

**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/81722138759>  
**1 (346) 248 7799 US**  
**Meeting ID: 817 2213 8759**

**Monday, February 28, 2022**  
**Public Hearing and Board Meeting begin at 5:00 PM**  
**Regular Meeting begins at conclusion of Public Hearing**

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For this hearing and meeting, at least a quorum of the Board will be physically present at the Board's regular meeting location at the District office in Springtown, Texas. However, members of the public interested in joining the meeting may do so in-person at the District office or remotely via the Zoom Remote Conferencing Service.

Persons wanting to join the meeting remotely to observe the meeting, hear the communications that occur at the meeting and the public deliberations of the Board, or to comment on a permit application, or any other item on the agenda, may join the hearing at no charge online at the following address: <https://us02web.zoom.us/j/81722138759> Members of the public may also access the hearing by telephone at the following number: (346) 248-7799. Use Meeting ID: 817 2213 8759. Long distance charges may apply to persons calling in to the number, 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](mailto: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 in writing. 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](mailto: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/pdf/UTGCD-RULES.pdf>

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/>

Persons wanting to comment on an agenda item but otherwise not wishing to join the meeting may email comments to the following address: [doug@uppertrinitygcd.com](mailto:doug@uppertrinitygcd.com). Additionally, an audiorecording of the meeting will be made, and can be requested after the conclusion of the meeting by sending a written request to the District at P.O. Box 1749, Springtown, Texas, 76082, or by email to: [doug@uppertrinitygcd.com](mailto:doug@uppertrinitygcd.com).

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## 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. Pledges of allegiance to the flags.
4. Public comment.

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## 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:
  - A. **Applicant/Owner:** Barclay Waddell — P.O. Box 1148, Kennedale, TX 76060  
**Type of Application:** Operating Permit and Exception to Minimum Well Spacing Requirements  
**Location of well or proposed well:** E Hwy 377, Cresson, TX 76035  
**Requested Permit Volume:** 2,701,000 gallons/year  
**Description of Request:** Barclay Waddell is seeking an operating permit and an exception to the District's water well spacing requirements under District Rule 4.7, in order to drill and operate one new water well for public water supply. The proposed well location fails to meet the required spacing from the nearest property line (750 ft.).
  - B. **Applicant/Owner:** BKV Barnett, LLC — 1209 County Road 1304, Bridgeport, TX 76426  
**Type of Application:** Operating Permit  
**Location of well or proposed well:** CR 4227, Aurora, TX 76078  
**Requested Permit Volume:** 35,000,000 gallons/year  
**Description of Request:** BKV Barnett, LLC is seeking an operating permit in order to operate one existing water well in Wise County in order to provide water for oil and gas operations.
  - C. **Applicant/Owner:** Hammett Excavation Inc. — 1545 CR 2917, Dodd City, TX 75438  
**Type of Application:** Operating Permit  
**Location of well or proposed well:** Multiple Locations along Hwy 82, Ringgold, TX 76261  
**Requested Permit Volume:** 75,000,000 gallons/year  
**Description of Request:** Hammett Excavation Inc. is seeking an Operating Permit to drill and operate 3 water wells in Montague County in order to provide water for the highway 82 construction project.
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 Public Hearing and Regular Board Meeting on January 24, 2022.
  - B. Approval of bank statement ending January 31, 2022, and current financial reports of the District.
  - C. Approval of Investment Report.
  - D. Payment of bills/invoices received through February 28, 2022.
  - E. Reimbursements for expenses incurred on behalf of the District through February 28, 2022.
  - F. Approval of Request for an Extension Applications submitted through February 28, 2022.
2. Any items from consent agenda that were pulled for further discussion.
3. Consider authorizing general manager to take all necessary action as directed by the Board to pursue, and possibly execute, a contract on behalf of the District for the following:
  - A. Construction of additional covered parking spaces for the District office,
  - B. Paving of the entryway at the front gate of the District office.
4. Discussion regarding alleged failure to timely submit accurate water production reports and water use fees to the District for calendar years 2009 through 2021 for wells owned by the Deaton Revocable Family Trust in Parker County, including but not limited to the approval of a Settlement Agreement between the District and the Deaton Revocable Family Trust; take action as necessary.
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
  - 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
6. Review line item expenditures and adopt budget amendment(s) as necessary.
7. **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.

8. Determine time and place for next meeting.
9. New business to be placed on the next meeting agenda.
10. 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](http://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 Clerk in Parker County with a request that it be posted at or before 4:00 p.m. on the 25 of February 2022.



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Doug Shaw, General Manager