

**Clearwater Underground Water Conservation District Meeting**  
**640 Kennedy Court**  
**Belton, TX**  
**Wednesday, November 20, 2024**  
**Minutes**

The Clearwater Underground Water Conservation District (CUWCD) held a Workshop and Board meeting at 1:30 p.m. on Wednesday, November 20, 2024, in the Clearwater UWCD Board Room located at 640 Kennedy Court, Belton, Texas.

**Board Members Present:**

Leland Gersbach, President, Pct 1  
Jody Williams, Vice President, Pct 3  
Scott Brooks, Director, Pct 4  
Jim Brown, Director, At-Large

**Absent:**

Gary Youn, Secretary, Pct 2

**Staff:**

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

**Guests:**

Sandra Blankenship, WCID#1  
Brick Brown  
Brynn Myers, City of Temple  
Dawn Richardson

John Asbury  
Patty Brown  
Bill Schumann, Bell County

Tomas Miller, American Rockwool  
Mike Keester, KT Groundwater  
William Gamblin, Gamblin Eng.

**Board Meeting opened with President, Leland Gersbach, at 1:32 p.m.**

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

Vice President, Jody Williams, gave the invocation.  
Director, Jim Brown, led the Pledge of Allegiance.

**2. *Public Comment.***

John Asbury submitted public comments related to the drought, water use, water needs, and stated that ASR would be a great resource and should continue to be looked at.

**3. *Approve minutes of the October 9, 2024, Board meeting.***

Board members received the minutes of the October 9, 2024, Board meeting and workshop in their Board packet to review prior to the meeting.

Vice President, Jody Williams, moved to approve the minutes of the October 9, 2024, Board meeting and Workshop as presented. Director, Scott Brooks, seconded the motion.

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

**4. *Hold Public Hearing on the following permit applications:***

***a.) Discuss, consider, and take appropriate action, if necessary, for an amendment to an existing combination drilling and operating permit submitted by Belton Partners, LLC for a proposed new well (N3-24-011P) to be completed in the Lower Trinity Aquifer with a maximum 2-inch column pipe on a 12.62-acre tract in the Eastern Management Zone located at 7983 N I-35, Salado, TX, 76571. The permit will authorize withdrawal to produce groundwater for public water supply to a travel center in the proposed annual quantity not to exceed 2.5 acre-feet or 814,628 gallons per year, at a maximum pumping rate of 40 gallons per minute.***

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. There were no public comments.

Leland officially opened the hearing at 1:37 p.m. and gave a summary of the application submitted by Belton Partners, LLC for an amendment to an existing combination drilling and operating permit.

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. There were none.

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

Dirk Aaron – CUWCD General Manager                      Nasruddin Mahesania – Applicant’s son

Mike Keester – KTGW                                              Billy Gamblin

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

Leland addressed Billy Gamblin, representative for the applicant. Billy laid out the application and presented the requested amendment to the original application.

Dirk Aaron (CUWCD) presented the administrative requirements. The applicant has met all criteria. Dirk noted that this would be a small production well. It is in the Belton CCN but there is no water infrastructure. They received a letter from the City of Belton stating such. Dirk recommends standard special provisions as agreed upon to include Eno Scientific monitor device and TCEQ approval.

Mike Keester (KTGW) the district’s geoscience consultant presented his analysis of the application. This is a Lower Trinity well. There are no other Low Trinity wells with 2 miles. Mike noted that the drawdown would be negligible. He recommended the applicant provide a copy of the TCEQ report.

Leland offered the applicant an opportunity for rebuttal of earlier testimony. The applicant had no rebuttal.

Leland ask the Board’s legal counsel, Cole Ruiz, if he was satisfied that the application to amend an existing combination drilling and operating permit has met its legal burden. Cole replied yes contingent on the special permit condition agreed to.

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

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

Leland closed the evidentiary portion of the hearing at 1:58 p.m.

Leland asked for a motion to grant or deny the request to amend an existing combination drilling and operating from Belton Partners, LLC, to include 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.

Director, Scott Brooks, moved to approve to the request to amend the existing combination drilling and operating permit from Belton Partners to include all special provisions as laid out in the General Manager’s executive summary, as well as to require the following prior to operating the well: a) that the applicant provide a letter from the city of Belton stating that a public water supply well within their CCN is acceptable to them, and b) that the applicant provide evidence that either TCEQ will allow the well in Belton’s CCN to be used for this project or evidence from the Public Utility Commission that the CCN has been revised to reflect the new Public Water Supply formed for this project has CCN rights for it (either solely or with city of Belton). Vice-President, Jody Williams, seconded the motion.

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

***b.) Discuss, consider, and take appropriate action, if necessary, on an application submitted by American Rockwool, LLC for an operating permit on an existing well (N3-24-013G) completed in the Middle Trinity Aquifer (Hensell Layer) equipped with a maximum 3-inch column pipe on contiguous tracts of land (PID 2508 and 132517) totaling 77.07 acres in the Belton Lake Management Zone located at 440 Jack Rabbit Road, Nolanville, Texas. The permit will authorize the production of groundwater for industrial use at a proposed annual quantity not to exceed 6 acre-feet or 1,955,106 gallons per year, at a maximum pumping rate of 110 gallons per minute.***

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. There were no public comments.

Leland officially opened the hearing at 2:03 p.m. and gave a summary of the application submitted by American Rockwool Manufacturing for operating permit on an existing well #N3-24-013G completed in the Middle Trinity Aquifer.

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. There were none.

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

Dirk Aaron – CUWCD General Manager

Mike Keester – KTGW

Tomas Miller – Applicant

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

Leland addressed Tomas Miller, representative for the applicant. Tomas laid out the application and presented the request for an operating permit on the existing well.

Dirk Aaron (CUWCD) presented the administrative requirements. Dirk addressed the history and merits of the well and application. Tom Lovelace reworked the well. The original owners chose not to comply with district rules. He noted that he had been working with American Rockwool and Tomas to bring everything into compliance. Dirk issued an emergency permit to keep things going during the process. Dirk stated that they are following through with requirements. They are working with Intera and have met all criteria. They have worked with Dirk and Intera to determine needs. They have agreed to equip the well with an Eno Scientific monitoring device and are subject to curtailments.

Mike Keester (KTGW) the district's geoscience consultant presented his analysis of the application noting a negligible drawdown. He commented that the district would receive beneficial information from the drilling report on this well and recommended long-term monitoring.

Leland offered the applicant an opportunity for rebuttal of earlier testimony. The applicant had no rebuttal.

Leland ask the Board's legal counsel, Cole Ruiz, if he was satisfied that the application to amend an existing combination drilling and operating permit has met its legal burden. Cole replied yes.

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

Leland closed the evidentiary portion of the hearing at 2:46 p.m.

Leland asked for a motion to grant or deny the request for an operating permit from American Rockwool to include 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.

Vice President, Jody Williams, moved to approve the request for an operating permit from American Rockwool to include all special provisions as laid out in the General Manager's executive summary and agreed to by the applicant. Director, Jim Brown, seconded the motion

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

**Board Meeting paused and Workshop convened with President, Leland Gersbach, at 2:57 p.m.**

**Workshop Item #1: Receive information from Ty Embry related to the 89<sup>th</sup> Legislative Session and groundwater legislation.**

Ty Embry presented information related to the 89<sup>th</sup> Legislative Session and groundwater legislation.

Brynn Myers, City of Temple, presented information related to the ASR project. Her team is working to adopt a legislative agenda that will include a priority policy position to help them seek a favorable regulatory environment for an ASR project that the district has been in favor and support of.

**Workshop Item #2: Receive updates related to the 2024 Bell County Water Symposium.**

Whitney Ingram gave a brief update on the Water Symposium last week. She commented that there were 270 in attendance. The event was well received. She will have the results from the survey and cost of the event at the November Board meeting.

**Workshop Item #3: Receive information from Mike Keester, KT Groundwater, related to geoscience assessment of Heidelberg Materials 2 new wells completed to the Middle Trinity aquifer (Hensell Layer) and the impact to Middle Trinity well owners in Bell County.**

Received presentation from Mike Keester related to the geoscience assessment of Heidelberg Materials 2 new wells and the impact it will have on other Middle Trinity well owners in Bell County.

**Workshop Item #4: Receive updates related to GMA8 DFC determination, per TWC section 36.108 and plans for the next round.**

Gary and Whitney attended the GMA8 meeting on October 31<sup>st</sup>. The committee selected Intera for the next round of work. They agreed on an Inter Local Agreement not to exceed \$200,000. Cost share estimated to be around \$9,000/year.

**Workshop close and Board meeting reconvened with President, Leland Gersbach, at 4:21 p.m.**

**5. Discuss, consider, and take appropriate action, if necessary, to accept the monthly Financial Report for October 2024 (FY24) as presented.**

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

Vice President, Jody Williams, moved to accept the October 2024 financial report as presented. Director, Jim Brown seconded the motion.

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

**6. Discuss, consider, and take appropriate action, if necessary, to accept the monthly Investment Fund account report for October 2024 (FY24) as presented.**

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

Director, Jim Brown, moved to accept the monthly Investment Fund account report for October 2024 as presented. Director, Scott Brooks, seconded the motion.

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

**7. Discuss, consider, and take appropriate action, if necessary, to approve the FY25 line-item budget amendments as requested.**

Shelly Chapman noted that there were no FY25 budget amendments to present.

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

Shelly presented the final budget amendments to officially close out FY24.

	Line Item	Invoice Amount	Available Funds	Amount Requested	New Balance	From	Available Funds	New Balance
Lloyd Gosse	53732-Permit Review-Legal	\$2,336.00	\$0.00	\$2,336.00	\$0.00	53706-Legal-DFC/MAG/GA	\$6,084.51	\$3,748.51
Lloyd Gosse	53704-Legislative research/analysis	\$925.00	\$0.00	\$925.00	\$0.00	53706-Legal-DFC/MAG/GA	\$3,748.51	\$2,823.51
Internal Adj	53130.4-Gen Consult -Investigation		-\$35.45	\$35.45	\$0.00	53130.1-Gen Consult-DFC	\$45.00	\$9.55
Internal Adj	52010-Salary-Ed Outreach Coord		-\$0.04	\$0.04	\$0.00	52050-Salary-retirement	\$7.32	\$7.28
Internal Adj	52015-Salary-Gen Manager		-\$0.04	\$0.04	\$0.00	52050-Salary-retirement	\$7.28	\$7.24
Internal Adj	52025-Salary-Field Tech		-\$0.04	\$0.04	\$0.00	52050-Salary-retirement	\$7.24	\$7.20
40010	BellCAD Current Year Tax	-\$25,220.80						
	BellCAD Delinquent Tax	-\$25.60						
	(uncollected taxes)	-\$25,246.40						
<b>Adjust line item 53760-Reserves for uncollected taxes - AMEND budget from \$20,000 to \$25,246.40</b>								
53760	Reserves for uncollected tax (original budget)	\$20,000.00						
	(adjustment for uncollected taxes)	-\$25,246.40						
	(return to contingency fund)	-\$5,246.40						
50250	Current contingency fund	\$2,253.51						
	Return to contingency fund	-\$5,246.40						
	Adjusted contingency fund	-\$2,992.89						

Director, Scott Brooks, moved to approve the final budget amendments for FY24 as presented. Vice President, Jody Williams, seconded the motion.

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

9. *Discuss, consider, and take appropriate action, if necessary, to close out the FY24 budget year as presented.* Shelly presented the FY24 year end close out numbers as follows closing the year with a net return to fund balance of \$71,638.16. She commented that \$25,142 of that came from a refund received from WCID #1.

Original Budget set for <b>FY24 \$ 959,331.00</b> (projected income and expenses – page 1)	
The following describes the year-end closeout for <b>FY24</b>	
Actual income:	\$ 903,724.19 (Tax Revenue, Permit Fees, and Delinquent Taxes Collected – pg 1)
Other income: Reserves (New Board Room)	\$ 50,000.00 (page 5)
Reserves (Storage Bldg Repair)	\$ 21,100.00 (page 5)
Refund (ASR WCID 1)	\$ 25,142.00 (page 5)
<b>Adjusted Income:</b>	<b>\$ 999,966.19</b>
Expenses:	\$ 857,275.08 (page 5)
Other Expenses: New Board Room	\$ 50,000.00 (page 5)
Storage Bldg Repair	\$ 21,052.95 (page 5)
<b>Total Expenses:</b>	<b>\$ 928,328.03</b>
<b>Return to Fund Balance:</b>	<b>\$ 71,638.16 (page 5)</b>

Director, Jim Brown, moved to approve the FY24 year end close out as presented. Vice President, Jody Williams, seconded the motion.

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

10. *Discuss, consider, and take appropriate action, if necessary, by resolution to designate a district representative and alternate to GMA 8.*

The district assigned Dirk, as the General Manager, to represent CUWCD for the current round. Now that the district hired Whitney as the Assistant General Manager, it would benefit the district to have her designated as the alternate representative in place of Gary Young.

Director, Scott Brooks, moved to re-assign Dirk Aaron as the formal representative to GMA 8 and assign Whitney Ingram as the formal alternate. Director, Jim Brown, seconded the motion.

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

**11. Discuss, consider, and take appropriate action, if necessary, by resolution to enter an interlocal agreement regarding GMA8 funding for development of Desired Future Conditions Joint Planning.**

Dirk presented the Interlocal Agreement outlining the cost-sharing structure for the DFC joint planning and explanatory report. The project cost is not to exceed \$200,000. The estimated amount that the district would contribute would be approximately \$9,000.00 per fiscal year.

Dirk recommended the Board approve the resolution to enter the ILA and commit to \$9,000 in funding per fiscal year.

Vice President, Jody Williams, moved to participate in the ILA regarding GMA8 funding for development of DFC joint planning. Director, Scott Brooks, seconded the motion.

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

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

- Working on show cause hearing for Heidelberg Materials.
- Dirk will have hip replacement surgery on Nov 21<sup>st</sup> and be out for a bit while working remotely.
- Will forgo a Christmas reception this year. Take a lot of time and not many people participate anymore.

**13. 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.)

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

- **Jody Williams:** Spoke to Dirk regarding continuing the intern program for the district. They would need to have a designated project & deliverable.
- **Scott Brooks:** None
- **James Brown:** None
- **Leland Gersbach:** None

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

- Canvice election
- Oaths of office
- Symposium update
- Possible permit application

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

Wednesday, December 11, 2024, 1:30 – CUWCD Board Room – 640 Kennedy Court, Belton

**17. Adjourn.**

**Board meeting closed with President, Leland Gersbach, at 4:57 pm.**

  
\_\_\_\_\_  
Leland Gersbach, President or  
Jody Williams, Vice President

ATTEST:

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