

**Minutes for Meeting/Hearing of the Hays Trinity Groundwater Conservation District**

Date: Wednesday, April 18, 2012  
Time: 5:00 pm  
Place: Dripping Springs City Hall  
Located: 511 Mercer Street, Dripping Springs, Tx. 78620

5:04 pm: Regular Meeting Opens

Board Present: Jimmy Skipton-President, Greg Nesbitt-Vice President, Mark Key-Secretary/Treasurer, Joan Jemigan, & Ed Pope

Staff Present: Rick Broun-General Manager, Tressy Gumbert-Administrative Assistant, and Alex Broun-District Geologist, P.G. 4845

The following subjects were considered for discussion and/or action at said meeting:

- **Board Roll Call:**  
Rick Broun:
  - Roll Call was taken, a quorum was present
- **Review of Board Meeting Protocol:**  
Jimmy Skipton:
  - Explained meeting protocol to audience.
- **General Comments from Board & Staff:**  
None provided
- **Public Comments: Non-Agenda Items**  
The following presented: Bill Davis & Jon Cobb

Motion

Jimmy Skipton: Turn meeting over to Ed Pope.

Greg Nesbitt: Seconded motion

Motion opposed 3-2 (Mark Key, Joan Jemigan, and Ed Pope: against) (Jimmy Skipton & Greg Nesbitt: for)

5:11 pm: Jimmy Skipton announced he needed to step out of the meeting for 5 minutes and turned meeting over to Vice President Greg Nesbitt

5:12 Hearing opens

Hearing Item:

Discuss and Possible Actions on:

- A. **Standing for Blue Hole Regional Park well permit**
  - The application was contested on April 11, 2012 by the following:
    - Clint Frankmann
    - Richard Sullivan
  - A Temporary permit of 9 acre was approved until the contested case was resolved

**Public Comments:**

Richard Sullivan – District did not follow Rule 5.5, today's meeting is not a "regularly scheduled meeting". The District's monthly meeting would be considered a regularly scheduled meeting. He feels he is being denied the time needed to prepare his case on standing. Requested that the Board delay the hearing on standing as all other contested cases were handled differently.

**Board & Staff:**

Greg Nesbitt

- If the District does not follow the rules that are currently in place we are opening ourselves up for more lawsuits

5:16 pm: Jimmy Skipton returned to meeting.

**Board & Staff continued:**

Jimmy Skipton

- Today's meeting is a regularly scheduled Board Meeting and was posted properly.
- The intent of the statement in Rule 5.5 was to keep the Board from postponing the hearing of a case.

Mark Key

- Feels that the meeting was posted properly it is not considered a "special meeting" therefore it is a regularly scheduled meeting.

Al Broun

- Define what constitutes standing. Preparation is needed to build a contested case, not to prove standing.

Ed Pope

- Contested case requestors are required to meet the criteria spelled out in Rule 5.5 F (2) in order to have standing.

**Motion**

Ed Pope: Go into Executive Session to consult with the District's attorney

Mark Key: Seconded motion

Motion approved 5-0 (Jimmy Skipton, Greg Nesbitt, Mark Key, Joan Jemigan, and Ed Pope)

**5:44 Board adjourn into Executive Session as authorized by the Texas Government Code chapter 551, Section 551.071**

**5:48 Out of Executive Session**

**Board & Staff continued:**

Jimmy Skipton

- Unable to make contact with District's legal counsel.
- At the previous meeting it was stated that a continuance hearing for standing would be held in a week or two.

**Contested Case Requesters:**

Jimmy Skipton swore in Clint Frankmann. Mr. Frankmann presented his case, stating he is a member of WWSC and a tax payer, given the fact that the Blue Hole Park well will be pulling from the same aquifer that Wimberley Water supply Corporation uses he feels he would be affected and therefore has standing.

**Applicant Comments:**

Jimmy Skipton swore in Don Ferguson – Mr. Ferguson stated that Mr. Frankmann lives more than 2 miles from the park and would not be directly affected.

**Contested Case Requesters:**

Jimmy Skipton swore in Richard Sullivan. Mr. Sullivan stated that CARD and WWA protests everything and is wondering why they have failed to protest the Blue Hole Park Well Permit. Wimberley Water supply Corporation can supply the needed water for the soccer fields. Rules cannot be abandoned or disregarded and feels tonight's meeting is not a regularly scheduled meeting but more on the lines of a special meeting.

**Motion**

Ed Pope: Deny standing for Mr. Frankmann on the Blue Hole Park Well Permit

Mark Key: Seconded motion

Motion approved 5-0 (Jimmy Skipton, Greg Nesbitt, Mark Key, Joan Jemigan, and Ed Pope)

**Motion**

Mark Key: Deny standing for Mr. Sullivan on the Blue Hole Park Well Permit

Ed Pope: Seconded motion

Motion approved 5-0 (Jimmy Skipton, Greg Nesbitt, Mark Key, Joan Jemigan, and Ed Pope)

**B. Continuance of permit application**

- Application requesting a two-year permit to produce 15 acre feet per year
- Proposed use: watering two grass soccer fields
- Staff recommendation: no more than 6 acre feet, 1-year permit, a Capacity Test, City of Wimberley to install transducers in neighboring wells and at Blue Hole swimming park

**Board & Staff:**

Al Broun

- During the capacity test ran in 1987 the well's estimated production was 300-350 gallons per minute.
- Believes there is a sufficient water supply and another capacity test is not necessary.
- Recommends that the City monitor neighboring wells for a short time to see what effect if any, the park well has on the neighboring wells.

Jimmy Skipton

- o Variances have to be considered.
- o Can resend the temporary permit and supports a 6AF permit if the city agrees to allow the District to continue to monitor the Blue Hole well.

Mark Key

- o The City went above and beyond, they obligated themselves to shut the well down if it is found to affect neighboring wells.

**Public Comments:**

The following presented. Richard Sullivan, Jon Cobb and Bill Davis

**6:41 Re-Open Item A.**

**Motion**

Joan Jernigan: Resend the temporary permit for the Blue Hole Park Well.  
 Greg Nesbitt: Seconded motion  
 Motion approved 5-0 (Jimmy Skipton, Greg Nesbitt, Mark Key, Joan Jernigan, and Ed Pope)

**6:41 Close Item A, Open Item B.**

**Motion**

Mark Key: Approve Blue Hole Regional Park permit for 9 AF  
 Joan Jernigan: Seconded motion  
 Mark Key: Withdrew motion ;

**Motion**


Mark Key: Approve a one (1) year permit for the Blue Hole Park Well in the amount of 9 AF..  
 Joan Jernigan: Seconded motion  
 Rick Broun: Requested variances need to be addressed. Variances to include: Rule 11 – Aquifer Test, Rule 11 – Submitting Aquifer Test results, Rule 4.4 B – Well must be 50 foot outside the service area of a CCN, and Resolution 20111215 which is a mute point at this time.  
 Jimmy Skipton: In favor of giving them a two (2) year permits for 6 AF.  
 Ed Pope: Irrigation for recreational purposes is a low priority.  
 Mark Key: Withdraw motion.  
 Joan Jernigan: Withdraw her second to the motion.

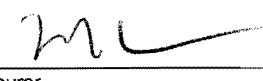
**Motion**

Mark Key: Approve a two (2) year permit ending December 31, 2013, with variances for the Blue Hole Park Well in the amount of 6 AF.  
 Joan Jernigan: Seconded motion  
 Motion approved 4-1 (Jimmy Skipton, Greg Nesbitt, Mark Key, and Joan Jernigan: for) (Ed Pope: against)

**7:10 Hearing Closed**

**7:10 p.m. Meeting Adjourned**

Approved:  Date: 5-17, 2012  
 Jimmy Skipton, President

Approved:  Date: 5-17, 2012  
 Mark Key, Secretary/Treasurer