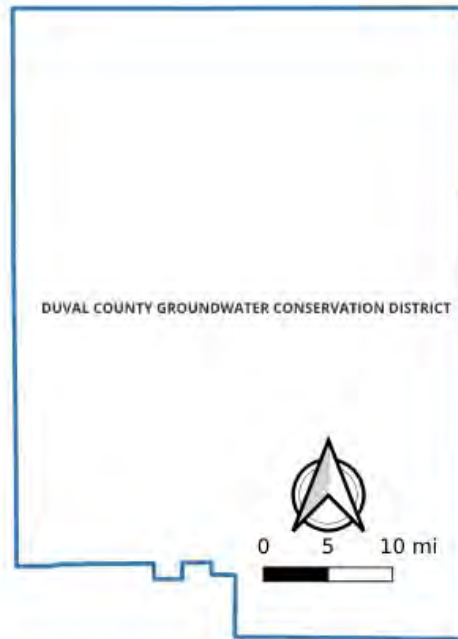


# DUVAL COUNTY GROUNDWATER CONSERVATION DISTRICT GROUNDWATER MANAGEMENT PLAN



Plan Adoption Date: 06-28-2023

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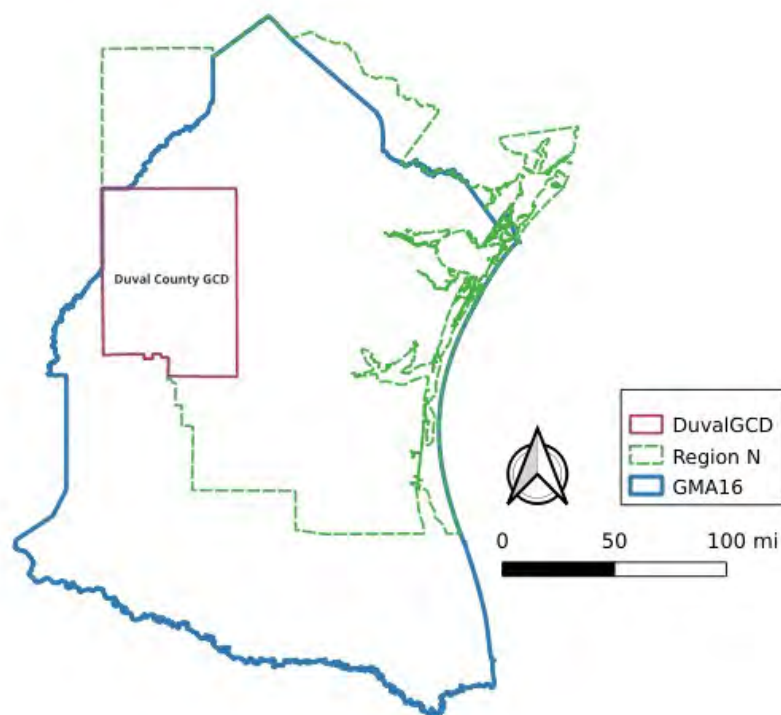
## I. District Mission

The Duval County Groundwater Conservation District mission is to conserve and prevent waste and pollution of groundwater resources, while addressing the needs of the district's citizens and maintaining the health of our environment for the present and for future generations.

## II. District Information

### A. Creation

The District is a groundwater conservation district created under the statutes of the Texas legislature and essential to accomplish the purpose of Section 59, Article XVI of the Texas Constitution. It was created as part of S.B. No. 1847 passed by the Texas Legislature in May of 2005. A confirmation election was held in the county on July 25, 2009 which confirmed the District's legal standing. The District is run by a five member Board of Directors. These directors are elected by the voters of the District and serve four year terms. One director is elected at large from within the District and the other four directors are elected one from each of the four county commissioners' precincts. The District encompasses all of Duval County and is located within Groundwater Management Area 16 and Regional Water Planning Group N.)



*Figure 1: Location of Duval GCD in Region N Water Planning Group and GMA 16 (Data Source: TWDB)*

## B. Purpose of the District

The purpose for the district, as per Texas Water Code 36, Section 36.0015, is to provide for the conservation, preservation, protection, recharging and prevention of waste of groundwater and of groundwater reservoirs or their subdivisions and to control subsidence caused by the withdrawal of water from those reservoirs. It has an obligation under Texas Water code 36.107 to develop a groundwater management plan that will state how the District will meet that purpose. Under Texas Water code 36c Section 36.101, the District has the authority to adopt and enforce rules that the District feels are needed to carry out that purpose.

## C. Duval County General Characteristics

Duval county comprises 1,795 square miles of nearly level to undulating terrain with an elevation ranging from 250 to 800 feet above sea level. The northern part of the county drains into the Nueces River, while the central and southern parts drain into the Laguna Madre through Baffin Bay. It is bordered by Webb, La Salle, McMullen, Live Oak, Jim Wells, Brooks, and Jim Hogg counties. San Diego, the county seat and the most populous town, is at the intersection of State highways 44 and 359 and Farm road 1329, about fifty-two miles west of Corpus Christi and eighty miles east of Laredo. The county's center point is nine miles northwest of Benavides at 27° 42' north latitude and 98° 30' west longitude. State Highway 44 passes through the county from east to west, and State Highway 16 crosses from north to south. Two highways cross the county diagonally: U.S. Highway 59 and State Highway 359. All these highways provide important corridors for transporting goods and materials not only across Texas but for international trade between US and Mexico.

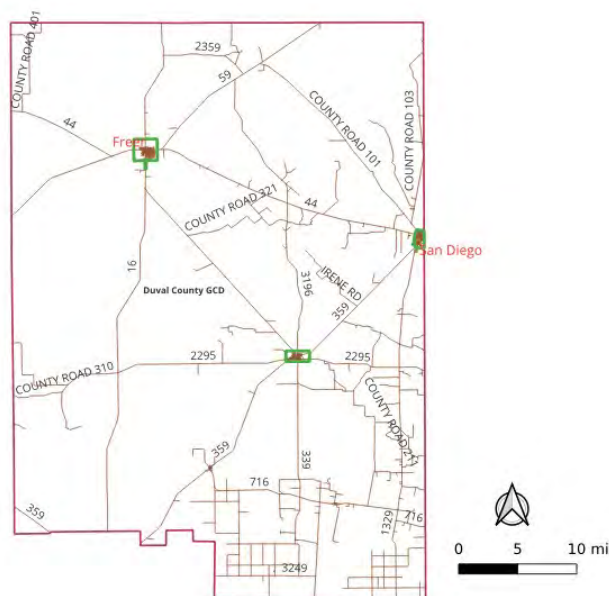


Figure 2: Duval County Cities and Road Network  
(Data Source: TxDOT)

The major population centers within the district include the cities of Benavides, Freer and San Diego (county seat). Other incorporated areas within the district include Concepcion, Ramirez, Realitos, Rios and Sejita,

As per the most recent US Census of 2020, the population of the Duval County is 9,831. Historical population numbers shown in Figure 3 indicate that the population of the district was over 20,000 people in 1940 but has remained around 10,000 in recent decades.

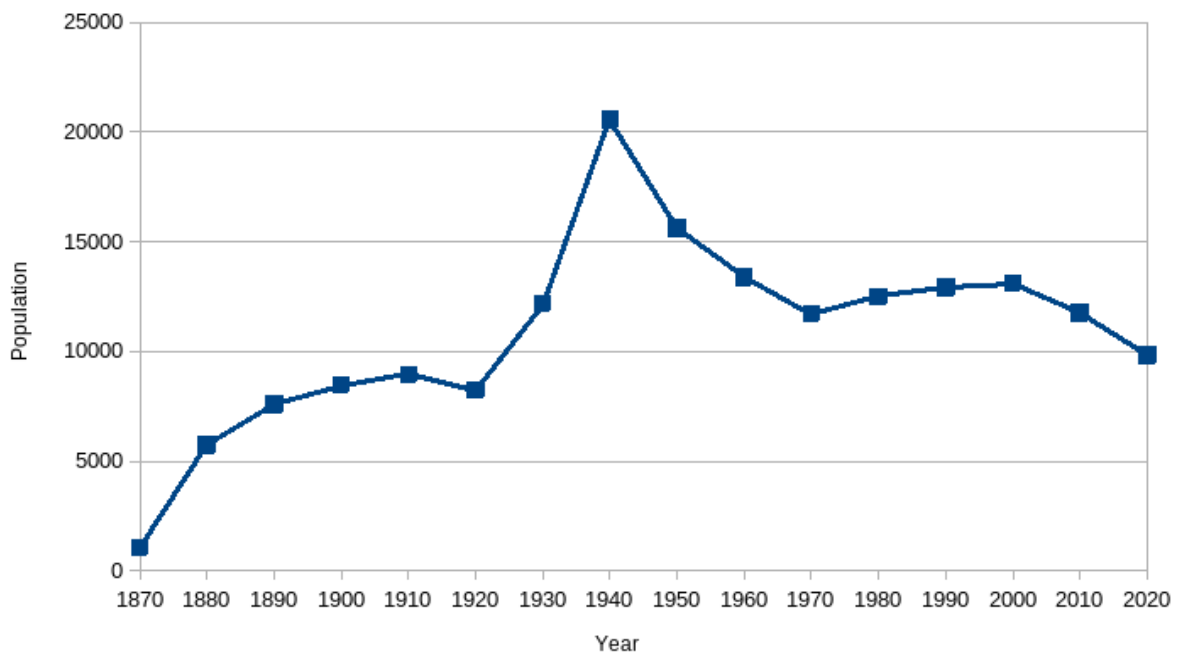


Figure 4: Population Estimates of Duval County, TX (Data from US Census Bureau)

#### D. Duval County GCD - Groundwater Resources

The primary source of groundwater within the district is the Gulf Coast Aquifer System. The Gulf Coast Aquifer System is designated as a major aquifer within the state of Texas. This aquifer comprises of interbedded layers of sand, silt and clay. The Gulf Coast Aquifer System in turn comprises of 4 sub-aquifers (The Chicot, Evangeline, Burkeville Confining Unit and the Jasper Aquifer). While all these geological units are present within the district, the outcrops of Chicot occupy the least area and can largely be found in the eastern sections of the district. Evangeline, Burkeville Confining Unit and the Jasper aquifers exist under both unconfined and confined conditions within the district (See Figure 5 for relative extents of these aquifer units within the district).

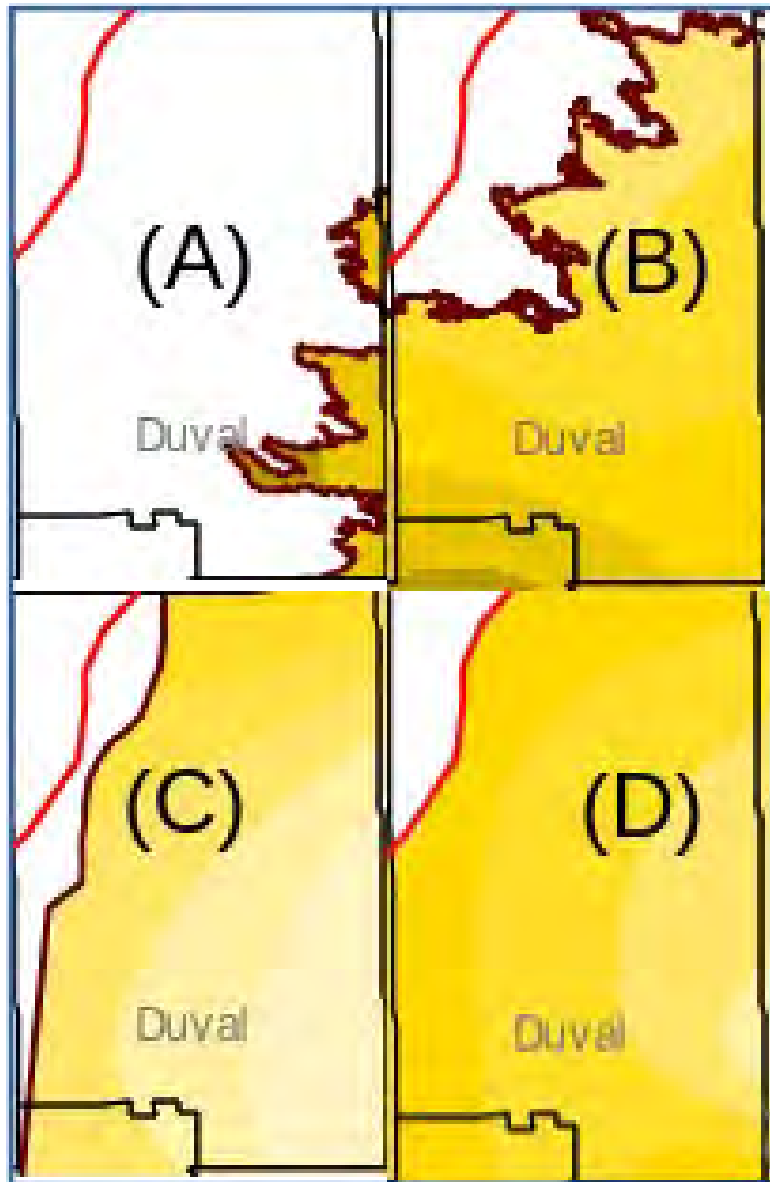


Figure 5: Extent of (A) Chicot, (B) Evangeline, (C) Burkeville Confining Unit and (D) Jasper Aquifers within Duval County (Data Source: Waterstone, 2003)

The Yegua-Jackson aquifer is designated as a minor aquifer within the State of Texas. This aquifer underlies much of the Duval County (Deeds et al., 2010). This aquifer is shale rich but also comprises of interbedded sands. Similar to the Gulf Coast Aquifer System the lithology of this aquifer comprises of interbedded sands, silt and clay. The well yields of this geological unit tends to be lower, in general, compared to the Gulf Coast Aquifer System. In addition, the quality of

water in this formation tends to be poorer than the younger sediments of the Gulf Coast Aquifer System. While the aquifer use is limited currently, it can be tapped into the future for brackish groundwater. Note from Figure 6 that while Yegua-Jackson aquifer can be found over much of the county, its current usage is limited to a very small outcrop region in the Northwestern parts of the District.



*Figure 6: Extent of Yegua Jackson Aquifer within Duval County GCD (extracted from Deeds et al., 2010)*

The groundwater quality varies widely within the district in both the Gulf Coast Aquifer System and Yegua Jackson units. The Evangeline Aquifer (Gulf Coast Aquifer System) comprises of fresh to moderately saline water. The salinity in general increases with depth. The water in the outcrop regions of the Yegua-Jackson Aquifer also tends to be fresh-moderately saline. Little information exists about the quality of the Yegua-Jackson aquifer underlying the Gulf Coast Aquifer System as this part of the aquifer is currently not in use. However, the water quality is suspected to be poor but may be tapped in the future as desalination technologies become cheaper and the demand for water increases within the region.

### **III. Modeled Available Groundwater and Adoption of Desired Future Conditions**

The Desired Future Conditions (DFC) adopted by the Groundwater Management Area 16 (GMA-16) seeks the average drawdown not to exceed 78 feet for the Gulf Coast Aquifer System at December 2080. The DFC and MAG were developed only for the Gulf Coast Aquifer System and the Yegua-Jackson was deemed non-relevant for the purposes of planning. This DFC translates to an average drawdown of 137 feet between January 2010 and December 2079 for Duval County GCD.

The GAM Run 21-021 MAG: Modeled Available Groundwater For The Gulf Coast Aquifer System in Groundwater Management Area 16 (Cha., 2022) which forms the basis for MAG calculations is presented in Appendix A. As per this GAM run, the total modeled available groundwater is 20,571 Acre-Feet per year (AFY) in 2020 and progressively increases to 26,963 AFY by 2080.

### **IV Groundwater Availability Modeling**

Texas State Water Code, Section 36.1071, Subsection (h), states that, in developing its groundwater management plan, groundwater conservation districts shall use groundwater availability modeling information provided by the Executive Administrator of the Texas Water Development Board in conjunction with any available site-specific information provided by the district for review and comment to the Executive Administrator. Information derived from groundwater availability models that shall be included in the groundwater management plan includes:

- 1) The annual amount of recharge from precipitation to groundwater resources within the District.
- 2) For each aquifer within the District, the annual volume of water that discharges from these aquifers to springs and surface water bodies.
- 3) The annual volume of flow into and out of the district within each aquifer and between aquifers in the District.

A new regional groundwater flow model for the Gulf Coast Aquifer System underlying the GMA 15 and GMA 16 regions has recently been released for Public Comment by the Texas Water Development Board. New model runs will be provided by TWDB at a later date when this model is adopted by the board. In the interim, the results from the previous model run GAM Run 16-011 Duval County Groundwater District Management Plan - Goswami (2016) is used to obtain the above information. Please refer to Appendix B where the details of the GAM run results have been provided.



## **V. Historical Water Use and State Water Plan Data**

The historical water use and state water plan data provide information pertaining to Project Water Supplies, Projected Water Demands, Projected Water Supply Needs and Projected Water Supply Strategies within the most recent state water Plan for Texas. These data are again provided by the Texas Water Development Board (TWDB). The report *Estimated Historical Water Use and 2022 State Water Plan Datasets: Duval County Groundwater Conservation District* by Stephen Allen; Dt: June 27, 2022 provides the basis for the numbers for the above quantities. The report is included in its entirety in Appendix C.

The district considered the projected needs presented in the TWDB estimates historical water use/2022 State Water Plan (Appendix C). The demand increases are associated with municipal and mining water use groups. The city of San Diego and County Other are projected to have needs arising from water well capacity limitations which tend to increase with time. In addition, mining activities are also projected have unmet needs which are projected to decrease with time. Agriculture water use group is not projected to have any unmet needs as per the current state water plan. The reader is referred to this Appendix C for a complete listing of needs and their magnitudes.

The strategies to address the supply needs described above are identified in Appendix II. These data -- organized by decade, county, and WUG, are listed in the *Estimated Historical Water Use/2022 State Water Plan* and have been provided to the District by the TWDB. Key management strategies relevant to WUGs in the District are:

1. Additional exploration of Gulf Coast Aquifer System groundwater supplies to satisfy municipal and mining future water needs
2. Municipal water conservation through demand reduction
3. Mining water conservation through demand reduction

The district considered all these strategies during the development of the management plan. In particular, Water Conservation, especially Municipal Water Conservation, and Mining Water Conservation, enhancement of Gulf Coast Aquifer System Supplies, and Groundwater Desalination were identified as key strategies for meeting the needs within the district. The district recognizes that certain water management strategies adopted in neighboring areas can impact groundwater resources within Duval GCD and will closely monitor any such activities. Water conservation is identified as the cheapest of all options considered and is encouraged by the district.

## **VI. Purpose of Groundwater Management Plan**

The purpose of this management plan is to help the District achieve its mission, while considering the needs of neighboring groundwater districts, coordinating its efforts with surface water management entities in the district area and complying with state mandated laws and regulations.

## **VII. Actions, Procedures, Performance and Avoidance for District Implementation of Management Plan and Management of Groundwater Supplies**

The Duval County GCD has the statutory authority to promulgate rules for effectively managing groundwater resources within its jurisdiction. The district periodically reviews and updates its rules as new information pertaining to the aquifer conditions, supplies and demands become available. The most recent rules of the Duval County Groundwater Conservation District was adopted to be effective February 28, 2018. These rules are available for public to download from <http://duvalgcd.com/docs/2018rules.pdf> or by requesting the district for a hard-copy (The rules are also included here in Appendix D). In a similar manner, the district periodically updates the required forms for well registration, well operation and production permit and well sampling applications. These forms are available on the Districts website (duvalgcd.com) and can also be obtained in hard-copy format by contacting the District office.

The district will also collaborate with other entities within the district and in the region. In particular, the district will actively participate in the Groundwater Management Area 16 Joint Planning Process, Regional Water Planning Process and work with other agencies and organizations within its jurisdiction to continue to improve the understanding of groundwater resources within the region with a goal to continually improve its management of groundwater resources based on best available information available for doing so. The district will also provide timely information to the general public in order to help them recognize the importance of groundwater conservation for the long-term sustainability and effective management of this resource within the district.

## **VIII. Time Period for this Plan**

This plan becomes effective upon adoption by the Duval County Groundwater District Board of Directors and certification as administratively complete by the Texas Water Development board. The plan remains in effect until revised by the District. This plan will be reviewed by the District Board of Directors at least every five years and updated or revised as needed based on current conditions and needs. All amendments or revisions to this plan will be submitted to the Texas Water Development Board for approval.

## **IX. Plan Approval Requirements**

The plan meets the following approval requirements as required by the statutes of the State of Texas .

### **A. Public Hearing**

Evidence of required public hearings notice and Board meeting to review input is included. (Please see Appendix E)

### **B. Board Resolution**

A certified copy of the resolution by the Board of directors, adopting this plan is included. (Please see Appendix E)

### **C. Coordination with Surface Water Management Entities.**

Evidence that all surface water entities in the District boundaries were notified is included in the form of a copy of the cover letter transmitting a copy of the Plan to the Nueces River Authority and the South Texas Watermasters Program. (Please see Appendix E)

### **D. Coordination with other Groundwater Districts**

Evidence that other districts in the area were made aware of this plan is included in the form of a copy of the cover letter transmitting a copy of this plan to Groundwater Management Area 16. (Please see Appendix E)

## **X. Management Goals, Objectives and Performance Standards**

The district has adopted the following goals, objectives and performance standards to comply with pertinent statutes, obtain information on groundwater resources within the district, to achieve its mission and disseminate reliable groundwater information to a wide range of stakeholders.

### **A. Providing the Most Efficient use of groundwater**

**Goal:** Provide the most efficient use of groundwater.

**Management Objective:** The District requires all water wells to be registered within the district. In addition, no water well can be drilled or operated within the district without first registering the well. A determination of whether the well is exempt or non-exempt will be determined at the time of the registration. An operating permit shall be obtained for non-exempt wells. The district has the authority to enforce its rules, investigate violations and impose penalties as appropriate. In addition, the district seeks to be proactive in promoting the efficient use of groundwater and will encourage the efficient use of groundwater by informing the public about the need for and methods of groundwater use efficiency.

#### **Performance Standard(s):**

The district will document the number of new wells registered in the district each year in its annual report.

1. The district staff will inform the board of any violations and subsequent findings in the board meeting following the completion of the required investigations.
2. The District will publish one article in a local publication media or will acquire and distribute one informational bulletin on groundwater efficiency at least once annually.

### **B. Controlling and Preventing the Waste of Groundwater**

**Goal:** Control and prevent waste of groundwater.

**Management Objective:** The District will address and attempt to control the waste of groundwater resources.

**Performance Standards:**

1. The District will adopt a set of rules that address the waste of groundwater within the District. The most recent adoption of the rules was carried out in 2018.
2. The District will conduct a thorough review of these adopted rules at least annually to assure that they are current and that they are being enforced as intended. This annual review will be recorded in the official minutes of the District’s meetings.
3. The District will develop or acquire an informational bulletin that addresses and explains the need for the prevention of waste in groundwater. A copy of this bulletin will be delivered to each entity that drills a well within the District.

**C. Controlling and Preventing Subsidence**

**Goal:** Control and prevent subsidence.

**Management Objective:** Monitor possible subsidence problems that might occur within the District.

A study contracted by the Texas Water Development Board and conducted by LRE Water, (Furans et al., 2017) has estimated that the Gulf Coast Aquifer System within the Duval County exhibits moderately high vulnerability to subsidence with regard to groundwater pumping, especially along the western portions of the district (see Figure 4-23 in LREWater Report, 2017 on page 4-39) . This result is particularly important for confined formations which tend to have higher clay thicknesses. The report by LREWater titled - *Identification of the Vulnerability of the Major and Minor Aquifers of Texas to Subsidence with Regard to Groundwater Pumping –* TWDB Contract Number 16483020 can be accessed at:

<http://www.twdb.texas.gov/groundwater/models/research/subsidence/subsidence.asp>

Based on this study, the following performance standard was set by the district to monitor possible subsidence problems that might occur within the district.

**Performance Standard:** The District will investigate any reports of subsidence occurrence or of potential subsidence problems within the county. The month following such a report or annually if no such report or occurrence is noted, a briefing will be presented to the District Board to determine what, if any, course of action is needed. This briefing will be recorded in the official minutes of the District’s meetings.

**D. Addressing Conjunctive Surface Water Management Issues**

**Goal:** To review and address any conjunctive surface water management issues.

**Management Objective:** Each year, the district will participate in the regional planning process by attending the Region L and Region N regional water planning group meetings to encourage the development of surface water supplies to meet the needs of water user groups in the district. The goal of the district is to ensure maximal participation in these meetings. A representative of the district will attend at a minimum 50 percent of the Region L regional water planning group meetings and at a minimum 50 percent of the Region N regional water planning group meetings.

**Performance Standard:** A representative of the District will attend at least one or as many meetings as deemed needed per year of the Region N Regional Water Planning Group. Following any such meeting attendance, a report will be given by the District representative to the District Board of Directors and such report will be recorded in the official meeting minutes for the District.

**Management Objective:** The District will participate and coordinate its efforts with all surface water entities that have jurisdiction or operate within the District boundaries.

**Performance Standard:**

1. The district will inform the surface water entities of any updates to the management plan as and when it is updated. Letters indicating that the plan information was shared with the surface water entities will be included in the transmittal to the Texas Water Development Board.

## **E. Addressing Natural Resource Issues**

**Goal:** To address natural resource issues that impact or are impacted by the use of groundwater within the District.

The District is sensitive to all issues that involve our natural resources, including both biotic, such as plants, animals (both wildlife and domestic), fossil fuels such as oil, natural gas and coal and abiotic such as soil, water, air and heavy metals such as uranium. Some of these, such as water, we can impact directly, some of the others we can impact only indirectly.

**Management Objective:** Monitor soil salinity levels on soils that are irrigated with the use of groundwater.

**Performance Standard:** Conduct or obtain at least one annual soil salinity test from each, an irrigated cropland field and an irrigated pasture within the District. Monitor salinity changes annually and maintain a log of such soil salinity test results.

**Management Objective:** Monitor groundwater quality within the District.

**Performance Standard:**

- 1) The District will conduct or will arrange to have water in selected wells tested for salinity (total salts) and for Nitrate (NO<sub>3</sub>). Starting in 2013, at least one new well drilled each year will be tested. Test results will be kept on file with the District

2) The District will partner with the local County Agricultural Extension Service office to participate or sponsor an annual water well sample testing day conducted by the Extension Service. Test results will be recorded and maintained by the District.

**Management Objective:** Maintain vigilance on activities dealing with potential pollution and governmental regulations that impact groundwater.

**Performance Standard:** The District will review all correspondence or reports that it receives pertaining to injection well permitting and land treatment facilities. Such reviews will be recorded in the minutes of the District meetings.

## **F. Addressing Drought Conditions**

**Goal:** To address drought conditions within and beyond the District boundaries. Drought has been a frequent historical occurrence in the area of the Duval County Groundwater Conservation District. The District feels that this will not change in the future and so we must be prepared. Historically the area of Duval County has overall, not experienced severe groundwater shortages during drought. This situation could change due to increased water demands or due to an exceptional prolonged drought. The Texas Water Development Board drought page will be used as a source of reference information to keep track of drought conditions: <https://www.waterdatafortexas.org/drought/>

**Management Objective:** Maintain vigilance and monitor groundwater levels to determine what effect droughts are having on groundwater tables within the District.

### **Performance Standard:**

1. The District will monitor changes in groundwater levels that occur annually and historically by reviewing water level measurements conducted annually by the Texas Water Development Board. This annual review will be discussed with the District Board of Directors and the findings will be recorded in the District's meeting minutes.
2. The District initiated its own groundwater level monitoring system in 2013 and will obtain annual water level measurement on at least one new well that is drilled each year within the District.

**Management Objective:** Monitor the Palmer Drought Severity Index conditions for Duval County and correlate to groundwater levels within the District.

### **Performance Standard:**

1. Each month the District will download the most recent Palmer Drought Severity Index, review it and keep it on file.
2. At least annually, a report will be made to the District Board of Directors on the most recent Drought Severity Index conditions and the conditions that occurred throughout the last year

and will be compared to groundwater levels in the District. This annual review will be recorded in the District's official meeting minutes.

## **G. Addressing Conservation**

**Goal:** Conserve groundwater resources.

**Management Objective:** The District will address and will encourage the conservation of the groundwater resources within the district and elsewhere.

### **Performance Standard:**

- 1) The District will conduct a thorough review of the District rules at least annually to assure that the rules are current and that they are being enforced as intended to conserve water. This review will be recorded in the official minutes of the District meetings prior to the end of each year.
- 2) The District will develop or will acquire an informational bulletin that address and explains the need for conservation of groundwater. A copy of this bulletin will be delivered to each entity that drills a well within the District.
- 3) At least one informational article that addresses conservation of our groundwater will be made available for public viewing by one of the following: 1. Submit article to a local newspaper publication. 2. Conduct a public presentation. 3. Present exhibits at local events. 4. Publicize in the District webpage.

## **H. Addressing Recharge Enhancement**

**Goal:** Recharge enhancement. No known cost-effective method of recharge enhancement has been noted for the area of the Duval County Groundwater Conservation District. Therefore, the District plans no action on this state listed goal. This goal is deemed not applicable for the purpose of groundwater management within the district at this point in time.

## **I. Addressing Rainwater Harvesting**

**Goal:** Undertake Rainwater Harvesting: The District does not consider this item to be a groundwater issue, other than its use to help cut down on the use of groundwater where applicable. The District does feel that rainwater harvesting has a use within the District. Rainwater harvesting can be used to provide water for domestic use, to provide drinking water for wildlife and domestic livestock in areas where groundwater is difficult to obtain or is lacking. The technique can also be used to help reduce the amount of groundwater that is used where groundwater is available.

**Management Objective:** Promote the use of rainwater harvesting.

### **Performance Standard:**

- 1) The District will partner USDA-NRCS and the County AgriLife Extension Service office within the District to publicize and promote rainwater harvesting during at least one annual public event.

2) The District will help distribute informational materials on rainwater harvesting by posting the information on the District website. The website will be reviewed annually and updated if new information becomes available.

## **J. Addressing Precipitation Enhancement**

This goal is not currently applicable. No action is planned by the District on this item at the present time.

## **K. Addressing Brush Control**

**Goal:** Brush Control: The District feels that brush control can be an effective land treatment practice that can result in more grass production which can in turn help catch and hold rainwater so that it infiltrates into the ground rather than runoff as surface water or evaporate. In general, brush control is expensive and its benefits can be short lived, especially if not accompanied with other management practices.

**Management Objective:** Promote the use of brush control.

**Performance Standard:** The district will sponsor or co-sponsor at least one annual demonstration or field day on brush control with the USDA-NRCS, the local Agua Poquita Soil and Water Conservation District and/or the Agricultural Extension Service office.

## **L. Addressing The Desired Future Conditions**

**Goal:** To address and monitor the status of the Desired Future Conditions Adopted by the District.

**Management Objective:** Monitor groundwater levels within the District.

**Performance Standard:**

1) The district will annually review groundwater well measurements conducted by the Texas Water Development Board to determine long term trends and changes in water levels from the previous year. to determine compliance with the Desired Future Condition. The annual review will be noted in the official minutes of the District meetings.

2) Every five years the District will review the average drawdowns for the prior five years within the district, to determine if the Desired Future Condition is still applicable.

**Management Objective:** Monitor groundwater pumping changes in the District.

**Performance Standard:**

1) The District will review groundwater pumping figures within the District. An annual report of the data will be compiled by October of the following year.



2)Every five years the District will review the pumping figures for the prior five years within the district, to determine if the pumping associated with the Desired Future Condition is still applicable.

## **XI. Tracking Progress in Achieving Plan Goals**

### **A. Self Analysis**

District Self Analysis – The district will prepare an annual report which will review any actions the District has taken during the past year to accomplish its Management Plan Goals. The report will be submitted to the District board of Directors by January of each year.

### **B. Public Evaluation**

The annual report noting actions taken and accomplishments on the District's Management Plan Goals will be kept on file by the District for review by the public as requested. The District's Management Plan will be posted on the official webpage for view by the public.

## **APPENDIX LIST**

Appendix A: GAM RUN 21-021 MAG: Modeled Available Groundwater For The Gulf Coast Aquifer System in Groundwater Management Area 16.

Appendix B: GAM RUN 16-011: Duval County Groundwater District Management Plan.

Appendix C: Estimated Historical Water Use and 2022 State Water Plan Datasets: Duval County Groundwater District.

Appendix D: Rules of the Duval County Groundwater Conservation District.

Appendix E: Transmittal Letters and Other Correspondence Pertinent to Management Plan.

Appendix F: References

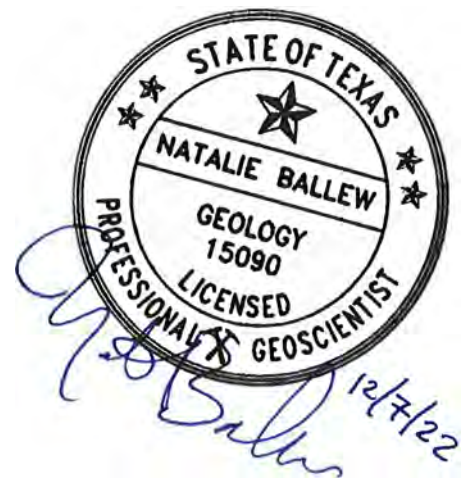
## APPENDIX A

GAM RUN 21-021 MAG: Modeled Available Groundwater For The Gulf Coast  
Aquifer System in Groundwater Management Area 16.

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# **GAM RUN 21-021 MAG: MODELED AVAILABLE GROUNDWATER FOR THE GULF COAST AQUIFER SYSTEM IN GROUNDWATER MANAGEMENT AREA 16**

Ki Cha, Ph.D., EIT  
Texas Water Development Board  
Groundwater Division  
Groundwater Modeling Department  
512-463-5604  
October 31, 2022



*Natalie Ballew, P.G. 15090, is the Director of the Groundwater Division and is responsible for oversight of work performed by Ki Cha under her supervision.*

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# **GAM RUN 21-021 MAG: MODELED AVAILABLE GROUNDWATER FOR THE GULF COAST AQUIFER SYSTEM IN GROUNDWATER MANAGEMENT AREA 16**

Ki Cha, Ph.D., EIT  
Texas Water Development Board  
Groundwater Division  
Groundwater Modeling Department  
512-463-5604  
October 31, 2022

## ***EXECUTIVE SUMMARY:***

The modeled available groundwater for Groundwater Management Area 16 for the Gulf Coast Aquifer System is summarized by decade by groundwater conservation district and county (Table 1) and for use in the regional water planning process by county, regional water planning area, and river basin (Table 2). The modeled available groundwater estimates range from approximately 229,000 acre-feet per year in 2020 to approximately 294,000 acre-feet per year in 2080 (Tables 1 and 2). The estimates are based on the desired future conditions for the Gulf Coast Aquifer System adopted by groundwater conservation districts in Groundwater Management Area 16 on November 23, 2021 and re-adopted with minor clerical corrections on June 28, 2022. The explanatory report and other materials submitted to the TWDB were determined to be administratively complete on August 26, 2022.

## ***REQUESTOR:***

Mr. Scott Bledsoe, III, coordinator for Groundwater Management Area 16.

## ***DESCRIPTION OF REQUEST:***

In a letter dated January 22, 2022, Dr. Steve C. Young, consultant for Groundwater Management Area 16, provided the TWDB with the desired future conditions of the Gulf Coast Aquifer System adopted by the groundwater conservation district representatives in Groundwater Management Area 16. The Carrizo-Wilcox and Yegua-Jackson aquifers were declared non-relevant for joint planning purposes by Groundwater Management Area 16.

On June 2, 2022, TWDB requested clarifications about the wording of the desired future conditions, as some were unachievable based on TWDB analysis of the submitted model files during administrative review. In response, the Groundwater Management Area 16 consultant and groundwater conservation district representatives submitted an amended explanatory report (Young, 2022) on July 4, 2022. Groundwater Management Area 16

adopted a revised version of the desired future conditions for the Gulf Coast Aquifer System. The final desired future conditions adopted by the groundwater conservation district representatives in Groundwater Management Area 16 as described in Resolution No. 2022-01, on June 28, 2022 (Young, 2022; Appendix C), are presented below:

*“Groundwater Management Area 16 adopts Desired Future Conditions for each county within the groundwater management area (county-specific DFC’s) and adopts a Desired Future Condition for the counties in the groundwater management area (gma-specific DFC’s). The Desired Future Condition for the counties in the groundwater management area shall not exceed an average drawdown of 78 feet for the Gulf Coast Aquifer System at December 2080. Desired Future Conditions for each county within the groundwater management area (county-specific DFC’s) shall not exceed the values specified in Scenario 2 at December 2080.*

*Table A-1: Desired Future Conditions for GMA 16 expressed as an Average Drawdown between January 2010 and December 2079.*

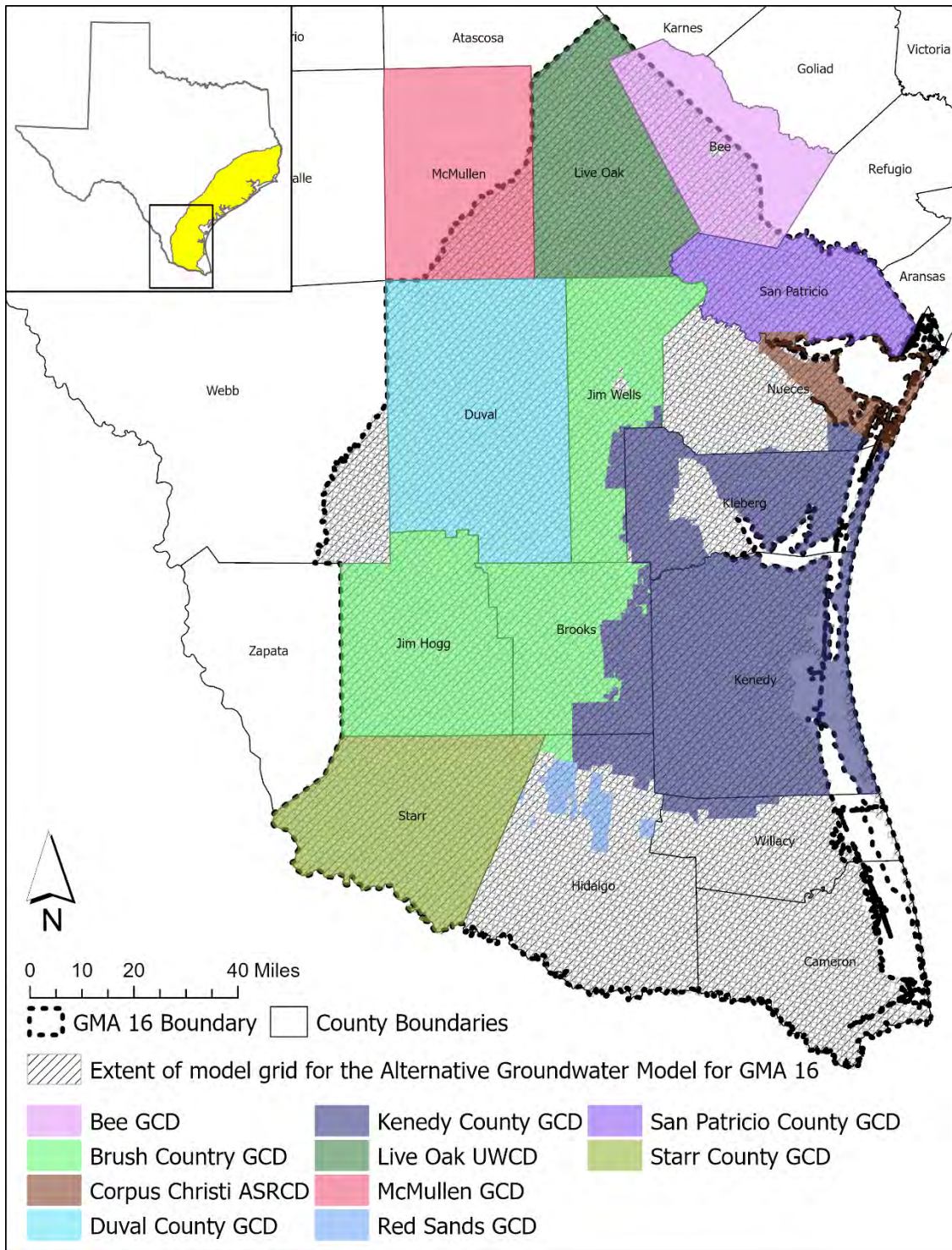
*Bee GCD: 93 feet of drawdown of the Gulf Coast Aquifer System;*  
*Live Oak UWCD: 45 feet of drawdown of the Gulf Coast Aquifer System;*  
*McMullen GCD: 12 feet of drawdown of the Gulf Coast Aquifer System;*  
*Red Sands GCD: 60 feet of drawdown of the Gulf Coast Aquifer System;*  
*Kenedy County GCD: 27 feet of drawdown of the Gulf Coast Aquifer System;*  
*Brush Country GCD: 89 feet of drawdown of the Gulf Coast Aquifer System;*  
*Duval County GCD: 137 feet of drawdown of the Gulf Coast Aquifer System;*  
*San Patricio County GCD: 69 feet of drawdown of the Gulf Coast Aquifer System;*  
*Starr County GCD: 94 feet of drawdown of the Gulf Coast Aquifer System;*  
*Cameron: 119 feet of drawdown of the Gulf Coast Aquifer System;*  
*Hidalgo: 138 feet of drawdown of the Gulf Coast Aquifer System;*  
*Kleberg: 21 feet of drawdown of the Gulf Coast Aquifer System;*  
*Nueces: 26 feet of drawdown of the Gulf Coast Aquifer System;*  
*Webb: 161 feet of drawdown of the Gulf Coast Aquifer System;*  
*Willacy: 44 feet of drawdown of the Gulf Coast Aquifer System.”*

## ***METHODS:***

The alternative groundwater availability model for Groundwater Management Area 16 (version 1.01; Hutchison and others, 2011) was run using the predictive model files ("Pumping Scenario #2") submitted with the desired future condition explanatory report (Young, 2022). Model-calculated water levels were extracted for January 2010 (stress period 11) and December 2079 (stress period 81), and drawdown was calculated as the difference between these water levels. Drawdown averages were calculated for the Gulf Coast Aquifer System by county, groundwater conservation district, and the entire groundwater management area. The calculated drawdown averages were compared with the desired future conditions to verify that the submitted pumping scenario can achieve the desired future conditions within the three-foot tolerance specified by Groundwater Management Area 16.

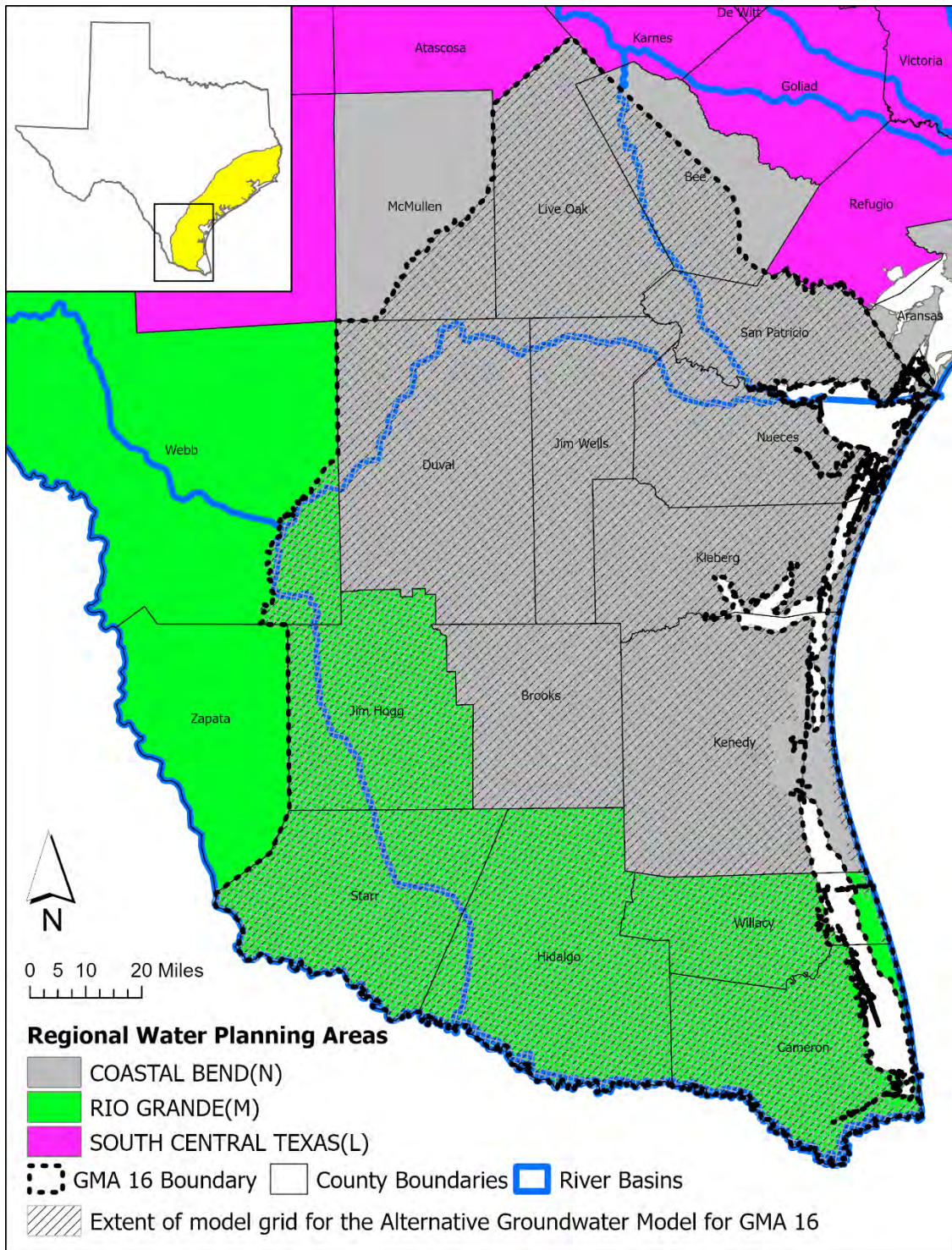
The modeled available groundwater values were determined by extracting pumping rates by decade from the model results using ZONEBUDGET Version 3.01 (Harbaugh, 2009). The modeled available groundwater can be presented by groundwater conservation district and county within Groundwater Management Area 16 (Figure 1) and by county, regional water planning area, and river basin within Groundwater Management Area 16 (Figure 2)





**FIGURE 1. MAP SHOWING GROUNDWATER CONSERVATION DISTRICTS (GCDs) AND COUNTIES IN GROUNDWATER MANAGEMENT AREA 16, OVERLAIN ON THE EXTENT OF THE ALTERNATIVE GROUNDWATER AVAILABILITY MODEL FOR GROUNDWATER MANAGEMENT AREA 16.**





**FIGURE 2. MAP SHOWING THE REGIONAL WATER PLANNING AREAS, COUNTIES, AND RIVER BASINS IN GROUNDWATER MANAGEMENT AREA 16, OVERLAIN ON THE EXTENT OF THE ALTERNATIVE GROUNDWATER AVAILABILITY MODEL FOR GROUNDWATER MANAGEMENT AREA 16.**

## **Modeled Available Groundwater and Permitting**

As defined in Chapter 36 of the Texas Water Code (2011), “modeled available groundwater” is the estimated average amount of water that may be produced annually to achieve a desired future condition. Groundwater conservation districts must consider modeled available groundwater when issuing permits in order to manage groundwater production to achieve the desired future condition(s). Districts must also consider annual precipitation and production patterns, the estimated amount of pumping exempt from permitting, existing permits, and a reasonable estimate of actual groundwater production under existing permits.

### ***PARAMETERS AND ASSUMPTIONS:***

The parameters and assumptions for the modeled available groundwater estimates are described below:

- Version 1.01 of the alternate groundwater availability model for Groundwater Management Area 16 was the base model for this analysis. See Hutchison and others (2011) for assumptions and limitations of the model. Groundwater Management Area 16 constructed a predictive model simulation to extend the base model to 2080 for planning purposes. See Young (2022) for the assumptions of this predictive model simulation.
- The model has six layers that represent the Chicot aquifer (Layer 1), the Evangeline aquifer (Layer 2), the Burkeville confining unit (Layer 3), the Jasper aquifer (Layer 4), the Yegua-Jackson Aquifer (Layer 5), and the Queen-City, Sparta and Carrizo-Wilcox Aquifer System (Layer 6). Layers 1 through 4 were lumped to calculate modeled available groundwater for the Gulf Coast Aquifer System.
- The model was run with MODFLOW-2000 (Harbaugh and others, 2000).
- To be consistent with Groundwater Management Area 16, the TWDB model grid file dated May 1, 2014 (alt1\_gma16) was used to determine model cell entity assignment (county, groundwater management area, groundwater conservation district, river basin, regional water planning area).
- Although the original groundwater availability model was only calibrated to the end of 1999, an analysis during the previous round of joint planning verified that the measured water levels did not change significantly for the period from 2000 to 2010 (Goswami, 2017). For this reason, TWDB considers it acceptable to use 2010 as the reference year for drawdown calculations.
- Drawdown averages and modeled available groundwater values are based on the official TWDB boundary for the groundwater conservation district, county, regional water planning area, river basin, and Regional Water Planning Areas within Groundwater Management Area 16 (Figures 1 and 2).

- Drawdown values for cells with water levels below the base elevation of the cell (“dry” cells) were included in the average drawdown calculations. The groundwater availability model for Groundwater Management Area 16 was constructed using the confined aquifer assumption (and LAYCON=0 option), meaning the transmissivity of “dry” cells remains constant and pumping from those cells continues. The desired future conditions adopted by Groundwater Management Area 16 are based on the average drawdowns that include “dry” cells. Therefore, pumping values from “dry” cells were also included in the calculation of modeled available groundwater. Please note that the confined aquifer assumption may also lead to physically unrealistic conditions, with pumping in a model cell continuing even when water levels have dropped below the base of the model cell.
- Drawdown was calculated as the difference in modeled water levels between the baseline date January 2010 (stress period 11) and the final date December 2079 (stress period 81). Average drawdowns were calculated as the sum of drawdowns for all model cells within a specified area divided by the number of cells in that specified area.
- Estimates of modeled available groundwater from the model simulation were rounded to whole numbers.

### ***RESULTS:***

The modeled available groundwater for the Gulf Coast Aquifer System that achieves the desired future conditions adopted by Groundwater Management Area 16 increases from approximately 229,000 acre-feet per year in 2020 to 294,000 acre-feet per year in 2080. The modeled available groundwater is summarized by groundwater conservation district and county (Table 1) and by county, regional water planning area, and river basin (Table 2) for use in the regional water planning process.

**TABLE 1. MODELED AVAILABLE GROUNDWATER FOR THE GULF COAST AQUIFER SYSTEM IN GROUNDWATER MANAGEMENT AREA 16 SUMMARIZED BY GROUNDWATER CONSERVATION DISTRICT (GCD) AND COUNTY FOR EACH DECADE BETWEEN 2020 AND 2080. VALUES ARE IN ACRE-FEET PER YEAR.**

<b>Groundwater Conservation District (GCD)</b>	<b>County</b>	<b>2020</b>	<b>2030</b>	<b>2040</b>	<b>2050</b>	<b>2060</b>	<b>2070</b>	<b>2080</b>
<b>Bee GCD</b>	<b>Bee</b>	10,338	11,849	12,593	12,944	13,146	13,146	13,146
Brush Country GCD	Brooks	3,660	3,660	3,660	3,660	3,660	4,205	4,205
Brush Country GCD	Hidalgo	131	131	131	131	131	150	150
Brush Country GCD	Jim Hogg	6,167	6,167	6,167	6,167	6,167	7,084	7,084
Brush Country GCD	Jim Wells	8,701	9,065	9,393	9,758	10,050	11,544	11,544
<b>Brush Country GCD Total</b>		<b>18,659</b>	<b>19,023</b>	<b>19,351</b>	<b>19,716</b>	<b>20,008</b>	<b>22,983</b>	<b>22,983</b>
<b>Duval County GCD</b>	<b>Duval</b>	<b>20,571</b>	<b>22,169</b>	<b>23,764</b>	<b>25,363</b>	<b>26,963</b>	<b>26,963</b>	<b>26,963</b>
Kenedy County GCD	Brooks	1,308	1,463	1,693	1,847	2,078	2,232	2,232
Kenedy County GCD	Hidalgo	412	460	534	582	654	703	703
Kenedy County GCD	Jim Wells	296	330	383	417	469	505	505
Kenedy County GCD	Kenedy	9,040	10,104	11,698	12,762	14,358	15,421	15,421
Kenedy County GCD	Kleberg	4,291	4,796	5,553	6,058	6,815	7,320	7,320
Kenedy County GCD	Nueces	171	191	221	241	271	291	291
Kenedy County GCD	Willacy	328	365	424	462	520	558	558
<b>Kenedy County GCD Total</b>		<b>15,846</b>	<b>17,709</b>	<b>20,506</b>	<b>22,369</b>	<b>25,165</b>	<b>27,030</b>	<b>27,030</b>
<b>Live Oak UWCD</b>	<b>Live Oak</b>	<b>10,169</b>	<b>11,394</b>	<b>10,444</b>	<b>10,294</b>	<b>10,294</b>	<b>10,294</b>	<b>10,294</b>
<b>McMullen GCD</b>	<b>McMullen</b>	<b>510</b>	<b>510</b>	<b>510</b>	<b>510</b>	<b>510</b>	<b>510</b>	<b>510</b>
<b>Red Sands GCD</b>	<b>Hidalgo</b>	<b>1,667</b>	<b>1,966</b>	<b>2,265</b>	<b>2,563</b>	<b>2,863</b>	<b>2,863</b>	<b>2,863</b>
<b>San Patricio County GCD</b>	<b>San Patricio</b>	<b>43,611</b>	<b>45,016</b>	<b>46,422</b>	<b>47,828</b>	<b>49,234</b>	<b>49,234</b>	<b>49,234</b>
<b>Starr County GCD</b>	<b>Starr</b>	<b>3,798</b>	<b>4,797</b>	<b>5,797</b>	<b>6,794</b>	<b>7,795</b>	<b>7,795</b>	<b>7,795</b>

**TABLE 1. CONTINUED**

<b>Groundwater Conservation District (GCD)</b>	<b>County</b>	<b>2020</b>	<b>2030</b>	<b>2040</b>	<b>2050</b>	<b>2060</b>	<b>2070</b>	<b>2080</b>
No District-Cameron	Cameron	6,688	7,999	9,311	10,620	11,932	11,932	11,932
No District-Hidalgo	Hidalgo	85,634	90,905	96,175	101,445	106,715	106,715	106,715
No District-Kleberg	Kleberg	4,051	4,243	4,436	4,629	4,822	4,822	4,822
No District-Nueces	Nueces	6,339	6,596	6,857	7,115	7,372	7,372	7,372
No District-Webb	Webb	620	789	959	1,129	1,299	1,299	1,299
No District-Willacy	Willacy	664	785	905	1,024	1,145	1,145	1,145
<b>No District-Total</b>		<b>103,996</b>	<b>111,317</b>	<b>118,643</b>	<b>125,962</b>	<b>133,285</b>	<b>133,285</b>	<b>133,285</b>
<b>GMA 16 Total</b>		<b>229,165</b>	<b>245,750</b>	<b>260,295</b>	<b>274,343</b>	<b>289,263</b>	<b>294,103</b>	<b>294,103</b>

**TABLE 2. MODELED AVAILABLE GROUNDWATER FOR THE GULF COAST AQUIFER SYSTEM IN GROUNDWATER MANAGEMENT AREA 16. RESULTS ARE IN ACRE-FEET PER YEAR AND ARE SUMMARIZED BY COUNTY, REGIONAL WATER PLANNING AREA (RWPA), AND RIVER BASIN FOR EACH DECADE BETWEEN 2030 AND 2080.**

County	RWPA	River Basin	2030	2040	2050	2060	2070	2080
Bee	N	Nueces	981	1,043	1,072	1,089	1,089	1,089
Bee	N	San Antonio-Nueces	10,868	11,550	11,872	12,057	12,057	12,057
Brooks	N	Nueces-Rio Grande	5,123	5,353	5,507	5,738	6,437	6,437
Cameron	M	Nueces-Rio Grande	7,536	8,771	10,005	11,241	11,241	11,241
Cameron	M	Rio Grande	463	540	615	691	691	691
Duval	N	Nueces	351	376	401	428	428	428
Duval	N	Nueces-Rio Grande	21,818	23,388	24,962	26,535	26,535	26,535
Hidalgo	M	Nueces-Rio Grande	91,421	96,658	101,867	107,103	107,171	107,171
Hidalgo	M	Rio Grande	2,041	2,447	2,854	3,260	3,260	3,260
Jim Hogg	M	Nueces-Rio Grande	5,230	5,230	5,230	5,230	6,008	6,008
Jim Hogg	M	Rio Grande	937	937	937	937	1,076	1,076
Jim Wells	N	Nueces	593	593	593	593	681	681
Jim Wells	N	Nueces-Rio Grande	8,802	9,183	9,582	9,926	11,368	11,368
Kenedy	N	Nueces-Rio Grande	10,104	11,698	12,762	14,358	15,421	15,421
Kleberg	N	Nueces-Rio Grande	9,039	9,989	10,687	11,637	12,142	12,142
Live Oak	N	Nueces	11,326	10,382	10,233	10,233	10,233	10,233
Live Oak	N	San Antonio-Nueces	68	62	61	61	61	61
McMullen	N	Nueces	510	510	510	510	510	510
Nueces	N	Nueces	756	787	816	845	845	845
Nueces	N	Nueces-Rio Grande	6,031	6,291	6,540	6,798	6,818	6,818
San Patricio	N	Nueces	4,502	4,874	5,247	5,619	5,619	5,619
San Patricio	N	San Antonio-Nueces	40,514	41,548	42,581	43,615	43,615	43,615

**TABLE 2. CONTINUED**

<b>County</b>	<b>RWPA</b>	<b>River Basin</b>	<b>2030</b>	<b>2040</b>	<b>2050</b>	<b>2060</b>	<b>2070</b>	<b>2080</b>
Starr	M	Nueces-Rio Grande	1,958	2,366	2,772	3,180	3,180	3,180
Starr	M	Rio Grande	2,839	3,431	4,022	4,615	4,615	4,615
Webb	M	Nueces	22	27	32	37	37	37
Webb	M	Nueces-Rio Grande	642	780	918	1,056	1,056	1,056
Webb	M	Rio Grande	125	152	179	206	206	206
Willacy	M	Nueces-Rio Grande	1,150	1,329	1,486	1,665	1,703	1,703
<b>GMA 16 Total</b>			<b>245,750</b>	<b>260,295</b>	<b>274,343</b>	<b>289,263</b>	<b>294,103</b>	<b>294,103</b>

\*GCAS: Gulf Coast Aquifer System



### ***LIMITATIONS:***

The groundwater model used in completing this analysis is the best available scientific tool that can be used to meet the stated objectives. To the extent that this analysis will be used for planning purposes and/or regulatory purposes related to pumping in the past and into the future, it is important to recognize the assumptions and limitations associated with the use of the results. In reviewing the use of models in environmental regulatory decision making, the National Research Council (2007) noted:

*“Models will always be constrained by computational limitations, assumptions, and knowledge gaps. They can best be viewed as tools to help inform decisions rather than as machines to generate truth or make decisions. Scientific advances will never make it possible to build a perfect model that accounts for every aspect of reality or to prove that a given model is correct in all respects for a particular regulatory application. These characteristics make evaluation of a regulatory model more complex than solely a comparison of measurement data with model results.”*

A key aspect of using the groundwater model to evaluate historic groundwater flow conditions includes the assumptions about the location in the aquifer where historic pumping was placed. Understanding the amount and location of historic pumping is as important as evaluating the volume of groundwater flow into and out of the district, between aquifers within the district (as applicable), interactions with surface water (as applicable), recharge to the aquifer system (as applicable), and other metrics that describe the impacts of that pumping. In addition, assumptions regarding precipitation, recharge, and streamflow are specific to a particular historic time period.

Because the application of the groundwater model was designed to address regional scale questions, the results are most effective on a regional scale. The TWDB makes no warranties or representations relating to the actual conditions of any aquifer at a particular location or at a particular time.

It is important for groundwater conservation districts to monitor groundwater pumping and groundwater levels in the aquifer. Because of the limitations of the groundwater model and the assumptions in this analysis, it is important that the groundwater conservation districts work with the TWDB to refine this analysis in the future given the reality of how the aquifer responds to the actual amount and location of pumping now and in the future. Historic precipitation patterns also need to be placed in context as future climatic conditions, such as dry and wet year precipitation patterns, may differ and affect groundwater flow conditions.

**REFERENCES:**

- Goswami, R.R., 2017, GAM Run 17-025 MAG: Modeled Available Groundwater for the Gulf Coast Aquifer System in Groundwater Management Area 16. Texas Water Development Board. Ay 2017
- Hutchison, W.R., Hill, M.E., Anaya, R., Hassan, M.M., Oliver, W., Jigmond, M., Wade, S., and Aschenbach, E. 2011. Groundwater Management Area 16 Groundwater Flow Model, Texas Water Development Board, 306 p.  
[https://www.twdb.texas.gov/groundwater/models/alt/gma16/GMA16\\_Model\\_Report\\_DRAFT.pdf?d=3579](https://www.twdb.texas.gov/groundwater/models/alt/gma16/GMA16_Model_Report_DRAFT.pdf?d=3579)
- Harbaugh, A. W., 2009, Zonebudget Version 3.01, A computer program for computing subregional water budgets for MODFLOW ground-water flow models, U.S. Geological Survey Groundwater Software.
- Harbaugh, A.W., Banta, E.R., Hill, M.C., and McDonald, M.G., 2000, MODFLOW-2000, The U.S. Geological Survey modular ground-water model- user guide to modularization concepts and the groundwater flow process: U.S. Geological Survey, Open-File Report 00-92.
- National Research Council, 2007, Models in Environmental Regulatory Decision Making Committee on Models in the Regulatory Decision Process, National Academies Press, Washington D.C., 287 p., [http://www.nap.edu/catalog.php?record\\_id=11972](http://www.nap.edu/catalog.php?record_id=11972).
- Texas Water Code, 2011, <http://www.statutes.legis.state.tx.us/docs/WA/pdf/WA.36.pdf>.
- Young, S., 2022. Desired Future Condition Explanatory Report for Groundwater Management Area 16. Prepared for Groundwater Management Area 16 Member Districts. July 2022.

# APPENDIX B

GAM RUN 16-011: Duval County Groundwater District Management Plan.

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# GAM RUN 16-011: DUVAL COUNTY GROUNDWATER CONSERVATION DISTRICT MANAGEMENT PLAN

Rohit R. Goswami, Ph.D., P.E.  
Texas Water Development Board  
Groundwater Division  
Groundwater Availability Modeling Section  
(512) 463-0495  
October 21, 2016



*R. Goswami*  
10/27/16

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# GAM RUN 16-011: DUVAL COUNTY GROUNDWATER CONSERVATION DISTRICT MANAGEMENT PLAN

Rohit R. Goswami, Ph.D., P.E.  
Texas Water Development Board  
Groundwater Division  
Groundwater Availability Modeling Section  
(512) 463-0495  
October 21, 2016

## *EXECUTIVE SUMMARY:*

Texas State Water Code, Section 36.1071, Subsection (h) (Texas Water Code, 2015), states that, in developing its groundwater management plan, a groundwater conservation district shall use groundwater availability modeling information provided by the Executive Administrator of the Texas Water Development Board (TWDB) in conjunction with any available site-specific information provided by the district for review and comment to the Executive Administrator.

The TWDB provides data and information to the Duval County Groundwater Conservation District in two parts. Part 1 is the Estimated Historical Water Use/State Water Plan dataset report, which will be provided to you separately by the TWDB Groundwater Technical Assistance Section. Please direct questions about the water data report to Mr. Stephen Allen at (512) 463-7317 or [stephen.allen@twdb.texas.gov](mailto:stephen.allen@twdb.texas.gov). Part 2 is the required groundwater availability modeling information and this information includes:

1. the annual amount of recharge from precipitation, if any, to the groundwater resources within the district;
2. for each aquifer within the district, the annual volume of water that discharges from the aquifer to springs and any surface-water bodies, including lakes, streams, and rivers; and
3. the annual volume of flow into and out of the district within each aquifer and between aquifers in the district.

The groundwater management plan for the Duval County Groundwater Conservation District should be adopted by the district on or before July 11, 2017, and submitted to the Executive Administrator of the TWDB on or before August 10, 2017. The current management plan for the Duval County Groundwater Conservation District expires on October 9, 2017.

The Gulf Coast Aquifer System and the Yegua-Jackson Aquifer occur in the Duval County Groundwater Conservation District. Information for the Gulf Coast Aquifer System was extracted from version 1.01 of the groundwater availability model for the central portion of the Gulf Coast Aquifer System (Chowdhury and others, 2004). Information for the Yegua-Jackson Aquifer was extracted from version 1.01 of the groundwater availability model for the Yegua-Jackson Aquifer (Deeds and others, 2010).

This report discusses the methods, assumptions, and results from model runs using the groundwater availability models for the central portion of the Gulf Coast Aquifer System and the Yegua-Jackson Aquifer. This report replaces the results of GAM Run 11-001 (Hasan, 2011). GAM Run 16-011 meets current standards set after the release of GAM Run 11-001. Tables 1 and 2 summarize the groundwater availability model data required by statute. Figures 1 and 2 show the areas of the models from which the values in Tables 1 and 2 were extracted. If after review of the figures, the Duval County Groundwater Conservation District determines that the district boundaries used in the assessment do not reflect current conditions, please notify the TWDB at your earliest convenience.

### *METHODS:*

In accordance with the provisions of the Texas State Water Code, Section 36.1071, Subsection (h), the groundwater availability model for the central portion of the Gulf Coast Aquifer System (Chowdhury and others, 2004) and the groundwater availability model for the Yegua-Jackson Aquifer (Deeds and other, 2010) were used to extract information for this report. The water budgets for the Duval County Groundwater Conservation District were extracted for the historical model periods (1981 through 1999 for the Gulf Coast Aquifer System and 1980 through 1997 for the Yegua-Jackson Aquifer) using ZONEBUDGET Version 3.01 (Harbaugh, 2009). The average annual water budget values for recharge, surface-water outflow, inflow to the district, and outflow from the district for the two aquifers within the district are summarized in this report.

## *PARAMETERS AND ASSUMPTIONS:*

### *Gulf Coast Aquifer System*

1. We used version 1.01 of the groundwater availability model for the central portion of the Gulf Coast Aquifer for this analysis. See Chowdhury and others (2004) and Waterstone and others (2003) for assumptions and limitations of the groundwater availability model.
2. The model for the central portion of the Gulf Coast Aquifer assumes partially penetrating wells in the Evangeline Aquifer due to a lack of data for aquifer properties in the deeper section of the aquifer located closer to the Gulf of Mexico. This means the areas where wells are drilled into the Evangeline Aquifer are represented using data from the shallow portions of the aquifer, such as the outcrop or just below the Chicot Aquifer closer to the Gulf of Mexico. Lower portions of the aquifer near the Gulf of Mexico are not accessible with existing wells so deeper wells will be needed to understand the aquifer properties over the entire thickness of the aquifer.
3. This groundwater availability model includes four layers, which generally represent the Chicot Aquifer (Layer 1), the Evangeline Aquifer (Layer 2), the Burkeville Confining Unit (Layer 3), and the Jasper Aquifer including parts of the Catahoula Formation (Layer 4).
4. The model was run with MODFLOW-96 (Harbaugh and McDonald, 1996).

### *Yegua-Jackson Aquifer*

1. We used version 1.01 of the groundwater availability model for the central portion of the Yegua-Jackson Aquifer for this analysis. See Deeds and others (2010) for assumptions and limitations of the groundwater availability model.
2. This groundwater availability model includes five layers, which generally correspond to: outcrop of Yegua-Jackson Aquifer and younger overlying units (Layer 1), upper portion of the Jackson Group (Layer 2), lower portion of the Jackson Group (Layer 3), upper portion of the Yegua Group (Layer 4), and lower portion of the Yegua Group (Layer 5).
3. The model was run with MODFLOW-2000 (Harbaugh and others, 2000).



## *RESULTS:*

A groundwater budget summarizes the amount of water entering and leaving the aquifer according to the groundwater availability model. Selected groundwater budget components listed below were extracted from the groundwater availability models for the Gulf Coast Aquifer System and the Yegua-Jackson Aquifer within the district and averaged over the historical calibration periods, as shown in Tables 1 and 2.

1. Precipitation recharge—the areally distributed recharge sourced from precipitation falling on the outcrop areas of the aquifers (where the aquifer is exposed at land surface) within the district.
2. Surface-water outflow—the total water discharging from the aquifer (outflow) to surface-water features such as streams, reservoirs, and springs.
3. Flow into and out of district—the lateral flow within the aquifer between the district and adjacent counties.
4. Flow between aquifers—the net vertical flow between the aquifer and adjacent aquifers or confining units. This flow is controlled by the relative water levels in each aquifer and aquifer properties of each aquifer or confining unit that define the amount of leakage that occurs.

The information needed for the district's management plan is summarized in Tables 1 and 2. It is important to note that sub-regional water budgets are not exact. This is due to the size of the model cells and the approach used to extract data from the model. To avoid double accounting, a model cell that straddles a political boundary, such as a district or county boundary, is assigned to one side of the boundary based on the location of the centroid of the model cell. For example, if a cell contains two counties, the cell is assigned to the county where the centroid of the cell is located.

**TABLE 1: SUMMARIZED INFORMATION FOR THE GULF COAST AQUIFER SYSTEM FOR THE DUVAL COUNTY GROUNDWATER CONSERVATION DISTRICT'S GROUNDWATER MANAGEMENT PLAN. ALL VALUES ARE REPORTED IN ACRE-FEET PER YEAR AND ROUNDED TO THE NEAREST ONE ACRE-FOOT.**

<i>Management Plan requirement</i>	<i>Aquifer or confining unit</i>	<i>Results</i>
Estimated annual amount of recharge from precipitation to the district	Gulf Coast Aquifer System	18,509
Estimated annual volume of water that discharges from the aquifer to springs and any surface-water body including lakes, streams, and rivers	Gulf Coast Aquifer System	11,537
Estimated annual volume of flow into the district within each aquifer in the district	Gulf Coast Aquifer System	3,830
Estimated annual volume of flow out of the district within each aquifer in the district	Gulf Coast Aquifer System	10,341
Estimated net annual volume of flow between each aquifer in the district <sup>1</sup>	Not applicable	Not applicable

---

<sup>1</sup> The groundwater availability model for the central portion of the Gulf Coast Aquifer System assumes a no flow barrier at the base of the aquifer.

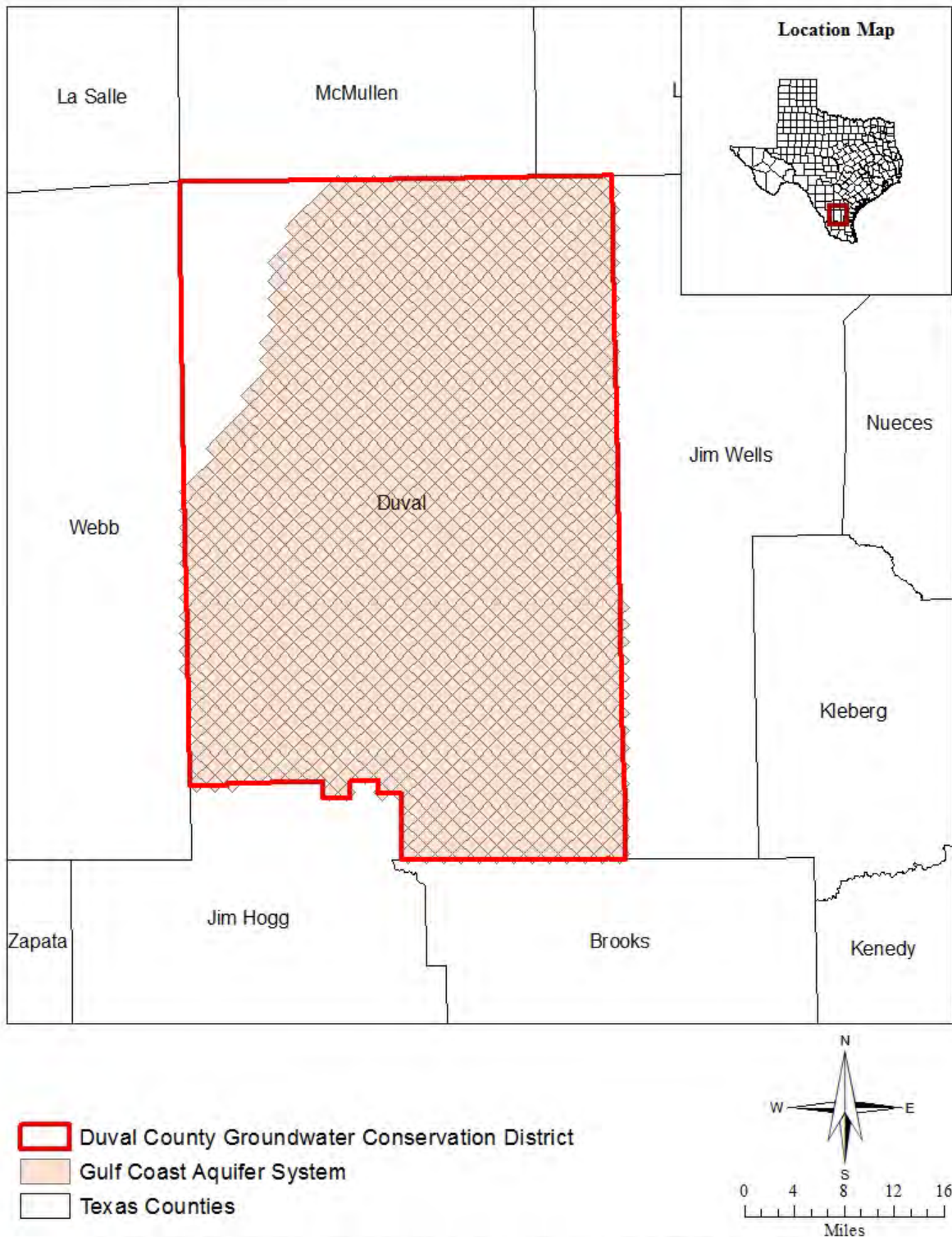


FIGURE1: AREA OF THE GROUNDWATER AVAILABILITY MODEL FOR THE GULF COAST AQUIFER SYSTEM FROM WHICH THE INFORMATION IN TABLE 1 WAS EXTRACTED FOR THE DUVAL COUNTY GROUNDWATER CONSERVATION DISTRICT.

**TABLE 2: SUMMARIZED INFORMATION FOR THE YEGUA-JACKSON AQUIFER FOR THE DUVAL COUNTY GROUNDWATER CONSERVATION DISTRICT'S GROUNDWATER MANAGEMENT PLAN. ALL VALUES ARE REPORTED IN ACRE-FEET PER YEAR AND ROUNDED TO THE NEAREST ONE ACRE-FOOT.**

<i>Management Plan requirement</i>	<i>Aquifer or confining unit</i>	<i>Results</i>
Estimated annual amount of recharge from precipitation to the district	Yegua-Jackson Aquifer	12
Estimated annual volume of water that discharges from the aquifer to springs and any surface-water body including lakes, streams, and rivers	Yegua-Jackson Aquifer	0
Estimated annual volume of flow into the district within each aquifer in the district	Yegua-Jackson Aquifer	296
Estimated annual volume of flow out of the district within each aquifer in the district	Yegua-Jackson Aquifer	131
Estimated net annual volume of flow between each aquifer in the district	Flow from the Yegua-Jackson subcrop to the Yegua-Jackson Aquifer (outcrop)	62
	Flow from Catahoula Formation to Yegua-Jackson Aquifer	103

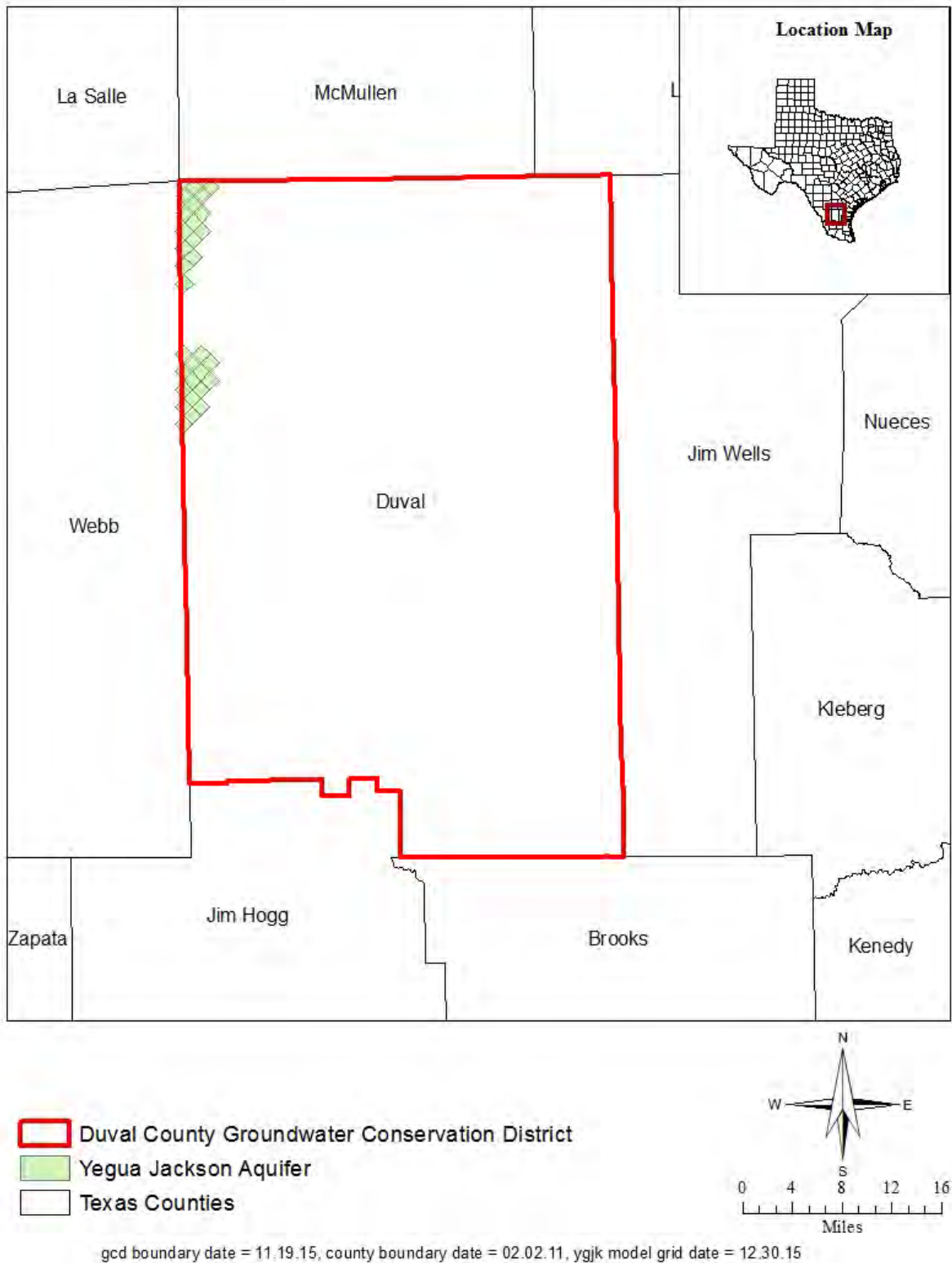


FIGURE2: AREA OF THE GROUNDWATER AVAILABILITY MODEL FOR THE YEGUA-JACKSON AQUIFER FROM WHICH THE INFORMATION IN TABLE 2 WAS EXTRACTED FOR THE DUVAL COUNTY GROUNDWATER CONSERVATION DISTRICT.

### ***LIMITATIONS:***

The groundwater model(s) used in completing this analysis is the best available scientific tool that can be used to meet the stated objective(s). To the extent that this analysis will be used for planning purposes and/or regulatory purposes related to pumping in the past and into the future, it is important to recognize the assumptions and limitations associated with the use of the results. In reviewing the use of models in environmental regulatory decision making, the National Research Council (2007) noted:

*“Models will always be constrained by computational limitations, assumptions, and knowledge gaps. They can best be viewed as tools to help inform decisions rather than as machines to generate truth or make decisions. Scientific advances will never make it possible to build a perfect model that accounts for every aspect of reality or to prove that a given model is correct in all respects for a particular regulatory application. These characteristics make evaluation of a regulatory model more complex than solely a comparison of measurement data with model results.”*

A key aspect of using the groundwater model to evaluate historic groundwater flow conditions includes the assumptions about the location in the aquifer where historic pumping was placed. Understanding the amount and location of historic pumping is as important as evaluating the volume of groundwater flow into and out of the district, between aquifers within the district (as applicable), interactions with surface water (as applicable), recharge to the aquifer system (as applicable), and other metrics that describe the impacts of that pumping. In addition, assumptions regarding precipitation, recharge, and interaction with streams are specific to particular historic time periods.

Because the application of the groundwater models was designed to address regional scale questions, the results are most effective on a regional scale. The TWDB makes no warranties or representations related to the actual conditions of any aquifer at a particular location or at a particular time.

It is important for groundwater conservation districts to monitor groundwater pumping and overall conditions of the aquifer. Because of the limitations of the groundwater model and the assumptions in this analysis, it is important that the groundwater conservation districts work with the TWDB to refine this analysis in the future given the reality of how the aquifer responds to the actual amount and location of pumping now and in the future. Historic precipitation patterns also need to be placed in context as future climatic conditions, such as dry and wet year precipitation patterns, may differ and affect groundwater flow conditions.

**REFERENCES:**

- Hassan, M. M., 2011, GAM Run 11-001: Texas Water Development Board, GAM Run 11-001 Report, 11 p.,  
<http://www.twdb.texas.gov/groundwater/docs/GAMruns/GR11-001.pdf>
- Chowdhury, Ali. H., Wade, S., Mace, R.E., and Ridgeway, C., 2004, Groundwater Availability Model of the Central Gulf Coast Aquifer System: Numerical Simulations through 1999- Model Report, 114 p.,  
[http://www.twdb.texas.gov/groundwater/models/gam/glfc\\_c/TWDB\\_Recalibration\\_Report.pdf](http://www.twdb.texas.gov/groundwater/models/gam/glfc_c/TWDB_Recalibration_Report.pdf).
- Deeds, N. E., Yan, T., Singh, A., Jones, T. L., Kelley, V. A., Knox, P. R., Young, S. C., 2010, Groundwater Availability Model for The Yegua-Jackson Aquifer, 582 p.,  
[http://www.twdb.texas.gov/groundwater/models/gam/ygjk/YGJK\\_Model\\_Report.pdf](http://www.twdb.texas.gov/groundwater/models/gam/ygjk/YGJK_Model_Report.pdf)
- Harbaugh, A. W., 2009, Zonebudget Version 3.01, A computer program for computing subregional water budgets for MODFLOW ground-water flow models, U.S. Geological Survey Groundwater Software.
- Harbaugh, A. W., and McDonald, M. G., 1996, User's documentation for MODFLOW-96, an update to the U.S. Geological Survey modular finite-difference groundwater-water flow model: U.S. Geological Survey Open-File Report 96-485, 56 p.
- Harbaugh, A. W., Banta, E. R., Hill, M. C., and McDonald, M. G., 2000, MODFLOW-2000, the U.S. Geological Survey modular ground-water model -- User guide to modularization concepts and the Ground-Water Flow Process: U.S. Geological Survey Open-File Report 00-92, 121 p.
- National Research Council, 2007, Models in Environmental Regulatory Decision Making Committee on Models in the Regulatory Decision Process, National Academies Press, Washington D.C., 287 p.,  
[http://www.nap.edu/catalog.php?record\\_id=11972](http://www.nap.edu/catalog.php?record_id=11972).
- Texas Water Code, 2015,  
<http://www.statutes.legis.state.tx.us/docs/WA/pdf/WA.36.pdf>
- Waterstone Environmental Hydrology and Engineering Inc. and Parsons, 2003, Groundwater availability of the Central Gulf Coast Aquifer: Numerical Simulations to 2050, Central Gulf Coast, Texas Contract report to the Texas Water Development Board, 157 p.

## APPENDIX C

Estimated Historical Water Use and 2022 State Water Plan Datasets: Duval  
County Groundwater District.



# Estimated Historical Water Use And 2022 State Water Plan Datasets:

## Duval County Groundwater Conservation District

Texas Water Development Board  
Groundwater Division  
Groundwater Technical Assistance Section  
stephen.allen@twdb.texas.gov  
(512) 463-7317  
June 27, 2022

### **GROUNDWATER MANAGEMENT PLAN DATA:**

This package of water data reports (part 1 of a 2-part package of information) is being provided to groundwater conservation districts to help them meet the requirements for approval of their five-year groundwater management plan. Each report in the package addresses a specific numbered requirement in the Texas Water Development Board's groundwater management plan checklist. The checklist can be viewed and downloaded from this web address:

<http://www.twdb.texas.gov/groundwater/docs/GCD/GMPChecklist0113.pdf>

The five reports included in this part are:

1. Estimated Historical Water Use (checklist item 2)  
*from the TWDB Historical Water Use Survey (WUS)*
2. Projected Surface Water Supplies (checklist item 6)
3. Projected Water Demands (checklist item 7)
4. Projected Water Supply Needs (checklist item 8)
5. Projected Water Management Strategies (checklist item 9)  
*from the 2022 Texas State Water Plan (SWP)*

Part 2 of the 2-part package is the groundwater availability model (GAM) report for the District (checklist items 3 through 5). The District should have received, or will receive, this report from the Groundwater Availability Modeling Section. Questions about the GAM can be directed to Dr. Shirley Wade, shirley.wade@twdb.texas.gov, (512) 936-0883.

### **DISCLAIMER:**

The data presented in this report represents the most up-to-date WUS and 2022 SWP data available as of 6/27/2022. Although it does not happen frequently, either of these datasets are subject to change pending the availability of more accurate WUS data or an amendment to the 2022 SWP. District personnel must review these datasets and

correct any discrepancies in order to ensure approval of their groundwater management plan.

The WUS dataset can be verified at this web address:

<http://www.twdb.texas.gov/waterplanning/waterusesurvey/estimates/>

The 2022 SWP dataset can be verified by contacting Sabrina Anderson (sabrina.anderson@twdb.texas.gov or 512-936-0886).

For additional questions regarding this data, please contact Stephen Allen (stephen.allen@twdb.texas.gov or 512-463-7317).

# Estimated Historical Water Use

## TWDB Historical Water Use Survey (WUS) Data

Groundwater and surface water historical use estimates are currently unavailable for calendar year 2020. TWDB staff anticipates the calculation and posting of these estimates at a later date.

### DUVAL COUNTY

All values are in acre-feet

Year	Source	Municipal	Manufacturing	Mining	Steam Electric	Irrigation	Livestock	Total
2019	GW	1,817	0	77	0	1,961	500	4,355
	SW	0	0	0	0	0	56	56
2018	GW	1,250	0	90	0	1,820	500	3,660
	SW	0	0	0	0	0	56	56
2017	GW	1,596	0	83	0	2,375	482	4,536
	SW	0	0	0	0	0	54	54
2016	GW	1,381	0	4	0	2,339	535	4,259
	SW	0	0	0	0	0	59	59
2015	GW	1,411	0	375	0	1,584	530	3,900
	SW	0	0	0	0	0	59	59
2014	GW	1,662	0	611	0	1,640	558	4,471
	SW	0	0	0	0	0	62	62
2013	GW	2,026	0	354	0	1,940	508	4,828
	SW	0	0	0	0	0	56	56
2012	GW	2,051	0	327	0	4,042	545	6,965
	SW	0	0	0	0	0	61	61
2011	GW	2,102	0	532	0	2,298	631	5,563
	SW	0	0	0	0	0	70	70
2010	GW	1,947	0	804	0	1,642	639	5,032
	SW	0	0	790	0	0	71	861
2009	GW	2,003	0	773	0	2,092	722	5,590
	SW	0	0	737	0	0	80	817
2008	GW	2,309	0	816	0	3,285	691	7,101
	SW	0	0	685	0	0	76	761
2007	GW	2,178	0	880	0	2,870	679	6,607
	SW	0	0	0	0	0	76	76
2006	GW	2,331	0	1,894	0	3,241	652	8,118
	SW	0	0	0	0	0	72	724
2005	GW	2,356	0	4,373	0	3,803	648	11,180
	SW	0	0	0	0	0	72	72

2004	GW	2,266	0	4,267	0	4,272	53	10,858
	SW	0	0	0	0	0	777	777

## Projected Surface Water Supplies TWDB 2022 State Water Plan Data

### DUVAL COUNTY

All values are in acre-feet

RWPG	WUG	WUG Basin	Source Name	2020	2030	2040	2050	2060	2070
N	Livestock, Duval	Nueces-Rio Grande	Nueces-Rio Grande Livestock Local Supply	2	2	2	2	2	2
<b>Sum of Projected Surface Water Supplies (acre-feet)</b>				<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>

## Projected Water Demands TWDB 2022 State Water Plan Data

Please note that the demand numbers presented here include the plumbing code savings found in the Regional and State Water Plans.

### DUVAL COUNTY

All values are in acre-feet

WUG	RWPG	WUG Basin	2020	2030	2040	2050	2060	2070
N	County-Other, Duval	Nueces	39	39	40	40	41	42
N	County-Other, Duval	Nueces-Rio Grande	438	445	450	457	467	474
N	Duval County CRD	Nueces-Rio Grande	260	266	271	277	285	291
N	Freer WCID	Nueces	687	712	733	755	776	794
N	Irrigation, Duval	Nueces	202	202	202	202	202	202
N	Irrigation, Duval	Nueces-Rio Grande	3,840	3,840	3,840	3,840	3,840	3,840
N	Livestock, Duval	Nueces	94	94	94	94	94	94
N	Livestock, Duval	Nueces-Rio Grande	546	546	546	546	546	546
N	Mining, Duval	Nueces	125	130	122	112	105	99
N	Mining, Duval	Nueces-Rio Grande	1,263	1,314	1,230	1,129	1,060	1,005
N	San Diego MUD 1	Nueces-Rio Grande	747	774	797	824	851	876
<b>Sum of Projected Water Demands (acre-feet)</b>			<b>8,241</b>	<b>8,362</b>	<b>8,325</b>	<b>8,276</b>	<b>8,267</b>	<b>8,263</b>

## Projected Water Supply Needs TWDB 2022 State Water Plan Data

Negative values (in red) reflect a projected water supply need, positive values a surplus.

## DUVAL COUNTY

All values are in acre-feet

RWPG	WUG	WUG Basin	2020	2030	2040	2050	2060	2070
N	County-Other, Duval	Nueces	-39	-39	-40	-40	-41	-42
N	County-Other, Duval	Nueces-Rio Grande	-438	-445	-450	-457	-467	-474
N	Duval County CRD	Nueces-Rio Grande	0	0	0	0	0	0
N	Freer WCID	Nueces	0	0	0	0	0	0
N	Irrigation, Duval	Nueces	0	0	0	0	0	0
N	Irrigation, Duval	Nueces-Rio Grande	0	0	0	0	0	0
N	Livestock, Duval	Nueces	0	0	0	0	0	0
N	Livestock, Duval	Nueces-Rio Grande	0	0	0	0	0	0
N	Mining, Duval	Nueces	-97	-102	-94	-84	-77	-71
N	Mining, Duval	Nueces-Rio Grande	-615	-666	-582	-481	-412	-357
N	San Diego MUD 1	Nueces-Rio Grande	-288	-315	-338	-365	-392	-417
<b>Sum of Projected Water Supply Needs (acre-feet)</b>			<b>-1,477</b>	<b>-1,567</b>	<b>-1,504</b>	<b>-1,427</b>	<b>-1,389</b>	<b>-1,361</b>

## Projected Water Management Strategies TWDB 2022 State Water Plan Data

## DUVAL COUNTY

WUG, Basin (RWPG)

All values are in acre-feet

Water Management Strategy	Source Name [Origin]	2020	2030	2040	2050	2060	2070
<b>County-Other, Duval, Nueces (N)</b>							
Gulf Coast Supplies - Duval County Other	Gulf Coast Aquifer System [Duval]	42	40	42	42	42	42
		<b>42</b>	<b>40</b>	<b>42</b>	<b>42</b>	<b>42</b>	<b>42</b>
<b>County-Other, Duval, Nueces-Rio Grande (N)</b>							
Gulf Coast Supplies - Duval County Other	Gulf Coast Aquifer System [Duval]	474	474	474	474	474	474
		<b>474</b>	<b>474</b>	<b>474</b>	<b>474</b>	<b>474</b>	<b>474</b>
<b>Freer WCID, Nueces (N)</b>							
Municipal Conservation - Freer WCID	DEMAND REDUCTION [Duval]	0	54	110	170	211	215
		<b>0</b>	<b>54</b>	<b>110</b>	<b>170</b>	<b>211</b>	<b>215</b>
<b>Mining, Duval, Nueces (N)</b>							
Gulf Coast Supplies - Duval Mining	Gulf Coast Aquifer System [Duval]	102	102	102	102	102	102
Mining Water Conservation	DEMAND REDUCTION [Duval]	3	6	9	11	13	15
		<b>105</b>	<b>108</b>	<b>111</b>	<b>113</b>	<b>115</b>	<b>117</b>
<b>Mining, Duval, Nueces-Rio Grande (N)</b>							
Gulf Coast Supplies - Duval Mining	Gulf Coast Aquifer System [Duval]	666	666	666	666	666	666

Estimated Historical Water Use and 2022 State Water Plan Dataset:

Duval County Groundwater Conservation District

June 27, 2022

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Mining Water Conservation	DEMAND REDUCTION [Duval]	32	66	92	113	133	151
		<b>698</b>	<b>732</b>	<b>758</b>	<b>779</b>	<b>799</b>	<b>817</b>
<b>San Diego MUD 1, Nueces-Rio Grande (N)</b>							
Gulf Coast Supplies - San Diego MUD 1	Gulf Coast Aquifer System [Duval]	417	417	417	417	417	417
Municipal Conservation - San Diego MUD 1	DEMAND REDUCTION [Duval]	0	55	88	83	84	87
		<b>417</b>	<b>472</b>	<b>505</b>	<b>500</b>	<b>501</b>	<b>504</b>
<b>Sum of Projected Water Management Strategies (acre- feet)</b>		<b>1,736</b>	<b>1,880</b>	<b>2,000</b>	<b>2,078</b>	<b>2,142</b>	<b>2,169</b>

## APPENDIX D

Rules of the Duval County Groundwater Conservation District.

**RULES OF THE DUVAL COUNTY  
GROUNDWATER CONSERVATION DISTRICT**

Effective February 28, 2018



Duval County Groundwater Conservation District Rules  
February 28, 2018

**RULE REVISION RECORD**

The history of each specific Rule is noted following that Rule.

Date Approved	Effective Date	Affected Rules
February 16, 2010	February 16, 2010	Original Rules
October 25, 2016	October 25, 2016	Repealed February 16, 2010 Rules
October 25, 2016	October 25, 2016	Adopted All Rules
February 28, 2018	February 28, 2018	Amendment Rules 2, 3.5, 3.6, 3.7, and 8.9

Duval County Groundwater Conservation District Rules  
February 28, 2018

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## **RULE 1: GENERAL PROVISIONS**

### **1.1 Authority to Promulgate Rules**

**A.** The Duval County Groundwater Conservation District is a political subdivision of the State of Texas. The District was created by the 79th Legislature 2005 by Senate Bill 1847, subject to voter approval. Senate Bill 1847 gives the District all of the rights, powers, privileges, authority, functions and duties provided under the general law of this state, including Texas Water Code Chapter 36, applicable to Groundwater Conservation Districts created under Section 59, Article XVI, of the Texas Constitution. The District's Enabling Legislation has been codified in Texas Special District Law Code, chapter 8808.

**B.** In a confirmation election held on July 25, 2009, District voters confirmed the creation of the District and elected five Directors to the Board of Directors. As a duly created and confirmed Groundwater Conservation District, the District may exercise any and all statutory authority or power conferred under its Enabling Legislation and under Chapter 36 of the Texas Water Code, including the adoption and Enforcement of Rules under Section 36.101 Rule Making Power. All references to statutory provisions in these Rules are to those provisions as may be amended from time to time.

**C.** The District is located within Groundwater Management Area 16. The District is located in the Coastal Bend Regional Water Planning Area (N).

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **1.2 District Boundaries**

The District includes all territory located within Duval County.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **1.3 Purpose of the Rules**

**A.** The District Rules are promulgated under its Enabling Legislation and the Texas Water Code Chapter 36 authority to make and enforce Rules to provide for the Conservation, preservation, protection, and Recharge of Groundwater and aquifers within the District, in order to control subsidence, prevent degradation of water quality, and to prevent Waste, while recognizing the ownership and rights of the owners of the land and their lessees and assigns in Groundwater. Consistent with Texas Water Code section 36.0015, the District through these Rules will manage Groundwater in a manner that protects property rights, balances the

Duval County Groundwater Conservation District Rules  
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Conservation and development of Groundwater to meet the needs of this state, and uses the Best Available Science in the Conservation and development of Groundwater.

**B.** The District recognizes that a Landowner owns the Groundwater below the surface of his land as real property and has any other right recognized under common law. This entitles the Landowner, his lessees, heirs, or assigns, to drill for and produce the Groundwater without causing Waste or malicious drainage of other property or negligently causing subsidence, but it does not give them the right to capture a specific Volume of Groundwater and does not affect any defenses to liability under the rule of capture.

**C.** While the District does not have the authority to deprive or divest a Landowner, his lessees, heirs, or assigns of the Groundwater ownership and rights described in Rule 1.3.B, the District does have the authority to adopt and enforce Rules:

- (1) to limit or prohibit the drilling of a Well if the location does not comply with minimum spacing or tract size requirements adopted by the District;
- (2) to regulate Groundwater production as authorized under Texas Water Code Chapter 36 or a special law governing the District; and
- (3) to allocate to each Landowner a proportionate share of available Groundwater for production from an aquifer based on the number of acres owned.

**D.** These Rules, and any orders, requirements, resolutions, policies, directives, standards, guidelines, Groundwater Management Plan, or other regulatory measures implemented by the Board, have been promulgated to fulfill these objectives. These Rules may not be construed to limit, restrict, or deprive the District or Board of any exercise of any power, duty, or jurisdiction conferred by the District's Enabling Legislation, Texas Water Code Chapter 36, or any other applicable law or statute.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

#### **1.4 Effective Date**

These Rules and any amendment are effective on the effective dates indicated following each subsection.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **1.5 Action on Rules**

- A.** The Board may from time to time, following notice and Public Hearing, amend or revoke these Rules or adopt new Rules following the procedures of Rule 8.2.
- B.** The Board may adopt an Emergency Rule without prior notice or hearing, or with an abbreviated notice and hearing, according to Rule 8.3.
- C.** In adopting, amending, or revoking a rule, the District must:
- (1) consider all Groundwater needs and uses;
  - (2) develop Rules that are fair and impartial;
  - (3) consider the Groundwater ownership rights described in Texas Water Code 36.002 and District Rule 1.3.B;
  - (4) consistent with the objectives of Section 59, Article XVI of the Texas Constitution, consider the public interest in Conservation, preservation, protection, recharging and prevention of Waste of Groundwater; and controlling subsidence;
  - (5) consider the goals of the District's Management Plan; and
  - (6) not discriminate between land that is irrigated for production and land that was irrigated for production and enrolled or participating in a federal Conservation program.
  - (7) protect property rights, balance the Conservation and development of groundwater to meet the needs of this state, and use the best available science in the Conservation and development of groundwater.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **1.6 Regulatory Compliance**

All Wells located within the District, Owners and Operators of those Wells, and others under the jurisdiction of the District, shall be in compliance with all applicable Rules, orders, regulations, requirements, resolutions, policies, directives, standards, guidelines, or any other regulatory measures implemented by the District.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **1.7 Variances**

- A.** Any exceptions or Variances to the requirements imposed by District Rules shall be considered on a case-by-case basis. A request for Variance shall be submitted in writing and include the reasons for the request.
- B.** This Rule 1.7 is not applicable to a request for a Variance from an Operating Permit requirement. A Variance from any requirements contained in an Operating Permit requires an Application for an Amendment pursuant to Rule 3.9.
- C.** A request for a Variance from the Spacing requirements of Rule 10 must comply with Rule 10.6.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **1.8 Administrative Fees**

Texas Water Code Section 36.205 authorizes the District to assess Fees for administrative acts of the District. Such Fees shall not unreasonably exceed the cost to the District of providing the administrative function for which the Fee is charged. Fees shall be assessed in accordance with the District Fee Schedule set by the Board. If the Board adopts a Fee Schedule, a copy will be available at the District Office and on the District website.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **1.9 Annexations**

- A.** Unless this restriction is waived by the Board, petitions for annexation of territory into the District shall only be considered by the Board each October.
- B.** A petition by an owner of land not already in the District and filed under Texas Water Code Sections 36.321 – 36.324 shall comply with those sections and must include the following information:
- (1) An executed and notarized annexation Application on a form obtained from the District;
  - (2) A description of the annexed property by metes and bounds;
  - (3) A plat or map identifying and designating the property to be considered for annexation;
  - (4) A copy of the Landowner's most recent property tax statement;



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- (5) Population and census data; and
- (6) Other information requested by the District.

C. A petition of a defined area of territory, whether or not contiguous, filed under Texas Water Code Sections 36.325 – 36.331 shall comply with those sections. The petitioner must have a pre-petition meeting with the General Manager during which the petition process will be detailed.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **RULE 2: DEFINITIONS**

**Abandoned Oil or Gas Well** - an artificial penetration into or through water-bearing strata for the purpose of exploring for or producing oil or gas, which the Railroad Commission deems as being abandoned.

**Abandoned Well** – a Well that is not in use. A Well is considered to be in use if:

- (1) the Well is not a Deteriorated Well and contains the casing, pump, and pump column in good condition;
- (2) the Well is not a Deteriorated Well and has been Capped;
- (3) the water from the Well has been put to an authorized Beneficial Use, as defined by the Texas Water Code and District Rule;
- (4) the Well is used in the normal course and scope and with the intensity and frequency of other similar users in the general community; or
- (5) the Well Owner is participating in the Conservation Reserve Program authorized by Sections 1231 - 1236, Food Security Act of 1985 (16 U.S.C. §§3831 - 3836), or a similar governmental program.

**Administratively Complete** – An Application that contains the information required by Texas Water Code Sections 36.113 and 36.1131 and District Rule 3. In the case of a Transport Permit, an Application that contains the information required by Texas Water Code Section 36.122 and District Rule 14.

**Agent** – one who is authorized to act for or in place of another; a representative. For purposes of these Rules, this includes a Person who reasonably appears

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to have authority to act for another, regardless of whether actual authority has been conferred.

**Aggrieved Party** - for purposes of District Rule 7.1 and Texas Water Code Section 36.119, a Landowner or other Person who has a right to produce Groundwater from land that is adjacent to the land on which the Well subject to a complaint is located, or who owns or otherwise has a right to produce Groundwater from land that lies within one-half mile of the subject Well.

**Agricultural Use or Purpose** – the use of Groundwater for:

- (1) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;
- (2) practicing floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media, by a nursery grower;
- (3) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;
- (4) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or Livestock rotation procedure;
- (5) engaging in wildlife management as defined in Texas Tax Code Section 23.51(7);
- (6) raising or keeping equine animals; and
- (7) operating a confined animal feeding operation under a permit issued by the Texas Commission on Environmental Quality.

**Alter a Well** - The process of changing the original design or intent of a Completed Well.

**Annual Water Production Report for Non-Exempt Wells** - a District form regarding production from a Non-Exempt Well required to be completed and submitted under Rule 5.2.

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**Annual Water Production Report for Registered Oil and Gas Water Supply Wells -**  
a District form required to be completed and submitted under Rule 5.4.

**Applicant** – the Person who submits the paperwork and information required by the District to request authorization for the specified action.

**Application** – the paperwork and information required by the District to be submitted on or with a District form obtained from the District or on its website to request authorization for the specified action.

**Application to Participate in the Well Plugging Reimbursement Program** – a District form described in District Rule 6.2.B (1), to be submitted to the District by a Person desiring to participate in the District’s Well Plugging Reimbursement Program under District Rule 6.2.

**Aquifer Exemption** – approval by the U.S. Environmental Protection Agency required in conjunction with approving a Class III Underground Injection Control (UIC) permit under the Safe Drinking Water Act and Texas Water Code Chapter 27, finding under 40 Code of Federal Regulations Section 144.7(b) and 30 Texas Administrative Code Section 331.13 that an underground aquifer is not suitable for or used for drinking water purposes.

**Area Permit** – a Class III Underground Injection Control Well Permit issued pursuant to Texas Water Code Section 27.011 and 30 Texas Administrative Code Chapter 331 for In Situ Mining of Uranium that authorizes the construction and operation of production and Monitoring Wells used in operations and restoration associated with In Situ Mining of Uranium. It may authorize two or more similar Class III Injection Wells within a specified area for In Situ Mining of Uranium.

**Area Permit Application** - an Application submitted to the Texas Commission on Environmental Quality to obtain an Area Permit for In Situ Mining of Uranium under Texas Water Code Chapter 27 and 30 Texas Administrative Code Chapter 331.

**Area Permit Registered Well** – a Well that is used during the development of an Area Permit Application to obtain required pre-mining geologic, hydrologic, and water quality information. The Well must be Registered with the Texas Commission on Environmental Quality under Texas Water Code Section 27.023(b) and 30 Texas Administrative Code 331.221.

**Area Permit Registered Well Production Report** - a report required under Texas Water Code 27.024(a) (4), 30 Texas Administrative Code 331.223, and District Rule 9.2.B.

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**Artesian Pressure** – where water is confined in an aquifer under pressure so that the water will rise in the Well casing or drilled hole above the bottom of the confining bed overlying the aquifer.

**Artesian Well** – a Well in which the water will rise in the Well casing or drilled hole above the bottom of the confining bed overlying the aquifer due to pressure in a confined aquifer.

**Assignment of Reimbursement** – a District form to be submitted to the District by a Well Owner participating in the District's Well Plugging Reimbursement Program under Rule 6.2, which authorizes the District to pay any approved reimbursement monies to the Well Plugging Contractor identified in the form.

**Beneficial Use or Purpose** - the use of Groundwater for:

- (1) Agricultural, gardening, Domestic, Livestock, municipal, mining, manufacturing, Industrial, Commercial, recreational, or pleasure purposes;
- (2) exploring for, producing, handling, or treating oil, gas, sulphur, or other minerals; or
- (3) any other Purpose that is useful and Beneficial to the user.

**Board** – the Board of Directors of the Duval County Groundwater Conservation District.

**Capability or Capacity** – when referring to production or withdrawal of Groundwater from a Well or to a Well pump, the Volume over time or the Rate of production or withdrawal.

**Capping a Well** – placing on a Well covering that is capable of preventing surface Pollutants from entering the Well and sustaining a weight of at least 400 pounds per square inch and constructed in such a way that the covering cannot be easily removed by hand.

**Cased Exploration Well Completion Report** - Railroad Commission Form SMRD-38U.

**Cased Uranium Exploration Well** – a cased Well subject to a Uranium Exploration Permit.

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**Cased Well Production Report** - a monthly report required under District Rule 9.1.B that includes the total Volume of water produced by each Cased Uranium Exploration Well used for Monitoring or for Rig Supply and that is located in the area subject to the Uranium Exploration Permit.

**Class III Injection Well** - Underground Injection Wells authorized under the UIC program to be used for the extraction of minerals, including solution mining of uranium.

**Class A Production Well** - Non-Exempt Well or Wells operated under a single Operating Permit capable of producing not more than 35 gallons per minute.

**Class B Production Well** - Non-Exempt Well or Wells operated under a single Operating Permit capable of producing between 35 and not more than 60 gallons per minute.

**Class C Production Well** - Non-Exempt Well or Wells operated under a single Operating Permit capable of producing more than 60 gallons per minute.

**Commercial Use or Purpose** - the use of Groundwater to supply water to properties or establishments that are in business to build, supply or sell products, or provide goods, services or repairs and that use water in those processes, or to supply water to the business establishment primarily for employee and customer conveniences (i.e. flushing of toilets, sanitary purposes, or limited landscape watering). Does not include Agricultural, Livestock, Industrial, Oil and Gas, temporary Rig Supply, Oil or Gas secondary recovery supply, or Irrigation Uses.

**Complaint Under Texas Water Code Section 36.119** - a written complaint filed pursuant to Rule 7.1 by an Aggrieved Party citing to Texas Water Code Section 36.119 alleging drilling or operating a Well without the required District authorization or producing Groundwater in violation of a District Rule adopted under Texas Water Code Section 36.116(a) (2).

**Completion of a Well** - when construction of a Water Well is finished, excluding setting the pump. Includes drilling, setting casing, cementing, and constructing the surface pad.

**Conservation** - see definition of **Water Conservation**.

**Contested Case Hearing** - an Operating Permit or Transport Permit hearing requested as authorized by Rule 8.6.A, which is noticed and conducted according to the procedures of Rule 8.6 and as applicable, Rule 8.7.

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**Contested Case Hearing Fee Deposit** - Under Texas Water Code 36.416(c) and District Rule 8.7.C, the amount required to be provided to the District by a Person who submits a SOAH Hearing Request.

**Contested Case Hearing Request** - A written request under Rule 8.6.A asking that the District convene a Contested Case Hearing, made within 20 days of issuance of an order or resolution under Rule 8.5.H ruling on an Operating or Transport Permit or Amendment Application.

**Desired Future Condition** - a quantitative description, adopted in accordance with Texas Water Code Section 36.108, of the desired condition of the Groundwater resources in a Groundwater Management Area at one or more specified future times.

**Deteriorated Well** - a Well that, because of its condition, will cause or is likely to cause Pollution of any water in the State, including Groundwater.

**Dewatering Well** - an artificial excavation that is constructed to produce Groundwater to lower the water table or potentiometric surface and that is not used to produce or to facilitate the production of minerals under a state regulatory program.

**DFC** - see definition of Desired Future Condition.

**DFC Explanatory Report** - the report prepared by the GCDs in GMA-16 after final adoption of the DFC, as required by Texas Water Code Section 36.108(d-4).

**DFC Hearing Summary Report** - the report required by Texas Water Code Section 36.108(d-2) that includes a summary of relevant comments received on GMA-16's proposed DFC, any suggested revisions to the proposed DFC, and the basis for the revisions.

**Director** - an elected or appointed member of the Board of Directors of the District.

**District** - the Duval County Groundwater Conservation District or one of its authorized representatives.

**District Office** - the main office of the District at such location as may be established by the Board.

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**District Operating Permit Number** – a unique number assigned by the District to an Operating Permit for identification purposes.

**District Representative** – a District Director, employee, or outside consultant acting as an Agent for the District.

**District Well Number** – a unique number assigned by the District to a Registered Well for identification purposes.

**Domestic Use or Purpose** - the use of Groundwater by an individual or household to support domestic activity. Such use may include water for drinking, washing, or culinary purposes; for Irrigation of lawns, or of a family garden and orchard; for watering domestic animals; and for water recreation including aquatic and wildlife enjoyment. This includes non-commercial temporary lodging for purposes of recreational enjoyment. Domestic Use does not include water used to support activities for which a Person is being paid or for which the product of the activity is sold.

**Driller's Log** - see definition of State of Texas Well Report.

**Drought Contingency Plan** - a written plan reflecting a Well Owner's temporary supply management and demand management response to temporary and potentially recurring water supply shortages and other water supply emergencies.

**Electric Log** - a record of certain electrical characteristics (such as resistivity and conductivity) of formations traversed by the borehole. It is made to identify the formations, determine the nature and Volume of fluids they contain, and estimate their depth. It is a type of Geophysical Log.

**Emergency Rule** – a rule adopted under Rule 8.3.

**Emergency Temporary Order** – an order issued under Rule 12.5 when the District finds that an imminent peril to public health, safety, or welfare requires the immediate entry of an order to prohibit Waste or Pollution.

**Enabling Legislation** – special law enactment that created the District, as summarized in Rule 1.1.A, and as may be amended from time to time. Sometimes referred to as the District's organic law.

**Enforcement Action** – an action taken by the District to enforce District Rules, orders, or Permits, or any other law within its enforcement authority.

**Enforcement Hearing** – see definition under Show Cause Hearing.

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**Environmental Soil Borings** - an artificial excavation constructed to measure or Monitor the quality and quantity or movement of substances, elements, chemicals or fluids beneath the surface of the ground. The term does not include any Well that is used in conjunction with the production of oil, gas, or any other minerals.

**Exempt Oil and Gas Water Supply Well** - a Water Well associated with Oil and Gas Activities that is Incapable of producing more than 25,000 gallons per day, including an Injection Water Supply Well drilled for hydrocarbon activities associated with an Oil or Gas Well that does not penetrate the base of usable quality water.

**Exempt Well** - a well that is not required to obtain an Operating Permit, as described in Rule 3.1.A.

**Existing Well** - a Well that has already been drilled and Completed.

**Exploration Groundwater Quality Information** -information and data about the quality characteristics of Groundwater collected or obtained by a Uranium Exploration Permittee pursuant to Texas Natural Resources Code Section 131.357 and 16 Texas Administrative Code Section 11.141 and Rule 9.1.C.

**Export of Groundwater** - see definition of Transport of Groundwater.

**Fee** - a monetary charge imposed by the District pursuant to Texas Water Code Chapter 36.

**GCD** - see definition of Groundwater Conservation District.

**Geophysical Log** - physical measurements of various geophysical properties of subsurface rock formations. The Log is made by instruments lowered into the borehole and can be open borehole or closed borehole. An Electric Log is one category of Geophysical log.

**GMA** - see definition of Groundwater Management Area.

**GMA-16 Joint Planning Committee** - the group comprised of all GCDs in GMA-16 organized for the purposes required under Texas Water Code Section 36.108, including adoption of a DFC.

**GMA Joint Planning** - see definition of Joint Planning.



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**Groundwater Conservation District** - a governmental entity formed by special legislation or through a petition to the Texas Commission on Environmental Quality having the power and duties to manage Groundwater resources within its boundaries.

**Groundwater Management Area or GMA** - an area designated and delineated by the Texas Water Development Board as an area suitable for management of groundwater resources under Texas Water Code Chapter 35.

**Groundwater Management Plan** – see definition of Management Plan.

**Groundwater or Underground Water** – water percolating beneath the earth's surface, except the underflow of rivers, streams and lakes, which is considered State water under Texas Water Code Section 11.021(a).

**Hearings Examiner** – a Person, other than a District Director, appointed by the Board to conduct a hearing on a Permit, Rule, or Enforcement Action.

**In Situ Mining of Uranium** - the use of a Class III Injection Well for recovery of uranium.

**Inactive Well** - a Well that must be Capped or Plugged under District Rule 6.

**Industrial Use or Purpose** - Groundwater used in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, including commercial fish and shellfish production, aquaculture, and the development of power by means other than hydroelectric, but does not include Agricultural Use. Water used in the Oil and Gas industry, other than for Temporary Rig Supply or Secondary Recovery Supply as defined in this District Rule 2, is considered Industrial Use or Purpose.

**Injection Water Supply Well:** a Well that is used to supply water to Oil and Gas Activities utilizing injection of water into a formation for hydrocarbon production.

**Injurious Water** – water that is harmful to vegetation, land, or other water.

**Investigation Report** – a report prepared under Rule 7.1 summarizing the District's investigation of a complaint or possible violation of law and making a recommendation to the Board regarding any further action.

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**Involuntary Amendment** - the Amendment of an Operating Permit initiated by the District under Rule 3.12 or Rule 14.9.C.

**Irrigation Use or Purpose** - the use of Groundwater for watering crops, trees, and pasture land and golf courses and parks that do not receive water through a municipal distribution system. Watering crops or pasture for Livestock Use is considered an Irrigation Use, except to the extent it falls within the definition of Domestic Use.

**Joint Planning or GMA Joint Planning**- the process required under Texas Water Code Section 36.108 during which Groundwater Conservation Districts wholly or partially within GMA-16 conduct Groundwater resource planning, including adopting a DFC.

**Landowner** – a Person owning in fee simple, property on which a Well is or is proposed to be located.

**Lithological Well Log** – a graphic representation of geological formations being drilled through and drawn on a Log called a mud log. As cuttings are circulated out of the borehole, they are sampled and examined to create the mud Log or Lithological Log.

**Livestock Use or Purpose** – the use of water for the watering of Livestock, poultry, or wildlife, including exotic Livestock, game animals, fur-bearing animals, birds, or waterfowl and for maintaining aquatic life. Aquaculture is not Livestock Use, but is Industrial Use. Livestock Use includes watering Livestock that are kept for pleasure, recreational use, or Commercial Use, but does not include the use of water at confined animal feeding operations permitted by the Texas Commission on Environmental Quality. Such use is considered Industrial or Commercial Use.

**MAG** – see definition of Modeled Available Groundwater.

**Major Amendment** – a change made to an Operating Permit or a Transport Permit as described in Rules 3.9.D and Rule 14.9.C(3).

**Management Plan** – a management plan developed by the District pursuant to Texas Water Code Section 36.1071. Formerly referred to as Groundwater Management Plan.

**Minor Amendment** – a change made to an Operating Permit or a Transport Permit as described in Rules 3.9.C or Rule 14.9.C(4).

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**Modeled Available Groundwater** - the Volume of water that the Texas Water Development Board executive administrator determines may be produced on an average annual basis to achieve a Desired Future Condition established under Texas Water Code Section 36.108.

**Monitoring Use or Purpose** - to measure the level, quality, quantity, or movement of subsurface water.

**Monitoring Well** - a Well used to measure or Monitor the level, quality, quantity, or movement of subsurface water.

**New Well** - a Well that is proposed to be drilled. Same as a Proposed Well.

**NOD** - see definition of Notice of Deficiency.

**Non-Exempt Well** - a Well defined under Rule 3.1.B.

**Notice of Deficiency** - a written communication by the District notifying an Applicant of deficiencies in his Application.

**Notice of Violation** - written correspondence under Rule 7.2 notifying a Person that they are in violation of law, including violation of a District Rule, Order, or Permit, or other law within the District's enforcement authority.

**NOV** - see definition of Notice of Violation.

**Oil and Gas Activities, Uses, or Purposes:** enhanced recovery of petroleum resources; drilling and completion of an Oil or Gas well; and workover of an Oil or Gas well. Enhanced recovery includes secondary recovery and hydraulic fracturing, among other methods.

**Open Meetings Act** - Texas Government Code Chapter 551, as amended.

**Open or Uncovered Well** - a non-Deteriorated Well that is open at the surface. This includes a Well that is left unattended without a pump installed or with the pump removed.

**Operating Permit** - an authorization issued by the District under Rule 3, which allows a Non-Exempt Well to be drilled and operated, producing Groundwater.

**Operating Permit Application Fee** - the non-refundable Fee required to be submitted with an Operating Permit Application and an Operating Permit Major Amendment Application.

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**P-13** - Railroad Commission form, "Application of Landowner to Condition an Abandoned Well for Fresh Water Production," used to comply with Railroad Commission Rule 3.14.

**Party in a Contested Case Hearing** – the Applicant and any other Person designated as having legal standing in a Contested Case Hearing.

**Permit Holder** - a Person authorized to undertake the activities reflected in a Permit issued by the District or other regulatory body.

**Permittee** – see definition of Permit Holder.

**Person** – a corporation, individual, organization, cooperative, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

**Piezometer Well** – a Well of a temporary nature constructed to monitor-Well standards used to measure water levels or used to install a piezometer to determine the appropriate location and Depth of permanent Monitor Well.

**Plugged Well or Plugged and Abandoned Well** – an Inactive Well that has been permanently closed in accordance with approved State and District standards.

**Plugging a Well** – an absolute Sealing of the Well bore, resulting in the permanent closure of a Well in accordance with approved State and District standards.

**Pollution** – the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or Injurious to humans, animals, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any reasonable purpose.

**Preliminary Hearing** - the hearing held under Rules 8.6.B through 8.6.G to consider issues relevant to a Contested Case Hearing Request. It is considered to be the beginning of a Contested Case Hearing unless it results in a finding that no Person requesting a Contested Case Hearing has standing or that no justiciable issue related to the Application has been raised.

**Presiding Officer** – either the President of the Board, a Director, a Hearings Examiner, or an administrative law judge with the State Office of Administrative Hearings designated to conduct a Contested Case Hearing or a Show Cause Hearing.

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**Production Capability or Capacity** – the Volume of water a Well can produce as determined by either the rated pumping Capability of the installed pump or as reasonably determined by the District. Used interchangeably with pumping Capacity and Well Capacity.

**Production Limit** – the maximum allowed Volume of withdrawal of Groundwater authorized by a District Operating Permit and set according to the standards of District Rule 11. A Production Limit may also include a Production Rate.

**Production - Limit - Acreage** – the amount of land required to support a Production Limit as provided in Rule 11.2.C.

**Production Rate** – a type of Production Limit whereby the Rate of Groundwater withdrawal is regulated.

**Proposed Well** – Same as a New Well.

**Public Hearing** - a District Board Meeting that, at a minimum, has been noticed under the Open Meetings Act, at which the District Board considers a matter and provides an opportunity for the public to comment on that matter.

**Public Water Supply Well** – a Well used as the source of water for a public water system as defined in 30 Texas Administrative Code Section 290.38(69).

**Recharge** – the Volume of water that infiltrates to the water table of an aquifer.

**Recovery Well** – a Well constructed for the purpose of recovering undesirable Groundwater for treatment or removal of contamination.

**Region N Water Plan** – Region N is the Regional Water Planning Area in which the District is located.

**Regional Water Plan** - under Texas Water Code Section 16.053, which is generated every five years.

**Regional Water Planning Areas** – areas established by the Texas Water Development Board under Texas Water Code Section 16.053.

**Regional Water Planning Groups** in these areas generate **Regional Water Plans** every five years as required by Texas Water Code Section 16.053, which must be approved by the Texas Water Development Board.

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**Registered Oil and Gas Water Supply Well:** a Water Well associated with Oil and Gas Activities having a Production Capacity of 25,000 gallons per day or more.

**Registration Certificate** – a document issued by the District identifying a Well as being Registered with the District and assigning the Well a District Well Number.

**Registration of a Well or Well Registration** - the process required for all Wells in the District under Rule 3.2 whereby the District maintains an inventory of Wells and determines if a Well requires an Operating Permit.

**Replacement Well** – a well designed to replace a Registered or Permitted Well that fulfills the requirements of Rule 3.13.

**Request for Reimbursement** - a District form described in District Rule 6.2.B (3), to be submitted to the District by a Person who has been approved to participate in the District Well Plugging Reimbursement Program and who is seeking reimbursement under District Rule 6.2.

**Respondent** – an individual who receives a Notice of Violation or other correspondence from the District regarding the individual's non-compliance with District Rules or other law within the District's enforcement authority.

**Rig Supply Use or Purpose** - supplying water to a rig actively engaged in drilling or exploration operations for minerals or oil or gas.

**Rig Supply Well** - a Water Well used as a water supply for a Rig Supply Use or Purpose.

**Rules** – standards and regulations promulgated by the District.

**Sealing a Well** – placing an official seal, tag, or label on a Well or its equipment, to indicate that further pumping of Groundwater, or operation of the Well is unauthorized and will be in violation of District Rules.

**Show Cause Hearing or Enforcement Hearing** – a hearing held under Rule 8.8.

**SOAH Contested Case Hearing** - a Contested Case Hearing administered by the State Office of Administrative Hearings because of a request made under Texas Water Code Section 36.416(b).

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**State of Texas Well Report** – the report that every Water Well driller who drills, Completes, deepens, or Alters a Well is required to complete under the Texas Department of Licensing and Regulation Rules, as defined in 16 Texas Administrative Code Sections 76.70. Also commonly referred to as the Driller’s Log or Well Log.

**State Office of Administrative Hearings (SOAH)** - the executive branch State agency with jurisdiction to hold Contested Case Hearings for administrative agencies and for Groundwater Conservation Districts as provided in Texas Water Code Chapter 36 and District Rules 8.7 and 8.9.

**Test Well** – A Well drilled to explore for Groundwater.

**Transfer of Groundwater** – see definition of Transport of Groundwater.

**Transport of Groundwater** - Transferring or moving Groundwater produced inside the District to be used outside the District regardless of the manner the water is Transported or moved, including but not limited to discharges into watercourses. Same as Transfer or Export of Groundwater.

**Transport Facilities** - pipeline, vehicle, channel, ditch, watercourse or other natural or artificial facilities, or any combination used to move Groundwater from a Well located within the District for use outside the District.

**Transport Fee** – the money assessed under District Rule 14.6 based on the Volume of Groundwater being Transported.

**Transport Permit** – an authorization under Rule 14 for a specified maximum Volume of Groundwater to be Transferred at a specified maximum Rate of Production from an authorized Non-Exempt Well or Well system to a place of use outside the District boundaries.

**Transport Permit Application Fee** – the non-refundable Fee required to be submitted with a Transport Permit Application and a Transport Permit Major Amendment Application.

**Transport Project** – all aspects of the planned movement of Groundwater produced within the District to be used outside the District, including physical, engineering, and financial.

**Uncontested Matter or Uncontested Permit Application** - an Application under District Rule 8.4 that (1) is decided by the District's General Manager or (2) is referred to the Board of Directors for consideration under Rule 8.5 and for

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which no Request for Contested Case Hearing is submitted under Rule 8.6.A.

**Underground Water** – see definition of Groundwater.

**Uranium Exploration Activities** – the disturbance of the surface or subsurface for the purpose of or related to determining the location, quantity, or quality of a uranium deposit.

**Uranium Exploration Permit** – a Permit issued by the Railroad Commission of Texas pursuant to Texas Natural Resources Code Chapter 131, Subchapter I, as amended, and 16 Texas Administrative Code, Chapter 11, Subchapter C, as amended, authorizing the exploration for uranium.

**Uranium Exploration Permit Year** - the initial year during which a Uranium Exploration Permit is in effect and every additional year it remains in effect under a renewal.

**Variance** – an authorized exception to requirements or provisions of the Rules granted by the District in accordance with Rule 1.7.

**Waste** –

- (1) The withdrawal of Groundwater from a Groundwater reservoir at a Rate and in a Volume that causes or threatens to cause intrusion into the reservoir of water unsuitable for Agricultural, gardening, Domestic, or Livestock raising purposes.
- (2) The flowing or producing of Wells from a Groundwater reservoir if the water produced is not used for a Beneficial Purpose.
- (3) The escape of Groundwater from one Groundwater reservoir to any other reservoir or geologic strata that does not contain Groundwater.
- (4) The Pollution or harmful alteration of Groundwater in a Groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground.
- (5) Willfully or negligently causing, suffering, or allowing Groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the Landowner or Well Owner unless such discharge is authorized by Permit, Rule, or order issued by the Texas Commission on Environmental Quality under Texas Water Code Chapter 26 "Water Quality Control."



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- (6) Groundwater pumped for Irrigation that escapes as Irrigation tailwater onto land other than that of the Landowner or Well Owner unless permission has been granted by the occupant of the land receiving the discharge.
- (7) With regard to water from an Artesian Well, the following also is considered Waste. Unless the water from an Artesian Well is used for a purpose and in a manner in which it may be lawfully used on the Landowner or Well Owner's land, it is Waste and unlawful to willfully cause or knowingly permit the water to run off the Owner's land or to percolate through the stratum above which the water is found.
- (8) Drilling or operating a Well or Wells without a required Registration or Permit for producing Groundwater in violation of a District Rule adopted under Texas Water Code Section 36.116(a)(2).
- (9) Transporting Groundwater for a distance greater than ¼ mile in an open ditch, canal or other water course.

**Water Conservation or Conservation** – those water saving practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or Waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

**Water Pollution Event** - the discovery of a spill or release of contaminants into the environment that is required by State or federal law to be reported to a State or federal governmental agency because of its potential or actual Pollution of surface water or Groundwater.

**Water Well or Well** – an artificial excavation constructed to explore for or produce Groundwater or test or Monitor Groundwater quality. This term also includes an Abandoned Oil or Gas Well that can be conditioned for usable quality Groundwater production. This term does not include a test or blast hole in a quarry or mine or a Well or excavation constructed to explore for or produce Oil, Gas, or other minerals or an Injection Water Supply Well associated with Oil and Gas Activities that penetrates the base of usable quality water.

**Water Wells Associated with Uranium Exploration and Mining** - Water Wells subject to District Rule 9.

**Well** – see definition of Water Well.

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**Well Depth** - Distance from the surface to the bottom of the borehole, expressed in feet.

**Well Log** - see definition of State of Texas Well Report.

**Well Operator** – a Person who has the right to produce Groundwater, but who does not own the Well or the land on which the Well is located.

**Well Owner** – a Person who has the right to drill a Well on a tract of land or to produce Groundwater from the land, either by ownership, contract, lease, easement, or any other estate in the land. The Well Owner and Landowner may be the same Person.

**Well Plugging Contractor** – the licensed Water Well driller or well service company hired by a Person participating in the Well Plugging Reimbursement Program under Rule 6.2 to Plug the subject Well.

**Well Plugging Reimbursement Program** – A District program under Rule 6.2 in which a Person may be reimbursed for costs incurred in Plugging a Well.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016; Amended February 28, 2018, by Board Order effective February 28, 2018.*

### **RULE 3: REGISTRATION AND PERMITTING**

#### **3.1 Wells Subject to Operating Permits and Exemptions**

##### **A. Wells Exempt from Operating Permit (Exempt Wells)**

- (1) A Well that it is Incapable of producing more than 25,000 gallons of groundwater a day and production from the Well is used for Domestic and Livestock Purposes, as defined in Rule 2.
- (2) A Well under Rule 9: Water Wells Associated With Uranium Exploration and Mining.
- (3) An Exempt Oil and Gas Water Supply Well under Rule 13.2.A(1).
- (4) A Registered Oil and Gas Water Supply Well under Rule 13.2.A(2).

**B. Wells Requiring an Operating Permit (Non-Exempt Wells)**

- (1) A Well that requires an Operating Permit under this Rule 3.1.B is referred to as a Non-Exempt Well.
- (2) An Operating Permit must be obtained under Rule 3.4 for a Well that does not qualify for an exemption under Rule 3.1.A.
- (3) An Operating Permit must be obtained under Rule 3.4 for a Well that would otherwise qualify for an exemption under Rule 3.1.A. but the water to be produced will be used outside the District

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

**3.2 Required Registration of Wells**

- A.** All Water Wells must be Registered with the District regardless of when they were drilled or whether they have been plugged and abandoned.
- B.** No Water Well shall be drilled or operated without first Registering the Proposed Well with the District.
- C.** At the time of Registration, the District will determine whether the Water Well is a Non-Exempt Well. An Operating Permit must be obtained for a Non-Exempt Well. A Non-Exempt Well shall not be drilled prior to District approval of an Operating Permit, except as stated in Rule 3.3.1.

**D. Responsibility for Compliance**

The Well Owner and the Well Owner's Agent, the Well Operator, and the Person who performs work on the Well or pump is responsible for compliance with this Rule 3.2.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

**3.3 Registration Applications**

- A.** To Register a Well, a Well Registration Application form must be submitted to the District. The form is available at the District Office and on the District website. Some Registration requirements differ for Proposed Wells and for Existing Wells, as set out in this Rule 3.3.

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**B.** The following information is required to Register a Well. For Registration of an Existing Well, as much of the following information as is reasonably available must be provided.

- (1) Name, address, phone number, facsimile number, and e-mail address of the Well Owner.
- (2) Name, mailing address, phone number, facsimile number, and e-mail of the Person submitting the Operating Permit Application, if different from the Well Owner. This Person will be considered to be the Well Owner's Agent and the Applicant.
- (3) Name, mailing address, phone number, facsimile number, and e-mail of the Owner of the land on which the Well is located, if different from the Well Owner.
- (4) The Well location in WGS 84 Decimal Degrees co-ordinate system and a signed statement by the Applicant that the location complies with the spacing requirements of District Rules 10.4 and 10.5, or that a Variance under Rule 10.6 has been granted for the location of the Well. No statement is required for an Existing Well.
- (5) Casing size, estimated Well Depth, Depth to the Bottom of the Screen, pump size, and Production Capability.
- (6) The type of use or purpose for water from the Well based on the definitions in Rule 2.
- (7) For a Proposed Well, the approximate date drilling is to begin.
- (8) For a Proposed Well, a signed acknowledgement that a State of Texas Well Report must be submitted to the District within 60 days, as required by District Rule 5.1.A.
- (9) For a Proposed Well, the Registration Fee, if one has been established under Rule 1.8.

**C.** For a Proposed Well, the District shall approve Registration of the Well if the District determines the following:

- (1) the information in the Registration Application is complete;
- (2) the Application shows that the location of the Proposed Well complies with Rule 10.4 and 10.5 spacing requirements, or that a

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Variance under Rule 10.6 or a waiver under Rule 10.6.E has been granted;

- (3) all Wells owned or operated by the Well Owner or Well Operator, and all Wells located on the same property as the Well have been Registered with the District; and
- (4) there are no unresolved District Enforcement Actions against the Well Owner, the Well Operator, the Landowner, or the Agent.

D. The Registration will serve as authorization to drill and operate the Well as described in the Registration unless the District has determined that the Well will require an Operating Permit. The District will issue a Well Registration Certificate.

E. For Existing Wells, the District shall approve Registration of the Well if the District determines the following:

- (1) the essential information in the Registration Application is complete;
- (2) there are no unresolved District Enforcement Actions against the Well Owner, the Well Operator, the Landowner, or the Agent.

F. Existing Wells are not required to comply with Rule 10 spacing requirements

G. If no Operating Permit is required, upon approval of the Registration the Well may be drilled. A copy of the approved Well Registration Application and Well Registration Certificate must be on-site while the Well is being drilled.

H. If the Well has not been drilled within 180 days of approval of the Registration and issuance of the Well Registration Certificate, the Registration and Certificate will be void.

I. If the District determines that a Proposed Well is a Non-Exempt Well, an Operating Permit under Rule 3.4 must be obtained prior to drilling the Well. If the District determines that an Existing Well is a Non-Exempt Well, an Application for an Operating Permit under Rule 3.4 must be submitted within 90 days of District approval of the Registration Application.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **3.4 Required Operating Permit for Non-Exempt Wells**

A. Operating Permits are required for all Non-Exempt Wells. This requirement applies to Proposed and Existing Wells.

**B.** Operating Permits generally are issued for a period of five years. All Operating Permits are subject to District Rules as they may be amended from time to time, which may include changes to permit terms based on changing Groundwater conditions in the District.

**C.** A Proposed Non-Exempt Well shall not be drilled, be operated, or produce water unless an Operating Permit has been obtained from the District.

**D. Responsibility for Compliance**

The Well Owner and the Well Owner's Agent, the Well Operator, and the Person who performs work on the Well or pump is responsible for compliance with this Rule 3.4.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

**3.5 Information Required in an Operating Permit Application**

**A.** An Application for an Operating Permit must be submitted on a form obtained from the District and must be signed and sworn to by the Applicant as required by Texas Water Code Section 36.113(b). Generally, a separate Application is required for each Well, unless more than one Well will be covered by the same Production Limit.

**B.** An Application for Operating Permit for a New Well shall include all of the information listed in this Rule 3.5. An Application for an Operating Permit for an Existing Well shall include as much of the information as possible.

**C.** The Production Rate determines the information required for an Application for an Operating Permit to be deemed Administratively Complete.

**D.** The following information is required for a Non-Exempt Well or Wells operated under a single Operating Permit capable of producing not more than 35 gallons per minute. These Wells are referred to in these Rules as Class A Production Wells.

- (1) Name, mailing address, phone number, facsimile number, and e-mail address of the Well Owner.
- (2) Name, mailing address, phone number, facsimile number, and e-mail of the Person submitting the Operating Permit Application, if different from the Well Owner. This Person will be considered to be the Well Owner's Agent and the Applicant.

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- (3) Name, mailing address, phone number, facsimile number, and e-mail of the Owner of the land on which the Well is located, if different from the Well Owner.
- (4) Location and property description of the proposed project, including a location map or property plat. The map or plat must include the name of the county, must have a direction indicator, and must identify the scale of the map. The map or plat must be drawn on a scale that adequately details the Well site and a 500-foot radius around the Well. The map shall show within that 500-foot radius, the property lines, the location of other Wells, any existing or proposed wastewater systems, and any potential sources of contamination, including septic systems. The location map or property plat must include the location of each Well to be permitted and provide GPS co-ordinate location of the Well or Wells (WGS 84 preferred).
- (5) If the Production Limit is based on Rule 11.1.B(3) or 11.2.C , the legal description of Production-Limit-Acreage and documentation that the Applicant has the authority to tie the land to the Operating Permit when issued. If the Applicant is other than the owner of the property on which the Well will be located, documentation establishing the authority to construct and operate the Well for the proposed use.
- (6) A copy of the approved Well Registration Application and the Well Registration Certificate for each Well to be covered by the Permit.
- (7) A statement of the nature and purpose of the proposed use.
- (8) Proposed Well Depth and proposed screening intervals and the aquifer(s) being tapped. The initial determination may be made using information from an Existing State-Approved GAM model.
- (9) The annual maximum production requested (in gallons per year or acre-feet per year). For an Existing Well, include documentation showing the annual production from the Well during each of the previous five years. For a New Well, provide documentation relating the requested Production Volume to contiguous acreage owned by the Applicant or for which the Applicant has Groundwater production rights, also referred to as the Production-Limit-Acreage. Include the annual amount of water for each of the proposed uses.

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- (10) Identify the location of other Wells located on the Production-Limit-Acreage property.
- (11) The size of the pump to be installed at the Well, indicating whether it is submersible or above ground and the maximum Production Capacity of the pump being installed; and the estimated rate of withdrawal for each Well to be permitted, including the instantaneous Production Rate in gallons per minute.
- (12) A declaration that the Applicant will adhere to the District's Management Plan.
- (13) A Water Conservation plan showing what Water Conservation measures the Permittee has adopted, what Water Conservation goals the Permittee has established, and what measures and time frames are necessary to achieve the Permittee's established Water Conservation goals.
- (14) A Drought Contingency Plan that has been approved under the requirements of other local, state, or federal law. For example, a Drought Contingency Plan approved under 30 Texas Administrative Code chapter 288 is presumed adequate for purposes of this requirement.
- (15) A statement of the anticipated time period within which the proposed construction or alteration is to begin.
- (16) A statement of the anticipated duration of time required for the proposed use of the water.
- (17) The Operating Permit Application Fee of \$100.00, which is non-refundable.
- (18) A sworn statement that the Production-Limit-Acreage is not subject to a permit for uranium mining or an Aquifer Exemption under 40 Code of Federal Regulations Section 144.7 and 30 Texas Administrative Code Section 331.13 and that the Applicant agrees to notify the District 60 days prior to any changes that would require a change in this sworn statement.
- (19) A sworn statement that the Applicant agrees to notify the District of any changes in Well condition or operations as required by Rule 3.9 and to Plug or Cap the Well according to Rules 6.1 and 6.3, respectively, if the operation or condition of the Well so warrants, and



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to report Plugging of the Well to the Texas Department of Licensing and Regulation.

- (20) In addition to the other requirements of this Rule 3.5, the information as required under Rules 3.5.E. and F., which has been deemed necessary by the District to comply with the requirements of Texas Water Code Chapter 36, the District's Enabling Statute, and general law, and which is reasonably related to issues that the District is authorized to consider.
- (21) If the Application covers Water Supply Well(s) for a Retail Water Utility,
  - (a) Information about the utility's service area, including the location and number of service connections;
  - (b) A description of the utility's metering and leak detection and repair program for its water storage, delivery, and distribution system;
  - (c) Information on the system's water demands, including customer data, water use data, water supply system data, and wastewater data;
  - (d) Information on other sources of water supply being used by the utility;
  - (e) Information showing whether the utility has considered using other sources of water supply; and
  - (f) Calculations supporting the requested production amount to support a finding that the amount is a reasonable Volume for purpose of Beneficial Use of Groundwater without Waste plus 25%.

**E.** The following information is required for a Non-Exempt Well or Wells operated under a single Operating Permit capable of producing between 35 and not more than 60 gallons per minute. These Wells are referred to as Class B Production Wells.

- (1) All information necessary for Class A Production Wells.
- (2) Existing driller records from the nearest well with such records (prefer records within 1 mile radius where available). Data can be obtained

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from Texas Water Development Board Submitted Drillers Reports (SDR) database.

- (3) Identification (location of other wells) within a 1-mile radius of the Proposed Well(s) including those outside the property boundaries, and their Production Limits.
- (4) Preliminary determination of potential drawdown at the closest property boundary due to production from the well after 1, 5 10, and 25 years of operation. Other times may be used with prior approval of the District if the Well is to be used for a shorter period. Analytical solutions (e.g., Theis solution) may be used for this purpose.
- (5) Adjacent Landowner waiver of Well spacing if the potential drawdown estimated at the property boundary, calculated under Rule 3.5.E(4), exceeds over 5 feet in 1 year or 10 feet in 5 years.

F. The following information is required for a Non-Exempt Well or Wells operated under a single Operating Permit capable of producing more than 60 gallons per minute. These wells are referred to as Class C Production Wells.

- (1) All information necessary for Class A Production Wells.
- (2) Existing driller records from the nearest Well with such records (prefer records within 1 mile radius where available). Data can be obtained from Texas Water Development Board Submitted Drillers Reports (SDR) database.
- (3) Identification (location of other wells) within a 5-mile radius of the Proposed Well(s) including those outside the property boundaries, and their Production Limits.
- (4) Proximity to surface water bodies including but not limited to springs, intermittent creeks, and perennial streams.
- (5) Preliminary determination of potential drawdown at the closest property boundary due to production from the Well after 1, 5 10, and 25 years of operation. Other times may be used with prior approval of the District if the Well is to be used for a shorter period. Analytical solutions (e.g., Theis solution) may be used for this purpose.
- (6) Site-specific lithological information obtained from a test bore-hole or an Existing Well on the contiguous parcel of the property where the well is proposed to be drilled.

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- (7) Available groundwater level data describing the historical response of the aquifer within a 5-mile radius. Data from Texas Water Development Board Groundwater Database, data collected by private third-party consultants, and other information collected by the District may be used for this purpose.
- (8) Available groundwater quality data describing the historical response of the aquifer within a 5-mile radius. Data from Texas Water Development Board Groundwater Database, data collected by private third-party consultants, and other information collected by the District may be used for this purpose.

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### **3.6 Processing an Operating Permit Application and Issuance of Permit**

#### **A. Administrative Completeness of an Application**

- (1) In order to adequately address the purposes and requirements of Texas Water Code Chapter 36, the District's Enabling Statute, general law, and District Rules, the District may require further clarification or additional documentation from the Applicant, so long as the clarification or documentation falls within the requirements listed in Rule 3.5. Any such requirement shall be in writing and provided to the Applicant by mail or email and will be referred to as a Notice of Deficiency.
- (2) The Applicant shall be notified in writing when the Application has been reviewed and deemed Administratively Complete. No Application shall be deemed Administratively Complete if there are unresolved District Enforcement Actions against the Applicant or involving the Well. If an Application remains Administratively Incomplete for more than 180 days following either the original Application date or the date that the District notified the Applicant of the need to submit additional clarification or documentation, whichever is later, the Application will expire.
- (3) If the Application is subject to newspaper notice under Rule 8.5.D, the Applicant must pay for the notice. The District will call the Applicant and tell them what the charge will be. This amount will also be mentioned in the written communication to the Applicant saying

that the Application has been deemed Administratively Complete. Before an Operating Permit can be approved, the District must receive payment from the Applicant.

**B. Decision on an Operating Permit Application**

Within 60 days of the date on which the Application is deemed Administratively Complete, the District will act according to Rule 8.4. The decision whether to approve the Operating Permit as requested in the Application, approve the Operating Permit with terms other than those requested in the Application, or deny the Application shall be made using the process described in Rule 8.5. The Board or its designee shall make this decision based on the considerations in Rule 3.7.

**C. Contents of an Operating Permit**

An Operating Permit will include the following, in addition to any other conditions set by the District:

- (1) A requirement that a meter or other reliable water measuring device under Rule 5.2, be installed within 60 days after the effective date of the Permit and that the District be notified within 30 days of installation.
- (2) An approved map or drawing showing the Well site and the following features, if any, within 500 feet of the Well: the property lines, the location of other Wells, existing or proposed wastewater systems, and other potential sources of contamination.
- (3) The authorized annual maximum Groundwater production from the Well as provided by Rule 11.
- (4) If the authorized annual maximum Groundwater production from the Well is based on Rule 11.1.B(3) or 11.2.C, an approved legal description of the Production-Limit-Acreage.
- (5) An approved Water Conservation plan.
- (6) An approved Drought Contingency Plan.

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- (7) Special permit conditions.
- (8) Permit expiration date.

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### **3.7 Considerations for Issuing an Operating Permit**

**A.** The District shall be guided by these Rules and Chapter 36, Texas Water Code, in considering each Application and will manage total Groundwater production on a long-term basis to achieve the applicable Desired Future Condition that has been adopted for the District. The District shall consider the following, which include the considerations required by Texas Water Code Section 36.113(d) and 36.1132(b):

- (1) Does the Application conform to the requirements of Texas Water Code Chapter 36 and these Rules?
- (2) Does or will the production from the Well unreasonably affect existing Groundwater and surface water resources or existing Permit Holders? A Permit establishing the Production Limits required under Rule 11 will fulfill this requirement.
- (3) Is the use of water considered Beneficial Use, as defined by Texas Water Code Section 36.001(9) and District Rule 2?
- (4) Is the use of water consistent with the District's approved Management Plan?
- (5) Has the Applicant agreed to avoid Waste and achieve Water Conservation?
- (6) Will the conditions and limitations in the Permit prevent Waste, achieve Water Conservation, minimize as far as practicable the drawdown of the water table or the reduction of Artesian Pressure, or lessen interference between Wells?
- (7) Does the Application include an acceptable Water Conservation plan?
- (8) Does the Application include an acceptable Drought Contingency Plan?

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- (9) Has the Applicant agreed to use reasonable diligence to protect Groundwater quality? For a Proposed Well, if the location complies with spacing Rule 10.4 and the Well will be constructed according to the construction standards of Rule 4, this requirement is fulfilled. For an Existing Well, the District will evaluate the location based on Rule 10.4 and evaluate the Well construction based on Rule 4 and may impose additional requirements designed to protect Groundwater quality.
- (10) Has the Applicant agreed to follow the District's Rules on Well Plugging at the time of Well closure?
- (11) Does the Application provide sufficient documentation to support the requested Production Limit, including required information about In Situ Uranium Mining, if applicable?
- (12) Are there any unresolved District Enforcement Actions against the Applicant or involving the Well?
- (13) Is the requested Production Volume, when considered in conjunction with the Modeled Available Groundwater, consistent with achieving the Desired Future Condition applicable to the Well location and production zone?
- (14) Is the requested Production Volume, when considered in conjunction with the Texas Water Development Board's estimate of current and projected Volume of Groundwater produced under exemptions granted by District Rules and Texas Water Code section 36.117, consistent with achieving the Desired Future Condition applicable to the Well location and production zone?
- (15) Is the requested Production Volume, when considered in conjunction with the Volume of Groundwater production authorized under Operating Permits previously issued by the District, consistent with achieving the Desired Future Condition applicable to the Well location and production zone?
- (16) Is the requested production Volume, when considered in conjunction with the Volume of Groundwater actually being produced under Operating Permits previously issued by the District, consistent with achieving the Desired Future Condition applicable to the Well location and production zone?

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- (17) Is the requested Production Volume, when considered in conjunction with yearly precipitation and production patterns, consistent with achieving the Desired Future Condition applicable to the Well location and production zone?

*Adopted October 25, 2016, by Board Order; effective October 25, 2016; Amended February 28, 2018, by Board Order effective February 28, 2018.*

### **3.8 Change in Well Conditions or Operations**

**A.** No Person may take any of the following actions related to an Exempt Well without notifying the District in writing 14 days prior to making the change by submitting a Change in Exempt Well Conditions or Operations form, which is available at the District Office and on the District website. This Rule 3.8.A does not apply to an Exempt Oil and Gas Water Supply Well as defined in Rule 13.2.A(1).

- (1) Alter the size or depth of a well.
- (2) Alter the depth of the bottom of the screen.
- (3) Change the Well pump or its pumping Capacity.
- (4) Change the purpose of use of water produced from a Well.
- (5) Change the status of a Well to or from being Inactive, including Plugging a Well.

**B.** A change in the pumping Capacity that would change the spacing from property lines authorized under Rule 10.5 requires District authorization prior to making the change. Such a change will be denied unless a Variance is obtained under Rule 10.6 or a waiver is obtained under Rule 10.6.E.

**C.** A change in the purpose of use of water produced from a Well from Domestic and Livestock or Oil and Gas Activities to another purpose of use requires District authorization prior to making the change. An Exempt Well will lose its exemption and will require an Operating Permit if its use or conditions change in such a way that it no longer falls into an Exempt Well category under Rule 3.1.A. It is the responsibility of the Person named on the Well Registration Certificate to apply for an Operating Permit no later than 90 days prior to making the changes that render the Well subject to this Rule.

**D.** With regard to an Exempt Oil and Gas Water Supply Well, no Person may change the Well pump size or its pumping Capacity without notifying the District

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in writing 14 days prior to making the change by submitting a Change in Exempt Well Conditions or Operations form, which is available at the District Office and on the District website. A change in Well pump size or its pumping Capacity may change the status of an Exempt Oil and Gas Water Supply Well into a Registered Oil and Gas Water Supply Well, which must comply with the requirements of Rule 13.2.B.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **3.9 Change in Non-Exempt Well Conditions or Operations**

**A.** An Amendment to an Operating Permit is required for any change to the operation, use, or condition of a Non-Exempt Well, including changing the Production Limit, the Type of Use of the Well, the size or Depth of a Well, Depth to the Bottom of the Screen, a Well pump, or its pumping Capacity, and any change in the status of the Production Capacity, including a change in conditions related to In Situ Uranium Mining described in Rule 11.2.C(3).

**B.** Amendments are characterized as Minor or Major according to the requirements of this Rule 3.9. Such characterization will determine the process involved for consideration and approval of an Amendment.

#### **C. Minor Amendment**

- (1) A Minor Amendment to an Operating Permit for a Non-Exempt Well is required to change the Type of Use of a Well; to Alter the size or Depth of a Well or Depth to the Bottom of the Screen, the Well pump, or its pumping Capacity that does not increase the Production Volume or Capability; or a change in the approved Water Conservation plan.
- (2) An Application for a Minor Amendment, on a form obtained from the District, must be submitted at least 14 days prior to the date the change is to take place.
- (3) The General Manager may process and approve a Minor Amendment.
- (4) No pump installer or Water Well driller shall make changes to a Well if the appropriate authorization under this Rule has not been obtained.



**D. Major Amendment**

- (1) A Major Amendment to an Operating Permit for a Non-Exempt Well is required to increase the production of Groundwater or to increase the Capability of a Well to produce Groundwater.
- (2) A Major Amendment is also required when a change in the status of the Production-Limit-Acreage, including a change in conditions related to In Situ Uranium Mining described in Rule 11.2.C(3), requires a change in Production Limit.
- (3) An Application for a Major Amendment, on a form obtained from the District, must be submitted at least 90 days prior to the date the change is to take place. An Operating Permit Application Fee of \$100.00 must also be submitted.
- (4) The Major Amendment Application will be processed according to Rule 3.6.
- (5) No pump installer or Water Well driller shall make changes to a Well if the appropriate authorization under this Rule has not been obtained.

**E. Current Permit to Remain in Effect**

If an Application for an Amendment to an Operating Permit is timely filed, the Permit as it exists at the time the Application is filed remains in effect until the conclusion of the Permit Amendment process or final settlement or adjudication on the matter of whether the change to the Permit requires an Amendment, whichever is later.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

**3.10 Change in Well Ownership, Transfer of Well Registration Certificate or Operating Permit**

- A.** Any change in ownership of a Well or transfer of the Well Registration Certificate or Operating Permit shall be reported by submitting a Change in Ownership form to the District within 60 days after the change. The form is available at the District Office and on the District website.
- B.** The form must be signed by the original Well Owner, Registrant, or Permit Holder and the Person to whom ownership of the Well, Well Registration Certificate or Operating Permit is being transferred and must be submitted by the

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Person to whom ownership of the Well, Well Registration Certificate or Operating Permit is being transferred. For a Well with an Operating Permit, failure to timely notify the District may result in the Permit being revoked. The District will issue an amended Well Registration Certificate and, if applicable, an amended Operating Permit.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **3.11 Operating Permit Term and Renewal**

**A.** Operating Permits issued by the District are for a term of five years unless otherwise specified by the District as a special permit condition. Such a special permit condition may include the need for additional data regarding the impact of the Well on the aquifer or surrounding Wells.

**B.** If an Operating Permit has been issued with an expiration date as authorized under District Rule 3.11.A, renewal of the Permit is required as follows:

- (1)** The District shall renew or approve an Application to renew if the Application is submitted at least 90 days prior to the expiration date and the Permittee is not requesting a change that would require an Amendment under 3.8.E, however,
- (2)** The District is not required to renew an Operating Permit under this Rule 3.11.B if
  - (a)** the Applicant is delinquent paying a Fee required by the District,
  - (b)** is subject to a pending Enforcement Action for a substantive violation of a District Permit, Order or Rule, or
  - (c)** has not paid a civil penalty or otherwise failed to comply with an order resulting from a final adjudication of a violation of a District Permit, Order or Rule.
- (3)** If a District is not required to renew an Operating Permit under Rule 3.11.B, the Permit remains in effect until the final settlement or adjudication on the matter of the substantive violation.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **3.12 Involuntary Amendment or Revocation of an Operating Permit**

**A.** An Operating Permit is subject to Involuntary Amendment or revocation for violation of District Rules; violation of the Permit, including special permit conditions; violation of the provisions of Texas Water Code Chapter 36; Waste of Groundwater; or other actions that the District determines to be detrimental to the Groundwater resources within the District. An Involuntary Amendment or revocation under this provision shall be approved by the District only after notice and hearing as provided in Rules 7 and 8.8.

**B.** An Operating Permit is subject to Involuntary Amendment if the Board finds that changes in the law or in the Groundwater resources within the District necessitate such an Amendment. An Involuntary Amendment under this provision shall be approved by the District only after the procedure provided in Rules 7 and 8.8.

**C.** If the District initiates an Amendment to an Operating Permit, the Permit as it existed before the Involuntary Amendment process remains in effect until the conclusion of the process under Rules 8.4 and 8.5.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **3.13 Replacing a Well**

**A.** In order to qualify as a Replacement Well, the Well that is being replaced must be properly Registered and have an Operating Permit, if it is a Non-Exempt Well, and be in compliance with District Rules.

**B.** The Replacement Well must be no nearer to adjoining property lines than the Well it is replacing unless the Replacement Well is an Exempt Well and a Variance under Rule 10.6 or a waiver under Rule 10.6.E is obtained.

**C.** The Replacement Well must not have the Capability of producing more water than the Well it is replacing unless the Replacement Well is an Exempt Well and a Variance under Rule 10.6 or a waiver under Rule 10.6.E is obtained.

**D.** Prior to drilling a Replacement Well, a Replacement Well Application must be submitted to the District. The Replacement Well Application form is available at the District Office and on the District website. If the General Manager determines that the Well is a Replacement Well as described in this Rule 3.13, the District will make changes in the approved Registration and, as applicable, Operating Permit, authorizing drilling and operation of the Replacement Well.

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- E.** In case of emergency with the potential to affect human or Livestock health or safety, a Replacement Well may be drilled and the required Replacement Well Application must be submitted within 2 business days.
- F.** A Well that has been replaced under this Rule 3.13 must be Plugged within 30 days and the Plugging Report must be submitted to the District as required under Rule 5.3.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **3.14 Responsibility for Compliance**

The Well Owner and the Well Owner's Agent, the Well Operator, and the Person who performs work on the Well or pump is responsible for compliance with Rules 3.8 through 3.13.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **RULE 4: WELL CONSTRUCTION STANDARDS**

### **4.1 State Standards Applicable**

**A.** All construction of Wells and installation of pumps shall be in accordance with the Texas Occupations Code Chapter 1901, "Water Well Drillers" and Chapter 1902, "Water Well Pump Installers," as amended, and the Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 76, as amended, and additional standards as required in this Rule 4 and distance requirements of Rule 10, whichever are more stringent.

**B.** All Public Water Supply Wells must be Completed using the engineer-designed criteria approved by the Texas Commission on Environmental Quality under 30 Texas Administrative Code Chapter 290, as amended.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **4.2 Additional Well Construction Standards**

All Non-Exempt Wells that are not Public Water Supply Wells must be pressure cemented or grouted from the top of the production zone back to the surface. A Geophysical or Lithological Well Log must be run during Well construction.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **4.3 Watertight Sanitary Seal**

To prevent pollutants from entering the wellhead, all Wells shall be completed with a watertight sanitary seal. Any Well not meeting this requirement is required to comply with this Rule at the time the Well head is next removed. Wells with odd-sized casing or those having Well heads for which there is no factory made watertight sanitary seal available shall be Completed or modified in such a manner that shall meet the intent of this Rule.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **4.4 Access for Testing**

All Wells must allow access to the Water Table for the purposes of measuring water levels or disinfecting the Well. All New Wells shall be equipped with a faucet or hose bib at the wellhead.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **4.5 Responsibility for Compliance**

The Well Owner and the Well Owner's Agent, the Well Operator, and the Person who performs work on the Well or pump is responsible for compliance with Rule 4.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **RULE 5: REPORTING AND RECORDKEEPING**

### **5.1 Well Drilling, Completion, and Water Data Reporting**

**A.** Within 60 days from: (1) the cessation of drilling, for a Well that will not be completed; (2) Completion; (3) deepening; or (4) otherwise Altering a Well, a copy of the State of Texas Well Report shall be submitted to the District by the Water Well driller.

**B.** All Geophysical or Lithological Well Logs required under District Rules or State law shall be submitted to the District within 60 days from the date the Log is run.

**C.** If raw water quality data are collected on water from any Water Well, the data shall be submitted to the District within 60 days from the date the data are collected.

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**D.** A Railroad Commission Form P-13, "Application of Landowner to Condition an Abandoned Well for Fresh Water Production," shall be submitted to the District within 30 days of receipt of Railroad Commission approval of the Application. This must be submitted by either the Well Owner or Operator, whichever has received the Railroad Commission approval notice.

**E.** The Well Owner and the Well Owner's Agent, the Well Operator, and the Person who performs work on the Well or pump is responsible for compliance with Rule 5.1.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **5.2 Annual Water Production Report for Non-Exempt Wells**

The production from all Wells required under Rule 3.4 to obtain an Operating Permit shall be recorded using a totalizing flow meter or other reliable water measuring device, installed at the Permit Holder's expense. The Permit Holder shall keep a record of monthly water production. The monthly water production records shall be submitted to the District on an annual basis on January 31st of each year for the previous 12 months, unless the District imposes alternate recordkeeping and reporting requirements in the Operating Permit for the Well.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **5.3 Plugging Report**

Within 30 days after Plugging a Well, the Person Plugging the Well shall submit to the District a copy of the State of Texas Plugging Report. The Well Owner and the Well Owner's Agent, the Well Operator, and the Person who performs work on the Well or pump is responsible for compliance with Rule 5.3.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **5.4 Annual Water Production Report for Registered Oil and Gas Water Supply Wells**

**A.** A Water Well associated with Oil and Gas Activities having a Production Capacity of 25,000 gallons per day or more must be Registered, records of the production from the Well must be kept, and production reporting requirements for the Well must be complied with. These Wells are referred to in these Rules as Registered Oil and Gas Water Supply Wells.

**B.** The production from a Registered Oil and Gas Water Supply Well shall be recorded using a meter or other reliable water measuring device. The meter or device shall be installed at the Well Operator's expense.

**C. Submittal of Report**

- (1) The Well Operator, as defined in Rule 13.2.B(3) shall keep a record of water production from Registered Oil and Gas Water Supply Wells.
- (2) The Well Operator must submit a report to the District containing the information at the earlier of two dates: either January 31st of each year for the prior year, or within 30 days of discontinuation of the Well for this use. The report is the Annual Water Production Report for Registered Oil and Gas Water Supply Wells.
- (3) The Report must be submitted as long as the Well is reflected in District records as being used as a Registered Oil and Gas Water Supply Well, even if no production for this purpose has occurred during the previous year. In such a case the Report would show no production for this purpose during that year.
- (4) The reporting form is available at the District Office and on the District website.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

**5.5 Water Wells Associated with Uranium Exploration and Mining**

A Person who applies for or obtains authorization for Uranium Exploration, Mining, or related activities, including an Aquifer Exemption, shall comply with the reporting and recordkeeping requirements of Rule 9.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

**5.6 Water Pollution Event Reporting**

**A.** Any Person required under State law to report a Water Pollution Event to the Texas Commission on Environmental Quality or to the Railroad Commission of Texas shall send a copy of the initial written report regarding the event to the District and to the surface Landowner at the same time that they send the report to the State agency.

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**B.** If the Texas Commission on Environmental Quality or the Railroad Commission of Texas requires further action regarding a Water Pollution Event, the Person described in Rule 5.6.A, above, shall send a copy of all related reports to the District at the same time that they send the reports to the State agency.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **5.7 Annual Transport Water Report**

**A.** The Holder of a Transport Permit shall file with the District annual reports describing the Volume of water Transported and used for the authorized purpose.

**B.** The Transport Permit Holder shall keep a record of the Volume of water Transported monthly. The monthly water Transport records shall be submitted to the District on an annual basis on January 31st of each year for the previous 12 months, unless the District imposes alternate recordkeeping and reporting requirements in the Transport Permit. This is referred to as the Annual Transport Water Report in these Rules.

**C.** The Annual Transport Water Report is in addition to and does not take the place of the Annual Water Production Report for Non-Exempt Wells required under Rule 5.2.

**D.** The Annual Transport Water Report must be accompanied by payment of the Annual Transport Fee required by Rule 14.6.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **RULE 6: PLUGGING, CAPPING, AND SEALING OF WELLS**

### **6.1 Plugging Water Wells**

**A.** Not later than the 180<sup>th</sup> day after the date a Landowner learns of the condition and location of a Deteriorated or Abandoned Water Well located on his land, or a Water Well driller, or Well Owner or Well Owner's Agent learns of a Well's Deteriorated condition, the Well must be Plugged in accordance with the Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 76, as amended. It is the responsibility of the Landowner and the Well Owner or Well Owner's Agent to ensure that such a Well is Plugged in order to prevent Pollution of the Groundwater and to prevent injury to Persons. Not later than the 30<sup>th</sup> day after the date the Well is Plugged, a State of Texas Plugging Report shall be submitted to the District as required by Rule 5.3.



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**B.** If the Well is not Plugged in compliance with State law, the District may take action under Rule 7 as authorized by Texas Occupations Code, Section 1901.256, or otherwise enforce Texas Occupations Code Section 1901.255 related to a Landowner or Well Owner possessing an Abandoned or Deteriorated Well.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **6.2 Well Plugging Reimbursement Program**

### **A. Purpose and Funding**

- (1) The purpose of this Rule is to establish the requirements of the District Well Plugging Reimbursement Program.
- (2) Applications to Participate in the District's Well Plugging Reimbursement Program will only be accepted during fiscal years in which the Board of Directors has funded the Program by approving by resolution a budget for the Program. Funding and approval of such a resolution is solely within the discretion of the Board of Directors.
- (3) Once the budgeted funding for the Program for a fiscal year has been disbursed, no further Applications to Participate in the Well Plugging Program will be accepted or approved during that fiscal year.

### **B. Participation in the Program.**

Participation in the Program involves a two-step process. The first step is submittal and approval of an Application to Participate in the Well Plugging Reimbursement Program. The second step is submittal and approval of a Request for Reimbursement.

#### **(1) Application to Participate in the Well Plugging Reimbursement Program**

- (a) An Application to Participate in the Well Plugging Reimbursement Program must be submitted by a Well Owner on a form approved by the District and available on the District website or at the District Office.
- (b) If the Well Owner does not own the property on which the Well is located, the Well Owner and the Landowner must both sign the Application. The term "Applicant" when used in this Rule

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6.2 refers to the Person who submits an Application to Participate in the Well Plugging Reimbursement Program.

- (c) The Application must be accompanied by a copy of a deed or lease for the property on which the Well is located, evidencing the Applicant's authority to have the Well Plugged.
- (d) Applications are considered in the order in which they are received during each fiscal year. Any Application not approved during the fiscal year in which it is submitted must be re-submitted to be considered during a subsequent fiscal year.
- (e) A Well Owner may qualify for reimbursement under this program for Plugging one well per year. A dry hole is not considered a Well and no reimbursement is available for Plugging a dry hole.
- (f) In order to participate in the Program, all Wells owned by the Applicant or located on land owned by the Applicant must be Registered as required by Rule 3.2, and all Non-Exempt Wells owned by the Applicant or located on land owned by the Applicant must obtain an Operating Permit, if required under Rule 3.1.B.
- (g) The Applicant must acknowledge in writing that all photographs, data, and reports from the Plugging operation become part of the District public records.
- (h) The Applicant must acknowledge in writing that filing an Application to Participate in the Well Plugging Reimbursement Program:
  - (i) does not ensure approval to participate in the Program;
  - (ii) does not give the Applicant any right or entitlement; and
  - (iii) reimbursement is solely within the discretion of the Board of Directors at the time a Request for Reimbursement is made either by the Applicant or the Well Plugging Contractor.

**(2) Qualifying for Reimbursement**

- (a) an Application to Participate in the Well Plugging Reimbursement Program must be approved by the District prior to Well Plugging;
- (b) the Well must be Plugged by a licensed Water Well driller; and
- (c) a District Representative must be present during the Plugging operations.

**(3) Request for Reimbursement.** A Request for Reimbursement must be submitted to the District within 30 days of the date the Well is Plugged and must include the following information on a District-approved form, which is available on the District website or at the District Office.

- (a) An invoice and paid receipt from the Well Plugging Contractor showing the amount the Applicant was invoiced and the date and amount the Applicant paid to the Well Plugging Contractor; or an Assignment of Reimbursement executed by the Applicant authorizing the District to pay up to \$3,000.00 directly to the Well Plugging Contractor.
- (b) A copy of the Well Plugging Contractor's invoice showing the itemized cost of materials used and services provided.
- (c) The Well Plugging Contractor's State Water Well driller license number and expiration date.
- (d) The State of Texas Plugging Report as required by Rule 5.3.
- (e) A W-9 form provided by the District and completed by the Person who will receive the reimbursement so that the District can send the required federal 1099 form at the end of the tax year.

**C. Approval of Reimbursement**

- (1) Reimbursement shall be made by the District upon receipt of documents described in Rule 6.2.B (3) and a determination by the District that the requirements of this Rule 6.2 have been fulfilled.

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- (2) Only Wells Plugged by a licensed Water Well driller are available for reimbursement. Water Wells Plugged by a Well Owner or Landowner are not available for reimbursement.
- (3) Only the amount expended for Plugging a Well as documented to the District's satisfaction in the Request for Reimbursement, to a maximum amount of \$3,000.00, will be approved for reimbursement.
- (4) Only one reimbursement per Well Owner will be approved per fiscal year.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **6.3 Capping Water Wells**

An Open or Uncovered Well that is in a non-Deteriorated condition must be Capped to prevent Waste, Pollution, or prevent Deterioration. The Well shall remain Capped until conditions that led to the Capping are eliminated. If the Well Owner fails to Cap the Well in compliance with District Rules, the District may do so after first taking action under Rule 7. Reasonable expenses incurred by the District in Capping a Well constitute a lien on the land on which the Well is located pursuant to Texas Water Code Section 36.118.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **6.4 Sealing Wells**

**A.** Following the procedure of Rule 7, the District may require the Sealing of a Well that is in violation of District Rules or that the District has prohibited from producing Groundwater.

**B.** If the District believes that continued operation of a Well may cause a threat of imminent endangerment to human health, safety, or the environment, the District may require the Sealing of a Well on an emergency basis. In such a case, the District shall provide an opportunity for notice and hearing under Rule 8.8 no later than the next regularly scheduled Board meeting.

**C.** If the District requires the Sealing of a Well and the Well Owner fails to Seal the Well, the District may Seal the Well following the procedures of Texas Water Code Section 36.123 and Rule 7.5.

**D.** A Well shall be Sealed by physical means and tagged to indicate that the Well has been Sealed as required by the District. The Seal is intended to preclude operation of the Well and identify unauthorized operation of the Well.

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E. Tampering with, altering, damaging, removing, or violating the Seal of a Sealed Well in any way, or pumping Groundwater from a Well that has been Sealed constitutes a violation of District Rules and subjects the Person who performs that action, as well as the Well Owner, to Enforcement under District Rules.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **RULE 7: ENFORCEMENT**

### **7.1 Complaints and Investigations**

A. All complaints shall be reflected on a District complaint form. These forms are available at the District Office and on its website. If a complaint is made verbally, by telephone, or in Person, a District Representative will ensure that the information is memorialized on a District Complaint Form. The complainant must inform the District if they want to qualify as an Aggrieved Party under the citizen suit provision of Texas Water Code Section 36.119. The District may initiate an investigation without receiving a complaint and shall follow the procedures of this Rule 7 for such investigation.

B. For purposes of this Rule 7.1 and Texas Water Code Section 36.119, an Aggrieved Party is a Landowner or other Person who has a right to produce Groundwater from land that is adjacent to the land on which the Well subject to the complaint is located, or who owns or otherwise has a right to produce Groundwater from land that lies within one-half mile of the subject Well.

C. A complainant may ask to remain anonymous, unless they want to qualify as an Aggrieved Party under the citizen suit provision of Texas Water Code Section 36.119.

D. A District Representative will investigate the complaint promptly and will memorialize his findings in a written Investigation Report.

E. A copy of the Investigation Report will be sent to the Person about whom the complaint was made. If the complainant has provided his name and address, a copy of the Investigation Report will be sent to the complainant.

#### **F. Board Consideration of Investigation Reports**

(1) An Investigation Report for a complaint must be presented to the Board for consideration not later than 90 days from the date of

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receipt of the complaint or from initiation of the investigation if the District initiates an investigation without a complaint being made.

- (2) Notice of the date, time, and location of the Board meeting at which the Investigation Report will be considered and a copy of the Investigation Report shall be mailed to the Person about whom the complaint was made and to the complainant, if the complainant has provided his name and address, by certified mail, return receipt requested, at least 20 days prior to the scheduled Board meeting.
- (3) At the Board meeting, the Board may decide that there was no violation and close the complaint file. If the Board decides that there has been a violation, it may direct the General Manager to issue a Notice of Violation under Rule 7.2 or initiate civil enforcement under Rule 7.6.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **7.2 Notice of Violation**

- A. If directed by the Board, the General Manager will send a Notice of Violation to a Person who is believed to be in violation of law, including violation of a District Rule, order, or permit. Such Person is considered the Respondent.
- B. The Notice of Violation shall include a copy of the Investigation Report.
- C. The Notice of Violation shall summarize the actions that the District believes show violation of law, including of a District Rule, order, or permit and shall state which law, including District Rule, order, or permit provision, has allegedly been violated.
- D. The Notice of Violation shall state the remedy required by the District. Such remedy may include remedial action, assessment of a penalty, revocation, suspension, or Involuntary Amendment of a Permit, Capping, Sealing, or Plugging of a well, or any other action within the District's authority designed to end the violation and deter future violations.
- E. A Respondent will be provided the opportunity to meet with the District regarding the alleged violation to attempt to settle the matter. The Notice of Violation shall include instructions for any required remedial action and for scheduling such a meeting.

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F. The Respondent will also be provided an opportunity for a Show Cause Hearing under Rule 8.8 and the Notice of Violation will give instructions for requesting such a hearing.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **7.3 Penalty Schedule**

The District may assess penalties for non-compliance with District Rules including failure to comply with conditions of a permit issued by the District. Penalties will be assessed in accordance with the following schedule, and each day of a continuing violation constitutes a separate violation. In a successful Enforcement Action, penalties may include reimbursement to the District of the District's actual reasonable expenses.

#### **Schedule of Penalties for Non-Compliance**

<b>Non-Compliant Action</b>	<b>Minimum Penalty</b>
Drilling a Well without District authorization	\$1,000.00
Producing water from a Non-Exempt Well without an Operating Permit	\$1,000.00
Violating a District Rule or Permit requirement	\$250.00
Exceeding Production Rate or Volume specified in an Operating Permit	\$1,000.00
Making changes to an Existing Well or its Operation prior to obtaining pre-authorization required by Rule 3.8 or 3.9	\$500.00

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **7.4 Suspension of Transport Permits**

In addition to any other remedy provided by law, the District may enforce payment of the Annual Water Transport Fees under District Rule 14.6 required by a Transport Permit, by suspending the Transport Permit and prohibiting further Export of Groundwater until all Fees due are paid in full.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **7.5 Notice and Access to Property**

A. The District has authority under Texas Water Code Section 36.123 for its representatives to enter any public or private property located within the District at any reasonable time for purposes of inspecting and investigating conditions

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relating to water quality, Wells, or compliance with District Rules, regulations, permits, or orders.

**B.** Prior to entry, the District will attempt to notify the land owner. The District will also attempt to notify the Well Owner and the Well Operator, in instances where the conditions being inspected and investigated involve a Well.

**C.** District employees or Agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection and shall notify any occupant or management of their presence and shall exhibit proper credentials.

**E.** The District respects individual property rights and shall endeavor to minimize any inconvenience to property owners while conducting District business.

- (1) The District shall notify, coordinate, and schedule Well and property access in advance with the property and Well Owner, his Agent, tenant, or other local contact.
- (2) Notice is not required if prior written permission to enter land or access Wells has been granted by the property or Well owner, his Agent, tenant, or other local contact.
- (3) District Representatives accessing public or private property or Wells shall exhibit proper credentials upon request.
- (4) District Representatives acting under this authority shall observe all the Owner's applicable rules and regulations concerning safety, internal security, and fire protection.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **7.6 Civil Enforcement**

**A.** As authorized by Texas Water Code Section 36.102, the violation of any District Rule may be subject to a civil penalty.

**B.** If it appears that a Person has violated, is violating, or is threatening to violate any provision of the District Act or any Board order, Rule or permit, the Board may authorize the General Manager to institute and conduct a suit in the name of the District for injunctive relief, or to recover a civil penalty of up to ten



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thousand dollars (\$10,000) for each violation and for each day a violation continues, or for both injunctive relief and civil penalties.

**C.** If the District prevails in any suit to enforce its Rules, including an action against any Person that is a governmental entity, the District may seek, and the court shall grant, in the interests of justice and as provided in subsection E of this Rule, recovery of attorney fees, costs for expert witnesses, and any other costs incurred by the District before the court.

**D.** In an Enforcement Action by the District against any Person that is a governmental entity for a violation of District Rules, the District is limited to recovering the amount of fees, costs, and penalties authorized under Texas Water Code Sections 36.102, 36.122, or 36.205.

**E.** If the District prevails on some, but not all, of the issues in a suit described in subsection C of this Rule, the court shall award attorney fees and costs only for those issues on which the District prevails and the District has the burden of segregating the attorney fees and costs in order for the court to make an award.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **RULE 8: PROCEDURAL RULES**

### **8.1 Actions on Budget, Management Plan, Bylaws, and Fee Schedules**

**A.** Once the District has developed a proposal involving its budget, Management Plan, bylaws, or administrative Fee schedule, the District will decide at which Board meeting the Board will consider the matter. The Board meeting at which the matter is considered under this Rule 8.1 shall be considered the Public Hearing on the proposal and fulfills the requirement, if any, for a Public Hearing.

**B.** Notice required by the Open Meetings Act shall be provided for the meeting.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **8.2 Hearing on Rules (Other Than Emergency Rules)**

**A.** All proposed changes to District Rules must comply with District Rule 1.5. Once the District has developed a proposal involving its Rules, the District will decide at which Board meeting the proposal will be considered for action. The Board meeting at which the proposal is considered under this Rule shall be

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considered the Public Hearing on the proposal and fulfills the requirement, if any, for a Public Hearing.

**B.** Notice required by the Open Meetings Act shall be provided for the hearing.

**C.** In addition to the notice required by the Open Meetings Act, not later than the 20<sup>th</sup> day before the date of the hearing, notice shall be provided as follows:

- (1) Post notice in a place readily accessible to the public at the District Office;
- (2) Provide notice to the county clerk of Duval County;
- (3) Publish notice in one or more newspapers of general circulation in Duval County; and
- (4) Provide notice by mail, facsimile, or electronic mail to any Person who has requested notice under Rule 8.2.F. Failure to provide notice under this Rule 8.2.C(4) does not invalidate an action taken by the District at a rulemaking hearing.

**D.** Notice of the Public Hearing on the proposal required by Rule 8.2.C shall include:

- (1) A brief explanation of the subject of the proposal, including a statement that the District's Board of Directors will consider changes to the District Rules at the Board meeting, which will serve as the Public Hearing on the matter.
- (2) The time, date, and location of the hearing.
- (3) The agenda of the hearing.
- (4) A statement that the proposal is available to be reviewed or copied at the District Office prior to the hearing.
- (5) A statement that the District will accept written comments and give the deadline for submitting written comments.
- (6) A statement that oral public comment will be taken at the hearing.

**E.** Copies of the proposal shall be available at the District Office during normal business hours at least 20 days prior to the hearing.

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- F.** A Person may submit to the District a written request for notice of a rulemaking hearing. A request is effective for the remainder of the calendar year in which the request is received by the District. To receive notice of a rulemaking hearing in a later year, a Person must submit a new request.
- G.** To ensure that written comments about the proposal will be considered by the Board, such written comments should be submitted to the District at least 5 days prior to the scheduled hearing at which the proposal will be considered by the Board.
- H.** Anyone interested in the proposal may attend the hearing and make oral comments at the time designated for comments.
- I.** The District shall make and keep in its files an audio recording of the hearing.
- J.** The Board shall issue a written order or resolution reflecting its decision. The proposal that the Board has approved shall be an attachment to that written order or resolution.
- K.** The effective date of the written order or resolution shall be the date on which the President of the District signs the order or resolution. The order or resolution shall include a statement that the proposal becomes effective and final on that date. Any appeal authorized by Texas Water Code Chapter 36, Subchapter H shall run from the effective date, because it is the date on which all administrative appeals to the district are final.
- L.** If in the course of the deliberation during the meeting, the Board decides it wants to substantially change the proposal, the Board shall “continue” or postpone the matter until a future Board meeting. Prior to consideration of the substantially changed proposal, the District shall provide notice and opportunity for comment and hold a hearing on the substantially changed proposal under this Rule. It is solely within the discretion of the Board what constitutes a substantial change to a proposal under this Rule.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **8.3 Adoption of Emergency Rules**

- A.** The District may adopt an Emergency Rule, consistent with District Rule 1.5, without following the notice and hearing provisions of Rule 8.2, if the Board:

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- (1) Finds that a substantial likelihood of imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a Rule on less than 20 days' notice; and
- (2) Prepares a written statement of the reasons for its finding under Rule 8.3.A(1).

**B.** An Emergency Rule under this Rule 8.3 must be adopted at a meeting of the Board subject to the requirements of the Open Meetings Act. Notice required by the Open Meetings Act shall be provided.

**C.** Except as provided by Rule 8.3.D., a Rule adopted under this Rule may not be effective for longer than 90 days.

**D.** If notice of a hearing under Rule 8.2 is given before the Emergency Rule expires under Rule 8.3.C., the Emergency Rule is effective for an additional 90 days.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

#### **8.4 Actions on Operating Permits**

**A.** Within 60 days after the date it is deemed Administratively Complete by the District, an Application for an Operating Permit or an Application for a Transport Permit shall be acted on by the District's General Manager or set on a specific date for action at a meeting of the District Board, which is considered a Public Hearing under Texas Water Code sections 36.402 and 36.403, whichever action is authorized under this Rule 8.4.

**B.** Any Application for an Operating Permit for a Non-Exempt Well and any Application for a Transport Permit, shall be referred to the Board for action under Rule 8.5.

**C.** An Application for a Minor Amendment to an Operating Permit under Rule 3.9.C or to a Transport Permit under Rule 14.9.C(4), or an Application for a Replacement Well under Rule 3.13 may be approved by the District's General Manager without further Board action. This will be considered an Uncontested Matter. Denial of such Applications shall be referred to the Board for action under Rule 8.5.

**D.** An Application for a Major Amendment to an Operating Permit under Rule 3.9.D or to a Transport Permit under Rule 14.9.C(3) and an Involuntary Amendment proposed by the General Manager under Rules 3.12 shall be referred to the Board for action under Rule 8.5.

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E. An Application to renew an Operating Permit or a Transport Permit may be approved by the District's General Manager without further Board action. This will be considered an Uncontested Matter. Denial of a renewal shall be referred to the Board for action under Rule 8.5.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

**8.5 Public Hearing on Operating and Transport Permit and Amendment Applications**

A. In this Rule, "Applications" refers to Applications referred to the Board for action under the requirements of Rule 8.4. These will be considered Uncontested Applications unless a Request for a Contested Case under Rule 8.6.A is timely submitted.

B. Within 60 days of the date on which the District determines that an Application is Administratively Complete, it shall be set on the agenda for a Public Hearing at a Board meeting. This setting serves to fulfill the requirement of Texas Water Code 36.114(e). Such setting shall be no later than the next regularly scheduled Board meeting that would allow sufficient time for the notice required by Rule 8.5.C. This Public Hearing must be held within 35 days after the setting of the date.

C. Notice of the Public Hearing on the Application shall include the following:

- (1) The name of the Applicant;
- (2) The address or approximate location of the Well or Proposed Well;
- (3) A brief explanation of the proposed Permit or Permit Amendment, including any requested amount of Groundwater, the purpose of the proposed Use, and any change in Use;
- (4) For a Transport Permit or Permit Amendment, a brief explanation of the proposal including identifying the underlying Wells that will produce the Groundwater, the end user of the Groundwater, if known, and its location;
- (5) The time, date and location of the Public Hearing; and
- (6) Any other information the District considers relevant and appropriate.

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**D.** In addition to the notice required by the Open Meetings Act, not later than the 10th day before the date of the Public Hearing, notice shall be provided as follows:

- (1) Post notice in a place readily accessible to the public at the District Office;
- (2) Provide notice to the county clerk of each county in the District;
- (3) Mail notice to the Applicant by regular mail;
- (4) Publish notice in a newspaper of general circulation in the county in which the District is located;
- (5) Provide notice by mail, facsimile, or electronic mail to any Person who has requested notice under Rule 8.5.E. Failure to provide notice under this Rule 8.5.D(5) does not invalidate an action taken by the District at the Public Hearing.

**E.** A Person may submit to the District a written request for notice of a Public Hearing on a Permit or Permit Amendment. A request is effective for the remainder of the calendar year in which the request is received by the District. To receive notice of a Public Hearing in a later year, a Person must submit a new request.

**F.** Anyone interested in the Application may attend the meeting and make oral comments at the time designated for comments.

**G.** The Board, at its sole discretion, may administer an oath to the staff, the Applicant, and anyone who makes oral comments on the Application.

**H.** The Board shall issue a written order or resolution reflecting its decision on the Application. It may grant the Application, grant the Application with special conditions, or deny the Application. If the Board approves the Operating or Transport Permit or Permit Amendment, the Permit shall be an attachment to that written order or resolution. The Board's decision shall be made within 60 days after the Board meeting at which the Application was considered.

**I.** The effective date of the Board's written order or resolution reflecting its decision on the Application under Rule 8.5.H shall be 21 days after the date on which the President of the District signs the order or resolution, if no Contested Case Hearing Request under Rule 8.6.A is received by the District or if the Contested Case Hearing Fee Deposit described in Rule 8.7.C is not submitted to the District by the deadline prescribed in the Board order under Rule 8.7.C. The order or resolution shall include a statement that the order or resolution and its

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attachment become effective and final within 21 days of that date. Any appeal authorized by Texas Water Code Chapter 36, Subchapter H shall run from the effective date, because it is the date on which all administrative appeals to the District are final, unless there is a Contested Case Hearing Request.

**J.** If after a Preliminary Hearing the Board determines that there will be no Contested Case Hearing, the effective date of the Board's written order or resolution reflecting its decision on the Application under Rule 8.5.H shall be the date on which the Board signs a written order or resolution under 8.6.F denying the Contested Case Hearing Request. Any appeal authorized by Texas Water Code Chapter 36, Subchapter H shall run from the effective date, because it is the date on which all administrative appeals to the District are final

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **8.6 Contested Case Hearings on Permitting Actions**

**A.** A Request for Contested Case Hearing on the Board's decision on an Application under Rule 8.5.H must be in writing and must be received by the District not later than 20 days after the date on which the President of the District signs the order or resolution under Rule 8.5.H. If a Contested Case Hearing requester intends to request that the Hearing be sent to the State Office of Administrative Hearings, as authorized by Texas Water Code 36.416(b) and District Rule 8.7, the request must be included in the Request for Contested Case Hearing, or it is waived.

**B.** The following individuals who submit a Contested Case Hearing Request may be named Parties at the Preliminary Hearing:

- (1) The Applicant; or
- (2) A Person who
  - (a) has a Personal justiciable interest related to a legal right, duty, privilege, power, or economic interest that is within the District's regulatory authority that is not merely an interest common to members of the public; and
  - (b) is affected by the Board's action on the Application under Rule 8.5.H.

**C.** If the District receives a written Contested Case Hearing Request during the period required under District Rule 8.6.A the District shall schedule a Preliminary

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Hearing no later than the next regularly scheduled Board meeting that would allow sufficient time for the notice required by this Rule 8.6.

**D.** If the Preliminary Hearing is conducted by a quorum of the Board, notice required by the Open Meetings Act shall be provided. Additionally, at least 10 days prior to the Preliminary Hearing, the District shall mail notice to the Applicant and to all Persons requesting a Contested Case Hearing.

**E.** The Preliminary Hearing may be conducted by a quorum of the Board; an individual to whom the Board has delegated in writing the responsibility to preside as a Hearings Examiner over the hearing or matters related to the hearing; or an administrative law judge at the State Office of Administrative Hearings under Texas Water Code § 36.416 and District Rule 8.7. In any event, the Board shall make the final determination as to whether any Person requesting the Contested Case Hearing has standing to make that request and whether a justiciable issue related to the Application has been raised.

**F.** At the Preliminary Hearing any matter that may expedite the hearing or otherwise facilitate the hearing process may be considered, including,

- (1) whether a valid Contested Case Hearing Request has been submitted and if so, the designation of Parties. If the District's decision on an Application is opposed by one or more individuals requesting a Contested Case Hearing, the General Manager is automatically a Party.
- (2) if a request under District Rule 8.6.A has been made to send the Contested Case Hearing to the State Office of Administrative Hearings, the amount of the Contested Case Hearing Fee Deposit under Texas Water Code section 36.416(c).
- (3) if a request under District Rule 8.6.A has been made to send the Contested Case Hearing to the State Office of Administrative Hearings, the location of the hearing either in Travis County, Texas, or as described in Texas Water Code 36.403(c).
- (4) formulation and simplification of issues.
- (5) the hearing schedule, including any necessary discovery.

**G.** The Board's decisions made during the Preliminary Hearing will be in the form of a written order. If the Board determines that there will be a Contested Case Hearing, the written order shall also specify, if applicable, a ten (10) day deadline to submit to the District the required Contested Case Hearing Fee



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Deposit under Texas Water Code section 36.416(c). The ten day deadline shall run from the date of the written order. If the Contested Case Hearing Fee Deposit is not submitted to the District by the deadline, the Contested Case Hearing Request is considered withdrawn and the Board's decision on the Application under Rule 8.5.H becomes final under the terms of Rule 8.5.I.

**H.** The Contested Case Hearing shall be conducted by a quorum of the Board, or the Board, at its sole discretion, may appoint a Hearings Examiner to preside at and conduct the hearing on the Application. In the alternative, a hearing may be held by the State Office of Administrative Hearings under District Rule 8.7. The appointment of a Hearings Examiner shall be made in writing. If the hearing is conducted by a quorum of the Board, the President shall preside. If the President is not present, the Board shall select one of the Directors who are present to preside.

**I.** The Presiding Officer has the following authority and obligations:

- (1) May convene the hearing at the time and place specified in the notice;
- (2) May set any necessary additional hearing dates;
- (3) May designate the parties regarding a contested Application;
- (4) May establish the order for presentation of evidence;
- (5) May administer oaths to all Persons presenting testimony;
- (6) May examine Persons presenting testimony;
- (7) May ensure that information and testimony are introduced as conveniently and expeditiously as possible without prejudicing the rights of any Party;
- (8) Shall admit relevant evidence and may exclude evidence that is irrelevant, immaterial, or unduly repetitious;
- (9) May prescribe reasonable time limits for testimony and the presentation of evidence.
- (10) May allow testimony to be submitted in writing and may require that written testimony be sworn to. On the motion of a Party to the hearing, the Presiding Officer may exclude written testimony if the Person who submits the testimony is not available for cross-

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examination by phone, a deposition before the hearing, or other reasonable means.

- (11) May refer Parties to an alternative dispute resolution (ADR) procedure on any matter at issue in the hearing, apportion costs for ADR, and appoint an impartial third party as provided by Section 2009.053 of the Government Code to facilitate that procedure; and
- (12) May continue a hearing from time to time and from place. If the continuance is not announced on the record at the hearing, the Presiding Officer shall provide notice of the continued hearing by regular mail to the parties. In any event, if the hearing is being conducted by a quorum of the Board, Open Meetings notice shall be provided.
- (13) May exercise the procedural Rules under District Rules 8.5 and 8.6;
- (14) May apportion among the Parties the costs related to:
  - (a) a contract for the services of a Presiding Officer; and
  - (b) the preparation of the official hearing record.

**J.** The Presiding Officer shall prepare and keep a record of each hearing in the form of an audio or video recording or a court reporter transcription. On the request of a Party to the Contested Case Hearing and payment of an appropriate deposit, as set by the Presiding Officer, the hearing shall be transcribed by a court reporter. The costs of such court reporter may be assessed against the Party requesting it or among the parties to the hearing. The Presiding Officer may exclude a Party from further participation in the hearing for failure to pay in a timely manner costs assessed against that Party under this Rule 8.6.J.

**K.** If the Board has appointed a Hearings Examiner to be the Presiding Officer at the hearing, the Hearings Examiner shall submit a Proposal for Decision to the Board not later than the 30<sup>th</sup> day after the date the evidentiary hearing is concluded. A copy shall be provided to the Applicant and each Party to the hearing. The Applicant and other parties to the hearing may submit to the Board written exceptions to the Proposal for Decision within 10 days of issuance of the Proposal for Decision. The Proposal for Decision shall include:

- (1) A summary of the subject matter of the hearing;
- (2) A summary of the evidence received; and

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- (3) The Hearings Examiner's recommendations for Board action on the subject matter of the hearing.

**L.** The Board shall consider the Proposal for Decision at a Board meeting held after the deadline for written exceptions to the Proposal for Decision has passed. This Board meeting shall be the final hearing as contemplated by Texas Water Code section 36.410(f). Additional evidence may not be presented during the final hearing. The Parties may present oral argument at the final hearing to summarize the evidence, present legal argument, or argue an exception to the Proposal for Decision. A final hearing may be continued as provided by Texas Water Code section 36.409 and Rule 8.6.I(12).

**M.** The Board shall issue a written order or resolution reflecting its decision, which shall be made at the hearing or at a meeting subject to the requirements of the Open Meetings Act. A copy of the permit shall be an attachment to that written order or resolution. The Board's decision shall be made within 60 days after the final hearing on the Application is concluded.

**N.** Request for rehearing or findings and conclusions shall be considered as follows:

- (1) Not later than the 20th day after the date of the Board's decision, an Applicant or a Party to a Contested Case Hearing may administratively appeal a decision of the Board on an Application by requesting written findings and conclusions or a rehearing before the Board.
- (2) On receipt of a timely written request, the Board shall make written findings and conclusions regarding a decision of the Board on an Application. The Board shall provide certified copies of the findings and conclusions to the Person who requested them, and to each designated Party, not later than the 35th day after the date the Board receives the request. The Applicant or a Party to the Contested Case Hearing may request a rehearing before the Board not later than the 20th day after the date the Board issues the findings and conclusions.
- (3) A request for rehearing must be filed in the District Office and must state the grounds for the request. The Person requesting a rehearing must provide copies of the request to all parties to the hearing.
- (4) If the Board grants a request for rehearing, the Board shall schedule the rehearing not later than the 45th day after the date the request

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is granted. Any action by the Board on a request for rehearing shall be made at a Board meeting subject to the Open Meetings Act.

- (5) The failure of the Board to grant or deny a request for rehearing before the 91st day after the date the request is submitted is a denial of the request.
- O. A decision by the Board on an Application is final if:
- (1) A request for rehearing is not filed on time, on the expiration of the period for filing a request for rehearing; or
  - (2) A request for rehearing is filed on time, on the date:
    - (a) the Board denies the request for rehearing; or
    - (b) the Board renders a written decision after rehearing.
- P. An Applicant or a Party to a Contested Case Hearing may file a suit against the District under Texas Water Code Section 36.251 to appeal a decision on an Application not later than the 60th day after the date on which the decision becomes final. A timely filed request for rehearing is a prerequisite to any such suit.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **8.7 Contested Case Hearing Referred to SOAH**

- A.** If the Board determines that a Contested Case Hearing will be held, a request by the Applicant or other Party was timely filed under District Rule 8.6.A, and the Contested Case Hearing Fee Deposit was timely received by the District under District Rule 8.6.F, the District shall contract with the State Office of Administrative Hearings to conduct the hearing.
- B.** The Contested Case Hearing shall be conducted in Travis County or at the District Office or regular meeting location of the Board unless the Board provides for hearings to be held at a different location.
- C.** The Party requesting the hearing before SOAH shall pay all costs associated with the contract for the hearing and shall deposit with the District an amount sufficient to pay the contract amount. This Contested Case Hearing Fee Deposit shall be received by the District within 10 days of issuance of the order or resolution under District Rule 8.6.G. At the conclusion of the Contested Case Hearing, the

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District shall refund any excess money to the paying Party. All other costs may be assessed as authorized by Texas Water Code Chapter 36 or District Rules.

**D.** The hearing shall be conducted as provided in District Rule 8.6, to the extent District Rule 8.6 does not conflict with subchapters C, D, and F of the Texas Government Code, Chapter 2011 and the procedural rules of the State Office of Administrative Hearings.

**E.** An administrative law judge who conducts a Contested Case Hearing shall consider applicable District Rules or policies in conducting the hearing, which shall be provided to the judge by the District.

**F.** The District order or resolution under District Rule 8.6.G shall control on the issues addressed in that order.

**G.** The District Board has the authority to make a final decision on consideration of a Proposal for Decision issued by an administrative law judge from the State Office of Administrative Hearings. The Board may change a finding of fact or conclusion of law made by the administrative law judge, or may vacate or modify an order issued by the judge, only if the Board determines:

- (1) that the judge did not properly apply or interpret applicable law, District Rules, or written policies provided under Rule 8.7.E, or prior District administrative decisions;
- (2) that a prior District administrative decision on which the judge relied is incorrect or should be changed; or
- (3) that a technical error in a finding of fact should be changed.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **8.8 Show Cause Hearing**

**A.** If the District receives a timely filed written request for hearing from a Respondent who has received a Notice of Violation from the District, the District shall decide at which Board meeting the Enforcement Action will be considered. The Board meeting at which the Enforcement Action is considered under this Rule shall be considered the Public Hearing on the matter and fulfills the requirement, if any, for a Public Hearing, and shall serve as a Show Cause Hearing.

**B.** Notice required by the Open Meetings Act shall be provided for the meeting.

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- C.** Notice of the Show Cause Hearing shall be mailed to the Respondent by certified mail, return receipt requested, at least ten days prior to the scheduled hearing date.
- D.** Anyone attending the Show Cause Hearing may make oral comments at the time designated for comments.
- E.** The Board, at its sole discretion, may administer an oath to the staff, the Respondent, and anyone who makes oral comments on the Enforcement Action.
- F.** The District has the burden of proving any alleged violation and the Respondent shall have the opportunity to Show Cause why the penalty or remedial action proposed by the District for the alleged violations should not be imposed, including showing that no violation occurred or that mitigating circumstances existed.
- G.** The Show Cause Hearing shall be conducted by a quorum of the Board, or the Board, at its sole discretion, may appoint a Hearings Examiner to preside at and conduct the Show Cause Hearing. Appointment of a Hearings Examiner shall be made in writing. If the hearing is conducted by a quorum of the Board, the President shall preside. If the President is not present, the Board shall select one of the Directors who are present to preside. If the matter is referred to a Hearings Examiner, upon completion of the hearing the Hearings Examiner shall submit a written recommendation to the Board of Directors.
- H.** At the close of the Show Cause Hearing, the Board of Directors shall make a decision on the issues before it. If a Hearings Examiner conducts the Show Cause Hearing, the Board of Directors is not required to approve the written recommendation submitted by the Hearings Examiner. The Board of Directors shall issue a written order or resolution reflecting its decision. If the Respondent is found to have committed a violation, the order or resolution shall include actions that the Respondent is required to take in order to come into compliance, assessment of penalties under Rule 7.3, and reimbursement to the District of the costs incurred in investigating and prosecuting the violation.
- I.** The effective date of the written order shall be the date on which the President of the District signs the order or resolution. The order or resolution shall include a statement that the order or resolution becomes effective and final on that date. Any appeal authorized by Texas Water Code Chapter 36, Subchapter H shall run from the effective date, because it is the date on which all administrative appeals to the District are final.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **8.9 Procedures for Joint Planning**

### **A. Notice and Public Hearing on Proposed Relevant DFCs**

- (1) When the GMA-16 Joint Planning Committee mails a copy of the proposed Desired Future Conditions proposed under Texas Water Code 36.108(d), a 90-day comment period begins.
- (2) During the public comment period, the District shall post notice and hold a Public Hearing on any proposed DFCs relevant to the District.
- (3) During the public comment period, the District shall make available in the District Office a copy of the proposed DFC and any supporting materials, such as the documentation of factors considered under Texas Water Code 36.108(d) and Groundwater availability model run results.
- (4) At least 10 days before a hearing on the proposed Desired Future Conditions proposed by the GMA-16 Joint Planning Committee under Texas Water Code 36.108(d), the District must post notice of Public Hearing on the proposed DFC that includes the following:
  - (a) the proposed Desired Future Conditions and a list of any other agenda items;
  - (b) the date, time, and location of the Public Hearing;
  - (c) the name, telephone number, and address of the Person to whom questions or requests for additional information may be submitted;
  - (d) the names of the other districts in GMA-16; and
  - (e) information on how the public may submit comments
- (5) The notice must be:
  - (a) posted in a place readily accessible to the public at the District Office;
  - (b) provided to the county clerk of each county in the District;

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- (c) published in one or more newspapers of general circulation in the counties in which the District is located;
  - (d) provided by mail, facsimile, or electronic mail to any Person who has requested notice under District Rule 8.2.F;
  - (e) make available a copy of the proposed Desired Future Conditions at a place accessible to the public during normal business hours and on the District website.
- (6) Anyone interested in the proposal may submit written comments about the proposal to the District at least 5 days prior to the scheduled hearing at which the proposal will be considered by the Board.
  - (7) Anyone interested in the proposal may attend the hearing and make oral comments at the time designated for comments.
  - (8) The District shall make and keep in its files an audio recording of the hearing.
  - (9) The Board shall issue a written order or resolution reflecting its decision. The proposal that the Board has approved shall be an attachment to that written order or resolution.
  - (10) After the close of the public comment period, the District shall compile for consideration at the next GMA-16 Joint Planning Committee meeting a summary of relevant comments received, any suggested revisions to the proposed Desired Future Conditions, and the basis for the revisions. This summary is the DFC Hearing Summary Report.

**B. District Adoption of the DFCs**

- (1) As soon as possible after the District receives notification from the Texas Water Development Board that the DFC Resolution and Explanatory Report are administratively complete, the District shall adopt the DFCs in the Resolution and Report that apply to the District.
- (2) The notice and hearing provisions of District Rule 8.9.A(2) - (9) apply to the District's adoption of the DFCs.



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**C. Appeal of a DFC**

- (1) If the District receives, within 120 days from the District's adoption of a DFC under District Rule 8.9.B, a petition from an affected Person appealing the reasonableness of a DFC, the District shall take the following actions.

  - (a) Submit a copy of the petition to the Texas Water Development Board within 10 days of receipt.
  - (b) Within 60 days of receipt, submit a copy of the petition to SOAH and contract with SOAH to conduct a Contested Case Hearing on the petition, as provided by Texas Water Code section 36.1083.
- (2) During the period between receipt of a petition described in subsection (1) of this Rule 8.9.C and receipt of the Texas Water Development Board study required under Texas Water Code section 36.1083(e), the District may enter into mediation with the petitioner to resolve the issues raised in the petition.
- (3) If there is no resolution of the petition, the District shall provide at least 10 days prior to the SOAH hearing:

  - (a) general notice of the SOAH hearing following the requirements of District Rule 8.9.A; and
  - (b) notice of the SOAH hearing mailed to the petitioner; any Person who has requested notice; each nonparty Groundwater Conservation District and Regional Water Planning Group located in the same Groundwater Management Area as the District; the Texas Water Development Board; and the Texas Commission on Environmental Quality.
  - (c) notice under District Rule 8.9.C.(3)(a) and (b) shall include the following information:

    - (i) a statement of the time, place, and nature of the hearing;
    - (ii) a statement of the legal authority and jurisdiction under which the hearing is to be held, citing specifically to 1 Texas Administrative Code Chapter 155;

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- (iii) a reference to the particular sections of the statutes and rules involved; and
  - (iv) a short, plain statement of the matters asserted.
- (4) The petitioner shall pay the costs associated with the SOAH contract and prior to the beginning of the SOAH hearing shall deposit with the District an amount sufficient to pay the contract amount, such amount to be set by the District on a case-by-case basis depending on the SOAH contract for each petition hearing.
- (5) SOAH may apportion costs among the parties to the petition hearing and the District will implement such apportionment, including refund of any excess deposit money to the petitioner.
- (6) On receipt of SOAH's findings of fact and conclusions of law in a proposal for decision on the petition, the District shall issue a final order stating the District's decision on the petition, including findings of fact and conclusions of law. The District may change a finding of fact or conclusion of law made by SOAH, or may vacate or modify an order issued by SOAH, as provided by District Rule 8.7.G.
- (7) If the District vacates or modifies the proposal for decision, the District shall issue a report describing in detail the District's reasons for disagreement with SOAH's findings of fact and conclusions of law. The report shall provide the policy, scientific, and technical justifications for the District's decision.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016; Amended February 28, 2018, by Board Order effective February 28, 2018.*

## **RULE 9: WATER WELLS ASSOCIATED WITH URANIUM EXPLORATION AND MINING**

### ***9.1 Uranium Exploration Activities***

#### **A. GCD Jurisdiction:**

- (1) Except as provided in Texas Natural Resources Code Section 131.354, 16 Texas Administrative Code Section 11.140, and these Rules, the Texas Railroad Commission has exclusive jurisdiction and is solely responsible for regulation of all Uranium Exploration Activities.

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- (2) Cased Uranium Exploration Wells subject to a Uranium Exploration Permit used for exploration or for Rig Supply Purposes are exempt from District regulation except as described in Rule 9.1.A(3).
- (3) If the cumulative amount of water produced from the Cased Uranium Exploration Wells located inside the area subject to the Uranium Exploration Permit and completed under the Uranium Exploration Permit exceeds 40 acre-feet in one year:
  - (a) All Wells described in Rule 9.1.A(3) used for Monitoring Purposes are subject to District Rules regarding Registration of Wells.
  - (b) All Wells described in Rule 9.1.A(3) used for Rig Supply Purposes are subject to District Rules regarding production and reporting.
- (4) **Production Limits**

With regard to a Rig Supply Well subject to the District's production Rules pursuant to Texas Natural Resources Code 131.354(c), 16 Texas Administrative Code 11.140(d), and Rule 9.1.A(3)(b), the District shall use the number of acres described in the Uranium Exploration Permit in calculating Production Limits under District Rule 11.

**B. Cased Well Production Report**

A Uranium Exploration Permittee shall submit a Cased Well Production Report to the District as described in this Rule 9.1.B. The Report shall include the total amount of water produced by each Cased Uranium Exploration Well used for Monitoring or for Rig Supply and that is located inside the area subject to the Uranium Exploration Permit. The Reports shall be submitted on April 30 for January through March; on July 31 for April through June; on October 31 for July through September; and on January 31 for October through December. The Reports are required until the end of the Uranium Exploration Permit Year, even if production temporarily ceases. The Cased Well Production Report form is available at the District Office and on the District website. The following information must be provided:

- (1) Well identification to correspond with information provided to the Railroad Commission on Form SMRD-38U (Cased Exploration Well Completion Report);
- (2) amount of water produced reported in gallons and acre-feet; and

- (3) monthly production data and cumulative data for the Uranium Exploration Permit Year.

**C. Groundwater Quality and Well Information**

- (1) At least 15 days prior to commencement of drilling, a Uranium Exploration Permittee shall obtain Groundwater samples for analysis in accordance with this subsection. Within 90 days of receiving the laboratory analysis data, the Permittee shall provide to the District Exploration Groundwater Quality Information as follows:
  - (a) from each Water Well located in the District that is tested by the Permittee before exploration; and
  - (b) from the following Wells, as applicable:
    - (i) if there are fewer than 10 Water Wells located inside the area subject to the Uranium Exploration Permit, from each Well located inside that area; or
    - (ii) if there are at least 10 Water Wells located inside the area subject to the Uranium Exploration Permit, from 10 Water Wells that are distributed as evenly as possible throughout that area.
- (2) Within 90 days of receiving the laboratory analysis data, a Permittee shall provide to the District Exploration Groundwater Quality Information obtained during exploration within the District as follows:
  - (a) from each Water Well that the Permittee tests during exploration; and
  - (b) from each Cased Uranium Exploration Well completed under the Uranium Exploration Permit.
- (3) Each Permittee shall conform the Exploration Groundwater Quality Information required under subsections (1) and (2) of this Rule 9.1.C to the requirements of 16 Texas Administrative Code section 11.142.
- (4) Each Uranium Exploration Permittee that installs Cased Uranium Exploration Wells shall provide to the District, within 60 days of the installation, the following information:

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- (a) the Permittee's name, address, and telephone number; and
- (b) the following information for each Cased Uranium Exploration Well in the District:
  - (i) Well Completion information;
  - (ii) the State of Texas Well Report, and all Geophysical and Lithological Well Logs, except any Confidential Information as defined in these Rules;
  - (iii) the location of the Well in WGS 84 Coordinates, including a legal description and the acreage of the property where the Well is located;
  - (iv) verification that the Well will be used for an Industrial Purpose; and
  - (v) the type and Capacity of the pump used in the Well.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **9.2 Injection Well Area Permit for In Situ Uranium Mining**

### **A. Reporting Data to District**

If in an Area Permit Application, the proposed Area Permit boundary is wholly or partially within the District, the Area Permit Applicant shall provide to the District the information required by this Rule 9.2.A. This information must be provided to the District no later than 90 days after the Area Permit Applicant receives the final information.

- (1) The Area Permit Applicant shall provide Information regarding Water Wells that are not recorded in the public record when such Water Wells are encountered during the development of the Area Permit Application, including:
  - (a) the location of each Water Well in WGS 84 Coordinates;
  - (b) the ownership of the Well; and

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- (c) any other available information for the Water Well, including but not limited to depth, Completion method, Completion interval, water quality information, and lift method.
- (2) A map showing the locations, including the WGS 84 Coordinates, of all Water Wells that are recorded in the public record and that are inside the proposed Area Permit boundary and within one-quarter mile outside of the proposed Area Permit boundary;
- (3) Pre-Mining Water Quality Information collected from Area Permit Registered Wells; and
- (4) A record of strata as described in 30 Texas Administrative Code 331.224 for each Area Permit Registered Well, except for Confidential Information, as defined in these Rules.

**B. Area Permit Registered Well Production Report**

An Area Permit Applicant shall submit an Area Permit Registered Well Production Report to the District as follows. The Report shall include the total amount of water produced by each Area Permit Registered Well. The Reports shall be submitted on April 30 for January through March; on July 31 for April through June; on October 31 for July through September; and on January 31 for October through December. The Area Permit Registered Well Production Report form is available at the District Office and on the District website.

**C. Reporting an Excursion in a Designated Monitor Well**

A copy of the written notification of an excursion in a designated Monitoring Well, required under 30 Texas Administrative Code 331.106(1), shall be submitted to the District at the same time it is sent to the Texas Commission on Environmental Quality.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

**9.3 Aquifer Exemption Boundaries Reporting Requirement**

The holder of an Aquifer Exemption shall submit to the District a map or legal description of any portion of the aquifer that becomes off limits for use as a drinking water source under the Safe Drinking Water Act and Texas Water Code Chapter 27 Aquifer Exemption process of 40 Code of Federal Regulations Section 144.7(b) and 30 Texas Administrative Code Section 331.13. A submittal is due within 90 days of approval, amendment, and removal of the Aquifer Exemption

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by the U.S. Environmental Protection Agency. The holder of the Aquifer Exemption is responsible for submitting this documentation. Additionally, because under Rule 11.2.C(3) an Aquifer Exemption affects the Landowner's Groundwater allocation, the Landowner is also responsible.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

#### **9.4 Confidential Information under this Rule**

When Rule 9 refers to Confidential Information, it means information determined to be confidential pursuant to 16 Texas Administrative Code section 11.74.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **RULE 10: WELL LOCATION AND SPACING**

#### **10.1 Purpose**

The purpose of these Well spacing requirements is to promote Groundwater Conservation, provide for long-term availability of Groundwater resources, reduce localized depletion of Groundwater, prevent interference between Wells, and prevent the degradation of Groundwater quality.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

#### **10.2 Applicability**

**A.** The requirements of Rule 10.3, 10.4, and 10.5 apply to all Proposed Wells drilled within the District, except Wells subject to Rule 9 and 13.2.C or unless specifically noted in this Rule 10. As authorized by Texas Water Code Section 36.116, some of the required distances are more stringent than those required by 16 Texas Administrative Code Section 76.100, as amended.

**B.** When an Application for Registration or for an Operating Permit for an Existing Well is filed, the District will determine whether it complies with the requirements of Rule 10.4 establishing distances from potential sources of Pollution. If the Well does not, the District may impose requirements designed to protect the Groundwater and the Aquifer.

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C. All Water Well drillers and Persons having a Well drilled, deepened, or otherwise Altered shall adhere to the provisions of this Rule prescribing the location of Wells.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **10.3 Well Location Requested in Application**

After an Application for Registration or for an Operating Permit has been approved, the Well must be located within thirty (30) feet of the location specified in the Well Registration Certificate or the Operating Permit. If the Well is drilled at a different location, the operation of such Well may be enjoined by the Board, following the procedures of Rule 7.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **10.4 Spacing from Potential Sources of Pollution**

A. All Proposed Wells must comply with the location standards of 16 Texas Administrative Code Section 76.100, which dictate horizontal distance from potential sources of Pollution. Section 76.100 excludes Monitoring Wells, Environmental Soil Borings, Dewatering Wells, Piezometer Wells, and Recovery Wells from these requirements. Such Wells may be located where necessity dictates.

B. Public Water Supply Wells also must comply with the 150-foot sanitary control easements as required by Title 30 Texas Administrative Code Chapter 290.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **10.5 Spacing from Property Lines**

A. All Proposed Wells shall be located a minimum horizontal distance from property lines as required by 16 Texas Administrative Code Section 76.100 unless covered by the more stringent spacing requirements of this Rule 10.5.

B. Proposed Wells may not be drilled within one hundred (100) feet of any property line.



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C. A Proposed Well must be located so that the distance to any other Well is at least one foot for each gallon-per-minute of Production Capacity of the Well. If the Capacity of the Well exceeds one-thousand (1,000) gallons-per-minute then the minimum spacing distance must be an additional one-half (1/2) foot for each gallon-per-minute in excess of one-thousand.

EXAMPLES:

500 gallons per minute=500 feet  
750 gallons per minute=750 feet  
1000 gallons per minute=1000 feet  
1250 gallons per minute=1375 feet  
1500 gallons per minute=1750 feet  
1750 gallons per minute=2125 feet

D. For the purpose of preventing Waste, the Board reserves the right to enter special orders increasing or decreasing the spacing distances of Rule 10.5.C. in particular subterranean water zones or reservoirs.

E. Any increase in pumping Capacity must be approved by the District under Rule 3.8 for an Exempt Well and 3.9 for a Non-Exempt Well. A request to increase pumping Capacity will only be granted if the Well location will comply with the spacing requirements of this Rule 10.5 or if the Board approves an exception during the Permit Amendment process.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **10.6 Well Spacing Variance Procedures**

### **A. Purpose**

In order to protect the rights of owners of interests in Groundwater or to prevent Waste, the Board may grant exceptions to the spacing requirements of Rule 10.5.

### **B. Applicability**

The procedure under this Rule 10.6 applies to a Well spacing Variance for a Proposed Exempt Well. An exception from the spacing requirements of Rules 10.4 and 10.5 for a Proposed Non-Exempt Well must be addressed during the Operating Permit and Amendment process under Rule 3. The procedure of this Rule 10.6 does not apply to those situations

C. A Variance Application shall be submitted to the District on a form obtained from the District. The Application, including the required attachments, shall be signed and sworn to by the Applicant. The Application shall explain the

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circumstances justifying the Variance. It shall be accompanied by a plat or sketch, drawn to scale with one inch equaling 2,000 feet, which shows the property lines of the lot where the well is located and the location of any wells within one-half (1/2) mile of the Proposed Well. The Application shall also include the names and mailing addresses of all property owners adjoining the tract on which the Well is to be located and the owners of the wells within one-half (1/2) mile of the well.

**D.** Notice and an opportunity for a hearing before the Board for such a Variance shall be as follows:

- (1) The District shall mail notice to the Applicant for the Variance and to all property owners adjoining the tract on which the Well is to be located and to Well Owners of any wells within one-half (1/2) mile of the Proposed Well location at least 14 days prior to the Board meeting at which the Variance will be considered by the Board.
- (2) The Applicant for the Variance shall pay for mailing the notice.
- (3) The notice shall provide the proposed location of the Well(s), the Applicant's name and address, and the date, time, and location of the Board meeting. It must state that the Proposed Well will not meet the spacing requirements of the District and an exception is requested by the Applicant.
- (4) The Board shall consider the Variance at a Board meeting, which shall serve as the hearing on the Variance. The requirements of Rule 8 do not apply to a hearing under this Rule 10.6.D.
- (5) In making its decision on the Variance, the Board shall consider comments, if any, from adjoining property owners or Well Owners with Wells located within ½ mile of the Proposed Well; the peculiarities of the property shape; the local geology or hydrology; and any information presented by the Applicant.

**E. Waiver for Property Line Spacing**

- (1) If the Applicant for a Variance to the distance from property lines requirement of Rule 10.5.B obtains a waiver or easement of the property line distances from adjoining, affected property owners, no public notice and opportunity for a Public Hearing is required.
- (2) The Applicant for the Variance shall prepare a plat and legal description of the affected property, and such plat shall be signed and sealed by a Registered Professional Land Surveyor.

- (3) The legal description, plat, and waiver shall be notarized and filed with the Duval County Clerk and copies shall be submitted with the Application for a Variance to the District Office prior to drilling the Proposed Well, as part of the Application for Registration.
- (4) Such a waiver or easement will affect the property of the owner granting it by causing the distance requirements from property lines to be adjusted inward on the property for which the waiver is granted.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016*

### **10.7 Responsibility for Compliance**

The Well Owner and the Well Owner's Agent, the Well Operator, and the Person who performs work on the Well or pump is responsible for compliance with Rule 10.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **RULE 11: PRODUCTION LIMITS**

### **11.1 Existing Non-Exempt Wells**

- A.** An annual Production Limit will be included in the Operating Permit for an Existing Non-Exempt Well. This may include regulation Production Volume and/or Rate.
- B.** An Applicant for an Operating Permit for an Existing Non-Exempt Well has one of the following options for the annual Production Limit. The Applicant must provide information adequate to support the Production Limit and the District makes the final decision on the adequacy of the supporting information.
  - (1) The highest annual Production Volume from the Well during the five years prior to October 25, 2016 plus 25 %; or
  - (2) A reasonable Volume for purpose of Beneficial Use of Groundwater without Waste plus 25 %; or

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- (3) Two (2) acre-feet/acre/year. If the Production Limit is based on this provision, the requirements of Rule 11.2.C apply.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **11.2 New Non-Exempt Wells**

**A.** An annual Production Limit will be included in the Operating Permit for a New Non-Exempt Well. This may include regulation of Production Volume and/or Rate.

**B.** The Production Limits in effect at the time an Application for an Operating Permit is deemed Administratively Complete, are the applicable Production Limits for the permit.

**C.** The Production Limits for New Non-Exempt Wells, other than those for Retail Water Utility Wells, shall be 2 acre-feet/acre/year, effective October 25, 2016.

- (1) For an Operating Permit with a Production Limit based on a number of contiguous acres, those contiguous acres must be either owned by the Well Owner or the Well Owner must have Groundwater production rights for those contiguous acres.
- (2) The Operating Permit must specify the contiguous acres designated by the Applicant to support the Production Limit. The designated acreage shall be considered the Production-Limit-Acreage.
- (3) In determining the number of contiguous acres upon which the Production Limit will be based, the District shall consider the extent to which the property is subject to In Situ Uranium Mining and shall calculate as follows:
  - (a) If any portion of the aquifer becomes off limits for use as a drinking water source under the Safe Drinking Water Act and Texas Water Code Chapter 27 Aquifer Exemption process of 40 Code of Federal Regulations Section 144.7(b) and 30 Texas Administrative Code Section 331.13, the Production-Limit-Acreage shall be reduced by the surface acreage deemed off limits.
  - (b) The total Production Limit shall be reduced by 80 acre-feet per production area per year during any period of In Situ Uranium Mining on the Production-Limit-Acreage.

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**D.** The Production Limit for a Water Supply Well for a Retail Water Utility will be based on the number of service connections, the utility's service area, and a reasonable Volume for purpose of Beneficial Use of Groundwater without Waste plus 25 %. In determining Beneficial Use, the District will require that the Retail Water Utility comply with its approved Drought Contingency Plan and that such Plan be filed with the District and its terms will be enforceable by the District.

**E.** If the cumulative Volume of water produced from Wells located inside the area subject to a Railroad Commission Uranium Exploration Permit issued under Texas Natural Resources Code, chapter 131, Subchapter I exceeds 40 acre-feet in one year, a Cased Uranium Exploration Well being used for Rig Supply purposes is subject to the Production Limits in Rule 11.1(b) or 11.2(c) based on whether it is considered an Existing Non-Exempt Well or a New Non-Exempt Well, respectively. In determining the number of contiguous acres upon which the Production Limit will be based, the District will use the number of acres described in the Uranium Exploration Permit.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **11.3 Effect of Drought on Production Limits**

If any one of the three major municipal Retail Water Utilities triggers its Drought Contingency Plan, the District may declare emergency drought conditions in all or the part of the District that the Board decides is impacted by drought. The District may reduce Production Limits in the area affected by the drought on a pro rata basis during a period designated by the District. Any such reduction shall be established by resolution adopted at a Board meeting and the resolution will designate the effective period, which area is affected, the percent production reduction required, and under what conditions the period will end.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **Rule 12: PROHIBITION AGAINST WASTE AND POLLUTION**

### **12.1 General Prohibition**

No Person shall intentionally or negligently commit Waste or Pollution of the Groundwater resources within the District. Water Pollution Events must be reported to the District as required by Rule 5.6.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **12.2 Wasteful Use**

Groundwater produced within the District shall not be used in such a manner or under such conditions as to constitute Waste as defined by District Rules.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **12.3 Wasteful Production**

Any Person producing or using Groundwater shall exercise due care to stop and prevent Waste of Groundwater. Transporting Groundwater for a distance greater than 1/4 mile in an open ditch, canal or other water course is per se Waste and is prohibited.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **12.4 Groundwater Pollution**

No Person shall Pollute or harmfully alter the character of the Groundwater within the District by causing or allowing the introduction of Injurious Water, Pollutants, or other deleterious matter from another stratum, from the surface of the ground, or from the operation of a Well, unless authorized by State or federal law.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **12.5 Orders to Prevent Waste or Pollution**

- A.** An order to prevent Waste or Pollution will generally be processed as an Enforcement matter under Rule 7.
- B.** If the District determines that an imminent peril to public health, safety, or welfare requires the immediate entry of an order to prohibit Waste or Pollution, the Board may issue an Emergency Temporary Order.
- C.** An Emergency Temporary Order may not be effective for longer than 90 days without further action of the Board.
- D.** If the District has identified a Person responsible for the Waste or Pollution of Groundwater and an emergency exists, initiation of an Enforcement Action shall take place within 14 days of the effective date of the Emergency Temporary Order.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## **RULE 13: WATER WELLS ASSOCIATED WITH OIL, GAS, AND MINING ACTIVITIES**

### ***13.1 District Jurisdiction over Water Wells Associated with Oil and Gas Activities***

- A.** The District has authority over Water Wells used to supply water for activities related to the exploration or production of hydrocarbons.
- B.** The District has authority over Abandoned Oil or Gas Wells conditioned for usable quality water production.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### ***13.2 Water Wells Associated with Oil and Gas Activities***

- A.** For purposes of these Rules, Water Wells associated with Oil and Gas Activities are divided into categories based on Production Capacity. The category determines the level of regulation by the District.
  - (1)** A Water Well associated with Oil and Gas Activities that is Incapable of producing more than 25,000 gallons per day, including an Injection Water Supply Well drilled for hydrocarbon activities associated with an Oil or Gas Well that does not penetrate the base of usable quality water, is exempt from Registration, permitting, location standards, recordkeeping, and reporting requirements. Such Wells are referred to in these Rules as Exempt Oil and Gas Water Supply Wells.
  - (2)** A Water Well associated with Oil and Gas Activities having a Production Capacity of 25,000 gallons per day or more must be Registered, must keep production records, and must comply with production reporting requirements. These Wells are referred to in these Rules as Registered Oil and Gas Water Supply Wells.
  - (3)** If a Water Well associated with Oil and Gas Activities remains operational but is no longer used to supply water for Oil and Gas Activities, the Well falls within the requirements for other Water Wells regulated by the District.

**B. Registered Oil and Gas Water Supply Wells**

- (1) No Operating Permit is required to drill or operate a Registered Oil and Gas Water Supply Well.
- (2) Under this Rule 13.2, a Well is considered to be a Registered Oil and Gas Water Supply Well during any period that water from the Well is used solely or partially to supply water for Oil and Gas Activities.
- (3) For purposes of this Rule 13.2, the Well Operator is the Person holding the Railroad Commission Oil or Gas permit as described in Texas Water Code Section 36.117(b)(2).
- (4) The Well Operator must Register a Registered Oil and Gas Water Supply Well with the District as provided in Rule 3.2. When Registering a Well that will be used solely as a Registered Oil and Gas Water Supply Well, the use shall be indicated on the Registration Application and the Well Registration Certificate shall reflect that use.
- (5) The Well Operator as defined in this Rule 13.2, must notify the District of changes in use to or from a Registered Oil and Gas Water Supply Well, as provided in Rule 3.8.
- (6) A Registered Oil and Gas Water Supply Well must comply with the Well construction standards as provided in Rule 4 and the Well spacing requirements of Rule 10.
- (7) The driller of a Registered Oil and Gas Water Supply Well must submit to the District the Well Log as provided in Rule 5.1.A and the Geophysical, Electric, and Lithological Well Logs as provided in Rule 5.1.B.
- (8) The production from a Registered Oil and Gas Water Supply Well shall be recorded and reported as required in Rule 5.4.
- (9) Registered Oil and Gas Water Supply Well shall be plugged in accordance with Rule 6.1.

**C. Injection Water Supply Well Permitted by the Railroad Commission**

No District Operating Permit or Registration is required for an Injection Water Supply Well associated with Oil and Gas Activities that penetrates the base of usable quality water because such a Well is required to obtain a drilling permit



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from the Railroad Commission and be Completed and Plugged according to Railroad Commission standards.

**D. Abandoned Oil or Gas Wells Conditioned for Usable Quality Water Production**

- (1) When an Abandoned Oil or Gas Well will be conditioned for usable quality water production, the Well Owner or Operator must Register the Well with the District prior to submitting to the Railroad Commission, Form P-13, "Application of Landowner to Condition an Abandoned Well for Fresh Water Production," as required by District Rule 3.2.
- (2) If the Water Well is not equipped to produce water, it will be Registered as an Inactive Well and must be Capped as required by District Rule 6.3. When the Inactive Well is equipped to produce water, the Well Owner must notify the District of the change in status as required by District Rule 3.8.
- (3) As required by Rule 5.1.D, a Railroad Commission Form P-13, "Application of Landowner to Condition an Abandoned Well for Fresh Water Production," shall be submitted to the District within 30 days of receipt of Railroad Commission approval of the Application. This must be submitted by either the Well Owner or Operator, whichever has received the Railroad Commission approval notice.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

**RULE 14: TRANSPORT OF WATER FOR USE OUT-OF-DISTRICT**

**14.1 Applicability**

- A. This Rule 14 applies to Non-Exempt Wells.
- B. This Rule does not apply to Groundwater being Transported under a continuing agreement in effect before March 2, 1997, unless the Volume of Groundwater to be Transported has increased since that date.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **14.2 Required Transport Permit**

- A.** A Transport Permit is required to Transport water produced from a Non-Exempt Well for use outside the District except as described in Rule 14.1.B.
- B.** Water produced from a Non-Exempt Well shall not be Transported for use outside the District unless a Transport Permit has been obtained from the District.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **14.3 Information Required in a Transport Permit Application**

- A.** An Application for a Transport Permit must be submitted on a form obtained from the District and must be signed and sworn to by the Well Owner and the Transport Project Owner or their Agents as required by Texas Water Code Section 36.113(b).
- B.** An Applicant for a Transport Permit must meet with the District General Manager prior to preparing and submitting an Application. An Application will not be accepted unless such meeting has taken place.
- C.** If an Applicant for an Operating Permit for New Non-Exempt Well intends to Transport water for use outside the District, an Application for a Transport Permit must be combined with the Application for an Operating Permit and the Applications will be considered and processed together. If the Application for a Transport Permit covers an Existing Non-Exempt Well for which an Operating Permit has already been issued, the Transport Permit Application may be considered on its own.
- D.** An Application for a Transport Permit shall include the following:
  - (1)** Name, mailing address, phone number, facsimile number, and e-mail address of the Transport Project Owner.
  - (2)** Name, mailing address, phone number, facsimile number, and e-mail address of the Well Owner if different from the Transport Project Owner.
  - (3)** Name, mailing address, phone number, facsimile number, and e-mail of the Person submitting the Transport Permit Application, if different from the Transport Project Owner. This Person will be considered to be the Transport Project Owner's Agent and the Applicant.

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- (4) Name, mailing address, phone number, facsimile number, and e-mail of the Owner of the land on which the Transport Project is located.
- (5) For Existing Non-Exempt Wells, a copy of the Operating Permit Application and the Operating Permit, for each Well from which the water to be Transported will be produced. This must include a copy of the Well Registration Application and Well Registration Certificate. For a New Non-Exempt Well, a Well Registration Application and an Operating Permit Application are required as part of the Transport Permit Application process. The requirements of those Applications are controlled by Rule 3.
- (6) The Transport Permit Application Fee of \$100.00, which is non-refundable.
- (7) A description of the proposed Transport Project and Facilities.
- (8) Location and property description of the proposed Transport Project, including a location map or property plat. All maps or plats must include the name of the county, must have a direction indicator, and must identify the scale of the map. At least one map or plat must be drawn to show the location relationship between the Non-Exempt Well from which the water will be produced and the Transport Facilities.
- (9) The date on which the construction of Transport infrastructure, if any, will begin.
- (10) If no infrastructure is needed for transport, the date on which Transport out of the District will begin.
- (11) The nature and purposes of the proposed use and the Volume of water to be used for each purpose. For Existing Non-Exempt Wells, if the purpose of use differs from that authorized by the Operating Permit, an Application to Amend the Operating Permit is required as part of the Transport Permit Application process. The requirements of an Amendment Application is controlled by Rule 3.9.
- (12) If the water is to be resold to others, a description of the Applicant's service area, metering, leak detection and repair program for its water storage, delivery and distribution system, drought or emergency water management plan, and information on each subsequent customer's water demands, including population and

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customer data, water use data, water supply system data, alternative water supply, Water Conservation measures and goals, conjunctive use, and the means for implementation and enforcement of all applicable Rules, plans, and goals.

- (13) The period required for the proposed use of water.
- (14) The Volume of water to be Transported outside the District annually and over the life of the project.
- (15) Information comparing the availability of water in the District and in the proposed receiving area during the period for which the water supply is requested.
- (16) The projected effect of the proposed Transfer on aquifer conditions, depletion, subsidence, and water quality and quantity.
- (17) The projected water quality and quantity effects on existing Operating Permit Holders or other Groundwater users within the District.
- (18) An explanation of how the project is reflected in the latest approved Region N Water Plan and Regional Water Plan covering the area where the water will be used.
- (19) An explanation of how the project is consistent with the latest approved Management Plan.
- (20) Identify, including quantity and quality of, any other possible sources of water that could be substituted for fresh Groundwater.
- (21) Information showing what Water Conservation measures the Applicant has adopted, what Water Conservation goals the Applicant has established, and what measures and time frames are necessary to achieve the Applicant's established Water Conservation goals.
- (22) Any other information deemed necessary by the District to comply with the requirements of Texas Water Code Chapter 36, the District's Enabling Legislation, and general law and to assist the District to make the findings required by Texas Water Code section 36.122.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

#### **14.4 Processing a Transport Permit Application and Issuing a Permit**

**A.** An Application for a Transport Permit shall be considered and processed under the same procedures as an Application for an Operating Permit under Rule 3, as set out in this Rule 14.

**B.** The requirements of Rule 3.6.A regarding Administrative Completeness of an Application shall apply to an Application for a Transport Permit by changing all references to "Operating Permit" to read "Transport Permit."

#### **C. Decision on a Transport Permit Application.**

Within 60 days of the date on which the Application is deemed Administratively Complete, the District will act according to Rule 8.4. The decision whether to approve the Transport Permit as requested in the Application, approve the Transport Permit with terms other than those requested in the Application, or deny the Application shall be made using the process described in Rule 8.5. The Board or its designee shall make this decision based on the considerations in Rules 3.7 and 14.5.

#### **D. Contents of a Transport Permit.**

A Transport Permit will include the following, in addition to any other conditions set by the District:

- (1) A requirement that a meter or other reliable water measuring device under Rule 5.2, be installed on all permitted Transport Facilities, be approved by the District and be available for District inspection under Rule 7.5.
- (2) A statement that the representations made in the Transport Application become an enforceable part of the Permit.
- (3) A statement that the Transport Permit shall become void if the Registration Certificate or Operating Permit for any Well from which the water will be produced is revoked or cancelled.
- (4) The authorized annual maximum Volume of Groundwater authorized to be Transported for use outside the District.
- (5) An approved Conservation Plan.

Duval County Groundwater Conservation District Rules  
February 28, 2018

- (6) Special Permit conditions.
- (7) Permit expiration dates based on Rule 14.8.
- (8) Reporting and recordkeeping requirements based on Rule 5.7.
- (9) The Transport Fee expressed as dollars per thousand gallons of Groundwater Transported out of the District and the following statement, "The Permit Holder acknowledges that if the District's ad valorem tax rate increases during the life of the Permit, the Transport Fee shall be increased accordingly, but in no event will it be less than the amount shown here."
- (10) A requirement that each Annual Water Transport Report required by Rule 5.7 shall be accompanied by the Transport Fee payment.
- (11) The following statement: "Notwithstanding the period during which water may be transferred under this Transport Permit, every five years the District may review the Volume of water that may be transferred under this Transport Permit. This review will be under the requirements of District Rule 14.8.B through E."
- (12) The following statement: "Despite the term of duration listed in a Transport Permit, a Permittee is authorized to transport water under a Transport Permit only as long as the Permittee also holds a valid Registration Certificate or Operating Permit issued by the District, or has a contract with the Holder of such Certificate or Permit to purchase produced groundwater authorized by such."
- (13) The date the original Application was filed.
- (14) A requirement that the Groundwater Transported under the Permit be put to Beneficial Use at all times.
- (15) The conditions and restrictions, if any, placed on the rate and Volume of water Transported.
- (16) The use or purpose for which the water is to be Transported.
- (17) The maximum quantity of water to be Transported annually.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **14.5 Considerations for Issuing a Transport Permit**

**A.** In reviewing an Application for a Transport Permit, the Board must consider the following:

- (1) The availability of water in the District and in the proposed receiving area during the period for which the water Transport is requested.
- (2) The projected effect of the proposed Transfer on aquifer conditions, depletion, subsidence, or effects on existing Operating Permit Holders or other Groundwater users within the District.
- (3) The most recent approved Region N Water Plan and Regional Water Plan for the receiving area.
- (4) The District's most recent approved Management Plan.
- (5) Whether the Applicant has an underlying Operating Permit issued or being considered by the District;
- (6) Whether the Applicant has a contract for the purchase of water from an Operating Permit Holder.

**B.** An Application for a Transport Permit may be approved if the Board of Directors finds:

- (1) That the Application conforms to the requirements of Texas Water Code Chapter 36 and these Rules.
- (2) That the Applicant has a legitimate need for the Volume of water to be Transported as evidenced by inclusion of the proposed project in the approved Regional Water Plans and the current State Water Plan.
- (3) That the Permit will not have a substantial negative impact on the availability of Groundwater in the District;
- (4) That the Permit will not have a substantially negative impact on aquifer conditions or cause excessive aquifer depletion;
- (5) That the Permit will not have a substantially negative impact on existing Operating Permit Holders or other Groundwater users within the District; and

(6) That the method of Transport will not result in Waste.

C. The District may restrict a Transport Permit by limiting the Volume of Groundwater for Transport. It may be limited to:

- (1) The Volume of water that is authorized to be produced by the underlying Operating Permit; or
- (2) Not to exceed the otherwise uncommitted Production Capacity of the Well or Well system that the Applicant has a contract right to purchase from the Operator of a Well authorized by an Operating Permit.

D. The District shall not issue a Transport Permit unless the Transport Permit Applicant has:

- (1) obtained an underlying Registration Certificate and Operating Permit, or an Amendment to an Operating Permit that authorizes the Transport Permit Applicant to produce the Groundwater that is sought to be Transported; or
- (2) a contract with an Operating Permit Holder that entitles the Applicant to purchase water from a Well or Well system.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

#### **14.6 Transport Fee**

A. The Holder of a Transport Permit must pay an annual Transport Fee.

B. The Transport Fee shall be set at the time of issuance of the Transport Permit and shall be reflected in the Transport Permit.

- (1) The Transport Fee shall be at a rate not to exceed the equivalent of the District's tax rate per hundred dollars of valuation for each one thousand gallons of water Transported out of the District.
- (2) In no event will the Transport Fee be less than \$0.025 per one thousand gallons.



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February 28, 2018

C. An increase in the District's tax rate per hundred dollars of valuation during the life of a Transfer Permit shall result in a an increase in Transport Fee to be paid by the Permit Holder, calculated as described in Rule 14.6.B(1).

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **14.7 Revocation of a Transport Permit**

Any Transport Permit granted under this Rule 14 shall be subject to revocation for nonuse or Waste by the Permittee, or for substantial deviation from the purposes or other terms stated in the Permit. Revocation of a Permit for nonuse shall require that no water is transported under the Permit for a period of five years.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **14.8 Permit Term, Renewal, and Extension**

A. A Transport Permit under this Rule 14 must specify the period during which the water may be Transported. The period must be at least three years if construction of a conveyance system has not been initiated prior to issuance of the Permit and must be at least 30 years if construction has been initiated. If construction begins during the initial 3-year term of the Permit, the term must be extended to 30 years.

B. Notwithstanding the period during which water may be transferred under a Transport Permit specified in Rule 14.8.A, the District may periodically review the Volume of water that may be Transported and may limit the Volume if factors considered in Rule 14.5 warrant the limitation, unless it would result in imposing more restrictive Permit conditions on Transporters than the District imposes on in-District users.

C. However, the District may impose more restrictive Permit conditions on new Permit Applications and Permit Amendment Applications to increase use by Existing Permit Holders if the limitations:

- (1) apply to all subsequent new Permit Applications and Permit Amendment Applications to increase use by Existing Permit Holders, regardless of type or location of use;
- (2) bear a reasonable relationship to the existing Management Plan; and
- (3) are reasonably necessary to protect existing use.

Duval County Groundwater Conservation District Rules  
February 28, 2018

**D.** The review described by this Rule 14.8.B may take place not more frequently than every five years, which is the period provided for the review or renewal of District issued Operating Permits.

**E.** In determining whether to renew a Transfer Permit, the District shall consider relevant and current data for the Conservation of Groundwater resources and shall consider the Transport Permit in the same manner it would consider any other permit in the district.

**F.** A Permittee may apply for a renewal of or extension of the term of a Transport Permit. The District shall consider and grant or deny each such Application in the same manner as is provided in this Rule 14 for an Application for a Transport Permit.

**G.** Regardless of the term of duration of a Transport Permit, a Permittee is authorized to Transport water under a Transport Permit only as long as the Permittee also holds a valid Registration Certificate and Operating Permit, or has a contract with the Holder of such to purchase water that is produced under the those authorizations.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

### **14.9 Other Changes to a Transport Permit**

#### **A. Change in Transport Facilities or Operations**

- (1)** No Person may make any changes in Transport Facilities or Operations authorized under a Transport Permit without notifying the District in writing 14 days prior to making the change. Some changes will require more extended notification as established in Rule 14.9.C. The Transport Permit Holder must meet with the General Manager prior to this 14 day period to determine the information needed by the District.
- (2)** The Person who submits the information required by the General Manager regarding the Change in Facilities or Operations will be notified by the District whether the change will be processed administratively or will require an Amendment to an existing Operating or Transport Permit.

**B. Change in Transport Facility Ownership or Operator (Transfer of Transport Permit)**

- (1) Any change in ownership of a Transport Facility or change in the Facility Operator shall be reported by submitting a Change in Ownership form to the District within 60 days after the change. The form is available at the District Office and on the District website.
- (2) The form must be signed by the Transport Facility Owner noted in the Transport Permit and the Person to whom ownership is being transferred. If it is a change in Operator, the form must be signed by the Operator noted in the Transport Permit and by the new Operator. The new owner or the new Operator, as appropriate, must submit the form to the District. Failure to timely notify the District may result in the Permit being revoked. The District will issue an Amended Transport Permit.

**C. Changes That Require an Amendment to a Transport Permit**

- (1) An Amendment to a Transport Permit is required for any change to the Transport Project covered by the Transport Permit.
- (2) Amendments are characterized as Major or Minor according to the requirements of this Rule 14.9.C. Such characterization will determine the process involved for consideration and approval of an Amendment.
- (3) Major Amendment
  - (a) A Major Amendment to a Transport Permit is required whenever a Major Amendment to the underlying Operating Permit is required under Rule 3.9.
  - (b) A Major Amendment is also required when a change in the Transport Facilities or Operations will result in Transport of an increased Volume of Groundwater or increased Rate of Transport.
  - (c) An Application for a Major Amendment, on a form obtained from the District, must be submitted at least 90 days prior to the date the change is to take place. A Transport Permit Application Fee of \$100.00 must also be submitted.

Duval County Groundwater Conservation District Rules  
February 28, 2018

(d) The Major Amendment Application will be processed according to Rule 14.4 and 14.5.

(4) Minor Amendment

(a) A Minor Amendment to a Transport Permit is required to make any changes to the Transport Facilities or Operations other than those covered by Rules 14.9.B and 14.9.C(3).

(b) An Application for a Minor Amendment, on a form obtained from the District, must be submitted at least 14 days prior to the date the change is to take place.

(c) The General Manager may process and approve a Minor Amendment. Denial of such Applications shall be referred to the Board for action under Rule 8.5.

(5) **Current Permit to Remain in Effect**

If an Application for an Amendment to a Transport Permit is timely filed, the Permit as it exists at the time the Application is filed remains in effect until the conclusion of the Permit Amendment process or final settlement or adjudication on the matter of whether the change to the Permit requires an Amendment, whichever is later.

*Adopted October 25, 2016, by Board Order; effective October 25, 2016.*

## APPENDIX E

Transmittal Letters and Other Correspondence Pertinent to Management Plan.

- 
1. Notice of Public Hearing
  2. Board Resolution Adopting the Groundwater Management Plan
  3. Copy of Cover Letter Transmitting the Plan to Surface Water Management Entities
  4. Copy of Cover Letter Transmitting the Plan to Groundwater Management Area 16
-



FILED FOR RECORD  
AT 12:00 CLOCK M

JUN 16 2023

**NOTICE OF PUBLIC MEETING  
OF THE BOARD OF DIRECTORS OF THE  
DUVAL COUNTY GROUNDWATER CONSERVATION DISTRICT**

ARASELI B. LICHTENBERGER  
CLERK COUNTY COURT, DUVAL COUNTY, TEXAS  
DEPUTY

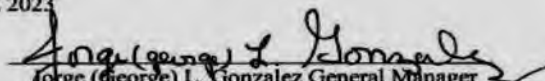
Notice is hereby given that a **General Meeting and Public Hearing** of the governing body of the above-named political subdivision will be held on **Wednesday, the day of June 28<sup>th</sup>, 2023**, beginning at **6:00 P.M.**, in the conference room of the **Duval County Groundwater Conservation District office located at 231 E. Railroad Avenue, Benavides, Texas**, by the duly posted notice of said meeting.

1. Call the meeting to order, roll call, call the meeting open to the public, and Pledge Allegiance.
2. Members of the public may address the Board regarding items on the agenda pursuant to Tex. Gov't Code sec 551.07; and members of the public may make inquiries of the Board pursuant to Tex. Gov't Code sec 551.042. Each member of the public is limited to 3 minutes, or 6 minutes for members of the public who require a translator.
3. Mr. Joel Pigg, representing Texas Well Owner Network (TWON) Educational Meeting, report on well water quality analysis and screening in May, 2023, in Duval County."
4. Public Hearing on the adoption of the Duval County Groundwater Conservation District Groundwater Management Plan. A full copy of this proposed Plan may be obtained from the District at 231 E. Railroad Ave., Benavides, Texas, 361-256-3589, or on the District's website at <http://www.duvalgcd.com>.
5. Consider, deliberate, and possible action to adopt the Duval County Groundwater Conservation District Groundwater Management Plan.
6. Reading and approval of the minutes for the June 2<sup>nd</sup>, 2023, General Meeting and Public Hearing
7. Review, discuss, and possible action to approve financial statements ending on May 31<sup>st</sup>, 2023, presented by Mr. Ernest Garza (CPA).
8. Review, discuss, and possible action to authorize payment of all bills due on June 28<sup>th</sup>, 2023 Board meeting.
9. Review, and discuss, "Disclosure of financial interests of Director, Pat A. Rogers, Jr., the Board's Investment Officer, and deliberation and possible action based on the disclosures."
10. Setting the next meeting of the Board of Directors.
11. Adjournment of the board meeting.

Executive Session. The Duval County Groundwater Conservation reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any matter, as authorized by Texas Government Code Sections 551.071 (Consultations with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations Regarding Gifts and Donations), 551.074 (Personnel Matters), 551.076(Deliberations about Security Devices) and 551.087 (Economic Development Negotiations)."

1/2

DATED THIS THE 16<sup>th</sup>, DAY OF JUNE 2023

  
George (George) L. Gonzalez General Manager  
Duval County Groundwater Conservation District

*The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time. These public meetings are available to all persons regardless of disability. If you require special assistance to attend the meeting, please call (361) 256-3589 at least 24 hours in advance of the meeting to coordinate any special physical access arrangements.*

*At any time during the meeting and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the DUVAL COUNTY Groundwater Conservation District Board may meet in executive session on any of the above agenda items or other lawful items for consultation concerning attorney-client matters (§ 551.071); deliberation regarding real property (§ 551.072); deliberation regarding prospective gift (§ 551.073); personnel matters (§ 551.074); and deliberation regarding security devices (§ 551.076). Any subject discussed in the executive session may be subject to action during an open meeting.*



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was a collection of instrumentals that was available on cassette. His second project was "Manantial si Control" on CD format and his third project was "Dos Mundos; Un Amor." In an interview with Danny, he confessed that he had many, many original songs that have yet to be recorded.

Daniel has many roots tying him to

him all over the world.

Today, Danny resides in Concepcion and continues to dedicate much of his time to music. He shares that San Diego remains special to him since he used the talents of many San Diego residents in many of his projects including Jerry Galvan, Rick Garcia, the late Jo Ann Alaniz and Raul Ramirez, he said.

## NOTICE OF PUBLIC HEARING

Duval County Groundwater Conservation District's Groundwater Management Plan.

The Duval County Groundwater Conservation District will hold a Public Hearing regarding the adoption of the proposed Duval County Groundwater Conservation District's Groundwater Management Plan.

The Public Hearing will be held on June 28<sup>th</sup> 2023 at 6:00 P.M. at the Duval County Groundwater Conservation District Office is located at 231 East Railroad Avenue in Benavides, Texas

A proposed District Groundwater Management Plan may be obtained at the District Office located at 231 East Railroad Avenue Benavides, Texas 361-256-3589, or on the District's website at <http://www.duvalgcd.com>.

## RIO GRANDE REGIONAL WATER PLANNING GROUP SOLICITATION OF NOMINATIONS

The Rio Grande Regional Water Planning Group (**Region M**) is seeking nominations to fill a vacancy on their voting membership. Nominations will be accepted for one (1) vacancy in the Municipalities category.

As per the Texas Administrative Code, Municipalities are defined as governments of cities created or organized under the general, home-rule, or special laws of the state.

**Deadline for receipt of Nominations in Municipalities: July 21, 2023**

Nominations must be submitted in written form, either emailed or mailed:

RGRWPG (Region M)

Notice of Public Hearing in "The Enterprise" South Texas Newspaper covering Jim Hogg and Duval Counties June 16<sup>th</sup> 2023

**NOTICE OF PUBLIC MEETING**  
OF THE BOARD OF DIRECTORS OF THE  
**DUVAL COUNTY GROUNDWATER CONSERVATION DISTRICT**

JUN 14 2023

Notice is hereby given that a **General Meeting and Public Hearing** of the governing body of the above-named political subdivision will be held on **Wednesday, the day of June 28<sup>th</sup>, 2023**, beginning at **8:00 P.M.**, in the conference room of the **Duval County Groundwater Conservation District** office located at **231 E. Railroad Avenue, Benavides, Texas**, by the duly posted notice of said meeting.

- Call for meeting to order, roll call, and the meeting open to the public, and Prayers /Sign-in;
- Members of the public may address the Board regarding items on the agenda pursuant to Title Code § 951.07, and members of the public may make requests of the Board pursuant to Title Code § 951.04. Each member of the public is limited to 5 minutes, and 5 minutes for members of the public who require a translator.
- Mr. Paul Papp, representing Texas Well Owner Services (TWO) Educational Meeting, report on well water quality analysis and sampling in May, 2023, in Duval County;
- Public Hearing on the adoption of the Duval County Groundwater Conservation District Groundwater Management Plan. A full copy of this proposed Plan may be obtained from the District at 231 E. Railroad Ave., Benavides, Texas, 361-256-3589, or on the District's website at <http://duvalgcd.com>.
- Consent, Adjourn, and possible action to adopt the Duval County Groundwater Conservation District Groundwater Management Plan.
- Reading and approval of the minutes for the June 2<sup>nd</sup>, 2023, General Meeting and Public Hearing.
- Review, discuss, and possible action to approve financial statements ending on May 31<sup>st</sup>, 2023, presented by Mr. Ernest Garcia (CPA).
- Review, discuss, and possible action to authorize payment of all bills due on June 28<sup>th</sup>, 2023 Board meeting.
- Review, discuss, and possible action to authorize payment of all bills due on the following dates:
  - 11/20/22, and authorize reimbursement financial statements of Treasurer, Pat A. Proctor, 2<sup>nd</sup> of the above-named political subdivision and possible action based on the documents;
- Setting for next meeting of the Board of Directors.
- Adjournment of the board meeting.

Executive Session: The Duval County Groundwater Conservation District reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matter, as authorized by Texas Government Code Sections 551.071 (Coordination with ANTIQUES), 551.072 (Deliberations about Real Property), 551.073 (Deliberations Regarding Gifts and Donations), 551.074 (Personal Matters), 551.075 (Deliberations about Security Devices) and 551.087 (Economic Development Negotiations).

DATED THIS THE 16<sup>th</sup> DAY OF JUNE 2023

*George L. Lusk*  
George L. Lusk  
Duval County Groundwater Conservation District

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time. These public meetings are available to all persons regardless of disability. If you require special assistance to attend the meeting, please call (361) 256-3589 at least 24 hours in advance of the meeting to coordinate any special physical access arrangements.

At any time during the meeting and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Texas' Texas Code, amended, the DUVAL COUNTY Groundwater Conservation District Board may meet in executive session on any of the above agenda items or other lawful topics for consultation concerning attorney-client matters (§ 551.071), deliberation regarding real property (§ 551.072), deliberation regarding prospective gifts (§ 551.073), personnel matters (§ 551.074), and deliberation regarding security devices (§ 551.075). Any subject discussed in the executive session may be subject to action during an open meeting.

I, the undersigned authority, hereby certify that the above Notice of Meeting of the governing body of the political subdivision is a correct copy of the Notice filed and that I posted the Notice on the bulletin board for public notice in the Duval County Courthouse located in San Diego, Duval County, Texas on this the 16<sup>th</sup> day of June 2023, at 1:10 p.m.

*Arnold B. Lichtenberger*  
Arnold B. Lichtenberger  
Duval County Clerk

**NOTICE OF PUBLIC HEARING**

Duval County Groundwater Conservation District's Groundwater Management Plan

The Duval County Groundwater Conservation District will hold a Public Hearing regarding the adoption of the proposed Duval County Groundwater Conservation District's Groundwater Management Plan.

The Public Hearing will be held on **June 28<sup>th</sup>, 2023** at **8:00 P.M.** at the Duval County Groundwater Conservation District's Office located at **231 East Railroad Avenue in Benavides, Texas.**

A proposed District Groundwater Management Plan may be obtained at the District Office located at 231 East Railroad Avenue, Benavides, Texas 361-256-3589, or on the District's website at <http://www.duvalgcd.com>.

*George L. Lusk*  
George L. Lusk  
General Manager



# Duval County

## Groundwater Conservation District

231 E. Railroad Ave.  
Benavides, Texas 78341  
361-256-3589  
[duvalgcd.com](http://duvalgcd.com)

# Community Outreach

Posting of Agenda for Public Viewing



**Duval County Groundwater Conservation District**  
Resolution 2023-1

**Adoption of the Duval County Groundwater Conservation District Management Plan**

**Whereas**, the Duval County Groundwater Conservation District (District) is a political subdivision of the State of Texas, The District is a groundwater conservation district created under the statutes of the Texas legislature and essential to accomplish the purpose of Section 59, Article XVI of the Texas Constitution. It was created as part of S.B. No. 1847 passed by the Texas Legislature in May of 2005.

**Whereas**, the District's enabling legislation requires the District to adopt a Management Plan pursuant to Section 36.1071-36.108 of the Texas Water Code,

**Whereas**, Section 36.1071 of the Texas Water Code requires the Management Plan address the following: providing the most efficient use of groundwater, controlling and preventing waste of groundwater, controlling and preventing subsidence, conjunctive surface water management issues, natural resource issues, drought conditions, and conservation,

**Whereas**, the District has collected and analyzed the best available scientific information to complete the Management Plan,

**Whereas**, the District has actively sought out public input to the Management Plan through publicly noticed meetings and a public hearing,

**Whereas**, under no circumstances, and in no particular case will this Management Plan, or any part of it, be construed as a limitation or restriction upon the exercise of any discretion where such exists; nor will it in any event be construed to deprive the Board of Directors of an exercise of powers, duties and justification conferred by law, nor to limit or restrict the amount and character of data or information which may be required for the proper administration of the law.

THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DUVAL COUNTY GROUNDWATER CONSERVATION DISTRICT THAT:

1. The Management Plan of the Duval County Groundwater Conservation District, dated June 28, 2023, is hereby adopted:
2. This Management Plan will take effect upon certification by the Texas Water Development Board. It will remain in effect until a revised Management Plan is certified, or five years, whichever is earlier.

**AND IT IS SO ORDERED.**

The motion Orlando Vera with Raymond Alawiz Ayes and 5 - 0 Nays  
PASSED AND ADOPTED on this this 28<sup>th</sup> day of June 2023

**DUVAL COUNTY GROUNDWATER CONSERVATION DISTRICT:**

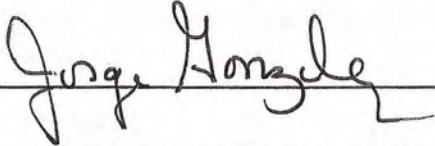
BY: Roberto Garcia  
Roberto Garcia, President

ATTESTED BY: Pat Rodgers  
Pat Rodgers, Vice-President

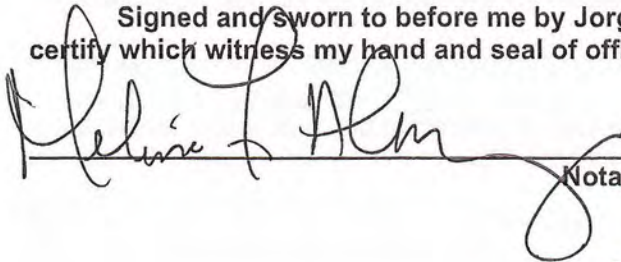
State of Texas                    )(

County of Duval     )(

I, Jorge Gonzalez, General Manager of the Duval County Groundwater Conservation District, certify that the foregoing is a true and correct recitation of the action taken by the Board of Directors at a duly noticed meeting of said District on June, 28 2023.

  
\_\_\_\_\_  
Jorge Gonzalez

Signed and sworn to before me by Jorge Gonzalez on this 28<sup>th</sup> day of June, 2023, to certify which witness my hand and seal of office.

  
\_\_\_\_\_  
Notary Public, State of Texas



# APPENDIX F

## References

## References:

Allen, S. 2022 Estimated Historical Water Use and 2022 State Water Plan Datasets: Duval County Groundwater Conservation District; Texas Water Development Board. Submitted to Duval County Groundwater Conservation District.

Cha, K. 2022. GAM RUN 21-021 MAG: MODELED AVAILABLE GROUNDWATER FO THE GULF COAST AQUIFER SYSTEM IN GROUNDWATER MANAGEMENT AREA 16. Texas Water Development Board, Austin, TX

Deeds, N.E., Yan, T., Singh, A., Jones, T., Kelley, V., Knox, P. and Young, S., 2010. Final report: groundwater availability model for the Yegua-Jackson Aquifer. *Prepared for the Texas Water Development Board, Austin, Texas.*

Goswami, R. 2016. GAM RUN 16-01 1 : DUVAL COUNTY GROUNDWATER CONSERVATION DISTRICT MANAGEMENT PLAN; Texas Water Development Board, Austin, TX

*LRE Water Inc., 2017. Identification of the Vulnerability of the Major and Minor Aquifers of Texas to Subsidence with Regard to Groundwater Pumping – TWDB Contract Number 16483020 can be accessed at: <http://www.twdb.texas.gov/groundwater/models/research/subsidence/subsidence.asp>*

Waterstone, 2003, Groundwater availability of the central Gulf Coast aquifer: Numerical simulations to 2050, Central Gulf Coast, Texas, Contract draft report, submitted to Texas Water Development Board, Austin, Texas, variously paginated.





P.O. Box 506  
Benavides, Texas 78341

George Gonzales  
General Manager  
E-Mail: [duvalgcd.gm@gmail.com](mailto:duvalgcd.gm@gmail.com)

Office: 361-256-3589  
Fax: 361-256-3592

June 28, 2023

Travis Pruski  
Director Of Planning  
Nueces River Authority  
539 S. HWY. 83  
Uvalde, Texas 78801

Dear Mr. Travis Pruski,

The Duval County Groundwater District is pleased to announce that it has held its public hearing and adopted its management plan on June 28, 2023. As part of the final submittal to TWDB, we want to complete the procedures of contacting the surface water entities within our district. Mr. Stephen Allen indicated that you would be providing us with a list of entities that we need to contact with the plan. I would greatly appreciate it if you could send us the list at the earliest so we can complete this requirement and submit the entire management plan packet at the earliest for TWDB review and approval.

Thank you for your earliest attention to this matter. Please don't hesitate to reach me if you have any questions in this regard.

Regards,

  
Jorge Gonzalez.  
DCGCD General Manager

CC: Mr. Travis Pruski Director Of Planning, Coast Bend Regional Water Planning Area Region N, Mr. Travis Pruski Director Of Planning, Nueces River Authority, Mr. Scott Bledsoe III President, Live Oak UWCD, Coordinator of GMA 16, Groundwater Management Area, Mr. Robert Bradley, PC, CTCM Manager Groundwater Technical Assistance Texas Water Development Board, Mr. Jeff Walker Executive Administrator Texas Water Development Board, Mr. Stephen Allen, P.G. Geoscientist Groundwater Technical Assistance Team Groundwater Resources Texas Water Development Board.



P.O. Box 506  
Benavides, Texas 78341

George Gonzales  
General Manager  
E-Mail: [duvalgcd.gm@gmail.com](mailto:duvalgcd.gm@gmail.com)

Office: 361-256-3589  
Fax: 361-256-3592

June 28, 2023

Jeff Walker  
Executive Administrator  
Texas Water Development Board  
P.O. Box 13231  
Austin, Texas 78711-3231

Dear Mr. Jeff Walker,

The Duval County Groundwater District is pleased to announce that it has held its public hearing and adopted its management plan on June 28, 2023. As part of the final submittal to TWDB, we want to complete the procedures of contacting the surface water entities within our district. Mr. Stephen Allen indicated that you would be providing us with a list of entities that we need to contact with the plan. I would greatly appreciate it if you could send us the list at the earliest so we can complete this requirement and submit the entire management plan packet at the earliest for TWDB review and approval.

Thank you for your earliest attention to this matter. Please don't hesitate to reach me if you have any questions in this regard.

Regards,

  
Jorge Gonzalez  
DOGCD General Manager

CC: Mr. Travis Pruski Director Of Planning, Coast Bend Regional Water Planning Area Region N, Mr. Travis Pruski Director Of Planning, Nueces River Authority, Mr. Scott Bledsoe III President, Live Oak UWCD, Coordinator of GMA 16, Groundwater Management Area, Mr. Robert Bradley, PC, CTCM Manager Groundwater Technical Assistance Texas Water Development Board, Mr. Jeff Walker Executive Administrator Texas Water Development Board, Mr. Stephen Allen, P.G. Geoscientist Groundwater Technical Assistance Team Groundwater Resources Texas Water Development Board.





P.O. Box 506  
Benavides, Texas 78341

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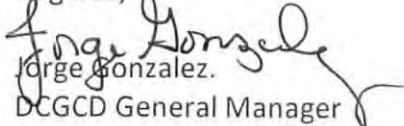
Robert Bradley, PG, CTCM  
Manager  
Groundwater Technical Assistance  
Texas Water Development Board  
P.O. Box 13231  
Austin, Texas 78711-3231

Dear Mr. Robert Bradley,

The Duval County Groundwater District is pleased to announce that it has held its public hearing and adopted its management plan on June 28, 2023. As part of the final submittal to TWDB, we want to complete the procedures of contacting the surface water entities within our district. Mr. Stephen Allen indicated that you would be providing us with a list of entities that we need to contact with the plan. I would greatly appreciate it if you could send us the list at the earliest so we can complete this requirement and submit the entire management plan packet at the earliest for TWDB review and approval.

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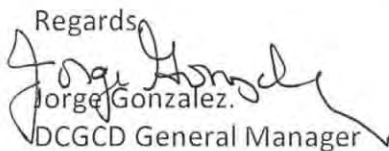
Peggy G. Hunka, P.G.  
Groundwater Planning and Assessment Team  
Water Availability Division  
Texas Commission On Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Dear Ms. Peggy G. Hunka,

The Duval County Groundwater District is pleased to announce that it has held its public hearing and adopted its management plan on June 28, 2023. As part of the final submittal to TWDB, we want to complete the procedures of contacting the surface water entities within our district. Mr. Stephen Allen indicated that you would be providing us with a list of entities that we need to contact with the plan. I would greatly appreciate it if you could send us the list at the earliest so we can complete this requirement and submit the entire management plan packet at the earliest for TWDB review and approval.

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June 28, 2023

Stephen Allen, P.G., Geoscientist  
Groundwater Technical Assistance Team  
Groundwater Resources  
Texas Water Development Board  
P.O. Box 13231  
Austin, Texas 78711-3231

Dear Mr. Stephen Allen,

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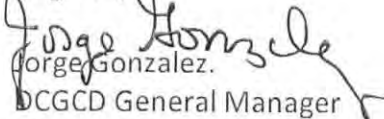
Scott Bledsoe III  
President  
Live Oak UWCD  
Coordinator of GMA 16  
3450 A HWY 281  
George West, Texas 78022

Dear Mr. Scott Bledsoe III,

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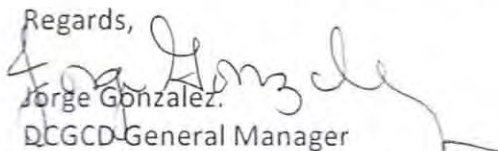
Travis Pruski  
Director Of Planning  
Coastal Bend Regional Water  
Planning Area Region N  
539 S. HWY. 83  
Uvalde, Texas 78801

Dear Mr. Travis Pruski,

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