

PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

July 18, 2022

MINUTES AND OFFICIAL RECORDING OF CONSOLIDATED HEARING ON UNCONTESTED APPLICATIONS FOR HISTORIC USE PERMITS

The Board of Directors of the Prairielands Groundwater Conservation District (“District”) met in open session this 18th day of July, 2022 within the boundaries of the District at 208 Kimberly Dr, Cleburne, TX 76031.

Pursuant to § 36.408 of the Texas Water Code and Rule 10.2(f)(2) of the Prairielands Groundwater Conservation District’s (the “District’s”) Rules, these minutes serve as the official recording of the consolidated hearing on the applications for Historic Use Permits identified in the Notice of Issuance of Proposed Permits and of Hearings on Permit Applications issued by the District’s General Manager and admitted into the record in this consolidated hearing.

These applications came to be heard before Co-Presiding Officer Beseda and a quorum of the Board. The roll was called of the members of the Board of Directors, to wit:

Charles Beseda
John Curtis
Randy Kirk
Paul Tischler

Maurice Osborn
Brad Daniels
Marty McPherson
Barney McClure

All members of the Board were in attendance, with the exception of Director McPherson, thus constituting a quorum of the Board of Directors. All directors present voted on all matters that came before the Board. Also present at said meeting were Kathy Turner Jones, General Manager; Brian Sledge, General Counsel; District staff; and members of the public. *Copies of the public sign-in sheets and video conference attendee list are attached hereto as Exhibit “A” to the July 18, 2022 Regular Board Meeting minutes.*

Let the record reflect that this Hearing on Proposed Historic Use Permits began at 9:02 AM on this Monday, July 18, 2022. District rules provide that the official record for uncontested applications may be minutes, audio recording, or hearing report. It was noted for the record an audio-recording of this hearing is being taken, but the District may substitute meeting minutes later to serve as the official record of this hearing.

President and Co-Presiding Officer Beseda called to order the public hearing on permit applications and appointed Brian Sledge, District General Counsel, to serve as Co-Presiding

Officer for the limited purpose of conducting the preliminary hearing and ruling on procedural issues and legal matters.

The Co-Presiding Officer Sledge observed that the following notice requirements had been met: Apart from the regular Board meeting notice, a separate public notice for the Hearing on Proposed Historic Use Permits was provided by the General Manager no less than 30 days prior to today's hearing on June 16, 2022. That notice included the information that is required by the District Rules, and was:

- 1) Posted at a place convenient to the public at the District Office;
- 2) Provided to the County Clerk of each of the 4 counties in the District for public posting;
- 3) Provided notice to the Secretary of State; and
- 4) Provided to any person who has requested to receive such notices to the District.

Additionally, the notice was also posted on the District's internet website. Finally, notice of the hearing was also included in the notice for the Board meeting, which was posted in compliance with the Open Meetings Act.

The Co-Presiding Officer concluded that these notices satisfied all notice requirements imposed by statute and the District's rules. The Presiding Officer recognized that all jurisdictional prerequisites had been met and, absent any objections, took jurisdiction over all of the pending applications on behalf of the District. Hearing none, the notices shall be admitted into the evidentiary record.

The Co-Presiding Officer reviewed the requirements for requesting a contested case hearing and observed that there had been no written requests for contested case hearings or requests for continuance received, nor was the General Manager interested in contesting any of the pending applications, nor were two or more directors in disagreement with the General Manager's recommendation and proposed permit and interested in conducting an evidentiary hearing pursuant to District Rule 10.6.

The Co-Presiding Officer again noted for the record that the District has not received any requests for a contested case hearing for any of the Historic Use Permit applications before the Board today. The Co-Presiding Officer then proceeded with the Board's review of evidence relevant to the pending applications. The Presiding Officer swore in the following testifying witnesses:

District General Manager Kathy Turner Jones

RECEIVE REPORT FROM GENERAL MANAGER, RECEIVE ANY PUBLIC COMMENT(S) OR REQUESTS TO CONTEST, AND CONSIDER GRANTING, DENYING, OR AMENDING APPLICATIONS FOR THE FOLLOWING APPLICATIONS FOR A HISTORIC USE PERMIT:

HUP-170	4 Horn Properties-NTX, LLC 500 W 5th Street, Suite 750 Austin TX 78701
HUP-143	Aquila WSC PO Box 159 Aquila TX 76622
HUP-025	Ash Grove Cement Company (PWS) 900 Gifco Road Midlothian TX 76065
HUP-105	Beaumont Ranch 10736 County Rd 102 Grandview TX 76050
HUP-141	Bethany SUD 133 S County Road 810 Alvarado TX 76009
HUP-023	Bethesda WSC PO Box 130 Burleson TX 76097
HUP-149	Birome WSC PO Box 140 Mount Calm TX 76673
HUP-086	Blue Water Oaks Estates 172 Rill Ct Alvarado TX 76009
HUP-003	Cedar Crest Colony WSC PO Box 1707 Whitney TX 76692
HUP-060	Chatt WSC 140 HCR 2305 Abbott TX 76621
HUP-069	City of Abbott PO Box 44 Abbott TX 76621
HUP-168	City of Covington PO Box 443 Covington TX 76636
HUP-035	City of Cresson PO Box 632 Cresson TX 76035
HUP-096	City of Glen Rose PO Box 1949 Glen Rose TX 76043
HUP-167	City of Godley PO Box 27 Godley TX 76044
HUP-012	City of Grandview 1100 McDuff Grandview TX 76050
HUP-110	City of Hubbard 118 N Magnolia Ave Hubbard TX 76648
HUP-062	City of Malone 214 N Pecan St Malone TX 76660
HUP-088	City of Mertens Mertens City Waterworks PO Box 26 Mertens TX 76666

HUP-166	City of Milford PO Box 538 Milford TX 76670
HUP-164	City of Mount Calm PO Box 85 Mount Calm TX 76673
HUP-146	City of Rio Vista PO Box 129 Rio Vista TX 76093
HUP-177	Coming Of Christ Full Gospel Church 2437 Derrs Chapel Rd Italy TX 76651
HUP-058	Fred Mitchell MHP 3245 FM 2135 Cleburne TX 76031
HUP-002	Gholson Water Supply Corporation 12520 Gholson Road Waco TX 76705
HUP-085	Glen Rose ISD PO Box 2129 Glen Rose TX 76043
HUP-091	Granbury Excavating PO Box 1176 Granbury TX 76048
HUP-111	Halliburton Energy Services 8432 South I-35W Alvarado TX 76009
HUP-045	Holcim Texas LP 1800 Dove Lane Midlothian TX 76065
HUP-268	Javelin Energy Partners (Bruno Czajkowski) 8401 N Central Expressway, Suite 840 Dallas TX 75225
HUP-248	Javelin Energy Partners (Johnson County SWD) 8401 N Central Expressway, Suite 840 Dallas TX 75225
HUP-255	Javelin Energy Partners (King Sisters #2) 8401 N Central Expressway, Suite 840 Dallas TX 75225
HUP-056	Lakeview Camp and Conference Center 5128 FM 66 Waxahachie TX 75167
HUP-014	Latham Springs Baptist Encampment 134 PR 223 Aquila TX 76622
HUP-065	Luminant Generation Company, LLC (Rifle Range) 6555 Sierra Drive Irving TX 75039
HUP-064	Luminant Generation Company, LLC

	(Somervell Training Center) 6555 Sierra Drive Irving TX 75039
HUP-016	Menlow WSC 2476 FM 1304 Abbott TX 76621
HUP-107	North Whispering Meadows Water 8616 Roaring Creek Rd Joshua TX 76058
HUP-148	Owen Oil Tools 12001 County Road 1000 Godley TX 76044
HUP-018	Penelope WSC PO Box 102 Penelope TX 76676
HUP-068	Pinnergy, Ltd 9913 N Hwy 171 Godley TX 76044
HUP-165	Riverbend Retreat Center (Irrigation) 1232 CR 411 B Unit C Glen Rose TX 76043
HUP-024	Riverbend Retreat Center 1232 CR 411 B Unit C Glen Rose TX 76043
HUP-034	Rural Bardwell WSC PO Box 26 Itasca TX 76055
HUP-022	Simpson Sand and Gravel (N W Family Ranch) 1948 CR 1234 Nemo TX 76070
HUP-154	Somervell County Water District PO Box 1386 Glen Rose TX 76043
HUP-021	Texas Lime Company PO Box 851 Cleburne TX 76033

HUP-006	Tidwell, Stanley 2330 W FM 875 Midlothian TX 76065
HUP-044	Tres Vidas Subdivision PO Box 1263 Hillsboro TX 76645
HUP-235	United Production Partners, LLC (Dodson) 4449 S IH 35W Alvarado TX 76009
HUP-219	United Production Partners, LLC (Eagle Ford C) 4449 S IH 35W Alvarado TX 76009
HUP-215	United Production Partners, LLC (Holub_Kolar) 4449 S IH 35W Alvarado TX 76009
HUP-212	United Production Partners, LLC (Kemp) 4449 S IH 35W Alvarado TX 76009
HUP-233	United Production Partners, LLC (Ken Teich) 4449 S IH 35W Alvarado TX 76009
HUP-220	United Production Partners, LLC (Scottie Dog) 4449 S IH 35W Alvarado TX 76009
HUP-201	United Production Partners, LLC (Sweeney) 4449 S IH 35W Alvarado TX 76009

District General Manager Kathy Turner Jones provided the following overview of Historic Use Permit applications. Ms. Jones stated District staff had separated applications for historic use received to the District into batches with today's group of applications being those considered to be very straightforward and where the General Manager's recommendation on the Maximum Historic Use to be authorized is the same amount that was requested by the applicant. Ms. Jones noted Directors have been provided a summary for each application of the General Manager's Technical Review, which sets forth the basis for her recommendation to the Board, a summary of the evidence and analysis that went into forming the recommendation, a page summarizing the relevant production history of the applicant during the Existing and Historic Use Period and some other basic information about the applicants' wells, and other pertinent information. In addition to that, the 56 applications themselves with all supporting information and the proposed permits are available should Directors choose to review any of the 56 applications before us today.

Ms. Jones made note to the following corrections:

- 1) HUP-044 – listed as Tres Vidas Subdivision and corrected to Tres Vidas WSC.
- 2) Clarification of purpose of use – listed as Municipal / Public Water System and corrected to Commercial / Public Water System. Applicants are public water systems under TCEQ rules, but they aren't municipal use like a retail public utility, they are commercial users.
 - a. HUP-105
 - b. HUP-056
 - c. HUP-014
- 3) Clarification of purpose of use – listed as Municipal / Public Water System and corrected to Industrial / Public Water System.
 - a. HUP-064
 - b. HUP-065
- 4) Change of purpose of use – Commercial / Small Business to Commercial.
 - a. HUP-091
 - b. HUP-111
 - c. HUP-165
 - d. HUP-022

Ms. Jones stated that in performing the General Manager's technical review and arriving at her recommendations, the types of evidence that she and staff relied on included the Maximum Historic Use amounts claimed by the applicant; the applicant's semi-annual and monthly Water Production Reports that were submitted to the District; groundwater production reported in Water Use Surveys to the Texas Water Development Board, monthly and daily metering logs submitted to the District by the applicant; records of the applicant's groundwater production in the District's online database; usage and loss reports, metered usage submitted by the applicant; estimating based on average use once meters had been installed; calculating by multiplying the production capacity of the well by the total run time of the well in a calendar year; and their general knowledge of groundwater production and the applicants.

Ms. Jones stated that given the notice and supporting documents for all 56 applications and the General Manager's recommendation on each application will be part of the record, it was not necessary to read information for each of the 56 applications.

The Co-Presiding Officer called on the Board for any questions for the General Manager on any of the applications or the review that was conducted by the General Manager and staff. Hearing none, Co-Presiding Officer directed the entire packet of information provided to the Board on these 56 applications prepared by the General Manager, including the applications themselves, the General Manager's technical review, recommendations, proposed permits, and all other supporting information, be included in the administrative record for this hearing.


The Co-Presiding Officer called for any member of the public requesting to provide comment on any of the 56 applications. Public comments received: None.

Upon conclusion of the General Managers report and public comment, the Co-Presiding Officer announced if the Board is ready to move forward with a decision on the permit applications, the Board must consider the General Manager's presentation and evidence given at the hearing and provided, and the criteria in Chapter 36 and the District's Rules for granting or denying a permit application.

President Beseda entertained a motion to approve the General Manager's recommendation related to the 56 applications for Historic Use included in the notice of Hearing on Proposed Historic Use Permits for today's hearing with the corrections noted by the General Manager in her testimony. Motion was made by Director Danielson, and Director Osborn seconded the motion to approve. Motion passed with President Beseda abstaining.

Without further discussion and there being no further business, Director McClure moved that the hearing be adjourned. Director Curtis seconded the motion, it was unanimously carried, and the presiding officer adjourned the hearing at 9:22 AM.

PASSED, APPROVED, AND ADOPTED THIS 15th DAY OF AUGUST 2022.



Maurice Osborn, Board Secretary