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

To be held on Tuesday, August 10, 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, AUGUST 10, 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

DOC# 21-1167
POSTED
08/05/2021 01:37PM
Shelby Curry
MARK TURNBULL, COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

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 #9 (AWS Well), for a proposed amendment to AWS-13082203, increase of 125 mg annually, 3517 Buckingham Ln., Montgomery, Public Supply (PWS) use;
   ii. Far Hills Utility District, for a proposed amendment to OP-10072001, increase of 7 mg annually, 10320 Cude Cemetery, Willis, Public Supply (PWS) use;
   iii. Ryan Ali, for a proposed well to be drilled at 229 Sentinel Oaks, Pinehurst, not to exceed 0.263 mg annually, Public Supply use, (Driller of record: Hurst Water Wells), and
   iv. Dollar General Store #18950, for a proposed amendment to OP-18052403, increase of 0.55 mg annually, 25720 Hwy 105, Cleveland, Public Supply and Irrigation use.

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

   i. Montgomery County MUD #9 (AWS Well), for a proposed amendment to AWS-13082203, increase of 125 mg annually, 3517 Buckingham Ln., Montgomery, Public Supply (PWS) use;
   ii. Far Hills Utility District, for a proposed amendment to OP-10072001, increase of 7

mg annually, 10320 Cude Cemetery, Willis, Public Supply (PWS) use;

iii. Ryan Ali, for a proposed well to be drilled at 229 Sentinel Oaks, Pinehurst, not to exceed 0.263 mg annually, Public Supply use, (Driller of record: Hurst Water Wells), and

iv. Dollar General Store #18950, for a proposed amendment to OP-18052403, increase of 0.55 mg annually, 25720 Hwy 105, Cleveland, 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, AUGUST 10, 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 **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. 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.

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, AUGUST 10, 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) July 13, 2021 Public Hearing on Permit Applications
   b) July 13, 2021 Show Cause Hearing on Enforcement Matters
   c) July 13, 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) Discuss, consider, and take action on Resolution #21-007 re-establishing administrative fee schedule – Samantha Stried Reiter
4) Discuss, consider, and take action on Resolution #21-008 authorizing water use fee rate schedule for 2022 – 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. Discuss, consider, and take action on Resolution #21-009 allowing members of the public to participate in meetings from a remote location by videoconference call – Stacey V. Reese

9. 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).

10. 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.

11. 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

12. 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.

13. New Business.

14. 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.

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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 August 5, 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