



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

Date: Thursday, April 7, 2011
Time: 5:00 pm
Place: Wimberley Community Center
Located: 14068 RR 12, Wimberley, Texas 78676

5:20 pm: Pre-Hearing Conference Continuance Opens

Board Present: Jimmy K. Skipton-President, Mark A. Key-Secretary/Treasurer, Joan Jernigan, & Greg F. Nesbitt
Board Absent: David G. Baker-Vice President
Staff Present: Rick Broun-General Manager & Tressy Gumbert-Administrative Assistant

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

Discuss and possible action on:
Pre-Hearing Conference :

- A. **Board to hear contested case submittals concerning Board approved permit for Wimberley Springs Partners Ltd.**
 - Permit was approved on February 21, 2011 for a 3-Year, 250 AF per year plus a one-time 250 AF "Re-Growth"
 - Motions from attorney Russ Johnson and Eric Allmon will be heard
 - Board shall determine if a contested case hearing will be held under Rule 5.6

Marrisa Perales - Attorney at Law with Lowerre, Frederick, Perales, Allmon & Rockwell

- Nothing in District Rules stating a concrete hard fast deadline for filing hearing requests.
- Nothing in District Rules instructing how hearing requests should be submitted.
- Notice was not provided to land owners giving them clear and express deadlines or instructions for filing requests.
- Encourages the Board to consider hearing requests provided they were received by a reasonable date and time.
- Notice of Hearing was well publicized however the notice did not state that the only opportunity for filing contested case requests were on the day of the hearing/meeting.
- Board has wide digression to change deadline or grant extensions.
- The word "must" instead of "may" should be publicized in the District Rule.

Russell Johnson – Attorney at Law with McGinnis, Lochridge & Kilgore

- District rules layout a straight forward process.
- Parties clearly had an opportunity at the hearing to file formal protests.
- Rule 3.2 lays out process by which permit applications are considered. It states in the "Hearing Required" section of rule 3.2 "the applicant may file a request for a contested case within 10 days if the board issued the permit with conditions"
- The District's notice was in compliance with the "Open Meetings Act".

Into Executive Session: 6:03 pm
Out of Executive Session: 6:30 pm

Board:

Mark Key

- Rules were written by former board members who are part of the contested case requestors, they should know how the rules are intended.

Joan Jernigan

- Doesn't believe the rules are clear.

Jimmy Skipton

- The rules were modified in 2007 to clarify some issues he feels they are clear and straight forward.


Motion

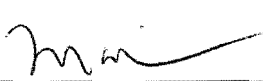
Mark Key: Board should enter an order determining that protests and requests for a contested case hearing were not timely filed.

Jimmy Skipton: Seconded motion

Vote: 3-1 in Favor (Jimmy Skipton, Mark Key, and Greg Nesbit). Opposed (Joan Jernigan)

6:35 pm: Meeting Adjourn

Approved:  _____, President *5-19* _____, 2011

Approved:  _____, Secretary/Treasurer *5/19* _____, 2011