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

***To be held on Tuesday, May 14, 2019***
***Lone Star GCD – James B. "Jim" Wesley Board Room***
***655 Conroe Park North Drive***
***Conroe, Texas 77303***

## *NOTICE OF MEETING*

**TUESDAY, MAY 14, 2019, AT 5:00 P.M.**

**SPECIAL MEETING OF THE DISTRICT BOARD**

DOC# 19-0614
POSTED
05/09/2019 08:50AM
Shelby Curry
MARK TURNBULL, COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

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, Section 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.

4. Re-convene in Open Session.

5. Adjourn Special Board Meeting.

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

## *NOTICE OF PUBLIC HEARING*

**TUESDAY, MAY 14, 2019, AT 6:00 P.M.**

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

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. Ricky Bates, for a proposed well to be drilled at 30663 Moore Rd, Magnolia, not to exceed .053 mg for 2019 and 0.215 mg annually thereafter, Commercial and Livestock use, (Driller of Record: Gray's Water Well);

    ii. Bhold Investments, for a proposed amendment to OP-06052501, to add an existing unpermitted well in aggregate, 12585 Rose Rd., Willis, with an aggregate permitted amount of 25,684,705 gallons, Irrigation (Agriculture) and Commercial use;

    iii. Crystal Springs Water (Oak Creek II), for a proposed amendment to OP-09111802, increase of 3 mg annually, 16110 B Oak Creek Ln, Splendora, Public Supply (PWS) use;

    iv. Grand Parkway Infrastructure, LLC, for a proposed well to be drilled at 3/4-mile northeast of the intersection of Roots Down Rd and FM 1485, New Caney, (Lat 30/9/22, Long 95/6/47), not to exceed 4.0 mg for 2019 and 6.0 mg annually thereafter, Industrial use, (Driller of Record: Bussell and Sons);

    v. Iglesia De Dios Pentecostes "Palabra Viva", for a proposed well to be drilled at

15801 FM 3083 Rd, Conroe, not to exceed 0.010 mg for 2019 and 0.012 annually thereafter, Public Supply use, (Driller of record: Bell's Drilling Service);

vi. Deer Trail Water District LLC, for a proposed amendment to OP-18101801, well to be drilled approximately 2130 feet northeast of intersection of Whipporwill Rd and Twin Pine Rd, Conroe, (Lat 30/21/46, Long 95/23/27), with a permitted amount of 9.0 mg, Public Supply (PWS) use, (Driller of record: Ballard Water Well);

vii. Montgomery County MUD #111, for a proposed well to be drilled 2,830 ft south-southeast of the intersection of SH 242 and Sun View Ln, Conroe, (Lat 30/12/22, Long -95/20/11), not to exceed 4.4 mg 2019 and 2.2 mg annually, Irrigation/Impoundment use, (Driller of Record: Almeda Water Well); and

viii. Thousand Trails Lake Conroe, for a proposed amendment to HUP230 & 10030301, 11720 Old Montgomery Rd., Willis, change of water use type only from Public Supply (PWS) use & Irrigation/Impoundment use to Irrigation/Impoundment use only.

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

i. Ricky Bates, for a proposed well to be drilled at 30663 Moore Rd, Magnolia, not to exceed .053 mg for 2019 and 0.215 mg annually thereafter, Commercial and Livestock use, (Driller of Record: Gray's Water Well);

ii. Bhold Investments, for a proposed amendment to OP-06052501, to add an existing unpermitted well in aggregate, 12585 Rose Rd., Willis, with an aggregate permitted amount of 25,684,705 gallons, Irrigation (Agriculture) and Commercial use;

iii. Crystal Springs Water (Oak Creek II), for a proposed amendment to OP-09111802, increase of 3 mg annually, 16110 B Oak Creek Ln, Splendora, Public Supply (PWS) use;

iv. Grand Parkway Infrastructure, LLC, for a proposed well to be drilled at 3/4-mile northeast of the intersection of Roots Down Rd and FM 1485, New Caney, (Lat 30/9/22, Long 95/6/47), not to exceed 4.0 mg for 2019 and 6.0 mg annually thereafter, Industrial use, (Driller of Record: Bussell and Sons);

v. Iglesia De Dios Pentecostes "Palabra Viva", for a proposed well to be drilled at 15801 FM 3083 Rd, Conroe, not to exceed 0.010 mg for 2019 and 0.012 mg

annually thereafter, Public Supply use, (Driller of record: Bell's Drilling Service);

vi. Deer Trail Water District LLC, for a proposed amendment to OP-18101801, well to be drilled approximately 2130 feet northeast of intersection of Whipporwill Rd and Twin Pine Rd, Conroe, (Lat 30/21/46, Long 95/23/27), with a permitted amount of 9.0 mg, Public Supply (PWS) use, (Driller of record: Ballard Water Well);

vii. Montgomery County MUD #111, for a proposed well to be drilled 2,830 ft south-southeast of the intersection of SH 242 and Sun View Ln, Conroe, (Lat 30/12/22, Long -95/20/11), not to exceed 4.4 mg 2019 and 2.2 mg annually, Irrigation/Impoundment use, (Driller of Record: Almeda Water Well); and

viii. Thousand Trails Lake Conroe, for a proposed amendment to HUP230 & 10030301, 11720 Old Montgomery Rd., Willis, change of water use type only from Public Supply (PWS) use & Irrigation/Impoundment use to Irrigation/Impoundment use only.

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

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# *NOTICE OF HEARING*

## TUESDAY, MAY 14, 2019, AT 6:00 P.M.

## PUBLIC HEARING ON AMENDMENTS TO 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 District Staff on Proposed Permit Amendments and Technical Reviews on the Permits Listed in the Following Table to Establish 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 TOTAL QUALIFYING DEMAND UNDER THE DRP |
|---|---|---|---|
| HUP026/ OP-08120101D | Aqua Texas, Inc. (Woodland Ranch) 2211 Louetta Rd. Spring, TX 77388 | 1 well located at 13689 Pinewood Village, Conroe, TX Public Supply (PWS) Use | 7,327,000 gallons |

The General Manager's Recommended Total Qualifying Demand for each above-referenced application is based upon the District's technical 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 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

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# *NOTICE OF HEARING*

## TUESDAY, MAY 14, 2019, 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 **Richard Gysler & Cailean McAlister**, pursuant to District Rule 2.5

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

      1) issue a cease and desist order pursuant to District Rule 2.6(c) failure to remit 2019 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 **Richard Gysler & Cailean McAlister** 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.

4. Show Cause Hearing for **The Water Hole,** pursuant to District Rule 2.5

   A. Show Cause Hearing directing **The Water Hole**, ("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:

1) issue a cease and desist order pursuant to District Rule 2.6(c) failure to remit 2019 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 Water Hole** 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. Adjourn Show Cause Hearing on Enforcement Matters.

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# *NOTICE OF MEETING*

## TUESDAY, MAY 14, 2019, AT 6:00 P.M.

## REGULAR MEETING OF THE DISTRICT BOARD

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 (Public comment is limited to a maximum of 3 minutes per speaker); *See Comment Card for Other Guidelines and Procedures*
4. Discuss, consider, and take action as necessary concerning approval of Meeting Minutes:
   a) April 9, 2019 Special Board Meeting
   b) April 9, 2019, Public Hearing on Permit Applications
   c) April 9, 2019, Regular Board of Directors Meeting
5. Presentation of unaudited financials for the month of April 2019 – Kay Martin
6. Receive audit presentation for fiscal year 2018 – Jon Watson, CPA; BrooksWatson & Co., PLLC
7. Receive information from District's technical consultants regarding proposed studies and consideration and possible action on same.
8. Discussion, review and possible approval of draft 2018 Annual Report for the Lone Star Groundwater District.
9. Discussion, review and possible action regarding the creation of, and appointment of directors to participate in, a "Study Group" on proposed draft rules.
10. Discussion, consideration, and possible action on District's messaging on its website and printed materials.
11. Groundwater Management Area 14 – update the board on the issues related to joint planning activities and development of desired future conditions in GMA 14 – Harry Hardman
    a) Discussion, consideration, and possible action on any items related to Lone Star GCD's proposal(s) to and/or participation in GMA 14.

12. General Manager's Report – The Interim 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

13. 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 Regulatory Plan, District Rules, 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; contractual issues related to the District; open government, policy, personnel, and financial issues of the District; and other legal activities on behalf of the District. – Stacey V. Reese.

14. New Business

15. Adjourn

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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); 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 May 9, 2019, 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.

Samantha Reiter

Samantha Stried Reiter, Interim General Manager
Lone Star Groundwater Conservation District