

**NOTICE OF HEARING AND REGULAR MEETING**  
**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/82615012690>  
**1 (346) 248-7799 – US**  
**Meeting ID: 826 1501 2690**

**Thursday, January 26, 2023**  
**Hearing begins 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/82615012690> of the public may also access the hearing by telephone at the following number: (346) 248-7799. Use Meeting ID: 826 1501 2690. 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 either in writing or by appearing at the public hearing 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](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/>

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](mailto:doug@uppertrinitygcd.com).

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:** Karl Klement Properties, Inc. — PO Box 55, Decatur, TX, 76234  
**Type of Application:** Operating Permit  
**Permit ID:** 194-W-OP  
**Well ID(s):** 18966  
**Location of well or proposed well:** 3520 Hwy 287 S, Decatur, TX 76234  
**Requested Permit Volume:** 2,003,000 gallons/year  
**General Manager's Recommendation:** 2,003,000 gallons/year  
**Description of Request:** Karl Klement Properties, Inc. is seeking an operating permit in order to drill and operate one new public water supply well to supply water for a new car dealership on the property.
  - B. Applicant/Owner:** PMB Rhome Developer West, LLC — 4001 Maple Ave., Suite 270, Dallas, TX 75219  
**Type of Application:** Operating Permit  
**Permit ID:** 195-W-OP  
**Well ID(s):** 18925 and 18926  
**Location of well or proposed well:** FM 3433, Rhome, TX, 76078  
**Requested Permit Volume:** 8,900,000 gallons/year  
**General Manager's Recommendation:** 8,900,000 gallons/year  
**Description of Request:** PMB Rhome Developer West, LLC is seeking an operating permit in order to operate 2 existing commercial wells to supply water for a pond and irrigation of a subdivision.
  - C. Applicant/Owner:** PMB Rolling V Land LP — 4001 Maple Ave., Suite 270, Dallas, TX 75219  
**Type of Application:** Operating Permit  
**Permit ID:** 196-W-OP  
**Well ID(s):** 18927, 18928, 18929, 18930, 18931, and 18932  
**Location of well or proposed well:** FM 3433, Rhome, TX, 76078  
**Requested Permit Volume:** 27,000,000 gallons/year  
**General Manager's Recommendation:** 27,000,000 gallons  
**Description of Request:** PMB Rolling V Land LP is seeking an operating permit in order to operate 6 existing commercial wells to supply water for a pond and irrigation of a subdivision.
  - D. Applicant/Owner:** Texas Water Utilities L.P.— 1620 Grand Ave Pkwy, Ste 140, Pflugerville, TX 78660
    1. **Type of Application:** Operating Permit  
**Permit ID:** 018-W-OP  
**Well ID(s):** 965 and 966  
**Location of well or proposed well:** Near the intersection of Sky Way and Skyview Ct., New Fairview, TX, 76078  
**Requested Permit Volume:** 3,000,000 gallons/year

**General Manager's Recommendation:** 3,000,000 gallons/year

**Description of Request:** Texas Water Utilities, L.P. is seeking an operating permit in order to increase the annual allocation for two existing public water supply wells in the Sky View Ranch subdivision.

2. **Type of Application:** Operating Permit

**Permit ID:** 019-W-OP

**Well ID(s):** 971, 972, 973, and 974

**Location of well or proposed well:** Near the intersection of Lange Way and Layfield Ln, New Fairview, TX 76078

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

**General Manager's Recommendation:** 1,000,000 gallons/year

**Description of Request:** Texas Water Utilities L.P. is seeking an operating permit in order to increase the annual allocation for four existing public water supply wells in the Chisolm Hills subdivision.

3. **Type of Application:** Operating Permit

**Permit ID:** 028-W-OP

**Well ID(s):** 970

**Location of well or proposed well:** Near the end of Windmill Trail, Paradise, TX 76073

**Requested Permit Volume:** 750,000 gallons/year

**General Manager's Recommendation:** 750,000 gallons/year

**Description of Request:** Texas Water Utilities L.P. is seeking an operating permit in order to increase the annual allocation for the existing public water supply well in the Windmill Trails subdivision.

4. **Type of Application:** Operating Permit

**Permit ID:** 056-P-OP

**Well ID(s):** 975 and 996

**Location of well or proposed well:** 105 Paige Street, Weatherford, TX 76088

**Requested Permit Volume:** 500,000 gallons/year

**General Manager's Recommendation:** 500,000 gallons/year

**Description of Request:** Texas Water Utilities, L.P. is seeking an operating permit in order to increase the annual allocation for two existing public water supply wells in the Green Acres subdivision.

5. **Type of Application:** Operating Permit

**Permit ID:** 059-P-OP

**Well ID(s):** 995

**Location of well or proposed well:** 100 Echo Valley Rd., Weatherford, TX 76088

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

**General Manager's Recommendation:** 1,000,000 gallons/year

**Description of Request:** Texas Water Utilities, L.P. is seeking an operating permit in order to increase the annual allocation for the existing public water supply well in the Westview subdivision

- E. **Applicant/Owner:** Kristen Turner — 1433 Sweet Springs Rd, Weatherford, TX 76088

**Type of Application:** Application for Exception to minimum tract size requirements

**Permit ID:** N/A

**Well ID(s):** 18961

**Location of well or proposed well:** 1433 Sweet Springs Rd, Weatherford, TX 76088

**Requested Permit Volume:** N/A

**General Manager's Recommendation:** N/A

**Description of Request:** Kristen Turner is seeking an exception to the minimum tract size requirement in order to drill a well for domestic purposes.

- F. **Applicant/Owner:** Marc Pearson — 200 Twin Creek Dr, Azle, TX 76020

**Type of Application:** Application for Exception to minimum spacing requirements

**Well ID(s):** 12671

**Location of well or proposed well:** 200 Twin Creek Drive, Azle, TX 76020

**Requested Permit Volume:** N/A

**General Manager's Recommendation:** N/A

**Description of Request:** Marc Pearson is seeking an exception to the minimum well spacing requirement for an existing water well, which the property was found to be subdivided in violation of District Rules, to be located within 50 feet of a property line.

**G. Applicant/Owner:** William E. Viering — 1024 Meadow Hill Rd., Fort Worth, TX 76108

**Type of Application:** Application for exception to minimum spacing requirements

**Permit ID:** N/A

**Well ID(s):** 19030

**Location of well or proposed well:** 1032 Meadow Hill Rd., Fort Worth, TX 76108

**Requested Permit Volume:** N/A

**General Manager's Recommendation:** N/A

**Description of Request:** William E. Viering is seeking an exception to the minimum well spacing requirement in order to drill a well for domestic purposes

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.

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### REGULAR BOARD MEETING

1. Discuss and consider appointment of person to fill vacancy on Board of Directors for an unexpired term representing Hood county created by the resignation of Mr. Richard English, including but not limited to the adoption of Resolution 23-001 and consultation in executive session, in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, concerning personnel matters (§551.074); any action will be taken during the open meeting.
2. **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 Special Called Meeting, Regular Board Meeting and Public Hearing on December 15, 2022.
  - B. Approval of bank statement ending December 31, 2022, and current financial reports of the District.
  - C. Payment of bills/invoices received through January 26, 2023.
  - D. Reimbursements for expenses incurred on behalf of the District through January 26, 2023.
  - E. Approval of Request for an Extension Applications submitted through January 26, 2023.
3. Any items from consent agenda that were pulled for further discussion.
4. Board consideration and possible approval of quarterly Investment Report with recommendations and addition of new financial depositories.
5. Discussion regarding updates to the District's Personnel Policy Manual; take action as necessary.
6. Discussion regarding the proposed contract with RMBJ Geo, INC. for professional services related to Groundwater Management Area 6 (GMA 6), including but not limited to authorizing the Board President or General Manager to execute the contract on behalf of the District.
7. Discussion regarding a request to locate a replacement well (Well ID 18496) further than 100 ft. from the well being replaced; take action as necessary.

8. Discussion and update regarding the violations and settlement offer related to Well IDs 15204 and 17740, including but not limited to the scheduling of a Show Cause Hearing; take action as necessary.
9. Discussion regarding the following potential violations of District Rules; take action as necessary.
  1. Well IDs 12104, 12105, 12106, and 12107 owned by Cann-Weatherford Ltd. in Parker Co.
10. **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
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; groundwater related 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](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 20<sup>th</sup> of January 2023.



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Doug Shaw, General Manager