

**Clearwater Underground Water Conservation District Meeting**  
**700 Kennedy Court**  
**Belton, TX**  
**Wednesday, December 13, 2023**  
**Minutes**

The Clearwater Underground Water Conservation District (CUWCD) held a Workshop and Board meeting at 1:30 p.m. on Wednesday, December 13, 2023, in the Sirena Room at Tenroc Ranch located at 5471 Thomas Arnold Rd., Salado, Texas 76571.

**Board Members Present:**

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

**Absent:**

Jody Williams, Pct 3

**Staff:**

Dirk Aaron, General Manager  
Shelly Chapman, Admin. Manager  
Tristin Smith, Education/Compliance

**Guests**

Un Suk Siple  
Phillip Higgins  
Mark Johnston  
Debra Lively  
Bill Grace  
Gail Hutcherson  
Patrick Lynch  
Meredith Haas  
Lauren Elliston  
Hank Crismore  
Susan Edens  
Ruth Parker  
Janet Kennedy  
Ed McBurney  
Brian Crane  
Patricia Bishop  
Dennis Yost  
Kristin Long  
James Hearing  
Mike Keester  
Mike Cornett

Preston Siple  
Cole Ruiz- Lloyd Gosselink  
Ken Pearson  
James Lund  
Teri Stach  
Danette Pappas  
Richard Frith  
Craig Robison  
Brad Cross  
Glenda Cousins  
Eric Allmon  
Jeffri King  
Chris Bazar  
Lynda Bean  
Maurice Weatherholt  
James Bishop  
Samantha Hilliard  
Jennifer Dalton  
Robert Fleming  
Bert Henry  
Linda Cornett

Sharon Higgins  
Larry Michels  
John Asbury  
Tere Grace  
Phil Stach  
Katrina Lynch  
Reem Smien  
Keith Elliston  
Spencer Smith  
Robert Cousins  
Sara Fox  
John King  
Barbara McBurney  
Stephanie Ritter  
Michelle Ard  
Ashley Lewis  
Daniel Mcburney  
Debbie Hering  
Jessica Diem  
Carl Menyhart

**Board meeting convened with President, Leland Gersbach, at 1:32 p.m.**

***1. Invocation and Pledge of Allegiance.***

General Manager, Dirk Aaron, gave the invocation.  
Secretary, Gary Young, led the Pledge of Allegiance.

***2. Public Comment.***

None

***3. Approve minutes of the November 8, 2023, Board meeting.***

Board members received the minutes of the November 8, 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 November 8, 2023, Board meeting and Workshop as presented. Director, Scott Brooks, seconded the motion.

**Motion carried 4-0 (1 absent).**

**4. Discuss, consider, and take appropriate action, if necessary, to formally receive a petition for annexation from Aquifer Conservation Alliance in Western Williamson County, and set forth the prescribed public hearings.**

Keith Elliston presented the petition from the Aquifer Conservation Alliance for the annexation of portions of Western Williamson County by CUWCD.

Leland inquired if anyone wished to make public comment on this item. There was none.

Dirk noted that names and addresses on the petition had been verified as valid. There are enough signatures to move forward. He commented that the ACA had met all of the metrics per Chapter 36 to submit the petition. He explained the steps moving forward related to accepting the petition. He commented that the district would have to hold a public hearing in Bell County and in Williamson County.

Dirk recommended the Board give him direction to coordinate the 2 public hearings to be held before the February 14<sup>th</sup> Board meeting.

Director, Scott Brooks, moved to formally accept the petition for annexation from the ACA and directed the General Manager to move forward to coordinate the date, time, and location for the 2 public hearings. Director, Jim Brown, seconded the motion.

**Motion Carried 4-0 (1 absent).**

**5. Hold Public Hearing on the following permit applications:**

***a.) Discuss, consider, and take appropriate action, if necessary, on an application submitted by Dr. Gretchen Miller, Ph.D., PE, PG, on behalf of Mr. James Kerby, Jaffe Interests LP (Mustang Springs Development), for two drilling permits for two proposed new public water supply wells to be completed in the Lower Trinity Aquifer (Hosston Layer), with a maximum 4-inch column pipe on a 1,106-acre housing development located on the north side of FM-2843 approximately 6 miles west of the Village of Salado in the Stillhouse Hollow Management Zone. No groundwater production will be authorized with these drilling permits.***

President, Leland Gersbach opened the public hearing at 2:06 p.m. He stated that the district's attorney, Cole Ruiz was in attendance to assist with any legalities. He confirmed a quorum of the Board was present and will participate in ruling on the application at a later date. Leland commented that this agenda item and notice posted for this preliminary hearing was a continuance of last month's preliminary hearing.

Leland gave a summary of the application to be considered and noted that the application is for 2 drilling permits only. No groundwater production will be authorized with these drilling permits.

Leland explained that the location for this meeting had been moved to Tenroc because the district facility could not accommodate a large group. He acknowledged the meeting was being hosted by Mike Cornett.

Leland stated that the preliminary hearing was being continued because those who failed to appear did not understand they, or their representative, must appear to establish standing. Staff was instructed to notify all persons who did not attend the Nov 8<sup>th</sup> meeting by e-mail, certified letter, and phone call. Dirk stated that notifications were made.

Leland reiterated that the preliminary hearing is a continuance of last months preliminary hearing on the drilling permit application and is being held for the exclusive purpose of determining whether persons who timely submitted a written request for a contested case hearing prior to the Nov 8<sup>th</sup> hearing, are affected persons. Leland stated that he would not consider any requests that came in after Nov 8<sup>th</sup>.

Leland asked if there was anyone wanting to make a general public comment for those members of the public who wanted to offer comments but did not timely request to be a party to the case.

Dirk had 4 people fill out a public comment forms. Dirk presented those to Leland. The following people offered public comments:

- 1) Patrick Lynch – He is a well owner. He voiced his concerns about the dropping of the water levels in the wells and aquifer.
- 2) Reem Smien – Stated that he is against the drilling of these wells. He voiced his concerns.
- 3) Teri Stach – She is against the drilling of the wells. She commented that water is a limited resource. Things need to be done the right way. If these drilling permits move forward, do it in a way that will not harm others.
- 4) Robert Fleming – He is learning more about underground water. He commented that his area is surrounded by solar farms. He is concerned about how this will affect drinking water. He is also concerned about big businesses coming into Bell County that will need water.
- 5) John Asbury signed up for public comment. He stated that he has no conflict of interest. He did some research after reading the application. He presented his comments, concerns, and suggestions, then left the hearing (as noted by Dirk).

No other general public comments were received. Leland closed public comments.

Leland reviewed the procedures that would apply for the continuance of the preliminary hearing.

Leland and Cole went through the list of names and asked each named person to come forward to determine their individual status as a party to the case.

Cole addressed each of the registrants in attendance at the meeting. There were 36 registrants. Only 14 were present. Of those 14 presents, 13 were given party status and 1 was denied. The one denied was not in the impact area. Her concern was regarding the wastewater. Dirk clarified that permit was with TCEQ and had been pulled.

Leland offered anyone who was denied standing at the Nov 8<sup>th</sup> meeting wishing to provide evidence that they would be harmed if the wells were granted, to come forward.

Gail Hutcherson was denied standing at the Nov 8<sup>th</sup> meeting. She stated her concerns and questioned why the Board could not require developers to build “water catchment systems”. Cole replied that was not under the Board’s jurisdiction.

Leland asked if any others were wanting to speak. Eric Allmon asked to speak on behalf of his clients (the Graces). He requested a continuance of 90 days. He stated that 30 days was not enough time or discovery. He pled his case. Cole addressed his concerns, and he recommended the Board hold the evidentiary portion of the hearing at the Feb 14<sup>th</sup> Board meeting.

Dirk summarized the discussion and commented that the Board would grant a 60-day continuance. He encouraged all parties to study the information prepared by the district and hydrogeologists.

John King asked to comment. He had questions and needed clarification on a couple of things. Dirk addressed his questions and concerns.

Larry Michaels voiced his concerns after attending the Salado council meeting in which the applicant was in attendance.

Director, Scott Brooks made a general comment about some of the concerns presented. He stated that the Board relies on scientific data to make decisions. Rulings are based on rules and rules are based on scientific data.

No other comments were received.

The preliminary phase of the public hearing closed at 3:24 p.m. The evidentiary portion will be held on February 14, 2024.

6. *Discuss, consider, and take appropriate action, if necessary, to accept the monthly Financial Report for November 2023 (FY24) as presented.*

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

Secretary, Gary Young, moved to accept the November 2023 financial report as presented. Director, Scott Brooks, seconded the motion.

**Motion carried 4-0 (1 absent).**

7. *Discuss, consider, and take appropriate action, if necessary, to accept the monthly Investment Fund account report for November 2023 (FY24) as presented.*

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

Director, Jim Brown, moved to accept the monthly Investment Fund account report for November 2023 as presented. Director, Scott Brooks, seconded the motion.

**Motion carried 4-0 (1 absent).**

8. *Discuss, consider, and take appropriate action, if necessary, to approve the FY24 line-item budget amendments as requested.*

Agenda item #8 will be addressed following discussions related to Agenda item #11.

9. *Discuss, consider, and take appropriate action, if necessary, to set the calendar dates for 2024.*

Staff looked at the calendar dates for 2024 Board meetings. The proposed dates include regular Board meetings, tentative dates in August to approve FY25 budget and tax rate, Groundwater Summit, and tentative date for Bell County Water Symposium. Staff also reviewed the holiday schedule for State and Local Governmental Entities.

Staff recommends the following calendar dates and holiday schedule be approved for 2024 be approved:

|                  |           |                       |                             |
|------------------|-----------|-----------------------|-----------------------------|
| Board Meeting    | Wednesday | January 10, 2024      |                             |
| Board Meeting    | Wednesday | February 14, 2024     |                             |
| Board Meeting    | Wednesday | March 13, 2024        |                             |
| Board Meeting    | Wednesday | April 10, 2024        |                             |
| Board Meeting    | Wednesday | May 8, 2024           |                             |
| Board Meeting    | Wednesday | *June 19, 2024        | (3 <sup>rd</sup> Wednesday) |
| Board Meeting    | Wednesday | July 10, 2024         |                             |
| Board Meeting    | Wednesday | August 14, 2024       |                             |
| Water Summit     | Wednesday | Aug 20 – Aug 24, 2024 | San Antonio                 |
| Tax Rate Hearing | Wednesday | August 28, 2024       |                             |
| Board Meeting    | Wednesday | September 11, 2024    |                             |
| Board Meeting    | Wednesday | October 9, 2024       |                             |
| Board Meeting    | Wednesday | November 13, 2024     |                             |
| Water Symposium  | Wednesday | November 20, 2024     | Tentative - TBD             |
| Board Meeting    | Wednesday | December 11, 2024     |                             |

(\* Special dates to avoid conflicts with TWCA & TAGD)

Proposed Holiday Schedule

|                  |           |                   |
|------------------|-----------|-------------------|
| New Year's Day   | Monday    | January 1, 2024   |
| Memorial Day     | Monday    | May 27, 2024      |
| Independence Day | Wednesday | July 4, 2023      |
| Labor Day        | Monday    | September 2, 2024 |
| Thanksgiving Day | Thursday  | November 28, 2024 |

|                   |           |                   |
|-------------------|-----------|-------------------|
| Thanksgiving      | Friday    | November 29, 2024 |
| Christmas Day     | Wednesday | December 25, 2024 |
| Christmas Holiday | Thursday  | December 26, 2024 |

Secretary, Gary Young, moved to accept the calendar dates and holiday schedule for 2024 as presented. Director, Scott Brooks, seconded the motion.

**Motion carried 4-0 (1 absent).**

**10. Discuss, consider, and take appropriate action, if necessary, to approve CUWCD staffing position description.**

Dirk presented information related to the new staff position and job description. He asked the Board to review the description and offer any comments or suggestions. After discussion, it was determined that compensation be listed as “Compensation to be determined based on qualifications and experience” instead of listing the pay range.

Director, Scott Brooks, moved to approve the job description with changes to “compensation” as discussed. Director, Jim Brown, seconded the motion.

**Motion carried 4-0 (1 absent).**

**11. Discuss, consider, and take appropriate action, if necessary, to approve office re-configuration cost.**

Dirk discussed the reconfiguration of the office and the replacement of the existing carpet and flooring throughout the building. He requested bids from 5 local firms. He received bids from Sum Assembly Needed, Target Solutions, & Foster Carpet & Floor. Dirk presented the bids to the Board.

Dirk recommended the Board select the low bids and amend the budget as needed.

Director, Jim Brown, moved to accept the low bids and amend the budget as needed. Secretary, Gary Young, seconded the motion.

**Motion carried 4-0 (1 absent).**

**8. Discuss, consider, and take appropriate action, if necessary, to approve the FY24 line-item budget amendment as requested.**

Dirk presented the line-item budget amendment based on the discussion of agenda item #11. He requested that \$8,000 be moved from Contingency Fund (line-item #50250) to Building Repair and Maintenance (line-item #54200) for office re-configuration and new flooring and carpet throughout.

Director, Jim Brown, moved to approve the line-item budget amendment and requested. Director, Scott Brooks, seconded the motion.

**Motion carried 4-0 (1 absent).**

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

- Dirk discussed all of the solar farms moving in and the investment zones related.
- Dirk gave an update on matters of interest related to the TAGD director and her resignation.

**13. 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.)

**14. Director's comments and reports.**

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

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

- Re-adopt district investment policy.

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

Wednesday, January 10, 2024, 1:30 p.m. CUWCD office

**17. Adjourn.**

**Board meeting closed and Workshop convened with President, Leland Gersbach, at 4:57 p.m.**

**Workshop Item #1: Receive updates related to GMA8 DFC determination, per TWC section 36.108, and plans for the next round.**

Dirk briefed the Board on the latest updates related to the GMA8 DFC determination and plans moving forward.

**Workshop Item #2: Receive presentation related to the CUWCD Groundwater Management Model.**

Received presentation from Mike Keester.

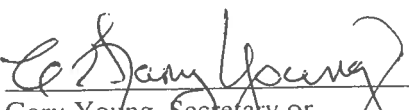
**Workshop Item #3: Receive information related to the TAGD's Boot Camp: "Aquifer Science" on January 30, 2024, in Round Rock, Texas.**

Dirk informed the Board about the upcoming TAGD Boot Camp. He encouraged the Board members interested in attending to let Shelly know so she can get them registered.

**Workshop closed with President, Leland Gersbach, at 5:16 p.m.**

  
Leland Gersbach, President

ATTEST:

  
Gary Young, Secretary or  
Dirk Aaron, Assistant Secretary