

NOTICE OF REGULAR MEETING AND PUBLIC HEARING
OF THE
UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT

District Office
1859 W. Highway 199
Springtown, TX 76082

Zoom Remote Conferencing Service
<https://us02web.zoom.us/j/84130040072>
1 (346) 248-7799 – US
Meeting ID: 841 3004 0072

Monday, July 19, 2021
Public Hearing and Board Meeting begin at 5:00 PM
Regular Meeting begins at conclusion of Public Hearing

In order to facilitate social distancing and to slow the spread of COVID-19 (Coronavirus), and in accordance with Section 418.016 of the Texas Government Code and actions taken by the Office of the Governor of Texas on March 16, 2020, suspending various provisions of Chapter 551 of the Texas Government Code, this meeting of the Board of Directors (Board) of the Upper Trinity Groundwater Conservation District (District) will be conducted both in person at the District Office in Springtown, Texas and by online videoconference / teleconference.

For this meeting, some members of the Board may be physically present at the Board's regular meeting location at the District office in Springtown, Texas. However, at least a quorum of the Board will attend the hearing either in person or remotely (online) via the Zoom Remote Conferencing Service.

Persons wanting to join the hearing remotely to observe the hearing, hear the communications that occur at the hearing and the public deliberations of the Board, or to comment on an application may join the hearing at no charge online at the following address: <https://us02web.zoom.us/j/84130040072>. Members of the public may also access the hearing by telephone at the following number: (346) 248-7799. Use Meeting ID: 841 3004 0072. Long distance charges may apply to persons calling in to one of these two numbers, depending upon their phone carrier and plan.

Persons not able to join the hearing remotely but who wish to comment on a permit application may submit comments or other information via email to the following address: doug@uppertrinitygcd.com. Written comments must be received prior to the Board's decision on the application.

Persons may make comments for or against a permit application without the need to request a contested case hearing on the application. However, persons wanting to protest a permit application by requesting a contested case hearing must do so either in writing or by appearing at the public hearing by videoconference or telephone on the date specified in this notice and opposing the application. Written requests for a contested case hearing must be received by the District on or before the date of the public hearing as it appears on this notice, and before Board action on the application. Written requests for a contested case hearing may be mailed to the District at P.O. Box 1749, Springtown, Texas, 76082, or submitted by email to: doug@uppertrinitygcd.com.

Additional requirements for requesting a contested case hearing on this application, including the information that must be included in such a request, may be found in Appendix E, Rule E.6, of the District Rules: <https://uppertrinitygcd.com/rules/>

For hearings on applications for wells that do not require a permit but that do seek an exception to the District's water well spacing or minimum tract size requirements, any person interested in supporting or challenging the exception application may submit comments or other information in writing to the District, if received by the District prior to a board decision on the application, or appear before the Board at the public hearing by videoconference or telephone on the date specified in this notice. Comments may be mailed to the District at P.O. Box 1749, Springtown, Texas, 76082, or submitted by email to: doug@uppertrinitygcd.com. Contested case hearings are not available on exception applications for wells that do not require a permit.

Any additional public information concerning this hearing will be posted on the District’s website “Meetings” page prior to or during the hearing at:

<https://uppertrinitygcd.com/meetings/>

Additionally, an audio recording of the hearing will be made, and can be requested after the conclusion of the hearing by sending a written request to the District at P.O. Box 1749, Springtown, Texas, 76082, or by email to: doug@uppertrinitygcd.com.

INTRODUCTORY MATTERS

The Board may discuss, consider, and take appropriate action, including expenditure of funds as necessary or appropriate, on any item listed on this agenda:

1. Welcome guests and members of the public.
2. Roll call, establish a quorum, call Public Hearing and Board Meeting to order; declare the hearing and board meeting open to the public.
3. Public comment.

PUBLIC HEARING

1. Receive any public comments, requests to contest, and the General Manager’s report and recommendations regarding the following applications for permits, permit amendments, and/or requests for exceptions to the District’s water well spacing or minimum tract size requirements:

Applicant/Owner: Cresson Real Estate, LLC — 16801 FM 2920, Tomball, TX 77377

Type of Application: Operating Permit and Exception to Minimum Well Spacing Requirements

Location of well or proposed well: 2250 N Cresson Hwy, Cresson, TX 76035

Requested Permit Volume: 11,530,000 gallons/year

Description of Request: Cresson Real Estate, LLC is seeking an Operating Permit to drill and operate a commercial well on its property in Hood County in order to provide water for pressure treating lumber. The applicant is also seeking an exception to the District’s water well spacing requirements under District Rule 4.7, as the proposed well location fails to meet the required spacing from the nearest property line (1,000 ft.) and the minimum spacing from other registered wells (3,250 ft.).

2. Discuss, consider, and possible action by the Board to approve or deny, in whole or in part, the applications for permits, permit amendments, and/or requests for exceptions to the District’s water well spacing or minimum tract size requirements set forth above in this agenda.
3. Adjourn or continue hearing in whole or in part.

REGULAR BOARD MEETING

1. **Consent Agenda:** Each of these items is recommended by the Staff and approval thereof will be strictly on the basis of the Staff recommendations. Approval of the Consent Agenda authorizes the General Manager or his designee to implement each item in accordance with the Staff recommendations. The consent agenda will be approved as a block. Any Board member that has questions regarding any item on the consent agenda may have the item pulled and considered as a regular item on the agenda. Any items so pulled for separate discussion will be considered as the first items following approval of the consent agenda.
 - A. Approval of minutes from Regular Board Meeting on June 21, 2021.
 - B. Approval of bank statement ending June 30, 2021, and current financial reports of the District.

- C. Payment of bills/invoices received through July 19, 2021.
 - D. Reimbursements for expenses incurred on behalf of the District through July 19, 2021.
2. Any items from consent agenda that were pulled for further discussion.
 3. Presentation and discussion regarding the Annual Financial Report for the year ended December 31, 2020; take action as necessary.
 4. Board consideration and possible approval of quarterly Investment Report with recommendations.
 5. Take action to elect District officers to serve two year terms ending in July 2021, appoint members to serve as assistant secretaries, appoint members to serve on existing committees or create new committees, and make any other appointments necessary.
 6. Discussion and possible action to adopt Resolution 21-002 Designating Persons Authorized to Disburse Funds by Check, Draft Order, or Other Instrument on Behalf of the District.
 7. Discussion regarding the following requests for an extension to drill approved water wells, take action as necessary:
 - A. Well ID 14464 for Jenna Brown in Hood County.
 8. Discussion regarding the following potential violations of District Rules; take action as necessary.
 - A. Doug Kinsey of Alpha Omega Water Well – well drilled without approval and in violation of District Spacing Rules on County Road 3390 near Paradise, TX in Wise County;
 - B. Brian Walden of Walden Drilling – multiple wells drilled in violation of District spacing rules throughout the District.
 9. **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
 - B. Report on delinquent customers of the District and take any necessary action for collection of delinquent fees.
 - C. Report on Education and Outreach activities.
 - D. Report on injection well applications filed with the Railroad Commission
 - E. Well Registration and Groundwater Production reports
 10. Review line item expenditures and adopt budget amendment(s) as necessary.
 11. General Counsel’s Report: The District’s legal counsel will brief the Board on pertinent legal issues and developments impacting the District since the last regular Board meeting, and legal counsel's activities on behalf of the District, including without limitation: waste injection; well monitoring activities; District rules enforcement activities; District Rules and District Management Plan development or implementation issues; groundwaterrelated legislative activities; joint planning and desired future conditions development activities; developments in groundwater case law and submission of legal briefs; contractual issues related to the District; open government, policy, personnel, and financial issues of the District; and other legal activities on behalf of the District, take action as necessary.

12. Determine time and place for next meeting.
13. New business to be placed on the next meeting agenda.
14. Adjourn board meeting.

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time. These public meetings and hearings are available to all persons regardless of disability. If you require special assistance to attend the meetings or hearings, please call or (817) 523- 5200 at least 24 hours in advance of the meeting to coordinate any special physical access arrangements.

At any time during a work session, meeting or hearing and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the Upper Trinity Groundwater Conservation District Board may meet in executive session on any of the above agenda items or other lawful items for consultation concerning attorney-client matters (§551.071); deliberation regarding real property (§551.072); deliberation regarding prospective gift (§551.073); personnel matters (§551.074); and deliberation regarding security devices (§551.076). Any subject discussed in executive session may be subject to action during an open meeting.

--Please visit the website – www.uppertrinitygcd.com

This is to certify that I, Doug Shaw, posted this agenda on the bulletin board of the Administrative Offices of the District at 1859 W. Highway 199, Springtown TX 76082, and also provided this agenda to the County Clerks in Hood, Montague, Parker, and Wise Counties with a request that it be posted at or before 4:00 p.m. on the 16 of July, 2021.



Doug Shaw, General Manager