

LONE STAR GROUNDWATER CONSERVATION DISTRICT

April 11, 2023

MINUTES OF PUBLIC HEARING ON PERMIT APPLICATIONS

The Board of Directors of the Lone Star Groundwater Conservation District (“District”) met in regular session, open to the public and held in person in the Lone Star GCD – James B. “Jim” Wesley Board Room located at 655 Conroe Park North Drive, Conroe, Texas, and remotely via the publicly accessible webinar/telephone conference call within the boundaries of the District on April 11, 2023.

CALL TO ORDER:

President Spigener called to order the Public Hearing on Permit Applications at 6:04 PM announcing the meeting open to the public.

ROLL CALL:

The roll was called of the members of the Board of Directors, to wit:

Jon Paul Bouché
Jonathan Prykryl
Janice Thigpen
Stuart Traylor
Jim Spigener
Garry Dent
Kenneth Earnest - Absent

Six members of the Board were present, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Samantha Reiter, General Manager; Stacey V. Reese, District Counsel; and members of the public. *Copies of the public sign-in sheets and comment cards received are attached hereto as Exhibit “A” to the Regular Board of Directors Meeting minutes.*

PUBLIC COMMENTS:

No comments were received.

Ms. Hein noted there are 14 permit applications before the Board. Of those items, eight (8) are requests for an increase in allocation, three (3) are requests for a new permit including a new

well, two (2) are requested to add a new well and allocation to an existing permit, and there is one (1) request for a new permit using an existing well. Ms. Hein requested attention to items 6 and 14 as those items both required hydrogeological reports as part of a request for a spacing exception as well in addition to the system being capable of producing more than 700 GPM. Item 6, Texas National MUD, submitted all required information under District Rule 3.4 (a and c). Item 14, T&W Water Services (Grand Harbor/Gemstone) is requesting an exception to the spacing rules to be granted by the Board of Directors under District Rule 3.4(d). The applicant has met the requirements of that rule. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested

1. Montgomery County MUD #15

Applicant is requesting an amendment to an Operating Permit OP-08091101-CHEV for an increase in production authorization in the amount of 24,000,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

2. Montgomery County MUD #99

Applicant is requesting an amendment to an Operating Permit OP-05030702-CHEV for an increase in production authorization in the amount of 86,250,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

3. Rayford Road MUD

Applicant is requesting an amendment to an Operating Permit OP-05101901-CHEV for an increase in production authorization in the amount of 73,000,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

4. White Oak Water Supply Corporation

Applicant is requesting an amendment to an Operating Permit OP03-0056-CHEV for an increase in production authorization in the amount of 7,500,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested..

5. Quadvest, LP. 1 (Sendera Ranch)

Applicant is requesting an amendment to an Operating Permit OP-07061903-CHEV for an increase in production authorization in the amount of 25,706,695 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

6. Texas National MUD

Applicant is requesting an amendment to an Operating Permit OP-0400602-JSPR for registration of a new Jasper Aquifer well, re-equipping an existing Jasper Aquifer well, and an increase in production authorization in the amount of 15,000,000 gallons for 2023 and annually thereafter. Due to the combined max gpm of the well system for OP-07022301-CHEV and a requested exception to District Rule 3.3, a hydrogeological report was required

for the proposed amendment. The applicant submitted the required documentation as required under District Rule 3.4(a and c). LSGCD technical consultants have reviewed the submitted hydrogeological report and found it meets the requirements as detailed in District Rules and guidance documents. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

7. Quadvest, LP. 1 (Red Oak Ranch WS)

Applicant is requesting an amendment to an Operating Permit OP-07061902-CHEV for an increase in production authorization in the amount of 1,810,492 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

8. Texcrete Operations, LLC (Hwy 105)

Applicant is requesting registration of a new Evangeline Aquifer operating permit and production authorization in the amount of 4,000,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

9. Starlight Homes Texas, LLC

Applicant is requesting registration of a new Evangeline Aquifer operating permit and production authorization in the amount of 9,413,520 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

10. Crystal Springs Water (Ponderosa Pines)

Applicant is requesting an amendment to an Operating Permit OP-16092602-CHEV for an increase in production authorization in the amount of 15,000,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

11. 83 Properties, LLC

Applicant is requesting an amendment to an Operating Permit OP-18021601-CHEV for an increase in production authorization in the amount of 1,160,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

12. Indigo Hills RV Park Water System

Applicant is requesting registration of a new Chicot/Evangeline Aquifer operating permit and production authorization in the amount of 2,500,000 gallons for 2023 and annually thereafter. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

13. Houseware Trading Company, LLC

Applicant is requesting registration of an existing Chicot/Evangeline Aquifer well and production authorization in the amount of 500,000 gallons for 2023 and annually thereafter.

Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

14. T & W Water Services (Grand Harbor/Gemstone) dba Blue Topaz Utilities

Applicant is requesting an amendment to Operating Permit OP-07092802-JSPR for registration of a new Jasper Aquifer well and production authorization in the amount of 135,000,000 gallons for 2023 and annually thereafter. Due to the combined max gpm of the well system for OP-07092802-JSPR, a hydrogeological report was required for the proposed amendment. LSGCD technical consultants have reviewed the submitted hydrogeological report and found it meets the requirements as detailed in District Rules and guidance documents.

Additionally, the applicant is also requesting an exception to District Rule 3.2 be granted by the Board under District Rule 3.4(d). The applicant submitted the required documentation as required under District Rule 3.4(a and d). LSGCD technical consultants have reviewed the submitted hydrogeological report and found it meets the requirements as detailed in District Rules and guidance documents. Based on a technical review of the information supplied, it is the General Manager's recommendation to approve that which is requested.

Treasurer Prykryl motioned to approve item #1-14, as recommended by the General Manager. Secretary Thigpen seconded. Motion passed.

ADJOURN:

There being no further business, President Spigener motioned to adjourn the public hearing on permit applications. The meeting was adjourned at 6:06 pm.

PASSED, APPROVED, AND ADOPTED THIS 9th DAY OF May 2023.



Janice Thigpen, Board Secretary



Board of Directors Meeting

Legislative Update

April 11, 2023



Director Recusal/Final Decision

- HB 1971 C.S. Ashby, Trent
 - Director recusal bill
 - Time to make final decision on PFD
 - Working on committee substitute after hearing in HNRC
- SB 638 Springer, Drew

Beneficial Use/Waste

HB 4444 King, Tracy

- Waste = production of groundwater that is “not reasonably economically feasible”
- Waste = production or use in excess of what is “economically reasonable ... when reasonable intelligence and diligence are used ...”
- Beneficial use= use “that is made with reasonably efficient conservation practices”
- District must consider whether proposed use of water will avoid waste and achieve conservation

Modeled Sustained Groundwater Pumping

- HB 4532 Kacal—voted out of HNRC
- SB 2397 Zaffirini (identical)
- SB 2540 Blanco (identical)
 - Filed last session
 - Executive Administrator will calculate modeled sustained groundwater pumping
 - GCDs required to consider as part of DFC development
 - Carve out for Ogallala and Dockum Aquifers

Other Bills; Hearings have been held

- HB 3278 Price, Four
 - Relating to joint planning of DFCs
- HB 4891 Rogers, Glenn
 - Relating to achievement of DFCs
- HB 5052 Gerdes, Stan
 - Consider exempt wells before granting or denying permit
- HB 3990 Kacal SB 2362 Eckhardt
 - Study of SW/GW interaction
- HB 3314/**SB 1080** LPGCD mitigation

Other Bills

- SB 156 Perry, Charles
 - Attorney's fees permissive
 - HB 2119 prevailing party
 - Petition to change rules- HB 2443
 - Unreasonable DFC
 - Notice of permit application
 - Passed out of Senate; ref. to HNRC
- HB 2735 King, Tracy
 - Security bond for lawsuit/permit contest
 - District shall by rule establish amount of security
 - No hearing yet

Other Bills

- HB 3059 King, Tracy
 - Increase export fee cap
 - Hearing held
- SB 2291 Zaffirini, Judith
 - Fund for plugging abandoned and deteriorated wells
 - No hearing
- HB 5122 Lopez, Janie
 - restrict use of water from an exempt well for irrigation of turf grass or ornamental landscape
 - No hearing
- HB 3811 Jetton, Sherman
 - C.S. videoconference for GCD meetings

Questions?



LONE STAR GROUNDWATER CONSERVATION DISTRICT

April 11, 2023

MINUTES OF REGULAR MEETING

The Board of Directors of the Lone Star Groundwater Conservation District (“District”) met in regular session, open to the public and held in person in the Lone Star GCD – James B. “Jim” Wesley Board Room located at 655 Conroe Park North Drive, Conroe, Texas, and remotely via the publicly accessible webinar/telephone conference call within the boundaries of the District on April 11, 2023.

CALL TO ORDER:

President Spigener presided and called to order the regular Board of Directors meeting at 6:10 PM, announcing that it was open to the public.

ROLL CALL:

The roll was called of the members of the Board of Directors, to wit:

Jon Paul Bouché
Janice Thigpen
Stuart Traylor
Jonathan Prykryl
Jim Spigener
Garry Dent
Kenneth Earnest - Absent

Six members of the Board were present, thus constituting a quorum of the Board of Directors. In attendance at said meeting were Samantha Reiter, General Manager; Stacey V. Reese, District Counsel; and members of the public. *Copies of the public sign-in sheets and comment cards received are attached hereto as Exhibit "A".*

PUBLIC COMMENTS:

No public comments were received.

APPROVAL OF THE MINUTES:

President Spigener stated the Board would consider the meeting minutes as listed for approval on today’s agenda. Without further discussion, upon a motion by Vice-President Traylor and seconded by Treasurer Prykryl, the Board approved the meeting minutes as presented.

- a) March 6, 2023, Public Hearing on Permit Applications
- b) March 6, 2023, Regular Board of Directors Meeting

COMMITTEE REPORTS:

A. Budget & Finance Committee – Jonathan Prykryl, Chair

- 1) Brief the Board on the Committee’s activities since the last regular Board meeting — Director Prykryl stated that there was nothing new to report.
- 2) Review of unaudited financials for the month of February and March 2023 – Ms. Reiter reported that for the month of February 2023, income was \$246,733.37 and expenses were \$143,748.55 resulting in a net income of \$102,984.82 Year-to-date net income is \$198,905.22. Total Cash on hand is \$5,116,21.33. For the month of March 2023, income was \$283,646.49 and expenses were \$183,297.32 resulting in a net income of \$100,349.17 Year-to-date net income is \$269,009.46. Total Cash on hand is \$5,264,199.87.
- 3) Review of 1st Quarterly Investment Report 2023 –Ms. Reiter stated that the Quarterly Investment Report is included in the Board packet.

B. External Affairs Committee – Jim Spigener, Chair

- 1) Brief the Board on the Committee’s activities since the last regular Board meeting – President Spigener stated that the committee continues to actively communicate with the District’s legislative consultants on legislative updates.
- 2) Ms. Reese provided a legislative update covering the following bills:
-HB 1971 C.S. Ashby, Trent, SB 638 Springer, Drew, HB 4444 King, Tracy, HB 4532 Kacal—voted out of HNRC, SB 2397 Zaffirini (identical), SB 2540 Blanco (identical), HB 3278 Price, Four, HB 4891 Rogers, Glenn, HB 5052 Gerdes, Stan, HB 3990 Kacal, SB 2362 Eckhardt, HB 3314/SB 1080, SB 156 Perry, Charles, HB 2735 King, Tracy, HB 3059 King, Tracy, SB 2291 Zaffirini, Judith, HB 5122 Lopez, Janie, HB 3811 Jetton, Sherman
- 3) Discussion, consideration, and possible action on any items related to communications and/or legislative matters pertaining to Lone Star GCD – President Spigener thanked the Montgomery County representatives Will Metcalf, Brandon Creighton, and Cecil Bell for being supportive and helpful during this legislative session. Ms. Reese and Director Spigener also thanked our legislative consulting team for their responsiveness.

C. DFC & Technical Committee – Stuart Traylor, Chair

- 1) Brief the Board on the Committee’s activities since the last regular Board meeting – Vice President Traylor stated that the committee has not met and does not have a meeting scheduled currently. Sam will give an update on the GMA meeting from March during her report.

D. Rules, Bylaws & Policies Committee – Jim Spigener, Chair

- 1) Brief the Board on the Committee’s activities since the last regular Board meeting – President Spigener stated that the committee met on March 31st, the first of many

meetings to review the current District Rules as required by the District's Management Plan. The committee and consultants had great conversations about some potential amendments to the rules. The District has received one set of written public comments on the District's current rules and is looking forward to receiving and reviewing additional comments received before the 60-day deadline of May 5th. Ms. Reese stated that there are no draft rules available at this time, but please provide comments on the current approved rules. Ms. Reese confirmed that sometime in the fall, the plan is to roll out proposed rule changes with a second comment period as well as a there will be a stakeholder meeting.

RECEIVE INFORMATION FROM DISTRICT'S TECHNICAL CONSULTANTS REGARDING SUBSIDENCE STUDIES AND/OR DISCUSSION REGARDING THE SAME:

Ms. Reiter stated Phase 3 of the Subsidence Study remains on pause pending the wrap up of the District's consultants to review the GULF 2023 model. Ms. Reiter is anticipating we anticipate shifting back to the subsidence study in the coming months. Both President Spigener and Ms. Reese expressed concerns that the model does not meet GAM standards and potential impacts on GCD's under the model. Ms. Reese stated that four of the GCD's are submitting comments together about the model and have been working on that collaboratively. There will be joint comments and the District plans to submit its own comments a well with items specific to Montgomery County.

GROUNDWATER MANAGEMENT AREA 14 - UPDATE THE BOARD ON THE ISSUAES RELTED TO JOINT PLANNING ACTIVITIES AND DEVELOPMENT OF DESIRED FUTURE CONDITIONS IN GMA 14:

Ms. Reiter stated that the GMA 14 representatives met on March 7th in Brazoria County. The purpose of the meeting was to have an open dialogue with members of TWDB to discuss the recently released GULF 2023 model and the public comment period. Good discussion was had, and information gathered. Ultimately, the GCD representatives agreed to work together with their technical consultants to send a letter with comments to TWDB regarding the model not meeting TWDB's GAM standard checklist. Additionally, the GMA 14 reps individually could submit their own comments. Ms. Reiter and Districts' General Counsel recently reviewed a draft letter put together by James Beach and Bill Hutchinson and approved the letter for submission to TWDB . LSGCD will be submitting our own comments on the model as well by Monday, April 17th.

Discussion, consideration, and possible action on any items related to Lone Star GCD's proposal(s) to and/or participation in GMA 14 - President Spigener asked if there was a future meeting scheduled for GMA 14. Ms. Reiter confirmed that no future meeting date had been set. No action to be taken at this time.

DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY CONCERNING APPROVAL OF DRAFT MANAGEMENT PLAN FOR PUBLIC COMMENT.

Ms. Reese stated that the Board was provided a draft 2023 Management Plan. Due to a new DFC being adopted on January 5th, 2022, the District is required to update the District Management Plan with the new DFC within two years of that DFC's adoption. This revision of the Management Plan is being proposed now so that the District will have the required revisions approved prior to the January 2024 deadline. The edits to the Management Plan includes the new DFC that was approved by the Board of no less than seventy percent available drawdown metric and associated updates to that section. Ms. Reese added that while completing the required updates of the Management Plan, District staff and consultants also reviewed the LSGCD goals and objectives, which were determined to still be applicable and appropriate to the new DFC. The draft 2023 Management Plan includes some updated tables with new information and reports which now reflect data through 2020. Ms. Reese reminded the Board that the District is still required to review the Management Plan every five years after adoption, so there will be another review of the Management Plan within two years. For consideration tonight the draft Management Plan will be posted on our website and open for public comment for 30-days. A hearing will be held to address the public comments and at that point the Board will have the option to adopt the new Management Plan. After adoption, the Management Plan will be sent to the Texas Water Development Board for final administrative review.

Without further discussion, upon a motion by Secretary Thigpen and seconded by Treasurer Prykryl, the Board approved the draft 2023 Management Plan for public comment as presented.

After voting on the above motion, President Spigener highlighted a recent Community Impact article concerning flooding in Montgomery County. Ms. Reese stated that this did apply to the Management Plan as the goals and objectives included in the Management Plan as they related to subsidence were reviewed and determined to be appropriate. Ms. Reese highlighted the subsidence study as a part of that objective.

DISCUSSION AND POSSIBLE ACTION TO ISSUE A SHOW CAUSE ORDER DIRECTING THE FOLLOWING PERMITTEES, OR THEIR DESIGNATED REPRESENTATIVE, TO APPEAR AT A SHOW CAUSE HEARING FOR THAT PURPOSE AND SHOW CAUSE WHY APPROPRIATE ENFORCEMENT ACTION SHOULD NOT BE TAKEN, INCLUDING WITHOUT LIMITATION, INITIATING A LAWSUIT AGAINST IT FOR FAILURE TO SUBMIT 2022 PRODUCTION REPORT AND/OR FINES ASSOCIATED WITH UNTIMELY SUBMISSIONS:

Ms. Reiter stated that the permittees listed below are listed for failure to submit 2022 production reports and/or fines associated with those untimely submissions. Based on the information reported by District staff, it is my recommendation that the Board consider action to direct the listed permittees to appear at a Show Cause Hearing to be held in conjunction with our May 9th Board meeting and show cause why appropriate action should not be taken against them for the listed violations.

- a) Berkshire Woodland – OP-17012601
- b) BMG 28 Unit LLC – OP-07041701
- c) CKG Services LLC – OP-08100601

- d) Dioselina Medina – OP-12082001
- ~~e) Dustin Townsend – OP-08050201~~
- f) Estate of Rita Biespiel – OP-16062001
- g) Falls at Borough Park – OP03-0048
- h) Flor Fuentes – OP-14051902
- i) Forest Shadows Pet Resort – OP-04060101
- ~~j) Gerardo Calderon – OP-21022201~~
- k) Kathryn Sullivan – OP-09102701
- l) Kristen Dennis – OP-06050401
- m) Lifehouse Bible Church – OP03-0065
- ~~n) Naushaba Arif – OP-05110201~~
- o) Paul Hammock – OP-14091601
- p) Premier Shell Investments, LLC – OP-16051801
- q) Ray's Nursery – HUPAG1500017
- ~~r) Rayford RV LLC – OP-04050701~~
- s) Richard Gysler & Cailean McAlister – HUPAG1500026
- t) Rigoberto Ruiz – OP-10082601
- ~~u) Southern Outdoor Holdings – OP-10012801~~
- v) Stephen Shahmoradi – OP-09073001
- w) The Park @ 1488 – OP-07040401

Without further discussion, upon a motion by Director Bouche and seconded by Vice President Traylor, the Board approved the Show Cause Order for 2022 Production Reports and/or fines associated with untimely submissions as presented.

DISCUSSION AND POSSIBLE ACTION TO ISSUE A SHOW CAUSE ORDER DIRECTING THE FOLLOWING PERMITTEES, OR THEIR DESIGNATED REPRESENTATIVE, TO APPEAR AT A SHOW CAUSE HEARING FOR THAT PURPOSE AND SHOW CAUSE WHY APPROPRIATE ENFORCEMENT ACTION SHOULD NOT BE TAKEN, INCLUDING WITHOUT LIMITATION, INITIATING A LAWSUIT AGAINST IT FOR FAILURE TO REMIT 2023 WATER USE FEES AND/OR FINES ASSOCIATED WITH UNTIMELY SUBMISSIONS:

Ms. Reiter stated that the permittees listed below are listed for failure to submit 2023 Water Use Fees and/or fines associated with the untimely submissions. Based on the information reported by District staff, it is my recommendation that the Board consider action to direct the listed permittees to appear at a Show Cause Hearing to be held in conjunction with our May 9th Board meeting and show cause why appropriate action should not be taken against them for the listed violations.

- a) Angel Texaco – OP-08102701

- b) Big Diamond (Calvary) – OP-13012401
- c) Big Diamond (FM 1097) – OP-13012402
- d) BVF-V Magnolia 3, LLC – Retreat at Magnolia – OP-13012901
- e) Chuck Cauthorn – OP-08102202
- f) CKG Services, LLC – OP-08100601
- g) Dioselina Medina – OP-12082001
- h) EF Early's Bar B Que -- HUP066 / OP-21082401
- i) Estate of Rita Biespiel – OP-16062001
- j) Gerardo Calderon – OP-21022201
- k) GBT Realty Corp (Dollar General) – OP-21092201
- l) Jim Fox – OP-07120501
- ~~m) Montgomery County MUD #24 – HUP142 / OP03-0072~~
- ~~n) Naushaba Arif – OP-05110201~~
- o) Paramount at Kingwood – OP-13012804
- p) Popular Investments, LLC – OP-20100101
- q) Recreational Realty (TBS 6) – OP-13102801
- r) Sir Kingwood Villas/Villas of Kingwood – OP-09042701
- s) TDC-DC Company/Valero – OP-07112901
- t) The Park @ 1488 – OP-07040401

Without further discussion, upon a motion by Director Bouche and seconded by Treasurer Prykryl, the Board approved the Show Cause Order for 2023 Water Use Fees and/or fines associated with untimely submissions as presented.

GENERAL MANAGER’S REPORT:

Ms. Reiter stated the District has been very busy this month with processing and working with permit holders on violations as well as working with consultants on GULF 2023 comments and proposed rule discussions. Ms. Reiter hopes to have enforcement items wrapped up by June. District staff also visited the Montgomery County Fair & Rodeo Kid’s Day on March 27th & 28th. Ms. Reiter, Mr. Irving, and Ms. Hein saw over 2,500 kids and adults during our time at the rodeo. Our mobile lab and duck races are always a hit and are requested each year. We will be out at the Spring Creek Utility District’s Water Smart Event on April 18th from 5:00 – 8:00PM as an exhibitor and have received a few school visit requests recently as well. Ms. Reiter also received an update from Tinker, our Education Program and, since Spring Break ended, the District has received a request for an additional 680 kits for 8 different schools. Ms. Reiter has been actively involved in the TAGD Legislative Committee meetings that are held weekly and keeping up with all the bill filing this session and during February and March, Ms. Reiter and District staff have been actively interviewing for open positions within the District. Ms. Reiter’s report is included in the Board packets and Ms. Reiter stated she would be happy to answer any questions.

President Spigener asked how this year’s overpumpage compared to previous years. Ms. Reiter stated it was about double the amount from last year and indicated the transition from annual to

perpetual has caused some confusion with permittees. President Spigener stated that the District needs to consider the MAG and the overproduction of permits negatively impacts those goals. President Spigener believes that the current rules fixed the issue, but this year would be an educational year for permittees. Director Bouché posed the question whether drought or conservation reminder notices would be beneficial if mailed or posted on the District website, especially after the prolonged period of low rainfall the region is experiencing. Ms. Reiter confirmed that the District can create educational or reminder material, and that the Texas Drought Map is available on the District website. Ms. Reese clarified that the overpumpages being discussed are for what took place in 2022 and discussed the current restrictions in Austin.

GENERAL COUNSEL'S REPORT:

Ms. Reese stated that the deadline for comments on the draft Management Plan were due within the 30-day public comment period. Due to the short time between meetings, Ms. Reese wanted to ensure that the public had time to provide comments on the proposed changes. Ms. Reese will continue to monitor the legislative session and will provide a summary of the proposed legislation for discussion at next month's Board meeting.

NEW BUSINESS:

Nothing to report on currently.

EXECUTIVE SESSION:

The Board recessed at 7:00 PM into a closed Executive Session pursuant to Texas Government Code, Sections 551.071, to consult with the District's attorney regarding pending or contemplated litigation, settlement offers, or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, Chapter 551, Government Code regarding any agenda item on any of the Board meetings or hearing posted for today.

No action will be taken in Executive Sessions.

RECONVENE IN OPEN SESSION:

Following Executive Session, the Board reconvened in Open Session and President Spigener declared it open to the public at 8:02 PM

ADJOURN:

There being no further business, Vice-President Traylor motioned to adjourn the meeting and Director Bouche seconded. The meeting was adjourned at 8.03 PM.

PASSED, APPROVED, AND ADOPTED THIS 11th DAY OF April 2023.



Janice Thigpen, Board Secretary

COPY

LSGCD Meeting

5/9/23

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] report did not meet the new guidelines that went
[REDACTED] 500 Geneva Trail. Past the 60 day deadline
[REDACTED] Side note: we were told the district staff cannot hold their consultants to the 60 day
timeframe for reviewing hydro reports. It seems a little ridiculous that district staff cannot give us a clear
timeframe for reviewing hydro reports.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Questions:

1. The District has requested CCN maps, PWS calculations, irrigation usage & ultimate buildout #'s. None of these items are listed in Rule 2.6(b)(2-3). Also doesn't mention required questionnaires. Are these necessary?
2. LSGCD Rule 2.2(a)(4) states an "exempt" well is one capable of producing <25,000 gal/day or 17.36gpm. The "exempt" wells in question produce 43,200 & 115,200gal/day. These capacities would mean they are not exempt by District rules. Wouldn't these wells be non-exempt wells that require hydrological studies?
3. Why are the Chicot and Evangeline grouped together as one aquifer? The "exempt" wells referenced above are both in the Chicot (200'), while the proposed Mill Creek well will be in the Evangeline (500-600').
4. We weren't notified about the rule changes in November 2022. Now there are more rule changes that will be voted on this evening without being promulgated more openly. Can proposed rule changes be made more aware to the public other than buried in the District's website or through emails that might be sent to customer's junk mail?

5. Why are permit applications and hydro reports viewed as separate items? Hydro reports are a supplement to the permit application as the report addresses information outlined in the application. We submitted the application on 5/31/2022 and the hydro report was submitted on 12/12/22. Due to the hydro report being submitted after the guideline change in November (which we were not notified about) and a new exempt well being drilled we had to make amendments to the hydro report. Hydro reports should be held to the rules that are current at the time of the application submittal. This rolling idea of hydro report guidelines can change at any time without permit holders not being notified thus having to spend more money on these already expensive hydro reports is unnecessary.

LSGCD Meeting

5/9/23

5/31/22 QV made application for a new well at Mill Creek. The second well is required under TAC 30 rule 290.45(b)(1)(D).

7/22/22 LSGCD notified QV that a hydro report needed to be submitted due to spacing requirements of private "exempt" well drilled in 6/2018 at 9903 Seneca Trail (30 gpm – 43,200gal/day).

12/11/22 Well drilled at 9906 Seneca Trail. Unbeknown to QV. "exempt" well produces 80 gpm – 115,200 gal/day. The well is still marked as "Being drilled" on the district's well map so to our knowledge the well did not need to be addressed until Ms. Reese told us in early April.

12/12/22 QV submitted previously required hydro report for Mill Creek well referencing well at 9903 Seneca Trail.

3/8/22 Notified by LSGCD that the Mill Creek hydro report did not meet the new guidelines that went into effect 11/11/22. Need to add private "exempt" well at 9906 Seneca Trail. Past the 60 day deadline per Rule 13.3(g)(2) Side note: we were told the district staff cannot hold their consultants to the 60 day timeframe for reviewing hydro reports. It seems a little ridiculous that district staff cannot give us a clear timeframe for reviewing hydro reports.

4/4/22 QV notified that Ms. Reese will be the contact for questions/status on Mill Creek application.

4/4/22 Ms. Reese's email references (2) "exempt" wells within the spacing distance.

5/8/22 Email from Ms. Reese wanting confirmation of total depth and screen intervals.

5/9/22 Mill Creek Well 2 still not approved.

Questions:

1. The District has requested CCN maps, PWS calculations, irrigation usage & ultimate buildout #'s. None of these items are listed in Rule 2.6(b)(2-3). Also doesn't mention required questionnaires. Are these necessary?
2. LSGCD Rule 2.2(a)(4) states an "exempt" well is one capable of producing <25,000 gal/day or 17.36gpm. The "exempt" wells in question produce 43,200 & 115,200gal/day. These capacities would mean they are not exempt by District rules. Wouldn't these wells be non-exempt wells that require hydrological studies?
3. Why are the Chicot and Evangeline grouped together as one aquifer? The "exempt" wells referenced above are both in the Chicot (200'), while the proposed Mill Creek well will be in the Evangeline (500-600').
4. We weren't notified about the rule changes in November 2022. Now there are more rule changes that will be voted on this evening without being promulgated more openly. Can proposed rule changes be made more aware to the public other than buried in the District's website or through emails that might be sent to customer's junk mail?

5. Why are permit applications and hydro reports viewed as separate items? Hydro reports are a supplement to the permit application as the report addresses information outlined in the application. We submitted the application on 5/31/2022 and the hydro report was submitted on 12/12/22. Due to the hydro report being submitted after the guideline change in November (which we were not notified about) and a new exempt well being drilled we had to make amendments to the hydro report. Hydro reports should be held to the rules that are current at the time of the application submittal. This rolling idea of hydro report guidelines can change at any time without permit holders not being notified thus having to spend more money on these already expensive hydro reports is unnecessary.