

POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Public Hearings and Board of Directors Meeting
POSGCD District Offices
310 East Avenue C
Milano, TX 76556
August 11, 2020 – 5:30 p.m.

MINUTES

Directors Present

Sidney Youngblood- in person
Lee Alford- in person
Becky Goetsch- via phone
Steven Wise- via phone
Dana McClaren- via phone
Bob Wilson- via phone
Tommy Tietjen- via phone
Ed Savage- via phone

Directors Absent

Jay Wilder
Ward Roddam

Staff Present

Gary Westbrook- in person
Doug Box- in person
Bobby Bazan- via online
Elaine Gerren- via online

Others Present

Shan Rutherford - via online
Liz Ferry – via online
Steve Young - via online
James Bene`- via online
Linda Curtis – via online
Barbara Boulware-Wells - via online
Amy Hinnant -via online
Ross Cummings -via online
Brian Dobiyaniski – via online
Blaire Parker - via online
Charlotte Morgan- via online
Craig Andrews - via online
Frank Scott - via online
Jacklyn Robertson - via online
Judith McGeary – via online

Entity

Terrell Law Firm

Intera

League of Independent Voters
The Knight Law Firm, LLP
Burlson County Landowner
Blue Water
Beaver Creek
SAWS

POSGCD
Landowner
Texas A&M AgriLife
Landowner

Board Meeting

1. Pledge of Allegiance

Doug Box led the pledges to the flags of the United States and Texas.

2. Invocation

Sidney Youngblood gave the invocation.

3. Call to Order and establish quorum

The board meeting was called to order at 5:41 p.m. by President Sidney Youngblood. He proceeded to call the roll of the Board and he declared a quorum had been established, with directors verified by general counsel and staff to be in attendance either in person, by telephone or online.

4. Oath of Office

President Sidney Youngblood welcomed Ward Roddam as the new Board member appointed to the Board by the Milam County Commissioners Court to represent municipal interests. The Oath of Office was signed prior to the meeting and Director Ward Roddam will be sworn in at the next meeting.

5. Public Comment

President Youngblood invited public comment. Linda Curtis with the League of Independent Voters asked to speak during Agenda Item 11.

GM Gary Westbrook read a letter to be entered into record from Chris Whittaker offering his resignation from service on the Board and appreciation to District Board members and Staff.

6. Issuance of Operating Permits pursuant to Rule 5.5.3 to Beaver Creek WCID No. 1, 3380 Beaver Creek Drive, Caldwell, TX 77836, for the operation of two groundwater wells to be known as Well No. 1 and Well No.2 to be used for municipal water supply to the Beaver Creek WCID No. 1 CCN, to produce less than or equal to 100 gallons per minute each, with total production not to exceed 152 acre feet per year, to be used for Municipal Use.

GM Gary Westbrook notified the Board that Beaver Creek WCID No. 1 had been issued permits under Rule 5.5.3 for two wells to produce less than or equal to 100 gallons per minute each, with total production for the well system not to exceed 152 acre feet per year, to be used for Municipal Use within the CCN. He then noted these were the two wells which were the subject of the next two agenda items.

7. Public Hearing on Amendment to Operating Permits. Beaver Creek WCID No. 1, 3380 Beaver Creek Drive, Caldwell, TX 77836, submitted applications on July 7, 2020 requesting exceptions to spacing requirements according to the District's Rules in the operation of two groundwater wells to be known as Well No. 1 and Well No.2 to be used for municipal water supply to the Beaver Creek WCID No. 1 CCN, to produce less than or equal to 175 gallons per minute each, with total production for each well not to exceed 135,696 gallons per day and 152 acre feet per year, to be used for Municipal Use.

The Hearing was opened at 5:53 by President Youngblood. President Youngblood stated that no one had requested to be an affected party. GM Gary Westbrook confirmed that the applications were complete and there were no persons that have requested to make public comment on this item. GM Westbrook gave an overview of the applications. Brian Dobiyski, engineer for the applicant, and Liz Ferry, hydrogeologist for the applicant, gave a presentation of the project and applications. GM Westbrook stated one person had

submitted concerns via email which were not related to property rights in groundwater, and Mr. Dobiyski provided information to address those concerns. Steve Young of Intera presented an overview of the predicted hydrological impacts of these wells, noting there were no other wells in the Sparta Aquifer in the area, and there should be very little impact to the neighboring landowners even if they were to have a well in that formation. Frank Scott noted his well was in the Yegua-Jackson and asked what impacts might occur to water levels in his well. Steve Young stated that based on the groundwater availability model (GAM) we have, the impact on that well would be very minimal, maybe one to two feet over 40 years. Director Steven Wise asked for clarification of the permit and asked if this application is for a variance for the spacing. President Youngblood confirmed that this is a request for variance to spacing for the current permitted wells to produce up to 175 gpm for each well. GM Westbrook stated that the Rules provide for variances to be requested. Mr. Dobiyski stated that 14 of 24 necessary landowners had signed waivers for the variances which would have negated the necessity of this hearing, but there are a number of absentee owners in that area and some had not responded to BGWCID #1's request for the waivers. Mr. Westbrook stated the Rules require this hearing if all landowners identified in the Rules do not sign waivers. In this way the Rules ensure that all landowners are properly noticed with opportunity to request affected party status. Legal Counsel Barbara Boulware-Wells stated that due to the fact that they are a CCN they have a minimum volume that they are required to produce, and they cannot achieve that amount without increasing these rates and volumes. Director Wise asked if another well could be drilled to meet their needs if the Board did not approve the variances. The public hearing was closed at 6:29.

- 8. Consider Amendment to Operating Permits. Beaver Creek WCID No. 1, 3380 Beaver Creek Drive, Caldwell, TX 77836, submitted applications on July 7, 2020 requesting exceptions to spacing requirements according to the District's Rules in the operation of two groundwater wells to be known as Well No. 1 and Well No.2 to be used for municipal water supply to the Beaver Creek WCID No. 1 CCN, to produce less than or equal to 175 gallons per minute each, with total production for each well not to exceed 135,696 gallons per day and 152 acre feet per year, to be used for Municipal Use.** President Youngblood invited discussion by the Board. Director Wise asked if there was a precedent in this matter. Mr. Westbrook noted no previous matter exactly like this one. Director Wise noted his concern that the District might be setting a precedent. GM Westbrook stated that Lyons WSC was given a variance to required spacing due to their well location being near State Highway 36. Director Steven Wise ask if we have denied previous request for variances? GM Gary Westbrook answered the District had denied one request previously, and that decision was later reversed due to that variance to spacing only affecting the wells owned by applicant. Brian Dobiyski stated that as required by the Rules notices for this hearing were sent to owners of 103 parcels of land within ½ mile of each well location. He also noted 14 of the 24 landowners with property abutting the well locations had responded positively to the applicant's original request for a waiver to the spacing requirements of the Rules. GM Westbrook noted that in the absence of all necessary neighboring landowners signing waivers, the Rules allow for this procedure so that requests such as this could be considered by the Board. President Sidney Youngblood asked GM Westbrook if we should look at amending our spacing rules. GM Westbrook stated he and Steve Young had discussed the need for the current spacing Rules to be considered again since we now have a new and updated GAM. A motion was made by Director Lee Alford to approve the requests for variance from spacing for both wells as requested. The motion was 2nd by Director Becky Goetsch. The motion carried unanimously.
- 9. Minutes of July 14, 2020 as corrected and July 16, 2020 Board Meetings** GM Westbrook noted minor edits and corrections to the original draft of the July 14, 2020 meeting minutes. A motion was made by Director Tommy Tietjen to approve the corrected minutes of the July 14th and July 16th meetings. The motion was 2nd by Director Bob Wilson. The motion passed unanimously.
- 10. 2020 Aquifer Conservancy Program: Enrollment and Landowner incentives** GM Westbrook reminded that August 31, 2020 is the close for enrollment in the Aquifer Conservancy Program (ACP) this year and noted that there had been a good response this past week to the rural newsletter mailout, and that we will have additional mailouts going out this week. We also have radio ads that are being broadcast and newspaper ads published this week as well. He stated the total for this year to date, with the addition of land anticipated to be enrolled based on recent conversations with landowners who had not enrolled yet, was approaching 3,000 acres.

11. Update and status of discharge of water by San Antonio Water Systems into Mud Creek

Linda Curtis with the League of Independent Voters was recognized by President Youngblood. She asked to defer her comments to read comments from Michelle Gangnes, as Ms. Gangnes was having audio problems. President Youngblood agreed. Ms. Gangnes stated that she had just read the SAWS letter dated August 11, 2020 and her questions still remain the same: was the discharge from the SAWS pipeline necessary in that amount and for that period of time. Ms. Curtis stated that they are very proud and supportive of the job the Board and Staff has done concerning this situation.

GM Westbrook stated that the District will continue its investigations and to date has received two responses from SAWS to the letter sent to them on July 17. Staff will continue to post all correspondence and information on this event on our website.

12. Update on current process of adoption of Desired Future Conditions for aquifers in the District in Groundwater Management Area 12 and Groundwater Management Area 8

GM Westbrook reviewed recent topics of discussion, as well as actions taken, at both GMA 8 and GMA 12. He encouraged everyone to look at the packet for the upcoming GMA 8 meeting on the website, and to stay current with GMA 12 through reviewing the minutes of the previous meetings. He also encouraged attending the meetings virtually. He stated that as the Board had agreed in previous meetings, GMA 12 has asked the Texas Water Development Board to consider a minor update to the Central Carrizo-Wilcox/Queen city/Sparta GAM.

13. Report on recent activities of groundwater level monitoring from Water Resource Management Specialist

A presentation was given by Bobby Bazan, Water Resource Manager with updates on the monitoring network. He addressed recent questions about how the District is monitoring the Vista Ridge well field production, as well as impacts on water resources in the area. Mr. Bazan stated that the Board requires water level data and pumping rates from Vista Ridge wells as a condition of the permit amendment and per updated Rules. EPCOR is working with District staff and consultants to deliver this data. Mr. Bazan stated that current monitor well count is now 248, of which 237 of those are considered "Active." The reason for the adjustment in numbers is mainly due to recent work by Mr. Bazan and Intera staff to verify information on each well. This has revealed several wells which have been removed from the network for different reasons. Of these active wells, 55 are instrumented for continuous measurements. Continuous measurements will be averaged weekly and uploaded to the District database.

14. Review of Recent Education Efforts and Activities

Education Coordinator Doug Box provided an update on the District's educational efforts. He stated that upcoming classes will be noticed on the website and that due to the Covid-19 we are not able to host training at the District offices. The Summer newsletter with a focus on the ACP has been mailed out. To date 22 properties and 1800 acres had completed enrollment for this year. President Youngblood ask if we had received any comments on the cancellation on the Milam and Burleson Counties Groundwater Summit. Mr. Box stated that he had not received any comments.

15. 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 Gary Westbrook stated that there were no applications received which require a hearing and no emergency applications granted.

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

GM Westbrook stated that there were 19 registrations, 16 new applications, 3 well completions, 5 wells plugged, and 1 well inspection.

C. Recent and future District presentations and activities

1. GM Westbrook reminded the Texas Alliance of Groundwater Districts (TAGD) Groundwater Summit of September 1- 3, 2020 will be virtual and as a sponsor we still have one virtual spot left if any board member would like to attend.
2. **Office staffing, protection of staff and public, social distancing**
GM Gary Westbrook stated that staff is still social distancing and that we continue to service the public with continuing to maintain social distancing guidelines while alternating staff in the office as well as working remotely.

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

After discussion by the Board, a motion was made by Director Tommy Tietjen to approve the bills and current financial statement. The motion was 2nd by Director Bob Wilson. The motion passed unanimously.

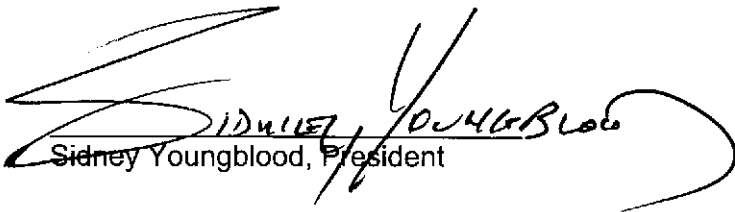
16. Dates, locations, and times of future meetings

The next meeting will be September 8, 2020 @ 5:30 at the District Offices and held virtually.

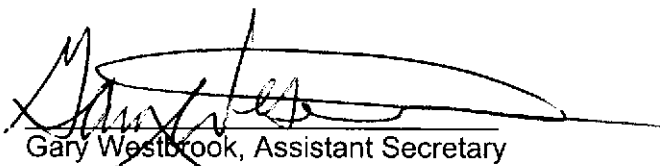
17. Adjourn Board Meeting

A motion was made by Director Tietjen to adjourn the meeting at 7:31 p.m. Director Alford seconded the motion and the motion carried unanimously.

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON AUGUST 11, 2020 WERE APPROVED AND ADOPTED BY THAT BOARD ON SEPTEMBER 8, 2020.


Sidney Youngblood, President

Attest:


Gary Westbrook, Assistant Secretary

Date 9/8/2020