

POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Public Hearing & Board of Directors Meeting
POSGCD District Offices
310 East Avenue C
Milano, TX 76556
March 28, 2017 – 5:30 p.m.

MINUTES

Directors Present

Nathan Ausley
Sidney Youngblood
Steven Wise
Tommy Tietjen
Bob Wilson
Durwood Tucker
Lee Alford
Kerry Starnes
Bob Wilson

Directors Absent

Jay Wilder

Staff Present

Gary Westbrook
Bobby Bazan
Elaine Gerren

Others Present

Bill Graham
Kodi Sawin
W. Scott Carlson
Pat Reilly
Paul Terrill
Ross Cummings
Blaire Parker
Amy Jurica Hinnart
Judith McGeary
Michele Gangnes
David McLaren
Collene Waring
Ronney Coleman
Gabbo Goetsch
Becky Goetsch

Entity

Self/Landowner
Sawin Group
Met Water
Blue Water
Terrill & Waldrop
Blue Water
SAWS
Landowner
Farm & Ranch Freedom
Alliance
Simsboro Aquifer Water
Defense
League of Ind. Voters
CTS-America
Landowner
Landowner
Landowner
Landowner

Frank Stewart	Citizen
Wayne Horkheimer	Citizen
Robert Schlemmer	Citizen
David C. Perry	Citizen
Linda Curtis	Independent Texans
Joyce Conner	Landowner
Naomi White	Landowner
Donny White	Landowner
M. Lindall	Self
Charlie McGregor	KRXT-FM Rockdale
Lauren Ice	Save our Springs
John L. Fisher	Milam County PCT.3
Pastor Embra	Belltown-Caldwell TX 368
R.J. Rushing	Marlow CR 226
Mary Ann Eaner	Cameron, TX
Van Eanse	CR 250 Cameron, TX
Margaret Green	Buckholts, TX
Joey Willingham	Milano, TX
Fritz Wolz	Caldwell, TX
Ronald Mastan	Buckholts, TX
Suzanne Mastan	Buckholts
Calvin C. Whitslety	Self
Barbara Teinert	Landowner
Pat Fletcher	Landowner
Hil Fletcher	Landowner
Donna Lewis	Landowner
Mike Conner	Landowner
Patty Miller	Self
Dennis Owens	Self
Jay Bethard	Pct # 3 Constable
Chris Vaughn	Landowner
Jim Waldson	Landowner
Larry Faulkner	Rockdale
Frank Summers	Self
Virginia Bankston	Self
John Bankston	Self
James Urbanosky	Self
Tom Drake	Self
Mike Korengy	Self
Wes Leifste	Self

Kelli Johnson	Self	Monte Locke	Self
Edwin Johnson	Self	Alana Colemna	Self
Andy Jackson	Landowner	Joe Clark	Self
Walter Hurd	Landowner	Karen Clark	Self
Steve Young	Intera	Bobby Walker	Landowner
Ronald Mastan	Landowner	Barret Lyne	Landowner
Suzanna Mastan	Landowner	Rebecca Holmes	Self
Florene McDaniel	Landowner	Gary Bush	Self
Lanell Spence	Landowner	Gay Burton	Self
James Hutto	Landowner	Helen Junica	Self
Gretchen McCord DeFlorio	Landowner	Molly Berger	Self
Darleen Tucker	Landowner	Andy Hovorak	Landowner
R. J. Rushing	Landowner	Barney Knight	The Knight Law Firm
Robert Fenske	Landowner	Steve Young	Intera
Mary A. Fenske	Landowner		

BOARD MEETING

1. Pledge of Allegiance

2. Innvocation

3. Call to Order and establish quorum

The meeting was called to order and a quorum established at 5:59 p.m. by Board President, Sidney Youngblood.

4. Public Hearing on Vista Ridge's application to amend Drilling and Operating Permit No. POS D&O/A&M-000lc to authorize relocation of the point of withdrawal of the following wells: CW-1, CW-3, CW-5, CW-6, CW-7, CW-9, PW-9, PW-12, PW-14, PW-15 and PW-16.

The public hearing was opened and President Sidney Youngblood stated that no timely filed contest had been received. Comment was heard from Paul Terrill with Terrill & Waldrop. He stated that the application was not to increase rates or use of purpose and that the applicant is not asking for an increase in any way. The application is only to move the locations of 11 of 33 permitted wells to locations to stay within the same area. He stated that notice was mailed to 185 landowners and that they complied with Rules 7.5.2 and 7.5.3. He stated that with no contest filed he felt it appropriate to approve this request tonight. A review of the Vista Ridge Permit for the Adjusted Well Locations was given by Steve Young with Intera. He stated that all the adjusted well locations would stay within the same 1-mile by 1-mile grid cell that contains the original well location. Dr. Young stated that the adjusted well locations met the District's property spacing requirements. Dr. Young stated that the adjusted well locations did not meet well spacing requirements for three of the Simsboro locations. Director Steven Wise asked Dr. Young if the previous spacing was okay and the response to this was yes. Director Bob Ware asked if the landowners were in favor of this and the response was yes. A report was given by Nathan Ausley on the DFC Committee that was held prior to this Hearing.

Public Comment was heard from the below parties:

Amy Hinnnet presented a handout, stated she was a teacher and a landowner. She is here to protest the relocation of the 11 wells and requested a contested case hearing. She expressed concerns over

spacing. It was noted her request was not received in a timely manner and she only filed this with the district and not applicant.

Michele Ganges, landowner in Lee County was here with the Simsboro Defense Fund to represent all landowner rights. She urged the Board to table this action until the landowners have more time gather information. She asked for test data on wells, and urged the Board to allow Ms. Hinnet's request.

Judith McGeary, Landowner in Milam County and is also an Attorney, asked to speak on the behalf of others in Milam County. She feels that the water is being depleted from the Aquifer faster than it can recharge. She stated that the people who are not in favor of the Vista Ridge project should also be given consideration. Give us a reason to support local control. She encouraged the Board to draft a report under Rule 7.6.

T. Barrett Lyne, stated that he has attended meetings here and also at the Brazos Valley GCD. He feels that the monitoring is not sufficient. He stated the faults in our area make our modeling inaccurate, and the data is not inclusive of all the information that we have. He also stated that landowners can't sell their land if there is no water to support it. He also stated he is suspicious of letters of support for this application.

Colleen Waring, landowner in Milam County stated that she has a vested interest in what you do here every day and that she has 2 wells and they are both in the Post Oak Savannah monitoring system. She feels that all landowners are being placed at risk and that the information provided is based on unverified and unvalidated claims of a convicted criminal. Mr. Scott Carlson was convicted of integrity related crimes and embezzlement.

Gabbo Goetsch, stated that this was the best board meeting he had attended and appreciated the Board letting people speak with no time limits. He was appreciative of the attentiveness of the Board. He feels the landowners were bullied by Scott Carlson and were told either sign a lease or "I will take your water any way." He also expressed displeasure about the pump test that Blue Water did and where the water flowed over landowner property during this test. He asked for the District to obtain an independent monitoring company to monitor the water levels. He stated that Mr. Puente with SAWS had stated that they did not just want an adequate supply of water, but that they wanted an abundant supply of water.

Mr. Hurd, Burselson and Lee County Landowner, was concerned about the damage from the water discharged during a recent pump test done by Blue Water. He stated that 12,000 gpm were discharged and that it sucked logs into the creek and he is concerned about future and possible damage again with these moved well sites.

Lauren Ice with Save our Springs stated that Vista Ridge has hurt 2 Aquifers due to growth. She is pleased of the transparency that Post Oak Savannah has given, but stated that she has asked for the GAM results with no response. She stated that the Post Oak Savannah was ambiguous on hearings and this affects the party status. She stated that 5 days was not enough time for notice and requested that the Board delay their decision to allow the affected parties time to prepare. She further stated any violation of the Open Meetings Act would invalidate Board action.

President Sidney Youngblood, asked for clarification from Barney Knight, Legal Counsel for the District, the opinion on posting and giving notice and if sufficient notice had been given. Mr. Knight

verified that the appropriate notice had been given. He stated that if challenged, the Board could successfully defend any decision they make tonight.

Paul Terrill with Terrill & Waldrop asked to be able to respond at some point.

Mr. Lyne stated that the pumping was causing thermo-pollution and that vegetation cannot stand this heat. He also stated he was a soil scientist from the Texas A&M University.

Judith McGeary stated that the board can take action of which 2 would be open to challenge, and the only option would be to not take action on this and require the applicant to show good cause for the variance request.

Comment was heard from Ronnie Coleman thanking the District for having everyone here and commenting that more people needed to show up for the regular meeting. He said usually only 5 or 6 people are here. He stated that the landowner has the right to lease their property and have wells drilled. He appreciates the difficult decision the Board has to make, but request more due diligence. He stated the Board doesn't have to give us the information form these questions, but use the information to make your decisions. Do you due diligence.

President Youngblood thanked the citizens Ronnie Coleman and Judith McGeary for their participation on the committees and thank everyone for their comments tonight. GM Gary Westbrook stated that we now have a nice facility and that the DFC and Rules Committee Meetings are open to the public.

T. Barret Lyne commented that he felt the modeling was insufficient and inaccurate. Barbara Tienert commented that she felt she had been pressured to lease with Scott Carlson telling her either lease or they will take your water any way. She feels her land will be destroyed and that the withdrawal of water will cause her property to sink.

Comment was given by Paul Terrill stating that Board needed to focus on the facts. Notice was given and mailed and placed in both county newspapers. Straight forward and easy to understand- no need for an attorney and he read out loud the notice that was in the paper. He stated that no one had pointed out and violation of Rules with regard to requirements of notice. He also stated that the accusation of 50% depletion of the Aquifer is not an accurate or responsible statement. He also pointed out that the Theis equation used by one concerned citizen was used almost a century ago and the GAM now used is more sophisticated and takes into account more factors. He also clarified that Scott Carlson is not a part of Blue Water Systems. He stated these wells would not discharge on another property owner's land, and the applicant had complied with the rules, and fairness goes both ways. He felt that to delay is wrong.

President, Sidney Youngblood, told the board that he would allow 2 more comments and then the Public Hearing would be closed.

Comment was given by Ronnie Rushing stating that he has homes in Milam and Harris County and he has been on the Water Board in Harris County. He stated that they pay \$ 20,000 for water they don't even use. He said it was great that everyone showed up, but to not let your water rights be taken away, show up and fight for your rights.

Comment was given by Judith McGeary stating that the notice was not withstanding the five (5) day notice requirement because it does not state anywhere in the notice about the variances. It is the

applicant's responsibility to meet the Rules and prove that all requirements have been met. She stated that according to Rule 4.2 the burden is on the applicant to show good cause for the well relocation and for the Board to go through the issues one by one according to the District Rules before ruling on this.

Melvin Wall reminded the Board that they were here for water conservation and not to comply with urban needs. He stated that the Board's obligation should be to the people the Board represents and not to SAWS or Williamson County.

A motion was made by Director Steven Wise to close the public hearing. The motion was 2nd by Director Lee Alford. The motion carried unanimously and the public hearing was closed at 8:12 p.m.

5. Consider Vista Ridge application to amend Drilling and Operating Permit No. POS D&O/A&M-0001c to authorize relocation of the point of withdrawal of the following wells: CW-1, CW-3, CW-5, CW-6, CW-7, CW-9, PW-9, PW-12, PW-14, PW-15 and PW-16.

Director Nathan Ausley recused himself from discussion and voting. President Sidney Youngblood asked for individual comment from each Director.

Director Steven Wise asked if more information was needed. He asked what more information could be researched? He asked if the request involved any new information and he was advised by Steve Young that nothing new was added and it was all based on the same hydrological evaluations as the original permit.

Director Lee Alford asked Ms. McGeary what more information she needed and where her information request was if they felt they needed more information. Ms. McGeary stated that she had not made a request yet but that she would be happy to provide that.

Ronnie Coleman stated that they have asked questions that the Board should be asking and the applicant should provide this information. He stated that no one is pointing fingers at the Board.

Director Wise commented that he had concerns about the flooding of Mr. Hurd's land during the pump test.

Director Tommy Tietjen asked if we had the documentation of request from the affected landowners. GM Gary Westbrook stated that we had received 8 letters from landowners.

Director Durwood Tucker stated that with either decision the same amount of water was still permitted to be produced.

Director Robert Ware stated that the applicant should have known the topography when they applied for the original well locations.

Director Lee Alford commented that he felt the Board should table this for now and allow the public to provide a list of questions for the Board to consider.

President, Sidney Youngblood asked if the public could respond by the next board meeting which is Tuesday, April 4, 2017. Legal Counsel Barney Knight advised the board to place this on the next

Agenda and then it can always be extended again if all the information is not collected. GM Gary Westbrook clarified that all questions will need to be in by April 4th.

Director Tommy Tietjen made a motion that this item be tabled and questions received by April 4th and this be placed on the next meeting agenda. The motion was 2nd by Steven Wise. The motion carried 8 to 0 with Director Nathan Ausley abstaining to vote.

6. Public Comment

President Sidney Youngblood asked for Public Comment. No Public Comment was offered.

7. Dates, locations, and times of future meetings.

President Sidney Youngblood announced the next regularly scheduled meeting would be April 4, 2017 at 5:30 pm located at the District Office.

8. Adjourn the Hearing and Board Meeting

President Youngblood adjourned the meeting at 8:46 p.m.

THE ABOVE MINUTES OF THE HEARING & MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON MARCH 28, 2017 WERE APPROVED AND ADOPTED BY THAT BOARD ON APRIL 4, 2017.



Sidney Youngblood, President

Attest:



Tommy Tietjen, Secretary/Treasurer

Date

4/4/17