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

To be held on Tuesday, October 08, 2024
Lone Star GCD – James B. "Jim" Wesley Board Room
655 Conroe Park North Drive
Conroe, Texas 77303

NOTICE OF SHOW CAUSE HEARING ON ENFORCEMENT MATTERS

TUESDAY, OCTOBER 8, 2024, AT 4:00 P.M.

Held In Person with the option for Public Comment
Remotely by Publicly Accessible Videoconference
(The videoconference opens at 3:45 P.M.)

24-1976
POSTED
04:57PM
Munoz
L. BRANDON STEINMANN, COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

1. Call to Order and Declare Hearing Open to the Public
2. Roll Call
3. Show Cause Hearing for **CWE Utilities LLC (HUP057A-CHEV and OP03-0015C-CHEV)** pursuant to District Rule 12.5

   A. Show Cause Hearing directing **CWE Utilities LLC**, ("Respondent"), pursuant to District Rule 12.5, to appear before the Lone Star GCD Board of Directors and show cause why the District should not:

      1) issue a cease-and-desist order pursuant to District Rule 12.6(c) for failure to remit the overproduction fees and fines associated with the 2023 withdrawal of groundwater in an amount which exceeded the specific amount authorized for withdrawal by less than ten percent (10%) of the authorized amount;

      2) 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 attorney's fees and court costs incurred by the District in the prosecution of claims against Respondent for its violations of District Rules; and

      3) take all other enforcement action that is necessary and appropriate under the laws of the State of Texas.

   B. Consider, discuss, and take action on matters raised in the **CWE Utilities LLC,** show cause hearing, including, but not limited to, issuing a cease-and-desist order described in Agenda Item No. 3.A.1., authorizing filing of a civil suit against Respondent in State District Court as described in Agenda Item No. 3.A.2. and taking all other enforcement action described in Agenda Item No. 3.A.3.

4. Show Cause Hearing for **Dollar General Store #18781 (OP-18052301A-CHEV)** pursuant to District Rule 12.5

   A. Show Cause Hearing directing **Dollar General Store #18781**, ("Respondent"), pursuant to District Rule 12.5, to appear before the Lone Star GCD Board of Directors and show cause why the District should not:

      1) issue a cease-and-desist order pursuant to District Rule 12.6(c) for failure to remit the overproduction fees and fines associated with the 2023 withdrawal of groundwater in an amount which exceeded the specific amount authorized for withdrawal by ten percent (10%) or greater than the authorized amount;

      2) 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 attorney's fees and court costs incurred by the District in the prosecution of claims against Respondent for its violations of District Rules; and

      3) take all other enforcement action that is necessary and appropriate under the laws of the State of Texas.

   B. take all other enforcement action that is necessary and appropriate under the laws of the State of Texas. Consider, discuss, and take action on matters raised in the **Dollar General Store #18781,** show cause hearing, including, but not limited to, issuing a cease-and-desist order described in Agenda Item No. 4.A.1., authorizing filing of a civil suit against Respondent in State District Court as described in Agenda Item No. 4.A.2. and taking all other enforcement action described in Agenda Item No. 4.A.3.

5. Show Cause Hearing for **Rayford RV LLC (OP-04050701A-CHEV)** pursuant to District Rule 12.5

   A. Show Cause Hearing directing **Rayford RV LLC**, ("Respondent"), pursuant to District Rule 12.5, to appear before the Lone Star GCD Board of Directors and show cause why the District should not:

      1) issue a cease-and-desist order pursuant to District Rule 12.6(c) failure to submit 2024 annual Water Use Fees and/or fines associated with timely submission;

      2) 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 attorney's fees and court costs incurred by the District in the prosecution of claims against Respondent for its violations of District Rules; and

      3) take all other enforcement action that is necessary and appropriate under the laws of the State of Texas.

   B. Consider, discuss, and take action on matters raised in the **Rayford RV LLC,** show cause hearing, including, but not limited to, issuing a cease-and-desist order described in Agenda Item No. 5.A.1., authorizing filing of a civil suit against Respondent in State District Court as described in Agenda Item No. 5.A.2. and taking all other enforcement action described in Agenda Item No. 5.A.3.

6. Show Cause Hearing for **SS Magnolia FM Road, LLC (OP-06012001B-CHEV)** pursuant to District Rule 12.5

   A. Show Cause Hearing directing **SS Magnolia FM Road, LLC**, ("Respondent"), pursuant to District Rule 12.5, to appear before the Lone Star GCD Board of Directors and show cause why the District should not:

      1) issue a cease-and-desist order pursuant to District Rule 12.6(c) failure to submit 2024 annual Water Use Fees and/or fines associated with timely submission;

      2) 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 attorney's fees and court costs incurred by the District in the prosecution of claims against Respondent for its violations of District Rules; and

      3) take all other enforcement action that is necessary and appropriate under the laws of the State of Texas.

   B. Consider, discuss, and take action on matters raised in the **SS Magnolia FM Road, LLC,** show cause hearing, including, but not limited to, issuing a cease-and-desist order described in Agenda Item No. 6.A.1., authorizing filing of a civil suit against Respondent in State District Court as described in Agenda Item No. 6.A.2. and taking all other enforcement action described in Agenda Item No. 6.A.3.

7. Show Cause Hearing for **Indigo Lakes Estates POA (OP-07060501E-CHEV)** pursuant to District Rule 12.5

   A. Show Cause Hearing directing **Indigo Lakes Estates POA**, ("Respondent"), pursuant to District Rule 12.5, to appear before the Lone Star GCD Board of Directors and show cause why the District should not:

      1) issue a cease-and-desist order pursuant to District Rule 12.6(c) failure to submit 2023 annual water production report and/or fines associated with timely submission;

      2) 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 attorney's fees and court costs incurred by the District in the prosecution of claims against Respondent for its violations of District Rules; and

      3) take all other enforcement action that is necessary and appropriate under the laws of the State of Texas.

   B. Consider, discuss, and take action on matters raised in the **Indigo Lakes Estates POA,** show cause hearing, including, but not limited to, issuing a cease-and-desist order described in Agenda Item No. 7.A.1., authorizing filing of a civil suit against Respondent in State District Court as described in Agenda Item No. 7.A.2. and taking all other enforcement action described in Agenda Item No. 7.A.3.

8. Show Cause Hearing for **Jim (Wanda) Fox (OP-07120501A-CHEV)** pursuant to District Rule 12.5

   A. Show Cause Hearing directing **Jim (Wanda) Fox**, ("Respondent"), pursuant to District Rule 12.5, to appear before the Lone Star GCD Board of Directors and show cause why the District should not:

      1) issue a cease-and-desist order pursuant to District Rule 12.6(c) failure to submit 2023 annual water production report and/or fines associated with timely submission;

      2) 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 attorney's fees and court costs incurred by the District in the prosecution of claims against Respondent for its violations of District Rules; and

      3) take all other enforcement action that is necessary and appropriate under the laws of the State of Texas.

   B. Consider, discuss, and take action on matters raised in the **Jim (Wanda) Fox,** show cause hearing, including, but not limited to, issuing a cease-and-desist order described in Agenda Item No. 8.A.1., authorizing filing of a civil suit against Respondent in State District Court as described in Agenda Item No. 8.A.2. and taking all other enforcement action described in Agenda Item No. 8.A.3.

9. Show Cause Hearing for **McCants Forest Land Limited Partnership (OPAG-05113001A-CHEV)** pursuant to District Rule 12.5

   A. Show Cause Hearing directing **McCants Forest Land Limited Partnership**, ("Respondent"), pursuant to District Rule 12.5, to appear before the Lone Star GCD Board of Directors and show cause why the District should not:

      1) issue a cease-and-desist order pursuant to District Rule 12.6(c) failure to submit 2023 annual water production report and/or fines associated with timely submission;

      2) 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 attorney's fees and court costs incurred by the District in the prosecution of claims against Respondent for its violations of District Rules; and

      3) take all other enforcement action that is necessary and appropriate under the laws of the State of Texas.

   B. Consider, discuss, and take action on matters raised in the **McCants Forest Land Limited Partnership,** show cause hearing, including, but not limited to, issuing a cease-and-desist order described in Agenda Item No. 9.A.1., authorizing filing of a civil suit against Respondent in State District Court as described in Agenda Item No. 9.A.2. and taking all other enforcement action described in Agenda Item No. 9.A.3.

10. Show Cause Hearing for **Ray's Nursery (HUPAG1500017-CHEV)** pursuant to District Rule 12.5

A. Show Cause Hearing directing **Ray's Nursery**, ("Respondent"), pursuant to District Rule 12.5, to appear before the Lone Star GCD Board of Directors and show cause why the District should not:

1) issue a cease-and-desist order pursuant to District Rule 12.6(c) failure to submit 2023 annual water production report and/or fines associated with timely submission;

2) 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 attorney's fees and court costs incurred by the District in the prosecution of claims against Respondent for its violations of District Rules; and

3) take all other enforcement action that is necessary and appropriate under the laws of the State of Texas.

A. Consider, discuss, and take action on matters raised in the **Ray's Nursery,** show cause hearing, including, but not limited to, issuing a cease-and-desist order described in Agenda Item No. 10.A.1., authorizing filing of a civil suit against Respondent in State District Court as described in Agenda Item No. 10.A.2. and taking all other enforcement action described in Agenda Item No. 10.A.3.

11. Adjourn or continue permit hearing in whole or in part.

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); deliberation regarding security devices (§551.076); and deliberation regarding cybersecurity (§551.089). 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 October 4, 2024, 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.

/s/ Sarah Kouba

Sarah Kouba, General Manager

Lone Star Groundwater Conservation District