

UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT
MONDAY, DECEMBER 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 Preliminary Hearing on Proposed Historic Use Permits, Public Hearing, and Board Meeting to order; declare the hearing and board meeting open to the public.

Directors Present: Don Majka, Tracy Mesler, Shannon Nave (arrived at 5:19 p.m.), Brent Wilson, Tim Watts, and Mike Berkley

Directors Absent: Richard English and Jarrod Reynolds
3. Pledges of allegiance to the flags.
4. No public comment was made.

PRELIMINARY HEARING ON PROPOSED HISTORIC USE PERMITS

1. District General Manager Doug Shaw was sworn in by Board President Tracy Mesler prior to providing the General Manager's report and recommendations regarding the applications for Historic Use Permits identified in the notice of the Preliminary Hearing on Proposed Historic Use Permits for the hearing ("the Preliminary Hearing Notice"), which was posted separately prior to November 16, 2021, in accordance with the District Rules and which is incorporated herein by reference. The District did not receive any public comments or requests to contest.
2. Director Majka moved to approve the General Manager's recommendation related to all Historic Use Permit Applications included in the Preliminary Hearing Notice. Director Watts seconded the motion. Motion passed unanimously.

The entire packet of information provided to the Board on these applications prepared by the General Manager, including the Preliminary Hearing Notice, applications, technical review, recommendations, proposed permits, and all other supporting information, shall be included with these minutes as part of the administrative record for this hearing.
3. President Mesler adjourned the Preliminary Hearing on Proposed Historic Use Permits at 5:21 p.m.

PUBLIC HEARING

1. 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 applications:
 - A. **Applicant/Owner:** Solitude Ranch, LLC — 1807 N FM 1655, Alvord, TX 76225

Type of Application: Operating Permit

Location of well or proposed well: 1807 N FM 1655, Alvord, TX 76225

Requested Permit Volume: 1,000,000 gallons/year

Description of Request: Solitude Ranch, LLC is seeking an Operating Permit to drill and operate a water well on their property in Wise County in order to provide water for a clubhouse with two bathrooms.

B. **Applicant/Owner:** Mahendra R. Modi — 7916 Katie Ln., Watauga, TX 76148

Type of Application: Operating Permit

Location of well or proposed well: 1612 Rhoades Lane, Springtown, TX 76082

Requested Permit Volume: 550,000 gallons/year

Description of Request: Mahendra R. Modi is seeking an Operating Permit to drill and operate a water well on his property in Wise County in order to provide water for an RV park.

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.

GM Shaw presented the background, specifics, and impact analysis results for the project proposed by Solitude Ranch, LLC; UTGCD Report 21-009 was made available to the Board and the public prior to the hearing. Director Watts made a motion to approve the Applications for Operating Permits, as presented, in the amount of 1,000,000 gallons per year for each applicant. Director Majka seconded the motion. The motion passed unanimously.

GM Shaw presented the background, specifics, and impact analysis results for the project proposed by Mahendra R. Modi; UTGCD Report 21-008 was made available to the Board and the public prior to the hearing. Director Berkley made a motion to approve the Applications for Operating Permits, as presented, in the amount of 550,000 gallons per year for each applicant. Director Mesler seconded the motion. The motion passed unanimously.

3. President Mesler adjourned the Public Hearing at 5:45 p.m.

REGULAR BOARD MEETING

1. Director Berkley moved to approve the Consent Agenda, including
 - A. Approval of minutes from Public Hearing and Regular Board Meeting on November 15, 2021.
 - B. Approval of bank statement ending November 30, 2021, and current financial reports of the District.
 - C. Approval of Investment Report.
 - D. Payment of bills/invoices received through December 16, 2021.
 - E. Reimbursements for expenses incurred on behalf of the District through December 16, 2021 (including mileage reimbursements for President Mesler and Director Majka).
 - F. Approval of Request for an Extension Applications submitted through December 16, 2021.

Director Majka seconded the motion. Motion passed unanimously.

2. No items were pulled from consent agenda for further discussion.
3. Director Nave moved to find that Mit-Mar Land GP, has committed a first major violation and, in lieu of litigation, offer a settlement which includes: (1) requirement to install a properly functioning meter on Well ID 312 before December 31, 2021, (2) submit all readings from the electric company's meter from July 1, 2021 – December 31, 2021, so that District staff calculate the volume of water that was actually produced during that reporting period, if they are unable to produce accurate meter readings identifying the electricity used, then provide evidence, to the satisfaction of the GM, to prove the volume of water produced, and (3) requirement to complete repairs of the water tower such that waste is not being committed by January 17, 2022 or a Show Cause Hearing will be set for January 24, 2022. Director Wilson seconded the motion. Motion passed unanimously.

4. Director Berkley moved to find the current status of the following Historic Use Permit Applications:
 - A. System ID 097-M submitted by Judy Barclay was completed prior to the meeting and will not expire;
 - B. System ID 074-M submitted by Lewis Thompson expired on December 16, 2021;
 - C. System ID 169-P submitted by BAR-KO Land Company, LLC will expire on January 1, 2022, if the wells associated with the application have not been drilled and completed; and
 - D. System ID 173-P submitted by WPS I, LLC will expire on January 1, 2022, if the wells associated with the application have not been drilled and completed.

Director Nave seconded the motion. Motion passed unanimously.

5. **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.
 - 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.
6. Director Berkley moved to adopt 2021 budget amendments, as presented by staff:
 - Move \$2,500 from Auto Insurance to Auto Fuel;
 - Move \$2,000 from GMA-8 to Credit Card Processing;
 - Move \$500 from Utilities to Computer Software & Hardware;
 - Move \$500 from Utilities to Office Expense-other;
 - Move \$5,000 from Temporary/Intern to Medical Insurance;
 - Move \$5,000 from Temporary/Intern to Payroll Expense (Tax Liability);
 - Move \$2,600 from Website Services to Outside Contract Services; and
 - Move \$2,500 from Legislative Attendance to Seminars & Training-Staff

Director Wilson seconded the motion. The motion passed unanimously.

7. Attorney Brian Sledge of SledgeLaw Group gave no updates on pertinent legal issues and developments impacting the District since the last regular Board meeting.
8. The next Regular Board meeting is scheduled for Monday, January 24, 2022, at 5:00 p.m. at the District's office.
9. No new business was placed on the next meeting agenda.
10. President Mesler adjourned the meeting at 6:25 p.m.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this 24 day of January 2022.

Attest:



Tracy Mesler, President



Secretary