

**Clearwater Underground Water Conservation District Meeting**  
**700 Kennedy Court**  
**Belton, Texas**  
**Tuesday, January 14, 2014**  
**Minutes**

The Clearwater Underground Water Conservation District (CUWCD) held a board meeting on Tuesday, January 14, 2014 at the Clearwater UWCD Building, located at 700 Kennedy Court, Belton, Texas.

**Board Members Present:**

Leland Gersbach, President  
Wallace Biskup, Vice President  
Judy Parker, Secretary  
David Cole, Director  
Bill Bartlett, Director

**Public Advisory Committee:**

Henry Bunke  
Bill Schumann  
Bradley Ware  
Tom Madden

**Staff:**

Dirk Aaron  
Shelly Chapman

**Guests:**

Mike Gershon-Lloyd Gosselink Attorney at Law (via phone)  
Merrill Shelley  
Larry Heffington

**Board Meeting called to order with President, Leland Gersbach, at 1:30 p.m.**

***1. Invocation and Pledge of Allegiance:***

Vice President, Wallace Biskup, gave the invocation.  
Director, Bill Bartlett, lead the Pledge of Allegiance.

**Public Hearing opened with President, Leland Gersbach at 1:37 p.m.**

***2. Hold Public Hearing concerning proposed amendments to the District Rules.***

President, Leland Gersbach, reviewed the procedures for the Public Hearing to include proper posting and notification of the Public Hearing. President Gersbach noted that all requirements had been met.

President Gersbach commented that the Board has had an opportunity to review the proposed rule changes and that a copy was made available for public review should anyone be interested. Mr. Gersbach opened the floor to comments or questions from the Board. Director, David Cole, commented that the District is changing some of the wording in the rules that needs to be properly identified and defined. On page 3 the District is starting to use the word "injurious" to describe undesirable water. Director Cole stated that when a District is changing from one descriptive word to another, that word needs to be properly defined and added to the list of "Definitions of Terms" in Section I, Rule 1.1. Director Cole referred to Legal Counsel and the General Manager for the definition of the word "injurious". General Manager, Dirk Aaron, referred to TDLR's definition of the word and put something together for the District's Attorney, Mike Gershon, to review. Dirk's suggestion for the definition of the word "injurious" is as follows: Injurious water shall mean water that has a harmful, hurtful, and/or detrimental effect on any beneficial use of groundwater. Director Cole asked for Mike Gershon's opinion on the definition of "injurious". Mike looked up the statutes that govern TDLR and stated that Dirk's definition is consistent with TDLR's. TDLR's definition also refers to water that adversely affects vegetation, land, or other water. Mike suggested that we use those 3 concepts in the definition as well.

Director Bill Bartlett asked if the Well Drillers generally adhere to the rules. Dirk commented that 99% of the Well Drillers to abide by the rules. Dirk informed the Board that all the Well Drillers have been notified of the proposed rule changes and were invited to give feedback.

President Gersbach opened the Hearing for Public comment. Merrill Shelley addressed the Board with concerns he had about the water quality of his well and the issues he has had with the Pump Installer and Well Driller on his permitted well. Mr. Shelley gave a short history of water quality concerns due to, in

his opinion, that his well was improperly constructed and there is possible commingling of Glen Rose and Middle Trinity water.

**Public Hearing closed and Board Meeting reconvened with President, Leland Gersbach at 2:22 p.m.**

**3. Discuss consider and take action if necessary on proposed District Rule Amendments.**

Director, Bill Bartlett, moved to adopt the proposed Rule Amendments as a group and include the definition of “injurious” as defined by Dirk Aaron. Director, David Cole, seconded the motion. **Motion carried 5-0.**

**4. Public Comment.<sup>2</sup>**

No public comment.

**5. Approve minutes of the December 10, 2013 Board Meeting and Workshop.**

Secretary, Judy Parker, moved to approve the Minutes of the December 10, 2013 as presented. Vice President, Wallace Biskup seconded the motion. **Motion carried 5-0.**

**6. Discuss, consider and take appropriate action if necessary to accept the monthly financial report as presented.**

Director, Bill Bartlett, moved to accept the monthly financial report as presented. Director, David Cole, seconded the motion. **Motion carried 5-0.**

**7. Discuss, consider and take appropriate action if necessary accept the monthly Investment Fund account report as presented.**

Director, David Cole, moved to accept the monthly Investment Fund account reports as presented. Vice President, Wallace Biskup, seconded the motion. **Motion carried 5-0.**

**8. Discuss, consider and take appropriate action if necessary to accept the Quarterly Deferred Compensation Employee Retirement Program account report as presented.**

Director, Bill Bartlett, moved to accept the Quarterly Deferred Compensation Employee Retirement Program account report as presented. Secretary, Judy Parker, seconded the motion. **Motion carried 5-0.**

**9. Discuss, consider and take appropriate action if necessary on proposed 2014 Holiday Schedule.**

Staff presented the proposed 2014 Holiday Schedule to the Board. The holidays proposed mimic the 2013 Holiday Schedule.

Vice President, Wallace Biskup, moved to accept the proposed 2014 Holiday Schedule as presented by Staff. Secretary, Judy Parker, seconded the motion. **Motion carried 5-0.**

**10. General Manager’s report concerning office management and staffing related to District Management Plan.**

- Dirk Aaron gave an update on the progress and work being done by Tommy Lovelace on the monitor wells at the Gault site. Dr. Yelderman from Baylor is planning to take his class to the site.
- Working on the Annual Report.
- IRS has changed the mileage reimbursement to .56 as of Jan. 1, 2014
- The District is clear with BarW.

Director, David Cole, inquired about the status of the City of Temple wells. Dirk informed him that Tommy Lovelace will work on those once the project at the Gault site is finished.

**11. Receive monthly report and possible consideration and Board action on the following:**

**a. Salado Creek stream flow gauges**

Dirk presented an update on the stream flow gauges.

**b. Education Outreach Update**

Dirk presented an update on education outreach and Todd's accomplishments

**c. Monitoring wells**

Dirk presented the monitor well information to the Board

**d. Rainfall/Drought Conditions**

Dirk discussed the rainfall totals and drought conditions

**e. Well registration**

Shelly informed the Board that there was 1 grandfathered wells registered in December and no new wells.

**f. Non-exempt Monthly well production**

Dirk presented the monthly production report to the Board.

(Copies of the Monthly Staff Reports were given to the Board Members to review. No action required. Informational items only.)

**12. Public Advisory Committee comments.** <sup>3</sup>

Tom Madden inquired about the status of the Salamander issue. Dirk gave the Board and PAC a brief update.

**13. Director comments** <sup>3</sup>

Judy Parker - Next GMA8 meeting will be Jan. 21<sup>st</sup>.  
- Region G meeting will be Feb. 16<sup>th</sup>. The head of TWDB will be speaking.  
- Chisolm Trail/Georgetown issue is coming to a head. There will be protests and a public hearing. River Ridge Ranch will be submitting a letter as a group and John Fisher will also be submitting a letter protesting.

David Cole - Thanked the Staff for continuing to do a good job.

**14. Discuss agenda items for next meeting.**

Workshop items for next month's meeting:

1. Update from Dr. Yelderman and Stephanie on the Baylor Univ. project
2. AgriLife Interpretive presentation
3. Update status of Modeling project from Allan Standen

Agenda items:


1. Possible Public Hearing – Dean Mikeska operating/drilling/aggregation of 2 wells

**15. Set time and place of next meeting.**

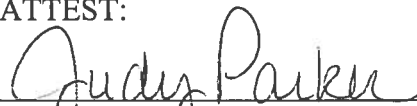
February 11, 2014 @ 1:30

**16. Adjourn.**

**Meeting adjourned by President, Leland Gersbach at 3:20 p.m.**

  
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Leland Gersbach, President

ATTEST:

  
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JUDY PARKER, Secretary

(A compact disc of this meeting is available upon request.)