

Show Cause Hearing - Item #9
Tomas Reynoso, Sr

**Board Meeting
March 13, 2024**

Agenda Item #9: Show Cause Hearing

Agenda Item #9:

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Hold a show cause hearing on the following repeat violation:

- a) Discuss, consider, and take appropriate action necessary upon receiving testimony related to the second violation and ignoring Order #1 per District Rule 6.5 by drilling & completing a well on January 22, 2022, without a formal CUWCD permit on a tract of land less than 10-acres and greater than or equal to 2-acres, Latitude 30.930066°/ Longitude -97.701384° by both Raul Zavala (“Driller”) (TDLR License #54363) officed at 1910 S. Wheeler St., Jasper, TX 76951 and Mr. Tomas Reynoso (“Property Owner”), located at 15731 Cedar Valley Rd, Salado, TX.

Summary First Violation:

- 1) February 14, 2022, the District received a call from adjacent property owners and a County Commissioner stating that a drilling rig was on the property of Mr. Reynoso.
- 2) GM sent Field Technician to the site in question on February 14, 2022, at 10:30 am and GM was on site by 3:45 pm to meet with Mr. Zavala and Mr. Reynoso.
- 3) GM discussed options with both men. GM gave verbal notice, per “District Rule 12.3.1 Informal Notice” that this was a serious violation, and both individuals could potentially be issued fines. In addition, they may be required to plug the well.
- 4) GM reviewed the District Rules and contacted both men to meet them on-site, for a *Compliance Meeting* on Saturday, February 19, 2022, per “District Rule 12.3.1(c)”.
- 5) GM required both parties to uncover the wellhead, disconnect the electricity to the well, and break loose the 2-inch dresser coupling so that the GM could seal the wellhead in accordance with “District Rule 12.4 Sealing of Wells”.
- 6) GM conducted a second *Compliance Meeting* with Mr. Tomas Reynoso Sr. and Mr. Tomas Reynoso Jr. at the District Office on Tuesday, February 22, 2022, at 11:00 am in accordance with “District Rule 12.3.1(c)”. GM and two staff members witnessed the discussion by the GM and his direction for potential compliance.
 1. Meet with the Bell County Public Health District to get a site-specific plan and engineered design of the On-site Septic Facility (OSSF) so that the district could evaluate if proper setbacks from the well can be attained.
 2. Meet with Mike Kriegel, Mitchell & Associates to get a proper subdivision to the home in accordance with Bell County Plating Rules.

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3. Prepare to attend a Show Cause Hearing on March 9, 2022, at the Regular Board of Directors meeting per “District Rule 12.3.2”. Mr. Reynosa was informally notified at that time of the pending hearing.
- 7) GM prepared a formal notice per “District Rule 12.3.2 (a)(b)” and sent said order on February 24, 2022, to both parties to appear before the Board on March 9, 2022, by Certified Mail, Return Receipt, and by email, meeting the 10-day notice requirements of the district.
- 8) February 14, 2022, the District received a call from adjacent property owners and a County Commissioner stating that a drilling rig was on the property of Mr. Reynoso.

Summary of Second Violation:

- 1) Mr. Reynoso, on January 8, 2024, at approximately 1:00 pm, arrived at the District Headquarters and offered a new survey and filled out the necessary application for an operating permit on the well N2-20-003P with the \$150.00 application fee per board instruction should he get the property platted for Bell County.
- 2) GM immediately had our field technician, Mr. Corey Dawson, make the required site visit to confirm that the well was still sealed and not in use. Upon arriving at the property, and with Mr. Reynoso witnessing, Mr. Dawson found that the well was unsealed and fully operational thus in violation of the agreement with our Board of Directors, memorialized in the minutes and his testimony that he would not reconnect the well until the property was correctly subdivided and affirmed with Bell County.
- 3) GM reviewed the document submitted by Mr. Reynoso on January 8, 2024. The document (Signed & Sealed by Stephen Rodriguez, License number 5325) was a simple survey, not a recorded plat.
- 4) GM contacted Bell County Engineers Office and they stated that they have not approved a plat for said property.
- 5) GM contacted Mr. Rodriguez (professional surveyor) to confirm that the survey was not a proposed plat. He further explained and confirmed that he told Mr. Reynoso, at the time he surveyed the property that it was not a plat. Mr. Rodriguez is based out of the Houston area and agreed that a survey is never a formal plat.
- 6) GM called Tomas Reynoso Jr. (Mr. Reynoso’s son) and he confirmed that the well was in use and concurred that his father had violated the terms of the agreement.
- 7) GM sent formal notice of a repeat Show Cause Hearing and notice to appear to Mr. Reynoso on:
 - a. January 15, 2024, by regular mail, certified and by email.

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- b. February 14, 2024, Certified Letter returned to District as unclaimed.
- c. Renotified Mr. Reynoso on March 1, 2024, by regular mail, email and hand-delivered thus met and exceeded efforts per "District Rule 12.3.1 Informal Notice". With this serious violation, Mr. Reynoso most likely will face additional fines as well as be required to plug the well.
- d. GM has discussed the necessary plugging of the well with Mr. Raul Zavala and specifically stated the cost of the dismantling and plugging of the well would be a cost to him. He stated he would return to plug the well if ordered by the District should the Board require that. He only requested that a Sheriff's Deputy and a member of Clearwater's Staff be on site for safety reasons and to witness the plugging.

Staff Recommendations First Violation:

Board did issue an enforcement Order #1 Findings & Orders & Resolution & Instructions:

- ✓ Finding that Tomas Reynoso, Sr. is the record owner of an approximately 5 acre tract in Bell County, Texas, the physical address of which is 15731 Cedar Valley Road, Salado, Texas 76571 (the "Property");
- ✓ Finding that Mr. Reynoso, by and through a Water Well Driller and Pump Installer licensed by the State of Texas, Mr. Raul Zavala, Sr. (License No. 54363), drilled a new water well on the Property (the "Well") without prior authorization by the District, in violation of District Rules 6.5.1 and 6.5.2;
- ✓ Finding that Mr. Reynoso failed to file a completed operating permit application within 14 days after completion of the Well, in violation of District Rule 6.6.1;
- ✓ Finding that Mr. Reynoso failed to obtain an operating permit prior to operating the Well, in violation of District Rule 6.6.2;
- ✓ Finding that Mr. Zavala, drilled the Well without prior authorization by the District, in violation of District Rules 6.5.1 and 6.5.2;
- ✓ Ordering Mr. Reynoso to pay a civil penalty of no less than \$1,000 to the District;
- ✓ Ordering Mr. Reynoso to obtain appropriate permits and approvals as applicable, evidencing that the Property is in compliance with applicable Bell County subdivision regulations, and Texas Commission on Environmental Quality and Bell County Health District on-site sewage facilities rules and regulations;
- ✓ Ordering Mr. Reynoso to submit an administratively complete application for an operating permit, together with requisite fees, to the District;

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- ✓ Ordering that Mr. Reynoso must comply with each ordering paragraph herein defined within 90 days of the order, which deadline may only be extended for good cause shown;
- ✓ Ordering Mr. Zavala to pay a civil penalty of no less than \$1,000 to the District;
- ✓ Ordering Mr. Zavala to equip the Well with a meter prescribed by the District for monthly reporting of groundwater production;
- ✓ Ordering Mr. Zavala to install a measuring tube alongside the column pipe to allow for measurement of the water level;
- ✓ Ordering that Mr. Zavala must comply with each ordering paragraph herein defined within 90 days of the order, which deadline may only be extended for good cause shown; and
- ✓ Ordering Mr. Reynoso and Mr. Zavala to re-appear before the Board on June 8, 2022, at 1:30 p.m. in order to continue this Hearing; and
- ✓ Ordering Mr. Reynoso to re-appear before the Board on August 10, 2022, at 1:30 p.m. in order to continue this Hearing; and
- ✓ Ordering Mr. Reynoso to re-appear before the Board on November 9, 2022, at 1:30 p.m. in order to continue this Hearing; and
- ✓ Ordering Mr. Reynoso to re-appear before the Board on February 15, 2023, at 1:30 p.m. in order to continue this Hearing.
 - The Hearing was officially closed with specific instructions to Mr. Reynoso, stating that he would not use the well until the land issue was resolved to satisfy Bell County as a legal plat. Mr. Reynoso, under oath, agreed.
 - He was then instructed not to use the well until he returned to the district for an operating permit once the tract was a legal subdivision under the County's authority.
- ✓ The Board closed the Show Cause Hearing officially at 2:16 pm per a Motion to Close the Hearing by Scott Brooks, 2nd by Gary Young.

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March 13, 2024

Show Cause Hearing Process:

- ✓ Receive Testimony of all parties related to the history and facts related to the violation.
- ✓ Per "*District Rule 12.3.3 Remedies*"
 - (a) The Board shall consider the appropriate remedies to pursue against an alleged violator during the show cause hearing, including assessment of a civil penalty, injunctive relief, or assessment of a civil penalty and injunctive relief. In assessing civil penalties, the Board may determine that each day that a violation continues shall be considered a separate violation. The civil penalty for a violation of any District rule is hereby set at the lower of \$10,000.00 per violation or a lesser amount determined after consideration, during the enforcement hearing, of the criteria in subsection (b) of this rule.
 - (b) In determining the amount of a civil penalty, the Board of Directors shall consider the following factors:
 - (1) compliance history; and
 - (2) efforts to correct the violation and whether the violator makes a good faith effort to cooperate with the district; and
 - (3) the penalty amount necessary to ensure future compliance and deter any future non-compliance; and
 - (4) any enforcement costs related to the violation; and
 - any other matters deemed necessary by the Board.

Staff Recommendation on Second Violation:

Issue Order #2 Findings & Orders & Resolution & Instructions:

- ✓ Finding that Tomas Reynoso, Sr. is the record owner of an approximately 5-acre tract in Bell County, Texas, the physical address of which is 15731 Cedar Valley Road, Salado, Texas 76571 (the "Property"); and
- ✓ Finding that Mr. Reynoso, by and through a Water Well Driller and Pump Installer licensed by the State of Texas, Mr. Raul Zavala, Sr. (License No. 54363), drilled a new water well on the Property (the "Well") without prior authorization by the District, in violation of District Rules 6.5.1 and 6.5.2; and
- ✓ Finding that Mr. Reynoso failed to file a completed operating permit application within 14 days after completion of the Well, in violation of District Rule 6.6.1; and
- ✓ Finding that Mr. Reynoso failed to obtain an operating permit prior to operating the Well, in violation of District Rule 6.6.2; and
- ✓ Finding that Mr. Zavala, drilled the Well without prior authorization by the district, in violation of District Rules 6.5.1 and 6.5.2; and

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- ✓ Ordering Mr. Reynoso to pay a civil penalty of no less than \$10,000 to the District for this second major violation of district rules and agreements with the Board of Directors; and
- ✓ Ordering Mr. Zavala, as the original driller and pump installer to return to the property and plug the well in accordance with TDLR and district Rules for plugging by March 22, 2024; and
- ✓ Ordering Mr. Reynoso to obtain appropriate permits and approvals as applicable, evidencing that the Property is in compliance with applicable Bell County subdivision regulations, and Texas Commission on Environmental Quality and Bell County Health District on-site sewage facilities rules and regulations before returning to the District for a new non-exempt well for domestic use; and
- ✓ Ordering Mr. Reynoso to submit an administratively complete application for an operating permit, together with requisite fees, to the District; and
- ✓ Ordering that Mr. Reynoso must comply with each ordering paragraph herein defined within 90 days of the order, which deadline may only be extended for good cause shown.

**NOTICE OF SHOW CAUSE HEARING OF THE
CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT**

Notice is hereby given that the Board of Directors for the Clearwater Underground Water Conservation District will conduct a Show Cause hearing as it relates to the ALLEGATIONS CONCERNING THE ILLEGAL drilling of a well as described below at 1:30 p.m. on Wednesday, March 13, 2024, at the Bell County Historic Courthouse at 101 Central Avenue, 2nd floor Commissioners Court Chambers, Belton, Texas, in compliance with the Texas Open Meetings Act.

The hearing will be conducted on the following applications:

Landowner's File Number	District Rule Violation by Landowner	Location of illegally Drilled Well	Date of alleged Violation/s of the District Rules
N1-20-003P Combination Drilling/Operating Permit	Tomas Reynoso 15731 Cedar Valley Rd Salado, TX 76571	5.00-acre tract of land located at 15731 Cedar Valley Rd, Salado, Texas Latitude 30.930063° Longitude -97.701384°	<u>January 22, 2022</u> Illegal drilling of a domestic well <u>January 8, 2024</u> Violation of District Order NO. 1 issued by the Board of Directors on March 9, 2022

The Show Cause Hearing is to address allegations, receive testimony by all parties, and apply findings of fact necessary before fines and remedies as it relates to a landowner violation of District Rule related to permits required on tracts of land subdivided less than 10-acres and greater than or equal to 2-acres requiring a landowner to attain a permit to drill and operate a well within the Clearwater Underground Water Conservation District according to the terms and conditions set forth in the permit.

Upon recommendation of the General Manager to the Board or upon the Board's own initiative, the District may order any Person that it believes has violated or is violating any provision of the District's Rules thus per District Rule 12.3.2 (a-d) ordered to appear before the Board at this public meeting, held in accordance with the Texas Open Meetings Act, and called for such purpose and to show cause of the reasons an enforcement action, including the assessment of penalties and initiation of a suit in a court of competent jurisdiction in Bell County, should not be pursued against the Person made the subject of the show cause hearing. The Presiding Officer may employ the procedural Rules in Section 6 of the District's Rules. For more information, please contact the CUWCD at 700 Kennedy Court (PO Box 1989) Belton, Texas, 76513, 254-933-0120.

ISSUED this 1st day of March 2024 in Belton, Texas, on the recommendation of the General Manager.

I, the undersigned authority, do hereby certify that the above NOTICE OF SHOW CAUSE HEARING of the Board of Directors of the Clearwater Underground Water Conservation District is a true and correct copy of said Notice. I have posted a true and correct copy of said Notice at the District office located in Belton, Texas, and said Notice was posted on March 1, 2024, and remained posted continuously for at least 10 (ten) days immediately preceding the day of said hearing; a true and correct copy of said Notice was furnished to the Bell County Clerk, in which the above named political subdivision is located.

Dated 03/01/2024

Clearwater Underground Water Conservation District

By: 
Dirk Aaron, General Manager

RECEIVED FOR POSTING
2024 MAR -1 A 9:17
SHELLEY COSTON
CO. CLK. BELL CO. TX

1st Email Notice
January 22, 2024
2nd Violation

Dirk Aaron

From: Dirk Aaron
Sent: Monday, January 22, 2024 2:10 PM
To: Paige Dennis; Shannon Beare; Tony Ciccone
Cc: Cole Ruiz (cruiz@lglawfirm.com); Leland Gersbach; Mike Gershon
Subject: RE: Tomas Reynoso Briefing
Attachments: 20240115_TomasReynoso_Show Cause Hearing.pdf; CUWCD_Order_09MAR2022.pdf

Dear Mr. Ciccone,

This email is to inquire if **Mr. Tomas Reynoso** is still your client as it relates to his property located at:
15731 Cedar Valley Rod.
Salado TX 76571 in Bell County

Mr. Reynoso has submitted a new survey of his property on January 8, 2024, but it appears he has not sought a legal subdivision of the property in order to have proper access to a public road. For our office to process the application he has been instructed to attain legal access under the Bell County Subdivision Rules. We contacted Bell County Engineer, Mr. Bryan Neaves to determine if he has attained said legal status for the tract, unfortunately, we have been informed that he has made no contact with their office since our virtual meeting with you in **February of 2023**.

When he arrived at our office on **January 8, 2024**, He stated the property is now subdivided in accordance with the County thus indicated he was ready for our office to process his application for a non-exempt operating permit on a well drilled illegally by your client in 2022.

We conducted an immediate site visit and in the presence of Mr. Reynosa, finding the well to be illegally unsealed and equipped to operate in violation with our Board's Oder #1 (see attached). The now is illegally being operated without a permit. It appears your client has used the well since mid-summer 2023.

Attached is the
NOTICE OF MARCH 13, 2024, @ 1:30 PM SHOW CAUSE HEARING
NOTICE OF ENFORCEMENT ACTION BY UNDERGROUNDWATER CONSERVATION DISTRICT

We regret to inform all parties that he will be subject to additional fines and could be required to plug the well. We are mailing the notice to your client today and will serve the notice by Friday of this week to his address.

Regards,
Dirk Aaron
General Manager
Clearwater Underground Water Conservation District
daaron@cuwcd.org
<http://www.cuwcd.org>
254-933-0120 office
254-534-4047 cell
254-933-8396 fax



****ATTENTION TO PUBLIC OFFICIALS AND OFFICIALS WITH OTHER INSTITUTIONS SUBJECT TO THE OPEN MEETINGS ACT ****
A "REPLY TO ALL" OF THIS EMAIL COULD LEAD TO VIOLATIONS OF THE TEXAS OPEN MEETINGS ACT. PLEASE REPLY ONLY TO LEGAL COUNSEL.

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From: Dirk Aaron
Sent: Friday, February 17, 2023 1:31 PM
To: Paige Dennis <pdennis@bclawtx.com>; Shannon Beare <sbeare@bclawtx.com>; Tony Ciccone <aciccione@bclawtx.com>
Cc: Cole Ruiz (cruiz@lglawfirm.com) <cruiz@lglawfirm.com>
Subject: RE: Tomas Reynoso Briefing



Dirk Aaron
General Manager
Clearwater Underground Water Conservation District
daaron@cuwcd.org
<http://www.cuwcd.org>
254-933-0120 office
254-534-4047 cell
254-933-8396 fax



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From: Dirk Aaron
Sent: Saturday, February 11, 2023 10:08 AM
To: Paige Dennis <pdennis@bclawtx.com>; Shannon Beare <sbeare@bclawtx.com>; Tony Ciccone

<aciccone@bclawtx.com>

Cc: Cole Ruiz (cruiz@lglawfirm.com) <cruiz@lglawfirm.com>

Subject: RE: Tomas Reynoso Briefing

FYI

Mr. Tomas Reynoso is to address the board as it relates to the District Order that has been extended several times for good cause allowing him additional time to rectify his tract with Bell County and Bell County Public Health District.

Dirk Aaron
General Manager
Clearwater Underground Water Conservation District
daaron@cuwcd.org
<http://www.cuwcd.org>
254-933-0120 office
254-534-4047 cell
254-933-8396 fax



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From: Paige Dennis <pdennis@bclawtx.com>
Sent: Friday, February 10, 2023 12:57 PM
To: Dirk Aaron <daaron@cuwcd.org>; Shannon Beare <sbeare@bclawtx.com>; Tony Ciccone <aciccone@bclawtx.com>
Cc: Cole Ruiz (cruiz@lglawfirm.com) <cruiz@lglawfirm.com>
Subject: RE: Tomas Reynoso Briefing

External Email

Hi Dirk,

Received. Thank you for coordinating.

Have a nice weekend,

Paige Dennis
LITIGATION ASSISTANT

BOLLIER CICCONE, LLP
[1101 S CAPITAL OF TEXAS HWY](https://www.bollier-ciccone.com)
[BLDG G, SUITE 200](https://www.bollier-ciccone.com)
[AUSTIN, TEXAS 78746](https://www.bollier-ciccone.com)
P 512.477.5796
F 512.477.5821
pdennis@bclawtx.com

BCLAWTX.COM

From: Dirk Aaron <daaron@cuwcd.org>
Sent: Friday, February 10, 2023 12:54 PM
To: Paige Dennis <pdennis@bclawtx.com>; Shannon Beare <sbeare@bclawtx.com>; Tony Ciccone <aciccone@bclawtx.com>
Cc: Cole Ruiz (cruiz@lglawfirm.com) <cruiz@lglawfirm.com>
Subject: RE: Tomas Reynoso Briefing

One last document that might assist you and Mr. Reynoso, is the attached script that the presiding officer used in conducting the hearing.
Sincerely,

Dirk Aaron
General Manager
Clearwater Underground Water Conservation District
daaron@cuwcd.org
<http://www.cuwcd.org>
254-933-0120 office
254-534-4047 cell
254-933-8396 fax



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-----Original Appointment-----

From: Dirk Aaron
Sent: Friday, February 10, 2023 12:44 PM
To: Paige Dennis; Shannon Beare; Tony Ciccone
Cc: Cole Ruiz (cruiz@lglawfirm.com)
Subject: Tomas Reynoso Briefing
When: Friday, February 17, 2023 1:00 PM-2:00 PM (UTC-06:00) Central Time (US & Canada).
Where: <https://meet.goto.com/845469309>

To All:

Please join the meeting from your computer, tablet or smartphone.
<https://meet.goto.com/845469309>

I have attached the original notice in 2016 that the application for a non-exempt well on a tract of land less than 10 acres and greater than or equal to 2 acres 2016 notice was administratively incomplete.

I have also attached the Show Cause Hearing resulting order that a well was drilled without a permit. The packet with documents related to the show cause hearing are located at on page 34 of the pdf:

https://cuwcd.org/wp-content/uploads/2022/03/PreliminaryBoardPacket_09Mar2022.pdf

The approved minutes of that meeting and the agenda item #7 the show cause hearing can be found at:

<https://cuwcd.org/wp-content/uploads/2022/04/Minutes-09Mar2022.pdf>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States (Toll Free): 1 866 899 4679

- One-touch: <tel:+18668994679,,845469309> Access Code: 845-469-309

Dirk Aaron

General Manager

Clearwater Underground Water Conservation District

daaron@cuwcd.org

<http://www.cuwcd.org>

254-933-0120 office

254-534-4047 cell

254-933-8396 fax



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Email from Tomas Reynoso
January 29, 2024

Dirk Aaron

From: Dirk Aaron
Sent: Monday, January 29, 2024 11:07 AM
To: Tom ___
Cc: Cole Ruiz (cruiz@lglawfirm.com)
Subject: Re: Recent documents sent

Yes, but I shared all of that with the County Engineers office and they denied that your documents are correct, because they are not approved a legal plat at this time.

They and their legal team deemed them a survey only. The access easement is not for your property according to the County officials. Please approach them and not us.

They stated you must meet with them and not Clearwater, because they are the platting authority. The county referenced many of your email communications with others, and you should include them and not our office.

You will have to address our board on March 13th for illegally connecting and using the well. That is a serious violation.

Sincerely,
Dirk Aaron

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From: Tom ___ <tommyreynoso6944@gmail.com>
Sent: Monday, January 29, 2024 10:43:01 AM
To: Dirk Aaron <daaron@cuwcd.org>
Subject: Recent documents sent

External Email

Good morning

This is from Tomas Reynoso Jr. My father wanted to ask if you have received some documents that he brought to your office on Wednesday last week?

Thank you

2nd Email Notice
March 1, 2024
2nd Violation

Dirk Aaron

From: Dirk Aaron
Sent: Friday, March 1, 2024 4:56 PM
To: Tom ___
Cc: Mike Gershon; Raul Zavala; 'Walter B. Neaves'; Cole Ruiz (cruiz@lglawfirm.com); L Gersbach; Kent Stephens; Whitney Ingram; Tristin Smith
Subject: 2nd Notice to Appear a Show Cause Hearing March 13th 2024
Attachments: POSTED - Reynoso Show Cause Hearing 13Mar2024.pdf; 20240301_TomasReynoso_Show Cause Hearing_2ndNotice.pdf

Importance: High

Tracking:	Recipient	Delivery	Read
	Tom ___		
	Mike Gershon		
	Raul Zavala		
	'Walter B. Neaves'		
	Cole Ruiz (cruiz@lglawfirm.com)		
	L Gersbach	Delivered: 3/1/2024 4:56 PM	
	Kent Stephens		
	Whitney Ingram	Delivered: 3/1/2024 4:56 PM	Read: 3/1/2024 5:00 PM
	Tristin Smith	Delivered: 3/1/2024 4:56 PM	
	Leland Gersbach		

Dear Mr. Reynoso,

This is a 2nd formal Notice to Appear before The Board of Directors of the Clearwater Underground Water Conservation District (“District”). At this time, they will consider a recommendation for additional penalty fees for repeat violations of District Rules pertaining to your failure to adhere to ORDER NO. 1 (attached). You have unsealed the well and have been utilizing your well in a manner that is not in accordance with your agreement, under testimony, before our Board of Directors stating you would not utilize the well until the property was properly platted and that you are in good standing with Bell County. This agreement was put in place on March 9, 2022.

For the record, your property, located at 1573 Cedar Valley Rd, Salado, TX, is the site of your well when you falsely hired a licensed well driller/pump installer Mr. Raul Zavala Sr. (TDLR License #54363). Please remember that on January 5, 2021, you applied for a drilling & operating permit for a new well and the application was deemed administratively incomplete, thus your application for a new well was never permitted by the District.

As the District’s General Manager, I confirmed the illegal drilling and completion of your well (State of Texas Well Report # 597507) on January 22, 2022. The District recognized that you and the driller shared in the violation and by signing a concurrence document on February 19, 2022, you acknowledged said violation and paid your fines. I had you and Mr. Zavala witness the sealing of the well after Raul Zavala (“Well driller/Pump Installer”) temporarily disabled the well from its ability to produce groundwater.

Most recently, on January 8, 2024, at approximately 1:00 pm, you arrived at our office and offered a new survey and filled out the necessary application for an operating on the well N2-20-003P with the \$150.00 application fee.

The following is our finding of facts that day.

- 1) I immediately had our field technician, Mr. Corey Dawson, make the required site visit to confirm that the well was still sealed and not in use. *Upon arriving at your property, and with you witnessing, he found that the well was unsealed and operational thus you are in violation of the agreement with our Board of Directors, memorialized in the minutes and your testimony you would not reconnect the well until the property was correctly subdivided and affirmed with Bell County. I contacted Tomas Reynosa Jr., and he confirmed that the well was in use and concurred that you are in violation of the terms.*
- 2) The document you submitted to our office on January 8, 2024 (Signed & Sealed by Stephen Rodriguez, License number 5325) was a simple survey, not a recorded plat. *Staff contacted Bell County Engineers Office and they stated that they have not approved plat for your property. I contacted Mr. Rodriguez to confirm that the survey was not a proposed plat, and he confirmed that he explained that to you when he conducted his survey. He is based out of the Houston area and agreed that a survey is not a plat.*
- 3) The District has contacted Mr. Zavala to determine if he participated in this repeat violation. *Staff contacted Mr. Zavala by phone, and he confirmed that he has not participated in unsealing the well nor did he connect the electricity to the well. It appears that the well owner, on his own, unsealed the well and connected the well to electricity.*
- 4) Mr. Reynosa returned to the District headquarters upon his receiving formal notice to appear on January 8, 2024. *He provided personal email correspondence from local realtors disputing the fact the County Engineer has not received a formal plat thus the property is not eligible for a permitted well nor and on-site septic system. Mr. Tomas Reynosa, in a very angry and threatening manner, informed the staff he would turn dogs on CUWCD staff if we entered his property in the future.*

The entire document with photos and a copy of "Order #1" is attached and I draw your attention to Recital #16 in the Order that states failure to adhere to this order subjects the well to being capped and/or plugged per District Rules. Mr. Zavala is aware of your most recent violation and aware his is subject to returning to the well and potential plug it in accordance with a potential order from the Board.

I respectfully ask you to adhere to the order and appear to testify on March 13, 2024, in Belton at the Historic Courthouse located at 101 Central Avenue located in the 2nd Floor Commissioner's Court Chambers.

Sincerely,

Dirk Aaron
General Manager
Clearwater Underground Water Conservation District
daaron@cuwcd.org
<http://www.cuwcd.org>
254-933-0120 office
254-534-4047 cell
254-933-8396 fax

Tomas Reynoso
2nd Notice to Appear
2nd Violation
March 1, 2024



COPY

March 1, 2024

Mr. Tomas Reynoso
15731 Cedar Valley Rd
Salado, TX 76571

VIA EMAIL: tommyreynoso6944@gmail.com
VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

**RE: 2nd NOTICE OF MARCH 13, 2024, @ 1:30 PM
SHOW CAUSE HEARING; NOTICE OF ENFORCEMENT ACTION
BY THE
CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT
TO BE HELD AT THE
BELL COUNTY HISTORIC COURTHOUSE AT 101 CENTRAL AVENUE,
2ND FLOOR COMMISSIONERS COURT CHAMBERS, BELTON, TEXAS,**

Dear Mr. Reynoso,

This is a 2nd formal Notice to Appear before The Board of Directors of the Clearwater Underground Water Conservation District ("District"). At this time, they will consider a recommendation for additional penalty fees for repeat violations of District Rules pertaining to your failure to adhere to ORDER NO. 1 (attached). You have unsealed the well and have been utilizing your well in a manner that is not in accordance with your agreement, under testimony, before our Board of Directors stating you would not utilize the well until the property was properly platted and that you are in good standing with Bell County. This agreement was put in place on March 9, 2022.

For the record, your property, located at 1573 Cedar Valley Rd, Salado, TX, is the site of your well when you falsely hired a licensed well driller/pump installer Mr. Raul Zavala Sr. (*TDLR License #54363*). Please remember that on January 5, 2021, you applied for a drilling & operating permit for a new well and the application was deemed administratively incomplete, thus your application for a new well was never permitted by the District.

As the District's General Manager, I confirmed the illegal drilling and completion of your well (*State of Texas Well Report # 597507*) on January 22, 2022. The District recognized that you and the driller shared in the violation and by signing a concurrence document on February 19, 2022, you acknowledged said violation and paid your fines. I had you and Mr. Zavala witness the sealing of the well after Raul Zavala ("*Well driller/Pump Installer*") temporarily disabled the well from its ability to produce groundwater.

Most recently, on *January 8, 2024*, at approximately 1:00 pm, you arrived at our office and offered a new survey and filled out the necessary application for an operating on the well N2-20-003P with the \$150.00 application fee.

The following is our finding of facts that day.

- 1) I immediately had our field technician, Mr. Corey Dawson, make the required site visit to confirm that the well was still sealed and not in use. *Upon arriving at your property, and with you witnessing, he found that the well was unsealed and operational thus you are in*

violation of the agreement with our Board of Directors, memorialized in the minutes and your testimony you would not reconnect the well until the property was correctly subdivided and affirmed with Bell County. I contacted Tomas Reynosa Jr., and he confirmed that the well was in use and concurred that you are in violation of the terms.

- 2) The document you submitted to our office on January 8, 2024 (Signed & Sealed by Stephen Rodriguez, License number 5325) was a simple survey, not a recorded plat. *Staff contacted Bell County Engineers Office and they stated that they have no approved plat for your property. I contacted Mr. Rodriguez to confirm that the survey was not a proposed plat, and he confirmed that he explained that to you when he conducted his survey. He is based out of the Houston area and agreed that a survey is not a plat.*
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- 4) Mr. Reynosa returned to the District headquarters upon his receiving formal notice to appear on January 8, 2024. *He provided personal email correspondence from local realtors disputing the fact the County Engineer has not received a formal plat thus the property is not eligible for a permitted well nor and on-site septic system. Mr. Tomas Reynosa, in a very angry and threatening manner, informed the staff he would turn dogs on CUWCD staff if we entered his property in the future.*

As a result of the above findings, this letter is to serve notice that you have been directed to appear at a show cause hearing in which you have been ordered to appear before the District Board of Directors, under the recommendation of the District General Manager, to be held in conjunction with the District's Regular Board meeting to be held on March 13, 2024, at 1:30 pm (new location) at the Bell County Historic Courthouse at 101 Central Avenue, 2nd floor Commissioners Court Chambers, Belton, Texas, in compliance with the Texas Open Meetings Act.

Specifically, the District believes that Tomas Reynoso ("Property Owner") has intentionally violated enforcement Order NO. 1, issued by the Board of Directors on March 9, 2022.

RULE 6.5 PERMITS REQUIRED TO DRILL A NEW WELL

- 6.5.1 Every person who drills a water well after the effective date of these rules, other than an exempt well as defined in Rule 6.3, must file a permit application on a form approved by the Board. Each permit application must be accompanied by an administration fee, which will be accepted and deposited by the District staff.
- 6.5.2 Drilling Permit Requirement: The well owner, well operator, or any other person acting on behalf of the well owner must obtain a drilling permit from the District prior to drilling a new water well, perforating an existing well or increasing the size of a well pump therein so that the well could reasonably be expected to produce 25,000 gallons per day or more, unless the well is an exempt well under District Rule 6.3.

Clearwater Underground Water Conservation District (CUWCD) is a political subdivision of the State of Texas and underground water conservation district created and operating under and by virtue of Article XVI, Section 59, of the Texas Constitution; Texas Water Code Chapter 36; the District's enabling act, Act of May 27, 1989, 71st Legislature, Regular Session, Chapter 524 (House Bill 3172), as amended by Act of April 25, 2001, 77th Legislature, Regular Session, Chapter 22 (Senate Bill 404), Act of May 7, 2009, 81st Legislature, Regular Session, Chapter 64 (Senate Bill 1755), and Act of May 27, 2015, 84th Legislature, Regular Session, Chapter 1196, Section 2 (Senate Bill 1336)(omnibus districts bill); and the applicable general laws of the State of Texas; and confirmed by voters of Bell County on August 21, 1999.

RULE 6.6 PERMITS REQUIRED TO OPERATE A NEW WELL OR FOR INCREASED WITHDRAWAL AND BENEFICIAL USE FROM AN EXISTING WELL

- 6.6.1** Not later than 30 days after completion of a new water well, or reworking or re-equipping of an existing water well, the well owner or well operator must file a completed operating permit application on a form approved by the Board. Each permit application must be accompanied by an administration fee, which will be accepted and deposited by the District staff.
- 6.6.2** Operating Permit Requirement: The well owner, well operator, or any other person acting on behalf of the well owner must obtain an operating permit from the District prior to operating a new water well or existing well if operation will result in increased use beyond the permit allotment specified in an Historic and Existing Use Permit.
- 6.6.3** Notwithstanding any Rule to the contrary, where both a drilling permit and an operating permit are required for the permitting of a well that is not required to include a well completion report under Rule 6.9.2(e)-(h), the applicant may file a single permit application on a form to be provided by the District for an operating permit that includes drilling authorization.

Please also refer to the following rules that govern the District's show cause hearing process and the District's rules of enforcement that began on January 22, 2022:

RULE 12.3 RULE ENFORCEMENT

- 12.3.1** If it appears that a person has violated, or is violating any provision of the District Rules, the District may employ any of the following means, or a combination thereof, in providing notice of the alleged violation:
 - (a) Informal Notice
 - (b) Written Notice
 - (c) Compliance Meeting
- 12.3.2 Show Cause Hearing.**
 - (a) Upon recommendation of the General Manager to the Board or upon the Board's own initiative, the District may order any person that it believes has violated or is violating any provision of the District's rules or order to appear before the Board at a public meeting, held in accordance with the Texas Open Meetings Act, and called for such purpose and to show cause of the reasons an enforcement action, including the assessment of penalties and initiation of a suit in a court of competent jurisdiction in Bell County, should not be pursued against the person made the subject of the show cause hearing. The Presiding Officer may employ the procedural rules in Section 6 of the District's rules.

12.3.3 Remedies

- (a) The Board shall consider the appropriate remedies to pursue against an alleged violator/s during the show cause hearing, including assessment of a civil penalty, injunctive relief, or assessment of a civil penalty and injunctive relief. In assessing civil penalties, the Board may determine that each day that a violation continues shall be considered a separate violation. The civil penalty for a violation of any District rule is hereby set at the lower of \$10,000.00 per violation or a lesser amount determined after consideration, during the enforcement hearing, of the criteria in subsection (b) of this rule.
- (b) In determining the amount of a civil penalty, the Board of Directors shall consider the following factors:
- (1) compliance history;
 - (2) efforts to correct the violation and whether the violator makes a good faith effort to cooperate with the District;
 - (3) the penalty amount necessary to ensure future compliance and deter future noncompliance;
 - (4) any enforcement costs related to the violation; and
 - (5) any other matters deemed necessary by the Board.

The District requests that you duly appear before the Board and show cause as to why the District should not pursue additional enforcement action, including but not limited to litigation against you, Mr. Tomas Reynoso for the violations noted above. The District's ability to effectively and efficiently manage the groundwater resources within its boundaries depends entirely upon the adherence to the rules promulgated by the Board to carry out the District's purposes.

Please understand that the District intends to pursue any and all avenues authorized by law to enforce these Rules. This notice shall not be construed to restrict the District's ability to pursue all available legal and equitable remedies to address the listed violations or any other violations of the District Rules.

If you have any questions concerning the show cause hearing or the violations set forth in this letter, please do not hesitate to contact me.

Sincerely,

Dirk Aaron Digitally signed by Dirk Aaron
Date: 2024.03.01 16:34:25
08:00

Dirk Aaron
General Manager
Clearwater UWCD

cc: Leland Gersbach, Board President, Clearwater UWCD lgersbach@cuwcd.org
Mike Gershon, General Counsel mgershon@lglawfirm.com
Cole Ruiz, General Counsel cruiz@lglawfirm.com
Walter B. Neaves Bryan.Neaves@bellcounty.texas.gov
Raul Zavala zavaladrilling@hotmail.com

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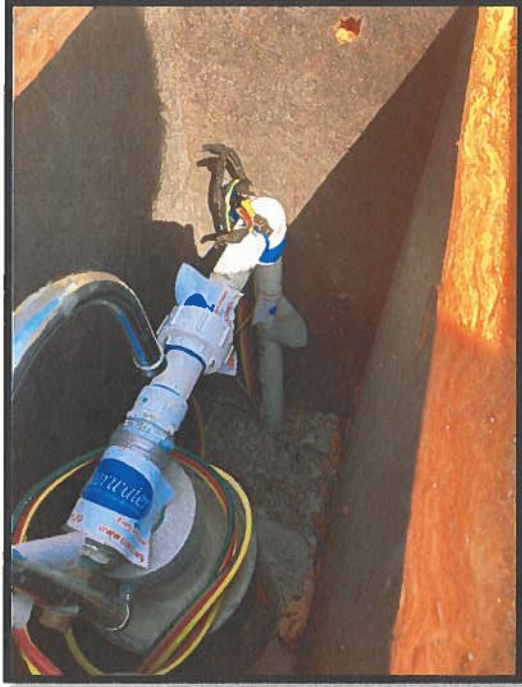


Photo #1: Well by Dirk Aaron, January 22, 2022

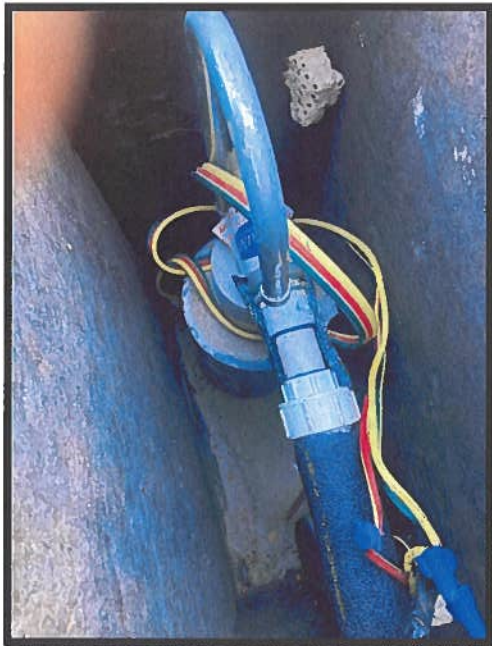


Photo #2 Well after illegally unsealing by the landowner confirmed on January 8, 2024

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Tomas Reynoso
Notice to Appear
2nd Violation
January 15, 2024



January 15, 2024

Mr. Tomas Reynoso
15731 Cedar Valley Rd
Salado, TX 76571

VIA EMAIL: tommyreynoso6944@gmail.com
VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: NOTICE OF MARCH 13, 2024, @ 1:30 PM SHOW CAUSE HEARING; NOTICE OF ENFORCEMENT ACTION BY THE CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT

Dear Mr. Reynoso,

This is a formal Notice to Appear before The Board of Directors of the Clearwater Underground Water Conservation District ("District"). At this time, they will consider a recommendation for additional penalty fees for repeat violations of District Rules pertaining to your failure to adhere to ORDER NO. 1 (attached). You have unsealed the well and have been utilizing your well in a manner that is not in accordance with your agreement, under testimony, before our Board of Directors stating you would not utilize the well until the property was properly platted and that you are in good standing with Bell County. This agreement was put in place on March 9, 2022.

For the record, your property, located at 1573 Cedar Valley Rd, Salado, TX, is the site of your well when you falsely hired a licensed well driller/pump installer Mr. Raul Zavala Sr. (TDLR License #54363). Please remember that on January 5, 2021, you applied for a drilling & operating permit for a new well and the application was deemed administratively incomplete, thus your application for a new well was never permitted by the District.

As the District's General Manager, I confirmed the illegal drilling and completion of your well (State of Texas Well Report # 597507) on January 22, 2022. The District recognized that you and the driller shared in the violation and by signing a concurrence document on February 19, 2022, you acknowledged said violation and paid your fines. I had you and Mr. Zavala witness the sealing of the well after Raul Zavala ("Well driller/Pump Installer") temporarily disabled the well from its ability to produce groundwater.

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The following is our finding of facts that day.

- 1) I immediately had our field technician, Mr. Corey Dawson, make the required site visit to confirm that the well was still sealed and not in use. *Upon arriving at your property, and with you witnessing, he found that the well was unsealed and operational thus you are in violation of the agreement with our Board of Directors, memorialized in the minutes and your testimony you would not reconnect the well until the property was correctly subdivided and affirmed with Bell County. I contacted Tomas Reynosa Jr., and he confirmed that the well was in use and concurred that you are in violation of the terms.*

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As a result of the above findings, this letter is to serve notice that you have been directed to appear at a show cause hearing in which you have been ordered to appear before the District Board of Directors, under the recommendation of the District General Manager, to be held in conjunction with the District's Regular Board meeting to be held on March 9, 2022, at 1:30 pm at the District Headquarters, located at 700 Kennedy Court in Belton TX.

Specifically, the District believes that Tomas Reynoso ("Property Owner") has intentionally violated the enforcement Order NO. 1, issued by the Board of Directors on March 9, 2022.

RULE 6.5 PERMITS REQUIRED TO DRILL A NEW WELL

- 6.5.1 Every person who drills a water well after the effective date of these rules, other than an exempt well as defined in Rule 6.3, must file a permit application on a form approved by the Board. Each permit application must be accompanied by an administration fee, which will be accepted and deposited by the District staff.
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increased use beyond the permit allotment specified in an Historic and Existing Use Permit.

- 6.6.3** Notwithstanding any Rule to the contrary, where both a drilling permit and an operating permit are required for the permitting of a well that is not required to include a well completion report under Rule 6.9.2(e)-(h), the applicant may file a single permit application on a form to be provided by the District for an operating permit that includes drilling authorization.

Please also refer to the following rules that govern the District's show cause hearing process and the District's rules of enforcement that began on January 22, 2022:

RULE 12.3 RULE ENFORCEMENT

- 12.3.1** If it appears that a person has violated, or is violating any provision of the District Rules, the District may employ any of the following means, or a combination thereof, in providing notice of the alleged violation:

- (a) Informal Notice
- (b) Written Notice
- (c) Compliance Meeting

12.3.2 Show Cause Hearing.

- (a) Upon recommendation of the General Manager to the Board or upon the Board's own initiative, the District may order any person that it believes has violated or is violating any provision of the District's rules or order to appear before the Board at a public meeting, held in accordance with the Texas Open Meetings Act, and called for such purpose and to show cause of the reasons an enforcement action, including the assessment of penalties and initiation of a suit in a court of competent jurisdiction in Bell County, should not be pursued against the person made the subject of the show cause hearing. The Presiding Officer may employ the procedural rules in Section 6 of the District's rules.

12.3.3 Remedies

- (a) The Board shall consider the appropriate remedies to pursue against an alleged violator/s during the show cause hearing, including assessment of a civil penalty, injunctive relief, or assessment of a civil penalty and injunctive relief. In assessing civil penalties, the Board may determine that each day that a violation continues shall be considered a separate violation. The civil penalty for a violation of any District rule is hereby set at the lower of \$10,000.00 per violation or a lesser amount determined after consideration, during the enforcement hearing, of the criteria in subsection (b) of this rule.
- (b) In determining the amount of a civil penalty, the Board of Directors shall consider the following factors:
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- (3) the penalty amount necessary to ensure future compliance and deter future noncompliance;
- (4) any enforcement costs related to the violation; and
- (5) any other matters deemed necessary by the Board.

The District requests that you duly appear before the Board and show cause as to why the District should not pursue additional enforcement action, including but not limited to litigation against you, Mr. Tomas Reynoso for the violations noted above. The District's ability to effectively and efficiently manage the groundwater resources within its boundaries depends entirely upon the adherence to the rules promulgated by the Board to carry out the District's purposes.

Please understand that the District intends to pursue any and all avenues authorized by law to enforce these Rules. This notice shall not be construed to restrict the District's ability to pursue all available legal and equitable remedies to address the listed violations or any other violations of the District Rules.

If you have any questions concerning the show cause hearing or the violations set forth in this letter, please do not hesitate to contact me.

Sincerely,

Dirk
Aaron

Digitally signed by
Dirk Aaron
Date: 2024.01.22
13:52:26 -0600

Dirk Aaron
General Manager
Clearwater UWCD

cc: Leland Gersbach, Board President, Clearwater UWCD
Mike Gershon, General Counsel, Lloyd Gosselink Rochelle & Townsend, P.C.

Photo #1: Well by Dirk Aaron, January 22, 2022

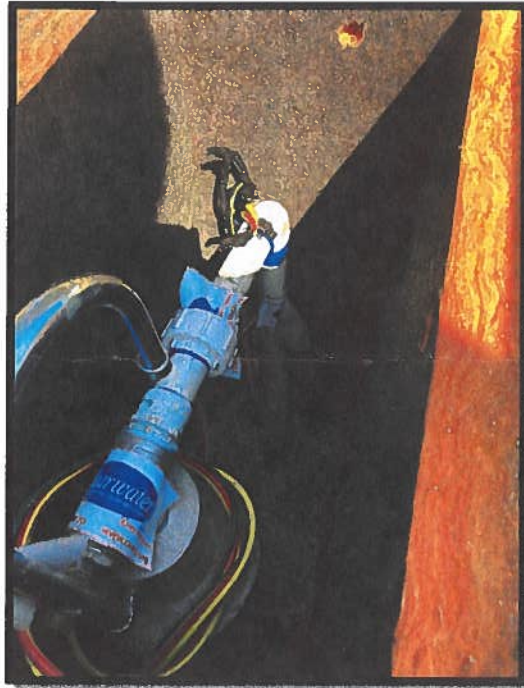
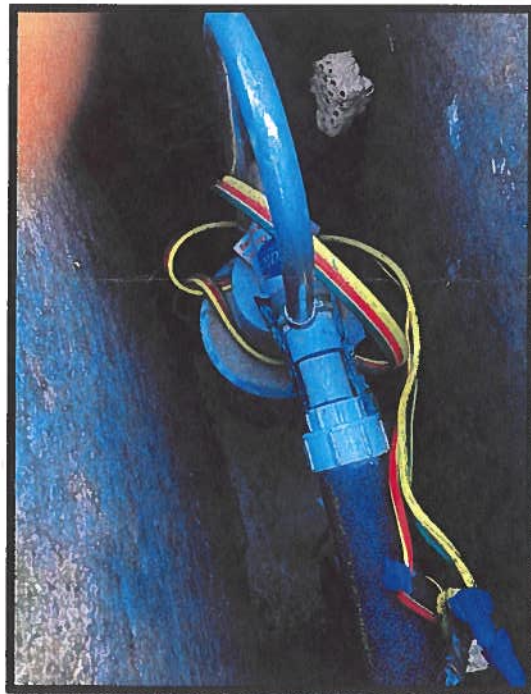


Photo #2 Well after illegally unsealing by the landowner confirmed on January 8, 2024



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STATE OF TEXAS WELL REPORT for Tracking #597507

Owner: Tomas Reynoso	Owner Well #: No Data
Address: 15731 Cedar Valley RD Salado, TX 76571	Grid #: 58-03-5
Well Location: 15731 Cedar Valley RD Salado, TX 76571	Latitude: 30° 55' 48.34" N
Well County: Bell	Longitude: 097° 42' 05.12" W
	Elevation: No Data

illegally Drilled without CUWCD Permit

Type of Work: New Well	Proposed Use: Domestic
-------------------------------	-------------------------------

Drilling Start Date: **1/22/2022** Drilling End Date: **1/23/2022**

	<i>Diameter (in.)</i>	<i>Top Depth (ft.)</i>	<i>Bottom Depth (ft.)</i>
Borehole:	8	0	12
	7	12	665

Drilling Method: **Air Rotary**

Site Inspection 2-14-2022 by District

Borehole Completion: **Screened**

Ordered Driller to disable pump assemble in presence of landowner

	<i>Top Depth (ft.)</i>	<i>Bottom Depth (ft.)</i>	<i>Description (number of sacks & material)</i>
Annular Seal Data:	0	20	Cement
	20	140	BH 20
	140	180	HOLE PLUG

Seal Method: **Hand Mixed**

Distance to Property Line (ft.): **200+**

Sealed By: **Driller**

Distance to Septic Field or other concentrated contamination (ft.): **100+**

Distance to Septic Tank (ft.): **100+**

Method of Verification: **No Data**

Surface Completion: **No Data**

Water Level: **No Data**

Packers: **Shale at 180 ft.
Shale at 260 ft.
Shale at 400 ft.
Gray Clay at 520 ft.**

Type of Pump: **Submersible**

Pump Depth (ft.): **600**

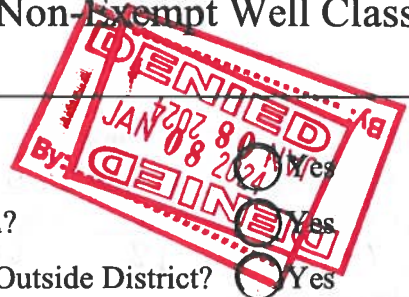
Well Tests: **Estimated Yield: 100 GPM**



Phone: 254/933-0120 Fax: 254/933-8396
P.O. Box 1989, Belton, TX 76513

Every drop counts!

Application for Non-Exempt Well Classification 3



Check one of the following:

- COMBINATION PERMIT
- DRILLING PERMIT
- OPERATING PERMIT
- PERMIT AMENDMENT

Answer the following:

- Is this for a New Well? Yes No
- Is this for a Replacement Well? Yes No
- Do you plan to Export Water Outside District? Yes No
- Are you modifying a Drilling Permit? Yes No
- Are you modifying an Operating Permit? Yes No

1. Owner Information

Well Owner: TOMAS REYNOSO Email: TOMASREYNOSO1971@GMAIL Telephone: (512)706 597
 Address (Street/P.O. Box, City, State, ZIP): 15731 CEDAR VALLEY RD SALADO TX
 Contact Person (if other than owner): ANDREA HERNANDEZ Telephone: (512)775 02 88
 If ownership of Well has changed, name the previous owner: _____ State Well #: _____

2. Property Location & Proposed Well Location

Owner of Property (if different from Well Owner): _____
 The well is located in Management Zone: Southwest
 Acreage: 5.00 Bell CAD Property ID #: 350336 Latitude: 30.930063 Longitude: -97.701384

3. Well Description (Submit if State of Texas Well Report is Available)

- a. Proposed use of well and estimated amount of water, in acre-feet, to be used for each purpose:
0.25 ac-ft Domestic; _____ Livestock/Poultry; _____ Agricultural/Irrigation;
 _____ ** Public Supply; _____ Industrial _____ Other
 *Total number of houses to be serviced by the well 1.
 ** Applicant is required to give notice to TCEQ to obtain or modify a Certificate of Convenience and Necessity to provide water or wastewater service with water obtained pursuant to the requested permit.
- b. Estimated distance, in feet, from the nearest:
 _____ N / S Property Line; 77ft E / W Property Line; _____ Existing Septic Leach Field
 _____ River, Stream, or Lake; _____ Existing Water Well; _____ Livestock Enclosure;
 _____ Other Source of Contamination (cemetery, pesticide mixing/loading, petroleum storage tank, etc.)
- c. Estimated Rate of Withdrawal (GPM): _____
- d. Is the Property subject to flooding? NO
- e. Is there another well on the property? NO ; If YES, how many wells? _____
- f. Is the well part of a multi-well aggregate system? NO
 If YES, list the State or District Well Numbers: _____

REQUIRED BY LAW: Pump Installer / Well Driller Information

Name: Zavala Drilling Company Street Address: 1910 S. Wheeler St
 TDLR Pump Installer License #: _____ City, State, ZIP: Jasper TX 75951
 TDLR Well Driller License #: 54363 Phone: _____ Fax: _____
 Email: _____

Name of Consultant preparing Application (if applicable): _____
 Con. Phone: _____ Con. Fax: _____ Con. Email: _____

Payment Receipt

Clearwater Underground Water Conservation

PO Box 1989
Belton, TX 76513

COPY

Received From
Tomas Reynosa

Date	1/8/2024
Payment Method	Check
Check/Ref No	void payment

Payment Amount	\$0.00
Total Amount Due	\$0.00

Invoices Paid

Date	Invoice Number	Amount Due	Amount Applied
1/10/24	Check # 436	for \$150 ⁰⁰	
	to be returned to Mr. Reynosa		
		See	

TOMAS S. REYNOSO
15731 CEDAR VALLEY RD
SALADO, TX 76571

32-61 925
1110

436

DATE 01/08/24

PAY TO THE ORDER OF _____ \$ 150.00

ONE HUNDRED FIFTY AND 00/100 DOLLARS

CHASE
JPMorgan Chase Bank, N.A.
www.Chase.com

MEMO TOMAS REYNOSO

~~⑆ 10006 ⑆~~ ~~839711101018~~

Handwritten notes: "SEC", "1/9/2024", "150", "119/2024", "TOMAS REYNOSO" (crossed out)

DENIED
JAN 08 2024
BY: *[Signature]*

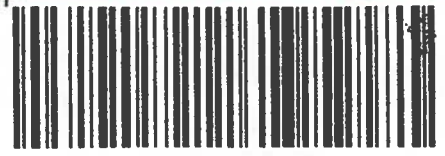


Every drop counts!

P.O. Box 1989
Belton, TX 76513

2-15
UNCLAIMED

CERTIFIED MAIL®



7020 1810 0000 6460 2027

Retail



76571

RDC 99

U.S. POSTAGE PAID
FCM LETTER
BELTON, TX 76513
JAN 23, 2024

\$8.97

R2304M110201-08

Mr. Tomas Reynoso
15731 Cedar Valley Rd
Salado, TX 76571

1/25/24

NIXIE 787 DC 1 0002/14/24

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC 76513>5989 BC: 76513599989 *0899-08286-14-71

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Tomas Reynoso 15731 Cedar Valley Rd Salado, TX 76571</p>		<p>B. Received by (Printed Name) C. Date of Delivery</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7020 1810 0000 6460 2027</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>			
<p>9590 9402 6585 1028 5283 67</p>			
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	

Reynoso Proposed Well (N1-16-002P)



Cedar Valley Rd

Examined in 2016



Haifi Associates, Inc., Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Calmapping, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

Order No. 1

IN RE TOMAS REYNOSO, SR AND
RAUL ZAVALA, SR.

§
§
§
§
§

BEFORE THE CLEARWATER
UNDERGROUND WATER
CONSERVATION DISTRICT

ORDER NO. 1

WHEREAS, on March 9, 2022, at 1:30 p.m., at the District’s office at 700 Kennedy Court in Belton, Texas, a quorum of the Clearwater Underground Water Conservation District’s (“District’s”) Board of Directors (“Board”) commenced a properly noticed Show Cause Hearing (“Hearing”), as authorized by District Rule 12.3.2, on the alleged violations of District Rules 6.5.1, 6.5.2, 6.6.1, 6.6.2 and 6.6.3, which pertain Mr. Tomas Reynosa and Mr. Raul Zevala, Sr.’s failure to obtain requisite permits prior to the drilling and operating a new well;

WHEREAS, the District is authorized under its enabling act, Chapter 36 of the Texas Water Code, its rules, and other applicable law to implement and enforce the above-referenced rules;

WHEREAS, the District’s Presiding Officer commenced the Hearing and recognized the District’s General Manager, Dirk Aaron, Mr. Raul Zavala, Sr., and Mr. Tomas Reynosa, each who were present in person at the Hearing;

WHEREAS, the District’s Board took jurisdiction, declared that the record would consist of the digital recording and written evidence presented by the parties, and proceeded with the Hearing to consider evidence relevant to the alleged violations of rules of the District;

WHEREAS, the District’s General Manager, Mr. Dirk Aaron, presented sworn testimony and evidence during the Hearing regarding the alleged violations, including among other things the District’s enforcement file; correspondence between the District General Manager and the well driller, Mr. Raul Zavala; correspondence between the District and Mr. Tomas Reynoso, well reports and records; and other records pertaining to the alleged unlawful status of an onsite septic facility, which collectively indicated that Mr. Reynoso’s well was drilled and operated without prior authorization by the Distract;

NOW, THEREFORE, BE IT RESOLVED AND HEREBY ORDERED that:

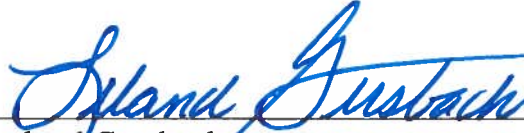
- (1) The above recitals and true and correct.

- (2) Tomas Reynoso, Sr. is the record owner of an approximately 5-acre tract in Bell County, Texas, the physical address of which is 15731 Cedar Valley Road, Salado, Texas 76571 (the "Property").
- (3) Mr. Reynoso, by and through a Water Well Driller and Pump Installer licensed by the State of Texas, Mr. Raul Zavala, Sr. (License No. 54363), drilled a new water well without prior authorization by the District, in violation of District Rules 6.5.1 and 6.5.2.
- (4) Mr. Reynoso failed to file a completed operating permit application within 14 days after completion of a new water well, in violation of District Rule 6.6.1.
- (5) Mr. Reynoso failed to obtain an operating permit prior to operating a new water well, in violation of District Rule 6.6.2.
- (6) Mr. Reynoso shall remit to the District the penalty amount of \$1,000 (one thousand and no/100 dollars).
- (7) Mr. Reynoso shall obtain appropriate permits and approvals as applicable, evidencing that the Property is in compliance with applicable Bell County subdivision regulations, and Texas Commission on Environmental Quality and Bell County Health District on-site sewage facilities rules and regulations.
- (8) Mr. Reynoso shall submit an administratively complete operating permit application, together with requisite fees, to the District General Manager.
- (9) Mr. Reynoso shall comply with each ordering paragraph herein defined within 91 days of the order (by June 8, 2022), which deadline may only be extended for good cause shown;
- (10) Mr. Zavala shall pay a civil penalty of \$1,000 to the District.
- (11) Mr. Zavala shall equip the Well with a meter prescribed by the District for monthly reporting of groundwater production;
- (12) Mr. Zavala shall install a measuring tube alongside the column pipe to allow for measurement of the water level.
- (13) Mr. Zavala shall comply with each ordering paragraph herein defined within 91 days of the order (by June 8, 2022), which deadline may only be extended for good cause shown.

- (14) Mr. Reynoso and Mr. Zavala shall appear before the Board on June 8, 2022, at 1:30 p.m. in order to continue the Hearing.
- (15) The District's General Manager shall communicate with the Bell County, and provide a copy of this order to the County in order to make the County aware of this order and to request that Bell County to inform the District of Mr. Reynosa's compliance or continued non-compliance with County subdivision regulations.
- (16) The District reserves the right order the well to be capped and plugged in accordance with District Rule 12.5 in the event of continued non-compliance without a showing of good cause.
- (17) The Show Cause Hearing is continued again until June 8, 2022, at 1:30 p.m., during which the Board will receive a status report on Mr. Reynoso's compliance with this order, and take any additional necessary enforcement action.

DULY PASSED AND ADOPTED BY THE BOARD OF DIRECTORS BY A VOTE OF 6 FOR, 0 AGAINST, and 0 ABSTENTIONS, AND EFFECTIVE ON THE 9TH DAY OF MARCH, 2022.

**CLEARWATER UNDERGROUND
WATER CONSERVATION DISTRICT**



Leland Gersbach,
Presiding Officer and Board President

Clearwater Underground Water Conservation

PO Box 1989
Belton, TX 76513

COPY

Invoice

Invoice #: 166

Invoice Date: 3/16/2022

Due Date: 6/8/2022

Project:

P.O. Number:

Bill To:

Tomas Reynoso
15731 Cedar Valley
Salado, TX 76571

Date	Description	Amount
3/16/2022	Fines & Penalties	1,000.00

Total \$1,000.00

Payments/Credits \$0.00

Balance Due \$1,000.00

Clearwater Underground Water Conservation

PO Box 1989
Belton, TX 76513

COPY

Invoice

Invoice #: 167
Invoice Date: 3/16/2022
Due Date: 6/8/2022
Project:
P.O. Number:

Bill To:
Raul Zavala Sr
1910 S. Wheeler St
Jasper, TX 76951

Date	Description	Amount
3/16/2022	Fines & Penalties	1,000.00

Total	\$1,000.00
Payments/Credits	\$0.00
Balance Due	\$1,000.00

March 9, 2022
Show Cause Hearing Minutes

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, March 9, 2022
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a Workshop at 10:00 a.m. and the Regular Board meeting at 1:30 p.m. on Wednesday, March 9, 2022, at 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 3
Scott Brooks, Director, Pct 4

Absent:

Staff:

Dirk Aaron, General Manager
Shelly Chapman, Admin Manager
Corey Dawson, Field Tech

Guest:

Cole Ruiz – Lloyd Gosselink
Raul Zavala – Zavala Drilling
William Gamblin – Gamblin Eng.
Dr. Joe Yelderman – Baylor Univ.

James Beach – AGS
Tomas Reynoso, Jr.
Vince Clause

Mike Keester – RWH&A
Tomas Reynoso, Sr.
Allan Standen

Workshop convened with President, Leland Gersbach, at 10:03 a.m.

Workshop Item #1: *Discuss the process for implementing management zones within Bell County and potential rule changes.*

Received presentations by Cole Ruiz, James Beach, and Dirk Aaron to begin a process of monthly deliberation and open Q&A for the Board to begin seeing and discussing what changes can be accomplished within the framework of the district rules and Chapter 36 Water Code and implementing management zones within Bell County.

Workshop Item #2: *Receive information related to Groundwater Management Area 8, per the Joint Planning and Development of the Round 3 Desired Future Conditions.*

James Beach noted that WSP submitted the Explanatory Report to TWDB and addressed questions regarding the report. Still waiting for TWDB to formally accept the report.

Workshop Item #3: *Receive updates on the Bell-Cor RHCP.*

Nothing new to report at this time.

Workshop Item #4: *Receive draft of the Annual Report for 2021.*

Dirk will give the Board a draft copy of the Annual Report for 2021 at the Board meeting. He commented that Tristin needs any edits or changes submitted by March 31st.

Workshop closed with President, Leland Gersbach, at 12:16 p.m. Regular Board meeting to convene at 1:30.

Regular Board meeting convened with President, Leland Gersbach at 1:30 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.*

None.

3. *Approve minutes of February 16, 2022, Board meeting.*

Board members received the minutes of the February 16, 2022, Board meeting and workshop in their Board packet to review prior to the meeting.

Secretary, Gary Young, moved to approve the minutes of the February 16, 2022, 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 February 2022 FY22) as presented.*

Board members received the monthly financial report for February 2022 in their Board packet to review prior to the meeting.

Vice President, David Cole, moved to accept the monthly financial report for February 2022 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 February 2022 (FY22) as presented.*

Board members received the monthly investment fund account report for February 2022 in their Board packet to review prior to the meeting.

Director, Jody Williams, moved to accept the monthly investment fund account report for February 2022 as presented. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

6. *Discuss, consider, and take appropriate action if necessary, to approve the FY22 line-item budget amendments as requested.*

Shelly Chapman commented that there were none.

Show Cause Hearing opened with President, Leland Gersbach, at 1:32 p.m.

7. *Hold a show cause hearing on the following violations;*

a) Discuss, consider, and take appropriate action necessary upon receiving testimony related to violation of District Rule 6.5 by drilling and completing a well on January 22, 2022, without a formal CUWCD permit on a tract of land less than 10-acres and greater than or equal to 2-acres, Latitude 30.930066 and Longitude - 97.701384 by both Raul Zavala ("Driller") (TDLR License #54363) officed at 1910 S. Wheeler St., Jasper, TX 76951 and Mr. Tomas Reynoso ("Property Owner"), located at 15731 Cedar Valley Rd., Salado, TX.

As the presiding officer of the hearing, President, Leland Gersbach, called to order the show cause hearing at 1:32 p.m. He noted that the hearing is the result of a formal notice by the District General Manager, Dirk Aaron, per District rule 12.3.2(a)(b). Dirk sent said order on February 24, 2022, to both parties to appear before the Board today, March 9, 2022.

Leland reviewed the procedures that would apply to the hearing and noted, for the record, that the District's Legal Counsel, Cole Ruiz, is present to address any procedural questions or concerns. He explained that the show cause hearing has undergone administrative and legal review by the District Staff and General Counsel.

Leland offered the general public wishing to speak an opportunity to do so. There were no public comments.

Leland will take appearances and hear testimony related to the alleged violation in accordance with the procedures outlined in the District Rules. Leland administered an oath to all parties participating in today's show cause hearing (Dirk Aaron – General Manager, Cole Ruiz – Legal Counsel, Tomas Reynoso Sr., Tomas Reynoso Jr. – Property Owner, and Raul Zavala – Driller).

Leland asked Dirk to review the facts of the case. Dirk summarized the facts of the case and the necessary actions needed for potential compliance. Dirk also prepared a formal notice and sent the order to both parties involved to appear before the Board on March 9, 2022.

Leland addressed questions to Tomas Reynoso and Raul Zavala and gave the Board members an opportunity to ask any additional questions of the parties. No other questions were asked.

Leland concluded the discussion on the alleged violations described in today's hearing.

Leland addressed the General Manager and asked if he still held to the recommendations listed in the Board's packet related to the Enforcement Order.

Dirk recapped the findings of the Enforceable Order and recommended a fine of \$1,000 be imposed on both Tomas Reynoso and Raul Zavala and recommended actions to correct the violations by May 11th.

Legal Counsel, Cole Ruiz, clarified that Tomas Reynoso and Raul Zavala understood everything discussed in the Enforceable Order and the elements therein. They both indicated they understood.

Cole recommended the Board extend the imposed deadline to 90 days (June 7th), allowing the parties time to meet all of the requirements required for compliance. Dirk stated that the June Board meeting is scheduled for June 8th, which would be 91 days. Cole indicated that would be acceptable.

Dirk reminded Tomas that once all the elements are met, he would need to submit another application and pay the \$200 application fee. The new application will then be presented to the Board in a public hearing for review.

Leland asked if the Board had an interest in any further discussion. Hearing none, Leland asked for a motion for the entire enforcement order or a modified version based on the findings.

Director, Jody Williams, moved to issue the enforcement order as presented with the correction to 91 days or the June 8th Board meeting. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

Show Cause Hearing closed with President, Leland Gersbach at 1:55 p.m.

Public Hearing opened with President, Leland Gersbach, at 1:1:57 p.m.

8. Hold Public Hearing on the following application:

a) Discuss, consider, and take appropriate action if necessary, on an application submitted by William Gamblin, P.E. on behalf of Zachary & Charlotte Baird, for a combination drilling and operating permit to authorize drilling and withdrawal from a proposed new well (N2-21-008P) to complete the prescribed TCEQ Groundwater Availability Study for plating the proposed Rancho Vista Phase 2 Subdivision under Title 30, Texas Administrative Code, Chapter 230, Section 230.2 through and including 230.11 permit to authorize the withdrawal from a new well completed in the Middle Trinity Aquifer with a 2-inch column pipe on an 88.47-acre tract located at 21801 Williamson Road, Salado, TX 76571, Latitude 30.872972/Longitude -97.602789 (well # N2-21-008P), to produce water for domestic use in a shared well system serving 8 homes and no more than 22 people for a proposed annual quantity not to exceed 5.0 acre-feet or 1,657,465 gallons per year total.

As presiding officer of the hearing, President, Leland Gersbach, called to order the public hearing at 1:57 p.m. Leland gave a summary of the application to be considered and a brief explanation of the procedural issues. 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 reviewed the procedures that would apply to the hearing and noted the meeting had been properly noticed.

Leland stated anyone wishing to participate in the hearing, in support or protest, would need to sign up to speak and should do so while he addressed other procedural issues.

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

Leland noted that the Board would hear testimony and deliberate on the well application submitted by William Gamblin, P.E. on behalf of Zachary & Charlotte Baird. Leland will hear testimony by William Gamblin

(applicant's representative), Dirk Aaron (General Manager - CUWCD), Mike Keester (LRE Water), and Cole Ruiz (Lloyd Gosselink Attorneys at Law), and any qualified party to the case.

Leland invited anyone wishing to make a public comment or protest the application to speak up. There were no public comments or protestants.

Leland administered an oath to all participants (Dirk Aaron, Mike Keester, Cole Ruiz, and William Gamblin).

William Gamblin addressed the Board and gave a presentation explaining the request for a well.

Dirk gave a general explanation of the application and noted that the applicant has been working with William Gamblin. The applicant has met all criteria and has agreed to the special provisions laid out for him. Dirk replied to Leland's questions and stated that the application had been deemed administratively complete, all fees have been paid.

Mike Keesters presented his analysis of the application at hand. Leland addressed questions to Mike pertaining to his findings.

Leland addressed the applicant with questions about his understanding related to the proposed application and special provisions agreed upon. William Gamblin replied that he understood and agreed to the special provisions.

Leland gave the Board an opportunity to ask any additional questions they might have concerning the application. Hearing none, Leland invited the applicant an opportunity for rebuttal. He had none.

Leland concluded the discussion on the application. Seeing that all parties had an opportunity to make their cases, Leland asked if any parties were interested in submitting additional evidence. There was none.

Leland concluded the evidentiary portion of the application.

Leland asked for a motion to grant/deny/partially grant the applicant's request for a combination drilling/operating permit of 5.0 ac-ft/year from the Hensell layer known as the Middle Trinity aquifer as described in today's hearing.

Leland stated that if the Board agrees, they can approve the drilling permit and reconvene the hearing at a later date to receive a formal presentation on the results of the prescribed TCEQ GAC study.

Director, Scott Brooks, moved to grant the applicant's request for a drilling permit only with the noted special condition and provisions as discussed and agreed upon by the applicant's representative. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

Public Hearing closed and Board meeting reconvened with President Leland Gersbach at 2:56 p.m.

9. ***Discuss, consider, and take appropriate action if necessary, to approve the set-back waiver for Sherry Collins.***
The applicant, Sherry Collins, is requesting an exception to the District's requirement that wells observe a minimum setback of 50' from all property lines. She is requesting a setback reduction of approximately 6' feet from the north property line (she owns the adjacent property). The applicant has provided the required waiver from the adjacent property owner (who is herself) and all signatures have been notarized.

Dirk recommends approval of this request subject to an OSSF contingency plan approved by the Bell County Public Health Department. He noted that all requirements per district rule 9.5.5(a)(e) have been met and submitted.

Secretary, Gary Young, moved to approve the set-back waiver as requested. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

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

- Dirk informed the Board of an automobile accident involving Corey Dawson and the district truck. He described the details of the accident and noted that no one was injured. The insurance company was notified immediately and will be handling all communication.
- Dirk gave a brief update on the re-platting of the Clearwater property and details of the communications between Dirk and the City of Belton.

11. 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**

(Copiers of the Monthly Staff Reports were given to the Board Members to review. No action required. Information items only.)

12. Director's comments and reports.

- **Leland Gersbach:** None
- **Jody Williams:** None
- **Gary Young:** None
- **Scott Brooks:** None
- **David Cole:** None

13. Discuss agenda items for the next meeting.

- Possible permit hearings
- Final edition of the 2021 Annual Report
- Continue discussion of Management Zones/Rule Changes in Workshop

14. Set time and place of next meeting.

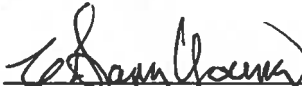
Wednesday, April 13, 2022 – Workshop beginning at 10:00 a.m. and Regular Board meeting at 1:30 p.m. at the CUWCD office

15. Adjourn.

Board Meeting closed with President, Leland Gersbach, at 3:08 p.m.


Leland Gersbach, President

ATTEST:



Gary Young, Secretary or
Dirk Aaron, Assistant Secretary

June 8, 2022
Show Cause Hearing
Continuance Minutes

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, June 8, 2022
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a Workshop at 10:00 a.m. and the Regular Board meeting at 1:30 p.m. on Wednesday, June 8, 2022, at 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 3
Scott Brooks, Director, Pct 4

Absent:

Staff:

Dirk Aaron, General Manager
Shelly Chapman, Admin Manager
Brad Eckhart, Intern

Guest:

Mike Keester – RWH&A
Tomas Reynoso, Sr.

Dr. Yelderman – Baylor Univ
Sandra Blankenship – WCID#1

Tomas Reynoso, Jr.

Board Meeting convened with President, Leland Gersbach, at 1:30 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.*

None.

3. *Approve minutes of the May 11, 2022, Board meeting.*

Board members received the minutes of the May 11, 2022, Board meeting and workshop in their Board packet to review prior to the meeting.

Secretary, Gary Young, moved to approve the minutes of the May 11, 2022, Board meeting and Workshop.
Director, Jody Williams, seconded the motion.

Motion carried 5-0.

4. *Discuss, consider, and take appropriate action if necessary, to accept the monthly financial report for May 2022 (FY22) as presented.*

Board members received the monthly financial report for May 2022 in their Board packet to review prior to the meeting.

Vice President, David Cole, moved to accept the monthly financial report for May 2022 as presented. Secretary, Gary Young, 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 May 2022 (FY22) as presented.*

Board members received the monthly investment fund account report for May 2022 in their Board packet to review prior to the meeting.

Director, Scott Brooks, moved to accept the monthly investment fund account report for May 2022 as presented.
Director, Jody Williams, seconded the motion.

Motion carried 5-0.

6. **Discuss, consider, and take appropriate action if necessary, to approve the FY22 line-item budget amendments as requested.**

Shelly Chapman presented the request for line-item budget amendments for the purpose of:

1. Paying for legal counsel from Lloyd Gosselink related to general rules and accountability (rule-making changes)
2. Paying consulting fees to RW Harden related to line item 53130.2 (evaluation of rules) for work on management zones and rules.
3. Price increase for Freshbenies from \$18/month per person to \$22/month per person beginning June 1st (an increase of \$32 for the remainder of FY22).

The requests are simple adjustments between line items as listed.

Vendor	Line Item	Invoice Amount	Available Funds	Amount Requested	New Balance	From	Available Funds	New Balance
RW Harden	53130.2-Eval of Rules	\$1,500.00	\$0.00	\$1,500.00	\$1,500.00	50250-Contingency	\$37,647.73	\$36,147.73
Lloyd Gosselink	53703-Legal/Gen Rules	\$10,121.25	\$0.00	\$10,121.25	\$10,121.25	50250-Contingency	\$36,147.73	\$26,026.48
Freshbenies	52060-Freshbenies		\$144.00	\$32.00	\$176.00	52045-payroll tax/WC	\$12,072.65	\$12,042.65
	(Increase \$4/per person/month (Total \$8/month increase beginning June 1, 2022 - remaining 4 months of FY22))							

Secretary, Gary Young, moved to approve line-item budget amendments as presented. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

Reconvene Show Cause Hearing from March 9, 2022, with President, Leland Gersbach at 1:36 p.m.

7. **Reconvene show cause hearing on the following violation:**

a) **Discuss, consider, and take the appropriate action if necessary, upon receiving testimony related to the violation of District Rule 6.5 by drilling & completing a well on January 22, 2022, without a formal CUWCD permit on a tract of land less than 10 acres and greater than or equal to 2 acres, Latitude 30.930066/ Longitude -97.701384 by both Raul Zavala ("Driller")(TDLR License #54363) officed at 1910 S. Wheeler St., Jasper, TX 76951 and Mr. Tomas Reynoso ("Property Owner"), located at 15731 Cedar Valley Rd., Salado, TX**

As presiding officer of the hearing, President, Leland Gersbach, called to order the continuance of the show cause hearing related to Agenda Item 7 at 1:36 p.m.

Leland stated that the hearing is the result of a formal notice by the General Manager of violations of district rule 12.3.2 (a)(b). Leland gave a brief explanation of the procedural issues. He confirmed a quorum of the Board was in attendance to participate in the ruling on the alleged violations. He noted for the record that Cole Ruiz, legal counsel for the District would be available by telephone should there be procedural questions or concerns.

Leland reviewed the procedures that would apply to the show cause hearing and stated that the hearing has undergone administrative and legal review by District staff and General Counsel.

Leland stated anyone wishing to participate in the hearing, in support or protest, would be given the opportunity.

(No public comments made.)

Leland asked if all parties were present? Dirk noted that Raul Zaval was not able to attend. Dirk has been in communication with Mr. Zaval. Dirk commented that Tomas Reynoso and his son are in attendance. All fines have been paid and are awaiting the next steps.

Leland administered an oath to all participants (Dirk Aaron, Tomas Reynoso Sr, and Tomas Reynoso Jr.

Dirk gave a recap of the show cause hearing and violations associated with the hearing. He also gave an update related to the case. Dirk stated that both parties have complied and are working through the process. Dirk recommends the Board continue the hearing at the August 10th meeting. That would give them roughly 60 more days to complete the requirements.

Tomas Reynoso gave his testimony and explained the steps he has taken to remedy the violations and where things stand at this time. He is still waiting for the approved plat to be completed.

Leland asked if the Board members had any other questions or concerns. There were none.

Leland asked the Board to make a motion for an additional enforcement order, a modified list of orders, or an extension of the existing order to August 10, 2022, based on the findings of today's continued hearing.

Director, Scott Brooks, moved to allow an extension of the existing order to August 10, 2022, based on today's findings. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

Show Cause Hearing closed and Workshop convened with President Leland Gersbach at 1:52 p.m.

Workshop Item #1: Discuss the process for implementing management zones within Bell County and potential rule changes.

The Board discussed questions related to amending the rules, affirmed purposes, reviewed the "redlined" changes, discussed administrative fees, and discussed the date for the final rulemaking hearing on August 24th. They also discussed the stakeholders meeting time and location. The meeting is to be held on June 30th at the Harris Community Center in Belton at 3:00 and 6:00.

Workshop Item #2: Review current administrative fees and discuss potential changes.

Dirk presented his thoughts related to the current administrative fees. Brad demonstrated the analytical tool he created based on Scott's spreadsheet. Dirk explained how the fee structure will work.

Workshop Item #3: Review items of interest related to the FY2023 budget development process.

Dirk presented items of interest related to the FY23 budget development process.

Workshop Item #4: Discuss items of interest related to the Development of the RHCP with Karst Coalition.

Dirk gave the Board an update on the RHCP.

Workshop Item #5: Receive information related to Groundwater Management Area 8, per the Joint Planning and Development of the Round 3 Desired Future Conditions.

Nothing new to report. Still waiting on TWDB.

Workshop closed at 4:43 p.m. and the Regular Board meeting reconvened with President, Leland Gersbach.

8. ***Discuss, consider, and take appropriate action if necessary, to direct the District General Manager to take appropriate action necessary to meet the statutory requirements related to the upcoming general election for Precincts 2, 4, and At-Large.***

Dirk briefed the Board on the November 8th general election for Precincts 2, 4, and At-Large. He laid out the timeline with deadlines for Candidates interested in filing for a place on the ballot.

Dirk noted that the Board will need to approve the contract with the Bell County Interim Elections Administrator in August. The anticipated cost to CUWCD will be approximately \$5,000. Dirk will also prepare an election order to be on the August 2022 agenda.

Dirk stated that applications for a place on the ballot will be available to applicants on July 22. All applications must be submitted by the close of business on August 22nd.

Shelly and Tristin are notaries and can notarize the applications as needed when they are submitted to the District office.

Vice President, David Cole, moved to direct the General Manager to take appropriate action related to the requirements of the upcoming general election for Precincts 2, 4, and At Large.

Motion carried 5-0.

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

- TAGD has a working subcommittee on the elements of SB152 from the last session. Dirk is part of that committee. They will be addressing petitions for rulemaking, notice of permit applications, and attorney's fees.
- Dirk and Brad will be attending the TWCA Summer Conference in Round Rock.
- Dirk gave an update on the County facility to be built on the property the District sold to the City of Belton.
- Corey Dawson has been busy investigating plats. He has reviewed 70 plats, 6 of which required the District's signature.
- Stage 2 will be declared in the next few days. Dirk is working closely with SWSC to make the determination.

10. ***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***

(Copiers of the Monthly Staff Reports were given to the Board Members to review. No action is required. Information items only.)

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

- **Leland Gersbach:** Thanked Dirk for all of the work and effort he has put in on the rule-making changes. He has spent a lot of time on this.
- **Jody Williams:** Welcomed the new intern.
- **Gary Young:** Thanked Dirk, Brad, and Scott for the work they did related to the rule-making changes. They presented a lot of good information.
- **Scott Brooks:** He has been asked to sit on a panel at the Water Summit this year along with Mike Keester. He is looking forward to it.
- **David Cole:** Thanked Dirk and the others that have put so much time into working on the rule-making changes.

12. Discuss agenda items for the next meeting.

- Possible permit hearing
- Security Benefit quarterly report
- Budget Development workshop

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

Wednesday, July 13, 2022, at 1:30 p.m. at the CUWCD office.

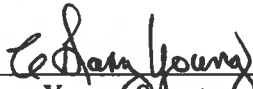
14. Adjourn.

Board Meeting closed with President, Leland Gersbach, at 5:10 p.m.



Leland Gersbach, President

ATTEST:



Gary Young, Secretary or
Dirk Aaron, Assistant Secretary

August 10, 2022
Show Cause Hearing
Continuance Minutes

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, August 10, 2022
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a Workshop at 10:00 a.m. and the Regular Board meeting at 1:30 p.m. on Wednesday, August 10, 2022, at 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 3
Scott Brooks, Director, Pct 4

Absent:

Staff:

Dirk Aaron, General Manager
Shelly Chapman, Admin Manager
Brad Eckhart, Intern

Guest:

Stephanie Wong – LRE
Sandra Blankenship – WCID#1
Bill Schumman – Bell County
Justin Thompson -Bureau of Economic/Geology

Greg Stanton – USGS
Tomas Reynoso, Jr.
Micaela Pedrazas – LRE (remote)

Kristen Valseth – USGS
Pete DiLillo

Board Meeting convened with President, Leland Gersbach, at 1:30 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.

None.

(President, Leland Gersbach suggested the Board move to agenda item #6 and reconvene the show cause hearing. The Board agreed.)

6. Reconvene show cause hearing on the following violation:

a) Discuss, consider, and take the appropriate action necessary, upon receiving testimony related to the violation of District Rule 6.5 by drilling & completing a well on January 22, 2022, without a formal CUWCD permit on a tract of land less than 10 acres and great than or equal to 2-acres, Latitude 30.930066 °/ Longitude -97.701384° by both Raul Zavala (“Driller”) (TDLR License #54363) officed at 1910 S. Wheeler St., Jasper TX 76951 and Mr. Tomas Reynoso (“Property Owner”), located at 15731 Cedar Valley Rd, Salado TX.

Show cause hearing reconvened with President, Leland Gersbach, at 1:31 p.m.

Dirk noted for the record that Tomas Reynoso, Jr was in attendance on behalf of his father. Dirk gave a recap of the details of the hearing and commented that he has been in touch with Mitchell & Associates, and everything is moving forward. Things are just taking a little longer due to circumstances beyond their control. The district’s field tech has been out to Reynoso’s property and verified that the well is still sealed and has not been in use.

Dirk recommended the Board give the Reynoso family an additional 90 days to complete all requirements.

Leland asked if there were any other comments or questions. Seeing there were none, Leland asked for a motion to grant the 90-day extension and reconvene the hearing at the November 9, 2022, Board meeting.

Director, Scott Brooks, moved to grant the 90-day extension and reconvene the show cause hearing on November 9, 2022. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

Show cause hearing close at 1:35 to reconvene with President, Leland Gersbach, on November 9, 2022.

Workshop convened with President, Leland Gersbach, at 1:35 p.m.

Workshop Item #1: Receive presentation from USGS on Stream Flow Gauge and the results of the Water Quality Study from FY21.

Greg Stanton and Kristen Valseth with USGS gave a presentation and update on the Stream Flow Gauge and discussed the results of the Water Quality Study from FY21.

Workshop Item #2: Receive presentation from LRE related to the new DMS and potential projects and enhancements for FY23.

Stephanie Wong and Micaela Pedrazas with LRE gave a presentation on the new DMS and proposed projects for consideration for FY23.

Workshop Item #3: Receive presentation from UT-BEG Dr. Justin Thompson regarding the Groundwater Recoverability Tool Pilot Program.

Dr. Thompson gave a brief introduction of himself and his background. He presented the Groundwater Recoverability Tool Pilot Program to the Board for their consideration.

Workshop Item #4: Discuss and review the District Drought Designation related to water level and spring-flow measurements.

Dirk gave the Board an update on the district's drought designation and discussed drought conditions based on water level and spring flow measurements.

Workshop Item #5: Receive update on the 2022 Texas Alliance of Groundwater Districts Groundwater Summit, Aug 29- Sept 1.

Dirk reminded Board members of the upcoming Groundwater Summit. He noted that Shelly will have registration/hotel information and agendas in a packet for them at the August 25th Board meeting.

Workshop Item #6: Receive update related to GMA8 DFC determination, per TWC section 36.108 and plans for the next round.

Dirk gave a brief update on GMA8 and the new chairman.

Workshop Item #7: Discuss and review items of interest concerning the FY2023 budget development.

Dirk presented items of interest concerning the FY2023 budget development. Dirk presented the Appraisal District's certified totals. The Board discussed potential studies, expenses, and possible tax rates to be considered.

Workshop closed and Regular Board Meeting reconvened with President, Leland Gersbach, at 4:18 p.m.

3. *Approve minutes of the July 13, 2022, Board meeting.*

Board members received the minutes of the July 13, 2022, 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 13, 2022, 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 July 2022 (FY22) as presented.*

Board members received the monthly financial report for July 2022 in their Board packet to review prior to the meeting.

Vice President, David Cole, moved to direct the General Manager to execute the election contract with Bell County Elections Department. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

- 10. Discuss, consider, and take appropriate action, if necessary, to set the date/location for the 21st Annual Bell County Water Symposium.**

Dirk discussed items of interest related to the annual water symposium. The date and location being considered are Wednesday, November 16th at the Bell County Expo Center. It was a good location and able to accommodate the number in attendance. Other details are to be determined.

Director, Scott Brooks, moved to set the date of the water symposium for November 16th at the Bell County Expo Center. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

- 11. Discuss, consider, and take appropriate action, if necessary, to set the preliminary tax rate for tax year 2022 on proposed budget FY23.**

Leland stated that this item had been discussed at length in workshop item #7. He asked if there were any other comments or discussions to be made. There were none.

Director, Jody Williams, moved to set the preliminary tax rate at .002802. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

- 12. Discuss, consider, and take appropriate action, if necessary, to set date for adoption of the FY23 budget.**

Dirk laid out the timeline for notices and postings for the adoption of the FY23 budget. Based on the timeline, he recommended the Board set the date of August 25, 2022, for adoption of the FY23 budget.

Vice President, David Cole, moved to set the date of August 25, 2022, for adoption of the FY23 budget. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

- 13. Discuss, consider, and take appropriate action, if necessary, to set the date for the public hearing and adoption of the tax rate for tax year 2022.**

Vice President, David Cole, moved to set the date of August 25, 2022, for the public hearing and adoption of the tax rate for tax year 2022. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

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

Leland asked Dirk and the Board if they wanted to discuss the evaluation in public setting or move to executive session. It was agreed to enter executive sessions to discuss matters of personnel.

Executive Session convened with President, Leland Gersbach, at 4:36 p.m.

Regular Board meeting reconvened with President, Leland Gersbach, at 4:51 p.m.

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

- Wilco concerns by citizens in western portions of the county working to possibly create a GCD.
- Keynote speakers being considered for the water symposium are Dr. Neilson-Gammon, Dr. Gabe Eckstein, Dr. Wendy Jepson, and Dr. Becky Grubbs-Bowling. Dirk is working on the agenda.
- Received the application for the Sanctuary of Salado. Dirk gave brief details.
- Reviewing/investigating several violations by permit holders.
- Discussed drought conditions and need to confirm and move to stage 3.

16. Review monthly report and possible consideration and Board action on the following:

- a) **Drought Status Reports** – Dirk discussed the drought conditions and drought declarations.
- b) **Education Outreach Update**
- c) **Monitoring Wells**
- d) **Rainfall Reports**
- e) **Well Registration Update**
- f) **Aquifer Status Report & Non-exempt Monthly Well Production Reports**

(Copiers of the Monthly Staff Reports were given to the Board Members to review. No action is required. Information items only.)

17. Director's comments and reports.

- **Leland Gersbach:** None
- **Jody Williams:** None
- **Gary Young:** Thanked Dirk for his continued hard work. Noted that Dirk would be speaking at the next Hidden Springs HOA meeting
- **Scott Brooks:** None
- **David Cole:** None

18. Discuss agenda items for the next meeting.

- Approve Budget
- Set Tax Rate
- Presentation from Brad Eckhart (summer intern)

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


Wednesday, August 25, 2022, at 1:30 p.m. at the CUWCD office.

20. Adjourn.

Board Meeting closed with President, Leland Gersbach, at 5:03 p.m.


Leland Gersbach, President

ATTEST:


Gary Young, Secretary or
Dirk Aaron, Assistant Secretary

November 9, 2022
Show Cause Hearing
Continuance Minutes

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, November 9, 2022
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a Workshop at 10:00 a.m. and the Regular Board meeting at 1:30 p.m. on Wednesday, November 9, 2022, at 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 3
Scott Brooks, Director, Pct 4

Absent:

Staff:

Dirk Aaron, General Manager
Shelly Chapman, Admin Manager

Guests

Keith Elliston – ACA	Vince Clause – ACA	Jerry Fackler
Valleri Bond	Kristen Fancher – Attorney	Joe Plunkett
Laura Plunkett	Sarah Bolton	Rose Chupik
Michael Spano	Cole Ruiz – Lloyd Gosselink	Leah Martinson – TAGD
Billy Conway	Allan Standen – LRE	Session Harwell – SWSC
Judge Blackburn – Bell County	Brad Buckley – State Rep	Bobby Whitson-Bell County Pct 2
Terry Cook-Williamson County Pct 1	Pete Diaz – USFWS	Tomas Reynoso – applicant

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

Workshop Item #1: Receive presentation and request from Aquifer Conservation Alliance.

Received presentation from Keith Elliston and Vince Clause regarding ACA and the potential annexation of a portion of Williamson County to CUWCD. Introductions were made of stakeholders related to the ACA. Kristen Fancher, the attorney for ACA, was in attendance as well. Keith and Vince explained who the group is and the reasons for forming this group.

Break 2:50-3:02

Workshop Item #2: Receive a presentation from Pete Diaz (USFWS) concerning the status of the Salado Salamander.

Pete Diaz presented his annual report on items related to the Salado Salamander and thoughts on the continued study.

Workshop Item #3: Receive update related to GMA8 DFC determination, per TWC section 36.108, and plans for the next round.

Dirk updated the Board on items related to GMA8 DFC and plans for the next round. He noted that the draft MAGs are in and the explanatory report has been accepted.

Workshop Item #4: Receive update related to the 2022 Bell County Water Symposium.

Dirk noted the changes to the program and speakers. He added a panel discussion of the Aquifer Conservation Alliance and its plan for annexation. Dirk commented that he will be doing another big push for attendance.

Workshop Item #5: Receive update related to the BELCOR RHCP.

Dirk gave an update on the BELCOR RHCP. He noted the importance of getting a grant to fund the project and items of interest related to the project.

Workshop closed and Regular Board Meeting convened with President, Leland Gersbach, at 3:30 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.

None.

President, Leland Gersbach suggested the Board move to item #9 (Reconvene show cause hearing at 3:32. The Board agreed.)

9. Reconvene show cause hearing on the following violation:

a) Discuss, consider, and take appropriate action necessary, upon receiving testimony related to the violation of District Rule 6.5 by drilling and completing a well on January 22, 2022, without a formal CUWCD permit on a tract of land less than 10 acres and greater than or equal to 2 acres, latitude 30.930066/longitude -97.701384 by both Raul Zavala (Driller)(TDLR License #54363) officed at 1910 S. Wheeler St., Jasper, TX 76951 and Mr. Tomas Reynoso (property owner) located at 15731 Cedar Valley Rd., Salado, TX.

President, Leland Gersbach reconvened the show cause hearing at 3:32 p.m. He gave a brief summary of the details of the hearing and how it came about.

As presiding officer, Leland will take additional evidence, sworn testimony, and rule on any procedural issues. He noted for the record, that the District's legal counsel, Cole Ruiz, is in attendance should there be any procedural questions or concerns.

Leland stated that the continued show cause hearing has undergone administrative and legal review by District Staff and General Counsel.

Dirk noted that Tomas Reynoso, Jr. was here to speak on behalf of his father.

Leland administered oaths to Dirk Aaron, Cole Ruiz, and Tomas Reynoso, Jr.

Dirk gave a summary of the reason for the hearing and the steps that have been taken by the applicant to correct the violation and a recap of the details for extension allowing the applicant more time to complete the process.

Leland addressed Tomas Reynoso and asked if he had an update on why elements of the Order had not been met and asked if he needed more time to complete the elements.

Tomas commented that the agreement his father had worked out with the neighbor had fallen through. The neighbor sold her property without notifying the Reynoso's. Tomas Sr has been in contact with the new neighbors and they have agreed to sell him the portion of property he needs to satisfy the District rules. In the meantime, they requested more time to make all of the working parts happen.

Leland asked if there were any other questions or comments. There were none.

Leland asked for a motion for an additional enforcement order or for a modified list of orders, or an extension of the existing order to February 12, 2023, based on the new findings.

Vice President, David Cole, moved to grant an extension of the existing order to February 12, 2023. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

3. Approve minutes of the October 12, 2022, Board meeting.

Board members received the minutes of the October 12, 2022, 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 12, 2022, 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 2022 (FY23) as presented.

Board members received the monthly financial report for October 2022 in their Board packet to review prior to the meeting.

Vice President, David Cole, moved to accept the monthly financial report for October 2022 as presented. Director, Jody Williams, 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 October (FY23) as presented.*

Board members received the monthly Investment Fund account report for October 2022 in their Board packet to review prior to the meeting.

Secretary, Gary Young, moved to accept the monthly investment fund account report for October 2022 as presented. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

6. *Discuss, consider, and take appropriate action, if necessary, to approve the FY22 line-item budget amendments as requested.*

Dirk and Shelly presented the line-item budget amendments to close out FY22.

1. Payroll – adjustments due to “rounding” numbers.
2. Studies 53105.4 – request to move unexpended funds from reserve to FY23 budget.
3. Facility 54200 – request to adjust deposit of insurance checks for damaged A/C in FY22 to FY23. Repairs are still pending. Parts are on backorder until the end of December 2022. Journal entry in QB will be made moving the deposit to FY23 as a liability adjustment.

Dirk reminded the Board that this is a simple adjustment between line items.

	Line Item	Over Budget	Amount Requested	New Balance	From	Available Funds	New Balance
IN-HOUSE Line item adjustments for FY22 Close							
Payroll	52005-Admin Assist	\$0.04	\$0.04	\$0.00	52055-payroll exp	\$48.23	\$48.19
	52010-Education Coord complia	\$0.04	\$0.04	\$0.00	52055-payroll exp	\$48.19	\$48.15
	52025-Field Tech	\$0.04	\$0.04	\$0.00	52055-payroll exp	\$48.15	\$48.11
Studies - FY22	53105.4-GMM	(Budget Amend	\$10,077.25	\$0.00	53105.4-MMG FY23	\$74,000.00	\$84,077.25
Facility - FY22	54200-Bldg rep maint	(Journal Entry- adjust liability)	\$6,153.31	\$474.62	54200-Bldg Rep FY23	\$6,153.31	\$13,633.31

40010 BellCAD Current Year Tax \$27,618.34
 40015 BellCAD Deliquent Tax \$1,795.34
 (uncollected taxes) \$29,413.68

Adjst line item 53760 - Reserves for uncollected taxes - AMEND budget from \$20,000 to \$29,413.68

53760 - Reserves for uncollected tax (original budget) \$20,000.00
 (adjustment for uncollected tax) \$29,413.68
 (return to Contingency Fund) \$9,413.68

50250 Current Contingency Fund \$2,848.48
 Return to Contingency Fund \$9,413.68
 Adjusted Contingency Fund \$6,565.20

Secretary, Gary Young, moved to approve line-item budget amendments as presented. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

7. *Discuss, consider, and take appropriate action, if necessary, to close out FY22 Budget as presented.*

Dirk and Shelly presented the close-out numbers for the FY22 Budget year.

Original Budget set for FY22 \$ 839,606.00 (projected income and expenses)

The following describes the year-end close out for FY22

Actual income: \$ 778,970.76
 Other income – sale of assets (property) \$ 50,000.00
Adjusted income: \$ 828,970.76

Total Expenses: \$ 717,690.36

Gross Return to Fund Balance: \$ 111,280.40

Less Sale of Assets (property): \$ 50,000.00

Net Return to Fund Balance: \$ 61,280.40

Staff recommended approving budget close out as presented, closing the year with a net return to fund balance of \$61,280.40

Vice President, David Cole, moved to close out the FY22 Budget year as presented. Director, Jody Williams, seconded the motion.

Motion carried 5-0.

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

Dirk and Shelly presented the line-item budget amendments for FY23 for the purpose of:

1. Moving unexpended funds for line item 53105.4 (Studies – GMM) from the FY22 budget to the FY23 budget.
2. Deferring insurance proceeds for work not complete in FY22 to FY23.

Vendor	Line Item	FY23 Budgeted Amount	Amount Requested	FY23 Amended Budget	From	Available Funds	New Balance
(In house adj)	FY23 53105.4-GMM	\$74,000.00	\$10,077.25	\$84,077.25	FY 22 53405.4-GMM	\$10,077.25	\$0.00
					(unexpended funds from FY22)		
(In house adj)	FY23 54200-Bldg Repair Maint		\$6,153.31		FY 22 54200-Bldg repair Maint	\$6,153.31	
					(deferred insurance proceeds not complete in FY22)		

Staff recommends making adjustments as presented.

Director, Scott Brooks, moved to approve line-item budget amendments as presented. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

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

- Dirk discussed a new monitor well program and new devices.
- Discussed drought issues.
- Information on Dog Ridge WSC and property owners wanting to put in private wells.

11. 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

(Copiers of the Monthly Staff Reports were given to the Board Members to review. No action is required. Information items only.)

12. Director's comments and reports.

- **Leland Gersbach:** None
- **Jody Williams:** None
- **Gary Young:** Thanked Dirk for everyone for all of their work on the Wilco presentation by the Aquifer Conservation Alliance.
- **Scott Brooks:** None
- **David Cole:** None

13. Discuss agenda items for the next meeting.


- Petition from ACA
- Oaths of Office for Precincts 2,4, and At-Large
- Christmas reception prior to Board meeting

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

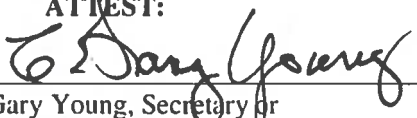
Wednesday, December 14, 2022, at 1:30 p.m. at the CUWCD office.

15. Adjourn.

Board Meeting closed with President, Leland Gersbach, at 4:43 p.m.


Leland Gersbach, President

ATTEST:



Gary Young, Secretary or
Dirk Aaron, Assistant Secretary

February 15, 2023
Show Cause Hearing
Continuance Minutes

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, February 15, 2023
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a Workshop at 10:00 a.m. and the Regular Board meeting at 1:30 p.m. on Wednesday, February 15, 2023, at the Clearwater UWCD Building, located at 700 Kennedy Court, Belton, Texas.

Board Members Present:

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

Absent:

Staff:

Dirk Aaron, General Manager
Shelly Chapman, Admin Manager

Guests

Jim Brown	Amber Dankert	Joe Shepperd
Carl Ford	Kevin Cowan – LMS,CPA	Bracken Marburger
Sandra Blankenship – WCID#1	Tomas Reynoso, Jr	Tomas Reynoso, Sr

Board meeting convened with President, Leland Gersbach, at 1:34 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 January 11, 2023, Board meeting.*

Board members received the minutes of January 11, 2023, Board meeting and workshop in their Board packet to review prior to the meeting.

Secretary, Gary Young, moved to approve the minutes of January 11, 2023, Board meeting and Workshop. Vice President, Jody Williams, seconded the motion.

Motion carried 4-0.

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

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

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

Motion carried 4-0.

5. *Discuss, consider, and take appropriate action, if necessary, to accept the monthly Investment Fund account report for January (FY23) as presented.*

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

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

Motion carried 4-0.

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

Shelly and Dirk presented a request for line-item budget amendments to cover legal expenses related to the ACA petition for annexation.

Vendor	Line Item	Invoice Amount	Available Funds	Amount Requested	New Balance	From	Available Funds	New Balance
Lloyd Gosselink	53703-General	\$1,484.00	\$0.00	\$1,484.00	\$0.00	50250-Contingency Fund	\$47,718.24	\$46,234.24
	(Rules & Accountability)							

Vice President, Jody Williams, moved to approve the line-item budget amendments as requested. Secretary, Gary Young, seconded the motion.

Motion carried 4-0.

7. *Reconvene show cause hearing on the following violation:*

a) *Discuss, consider, and take the appropriate action necessary upon receiving testimony related to the violation of District Rule 6.5 by drilling & completing a well on January 22, 2022, without a formal CUWCD permit on a tract of land less than 10 acres and great than or equal to 2 acres, Latitude 30.930066 ° Longitude - 97.701384° by both Raul Zavala (“Driller”) (TDLR License #54363) officed at 1910 S. Wheeler St., Jasper TX 76951 and Mr. Tomas Reynoso (“Property Owner”), located at 15731 Cedar Valley Rd, Salado TX.*

President, Leland Gersbach, reconvened the show cause hearing at 1:38 p.m.

As presiding office, Leland addressed the procedural issues and administered oaths to Tomas Reynoso Sr, Tomas Reynoso Jr, and CUWCD General Manager Dirk Aaron.

Dirk summarized the details of the hearing and gave an update on steps being taken to remedy the issues. He noted that Tomas Reynoso had hired an attorney to help guide him through the process. Dirk also stated that Tomas has not submitted an application for an operating permit yet. Dirk recommended the Board allow another 90-day continuance.

Tomas Reynoso Jr spoke on his father’s behalf. He confirmed that they have hired an attorney to help them with legal issues with the landowner that originally sold them the property. They are working through things with Mitchell & Associates as well as the County.

Leland asked if the Board had any other comments or questions. If not, he would conclude this portion of the hearing.

Director, Scott Brooks, asked if the show cause hearing could be closed since the violation was addressed and fines paid. Once the subdivision rule is worked out with the County, Tomas can come back to the Board with an application for an operating permit. Dirk agreed that is an option instead of extending the hearing another 90 days. The Board agreed.

Director, Scott Brooks, moved to close the show cause hearing and consider the issue resolved, and return for an operating permit once everything is worked out with the County. Secretary, Gary Young, seconded the motion.

Motion carried 4-0.

8. ***Discuss, consider, and take appropriate action, if necessary, to accept the FY22 Financial Audit as presented by the district's contracted auditing firm.***

Kevin Cowan, with Ludwick, Montgomery, and Stapp, presented the FY22 Financial Audit. He pointed out the highlights of the audit and noted that it was a clean audit.

Director, Scott Brooks moved to accept the FY22 Financial Audit as presented by the district's auditing firm. Vice President, Jody Williams, seconded the motion.

Motion carried 4-0.

9. ***Discuss, consider, and take appropriate action, if necessary, to appoint a Director for the At-Large Directorship upon completion of qualified candidate interviews for the position.***

Dirk introduced the candidates to be interviewed for the At-Large Directorship:

Jim Brown
Amber Dankert
Joe Shepperd
Carl Ford
Bracken Marburger

Leland asked the applicants if they would step out while each one was being interviewed. The applicants agreed. (Did not go into Executive Session. This was done as a courtesy to the applicants.)

The Board interviewed each applicant and asked a series of questions pertaining to their credentials, knowledge of the district and its purpose, and what their interest was in applying for a position on the Board. Each applicant was given an opportunity to answer all questions and give the Board any other information they felt would help the Board make the best selection.

Once all interviews were concluded, the Board discussed their thoughts and made suggestions for the candidate they thought would be the best fit. The field was narrowed down to 2 applications: Jim Brown and Joe Shepperd. After much discussion, the Board made their selection.

Leland asked the applicants to return to the Board room. He stated all the applicants brought something different to the Board. Each applicant was highly qualified for the position and the decision was a difficult one. The other Board members echoed Leland's comments. Leland thanked each applicant for applying and informed them that the Board had selected Jim Brown to fill the At-Large position.

Director, Scott Brooks, moved to appoint James (Jim) Brown as Director-At-Large. Vice President, Jody Williams, seconded the motion.

Motion carried 4-0.

10. ***Discuss, consider, and take appropriate action, if necessary, to approve the Interlocal Agreement related to the Four County Regional Groundwater Studies with Central Texas Groundwater Conservation District and Southwestern Travis County Groundwater Conservation District.***

Dirk presented the ILA related to the 4 County Regional Groundwater Studies. He explained the project and details related to the studies. He recommended the Board agree to the ILA and noted no other financial obligation is needed at this time. This ILA will just get the ball rolling.

Director, Scott Brooks, moved to approve the ILA related to the 4 County Regional Groundwater Studies the CTGCD and STCGCD. Secretary, Gary Young, seconded the motion.

Motion carried 4-0.

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

- Working on permit renewals. AW Hines permit is on hold. Zach Baird's permit has been withdrawn. Capp's permit has been withdrawn.
- Victory Rock is moving forward. They hired Billy Gamblin to work with them.
- Board has the draft of the Annual Report. Please have changes/corrections to Tristin by March 1st.
- There are several applications in the works.
- "Notice of Public Hearing" related to the ACA petition for annexation dates have been set, and ads will be running in area newspapers this week. Postings will be done on the 17th.
- Dirk gave his thoughts on the cost of the election for annexation.
- Update on the new building. 9 bids have been received.
- Benny Boyd Ranch has hired Collier Consultants. A meeting is scheduled for next week.
- Meeting scheduled with County Judge regarding RHCP.

12. Review 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 is required. Information items only.)

13. Director's comments and reports.

- **Leland Gersbach:** Welcomed Jim Brown to the Board.
- **Jody Williams:** None
- **Gary Young:** Commented that this was an interesting meeting. Thanked staff for all the work they have been doing and welcomed Jim as a new Board Member.
- **Scott Brooks:** He commented about the level of knowledge of all those that applied for the At-Large position on the Board. It was a difficult decision to make.

14. Discuss agenda items for the next meeting.

- Final version of the Annual Report
- Oath of Office for Jim Brown

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

Wednesday, March 8, 2023, at 1:30 p.m. at the CUWCD office.

16. Adjourn.

Board Meeting closed with President, Leland Gersbach, at 5:16 p.m. and Workshop convened.

Workshop item #1: Receive annual report from Texas AgriLife 4-H Water Ambassador Program.

Dirk included a copy of the annual report in the workshop packet. No formal presentation at this time.

Workshop item #2: Receive updates related to the 2022 Bell County Water Symposium.

The balance sheet and evaluation info related to the Water Symposium is included in the packet.

Workshop item #3: Receive information related to Bell/Coryell Karst Coalition RHCP.

Dirk will be meeting with Judge Blackburn Thursday morning.

Workshop item #4: Receive a draft of the Annual Report for 2022.

Corrections and changes need to be in by March 1st.

Workshop item #5: Receive information related to the 88th Legislative Session and Groundwater Legislation.

Report from Ty Embry received. Dirk briefed the Board on the information

Workshop item #6: Receive information related to Groundwater Management Area 8, per the Joint Planning and Development of the Round 4 Desired Future Conditions.

Nothing new to report at this time.

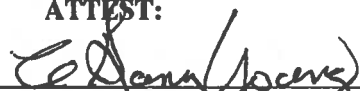
Leland noted for the record that Jody Williams left the meeting at 4:20 p.m.

Workshop closed with President, Leland Gersbach, at 5:22 p.m.



Leland Gersbach, President

ATTEST:



Gary Young, Secretary or
Dirk Aaron, Assistant Secretary