

BLUEBONNET GROUNDWATER CONSERVATION DISTRICT

Board of Directors Called Meeting and Public Hearing

Wednesday, March 11, 2009

1:00 PM

Waller County Road and Bridge Office
775 Business 290 East
Hempstead, Texas

Minutes of Meeting

In Attendance: Directors Patout, Sandel, Beckendorff, Paben, Huebner, Ward, Hodges, Copeland, Minze, Neel, Blezinger, General Manager Behm, Sally Williams, Administrative Assistant, Bill Dugat, Bickerstaff, Heath, Delgado; Charles R. Williams, Aecom; Michael A Gershon, Kristen S. Olson, Lloyd Gosselink, Rochelle & Townsend, PC; Rajan Shamdasani, Spring Preserve Water Company; and the following recorded participants; Steve Elder, Orval Rhoads, Joanne Gregory, Yancy Scott, Louise Muller, Frank Brooks, Cindy Baker, Paul Phillips, Henry R. Muller, William Gamblin, James Richard "Rick" Welch, Tom Gleason, David Lund, David Yeats, Donald Yeats, Owen Ralston, Waller County Judge; Edwin J. Halcrow, Jr., Versia M. Halcrow, David Derrick, G&W Water Supply Corp.; Raymond Phillips, Eileen Halcrow, William Gamblin, Daniel B. Stephens & Associates, Inc., Mary Beth Carlson, Sunbelt Reporting and Litigation Services.

The Bluebonnet Groundwater Conservation District Board of Directors held a Special Called Meeting and Public Hearing on Wednesday, March 11, 2009 in the Waller County Road and Bridge Office located at 775 Business 290 East, Hempstead, Texas. The public hearing and Board meeting commenced at 1:00 p.m. The meeting and public hearing concern:

1. Call to Order

The meeting was called to order at 1:08 PM by Board President, Jared Patout.

2. Public Hearing.

Jared Patout conducted the Public Hearing on the matter of the Non-Exempt Well Development Application and Well Operating Permit Application filed by Spring Preserve Water Company, LLC, for a proposed non-exempt public water supply well being generally located six miles northeast of Waller, Texas on Kickapoo Road and Hegar Parkway. Mr. Patout discussed the hearing process. It will be an evidentiary hearing. The only parties allowed to present evidence at this hearing will be the General Manager, the Applicant, and the Protesting Parties. All testimony will be sworn. The Board may ask questions after the finish of cross-examination. All parties will be

permitted to make opening and closing arguments not to exceed ten minutes each. There will be aggregated time limits on each party's use of the hearing, 1.5 hours from Spring Preserve Water Company, the Applicant; 1.5 hours for Protesting Parties and one hour for the General Manager. Reviewed registrants to participate followed with comments. Opening remarks for the Applicant were made by Mr. Gershon. Opening remarks for the General Manager were made by Mr. Behm. The following Protesting Party representatives made opening remarks; David Lund, Rick Welch, Tom Gleason. Following a brief recess the Applicant's Presentation was made by Mr. Gershon and Mr. Gamblin. The Protesting Parties presentation was made by Mr. Welch. The General Manager presented Mr. Charles R. Williams who provided testimony. The Protesting Parties' closing statements were made by Mr. Welch. General Manager Behm iterated the District's charge to make decisions based on available information and recommended granting the authority for the permit, authorization to drill the test well following conference with hydrogeologist as to whether or not operating permit be issued. Mr. Gershon presented the Applicant's closing argument. The Board then considered the testimony.

Director Beckendorff moved to permit the test well. Director Hodges seconded the motion. Director Beckendorff then amended his motion to include monitoring of the test well and wells of surrounding landowners who agree. The motion authorizes the General Manager to issue the main well permit and the operating permit if analysis of the data from the test wells confirms or is reasonably close to the hydro-geological report analysis. Director Hodges seconded the amended motion. Following discussion the Board voted. The motion carried.

3. Adjourn

The meeting was adjourned at 7:04 PM.

A certified copy of the transcript of the complete hearing is on file at the Bluebonnet Groundwater Conservation District office.

THE ABOVE MINUTES OF THE CALLED MEETING OF THE BOARD OF DIRECTORS OF THE BLUEBONNET GROUNDWATER CONSERVATION DISTRICT AND PUBLIC HEARING HELD ON MARCH 11, 2009, WERE APPROVED AND ADOPTED BY THAT BOARD ON APRIL 15, 2009.

(s) J. Jared Patout
J. Jared Patout, President

ATTEST:

(s) Joe B. Sandel
Joe B. Sandel, Secretary