

**MINUTES OF
JULY 13, 2009
BOARD MEETING
CENTRAL TEXAS GROUNDWATER
CONSERVATION DISTRICT**

The Board of Directors of the Central Texas Groundwater Conservation District met in regular session Monday, July 13, 2009 at 6:00 p.m. in the District office located at 225 S. Pierce Street, Suite 104, Burnet, Texas.

The following persons were present:

Members Present

John Simmons, President
Wayne Brown, Vice President
Jerry Bostick, Secretary
Clyde Waters, Director
Todd Fox, Director

Staff and or Consultants Present

Richard Bowers, General Manager
Donnita Coats, Administrative Assistant
Tom Partridge, P.E.

Others present (who signed the attendance Record)

Ten Members of the Public

President Simmons declared a quorum present and called the Meeting to order at 6:00 p.m.

President Simmons asked for public comments.

Chad Calhoun addressed Director Waters in regards to the number of signatures on a petition in opposition to passing District Rules at this time and presented additional petitions.

There were no other comments from the public.

President Simmons then asked the Directors to consider the Minutes of the Board Meeting held May 4, 2009.

Jerry Bostick moved to:
Approve the Minutes of the May 4, 2009 Board Meeting as presented.
Second was by Clyde Waters.
Vote on the motion carried.

President Simmons then asked the Directors to consider the Minutes of the Board Meeting held June 1, 2009.

Clyde Waters moved to:
Approve the Minutes of the June 1, 2009 Board Meeting as presented.
Second was by Jerry Bostick.
Vote on the motion carried.

President Simmons then asked the Directors to consider the Minutes of the Special Board Meeting held June 5, 2009.

Wayne Brown moved to:

Approve the Minutes of the June 5, 2009 Special Board Meeting as presented.

Second was by Jerry Bostick.

Vote on the motion carried.

President Simmons then asked the Board to consider the expenditures for May and June 2009.

Vice President Brown asked that copies of Technical Consultant and Attorney invoices be included as an attachment to future transaction details of expenses.

Todd Fox moved to:

Approve the expenses for May and June 2009.

Second was by Wayne Brown.

Vote on the motion carried.

President Simmons then asked the Board for consideration and/or action on Budget and funds held account.

Secretary/Treasurer Bostick proposed the following line item transfers within the Budget:

Move \$10,000.00 from Reserves to Contract Services - Legal

Move \$40,000.00 from Payroll Expenses–Salary & Wages to Contract Services–Technical Consultant

Move \$ 7,000.00 from Capital Purchase–Vehicle to Capital-Purchase Monitor Wells & MW Equip.

Move \$ 5,000.00 from Capital Purchase–Vehicle to Capital Purchase-Office & Field Equipment

Vice President Brown requested that the line item transfer to Contract Services-Legal be removed from the proposal. Secretary/Treasurer Bostick noted that the line item was over budget as of the end of June so it would be best to make the transfer and spend as little as possible on legal fees. Vice President Brown asked if any of the funds transferred to Contract Services–Technical Consultant would be used for services by AECOM. General Manager Bowers stated that there may be expenses paid to AECOM for IT services for GIS Database and BCAD Aerial Photography but no Hydrology expenses.

Todd Fox moved to:

Approve budget line item transfers to move \$10,000.00 from Reserves to Contract Services - Legal; \$40,000.00 from Payroll Expenses–Salary & Wages to Contract Services–Technical Consultant; \$7,000.00 from Capital Purchase–Vehicle to Capital-Purchase Monitor Wells & MW Equip. and \$5,000.00 from Capital Purchase–Vehicle to Capital Purchase-Office & Field Equipment.

Second was by Clyde Waters.

Vote on the motion carried.

President Simmons then asked Robert Ruggiero, P.G. to give his presentation on 3D Earth Modeling. Mr. Ruggiero gave his presentation and a proposal for contract services for the Board to consider. President Simmons asked General Manager Bowers and Consulting Engineer Partridge to review the proposal and report to the Board at the next regular meeting as to their opinion on whether the

proposal would benefit the District at this time. If they feel the 3D Earth Modeling would benefit the District, Mr. Ruggiero would be asked to come back to the Board with a more detailed proposal.

President Simmons then asked General Manager Bowers for a Report on the meeting with the Texas Water Development Board on June 17, 2009 in regard to available groundwater for the Trinity Aquifer in the Central Texas GCD Management Plan, changing the Managed Available Groundwater for the Trinity Aquifer for the District in GMA 8 process and District Action on the Ellenburger-San Saba Aquifer Assessment for GMA 8.

The General Manager provided the following report:

June 17, 2009

**Texas Water Development Board (TWDB) and
Representatives from the District**

Representatives present:

Central Texas Groundwater Conservation District John Simmons, President, Wayne Brown, Vice President, Richard Bowers, General Manager, Tom Partridge, P.E.

Texas Water Development Board Robert Mace, Deputy Executive Administrator, William R. Hutchinson, Director Groundwater Resources, Cindy Ridgeway, Manager Groundwater Availability Modeling, Janie Hopkins, Manager Groundwater Monitoring, Rima Petrossian, Manager Groundwater Technical Assistance.

Information presented by the District for discussion:

The District has drilled 5 wells in various areas of Burnet County to assess the Trinity Aquifer. The results of the information gained from these wells and review of additional well logs indicate significant discrepancies from the Trinity Groundwater Availability Model.

We believe our findings reflect that:

1. The lower Trinity aquifer is present only in eastern/southeastern Burnet County and even in these limited areas contains little ground water.
2. A large majority of Burnet County does not contain the Lower Trinity but may contain the Ellenberger Aquifer directly underlying the Middle Trinity at an elevation, quantity and quality that is usable groundwater.
3. The District Management Plan states that the Trinity Aquifer Recharge for the District is: Average Year 35,749 acre-feet per year and Drought of Record 16,331 acre-feet per year. We believe these two amounts reflect the recharge to the aquifer and is the correct amount of available groundwater to use in the Management Plan and probably the amount for use in the Trinity GAM for GMA 8.
4. We believe the 3,600 acre-feet identified as total groundwater available for the Trinity Aquifer was not a calculated amount based on recharge or any other method that would have resulted in a volume of groundwater available for the Trinity. We believe the amount was based on the estimate of annual amount of groundwater being used within the District.
5. The District Management Plan provides total estimated groundwater availability for the three Minor Aquifers – Marble Falls 1,600 acre-feet, Ellenburger-San Saba 4,400 acre-feet, and the Hickory 3,600 acre-feet. All of these amounts are based on the calculated amount of recharge. We believe the estimated groundwater availability for the Trinity aquifer should also be based on a calculation of recharge.

Questions asked during the discussion:

- How does the Central Texas GCD Management Plan, the Groundwater Management Area 8 Desired Future Conditions process and State Statutes impact the District when “after the fact” we discover the available groundwater for the Trinity is on the order of 35,000 acre-feet per year rather than the 3,600 acre-feet used in the Management Plan?
- What are our options?
- How soon can this be corrected?
- What do we need to do to make this happen?

Conclusion:

None of the four questions listed above were answered directly by TWDB.

From the discussion and suggestions during the discussion and a couple of phone conversations with Robert Mace I believe we need to proceed as follows:

- Continue development of the characteristics of the Trinity aquifer as they relate to Central Texas GCD.
- Calculate the amount of net recharge to the Trinity aquifer within the District.
- Amend the District Management Plan, submit the proposed amendment to TWDB and ultimately adopt the amended Management Plan.
- Submit a request to GMA 8 to request an additional Groundwater Availability Model run using the amended CTGCD “available groundwater” amounts for the Trinity aquifer. Or request GMA 8 to request a “Water Budget Model” for the Trinity aquifer for our District. (The decision on which request the District will request will be determined after we submit our amended Management Plan to TWDB.)

The Manager then began to present the information he and Tom Partridge had been working on in preparation of the information to send to the TWDB.

Clyde Waters asked that the Manager stop and stated that we need a work session on this single subject to understand engineering and possibly advise GMA 8 of what is going on.

Director Brown said all of this would affect the method to manage groundwater and it would take time to amend the Management Plan.

Director Waters asked if General Counsel Sledge needed to advise the Board.

A work session date was discussed. Tom Partridge said he would not set a date until scheduled monitor well drilling and pump test were complete which would take about 3 weeks. President Simmons recommended setting the work session date at the August Regular Meeting.

President Simmons then asked the General Manager for Monitoring Well Project Discussion and Monitoring Well update report. There was no additional information to report on that had not been discussed after the report on the June 17, 2009 TWDB meeting.

Charles Shell with the City of Bertram stated that the City has an unused well and he would be willing to present an agreement between the City and the District to the City Council to use an existing well as a monitoring well.

Board members asked that a report of the total number of monitoring wells be included in the materials provided at each meeting.

President Simmons then asked the Board to consider and/or act on allowing limited use of District Monitoring Wells by landowners.

General Manager Bowers informed the Board that he had received request from landowners of potential monitoring well sites to have use of monitor wells under certain circumstances. He also presented a proposed addendum to the existing monitoring well agreements.

Board members discussed the pros and cons of allowing production from monitoring wells and decided to look at each circumstance individually to determine if the request for use would critically impact the monitor well program.

President Simmons then asked for consideration and/or action on the Resolution on GTA Aquifer Assessment 08-03mag Ellenburger-San Saba Aquifer in Groundwater Management Area 8.

The General Manager summarized the Aquifer Assessment and presented a resolution for consideration by the Board.

Jerry Bostick moved to:

Adopt the following Resolution on GTA Aquifer Assessment 08-03mag Ellenburger-San Saba Aquifer in Groundwater Management Area 8.

**Central Texas Groundwater
Conservation District
Resolution 07/13/09
Ellenburger-San Saba Aquifer**

WHEREAS: The District received GTA Aquifer Assessment 08-03mag DRAFT by Robert G. Bradley, P.G., Texas Water Development Board Groundwater Technical Assistance Section dated May 6, 2009. The Board of Directors, Tom Partridge, P.E., assessing the ground-water hydrology on behalf of the District, and the General Manager have reviewed the Aquifer Assessment.

WHEREAS: The District understands that the Assessment was performed using Aquifer information available to the Texas Water Development Board as of the time the Assessment was performed. The Assessment also uses Desired Future Conditions approved by the Board of Directors of the District and the Directors of Groundwater Management Area 8. The District also recognizes that the stipulation of using 80 percent of the estimated recharge is a volume and not a condition. The District realizes this is a management directive of the District and therefore the condition was not used in the Assessment.

WHEREAS: The District believes the results of the Assessment based on the information and method used reflects the estimated annual effective recharge to the Aquifer within the District. The District realizes that the estimated effective recharge to the aquifer for the District is also the annual Managed Available Groundwater for the District.

WHEREAS: The Central Texas Groundwater Conservation District is in the process of drilling monitor wells throughout the District. The information gained from these wells will more accurately define the boundaries of the Aquifers within the District including both outcrop and subcrop areas.

The District will provide the information to the Texas Water Development Board as data becomes available.

THEREFORE BE IT RESOLVED: At this time the Central Texas Groundwater Conservation District will support the results of the GTA Aquifer Assessment 08-03mag using the adopted Desired Future Conditions for the Groundwater Management Area 8 and the resulting annual Managed Available Groundwater volumes for the District.

BE IT FURTHER RESOLVED: The Central Texas Groundwater Conservation District will request that an additional Aquifer Assessment be performed for the Ellenberger-San Saba Aquifer that includes the information from the monitoring well data.

AND IT IS SO ORDERED.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS on this 13th day of July, 2009.

By: _____
John Simmons - President

Attest: _____
Jerry Bostick - Secretary

Second was by Wayne Brown.

Vote on the motion carried.

Yes - 4

No - 1

All members voted.

President Simmons then asked for the Board to consider and/or act on Groundwater Management Area 8 issues.

General Manager Bowers presented the following information:

He and Director Waters had received another request for funding from GMA8. The request is for an additional \$500.00 from some of the Districts to pay a \$3,763.22 invoice. The request also included a spreadsheet showing the contributions as of June 25, 2009 as follows:

District	Amount
Saratoga	\$2,566.66
Central Texas and Fox Crossing	3,066.66
Clearwater, Middle Trinity, and Post Oak Savanna	4,066.66
McLennan Co.	1,000.00
Northern Trinity	0.00
Tablerock	1,000.00
Upper Trinity	3,500.00

In addition to this list the Manager stated that the CTGCD had paid TCB-AECOM an estimated \$4,000 (based on invoice 10029793) for the preparation of the Paleozoic Minor Aquifers DFCs submittal documents for approval by GMA8. We had agreed to pay this expense since it was our request to revisit these Minor aquifers but it was still a GMA8 expense of which we stood the entire cost. This is in addition to the \$3,066.66.

The Manager explained that although the list includes 10 districts that Saratoga and Fox Crossing do not have funding and the Tablerock District was dissolved during the last Legislative session.

He also stated that the request asked that all districts include some funding in their budget for next fiscal year for GMA8 contributions. This request had received some comment from some of the Districts wanting to know “contributions for what?”

The Board discussed previous funding procedures for GMA 8 activities and agreed that in the future the GMA should contact the district for approval before expenses are incurred and money is spent. President Simmons directed General Manager Bowers to write a letter to Cheryl Maxwell to inform her of their decision.

President Simmons then asked the General Manager for the Managers Report. General Manager Bowers reported that he will be attending a Public Funds Investment Training and Texas Alliance of Groundwater Districts Quarterly Meeting in Corpus Christi, Texas July 27 thru 29th.

President Simmons then asked the Board to identify any specific agenda items for the next Board Meeting.

Budget – First Presentation - Adopt in September
Schedule for Amended Management Plan
Set Date for Work Session

President Simmons set the next regularly scheduled Board Meeting date for Monday, August 3, 2009 at 6:00 p.m. at the District Office.

President Simmons adjourned the meeting at 8:15 p.m.

John Simmons, President

Jerry Bostick, Secretary