

**UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT**  
**THURSDAY, APRIL 23, 2026**  
**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 1:00 p.m.
2. Roll call, establish a quorum, call Public Hearing and Regular Board Meeting to order; declare the Hearing and Meeting open to the public.  

Directors Present: Justin Bradley, Jarrod Reynolds, Bob Lusk, Shannon Nave (arrived at 2:00 p.m.), Tracy Mesler, Mike Berkley, and Don Majka

Directors Absent: Jason Flynt
3. Pledges of allegiance to the flags.
4. Mack Bennett made public comments at the end of the Regular Board meeting.

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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:** Forterra Pipe and Precast LLC— 1763 Old Denton Road, Decatur, TX 76234  
**Type of Application:** Operating Permit  
**System ID:** 114-W  
**Requested Permit Volume:** 3,114,200 gallons/year  
**General Manager's Recommendation:** 3,114,200 gallons/year  
**Location of well or proposed well:** 1763 Old Denton Road, Decatur, TX 76234  
**Description of Request:** Forterra Pipe and Precast is seeking an Operating Permit in order to drill one new well that will supply water for manufacturing concrete products on the property.
  - B. **Applicant/Owner:** Hillcrest North MUD of Wise County — 3045 Lackland Road, Fort Worth, TX 76116  
**Type of Application:** Operating Permit Amendment  
**System ID:** 026-W-OP  
**Requested Permit Volume:** 0 gallons/year  
**General Manager's Recommendation:** 0 gallons/year  
**Location of well or proposed well:** Lot 10 Blk A Hillview Addition, Decatur, TX 76078  
**Description of Request:** Hillcrest North MUD of Wise County is seeking to make a major alteration to previously approved well (Well ID 20097) to increase the production capacity of the well and move it to a more central location in the subdivision.
  - C. **Applicant/Owner:** Still Ticken Ranch, LLC— 9602 W Buckeye Road, Tolleson, AZ 85353  
**Type of Application:** Application for Exception to Spacing Requirements  
**Well ID:** 23644  
**Location of well or proposed well:** 22665 CR 1787 Lot 9  
**Description of Request:** Still Taken Ranch, LLC is seeking an exception to the District's spacing requirements for a proposed GAC well located in the subdivision.

2. General Manager Shaw presented background information and his recommendations for the water wells related to the permit application:
  - A. Director Reynolds made a motion to approve the General Manager's recommendation, as presented, for the Application for an Operating Permit for System 114-W-OP in the amount of 3,114,200 gallons per year. Director Majka seconded the motion. Motion passed unanimously.
  - B. Director Reynolds made a motion to approve the General Manager's recommendation, as presented, for the Application for an Operating Permit Amendment for System 026-W-OP to update the location and lower the production capacity of Well ID 20097 to 30 gpm. Director Lusk seconded the motion. Motion passed unanimously.
  - C. Director Majka made a motion to approve the General Manager's recommendation, as presented, for the Application for Exception to Spacing Requirements for Well ID 23644 with the condition that, at the District's discretion and within 30 days after the completion of a successful aquifer test, the applicant shall either plug one of the wells or enter into an agreement with the District for the ongoing measurement of water levels and the well shall solely be used for measuring water levels. Director Reynolds seconded the motion. Motion passed unanimously.
3. President Mesler adjourned the Public Hearing at 1:14 p.m.

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### REGULAR BOARD MEETING

1. Director Lusk moved to approve the Consent Agenda, including:
  - A. Approval of minutes from the Regular Board Meeting and Public Hearing on March 12, 2026.
  - B. Approval of bank statement ending March 31, 2026, and current financial reports of the District.
  - C. Payment of bills/invoices received through April 23, 2026.
  - D. Reimbursements for expenses incurred on behalf of the District through April 23, 2026.
  - E. Approval of Request for Extension Applications submitted through April 23, 2026.Director Bradley seconded the motion. Motion passed unanimously.
2. No items were pulled from the consent agenda for further discussion.
3. Director Berkley made a motion to approve the quarterly Investment Report as presented. Director Majka seconded the motion. Motion passed unanimously.
4. Discussion regarding the following potential violations of District Rules; take action as necessary.
  - A. Rob Hankins participated in the discussion regarding a potential violation of District Rules. Director Berkley made a motion to offer Rob Hankins a settlement, in lieu of litigation, to include the following: 1) a 2<sup>nd</sup> major violation of District Rules for drilling Well ID 23601 at a different location than authorized; 2) a \$500 penalty associated with the 2<sup>nd</sup> major violation; and 3) a requirement for the well owner to enter into an agreement with the District for ongoing measurement of water levels in the well. Director Lusk seconded the motion. Motion passed unanimously.
  - B. Failure to submit Groundwater Production Reports:

Director Lusk made a motion to offer a settlement to Javelin Energy Partners Management, LLC, in lieu of litigation, which includes:

    - For System ID 064-P
      - 1) a second major violation of District Rules for failure to submit groundwater use fees within sixty (60) days of the date the fees are due;
      - 2) a \$1,000 penalty fee associated with the 2<sup>nd</sup> major violation;

- 3) a requirement to submit estimates of groundwater usage to the satisfaction of the general manager and pay the associated groundwater use fees;
  - 4) a late payment penalty of 3 times the total amount of groundwater use fees due or \$25, whichever is greater;
  - 5) third major violation of District rules for failure to submit accurate groundwater production report within the required period;
  - 6) a \$5,000 penalty associated with the third major violation; and
  - 7) a requirement for the permit holder to enter into an agreement with the District for the ongoing measurement of water levels in all wells in the system.
- For System ID 073-P
    - 1) a second major violation of District Rules for failure to submit groundwater use fees within sixty (60) days of the date the fees are due;
    - 2) a \$1,000 penalty fee associated with the 2<sup>nd</sup> major violation;
    - 3) a requirement to submit estimates of groundwater usage to the satisfaction of the general manager and pay the associated groundwater use fees;
    - 4) a late payment penalty of 3 times the total amount of groundwater use fees due or \$25, whichever is greater;
    - 5) third major violation of District rules for failure to submit accurate groundwater production report within the required period;
    - 6) a \$5,000 penalty associated with the third major violation; and
    - 7) a requirement for the permit holder to enter into an agreement with the District for the ongoing measurement of water levels in all wells in the system.
  - For System ID 080-P
    - 1) a second major violation of District Rules for failure to submit groundwater use fees within sixty (60) days of the date the fees are due;
    - 2) a \$1,000 penalty fee associated with the 2<sup>nd</sup> major violation;
    - 3) a requirement to submit estimates of groundwater usage to the satisfaction of the general manager and pay the associated groundwater use fees;
    - 4) a late payment penalty of 3 times the total amount of groundwater use fees due or \$25, whichever is greater;
    - 5) third major violation of District rules for failure to submit accurate groundwater production report within the required period;
    - 6) a \$5,000 penalty associated with the third major violation; and
    - 7) a requirement for the permit holder to enter into an agreement with the District for the ongoing measurement of water levels in all wells in the system.
  - For System ID 085-P
    - 1) a second major violation of District Rules for failure to submit groundwater use fees within sixty (60) days of the date the fees are due;
    - 2) a \$1,000 penalty fee associated with the 2<sup>nd</sup> major violation;
    - 3) a requirement to submit estimates of groundwater usage to the satisfaction of the general manager and pay the associated groundwater use fees;
    - 4) a late payment penalty of 3 times the total amount of groundwater use fees due or \$25, whichever is greater;
    - 5) third major violation of District rules for failure to submit accurate groundwater production report within the required period;
    - 6) a \$5,000 penalty associated with the third major violation; and
    - 7) a requirement for the permit holder to enter into an agreement with the District for the ongoing measurement of water levels in all wells in the system.
  - For System ID 086-P

- 1) a second major violation of District Rules for failure to submit groundwater use fees within sixty (60) days of the date the fees are due;
  - 2) a \$1,000 penalty fee associated with the 2<sup>nd</sup> major violation;
  - 3) a requirement to submit estimates of groundwater usage to the satisfaction of the general manager and pay the associated groundwater use fees;
  - 4) a late payment penalty of 3 times the total amount of groundwater use fees due or \$25, whichever is greater;
  - 5) third major violation of District rules for failure to submit accurate groundwater production report within the required period;
  - 6) a \$5,000 penalty associated with the third major violation; and
  - 7) a requirement for the permit holder to enter into an agreement with the District for the ongoing measurement of water levels in all wells in the system.
- For System ID 088-P
    - 1) a second major violation of District Rules for failure to submit groundwater use fees within sixty (60) days of the date the fees are due;
    - 2) a \$1,000 penalty fee associated with the 2<sup>nd</sup> major violation;
    - 3) a requirement to submit estimates of groundwater usage to the satisfaction of the general manager and pay the associated groundwater use fees;
    - 4) a late payment penalty of 3 times the total amount of groundwater use fees due or \$25, whichever is greater;
    - 5) third major violation of District rules for failure to submit accurate groundwater production report within the required period;
    - 6) a \$5,000 penalty associated with the third major violation; and
    - 7) a requirement for the permit holder to enter into an agreement with the District for the ongoing measurement of water levels in all wells in the system.
  - For System ID 089-P
    - 1) a second major violation of District Rules for failure to submit groundwater use fees within sixty (60) days of the date the fees are due;
    - 2) a \$1,000 penalty fee associated with the 2<sup>nd</sup> major violation;
    - 3) a requirement to submit estimates of groundwater usage to the satisfaction of the general manager and pay the associated groundwater use fees;
    - 4) a late payment penalty of 3 times the total amount of groundwater use fees due or \$25, whichever is greater;
    - 5) third major violation of District rules for failure to submit accurate groundwater production report within the required period;
    - 6) a \$5,000 penalty associated with the third major violation; and
    - 7) a requirement for the permit holder to enter into an agreement with the District for the ongoing measurement of water levels in all wells in the system.

Director Bradley seconded the motion. Motion passed unanimously.

C. Director Majka made a motion to accept the GM's recommendation, which includes the following fees and settlement offer for pumping in excess of the authorized amount. Director Reynolds seconded the motion. Motion passed unanimously.

- 1) For each system committing a First Violation of Pumping in Excess of Authorized Amount:
  - A disincentive fee equal to three times the groundwater use fee for the amount of production exceeding the amount authorized by registration or permit; and
  - A civil penalty of \$100.00 associated with the First Violation.
    - a) Aqua Texas:
      - System ID 007-W
      - System ID 015-P

- System ID 024-P
  - b) Azle ISD — System ID 025-P
  - c) BKV Barnett, LLC — System ID 069-W
  - d) Brown Southgate Glen Texas, LLC — System ID 184-P
  - e) Custom Water Co, LLC — System ID 006-M
  - f) Eagle Ridge MUD of Parker County — System ID 198-P
  - g) Frysinger Investments LLC — System ID 202-P
  - h) RAYKKAR, LLC — System ID 170-P
  - i) Slidell Water Supply Corporation — System ID 021-W
  - j) Texas Water Utilities, L.P.
    - System ID 049-H
    - System ID 056-P
  - k) Tim Fleet F.G. Aledo LLC — System ID 137-P
  - l) WW Olympus Willow Park — System ID 164-P
- 2) For each system committing a Second Violation of Pumping in Excess of Authorized Amount;
- A disincentive fee equal to ten times the groundwater use fee for the amount of production exceeding the amount authorized by registration or permit; and
  - A civil penalty of \$500.00 associated with the second Major Violation:
    - a) Aqua Texas
      - System ID 016-P
      - System ID 024-P
    - b) CSWR Texas Operating Company, LLC — System ID 052-P
    - c) 900 Cinema Drive Partners, LLC — System ID 141-P
- 3) For each system committing a Third Violation of Pumping in Excess of Authorized Amount;
- A disincentive fee equal to ten times the groundwater use fee for the amount of production exceeding the amount authorized by registration or permit; and
  - A civil penalty of \$1,000.00 associated with the third Major Violation:
    - a) CSWR Texas Operating Company, LLC — System ID 064-P
    - b) Lourdes Moss — System ID 184-W
    - c) New Progress Water — System ID 046-W
5. Director Berkley made a motion to approve the location of Well ID 23712, a replacement well, more than 100 ft. from the well being replaced. Director Bradley seconded the motion. Motion passed unanimously
6. **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.
7. No motion was made in the update on the development of the requirements for Hydrogeologic Reports related to High-Volume Permits.

8. No budget amendments were necessary.
9. District General Counsel from SledgeLaw Group gave no updates regarding activities related to the District.
10. The next Public Hearing and Regular Board meeting are scheduled for Monday, May 18, 2026, at 5:00 p.m. at the District's office.
11. No new business was placed on the next meeting agenda.
12. President Mesler adjourned the Regular Board meeting at 2:06 p.m.

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**WORK SESSION**

1. Roll call, establish a quorum, call Work Session to order; declare the work session open to the public. The Work Session convened at 2:07 p.m.  
Directors Present: Justin Bradley, Jarrod Reynolds, Bob Lusk, Shannon Nave, Tracy Mesler, Mike Berkley, and Don Majka  
Director Absent: Jason Flynt
2. No public comments were made in the Work Session.
3. CLOSED EXECUTIVE SESSION: The Board will recess into a closed executive session under Section 551.071, Texas Government Code, to consult with the District's legal counsel on the development of proposed amendments to the District Rules. This agenda item is being specifically posted as a closed session for the benefit and convenience of the public because it is anticipated the vast majority of the Work Session will be held in closed session. The Board reserves the right, however, to go into a lawful closed session in the future on any item on any Board agenda without specifically posting that individual agenda item as one designated for closed session, and the public should not develop an expectation that closed session agenda items will be specifically posted as such, as the need for closed sessions often arises unexpectedly.

At 2:08 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 Work Session back into open session at 5:55 p.m. No decision was made as a result of the executive session.

4. Discuss and consider any item discussed in closed session. No final action was taken during the Work Session.
5. President Mesler adjourned the Work Session at 5:56 p.m.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this 18 day of May 2026.

Attest:

  
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Tracy Mesler, President

  
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Secretary/Assistant Secretary