

Clearwater Underground Water Conservation District Meeting
640 Kennedy Court
Belton, TX
Wednesday, September 11, 2024
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a Workshop and Board meeting at 1:30 p.m. on Wednesday, September 11, 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
Jim Brown, Director, At-Large

Absent:

Staff:

Dirk Aaron, General Manager
Whitney Ingram, Asst. General Manager
Shelly Chapman, Admin. Manager

Guests

Sandra Blankenship, WCID#1
Wick Thomas
Caroline Wood
Steven Pitts, City of Morgan's Point
Jessica Diem, Rep Buckley
Peter DiLillo

Neil Deeds, INTERA
Mike Keester, KTGW
Rick Kasberg, KPA
John Asbury
Jane Gaunte
Sam Blumenthal – KPA

Cole Ruiz, Lloyd Gosselink
Patrick Wagner, MTGCD
Jesse Measles, City of Morgan's Point
Bill Schumann, County Commissioner
Dennis Baldwin, City of Morgan's Point

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

Leland recognized Director, Gary Young. Gary addressed the Board members, staff, and attendees of the meeting with a reminder of the events of September 11, 2001, and how it affected our nation. He requested a moment of silence in honor of those that lost their lives because of the events of that day.

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 August 28, 2024, Board meeting.

Board members received the minutes of the August 28, 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 August 28, 2024, 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 August 2024 (FY24) as presented.

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

Vice President, Jody Williams, moved to accept the August 2024 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 August 2024 (FY24) as presented.

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

Director, Jim Brown, moved to accept the monthly Investment Fund account report for August 2024 as presented. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

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

Shelly Chapman presented the line-item budget amendment requests as follows:

- 1.) Appraisal District – 53030 - Appraisal District – 2025 Taxing unit fee First Qtr.
- 2.) 4-H Youth Dev. - 53603-Sponsorship – Water Ambassador registration fee reimbursement as agreed.
- 3.) Lloyd Gosselink - 53703-Legal General rules and accountability.
- 4.) Lloyd Gosselink – 53732- Permit review – American Rockwool.
- 5.) KTGW – 53731-permit review – Hawks Landing, Mustang Springs, JSWSC, Victory Rock, American Rockwool.
- 6.) Card Services – 53720-office supplies.
- 7.) (internal adjustment) 55300-Internet – over budgeted amount by \$5.42
- 8.) (internal adjustment) 53140-Monitor well exp – over budgeted amount by \$42.55

	Line Item	Invoice \$	Available Funds	Amount Requested	New Balance	From	Available Funds	New Balance
Tax App Distric	53030-Appr. Dist Fee	\$2,423.50	\$2,311.50	\$112.00	\$0.00	53020-Advertisement	\$1,380.90	\$1,268.90
4H Youth Dev	53603-Sponsorship	\$1,500.00	\$800.00	\$404.80	\$0.00	53620-Ed Out-Supplies/equipmen	\$404.80	\$0.00
				\$295.20	\$0.00	53450-Computer-Supplies/equipm	\$1,510.00	\$1,214.80
Lloyd Gosselink	53703-General	\$952.00	\$366.18	\$585.82	\$0.00	53706-GAM./DFC/MAG	\$7,276.83	\$6,691.01
	53732-Permit Review Le	\$256.00	\$0.00	\$256.00	\$0.00	53702-Endangered Species	\$503.91	\$247.91
KTGW	53731-Permit Review Ge	\$3,948.75	\$0.00	\$3,948.75	\$0.00	50250-Contingency	\$6,202.26	\$2,253.51
Card Service	53720-Office supplies	\$66.22	\$58.59	\$7.43	\$0.00	53785-mobile classroom	\$394.33	\$386.90
Internal Ajdustr	55300-Internet		-\$5.42	\$5.42	\$0.00	53450-Computer-supplies/equipm	\$1,214.80	\$1,209.38
Internal Ajdustr	53140-Monitor Well Exp		-\$42.55	\$42.55	\$0.00	53135-Monitor well construction	\$4,374.05	\$4,331.50

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

Motion carried 5-0.

7. Hold Public Hearing on the following:

a.) *Discuss, consider, and take appropriate action, if necessary, on a proposed drilling permit for Jarrell Schwertner Water Supply Corporation (JSWSC) for a public water supply well (N3-24-008P), submitted on July 22, 2024, for a proposed production amount not to exceed 577 ac-ft/year or 188,016,027 gallons/year, completed in the Lower Trinity Aquifer (Hosston Layer) in the Eastern Management Zone with a maximum 8-inch column pipe and an estimated withdrawal rate of 600 gallons/minute on a 1.0-acre tract (PID:511491) located in the northern portion of JSWSC’s service area at 5729 Royal Street, Salado TX 76571, Latitude 30.929919°/Longitude -97.475825°. This drilling permit will not authorize any production of groundwater other than what is necessary for the prescribed aquifer pumping test. Leland Gersbach offered an opportunity for public comment related to agenda item #7a. There was none.*

President, Leland Gersbach began the public hearing by offering members of the public an opportunity to provide public comment on the proposed application. This opportunity is for those not seeking party status or not qualifying to participate as an affected party.

Dr. John Asbury presented his thoughts and concerns related to this drilling permit. He does not qualify as a party to the case.

Leland officially opened the hearing at 1:38 p.m. and gave a summary of the application submitted by Jarrell Schwerner Water Supply for a public water supply well. He noted that this is a drilling permit only and will not authorize any production of groundwater other than what is necessary for the prescribed aquifer pumping test.

Leland reviewed the procedures that would apply to the hearing and noted that the hearing had been properly noticed and the application had undergone administrative, legal, and technical review by District Staff, General Counsel, and Geoscience Consultants.

As presiding officer, Leland will take evidence and sworn testimony, and rule on any procedural issues. He laid out the procedures for the preliminary portion of the hearing. He stated that the district has received a request for a contested case hearing and any person appearing today before the Board may do so.

Next, Leland laid out the procedures for the evidentiary portion of the hearing. He inquired if there was anyone in attendance that had requested a contested case hearing. Dirk named Chadwick Thomas. He is an adjacent property owner; therefore, Leland accepted him as a party to the case.

Leland administered an oath to all parties speaking on the application. Taking the oaths were:

Dirk Aaron – CUWCD General Manager	Neil Deeds (Intera) - JSWSC
Mike Keester – KTGW	Joe Simmons – JSWSC
Rick Kasberg – KPA	Sam Blumenthal – KPA
Chadwick Thomas – Protestant	

Leland proceeded to the evidentiary phase of the hearing and received testimony for related parties.

Leland addressed Neel Deeds, representative for the applicant. Neel laid out the application and presented the preliminary design for the proposed well.

Sam Blumenthal (KPA) explained the need for a new well.

Joe Simmons (JSWSC – applicant) laid out their plans to implement the new well and the need for this well.

Dirk Aaron (CUWCD) presented the administrative requirements and noted that this is a drilling permit only. No production will be authorized. The applicant has met all criteria. Dirk recommended special provisions be agreed to prior to the applicant coming back for an operating permit.

Mike Keester (KTGW) the district's geoscience consultant presented his analysis of the application.

Leland asked the protestant Chadwick (Wick) Thomas to present his case. Wick laid out his reasons for protesting. He noted that he was concerned about the restrictions this well would impose for uses of his property. He is concerned about the sanitary control easement and how that would affect his water rights. Cole Ruiz (Lloyd Gosselink) the district's legal counsel reminded Wick that this application is for drilling only. The appropriate time to discuss water rights would be when the applicant presents an application for an operating permit.

Leland asked if there were any additional questions or discussions. There were none.

Leland addressed the applicant, Joe Simmons regarding special provisions. Joe was good and understood and agreed to the special provisions as laid out by CUWCD General Manager.

Leland closed the evidentiary portion of the hearing.

Leland asked for a motion that includes all special provisions offered by the Board that should be outlined by the General Manager, district consultant, and affirmed by the district's legal counsel.

Before a motion was made, Leland suggested that the hearing be continued for 30 days to allow the applicant and the protestant time to work out the sanitary easement concerns. Director Scott Brooks didn't think a continuance was necessary since this is for a drilling permit only. Director Jim Brown was concerned that JSWSC would be drilling an expensive well and might not be able to produce from it if the applicant and protestant can't come to an agreement on a sanitary easement. Dirk stated that allowing 30 days for the

parties to resolve issues is not uncommon. He suggested the hearing be continued at the next meeting. Leland asked all parties if they were okay with 30-day continuance and if they thought they could resolve their issues in that time. All parties agreed.

Leland granted a 30-day continuance and the public hearing for a drilling permit to reconvene on October 10, 2024.

Public hearing paused at 3:20 p.m. and workshop reconvened with President, Leland Gersbach.

Workshop Item #1: Receive update from LRE Water related to the Trinity Aquifer Study.

Received presentation and update on the Trinity Aquifer Study from Vince Clause.

Workshop Item #2: Receive presentation from Bell County Water Ambassadors.

Caroline Woods and Jane Gaunt gave a presentation on the activities of the Bell County 4H20 Water Ambassador program.

Workshop Item #3: Receive updates related to the 2024 Bell County Water Symposium.

Whitney Ingram and Dirk Aaron gave a brief update on the Bell County Water Symposium. The event will be held at the Cadence Bank Center on November 13th. Dirk noted that he and Whitney are still finalizing the program and speakers, and staff has been working to get everything organized and lined out.

Workshop Item #4: 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 GMA8.

Workshop closed and Board meeting reconvened with President, Leland Gersbach, at 4:49 p.m.

8. Discuss, consider, and take appropriate action, if necessary, to cancel the November 5, 2024, General Election for Directors representing Precinct 1, Precinct 3 and the November 5th Special Election for Director At-Large.

Dirk explained that the Directors for Precinct 1, 2, and At-Large were unopposed as of the deadline for a place on the November 5th ballot, therefore, the Board would need to cancel the election. Dirk will submit the information to the election officer to call for the cancellation

Director, Gary Young, moved to cancel the November 5, 2024, Election. Director, Jim Brown, seconded the motion.

Motion carried 5-0.

9. Discuss, consider, and take appropriate action, if necessary, to approve set back exception for Jon Lindsey.

Dirk presented the request for a set back exception for Jon Lindsey. The applicant is requesting an exception be made to the 75-ft set back from all property lines. A reduction of approximately 30-ft from the north property line is requested. The applicant has provided the required waiver from the estate of the adjacent property, and all signatures have been notarized.

Dirk recommends approval of the request for an exception to the setback rule and noted that all requirements have been met.

Secretary, Gary Young, moved to approve the exception to the setback as requested. Director, Jim Brown, seconded the motion.

Motion Carried 5-0.

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

- Dirk briefed the Board on American Rockwool Plant violations and discussions.

- Update on Tomas Reynoso issue. Still working to resolve.
- Possible formation of a Water Alliance for Bell County. More information to come.
- Dirk will have hip replacement surgery on Nov 21st.

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

- Drought Status Reports*** – Dirk discussed drought status issues and concerns.
- Education Outreach Update***
- Monitoring Wells***
- Rainfall Reports***
- Well Registration Update***
- 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.

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

13. Discuss agenda items for the next meeting.

- Water Symposium update.
- Contested case hearing continued.
- Possible show cause hearing.

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

Wednesday, October 9, 2024, 1:30 – CUWCD Board Room – 640 Kennedy Court, Belton

15. Adjourn.

Board meeting closed with President, Leland Gersbach, at 5:46 p.m.



Leland Gersbach, President or
Jody Williams, Vice President

ATTEST:



Gary Young, Secretary or
Dirk Aaron, Assistant Secretary