

**POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Board of Directors Meeting & Public Hearing
POSGCD District Offices
310 East Avenue C
Milano, TX 76556
September 10, 2024 – 5:30 p.m.**

MINUTES

POSGCD Board Members Present

Jay Wilder
Becky Goetsch
Ed Savage
Buster Evers
Lee Pelzel
Jeffrey Zgabay
Robert Jekel

Board Members Absent

John Redington
Kit Worley

POSGCD Staff Present

Gary Westbrook
Courtney Gentry
Michael Redman
Kelli Timmerman
Jaclyn Wise
Gregory Perry
Jeff Fisher - online
Craig Andrews - online

POSGCD Consultants Present

Barabara Boulware-Wells The Knight Law Firm

Public Attendance

David Whitaker	Landowner
Bill Whitmire	Milam County Judge
Alan Gardenhire	SLR
Steve Thoreson	Laguna Water Supply
Andy Wier	SAWDF
Kaleigh Nuyttens	RWH&A
Matt Corpora	Landowner
Molly Cagle	Baker Botts for SLR
Joan Foyt	Landowner

Casey Cooper
Haley Lohten

Terrill & Waldrop
Lee County Development

Public Attendance via online

Liz Ferry
M
Stefan
Steve Young

Board Meeting

1. Pledge of Allegiance

Director Becky Goetsch led the pledges to the flags of the United States and Texas.

2. Invocation

General Manager Gary Westbrook gave the invocation.

3. Call to Order and establish quorum

Board President Jay Wilder called the Board Meeting to order at 5:33 p.m. and confirmed a quorum was present.

4. Public Comment

David Whitaker made comment regarding his concerns about wells in his subdivision running out of water.

Andy Wier made comment stating SAWDF supports the proposed amendments to the Rules and hopes the Board will adopt the amendments. He also urged the Board to focus on preservation of groundwater in the upcoming round of DFC planning in GMA 12.

5. Public Hearing on Rules: Section 1.1 Definitions of Terms, Section 4.1 Required Spacing, Section 4.2 Exceptions to Spacing Requirements, Section 5.1 Maximum Allowable Permitted Production, Section 5.3 Waivers and Variances, Section 5.5 Regulation of Production For Local Water Utilities, Section 7.1 General Permit and Registration Provisions, Section 7.4 Application Requirement For All Permits, Section 7.6 Considerations For Granting Permits, Section 7.10 Exempt Well Status, Section 16.5 Five (5) Year Reviews, and new Section 18 Requests for Verification of Water Availability Studies For Subdivisions.

President Wilder opened the Public Hearing at 5:55 p.m. Michael Redman, POSGCD Regulatory Compliance Specialist, provided an overview of the proposed Rules amendments and answered questions from the Board. GM Westbrook also answered questions from the Board.

Molly Cagle, representing SLR, made comment regarding the proposed amendments to the Rules and the timing of posting the notices and referenced

comments on many of the draft proposed rules from a letter submitted earlier this day from SLR. That letter can be found under the September 10, 2024 Board Meeting section on the District Website.

Bill Whitmire, Milam County Judge, echoed Ms. Cagle's concerns over the timing of the notices posted and urged the Board to re-notice these amendments to the Rules. He expressed his support of the new Rule 18 being adopted soon.

Barbara Boulware-Wells, POSGCD Legal Counsel, answered questions from the Board regarding the timing of the notices being posted.

President Wilder closed the Public Hearing at 6:33 p.m.

6. Consent Agenda – *All of the following items on the Consent Agenda are considered to be self-explanatory by the Board and will be enacted with one motion. There will be no separate discussion of these items unless a Board Member requests.*

- a) **Minutes of August 13, 2024 Board Meeting**
- b) **Update on Aquifer Conservancy Program (ACP) enrollments**
- c) **Water Well Monitoring Update: Number of wells and frequency of measurements, and wells plugged**
- d) **Water Well Drilling activities: applications filed, registrations issued, and inspections performed**
- e) **Groundwater Well Assistance Program (GWAP) Update: investigations and corrective actions taken**
- f) **Report on property inspections received under Interlocal Agreement with Milam and Burleson Counties**
- g) **Bills received, current financial status, Investment Officer Report**
- h) **Review of Recent Education Efforts and Activities**
- i) **Receive report from General Manager on recent District activities and take appropriate actions.**
 1. **Permit applications filed with the District and Hearing Dates; Emergency Permits Granted**
 2. **Recent and future District presentations and activities**
 - a. **Texas Alliance of Groundwater Districts Groundwater Summit of August 20-22, 2024**
 - b. **POSGCD Real Estate Seminar of September 19, 2024**
 - c. **Groundwater Management Area 8 Meeting of September 5, 2024**
 - d. **Groundwater Management Area 12 Meeting of September 20, 2024**
 - e. **Milam County Farm Bureau Annual Meeting of September 23, 2024**

- f. Workshop for Local Water Utilities with Texas Water Development Board of September 25, 2024**
- g. Workshop on Brazos River Groundwater-Surface Water Interactions of December 9, 2024**
- h. Award to District of Texas Water Development Board 2024 Agriculture Conservation Grant**

After brief discussion and clarification, Director Ed Savage moved to approve the Consent Agenda as presented and was seconded by Director Goetsch. The motion passed unanimously of all present.

7. Regular Agenda

- a) Amend Rules: Section 1.1 Definitions of Terms, Section 4.1 Required Spacing, Section 4.2 Exceptions to Spacing Requirements, Section 5.1 Maximum Allowable Permitted Production, Section 5.3 Waivers and Variances, Section 5.5 Regulation of Production For Local Water Utilities, Section 7.1 General Permit and Registration Provisions, Section 7.4 Application Requirement For All Permits, Section 7.6 Considerations For Granting Permits, Section 7.10 Exempt Well Status, Section 16.5 Five (5) Year Reviews, and new Section 18 Requests for Verification of Water Availability Studies For Subdivisions.**

After discussion, Director Goetsch moved to re-notice the Rules amendments and discuss at the next Board Meeting. She was seconded by Director Robert Jekel. The motion passed unanimously of all present.

- b) Update on Interim Legislation discussions of Texas Water Conservation Association (TWCA)**

GM Westbrook provided an update for the Board noting the TWCA Interim Groundwater Committee has taken up discussion to advance a better definition of waste and beneficial use. The committee started with using HB 4444 from the last legislative session for discussion because it had achieved consensus at the committee. HB 4444 made it through the House, but stalled at the Senate. He also noted discussions by the committee centered around GCD permitting and enforcement issues. Preliminary meetings have been accomplished and the committee will continue to work to find common language that everyone can agree on.

- c) District Staffing**

GM Westbrook noted previous discussion over the last two years about hiring an additional Field Technician. Over the next thirty days, the District will be posting a notice for one additional Field Technician. Hiring a new Field Technician will

enable more work to be done prior to SLR coming online. He answered questions from the Board.

d) Update on Water Level Viewer Tool

Mr. Redman gave an update on progress, stating that necessary agreements are almost complete and will take approximately two more weeks. He will bring an update to the October Board Meeting.

e) Update on paving for District parking lot

Gregory Perry, POSGCD Water Resource Specialist, provided an update, stating that due to the weather, BPI, Inc. has been unable to begin the paving job at the District Office. They will start as early as tomorrow, September 11th and possibly work through this weekend.

8. EXECUTIVE SESSION: Pursuant to Section 551.071 and 5512.072, Texas Government Code, the Board of Directors only will consider receiving legal advice on the following matters:

- a) Pending SOAH Docket Nos. 965-23-21218 and 965-23-21219, Application of SLR Property I, LP for a new 9,000 acre-foot per year Simsboro and Hooper Drilling and Operating Permit and Application of SLR Property I, LP for a new 15,000 acre-foot per year Simsboro Operating Permit – Discussions with the Board only**

President Wilder convened the Board into Executive Session at 6:35 p.m.

9. RECONVENE FROM EXECUTIVE SESSION: Take action on matters discussed in Executive Session

- a) Pending SOAH Docket Nos. 965-23-21218 and 965-23-21219, Application of SLR Property I, LP for a new 9,000 acre-foot per year Simsboro and Hooper Drilling and Operating Permit and Application of SLR Property I, LP for a new 15,000 acre-foot per year Simsboro Operating Permit – Discussions with the Board only**

President Wilder reconvened the Board into Regular Session at 7:54 p.m. and noted that no action was taken during Executive Session.

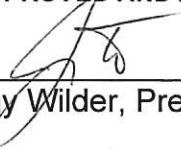
10. Agenda Items, Dates, locations and times of future meetings

Amendments to personnel and Board Policies, evaluation of the General Manager, the draft 2025 budget and Rules amendments will be agenda items at the October 2024 Board Meeting. The next Board Meeting will be held on October 8th, 2024 and 5:30 p.m.

11. Adjourn Board Meeting

The Board Meeting was adjourned at 8:08 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, 2024 WERE APPROVED AND ADOPTED BY THAT BOARD ON Oct. 8, 2024


Jay Wilder, President

Attest: 
Gary Westbrook, General Manager

Date 10-8-24