

**Clearwater Underground Water Conservation District Meeting**  
**640 Kennedy Court**  
**Belton, TX**  
**Tuesday, June 11, 2024**  
**Minutes – Public Hearing**

The Clearwater Underground Water Conservation District (CUWCD) conducted public hearings on three applications for permits as described below at 1:30 p.m. on Tuesday, June 11, 2024, in CUWCD 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  
Shelly Chapman, Admin Manager  
Tristin Smith, Education/Compliance

**Guests**

Cole Ruiz – District Counsel (Lloyd Gosselink – Attorneys at Law)  
Mike Keester - Hydrogeology Consultant (KT Groundwater, LLC)  
Brian Saathoff – Project Manager (Mustang Springs)

Emmanuel Sosa – Apex  
Vic McWherter-Perales, Allman and Ice  
Bill Schumann – Bell County

**Public Hearing reconvened with President Leland Gersbach at 1:33 p.m.**

**1. Public comments.**

Leland Gersbach opened the meeting to public comments. There were none.

**2. Hold an encumbrance hearing on the following application:**

*Discuss, consider, and take appropriate, action necessary, upon receiving testimony related to the encumbrance of acreage necessary for 20 acres, per District Rule 9.5.5 (g), as it relates to an approved drilling permit for well #N3-23-010P requiring tract size necessary for a Lower Trinity well equipped with a maximum 4-inch column pipe, per District Rule 9.5.2, Latitude 30.921147/Longitude -97.625147 by Jaffe Interests, LP, James Kerby, Owner Mustang Springs.*

Leland Gersbach offered an opportunity for public comment related to agenda item #3a. Vic McWherter, from the law firm of Perales, Allman & Ice, introduced himself. He stated that he was speaking on behalf of his client Mustang Creek Ranch. He acknowledged that his client realizes the encumbrance being considered in the drilling permit is just a preliminary step. His client asked him to convey their continued concerns of the impact that pumping the large volume of water the applicant seeks will have on the groundwater resources in the area. His clients also asked him to convey that they appreciate the Boards consideration of their concerns as various aspects of this project come before the Board.

President, Leland Gersbach opened the hearing at 1:36 p.m. and gave a summary of the request for an encumbrance to be considered and a brief explanation of the procedural issues. He confirmed a quorum of the Board was in attendance to participate in ruling on the request. Leland stated that the application had undergone administrative, legal, and technical review by District Staff, General Counsel and Geoscience Consultants.

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

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

Leland commented that the application is solely for the Board's consideration to grant an exception to the minimum tract size requirement required under District Rule 9.5.2 in accordance with District Rule 9.5.5

which provides that the Board may grant an exception if , after notice and hearing, the applicant provides a properly executed and recorded encumbrance agreement transferring the groundwater rights attributable to the adjacent land of one or more property owners sufficient to attain the minimum tract size necessary support a non-exempt well.

Leland administered oath to all parties speaking on the application. Taking the oaths were Dirk Aaron – CUWCD General Manager, and Brian Saathoff – Project Manager, Mustang Springs.

Brian to lay out the application and request for the encumbrance. Dirk concurred with the information Biran presented.

Dirk presented information related to the applicant’s request.

Leland noted for the record that the encumbrance is pertaining to a drilling permit, not an operating permit.

Legal Counsel, Cole Ruiz, commented that he was satisfied that the encumbrance has met its legal burden under District Rule 9.5.5. He noted for the record that the application for an encumbrance is a follow up for a drilling application that was already granted. This is part of a special provision that allows the applicant to meet tract size rules.

Leland asked if there were any additional questions or need for discussion. There was none.

Dirk recommended the Board approve the encumbrance based on documentation provided, direct staff to file the encumbrance at the County Clerk’s office, and direct GM to issue the Drilling Permit.

Director, Scott Brooks, moved to grant the request for an encumbrance of acreage necessary to obtain 20 acres as it relates to an approved drilling permit for well # N3-23-010P that includes all special provisions as agreed upon. Vice President, Jody Williams, seconded the motion.

**Motion carried 5-0.**

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

- a.) Discuss, consider, and take appropriate action, if necessary, on an application submitted by Jordan Furnans, LRE Water, LLC on behalf of Victory Rock Texas, LLC requesting an operating permit to produce groundwater for a defined beneficial use providing water for commercial sand and gravel mining operations, to wash the mined material, dust suppression, and to provide water to a concrete batch plant facility known as Five Star Concrete, LLC on contiguous tracts of land leased from Byron Goode totaling 394.18 acres. CUWCD well #N3-24-003G located in the Stillhouse Hollow Management Zone, is completed to 880 feet below land surface and screened in the Hensell Layer of the Trinity Aquifer at approximately 820-880 feet below land surface. The well is equipped with a 2-inch column pipe and a 10-HP submersible pump rated at 42-gpm located at 7090 Solana Ranch Rd, Salado, Texas, Latitude 30.876146, Longitude -97.609419, to produce 67.75 acre feet/year or 22,076,405 gallons from well # N3-24-003G.*

(Public Hearing cancelled for item #3a. Applicant withdrew application June 11, 2024, without prejudice. No discussion or action on item #3a.)

- b.) Discuss, consider, and take appropriate action, if necessary, on an application submitted by Big Elm Solar for a combination drilling and operating permit to authorize drilling and withdrawal from a proposed new well completed in the Alluvial formation with a 1 ¼ - inch column pipe on a 15.0-acre tract located at 8936 Connection Road, Troy, Texas, Latitude 31.157818°/Longitude -97.236567° (well# N3-24-004P), to produce water for commercial office use in a proposed annual quantity not to exceed 0.3 acre-feet or 97,755 gallons per year total.*

Leland Gersbach offered an opportunity for public comment related to agenda item #3b. There was none.

President, Leland Gersbach opened the hearing at 2:08 p.m. and gave a summary of the application submitted by Big Elm Solar for a combination Drilling and Operating permit, and a brief explanation of

the procedural issues. He confirmed a quorum of the Board was in attendance to participate in ruling on the application. Leland stated that the application had undergone administrative, legal, and technical review by District Staff, General Counsel and Geoscience Consultants.

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

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

Leland administered oath to all parties speaking on the application. Taking the oaths were Dirk Aaron – CUWCD General Manager, Mike Keester – KTGW, Bridgett Goodacre – Big Elm Solar representative, and Emmanuel Sosa – Apex.

Leland proceeded to the evidentiary phase of the hearing as related to the combination drilling/operating permit.

Bridgett Goodacre, representative for Big Elm Solar, laid out the application and request for a combination drilling and operating permit. She noted that the well would serve a bathroom and a break room for a building that would operate with 2-3 people.

Mike Keester, the district's geoscience consultant, presented his analysis of the application. He commented that the well is relatively shallow and is not going to be highly productive. The well will not influence nearby wells. The only effect it will have is on its self. He recommends the standard provisions. Director, Scott Brooks commented that Dirk's executive summary did not mention an observation tube. Dirk replied it was not necessary on an alluvial well. Mike only suggested the observation tube so the applicant could monitor the water level.

Dirk Aaron presented the administrative requirements. All requirements have been met. The applicant will be required to meter and report usage.


Leland asked if there were any additional questions or discussions. Bill Schumann spoke on the public's concerns related to the solar farms. He commented that he was in attendance to learn more about the well.

No other discussion or questions from the Board.

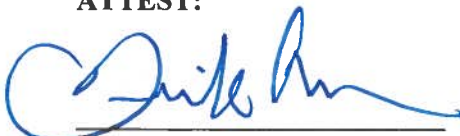
Vice President, Jody Williams, moved to grant the request for a combination drilling and operating permit with standard provisions as laid out by the General Manager not to exceed 0.3 acre-feet per year from the alluvial formation. Director, Jim Brown, seconded the motion.

Motion carried 5-0.

Leland closed the public hearing at 2:23 p.m.

  
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President, Leland Gersbach OR  
Vice President, Jody Williams

ATTEST:

  
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Secretary, Gary Young or  
Assistant Secretary, Dirk Aaron