

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, July 10, 2019
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a board meeting on Wednesday, July 10, 2019 at 1:30 p.m. at the Clearwater UWCD Building, located at 700 Kennedy Court, Belton, Texas.

Board Members Present:

Leland Gersbach, President, Pct. 1
David Cole, Director - At Large
Gary Young, Director – Pct. 2
Jody Williams, Director – Pct. 3
Scott Brooks, Director – Pct. 4

Absent:

Staff:

Dirk Aaron, General Mgr.
Shelly Chapman, Admin. Mgr.
Reagan Langemeier, Intern

Guest

Bill Schumann – County Commissioner
Sandra Blankenship – Killeen
Mike Eveans – Well Applicant
Cheryl Platzer – Resident
Kent Stephens – Health Dept

Mike Keester – LRE
Stephanie Wong – Baylor
Priscilla Eveans – Well Appl
Tyler Studinka – Resident
Owen Jones

Troup Brewer – Lloyd Gosselink
Joe Yelderman – Baylor
Greg Stanton – USGS
Peter DiLillo
Lou Fleischhauer

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

1. *Invocation and Pledge of Allegiance.*

Director, David Cole, gave the invocation.
Director, Gary Young, led the Pledge of Allegiance.

2. *Public Comment.*

None

3. *Approve minutes of the June 12, 2019 Board meeting.*

Vice President, David Cole, moved to approve the minutes of the June 12, 2019 Board meeting. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

4. *Hold public hearing on the following application:*

Discuss consider and take appropriate action if necessary, to approve an exception to setback requirements per District rule 9.5.5 for Mike Eveans, in Tomahawk Trails 1st Ext, Block 2, Lot 4 at 2568 Overlook Drive, Belton, Texas.

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

President, Leland Gersbach, called to order the public hearing at 1:35 p.m. As President of the Board, Leland served as the Presiding Officer. Leland gave a summary of the public hearing and reviewed the procedures for the hearing. He stated that anyone interested in participating in the hearing or protesting the hearing must sign in to speak.

Leland noted that the hearing was properly noticed per District rules and has undergone administrative and technical review by District staff, as well as the District's geoscience consultant, Mike Keester with LRE and Troupe Brewer, the District's legal counsel.

Leland asked if anyone was present that wished to comment. There are two, Mike Eveans (applicant) and Tyler Studinka (adjacent property owner). Dirk Aaron noted that he received written comments from James Montano (an adjacent property owner) regarding the hearing. Leland noted that he would hear testimony from the District's General Manager. He also asked that the District's hydrogeologist, Mike Keester offer his assessment. Kent Stephens with the Bell County Health Department is in attendance to answer any questions related to the on-site septic system requirements. Leland noted, for the record, Board members may ask

questions of the applicant, Dirk Aaron, Troupe Brewer, Mike Keester, and Kent Stephens, as expert witnesses. The Board may also ask questions of any interested parties to the case.

Leland administered oath to the District GM, Dirk Aaron, Mike Keester, Troupe Brewer, Mike Eveans, Kent Stephens, and Tyler Studinka.

Dirk Aaron made his presentation related to the application and elements required by law and District Rules. Dirk noted that the tract of land IS eligible for an exempt well because the tract was sub-divided to the current size in 1978, thus grandfathered on tracts sub-divided to less than 2 acres prior to March 1, 2004. Dirk noted that the applicant exhausted other efforts prior to the public hearing. He pursued waivers from adjacent property owners and each owner denied signing the waiver and notified the District that they wished to contest applicant's request for an exception to all spacing rules outlined in comments submitted to the General Manager. Dirk informed the Board that Mr. Eveans completed all notifications and has met all requirements and deadlines to allow the District to deliberate on his request. Dirk included a drawdown analysis that outlines the District's responsibility to deliberate on the application and the appropriate elements related to the request for an exception for the purpose of drilling a domestic well on a tract of land less than 2 acres. Dirk also asked Mr. Eveans to provide documents related to the lot size, USACE requirements for construction of a home site, limitations on accessing surface water from Belton Lake, as well as on-site septic permits from Bell County Health Department.

Mike Keester presented the comparative drawdown analysis of this proposed well. He presented 2 scenarios of the calculated drawdown at the proposed well and at other nearby wells completed in the Middle Trinity. The predicted drawdown is less than 1 foot per year is considered negligible. Should the District approve the exception, Mike recommends the well being metered and access to the well for the purpose to determine actual changes in water level due to pumping. The well driller should install a meter and tube to allow access to the well for water level measurements by District Staff.

Dirk spoke on behalf of Tom Lovelace and commented that using a jet pump to pump water from the lake at the elevation of Mr. Eveans property would not be cost effective. Mr. Eveans has concerns with jet pumps as well because of the zebra mussels damaging the equipment and pump installers are hesitant to install them.

Kent Stephens addressed questions regarding septic rules and concerns.

Tyler Studinka, an adjacent property owner to Mr. Eveans, voiced his concerns of how this well will impact the production and quality of his proposed well. He currently has a pump in the lake that will have to be pulled as well. Dirk addressed his questions and concerns. Kent Stephens addressed Tyler's questions regarding on-site septic plan and rules. Tyler commented that this hearing surpassed all his expectations and understanding. He appreciated the Board and their time.

Leland asked if any other parties were interested in submitting additional evidence? There was none. Leland concluded the evidentiary portion of the hearing.

Leland asked the Board if they had any other questions or further discussion. Leland laid out several option for a motion. The Board discussed the options and concerns and recommendations from the General Manager.

Director, Scott Brooks, moved to grant the exception including the special conditions agreed to by Mr. Eveans and all other parties to address the site-specific concerns and any allegations of impacts. Said special conditions shall include that the authorization to produce under the permit would be contingent on the applicant obtaining all necessary building permit approvals with engineered designs for the home above the 642 foot mean sea level (m/s) line in addition to a site-specific engineered designed on-site septic system with Bell County Public Health District permit and those that satisfy all requirements of the United States Army Corp of Engineers (USACE). This option would include the analysis under scenario II of ½- acre feet per year of authorized production, with special permit conditions related to metering, production reporting and enhanced observation methods for drawdown measurements by the District staff, among others. Director, Jody Williams, seconded the motion.

Motion carried 5-0.

Public Hearing closed at 2:51 p.m. and Board meeting reconvened at 3:01 p.m. with President Leland Gersbach

5. ***Discuss, consider and take appropriate action if necessary, to accept the monthly financial report for June 2019 (FY19) as presented.***

Board members received the monthly financial reports in their Board Packet to review prior to the meeting.

Secretary, Gary Young, moved to accept the monthly financial report for June 2019 as presented. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

6. ***Discuss, consider and take appropriate action if necessary, to accept the monthly Investment Fund report for June 2019 (FY19) as presented.***

Board members received the monthly Investment Fund report in their Board Packet to review prior to the meeting.

Vice-President, David Cole, moved to accept the monthly Investment Fund report as presented. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

7. ***Discuss, consider and take appropriate action if necessary, to accept the Quarterly Deferred Compensation Employee Retirement Program account report as presented.***

Board members received the Quarterly Report for the Employee Retirement Program account in their Board packet to review prior to the meeting.

Secretary, Gary Young, moved to accept the Quarterly Report as presented. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

8. ***Discuss, consider and take appropriate action if necessary, approve the FY19 line item budget amendments as requested.***

No budget amendments requested.

Board convened to Workshop with President, Leland Gersbach, at 3:02 p.m.

Workshop Item #1 – Receive information concerning the ongoing Baylor University Geoscience Studies.

Dr. Joe Yelderman gave an update on the ongoing projects with Baylor University:

1. Reservoir affect of Stillhouse Hollow Lake.
2. River Ridge Ranch aquifer test.
3. WellIntel device usage and impact.
4. Recharge of spring shed with regards to the Downtown complex of the Salado springs.

Workshop Item #2 – Receive information related to the ongoing Scientific Studies in Bell County.

Greg Stanton, USGS, presented a “menu of opportunities” for FY2020. Dirk encouraged the Board to review the items presented in order to discuss at the next meeting.

Mike Keester gave an informal presentation of his goals and suggestions for FY20.

Workshop Item #3 – Receive information related to the Allan Standen 3D Visualization Calibration & Enhancements.

Allan Standen was unable to attend this meeting. He will make his presentation at one of the meetings next month.

Workshop Item #4 – Receive information concerning Groundwater Management Area 8 related to Round 3 DFC development.

Gary Young and Dirk will be attending the GMA meeting on the 26th of this month. This meeting will initiate the final signing for the contracts and set a path forward for the next 3 years.

Workshop Item #5 – Discuss and review items of interest concerning the FY2020 budget development process.

Dirk presented updated information on preliminary numbers from Bell CAD for the upcoming budget and the guiding principles for setting the budget. Leland directed Dirk to workup the numbers for the budget and email it to the Board

for review prior to the August meeting.

Workshop closed and Board convened to Executive Session with President, Leland Gersbach, at 5:08 p.m.

Board reconvened to Regular Session with President, Leland Gersbach, at 5:40 p.m.

9. Discuss, consider and take appropriate action if necessary to conduct the annual performance review of the General Manager, in accordance with District Bylaws Article VI, Section 6.

Leland reviewed the results of the performance evaluation of the General Manager. Everyone agreed that the General Manager is doing a great job. There were no complaints. No action taken on this item.

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

- Everything is going well.
- Permit application – Arrowhead Trail.
- Groundbreaking for weather station at the Rest Stop.

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

- a) Drought Status Reports
- 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.)

12. Director comments and reports.

- **Jody Williams:** Keep up the good work. He is high on education and will be getting Troy and Rogers on board with conservation.
- **Leland Gersbach:** SAWS tour was cool and impressive. It was worth the time.
- **Gary Young:** Trip to SAWS was very interesting and informative.
- **David Cole:** Thanks to Dirk for being GM and appreciates the staff and work they do.
- **Scott Brooks:** No comments.

13. Discuss agenda items for the next meeting.


Budget
Permit hearing

14. Set time and date for next meeting.

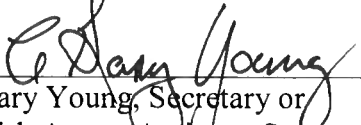
Wednesday, August 14, 2019 at 1:30 p.m. at the District's office.

15. Adjourn

Board meeting adjourned with President, Leland Gersbach, at 5:54 p.m.


Leland Gersbach, President

ATTEST:



Gary Young, Secretary or
Dirk Aaron, Assistant Secretary