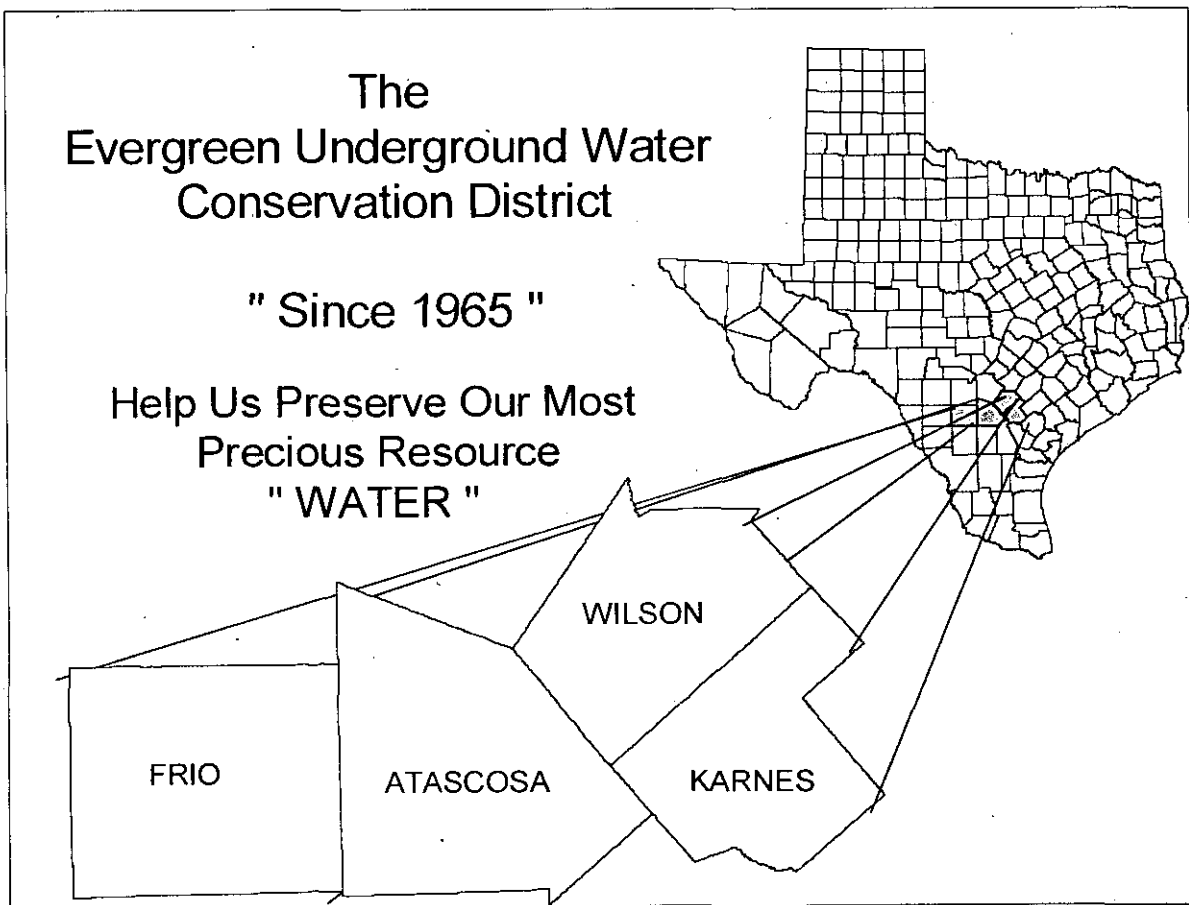


# Management Plan

## Of The Evergreen Underground

### Water Conservation District



1306 Brown ~ P.O. Box 155, Jourdanton, TX 78026

Phone (830) 769-3740

Fax (830) 769-2492

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## **PURPOSE AND INTENT**

It is the purpose and intent of this plan to establish policy in the areas of technical research and studies, water conservation, public information, regulation, permits and enforcement, equity and discretion, and cooperation and coordination. The goal of this plan is to establish a Regulatory Action Plan that will conserve, preserve, protect, and prevent the waste of the underground water within the District. Due to the present mining of groundwater in the Carrizo aquifer in some areas of the District, the Regulatory Action Plan will also address reducing the mining of groundwater. The regulations and policies in this plan have been established so that the goals, needs and obligations of the District may be accomplished as set forth by the 59th Legislature, Regular Session, 1965, Article 8280-297, and Chapter 36 of the Texas Water Code.

## **BACKGROUND**

The Evergreen Underground Water Conservation District was created in 1965 in accordance with Section 59, Article 16 of the Constitution of the State of Texas, and in accordance with Acts of the 59th Legislature (1965), page 398, Chapter 197, H.B. 116, as amended by Acts of the 60th Legislature (1967), page 1676, Chapter 647, H.B. 1272, Acts of the 68th Legislature (1983), page 2852, Chapter 484, S.B. 194, and Acts of the 69th Legislature (1985), page 2984, Chapter 438, S.B. 1253, hereforth to be referred to as the act. The organizational meeting of the Board of Directors was held on September 3, 1965. The Board held two elections in 1967 seeking ratification of a tax rate from which operational funds could be generated. The tax referendum did not pass, and the Board operated on support from counties, cities, organizations, and individuals until 1973, when the Board was forced to discontinue their quarterly meetings as they had no funds to conduct their Directors' election as required by law.

On September 3, 1984, members of the Board, alarmed by groundwater level declines, met to discuss reactivation of the District. At this time representatives of Frio County expressed an interest in adding Frio County to the District. On April 6, 1985, an election was held to ratify the incorporation of Frio County, elect representatives to the Board of Directors, and set a tax rate for the District. The election was successful and a tax rate of \$0.005 per \$100 valuation was set. In September of 1997, the Karnes County Commissioners Court Petitioned the District with a request to join the District. On January 17, 1998 the District held an election in Karnes County to ratify the petition, and the election passed by an eighty-nine percent margin.

The District encompasses all of Atascosa, Frio, Wilson, and Karnes Counties. This includes 2,461,000 acres, or 3,845 square miles. The District's economy is heavily dependent upon agriculture and agriculture related business. Rainfall in the District averages from 24 inches per year in Frio County, to 32 inches per

year in Wilson County. Rainfall usually peaks in the late spring, with a secondary peak in early fall. Due to this trend and high summer temperatures, irrigation is required for consistent crop production and yield. Approximately 80% of the total ground water pumpage in the District is used in Agriculture.

Since 1985 the District has engaged in extensive data collection on water well locations, well conditions, static water levels, chemical analysis, and pumpage and use. This data has been instrumental in understanding the dynamics of the underground water resources within the District. The District has worked extensively to promote water conservation through education, and technical assistance in all sectors of the District.

## **POLICY**

It is the Policy of the District to continue technical research and studies, promote water conservation, provide public information, maintain and sustain regulation, permits, enforcement, equity and discretion, cooperation and coordination. These policies are designed to support the regulation of groundwater withdrawals to reduce the mining of groundwater resources within the District. The implementation of this plan can only be achieved through a concerted effort by all parties that use groundwater within the District. The District shall maintain an office with regular office hours.

## **TECHNICAL RESEARCH AND STUDIES**

The District conducts technical studies in cooperation with other entities including the Texas Water Development Board and the Texas Natural Resources Conservation Commission in order to determine methods to conserve and protect groundwater resources. Results from the studies have aided in the implementation of more efficient irrigation practices, education, and well head protection. Grants from the Water Development Board have provided funds for the District to purchase lab equipment for water analysis, and well mapping equipment. The District is presently collecting well data from a series of Carrizo Aquifer wells for the development of a computer model. The model will enable the District to predict how pumping from a well, or combination of wells, will affect the water levels in other wells.

The District will continue to gather data and improve the data gathering methods to ensure all future District Plans are based on the best information available.

## **WATER CONSERVATION**

Water conservation has become a strong initiative throughout the State of Texas. New buildings are required to use certain water conserving plumbing fixtures as a result of legislation passed by the Texas Legislature in 1991. It has

been recognized that fresh water is a vital commodity that can only last through preservation. The District may require a conservation plan for certain well permits in order to be sure that the groundwater produced is put to a beneficial use, and not wasted. The District continues to work with water utilities, industry and agriculture users to promote the most efficient use of water so that we may preserve one of our most valuable natural resources. The District will continue to explore other conservation methods and options and will adopt new requirements as they become necessary.

## **PUBLIC INFORMATION**

The District will take the necessary steps to ensure the public is informed and will cooperate with the media and all interested parties. The dissemination of information to the public is vital to create awareness, and the public support that is needed to control and reduce the mining of an underground aquifer.

The District will also continue to pursue water conservation through a public information and educational program. If used properly, voluntary conservation measures can significantly extend the life of the groundwater, thereby preventing the need for mandatory programs by this District or the State. Voluntary programs are entirely a function of providing the necessary education on conservation methods and habits along with the means to implement those methods. The District will continue to provide information to school districts and the general public in an effort to create voluntary conservation.

## **REGULATION**

The primary objective of this Plan is to control groundwater withdrawals to reduce aquifer mining within the District. Groundwater withdrawals can be reduced through conservation of groundwater. In regulating groundwater withdrawals, the District shall take into account several factors, including:

- 1) economic impact of conservation measures;
- 2) the degree and effect of aquifer mining in the area; and
- 3) differing hydrological characteristics of the aquifer(s) within the District.

The District will utilize the data and information obtained to evaluate the effectiveness of its regulatory policies and to determine what future action may be needed to achieve the mandate of the act, the District Rules, and the objectives and requirements of this plan.

## **MANAGEMENT OF GROUNDWATER SUPPLIES**

The District will manage the supply of groundwater within the District in order to conserve the resource while seeking to maintain the economic viability of all

resource user groups, public and private. In consideration of the economic and cultural activities occurring within the District, the District will identify and engage in such activities and practices, that if implemented would result a reduction of groundwater use. An observation network shall be established and maintained in order to monitor changing storage conditions of groundwater supplies within the District. The District will make a regular assessment of water supply and groundwater storage conditions and will report those conditions to the Board and to the public. The District will undertake, as necessary and co-operate with investigations of the groundwater resources within the District and will make the results of investigations available to the public upon adoption by the Board.

The District will adopt rules to regulate groundwater withdrawals by means of spacing and production limits. The District may deny a well construction permit or limit groundwater withdrawals in accordance with the guidelines stated in the rules of the District. In making a determination to deny a permit or limit groundwater withdrawals, the District will consider the public benefit against individual hardship after considering all appropriate testimony.

The relevant factors to be considered in making a determination to deny a permit or limit groundwater withdrawals will include:

- 1) the purposes of the Act;
- 2) the District Rules;
- 3) the objectives and requirements of this Plan;
- 4) the economic impact on the applicant from grant or denial of the permit or terms prescribed by the permit; and
- 5) an equitable distribution of available groundwater.

In pursuit of the Districts mission of protecting the resource, the District may require reduction of groundwater withdrawals to amounts, which will not cause harm to the aquifer. To achieve this purpose, the District may, at the Board's discretion, amend or revoke any permits after notice and hearing. The determination to seek the amendment or revocation of a permit by the Board will be based on aquifer conditions observed by the Board. The Board will enforce the terms and conditions of permits and the rules of the District by enjoining the permit holder in a court of competent jurisdiction as provided for in TWC '36.102.

The District will employ all technical resources at its disposal to evaluate the resources available within the District and to determine the effectiveness of regulatory or conservation measures. A public or private user may appeal to the Board for discretion in enforcement of the provisions of the water supply deficit contingency plan on grounds of adverse economic hardship or unique local conditions. The exercise of said discretion by the Board, shall not be construed as limiting the power of the Board.

## **EQUITY AND DISCRETION**

The District recognizes that the burden of reducing the mining of an underground aquifer should be borne by all users of groundwater. Although a single entity's groundwater withdrawal may not be capable of causing severe problems, the total actions by all users can cause significant mining of groundwater. Therefore, every entity must be regulated.

To achieve the objective, the District must have discretion in permitting groundwater withdrawals. Therefore, temporary exceptions to the general rule for a specific area may be necessary if an economic hardship will be created that is significantly greater for one person than for others in the District, or if required due to hydrological, physical, or geophysical characteristics.

This Plan prescribes a production ratio of groundwater withdrawal based upon the number of acres of land owned by a property owner. Nothing in this Plan, however, should be interpreted to mean that a person is entitled to use groundwater in any amount merely because the Plan prescribes a ratio for production. The number of acres of land that are within the Certificate of Convenience and Need (CCN) of a public or private water utility may be taken into consideration to meet a production ratio, if the well will be located within the boundaries of the water utilities CCN, and the utility's number of connections within the CCN justifies the amount of water requested.

## **COOPERATION AND COORDINATION**

The District will continue to work with the public, the regulated community, and state local governments to achieve the District's goals. The district will work with all water suppliers, industrial, and agricultural users to help them to preserve groundwater. The Texas Natural Resources Conservation Commission is the agency charged with protecting the state's water resources, and the Texas Water Development Board is the agency responsible for water resources planning and promotion of water conservation practices. The District will continue to work with both of these agencies throughout the life of this plan.

## **ACTIONS, PROCEDURES, PERFORMANCE AND AVOIDANCE FOR PLAN IMPLEMENTATION**

The District will implement the provisions of this plan and will utilize the provisions of this plan as a guidepost for determining the direction or priority for all District activities. All operations of the District, all agreements entered into by the District and any additional planning efforts in which the District may participate will be consistent with the provisions of this plan.

The District will adopt rules relating to the permitting of wells and the production of groundwater. The rules adopted by the District shall be pursuant to TWC ' 36

and the provisions of this plan. All rules will be adhered to and enforced. The promulgation and enforcement of the rules will be based on the best technical evidence available.

The District shall treat all citizens with equality. Citizens may apply to the District for discretion in enforcement of the rules on grounds of adverse economic effect or unique local conditions. In granting of discretion to any rule, the Board shall consider the potential for adverse effect on adjacent landowners. The exercise of said discretion by the Board, shall not be construed as limiting the power of the Board.

The District will seek the cooperation in the implementation of this plan and the management of groundwater supplies within the District. All activities of the District will be undertaken in co-operation and co-ordinated with the appropriate state, regional or local water management entity.

### **GROUNDWATER RECHARGE, AVAILABILITY, AND DEMAND PROJECTIONS**

All estimates of recharge, the total amount of usable groundwater, groundwater supply and demand projections, are derived from the Texas Water Development Board's water for Texas Today and Tomorrow.

Based upon data from the North Dakota Atmospheric Resource Board, airborne seeding of cumuliiform clouds with either glaciogenic, or hygroscopic material can increase rainfall by 10-15 percent. A ten percent increase in normal rainfall could add an additional 10,000 acre feet of recharge of groundwater annually.

#### **ESTIMATED ANNUAL GROUNDWATER RECHARGE IN THE DISTRICT**

<b><u>County</u></b>	<b><u>Acre-Feet</u></b>
Atascosa	28,730
Wilson	43,850
Frio	15,646
Karnes	13,979
<b>Total</b>	<b>102,205</b>



**ESTIMATED GROUNDWATER IN STORAGE IN THE DISTRICT**

<u>County</u>	<u>Acre-Feet</u>
Atascosa	977,500
Wilson	837,350
Frio	763,400
Karnes	240,050
<b>Total</b>	<b>2,818,300</b>

**ESTIMATE OF GROUNDWATER USED IN 1990**

<u>County</u>	<u>Acre-Feet</u>
Atascosa	61,191
Wilson	19,586
Frio	87,726
Karnes	6,049
<b>Total</b>	<b>174,552</b>

**PROJECTED GROUNDWATER SUPPLY**

<u>Year</u>	<u>2000</u>	<u>2010</u>
<u>County</u>	<u>Acre-Feet</u>	<u>Acre-feet</u>
Atascosa	34,734	34,734
Wilson	43,391	43,391
Frio	26,514	26,514
Karnes	4,777	4,447
<b>Totals</b>	<b>109,416</b>	<b>109,086</b>

**PROJECTED GROUNDWATER DEMAND**

<u>Year</u>	<u>2000</u>	<u>2010</u>
<u>County</u>	<u>Acre-feet</u>	<u>Acre-Feet</u>
Atascosa	68,331	67,823
Wilson	19,211	17,987
Frio	85,136	81,960
Karnes	6,322	5,992
<b>Totals</b>	<b>179,000</b>	<b>173,762</b>

## PROJECTED GROUNDWATER SUPPLY AND DEMAND TOTALS

Year	2000 <u>Acre-Feet</u>	2010 <u>Acre-Feet</u>
Supply	109,416	109,086
Demand	179,000	173,762
Balance(shortage)	(69,584)	(64,676)

## MANAGEMENT GOALS, OBJECTIVES AND PERFORMANCE STANDARDS

**Goal 1.0 The District will Implement a Management Strategy to Promote the Most Efficient use of Groundwater**

### **Management Objective**

1.1 Each year the District will perform at least 10 Irrigation Efficiency Evaluations to promote water conservation in irrigation practices. The Evaluations will be subject to the availability of the services of Texas Water Development Board Staff.

### **Performance Standard**

1.1 The percentage of Irrigation Efficiency Evaluations performed.

**Goal 2.0 The District will Implement a Management Strategy to Address Controlling and Preventing the Waste of Groundwater**

### **Management Objective**

2.1 Each year the District will conduct an on-site investigation of any reports of waste of Groundwater within two working days of the time of the receipt of the report to the District.

### **Performance Standard**

2.1 The percentage of reports investigated within two working days.

**Goal 3.0 The District will implement a Management Strategy to Address the Conjunctive use of Surface and Groundwater**

**Management Objective**

3.1 The District, in Co-Operation with the Texas Water Development Board, Surface Water entities within the District, and other entities, will develop a surface/groundwater model that will identify the relationship of surface/groundwater interaction within the District by January 1999.

**Performance Standard**

3.1 The development of a surface/groundwater model by January 1999.

**Goal 4.0 The District will Implement a Management Strategy that will Address Natural Resource Issues which Impact the use and Availability of Groundwater, and which are Impacted by the use of Groundwater.**

**Management Objective**

The District will perform on-site investigation of any reports of groundwater contamination within two working days of the time of the receipt of the report to the District.

**Performance Standard**

The percentage of reports investigated within two working days.

**Management Goals of 31 TAC 356.5 (a)(1) Determined "Not Applicable"**

**Goal 5.0 Controlling and Preventing Subsidence**

The hydrological stratum within the District are presently not subject to subsidence. This management goal is not applicable to the District.

**Methodology for Tracking District Progress in Achieving Management Goals**

The District manager will prepare and present an annual report to the Board of Directors on District performance in regards to achieving management goals and objectives. The presentation of the report will occur during the last monthly Board meeting each fiscal year, beginning in September of 1999. The report will include the number of instances in which each of the activities specified in the District's management objectives was engaged in during the fiscal year. Each activity will be referenced to the estimated expenditure of staff time and budget in accomplishment of the activity. The notations of activity frequency, staff time and budget will be referenced to the appropriate performance standard for each management objective describing the activity, so that the effectiveness and efficiency of the District's operations may be evaluated. The Board will maintain the report on file for public inspection at the District's office upon adoption. This methodology will apply to all management goals contained within this plan.

## REGULATORY ACTION PLAN

This portion of the plan translates the legislative mandate of the District, Chapter 36 of the Texas Water Code and the policy and purpose of the District's Rules into specific objectives and requirements. The Regulatory Action Plan establishes the requirements necessary to receive a water well drilling and production permit. The requirements are written as general guidelines, and each permit will be evaluated based upon the best scientific data available. The current demand on the aquifer and trend of the water levels in the area may be determining factors in the evaluation of a permit application.

### SPACING REQUIREMENTS AND PRODUCTION RATIOS

(1) Exemptions;

Wells drilled to produce water to be used by an individual, a family, or a household for drinking water and cooking, washing, irrigating a garden or orchard, if the produce of the garden or orchard is to be consumed by the individual, family, or household, or watering animals used in operating a farm or as food for the individual, family, or household, shall be exempt from spacing and production rules. Wells drilled, completed and equipped to produce less than 25,000 gallons per day, or 17.5 gallons per minute shall also be exempt from these spacing and production requirements.

(2) Spacing;

(a) No well shall be drilled such that said well shall be located closer than one hundred (100) feet to the property line. Spacing of new wells from an existing well shall be one foot per one gallon per minute of production from the new well up to maximum of one thousand (1000) gallons per minute. In addition to this maximum, a well producing over one thousand (1000) gallons per minute will be spaced one-half (1/2) foot per one gallon per minute of production in excess of one thousand gallons per minute from an existing well.

#### EXAMPLES

500 gpm = 500 feet  
750 gpm = 750 feet  
1000 gpm = 1000 feet  
1250 gpm = 1125 feet  
1500 gpm = 1250 feet  
1750 gpm = 1375 feet  
2000 gpm = 1500 feet

The Board may grant exceptions to permit drilling within shorter distances than above described when the Board shall determine that such exceptions are necessary either to prevent waste or to prevent confiscation of property.

(b) For the purpose of preventing waste and preventing confiscation of property, the Board reserves the right in particular subterranean water zones and/or reservoirs to enter special orders increasing or decreasing distances provided by this requirement.

(c) In applying this requirement, no subdivision of property made subsequent to the adoption of the original spacing requirement will be considered in determining whether or not any property is being confiscated within the terms of such spacing requirement.

(3) Production;

A person may be permitted to produce wells on their property, or property for which a person can show possession of groundwater rights, up to a maximum production of 815,000 gallons (2.5 acre feet) per acre per year. Cumulative annual production shall be computed by District personnel according to acres of groundwater rights possessed by the applicant, at the time the application is filed.

(4) Transfer of Groundwater Rights;

A property owner may sell or lease their groundwater rights for any beneficial use.

## **TRANSPORTATION OF WATER FROM THE DISTRICT**

(1) For the purpose of conserving the scarce groundwater in this District and to thereby insure the continuing health, welfare and safety of the citizens of this District, applications shall be made and permits must be obtained from the Board before installing and/or operating a transportation facility. Such applications shall be on forms provided by the District and shall be in accordance with and contain the information called for in the form of application. Otherwise, the application will not be considered. Water wells to be used for the transportation of water out of the District shall be subject to spacing and production requirements as described herein. The Board reserves the right to approve a transportation permit application at a reduced rate. In order to reduce the economic impact upon agricultural production in the District, at least fifty percent (50%) of the groundwater rights of all property owners must be retained by the property owner for agricultural production. Due to the economic impact that would result from transportation of water out of the District, fees of one dollar (\$1.00) per acre foot for water used in agriculture, and seventeen cents (\$0.17) per thousand (1,000) gallons for all other uses, will be assessed by the District to mitigate the economic loss. Fees are due the first of each month, and are to be included with the monthly pumping report. A transportation permit shall be valid for a period of up to five years. Construction of a transportation facility must commence within two (2) years of the issuance of the permit, or the permit will be invalid.

**(2) RULES FOR FILING APPLICATIONS :**

The application shall be executed by a party having knowledge of the facts called for on the form. Knowingly or unknowingly falsifying information on a permit application will invalidate the application and the permit.

**(3) INFORMATION TO BE PROVIDED IN APPLICATION:**

The following information shall be provided in or be submitted with an application:

- (a) The name and address of the applicant.
- (b) The latitude and longitude of the exact location of the well(s) from which water to be transported is to be produced.
- (c) The name and address of the property owner(s) and legal description of the land upon which the well(s) will be located to produce water to be transported.
- (d) The names and addresses of the property owners within one-half (1/2) mile of the location of the well(s) from which water to be transported is to be produced, and the location of any wells on those properties.
- (e) The time schedule for construction and/or operation of the facility.
- (f) A complete construction and operations plan that will include, but is not limited to, information as to:
  - (i) a technical description of the proposed well(s) and production facility, including depth of the well(s), the casing diameter, type and setting, the perforated interval, and the size of pump;
  - (ii) a technical description of the facilities to be used for transportation of water.
- (g) The use of the water to be transported.
- (h) The volume of water to be transported annually.
- (i) Scientific evidence showing that the proposed operation will not:
  - (i) cause pollution; or
  - (ii) cause waste.
- (j) Provide information showing the effect of the proposed transportation on the quantity and quality of water available within the District.
- (k) Identify any other possible sources which could be used for the stated purposes, including quality and quantity of such alternate sources.
- (l) Identify any other liquids that could be substituted for the fresh groundwater and possible sources of such liquid including quantity and quality.
- (m) A water conservation plan and a drought management plan.
- (n) Additional information that may be required by the Board.

**(4) NOTICE OF HEARING:**

- (a) The District shall mail notice not less than thirty (30) days before the date set for District consideration of a transportation permit application by first-class mail,
  - (i) the applicant, the records of whose application has been filed with the District; and
  - (ii) the property owners within one-half (1/2) mile of the location of the well(s) from which water to be transported is to be produced
- (b) Because of the potential to impact areas outside a one-half (1/2) mile radius, notice of the application shall be published by the District in a newspaper of general circulation in each of the counties in the District.
- (c) The notice shall contain the following:
  - (i) the name and address of the applicant;
  - (ii) the date the application was filed;
  - (iii) the time and place of the hearing;
  - (iv) the location of the proposed well(s) from which water to be transported is to be produced;
  - (v) the amount of water to be transported annually;
  - (vi) a description of the transportation facility; and
  - (vii) a brief summary of the information in the application.

**(5) HEARING:**

A hearing on an application shall be heard without the necessity of issuing further notice other than the time and place where the Board meeting is to take place after the expiration of the time limits set forth herein above. Hearings shall be conducted in accordance with provisions stipulated in the District's rules. Applications shall not be approved unless the Board finds and determines that the transporting of water for use outside the District applied for will not substantially affect the quantity and quality of water available to any person or property within the District; that all other feasible sources of water available to the person requesting a permit have been developed and used to the fullest; that no other liquid could be feasible substituted for the use of fresh water; and that the proposed use, or any part of the proposed use will not constitute waste. In evaluating the application, the Board shall consider the quantity of water proposed to be transported; the term for which the transporting is requested; the safety of the proposed transportation facilities with respect to the contamination of the aquifer; the nature of the proposed use; whether the withdrawal of the groundwater requested is reasonable; whether such withdrawal is contrary to the conservation and use of groundwater; and is not otherwise detrimental to the public welfare.

**(6) MONITORING AND REPORTING:**

- (a) All transportation facilities shall be equipped with flow monitoring devices approved by the District and shall be available at all reasonable times for inspection by District personnel.
- (b) The operator of a transportation facility shall be required to keep records and make reports to the District as to the operation of the transportation facility.
- (c) Transportation facilities shall submit reports to the District on a monthly basis, beginning at the time a permit is issued to operate. Such reports shall include, but is not limited to, the volume of water transported during the preceding month.

**(7) RESPONSIBILITY:**

The owner of a transportation facility shall be charged with strict liability for the prevention of pollution and waste, by reason of the operations of said facility.

**Groundwater Protection**

Groundwater contamination may result from many sources, including current and past oil and gas production, agricultural activities, industrial and manufacturing processes, commercial and business endeavors, domestic activities, and natural sources that may be influenced or may result from human activities.

The District shall take appropriate measures to discontinue activities that are either causing, or are a potential threat to cause groundwater contamination. Due to permeability of aquifer outcrops and recharge zones, there is a greater threat for groundwater contamination from surface pollution in recharge and outcrop regions, and the District will impose more stringent restrictions on those areas.

**ADDRESS AND OFFICE HOURS**

The Evergreen Underground Water Conservation District Office is located at:  
1306 Brown, P.O. Box 155  
Jourdanton, TX 78026

Office Hours: Monday - Friday 8:00 a.m. - 12:00 p.m. - 1:00 p.m. - 5:00 p.m.  
Telephone: (830) 769-3740  
Fax: (830) 769-2492  
e-mail: euwcd@connecti.com



## **FEES**

Copies of the District Rules and Management Plan are \$5.00.

Water Well Drilling Permit fee is \$175.00, of which \$75.00 is refundable to the applicant upon receipt of the driller's log and well registration to the District.

Water Well Production Permit fee is \$25.00.

Well Registration fee for exempt wells is \$10.00.

Transportation Permit fee is \$2,000.00

Photocopies of District Documents are \$0.10 each.

Sending or receiving Facsimiles is \$2.00 for first page, and \$1.00 there after, including cover sheet.

Document research by a District Employee is \$15.00 /hr.

The cost of postage will be added when applicable.

## **DEFINITIONS**

"Act" means the legislative Act that created the District and governs its operations.

( Act of 1965, 59th Legislature, Ch. 197, H.B. 116, Pg. 398 (amended 1967, 1983, 1985)).

"Area" means a geographical area designated by the Board in which regulatory policy will be applied.

"Beneficial Use" means agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational or pleasure purposes, or any other use that is beneficial and not considered waste.

"Board" means the Board of Directors of the Evergreen Underground Water Conservation District.

"Certificate Of Convenience And Need (CCN)" means the designation of geographical boundaries of the service area of a water utility.

"Groundwater" means water located beneath the earth's surface but does not include water produced with oil in the production of oil and gas.

"Mining Of An Aquifer or Aquifer Mining" means to extract groundwater from an aquifer at an annual rate which exceeds the normal annual recharge to the aquifer.

"Outcrop" means an area where an underground stratum or geologic formation is found at the surface of the ground.

"Person" includes corporation, individual, organization, political subdivision or agency, business trust, estate trust, partnership, association, or any other legal entity.

"Plan" means this District Plan.

"Water Utility" means any corporation, company, entity, political subdivision, public or private, that sells water to any person within its service area.

"Well" means any excavation, facility, device, or method that could be used to withdraw groundwater.

"Withdraw" means the act of extracting groundwater by any method.

**RESOLUTION ADOPTING MANAGEMENT PLAN OF THE  
EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT**

**WHEREAS**, The Management Plan of the Evergreen Underground Water Conservation District, attached hereto as Attachment A, has been developed for the purpose of conserving, preserving, protecting and recharging the underground water in the District, and this action is taken under the District's statutory authority to prevent waste and protect rights of owners of interest in groundwater;

**WHEREAS**, The Management Plan meets the requirements of Senate Bill1;

**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 an exercise of powers, duties and jurisdiction 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.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT THAT:**

- 1) The "Management Plan of the Evergreen Underground Water Conservation District" contained in attachment A is hereby adopted.
- 2) This Management Plan will take effect upon certification by the Texas Water Development Board, and shall be in effect for a period of ten (10) years from said date.

AND IT IS SO ORDERED.

PASSED AND ADOPTED ON THIS 11th DAY OF August, 1998.

SIGNED *Kenneth Stephens*  
Kenneth Stephens  
President

ATTEST: *William H. Ruple*  
William H. Ruple  
Secretary/Treasurer