

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, Texas
Tuesday, September 9, 2014
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a board meeting on Tuesday, September 9, 2014 at 1:30 p.m. at the Clearwater UWCD Building, located at 700 Kennedy Court, Belton, Texas.

Board Members Present:

Leland Gersbach, President
Wallace Biskup, Vice President
Judy Parker, Secretary
David Cole, Director
Bill Bartlett, Director

Public Advisory Committee:

Bradley B Ware
Bill Schumann
Tom Madden

Staff:

Dirk Aaron
Shelly Chapman

Guests:

Steve Kallman – CTWSC
Johnny Tabor – Tabor and Assoc.
Mike Thornhill – Thornhill Group
Marvin Green

Mike Keester – LBG-Guyton
Lee Kelley – Central Texas WSC
Elizabeth Ferry – Thornhill Group
Mr. Whittson

Billy Smith – Armstrong WSC
Mike Gershon – Lloyd Gosselink
Gerrie Johnson – AWSC/CTWSC

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

1. Invocation and Pledge of Allegiance:

Vice President, Wallace Biskup, gave the invocation.
Director, David Cole, lead the Pledge of Allegiance.

2. Public Comments:

None

3. Approve minutes of the August 21, 2014 Board Meeting and Workshop.

Secretary, Judy Parker, moved to approve the Minutes of the August 21, 2014 meeting.
Director, David Cole, seconded the motion. **Motion carried 5-0.**

4. Discuss, consider and take appropriate action if necessary to accept the monthly financial report for July 2014 as presented.

Vice President, Wallace Biskup, moved to accept the monthly financial report for July 2014 as presented.
Secretary, Judy Parker, seconded the motion. **Motion carried 5-0.**

5. Discuss, consider and take appropriate action if necessary to accept the monthly financial report for August 2014 as presented.

Vice President, Wallace Biskup, moved to accept the monthly financial report for August 2014 as presented. Director, David Cole, seconded the motion. **Motion carried 5-0.**

6. Discuss, consider and take action if necessary to accept the monthly Investment Fund account report as presented.

Director, David Cole, moved to accept the monthly investment fund account as presented. Director, Bill Bartlett, seconded the motion. **Motion carried 5-0.**

(President, Leland Gersbach, informed the Board that he would like to skip Agenda Item #7 at this time and move on to the Public Hearing Agenda Items #8 and #9. The Board agreed.)

Public Hearing opened with President, Leland Gersbach, at 1:35 p.m.

President, Leland Gersbach noted for the record that Director, David Cole, has submitted an Affidavit of Disclosure recusing himself, due to his former role as General Manager of Central Texas WSC. David will not participate in the Board's deliberation nor vote on the applications, but may provide comments on the applications.

President, Leland Gersbach, reviewed the procedures for the Public Hearing to include proper posting and notification of the Public Hearing. President Gersbach noted that all posting requirements had been met. Mr. Gersbach gave a summary of the 2 requests submitted.

Leland Gersbach opened the Hearing up for public comments and administered oath to all participating parties for both applications. (Dirk Aaron-General Manager CUWCD, Mike Keester-Hydrogeologist LBG Guyton, Mike Gershon-Lloyd Gosselink will represent CUWCD. Billy Smith-GM Armstrong WSC, Johnny Tabor, Gerrie Johnson will represent Armstrong WSC. Lee Kelley GM-CTWSC, Mike Thornhill, Elizabeth Ferry and Steve Kallman will represent CTWSC. No comment or protest on the applications.

Leland Gersbach proceeded with the first application from Armstrong Water Supply.

8. Hold public hearing on the following permit application:

a.) Discuss, consider and take action if necessary on an application from Armstrong Water Supply Corporation requesting an Operating Permit on Well #2 (N2-10-001P) for withdraw of 333 ac-ft./year or 108,508,383 gallons from the Lower Trinity Aquifer with a six inch column pipe to produce water for public water supply use.

b.) Discuss, consider and take action if necessary on an application from Armstrong Water Supply Corporation to amend a Historic and Existing Use Permit for Well #1 (N02-022G) for 154.9 ac-ft./year from the Lower Trinity Aquifer for Public Water supply use to Well #2 (N2*08006P) for a two well aggregate system for Public Water Supply.

Johnny Tabor (Tabor and Assoc.) gave a brief review of the request submitted by Armstrong WSC. Director Bill Bartlett asked what the average growth in number of meters has been over the last 10 years. Mr. Tabor responded that it was about 12% over the past 5 years.

General Manager, Dirk Aaron, presented the facts and related information associated with the permit application. He informed the Board that the application is administratively complete and all criteria have been met. It is Dirk's recommendation that the Board look at this request. Dirk commented that the request was reasonable and fair with special conditions. Special conditions include a monthly static water level be reported to the District.

Mike Keester, Hydrogeologist-LBG Guyton, presented his findings and analysis. He reviewed information on water use projections and drawdown.

No other discussion requested.

Board convened to Executive Session with President, Leland Gersbach at 2:12 p.m.

Public Hearing reconvened with President, Leland Gersbach, at 2:49 p.m. No decisions were made.

Secretary, Judy Parker, moved to grant Armstrong Water Supply Corporation's request for an annual operating permit of 333 acre feet per year, and an amendment to their current Historic & Existing Use Permit of 154.9 ac-ft. per year for Well #1 to an aggregated system with well #2 to withdraw a total amount of groundwater of 487.90 ac-ft. from the Lower Trinity Aquifer to be renewed on an annual basis, to include all standard provisions and special conditions recommended by General Manager and Consultants. Vice President, Wallace Biskup, seconded the motion. **Motion carried 4-0 (Director, David Cole, abstained).**

9. Hold public hearing on the following permit application:

a.) Discuss, consider and take action if necessary on an application from Central Texas Water Supply Corporation for a drilling permit for Doc Curb Site, proposed Well #1 (N2-14-004P), with up to an 8 inch column pipe, up to 600 gpm for 726 ac-ft./year or 226,676,945 gallons per year from the Lower Trinity Aquifer for public water supply use.

b.) Discuss, consider and take action if necessary on an application from Central Texas Water Supply Corporation for a drilling permit for System Split Site, proposed Well #2 (N2-14-005P), with up to an

8 inch column pipe, up to 1400 gpm for 1695 ac-ft./year from the Lower Trinity Aquifer for public water supply use.

Elizabeth Ferry, (Thornhill and Associates, gave a presentation on the hydrogeology of the proposed well and a projection of water use and drawdown. Director, Bill Bartlett asked if CTWSC was drawing water out of Lake Stillhouse. Elizabeth responded that they do draw water from Lake Stillhouse.

Engineer, Steve Kallman, gave his review of the infrastructure and the surface water sources available.

CUWCD General Manager, Dirk Aaron, presented the facts and related information associated with the permit application. He informed the Board that the application is administratively complete and all criteria have been met. Dirk recommends the same stipulations as the District has placed on the other WSCs for monthly reporting of static water levels.

Mike Keester, Hydrogeologist-LBG Guyton, presented his findings and analysis. He reviewed information on water use projections, drawdown, and needs assessment.

a.) Well #1 – Director, Bill Bartlett, moved to approve the drilling of a well in the Hosston Layer of the Trinity Aquifer to include all special provisions and conditions as outlined by the General Manager and Consultants. Vice President, Wallace Biskup, seconded the motion. **Motion carried 4-0 (Director, David Cole, abstained).**

b.) Well #2 – Vice President, Wallace Biskup, moved to approve drilling of a well in the Hosston layer of the Trinity Aquifer at the proposed location and the approval of the exception to the setback rule on adjacent property per the signed waiver to include all special provisions and conditions as outlined by the General Manager and Consultants. Secretary, Judy Parker, seconded the motion. **Motion carried 4-0 (Director, David Cole, abstained.)**

Public Hearing closed and Board meeting reconvened with President, Leland Gersbach at 4:02 p.m.

7. Discuss, consider and take appropriate action if necessary to amend the FY14 Budget as presented.

Staff is requesting line item transfer to amend the FY14 Budget within account 53700-Legal Services. Dirk Aaron explained that this would be a simple transfer between subcategories within that account. Endangered Species line item 53702 has a balance of \$11,847.04. Staff would like to transfer \$4,473 to 53704(Legislative Res/Analysis) and \$1,998.50 to 53706(GMA/DFC/MAG Support). This will leave a balance of \$5,376.04 in 53702 (Endangered Species). This request is just to pay the current bills. There will be more bills to come for August and September.

Director, Bill Bartlett, moved to approve FY14 line item budget amendments as requested. Secretary, Judy Parker, seconded the motion. **Motion carried 5-0.**

10. Discuss, consider and take action if necessary to cancel the Precinct 2 and At-Large Director Election set for November 4, 2014.

Dirk explained that the law states he, as the elections administrator, must provide the Board with a certificate of unopposed candidates. The Board was given a certification of unopposed candidates for political subdivisions as well as the Order of Cancellation. He informed the Board that David Cole's At-Large position and Precinct 2 position are uncontested. The Order of Cancellation is ready to be signed. Precinct 4 will still have an election. There are 3 candidates for Precinct 4. Staff has reviewed and approved all Precinct 4 polling location ballots.

Secretary, Judy Parker, moved to cancel the election for At-Large and Precinct 2. Vice President, Wallace Biskup, seconded the motion. **Motion carried 5-0.**

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

* Budget for FY15 has been posted and reported as required.

* The 2 wells being investigated for commingling have been resolved. Dirk gave a brief recap of the resolution.

- * Villas Del Sol will be coming to CUWCD for replatting.
- * The District has numerous inquiries about extreme drawdown in the Hidden Springs, Stillman Valley, and River Ridge Ranch areas. District is doing an assessment of the monitor wells in that area.

12. Receive monthly report and possible consideration and Board action on the following:

- a. Salado Creek stream flow gauges
- b. Education Outreach Update
- c. Monitoring wells
- d. Rainfall/Drought Conditions
- e. Well registration
- f. Non-exempt Monthly well production

No discussion - Copies of the Monthly Staff Reports were given to the Board Members to review. No action required. Informational items only.

13. Public Advisory Committee comments.³

None

14. Director comments³

Leland Gersbach – Attended the TAGD Water Summit. Very good meeting. There are a lot of issues around the state. Bell County has some of the best well drillers in the state.

Judy Parker – Addressed something that came up at the ~~Region G Executive~~ ^{TAGD} meeting. Lost Pines B.O.D are being sued personally by one of the big water marketers in the state because they denied them the right to drill a well and transport the water out of District. The E & O insurance is not covering them. Judy has a problem with the “personal” law suit against the BOD. Dirk did some research on this and found out Lost Pines did not have the right policy to protect the Board members from a case like this. CUWCD’s B.O.D is covered based on the insurance policy the District has through TML.

Judy also wanted to make the Board aware that at Region G, HDR Consultants were making a proposal for future planning. They want to put in 2 well fields in Lee County and 2 in Bell County. They did not bother to discuss these proposals with the Districts involved. This issue has since been resolved.

15. Discuss agenda items for next meeting.

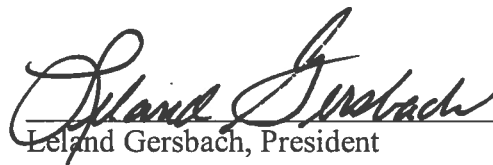
Nothing up for discussion at this time.

16. Set time and place of next meeting.

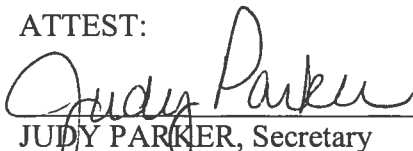
Oct 14, 2014 @ 1:30

17. Adjourn.

Meeting adjourned by President, Leland Gersbach at 4:51 p.m. and convened to Workshop.


Leland Gersbach, President

ATTEST:


JUDY PARKER, Secretary

(A compact disc of this meeting is available upon request.)