



**NECHES & TRINITY VALLEYS
GROUNDWATER CONSERVATION DISTRICT**

Protecting Anderson, Cherokee, and Henderson Counties

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Gary Douglas, President

Sam Hurley, Vice President

Terry Morrow, Treasurer

Donald Foster, Secretary

Jimmy Terrell, Director

Randy Williams, Director

Julianna S. Peacock, Director

MINUTES OF BOARD OF DIRECTORS MEETING – April 20, 2023

DIRECTORS PRESENT

Gary Douglas, President; Terry Morrow, Treasurer; Randy Williams, Director; Donald Foster, Secretary; Sam Hurley, Vice-President; Jimmy Terrell, Director; Julianna Peacock, Director

ALSO PRESENT

Penny Hanson, General Manager; Kyle Caperton, Auditor; John Stover, Attorney; Sammy Grimes, Gum Creek WSC

CALL TO ORDER

Gary Douglas, President, opened the Board meeting at 11:30 am.

1. DECLARATION OF A QUORUM AND INVOCATION

A quorum was declared by Donald Foster. Invocation was given by Sam Hurley.

2. PUBLIC FORUM FOR ITEMS NOT ON THE AGENDA

No items were discussed.

3. PUBLIC FORM FOR ITEMS ON THE AGENDA

No items were discussed.

4. RECEIVE FINANCIAL STATEMENTS AND REPORTS FROM RANDY GORHAM, CPA

A motion to accept the financial reports as presented was made by Terry Morrow, 2nd by Sam Hurley, passed unanimously.

5. RECEIVE 2022 AUDIT REPORT FROM MURRAY, PASCHALL, & CAPERTON PC

A motion to accept the 2022 Audit report from Murray, Paschall, & Caperton PC was made by Sam Hurley, 2nd by Terry Morrow, passed unanimously.

6. CONSENT ITEMS: DISCUSS AND APPROVE MINUTES FOR THE FEBRUARY 16, 2023 MEETING AND PAYMENT OF BILLS FOR MAY 1, 2023 THROUGH MAY 31, 2023

The February 16, 2023 meeting minutes were approved on motion by Donald Foster, 2nd by Jimmy Terrell, passed unanimously. Payment of bills for May 1, 2023 through May 31, 2023 were approved on motion by Donald Foster, 2nd by Sam Hurley, passed unanimously.

7. HEAR AND DISCUSS REPORTS FROM STAFF

1. Well permits received, issued and completed
2. Production reports and fees

8. RECEIVE 2022 MANAGEMENT PLAN REPORT

The 2022 Management Plan Report was presented to the Board by Penny Hanson, General Manager.

9. RECEIVE AND POSSIBLY TAKE ACTION TO APPROVE THE DRILLING PERMIT FOR A PUBLIC WATER SUPPLY WELL FOR GUM CREEK WATER SUPPLY CORPORATION LOCATED AT INTERSECTION OF FM 747 AND FM 3303A, JACKSONVILLE, TX. TOTAL USAGE APPLIED FOR IS 52,000,000 OR 159.59 ACRE-FEET ANNUALLY AT AN ESTIMATED RATE OF WITHDRAWAL OF 200 GALLONS PER MINUTE.

A motion was made to approve the drilling permit as presented by Donald Foster, 2nd by Terry Morrow, passed unanimously.

10. RECEIVE AND POSSIBLY TAKE ACTION TO APPROVE OPERATING PERMIT FOR REPLACEMENT WELL #3A FOR BRUSHY CREEK WSC, LOCATED ON ACR 441, PALESTINE, TEXAS. TOTAL USAGE APPLIED FOR IS 52,000,000 GALLONS OR 159.59 ACRE-FEET ANNUALLY AT AN ESTIMATED RATE OF WITHDRAWAL OF 400 GALLONS PER MINUTE.

A motion to approve the Operation Permit for replacement well #3A for Brushy Creek WSC was made by Donald Foster, 2nd by Terry Morrow, passed unanimously.

The Board went into closed session at 12:00 pm on motion by Sam Hurley, 2nd by Donald Foster, passed unanimously.

The Board ended the closed session and reopened the Board meeting at 12:33 pm on motion by Sam Hurley, 2nd by Julianna Peacock, passed unanimously.

11. CONSIDERATION AND POSSIBLE APPROVAL OF AN ORDER SETTING THE AMOUNT OF CIVIL PENALTIES TO BE ASSESSED AGAINST MOUNTAIN PURE TX, LLC AND/OR JFG7, LLC (THE BOARD MAY ADJOURN INTO CLOSED SESSION PURSUANT TO TEXAS MEETINGS ACT, TEXAS GOVERNMENT CODE CHAPTER 551.071 TO CONSULT WITH THE DISTRICT'S ATTORNEY)

A motion to approve the Order of Civil Penalties with the penalty of \$50 per day or \$440,850 was made by Donald Foster, 2nd by Sam Hurley, passed unanimously.

13. ADJOURN

The meeting was adjourned at 12:55 pm on motion by Sam Hurley, 2nd by Donald Foster, passed unanimously.

President: Gary Douglas
Attest _____ DATE 6/15/23