PUBLIC HEARINGS AND MEETING FOR LONE STAR GCD

TUESDAY, JULY 13, 2021—6:00 P.M.
IN PERSON AND REMOTELY VIA THE PUBLICLY ACCESSIBLE WEBINAR/TELEPHONE CONFERENCE CALL

Notice is hereby given to all interested members of the public that the Board of Directors of the Lone Star Groundwater Conservation District will hold a previously scheduled and noticed hearing and its regular monthly board meeting both in person and remotely **via a publicly accessible webinar/telephone conference call** (for those who do want to attend in person) in accordance with the Texas Governor's "Report to Open Texas". *See also* Texas Government Code, Section 551.125, as modified by the Governor of Texas who ordered suspension of various provisions of the Open Meetings Act, Chapter 551, Government Code, effective March 16, 2020, in accordance with the Texas Disaster Act of 1975**. Information on how to participate in the hearing and meeting remotely is provided below**. Agendas for each hearing and regular board meeting are provided in this packet immediately following the instructions for participation.

If you attend in person, please note that the District's board room can only accommodate twelve (12) in person public attendees while still maintaining six feet distance between attendees. If you are not comfortable attending the meeting in person (and/or due to limited social distancing capacity), please participate via the webinar/telephone conference call. You can provide written public comment in advance of the meeting or live during the meeting via the webinar link below.

INSTRUCTIONS FOR PARTICIPATION IN HEARINGS AND MEETING

Audio and Video Conference Opens at 5:45 PM

The Hearings and Meeting will begin at 6:00 PM.

Participation via the videoconference webinar is not required and only necessary if you plan to make public comment during any hearing or the meeting. If you plan to make public comment during any hearing or meeting, please do the following:

1. Please contact the District at (936) 494-3436 or info@lonestargcd.org to register as a speaker during public comment. Please indicate whether you would like to make public comment during the management plan hearing, permit hearing and/or board meeting. You must also register as a speaker when logging into the webinar by providing your name and email address. You can pre-register for the webinar. Any person participating in the meeting must be recognized and identified by a moderator before they speak.
2. Determine if you will participate and provide public comment via the zoom webinar link or Zoom app as set forth below.

If you do not plan to make live public comment during any hearing or meeting, you are not required to register for the webinar and may listen via a conference call number or watch the live broadcast on the District's website as provided below. You may also submit written comments in advance of the meeting to info@lonestargcd.org.

Persons with disabilities who plan to attend this meeting and would like to request auxiliary aids or services are requested to contact Jennifer Thayer at (936) 494-3636 at least three business days prior to the meeting so that appropriate arrangements can be made.

==========

PARTICIPATION IN LIVE PUBLIC COMMENT VIA WEBINAR LINK OR APP

If you choose to participate via the Zoom webinar link below, you WILL have the opportunity to provide live comments during the designated portion of the hearings or meeting.

Webinar Link:
https://us02web.zoom.us/webinar/register/WN_jLYo9M6eRguNB5LQU4k5yQ
After registering, you will receive a confirmation email containing information about joining the webinar. You can pre-register for the webinar at any time.

If you choose to participate in the webinar via the Zoom App, you will need to *pre-register* via the URL meeting link above to get a password emailed to you in advance of the webinar. You will use the password emailed to you during pre-registration when you log into the app to join the webinar. You WILL have the opportunity to provide live comments during the designated portion of the hearings or meeting.

Please use Webinar ID: 856 6325 4850
Password: Received via pre-registration

==========

LISTENING/WATCHING BUT NO PARTICIPATION IN LIVE PUBLIC COMMENT

If you do not want to make live public comment and/or you choose to participate in the public hearings and meeting using the conference call number or live broadcast link below, you will NOT have the opportunity to provide live comments during the designated portion of the hearings and meeting. The conference call phone number is provided for LISTENING PURPOSES ONLY, and the live broadcast link is provided for LISTENING AND WATCHING PURPOSES ONLY. You can submit written comments in advance to info@lonestargcd.org.

Telephone conference call phone number: Dial +1 346 248 7799; enter the meeting ID: 893 3697 6693#. You will then be prompted to enter a participation code or press #. Press #. You do not need a participation code.

Live broadcast of the hearings and meeting via the link below or on the meetings tab on the District's website at https://www.lonestargcd.org/meetings

Live Broadcast Link: https://lonestargcd.new.swagit.com/views/58

NOTICE OF HEARINGS AND MEETING
OF THE BOARD OF DIRECTORS OF THE
LONE STAR GROUNDWATER CONSERVATION DISTRICT
To be held on Tuesday, July 13, 2021
Lone Star GCD – James B. "Jim" Wesley Board Room
655 Conroe Park North Drive
Conroe, Texas 77303

NOTICE OF PUBLIC HEARING ON PERMIT AND PERMIT AMENDMENT APPLICATIONS

TUESDAY, JULY 13, 2021, AT 6:00 P.M.

Held In Person and/or Remotely via a
Publicly Accessible Webinar/Telephone Conference Call
(The webinar & conference call line open at 5:45 P.M.)

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

2. Roll Call

3. Prayer and Pledges of Allegiance

4. Any Public Comments or Requests to Contest and General Manager Permit Hearing Report and Recommendation on Granting, Denying, or Amending Applications for the following Operating Permits and/or Meter Exemptions:

   i. Montgomery County MUD #164, for a proposed amendment to OP-19012902, well to be drilled at Approximately 730 ft. west of the intersection of Leafy Lane and FM 3083, Conroe, (Lat. 30/14/25 Long. -95/18/53), with an aggregate allocation of 40 mg annually, Public Supply (PWS) and Irrigation use, (Driller of Record: TBD);
   ii. Westwood North Water Supply, for a proposed amendment to OP-05110102, well to be drilled at 406 Macintosh Dr., Magnolia, with an aggregate allocation of 97 mg annually, Public Supply (PWS) and Commercial use, (Driller of Record: Holly Water Well, LLC);
   iii. Happy Goat Retreat, for a proposed operating permit of an existing well at 13651 Shepard Hill Rd., Willis, not to exceed 1.3 mg annually, Public Supply and Irrigation use;
   iv. Alfredo Albiter (FM 1314), for a proposed amendment to OP-13060701 increase of 3.05 mg annually, 13775 FM 1314, Conroe, Irrigation and Commercial use;
   v. TMT Holdings, LLC, for a proposed operating permit for existing well not to exceed 0.021 mg annually, 102 Industrial Loop Rd, Cleveland, Commercial use;
   vi. La Estrella Celeste, for a proposed well to be drilled at 16224 Creighton Rd., Conroe, not to exceed 0.3 mg annually, Commercial use, (Driller of Record: Ballard Water Well Co. LLC);
   vii. Harpers Preserve CA, for a proposed amendment to OP-13040201, increase of 5 mg annually, 17100 Lake Forest Park Lane, Conroe, Irrigation use;

viii. JAW, Inc., for a proposed amendment to OP-20062301, well to be drilled at 6700 Highland Pines Dr., Porter and increase of 8 mg annually, Irrigation(Agriculture) use, (Driller of record: MW Drilling);
ix. Dennis Davis, for a proposed amendment to OP, increase of 0.274 mg annually, 5855 Mt. Zion Rd., New Waverly, Public Supply and Irrigation use; and
x. Ricky Bates, for a proposed amendment to OP-19042902, increase of 0.8 mg annually, 30663 Moore Rd., Magnolia, Public Supply and Irrigation use;

5. Discussion, consideration, and possible action on the following Operating Permits and/or Meter Exemptions:

i. Montgomery County MUD #164, for a proposed amendment to OP-19012902, well to be drilled at Approximately 730 ft. west of the intersection of Leafy Lane and FM 3083, Conroe, (Lat. 30/14/25 Long. -95/18/53), with an aggregate allocation of 40 mg annually, Public Supply (PWS) and Irrigation use, (Driller of Record: TBD);
ii. Westwood North Water Supply, for a proposed amendment to OP-05110102, well to be drilled at 406 Macintosh Dr., Magnolia, with an aggregate allocation of 97 mg annually, Public Supply (PWS) and Commercial use, (Driller of Record: Holly Water Well, LLC);
iii. Happy Goat Retreat, for a proposed operating permit of an existing well at 13651 Shepard Hill Rd., Willis, not to exceed 1.3 mg annually, Public Supply and Irrigation use;
iv. Alfredo Albiter (FM 1314), for a proposed amendment to OP-13060701 increase of 3.05 mg annually, 13775 FM 1314, Conroe, Irrigation and Commercial use;
v. TMT Holdings, LLC, for a proposed operating permit for existing well not to exceed 0.021 mg annually, 102 Industrial Loop Rd, Cleveland, Commercial use;
vi. La Estrella Celeste, for a proposed well to be drilled at 16224 Creighton Rd., Conroe, not to exceed 0.3 mg annually, Commercial use, (Driller of Record: Ballard Water Well Co. LLC);
vii. Harpers Preserve CA, for a proposed amendment to OP-13040201, increase of 5 mg annually, 17100 Lake Forest Park Lane, Conroe, Irrigation use;
viii. JAW, Inc., for a proposed amendment to OP-20062301, well to be drilled at 6700 Highland Pines Dr., Porter and increase of 8 mg annually, Irrigation (Agriculture) use, (Driller of record: MW Drilling);
ix. Dennis Davis, for a proposed amendment to OP, increase of 0.274 mg annually, 5855 Mt. Zion Rd., New Waverly, Public Supply and Irrigation use; and
x. Ricky Bates, for a proposed amendment to OP-19042902, increase of 0.8 mg annually, 30663 Moore Rd., Magnolia, Public Supply and Irrigation use;

6. 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.

NOTICE OF HEARING

TUESDAY, JULY 13, 2021, AT 6:00 P.M.

Held In Person and/or Remotely via a
Publicly Accessible Webinar/Telephone Conference Call
(The webinar & conference call line open at 5:45 P.M.)

CONTINUATION OF
SHOW CAUSE HEARING ON ENFORCEMENT MATTERS
(TO BEGIN UPON ADJOURNMENT OF THE ABOVE LISTED HEARING)

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

2. Roll Call

3. Show Cause Hearing for **Magnolia Technology Park**, pursuant to District Rule 12.5

   A. Show Cause Hearing directing **Magnolia Technology Park** , ("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 remit 2021 annual water use fees and/or fines associated with timely submission and for failure to submit the Consent Order and/or remit the overproduction fees and fines associated with the 2020 withdrawal of groundwater in an amount which exceeded the specific amount authorized for withdrawal by ten percent (10%) or less 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. Consider, discuss, and take action on matters raised in the **Magnolia Technology Park,** 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 **CWE Utilities** as defined below (collectively, “CWE Utilities” and/or "Respondent"),

    - CWE Utilities &/or owner, operator or manager including without limitation Brent Davis and temporary manager, Harrison Williams, associated with permits HUP057A / OP03-0015C
    - CWE Utilities (Garden West) &/or owner, operator or manager including without limitation Brent Davis and temporary manager, Harrison Williams, associated with permit OP-14081801
    - Drew T. Spencer d/b/a Cypresswood Estates Water System, Davis Irrigation Services, & or holder of CCN No. 12978 which serves Cypresswood Estates Subdivision associated with permits HUP057A / OP03-0015C.
    - Drew T. Spencer d/b/a Cypresswood Estates Water System, Davis Irrigation Services, & or holder of CCN No. 12978 which serves Garden West associated with permit OP-14081801

    A. Show Cause Hearing for CWE Utilities 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 annual water use fees and/or fines associated with the 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 attorneys’ 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** 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.

6. Adjourn Show Cause Hearing on Enforcement Matters.

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.

NOTICE OF REGULAR MEETING OF THE BOARD OF DIRECTORS

TUESDAY, JULY 13, 2021, AT 6:00 P.M.
(TO BEGIN UPON ADJOURNMENT OF THE ABOVE-LISTED PUBLIC HEARINGS)

Held In Person and/or Remotely via a Publicly Accessible Webinar/Telephone Conference Call (The webinar & conference call line open at 5:45 P.M.)

The Board of Directors may discuss, consider, and take action, including expenditure of funds, on any item or subject matter posted in this agenda.

1. Call to Order and Declare Regular Meeting Open to the Public

2. Roll Call

3. Public Comment on any agenda item or any other matter (Public comment is limited to a maximum of 3 minutes per speaker); *See Comment Card for Other Guidelines and Procedures*

4. Executive Session - The Board will recess for a closed Executive Session pursuant to Texas Government Code, §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 hearings posted for today.

   No action will be taken in Executive Session.

5. Re-convene in Open Session.

6. Discuss, consider, and take action as necessary concerning approval of Meeting Minutes:

   a) June 7, 2021 Public Hearing on Proposed DFCs
   b) June 8, 2021 Public Hearing on Permit Applications
   c) June 8, 2021 Show Cause Hearing on Enforcement Matters
   d) June 8, 2021, Regular Board of Directors Meeting

7. Committee Reports:

   A. Budget & Finance Committee – Jim Spigener, Chair
      1) Brief the Board on the Committee's activities since the last regular Board meeting

2) Review of unaudited financials for the month of June 2021 - Samantha Stried Reiter
3) Review of 2nd Quarterly Investment Report 2021

B. Communications Committee – Harry Hardman, Chair
1) Brief the Board on the Committee's activities since the last regular Board meeting

C. DFC & Technical Committee – Stuart Traylor, Chair
1) Brief the Board on the Committee's activities since the last regular Board meeting

D. Legislative Committee – Harry Hardman, Chair
1) Brief the Board on the Committee's activities since the last regular Board meeting

E. Rules, Bylaws & Policies Committee – Larry A. Rogers, Chair
1) Brief the Board on the Committee's activities since the last regular Board meeting

8. Receive information from District's technical consultants regarding subsidence studies and/or discussion regarding the same –Samantha Stried Reiter and/or District's technical consultant(s).

9. Groundwater Management Area 14 – update the board on the issues related to joint planning activities and development of desired future conditions in GMA 14 – Samantha Reiter and/or District's technical consultant(s).

a) Discussion, consideration, and possible action on any items related to Lone Star GCD's proposal(s) to and/or participation in GMA 14.

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. – Samantha Stried Reiter

11. General Counsel's Report – The District's legal counsel will brief the Board on any pertinent legal issues and developments impacting the District since the last regular Board meeting, and legal counsel's activities on behalf of the District, including without limitation: waste injection well monitoring activities and injection well applications filed at the Railroad Commission of Texas or the Texas Commission on Environmental Quality, including District protests or other actions regarding same; District Rules enforcement activities; District Rules and regulations, and District Management Plan development or implementation issues; groundwater-related legislative activities; joint planning and desired future conditions development activities; contemplated and/or pending litigation involving the District; developments in groundwater case law and submission of legal

briefs; legislation or legislative activities; contractual issues related to the District; open government, open records requests, policy, personnel, and financial issues of the District; and other legal activities on behalf of the District. – Stacey V. Reese.

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); 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 July 8, 2021, 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/ Samantha Stried Reiter

Samantha Stried Reiter, General Manager
Lone Star Groundwater Conservation District