

**UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT**  
**THURSDAY, SEPTEMBER 21, 2023**  
**MINUTES OF MEETINGS**  
**OF THE**  
**BOARD OF DIRECTORS**

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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. The meeting convened at 2:00 p.m.
2. Roll call, establish a quorum, call Public Hearings and Regular Board Meeting to order; declare the Hearings and Meeting open to the public.  
  
Directors Present: Brent Wilson, Tracy Mesler, Shannon Nave, Jarrod Reynolds, Bob Lusk, Don Majka, Tim Watts and Mike Berkley (arrived at 2:52 p.m.)  
  
Director Absent: None
3. Pledges of allegiance to the flags.
4. Public comments were made where noted below.

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**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, submitted for the systems described in the notice of the Preliminary Hearing on Proposed Historic Use Permits for today's hearing ("the Preliminary Hearing Notice"), which was posted separately prior to August 19, 2023, 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 prior to the hearing. Darryl Waldock of Aqua Texas participated in the discussion.
2. Director Watts moved to approve the General Manager's recommendation related to all the applications for Historic Use Permits set forth in the Preliminary Hearing Notice. Director Majka 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 Public Hearing at 2:19 p.m.

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**PUBLIC HEARING**

1. Receive any public comments, requests to contest, and the General Manager's report and recommendations regarding the applications for Operating Permits, Operating Permit Amendments, and Exception to Spacing Requirements submitted for the systems described in the Notice of Hearing for today's hearing ("the Hearing Notice"), which was posted separately prior to September 11, 2023, in accordance with the District Rules and which is incorporated herein by reference:

**A. AQUA Texas, Inc. Group 1- GM recommendation is equal to the requested volume.**

- 1) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 002-W

**Location of well or proposed well:** Various locations within the Decatur Acres subdivision.

**Requested Permit Volume:** 5,340,800 gallons/year

**General Manager's Recommendation:** 5,340,800 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 2) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 003-P

**Location of well or proposed well:** Various locations within the Saddle Club subdivision.

**Requested Permit Volume:** 7,332,440 gallons/year

**General Manager's Recommendation:** 7,332,440 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 3) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 003-W

**Location of well or proposed well:** Various locations along High Meadows Dr. within the Highland Hills subdivision.

**Requested Permit Volume:** 3,791,880 gallons/year

**General Manager's Recommendation:** 3,791,880 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 4) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 005-H

**Location of well or proposed well:** 4059 County Meadows Circle, Granbury, TX 76049

**Requested Permit Volume:** 976,100 gallons/year

**General Manager's Recommendation:** 976,100 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 5) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 005-P

**Location of well or proposed well:** Various locations within the Ashcreek and Flat Rock subdivisions.

**Requested Permit Volume:** 1,162,720 gallons/year

**General Manager's Recommendation:** 1,162,720 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 6) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 005-W

**Location of well or proposed well:** Various locations along Stonegate Drive within the Stonegate subdivisions.

**Requested Permit Volume:** 5,097,080 gallons/year

**General Manager's Recommendation:** 5,097,080 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 7) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108



**Type of Application:** Operating Permit

**System ID:** 006-W

**Location of well or proposed well:** 117 Reatta Drive, Decatur, TX 76234

**Requested Permit Volume:** 3,415,370 gallons/year

**General Manager's Recommendation:** 3,415,370 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 8) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 007-H

**Location of well or proposed well:** Various locations within the Hunterwood, Lakeside Hills, Ridge, and Canyon Creek subdivisions.

**Requested Permit Volume:** 7,893,280 gallons/year

**General Manager's Recommendation:** 7,893,280 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 9) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 009-P

**Location of well or proposed well:** Various locations within the Tanglewood subdivision.

**Requested Permit Volume:** 7,999,600 gallons/year

**General Manager's Recommendation:** 7,999,600 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 10) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 010-P

**Location of well or proposed well:** 130 Dorothy Lane, Springtown, TX 76082

**Requested Permit Volume:** 294,900 gallons/year

**General Manager's Recommendation:** 294,900 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 11) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 011-P

**Location of well or proposed well:** Various locations within the Shangri-La subdivision.

**Requested Permit Volume:** 7,739,040 gallons/year

**General Manager's Recommendation:** 7,739,040 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 12) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 012-H

**Location of well or proposed well:** Various locations within the Peninsula subdivision.

**Requested Permit Volume:** 1,984,000 gallons/year

**General Manager's Recommendation:** 1,984,000 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 13) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 013-H

**Location of well or proposed well:** 300 E. Clifton Road, Granbury, TX 76049

**Requested Permit Volume:** 606,720 gallons/year

**General Manager's Recommendation:** 606,720 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 14) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 015-P

**Location of well or proposed well:** Various locations within the Remuda subdivision.

**Requested Permit Volume:** 2,079,480 gallons/year

**General Manager's Recommendation:** 2,079,480 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 15) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 017-H

**Location of well or proposed well:** 3502 Sandy Beach Drive, Granbury, TX 76049

**Requested Permit Volume:** 3,641,100 gallons/year

**General Manager's Recommendation:** 3,641,100 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 16) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 018-H

**Location of well or proposed well:** Various locations within the Sunchase Meadows and Granbury Industrial Park subdivisions.

**Requested Permit Volume:** 4,611,264 gallons/year

**General Manager's Recommendation:** 4,611,264 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 17) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 018-P

**Location of well or proposed well:** Various locations within the Woodlands Parker County subdivision.

**Requested Permit Volume:** 3,007,700 gallons/year

**General Manager's Recommendation:** 3,007,700 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 18) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 019-H

**Location of well or proposed well:** Various locations within the Sunset Acres subdivision.

**Requested Permit Volume:** 1,512,480 gallons/year

**General Manager's Recommendation:** 1,512,480 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 19) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit



**System ID:** 020-P

**Location of well or proposed well:** Various locations within the Lake Country Acres subdivision.

**Requested Permit Volume:** 10,623,400 gallons/year

**General Manager's Recommendation:** 10,623,400 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 20) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 024-H

**Location of well or proposed well:** Various locations within the Boynton subdivision.

**Requested Permit Volume:** 2,157,400 gallons/year

**General Manager's Recommendation:** 2,157,400 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 21) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 024-P

**Location of well or proposed well:** Various locations within the Lago Lindo subdivision.

**Requested Permit Volume:** 332,600 gallons/year

**General Manager's Recommendation:** 332,600 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

**B. AQUA Texas, Inc. Group 2 – GM recommendation is less than the requested volume.**

- 1) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 004-W

**Location of well or proposed well:** Various locations within the Diamond Ridge, Strawberry Estates, Sunshine Meadows, Singing Meadows, Old Chisholm, Kings Rest, Highland Meadows, and Shale Creek subdivision.

**Requested Permit Volume:** 38,177,520 gallons/year

**General Manager's Recommendation:** 32,585,520 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

**C. AQUA Texas, Inc. Group 3 - The requested volume is speculative.**

- 1) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 002-H

**Location of well or proposed well:** Various locations within the Bentwater, Mallard Pointe, and North Fork Creek 1 subdivisions.

**Requested Permit Volume:** 24,520,000 gallons/year

**General Manager's Recommendation:** 0 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 2) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 003-H

**Location of well or proposed well:** Various locations within the Blue Water Shores subdivision.

**Requested Permit Volume:** 1,624,000 gallons/year

**General Manager's Recommendation:** 0 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 3) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108  
**Type of Application:** Operating Permit  
**System ID:** 006-P  
**Location of well or proposed well:** Various locations within the Eastwood and East Park subdivisions.  
**Requested Permit Volume:** 5,324,800 gallons/year  
**General Manager's Recommendation:** 0 gallons/year  
**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.
- 4) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108  
**Type of Application:** Operating Permit  
**System ID:** 007-P  
**Location of well or proposed well:** 200 Highland Drive, Springtown, TX 76082  
**Requested Permit Volume:** 1,365,800 gallons/year  
**General Manager's Recommendation:** 0 gallons/year  
**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.
- 5) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108  
**Type of Application:** Operating Permit  
**System ID:** 009-H  
**Location of well or proposed well:** Various locations within the Mountain View subdivision.  
**Requested Permit Volume:** 7,186,000 gallons/year  
**General Manager's Recommendation:** 0 gallons/year  
**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.
- 6) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108  
**Type of Application:** Operating Permit  
**System ID:** 010-H  
**Location of well or proposed well:** 308 Kristy Court, Granbury, TX 76049  
**Requested Permit Volume:** 1,556,600 gallons/year  
**General Manager's Recommendation:** 0 gallons/year  
**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.
- 7) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108  
**Type of Application:** Operating Permit  
**System ID:** 015-H  
**Location of well or proposed well:** 8017 River Run, Granbury, TX 76049  
**Requested Permit Volume:** 1,066,000 gallons/year  
**General Manager's Recommendation:** 0 gallons/year  
**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.
- 8) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108  
**Type of Application:** Operating Permit  
**System ID:** 016-H  
**Location of well or proposed well:** Various locations within the Rocke Harbor subdivision.  
**Requested Permit Volume:** 1,981,800 gallons/year  
**General Manager's Recommendation:** 0 gallons/year  
**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.



- 9) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108  
**Type of Application:** Operating Permit  
**System ID:** 016-P  
**Location of well or proposed well:** Various locations within the Live Oak Hills subdivision.  
**Requested Permit Volume:** 3,994,400 gallons/year  
**General Manager's Recommendation:** 0 gallons/year  
**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.
- 10) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108  
**Type of Application:** Operating Permit  
**System ID:** 022-P  
**Location of well or proposed well:** Various locations within the Windsor subdivision.  
**Requested Permit Volume:** 243,600 gallons/year  
**General Manager's Recommendation:** 0 gallons/year  
**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

**D. AQUA Texas, Inc. Group 4 - Based on the District allocation method for an Operating Permit, there is no additional allocation for this system.**

- 1) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108  
**Type of Application:** Operating Permit  
**System ID:** 006-H  
**Location of well or proposed well:** Various locations within the Eastwood and East Park subdivisions.  
**Requested Permit Volume:** 2,924,000 gallons/year  
**General Manager's Recommendation:** 0 gallons/year  
**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

**E. AQUA Texas, Inc. Group 5 - The location of the wells is outside the CCN; therefore, the District cannot utilize the CCN boundary for allocation under an Operating Permit.**

- 1) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108  
**Type of Application:** Operating Permit  
**System ID:** 004-H  
**Location of well or proposed well:** Various locations at the end of Peaceful Ct within the Brazos River Acres subdivision.  
**Requested Permit Volume:** 25,011,500 gallons/year  
**General Manager's Recommendation:** 0 gallons/year  
**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.
- 2) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108  
**Type of Application:** Operating Permit  
**System ID:** 007-W  
**Location of well or proposed well:** 204 CR 4849, Newark, TX 76071  
**Requested Permit Volume:** 420,400 gallons/year  
**General Manager's Recommendation:** 0 gallons  
**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.
- 3) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108  
**Type of Application:** Operating Permit  
**System ID:** 008-H  
**Location of well or proposed well:** 8721 Glen Rose Hwy., Granbury, TX 76048  
**Requested Permit Volume:** 504,000 gallons/year

**General Manager's Recommendation:** 0 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 4) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 011-H

**Location of well or proposed well:** Various locations within the North Fork Creek 2 subdivision.

**Requested Permit Volume:** 575,400 gallons/year

**General Manager's Recommendation:** 0 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 5) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 014-P

**Location of well or proposed well:** Various locations within the Sand Acres 1 and 2 subdivisions.

**Requested Permit Volume:** 2,087,960 gallons/year

**General Manager's Recommendation:** 0 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- 6) **Applicant/Owner:** AQUA Texas, Inc. — 9450 Silver Creek Rd., Fort Worth, TX 76108

**Type of Application:** Operating Permit

**System ID:** 025-H

**Location of well or proposed well:** 1901 Randy Ct, Granbury, TX 76049

**Requested Permit Volume:** 547,000 gallons/year

**General Manager's Recommendation:** 0 gallons/year

**Description of Request:** AQUA Texas, Inc. is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to their CCN service area.

- F. **Applicant/Owner:** Raykkar, LLC. — 5860 N. FM 51, Weatherford, TX 76085

**Type of Application:** Operating Permit

**System ID:** 170-P

**Location of well or proposed well:** 5860 N. FM 51, Weatherford, TX 76085

**Requested Permit Volume:** 700,000 gallons/year

**General Manager's Recommendation:** 700,000 gallons/year (conditional)

**Description of Request:** Raykkar, LLC is seeking an operating permit in order to increase the annual allocation for an existing public water supply which provides water to the RV Park on the property.

- G. **Applicant/Owner:** LGI Homes Texas, LLC — 1450 Lake Robbins Drive, Suite 430, The Woodlands, TX 77380

**Type of Application:** Operating Permit

**System ID:** 109-H

**Location of well or proposed well:** Various locations within the Brookside subdivision.

**Requested Permit Volume:** 54,145,500 gallons/year

**General Manager's Recommendation:** 54,145,500 gallons/year

**Description of Request:** LGI Homes, LLC is seeking an operating permit in order to drill a new public water supply which will provide water for their CCN service area.

- H. **Applicant/Owner:** Lackland Hillcrest North Development LLC — 3045 Lackland Rd., Fort Worth, TX 76116

**Type of Application:** Operating Permit

**System ID:** 200-W

**Location of well or proposed well:** Within the Hillview subdivision.

**Requested Permit Volume:** 17,337,500 gallons/year



**General Manager's Recommendation:** 17,337,500 gallons/year

**Description of Request:** Lackland Hillcrest North Development LLC is seeking an operating permit in order to drill a new public water supply which will provide water for their CCN service area.

**I. Applicant/Owner:** New Progress WSC — PO Box 191, Weatherford, TX 76086

**Type of Application:** Operating Permit Amendment

**System ID:** 047-P

**Location of well or proposed well:** 165 Enchanted Oaks Ct., Weatherford, TX 76087

**Requested Permit Volume:** 0 gallons/year

**General Manager's Recommendation:** 0 gallons/year

**Description of Request:** New Progress WSC is seeking amend an operating permit in order drill a new well for secondary public water supply for their CCN service area.

2. General Manager Shaw presented background information and his recommendations for the related to the permit applications:

A. Director Reynolds made a motion to approve the General Manager's recommendation, as presented, for the Operating Permits in Group 1 (Permit IDs listed below). Director Nave seconded the motion. Motion passed unanimously.

- |            |            |            |
|------------|------------|------------|
| • 002-W-OP | • 007-H-OP | • 017-H-OP |
| • 003-P-OP | • 009-P-OP | • 018-H-OP |
| • 003-W-OP | • 010-P-OP | • 018-P-OP |
| • 005-H-OP | • 011-P-OP | • 019-H-OP |
| • 005-P-OP | • 012-H-OP | • 020-P-OP |
| • 005-W-OP | • 013-H-OP | • 024-H-OP |
| • 006-W-OP | • 015-P-OP | • 024-P-OP |

B. Director Nave made a motion to approve the General Manager's recommendation, as presented, for Operating Permit 004-W-OP, in Group 2. Director Wilson seconded the motion. Motion passed unanimously.

C. Darryl Waldock of Aqua Texas participated in the discussion regarding Operating Permits in Group 3. Director Lusk made a motion to deny the Operating Permits in Group 3, per the General Manager's recommendation (Permit IDs listed below). Director Majka seconded the motion. Motion passed unanimously.

- |            |            |
|------------|------------|
| • 002-H-OP | • 010-H-OP |
| • 003-H-OP | • 015-H-OP |
| • 006-P-OP | • 016-H-OP |
| • 007-P-OP | • 016-P-OP |
| • 009-H-OP | • 022-P-OP |

D. Director Wilson made a motion to deny Operating Permit 006-H-OP, in Group 4, per the General Manager's recommendation. Director Lusk seconded the motion. Motion passed unanimously.

E. Darryl Waldock of Aqua Texas and Brian Sledge of SledgeLaw Group PLLC, participated in the discussion regarding the Operating Permits in Group 5. Director Majka moved to continue the Hearing for Operating Permits 007-W-OP, 011-H-OP, and 014-P-OP on October 19. Director Nave seconded the motion. Director Berkley abstained. Aye-7 Nay-0 Abstention-1. Motion passed.

Director Majka made a motion to deny Operating Permits 004-H-OP, 008-H-OP, and 025-H-OP, in Group 5, per the General Manager's recommendation. Director Nave seconded the motion. Director Berkley abstained. Aye-7 Nay-0 Abstention-1. Motion passed.

President Mesler called for a brief recess at 3:23 p.m. The board returned at 3:37 p.m.

- F. Director Watts made a motion to approve the General Manager's recommendation for Operating Permit 170-P-OP for Raykkar, LLC in the amount of 133,040 gallons per year. Director Reynolds seconded the motion. Motion passed unanimously.
- G. Matt VanHattan participated in the discussion regarding LGI Homes Texas, LLC. Director Reynolds made a motion to approve the General Manager's recommendation for Operating Permit 109-H-OP in the amount of 54,145,500 gallons per year. Additionally, the motion included a conditional approval of the Application for Exception for well ID 19211. The conditions are as follows: 1) the applicant enter into an agreement, with the District, for the ongoing measuring of water levels in the well and 2) the applicant complete and provide to the District a geophysical log of the well and all pump tests related to the well. Board approval of this exception request was based on the fact that the only wells impacted by the request were other wells proposed by the applicant.  
Director Berkley seconded the motion. Motion passed unanimously.
- H. Diane Conklin, Gabriela Diaz, and Silvia Barrios participated in the discussion regarding Lackland Hillcrest North Development, LLC. Director Watts made a motion to approve the General Manager's recommendation for Operating Permit 200-W-OP in the amount of 17,337,500 gallons per year. The motion included a conditional approval of the Application for Exception related to Well ID 20097. The conditions are as follows: 1) limit production capacity of Well ID 20097 to 79 gpm; 2) complete and provide to the District a geophysical/electric log of the borehole and all pump tests related to the well; and 4) enter into agreement with the District for the ongoing measurement of water levels in the well. Director Majka seconded the motion. Motion passed unanimously.
- I. Director Majka made a motion to approve the General Manager's recommendation for Operating Permit 047-P-OP for New Progress WSC to include Well ID 20099 on the Permit. The motion also included conditional approval of the Application for Exception related to Well ID 2099. The conditions are as follows: 1) the applicant enter into an agreement with the District for the ongoing measuring of water levels in the well and 2) the applicant complete and provide to the District a geophysical log and all pump tests related to the well. Director Lusk seconded the motion. Motion passed unanimously.

3. President Mesler adjourned the Public Hearing at 4:36 p.m.

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### REGULAR BOARD MEETING

- 1. Director Majka moved to approve the Consent Agenda, including:
  - A. Approval of minutes from Public Hearing and Regular Board Meeting on August 17, 2023.
  - B. Approval of bank statement ending August 31, 2023, and current financial reports of the District.
  - C. Approval of Investment Report.
  - D. Payment of bills/invoices received through September 21, 2023.
  - E. Reimbursements for expenses incurred on behalf of the District through September 21, 2023.
  - F. Approval of Request for an Extension Applications submitted through September 21, 2023.
 Director Wilson seconded the motion. Motion passed unanimously.
- 2. No items were pulled from the consent agenda for further discussion.
- 3. Discussion regarding the following potential violations of District Rules; take action as necessary.
  - A. Non-Exempt Wells/Systems  
President Mesler took item 3. A. 4) out of order.
    - 4) Chris Heavner of Merit Energy and Eddie Berry participated in the discussion regarding Well ID 266 owned by Eddie Berry and/or Merit Energy. Director Berkley moved to authorize the General Manger to offer a settlement to Mr. Berry, in lieu of litigation, to include the following: 1) a first major violation



of District Rules for failure to permit a well that does not qualify for an exemption under Rule 3.1; 2) a \$250 penalty associated with the first major violation; 3) a requirement to submit an estimate of all water produced from well ID 266 since the well came online, to the satisfaction of the General Manager, and pay associated water use fees on or before Friday, October 27, 2023; and 4) enter into an agreement with the District for the ongoing measurement of water levels in the well. Director Reynolds seconded the motion. Motion passed unanimously.

Director Reynolds moved to authorize the General Manger to offer a settlement to Merit Energy, in lieu of litigation, to include the following: 1) first minor violation of District Rules for failure to timely notify the District regarding change of ownership and 2) a \$250 penalty associated with the first minor violation due on or before Friday, October 27, 2023. Director Lusk seconded the motion. Motion passed unanimously.

President Mesler called for a brief recess at 5:13 p.m. The board returned at 5:25 p.m.

- 1) Darryl Waldock of Aqua Texas participated in the discussion regarding System ID 003-H owned by Aqua TX, Inc. Director Nave moved to authorize the General Manger to offer a settlement to Aqua TX, in lieu of litigation, to include the following: 1) a first major violation of District Rules, for System ID 003-H, for failure to notify the District prior to removing a meter; 2) a \$500 penalty for each of the three water meters removed (Well IDs 823, 824, and 825 (\$1,500 total) on or before Friday, October 27, 2023; 3) a requirement to provide a written explanation of the low water usage of the system during the January – June 2023 reporting period; and 4) a requirement to enter into an agreement for ongoing measurement of water levels for Well IDs 823, 824, and 825. Director Watts seconded the motion. Motion passed unanimously.
- 2) Darryl Waldock of Aqua Texas participated in the discussion regarding System ID 007-P owned by Aqua TX, Inc. Director Nave moved to authorize the General Manger to offer a settlement to Aqua TX, in lieu of litigation, to include the following: 1) a first major violation of District Rules, for System ID 007-H, for failure to notify the District prior to removing a meter (Well ID 763); 2) no penalty fee; 3) a requirement to provide a written explanation of the low water usage of the system during the January – June 2023 reporting period (evidence of volume of water provided from Walnut Creek SUD); and 4) a requirement to enter into an agreement for ongoing measurement of water levels for Well ID 763. Director Lusk seconded the motion. Motion passed unanimously.
- 3) Director Lusk moved to authorize the General Manger to offer a settlement to Cresson Crossroads (System ID 035-H), in lieu of litigation, to include the following: 1) a first major violation of District Rules for failure to notify the District prior to removing a meter (Well ID 312) and 2) a \$250 penalty associated with the first major violation, due on or before Friday, October 27, 2023. Director Nave seconded the motion. Director Reynolds abstained. Aye-7 Nay-0 Abstention-1. Motion passed.
- 5) Director Majka moved to authorize the General Manger to offer a settlement to Gallagher Acquisitions LLC (System ID 193-P), in lieu of litigation, to include the following: 1) a first major violation of District Rules for failure to timely meter a well when required (Well ID 17274); 2) a \$250 penalty associated with the first major violation; 3) a second major violation of District Rules for failure to submit accurate groundwater production report within the required period; 4) a \$500 penalty associated with the second major violation; and 5) a requirement to submit an estimate of the groundwater used during the January-June reporting period of 2023 to the satisfaction of the General Manager by October 1, 2023 and pay the associated water use fees, along with a 10% late penalty fee, by October 13, 2023. Director Lusk seconded the motion. Motion passed unanimously.
- 6) Director Nave moved to authorize the General Manger to offer a settlement to Sky Harbor WSC (System ID 043-H), in lieu of litigation, to include the following: 1) a first major violation of District Rules for failure to notify the District prior to removing a required well meter for repairs; 2) a second major violation for failure to submit accurate groundwater production report within the required period; 3) requirement that the owner submit an estimate of all unreported and unmetered groundwater produced to the satisfaction of the General Manager by October 15 and pay the associated fees by October 31; and 4) the owner enter in to an agreement with the District for the ongoing measurement



of water levels in Well IDs 317, 318, 319, 320, and 568. Director Reynolds seconded the motion. Motion passed unanimously.

- 7) Director Wilson moved to authorize the General Manger to offer a settlement to Walsh Water, LLC (System ID 193-P), in lieu of litigation, to include the following: 1) a first major violation for failure to notify the District prior to removing a required well meter for repairs (Well ID 12787); 2) a \$500 penalty associated with each meter removed without notification (meter was replaced twice – July and September) (\$1,000 total); 3) a second major violation for failure to submit accurate groundwater production report within the required period; 4) a \$1,000 penalty associated with the second major violation; 5) a requirement to submit payment of fees associated with the January-June reporting period of 2023, along with a 10% late penalty fee. Failure to pay the associated fees by October 13 will result in the 10% late penalty being increased to a 3-times-the-water-use-fee late penalty; and 6) a requirement to enter into an agreement with the District for certain wells (at staff's discretion) for ongoing measurement of water levels. Director Berkley seconded the motion. Director Watts abstained. Aye-7 Nay-0 Abstention-1. Motion passed.
- 8) Director Berkley moved to authorize the General Manger to offer a settlement to DL Calender Properties, LLC (System ID 091-H), in lieu of litigation, to include the following: 1) a first major violation of District Rules for failure to notify the District prior to removing a meter (Well ID 244); 2) \$750 penalty associated with the first major violation; 3) a second major violation for failure to submit accurate groundwater production report within the required period; 4) a \$1,500 penalty associated with the second major violation; 5) a requirement to submit an estimate of the groundwater used during the January-June 2023 reporting period to the satisfaction of the General Manager; and 6) a requirement to enter into an agreement for ongoing measurement of water levels for well ID 244. Director Wilson seconded the motion. Motion passed unanimously.

B. Exempt Wells

- 1) Director Reynolds moved to authorize the General Manger to offer a settlement to the Tilotta Family Living Trust, in lieu of litigation, to include the following: 1) a first minor violation for failure to notify the District of a change in ownership (Well ID 5496); 2) a \$100 penalty associated with the first minor violation; 3) a first major violation of District Rules for failure to maintain the minimum well spacing requirements set forth in District Rules; 4) a \$250 penalty associated with the first major violation; 5) a requirement to either adjust the newly configured property line to bring the well into compliance with District Rules or plug well ID 5496; and 6) if the owner chooses to adjust to the property line in order to avoid the requirement to plug Well ID 5496, a requirement to enter into an agreement for ongoing measurement of water levels for well ID 5496. Director Berkley seconded the motion. Motion passed unanimously.
- 2) President Mesler moved to authorize the General Manger to offer a settlement to Jackie Stone, in lieu of litigation, related to an unregistered well, located on the property at 1697 E Hwy 114, in Wise County, to include a: 1) first major violation of District Rules for drilling, completing, altering, or operating a well without a compliant and approved registration; 2) \$250 penalty associated with the first major violation; 3) a second major violation of District Rules for drilling a well in violation of minimum tract size and well spacing requirements; 4) \$500 penalty associated with the second major violation; and 5) a requirement to plug the well located at 1697 E Hwy 114. Payment of the penalty amounts are due to the District on or before October 11, 2023; well plugging must be completed on or before October 31, 2023; and the well plugging report must be submitted to the District no later than the 30th day after the day the well is plugged. Director Nave seconded the motion. Motion passed unanimously.
- 3) Director Wilson moved to authorize the General Manger to offer a settlement to Brian Walden, in lieu of litigation, to include the following: a 1) first major violation of District rules for drilling a well in a different location than authorized (Well ID 18234); 2) a \$250 penalty associated with the first major violation; 3) a second major violation for drilling a well in violation of the minimum well spacing



requirements; 4) a \$500 penalty associated with the second major violation; and 5) a requirement to plug well ID 18234. Director Nave seconded the motion. Motion passed unanimously.

- 4) Director Nave moved to authorize the General Manager to offer a settlement to Montana Mize, in lieu of litigation, to include the following: 1) a second major violation of District Rules for drilling, completing, altering, or operating a well without a compliant and approved registration (Well ID 20208); 2) a \$1,000 penalty associated with the second major violation; and 3) the forfeiture of the well completion report deposit. Director Watts seconded the motion. Director Majka was absent. Aye-7 Nay-0 Abstention-1. Motion passed.

At 7:03 p.m., the Board went into executive session, in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, concerning attorney-client matters (§551.071).

President Mesler called the Public Hearing back into open session at 7:37 p.m. No decision was made as a result of the executive session.

- 5) Director Majka moved to authorize the District's General Manager and General Counsel to file a formal complaint with Texas Department of Licensing and Regulation (TDLR) and to request that TDLR investigate the activity of James "Jimmy" Carvish, who has drilled water wells at several locations within the District's jurisdiction in Wise and Parker Counties and does not possess a license from the Texas Department of Licensing and Regulation ("TDLR") to drill water wells, but is acting as a licensed driller in violation of Section 76.20 of the Texas Water Well Drillers and Pump Installers Administrative Rules, Title 16, Texas Administrative Code. Additionally, the motion further requested TDLR to pursue appropriate enforcement action against Mr. Carvish, up to and including injunctive relief, administrative and civil penalties, and any other relief within TDLR's authority to pursue. The Board has also directed the General Manager and General Counsel to coordinate with TDLR in the prosecution of the case, and to participate as a party if necessary or appropriate in the enforcement suit. Director Nave seconded the motion. Motion passed unanimously.

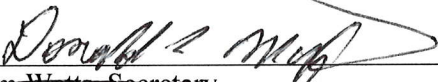
4. Discussion and presentation of the District's 2022 Annual Report will be held during the next Regular Board meeting.
5. Director Watts moved to approve the recommendations regarding staff compensation from the Executive Committee and the General Manager and to direct the General Manager to prepare a draft 2024 Budget based on those recommendations. Director Wilson seconded the motion. The motion passed unanimously.
6. Director Wilson moved to approve the renewal of Medical Coverage and the Health Reimbursement Arrangement (HRA) for District employees for 2024, as presented. Director Nave seconded the motion. The motion passed unanimously.
7. Director Nave moved to adopt Resolution 23-007 Setting Water Use Fees, Transport Fees, and Administrative Fees. Director Wilson seconded the motion. Motion passed unanimously.
8. **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.

9. No budget amendments were necessary.
10. District General Counsel from SledgeLaw Group gave brief updates regarding groundwater-related legislative and rule-making activities related to the District.
11. The next Hearing and Regular Board meeting are scheduled for Thursday, October 19, 2023, at 5:00 p.m. at the District's office.
12. New business placed on the next meeting agenda was mentioned above.
13. President Mesler adjourned the meeting at 7:49 p.m.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this 19 day of October 2023.

Attest:

  
\_\_\_\_\_  
Tracy Mesler, President

  
\_\_\_\_\_  
Tim Watts, Secretary  
*Assistant Secretary*



The entire packet of information provided to the Board on the Historic Use Permit Applications prepared by the General Manager, applications, technical review, recommendations, proposed permits, and all other supporting information, can be found at the link below:

<https://uppertrinitygcd-my.sharepoint.com/:f:/p/kyle/EsG26V84sBpBhsJl0O2PuQQBMDxJLQqYCRkOpYlnErsqyA?e=RRR4xr>

Hard copies of this information will be maintained at the District Office as part of the permanent record and is available for review upon request.