September 13, 2011

MINUTES OF SPECIAL MEETING

Lone Star Groundwater Conservation District ("District") held a "Special Meeting," open to the public, at 207 W. Phillips Street, Suite 300, Conroe, Texas, within the boundaries of the District on September 20, 2011.

Secretary Weisinger called the meeting to order at 9:06 a.m., announcing that it was now open to the public.

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

Sam W. Baker John D. Bleyl, PE Reed Eichelberger, PE Roy McCoy, Jr. Rick J. Moffatt Jim Stinson, PE Richard J. Tramm M. Scott Weisinger, PG W. B. Wood

All members of the Board were present with the exception of Vice-President Baker, President Tramm, and Director Wood thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Kathy Turner Jones, District General Manager; Brian L. Sledge, General Counsel; District staff; and members of the public. *Copies of the public sign-in sheets are attached hereto as Exhibit "A"*.

After a proper and legally sufficient announcement to the public by Secretary Weisinger, the Board of Directors went into a Closed Executive Session at 9:07 a.m. 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.

Director Baker arrived at 9:26 a.m.

Following Executive Session, the Board reconvened in Open Session and declared it open to the public at 9:46 a.m.

No action was taken on matters discussed in Executive Session and the meeting was adjourned at 9:47 a.m.

PASSED, APPROVED, AND ADOPTED THIS 11th DAY OF OCTOBER, 2011.

September 13, 2011

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, in the Lone Star GCD – Board Room located at 207 W. Phillips Street, Suite 300, Conroe, Texas, within the boundaries of the District on September 13, 2011.

Vice-President Baker called to order the Public Hearing on Permit Applications at 10:02 a.m., announcing that it was now open to the public.

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

Sam W. Baker John D. Bleyl, PE Reed Eichelberger, PE Roy McCoy, Jr. Rick J. Moffatt Jim Stinson, PE Richard J. Tramm M. Scott Weisinger, PG W. B. Wood

All members of the Board were present with the exception of President Tramm and Director Wood, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Kathy Turner Jones, District General Manager; Brian L. Sledge, General Counsel; Mark Lowry, District Consultant; District staff; and members of the public. *Copies of the public sign-in sheets are attached hereto as Exhibit "A"*.

Item #1, Crown Point Development, Item #2, The Gonzales Group, Item #3, Williams Brothers Construction (Humble Batch Plant), and Item #4, Acrosports International Inc – Applicants are requesting drilling authorization for a new well and production authorization for 2011 and annually thereafter. Based on technical review of information supplied by application, it is the General Manager's recommendation to approve that which is being requested. A motion was made by Director Stinson, and seconded by Director Bleyl to approve the above applications

in accordance with the recommendations of the General Manager. Director Weisinger abstains from Item #4. Motion passed.

Item #5, **Enchanted Cove Water System**, and Item #6, **Thirty Two Real Estate**, **Ltd.** – Applicants are requesting amendments to their operating permits for drilling authorization for a new well. Based on technical review of the information supplied by application, it is the General Manager's recommendation to approve that which is being requested. A motion was made by Director Stinson, and seconded by Director Eichelberger to approve the above permit amendments in accordance with the recommendations of the General Manager. Director Weisinger and Director Bleyl abstain from Item #5. Motion passed.

Item #7, San Jacinto River Authority, Item #8, City of Conroe, Item #9, Aqua Texas, Inc. (Lake Creek Forest), Item #10, Aqua Texas, Inc. (Indigo Ranch), Item #14, April Sound Country Club, Item #19, Sequoia Golf Woodlands LLC (Lake Windcrest), Item #20, Sequoia Golf Woodlands LLC (Player), Item #21, Sequoia Golf Woodlands LLC (Palmer), and Item #23, Conroe Country Club – Applicants are requesting amendments to their existing permits for additional production authorization for 2011 only. Based on technical review of information supplied by application, it is the General Manager's recommendation to approve that which is requested. A motion was made by Director Stinson, and seconded by Director Bleyl to approve the above permit amendments in accordance with the recommendations of the General Manager. Director Eichelberger abstains from Item #7. Motion passed.

Item #11, **T&W Water Services** (Miller's Crossing), Item #12, **Texas Landing Utilities** (Goode City Sub.), Item #13, **Texas Landing Utilities** (Deerwood Sub.), Item #15, **Magnolia ISD** (Ellisor Elementary), Item #16, **Magnolia ISD** (Magnolia Parkway Elementary), Item #17, **Magnolia ISD** (Bear Branch Elementary), Item #18, **Falls at Borough Park**, and Item #24, **Sendera Ranch POA** – Applicants are requesting amendments to their existing permits for additional production authorization for 2011 and annually thereafter. Based on technical review of information supplied by application, it is the General Manager's recommendation to approve that which is being requested. A motion was made by Director Stinson, and seconded by Director Weisinger to approve the above permit amendments in accordance with the recommendations of the General Manager. Motion passed.

Item #22, **Crighton Ridge HOA** – Applicant is requesting an amendment to their existing permit for additional production authorization 3.5 MG for 2011. Based on technical review of information supplied by applicant and representatives from Crighton Ridge HOA and Lake Pro Management Company, it is the General Manager's recommendation to authorize a reduced amount of 1.5 MG for 2011. Vice-President Baker recognized Glen Masters, Crighton Ridge HOA and Steve Arrington, Lake Pro as representatives of Crighton Ridge HOA. Mr. Masters expressed concern that the reduced amount would not be sufficient to meet the HOA demands and serve as adequate fire protection. Mark Lowry provided a summary of how the technical review was conducted based on the information supplied by the applicant. Applicant has requested 3.5 MG in addition to their current authorization of 3.5 MG, in order to maintain their 1.5 acre surface impoundment. Following further discussion, Mr. Masters and Mr. Arrington agreed to meet with District staff following the meeting in order to discuss and possibly come to agreement on the total amount to be approved. A motion was made by Director

Stinson, and seconded by Director Moffatt to approve the application for an Operating Permit amendment for 2011 only in the amount of 1.5 MG as recommended by the General Manager, and to defer action on the remaining amount requested in the permit amendment application until the continuance of this hearing, so as to allow time for the applicant and the General Manager to see if staff can reach an agreement on the total amount to be approved. Motion Passed.

Item #25, **Lake Conroe Forest HOA** – Applicant is requesting drilling authorization for a new well and 1,100,000 gallons for 2011 and 4,380,000 gallons annually thereafter. Based on technical review of information supplied by application, it is the General Manager's recommendation to approve that which is being requested. A motion was made by Director Stinson, and seconded by Director Bleyl to approve the above permit application in accordance with the recommendation of the General Manager. Motion passed.

Following the conclusion of the Hearing on Permit Applications, Vice-President Baker announced a continuance of the hearing on the limited matter of the remaining amount of increased production sought in the amendment application for **Crighton Ridge HOA** until 10:00 a.m. on Tuesday, October 11, 2011, in the District Board room, at which time a preliminary hearing on the application will be held.

Upon a motion by Director Stinson, seconded by Director Weisinger, Vice-President Baker adjourned the Public Hearing on Permit Applications at 10:16 a.m.

PASSED, APPROVED, AND ADOPTED THIS 11th DAY OF OCTOBER, 2011.

September 13, 2011

MINUTES OF SHOW CAUSE HEARING

The Board of Directors of the Lone Star Groundwater Conservation District ("District") met in regular session, open to the public, in the Lone Star GCD – Board Room located at 207 W. Phillips Street, Suite 300, Conroe, Texas, within the boundaries of the District on September 13, 2011.

Vice -President Baker called to order the Show Cause Hearing at 10:16 a.m., announcing that it was now open to the public.

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

Sam W. Baker John D. Bleyl, PE Reed Eichelberger, PE Roy McCoy, Jr. Rick J. Moffatt Jim Stinson, PE Richard J. Tramm M. Scott Weisinger, PG W. B. Wood

All members of the Board were present with the exception of President Tramm and Director Wood, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Kathy Turner Jones, District General Manager; Brian L. Sledge, General Counsel; Mark Lowry, District Consultant; District staff; and members of the public. *Copies of the public sign-in sheets are attached hereto as Exhibit "A"*.

Vice-President Baker stated this was a Show Cause Hearing directing Amin Maredia representing The Corner Store (HUP 228), ("Respondent"), pursuant to District Rule 2.5, to appear before the Lone Star GCD Board of Directors and show cause why the District should not issue a cease and desist order pursuant to District Rule 2.6(c) for failure to remit fees associated with overproduction of groundwater in 2010; file a civil suit in this matter against Respondent and take all other enforcement action that is necessary and appropriate under the laws of the State of Texas.

Vice-President Baker asked if Amin Maredia or anyone representing The Corner Store (HUP 228) was in attendance, and with there being no one in attendance, asked the General Manager, Kathy Turner Jones, to brief the Board on the matter and give her recommendation of action. Ms. Jones stated that the District has exhausted all efforts to contact the permittee in

order to collect the 2010 water use fees and fines associated with overproduction of 2010 authorization. Ms. Jones continued that based on discussion in Executive Session and legal advice received, it is recommended that this matter be given to the District's local Counsel for process and possible civil suit. A motion was made by Director Stinson, seconded by Director Moffatt and unanimously passed to proceed with the recommendation of the General Manager.

Upon a motion by Director Weisinger, seconded by Director Moffatt, Vice-President Baker adjourned the Show Cause Hearing at 10:17 a.m.

PASSED, APPROVED, AND ADOPTED THIS 11th DAY OF OCTOBER, 2011.

September 13, 2011

MINUTES OF HEARING ON CERTIFICATION OF GROUNDWATER REDUCTION PLAN (GRP) OR JOINT GROUNDWATER REDUCTION PLAN (JOINT GRP)

The Board of Directors of the Lone Star Groundwater Conservation District ("District") met in regular session, open to the public, in the Lone Star GCD – Board Room located at 207 W. Phillips Street, Suite 300, Conroe, Texas, within the boundaries of the District on September 13, 2011.

Pursuant to §36.408 of the Texas Water Code and Rule 12.12 of the Lone Star Groundwater Conservation District's (the "District's") Rules, these minutes serve as the official minutes of hearing on Certification of Groundwater Reduction Plan (GRP) or Joint Groundwater Reduction Plan (Joint GRP) identified in the Notice of Hearing issued by the District's General Manager and admitted into the record in this hearing.

Vice-President Baker called to order the Hearing on Certification of Groundwater Reduction Plan (GRP) or Joint Groundwater Reduction Plan (Joint GRP) at 10:17 a.m., announcing that it was now open to the public.

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

Sam W. Baker
John D. Bleyl, PE
Reed Eichelberger, PE
Roy McCoy, Jr.
Rick J. Moffatt
Jim Stinson, PE
Richard J. Tramm
M. Scott Weisinger, PG
W. B. Wood

All members of the Board were present with the exception of President Tramm and Director Wood, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Kathy Turner Jones, District General Manager; Brian L. Sledge, General Counsel; Mark Lowry, District Consultant; District staff; and members of the public. *Copies of the public sign-in sheets are attached hereto as Exhibit "A"*.

Vice-President Baker stated that there would be no need to appoint a co-presiding officer and deferred to Brian L. Sledge, General Counsel.

Brian L. Sledge, General Counsel, gave the Review of Notice observing that the following notice requirements had been met:

- (1) the General Manager timely published the appropriate notice in the newspaper;
- (2) the General Manager provided notice of the proposed permits and hearing to each permit applicant, and posted it at the District Office and at the County Courthouse;
- (3) the General Manager posted notice more than 72 hours prior to the hearing, in compliance with the Texas Open Meetings Act; and
- (4) no one had requested special notice under District Rule 12.3(d), so no notice was required to be issued under Rule 12.3(d).

Mr. Sledge continued with the Review of Hearing Procedures to the Board. He explained that he would read the summaries of each GRP and Joint GRP and then allow the Board to vote on them as one item unless circumstances, such as the challenging or protesting of a recommendation, prevented that. Mr. Sledge stated that should any circumstances arise then he would address the GRP on an individual basis, additionally any questions from the Board would be answered by Mark Lowry or himself.

HEARING REPORT ON THE GROUNDWATER REDUCTION PLAN (GRP) OR JOINT GROUNDWATER REDUCTION PLAN (JOINT GRP) SUBMITTED TO LSGCD.

A hearing report was given on each of the following GRP's or Joint GRP's submitted to the District:

- 1. GRP sponsored by April Sound Country Club;
- 2. GRP sponsored by Bentwater Yacht and Country Club;
- 3. GRP sponsored by Dobbin-Plantersville WSC;
- 4. GRP sponsored by Lake Forest Falls; and
- 5. GRP sponsored by Town of Woodloch

Based on District staff's technical review, the GRP's numbered 2 - 5 meet the minimum requirements of Phase II (B) of the Districts Regulatory Plan and it is the General Manager's recommendation for certification. GRP sponsored by April Sound Country Club is pending receipt of additional information.

A motion was made by Director Stinson, seconded by Director Weisinger and unanimously carried, to approve the certification of the uncontested Groundwater Reduction Plans (GRP's) heard, in accordance with the General Manager's recommendations. Abstentions included Director Bleyl from voting on the GRP sponsored by Bentwater Yacht and Country Club, the GRP sponsored by Lake Forest Falls, and the GRP sponsored by Town of Woodloch. *A copy of Resolutions #11-0027, #11-0028, #11-0029, and #11-0030 are attached hereto as Exhibit "B"*.

Vice-President Baker stated that there was no need to schedule the continuance of contested hearings at this time and upon a motion by Director Weisinger, seconded by Director Stinson adjourned the Public Hearing on Certification of GRP's and Joint GRP's at 10:23 a.m.

PASSED, APPROVED, AND ADOPTED THIS 11th DAY OF OCTOBER	2. 2011.
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September 13, 2011

MINUTES OF REGULAR MEETING

The Board of Directors of the Lone Star Groundwater Conservation District ("District") met in regular session, open to the public, in the Lone Star GCD – Board Room located at 207 W. Phillips Street, Suite 301, Conroe, Texas, within the boundaries of the District on September 13, 2011.

Vice-President Baker called to order the regular Board of Directors meeting at 10:23 a.m. announcing that it was open to the public.

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

Sam W. Baker John D. Bleyl, PE Reed Eichelberger, PE Roy McCoy, Jr. Rick J. Moffatt Jim Stinson, PE Richard J. Tramm M. Scott Weisinger, PG W. B. Wood

All members of the Board were present with the exception of President Tramm and Director Wood, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Kathy Turner Jones, District General Manager; Brian L. Sledge, General Counsel; Mark Lowry, District Consultant; District staff; and members of the public. *Copies of the public sign-in sheets are attached hereto as Exhibit "A"*.

APPROVAL OF THE MINUTES:

Vice-President Baker stated the Board would consider all meeting minutes listed as one item. Upon review of the following, a motion was made by Director Weisinger, seconded by Director Eichelberger and unanimously carried, to approve the meeting minutes as presented:

- a) August 9, 2011, Special Board Meeting
- b) August 9, 2011, Public Hearing on Permit Applications
- c) August 9, 2011, Hearing on Certification of GRP's or Joint GRP's
- d) August 9, 2011, Regular Board of Directors Meeting
- e) August 24, 2011, Public Meeting on Catahoula Formation Hydrostratigraphic and Model Study

COMMITTEE REPORTS:

Water Awareness and Conservation Committee – Billy Wood, Chair. Ms. Jones reported that the committee had not met since the last board meeting but does have a meeting scheduled for September 20th to review suggested proposals for conservation initiatives. Paul R. Nelson, Assistant General Manager, gave a brief update on the status of the District's conservation efforts. Mr. Nelson stated that he is still working with The Woodlands Children's Museum and they will be handing out activity books to children as well as adding information on LSGCD to their monthly newsletters. Mr. Nelson is also looking into displaying messages on TransStar's Dynamic Message Signs that are posted near construction. Mr. Nelson also pointed out that the Water on Demand program now has 27 participating restaurants, an increase of seven (7) from August.

<u>Rules and Bylaws Committee – Kathy Turner Jones, Coordinator.</u> Ms. Jones reported that the committee had not met since last month's meeting and that the District's legal counsel is working on a rule package for staff review and committee consideration that will incorporate GRP requirements into the District's rules.

<u>Policy and Personnel Development Committee – Sam W. Baker, Chair.</u> Ms. Jones stated that the committee met on September 12th to review the bylaws and travel policy regarding per diems and reimbursements. A follow-up meeting is planned for later in October or the first of November. Additionally, the committee reviewed staff and the separation agreement in place for previous employees.

<u>Findings and Review Committee</u>. Ms. Jones reported that the committee had not met since the last Board meeting.

Update and status project report related to Regional Groundwater Update Project with HGSD and the FBSD. Mark Lowry began by stating that a copy of the report was included in the packet from Freese & Nichols detailing the activities. Mr. Lowry gave a brief summary of the report, stating that the panel is working heavily on population and water demand and a presentation has been made to Fort Bend County, as it has a history of being undercounted through the Regional Planning process. Mr. Lowry stated there was an issue with the model in that it was not reflecting the actual drawdowns that are being seen in the Evangeline aquifer in The Woodlands area. The adjustments have been made; unfortunately when adjustments are made to the model it changes the subsidence package, creating a longer process to get the model back into calibration. USGS suspects that by the end of September they will have the model completed and will be able to allow LBG-Guyton to review it. The panel did find one other minor problem with tracking water sales on the Water Development Board's Water Use survey, which they have brought to the Water Development Board's attention.

Status Report on Catahoula Formation Hydrostratigraphic and Model Study. Mark Lowry stated that there was a status meeting on August 24th and a presentation to the SJRA board on August 25th. The team is finishing the stratigraphic study, working on delineating the various aquifer surfaces and starting to work on model construction. In next several months they will be working on the model construction and incorporating any new Catahoula data that becomes available.

<u>Building and Facilities Committee – Kathy Turner Jones.</u> Ms. Jones stated the committee has not met since last month's board meeting. Ms. Jones stated that the District has selected and contracted with Collier Construction and has received the performance bond as required. As of last week, the building corners have been staked, the silt fence is up and this week the soil testing is scheduled to be completed along with preliminary dirt work.

Consider, discuss, and take possible action authorizing General Manager to execute documents related to loan for construction of District Office Building. A motion was made by Director Stinson, seconded by Director Bleyl and unanimously carried authorizing the General Manager to execute documents related to loan for construction of the District Office Building to be located at 655 Conroe Park North Drive. Director Baker abstains from voting.

<u>Budget and Finance Development Committee – Jim Stinson, Chair</u>. Director Stinson reported that the committee met on September 6th to review the public funds investment policy, which was included in the packets as well as an updated list of brokers and investors that are available for use by the District.

Review of Monthly Financial Reports. Director Stinson stated he had reviewed the monthly financial reports and if anyone had any questions he would be glad to address those. The District shows the operating budget has an income of \$82,000 under budget and expenses of \$244,000 under budget. The capital improvement program has a budgeted expense of \$1.3 million versus an actual expense of \$83,000.

<u>Discuss</u>, consider, and take action as necessary to approve Resolution #11-006 reviewing and approving Investment Policy and Investment Strategies as required annually by the Public Funds Investment Act of Texas. A motion was made by Director Weisinger, seconded by Director Moffatt and unanimously carried to approve Resolution #11-006. Copy of Resolution #11-006 is attached hereto as Exhibit "B".

ENGINEERING REPORT:

Mark Lowry, District Consultant, stated his report was included in the packet and if there were any questions he would be happy to answer them. This month the bulk of his work was finalizing GRPs and working on a number of revisions and new permit allocations. Mr. Lowry also stated that with the help of SJRA, the District has a completed spreadsheet of pan evaporation rates and rainfall that has been recorded at the Lake Conroe Dam. As of the end of August, the pan evaporation minus the rainfall was approximately 48 inches of surface evaporation. Mr. Lowry is also keeping a spreadsheet on the Texas A&M Agri-Life Watering Recommendations (for a high quality turf grass), which was approximately 30 inches as of the 1st week in September.

UPDATE STATUS REPORT ON INSTALLATION OF PERIODICALLY ACCESSIBLE MONITOR ("PAM") EQUIPMENT FOR SUBSIDENCE MONITORING – Paul R. Nelson.

Mr. Nelson stated that the Precinct 2 PAM site was approved, leaving only the Precinct 4 PAM site remaining to be approved, it should go before Commissioner's Court in two (2) weeks.

Additionally the District has received approval to place a PAM unit at City of Conroe Water Plant #18 at Carl Barton, Jr. Park, completing the approval of all six (6) PAM sites. On September 20th, the drillers will be coming back to install the PAM units at the park and at the dam. The PAM units at West Branch and in the Woodlands are currently taking measurements and he hopes to have all of the six (6) units on rotation and taking measurements within the next month.

CONFERENCE REPORT: AMTA/SEDA 2011 JOINT CONFERENCE AND EXPOSITION – Roy McCoy.

Director McCoy stated he attended a national conference presented by the American Membrane Technology Association (AMTA) and Florida's Southeast Desalting Association (SEDA). It was a four (4) day conference that was very intense, with a number of different presenters and a copy of his report was included in the packets. Mr. McCoy encouraged all the Directors to attend a conference like this one in the future because it brings you up to date on what is happening with water in America and around the world. Mr. McCoy stressed that there is a lot of water out there, it is simply a matter of how it can be used and cleaning it up, mentioning that there are engineers doing it in California and Florida and it is possible.

GENERAL COUNSEL REPORT:

Brian L. Sledge updated the Board on pertinent legal issues and developments impacting the District since the last regular Board Meeting. Mr. Sledge stated that he is continuing to monitor the implementation of legislation effecting Chapter 36 of the Water Code from the regular session of the 82nd legislature, including the changes in the District's rules as well conforming changes to the District Regulatory Plan. Mr. Sledge stated that he has not seen much progress on the implementation of those changes from the Texas Water Development Board. Mr. Sledge mentioned that Bill Hutchison, head of the Groundwater Section, and over Groundwater Availability Modeling with the Texas Water Development Board announced his retirement and move to LBG-Guyton, there is no word yet on his replacement.

Mr. Sledge noted that the Eighth Court of Appeals of El Paso has decided that the courts are willing to interpret Chapter 36 on the recovery of attorneys fees when a District prevails in whole or in part on an action against another party or an action by another party on a Groundwater District, which simply means the courts will award the taxpayers back the attorneys fees. Mr. Sledge is continuing to work with staff on GRPs and other applications submitted to the District.

GENERAL MANAGER'S REPORT:

Kathy Turner Jones, General Manager, stated that her report was included in the packets and if anyone had any questions, she would be glad to address them. Ms. Jones pointed out that there was a picture of an installed PAM site included in her report for illustration purposes. Ms. Jones also mentioned that a press release was sent out this month, noting that September 13th is Protect Your Groundwater Day. Ms. Jones stated that the Texas Water Law Conference will be held later this week in Austin and TWCA is coming up October 12th-14th in San Antonio.

PUBLIC COMMENT:
NEW BUSINESS: None.
There being no further business, upon a motion by Director Weisinger, seconded by Director Bleyl, Vice-President Baker adjourned the meeting at 10:49 a.m.
PASSED, APPROVED, AND ADOPTED THIS 11th DAY OF OCTOBER, 2011.
M. Scott Weisinger, PG, Board Secretary