

MINUTES

for the
Thursday, September 21, 2023

**PERMIT HEARING ON OPERATING PERMIT and GRANDFATHERED USE PERMITS,
AMENDMENTS TO MANAGEMENT PLAN and DISTRICT RULES,
and
REGULAR BOARD MEETING**

of the

BOARD OF DIRECTORS

of the

NORTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT

MEETING LOCATION:

Board Room located at 1100 Circle Drive, Fort Worth, TX 76119

Permit Hearing

The Permit Hearing will begin at 2:00 PM. All interested parties are invited to attend.

Notice is hereby given that the Board of Directors of the Northern Trinity Groundwater Conservation District (District) will hold a Permit Hearing and may discuss, consider, and take all necessary action regarding the subject matters of the hearing, including but not limited to approving the application(s) listed below.

Agenda:

1. Call to order; establish a quorum; declare the meeting open to the public; introduction of Board.

President Laughlin called to order the September 21, 2023, Open Meeting for the Permit Hearings and Regular Board Meeting at 2:05 P.M. A quorum was established, and the meeting was opened to the public.

Board Members present: President Laughlin
Vice President Cozart
Secretary Merritt
Director Gladbach

Board Member Absent: Director Haster

Staff Present: Corey Jones, General Manager
Hi Newby
Laura Schumacher

Remote via telephone: Ty Embrey, Lloyd Gosselink - Attorney for the District

2. Review the Operating Permit Application(s) of:

Applicant: Aqua Texas, Inc.- Chisholm Springs

Location of Well System: Cactus Creek Tr, Newark, TX 76071

Well 1- N-2023-0134 - Latitude: 32.992284 °N Longitude: -97.441854 ° W

Well 2- N-2023-0135 - Latitude: 32.992229 °N Longitude: -97.441854 ° W

Purpose of Use: PWS

Requested Amount of Use Annually: 98,245,000 gallons

Production Capacity of Well(s): **Well 1-** 39 GPM **Well 2-** 180 GPM

Aquifer: **Well 1-** Antlers (P) **Well 2-** Antlers (TM)

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General Manager Corey Jones reviewed the Operating Permit for Aqua Texas-Chisholm Springs with the Board. The residences receiving water from this system are located in Wise and Tarrant Counties. GM discussed with the Board that the larger number of homes receiving water are located in Wise County in the Upper Trinity GCD. Board discussion followed.

GM recommended less than the permit request.

The Board discussion was focused on the requested permit amount.

3. Public Comment on the Operating Permit Application(s).

Ms. Alyson McDonald, a geoscientist with Collier Consulting, spoke on behalf of Aqua, Texas, Inc.

4. Consider and act upon the Operating Permit Application(s), including the designation of parties and/or granting or denying the Operating Permit Application(s) in whole or in part, as applicable.

Vice President Cozart made a motion to accept the GM recommendation of 59,536,915 gallons per year. Director Gladbach seconded the motion.

President Laughlin called for a vote. Motion passed unanimously to grant the Aqua Texas, Inc. Operating Permit in the amount of 59,536,915 gpy.

5. Review the Grandfathered Use Permit Application(s) of:

Applicant: Tillar Haslet Partners, LP

Location of Well: 2617 W Blue Mound Rd, Haslet, TX 76052

N-2022-0071 - Latitude: 32.950028°N Longitude: -97.413389° W

Purpose of Use: PWS

Requested Amount of Use Annually: 360,000 gallons

Production Capacity of Well: 20 GPM

Aquifer: Paluxy

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Kaylee Hurych and Kailey Massey with Vaquero Ventures were present to represent Tillar Haslet Partners, LP.

GM introduced the Grandfathered Use Permit Application (GUPA) for Tillar Haslet Partners, LP.

TCEQ deemed this well a Public Water Supply, which, according to the District Rules, is nonexempt and required to report and permit.

GM recommended approval of the requested 360,000 gpy.

Board President called for discussion. The president asked for a motion to accept the GM’s recommendation.

Director Gladbach made the motion to accept the GM recommendation of 360,000 gpy for Tillar Haslet Partners, L.P. Vice President Cozart seconded the motion. President Laughlin called for a vote. Vote was unanimous.

President Laughlin recused himself from the Grandfathered Use Permit Applications Hearing for Independence Water, LP, and exited the room. VP Cozart took the chair position to continue the Board meeting.

Chris Hamilton, Paul Kelly, and Nick Konen were present representing Independence Water, L.P.

VP Cozart requested the GM to introduce the applications.

GM Jones reviewed all the applications for the Board. Board discussion was held for each well after the GM introduction.

Applicant: Independence Water, L.P – IW#2-T
Location of Well: 1624 Intermodal Pkwy, Fort Worth, TX 76177
N-2016-1097 - Latitude: 32.9852°N Longitude: -97.3367° W
Purpose of Use: Commercial
Requested Amount of Use Annually: 30,000,000 gallons
Production Capacity of Well: 405 GPM
Aquifer: Antlers (TM)



GM discussed past reporting for the well and recommended the requested amount for IW#2-T. Secretary Merritt made the motion to accept the GM’s recommendation to approve the GUP for Independence Water, LP Well IW#2-T for 30,000,000 gpy. Director Gladbach seconded the motion. Board voted unanimously to accept the motion.

Applicant: Independence Water, L.P – IW#3-T
Location of Well: 4130 Haslet Roanoke Rd, Fort Worth, TX 76262
N-2016-1096 - Latitude: 32.9781°N Longitude: -97.2722° W
Purpose of Use: Commercial
Requested Amount of Use Annually: 7,300,000 gallons

Production Capacity of Well: 650 GPM

Aquifer: Antlers (TM)

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GM recommended the requested amount for IW#3-T. Secretary Merritt made the motion to accept the GM's recommendation to approve the GUP for Independence Water, LP Well IW#3-T for 7,300,000 gpy. Director Gladbach seconded the motion. Board voted unanimously to accept the motion.

Applicant: Independence Water, L.P – ACP1

Location of Well: 13901 Galaxy Way, Haslet, TX 76177

N-2016-1091 - Latitude: 32.9877°N Longitude: -97.3156° W

Purpose of Use: Commercial

Requested Amount of Use Annually: 11,000,000 gallons

Production Capacity of Well: 80 GPM

Aquifer: Antlers (P)

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GM recommended 10,541,600 gpy, which is the reported usage in 2014 for ACP1. Secretary Merritt made the motion to accept the GM's recommendation to approve the GUP for Independence Water, LP Well ACP1 for 10,541,600 gpy. Director Gladbach seconded the motion. Board voted unanimously to accept the motion.

Applicant: Independence Water, L.P – LSP4

Location of Well: 11401 Old Denton Rd, Fort Worth, TX 76177

N-2016-1095 - Latitude: 32.9591°N Longitude: -97.304° W

Purpose of Use: Commercial

Requested Amount of Use Annually: 400,000 gallons

Production Capacity of Well: 100 GPM

Aquifer: Paluxy

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GM recommended 374,700 gpy, which is the reported usage in 2014 for LSP4. Secretary Merritt made the motion to accept the GM's recommendation to approve the GUP for Independence Water, LP Well LSP4 for 374,700 gpy. Director Gladbach seconded the motion. Board voted unanimously to accept the motion.

Applicant: Independence Water, L.P – AGT1

Location of Well: 13257 Denton Hwy, Fort Worth, TX 76177

N-2016-1092 - Latitude: 32.9705°N Longitude: -97.2472° W

Purpose of Use: Commercial

Requested Amount of Use Annually: 40,000,000 gallons

Production Capacity of Well: 175 GPM

Aquifer: Twin Mountains

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GM recommended denial for AGT1 due to no usage reported during the Grandfathered Use Permit period of 2014-2018. The Board discussed Grandfathered Use Permit rules and reviewed past production for the well. Secretary Merritt made the motion to deny the GUPA for

Independence Water, LP Well AGT1. Director Gladbach seconded the motion. Board voted unanimously to accept the motion.

Applicant: Independence Water, L.P – WPT1

Location of Well: 14051 FM Rd 156, Fort Worth, TX 76052

N-2016-1093 - Latitude: 32.987°N Longitude: -97.3483° W

Purpose of Use: Commercial

Requested Amount of Use Annually: 11,000,000 gallons

Production Capacity of Well: 190 GPM

Aquifer: Antlers (TM)

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GM recommended 2,546,100 gpy, which is the reported usage in 2014 for WPT1. Secretary Merritt made the motion to accept the GM’s recommendation to approve the GUP for Independence Water, LP Well WPT1 for 2,546,100 gpy. Director Gladbach seconded the motion. Board voted unanimously to accept the motion.

Applicant: Independence Water, L.P – AGP 4

Location of Well: 13675 Independence Pkwy, Fort Worth, TX 76177

N-2016-1098 - Latitude: 32.977889°N Longitude: -97.251972° W

Purpose of Use: Commercial

Requested Amount of Use Annually: 700,000 gallons

Production Capacity of Well: 90 GPM

Aquifer: Antlers (P)

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GM recommended 3,100 gpy, which is the reported usage in 2016 for AGP 4. The Board discussed the past production for the well and the amount produced during the Grandfathered Use Period. Secretary Merritt made the motion to deny the GUPA for Independence Water, LP Well AGP 4. Director Gladbach seconded the motion. Board voted unanimously to accept the motion.

Applicant: Independence Water, L.P – IW#5-T

Location of Well: 14300 Heritage Pkwy, Fort Worth, TX 76177

N-2016-1225 - Latitude: 32.988833°N Longitude: -97.304722° W

Purpose of Use: Commercial

Requested Amount of Use Annually: 33,592,100 gallons

Production Capacity of Well: 460 GPM

Aquifer: Antlers (TM)

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GM recommended 33,592,100 gpy, which is the reported usage in 2018 for IW#5-T. Secretary Merritt made the motion to accept the GM’s recommendation to approve the GUP for Independence Water, LP Well IW#5-T for 33,592,100 gpy. Director Gladbach seconded the motion. Board voted unanimously to accept the motion.

Applicant: Independence Water, L.P – LSP1

Location of Well: 3405 Alliance Gateway Fwy, Fort Worth, TX 76177
N-2023-0157 - Latitude: 32.962664°N Longitude: -97.289628° W
Purpose of Use: Commercial
Requested Amount of Use Annually: 4,500,000 gallons
Production Capacity of Well: 30 GPM
Aquifer: Antlers (P)

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GM recommended 4,114,972 gpy, which is the reported usage in 2017 for LSP1. Secretary Merritt made the motion to accept the GM's recommendation to approve the GUP for Independence Water, LP Well LSP1 for 4,114,972 gpy. Director Gladbach seconded the motion. Board voted unanimously to accept the motion.

6. Public Comment on the Grandfathered Use Permit Application(s).

Public discussion was held at the time the Grandfathered Use Permit Applications were presented for Board consideration.

No additional discussion.

7. Consider and act upon the Grandfathered Use Permit Application(s), including the designation of parties and/or granting or denying the Grandfathered Use Permit Application(s) in whole or in part, as applicable.

Board action was taken during each Grandfathered Use Permit Application presentation for Board consideration.

8. Adjourn or continue Permit hearing.

Permit hearing was adjourned at 2:50 P.M.

Public Hearing on Amendments to Management Plan

The previously noticed Public Hearing on Amendments to Management Plan will begin upon the adjournment of the above-noticed Permit Hearing.

AGENDA:

1. Call to order; establish a quorum; declare the meeting open to the public.

Public meeting was called to order, a quorum was established, and the meeting was open to the public at 2:50 P.M.

2. Discuss, Consider, and receive public input on proposed amendments to Groundwater Management Plan.

President Laughlin asked the General Manager to update the Board on the Management Plan amendments.

GM discussed the minor updates found primarily on page 10 of the Management Plan that reflect the updated MAG and DFC numbers.

The board discussed the timeline for the new Management Plan, current MAGs, and DFCs.

President Laughlin called for additional discussion. There was none.

3. Adjourn or continue Hearing.

President Laughlin adjourned the Public Hearing at 2:59 P.M.

Public Hearing on Amendments to District Rules

The previously noticed Public Hearing on Amendments to District Rules will begin upon the adjournment of the Public Hearing on Amendments to District Management Plan.

AGENDA:

1. Call to order; establish a quorum; declare the meeting open to the public.

Public Hearing on Amendments to District Rules was called to order at 2:59 P.M. A quorum was established, and the meeting was open to the public.

2. Discuss, Consider, and receive public input on proposed amendments to District Rules.

President Laughlin asked the GM to update the Board on Rules Amendments.

Amendments to the Rules are in response to Legislative changes and formatting changes. The GM discussed each amendment in the Rules.

Ty Embrey, attorney, updated the Board on the Legislative requirements to Groundwater Conservation District's rules.

President Laughlin called for additional discussion. There was none.

3. Adjourn or continue Hearing.

President Laughlin adjourned the Public Hearing at 3:07 P.M.

Regular Board Meeting

The Regular Board Meeting will begin upon the adjournment of the previously noticed Public hearing on Amendments to District Rules.

All interested parties are invited to attend.

The Board may consider, discuss, and take action, including expending funds, on any of the following agenda items:

AGENDA:

1. Call to order, establish a quorum, and declare the meeting open to the public.

President Laughlin called the Regular Board Meeting to order at 3:07 P.M., established a quorum, and opened the meeting to the public.

2. Public Comment.

There was no public comment at this time.

3. **Consent Agenda:** Each of these items is recommended by the Staff, and approval thereof will be strictly on the basis of the Staff's recommendations. Approval for the Consent Agenda authorizes the General Manager or his designee to implement each item in accordance with the Staff recommendations. The Consent Agenda will be approved as a block. Any Board member who has questions regarding any item on the Consent Agenda may have the item pulled and considered as a regular item on the agenda. Any items so pulled for separate discussion will be considered as the first items following approval of the Consent Agenda.
 - A. Approval of minutes from the Board meeting on July 11, 2023.
 - B. Approval of Current Budget Performance - Operating and Investment account statements.
 - C. Payment of bills/invoices received.
 - D. Reimburse the General Manager, Field Tech, and/or Office Manager for invoices/bills paid on behalf of the District.

President Laughlin called for a Board motion after the presentation of the Consent Agenda.

Vice President Cozart made the motion to accept the Consent Agenda as presented.

Secretary Merritt seconded the motion.

President Laughlin called for a Board vote. Vote was unanimous to accept the Consent Agenda as presented.

4. Any items from Consent Agenda that were pulled for further discussion.

No items were pulled from the Consent Agenda for further discussion.

5. Discuss, consider, and act upon additional Extension Request for Well ID N-2022-0098- Permit 47.

President Laughlin recused himself from the chair position. VP Cozart took the chair position to continue the Board meeting.

GM introduced the request from the Permittee to extend the drilling time for Well ID N-2022-0098- Permit 47. The GM can initially extend the drilling time by 240 days if requested. According to the rules, the second extension can only be approved by the Board.

Chris Hamilton, representing Independence Water, LP, discussed the unforeseen delays in drilling the well.

GM recommended granting the 2nd extension of 120 days from September 16, 2023.

Director Gladbach made the motion to approve the 120-day extension for drilling from September 16, 2023. Secretary Merritt seconded the motion. No additional discussion. A vote was called. Vote was unanimous to extend the drilling time as requested.

6. Discuss, consider, and act upon potential violations of District Rules by:
 - Beltmill Saginaw- Millican Well Service

GM discussed the drilling violation for Millican Well Service. Jerry Browning, driller, was present. The well was drilled 160 feet from the approved location. The drilled location does meet District spacing.

President called for discussion. GM recommended First Major Violation Rule 8.7(C)(3).

President Laughlin confirmed this is Mr. Browning's first violation. President Laughlin made the motion that the First Major Violation for Jerry Browning be noted and waive the fine with the stipulation that if a second violation occurs, the full penalty will be assessed. Vice President Cozart seconded the motion. The Board vote was unanimous to accept the motion of no fine at this time.

7. Discuss, consider, and act on the adoption of Groundwater Management Plan and coordination with surface water management entities- Resolution #23-004

Discussion of the proposed amendments to the Groundwater Management Plan was held during the Public Hearing.

President Laughlin called for a motion to approve. VP Cozart made the motion to approve. Director Gladbach seconded the motion. Board vote was unanimous to approve Resolution #23-004.

8. Discuss, consider, and act on proposed amendments to District Rules- Resolution #23-005.

Discussion of the proposed amendments to District Rules was held during the Public Hearing.

President Laughlin called for a motion to approve. VP Cozart made the motion to approve. President Laughlin seconded the motion. Board vote was unanimous. A Resolution is not required.

9. Discussion, consideration, and possible action regarding the adoption of Revised District Investment Policy- Resolution #23-006

GM discussed with the Board the minor adjustments to the Investment Policy.

President Laughlin called for a motion of approval. VP Cozart made the motion to approve Resolution #23-006. Director Gladbach seconded the motion. Vote for approval was unanimous.

10. Consider and possibly act on regulatory matters associated with Samantha Springs, LP.

Attorney recapped the progress with Samantha Springs, L.P.

Agreement will be presented at the next Board meeting.

President requested Mr. Terrill to attend the next meeting.

11. G M Report

- GMA 8 Update
- Grandfathered Use Notices
- Monitor Well Update

GM presented his report to the Board.

GM updated the Board on the progress of the GMA 8 Model Update and the additional Grandfathered Use Permit notice to be sent soon.

Hi Newby presented updates to monitor wells scheduled to have Eno Scientific units installed.

GM additionally discussed the TAGD Summit, potential additional office space, and the future meeting with TRWD for their ASR well.

12. Board Reports

No Board action

13. Other Business / Setting of next meeting

The next Board meeting is set for November 29, 2023, at 2:00 P.M.

14. Adjourn.

President Laughlin adjourned the meeting at 3:40 P.M.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS this

____ 29th _____ day of _____ November _____ 2023.

Attest: N. Waple Mervitt, Secretary of NTGCD Board