

**POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT**  
**Rules Committee**  
**POSGCD District Offices**  
**310 East Avenue C**  
**Milano, TX 76556**  
**July 10, 2018 – 3:30 p.m.**

**MINUTES**

**Directors Present**

Chris Whittaker  
Sidney Youngblood  
Robert Ware

**Staff Present**

Gary Westbrook  
Bobby Bazan  
Elaine Gerren  
Ralph Sifuentes  
Doug Box

**Directors Absent**

Tommy Tietjen

**Others Present**

Shan Rutherford, Terrill & Waldrop  
Curtis Chubb, CTAC  
Blair Parker, SAWS  
Becky Goetsch, POSGCD  
Mike Kornegay, Landowner  
Steve Young, Intera  
Judith McGeary, Land Owner  
James Bene', R.W. Harden & Associates  
Calvin Whitely, CTAC  
Ralph Dizzine, Self  
Nathan Ausley, Landowner  
Drew Gholson, Texas A&M Agrilife  
Barbara Boulware-Wells, The Knight Law Firm LLP

**1. Pledge of Allegiance**

Committee Chair, Robert Ware led the group in the pledge of Allegiance to both the American and Texas Flags at 3:39 p.m.

**2. Invocation**

Sidney Youngblood gave the invocation.

**3. Review and Discussion on Section 16 of the District Rules**

Mr. Ware invited Mr. Curtis Chubb to address the committee as he had previously requested.

Mr. Chubb stated that he represented the Central Texas Aquifers Coalition (CTAC), and listed members of the coalition as himself, Calvin Whitely, Ralph Dizzine, Mike Kornegay, and Don Shurmann. He noted Mr. Shurmann was not present. He then gave a power point presentation based on his investigations in which he evaluated the District's methodologies for use of monitoring wells and

data from those wells, calculating and considering water levels, and how those methodologies and calculations are compared to DFCs, and the anticipated results of current methodologies and rules of the District.

Mr. Chubb stated that POSGCD had permitted too far over the Modeled Available Groundwater (MAG) and that during the first year of production the Vista Ridge Project would reach both Threshold 1 and 2 of the District's Rules. He further stated he anticipated production from the Simsboro aquifer to reach almost three times the MAG and based on his calculations this would result in drawdowns in the aquifer reaching over 900 feet, or three times the DFC. He then noted that based on his calculations the amount of pumping would need to be reduced by 70% to not exceed the DFC.

Mr. Chubb stated he had identified many problems with the District's Rules, but he wanted to discuss just five.

First, he stated the District was not following its Rules and Management Plan with regard to monitoring, and he cited Section 16.10 of the Management Plan.

Second, he stated there is no criteria used by the District to classify a well as a monitor well, including evaluations based on the well measuring water table or pressure. He discussed several wells and stated that since water levels in these wells had not changed a significant amount, they should not be included in the District's Monitoring network.

Third, he noted there is no requirement in the rules to install monitoring wells at the border of well fields. He then cited a George Rice Study showing large drawdowns predicted in the Simsboro.

Fourth, Mr. Chubb stated the current Rules provide no guidance about the minimum number of monitoring wells and their locations. He stated based on information obtained from the Texas Water Development Board there should be from 2-10 monitor wells per 100 square miles. He then discussed several wells with measured water levels which were not included in calculations for assessing compliance with DFCs.

Fifth, Mr. Chubb stated POSGCD doesn't know which aquifer they are monitoring, and he proceeded to discuss several wells for which the source aquifer identification had been changed from one aquifer to another between 2015 and 2018. He then stated he had determined the District had performed this change based on the groundwater availability model instead of on actual information contained in well logs for the wells.

Mr. Chubb then ended his presentation and asked for questions from the committee. There being none, he asked for their thoughts. Mr. Ware thanked Mr. Chubb for his presentation and stated there was quite a bit of information to consider.

Mike Kornegay with the CTAC asked what happens to the information received. Mr. Ware advised Mr. Kornegay that the committee would receive the information, consider it, and make recommendations to the Board when appropriate.

Ralph Dizzine asked the Committee what they saw for the next 20 years in the District.

Judith McGeary with the Farm and Ranch Freedom Alliance stated that based on Mr. Chubb's

presentation, she agreed that the alleged Rule cited by Mr. Chubb (which actually was a performance standard for Management Goal 16.10) is not being followed but she understood the reason why the District would use water levels based on a three-year rolling average.

Barbara Boulware-Wells, general counsel for the District gave clarification to the comments by Mr. Chubb and Ms. McGeary stating that they were addressing a section of the Management Plan and not the Rules, and the Rules would guide the actions in question and the Rules allowed the actions discussed.

Comment was given by Calvin Whitely with the CTAC stating that the District needed to remember their name has “conservation” in it.

Mr. Chubb then again asked the committee for their thoughts on the presentation.

Mr. Ware then recognized Gary Westbrook, general manager for POSGCD. Mr. Westbrook called on Dr. Steve Young of Intera, the District’s hydrogeologist, for clarification and answers to several of Mr. Chubb’s points.

Mr. Young asked to return to the slides in Mr. Chubb’s presentation for his comments.

First, he stated the District was indeed following its Rules and Management Plan with regard to use of water levels collected from monitoring wells as they were using actual water level measurements and methodologies as established by the Board. Mr. Young explained that results from seven different methods for evaluating the water levels were compared and discussed at multiple DFC Committee meetings and several Board meetings. During these meetings, results from an evaluation on whether to use a 1-year average, 3-year average, or 5-year average is most appropriate. After several meetings, the Board had approved the methodologies which were being followed. Mr. Young asked if Mr. Chubb had attended those meetings or read that document, entitled “Post Oak Savannah Guidance Document for Evaluating Compliance with Desired Future Conditions and Protective Drawdown Limits” (compliance document), which had recently been put out for comment to the GCDs in GMA 12. Mr. Chubb responded he had not.

Second, he stated the criteria questioned by Mr. Chubb was also established at those same meetings and contained in that same document. Mr. Young stated that all data collected in monitoring wells is used in the analysis. Mr. Young said that the change in water level varied considerably across the county was dependent on its location. Monitoring wells near pumping wells typically have larger water level changes than monitoring wells near rivers.

Third, Mr. Westbrook noted that under the Rules, the District could require monitoring of water levels in the producing wells of a well field if necessary.

Fourth, Mr. Young agreed the District would like to add additional wells and had grown its monitoring well network by almost half during the previous year. Bobby Bazan, Water Resource Management Specialist for the District verified there were now in excess of 160 monitor wells in the District’s monitoring well network. Mr. Young also explained the qualifications for inclusion of water levels from wells to be included in the DFC evaluation process, and again stated this was contained in the methodology compliance document mentioned earlier. Also contained was documentation of how all wells would qualify for use at different points in the future as soon as ample water levels had been collected.

Fifth, Mr. Young agreed there were quite a few wells which had been changed from one source aquifer to another during the period of time mentioned, and that the qualifications and methodology for this process had also been discussed and approved by the Board and was contained in the compliance document previously mentioned. Mr. Young said that the District is still evaluating the aquifer assignment of some of the wells and that the District is seeking comment from the TWDB and neighboring GCDs before making their final assignment.

Mr. Westbrook then reminded all that the compliance document discussed had been presented to all other GCDs in GMA 12 for comment, with minimal response received, and this topic was discussed at the recent GMA 12 meeting. He also noted the importance of all GCDs in GMA 12 using the same methodology for these processes in the future.

No action was taken on this item.

#### 4. Adjourn

Chairman Robert Ware adjourned the meeting at 5:15 pm.

**THE ABOVE MINUTES OF THE RULES COMMITTEE OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON JULY 10, 2018 WERE APPROVED AND ADOPTED BY THAT BOARD ON \_\_\_\_\_, 2018.**

\_\_\_\_\_  
Robert Ware, Director

**Attest:**

\_\_\_\_\_  
Gary Westbrook, General Manager

Date \_\_\_\_\_