

POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Board of Directors Meeting
POSGCD District Office
310 East Avenue C
Milano, Texas 76556
May 10, 2011 – 5:30 p.m.

MINUTES

Members Present

Andy Hovorak
Kerry Starnes
Jay Tumlinson
Lee Alford
Dwayne Jekel
Nathan Ausley
Robert Ware

Entity

POSGCD
POSGCD
POSGCD
POSGCD
POSGCD
POSGCD
POSGCD

Gary Westbrook
Drew Gholson
Barney Knight
Steve Young

POSGCD
POSGCD
Knight & Partners
Intera

Board Members Absent

Jay Wilder
Carroll Glaser
Jim Hodson

Others Present

Ross Cummings
Jackie Scott
Keith Hanspard

Entity

Blue Water
BRA
Lost Pines GCD

BOARD MEETING

1. Call to Order

Board President, Nathan Ausley called the public meeting to order at 5:30 p.m.

2. Public Comment

Board President, Nathan Ausley asked for public comment. No public comment was offered.

3. Minutes of February 24, 2011 Rules Committee Meeting, April 12, 2011 Grant Committee Meeting, April 12, 2011 Board Meeting, and May 4, 2011 Rules Committee Meeting

A motion was made by Director Jay Tumlinson to approve all minutes of previous meetings as presented. The motion was 2nd by Director Robert Ware. The motion carried unanimously.

4. 2011 Budget

District General Manager (GM) Gary Westbrook recommended that the 2011 Budget expenditures for Groundwater Conservation Grants be amended from \$1,000,000 to \$1,011,904, to accurately reflect the award of an additional \$11,904 for these grants. A motion was made by Director Robert Ware to amend the 2011 Budget as recommended. The motion was 2nd by Director Lee Alford. The motion carried unanimously.

5. Groundwater Conservation Grant Ranking and Scoring

The Board briefly discussed the Ranking and Scoring document used for evaluation of Groundwater Conservation Grants. Recommendations to be returned to the Grant Committee for consideration to be included in next year's applications were clarification of the second item on the list, possible inclusion of examples of equations for the sixth and seventh items on the list, and addition of points to be awarded for entities who have someone in attendance at educational workshops sponsored by the District. GM Westbrook recorded notes of these discussions for the committee to consider at its next meeting.

6. GMA 8 and GMA 12 joint planning process and DFCs, groundwater resources in the District, and future process for evaluating District DFCs, and identification of possible necessary changes to District Rules and District Groundwater Management Plan

This item opened with agenda item 7.

7. Recommended amendments to Management Plan and Rules

Board President, Nathan Ausley opened agenda items 6 and 7 together at this time. GM Westbrook reported that at this time the District has not issued permits in the Brazos Alluvium formation within Milam County as contained in Groundwater Management Area 8, and also that the District does not have monitor wells in that area to evaluate Desired Future Conditions. Therefore, he and District hydrologist Steve Young of Intera recommend that the District declare, by motion, that the Brazos Alluvium formations of the District, located within GMA 8, be declared by the District to be non-relevant for joint planning purposes. A motion was made by Director Nathan Ausley to declare the Brazos Alluvium formations of the District, located within GMA 8, non-relevant for joint planning purposes, as recommended. The motion was 2nd by Director Jay Tumlinson. The motion carried unanimously.

Discussion then moved to the Draft Management Plan and Draft Rules of the District, with recommended amendments highlighted in red, by the Rules Committee to be discussed by the Board prior to public hearings and adoption. The recommended amendments were reviewed and discussed. During discussion, several clarifications, along with additional amendments, as noted herein, were recommended to both the Draft Rules and Draft Management Plan.

Additional amendments to the Rules included:

1. Make all frac work, including frac work during original exploration of oil and gas non-exempt, requiring a permit and payment of fees, and subject to spacing, but not requiring a hearing.
2. Create a separate permit category for domestic use in excess of exempt limits for production, requiring a permit and payment of an annual production fee, but exempt from hearing requirements, such that the language is similar to:

A well that, after the effective date is drilled in full compliance with these rules, that is used solely for domestic use and that is completed, equipped and maintained so that it is incapable of producing more than 50,000 gallons of groundwater per day.

Additional amendments to the Management Plan included revisions as recommended by the Texas Water Development Board in a document, entitled Pre-review #1 and forwarded to the District following a review of the Draft Management Plan, by Board Staff. These amendments would bring the Draft Management Plan into compliance with requirements of state law.

After further discussion of the changes, amendments, minor edits and revisions, and other modifications as generally approved by the Board for inclusion in the Draft Management Plan and Draft Rules, Board President Ausley opened agenda item 8 along with items 6 and 7.

8. Order Public Hearings for July 12, 2011 on amendments to Management Plan and Rules

A motion was made by Director Ausley to include the changes, amendments, minor edits and revisions, and other modifications as discussed and generally approved by the Board to the Draft Management Plan and Draft Rules, and to set them for public hearing July 12, 2011. The motion was 2nd by Director Andy Hovarak. The motion carried unanimously.

9. Received report from District Manager Report on recent District activities and take appropriate actions.

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

No permits were filed that required hearings.

B. Well recordings and registrations, New well applications and completions, Wells plugged

No emergency permits were issued, 2 wells were recorded, 8 new applications for exempt wells were submitted, 0 exempt wells were completed and 0 plugging applications were received and 1 well was plugged.

C. Recent and future District presentations and activities

1. Legislation

GM Westbrook gave a brief report on pending legislation concerning groundwater.

2. District Education Program and Spring Workshop for Local Water Utilities in the District

GM Westbrook reported that 44 persons, including representatives of 20 out of the 29 local water utilities in the District attended the workshops held by the District.

3. Investigations of violations of Rules

GM Westbrook gave a summary report on past investigations of violations of the Rules, including settlements between by the Texas Department of Licensing and Regulation and Stanley Budnik over past violations.

10. Bills received and current financial status.

A motion was made by Director Jay Tumlinson to approve payment of the bills as presented. The motion was 2nd by Director Kerry Starnes. The motion carried unanimously.

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

President Nathan Ausley announced that the next regularly scheduled meeting would be June 14, 2011, at the POSGCD District Offices at 5:30 p.m.

12. Adjourn Board Meeting

President Nathan Ausley adjourned the meeting at 6:43 p.m.

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON MAY 10, 2011 WERE APPROVED AND ADOPTED BY THAT BOARD ON JULY 12, 2011.

Nathan Ausley, President

Attest:

Kerry Starnes, Secretary/Treasurer

Date_____

A meeting recording of this meeting is available on CD.