

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, August 9, 2023
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a Workshop at 11:00 a.m. and its regular Board meeting at 1:30 p.m. on Wednesday, August 9, 2023, at the Clearwater UWCD Building at 700 Kennedy Court, Belton, Texas.

Board Members Present:

Leland Gersbach, President, Pct 1
Gary Young, Secretary, Pct 2
Jody Williams, Vice President, Pct 3
Scott Brooks, Director, Pct 4
James Brown, Director, At-Large

Absent:

Staff:

Dirk Aaron, General Manager
Shelly Chapman, Admin. Manager

Guests

Mike Keester – RWH	John Asbury	Cole Ruiz – Lloyd Gosselink
Neil Deeds – Intera	Pete George – Collier	David Holmes
Matt Bates – City of Belton	Bill Schumann – Bell County	Timi Dutchuk – Fort Cavazos
Amber Dankert	Murray McCarley	Steve Theodore – UMHB
Marvin Ee – UMHB	Scott Dodd – UMHB	Ricky Garrett – WCID #1
Session Harrell - SWSC		

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

1. *Invocation and Pledge of Allegiance.*

Director, Jody Williams, gave the invocation.
Secretary, Gary Young, led the Pledge of Allegiance.

2. *Public Comment.*

None

3. *Approve minutes of the July 12, 2023, Board meeting.*

Board members received the minutes of the July 12, 2023, Board meeting and workshop in their Board packet to review prior to the meeting.

Secretary, Gary Young, moved to approve the minutes of the July 12, 2023, Board meeting and Workshop as presented. Director, Jim Brown, seconded the motion.

Motion carried 5-0.

4. *Discuss, consider, and take appropriate action, if necessary, to accept the monthly Financial Report for July 2023 (FY23) as presented.*

Board members received the monthly financial report for July 2023 in their Board packet to review prior to the meeting.

Secretary, Gary Young, moved to accept the July 2023 financial report 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 for July 2023 (FY23) as presented.*

Board members received the monthly investment Fund account report for July 2023 in their Board packet to review prior to the meeting.

Director, Scott Brooks, moved to accept the monthly Investment Fund account report for July 2023 as presented. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

6. Discuss, consider, and take appropriate action, if necessary, to participate in the ASR pilot project with WCID#1.

Dirk introduced Ricky Garrett with WCID#1 and Timi Dutchuk with Ft. Cavazo. Ricky laid out the framework and importance of the ASR pilot project. Neil Deeds with Intera highlighted items of interest related to the ASR pilot project. Dirk recommends the Board approve participation in funding this project at \$50,000. He suggested moving the funds from reserves.

Scott Brooks noted that this was going to be a large expenditure for this budget year and was interested in knowing how this would affect his constituents. He would like insurance that the district would have access to the data related to this monitor well.

John Asbury requested to make public comments on this agenda item. John laid out his concerns and suggestions but noted that he has no problems with this.

Leland asked if there was any other discussion. Hearing none he asked for a motion to participate or not.

Director, Scott Brooks, moved to approve participation in the ASR pilot Program with the stipulation that the data would be available to CUWCD and would not exceed \$50,000. Secretary, Gary Young,

Motion carried 5-0.

7. Discuss, consider, and take appropriate action, if necessary, to approve the FY23 line-item budget amendments as requested.

Shelly presented the request for FY23 budget amendments as follows:

Vendor	Line Item	Invoice Amount	Available Funds	Amount Requested	New Balance	From	Available Funds	New Balance
Salary Cost	52055-pay roll exp	\$116.00	\$14.79	\$101.21	\$116.00	52045-payroll tax/workers comp	\$9,222.90	\$9,106.90
	(Wex \$25 - Aug/Sept = \$50 & Intuit \$22 July/Aug/Sept = \$66)							
Folkerson	55400-phone	\$407.80	\$191.12	\$216.68	\$407.80	55300-internet	\$1,815.50	\$1,598.82
	(\$203.90 x 2 - Aug/Sept)							
Lloyd Gosseling	53703-Gen rules/account	\$5,555.00	\$0.00	\$5,555.00	\$0.00	53702-Endangered Spec	\$10,000.00	\$4,445.00
NTGCD	50605-GMA8-Tech Com	\$4,383.52	\$3,477.50	\$906.02	\$0.00	50610-GMA8 - admin	\$2,481.83	\$1,575.81

After approval of agenda item #6, Dirk requested a budget amendment for participation in the ASR pilot project with WCID#1. He requested the funds be moved from the district's reserved funds.

Director, Jim Brown, moved to accept the FY23 line-item budget amendments as requested. Vice President, Jody Williams, seconded the motion.

Motion carried 5-0.

8. Discuss, consider, and take appropriate action, if necessary, to set the preliminary tax rate for tax year 2023 on the proposed budget for FY24.

Dirk presented the 2023 Certified Taxable Values he received from the Tax Appraisal District of Bell County and his analysis of the numbers. After discussions, the Board agreed they wanted to stay with the "no new revenue rate" of \$0.002372/\$100 valuation.

Vice President, Jody Williams, moved to set the preliminary tax rate for tax year 2023 at 0.002372. Director, Jim Brown, seconded the motion.

Motion carried 5-0.

9. Discuss, consider, and take appropriate action, if necessary to set the public hearing date and adoption of the FY24 budget.

Based on the budget development timeline, Dirk recommended the Board set the public hearing date and adoption of the FY24 budget for August 23, 2023.

Vice President, Jody Williams, moved to set the public hearing date and adoption of the FY24 budget for August 23, 2023. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

10. Discuss, consider, and take appropriate action if necessary to approve a request to waive the Groundwater Availability Certification requirement, to conduct a modified groundwater availability assessment by the district for the purpose of subdividing Bell CAD Property ID:73492 @ 17.0-acres into four tracts owned by Michael Linnemann.

Dirk noted that Mike Linnemann could not be at the meeting today. Dirk laid out the facts of the request for the waiver on Mike Linnemann's behalf.

Dirk asked Mike Keester to present the Modified Groundwater Availability Study (and the science side of it) vs Groundwater Availability Certification. Dirk also explained facts per County Rules and CUWCD Inter-Local Agreement. Dirk has been in contact with County Engineer, Brian Neaves, and they are ok with the waiver only if Clearwater approves the waiver with special provisions.

Special provisions should include:

- Conduct a single well pump test on the existing well.
- Conduct the pumping test when drought conditions improve.
- Pay CUWCD GAC review fees and application fees for 3 new wells.
- Pumping test will determine if the aquifer can sustain 2 or more wells above those wells in the ½ mile radius.

Board members asked questions of Mike Keester and Dirk to clarify concerns.

Director, Jim Brown, moved to approve the waiver with stipulations that the pump test be delayed until sufficient water is available and that they provide documentation stating they do not have access to public water. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

11. Discuss, consider, and take appropriate action if necessary to approve a request to waive the Groundwater Availability Certification requirement, to conduct a modified groundwater availability assessment by the District for the purpose of subdividing Bell CAD Property ID:237622 @ 10.1-acres, owned by Session Harrell & Amber Dankert, into one tract at approximately 4.5 acres and combine the remanent tract of 5.6 acres into the adjacent tract Property ID: 103428 112.085 acres owned by UE WINIX Stinnett Mill LLC, represented by Donny Ringler.

Dirk presented information related to the request to waive the Groundwater Availability Certification requirements. This request is relevant to the information presented by Mike Keester in agenda item #10 and the modified Groundwater Availability Study.

Based on discussion between Scott, Dirk, and Commissioner Schumann, the property might be subject to full platting.

Amber stated that she understands the process. She pled her case with scenarios that might apply for her to get another well now, with limited usage. She inquired if there was an emergency provision that would allow them to have a well drilled now. Dirk explained there is not an emergency provision in the rules that would allow that without plugging the existing well.

After continued discussions back and forth, it was suggested that she apply for a 2nd exempt well on her property. Dirk instructed her to fill out the exempt application with Tristin before she left.

Director, Scott Brook, moved there would be no action taken on this agenda item. Secretary, Gary Young, seconded the motion.

No Board action taken on this item.

12. Continue Public Hearing on the following application:

Discuss, consider, and take appropriate action, if necessary, on a proposed drilling permit for a new well for the University of Mary Hardin Baylor submitted on June 20, 2023, for a proposed amount not to exceed 64.4 acre-feet or 20,984,832 gallons per year for irrigation use only, completed in the Hosston (Lower) Layer of the Trinity Aquifer and located in the Belton Lake Management Zone described in District Rule 7.1 and limited to a maximum 4-inch column pipe on a 28.12-acre tract in accordance with District Rule 9.5 and located at Latitude 31.069169°/Longitude -97.472680° at the N. W. corner of W. Martin Luther King Junior Ave and Nolan Creek, Belton, TX. No groundwater production can be authorized with this proposed permit.

President, Leland Gersbach continued the public hearing at 2:27 p.m. and gave a summary of the application being considered. He noted that he reviewed the procedural issues at the hearing last but will answer any questions regarding the continuance today.

He confirmed a quorum of the Board was in attendance to participate in the ruling of the application. Leland stated that the permit applications had undergone administrative and technical review by District staff, consultants, and legal counsel.

Leland stated anyone wishing to participate in the hearing last month was afforded an opportunity to support or protest the application at that time. Matt Bates (City of Belton) requested 30-day pause in the hearing to meet with representatives of UMHB. The pause was granted until today's meeting.

Leland instructed anyone from the public wishing to make comments on the application to sign up to do so.

As presiding officer, Leland will take evidence and sworn testimony, and rule on any procedural issues.

Leland laid out the procedures for the continuation of the hearing. He noted that the district did receive requests for a contested case hearing in writing prior to today's meeting and have had additional requests by a person appearing before the Board today. Leland stated that the Board entered a preliminary phase of the contested case hearing in order to determine whether the hearing request meets the requirement of Rules 6.10.9 and 6-10-12, whether the person requesting the hearing qualifies as an affected party, and whether it is appropriate to deem the hearing contested.

Leland took appearance by all individuals signed up wishing to make public comments. Murray McCarthy and John Asbury signed up to give public comments. Murray noted his concerns and offered suggestions on landscaping that would not need much water. John updated the comments and concerns he had previously discussed last month and made several suggestions for the applicant to, once again, consider.

Leland noted that the preliminary phase of the hearing was completed last month, and he determined that the City of Belton does have standing in the case and opened the evidentiary phase of the hearing. He administered the oath to Dirk Aaron (CUWCD), Dr. Steve Theodore (UMHB), Scott Dodd (UMHB), Marve Ed (UMHB), Matt Bates (City of Belton), Mike Keester (RWH), and Cole Ruiz (Lloyd Gosselink).

Before Leland proceeded with testimony, he afforded the parties an opportunity for another continuance on the application if needed. No continuance was needed.

Mike presented his analysis of the application. He reviewed the effects on existing wells, gave his conclusion and recommendations.

Dr. Theodore had no new evidence or information to be considered.

Dirk presented his executive summary noting that all metrics had been met and the application was deemed administratively complete for a drilling permit only. No operating permit would be granted at this time.

Leland addressed Dr. Theodore and his experts. He understood the special provisions, and everything laid out for the approval/denial of a drilling permit only and not an operating permit.

Leland invited Matt Bates from the City of Belton to state his thoughts and concerns related to the drilling application presented today. Matt stated that he appreciated the Board granting the continuance last month. The City has spoken to UMHB and is satisfied with the discussions and special provisions as noted.

Leland asked if there were any comments or concerns from the Board. There were none.

Leland concluded the hearing and inquired as to the wishes of the Board.

Director, Scott Brooks, moved to approve the drilling permit subject to rules and special provisions regarding observation tube, EnoScience monitoring equipment, and other provisions as discussed. Vice President, Jody Williams, seconded the motion.

Motion carried 5-0.

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

- Representative Buckley will be holding a town meeting. If 2 or more Board members attend, the district will have to "post" the meeting.
- Update of the Groundwater Management Plan amendment process Sept 13th.
- Sept 13th possible hearing date for District Rule amendments.
- Painting of the exterior of the building will be \$675 and will be done sometime in this fiscal year.
- Roof was inspected by Tanner Roofing. They recommend power washing and removing debris from the roof of both buildings to preserve its integrity.
- Information regarding Groundwater Summit rooms and registration
- Dirk will attend Post Oak Savannah GCD's Water Summit on Aug 17th.
- RV Park north of Troy withdrew their permit application
- Arias Prairie permit still pending.
- Victory Rock is drilling their well. Applicant is complying with all provisions.

14. *Review 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 is required. Information items only.)

15. *Director's comments and reports.*

- **Leland Gersbach:** None
- **Jody Williams:** None
- **Gary Young:** None
- **Scott Brooks:** None
- **James Brown:** None

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

- Set tax rate and adopt FY24 budget.

- Possible permits – Boger, Moffat WSC, Salado ISD amendment, Linnemann.

17. Set the time and place of the next meeting.

Wednesday, August 23, 2023, 1:30 p.m. CUWCD office.

18. Adjourn.

Board meeting closed and Workshop reconvened with President, Leland Gersbach, at 4:30 p.m.

Workshop item #1: Receive update related to the current drought conditions and curtailments in place.

Dirk updated the Board on items related to the current drought conditions and curtailments in place. He noted that we will be moving to stage 3.

Workshop item #2: Receive presentation on the WCID#1 ASR proposed project.

No discussion – this was discussed and action was taken on Agenda item #6.

Workshop item #3: Receive update on the pending amendment needs to the Groundwater Management Plan per GMA8 changes to the DFC in Round 3.

Dirk presented information on the Groundwater Management Plan amendments needed per GMA8 changes to Round 3 of the DFC.


Workshop item #4: Receive update on the pending district rule changes required per the 88th Legislative requirements for GDCs.

Dirk briefed the Board on the pending rule changes being required per the 88th Legislative Session. He has been working with the district's attorneys to make the appropriate changes.

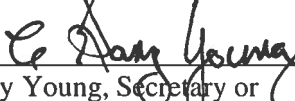
Workshop item #5: Discuss and review items of interest concerning the draft FY2024 budget.

Dirk highlighted items of interest related to the FY24 proposed budget and addressed questions and concerns of the Board.

Workshop closed with President, Leland Gersbach, at 4:44 p.m.


Leland Gersbach, President

ATTEST:



Gary Young, Secretary or
Dirk Aaron, Assistant Secretary