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

To be held on Tuesday, June 8, 2021
Lone Star GCD – James B. "Jim" Wesley Board Room
655 Conroe Park North Drive
Conroe, Texas 77303

DOC# 21-0826
POSTED
GWENDALYNN CAMARENA
MARK TURNBULL, COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

NOTICE OF PUBLIC HEARING ON PERMIT AND PERMIT AMENDMENT APPLICATIONS

TUESDAY, JUNE 8, 2021, AT 6:00 P.M.
(TO BEGIN UPON ADJOURNMENT OF THE ABOVE-LISTED SPECIAL HEARING)

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. Quadvest, LP. (Benders Landing), for a proposed amendment to OP-04030801, 3806 1/2 Rayford Rd, Spring, increase of 4.3 mg for 2020 and annually, Public Supply (PWS) and Irrigation use;
   ii. Mustang Rental, for a proposed well to be drilled at 16152 Hwy. 75 N., Willis, not to exceed 0.57 mg annually, Commercial and Irrigation use, (Driller of record: TBD);
   iii. Harold Denton, Jr. (Anderson Columbia Co., Inc. - Lessee), for a proposed well to be drilled at 9797 Forest Lane, Conroe, not to exceed 0.6 mg annually, Commercial and Irrigation use, (Driller of record: Weisinger Inc);
   iv. T & W Water Service (Rose Hill Estates), for a proposed well to be drilled at 9544 Moss Rose Lane, Willis, not to exceed 15 mg annually, Public Supply (PWS) use, (Driller of Record: Johnston Water Wells);
   v. Dobbin-Plantersville WSC, for a proposed amendment to OP-04031001, well to be drilled at 7155 Morning Brook Drive, Montgomery, increase of 54.7 mg annually, Public Supply (PWS) use, (Driller of record: TBD);
   vi. Ryan McCall, for 1 existing well not permitted with the District and 1 proposed well to be drilled at 11099 Ponderosa Timbers, Conroe, not to exceed 0.25 mg annually, Commercial use, (Driller of Record: Ballard Water Well);

vii. Right of Way Maintenance, for a proposed operating permit for existing well not permitted with the District not to exceed 1.9 mg annually, 11433 Old Hwy. 105 E., Conroe, Commercial use;

viii. Sohail Syed, for a proposed well to be drilled at 31426 S.H. 249, Pinehurst, not to exceed 0.04 mg annually, Commercial and Irrigation use, (Driller of Record: Hurst Water Wells); and

ix. Ameritex Pipe & Products, LLC (Conroe Precast), for 2 proposed wells to be drilled at 14898 Frank Plunk Rd, Conroe, not to exceed 19.9 mg annually, Industrial and Public Supply (PWS) use, (Driller of record: Weisinger, Inc).

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

i. Quadvest, LP. (Benders Landing), for a proposed amendment to OP-04030801, 3806 1/2 Rayford Rd, Spring, increase of 4.3 mg for 2020 and annually, Public Supply (PWS) and Irrigation use;

ii. Mustang Rental, for a proposed well to be drilled at 16152 Hwy. 75 N., Willis, not to exceed 0.57 mg annually, Commercial and Irrigation use, (Driller of record: TBD);

iii. Harold Denton, Jr. (Anderson Columbia Co., Inc. - Lessee), for a proposed well to be drilled at 9797 Forest Lane, Conroe, not to exceed 0.6 mg annually, Commercial and Irrigation use, (Driller of record: Weisinger Inc);

iv. T & W Water Service (Rose Hill Estates), for a proposed well to be drilled at 9544 Moss Rose Lane, Willis, not to exceed 15 mg annually, Public Supply (PWS) use, (Driller of Record: Johnston Water Wells);

v. Dobbin-Plantersville WSC, for a proposed amendment to OP-04031001, well to be drilled at 7155 Morning Brook Drive, Montgomery, increase of 54.7 mg annually, Public Supply (PWS) use, (Driller of record: TBD);

vi. Ryan McCall, for 1 existing well not permitted with the District and 1 proposed well to be drilled at 11099 Ponderosa Timbers, Conroe, not to exceed 0.25 mg annually, Commercial use, (Driller of Record: Ballard Water Well);

vii. Right of Way Maintenance, for a proposed operating permit for existing well not permitted with the District not to exceed 1.9 mg annually, 11433 Old Hwy. 105 E., Conroe, Commercial use;

viii. Sohail Syed, for a proposed well to be drilled at 31426 S.H. 249, Pinehurst, not to exceed 0.04 mg annually, Commercial and Irrigation use, (Driller of Record: Hurst Water Wells); and

ix. Ameritex Pipe & Products, LLC (Conroe Precast), for 2 proposed wells to be drilled at 14898 Frank Plunk Rd, Conroe, not to exceed 19.9 mg annually, Industrial and Public Supply (PWS) use, (Driller of record: Weisinger, Inc).

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, JUNE 8, 2021, AT 6:00 P.M.

SHOW CAUSE HEARING ON ENFORCEMENT MATTERS

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

2. Roll Call

3. Show Cause Hearing for **Jim (Wanda) Fox**, 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 remit 2021 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 **Jim (Wanda) Fox** 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 **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. 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 **Maverick Tube,** pursuant to District Rule 2.5

A. Show Cause Hearing directing, **Maverick Tube** ("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;

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 **Maverick Tube** 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 **Richard Gysler & Cailean McAlister,** pursuant to District Rule 12.5

   A. Show Cause Hearing directing, **Richard Gysler & Cailean McAlister** ("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;

      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 **Richard Gysler & Cailean McAlister** 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 **JJ Business Park**, pursuant to District Rule 12.5

   A. Show Cause Hearing directing **JJ Business 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) 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 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 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 **JJ Business Park** 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 **The Church at Woodforest**, pursuant to District Rule 12.5

A. Show Cause Hearing directing **The Church at Woodforest**, ("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 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 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 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 Church at Woodforest** 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 **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. 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. 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, JUNE 8, 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) May 11, 2021 Public Hearing on Permit Applications
   b) May 11, 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 May 2021 - Samantha Stried Reiter

3) Receive audit presentation for fiscal year 2020 – Jon Watson, CPA, BrooksWatson & Co., PLLC
4) Discuss, consider and possible action to approve the Budget Committee's recommendation of audit firm to serve as the District's auditor for the fiscal years of 2021-2022.
5) Discuss, consider, and possible action regarding approval of Resolution #21-004 adopting Amended FY 2021 Operating and Capital Outlay Budgets – Samantha Stried Reiter
6) Discuss, consider, and possible action regarding approval of Resolution #21-005 adopting FY 2022 Operating and Capital Outlay Budgets – Samantha Stried Reiter
7) Discuss, consider and possible action to approve Resolution #21-006 to authorize General Manager to sign closing documents to secure line of credit – Samantha Stried Reiter

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).

a) Discussion, consideration, and possible action to approve Subsidence Study Phase 2 Scope of Work.

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 June 4, 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