

Lost Pines Groundwater Conservation District

Board of Directors Regular Agenda Minutes

Wednesday, September 17, 2008

The Board of Directors convened at 7:00 p.m. in a meeting pursuant to public notice having been given, at Aqua WSC, Bastrop, Texas. The following members of the Board were present: Alice Darnell, President; Michael Neese, Vice-President; Doug Prinz, Secretary-Treasurer; Directors Keith Hansberger, Travis McPhaul, Glenn Marburger, Ann Mesrobian, Billy Sherrill, Carl Steinbach and Michael Talbot.

Staff members present: General Manager, Joe Cooper, Peggy Campion and Barry Atkins.

Consultants present: Tim Brown, Legal Counsel, Robert Kier and Katie Kaighin, Hydrogeologists, Robert Saunders and Mike Sizemore, Governmental Affairs.

The following members of the public attended the meeting: see attachment one (1).

3. *Public Comments.* President Darnell began the meeting by calling for public comments. John Burke, General Manager of Aqua WSC, stated that Aqua has on the agenda seven drilling permit applications. These permits are badly needed as Aqua has applications for over 16,000 living unit equivalencies in 5 or 6 subdivisions and need the wells to provide water to these subdivisions.

4. *Acceptance of the resignation of Director Robert B. Lee as a director. For Board action.* President Darnell advised the Board that the District had received a letter of resignation from Director Robert B. Lee and requested that Secretary Prinz read Robert B. Lee's letter of resignation from the Board of Directors. After reading the letter aloud, Secretary Prinz moved to accept the resignation of Robert B. Lee with regrets. Director Talbot seconded the motion, which carried unanimously.

5. *Consideration of appointing a replacement director to fill the unexpired term of Director Lee. For Board Action. The District's creating law gives the Board the authority to appoint a person to fill a vacancy on the Board.* Director Sherrill recommended and moved that the Board appoint Travis McPhaul to fill the unexpired term of Robert B. Lee. Director Marburger seconded the motion, which carried unanimously. At this time, Travis McPhaul was sworn in by Assistant Secretary Peggy Campion and took his seat with the other Board members.

6. *Approval of the minutes of the August 20, 2008 regular board meeting.* President Darnell called for comments or corrections from the Board, there being none, the minutes were approved as mailed.

7. *Consideration of the financial report and adoption of any budget amendment necessary.* No amendments were suggested and no action was taken on budget amendments.

8. *Applications by Aqua Water Supply Corporation for seven drilling permits in Bastrop County. Consideration of deferring issuance of drilling permits to the General Manager.* After President Darnell called the item, Vice-President Neese tendered an affidavit to her indicating that because he was the Deputy General Manager of Aqua WSC, he had a conflict of interest to participate in this item. He then recused himself from any participation with the agenda item and left his board seat during the ensuing discussion and vote. President Darnell called on General Manager Cooper to explain the items due to the number of permits and the amount of ground water involved. Since Dr. Kier had reviewed the applications, General Manager Cooper asked Dr. Kier to explain the applications and to present the studies he performed for the Board along with his conclusions and recommendations regarding the effects of issuing all or some portion of the drilling permits on the aquifer. Dr. Kier explained that he used the currently available Queen City Groundwater Availability Model (GAM) developed under the auspices of the Texas Water Development Board (TWDB) for the purpose of knowing the impacts and effects on the aquifer, assuming that the applications would lead to operating permits. He then proceeded with his presentation showing his findings using the GAM and the ground water demand figures developed by the ground water conservation districts (GCDs) in Groundwater Management Area 12, (GMA 12). Those other districts in GMA 12, as established by the TWDB, are Brazos Valley GCD, Fayette County GCD, Lost Pines GCD, Mid-East Texas GCD, and Post Oak Savannah GCD, which have the objective of developing Desired Future Conditions (DFCs) as relating to the aquifers in the District. Dr. Kier showed that permitting of the withdrawal of 31,000 acre-feet per year (ac-ft/yr) in the Porter's Branch well field in Burleson County by Post Oak Savannah GCD seriously affects water levels in Lee County and even Bastrop County. But, he noted, that the drilling permits requested by Aqua, if they later came to be approved as operating permits at the estimated amounts of withdrawal proposed in the applications, would not affect water levels in Post Oak Savannah GCD because the Porter's Branch well field is near or in the thickest part of the Simsboro Aquifer where the sands are well connected, whereas the Aqua wells would be off to the side where the Simsboro is much thinner and the sands are less well connected. The Simsboro ceases to be recognizable as a discrete aquifer or stratigraphic unit just south of the Colorado River. However, the Porter's Branch well field impact with its potential drawdown of water levels in the aquifer in Bastrop County, together with the effects of the seven Aqua WSC applications would exceed the drawdowns being considered by Lost Pines GCD's DFC committee and the average drawdown for Lost Pines GCD currently before representatives of GMA 12. Dr. Kier then modeled the effects of issuance of the drilling permits on the aquifer, assuming they would translate into operating permits, by reducing the number of wells one by one, until it appeared that acceptable level of drawdown potentially associated with the drilling permits could be achieved. Additionally, Dr. Kier examined the potential level of drawdown of water levels in the aquifer associated with Aqua's requests for seven drilling permits if withdrawals at the Porter's Branch well field were reduced to an amount that limited drawdown in that well field to 400 feet. The 400 foot drawdown figure is the level which representatives of Post Oak Savannah GCD maintain is the maximum permissible drawdown allowed by that District's currently approved Management Plan in the area of the Porter's Branch well field. In conclusion, as a result of his studies and in light of the impact on the aquifer, Dr. Kier recommended that only one drilling permit near McDade and two drilling permits on the Griffith Ranch be approved. Director Hansberger moved to authorize General Manager Cooper to approve the drilling permits as recommended by Dr. Kier, with Aqua WSC having the option of which of its drilling permits at McDade and on the Griffith Ranch it wanted. Director Mesrobian seconded the motion, which carried unanimously.

9. *Report on GMAC 12 meeting.* Vice-President Neese reported that the meeting which was held on August 28, 2008 was given a presentation by several District consultants and included an

overview of the overall Desired Future Condition planning process associated with the GMA12. The information presented predicted average draw downs of the aquifers represented in the GMA are going to force Lost Pines to once again evaluate the Desired Future Conditions that the District will experience.

10. *Report on Region K meeting.* Director Mesrobian attended the Region K meeting and reported that Turner, Collie and Braden presented an update on work they are doing to ensure that the next phase of planning begins with the most up to date information. Also speaking were David Meesey, TWDB, John Burke, Chairman of Region K, Bob Rose, LCRA, Jennifer Walker and Karen Haschke, Region K members.

11. *General Manager's Report.* President Darnell then recognized General Manager Joe Cooper for presentation of his General Manager's report. See attachment two (2).

12. *District legislation, related legislation and/or activities that affect or pertain to the District and groundwater.* Robert Saunders and Mike Sizemore gave a legislative update to the board.

13. *Consideration of conferences, meetings and educational opportunities Board members desire to attend.* President Darnell and Directors Mesrobian and Talbot will be attending the Texas Water Law seminar September 18-19, 2008 in Austin, Texas

16. *Consideration of agenda calendar and events.* The next regular board meeting will be held October 15, 2008 at Giddings City Hall, Giddings, Texas.

President Darnell adjourned the meeting at 8:05 p.m.

Approved:

Alice Darnell, President

Attest:

Doug Prinz, Secretary-Treasurer