

Lost Pines Groundwater Conservation District

Board of Directors Agenda Minutes

Wednesday, September 26, 2018

The Board of Directors convened at 7:00 p.m. in a meeting pursuant to public notice having been given, at Bastrop Convention & Exhibit Center, Bastrop, Texas. The following members of the Board were present: President Michael Talbot; Vice-President, Billy Sherrill; Secretary-Treasurer, Doug Prinz; Directors: Herbert Cook, David Fleming, Larry Schatte, Clifton Seidel, Michael Simmang, Sheril Smith and Carl Steinbach.

Staff members present: Jim Totten, General Manager, Peggy Campion and Dana Goertz.

Consultants present: Natasha Martin and Greg Ellis, Attorneys and Andy Donnelly, Hydrogeologist.

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

1. President Talbot called the meeting to order.
2. Welcome and introductions.
3. *Public Comments.* There were no public comments.
4. *Public hearing regarding the applications of Lower Colorado River Authority for Operating Permits and Transfer Permits for eight wells in Bastrop County under District Well Nos. 58-55-5-0032 (Well No. 1); 58-55-5-0033 (Well No. 2); 58-55-4-0016 (Well No. 3); 58-55-4-0017 (Well No. 4); 58-55-4-0018 (Well No. 5); 58-55-4-0019 (Well No. 6); 58-55-4-0020 (Well No. 7); and 58-55-4-0021 (Well No. 8) in the Simsboro aquifer to withdraw not more than an aggregate of 25,000 acre-feet of water per year for municipal, industrial, recreational, irrigation, and agricultural purposes in the Lower Colorado River Authority Water Service Area.* Director Fleming and Secretary-Treasurer Prinz recused themselves from Agenda Items 4, 5 and 6. President Talbot reviewed the procedures for the hearing. At 7:16 p.m., President Talbot opened the public hearing. John Hoffman, representative for LCRA, gave a recap for the Board and public the roll of LCRA, the reasons for the eight permit applications and disagreement with language presented in the draft permit leading to LCRA's contested case request. President Talbot then called on General Manager Totten for his recommendation, which was to refer to the State Office of Administrative Hearings. Mr. Hoffman and General Manager Totten answered questions from the Board. The Board then heard public comments from many members of the public. At 9:59 p.m., President Talbot closed the public hearing.
5. *Executive session pursuant to Tex. Gov't Code Section 551.071 so that the Board may seek the advice of its Attorney regarding pending or contemplated litigation, including, but not limited to the following:*

The pending applications of Lower Colorado River Authority for Operating Permits and Transfer Permits for eight wells in Bastrop County under District Well Nos. 58-55-5-0032 (Well No. 1); 58-55-5-0033 (Well No. 2); 58-55-4-0016 (Well No. 3); 58-55-4-0017 (Well No. 4); 58-55-4-0018 (Well No. 5); 58-55-4-0019 (Well No. 6); 58-55-4-0020 (Well No. 7); and 58-55-4-0021 (Well No. 8). The Board went into executive session at 10:02 p.m. At the conclusion of the closed meeting, the Board went back into open meeting. After returning to open session, President Talbot announced the time to be 10:13 p.m. and that no votes had been taken.

6. Consideration and possible action on the applications of Lower Colorado River Authority for Operating Permits and Transfer Permits for eight wells in Bastrop County under District Well Nos. 58-55-5-0032 (Well No. 1); 58-55-5-0033 (Well No. 2); 58-55-4-0016 (Well No. 3); 58-55-4-0017 (Well No. 4); 58-55-4-0018 (Well No. 5); 58-55-4-0019 (Well No. 6); 58-55-4-0020 (Well No. 7); and 58-55-4-0021 (Well No. 8) in the Simsboro aquifer to withdraw not more than an aggregate of 25,000 acre-feet of water per year for municipal, industrial, recreational, irrigation, and agricultural purposes in the Lower Colorado River Authority Water Service Area. President Talbot called for a motion on this agenda item. Director Steinbach moved to refer (1) all contested case hearing requests on the pending LCRA applications to SOAH for the preliminary hearing and the hearing on the merits, (2) direct District staff to contract with SOAH to conduct the preliminary hearing and the hearing on the merits, and (3) direct District staff to coordinate with all persons requesting referral to SOAH on the costs associated with the SOAH contract. Vice-President Sherrill seconded the motion. Greg Ellis, Attorney for the Board, gave a summary on what the motion entails. President Talbot then called for a vote, which carried unanimously.

President Talbot adjourned the meeting at 10:22 p.m.

Approved:



Michael Talbot, President



Doug Prinz, Secretary-Treasurer