



Board Meeting
&
Workshop

Clearwater Underground Water Conservation District
700 Kennedy Court
Belton, Texas

Wednesday
December 9, 2020
1:30 p.m.

Clearwater Underground Water Conservation District Board Members

Leland Gersbach, Director Pct. 1

President

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Gary Young, Director Pct. 2

Secretary

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Jody Williams, Director Pct. 3

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Scott Brooks, Director Pct. 4

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David Cole, Director At-Large

Vice President

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Killeen, TX 76543-2930
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Revised Dec. 26, 2018

Agenda

**NOTICE OF THE MEETING OF THE
CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT
TO BE HELD BY TELECONFERENCE AND VIDEOCONFERENCE
December 9, 2020**

In accordance with Governor Abbott's declaration of the COVID-19 public health threat, action to temporarily suspend certain provisions of the Texas Open Meetings Act, and Executive Order, a quorum of CUWCD's Board of Directors will hold its regular Board meeting by telephonic conference call and, for redundancy, videoconference. The public may access this meeting and make public comment by phone, pc, tablet and/or notebook using the contact information and instructions on pages 2 of this notice.

Notice is hereby given that the above-named Board will hold a Workshop and Board meeting on Wednesday, December 9, 2020 beginning at 1:30 p.m. in the Clearwater UWCD Board Room located at 700 Kennedy Court, Belton, Texas. The following items of business will be discussed¹.

Workshop:

1. Receive information related to Groundwater Management Area 8, related to Joint Planning and Development of the Desired Future Conditions.

Board Meeting:

1. Invocation and Pledge of Allegiance.
2. Public comment².
3. Approve minutes of the November 11, 2020 Board meeting.
4. Discuss, consider and take appropriate action if necessary, to accept the monthly financial report for November 2020 (FY21) as presented.
5. Discuss, consider and take appropriate action if necessary, to accept the monthly investment fund account report for November 2020 (FY21).
6. Discuss, consider and take appropriate action if necessary, to approve the **FY21** line item budget amendments as requested.
7. Discuss, consider and take appropriate action if necessary, to swear in Board of Directors for Precincts 1 & 3 and administer oaths of office.
8. Discuss, consider and take appropriate action if necessary, to set the calendar dates for 2021
9. Discuss, consider and take appropriate action if necessary, to support the Texas Alliance of Groundwater Districts proposed Amicus Brief.
10. Discuss, consider and take appropriate action if necessary, to approve a waiver submitted by Jason Bragg and Tom Vitek for an existing well to encroach an adjacent property to less than the required 50 foot setback per District Rule 9.5.5(e) Exceptions to Spacing Requirements.
11. General Manager's report concerning office management and staffing related to District Management Plan³.
12. Receive monthly staff report and possible consideration and Board action on the following³:
 - a. Drought Status reports
 - b. Education Outreach update
 - c. Monitoring Well reports
 - d. Rainfall report
 - e. Well Registration update
 - f. Aquifer Status and Non-exempt Monthly Well Production reports
13. Director comments and reports³.
14. Discuss agenda items for next meeting.
15. Set time and place for next meeting.
16. Adjourn.

Dated the 4th day of December 2020

Leland Gersbach, Board President

By: 
Dirk Aaron, Asst. Secretary

SHELLEY COSTON
CLERK, BELTON, TX
2020 DEC -4 A 9:06
FILED IN RECORD

Agenda items may be considered, deliberated and/or acted upon in a different order than set forth above.

The Clearwater Underground Water Conservation District is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the District office at 254-933-0120 at least 24 hours in advance if accommodation is needed.

¹During the meeting, the Board reserves the right to go into executive session for any of the purposes authorized under Chapter 551 of the Texas Government Code, for any item on the above agenda or as otherwise authorized by law.

²Citizens who desire to address the Board on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to 3 minutes. No discussion or final action will be taken by the Board.

³No formal action will be taken by the Board on these agenda items. These items are on the agenda to provide the District's staff, Public Task Force Committees, and Directors with an opportunity to bring to the public's and each other's attention important activities and issues pertinent to the management of groundwater within the District, including, but not limited to, current events in the District involving groundwater, wells, or District permittees, state or regional developments related to water management, and activities of the staff, Public Advisory Committee, and Directors. Substantive deliberation and formal action on any of these issues will be conducted pursuant to a specific item on a future agenda.

**GUIDELINES FOR PUBLIC PARTICIPATION IN CLEARWATER UNDERGROUND
WATER CONSERVATION DISTRICT BOARD MEETING, WORKSHOP AND
PUBLIC HEARINGS**

Clearwater UWCD, in order to maintain governmental transparency and continued government operation while reducing face-to-face contact for government open meetings, is implementing measures according to guidelines set forth by the Office of the Texas Governor, Greg Abbott. In accordance with section 418.016 of the Texas Government Code, Governor Abbott has suspended various open-meetings provisions that require government officials and members of the public to be physically present at a specified meeting location. CUWCD's adherence to the Governor's guidance temporary suspension procedure ensures public accessibility and opportunity to participate in CUWCD's open meeting, workshop and public hearings.

Members of the public wishing to make public comment during the meeting must register by emailing schapman@cuwcd.org prior to 11:30 a.m. on December 9, 2020. This meeting will be recorded and the audio will be available online <http://www.cuwcd.org> or by requesting a copy from daaron@cuwcd.org. A copy of the agenda packet is available on the CUWCD's website prior to the meeting.

You may join CUWCD's Board meeting as follows:

- ✓ Clearwater UWCD Board Workshop & Regular Meeting
Wed, Dec 9, 2020 1:30 PM - 5:30 PM (CST)
- ✓ **Join the meeting from your computer, tablet or smartphone.**
<https://global.gotomeeting.com/join/173845813>
- ✓ **You can also dial in using your phone.**
United States (Toll Free): [1 866 899 4679](tel:18668994679) Access Code: 173-845-813

New to GoToMeeting? Get the app now and be ready when your first meeting starts:
<https://global.gotomeeting.com/install/173845813>

FILED FOR RECORD
2020 DEC -4 A 9:06
SHELLEY COSTON
CLERK
D. CLAY BELL CO. TX

Minutes - Item #3

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, November 11, 2020
Minutes

In accordance with Governor Abbott's declaration of the COVID-19 public health threat, action to temporarily suspend certain provisions of the Texas Open Meetings Act, and Executive Order, a quorum of CUWCD's Board of Directors held a regular Board meeting by telephonic conference call and, for redundancy, video conference on Wednesday, November 11, 2020 at 1:30 p.m. The meeting originated from the Clearwater UWCD Building, located at 700 Kennedy Court, Belton, Texas.

Board Members Present:

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

Absent:

Staff:

Dirk Aaron, General Manager
Shelly Chapman, Admin. Manager

Guest: (remote)

Bill Schumann – Bell County Commissioner
Sandra Blankenship – WCID 1 – Director

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

Workshop Item #1. Receive information related to Groundwater Management Area 8, related to Joint Planning and Development of the Desired Future Conditions.

Dirk Arron gave a brief update on GMA8. He informed the Board that he and Gary attended the virtual meeting on October 27th. He commented that they are in the 3rd round of DFC planning based on original legislation. The deadline to complete round 3 is May 1, 2021. Attorney, Ty Embry, gave a presentation laying out the path moving forward to approve the DFC.

Workshop Item #2. Receive information related to the Salado Salamander proposed rule for Critical Habitat.

Dirk briefed the Board on the media event coordinated by Judge Blackburn related to the Salado Salamander proposed rule for Critical Habitat. The Federal Government will be accepting comments (for and against) until November 16th. Dirk has worked with NRS to draft a letter to be formally submitted. Dirk stated that the District's attorney, Cole Ruiz, has reviewed it as well. Dirk asked the Board to allow him to work with the Board President and have him sign the letter to be submitted as required. Dirk informed the Board they would address this on agenda item #7 of the regular Board meeting.

Workshop closed at 2:07 p.m. and Board Meeting convened with President, Leland Gersbach at 2:10 p.m.

1. Invocation and Pledge of Allegiance.

Vice President, David Cole, gave the invocation.
Secretary, Gary Young, led the Pledge of Allegiance.

2. Public Comment.

No public comments.

3. Approve minutes of the October 14, 2020 Board meeting and Workshop.

Board members received the minutes of the October 14, 2020 Board meeting and workshop in their Board Packet to review prior to the meeting.

Secretary, Gary Young, moved to approve the minutes of the October 14, 2020 Board meeting and Workshop.
Vice President, 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 October 2020 as presented.

Board members received the monthly financial report for October 2020 in their Board Packet to review prior to the meeting.

Vice President, David Cole, moved to accept the monthly financial report for October 2020 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 as presented.

Board members received the monthly investment fund account report for October 2020 in their Board Packet to review prior to the meeting.

Director, Jody Williams, moved to accept the monthly investment fund account report for October 2020 as presented. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

6. Discuss, consider and take appropriate action if necessary, to approve the FY20 line item budget amendments as requested.

Shelly Chapman and Dirk Aaron presented the request for final amendments and adjustments for FY20 budget and explained the needs for the requests. See budget amendment and adjustment requests below:

| Vendor | Line Item | Over Budget | Amount Requested | New Balance | From | Available Funds | New Balance |
|--|----------------------|-------------|------------------|-------------|-------------------|-----------------|-------------|
| IN-HOUSE Line item adjustments for FY20 Close Out | | | | | | | |
| Payroll | 52010 Ed Coordinator | \$0.04 | \$0.04 | \$0.04 | 52015 General Mgr | \$0.04 | \$0.00 |
| | | | | | | | |
| | | | | | | | |

| | | |
|-------|--------------------------|---------------|
| 40010 | BellCAD Current Year Tax | - \$26,435.27 |
| 40015 | BellCAD Delinquent Tax | - \$4,365.02 |
| | (uncollected taxes) | - \$30,800.29 |

Adjust line item 53760 - Reserves for uncollected taxes - AMEND budget from \$20,000 to \$30,800.29

| | | |
|-------|--|---------------|
| 53760 | Reserves for uncollected tax (original budget) | \$20,000.00 |
| | (adjustment for uncollected tax) | - \$30,800.29 |
| | (return to Contingency Fund) | - \$10,800.29 |
| 50250 | Current Contingency Fund | \$0.00 |
| | Return to Contingency Fund | - \$10,800.29 |
| | Adjusted Contingency Fund | - \$10,800.29 |

Director, Scott Brooks, moved to approve the line item budget amendments and adjustments for FY20 as requested. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

7. Discuss, consider and take appropriate action if necessary, to close out FY20 budget year as presented.

Dirk presented the final close out information for FY20 budget year.

| | |
|-------------------------------------|---|
| Original Budget set for FY20: | \$793,499.00 (projected income and expenses) |
| Original from Reserve Funds FY20: | \$ 27,114.00 (from Reserve Funds to balance budget) |
| Additional amendment from Reserves: | <u>\$105,000.00</u> (Endangered Species-BCAMC) |
| Total Amended Budget: | \$925,613.00 (total projected expenses and income) |

The following describes the year end closeout for FY20:

| | |
|----------------|--|
| Actual income: | \$ 742,001.06 (Tax Revenue, Permit Fees, and Delinquent Taxes Collected) |
| Reserve Funds: | \$ 27,114.00 (to balance budget) |

Additional Reserve Funds: \$ 105,000.00 (ESA/BCAMC)

Adjusted Income: **\$ 874,115.06**

Total Expenses: \$ 783,771.68

Return to Fund Balance: **\$ 90,343.38**
(from current year operation)

Reduction in Balance of prior
year's reserve funds: **\$ 41,770.62**

Dirk requested the Board approve budget close out as presented, closing the year with \$90,343.38 returned to Reserve Fund balance, and the reduction of \$41,770.62 in the previous year's Reserved Fund balance.

Director, Jody Williams, moved to approve the FY20 yearend close out as presented. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

8. *Discuss, consider and take appropriate action if necessary, to approve the FY21 line item budget amendments as requested.*

No budget amendments requested. No action needed.

9. *Discuss, consider and take appropriate action if necessary, to direct General Manager to submit formal comments related to proposed Critical Habitat for the Salado Salamander.*

Information regarding the submittal of formal comments related to proposed Critical Habitat for the Salado Salamander was presented and discussed in workshop item #2.

Vice President, David Cole, moved to direct the General Manager to submit formal comments related to the proposed Critical Habitat for the Salado Salamander. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

10. *Hold public hearing on the proposed adoption of amendments to the District Management Plan:*

a. Call to Order

b. Summary presentation of the proposed amendments to the CUWCD Management Plan as required by Chapter 36 of the Texas Water Code and Chapter 356 of the Texas Water Development Board's (TWDB) rules contained in Title 30 of the Texas Administrative Code.

c. Public Comment on the Groundwater Management Plan proposed for adoption.

d. Adjourn.

As presiding officer, President Leland Gersbach, called to order the public hearing at 2:28 p.m.

General Manager, Dirk Aaron, gave a narrative of the timeline leading up to this point and summarized the proposed amendments as required by TWDB.

Leland opened the hearing for public comments. Sandra Blankenship, Director WCID #1, commented that the plan looks good. Leland thanked her for her comments.

Hearing no other comments, Leland closed the public hearing at 2:45 p.m.

11. *Discuss, consider and take appropriate action if necessary, to adopt the amended Management Plan by Resolution.*

Secretary, Gary Young, moved to adopt the amended Management Plan by resolution. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

12. *General Manager's Report concerning office management and staffing related to District Management Plan³.*

- Due to COVID-19 the District will not have its annual Christmas reception this year.

- Dirk has been approached by a couple of different individuals representing different interests requesting amendments to an existing permit for additional water. Another inquiry is for a rural subdivision needing water. They are going through the planning process now.
- Tristin is working on the annual newsletter. Dirk has asked consultants and Directors to submit articles.

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

- Drought Status Reports*
- 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 required. Information items only.)

14. *Director comments and reports*³.

- **Gary Young:** Thanked Dirk and staff for continuing to be involved in the Coalition. He has learned a lot from sitting in on the some of the meetings. He feels he has a better understanding and handle on what is going on.
- **David Cole:** Commented that Brad Buckley has come along way. He thanked Dirk for continuing to carry on at the level he does.
- **Jody Williams:** Acknowledged the Veterans and thanked them for their service. Encouraged Dirk to keep up the good work. Appreciates the job Dirk has done with the COVID protocols. Encouraged every to stay safe and not let their guards down.
- **Scott Brooks:** Agreed with Jody's comments.
- **Leland Gersbach:** Agreed with the Director's comments. He informed everyone that he finally has a camera for his computer. It's been on backorder for a long time.

15. *Discuss agenda items for next meeting.*

- Oaths of office for elected officials
- Working on possible permit hearings

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

Wednesday, Dec 9, 2020

17. *Adjourn.*

Board meeting adjourned and Workshop convened with President, Leland Gersbach, at 3:12 p.m.

Leland Gersbach, President

ATTEST:

Gary Young, Secretary or
Dirk Aaron, Assistant Secretary

Financial Report - Item #4

Clearwater Underground Water Conservation
Balance Sheet
As of November 30, 2020

12/02/20

Accrual Basis

| | Nov 30, 20 |
|--|---------------------|
| ASSETS | |
| Current Assets | |
| Checking/Savings | |
| 10005 · Cash-Reg Operating | 261,778.51 |
| 10500 · Cash-TexPool Prime | 497,488.88 |
| 10505 · Cash - TexPool | 492,250.26 |
| Total Checking/Savings | 1,251,517.65 |
| Accounts Receivable | |
| 11000 · Accounts Receivable | 250.00 |
| Total Accounts Receivable | 250.00 |
| Other Current Assets | |
| 11005 · Accounts Receivable - Taxes | 21,737.60 |
| Total Other Current Assets | 21,737.60 |
| Total Current Assets | 1,273,505.25 |
| Fixed Assets | |
| 15005 · Land | 59,981.29 |
| 15010 · Leasehold Improvements | 19,000.00 |
| 15015 · Building | 306,734.08 |
| 15016 · Storage Building | 104,382.03 |
| 15018 · Monitor Wells | 92,938.18 |
| 15019 · Mobile Classroom Trailer | 90,688.85 |
| 15020 · Field Equipment | 17,243.55 |
| 15023 · Vehicles | 6,920.00 |
| 15025 · Office Equipment | 71,574.04 |
| 15030 · Accumulated Depreciation | -177,272.36 |
| Total Fixed Assets | 592,189.66 |
| TOTAL ASSETS | 1,865,694.91 |
| LIABILITIES & EQUITY | |
| Liabilities | |
| Current Liabilities | |
| Other Current Liabilities | |
| 21000 · Deferred Tax Revenue | 21,737.60 |
| 21050 · Compensated Absences Accrued | 9,429.60 |
| Total Other Current Liabilities | 31,167.20 |
| Total Current Liabilities | 31,167.20 |
| Total Liabilities | 31,167.20 |
| Equity | |
| 31000 · Unappropriated Fund Balance | 863,207.26 |
| 32000 · *Retained Earnings | -42,565.22 |
| 33000 · Investment in Fixed Assets | 592,189.66 |
| Net Income | 421,696.01 |
| Total Equity | 1,834,527.71 |
| TOTAL LIABILITIES & EQUITY | 1,865,694.91 |

**Clearwater Underground Water Conservation
Profit & Loss Budget vs. Actual
October through November 2020**

3:06 PM
12/02/2020
Accrual Basis

| | Nov '20 | Oct '20 thru Nov '20 | Original Budget | Amended Budget | \$ Over Budget |
|--|-------------------|----------------------------|--------------------|-------------------|--------------------|
| Ordinary Income/Expense | | | | | |
| Income | | | | | |
| 40005 · Application Fee Income | 0.00 | 0.00 | 30,000.00 | 30,000.00 | -30,000.00 |
| 40010 · Bell CAD Current Year Tax | 506,340.08 | 506,340.08 | 736,203.00 | 736,203.00 | -229,862.92 |
| 40015 · Bell CAD Delinquent Tax | 1,918.10 | 1,918.10 | 12,500.00 | 12,500.00 | -10,581.90 |
| 40020 · Interest Income | 99.34 | 223.06 | 15,000.00 | 15,000.00 | -14,776.94 |
| 40030 · Transport Fee Income | 0.00 | 0.00 | 1,500.00 | 1,500.00 | -1,500.00 |
| Total Income | 508,357.52 | 508,481.24 | 795,203.00 | 795,203.00 | -286,721.76 |
| Gross Profit | 508,357.52 | 508,481.24 | 795,203.00 | 795,203.00 | -286,721.76 |
| Expense | | | | | |
| 50000 · Administrative Expenses | | | | | |
| 50100 · Audit | 0.00 | 0.00 | 7,500.00 | 7,500.00 | -7,500.00 |
| 50200 · Conferences & Prof Development | 225.00 | 375.00 | 4,000.00 | 4,000.00 | -3,625.00 |
| 50250 · Contingency Fund | 0.00 | 0.00 | 26.00 | 26.00 | -26.00 |
| 50300 · Director Expenses | | | | | |
| 50305 · At Large | 0.00 | 0.00 | 1,500.00 | 1,500.00 | -1,500.00 |
| 50310 · Pct. 1 | 0.00 | 0.00 | 1,500.00 | 1,500.00 | -1,500.00 |
| 50315 · Pct. 2 | 0.00 | 0.00 | 1,500.00 | 1,500.00 | -1,500.00 |
| 50320 · Pct. 3 | 0.00 | 0.00 | 1,500.00 | 1,500.00 | -1,500.00 |
| 50325 · Pct. 4 | 0.00 | 0.00 | 1,500.00 | 1,500.00 | -1,500.00 |
| Total 50300 · Director Expenses | 0.00 | 0.00 | 7,500.00 | 7,500.00 | -7,500.00 |
| 50400 · Director Fees | | | | | |
| 50405 · At Large | 150.00 | 300.00 | 2,550.00 | 2,550.00 | -2,250.00 |
| 50410 · Pct. 1 | 0.00 | 0.00 | 2,550.00 | 2,550.00 | -2,550.00 |
| 50415 · Pct. 2 | 300.00 | 450.00 | 2,550.00 | 2,550.00 | -2,100.00 |
| 50420 · Pct. 3 | 150.00 | 300.00 | 2,550.00 | 2,550.00 | -2,250.00 |
| 50425 · Pct. 4 | 0.00 | 0.00 | 2,550.00 | 2,550.00 | -2,550.00 |
| Total 50400 · Director Fees | 600.00 | 1,050.00 | 12,750.00 | 12,750.00 | -11,700.00 |
| 50500 · Dues & Memberships | 0.00 | 1,800.00 | 2,850.00 | 2,850.00 | -1,050.00 |
| 50550 · Election Expense | 0.00 | 0.00 | 500.00 | 500.00 | -500.00 |
| 50600 · GMA 8 Expenses | | | | | |
| 50605 · Technical Committee | 0.00 | 0.00 | 5,000.00 | 5,000.00 | -5,000.00 |
| 50610 · Administration | 0.00 | 0.00 | 5,000.00 | 5,000.00 | -5,000.00 |
| Total 50600 · GMA 8 Expenses | 0.00 | 0.00 | 10,000.00 | 10,000.00 | -10,000.00 |
| 50700 · Meals | 0.00 | 0.00 | 1,000.00 | 1,000.00 | -1,000.00 |
| 50800 · Mileage Reimbursements | 0.00 | 0.00 | 5,000.00 | 5,000.00 | -5,000.00 |
| 50900 · Travel & Hotel | 0.00 | 0.00 | 4,500.00 | 4,500.00 | -4,500.00 |
| Total 50000 · Administrative Expenses | 825.00 | 3,225.00 | 55,626.00 | 55,626.00 | -52,401.00 |

| | Nov '20 | Oct '20 thru Nov '20 | Original Budget | Amended Budget | \$ Over Budget |
|--|------------------|----------------------------|--------------------|-------------------|--------------------|
| 52000 · Salary Costs | | | | | |
| 52005 · Administrative Assistant | 4,093.67 | 8,187.34 | 49,124.00 | 49,124.00 | -40,936.66 |
| 52010 · Educational Coord/Support Tech | 3,485.00 | 6,970.00 | 41,820.00 | 41,820.00 | -34,850.00 |
| 52015 · Manager | 6,990.67 | 13,981.34 | 83,888.00 | 83,888.00 | -69,906.66 |
| 52020 · Part Time/Intern | 0.00 | 0.00 | 2,640.00 | 2,640.00 | -2,640.00 |
| 52025 · Office Assistant/Field Tech | 3,400.00 | 6,800.00 | 40,800.00 | 40,800.00 | -34,000.00 |
| 52040 · Health Insurance | 5,299.82 | 8,739.26 | 41,274.00 | 41,274.00 | -32,534.74 |
| 52045 · Payroll Taxes & Work Comp | 1,403.08 | 2,758.11 | 19,645.00 | 19,645.00 | -16,886.89 |
| 52050 · Retirement | 739.94 | 1,479.88 | 9,704.00 | 9,704.00 | -8,224.12 |
| 52055 · Payroll Expenses | 8.66 | 8.66 | 125.00 | 125.00 | -116.34 |
| 52060 · Freshbenies | 36.00 | 72.00 | 432.00 | 432.00 | -360.00 |
| Total 52000 · Salary Costs | 25,456.84 | 48,996.59 | 289,452.00 | 289,452.00 | -240,455.41 |
| 53000 · Operating Expenses | | | | | |
| 53010 · Bank Service Charges | 36.00 | 36.00 | 50.00 | 50.00 | -14.00 |
| 53020 · Advertisement | 523.00 | 523.00 | 3,500.00 | 3,500.00 | -2,977.00 |
| 53030 · Appraisal District | 0.00 | 0.00 | 8,500.00 | 8,500.00 | -8,500.00 |
| 53100 · Clearwater Studies | | | | | |
| 53105 · Trinity Studies | | | | | |
| 53105.1 · Pumping Distribution | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53105.2 · Pumping Test | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53105.3 · Synoptic | 0.00 | 0.00 | 5,120.00 | 5,120.00 | -5,120.00 |
| 53105.4 · GAM Run | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53105.5 · Mgmt Options | 0.00 | 0.00 | 16,400.00 | 16,400.00 | -16,400.00 |
| 53105.6 · Water Quality Studies | 0.00 | 0.00 | 57,600.00 | 57,600.00 | -57,600.00 |
| Total 53105 · Trinity Studies | 0.00 | 0.00 | 79,120.00 | 79,120.00 | -79,120.00 |
| 53110 · Edwards BFZ Studies | | | | | |
| 53110.1 · Pumping Distribution | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53110.2 · Pumping Test | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53110.3 · Synoptic | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53110.4 · Spring Shed (Baylor) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53110.5 · Water Quality Studies | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53110.6 · GAM Calibration | 0.00 | 0.00 | 45,000.00 | 45,000.00 | -45,000.00 |
| Total 53110 · Edwards BFZ Studies | 0.00 | 0.00 | 45,000.00 | 45,000.00 | -45,000.00 |
| 53115 · Drought Contingency Plan | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53120 · Endangered Species | | | | | |
| 53120.1 · Coalition | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53120.2 · Reimburseable Order | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53120.3 · 4(d) rule | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53120.4 · DPS Petition | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53120 · Endangered Species - Other | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Total 53120 · Endangered Species | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

| | Nov '20 | Oct '20 thru Nov '20 | Original Budget | Amended Budget | \$ Over Budget |
|---|------------------|----------------------------|--------------------|-------------------|--------------------|
| 53125 · Environmental Flows | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53130 · General Consulting | | | | | |
| 53130.1 · DFC Process | 0.00 | 0.00 | 10,000.00 | 10,000.00 | -10,000.00 |
| 53130.2 · Eval of Rules | 90.00 | 90.00 | 5,000.00 | 5,000.00 | -4,910.00 |
| 53130.3 · Eval. Hydrogeologic Report | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53130.4 · Investigations | 0.00 | 0.00 | 7,000.00 | 7,000.00 | -7,000.00 |
| 53130.5 · Geo Logging | 5,092.50 | 5,092.50 | 5,000.00 | 5,000.00 | 92.50 |
| 53130.6 · Aquifer Monitor Well Tool | 45.00 | 45.00 | 10,240.00 | 10,240.00 | -10,195.00 |
| 53130.7 · ASR Study | 0.00 | 0.00 | 20,000.00 | 20,000.00 | -20,000.00 |
| 53130.8 · Data Release | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Total 53130 · General Consulting | 5,227.50 | 5,227.50 | 57,240.00 | 57,240.00 | -52,012.50 |
| 53135 · Monitor Well Construction | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53140 · Monitor Wells Expenses | 0.00 | 0.00 | 15,000.00 | 15,000.00 | -15,000.00 |
| 53141 · Weather Station Expense | 0.00 | 0.00 | 2,000.00 | 2,000.00 | -2,000.00 |
| 53145 · Spring Flow Gauge | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53150 · Water Quality | 256.12 | 256.12 | 2,500.00 | 2,500.00 | -2,243.88 |
| 53155 · 3-D Visualization | 14,100.00 | 14,100.00 | 40,000.00 | 40,000.00 | -25,900.00 |
| Total 53100 · Clearwater Studies | 19,583.62 | 19,583.62 | 240,860.00 | 240,860.00 | -221,276.38 |
| 53200 · Spring Flow Gage System | | | | | |
| 53205 · Op. & Maintenance | 0.00 | 0.00 | 15,900.00 | 15,900.00 | -15,900.00 |
| 53210 · Installation | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Total 53200 · Spring Flow Gage System | 0.00 | 0.00 | 15,900.00 | 15,900.00 | -15,900.00 |
| 53300 · Computer Consulting | | | | | |
| 53305 · Enhancements - Data Base | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53306 · Hosting - Data Base | 0.00 | 0.00 | 3,000.00 | 3,000.00 | -3,000.00 |
| 53310 · Hosting - PDI | 0.00 | 0.00 | 1,000.00 | 1,000.00 | -1,000.00 |
| 53311 · Hosting - Website | 0.00 | 0.00 | 1,800.00 | 1,800.00 | -1,800.00 |
| 53312 · Enhancements - Website | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53315 · IT Network Sustainment | 450.00 | 900.00 | 5,400.00 | 5,400.00 | -4,500.00 |
| 53317 · Management Tool Sustainment | 0.00 | 0.00 | 1,640.00 | 1,640.00 | -1,640.00 |
| Total 53300 · Computer Consulting | 450.00 | 900.00 | 12,840.00 | 12,840.00 | -11,940.00 |
| 53400 · Computer Licenses/Virus Prtctn | 0.00 | 0.00 | 1,500.00 | 1,500.00 | -1,500.00 |
| 53450 · Computer Repairs and Supplies | 0.00 | 0.00 | 1,500.00 | 1,500.00 | -1,500.00 |
| 53500 · Computer Software & Hardware | 0.00 | 0.00 | 4,000.00 | 4,000.00 | -4,000.00 |
| 53550 · Copier/Scanner/Plotter | 486.56 | 973.12 | 6,000.00 | 6,000.00 | -5,026.88 |
| 53600 · Educational Outreach/Marketing | | | | | |
| 53603 · Event Sponsor/Income | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53605 · Event Cost | 255.39 | 255.39 | 10,000.00 | 10,000.00 | -9,744.61 |
| 53615 · Promotional Items | 0.00 | 0.00 | 5,000.00 | 5,000.00 | -5,000.00 |
| 53620 · Supplies & Equipment | 42.22 | 42.22 | 4,500.00 | 4,500.00 | -4,457.78 |
| 53625 · Curriculum | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Total 53600 · Educational Outreach/Marketing | 297.61 | 297.61 | 19,500.00 | 19,500.00 | -19,202.39 |

| | Nov '20 | Oct '20 thru Nov '20 | Original Budget | Amended Budget | \$ Over Budget |
|---|------------------|----------------------------|--------------------|-------------------|--------------------|
| 53650 · Furniture & Equipment | 0.00 | 0.00 | 1,500.00 | 1,500.00 | -1,500.00 |
| 53700 · Legal | | | | | |
| 53701 · Drought Contingency Plan | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 53702 · Endangered Species | 0.00 | 0.00 | 15,000.00 | 15,000.00 | -15,000.00 |
| 53703 · General (rules/accountability) | 0.00 | 0.00 | 15,000.00 | 15,000.00 | -15,000.00 |
| 53704 · Legislative Research/Analysis | 0.00 | 0.00 | 2,500.00 | 2,500.00 | -2,500.00 |
| 53705 · Legislative Services | 0.00 | 0.00 | 34,000.00 | 34,000.00 | -34,000.00 |
| 53706 · GMA/DFC/MAG support | 0.00 | 0.00 | 10,000.00 | 10,000.00 | -10,000.00 |
| Total 53700 · Legal | 0.00 | 0.00 | 76,500.00 | 76,500.00 | -76,500.00 |
| 53720 · Office Supplies | 0.00 | 387.65 | 3,000.00 | 3,000.00 | -2,612.35 |
| 53730 · Permit Reviews | | | | | |
| 53731 · Geoscience | 1,035.00 | 1,035.00 | 15,000.00 | 15,000.00 | -13,965.00 |
| 53732 · Legal Evaluation | 0.00 | 0.00 | 15,000.00 | 15,000.00 | -15,000.00 |
| Total 53730 · Permit Reviews | 1,035.00 | 1,035.00 | 30,000.00 | 30,000.00 | -28,965.00 |
| 53740 · Postage | 0.00 | 0.00 | 2,500.00 | 2,500.00 | -2,500.00 |
| 53750 · Printing | 0.00 | 0.00 | 2,500.00 | 2,500.00 | -2,500.00 |
| 53760 · Reserve for Uncollected Taxes | 0.00 | 0.00 | 20,000.00 | 20,000.00 | -20,000.00 |
| 53780 · Subscriptions | 184.88 | 184.88 | 900.00 | 900.00 | -715.12 |
| 53785 · Mobile Classroom Expense | 0.00 | 0.00 | 2,000.00 | 2,000.00 | -2,000.00 |
| 53790 · Vehicle Expense | 904.49 | 1,004.49 | 4,000.00 | 4,000.00 | -2,995.51 |
| Total 53000 · Operating Expenses | 23,501.16 | 24,925.37 | 457,050.00 | 457,050.00 | -432,124.63 |
| 54000 · Facility Costs | | | | | |
| 54100 · Insurance | | | | | |
| 54101 · Liability | 0.00 | 1,177.82 | 1,300.00 | 1,300.00 | -122.18 |
| 54102 · Property | 0.00 | 1,740.48 | 1,800.00 | 1,800.00 | -59.52 |
| 54103 · Surety Bonds | 0.00 | 0.00 | 1,200.00 | 1,200.00 | -1,200.00 |
| 54104 · Worker's Comp | 0.00 | 811.60 | 1,100.00 | 1,100.00 | -288.40 |
| 54105 · Liability - Vehicle | 0.00 | 819.28 | 1,250.00 | 1,250.00 | -430.72 |
| Total 54100 · Insurance | 0.00 | 4,549.18 | 6,650.00 | 6,650.00 | -2,100.82 |
| 54200 · Building Repairs/Maintenance | 866.91 | 3,240.91 | 5,000.00 | 5,000.00 | -1,759.09 |
| 54300 · Janitorial Service | 300.00 | 600.00 | 3,600.00 | 3,600.00 | -3,000.00 |
| 54400 · Janitorial Supplies | 0.00 | 0.00 | 750.00 | 750.00 | -750.00 |
| 54500 · Lawn Maintenance/Service | 185.00 | 370.00 | 2,500.00 | 2,500.00 | -2,130.00 |
| 54600 · Security | 0.00 | 59.90 | 375.00 | 375.00 | -315.10 |
| Total 54000 · Facility Costs | 1,351.91 | 8,819.99 | 18,875.00 | 18,875.00 | -10,055.01 |
| 55000 · Utilities | | | | | |
| 55200 · Electricity | 141.07 | 311.65 | 2,500.00 | 2,500.00 | -2,188.35 |
| 55300 · Internet | 149.99 | 149.99 | 2,000.00 | 2,000.00 | -1,850.01 |
| 55400 · Phone | 156.59 | 156.59 | 2,400.00 | 2,400.00 | -2,243.41 |
| 55500 · Water/Garbage | 0.00 | 200.05 | 2,300.00 | 2,300.00 | -2,099.95 |
| Total 55000 · Utilities | 447.65 | 818.28 | 9,200.00 | 9,200.00 | -8,381.72 |

| | Nov '20 | Oct '20 thru Nov '20 | Original Budget | Amended Budget | \$ Over Budget |
|--|-------------------|----------------------------|--------------------|-------------------|-------------------|
| Total Expense | 51,582.56 | 86,785.23 | 830,203.00 | 830,203.00 | -743,417.77 |
| Net Ordinary Income | 456,774.96 | 421,696.01 | -35,000.00 | -35,000.00 | 456,696.01 |
| Other Income/Expense | | | | | |
| Other Income | | | | | |
| 61050 · Reserve Funds from Prior Years | 0.00 | 0.00 | 35,000.00 | 35,000.00 | -35,000.00 |
| Total Other Income | 0.00 | 0.00 | 35,000.00 | 35,000.00 | -35,000.00 |
| Net Other Income | 0.00 | 0.00 | 35,000.00 | 35,000.00 | -35,000.00 |
| Net Income | 456,774.96 | 421,696.01 | 0.00 | 0.00 | 421,696.01 |

Clearwater Underground Water Conservation Profit & Loss Detail November 2020

12/02/20

Accrual Basis

| Type | Date | Num | Name | Memo | Amount | Balance |
|---|------------|----------|---------------------|----------------|------------|------------|
| Ordinary Income/Expense | | | | | | |
| Income | | | | | | |
| 40010 · Bell CAD Current Year Tax | | | | | | |
| Deposit | 11/09/2020 | | | Deposit | 28.14 | 28.14 |
| Deposit | 11/09/2020 | | | Deposit | -0.53 | 27.61 |
| Deposit | 11/09/2020 | | | Deposit | 162,424.55 | 162,452.16 |
| Deposit | 11/09/2020 | | | Deposit | 14.18 | 162,466.34 |
| Deposit | 11/09/2020 | | | Deposit | -81.06 | 162,385.28 |
| Deposit | 11/13/2020 | | | Deposit | 92,798.99 | 255,184.27 |
| Deposit | 11/13/2020 | | | Deposit | 14.74 | 255,199.01 |
| Deposit | 11/13/2020 | | | Deposit | -65.07 | 255,133.94 |
| Deposit | 11/25/2020 | | | Deposit | 253,168.10 | 508,302.04 |
| Deposit | 11/25/2020 | | | Deposit | 5.60 | 508,307.64 |
| Deposit | 11/25/2020 | | | Deposit | -1,967.56 | 506,340.08 |
| Total 40010 · Bell CAD Current Year Tax | | | | | 506,340.08 | 506,340.08 |
| 40015 · Bell CAD Deliquent Tax | | | | | | |
| Deposit | 11/09/2020 | | | Deposit | 5.79 | 5.79 |
| Deposit | 11/09/2020 | | | Deposit | 1,065.39 | 1,071.18 |
| Deposit | 11/09/2020 | | | Deposit | 0.43 | 1,071.61 |
| Deposit | 11/09/2020 | | | Deposit | -104.98 | 966.63 |
| Deposit | 11/13/2020 | | | Deposit | 232.63 | 1,199.26 |
| Deposit | 11/13/2020 | | | Deposit | -9.60 | 1,189.66 |
| Deposit | 11/25/2020 | | | Deposit | 734.58 | 1,924.24 |
| Deposit | 11/25/2020 | | | Deposit | -6.14 | 1,918.10 |
| Total 40015 · Bell CAD Deliquent Tax | | | | | 1,918.10 | 1,918.10 |
| 40020 · Interest Income | | | | | | |
| Deposit | 11/30/2020 | | | Deposit | 56.66 | 56.66 |
| Deposit | 11/30/2020 | | | Deposit | 42.68 | 99.34 |
| Total 40020 · Interest Income | | | | | 99.34 | 99.34 |
| Total Income | | | | | 508,357.52 | 508,357.52 |
| Gross Profit | | | | | 508,357.52 | 508,357.52 |
| Expense | | | | | | |
| 50000 · Administrative Expenses | | | | | | |
| 50200 · Conferences & Prof Development | | | | | | |
| Bill | 11/06/2020 | FY21 | Card Service Center | TWCA Confe... | 225.00 | 225.00 |
| Total 50200 · Conferences & Prof Development | | | | | 225.00 | 225.00 |
| 50400 · Director Fees | | | | | | |
| 50405 · At Large | | | | | | |
| Bill | 11/23/2020 | Nov 2020 | David Cole | Nov 2020 Bo... | 150.00 | 150.00 |
| Total 50405 · At Large | | | | | 150.00 | 150.00 |
| 50415 · Pct. 2 | | | | | | |
| Bill | 11/23/2020 | Nov2020 | Gary Young | Nov Board M... | 300.00 | 300.00 |
| Total 50415 · Pct. 2 | | | | | 300.00 | 300.00 |
| 50420 · Pct. 3 | | | | | | |
| Bill | 11/23/2020 | Nov 2020 | Jody Williams | Nov 2020 Bo... | 150.00 | 150.00 |
| Total 50420 · Pct. 3 | | | | | 150.00 | 150.00 |
| Total 50400 · Director Fees | | | | | 600.00 | 600.00 |
| Total 50000 · Administrative Expenses | | | | | 825.00 | 825.00 |

Clearwater Underground Water Conservation Profit & Loss Detail November 2020

12/02/20

Accrual Basis

| Type | Date | Num | Name | Memo | Amount | Balance |
|---|------------|--------------|----------------------------|----------------|-----------|----------|
| 52000 · Salary Costs | | | | | | |
| 52005 · Administrative Assistant | | | | | | |
| Paycheck | 11/27/2020 | DD1269 | Shelly Chapman | Direct Deposit | 2,826.59 | 2,826.59 |
| Paycheck | 11/27/2020 | DD1269 | Shelly Chapman | Direct Deposit | 389.87 | 3,216.46 |
| Paycheck | 11/27/2020 | DD1269 | Shelly Chapman | Direct Deposit | 877.21 | 4,093.67 |
| Total 52005 · Administrative Assistant | | | | | 4,093.67 | 4,093.67 |
| 52010 · Educational Coord/Support Tech | | | | | | |
| Paycheck | 11/27/2020 | DD1270 | Tristin S Smith | Direct Deposit | 3,485.00 | 3,485.00 |
| Total 52010 · Educational Coord/Support Tech | | | | | 3,485.00 | 3,485.00 |
| 52015 · Manager | | | | | | |
| Paycheck | 11/27/2020 | DD1268 | Richard E Aaron | Direct Deposit | 6,990.67 | 6,990.67 |
| Total 52015 · Manager | | | | | 6,990.67 | 6,990.67 |
| 52025 · Office Assistant/Field Tech | | | | | | |
| Paycheck | 11/27/2020 | DD1267 | Corey C Dawson | Direct Deposit | 3,076.19 | 3,076.19 |
| Paycheck | 11/27/2020 | DD1267 | Corey C Dawson | Direct Deposit | 323.81 | 3,400.00 |
| Paycheck | 11/27/2020 | DD1267 | Corey C Dawson | Direct Deposit | 0.00 | 3,400.00 |
| Total 52025 · Office Assistant/Field Tech | | | | | 3,400.00 | 3,400.00 |
| 52040 · Health Insurance | | | | | | |
| Bill | 11/23/2020 | 00CO00266... | Scott & White Health Pl... | Inv 00CO002... | 4,928.16 | 4,928.16 |
| Paycheck | 11/27/2020 | DD1267 | Corey C Dawson | Direct Deposit | 500.00 | 5,428.16 |
| Paycheck | 11/27/2020 | DD1268 | Richard E Aaron | Direct Deposit | 500.00 | 5,928.16 |
| Paycheck | 11/27/2020 | DD1269 | Shelly Chapman | Direct Deposit | -628.34 | 5,299.82 |
| Paycheck | 11/27/2020 | DD1269 | Shelly Chapman | Direct Deposit | 1,219.72 | 6,519.54 |
| Paycheck | 11/27/2020 | DD1269 | Shelly Chapman | Direct Deposit | -1,219.72 | 5,299.82 |
| Paycheck | 11/27/2020 | DD1270 | Tristin S Smith | Direct Deposit | 0.00 | 5,299.82 |
| Paycheck | 11/27/2020 | DD1270 | Tristin S Smith | Direct Deposit | 616.02 | 5,915.84 |
| Paycheck | 11/27/2020 | DD1270 | Tristin S Smith | Direct Deposit | -616.02 | 5,299.82 |
| Total 52040 · Health Insurance | | | | | 5,299.82 | 5,299.82 |
| 52045 · Payroll Taxes & Work Comp | | | | | | |
| Paycheck | 11/27/2020 | DD1267 | Corey C Dawson | Direct Deposit | 241.80 | 241.80 |
| Paycheck | 11/27/2020 | DD1267 | Corey C Dawson | Direct Deposit | 56.55 | 298.35 |
| Paycheck | 11/27/2020 | DD1267 | Corey C Dawson | Direct Deposit | 0.00 | 298.35 |
| Paycheck | 11/27/2020 | DD1268 | Richard E Aaron | Direct Deposit | 464.42 | 762.77 |
| Paycheck | 11/27/2020 | DD1268 | Richard E Aaron | Direct Deposit | 108.61 | 871.38 |
| Paycheck | 11/27/2020 | DD1268 | Richard E Aaron | Direct Deposit | 0.00 | 871.38 |
| Paycheck | 11/27/2020 | DD1269 | Shelly Chapman | Direct Deposit | 214.85 | 1,086.23 |
| Paycheck | 11/27/2020 | DD1269 | Shelly Chapman | Direct Deposit | 50.25 | 1,136.48 |
| Paycheck | 11/27/2020 | DD1269 | Shelly Chapman | Direct Deposit | 0.00 | 1,136.48 |
| Paycheck | 11/27/2020 | DD1270 | Tristin S Smith | Direct Deposit | 216.07 | 1,352.55 |
| Paycheck | 11/27/2020 | DD1270 | Tristin S Smith | Direct Deposit | 50.53 | 1,403.08 |
| Paycheck | 11/27/2020 | DD1270 | Tristin S Smith | Direct Deposit | 0.00 | 1,403.08 |
| Total 52045 · Payroll Taxes & Work Comp | | | | | 1,403.08 | 1,403.08 |
| 52050 · Retirement | | | | | | |
| Paycheck | 11/27/2020 | DD1267 | Corey C Dawson | Direct Deposit | 175.50 | 175.50 |
| Paycheck | 11/27/2020 | DD1268 | Richard E Aaron | Direct Deposit | 337.08 | 512.58 |
| Paycheck | 11/27/2020 | DD1269 | Shelly Chapman | Direct Deposit | 122.81 | 635.39 |
| Paycheck | 11/27/2020 | DD1270 | Tristin S Smith | Direct Deposit | 104.55 | 739.94 |
| Total 52050 · Retirement | | | | | 739.94 | 739.94 |
| 52055 · Payroll Expenses | | | | | | |
| Bill | 11/06/2020 | FY21 | Card Service Center | Payroll exp | 8.66 | 8.66 |
| Total 52055 · Payroll Expenses | | | | | 8.66 | 8.66 |

Clearwater Underground Water Conservation
Profit & Loss Detail
November 2020

12/02/20

Accrual Basis

| Type | Date | Num | Name | Memo | Amount | Balance |
|--|------------|----------------|----------------------------|-------------------|-----------|-----------|
| 52060 · Freshbenies | | | | | | |
| Check | 11/04/2020 | Nov20-TS | New Benefits Ltd - Fres... | Freshbenies ... | 18.00 | 18.00 |
| Check | 11/04/2020 | Nov20-SC | New Benefits Ltd - Fres... | Freshbenies ... | 18.00 | 36.00 |
| Paycheck | 11/27/2020 | DD1269 | Shelly Chapman | Direct Deposit | 18.00 | 54.00 |
| Paycheck | 11/27/2020 | DD1269 | Shelly Chapman | Direct Deposit | -18.00 | 36.00 |
| Paycheck | 11/27/2020 | DD1270 | Tristin S Smith | Direct Deposit | 18.00 | 54.00 |
| Paycheck | 11/27/2020 | DD1270 | Tristin S Smith | Direct Deposit | -18.00 | 36.00 |
| Total 52060 · Freshbenies | | | | | 36.00 | 36.00 |
| Total 52000 · Salary Costs | | | | | 25,456.84 | 25,456.84 |
| 53000 · Operating Expenses | | | | | | |
| 53010 · Bank Service Charges | | | | | | |
| Check | 11/23/2020 | | | Service Charge | 36.00 | 36.00 |
| Total 53010 · Bank Service Charges | | | | | 36.00 | 36.00 |
| 53020 · Advertisement | | | | | | |
| Bill | 11/11/2020 | ad-mgmt plan | Killeen Daily Herald | Ad - public h... | 278.00 | 278.00 |
| Bill | 11/11/2020 | Ad-mgmt plan | Temple Daily Telegram | ads - public h... | 245.00 | 523.00 |
| Total 53020 · Advertisement | | | | | 523.00 | 523.00 |
| 53100 · Clearwater Studies | | | | | | |
| 53130 · General Consulting | | | | | | |
| 53130.2 · Eval of Rules | | | | | | |
| Bill | 11/11/2020 | Inv TX-391 | LRE Water, LLC | TX-391 - Rul... | 90.00 | 90.00 |
| Total 53130.2 · Eval of Rules | | | | | 90.00 | 90.00 |
| 53130.5 · Geo Logging | | | | | | |
| Bill | 11/23/2020 | Inv 1223 | Well Scope | Inv 1223 | 5,092.50 | 5,092.50 |
| Total 53130.5 · Geo Logging | | | | | 5,092.50 | 5,092.50 |
| 53130.6 · Aquifer Monitor Well Tool | | | | | | |
| Bill | 11/11/2020 | Inv TX-391 | LRE Water, LLC | TX-391 | 45.00 | 45.00 |
| Total 53130.6 · Aquifer Monitor Well Tool | | | | | 45.00 | 45.00 |
| Total 53130 · General Consulting | | | | | 5,227.50 | 5,227.50 |
| 53150 · Water Quality | | | | | | |
| Bill | 11/11/2020 | Inv 12180945 | HACH Company | Inv 12180945 | 256.12 | 256.12 |
| Total 53150 · Water Quality | | | | | 256.12 | 256.12 |
| 53155 · 3-D Visualization | | | | | | |
| Bill | 11/11/2020 | Inv #6 | Allan R Standen, LLC | Inv #6 | 14,100.00 | 14,100.00 |
| Total 53155 · 3-D Visualization | | | | | 14,100.00 | 14,100.00 |
| Total 53100 · Clearwater Studies | | | | | 19,583.62 | 19,583.62 |
| 53300 · Computer Consulting | | | | | | |
| 53315 · IT Network Sustainment | | | | | | |
| Bill | 11/11/2020 | Inv 16815 | Engineer Austin, LLC | Inv 16815 | 450.00 | 450.00 |
| Total 53315 · IT Network Sustainment | | | | | 450.00 | 450.00 |
| Total 53300 · Computer Consulting | | | | | 450.00 | 450.00 |
| 53550 · Copier/Scanner/Plotter | | | | | | |
| Bill | 11/11/2020 | Inv 0117826... | Xerox | Inv 011782615 | 486.56 | 486.56 |
| Total 53550 · Copier/Scanner/Plotter | | | | | 486.56 | 486.56 |

Clearwater Underground Water Conservation
Profit & Loss Detail
November 2020

12/02/20

Accrual Basis

| Type | Date | Num | Name | Memo | Amount | Balance |
|---|------------|------------------|----------------------------|--------------------|-----------|-----------|
| 53600 · Educational Outreach/Marketing | | | | | | |
| 53605 · Event Cost | | | | | | |
| Bill | 11/06/2020 | FY21 | Card Service Center | TWCA Confe... | 250.00 | 250.00 |
| Bill | 11/06/2020 | FY21 | Card Service Center | GoToMtg fee | 5.39 | 255.39 |
| Total 53605 · Event Cost | | | | | 255.39 | 255.39 |
| 53620 · Supplies & Equipment | | | | | | |
| Bill | 11/06/2020 | FY21 | Card Service Center | Geological Map | 42.22 | 42.22 |
| Total 53620 · Supplies & Equipment | | | | | 42.22 | 42.22 |
| Total 53600 · Educational Outreach/Marketing | | | | | 297.61 | 297.61 |
| 53730 · Permit Reviews | | | | | | |
| 53731 · Geoscience | | | | | | |
| Bill | 11/11/2020 | Inv TX-391 | LRE Water, LLC | TX-391 - RE... | 540.00 | 540.00 |
| Bill | 11/11/2020 | Inv TX-391 | LRE Water, LLC | TX-391 - Vict... | 495.00 | 1,035.00 |
| Total 53731 · Geoscience | | | | | 1,035.00 | 1,035.00 |
| Total 53730 · Permit Reviews | | | | | 1,035.00 | 1,035.00 |
| 53780 · Subscriptions | | | | | | |
| Bill | 11/11/2020 | 1 yr sub. ren... | GateHouse Austin | Digital subscri... | 184.88 | 184.88 |
| Total 53780 · Subscriptions | | | | | 184.88 | 184.88 |
| 53790 · Vehicle Expense | | | | | | |
| Bill | 11/11/2020 | | CEFCO | Fuel | 109.14 | 109.14 |
| Bill | 11/11/2020 | Inv 13920 | Johnson Brothers Ford | Inv 13920 - B... | 160.35 | 269.49 |
| Bill | 11/11/2020 | Inv 14317 | Johnson Brothers Ford | INv 14317 | 635.00 | 904.49 |
| Total 53790 · Vehicle Expense | | | | | 904.49 | 904.49 |
| Total 53000 · Operating Expenses | | | | | 23,501.16 | 23,501.16 |
| 54000 · Facility Costs | | | | | | |
| 54200 · Building Repairs/Maintenance | | | | | | |
| Bill | 11/06/2020 | FY21 | Card Service Center | Generator Re... | 55.99 | 55.99 |
| Bill | 11/06/2020 | FY21 | Card Service Center | Generator re... | 200.92 | 256.91 |
| Bill | 11/23/2020 | Inv 0000045... | Bell Air Conditioning, Inc | Inv 00000456... | 610.00 | 866.91 |
| Total 54200 · Building Repairs/Maintenance | | | | | 866.91 | 866.91 |
| 54300 · Janitorial Service | | | | | | |
| Bill | 11/23/2020 | Nov2020 | Andrea Matl | Nov 2020 | 300.00 | 300.00 |
| Total 54300 · Janitorial Service | | | | | 300.00 | 300.00 |
| 54500 · Lawn Maintenance/Service | | | | | | |
| Bill | 11/23/2020 | Inv 19033 | Greeson Lawn Services... | Inv 19033 | 185.00 | 185.00 |
| Total 54500 · Lawn Maintenance/Service | | | | | 185.00 | 185.00 |
| Total 54000 · Facility Costs | | | | | 1,351.91 | 1,351.91 |
| 55000 · Utilities | | | | | | |
| 55200 · Electricity | | | | | | |
| Bill | 11/23/2020 | B2011160151 | AmeriPower | Inv B201116... | 141.07 | 141.07 |
| Total 55200 · Electricity | | | | | 141.07 | 141.07 |
| 55300 · Internet | | | | | | |
| Bill | 11/11/2020 | Inv 0192419... | Spectrum | Inv 01924191... | 149.99 | 149.99 |
| Total 55300 · Internet | | | | | 149.99 | 149.99 |

**Clearwater Underground Water Conservation
Profit & Loss Detail
November 2020**

| Type | Date | Num | Name | Memo | Amount | Balance |
|-------------------|------------|-------------------------|----------|-----------------|-------------------|-------------------|
| | | 55400 · Phone | | | | |
| Bill | 11/11/2020 | Inv 0192419... | Spectrum | Inv 01924191... | 156.59 | 156.59 |
| | | Total 55400 · Phone | | | 156.59 | 156.59 |
| | | Total 55000 · Utilities | | | 447.65 | 447.65 |
| | | Total Expense | | | 51,582.56 | 51,582.56 |
| | | Net Ordinary Income | | | 456,774.96 | 456,774.96 |
| Net Income | | | | | 456,774.96 | 456,774.96 |

Clearwater Underground Water Conservation
A/P Aging Detail
As of December 1, 2020

| <u>Type</u> | <u>Date</u> | <u>Num</u> | <u>Name</u> | <u>Due Date</u> | <u>Aging</u> | <u>Open Balance</u> |
|----------------|-------------|------------|-------------|-----------------|--------------|---------------------|
| Current | | | | | | |
| Total Current | | | | | | |
| 1 - 30 | | | | | | |
| Total 1 - 30 | | | | | | |
| 31 - 60 | | | | | | |
| Total 31 - 60 | | | | | | |
| 61 - 90 | | | | | | |
| Total 61 - 90 | | | | | | |
| > 90 | | | | | | |
| Total > 90 | | | | | | |
| TOTAL | | | | | | |

Investment Fund - Item #5

TexPool Participant Services
 1001 Texas Avenue, Suite 1150
 Houston, TX 77022



Summary Statement

CLEARWATER UNDERGROUND WCD
 ATTN DIRK AARON
 PO BOX 1989
 BELTON TX 76513-5989

Statement Period 11/01/2020 - 11/30/2020
 Customer Service 1-866-TEX-POOL
 Location ID 000079358

GENERAL FUND - 07935800001

| Pool Name | Beginning Balance | Total Deposit | Total Withdrawal | Total Interest | Current Balance | Average Balance |
|--------------------|-------------------|---------------|------------------|----------------|-----------------|-----------------|
| TexPool | \$389,707.58 | \$102,500.00 | \$0.00 | \$42.68 | \$492,250.26 | \$432,792.34 |
| TexPool Prime | \$394,932.22 | \$102,500.00 | \$0.00 | \$56.66 | \$497,488.88 | \$433,267.44 |
| Total Dollar Value | \$784,639.80 | \$205,000.00 | \$0.00 | \$99.34 | \$989,739.14 | |

ACCOUNT TOTALS

| Pool Name | Beginning Balance | Total Deposit | Total Withdrawal | Total Interest | Current Balance |
|--------------------|-------------------|----------------|------------------|----------------|-----------------|
| TexPool | \$389,707.58 ✓ | \$102,500.00 ✓ | \$0.00 ✓ | \$42.68 | \$492,250.26 |
| TexPool Prime | \$394,932.22 ✓ | \$102,500.00 ✓ | \$0.00 ✓ | \$56.66 | \$497,488.88 |
| Total Dollar Value | \$784,639.80 | \$205,000.00 | \$0.00 | \$99.34 | \$989,739.14 |

12/2/2020
 SEC

1:17 PM

12/02/20

**Clearwater Underground Water Conservation
Reconciliation Summary
10505 - Cash - TexPool, Period Ending 11/30/2020**

| | <u>Nov 30, 20</u> |
|--|--------------------------|
| Beginning Balance | 389,707.58 |
| Cleared Transactions | |
| Deposits and Credits - 3 items | <u>102,542.68</u> |
| Total Cleared Transactions | <u>102,542.68</u> |
| Cleared Balance | <u>492,250.26</u> |
| Register Balance as of 11/30/2020 | 492,250.26 |
| New Transactions | |
| Deposits and Credits - 1 item | <u>127,000.00</u> |
| Total New Transactions | <u>127,000.00</u> |
| Ending Balance | <u>619,250.26</u> |

1:16 PM

12/02/20

Clearwater Underground Water Conservation
Reconciliation Summary
10500 · Cash-TexPool Prime, Period Ending 11/30/2020

| | <u>Nov 30, 20</u> |
|--|--------------------------|
| Beginning Balance | 394,932.22 |
| Cleared Transactions | |
| Deposits and Credits - 3 items | <u>102,556.66</u> |
| Total Cleared Transactions | <u>102,556.66</u> |
| Cleared Balance | <u>497,488.88</u> |
| Register Balance as of 11/30/2020 | 497,488.88 |
| New Transactions | |
| Deposits and Credits - 1 item | <u>127,000.00</u> |
| Total New Transactions | <u>127,000.00</u> |
| Ending Balance | <u>624,488.88</u> |

Oaths of Office - Item #7

Form 2201 - Statement of Officer (General Information)

The attached form is designed to meet minimal constitutional filing requirements pursuant to the relevant provisions. *This form and the information provided are not substitutes for the advice and services of an attorney.*

Execution and Delivery Instructions

A Statement of Officer required to be filed with the Office of the Secretary of State is considered filed once it has been received by this office.

Mail: P.O. Box 12887, Austin, Texas 78711-2887.

Overnight mail or hand deliveries: James Earl Rudder Officer Building, 1019 Brazos, Austin, Texas 78701.

Fax: (512) 463-5569.

Email: Scanned copies of the executed Statement may be sent to register@sos.texas.gov

NOTE: The Statement of Officer form, commonly referred to as the "Anti-Bribery Statement," must be executed and filed with the Office of the Secretary of State before taking the Oath of Office (Form 2204).

Commentary

Article XVI, section 1 of the Texas Constitution requires all elected or appointed state and local officers to take the official oath of office found in section 1(a) and to subscribe to the anti-bribery statement found in section 1(b) before entering upon the duties of their offices.

Elected and appointed state-level officers required to file the anti-bribery statement with the Office of the Secretary of State include members of the Legislature, the Secretary of State, and all other officers whose jurisdiction is coextensive with the boundaries of the state or who immediately belong to one of the three branches of state government. Questions about whether a particular officer is a state-level officer may be resolved by consulting relevant statutes, constitutional provisions, judicial decisions, and attorney general opinions. For more information, see Op. Tex. Att'y Gen. No. JC-0575 (2002) (determining the meaning of "state officer" as it is used in Article XVI).

Effective September 1, 2017, Senate Bill 1329, which was enacted by the 85th Legislature, Regular Session, amended chapter 602 of the Government Code to require the following judicial officers and judicial appointees to file their oath and statement of officer with the secretary of state:

Officers appointed by the supreme court, the court of criminal appeals, or the State Bar of Texas; and Associate judges appointed under Subchapter B or C, Chapter 201, Family Code.

Local officers must retain the signed anti-bribery statement with the official records of the office. *As a general rule, city and county officials do not file their oath of office with the Secretary of State— these officials file at the local level. The Legislature amended the Texas Constitution, Article 16, Section 1, in November 2001 to no longer require local level elected officials to file with our office. **The Office of the Secretary of State does NOT file Statements or Oaths from the following persons:*** Assistant District Attorneys; City Officials, including City Clerks, City Council Members, Municipal Judges, Justices of the Peace, and Police/Peace Officers; Zoning/Planning Commission Members; County Officials, including County Clerks, County Commissioners, County Judges, County Tax Assessors, and District Clerks; and Officials of Regional Entities, such as, Appraisal Review Districts, Emergency Service Districts, and School Districts (ISD's).

Questions about this form should be directed to the Government Filings Section at (512) 463-6334 or register@sos.texas.gov

Revised 05/2020

**Form 2204 - Oath of Office
(General Information)**

The attached form is designed to meet minimal constitutional filing requirements pursuant to the relevant provisions. *This form and the information provided are not substitutes for the advice and services of an attorney.*

Execution and Delivery Instructions

An Oath of Office that is required to be filed with the Office of the Secretary of State is considered filed once it has been received by this office. The Oath of Office may be administered to you by a person authorized under the provisions of Chapter 602 of the Texas Government Code. Authorized persons commonly used to administer oaths include notaries public and judges.

Mail: P.O. Box 12887, Austin, Texas 78711-2887.

Overnight mail or hand deliveries: James Earl Rudder Officer Building, 1019 Brazos, Austin, Texas 78701.

Fax: (512) 463-5569. If faxed, the original Oath should also be mailed to the appropriate address above.

Email: Scanned copies of the executed Oath may be sent to register@sos.texas.gov. If sent by email, the original Oath should also be mailed to the appropriate address above.

NOTE: *Do not have the Oath of Office administered to you before executing and filing the Statement of Officer (Form 2201 – commonly referred to as the “Anti-Bribery Statement”) with the Office of the Secretary of State.*

Commentary

Pursuant to art. XVI, Section 1 of the Texas Constitution, the Oath of Office *may not* be taken until a Statement of Officer (see Form 2201) has been subscribed to and, as required, filed with the Office of the Secretary of State. Additionally, gubernatorial appointees who are appointed during a legislative session *may not* execute their Oath until after confirmation by the Senate. Tex. Const. art. IV, Section 12.

Officers Required to File Oath of Office with the Secretary of State:

- Gubernatorial appointees
- District attorneys
- Appellate and district court judges
- Officers appointed by the supreme court, the court of criminal appeals, or the State Bar of Texas
- Associate judges appointed under subchapter B or C, chapter 201 of the Texas Family Code
- Directors of districts operating pursuant to chapter 36 or 49 of the Texas Water Code file a duplicate original of their Oath of Office within 10 days of its execution. Texas Water Code, Sections 36.055(d) and 49.055(d)

Officers Not Required to File Oath of Office with the Secretary of State:

Members of the Legislature elected to a *regular* term of office will have their Oath of Office administered in chambers on the opening day of the session and recorded in the appropriate Journal. Members elected to an *unexpired* term of office should file their Oath of Office with either the Chief Clerk of the House or the Secretary of the Senate, as appropriate.

All other persons should file their Oaths locally. Please check with the county clerk, city secretary or board/commission secretary for the proper filing location.

As a general rule, city and county officials do not file their oath of office with the Secretary of State—these officials file at the local level. The Legislature amended the Texas Constitution, Article 16, Section 1, in November 2001 to no longer require local level elected officials to file with our office.

The Office of the Secretary of State does NOT file Statements or Oaths from the following persons: Assistant District Attorneys; City Officials, including City Clerks, City Council Members, Municipal Judges, Justices of the Peace, and Police/Peace Officers; Zoning/Planning Commission Members; County Officials, including County Clerks, County Commissioners, County Judges (*except County Court of Law Judges who file with the Elections Division*), County Tax Assessors, and District Clerks; and Officials of Regional Entities, such as, Appraisal Review Districts, Emergency Service Districts, and School Districts (ISD's). Questions about whether a particular officer is a state-level officer may be resolved by consulting relevant statutes, constitutional provisions, judicial decisions, and attorney general opinions.

All state or county officers, other than the governor, lieutenant governor, and members of the legislature, who qualify for office, are commissioned by the governor. Tex. Gov't Code, Section 601.005. The Secretary of State performs ministerial duties to administer the commissions issued by the governor, including confirming that officers are qualified prior to being commissioned. Submission of this oath of office to the Office of the Secretary of State confirms an officer's qualification so that the commission may be issued.

Questions about this form should be directed to the Government Filings Section at (512) 463-6334 or register@sos.texas.gov.

Revised 9 2017

2021 Calendar Dates - Item #8

Board Meeting
December 9, 2020

Agenda Item No #8
Proposed Calendar Dates for 2021

Agenda Item #8: Discuss, consider and take appropriate action if necessary, to set calendar dates for 2021.

1. **Narrative:** Staff looked at the calendar to set dates for 2021 Board meetings. The proposed dates include regular Board meetings, tentative dates in August to approve FY21 budget/tax rate, and tentative date for Bell County Water Symposium. Dates proposed are as follows:

| | | |
|-------------------------|-------------------|---|
| Board Meeting | Wednesday | Jan. 13, 2021 |
| Board Meeting | Wednesday | Feb. 10, 2021 |
| Board Meeting | Wednesday | Mar. 10, 2021 |
| Board Meeting | Wednesday | Apr. 14, 2021 |
| Board Meeting | Wednesday | May 12, 2021 |
| Board Meeting | Wednesday | June 09, 2021 |
| Board Meeting | Wednesday | July 14, 2021 |
| Board Meeting | Wednesday | Aug. 11, 2021 |
| Tax Rate Hearing | Wednesday | Aug. 25, 2021 |
| Water Summit | Tues-Thurs | Aug. 31-Sept. 2, 2021 (maybe? TBD) |
| Board Meeting | Wednesday | Sept. 15, 2021 |
| Board Meeting | Wednesday | Oct. 13, 2021 |
| Water Symposium | Wednesday | Nov. 3, 2021 (Tentatively? TBD)) |
| Board Meeting | Wednesday | Nov. 10, 2021 |
| Board Mtg/Christmas | Wednesday | Dec. 08, 2021 |

2. **Narrative:** Staff looked at the Holiday Schedule of State and Local Government Entities. State and Local Government Entities currently receive 13 standard holidays per year.

| | |
|------------------------|-----------------------|
| New Year's Day | Labor Day |
| Martin Luther King Day | Columbus Day |
| President's Day | Veteran's Day |
| Good Friday | Thanksgiving (2 days) |
| Memorial Day | Christmas (2 days) |
| Independence Day | |

Staff recommends the Clearwater UWCD 2021 holiday schedule reflect 8 standard holidays.

| | | |
|-------------------|----------|-------------------|
| New Year's Day | Friday | January 1, 2021 |
| Memorial Day | Monday | May 31, 2021 |
| Independence Day | Monday | July 5, 2021 |
| Labor Day | Monday | September 6, 2021 |
| Thanksgiving Day | Thursday | November 25, 2021 |
| Thanksgiving | Friday | November 26, 2021 |
| Christmas Holiday | Thursday | December 23, 2021 |
| Christmas Holiday | Friday | December 24, 2021 |

Amicus Brief - Item #9

Special Meeting *regarding amicus brief request*

Wednesday, December 2, 2020
1:00pm GoToMeeting



1

What is an Amicus Brief?


- ❖ "Friend of the Court"
- ❖ Someone not a party to a case who assists a court by offering information, expertise, or insight that has a bearing on the issues in the case
- ❖ Seeks to educate the court by offering additional facts, analysis, or perspective on the legal issue before them
- ❖ Can be helpful for courts to understand real-world, broader implications that their decision may have on others that are not the parties to the litigation



2

TAGD's Amicus Brief Policy

- ❖ Adopted in 2011
- ❖ This reflects first request made under the policy
- ❖ Prior to adoption, TAGD had filed amicus briefs in some cases



3



4

Step 1 – The Request

- ❖ ED receives written request from GCD Member that includes:
 - Name and summary of case, other parties
 - Description of position and proposed TAGD position
 - Cost estimate
 - Name of attorney proposed to file brief for TAGD



5

Step 2 – Executive Committee Review

- ❖ Executive Committee consideration of whether to present request to membership
 - Must consider within 10 days
 - Decision to forward to membership must be unanimous
 - Is not a recommendation; only determination it is appropriate for consideration by full membership



6

Step 3 – Presentation of Request to Membership

- Requesting TAGD member is invited to present the Request at Special Meeting
 - Opportunity for requesting party to provide membership with the relevant issues presented in the case
 - No action will be taken at this meeting



7

Step 4 – Membership Vote

- ❖ Second special meeting for GCD Members to vote on proposal
 - Must occur no earlier than 30 days from first special meeting
 - 100% of GCD members present at meeting must vote approve request
 - Attorney details must be resolved
 - Sufficient pledges to cover anticipated costs must be made by members (no cost to TAGD)



8

Step 5 – Attorney Contract

- ❖ Executive Director and Executive Committee negotiate and execute contract with attorney
 - Must incorporate amicus brief policy



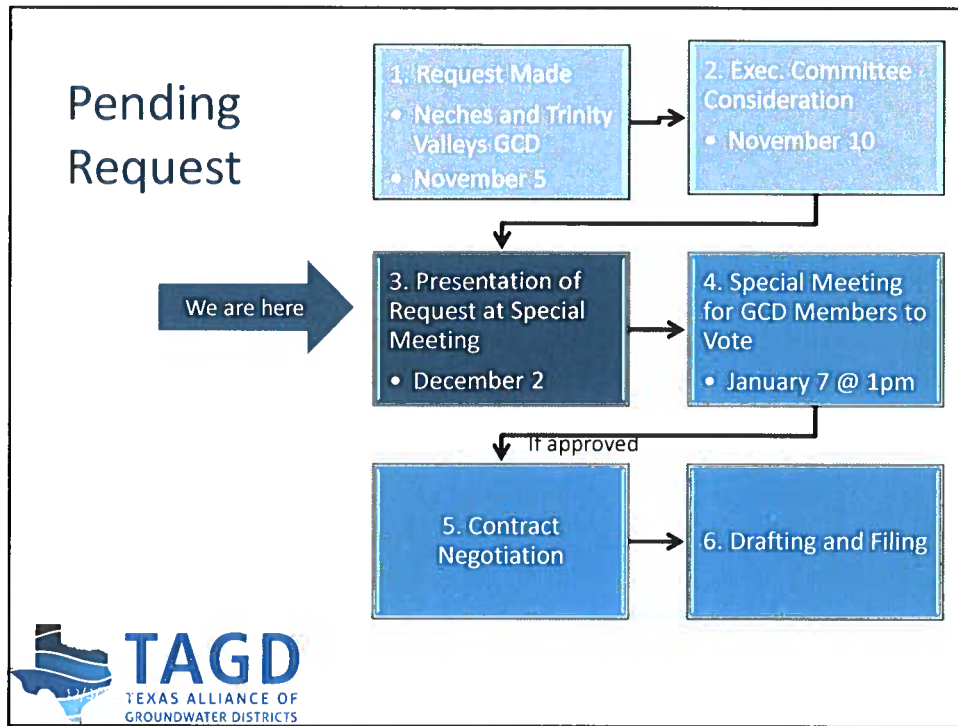
9

Step 6 – Drafting and Filing Brief

- ❖ Opportunity to review and request changes on draft of brief
 - Executive Committee and Executive Director will have at least 10 days to review and request edits
 - Executive Committee and Executive Director must approve all requested changes
 - May not file the brief until each member of the Executive Committee and the Executive Director have given approval



10



11

Voting on the Proposal

- ❖ January 7 at 1:00pm (virtual, notice forthcoming)
- ❖ GCD members only
- ❖ If you cannot attend:
 - You may designate a representative to vote on your behalf (TAGD Bylaws Article 7)
 - Must be requested in writing to ED
 - Request must be from GM or Board president

12

12

Agenda Item E
Presentation of Request

*Neches and Trinity Valleys GCD v.
Mountain Pure TX*

John Stover, Counsel to NTVGCD
Greg Ellis, Counsel to Amici GCDs



STATEMENT OF FACTS

The Texas Legislature created Respondent in 2003 to conserve, protect, preserve, recharge, and prevent waste of groundwater in Anderson, Henderson, and Cherokee Counties. Tex. Special Local District Code Chapter 8863. It was empowered to adopt and enforce rules and regulations to carry out its functions. Tex. Water Code §36.101-.102. Respondent adopted rules to govern the exercise of its duties and responsibilities in 2003. CR 213. Appendix 3 (the “Rules”). The Rules were in effect when Petitioner bought its property in 2007. CR 558.

The Rules require permits to drill and operate a “water well,” defined as “...any artificial excavation constructed for the purpose of exploring for or production of groundwater,” Rules 1(u), and the operator must report quarterly the amount of groundwater pumped and pay a small fee based on that amount. App. 2 at 9. The underlying dispute concerns whether this Rule may be applied to Petitioner.

The Texas Commission on Environmental Quality (“TCEQ”) has jurisdiction over all public drinking systems in Texas. On December 10, 2010, the TCEQ, responding to an inquiry from Petitioner’s engineer, described Petitioner’s facilities as a Groundwater Treatment Plant (emphasis added). CR 54 See also CR 50 where the TCEQ categorized Petition’s water source as “Groundwater” and describes the

Excerpt provided by John Stover

system: "...a ground water system that consists of one well..." (emphasis added)

CR 51

After Petitioner refused repeated requests to comply with the Rules, Respondent's Board of Directors, on April 16, 2015, adopted a Resolution finding that Petitioner authorizing this lawsuit. App. 4. Petitioner did not request a rehearing or other administrative remedy from the Board, although the Rules required that step of anyone wishing to further contest Board action. Respondent sued Petitioner on August 15, 2016, seeking an injunction to compel compliance with the Rules and to impose a civil penalty in an amount within the District Court's discretion, per Tex. Water Code §36.102(b). CR 6.

Respondent has never condemned or restricted access to Petitioner's property, ordered Petitioner to stop operating, or tried to do so. It has never refused Petitioner a permit or any other authorization.

Petitioner filed a Counterclaim alleging Respondent took its property without compensation. CR 68. Neither it nor Petitioner's first five amended counterclaim filings identified the property Respondent had taken.

After the District Court ordered Petitioner to replead and identify the property taken, Petitioner in its Sixth Amended Counterclaim finally identified the property "taken" as its well and bottling plant located at 777 Willow Creek Drive, Palestine, Texas (the "Property"), and claimed the taking occurred when Respondent filed this

Excerpt provided by John Stover

lawsuit on August 15, 2016. CR 351 (“On . . . August 15, 2016 . . . Counter-Defendant filed suit against Counter-Plaintiff.”) As the Court of Appeals emphasized, that was the only taking Petitioner alleged: “The dispute as to whether the District’s rules apply to Mountain Pure’s facility remains unresolved. Therefore, as yet, no rules or restrictions have been imposed on Mountain Pure or its property. However, *in its counterclaim, Mountain Pure claims a permanent taking occurred when the District filed suit against it . . . to enforce its regulations applicable to groundwater.*” (emphasis supplied). Opinion, App. 3 at 6.

Petitioner alleges that Ice River Springs withdrew from the agreement between it and Petitioner after Respondent advised it of this legal proceeding. November 4, 2016, Ice River Springs filed suit against Petitioner, John Stacks (Principal of Petitioner) and First Community Bank of Batesville over the agreement. The suit was filed in the Eastern District of Texas, Tyler Division, Civil Action No. 6:16-CV-1147-RWS-JDL. While Ice River did include reference to this legal proceeding, it also ...[squealing]..... One, Ice River Springs discovers an additional undisclosed debt and a newly filed lien against the bottling plant.

The Mountain Pure Defendants made knowingly false representations about the natural spring; Ice River Springs later discovers that the spring is unusable; “The Mountain Pure Defendants misrepresented the state of the bottling plants vital

Excerpt provided by John Stover

equipment. Ice River Springs First Amended Complaint for rescission, damages, and declaratory relief is attached as Appendix ____.

The District Court received evidence on Respondent's Third Amended Plea to the Jurisdiction, CR 585, and Petitioner's appraiser opined that after the August 15, 2016 "taking," *i.e.*, after Respondent filed this lawsuit, the Property was worth \$4,090,000.00 and still suitable for the same use as before. CR 484, 379.

The District Court denied Respondent's First Amended Motion for Partial Summary Judgment on the takings claim and Respondent's Third Plea to the Jurisdiction. CR 602-04.

Respondent appealed. CR 605. The Twelfth Court of Appeals reversed the District Court's orders of denial, rendered judgment dismissing Petitioner's takings claim for lack of jurisdiction, and remanded the cause to the District Court for Respondent to pursue its claims. App. 3. There was no motion for rehearing.

Petitioner filed its Petition in this Court, which ordered this Response.

Gregory M. Ellis
Attorney at Law

Mountain Pure (Petitioner) v. NTVGCD (Respondent)
Summary of Arguments

Background

Mountain Pure TX, LLC, (“Mountain Pure”) owns and operates a water bottling plant in Palestine, Anderson County, Texas. The water is recovered from an excavated spring that Neches and Trinity Valley Groundwater Conservation District (“NTVGCD”) argues is a well requiring a permit. NTVGCD notified Mountain Pure and their water bottling company tenant of the permit requirement and the possible civil penalties for failure to comply. Neither company applied for the permit so NTVGCD filed suit against both entities. The tenant then canceled the lease and abandoned the property. In answer to the suit, Mountain Pure filed a counter-claim against NTVGCD claiming had tortuously interfered with the contract with the tenant and later amended the counter claim to include a “takings” claim based on the loss of the tenant’s contract. NTVGCD filed a plea to the jurisdiction as to both claims; the trial court granted the pleas as to the tortuous interference claim and denied the plea on the takings claim. NTVGCD filed an interlocutory appeal on the denial of the plea on the takings claim.

Petitioner’s Argument:

Mountain Pure claims the following actions resulted in an uncompensated taking of private property:

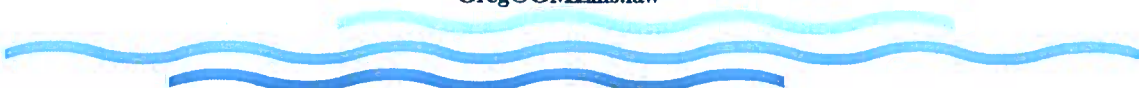
1. The suit filed by NTVGCD caused the tenant to abandon the property and terminate the lease/purchase agreement.
2. The requirement to obtain a permit to produce the “spring water” is an unreasonable restriction on the use of the property. They further argue that the permit requirement “exceeds the scope of authority” of the District.

The petition attempts to equate the District’s decision to file suit with a city’s decision to issue a stop-work order and rescind a previously granted permit to drill for natural gas. They also argue the appellate courts have provided conflicting interpretations of Supreme Court case law that should be addressed in this case.

District’s argument:

The District argues that Mountain Pure failed to make a viable takings claim because they didn’t allege either a physical invasion nor did they allege a regulatory taking. They also pointed out that Mountain Pure did not allege any loss of value or investment-backed expectations. The District pointed out the differences between filing an enforcement action and issuing a stop-work order or rescinding a permit. Finally, the District argues that Mountain Pure failed to present any facts to support its allegation that the District took some action (other than filing an enforcement suit) nor were any facts presented on how an action of the District interfered with Mountain Pure’s use of its property.

GM Ellis Law Firm PC
2104 Midway Court * League City, TX 77573
Phone: (713) 705-4861 * Fax: (512) 236-5265
Greg@GMEllis.law



Recommendation:

This case could potentially set a bad precedent for groundwater conservation districts across the State. Should Mountain Pure prevail, future enforcement actions up to and including sending a single enforcement letter could possibly subject the District to a takings claim. An amicus curiae brief in support of NTVGCD should address two points:

- 1) Filing an enforcement suit is not the same as taking specific action such as issuing a stop-work order or denying a permit; and
- 2) The perceived differences in appellate court interpretations of recent Supreme Court cases are based on different sets of facts, not misinterpretation of the law.

The facts in this case do not warrant review by the Supreme Court and the 12th Court of Appeals opinion should be upheld.

The brief does not need to address the underlying dispute of whether an improved spring is a well that requires an operating permit. The issue has not been addressed by the lower court and is not at issue in the current petition to the Supreme Court.

Setback Exception - Item #10

**Board Meeting
December 9, 2020**

**Agenda Item No. 10
Exception to Spacing Requirements**

Agenda Item:

Discuss, consider and take appropriate action if necessary to approve an exception to setback requirement per district rule 9.5.5(a)(e) for Jason Bragg and Tom Vitek.

Narrative:

The applicant is requesting an exception to the District's requirement that wells observe a minimum setback of 50' from all property lines. A setback reduction of approximately 31 feet from the north and 24 feet from the east property lines placing the well adjacent to tracts owned by Jeffrey and Charla Kelley to the north and owned by Jason Bragg and Tom Vitek to the east side. (see attached map).

The applicant has provided the required waivers from the adjacent property of which they own, and the required waiver signed by Jeffrey and Charla Kelley for the adjacent property they own and has provided all of the appropriate signatures (all are notarized).

The existing well (E-02-510G) is located approximately 24 feet from the flag line property (see map with the existing location). The well will observe the required setback from to the western and southern property lines.

The well satisfies all requirements for an exempt grandfathered well classification; therefore, no permit is required. This well will be more than 100 feet from any other existing wells on adjacent properties. Both property owners indicate they intend to share the well for two homes thus are also required to record the agreement with the District and with both warranty deeds at the County Clerk's Office. Staff will conduct the recording of the signed agreement and will require reimbursement from both parties.

The approved waiver will be attached to the well's file and will be properly recorded at the County Clerk's office.

Staff Recommendation:

GM recommends approval of this request and notes all requirements per district rule 9.5.5(a)(e) have been met and submitted.

December 3, 2020

Clearwater UWCD (CUWCD)
PO Box 1989
700 Kennedy Court
Belton, TX 76513

RE: Request for an Exception to Spacing Requirement Rule 9.5.5 (a)(e)

Dear Mr. Aaron,

We, Jason Bragg and Tom Vitek, owners of B&V Texas Enterprises LLC, are formally requesting a property line setback waiver on an existing exempt well drilled on our property prior to the original purchase date, which was completed to the Edwards BFZ aquifer to produce water for domestic use. The district rules limit this domestic well to 17 gpm with a 2-inch column pipe and is located on Bell CAD Property ID: 470466 (Royal Street, Salado); Latitude 30.940074° / Longitude-97.506907°.

We are in the process of subdividing the property into two tracts (Lot 1 @ 4.146 acres and Lot 2 @ 5.061 acres). The existing well (E-02-510G) on Lot 1 is located in the northeast corner of the tract 31.2 feet off the north property line and 24.3 feet off the east property line. We will retain ownership of proposed Lot 2, and we intend on selling Lot 1 once the subdivision of the property is approved. Site inspection by CUWCD staff shows the well's current location from Royal Street at approximately 400 feet (see attached CUWCD Map).

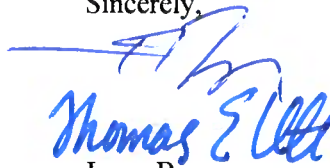
CUWCD District rules currently require the well to be 50 feet from the property line and to comply, I wish to secure a waiver of the spacing requirement per Rule 9.5.5(e) which states:

e) If the applicant presents waivers signed by all landowners and well owners whose property or wells would be located within the applicable minimum distance established under these Rules from the proposed well site stating that they have no objection to the proposed location of the well site, the Board, upon the General Manager's recommendation, may waive certain spacing requirements for the proposed well location.

Attached is a signed waiver by Jeffrey and Charla Kelley, owners of Bell CAD Property ID: 470465 and Jason Bragg and Tom Vitek owners of Bell CAD Property ID: 491301. One final note is that the new well will have a shared well agreement on file thus provide domestic water for both Lot 1 Block 1 and Bell CAD Property ID: 470465.

I am presenting this letter to you, the District GM and hope our request goes before the Board on December 9, 2020. I thank you very much for your attention to this matter. If you have any questions, please call.

Sincerely,


Jason Bragg
Tom Vitek

WAIVER OF WELL SPACING REQUIREMENT PER DISTRICT RULE 9.5.5(e)

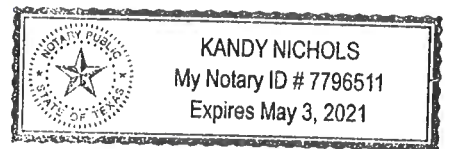
We, Jason Bragg and Tom Vitek, own the property identified by the Bell County Appraisal District as Property ID: 491301 have no objection to the location of the existing Edwards BFZ water well (E-02-510G) to be retained by future owners of proposed Royal Ridge Lot 1, for a beneficial use under district rules and is located on the site located Bell CAD Property ID: 470466 (Royal Street, Salado); Latitude 30.940074° / Longitude-97.506907° allowing for approximately a 26 foot setback from the identified proposed new property line which will be adjacent to my property.

Jason Bragg
Printed Name

[Signature]
Signature

SWORN and SUBSCRIBED before me by Jason Bragg
on this 7 day of Dec 2020.

[Signature]
Notary Public, State of Texas
KANDY NICHOLS
(Printed or Stamped Name of Notary)



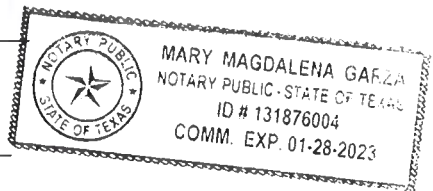
My Commission Expires: 5/3/21

Thomas E Vitek
Printed Name

Thomas E Vitek
Signature

SWORN and SUBSCRIBED before me by Thomas E Vitek
on this 4 day of December 2020.

Mary Magdalena Garza
Notary Public, State of Texas
Mary Magdalena Garza
(Printed or Stamped Name of Notary)



My Commission Expires: 1/28/2023

WAIVER OF WELL SPACING REQUIREMENT PER DISTRICT RULE 9.5.5(e)

We, Jeffrey Kelley and Charla Kelley own the property identified by the Bell County Appraisal District as Property ID: 470465 have no objection to the location of the existing Edwards BFZ water well (E-02-510G) to be retained by future owners of proposed Royal Ridge Lot 1, for a beneficial use under district rules and is located on the site located Bell CAD Property ID: 470466 (Royal Street, Salado); Latitude 30.940074° / Longitude-97.506907° allowing for approximately a 19 foot setback from the identified proposed new property line which will be adjacent to my property.

JEFFREY KELLEY
Printed Name

[Signature]
Signature

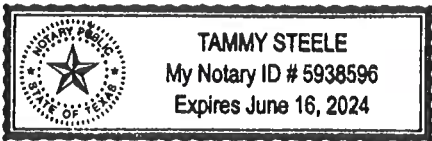
Charla Kelley
Printed Name

Charla Kelley
Signature

SWORN and SUBSCRIBED before me by Jeffrey and Charla Kelley
on this 4th day of December 2020.

[Signature]
Notary Public, State of Texas
Tammy D Steele
(Printed or Stamped Name of Notary)

My Commission Expires: 06-16-2024





349512
E-02-510G

194334

470465



349711

491301

58614

491711

58537

470465

E-02-510G

492342

459089

93223

E-02-618G

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



E-02-510G

WELL REGISTRATION EXISTING AND EXEMPT WELLS

Clearwater Underground Water
Conservation District
P.O. Box 729, Belton, TX 76513
Phone: 254/933-0120 Fax: 254/939-0885

NOTE: This form is for registering all wells in existence prior to February 1, 2002 (exempt and non-exempt) and all new exempt wells. Refer to the back of this form for a definition of an exempt well and circle which exemption is applicable.

Check one of the following:

- EXISTING WELL—Exempt
- NEW WELL—Exempt
- EXISTING WELL—Non-exempt
- REPLACEMENT WELL—Exempt

1. Owner Information

Well Owner: Virginia P. Finney Telephone No.: 939-5123
 Address: 806 Estate Dr Belton TX 76513
 (Street or P.O. Box) (City) (State) (Zip Code)

Contact Person (if other than owner): _____ Telephone No.: _____

2. Property Location

Owner of property (if different from well owner): ON PROPERTY W SMALL SHER

Property is located _____ miles E of Salado on Royal St
 (Number) (N, S, E, W) (Nearest City or Town) (Name of Road)

BELLCAD 470466 Survey Name: _____ Survey No.: _____ Abstract No.: _____

Section: _____ Block: _____ Acreage: _____

Latitude: _____ Longitude: _____

NOTE: Latitude and Longitude may be substituted for Survey, Abstract, Section and Block information.

3. Well Location & Description

Attach a map or drawing adequate to locate the well(s). Please number the well(s) and indicate the location of the well(s) with a circle and dot, and the distance to the well from any two non-parallel property lines. Attach *TNRCC State of Texas Well Report* for each well--include State Well Number. If well is new, provide following information:

a. Well Use: Inactive *Domestic; _____ Livestock; _____ Agricultural/Irrigation;
 _____ Industrial; _____ Public Supply; _____ Other. SEBORNY USA

*Number of total households to be serviced by the well: _____

b. Maximum pump capacity: unknown c. Estimated depth: 224

d. Provide *TNRCC State of Texas Well Report* after well completion.

4 1/2" casing
 Static: 40.87
MB - 1.50
39.37
BLS

NOTE: If this is a replacement well, indicate location of well that is being replaced and distance from the proposed well. Abandoned wells must be properly capped or filled in accordance with state law and the rules of the district.

4. Certification

I hereby certify that the information contained herein is true and correct to the best of my knowledge and belief.

Virginia P. Finney _____
 Owner Signature Date

