

PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

December 16, 2024

MINUTES OF PUBLIC HEARING ON APPLICATION FOR EXCEPTION TO MINIMUM SPACING REQUIREMENTS

The Board of Directors of the Prairielands Groundwater Conservation District (“District”) met in special session, open to the public, within the boundaries of the District at 208 Kimberly Dr, Cleburne, TX, on December 16, 2024.

In the absence of the President, Vice-President Tischler assumed the role of Presiding Officer, and called the public hearing to order at 9:09 a.m., announcing the meeting open to the public.

ROLL CALL

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 with the exception of President Beseda and Director McPherson, thus constituting a quorum of the Board of Directors. 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 December 16, 2024, Regular Board Meeting minutes.*

RECEIVE PUBLIC HEARING REPORT FROM GENERAL MANAGER, ANY PUBLIC COMMENT(S), REQUESTS TO CONTEST AND CONSIDER GRANTING, DENYING, OR AMENDING APPLICATION FOR THE FOLLOWING APPLICATION FOR EXCEPTION TO MINIMUM SPACING REQUIREMENTS:

Morgan Acres LLC, to continue operation of a commercial well located at 1008 Highland Rd, Cleburne, TX 76033 in Johnson County. Ms. Jones reported the applicant is seeking an exception to minimum spacing requirements for the operation to use Well PGCD-003232 at an RV Park. Applicant received approval originally in August 2023 for the registration, drilling, construction of a new well to be screened in the Hensell, Pearsall, and Hosston formations of the aquifer with a maximum designed capacity of 130 gallons per minute. The well was drilled and screened only in the Hosston formation of the

aquifer. As a result, the well no longer complied with the spacing requirements to the nearest property line or the nearest existing well completed in the Hosston formation, which well is located approximately 1,909 feet on the east side of Highway 174 from the well site. The General Manager previously approved a permit amendment request from the applicant to reduce the maximum designed production capacity of the well to 122 gpm, which brought the well into compliance with spacing requirements to the nearest property line. Thus, Applicant now seeks an exception only from the District's spacing rules from the nearest existing well completed in the same formation. Based on the technical review and staff's recommendations, knowing that the applicant has taken certain steps to move forward to mitigate this non-compliance, it is the General Manager's recommendation to the board to consider authorizing the spacing exception.

PUBLIC COMMENTS / TESTIMONY:

- 1) JW Morgan. Mr. Morgan is the representative of Morgan Acres, LLC who is seeking the spacing exception. Mr. Morgan described the issues they faced prior to seeking approval from the District to drill the well, and more specifically the changes made during the drilling process in order to meet TCEQ regulations, unknowingly the impact it would have to the minimum spacing requirements to the well as approved by the District. Mr. Morgan does intend to seek a variance from TCEQ for a reduced gallons per minute per connection; however, TCEQ requires a minimum of 12 to 36 months of production data as part of the application process.

Public comments were received in opposition of the approval of the spacing exception by the following persons:

- 1) Tom Kadlub. Mr. Kadlub is a resident of the Highland Estates neighborhood and expresses concern about the RV park's impact on their property stating all properties on that road will now be considered commercial, resulting in the loss of their residential status and associated restrictions.
- 2) Michael Flores. Mr. Flores expressed opposition to the RV park's application for exception to the minimum spacing requirements for water wells outlining several concerns including the potential negative impact on property values and a demand for assurance that the development would not harm the community or property values both now and in the future, with willingness to reconsider opposition if these assurances were made.
- 3) Don Smith. Mr. Smith expressed concern about the RV park's request for an exemption, emphasizing that the initial well was drilled under a permit that was not followed. The speaker strongly disagreed with granting an exemption, arguing that permits are issued to ensure compliance with rules and regulations, and that mistakes should not be excused by offering exemptions.
- 4) Greg Almeida. Mr. Almeida stated he owns land nearby and claims he also has development plans for an RV park and came today to understand the potential impact it

may have on his property.

- 5) Jay Dalby. Mr. Dalby owns approximately 200 acres along Highway 174, Highland Road, and Old Foamy, and has been experiencing a loss of 46 feet in his well since 2007. Mr. Dalby has concerns about the impact of private RV park developments on water resources. The speaker emphasizes the importance of public oversight in water use and criticizes the reduction of water levels, which is projected to worsen by 2030 and 2070.
- 6) Mairead Fuston Hand. Ms. Hand owns the land that the impacted well is located on and expressed concern about the developmental growth of housing that is forthcoming and how the increase in rooftops may impact the water levels in the future, particularly in drought conditions, and the long-term effects on land values and future generations.

The General Manager also noted for the Board that email comments in opposition to the application had been received from Mindy Reeves.

There was concern expressed by many those making public comment that the well was too close to their property lines per the minimum spacing requirements from property lines in the District Rules, and that something would be recorded in the real property records for their properties that could affect their property values. The District staff and Mr. Sledge explained to those present that the well's maximum designed production capacity authorization has already been reduced to 122 gpm from 130 gpm, so that the well is now in compliance with the property line spacing rules from their properties, and that there is no recordation that would occur for their properties.

After further discussion, Director Osborn moved to continue the hearing on the spacing exception until 9:00 a.m. on Tuesday, January 21, 2025, and also extend the timeline for anyone to submit a request for a contested case hearing until that date. Director McClure seconded the motion, and the motion carried unanimously. Today's proceedings regarding the public hearing were adjourned at 10:10 a.m.

PASSED, APPROVED, AND ADOPTED THIS 21st DAY OF JANUARY 2025.



Maurice Osborn, Board Secretary