

**POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT**  
**Board of Directors Meeting & Public Hearings**  
 Post Oak Savannah Ground Water District Offices  
 310 East Avenue C  
 Milano, Texas 76556  
 January 11, 2005 – 5:30 p.m.

**MINUTES**

Entity

**Members Present**

President Nathan Ausley	POSGCD
Secretary Kerry Starnes	POSGCD
Vice-President Dwayne Jekel	POSGCD
Jim Hodson	POSGCD
Jay Tumlinson	POSGCD
Robert Ware	POSGCD
Andy Hovorak	POSGCD
John Malazzo	POSGCD
Jay wilder	POSGCD
Carroll Glaser	POSGCD
Gary Westbrook	District Manager POSGCD
Elaine Gerren	Administrative Assistant POSGCD
Barney Knight	Barney Knight & Associates – Legal Counsel
Sheila Limon	Barney Knight & Associates – Legal Counsel

**Members Absent**

**Others Present**

Jackie Scott	Brazos River Authority
Dwight Mahoney	Brazos River Authority
Scott Carlson	Metropolitan Water Co., L.P.
Kit Worley	Southwest Milam Water Supply
Ridge Kaiser	R. W. Hardin & Associates]
Ron Freeman	Freeman & Corbett, L.L.C.
James Kowis	Alcoa
Tom Lake	Self
John Houchins	BVWA
Marshall Houchins	BVWA
Bill Green	Landowner
Robert Smith	Landowner
Kodi Sawin	Water Texas
Curtis Chubb	Cameron Herald

**BOARD MEETING**

1. **Board President Nathan Ausley called the Public Hearing and Board Meeting to order at 5:32 p.m.**
2. **Public Comment**  
Public Comment was heard from Tom Lake.
3. **Approve Minutes of the November 9, 2004 Board Meeting**  
Director Jim Hodson made to motion to approve the minutes and Director Kerry Starnes 2<sup>nd</sup> the motion. The motion passed unanimously.

**4. Reorganize and elect officers of the Board**

Director Robert Ware made the motion to accept the 2004 officers as the 2005 officers by acclamation. The motion was 2<sup>nd</sup> by Director Dwayne Jekel. The motion passed unanimously.

**5. Receive report from district Manager on recent District activities and take appropriate actions.**

**A. Permit applications filed with the District and possible Hearing dates for those applications**

Transport permit for Southwest Milam have passed review of the District Manager, the District's Legal counsel and the District's Hydrologist and will need to be set for a hearing.

A request from Birch Creek to be accepted as a late entry for the Resolution of March 11, 2003 was denied. Birch has filed an application for an amendment to their permit and these applications are administratively complete and a hearing will be set for these applications.

Application for a non-exempt well on the personal property of Jimmy Lee Horcica will need to be set for hearing.

**B. Emergency permits Granted, well recordings, and new well applications**

No emergency permits have been granted, 244 wells have been registered, 5 new well permit applications have been submitted, and 7 new well applications have been completed.

**C. Recent and future District Presentations and activities**

General Manager, Gary Westbrook will schedule a posted open stakeholders meeting to be set in February. General Manager, Gary Westbrook will consult with the Advisory Committee to set the stakeholders meeting.

General Manager, Gary Westbrook attended the Region G Groundwater Workgroup in Waco, on January 11, 2005, and a report was given on that meeting.

General Manager, Gary Westbrook will meet with neighboring Groundwater Districts to establish groundwork for future management strategies on January 26, 2005.

**6. Enforcement actions and direction to the general manager regarding violation of the District rules by Layne Water Development of Texas, L.L.C., with respect to the drilling, maintenance, and operation of a water well, PW-1 located at 30.50 70 N and 96.82 06W**

Well PW-1 has not been repaired to this date. No action will be taken at this time. Repair updates will be supplied to the District and action will be discussed at the next scheduled meeting.

**7. Motion for Rehearing of the December 12, 2004 order, setting fees for the production and the transport of water for 2005, filed by Layne Water Development of Texas, L.L.C.**

A motion was made by Director Dwayne Jekel to grant the motion for Re-hearing. The motion was 2<sup>nd</sup> by Director John Malazzo. The motion passed unanimously.

**8. Motion for Rehearing of the December 12, 2004 order, setting fees for the production and the transport of water for 2005, filed by The Brazos Valley Water Alliance, L.P.**

A motion was made by Director Dwayne Jekel to grant the motion for Re-hearing. The motion was 2<sup>nd</sup> by Director John Malazzo. The motion carried unanimously.

- 9. Consider applications made by Layne Water Development of Texas, L.L.C.**  
Applications submitted by Layne Water Development of Texas, L.L.C. were placed on hold until the PW-1 well repairs are complete and all applications are considered administratively complete.
- 10. Consider an Order suspending the District rules that require notice to be given and hearings to be scheduled and held within a specified number of days after an administratively complete application for a permit is made, including but not limited to drilling, operating and transport permits, and declaring a moratorium on the acceptance of applications for and issuance of drilling, operating and transport permits.**  
A motion was made by Director Robert Ware to suspending the District rules that require notice to be given and hearings to be scheduled and held within a specified number of days after an administratively complete application for a permit is made, including but not limited to drilling, operating and transport permits, and declaring a moratorium on the acceptance of applications for and issuance of drilling, operating and transport permits. The motion was 2<sup>nd</sup> by Director Dwayne Jekel. The motion passed 9 to 1. Voting against the motion was Director Jim Hodson.
- 11. Consider request for waiver of District Rules from Cooks Point Community Services**  
A motion was made by Director Jim Hodson to deny the request for waiver of District Rules from Cooks Point Community Services. The motion was 2<sup>nd</sup> by director Dwayne Jekel. The motion carried unanimously.
- 12. Consider request from Southwest Milam WSC to include the historic use from two replaced wells to the existing wells they replaced**  
A motion was made by Director Nathan Ausley to deny the request to include historical use from two replaced wells to existing replacement wells. The motion was 2<sup>nd</sup> by director Robert ware. The motion carried unanimously.
- 13. Public Hearing. Action on District Rules including but not limited to fees to be collected for year 2005**  
The public hearing was opened at 6:47 p.m. Public comment was heard from Curtis Chub and Tom Lake. The public hearing was closed at 7:18 p.m. A motion was made by Director Nathan Ausley to accept all rule changes as presented with the exception of 4.1 the motion was 2<sup>nd</sup> by Director Jay Tumlinson. The motion carried unanimously.
- 14. Consider Work Orders for work to be done by URS**  
A motion was made by Director Jay Tumlinson to proceed with Work Orders # 5 & # 6 to be done by URS. The motion was 2<sup>nd</sup> by Director Kerry Starnes. The motion carried unanimously.
- 15. Bills received and current financial status**  
A motion was made by director John Malazzo to pay all bills. The motion was 2<sup>nd</sup> by director Jim Hodson. The motion carried unanimously.
- 16. Dates, locations, and times of future meetings**  
The next scheduled meeting will be February 8, 2005 at the District office in Milano, Texas at 5:30 p.m.
- 17. Adjourn**  
The meeting adjourned at 7:25 p.m.

**THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON JANUARY 11, 2005 WERE APPROVED AND ADOPTED BY THAT BOARD ON FEBRUARY 08, 2005.**

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Nathan Ausley, President

**Attest:**

Kerry Starnes, Secretary/Treasurer \_\_\_\_\_ Date \_\_\_\_\_

A meeting recording of this meeting is available on CD.