

UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT
MONDAY, AUGUST 16, 2021
MINUTES OF MEETINGS
OF THE
BOARD OF DIRECTORS

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. The meeting convened at 5:01 p.m.
2. Roll call, establish a quorum, call Public Hearing and Board Meeting to order; declare the hearing and board meeting open to the public.

Directors Present: Don Majka, Tracy Mesler, Mike Berkley, Jarrod Reynolds, Shannon Nave and Brent Wilson (arrived at 5:28 p.m.)

Directors Absent: Tim Watts and Richard English
3. Pledges of allegiance to the flags.
4. Public comment was made where mentioned below.

PUBLIC HEARING

1. President Mesler opened the Hearing at 5:03 p.m. General Manager Shaw presented a report and recommendations to the Board 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.

GM Shaw presented the background, specifics, impact analysis results, and recommendations for the following application:

Applicant/Owner: Blake Fortenberry — 748 CR 2622, Decatur TX 76234

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

Location of well or proposed well: 686 CR 2622, Decatur, TX

Requested Permit Volume: 100,000,000 gallons/year

Description of Request: Blake Fortenberry is seeking an Operating Permit to drill and operate a commercial well on his property in Wise County in order to provide water for oil and gas operation. 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. GM Shaw presented the background, specifics, and impact analysis results for the proposed project; UTGCD Report 21-003 was made available to the Board and the public prior to the hearing. Bob Roux of Sage Natural Resources and Becky Fortenberry Ford took part in the discussion. Director Reynolds made a motion to approve the Application for Operating Permit and Application for Exception to Spacing Requirements submitted by Blake Fortenberry as follows:
 - Operating Permit in the amount of 41,208,919 gallons per year;
 - Exception to minimum well and property line spacing with the following stipulations:
 1. The applicant is required to complete some form of geophysical/electric/gamma log of the borehole and provide those logs to the District;

2. The applicant agrees to enter into an agreement with the District to allow for the ongoing measurement of water levels in the well; and
3. The well shall be completed in such a way that no water is produced from any interval above 570 feet below ground surface.

Director Berkley seconded the motion. The motion passed unanimously.

3. President Mesler adjourned the Public Hearing at 5:28 p.m.

REGULAR BOARD MEETING

1. Director Berkley moved to approve the Consent Agenda, motion was seconded by Director Reynolds
 - A. approve minutes from the Public Hearing and Regular Board Meeting on July 19, 2021;
 - B. approve bank statement ending July 30, 2021, and current financial reports of the District;
 - C. approve Investment Report;
 - D. pay bills/invoices received through August 16, 2021;
 - E. reimburse expenses incurred on behalf of the District through August 16, 2021 (including mileage reimbursement for Directors Majka and English); and
 - F. approve Request for an Extension Applications submitted through August 10, 2021.

Aye-5 Nay-0. Director Nave abstained. The motion passed.
2. No items were pulled from consent agenda for further discussion.
3. President Mesler made the following committee appointments:

Budget & Finance: Mike Berkley (Chair), Shannon Nave, Jarrod Reynolds, Don Majka

Policy & Personnel: Richard English (Chair), Trey Mesler, Tim Watts, Brent Wilson

Public Education: Don Majka (Chair), Jarrod Reynolds, Brent Wilson, Tracy Mesler

Rules & Bylaws: Tracy Mesler (Chair), Richard English, Shannon Nave, Don Majka

Well Monitoring: Tim Watts (Chair), Mike Berkley, Jarrod Reynolds, Brent Wilson
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 was submitted to the Board of Directors in advance of the Regular Board meeting. Director Majka moved to authorize GM Shaw to expend District funds in excess of \$5,000 but less than the remaining balance of the Equipment and Appliances budget line item to upgrade the sound system in the Boardroom. Director Nave seconded the motion. The motion passed unanimously.
 - B. Discussion regarding delinquent customers of the District; no action was taken.
 - 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. Director Nave moved to adopt 2021 budget amendments, as presented by staff:
 - Move \$500.00 from Equipment Repair & Maintenance to Computer Software and Hardware;


- Move \$1,000 from Office Equipment to Office Furniture;
- Move \$1,000 from Office Expense, Other, \$1,000 from Utilities, and \$1,000 from Equipment Repair & Maintenance to Telephone; and
- Move \$1,000.00 from Website Services to Outside Contract Services.

Director Majka seconded the motion. The motion passed unanimously.

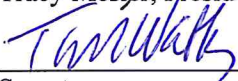
6. Attorney Brian Sledge of SledgeLaw Group gave an update regarding ongoing legal issues related to the groundwater-related legislative issues; no action was taken.
7. The next Public Hearing and Regular Board meeting are scheduled for Monday, September 20, 2021, at 5:00 p.m. at the District's office.
8. New business to be placed on the next meeting agenda includes a Historic Use Permit Hearing to be held in conjunction with the regular meeting.
9. President Mesler adjourned the meeting at 5:48 p.m.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this 20 day of September 2021.

Attest:



Tracy Mesler, President



Secretary