

POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Board of Directors Meeting & Public Hearings
 Post Oak Savannah Ground Water District Offices
 310 East Avenue C
 Milano, Texas 76556
 February 8, 2004 – 5:30 p.m.

MINUTES
Entity

Members Present

President Nathan Ausley
 Secretary Kerry Starnes
 Vice-President Dwayne Jekel
 Jim Hodson
 Jay Tumlinson
 Robert Ware
 Andy Hovorak

POSGCD
 POSGCD
 POSGCD
 POSGCD
 POSGCD
 POSGCD
 POSGCD

Gary Westbrook
 Elaine Gerren
 Barney Knight

District Manager POSGCD
 Administrative Assistant POSGCD
 Barney Knight & Associates – Legal Counsel

Members Absent

John Malazzo
 Jay Wilder
 Carroll Glasser

Others Present

Jackie Scott
 Dwight Mahoney
 Scott Carlson
 Stanley Caffey
 Ridge Kaiser
 Ron Freeman
 Ross Johnson
 Bill Graham
 Robert Smith
 Kodi Sawin
 Curtis Chubb
 Ross Cummings
 Bernard Rychlik
 Judith Slusher
 Earl Wayne

Brazos River Authority
 Brazos River Authority
 Metropolitan Water Co., L.P.
 Southwest Milam Water Supply
 R. W. Hardin & Associates]
 Freeman & Corbett, L.L.C.
 BVWA
 Landowner
 Landowner
 Water Texas
 Cameron Herald
 Layne Water Development of Texas
 City of Caldwell
 Landowner
 Landowner

SPECIAL MEETING

1. Board President Nathan Ausley called the Special Meeting for the Purpose of Public Hearings to order at 5:31 p.m.

2. Public Hearing on Motions for Rehearing on the adoption of the fees to be collected from groundwater production and export for 2005 of the Post Oak Savannah Groundwater Conservation District of January 11, 2005, filed by the Brazos Valley Water Alliance, L. P., and Layne Water Development of Texas, L.L.C.

The Public Hearing on Motions for Rehearing on the adoption of the fees to be collected from groundwater production and export for 2005 of the Post Oak Savannah Groundwater Conservation District of January 11, 2005, filed by the Brazos Valley Water Alliance, L. P., and Layne Water Development of Texas, L.L.C. was open at 5:32. Public Comment was heard from Mr. Ron Freeman, representing Layne Water Development. Mr. Freeman withdrew the motion for rehearing made by Layne Water Development. Public Comment was heard from Russ Johnson representing the Brazos Valley Water alliance. Comment was heard from District Counsel, Barney knight. The Public Hearing was closed at 5:43 p.m.

3. Public Hearing on Transport Permit for Southwest Milam Water Supply Corporation for groundwater to be transported to Williamson County for current CCN not to exceed 384,480 gallons per day

The Public Hearing on Transport Permit for Southwest Milam Water Supply Corporation for groundwater to be transported to Williamson County for current CCN not to exceed 384,480 gallons per day was opened at 5:44 p.m. No Comment was heard. The Public Hearing closed at 5:45 p.m.

4. Public Hearing on Transport Permit for Southwest Milam Water Supply Corporation for groundwater to be transported to Lee County for current CCN not to exceed 70,848 gallons per day

The Public Hearing on Transport Permit for Southwest Milam Water Supply Corporation for groundwater to be transported to Lee County for current CCN not to exceed 70,848 gallons per day was opened at 5:45 p.m. No public comment was heard. The public hearing closed at 5:46 p.m.

5. Public Hearing on Drilling and Operating Permit for Jimmy Lee Horcica for groundwater production of less than or equal to 50 gallons per minute to be used for Personal Use of watering livestock and irrigation of lawn

The Public Hearing on Drilling and Operating Permit for Jimmy Lee Horcica for groundwater production of less than or equal to 50 gallons per minute to be used for Personal Use of watering livestock and irrigation of lawn was opened at 5:46 p.m.. No public comment was heard. The Public hearing was closed at 5:46 p.m.

6. The special meeting adjourned at 5:46 p.m.

BOARD MEETING

1. Call to Order.

Board President Nathan Ausley called the Board Meeting to order at 5:46 p.m.

2. Public Comment

No public comment was heard.

3. Discuss Agenda and Public Hearings Agenda issues

Comment was heard from Legal counsel Barney Knight concerning the Open Meetings Act concerning the structure of Agendas and meeting format.

4. Approve minutes of the January 11, 2005 Board Meeting.

A motion was made by Director Jim Hodson to approve the minutes of the January 11, 2005 Board Meeting. The motion was 2nd by Director Kerry Starnes. The motion carried unanimously.

5. Motion for Rehearing on the adoption of the fees to be collected from groundwater production and export for 2005 of the Post Oak Savannah Groundwater Conservation District of January 11, 2005, filed by the Brazos Valley Water Alliance, L. P., and Layne Water Development of Texas, L.L.C.

A motion was made by Director Dwayne Jekel to deny a Rehearing on the adoption of the fees to be collected from groundwater production and export for 2005 of the Post Oak Savannah Groundwater Conservation District of January 11, 2005, filed by the Brazos Valley Water Alliance, L. P., . The motion was 2nd by Director Robert Ware. The motion carried unanimously.

6. Consider Transport Permit for Southwest Milam Water Supply Corporation for groundwater to be transported to Williamson County for current CCN not to exceed 384,480 gallons per day

A motion was made by director Robert Ware to approve the Transport Permit for Southwest Milam Water Supply Corporation for groundwater to be transported to Williamson County for current CCN not to exceed 384,480 gallons per day. The motion was 2nd by Director Jim Hodson. The motion carried unanimously.

7. Consider Transport Permit for Southwest Milam Water Supply Corporation for groundwater to be transported to Lee County for current CCN not to exceed 70,848 gallons per day

A motion was made by director Jim Hodson to approve the Transport Permit for Southwest Milam Water Supply Corporation for groundwater to be transported to Lee County for current CCN not to exceed 70,848 gallons per day. The motion was 2nd by director Kerry Starnes. The motion carried unanimously.

8. Consider Drilling and Operating Permit for Jimmy Lee Horcica for groundwater production of less than or equal to 50 gallons per minute to be used for Personal Use

A motion was made by Director Dwayne Jekel to approve the Drilling and Operating Permit for Jimmy Lee Horcica for groundwater production of less than or equal to 50 gallons per minute to be used for Personal Use. The motion was 2nd by director Jay Tumlinson. The motion carried unanimously.

9. Enforcement actions and direction to the general manager regarding violations of the District Rules by Layne Water Development of Texas, L.L.C. with respect to the drilling, maintenance, and operation of a water well, PW-1 located at 30.5070 N and 96.8206 W.

No Enforcement actions were taken regarding violations of the District Rules by Layne Water Development of Texas, L.L.C. with respect to the drilling, maintenance, and operation of a water well, PW-1 located at 30.5070 N and 96.8206 W.

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

General Manager Gary Westbrook reported that copies of a letter from Alcoa had been added to their packets for review and that The Brazos Valley Water Alliance had sent out a newsletter to the public that had inaccurate statements concerning actions taken by the Post Oak Savannah Groundwater Conservation District Board.

A. Permit applications filed with the District and possible Hearing Dates for those Applications

There were no Permit applications filed with the District.

B. Emergency Permits Granted, well recordings, & new well applications

There were 2 Emergency Permits Granted. Emergency Permits were issued to Layne Water Development of Texas to repair PW-1. These permits were necessary for Layne Water Development of Texas to accomplish the following:

1. Alter PW-1 to enable it to produce more total water and higher production rate and different use than it is permitted for.
2. Alter nearby exempt rig supply well, to be used to repair PW-1, to produce more total water and higher production rate, than it is permitted for.

There were 6 new well recordings, 3 new well recordings completed, and 11 exempt well registrations submitted.

C. Recent and future District presentations and activities

1. Stakeholder meeting

The stakeholder meeting will be scheduled for February 28, 2005, at 2:00 p.m., at the Milano Community Center

2. Update on URS work, and new GAM runs

The URS work is on schedule, and new GAM runs should be completed in late March

3. Region G Groundwater Workgroup

The Region G Groundwater Workgroup was attended by General Manager, Gary Westbrook. The next meeting will be on February 15, 2005.

4. Annual District audit

The Annual District audit will be presented at the next scheduled meeting.

5. Layne Water Development of Texas Fees and Penalties

Layne Water Development of Texas became current on payment and no Fees Or Penalties will be assessed.

D. Accounts Receivable and possible collection efforts

There are no Accounts Receivables that require collection at this time.

11. Consider retaining additional outside legal counsel

Comment was heard from Legal Counsel Barney Knight with recommendation to seek a law firm specializing in Water Law. A recommendation was also made to select a committee to start the process of considering different Law Firms for this position. The board made a decision to have the Executive Committee oversee this process. Being added to the Executive Committee to aid in this process will be, Director Jim Hodson, Director Carroll Glasser and Director Andy Hovorak

12. Consider employee benefits

A motion was made by Director Jim Hodson to move forward with providing employee benefits. The motion was 2nd by Director Dwayne Jekel. The motion carried unanimously.

13. Appoint committee of 2 to serve on Regional Coordinating Committee of GCDs in the Central Carrizo Aquifer Area

Director Nathan Ausley and Director Dwayne Jekel volunteered to serve on the Regional Coordinating Committee of GCDs in the Central Carrizo Aquifer Area.

14. Bills received and current financial status

A motion was made by Director Jim Hodson to pay all bills. The motion was 2nd by Director Dwayne Jekel. The motion carried unanimously.

15. Dates, locations, and times of future meetings

The next scheduled meeting will be March 8, 2005 at the District office in Milano, Texas at 5:30 p.m.

16. Adjourn

The meeting adjourned at 6:28 p.m.

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON FEBRUARY 8, 2005 WERE APPROVED AND ADOPTED BY THAT BOARD ON MARCH 08, 2005.

Nathan Ausley, President

Attest:

Kerry Starnes, Secretary/Treasurer _____ Date _____

A meeting recording of this meeting is available on CD.