

PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

September 19, 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 19th day of September 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	Maurice Osborn
John Curtis	Brad Daniels
Randy Kirk	Marty McPherson
Paul Tischler	Barney McClure

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 September 19, 2022 Regular Board Meeting minutes.*

Let the record reflect that this Hearing on Proposed Historic Use Permits began at 9:05 AM on this Monday, September 19, 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 August 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 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-030	Avalon WSC PO Box 70 Avalon TX 76623
HUP-139	Camp Arrowhead 5236 N FM 199 Cleburne TX 76033
HUP-098	Chambers Creek Baptist Church PO Box 1054 Grandview TX 76050
HUP-181	Chisholm Trail Mobile Home Park 4624 Chisholm Trail Crowley TX 76036
HUP-087	City of Alvarado 104 W College Ave Alvarado TX 76009
HUP-011	City of Bardwell PO Box 271 Bardwell TX 75101
HUP-001	City of Carl's Corner 500 Cornelius Road Carls Corner TX 76645
HUP-063	City of Cleburne PO Box 677 Cleburne TX 76033
HUP-145	City of Ferris 100 Town Plaza Ferris TX 75125
HUP-108	City of Itasca 134 N Hill Street Itasca TX 76055
HUP-155	City of Keene 1000 N Old Betsy Rd Cleburne TX 76033
HUP-059	City of Maypearl P O Box 400 Maypearl TX 76064
HUP-066	City of Whitney PO Box 2050 Whitney TX 76692
HUP-093	Covia Holdings Corporation 1788 CR 308 Cleburne TX 76033
HUP-114	Crest Water Company (Buffalo Hills Water System) PO Box 460 Keene TX 76059
HUP-115	Crest Water Company (Cahill Country Water System) PO Box 460 Keene TX 76059
HUP-116	Crest Water Company (Chisholm Trail Retreat) PO Box 460 Keene TX 76059
HUP-117	Crest Water Company (Fishermans Paradise) PO Box 460 Keene TX 76059
HUP-118	Crest Water Company (Granda Vista) PO Box 460 Keene TX 76059

HUP-119	Crest Water Company (Mansfield South) PO Box 460 Keene TX 76059
HUP-120	Crest Water Company (Northcrest Addition) PO Box 460 Keene TX 76059
HUP-121	Crest Water Company (Oak Leaf Trail) PO Box 460 Keene TX 76059
HUP-122	Crest Water Company (Oak River Ranch) PO Box 460 Keene TX 76059
HUP-128	Crest Water Company (Oakridge Mobile Home Subdivision) PO Box 460 Keene TX 76059
HUP-123	Crest Water Company (Rolling Oaks Subdivision) PO Box 460 Keene TX 76059
HUP-124	Crest Water Company (Sunshine Country Acres) PO Box 460 Keene TX 76059
HUP-125	Crest Water Company (Thomas Acres) PO Box 460 Keene TX 76059
HUP-126	Crest Water Company (Westover Hills) PO Box 460 Keene TX 76059
HUP-127	Crest Water Company (Woodland Oaks Estates) PO Box 460 Keene TX 76059
HUP-077	Hilco United Services Inc (Arrowhead Water System Hill) PO Box 26 Itasca TX 76055
HUP-072	Hilco United Services Inc (Cedar Creek Water System) PO Box 26 Itasca TX 76055
HUP-079	Hilco United Services Inc (Lakeview Water System) PO Box 26 Itasca TX 76055
HUP-074	Hilco United Services Inc (Live Oak Water System) PO Box 26 Itasca TX 76055
HUP-071	Hilco United Services Inc (M & H Water Supply) PO Box 26 Itasca TX 76055
HUP-070	Hilco United Services Inc (Murray Hill Water System) PO Box 26 Itasca TX 76055
HUP-008	Hill County WSC PO Box 575 Whitney TX 76692
HUP-092	Johnson County SUD 740 FM 3048 Joshua TX 76058
HUP-054	Lehigh Hanson Materials South LLC 1350 Gifco Rd Midlothian TX 76065

HUP-113	Mauka Water Ltd PO Box 460 Keene TX 76059
HUP-040	Monarch Utilities I LP (Crowley 1 Acre Sky Corp Wtr) 1620 Grand Ave Pkwy, Ste 140 Pflugerville TX 78660
HUP-037	Monarch Utilities I LP (Falcon Crest Addn) 1620 Grand Ave Pkwy, Ste 140 Pflugerville TX 78660
HUP-089	Monarch Utilities I LP (Metroplex Homesteads Wtr Sup) 1620 Grand Ave Pkwy, Ste 140 Pflugerville TX 78660
HUP-042	Monarch Utilities I LP (Nolan River Estates) 1620 Grand Ave Pkwy, Ste 140 Pflugerville TX 78660
HUP-039	Monarch Utilities I LP (Ridgecrest Addn/Misty Hollow) 1620 Grand Ave Pkwy, Ste 140 Pflugerville TX 78660
HUP-041	Monarch Utilities I LP (Shaded Ln Est) 1620 Grand Ave Pkwy, Ste 140 Pflugerville TX 78660
HUP-082	Monarch Utilities I LP (Southern Acres Wtr Sys.) 1620 Grand Ave Pkwy, Ste 140 Pflugerville TX 78660
HUP-084	Monarch Utilities I LP (Sundance Addition) 1620 Grand Ave Pkwy, Ste 140 Pflugerville TX 78660
HUP-080	Monarch Utilities I LP (Tex Rides Sub) 1620 Grand Ave Pkwy, Ste 140 Pflugerville TX 78660
HUP-051	Monarch Utilities I LP (The Retreat Wtr Supply) 1620 Grand Ave Pkwy, Ste 140 Pflugerville TX 78660

HUP-081	Monarch Utilities I LP (Triple H Estates) 1620 Grand Ave Pkwy, Ste 140 Pflugerville TX 78660
HUP-038	Monarch Utilities I LP (Twin Creek Sub) 1620 Grand Ave Pkwy, Ste 140 Pflugerville TX 78660
HUP-083	Monarch Utilities I LP (West Meadow Sub) 1620 Grand Ave Pkwy, Ste 140 Pflugerville TX 78660
HUP-036	Monarch Utilities I LP (West Park Village) 1620 Grand Ave Pkwy, Ste 140 Pflugerville TX 78660
HUP-053	Monarch Utilities I LP (White Bluff CWS) 1620 Grand Ave Pkwy, Ste 140 Pflugerville TX 78660
HUP-140	Rio Vista ISD 100 Capps Street Rio Vista TX 76093
HUP-007	Sardis Lone Elm WSC PO Box 1170 Midlothian TX 76065
HUP-005	Skyline Drive Landowners Assn Water System 8604 Skyline Dr Joshua TX 76058
HUP-015	TPWD Cleburne State Park 5800 Park Rd 21 Cleburne TX 76033
HUP-019	TPWD Dinosaur Valley State Park PO Box 396 Glen Rose TX 76043
HUP-031	Woodrow-Osceola WSC 1147 FM 934 Blum TX 76627

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 60 applications themselves with all supporting information and the proposed permits are available should Directors choose to review any of the 60 applications before us today.

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 60 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 60 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 60 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.

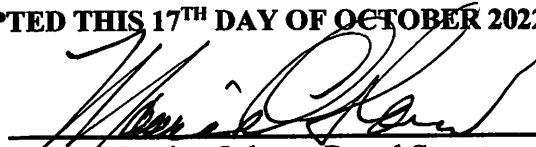
The Co-Presiding Officer called for any member of the public requesting to provide comment on any of the 60 applications. Public comments received: Michael Hale, Maintenance Supervisor, Cleburne State Park. Mr. Hale asked clarifying questions of the General Manger on the TPWD Cleburne State Park HUP-015 proposed permit. regarding items 10 and 17, Section 8

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 Tischler to approve all 60 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 McClure seconded the motion. The motion carried unanimously for all 60 of the applications for Historic Use Permits with the exception of HUP-007. The motion carried unanimously by all directors present on HUP-007 with the exception of Director Tischler, who abstained from voting on the application for HUP-007.

Without further discussion and there being no further business, Director McClure moved that the hearing be adjourned. Director McPherson seconded the motion, it carried unanimously by all who were present, and the presiding officer adjourned the hearing at 9:26 AM.

PASSED, APPROVED, AND ADOPTED THIS 17TH DAY OF OCTOBER 2022.



Maurice Osborn, Board Secretary