

**UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT
MONDAY, MAY 21, 2018
MINUTES OF MEETINGS
OF THE
BOARD OF DIRECTORS**

INTRODUCTORY MATTERS

1. Welcome guests and members of the public. The meeting convened at 4:00 p.m.
 2. Roll call; establish a quorum; call Public Hearing and Board Meeting to order; declare them open to the public.

Directors Present: Tracy Mesler, Mike Massey, Don Majka, Richard English, Shannon Nave, Brent Wilson, and Mike Berkley

Director Absent: Tim Watts
 3. Pledges of allegiance to the flags were recited.
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PUBLIC HEARING

1. Matt Van Hattem, of Collier Consulting and Don Allen represented Lackland Fairview LLC. Barry Emerson, Robert Ivy, and Cheri Turner represented themselves in the discussion regarding ten (10) new well applications and ten (10) applications for exception to spacing requirements submitted by Lackland Fairview LLC, to provide water to the proposed Fairview Meadows subdivision, near New Fairview, TX in Wise County. The board and staff heard and answered several questions from the public about the application. Attached to these minutes are letters protesting the applications which were submitted to the District from property owners who could not attend the Public Hearing.

Director Massey moved to continue the Public Hearing to August 20, 2018. Director Berkley seconded the motion. The motion passed unanimously.

The applicant requested the Board consider taking action on the well site in the southeast corner of the proposed subdivision. Director Massey moved to deny the request to consider a single well; when the District Board continues the Public Hearing in August, they will consider all ten applications at once. Director Berkley seconded the motion. The motion passed unanimously.
 2. The Public Hearing for Lackland Fairview LLC will continue August 20 at 5:00 p.m.
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REGULAR BOARD MEETING

1. Public comments were made during the Public Hearing.
2. Director Nave moved to approve the Consent Agenda, including minutes from the Regular Board Meeting on April 16, 2018; approve the bank statement ending April 30, 2018, and current financial reports of the District; approve the Investment Report; approve payment of all bills/invoices

received through May 21, 2018; and reimbursements for expenses incurred on behalf of the District through May 21, 2018. Director Massey seconded the motion. The motion passed unanimously.

3. No items were pulled from the Consent Agenda for further discussion.
4. **Management Report on Administrative and Operational Issues:** The General Manager and staff will brief the Board on the following and any other items included in the General Manager's written report, which may be discussed, considered, and acted upon by the Board, including authorizing the initiation of, managing, or resolving enforcement action or litigation where applicable.
 - A. General Manager's report
 - 1) Discussion regarding a water level monitoring project in Parker County; no action was taken.
 - B. Report on delinquent customers of the District and take any necessary action for collection of delinquent fees.
 - 1) No action was taken on the Abraxas Corporation
 - 2) Director Massey moved to authorize GM Shaw to offer a settlement to Horseshoe Bend Water Works. The settlement includes a third major violation of District rules, a \$1,000 penalty fee and \$11,505.33 (unpaid balance of late payment penalties), due by June 11, 2018. If Horseshoe Bend fails to accept the settlement and pay the penalties by the deadline, the motion also authorizes District's Legal counsel to recover the penalties and legal fees incurred to collect the penalties. Director Majka seconded the motion. The motion passed unanimously.

Director Massey moved to authorize GM Shaw to offer a settlement to Sunset Water Systems. The settlement includes a fourth major violation to District rules, a \$5,000 penalty and \$731.79 (unpaid balance of late payment penalties), due by June 11, 2018. If Sunset fails to accept the settlement and pay the penalties by the deadline, the motion authorizes District's Legal counsel to recover the penalties and legal fees incurred to collect the penalties. Director Berkley seconded the motion. The motion passed unanimously.
 - 3) Director Massey moved to authorize GM Shaw to offer a settlement to the City of St. Jo. The settlement includes a first major violation of District Rules and requires the City to pay their outstanding water usage fees for July-December 2017 (17SA2), due by June 21, 2018. If City of Saint Jo fails to pay water usage fees by the deadline, District staff will set a Show Cause Hearing for July 16, 2018. Director Berkley seconded the motion. The motion passed unanimously.
 - 4) Director Majka moved to accept STWB LLC's payment of water usage fees for July-December 2017 (17SA2), without penalty. Director Nave seconded the motion. The motion passed unanimously.
 - C. Report on Education and Outreach activities; no action was taken.
 - D. Report on injection well applications filed with the Railroad Commission; no action was taken.
 - E. Well Registration and Groundwater Production reports; no action was taken.
5. Review line item expenditures and adopt budget amendment(s) as necessary; no action was taken.
6. Director Majka moved to accept the proposal for Principal Life Insurance Company supplemental insurance as presented. Director Nave seconded the motion. The motion passed unanimously.

7. Director Massey moved to authorize legal counsel and GM Shaw negotiate a work order with INTERA for the development of Scientific Software Tools for Upper Trinity GCD, as outlined in the scope presented to the Board, in an amount not to exceed \$117,000. The motion also authorized the GM to execute any documents necessary to complete this work. Director English seconded the motion. The motion passed unanimously.
8. Discussion regarding the development of District Rules was held in executive session.
9. Attorney Brian Sledge of SledgeLaw Group had no updates on pertinent legal issues and developments impacting the District since the last Regular Board Meeting.
10. The next Regular Board Meeting is scheduled for Monday, June 18, 2018 at the District's office at 5:00 p.m.
11. Aside from topics already mentioned, no new business was placed on the next meeting agenda.

At 6:56 p.m., the Board went into Executive Session under Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, concerning attorney-client matters (§551.071).

President Mesler called the Regular Board Meeting back into open session at 7:55 p.m. No action was taken as a result of the Executive Session.

12. President Mesler adjourned the meeting at 7:56 p.m.

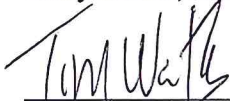
PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this

16 day of June, 2018.

Attest:



Tracy Mesler, President



Tim Watts, Secretary/Treasurer

5-16-18

Dana H. Freese
112 Rivercrest Drive, Fort Worth, Texas 76107

To the Upper Trinity Groundwater
Conservation District
re: Maccland Feinwin, LLC request
Dear Sirs,

As the owner and trustee
of the Frank Snyder Family Ranch
on Pioneer Road across from the
applicant's property, I feel it
is important to stick to your
rules. It is not to my best interest
to have water over use in the area.
I've raised cattle there for
over 40 years and hope to continue.
I know other property owners will
be developing land around us
and hate to see a variance given
to one and not all. Water is too

important to our area and
Careful Consideration needs to
be given.

Thank you for your time
and efforts. I definitely am
Challenging the wisdom of
granting a variance. I am
enclosing a letter from a water engineer.
Sincerely,

Dora H. Snyder Fries
^{individual}
and
Trustee F. Snyder Family
Trust
+ Ranch

R000006891

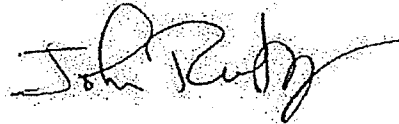
Mrs. Dana Snyder Freese
112 Rivercrest Dr.
Fort Worth, TX 76107-1149

Re: Application by Lackland Fairview LLC to Upper Trinity Groundwater Conservation District
Response for Snyder Frank Family Trust

Dear Mrs. Freese,

In response to your request, I have reviewed the referenced application for drilling 10 wells for their proposed development. It is my understanding that you own adjacent property with your own well that may be impacted by the development's water supply needs. My review suggests that their groundwater withdrawal will be heavy given the type of planned development. It appears that your existing well is not within the 1,800 foot spacing requirement of the proposed well. However, based on my knowledge of water supply and civil engineering, it is my opinion that these high supply wells will continue to draw down the general groundwater levels and will likely impact your well to some degree, even if performed within the current limits of the UTGCD. In addition, further development of neighboring properties will certainly occur in the future and each of those will continue to aggregate a negative impact on your water well and your ability to further develop and use your property. Therefore, I recommend that you not accept the proposed application and request that the UTGCD not grant a waiver to the applicant. I recommend that you request that the UTGD continue to enforce the existing well spacing and withdrawal requirements for this application as well as future applications so as to avoid setting a precedent for future developments that are sure to occur in the near future.

Please feel free to let me know if you would like any additional review or information.

A handwritten signature in black ink, appearing to read "John Rutledge". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Rutledge, P.E.

BURGOON INVESTMENTS LTD
19040 FM 2590 Canyon, TX 79015
(Office: 806 655-2706)

May 15, 2018

Mr. Doug Shaw and Board of Directors
UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT
1859 W. Hwy. 199
P.O. Box 1749
Springtown, TX

RE: Protest of application of Ground water well exception by Lackland Fairview, LLC

Dear Mr. Shaw and Board of Directors,

We respectfully register our protest for the exception of spacing of ground water wells being considered for the proposed Fairview Meadows subdivision development by Lackland Fairview, LLC. Our 426 acres are located due north of the planned subdivision and we presently share land boundaries.

Our protest is based on the location of proposed wells sites: 10963, 10964, 10965, and 10966 which are located within three hundred fifty (350) to five hundred (500) feet our property shared boundary with Lackland Fairview. The 1800 feet normally allowed for each well will overlap considerably onto land that is used for livestock grazing and agricultural cultivation. These proposed wells will eventually cause depletion of water on our property and cause loss of land value and agricultural revenue.

Our property due north of the western wells (10965 and 100966) has a residence well that was closed off in 1973 when the house burned, but at some later date may be opened again for use and may not be able to furnish enough water should the water zone it is in be compromised. The 1800 feet reach of the water wells encompass the area in which this residence well is located.

Proposed wells 10963 and 10964 are located within 350 feet of a private residence which maintains a water well for daily personal and agricultural use. The location of these wells will most definitely create water problems

if approved. They also cover an area that at a future date may need to provide water for other homes sites. The 1800 feet area covers approximately 60-70 acres of property not owned by Lackland. We consider this invasion of our native mineral rights.

We realize that the present well placements are located for the convenience of subdivision planning. Should the afore mentioned wells be relocated at other locations that will not overlap into our property's water consumption level, we will consider removing our protest.

The above protest is being submitted by the owners of the 426 acres located at 1623 Pioneer Road:

Tarbet Rhome Investments LLC represented by Mrs. Paula Tarbet, Manager, and Burgoon Investments LTD represented by Mrs. Connie M. Burgoon, Vice President of Operations. Should there be further questions or information needed, you may contact Mrs. Burgoon at 806 655-2706.

Respectfully submitted,

BURGOON INVESTMENTS LTD and TARBET RHOME INVESTMENTS LLC

Mrs. Connie M. Burgoon,
V. President

Mrs. Paula Tarbet
Manager

Doug Shaw

From: larry read <larryread684@yahoo.com>
Sent: Monday, May 21, 2018 10:22 AM
To: Doug Shaw
Subject: Lackland Fairview LLC

Doug

I am opposed to the request from Lackland Fairveiw LLc. It is my believe the District should maintain spacing requirements and property line requirements for this subdivision. This request has the potential to have a negative affect on all surrounding properties. But not impact the full 634.5 acres of the subdivision. The wells should be moved to the interior portion of the subdivision.

Thanks
Larry Read
730 Zion Rd

Doug Shaw

From: barbara norman <bbnorman817@gmail.com>
Sent: Monday, May 21, 2018 2:59 PM
To: Doug Shaw
Subject: Bill R. Norman R000543551; R000002790; R000014314; notice of application for exceptions to district spacing

I have seen first hand the results of a dropping water table and being forced into the drilling of new water wells for home use and livestock watering purposes. If the number of wells are approved, or exceptions thereto, as requested, I believe any number of existing private wells surrounding the proposed Lockland Fairview LLC would experience significant negative impacts on pumping capabilities and capacities.

Lockland Fairview LLC and the City of New Fairview DO NOT need to rely on drilled wells as their source of municipal water.

The district's spacing requirement as called for in District Rule 4.3 should be left in tact.

Doug Shaw

From: Greg Norman - QT2A1AB <greg.norman@gsa.gov>
Sent: Monday, May 21, 2018 12:30 PM
To: Doug Shaw
Subject: Lackland Fairview, LLC exception Application

To: Doug Shaw, District Manager. Please enter the comments into the record at the public meeting 5/21/18 or thereafter.

To: Upper Trinity Groundwater Conservation Board

In regards to Greg A. Norman property R000004309 located south end of subject property.

There are two well within the required 1800 foot buffer of Lackland's Fairview, LLC proposed wells 10970 & 10969 used for household and agriculture purposes.

There are a number of wells within the required 1800 foot buffer of Lackland's proposed wells 10962 & 10971 that uses are household and agriculture purposes.

While I see no reason since each well grouping is in different water tables that the proposed well groupings could not be located within the 1800 foot buffer of subject wells groupings. I don't see any attempt to meet rule 4.3 spacing requirements or provide the maximum spacing available. Is there a need for the amount of wells or could less wells could be used and the spacing requirements adhered to.

There is no reason wells 10970 & 10969 and wells 10962 & 10971 cannot be moved back north to adhere to the 200 ft from property line rule in accordance with District Rule 4.3 spacing requirements.

Why have spacing rules if applicants don't try to follow the rules or attempt to adhere to the rules or are just granted exceptions.

Lackland should follow the District Rule 4.3 to the maximum extent possible.

Lackland and the City of New Fairview do not need to rely on drilled wells as their source of municipal water other options should be considered.

If the number of wells are approved, or exceptions thereto, as requested any number of properties and existing private wells surrounding the proposed Lackland's application could experience negative impacts in regards to their properties values, pumping capabilities and capacities.

The districts spacing requirements as called for in District Rule 4.3 should be left in tact. A exception to the spacing requirements for each well grouping could be considered for only the wells proposed in the grouping.

Greg A Norman
5/21/18