

POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Board of Directors Meeting
Milano Community Center
120 West Avenue J
Milano, Texas 76556
August 11, 2009 – 5:30 p.m.
MINUTES

Members Present

Dwayne Jekel
Jim Hodson
Jay Tumlinson
Robert Ware
Andy Hovorak
Lee Alford III
Nathan Ausley
Jay Wilder

Entity

POSGCD
POSGCD
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Gary Westbrook
Elaine Gerren
Drew Gholson
Barney Knight
Steve Young

POSGCD
POSGCD
POSGCD
Knight & Partners
U.R.S.

Board Members Absent

Carroll Glaser
Kerry Starnes

POSGCD
POSGCD

Others Present

Jackie Scott
Paul Terrill
Ross Cummings
Ken Hall
Mary Ausley
Bill Cast

Entity

BRA
The Terrill Firm
Blue Water System L.P.
Southwest Milam WSC
Self
Cameron Herald

BOARD MEETING

1. Call to Order

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

2. Public Comment

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

3. Minutes of July 14, 2009 Board Meeting

A motion was made by Director Jim Hodson to approve the minutes of the July 14, 2009 Meeting. The motion was 2nd by Director Jay Wilder. The motion carried unanimously.

4. **Enforcement actions and direction to the general manager regarding violations of the District Rules by Brien Water Wells, of Hearne, Texas for altering an unregistered exempt well to non-exempt status without a permit from the District for Whiskey Hollow Ranch, Robert Walsh, near Gause, Texas**

A motion was made by Director Jim Hodson to accept the self imposed fine offered by Brien Water Wells for violations of the District Rules for altering an unregistered exempt well to non-exempt status without a permit from the District for Whiskey Hollow Ranch, Robert Walsh, near Gause, Texas and to establish a schedule of fines for all future violations to be brought to the board for consideration. The motion was 2nd by Director Robert Ware. The motion carried unanimously

5. **Big Creek Construction use of water for construction of FM 60 Highway project in Burleson County**

A motion was made by Director Jim Hodson to grant a waiver to J & J Cattle Company for use of water by Big Creek Construction for construction of FM 60 Highway project in Burleson County for the length of this project. The motion was 2nd by Director Jay Tumlinson. The motion carried 7 to 0, with Director Jay Wilder abstaining from vote.

6. **Report from District Investment Officer**

Director Dwayne Jekel, District Investment Officer, invited the report from the General Manager. General Manager, Gary Westbrook reported that in March the District had moved all but \$ 200,000 Of the Districts Deposits from the Tex-Pool account to Citizens National Bank and that Citizens National Bank had pledged additional securities adequate to cover the funds in the District Money Market Account.

7. **Vince Patranella request to transfer historic use for irrigation to replacement well located next to original well permitted POS-HUP-0249 at N30 30' 02, W96 31' 01**

A motion was made by Director Nathan Ausley to deny the request to transfer historic use for irrigation to replacement well located next to original well permitted POS-HUP-0249 at N30 30' 02, W96 31' 01. The motion was 2nd by Director Jim Hodson. The motion carried unanimously.

8. **State Water Planning Process before and since HB1763, 79th Legislature**

General Manager gave a presentation of the State Water Planning Process before and since HB1763, 79th Legislature

9. **Texas Alliance of Groundwater District meeting in Corpus Christi, July 27-29, 2009**

General Manager, Gary Westbrook reported that he had attended the Texas Alliance of Groundwater District meeting in Corpus Christi, July 27-29, 2009

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

Steve Young with U.R.S gave a presentation concerning the GMA 12 joint planning process and preliminary DFCs, groundwater resources in the District, and future process for evaluating District preliminary DFCs and DFCs, and identification of possible necessary changes to District Rules and District Groundwater. Mr. Young and the General Manager outlined U.R.S. work and District activities for the next two months including a District Stakeholder meeting at the

11. Resolution regarding Blue Water Systems, L.P. well PW-1 and Well System Permits

President, Nathan Ausley recused himself and turned the meeting over to Vice-President Dwayne Jekel. After brief discussion the board convened into executive session at 7:06 p.m. The board reconvened from executive session at 7:45 p.m. A motion was made by Director Jim Hodson to grant a one-time variance to Blue Water Systems that would only apply to PW-1, and that the variance would provide that so long as the fees applicable to production and transport from PW-1 are timely paid to the District, and the production and operation of PW-1 remains in compliance with the District's Rules, the permits for PW-1 will not be terminated, with the end date of the variance to be the same as the initial permit termination date, and that approval of the variance will be contingent on Blue Water System, L.P. being current with all of their fees on September 1, 2009. The motion was 2nd by Director Robert Ware. The motion carried 6 to 1 with Director Andy Hovorak opposed and Director Nathan Ausley abstaining from vote.

12. 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. Emergency Permits Granted, well recordings, & new well applications and completions

District GM Gary Westbrook reported one emergency permit issued to Vince Patranella, pending consideration of his request to transfer Historic use to this new well. President, Nathan Ausley moved to approve the Drilling and operating permit for the new well referenced in agenda item # 7. The motion was 2nd by Director Jay Wilder. The motion passed unanimously. 17 wells were recorded, 4 new applications for exempt wells were submitted, and 7 exempt wells were completed.

C. Recent and future District presentations and activities

1. Investigation of water quality in Ed Smotek well, Lyons, Texas

General Manager, Gary Westbrook reported that we are waiting for the water quality report from the Railroad Commission.

2. Brazos Region G Regional Water Planning Group Groundwater District Voting Member Vacancy

General Manager Gary Westbrook will go for an interview with the Water Planning Group Executive Committee on Wednesday.

3. Annual meeting with Brazos River Authority to discuss cooperative opportunities for conjunctive resource management as required in District Groundwater Management Plan

General Manager, Gary Westbrook reported that the Annual meeting with Brazos River Authority to discuss cooperative opportunities for conjunctive resource management as required in District Groundwater Management Plan was on August 4, 2009

4. 2009 District Conservation and Enhancement Grant contracts

A motion was made by Director Robert Ware to revoke the 2009 Grant Award to the City of Snook, since they had not executed the required contracts and agreements to date, and to roll the grant amount of \$6750 for the City of Snook back into the grant program and to accept all

other grant contracts for 2009. The motion was 2nd by Director Andy Hovorak. The motion carried unanimously.

13. Bills received and current financial status.

A motion was made by Director Jim Hodson to approve payment of the bills as presented. The motion was 2nd by Director Jay Tumlinson. The motion passed unanimously.

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

President Nathan Ausley announced that the next regularly scheduled meeting would be September 8, 2009, at the District's offices at 5:30 p.m.

15. Adjourn Board Meeting

President Nathan Ausley adjourned the meeting at 7:59 p.m.

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON AUGUST 11, 2008 WERE APPROVED AND ADOPTED BY THAT BOARD ON SEPTEMBER 8, 2009.

Nathan Ausley, President

Attest:

Kerry Starnes, Secretary/Treasurer

Date_____

A meeting recording of this meeting is available on CD.