

Lost Pines Groundwater Conservation District

Board of Directors Agenda Minutes

Wednesday, October 20, 2021

The Board of Directors convened at 7:00 p.m. in a meeting pursuant to public notice having been given, at First National Bank, Bastrop, Texas. The following members of the Board were present: President Sheril Smith; Vice-President Kathryn Rogers; Secretary-Treasurer Michael Simmang; Directors: Herbert Cook, Phil Cook, Larry Schatte, and Billy Sherrill.

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

Consultant's present: Natasha Martin and Chris Cyrus, Attorneys and Andy Donnelly, Hydrogeologist.

1. President Smith called the meeting to order.
2. Welcome and introductions.
3. *Public Comments.* The Board heard comments from the public.
4. *Review and approval of the minutes of the September 15, 2021 regular board meeting and the October 12, 2021 special called board meeting which included the LCRA final hearing.* Director P. Cook moved to approve the minutes of the September 15, 2021 regular board meeting. Director H. Cook seconded the motion, which carried unanimously. Secretary-Treasurer Simmang moved to approve the minutes of the October 12, 2021 special called board meeting. Vice-President Rogers seconded the motion, which carried unanimously.
5. *Consideration of the financial report for period of September 1, 2021 through September 30, 2021.* Director Schatte moved to accept the financial report as presented. Director H. Cook seconded the motion, which carried unanimously.
6. *Consideration of and possible action on GateHouse Water, LLC's ("GateHouse") Requests for Contested Case Hearing in Response to Votes Taken on July 21, 2021 Regarding (i) GateHouse's Compliance with Special Condition No. 8 of GateHouse's Ten LPGCD Operating Permits; and (ii) Separate Application to Amend GateHouse's Ten LPGCD Operating Permits (the "July 21 Hearing Requests"), and GateHouse's Requests for Contested Case Hearing in Response to Votes Taken on July 27, 2021 Regarding (i) GateHouse's Compliance with Special Condition No. 8 of GateHouse's Ten LPGCD Operating Permits; and (ii) Separate Application to Amend GateHouse's Ten LPGCD Operating Permits (the "July 27 Hearing Requests").* After calling for public comments, and there being none, the Board went into execution session at 7:17 p.m. for agenda items 6 and 7. At the conclusion of the closed meeting, the Board went back into open meeting at 7:49 p.m. and President Smith called for a motion. Director P. Cook moved to deny GateHouse's request for a contested case hearing on the Board votes taken on July 21, 2021

because the Board vacated the votes taken on that date. Vice-President Rogers seconded the motion, and the vote which carried unanimously with Director. H. Cook recused. After seeking clarification from Attorney Natasha Martin concerning the timeliness of the contested case hearing request and whether GateHouse was entitled to a public hearing, Vice-President Rogers moved to deny GateHouse's request for a contested case hearing on the Board votes taken on July 27, 2021 because no timely request was made for a contested case hearing. Director Schatte seconded the motion, which carried unanimously with Director H. Cook recused.

7. *Consideration of and possible action on GateHouse's Consolidated Motion for Rehearing in Response to the Board's Actions, Votes and Orders Taken July 27, 2021, August 18, 2021 and August 30, 2021 regarding (i) GateHouse's Compliance with Special Condition No. 8 of GateHouse's Ten LPGCD Operating Permits, and (ii) Denial of GateHouse's Application to Amend its Production Permits.* Vice-President Rogers moved to table consideration of the motion for rehearing while legal staff examines the issues raised in the motion. Director Sherrill seconded the motion, which carried unanimously with Director H. Cook recused.

8. *Discussion of and President's appointment of board members to committees.* President Smith appointed Vice-President Rogers to the rules committee, Director P. Cook to the building committee and Director Cole to the monitoring committee. These filled the vacancies with the departure of Mike Talbot.

9. *Discussion of and update by General Manager Totten and District Hydrogeologist Andy Donnelly on Groundwater Management Area 12 (GMA 12) progress to adopt the desired future conditions (DFCs) proposed by GMA 12 in the current round of joint planning, and the process for updates to the District Management Plan following adoption of the DFCs.* Hydrogeologist Andy Donnelly gave an update on GMA 12's progress to adopt the DFCs and the process for updates to the District Management Plan once adopted. Mr. Donnelly and General Manager Totten answered questions from the Board and public.

10. *Discussion of plans for the Rules Committee to conduct open meetings to evaluate current District Rules and whether any amendments to the rules will be recommended to the Board. Further discussion of topics and issues to refer to the Rules Committee for evaluation.* President Smith announced that she planned to conduct open meetings with the rules committee and invite the public and stakeholders to join.

11. *General Manager's Report.* President Smith next recognized General Manager Totten for presentation of the General Manager's report. Please see Attachment A.

12. *Discussion of Lost Pines Groundwater Conservation District legislation, related legislation and/or activities occurring that affect or pertain to the District and groundwater.* There was no legislative report given.

13. *Consideration of a Board workshop, conferences, meetings and education opportunities Board members desire to attend.* There were none at this time.

14. *Discussion of possible future agenda items and board meeting dates.* There will be a special called Board meeting November 8, 2021 at Bastrop Convention Center, a GMA 12 meeting November 12, 2021 in Milano, Texas and the regular board meeting will be November 17, 2021 at Giddings Public Library.

15. *Executive session of the Board pursuant to Texas Gov't Code section 551.071, or any closed session permitted by law, to consult with its attorneys and seek advice regarding the following item:*

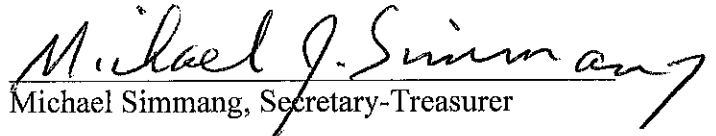
a) *Consultation with Attorneys regarding Items 6 and 7 described above.*

The Board went into executive session at 7:17 p.m. regarding Items 6 and 7. At the conclusion of the closed meeting, the Board went back into open meeting at 7:49 p.m.

President Smith adjourned the meeting at 8:56 p.m.

Approved:


Sheril Smith, President


Michael Simmang, Secretary-Treasurer

Lost Pines Groundwater Conservation District

P. O. BOX 1027
Smithville, TX 78957

MEMORANDUM

DATE: October 20th, 2021
TO: President and Board of Directors
FROM: General Manager & Staff

SUBJECT: October 2021 General Manager's Report

1. Statistics Exempt Wells:
LPGCD Form 100's Drilling Permits received
September 1st through September 30th 2021 (17)
LPGCD Form 300's Certificate of Registrations received
September 1st through September 30th 2021 (3)

Wells plugged: 0 Water quality test: 3 Wells gauged: 45

Drought Conditions: The majority of Lee County and north east Bastrop county are reported as abnormally dry. (Drought.gov)

1. The final report from the State Auditor is currently being drafted and should be ready for release sometime in November.
2. The District has been contacted again regarding the creation of a fund to support well owners who need to plug unused or abandoned water wells.
3. The District Budget committee met to begin planning the 2022 District operating budget which may include new line items for well plugging, increased education and outreach opportunities and extension to the funding for the Lee County reimbursement fund.
4. The job posting for the assistant general manager has been live on the District website since the start of October. We anticipate starting interviews for applicants in November.
5. Pending Permits:
 - i. The City of Bastrop has filled applications for three wells to be located on the XS Ranch property in Bastrop County. They are seeking an additional 4000 af/yr for the three wells and to aggregate the new wells with the existing permitted well already located on the same property.
6. Upcoming meetings
 - i. GMA 12, November 12th, 10 a.m. POSGCD Offices Milano, TX and online

LOST PINES GROUNDWATER CONSERVATION DISTRICT

REPORT FOR BOARD MEETINGS
Drilling Permits and Well Registration

PERIOD September 1, 2021 through September 30, 2021

APPLICANT NAME	Well No.	APPLICATION DATE	FORM 100/300	Type of Well	Driller	COUNTY
Johnathan Soto	58 54 5 0049	9/2/2021	100	Domestic	Jackson	Bastop
Hong Nguyen	58 46 9 0004	9/7/2021	100	Domestic	Zavala	Bastop
James Medack	59 49 1 0011	9/7/2021	100	Domestic	Iselt	Lee
T.J. Roberts	58 62 5 0057	9/9/2021	100	Domestic	Jimmy's	Bastop
Sin Jon Merrick	58 46 1 0028	9/9/2021	100	Irrigation	Brown	Bastop
Linda Cavage	58 45 9 0037	9/9/2021	100	Domestic	Brown	Bastop
Geng Tang	58 54 3 0036	9/10/2021	100	Domestic	Jimmy's	Bastop
Thomas Turfgrass	58 55 5 0041	9/13/2021	100	Irrigation		Bastop
Melvin Morgan	67 06 2 0117	9/14/2021	100	Domestic	Jackson	Bastop
Alfredo and Dora Moron	67 06 2 0118	9/15/2021	100	Domestic	Jackson	Bastop
William Stork	59 25 8 0023	9/16/2021	300	Domestic		Lee
Steve Perry	59 33 9 0006	9/16/2021	300	Domestic		Lee
Kevin Rich	58 40 5 0023	9/21/2021	100	Domestic	Jimmy's	Lee
Tony Childs	59 33 6 0023	9/22/2021	300	Domestic	Brien	Lee
Joe Rios	58 45 9 0038	9/27/2021	100	Domestic	Jackson	Bastop
Peter Wright	67 07 5 0021	9/27/2021	100	Domestic	Jackson	Bastop
Benji Hernandez	58 62 4 0072	9/28/2021	100	Domestic	Tx South	Bastop
Roy and Rene Pritchett	67 06 8 0014	9/29/2021	100	Domestic	Jimmy's	Bastop
Greater Divine Construction	58 54 7 0047	9/30/2021	100	Domestic	Reliant	Bastop
Sotero Rodriguez	59 49 3 0005	9/30/2021	100	Domestic	Reliant	Lee
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