and take appropriate action necessary upon receiving testimony related to the second violation and ignoring Order #1 per 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/Longitude -97.701384 by both Raul Zavala ("Driller") (TDLR License #54363) office at 1910 S Wheeler St, Jasper, TX 76951 and Mr. Tomas Reynoso ("Property Owner"), located at 15731 Cedar Valley Rd, Salado, TX.*

President Leland Gersbach called the continuance of the show-cause hearing to order at 1:36 p.m.

Leland gave a brief history of the events leading up to today's continuance hearing. He reminded the Board that several 90-day continuances were afforded Tomas Reynoso, but the previous hearing on February 15, 2023, was closed seeing that Tomas had hired legal counsel to help him resolve the problems with his home site. Tomas agreed under oath in his testimony that he would not reconnect the well until receiving an operating permit from the district.

Leland noted that on March 10<sup>th</sup> the Board held the 2<sup>nd</sup> Show Cause Hearing and received specific testimony and allegations laid out by General Manager, Dirk Aaron. Based on the recommendations of the General Manager, the Board issued a continuance requesting a site visit be conducted to assess the status of the well. That visit took place on March 14<sup>th</sup> with Dirk Aaron, Corey Dawson, Raul Zavala, and Tomas Reynoso all present.

*Correction  
6/11/24  
SEC*

Leland stated that the continued show cause hearing today had undergone administrative and legal review by district staff and General Counsel.

Leland laid out the procedures for today's enforcement hearing. He commented that the Board is here to address the evidence provided from the follow-up site visit conducted on March 14<sup>th</sup>.

Leland asked if there was anyone wishing to make public comment on this matter. There was none.

Leland asked all parties speaking in the hearing to stand and take an oath. Leland administered the oath to Dirk Aaron – CUWCD General Manager, Raul Zavala – Well Driller, Corey Dawson – CUWCD Field Technician, Tristin Smith – CUWCD Compliance Coordinator, and Tomas Reynoso – property owner.

Leland asked Dirk to describe the findings of the prescribed site visit. Dirk presented a series of pictures from the site visit for the Board to use in their deliberations. He explained what the pictures represented and described the tampering of the well. Leland asked if Tomas Reynoso had any questions for Dirk. He did not.

Leland called Raul Zavala to testify. Dirk questioned Raul about what he saw and how he disconnected the well Jan. 14, 2022. Dirk asked him to describe what he saw in the current pictures from March 14, 2024. Raul indicated that he did not reconnect the well. He stated it was someone else's work. Scott Brooks questioned Raul about specifics related to the connection of the well. Raul said his men connected the pump to the pressure tank. He said it was possible that there was tampering but he could not confirm. Leland asked Tomas if he had any questions of Raul. He did not.

Leland asked Corey Dawson to come forward. Dirk questioned Corey about his 1<sup>st</sup> visit to seal the well with Dirk (order #1). He then asked Corey to describe the 2<sup>nd</sup> visit in January 2024 to verify the well was still not in use. Corey took pictures and reported his findings back to Dirk noting the seals had been tampered with. Corey followed all protocols set forth by the district related to entering a property. Leland asked Tomas if he had any questions for Corey.

Mr. Reynoso stated that on the day in January 2024 that he dropped off the new paperwork at CUWCD. He understood Dirk to say he could connect the well. Dirk replied he did not state that. Dirk reviewed the paperwork from Tomas. Dirk found the paperwork to be another survey, not an approved plat. Dirk commented that there was a failure on Tomas's part to understand.

Leland asked Tomas if he willingly connected the wires to the well. He confirmed. He did not connect anything else. Leland asked Tomas if he hired anyone to connect the well. He replied no. Leland asked if Tomas had any other testimony to offer. He did not.

Scott Brooks reminded Tomas that at the previous Board meeting, he instructed Tomas NOT to make any changes to the well before the 2nd site visit. Scott questioned Tomas about the changes made. Tomas replied that he did. Tomas explained that his English is not good. He connected the wires but not the PVC pipe. He connected the wires to push water from his black tank to his house. He believed Dirk gave him permission to connect the well.

Leland asked Dirk, after hearing the facts and arguments, if he still held to the recommendation listed in the Board's packet regarding the violations. Dirk commented that Tomas was ordered by the Board not to change the well in any manner. Tomas has a long road to go in this process. He has an illegal septic and an illegal subdivision. Tomas is working with the County to remedy these issues. Because Tomas tampered with the well and did not follow the instructions of the Board, Dirk recommends the Board order the well driller to remove the pump, disassemble the well, install a locking cap, and remove pipes and equipment from the property until he works everything out. Any fine levied is not for Dirk to assess.

Leland asked if the Board had any further questions or discussions as it relates to ensuring compliance of district rules. They did not.

The Board deliberated and adopted the following findings:

1. Mr. Tomas Reynoso, Sr. is the record owner of an approximately 5-acre tract in Bell County, Texas, the physical address of which is 15731 Cedar Valley Road, Salado, Texas 76571 (the "Property");
2. Mr. Tomas Reynoso, Sr., by and through a professional water well driller and pump installer licensed by the State of Texas, Mr. Raul Zavala, Sr. (License No. 54363), drilled a new water well on the Property (the "Well") without prior authorization by the District;
3. Mr. Tomas Reynoso, Sr. failed to file a completed operating permit application within 30 days after the completion of the Well;
4. Mr. Tomas Reynoso, Sr. failed to obtain an operating permit prior to operating the Well;
5. Following Order No. 1, District Staff disconnected the well pump's electrical source and sealed the Well; and
6. Thereafter, Mr. Tomas Reynoso, Sr. tampered with the installed seal, and reconnected the well pump to its electrical source, in violation of District Rule 12.4.

Director, Jody Williams, suggested the Board order the well driller to pull the pump and remove it from the property, cap and lock the well until Tomas gets in compliance. Director, Gary Young suggested a fine of \$2,000 also be assessed.

Director, Scott Brooks, moved to order the following:

1. Tomas Reynoso, Sr. shall remit to the district the civil penalty amount of \$1,000.
2. Mr. Raul Zavala, Sr., and Mr. Tomas Reynoso, Sr. shall be responsible for pulling the Well's column pipe and pump assembly, which shall be removed from the property, and shall be responsible for installing a locking cap on the Well in accordance with the rules set forth by Texas Department of Licensing and Regulation and the District no later than April 30, 2024.
3. Mr. Tomas Reynoso, Sr. shall obtain the appropriate permits and approvals evidencing that the Property is in compliance with applicable Bell County subdivision regulations, and Texas Commission on Environmental Quality and Bell County Health District on-site sewage facilities rules and regulations before returning to the district for a new non-exempt well for domestic use.

Director, Jim Brown, seconded the motion.

**Motion carried 5-0.**

**9. Hold a public hearing on the following applications:**

*a.) Discuss, consider, and take appropriate action, if necessary, on an application submitted by William Gamblin, Gamblin Engineering Group LLC, on behalf of Seven Custom Homes, owner of the proposed Lake Thomas RV Resort, on February 20, 2024, for a drilling permit to complete a new well (N3-24-002P) for a proposed future operating permit of 16.8 ac-ft/year or 5,474,297 gallons per year. This permit will only authorize the drilling and completion of the well in the Lower Trinity Aquifer (Hosston Layer) in the Eastern Management Zone with a maximum 4-inch column pipe, not to exceed 50-gpm, on a 33-acre tract located in northeastern Bell County near Lower Troy Rd. and HK Dodgen Loop between Temple and Troy, Texas, Latitude 31.140158°/Longitude -97.316438° (well# N3-24-002P). This well will produce groundwater for a TCEQ-approved public water supply system in the proposed RV park. Upon completion of the well, a formal hydrogeologic report must be submitted to CUWCD to support a future operating permit. This drilling permit will not authorize any production of groundwater other than what is necessary for the prescribed aquifer pumping test.*

President, Leland Gersbach opened the public hearing at 3:09 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 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. Kibbie Saxon signed up to speak. She is not protesting or contesting the application.

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 on behalf of Seven Custom Homes owner of Lake Tomas RV Resort. Leland will hear testimony from Dirk Aaron (CUWCD-GM), William Gamblin (applicant's consultant), Rick Hubbell (applicant), Kibbie Saxon (resident property owner), and Mike Keester (KT Groundwater).

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 Keesler, Cole Ruiz, William Gamblin, Rick Hubbell, Kibbie Saxon).

Rick Hubbell addressed the Board and explained the request for a well.

William Gamblin laid out the hydrogeologic assessment on behalf of his client.

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

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. 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.

Leland addressed the applicant with questions about their understanding related to the proposed application and the special provisions agreed upon. Rick Hubbell replied that he understood all special provisions and requirements as discussed and agreed to.

Kibbie Saxon was deemed to have standing in this case and presented her thoughts.

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. They had none.

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 deny or grant the applicant's request for a drilling permit with both special provisions and the district's standard provisions per District Rule 5.4 (a)(j).

Director, Scott Brooks, moved to grant the applicant's request for a drilling permit to include all provisions as agreed upon. Director, Jim Brown, seconded the motion.

**Motion carried 5-0.**

***b.) Discuss, consider, and take appropriate action, if necessary, on an application submitted by Victory Rock Texas LLC, c/o Jon Taliaferro as Senior Consultant with Trinity Consultants, on March 8, 2024, for an amendment to their current operating permit for a proposed additional beneficial use to include a Concrete Batch Plant Facility known as Five Star, Concrete, LLC. CUWCD well #N2-21-001P is located***

*in the Stillhouse Hollow Management Zone screened in the Hosston Layer of the Trinity Aquifer at approximately 1056 to 1160 feet below land surface. The well is currently equipped with a maximum 1 ¼ -inch column pipe equipped with a 7 ½ HP submersible pump rated at 16 gallons per minute on the 283-acre tract located at 7170 Solana Ranch Rd, Salado TX, 76571, Latitude 30.878055°, Longitude - 97.609444° currently producing groundwater for the sole purpose of mining and crushing aggregates and dust suppression.*

President, Leland Gersbach opened the public hearing at 4:16 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 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 instructed anyone wishing to participate in the hearing to support or protest the application to sign up.

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

Leland opened the floor for public comments. There were none.

Leland noted that anyone wishing to participate as an affected party to the case will need to explain how they meet the standard required by the Water Code and District rules to establish themselves as an affected person with a personal justiciable interest in the matter.

Leland asked if anyone had submitted the form requesting to be a party to the case and requesting a contested case hearing. Dirk replied, yes. Dirk noted that Johnny Baird, an adjacent property owner would like to establish standing. Johnny Baird will also be representing Dennis Baird and Casey DeWees. Leland asked Mr. Baird to come forward to establish standing. Mr. Baird stated his name and address. He stated that he would also be representing Dennis Baird and Casey DeWees. Leland determined him to be an affected party.

Leland asked all parties and those who established standing to stand and take an oath. Leland administered the oath to the following: Dirk Aaron, Cole Ruiz, Jon Taliaferro, Jordan Furnans, and Johnny Baird.

Leland asked Victory Rock's consultants, Jordan Furnans and Jon Taliaferro, to lay out their request to amend the current operating permit for their Lower Trinity well for an additional beneficial need. **Jon stated the application is for an amendment to the operating permit to add the tract of land that Five Star is on and the water needs for beneficial use and there is no request for additional water at this time.** Dirk asked Jon (for the record) if all of the metrics had been met regarding the TCEQ requirements for the batch plant. He replied yes. Dirk noted that Jon had provided the documentation to Dirk in an e-mail.

Director, Jim Brown, commented that looking at the numbers, this well doesn't produce as much as it is expected to. Jim commented that if the well is run continuously, it won't produce 30 acre feet per year. Jon agreed. Jordan Furnans – LRE, confirmed the well can not produce 30 acre-feet. Jim asked if you expect to have 30 acre feet for the quarry and now need water for the batch plant, will that affect quarry operations? Jon stated that it will not adversely affect operations. Any collected water on site can be used and recycled. Jim asked if they believed they would not need to come back to the Board in the future for additional water. Jordan responded that this is not the question at hand. They are attempting to operate as directed by Scott Cusick. They already have a permit; they are just asking to amend the beneficial use.

Leland asked Dirk questions pertaining to the application and its administrative completeness. Dirk presented his findings, and they are in compliance.

Leland opened the floor to Mr. Baird. Dirk noted that Mr. Baird has a video to present as evidence. Cole Ruiz asked what the intentions are of the video. Mr. Baird stated it is to show what is taking place with dust control. Cole deemed the video relevant because the permit is to help with dust control.

Video was played for the Board demonstrating dust.

Mr. Baird has submitted photos and video to TCEQ.

Mr. Baird presented a history of his concerns and complaints related to the quarry and water to be sent to the batch plant. He asked the Board to consider a continuance to the hearing based on what TCEQ finds related to the evidence Mr. Baird has submitted to them.

Leland asked if there was a record of how much water has been used. They have not used the well. They have been using water captured from the pumping test.

Leland asked if the applicant had anything they wanted to add. Scott Cusick (Victory Rock) requested time to speak. Scott was not administered the oath earlier in the meeting. Leland administered the oath to Scott at this time.

Scott Cusick responded to Mr. Baird's concerns about the TCEQ compliance. TCEQ has been out numerous times and found no violations. They are in compliance. He discussed operations related to dust suppression. Because they are adding the batch plant they want to change the beneficial use of the permit. He stated that they are not asking for more water.

Leland asked if the Board had any other questions.

Leland asked for a motion to grant or deny Victory Rock's request for an additional beneficial use for a batch plant on the adjacent property to include all the special provisions offered by the Board which should be outlined by the General Manager, Consultant, and affirmed by legal counsel. Leland pointed out that this hearing does not contemplate any additional groundwater use beyond the current operating permit of 30-acre feet per year from the Lower Trinity aquifer.

Director, Scott Brooks, moved to grant the amendment to the original permit. Vice President, Jody Williams, seconded the motion.

**Motion carried 5-0.**

**Board meeting paused and Workshop convened with President Leland Gersbach at 5:20 p.m.**

**Workshop Item #1: Discuss items related to potential rule changes.**

Cole Ruiz discussed potential rule changes and how they will affect the district.

**Workshop Item #2: Receive information related to Cyber Security Training required for 2024.**

Shelly presented information related to Cyber Security Training required for 2024. She will email the link and instructions to the Board next week. If there are any questions, please contact Shelly.

**Workshop Item #3: Receive updates related to GMA8 DFC determination, per TWC section 36.108, and plans for the next round.**

Dirk briefed the Board on items related to the GMA8 DFC.

**Workshop Item #4: Receive presentation from KT Groundwater related to the new Edwards BFZ GAM.**

Received a presentation from Mike Keester related to the new Edwards BFZ GAM. He will get the scope of work to Dirk before the next meeting.

**Workshop Item #5: Brief Board on the potential removal of Salado Rest Stop monitor Well & TexMesonet weather station.**

Dirk briefed the Board on his meeting with TxDOT related to the potential removal of the rest stop well and weather station.

**Workshop Item #6: Discuss the naming and signage of the new Board Room.**

Dirk noted that there needs to be a name to identify the new Board room. Dirk asked the Board to marinate on the idea and make some suggestions.

**Workshop closed and Regular Board meeting reconvened with President, Leland Gersbach, at 6:26 p.m.**

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

- Dirk updated the Board on current test well permits:
  - 7KX – waiting on report from Wet Rock Geoscience
  - SWSC – 2 east of IH-35
  - Victory Rock – waiting on report from LRE
- Dirk updated the Board on status of approved drilling permits:
  - 7KX & SWSC – testing is complete. Waiting on results and operating permit application.
  - City of Temple (Lower Trinity Well – not yet complete).
  - UMHB (Lower Trinity Well – not yet drilled).
- The ASR project on Ft. Cavazos is complete. The findings were positive. Intera will make a presentation in the future for the pilot well project.

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

- a) **Drought Status Reports** – Dirk discussed drought status issues and concerns.
- 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.)

**12. Director's comments and reports.**

- **Leland Gersbach:** None
- **Jody Williams:** None
- **Gary Young:** None
- **Scott Brooks:** None
- **James Brown:** Just completed his first year on the Board. It's been a great year. Learning a lot.

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

- Permit application
- Review scope of work for Edwards BFZ GAM

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

Wednesday, May 8th, 1:30 – CUWCD Board Room – 640 Kennedy Court, Belton

**15. Adjourn.**

**Board meeting closed with President, Leland Gersbach, at 6:37 p.m.**

  
Leland Gersbach, President

ATTEST:

  
\_\_\_\_\_  
Gary Young, Secretary or  
Dirk Aaron, Assistant Secretary