

Clearwater Underground Water Conservation District Meeting

700 Kennedy Court

Belton, TX

Wednesday, September 20, 2017

Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a board meeting on Wednesday, September 20, 2017 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, VP (arrived late)
Judy Parker, Secretary
David Cole, Director
Gary Young, Director

Public Advisory Committee:

Staff:

Dirk Aaron
Shelly Chapman

Guests:

Kantave Greene-TWDB	Lee Kelley – CTWSC	Mike Keester -LRE Water
Jacob Sawyer – Temple Daily Telegram	James Beach – LBG Guyton	Robert Jekel – CTWSC
Steve Kallman – CTWSC	Gerrie Johnson – CTWSC	
Brodie Cutts – Rep. Hugh Shine’s Office	Lamar Lewis – Rep. Hugh Shine’s Office	

Board Meeting convened with President, Leland Gersbach at 1:31 p.m.

1. Invocation and Pledge of Allegiance:

Director, David Cole, gave the invocation.
Secretary, Judy Parker, led the Pledge of Allegiance.

2. Public comment.

None.

3. Approve minutes of the August 23, 2017 Board meeting.

Director, Gary Young, moved to approve the minutes of the August 23, 2017 Board meeting. Secretary, Judy Parker, seconded the motion. **Motion carried 4-0** (Wallace Biskup absent).

4. Discuss, consider, and take appropriate action if necessary to accept the Monthly Financial Report for August 2017 (FY17) as presented.

Director, David Cole, moved to accept the Monthly Financial Report for August 2017 (FY17) as presented. Director, Gary Young, seconded the motion. **Motion carried 4-0** (Wallace Biskup absent).

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

Secretary, Judy Parker, moved to accept the monthly Investment Fund account report as presented. Director, Gary Young, seconded the motion. **Motion carried 5-0** (Wallace Biskup present).

6. Discuss, consider, and take appropriate action if necessary to approve the FY17 line item budget amendments as requested.

Shelly Chapman presented the request for FY17 line item budget amendments. Requests are as follows:

Transfer \$\$	TO	FROM
\$1,645.47	53732 – Permit Review - Legal	53731 – Permit Review - Geoscience
\$275.02	53030 – Operating Exp. – Tax Appraisal District	50310 – Director Expense – Pct 1
\$150.00	53605 – Education Outreach – Event Cost	50310 – Director Expense – Pct 1
\$845.50	53450 – Computer Repairs & Supplies	50310 – Director Expense – Pct 1
\$845.50	53450 – Computer Repairs & Supplies	50320 – Director Expense – Pct 3
\$150.00	50415 – Director Fee – Pct 2	50315 – Director Expense – Pct 2
\$300.00	50405 – Director Fee – At Large	50305 – Director Expense – At Large

Secretary, Judy Parker, moved to approve the FY17 line item budget amendments as presented. Director, David Cole, seconded the motion. **Motion carried 5-0.**

7. Hold public hearing on the following permit applications:

- a). Discuss, consider and take appropriate action if necessary on the proposed N1 operating permit of .82 ac-ft./yr. for Robert and Victoria Lewis, authorizing a drilling/operating permit (well# N1-17-007P) completed in the Hensell Layer of the Trinity Aquifer on a 3.88 acre tract located off Chaparral Road, Killeen, Texas, to produce groundwater for domestic use.**
- b). Discuss, consider and take appropriate action if necessary on an aggregate operating permit with "30 yr. Specific Growth Provisions" at CTWSC Split System Site Well #2 (N2-14-005P) for a new well with up to an 8-inch column pipe, up to 1400 gpm for a maximum of 1776 ac-ft./year or 558,711,376 gallons per year subject to a maximum 2421 ac-ft./year or 778,885,271 gallons per year to account for growth and demand in a two well aggregated (with Well #1) amount from the Hosston Layer of the Trinity Aquifer for public water supply use.**
- c). Discuss, consider and take appropriate action if necessary on an operating permit amendment to aggregate operating permit with "30 yr. Specific Growth Provisions" at Doc Curb Site Well #1 (N2-14-004P) for an existing well with a 6-inch column pipe, up to 450 gpm, for maximum 726 ac-ft./year or 236,567,826 gallons per year in a two well aggregated (with Well #2) amount from the Hosston Layer of the Trinity Aquifer for public water supply use.**
- d). Discuss, consider and take appropriate action if necessary on a proposed annual aggregate export provision of 40% of the total annual aggregate operating permit for CTWSC two well system, with maximum export provision for 2017-2022 at 710 ac-ft./year or 231,354,210 gallons per year with specific growth provisions expressed in five year increments determined by aquifer conditions.**

President, Leland Gersbach, opened the public hearing at 1:40 p.m.

President, Leland Gersbach, called to order the Public Hearing on the applications described under Agenda Item #10 and gave a brief explanation of the procedures. He noted, for the record, that Director David Cole has recused himself from the Board vote and decision because of his former role as General Manager of CTWSC. David has completed the appropriate paperwork required by state law when there is this type of conflict, or perception of conflict of interest.

For the record, Leland stated that it is September 20th at 1:40 p.m., and the hearing is being recorded by audiotape as required by statute and our rules. As the President of the District's Board of Directors, Leland will serve as the Presiding Officer of the hearing. A quorum of the Board of Directors will also officiate and participate in ruling on the application.

Leland gave a summary of the applications and reviewed the procedures that will apply for the hearing and the Board's action on the application. He noted for the record, that the hearing had been properly noticed according to State and District rules. Notice of the hearing was posted at the District Office and at the County Courthouse Annex on Friday September 8, 2017 at 9:27 a.m.

Leland informed anyone wishing to participate in the hearing or protest the applications will need to sign up to speak and gave them the opportunity to do so.

As the Presiding Officer, Leland will take evidence and sworn testimony, and rule on any procedural issues. As set forth in Chapter 36 of the Texas Water Code and the District's Rules, the permit application must meet certain elements to be approved, elements that General Manager, Dirk Aaron, will cover in his review and recommendation.

Leland explained that the permit applications have undergone administrative and technical review by District staff, consultants, and legal counsel. The Board will first hear a presentation from District staff, which will include (1) staff's review of the evidence filed by the permit applicant; (2) staff's recommended action on the permit applications; and (3) the Board's questions to the General Manager.

The Board may ask questions of the General manager, legal counsel, the District's consultants, the applicant, and any interested parties. The Board may request that additional evidence be presented by the applicant or interested parties, and the hearing may be continued to do so. A final decision on the application is not required today, but may be made upon the close of evidence, or no later than 60 days of the conclusion of this hearing. The final decision will involve the Board acting on the application by either denying the permit application, granting the permit application as requested, or granting the permit application in part.

Leland acknowledged those participating in the hearing.

Leland opened the hearing for public comments or protests. There were none.

Leland asked all parties speaking on any part of the application to stand and take an oath. Leland administered the oath.

Leland proceeded with the Lewis application:

Leland asked questions of General Manager, Dirk Aaron. Dirk explained what an N1 permit is. He commented that the application is administratively complete, all elements of the application have been addressed, and the application was properly posted per Chapter 36 and District Rules. Dirk noted that a meter is not required for this well and the applicant agreed to special provision as described by District Staff.

Leland questioned James Beach (District consultant) on his analysis of the application. James Beach responded that the proposed permitted amount would not adversely impact adjacent well owner's ability to produce groundwater. James requested that the ability to monitor the well for drawdown be considered as a special provision. James recommended the Board approve the application with special provisions recommended.

Leland asked the Board if they had any other questions concerning this application? There were none.

Leland concluded the discussion on the Lewis application and asked if any other parties were interested in submitting additional evidence? There were none.

Leland concluded the evidentiary portion of the hearing and asked for a motion to grant/deny/partially grant the Lewis's request for a combination drilling/operating permit of .82 acre feet per year from the Middle Trinity Aquifer to include special provisions outlined by the General Manager and Consultants.

Motion offered by Gary Young. Seconded by Judy Parker to grant the Lewis's request for a combination drilling/operating permit with special provisions as stated. **Motion carried 5-0.**

Leland proceeded with the review of the Central Texas WSC application:

Leland heard testimony on the application for Central Texas WSC.

Leland asked General Manager, Dirk Aaron, questions pertaining to the application and its administrative completeness. Dirk explained that the application is administratively complete, all elements of the application have been addressed, and the application was properly posted per Chapter 36 and District Rules.

Leland had questions for Lee Kelley (General Manager CTWSC) and Mike Keester (LRE). Leland acknowledged that Mike Keester wanted to layout the specificity of the application. Mike gave a detailed power point presentation on the specificity of the application, needs assessment, and worse case scenarios. Leland proceeded with questions for Mike Keester and Lee Kelley. They responded accordingly.

Leland had additional questions for James Beach, the District's consultant. Why 2 different groundwater models are being used in the permit analysis and the differences in the results. James explained the use of the models, the results, and his thoughts on the "best available science".

Leland continued with questions for Mike Gershon, the District Attorney regarding Chapter 36 and the District's rules. Mike responded that Chapter 36 and the District's rules give the District statutory authority to allow for progressive growth provisions. This allows certainty for long term planning. Special provisions can be proposed with the District and Applicant working together. All future applicants should be treated in the same regards.

Leland asked the Board if they had any other questions concerning this application? There were none.

Leland concluded the discussion on the CTWSC application and asked if any other parties were interested in submitting additional evidence? There were none.

Leland concluded the evidentiary portion of the hearing and asked for a motion to grant/deny/partially grant Central Texas Water Supply Corporation's 3 separate requests as follows for:

- 7b) For an aggregate operating permit with "30 yr. Specific Growth Provisions" at CTWSC Split System Site Well #2 for a new well with up to an 8-inch column pipe, up to 1400 gpm for a maximum of 1776 ac-ft./year or 558,711,376 gallons per year subject to a maximum 2421 ac-ft./year or 778,885,271 gallons per year to account for growth and demand in a two well aggregated (with Well #1) amount from the Hosston Layer of the Trinity Aquifer for public water supply use.
- 7c) For an operating permit amendment to aggregate operating permit with "30 yr. Specific Growth Provisions" at Doc Curb Site Well #1 for an existing well with a 6-inch column pipe, up to 450 gpm, for maximum 726 ac-ft./year or 236,567,826 gallons per year in a two well aggregated (with Well #2) amount from the Hosston Layer of the Trinity Aquifer for public water supply use.
- 7d) For a proposed annual aggregate export provision of 40% of the total annual aggregate operating permit for CTWSC two well system, with maximum export provision for 2017-2022 at 710 ac-ft./year or 231,354,210 gallons per year with specific growth provisions expressed in five year increments determined by aquifer conditions.

Motion offered by Gary Young. Seconded by Judy Parker to grant Central Texas Water Supply Corporation's 3 separate requests as stated. **Motion carried 4-0** (David Cole recused).

President, Leland Gersbach, closed the public hearing at 2:55 p.m.

Board meeting reconvened with President, Leland Gersbach, at 3:07 p.m.

8. General Manager's Report concerning office management and staffing related to District Management Plan.

- Gary Young, David Cole, Shelly Chapman, and Dirk Aaron attended the Texas Groundwater Summit.
- Dirk was asked to speak, as a representative of TAGD and as a GCD manager, at the Texas County Judges and Commissioners Conference in West Texas to address the importance of how GCDs should work.
- Dirk will attend TWCA Oct 18-20.
- Will be speaking at the Texas AgriLife Conservation Expo Sept 21st. The District will have a booth displaying the Mobile Classroom.
- Water Symposium is Nov. 15th. Dirk discussed the agenda.
- The District will host a TAGD Leadership Training Nov 16-17.
- Website has been moved to the new MSP and functioning.
- Currently promoting Mobile Classroom and the Water Symposium on social media.
- Video of the District is in progress. Hope to unveil at the Symposium. Directors may be asked to be interviewed.
- Mobile classroom will be available at the Symposium.
- Dirk was voted in as the new President of TAGD.

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

- a) Drought Status Report***
- 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 required. Information items only.)

10. Public Advisory Committee Comments.

None

11. Director comments and reports.

Judy Parker: None

Wallace Biskup: None

Leland Gersbach: None

David Cole: None

Gary Young: He has a weather station on his property that Baylor is monitoring. Stephanie came out to capture data and he got some interesting results.

12. Discuss agenda items for the next meeting.

- Possible N2 permit application for Kevin Spurlock

13. Set time and place for next meeting.

October 11, 2017 1:30 p.m. CUWCD, 700 Kennedy Court.

14. Adjourn.

Board meeting adjourned and Workshop convened with President, Leland Gersbach, at 3:28 p.m.

Workshop Item #4. Discuss the status and timeline for final determination of Desired Future Conditions and Explanatory Report to occur for the DFC determination by GMA8, per TWC section 36.108.

James Beach (LBG-Guyton) Discussed the status for the final determination of the DFC and Explanatory Report. He highlighted the concerns and issues TWDB has with GMA8. He commented that TWDB mainly had technical questions regarding modeling issues within GMA 8. LBG Guyton has been working with TWDB to resolve the questions.

Workshop Item #1. Discuss and review potential participation in the TWDB TexMesonet weather station program.

Dirk introduced Dr. Greene, a representative of TexMesonet. Dirk handed out the TexMesonet brochure for the Director's to look at. Dr. Greene was a presenter at the TAGD Water Summit. Dr. Greene explained what TexMesonet is and the idea behind it. He highlighted the importance of the weather stations, benefits, and the need for these stations in Bell County. These more stations in Bell County, the more accurate the data is in our area.

Dirk visited with Dr. Greene prior to the Board meeting and discussed potential location for weather stations in our area. Dirk asked the Board to consider the information and he will bring it before the Board as an action item at the next meeting.

Workshop Item #2. Discuss and review possible changes to the Public Advisory Committee structure.

Dirk discussed the history of the Public Advisory Committee and the original structure of the Committee. He proposed an amended structure for the Committee and presented his thoughts and ideas for the Board to consider and think about.

Leland asked if the Board even wanted to continue with a PAC. The management plan does not say that the District must have a public advisory committee.

Judy Parker doesn't think that a PAC is necessary any longer.

Gary Young commented that the biggest challenge, should the PAC be continued, will be finding people to serve.

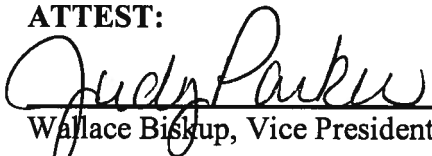
Workshop Item #3. Receive update and review draft agenda of the 17th Annual Bell County Water Symposium.

No discussion. Dirk mentioned that this topic was covered in the General Manager's report.

Workshop concluded by President, Leland Gersbach, at 4:43 p.m.


Leland Gersbach, President

ATTEST:



Wallace Biskup, Vice President
or
Judy Parker, Secretary