

PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

March 27, 2023

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 27th day of March 2023 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
Brad Daniels
Barney McClure
Paul Tischler

John Curtis
Maurice Osborn
Marty McPherson
Kathy Tucker

All members of the Board were in attendance, 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 are attached hereto as Exhibit “A” to the March 27, 2023 Regular Board Meeting minutes.*

The record reflect that this Hearing on Proposed Historic Use Permits began at 9:03 AM on this Monday, March 27, 2023. 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 February 24, 2023. 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 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 from 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-055	Burleson ISD 1160 S W Wilshire Blvd Burleson TX 76028
HUP-097	Chaparral Steel Midlothian, LP 300 Ward Road Midlothian TX 76065

HUP-101	CSWR-TX Utility Operating Co, LLC (Emerald Forest) 1630 Des Peres Rd, Ste 140 Des Peres MO 63131
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HUP-100	CSWR-TX Utility Operating Co, LLC (Grande Casa) 1630 Des Peres Rd, Ste 140 Des Peres MO 63131
HUP-102	CSWR-TX Utility Operating Co, LLC (Lakeview Ranchettes) 1630 Des Peres Rd, Ste 140 Des Peres MO 63131
HUP-104	CSWR-TX Utility Operating Co, LLC (Red Oak CWS) 1630 Des Peres Rd, Ste 140 Des Peres MO 63131
HUP-103	CSWR-TX Utility Operating Co, LLC (Spanish Grant Subdivision) 1630 Des Peres Rd, Ste 140 Des Peres MO 63131
HUP-109	Dyna Energetics 358 HCR 1145 North Loop Blum TX 76627

HUP-112	Hanover Water Solutions, LLC 3001 Knox Street, Suite 405 Dallas TX 75205
HUP-078	Hilco United Services Inc (Chambers Meadow Estate Water) PO Box 26 Itasca TX 76055
HUP-129	TXI Operations, LP 245 Ward Road Midlothian TX 76065
HUP-158	Undine Texas, LLC (Martin Creek Estates) 17681 Telge Road Cypress TX 77429
HUP-057	Westlake Village Mobile Home Park 1921 CR 1120 Cleburne TX 76033

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 13 applications themselves with all supporting information and the proposed permits are available should Directors choose to review any of the 13 applications before us today.

Ms. Jones made note to the following applications: HUP-055, and HUP-078. The recommendation in each of the proposed permits is different from that of what the applicant requested. Each of the applicants have been apprised of the amount recommended and are not contesting the recommended amount.

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 13 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 13 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 the 13 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.

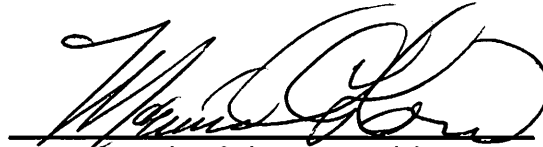
The Co-Presiding Officer called for any member of the public requesting to provide comment on any of the 13 applications. Public comments received: None.

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.

Motion was made by Director Osborn to approve all 13 of the applications for Historic Use Permits listed on the notice for today's Hearing on Proposed Historic Use Permits in accordance with the General Manager's recommendation on each of those applications. Director McPherson seconded the motion. The motion carried unanimously for all 13 of the applications for Historic Use Permits.

Without further discussion and there being no further business, Director McPherson moved that the hearing be adjourned. Director Curtis seconded the motion, it carried unanimously by all who were present, and the presiding officer adjourned the hearing at 9:25 AM.

PASSED, APPROVED, AND ADOPTED THIS 17TH DAY OF APRIL 2023.


Maurice Osborn, Board Secretary