

POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Public Hearing & Board of Directors Meeting
POSGCD District Offices
310 East Avenue C
Milano, TX 76556
September 10, 2019 – 5:30 p.m.

MINUTES

Directors Present

Durwood Tucker
Steven Wise
Lee Alford
Becky Goetsch
Sidney Youngblood
Bob Wilson
Ed Savage
Jay Wilder
Chris Whittaker
Tommy Tietjen

Directors Absent

None

Staff Present

Gary Westbrook
Bobby Bazan
Elaine Gerren
Ralph Sifuentes
Doug Box

Others Present

<u>Others Present</u>	<u>Entity</u>
Gabbo Goetsch	Landowner
Ross Cummings	Blue Water Systems
Barbara Boulware-Wells	The Knight Law Firm, LLP
Blaire Parker	SAWS
Shan Rutherford	Terrill & Waldrop
Nathan Ausley	Landowner
Dan Fisher	Landowner
Fred Russell	22 Hills
Andy Hovorak	Landowner
Scott Carlson	Metropolitan Water
Judith McGeary	Landowner
Mike Robbins	R.W. Hardin

PUBLIC HEARING

Call to Order

The Public Hearing and meeting was called to order at 5:30 p.m. by President Sidney Youngblood, who noted all Board members present. He then stated he would move to the Pledge of Allegiance and Invocation before opening the Public Hearing.

Following the Pledge of Allegiance and Invocation President Youngblood read the following from the Agenda: The Public Hearing will be held in accordance with Section 7, Section 8 and/or Section 14, Post Oak Savannah Groundwater Conservation District Rules. Contested Case Hearings shall follow the procedure set out in Section 14.5, POSGCD Rules. Opportunity for Public Comments in accordance with Section 551.007, Texas Government Code, on the Permit shall take place after the above-referenced, applicable procedures for the Public Hearing are completed but before the District's Board takes action.

1. Public Hearing on Amendment to Operating Permits for Burleson Sand, LLC, 6100 North Western Avenue, Oklahoma City, OK 73118, for amendment to two Operating Permits for water wells to produce less than or equal to 250 gallons per minute each, with total production for each well not to exceed 360,000 gallons per day and 400 acre feet per year, to be used for Industrial Use

President Youngblood then opened the Public Hearing at 5:34 and invited Chuck Paddick with Burleson Sand to provide an overview of the application. Mr. Paddick reviewed the need and use of the water to be considered for permitting. Water Resource Manager Bobby Bazan provided the background on the wells with perspective on the spacing and location of the two wells. GM Gary Westbrook stated that Intera and the District's Legal Counsel had reviewed the requested amendments to the operating Permits and he provided an overview of the Intera report on these 2 wells and their spacing in accordance with the District Rules. He noted that the spacing was adequate on one well but not on the other well to the adjoining landowner property line, but the wells did not meet spacing requirements between wells. He stated that based on the District's Rules Staff and Consultants recommended approval of 200 gpm on each well instead of the 250 gpm contained in the application, and for the permitted amount for each well to be 320 Acre Feet per year instead of the 400 Acre Feet per year as contained in the application. GM Gary Westbrook then covered a second issue dealing with rights to produce water from the tract of land owned by Burleson Sand. He stated that this property had been under lease and assigned as part of the Blue Water Systems (BWS) 130 Project leases. He noted that Burleson Sand had entered into an agreement with BWS to acquire those rights of production, and that BWS had submitted additional acreage to replace this tract of acreage in the acreage assigned to the 130 Project. He also noted a concern that the agreement was for a period of only three years. He reviewed a recommendation from District General Counsel Barbara Boulware-Wells to approve the permit for the term of 40 years conditioned upon a review of the permit 90 days prior to May 3, 2022 to determine the status of the Sublease and/or securing of right to produce beyond current 3 years pursuant to Rule 7.1.9. President Youngblood asked if the applicant, consultants or staff had anything further to discuss. They did not. President Youngblood asked Ms. Boulware-Wells if anyone had applied timely as an affected party to the hearing. She stated no one had applied. President Youngblood then asked if anyone was present who wished to be heard as an affected party under the Rules of the District. No one replied. President Youngblood then asked Ms. Boulware-Wells if it was appropriate to close the public hearings. She stated it was appropriate to do so. President Youngblood closed the public hearings at 5:45 pm.

2. Public Comments on Public Hearing

President Youngblood invited public comment on the hearing. Andy Hovarak inquired as to status of the permit should the agreement between the parties not be extended. Mr. Westbrook and Ms. Boulware-Wells provided clarification as to the process. George Sears provided comment and questions concerning the use for these wells. Mr. Westbrook provided explanation based on the application. Mr. Sears stated that the production from these wells would then have no effect on him. Judith McGeary asked about transfer of ownership of the wells should the agreement between the parties no be extended. Mr. Westbrook provided clarification that the rules addressed this issue. President Youngblood asked if there was any further comment. None was offered.

- 3. Amendment to Operating Permits for Burleson Sand, LLC, 6100 North Western Avenue, Oklahoma City, OK 73118, for amendment to two Operating Permits for water wells to produce less than or equal to 250 gallons per minute each, with total production for each well not to exceed 360,000 gallons per day and 400 acre feet per year, to be used for Industrial Use**
President Youngblood opened this agenda item and invited GM Gary Westbrook to review the recommendations again for the Board. He did so. President Youngblood complimented staff and consultants for their work in evaluating the application, and thanked them for their efforts. He then invited discussion by the Board. Several questions of clarification were asked, with staff providing answers. After discussion by the Board a motion was made by Jay Wilder to approve each well at a production capacity of 200 gpm and 320 Acre Feet per year for the term of 40 years conditioned upon a review of the permit 90 days prior to May 3, 2022 to determine the status of the Sublease and/or securing of right to produce beyond current 3 years pursuant to Rule 7.1.9. The motion was 2nd by Director Chris Whittaker. The motion passed unanimously.

BOARD MEETING

- 1. Pledge of Allegiance**
President Sidney Youngblood asked Becky Goetsch to lead the pledges to the flags of the United States and Texas and she did so.
- 2. Invocation**
President Sidney Youngblood asked Ralph Sifuentes to lead the invocation and he did so.
- 3. Call to Order and establish quorum**
This part of the board meeting was called to order at 6:03 p.m. by President Sidney Youngblood.
- 4. Public Comment on items included in agenda**
Fred Russell provided public comments concerning the Vista Ridge water project stating the District will not be able to cut back on the pumping if needed and stated that he felt the District ACP program was going to be un-fundable by the district and provided no benefit to the District or the Landowners.
- 5. Minutes of July 2, 2019 Board Meeting**
After brief discussion a motion was made by Director Steven Wise to approve the minutes of the August 6, 2019. The motion was 2nd by Director Ed Savage. The motion carried unanimously
- 6. Reschedule report for Groundwater Well Assistance Program Annual Need Assessment to October Board meeting.**
GM Gary Westbrook reviewed the requirements of the Groundwater Well Assistance Program which requires a report on the Annual Need Assessment report be presented at the September Board meeting

each year. GM Westbrook then presented a request from Intera. In the interest of using the best science Intera has asked for this to be extended until at least October or November so the most up to date information from GMA 12 and the new Groundwater Availability Model could be used. After discussion by the Board a motion was made by Steven Wise to delay this until the November 5, 2019 meeting, or earlier if possible. The motion was 2nd by Tommy Tietjen. The motion passed unanimously.

7. Report on Milam & Burleson Counties Groundwater Summit of August 14, 2019

GM Gary Westbrook provided an overview of comments received on this year's Summit, and said that he had received positive feedback. Written feedback was received from Dan Fischer stating that this was the best Summit yet. Mr. Fischer's feedback was reviewed, and it was appreciated and well received. Mr. Westbrook noted several ideas for a better summit next year.

8. Clarification of eligibility for Rainwater Harvesting Grants

GM Gary Westbrook stated that a local landowner had inquired about the possibility of public schools being able to participate in reimbursement in the Rainwater Harvesting program. He asked for clarification on eligibility for participation. Discussion was held by the Board with different options that could be included. A motion was made by Director Steven Wise to include all public schools, governmental entities and non-profit organizations. The motion was 2nd by Director Tommy Tietjen. Comment was heard from the District General Counsel Barbara Boulware-Wells who noted some concerns with some non-profit entities being included. After further discussion Director Steven Wise moved to amend the motion by striking non-profit entities from the motion and include schools and governmental entities and others to be reviewed by the Grant Committee at the time of submission. The motion to amend was 2nd by Director Tommy Tietjen. The motion to amend passed unanimously. Then the amended motion passed unanimously.

9. Board Dashboard, Committee Reports

President Youngblood asked Doug Box to put the Board Member Dashboard on the screens. He then reported the Advisory Committee would soon meet to discuss the possibility of Community Outreach Committee meeting. He then asked for any additional updates from committee chairs. Director Becky Goetsch stated that the Rules Committee will have a workshop soon and possibly a committee meeting before the next scheduled Board meeting. Steven Wise stated that the DFC Committee had a workshop last month and would schedule another workshop soon. No action was taken.

10. Aquifer Conservancy Program update

Doug Box stated that we had approximately 15,000 acres signed up to date. President Sidney Youngblood asked if there were any suggestions on getting the word out to more landowners. A suggestion was offered from Andy Hovorak, Burleson County Landowner, to appear on the local KBTX TV channel. No action was taken.

11. Review of Recent Educational Efforts and Activities

Educational Coordinator Doug Box presented a report on the recent educational efforts and activities. No action was taken.

12. Joint planning process and Desired Future Conditions (DFC's), groundwater resources in the District, and future process for evaluating District DFC's for Groundwater Management Area 12 (GMA12) and Groundwater management Area 8 (GMA8)

GM Gary Westbrook reviewed the Agenda for the upcoming meeting and the meeting minutes for past meeting of GMA 12. He advised that after the next GMA 12 meeting there

would be additional information for the DFC Committee to discuss and inform the Board. No action was taken.

13. Receive report from District Manager on recent District activities and take appropriate actions.

A. Permit applications filed with the District and Hearing Dates; Emergency Permits Granted

GM Westbrook reminded all there would be a public hearing on October 3. He then noted no Emergency Permit applications had been filed.

B. Well Drilling activities: registrations, applications, completions, plugging, inspections

There were 21 wells registered, 8 new well applications, 11 wells completed, 3 wells plugged and 2 well inspections.

C. Recent and future District presentations and activities

1. Surface Water/Groundwater Use Case Workshop of August 26, 2019

GM Gary Westbrook gave a brief outline of his participation in this workshop.

2. One Water Summit of September 18-20, 2019

GM Gary Westbrook gave a brief outline of this conference and stated that he will attend.

3. Texas Groundwater Summit of August 20-22, 2019

GM Westbrook stated that he, Bobby Bazan, Doug Box, Ralph Sifuentes, Jaelyn Robertson and two Directors attended this summit.

14. Bills received, current financial status, Investment Officer Report.

After review and discussion of the financial report and status by the board, a motion was made by Director Lee Alford to approve payment of bills and accept the financial report. The motion was 2nd by Director Tommy Tietjen. The motion passed unanimously.

15. Public Comment on items not included in agenda

President Sidney Youngblood invited public comment. No public comment was offered.

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

The next scheduled regular meeting will be on October 1, 2019 at the District Office at 5:30 pm.

17. Adjourn Board Meeting

President Sidney Youngblood adjourned the meeting at 6:49 p.m.

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON SEPTEMBER 10, 2019 WERE APPROVED AND ADOPTED BY THAT BOARD ON OCTOBER 1, 2019.

Sidney Youngblood, President

Attest:

DRAFT