

**Clearwater Underground Water Conservation District Meeting**  
**700 Kennedy Court**  
**Belton, TX**  
**Tuesday, February 11, 2020**  
**Minutes**

The Clearwater Underground Water Conservation District (CUWCD) held a Board meeting on Tuesday, February 11, 2020 at 1:30 p.m. at the Clearwater UWCD Building, located at 700 Kennedy Court, Belton, Texas.

**Board Members Present:**

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

**Absent:**

Jody Williams, Director Pct. 3

**Staff:**

Dirk Aaron, General Manager  
Shelly Chapman, Admin. Manager  
Dan Eckstrom, Intern

**Guest:**

Sandra Blankenship – Killeen  
Dr. Joe Yelderman – Baylor Univ.  
Whitney Grantham – AgriLife Ext

Mike Keester – LRE Water  
Jack Ralston  
Troupe Brewer – Lloyd Gosselink

Judy Aldrich – BVEH  
Amy Muttoni – BRA  
Kevin Cowan – Alton D Thiele, P.C.

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

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

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

**2. *Public Comment.***

No public comments.

**3. *Approve minutes of the January 8, 2020 Board meeting and Workshop.***

Board members received the minutes of the January 8, 2020 Board meeting and workshop in their Board Packet to review prior to the meeting.

Secretary, Gary Young, moved to approve the minutes of the January 8, 2020 Board meeting and Workshop. Vice President, David Cole, seconded the motion.

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

**(Leland skipped to agenda item #9 – Public Hearing)**

**9. *Hold public hearing on the following permit application:***

***Discuss, consider and take appropriate action if necessary on the proposed N2 operating permit of 1.32 ac-ft/yr. for BVEH Holdings, LLC (John Janicek, DVM), authorizing an operating permit (well# N2-19-007P) completed in the Edwards BFZ Aquifer on a 61 acre tract located at 1920 FM 2268, to produce groundwater for office, laboratory, and equine hospital use.***

As Presiding Officer of the hearing, President, Leland Gersbach, opened the public hearing at 1:33 p.m.

Leland gave a summary of the items to be considered and a brief explanation of the procedural issues. He confirmed that a quorum of the Board was in attendance to participate in the ruling of the application.

Leland stated that the permit application has undergone administrative and technical review by District staff, consultants, and legal counsel.

Leland will take evidence and hear testimony from Dirk Aaron (CUWCD General Mgr.), Mike Keester (District Hydrogeologist), Troupe Brewer (legal counsel), and Judy Aldrich (BVEH representative) if needed.

Leland invited anyone wishing to make a public comment or protest the application to speak up. There were none.

Leland administered oath to all participants.

Dirk Aaron gave a general explanation of what an N2 non-exempt well is. He stated that the application has been deemed administratively complete, all fees have been paid, and all criteria has been met. He has also addressed the conditions and recommendation for metering, monthly reporting, and installation of an observation tube to be accessed by District staff to measure drawdown.

Leland addressed questions related to the Mike Keester's analysis. Based on the report, the proposed permitted amount will have negligible impact on adjacent wells. Dirk commented again that the applicant would be required to meter the well, report monthly usage, install an observation tube and dedicated tube for an e-line measurement.

Dirk recommends the Board approve this application with special provisions recommend.

Vice President, David Cole, had concerns about water quality. Dirk addressed his concern.

He noted that all parties had an opportunity to make their cases. There were no other parties interested in submitting additional evidence. No other comments or questions were asked by the Board.

Leland concluded the evidentiary portion of the application at 1:45 p.m.

Leland asked for motions to grant/deny/partially grant Brazos Valley Equine Hospital Holdings request for a combination drilling/operating permit of 1.32 acre-feet per year from the Edwards BFZ Aquifer to include all the special provisions as outlined by the District's General Manager.

Director, Scott Brooks, moved to grant the request of a drilling/operating permit of 1.32 acre-feet per year from the Edwards BFZ Aquifer to include all the special provisions as outlined by the District's General Manager. Vice President, David Cole, seconded the motion.

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

**Board meeting paused and Workshop convened with President, Leland Gersbach, at 1:48 p.m.**

**Workshop item #1: Receive and review information related to the survey of the 2019 Bell County Water Symposium.**

Whitney Grantham, AgriLife Extension Service, presented the results of the survey for the 2019 Bell County Water Symposium. She noted that it was another good event with overwhelmingly positive comments.

**Workshop item #2: Receive and review information from Dr. Yelderman related to the 30-day pump test of the Lower Trinity Aquifer.**

Dr. Yelderman, Baylor University, presented a report and analysis of the 30-day pump test of the Lower Trinity Aquifer.

**Workshop item #3: Receive and review draft of the Annual Report for 2019 per District Management Plan.**

Dirk presented the draft of the 2019 Annual Report. He acknowledged the work that Tristin put in to getting it ready. He encouraged the Board to review the report. He asked that any changes or corrections be submitted by March 2<sup>nd</sup>.

**Workshop item #4: Receive and review information related to potential amendments to District Rules.**

Dirk commented that the District is talking about going through a process to update, amend, and change some significant parts of the District rules. Dirk asked legal counsel, Troupe Brewer, to put together a starting point and some talking points on the subject.

Troupe presented the procedures, requirements, and suggested guidelines the District needs to consider when making changes and convening a stakeholder group.

Mike Keester discussed recommendations in regard to the technical side of the rules in relation to well spacing for management areas and zones.

**Workshop item #5: Receive updated information if necessary related to the current round of joint planning for GMA8.**

Dirk and Gary will be attending the GMA8 meeting on February 26<sup>th</sup>.

**Workshop closed and Board meeting reconvened with President, Leland Gersbach at 3:34 p.m.**

**(Leland began with agenda item #8 to accommodate the Auditor)**

**8. *Discuss, consider and take appropriate action if necessary, to accept the FY19 Financial audit as presented by the District's contracted auditing firm.***

Kevin Cowan presented the FY19 financial audit. He reported the facts and stated it was a clean audit. He noted that staff was easy to work with and there were no concerns or issues to report.

Director, Scott Brooks, moved to accept the FY19 Financial Audit as presented. Secretary, Gary Young, seconded the motion.

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

**4. *Discuss, consider, and take appropriate action if necessary, to accept the monthly financial report for January 2020 (FY20) as presented.***

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

Vice President, David Cole, moved to accept the monthly financial report for January 2020 as presented. Secretary, Gary Young, seconded the motion.

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

**5. *Discuss, consider, and take appropriate action if necessary, to accept the monthly investment fund account report for January 2020 (FY20) as presented.***

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

Secretary, Gary Young, moved to accept the monthly investment fund account report for January 2020 as presented. Director, Scott Brooks, seconded the motion.

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

**6. *Discuss, consider, and take appropriate action if necessary, to approve the proposed LRE study to update the "Scientific Evaluation of District Well Spacing Requirements" known as District Rule 9.5.***

Dirk commented that LRE "Numerical Models" study, work authorization #2020.4 for \$11,200 would not take place this year. He explained the various reasons why. He requested the Board replace that study with LRE "Scientific Evaluation of District Well Spacing Requirements", work authorization #2020.8 for \$7,200. He presented the Board with "Attachment H" laying out the scope of work. The money is in the budget and would just need to be transferred to the appropriate line item.

Dirk recommends approving the change to the FY20 scientific projects funded in the original agreement with LRE.

Director, Scott Brooks, moved to approve the changes. Vice President, David Cole, seconded the motion.

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

**7. *Discuss, consider, and take appropriate action if necessary, to approve the FY20 line item budget amendment as requested.***

Based on the discussion and decision on agenda item #7, Dirk is requesting a line item budget amendment.

Vendor	Line Item	Invoice Amount	Available Funds	Amount Requested	New Balance	From	Available Funds	New Balance
LRE	Studies:					Studies:		
	53105.5 - Mgmt Opt		\$0.00	\$7,200.00	\$7,200.00	53110.6 - GAM Calib	18,200.00	\$11,000.00

Secretary, Gary Young, moved to approve the line item budget amendment as requested. Director, Scott Brooks, seconded the motion.

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

**10. Discuss, consider and take appropriate action if necessary, to appoint stakeholders task force to review the District rules a defined to the group related to potential management area, management zones, and well spacing necessary to address current and future aquifer conditions.**

Dirk presented a list of names submitted to serve on the stakeholder task force to review District rules:

- Scott Brooks                   CUWCD
- Gary Young                    CUWCD
- Dan Eckstrom                 Hidden Springs Community
- Travis Quicksall             Development Community
- Mike Kriegel                 Development Community
- Tom Lovelace                 Water Well Drillers
- Bobby Stork                  Water Well Drillers
- Bryan Neaves                 County Engineer
- John Driver                  County Commissioner
- Bill Schumann                County Commissioner
- Lee Kelley                    Water Purveyor
- Delores Coberley             Water Purveyor
- Joe Yelderma                 Baylor University
- Troupe Brewer                Legal Counsel
- Mike Keester                 Hydrogeologist

Dirk commended that an MOU be developed for this purpose. The meetings will be organized and productive. Dirk would like to have a timeline for completion and recommendations to the Board by May 2020 if possible. This will all depend on if the studies are complete or not.

Vice President, David Cole, moved to approve names submitted for the stakeholder task force. Secretary, Gary Young, seconded the motion.

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

**11. General Manager’s Report concerning office management and staffing related to District Management Plan<sup>3</sup>.**

- Looking at a possible rainwater harvesting workshop with Extension Office.
- Possible location in Hidden Springs for a Lower Trinity monitor well feasibility study. This could be costly because it may require a mud rig.
- Region G meeting Wednesday, February 12<sup>th</sup>.
- TCEQ announce at TAGD that Williamson county has been reducing their dependency on groundwater thus will not be reviewed as a priority groundwater management area. Dirk asked Mike Keester to accelerate his Trinity Study for this year .
- TCEQ review for Wednesday’s meeting
- Dirk will be attending TWCA annual meeting March 4-6.
- Dirk asked Brian Smith and Brian Hunt to present their study to the Board related to their Trinity Aquifer Study south of the Colorado River.

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

- a) **Drought Status Reports**
- b) **Education Outreach Update**
- c) **Monitoring Wells**
- d) **Rainfall Reports**
- e) **Well Registration update**
- f) **Aquifer Status Report & Non-exempt Monthly Well Production Reports**

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

Dirk discussed the drought conditions and triggers. He addressed drought reports noted in the media.

13. **Director comments and reports<sup>3</sup>.**

- **Jody Williams:** (absent)
- **Gary Young:** Thanks to Tristin and Shelly for all they do to make sure everything is done and taken care of when Dirk is out. Since he has been on the Board, spacing has been a hot topic. Glad the District is moving forward with this.
- **David Cole:** Thanked Dirk and Staff for continued hard work. Dirk is doing a good job.
- **Scott Brooks:** Concurs with the comments of the other Board member.
- **Leland Gersbach:** We need rain!

14. **Discuss agenda items for next meeting.**

- 4H20 sponsorship
- Annual Report
- Trinity Aquifer Study presentation by Brian Hunt and Brian Smith
- Possible public hearings

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

Wednesday, March 18, 2020 at 1:30 p.m. at the District's office.

16. **Adjourn.**

**Board meeting adjourned with President, Leland Gersbach, at 4:19 p.m.**

×  Leland Gersbach electronically  
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Leland Gersbach, President

ATTEST:

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\_\_\_\_\_  
electronically

Gary Young, Secretary or  
Dirk Aaron, Assistant Secretary