

BLUEBONNET GROUNDWATER CONSERVATION DISTRICT

Board of Directors
Called Meeting and Public Hearing

Wednesday, November 18, 2009
10:00 AM

Bluebonnet Groundwater Conservation District
Waller County Road and Bridge Office
775 Business 290 East
Hempstead, Texas

MINUTES OF MEETING

In attendance: Directors Patout, Beckendorff, Brandes, Huebner, Thomas, Hodges, Sandel, Minze and Paben, General Manager Behm, Administrative Assistant Williams, Amos Trejo, Werlinger & Assoc. Bill Dugat, Bickerstaff Heath, Charles R. Williams, Bar W Water, Mike Gershon, Lloyd Gosselink; Kristen Olson, Lloyd Gosselink; William Gamblin, Rajan Shamdesani; Jim Blackburn, Adam Friedman, Velie Andaverde, Hank Muller, L Muller, H.C. Clark, Andrea Barclay, Caterina Cron, Alisa Max, Frank Pokluda, Terry E. Harrison, William F. Fendley, Frank E. Brooks, John Seifert, Jr., Steve Elder, Cindy Baker, Paul Phillips, Tom Gleason, Donald R. Yeats, Rick Welch, David A. Lund, Jim Hodge, Rita Pyle, Eileen Halcrow, Edwin J. Halcrow, Jr., Versia M. Halcrow.

1. Call to order

The meeting was called to order at 10:04 AM by President J. Jared Patout, Presiding Officer.

A video recording of the entire meeting was made and is on file at the District office. Separate minutes of the discussion and comments made during the public hearing at the meeting were not made. Only Board actions will be recorded in these minutes.

2. The public hearing was opened at 10:14 AM by Presiding Officer, J. Jared Patout.

Numerous persons in attendance made comments or gave testimony during the hearing. All these comments or testimony are recorded on the video recordings of the meeting

3. After discussion the Board of Directors took the following actions:

Issue 1:

Whether the production well drilled pursuant to Well Development Authorization issued by District General Manager on April 14, 2009 was properly authorized.

A motion was made by Beckendorff, seconded by Paben that:

- a. The General Manager properly authorized the Applicant to develop a well with water from a production zone between 320 to 370 feet.
- b. The Authorization limited the Applicant to a pump test.
- c. Production from the well for uses other than a pump test was not authorized.
- d. The April 14, 2009 Well Drilling Authorization specifically precluded issuance of Operating Permit until approval of the data from the well.

Approved 9 Yes 0 No

Issue 2:

Whether it is necessary to require monitoring of wells beyond the monitoring previously authorized by the General Manager.

A motion was made by Sandel, seconded by Minze that:

- a. The General Manager properly authorized monitoring of three wells. One well owned by Rick Welch. The second well drilled as an observation/monitor well by the Applicant. The third well was Applicant's existing well.
- b. It is not necessary to conduct additional monitoring before issuing an Operating Permit.

Approved 9 Yes 0 No

Issue 3:

Whether the Applicant satisfied its burden to prove that an operating permit should issue for the requested well in compliance with all District Rules and Chapter 36 of the Texas Water Code.

A motion was made by Minze, seconded by Paben that:

- a. the Applicant has satisfied the burden of proof that:
 1. The application conforms to the requirements of the Rules and Chapter 36 of the Water Code and is accompanied by the appropriate fees.;
 2. The proposed use of water is dedicated to beneficial use at all times.
 3. The proposed use of water will not cause or contribute to waste and the Applicant has agreed to avoid waste and achieve water conservation;
 4. The proposed use of water does not present the possibility of unreasonable interference with the production of water from exempt, existing or previously permitted wells or other surface water resources;
 5. The proposed use of water is not otherwise contrary to the public welfare;
 6. The proposed use of water is consistent with the District's certified Management Plan or an approved regional water supply plan;
 7. The Applicant has agreed that reasonable diligence will be used to protect groundwater quality and that the Applicant will follow well plugging guidelines at the time of well closure and report closure to the District and the TCEQ; and
 8. The water will be used within the term of the permit.

- b. An Operating Permit should issue authorizing an annual production of 44,712,500 gallons annually.
- c. The term of the permit shall be 5 years.

Approved 9 Yes 0 No

Issue 4:

Whether the initial test hole was drilled pursuant to a Well Development Authorization issued by the District's General Manager on March 13, 2009; whether the test hold has been properly plugged; and, whether any further action by the Applicant or enforcement action by the District is required.

A motion was made by Paben and seconded by Beckendorff that:

- a. The initial test hold was not drilled in the correct location under the Well Development Authorization issued by the District's General Manager on March 13, 2009.
- b. The initial test hold has been properly plugged.
- c. No further action is required.

Approved 9 Yes 0 No

Other Matters:

A motion was made by Sandel and seconded by Thomas that:

The General Manager is to negotiate and enter into an agreement with the Applicant that the Applicant will maintain Well No. BWLL-0048TW as a monitor well to be accessed and monitored for water level readings by the District. The agreement shall be presented to the Board on January 20, 2010. The data from this well will be evaluated by the General Manager when the operating permit is renewed or amended.

Approved 9 Yes 0 No

The meeting was adjourned at 7:25 PM

THE ABOVE MINUTES OF THE CALLED MEETING OF THE BOARD OF DIRECTORS OF THE BLUEBONNET GROUNDWATER CONSERVATION DISTRICT HELD ON NOVEMBER 18, 2009 WERE APPROVED AND ADOPTED BY THAT BOARD ON JANUARY 20, 2010.

(s) David Minze _____
David Minze, Vice-President

ATTEST:

(s) Joe Sandel _____
Joe Sandel, Secretary