

PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

January 21, 2025

MINUTES OF CONTINUANCE 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 January 21, 2025.

President Charles Beseda presided and called the public hearing to order at 9:01 a.m., announcing the meeting open to the public and was a continuation of the public hearing convened on December 16, 2024, regarding the Application for Exception to Minimum Spacing Requirements.

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 Director Curtis, thus constituting a quorum of the Board of Directors. Also present at said meeting were Kathy Turner Jones, General Manager; District staff; and members of the public. Brian Sledge, General Counsel, participated via video conference. *Copies of the public sign-in sheets are attached hereto as Exhibit “A” to the January 21, 2025, Regular Board Meeting minutes.*

Due to President Beseda’s absence at the December 16, 2024, meeting, he appointed Vice-President Tischler to serve as Presiding Officer for the remainder of this hearing.

At 9:03 a.m., the Board recessed into a closed executive session under Section 551.071 of the Texas Government Code to consult with legal counsel regarding items on the agenda. No final action was taken during the closed session. At the conclusion of the executive session, the Board reconvened in open session at 9:41 a.m.

RECEIVE REPORT FROM GENERAL MANAGER DESCRIBING THE FOLLOWING APPLICATION FOR AN EXCEPTION TO MINIMUM SPACING REQUIREMENTS AND STAFF FINDINGS:

Ms. Jones stated the applicant, Morgan Acres LLC is seeking an exception to the District's well spacing requirements under District 4.7 in order to operate Well PGCD-003232 under OP-23-045 for use at an RV Park. Applicant received approval 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. Following completion, District staff discovered the well was instead drilled and completed 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 located approximately 1,909 feet on the east side of Highway 174 from the well site.

The General Manager approved a permit amendment request from the applicant to reduce the maximum designed production capacity of the well to 122 gpm, bringing the well into compliance with spacing requirements to the nearest property line. Applicant now seeks an exception from the District's spacing rules from the nearest existing well completed in the same formation. The General Manager noted that the well spacing analysis performed by INTERA, Inc. demonstrated that the well would meet the District's spacing requirements if its production capacity were further reduced to 55 gpm.

RECEIVE PUBLIC COMMENT(S) OR REQUESTS TO CONTEST THE ABOVE-LISTED APPLICATION FOR AN EXCEPTION TO MINIMUM SPACING REQUIREMENTS

- 1) Jay Dalby. Mr. Dalby, private well owner, provided public comment asking the Board to consider the resources invested by the state in water planning prior to making a final decision. He also expressed concern about the potential impacts on surrounding properties should the variance for the well be approved.

DISCUSSION TO CONSIDER GRANTING, DENYING, OR AMENDING THE ABOVE-LISTED APPLICATION FOR EXCEPTION TO MINIMUM SPACING REQUIREMENTS AND/OR THE ASSOCIATED OPERATING PERMIT AND WELL REGISTRATION, AND/OR TAKING POSSIBLE ENFORCEMENT ACTION REGARDING THE WELL OWNER AND/OR DRILLER OF THE ABOVE-LISTED WELL FOR VIOLATIONS OF THE DISTRICT RULES

Director Osborn made a motion to deny the request by Morgan Acres, LLC for an exception to the well spacing requirements of the District Rules. The motion included:

- Amending OP-23-045 and Well PGCD-003232 registration for Morgan Acres, LLC to allow a maximum designed production capacity of 55 gallons per minute, ensuring the well complies with the well spacing rules of the District as it was drilled, completed, and screened.
- Finding that Morgan Acres, LLC and Central Texas Water Well, each committed a first

major violation of the District Rules for drilling and completing a well in violation of the District's well spacing rules and without a compliant permit.

- Assessing a penalty of \$250.00.

Director McClure seconded the motion, and it passed unanimously by those present.

ADJOURN OR CONTINUE PUBLIC HEARING IN WHOLE OR IN PART

Director McPherson made a motion to adjourn the public hearing. Director McClure seconded the motion and the motion carried unanimously. The public hearing was adjourned at 9:51 a.m.

PASSED, APPROVED, AND ADOPTED THIS 18TH DAY OF FEBRUARY 2025.



Maurice Osborn, Board Secretary