

***NOTICE OF MEETINGS AND HEARINGS  
OF THE BOARD OF DIRECTORS OF THE  
LONE STAR GROUNDWATER CONSERVATION DISTRICT***

***To be held on Tuesday, July 13, 2010***

***Lone Star GCD – Board Room***

***207 W Phillips, Suite 301***

***Conroe, Texas 77301***

***NOTICE OF MEETING***

**TUESDAY, JULY 13, 2010, AT 9:00 A.M.**

**SPECIAL MEETING OF THE DISTRICT BOARD**

1. Call to Order and Declare Meeting Open to the Public.
2. Roll Call.
3. Executive Session - The Board will recess for a closed Executive Session pursuant to Texas Government Code, Sections 551.071 or 551.072, to consult with the District's attorney on any item on any notice or agenda for today's meetings or hearings 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, or to deliberate the purchase, exchange, lease, or value of real property.

No action will be taken in Executive Session.

4. Re-convene in Open Session
5. Adjourn special board meeting.

# ***NOTICE OF PUBLIC HEARING***

**TUESDAY, JULY 13, 2010, AT 10:00 A.M.**

## **PUBLIC HEARING ON PERMIT AND PERMIT AMENDMENT APPLICATIONS**

1. Call to Order and Declare Hearing Open to the Public.
2. Roll Call.
3. Receive Permit Hearing Report from General Manager, Any Public Comments or Requests to Contest, and Consider Granting, Denying, or Amending Applications for the Following Operating Permits and/or Meter Exemptions:
  1. A & B Crushed Concrete, LLC, for a proposed amendment to OP, increase of 0.1 mg annually, 18933 FM 1485, New Caney, Commercial use;
  2. Waste Management of Texas, Inc., for a proposed amendment to OP, increase of 0.15 mg annually, 19248 Hwy 105, Cleveland, Public Supply (Commercial) use;
  3. Kenny Rey, for a proposed operating permit for an existing well not to exceed 0.25 mg annually, 14277 FM 1314, Conroe, Commercial use;
  4. Felix Hernandez, for a proposed well to be drilled at 11617 Moorehead Rd, Conroe, not to exceed 1 mg annually, Public Supply use;
  5. San Jo Utilities, for a proposed operating permit not to exceed 5.918 mg annually, 12922 Long Street, Willis, Public Supply (PWS) use;
  6. Robert Dobyms, for a proposed operating permit for an existing well not to exceed 0.1 mg annually, 14366 FM 1314, Conroe, Commercial use;
  7. Canyon Crossing Section 1 POA, for a proposed operating permit for an existing well not to exceed 0.3 mg annually, 12068 Oak Forest Ln, Conroe, Irrigation use;
  8. LMD Enterprises Inc (Lucas Cedar), for a proposed operating permit for an existing well not to exceed 0.15 mg annually, 12637 FM 830, Willis, Commercial use; and
  9. LMD Enterprises Inc (Lucas Cedar), for a proposed Meter Exception located at 12637 FM 830, Willis, Commercial use.
4. Adjourn or continue permit hearing in whole or in part.

# ***NOTICE OF PUBLIC HEARING***

**TUESDAY, JULY 13, 2010, AT 10:00 A.M.**

## **PUBLIC HEARING ON AMENDMENTS TO 2009 PERMITS TO ESTABLISH TOTAL QUALIFYING DEMAND UNDER THE DISTRICT REGULATORY PLAN**

1. Call to Order and Declare Hearing Open to the Public
2. Roll Call
3. Appointment of Co-Presiding Officer
4. Review of Notice; Review of Hearing Procedures
5. Docket Call; Opportunity to Contest Permit Amendment
6. Receive Permit Hearing Report from General Manager and/or District Engineer on Proposed Permit Amendments and Technical Reviews on the Permits Listed in the Following Table to Establish the Final Calendar Year 2009 Production Authorization for the Permits for Purposes of Establishing Their Total Qualifying Demand under the District Regulatory Plan (DRP):

PERMIT(S) NUMBER	PERMITTEE NAME & ADDRESS	LOCATION OF WELL(S) / PURPOSE OF USE	GENERAL MANAGER'S RECOMMENDED FINAL 2009 PERMITTED AUTHORIZATION FOR PURPOSES OF ESTABLISHING TOTAL QUALIFYING DEMAND UNDER THE DRP
HUP009 / OP03-0011	Aqua Texas, Inc. (Crystal Forest) 2211 Louetta Rd Spring, TX 77388	3 wells located at 6200 Sanchester, Conroe, Public Supply (PWS) Use	17,800,000 gallons
HUP014 / OP-05072102	Aqua Texas, Inc. (Indigo Ranch) 2211 Louetta Rd Spring, TX 77388	1 well located at 16903 Indigo Hills, Magnolia, Public Supply (PWS) Use	25,000,000 gallons
HUP019 / OP-05062201	Aqua Texas, Inc. (Shadow Bay) 2211 Louetta Rd Spring, TX 77388	2 wells located at 4315 Lee Shore, Willis, Public Supply (PWS) Use	25,000,000 gallons
OP-07061101	Austin/Texas Golf Ventures, LP 1001 S Capital of Texas Hwy, Building M Ste 200 Austin, TX 78746	1 well located at 23815 Bentwood Parkway, Porter, Irrigation Use	65,000,000 gallons
HUP047 / OP-05112902	Clover Creek MUD P. O. Box 2749 Spring, TX 77383	1 well located at 19231 Cloverwood, Magnolia, Public Supply (PWS) Use	31,000,000 gallons

PERMIT(S) NUMBER	PERMITTEE NAME & ADDRESS	LOCATION OF WELL(S) / PURPOSE OF USE	GENERAL MANAGER'S RECOMMENDED FINAL 2009 PERMITTED AUTHORIZATION FOR PURPOSES OF ESTABLISHING TOTAL QUALIFYING DEMAND UNDER THE DRP
HUP057 / OP03-0015	Cypresswood Estates Water System 36515 Cochran Rd. Waller, TX 77484	3 wells located at 20414 Sanders Rd., Magnolia, Public Supply (PWS) Use	25,000,000 gallons
OP-07121706	E.B.J.V., Inc. (JFP Yard) P. O. Box 469 New Waverly, TX 77358	1 well located at 15077 Dewberry Lane, Conroe, Public Supply Use	2,340,000 gallons
OP03-0069	Everett Square Inc. (Windcrest Est., Honea Egypt, Part of 1488 System) 9132 White Oak Dr. Conroe, TX 77384	2 wells located at 33234 Windcrest Estates, Magnolia, Public Supply (PWS) Use	14,600,000 gallons
OP-07122101	HMRG3 LLC 37300 Golf Club Trail Magnolia, TX 77355	1 well located at 37300 Golf Club Trail, Magnolia, Irrigation Use	67,000,000 gallons
HUP084 / OP-06032901	HMW Special Utility District (Allenwood) P. O. Box 837 Pinehurst, TX 77362	5 wells located at 24819 Brautigam Rd., Magnolia, Public Supply (PWS) Use	17,800,000 gallons
HUP085 / OP-09102002	HMW Special Utility District (Armadillo Woods) P. O. Box 837 Pinehurst, TX 77362	2 wells located at 32006 Buck Ct., 1 at 26402 McIntosh & 1 at 26315 McIntosh, Magnolia, Public Supply (PWS) Use	17,300,000 gallons
HUP089 / OP-06052301	HMW Special Utility District (Kipling Oaks #1) P. O. Box 837 Pinehurst, TX 77362	4 wells located at 34618 Bernice Dr. & 2 at 35202 E. Pine Cir., Magnolia, Public Supply (PWS) Use	37,500,000 gallons
HUP107 / OP03-0058	Kings Manor MUD 165758 Telge Cypress, TX 77429	1 well located at 27115 Kings Manor Dr., Kingwood, Public Supply (PWS) Use	155,100,000 gallons
OP-06032902	Lake Windcrest POA, Inc. 1901A Magnolia Dr. Pasadena, TX 77503-2904	1 well located at 32206 Edgewater Dr., Magnolia, Irrigation / Impoundment Use	15,000,000 gallons
HUP138 / OP-05060201	Montgomery County MUD #18 P. O. Box 1268 Montgomery, TX 77356-1268	1 well located at 10189 W. FM 1097 & 2 located at the end of Hillsborough Dr., Montgomery Public Supply (PWS) Use	424,000,000 gallons
OP03-0067	Montgomery Place Water System 9132 White Oak Dr. Conroe, TX 77384	1 well located at 15270 Magnolia Dr., Magnolia, Public Supply (PWS) Use	9,400,000 gallons
OP-07041601	Montgomery Trace POA 6630 Cypresswood Dr Spring, TX 77379	1 well located at Fish Creek 1 - Ebner Lake Front Dr. & 1 at Fish Creek 2, Montgomery, Irrigation / Impoundment Use	25,000,000 gallons
OP-06042502	Quadvest, LP. (McCall Sound) P. O. Box 411 Tomball, TX 77377	1 well located at Key Map 287 A, Coe Loop, Magnolia, Public Supply (PWS) Use	6,000,000 gallons
HUP282 / OP-07061901	Quadvest, LP. 1 (Mostyn Manor) P. O. Box 412 Tomball, TX 77377	2 wells located at 12407 Marshall Dr., Magnolia, Public Supply (PWS) Use	35,000,000 gallons
HUP281 / OP-07061902	Quadvest, LP. 1 (Red Oak Ranch WS) P. O. Box 413 Tomball, TX 77377	2 wells located at 15050 Old Conroe, Conroe, Public Supply (PWS) Use	22,000,000 gallons

PERMIT(S) NUMBER	PERMITTEE NAME & ADDRESS	LOCATION OF WELL(S) / PURPOSE OF USE	GENERAL MANAGER'S RECOMMENDED FINAL 2009 PERMITTED AUTHORIZATION FOR PURPOSES OF ESTABLISHING TOTAL QUALIFYING DEMAND UNDER THE DRP
HUP279 / OP-07051102	Quadvest, LP. 2 (Northcrest Ranch 1,2 &3) P. O. Box 414 Tomball, TX 77377	2 wells located at 23951 Northcrest Trail & 1 at 17272 Northcrest Cir., New Caney, Public Supply (PWS) Use	50,000,000 gallons
OP-05100402	T & I Taylor, Inc. (River Club/River Ridge) P. O. Box 2778 Spring, TX 77383-2778	1 well located at 20235 Russell Dr. & 1 at 20166 River Ridge, Porter, Public Supply (PWS) Use	11,500,000 gallons
OP-08102801	W. W. Webber, LLC (FM 242) 14333 Chrisman Road Houston, TX 77309	1 well located at 13995 Highway 242, Conroe, Industrial Use	5,000,000 gallons
OP03-0070	Washington County Railroad 9132 White Oak Dr. Conroe, TX 77384	2 wells located at 23617 Inca Ln, Porter, Public Supply (PWS) Use	21,000,000 gallons

The GM'S RECOM. TQD is the General Manager's Recommended Total Qualifying Demand for each above-referenced application, based upon the General Manager's review of all evidence in each application file.

7. Severance of Uncontested and Contested Permit Amendments
8. Board Consideration and Action on Approval or Denial, in Whole or in Part, of Uncontested Permit Amendments Listed in the Table Above to Establish the Final Calendar Year 2009 Production Authorization for the Permits for Purposes of Establishing Their Total Qualifying Demand under the District Regulatory Plan (DRP)
9. Scheduling and Continuance of Contested Hearings on Permit Amendments; Possible Appointment of Hearings Examiner
10. Adjournment of Hearing on Uncontested Permit Amendments

## ***NOTICE OF SPECIAL HEARING***

**TUESDAY, JULY 13, 2010, AT 10:00 A.M.**

### **SHOW CAUSE HEARING ON ENFORCEMENT MATTER**

1. Call to Order and Declare Hearing Open to the Public
2. Roll Call

3. Show Cause Hearing directing Joe D. Worthy, ("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:
    - A. issue a cease and desist order pursuant to District Rule 2.6(c) for failure to permit and meter a non-exempt water well;
    - B. file a civil suit against Respondent in State District Court seeking enforcement of District rules and the collection of all due and owing water use fees, late payment penalties, other civil penalties, and attorneys fees and court costs incurred by the District in the prosecution of claims against Respondent for its violations of District Rules; and
    - C. take all other enforcement action that is necessary and appropriate under the laws of the State of Texas.
  4. Consider, discuss, and take action on matters raised in the Joe D. Worthy show cause hearing, including, but not limited to, issuing a cease and desist order described in Agenda Item No. 3.A., authorizing filing of a civil suit against Respondent in State District Court as described in Agenda Item No. 3.B., and taking all other enforcement action described in Agenda Item No. 3.C.
  5. Adjourn special hearing.
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## ***NOTICE OF MEETING***

**TUESDAY, JULY 13, 2010, AT 10:00 A.M.**

### **REGULAR MEETING OF THE DISTRICT BOARD**

1. Call to Order and Declare Regular Meeting Open to the Public.
2. Roll Call
3. Discuss, consider, and take action as necessary concerning approval of Meeting Minutes:
  - a) June 8, 2010, Special Board Meeting
  - b) June 8, 2010, Public Hearing on Permit Applications
  - c) June 8, 2010, Regular Board of Directors Meeting
4. Committee Reports:
  - A. Rules and Bylaws Development Committee – Kathy Turner Jones, Coordinator

- 1) Brief the Board on the Committee's activities since the last regular Board meeting, including proposed amendments to the District Rules.
- B. Policy and Personnel Development Committee – Sam W. Baker, Chair
- 1) Brief the Board on the Committee's activities since the last regular Board meeting
- C. Water Awareness and Conservation Committee – Billy Wood, Chair
- 1) Brief the Board on the Committee's activities since the last regular Board meeting
  - 2) Education/Conservation Awareness Coordinator Report – Marjie Risk
- D. Budget and Finance Development Committee – Jim Stinson, Chair
- 1) Brief the Board on the Committee's activities since the last regular Board meeting
  - 2) Review of monthly financial reports
  - 3) Review 2<sup>nd</sup> Quarterly Investment Report for 2010.
  - 4) Consideration and possible action approving Resolution #10-004 authorizing water use fee rate schedule for 2011.
  - 5) Consideration and possible action approving Resolution #10-005 amending and re-establishing administrative fee schedule.
- E. Findings and Review Committee – Orval R. Love, Chair
- 1) Brief the Board on the Committee's activities since the last regular Board meeting
    - a) USGS Recharge Project Update – Mike Turco (USGS)
    - b) Update and status report on redevelopment of Information Technology (GIS Project)
    - c) Consider Resolution #10-006 adopting and authorizing the execution of an interlocal agreement with the Harris Galveston Subsidence District for the joint cooperation on groundwater availability model review
- F. Building and Facilities Committee – Kathy Turner Jones
- 1) Brief the Board on the Committee's activities since the last regular Board meeting
  - 2) Consider, discuss, and take possible action on a recommendation from the committee regarding a real property purchase or lease for District Office relocation.
5. Consideration and possible action regarding requests for special exception to the District Regulatory Plan Early Conversion Incentive (Panorama Village Golf Management)
  6. Consideration and possible action regarding requests for guidance/credit under the District Regulatory Plan Early Conversion Incentive (MUDs 8 and 9)
  7. Discussion and possible action to issue a show cause order directing the following permittees, or their designated representative, to appear at a hearing to show cause why appropriate enforcement action should not be taken by the District, including without

limitation initiating a lawsuit against the permittees, for failure to remit fees associated with overproduction of groundwater in 2009:

- a) Aqua Tex OP-06113001A
  - b) Enchanted Cove HUP312 / OP-08072801
8. Engineering Report – Mark V. Lowry
    - a) Review of monthly engineering status reports
  9. General Counsel’s Report – The District's General Counsel will brief the Board on pertinent legal issues and developments impacting the District since the last regular Board meeting.
  10. General Manager’s Report – The General Manager will brief the Board on pertinent operational and management issues that the District, its employees, or consultants have encountered since the last regular Board meeting.
  11. Public Comment. (*Public comment is limited to a maximum of 3 minutes per speaker.*)
  12. New Business.
  13. Adjourn.

The above agenda schedules for the meetings and hearings of the District represent an estimate of the order for the indicated items and are subject to change at any time.

*These public hearings and meetings are available to all persons regardless of disability. If you require special assistance to attend the meeting or hearing, please contact the Lone Star GCD at 936/494-3436 at least 24 hours in advance of the meeting.*

At any time during one the above meetings or hearings and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon’s Texas Codes, Annotated, the Lone Star Groundwater Conservation District Board may meet in executive session on any of the above agenda items for consultation concerning attorney-client matters (§551.071); deliberation regarding real property (§551.072); deliberation regarding prospective gift (§551.073); personnel matters (§551.074); and deliberation regarding security devices (§551.076). Any subject discussed in executive session may be subject to action during an open meeting.

#### **Certification**

I, the undersigned authority, do hereby certify that on July 8, 2010, at or before 5:00 p.m., I posted and filed the above notices of meeting(s) and hearing(s) with the Montgomery County Clerk’s office and also posted a copy in the front window of the Lone Star GCD office in a place convenient and readily accessible to the general public all times and that it will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with the Texas Government Code, Chapter 551.

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Kathy Turner Jones, General Manager  
Lone Star Groundwater Conservation District