

**POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT**  
**Public Hearing & Board of Directors Meeting**  
 Post Oak Savannah Groundwater Conservation District  
 Caldwell Civic Center  
 103 Presidential Corridor Highway 21 West  
 Caldwell, Texas 77836  
 September 14, 2004 – 7:00 P.M.

**MINUTES**

**Entity**

**Members Present**

President Nathan Ausley	POSGCD
Secretary Kerry Starnes	POSGCD
Vice President Dwayne Jekel	POSGCD
Jay Tumlinson	POSGCD
Jay Wilder	POSGCD
Robert Ware	POSGCD
Andy Hovorak	POSGCD
John Malazzo	POSGCD
Carroll Glaser	POSGCD

**Members Absent**

Jim Hodson	POSGCD
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**Others Present**

Bill Graham	Land Owner
Judith Slusher	Land Owner
James A. Ubernosky	Land Owner
Curtis Chubb	Cameron Herald
Jackie Scott	Brazos River Authority
Dwight Mahoney	Brazos River Authority
T.A. Peek	Rancher
George Sears, Jr.	Land Owner
Robert Smith	Land Owner
Larry French	URS
Nelson Muller	Land Owner
Charlene Muller	Land Owner
Robert Weir	Land Owner
Valerie McElwrath	Land Owner
Kodi E. Sawin	Water Texas
Robert Norris	Norris Farms
Floyd Woods	Self
Dorothy Woods	Self
Nick Roberts	Bell Milam Land & Water Rights Assoc.
Charles Stone	Self
Ivo Junek	Land Owner
Becky Junek	Land Owner
Robert East	Land Owner
Clint Lucksa	Land Owner
Delores F. Luksa	Land Owner
Paul Hempling	Land Owner
Lela Pevonka	Land Owner
Theresa Williams	Land Owner
Faye Cook	Land Owner
Don Cook	Land Owner
H. H. Henson	Self

Lynne Candon	Self
Joe Cooper	Lost Pines Groundwater Conservation District
Duke Turner	Land Owner
Mari Turner	Land Owner
Jackie Thornton	Self
Betty Wadlington	Self
Stanley Caffey	Southwest Milam Water
Bob Pruessner	Burleson County
Ridge Kaiser	R. W. Harden & Associates
Scott Carlson	Metropolitan Water Company. L.P.
Garland Jaecks	Rancher/Ins. Agency
Louis Muzuy	Self
O.V. Roskey	Self
Leroy Kazmir	Self
Margie Muzny	Self
Ray Muzny	Self
Ron Freeman	Layne Water Development of Texas
Harry Vowell	Self
Mike Rhodes	Self
Alice Mason	Self
Alice Moore	Self
Sarah Moore	Self
Ella Moore	Self
Max Stratton	Self
William J. Dyer	Weisblatt & Associates, Inc., Attorney's for Meredith Massey
Debra Jackson	Self
Andy Jackson	Self
Rosalie Stefka	Self
Mary Ausley	Self
Gary Westbrook	District Manager POSGCD
Elaine Gerren	Administrative Assistant POSGCD

**PUBLIC HEARING & BOARD MEETING**

1. **Board President Nathan Ausley called the Public Hearing and Board Meeting to order at 7:00 p.m.**
2. **Public Comment**  
No Public comment was heard.
3. **Approve Minutes of the August 10, 2004 Board Meeting**  
Director Robert Ware made to motion to approve the minutes and Director Jay Wilder 2<sup>nd</sup> the motion. The motion passed unanimously.
4. **Motion for Rehearing on the adoption of the final Rules of the Post Oak Savannah Groundwater Conservation District of June 8, 2004, filed by the Brazos Valley Water Alliance L.P., content, process, procedures and actions**  
Director Nathan Ausley made the recommendation to deny the re-hearing. The motion was made by Director Dwayne Jekel and 2<sup>nd</sup> by Director Jay Tumlinson. The motion carried unanimously.
5. **Public Hearing and consideration of Historic use for Layne Development of Texas Well designated PW-1**

- Public Comment was heard from various land owners
- Layne Water Development of Texas representatives Ron Freeman and Ridge Kaiser gave a lengthy presentation to the Board of Directors and audience concerning this application. Testimony was then given by Mr. T.A. peek, Mrs. Henson, Mr. Urbanosky, and Mr. East concerning this application. Request for party status and request for the District to waive notice requirements for party status was made by William Dyer, representation for Ms. Meredith Massey, this request was denied.
- POSGCD General Manager Gary Westbrook recommended that the Historical Use Application for Well PW-1 be denied due to fact that there has not been any historical use from this well to warrant historical use. POSGCD legal Counsel, Barney Knight joined the recommendation by General Manager Gary Westbrook. The motion for Historic Use was brought to the table and Director Robert Ware made the motion to deny the historic use and the motion was 2<sup>nd</sup> by Director Andy Hovorak. The motion carried unanimously.
- POSGCD General Manager Gary Westbrook recommended that the request for a variance to District Rule 4.2.1.a and an exemption to the District's spacing rules, for Well PW-1 be denied due to fact that there is no provision in the District's Rules for a variance to this rule, and there has not been production from this well to warrant this request. POSGCD legal Counsel, Barney Knight joined the recommendation by General Manager Gary Westbrook. A motion was made by Director Nathan Ausley to deny the exemption and 2<sup>nd</sup> by Director Dwayne Jekel. The motion carried unanimously. Director Robert Ware made a motion to deny a variance on the spacing of the PW-1 Well; the motion was 2<sup>nd</sup> by Director John Malazzo. The motion carried unanimously.
- The motion was made by Director Nathan Ausley to approve production on the PW-1 Well at the production rate allowed by the District's Rules of 860 gallons per minute, based on spacing of 430 feet from the nearest property boundary. The motion was 2<sup>nd</sup> by Director Dwayne Jekel. The motion carried unanimously.

**6. Public Hearing on and consideration of Drilling and Operating Permit for Layne Water Development of Texas Wells designated PW-1 through PW-5 for groundwater production of less than or equal to 4,032,000 gallons per day, per well.**

- Layne Water Development of Texas representatives Ron Freeman and Ridge Kaiser gave a lengthy presentation to the Board of Directors and audience concerning this application. Testimony was then given by Mr. T.A. peek, Mrs. Henson, Mr. Urbanosky, and Mr. East concerning this application. Request for party status and request for the District to waive notice requirements for party status was made by William Dyer, representation for Ms. Meredith Massey, this request was denied.
- The motion was made by Director Dwayne Jekel and 2<sup>nd</sup> by Director Kerry Starnes for granting the Drilling and Operating Permit for Layne Wells PW-2 through PW-5. The motion carried unanimously.
- A motion was made by Director Nathan Ausley to grant these permits pending payment of fees and services due POSGCD. The motion was 2<sup>nd</sup> by Director Robert Ware. The motion carried unanimously.
- A motion was made by Director Nathan Ausley to permit total production from wells PW-1, PW-2, PW-3, PW-4, & PW-5 not to exceed 15,488 acre feet per year with restrictions placed on well PW-1 not to exceed 860 gallons per minute. The motion was 2<sup>nd</sup> by Director Dwayne Jekel. The motion carried unanimously.

**7. Public Hearing on and consideration of Transport Permit for Layne Water Development of Texas designated Pw-1 through PW-5 not to exceed 15,488 acre feet per year**

The motion was made to approve the Transport Permits by Director Robert Ware and 2<sup>nd</sup> by Director Andy Hovorak. The motion carried unanimously.

**8. Membership in Texas Water Conservation Association was discussed**

Membership in the Texas Water Conservation Association was discussed and motion to become a member was made by Director Robert Ware and 2<sup>nd</sup> by Director Jay Wilder. The motion carried unanimously.

**9. Received Report From The District Manager On Recent District Activities**

**A.** A report on new well recordings since the last meeting was given. We have had thirteen (13) application completed for new exempt wells drilled, eight (8) applications to drill new exempt wells, fifty (50) applications submitted for recording existing exempt wells, and zero (0) applications submitted for emergency well permits.

**B.** Recent an future District presentations and activities are as listed:  
General manager Gary Westbrook will be attending the TAGD meeting to be on September 15<sup>th</sup>, and Texas Water Monitoring Congress September 15<sup>th</sup> & 16th, 2004.

Brochures were presented to the board for future decisions of possible educational information to be distributed by the District

**C.** General Manager Gary Westbrook informed the Directors that the POSGCD Web site can be accessed at this time @ [www.posgcd.org](http://www.posgcd.org) and has been available and operational for more than 3 weeks.

**10. Elect Board of Trustee members for places 6 through 9, Texas Municipal League Intergovernmental Risk Pool.**

The motion was made by Director Ware to vote for Mary Gauer for place # 6 and Andrew Garza for place # 7 and to let the staff decide on places 8 and 9. The motion was 2<sup>nd</sup> by Director Nathan Ausley. The motion carried unanimously.

**11. Appoint Committee to work with General Manager on the 2005 Budget**

Directors that volunteered and were selected to serve on this Budget Committee will be Director Jay Tumlinson, Director Kerry Starnes, Director Dwayne Jekel and Director Nathan Ausley.

**12. Bills received and current financial status**

A motion was made by Director John Malazzo and 2<sup>nd</sup> by Director Dwayne Jekel to pay all bills.

**13. Dates, locations, and times of future meetings**

The next scheduled meeting will be October 12, 2004 at the POSGCD District Offices, Milano, Texas at 5:30 p.m.

**14. Adjourn**

The meeting adjourned at 9:35 p.m.

**THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON SEPTEMBER 14, 2004 WERE APPROVED AND ADOPTED BY THAT BOARD ON OCTOBER 12, 2004.**

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Nathan Ausley, President

**Attest:**

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Kerry Starnes, Secretary/Treasurer

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Date

A meeting recording of this meeting is available on CD.