

CLEAR FORK  
GROUNDWATER  
CONSERVATION  
DISTRICT  
MANAGEMENT  
PLAN

Proposed Management Plan  
Presented to the District board  
2/28/2005

Adopted  
4/4/2005

## **DISTRICT MISSION**

The Clear Fork Groundwater Conservation District is committed to establish and protect the water rights of local landowners, and preserve this resource for generations to come.

## **TIME PERIOD FOR THIS PLAN**

This plan becomes effective upon the adoption by the Board of Directors of the Clear Fork Groundwater Conservation District and certification by the Texas Water Development Board (TWDB). This is a ten-year plan and will remain in effect for the ten years, or until a revised plan is certified, whichever is earlier.

## **STATEMENT OF GUIDING PRINCIPLES**

The citizens of Fisher County recognize the vital importance of the groundwater to the economy and longevity of the county. Being the predominate water resource; the district recognizes the need to conserve and protect the quantity and the quality of groundwater through prudent and cost effective management. The goals of this plan can be best achieved through guidance from locally elected board members who have an understanding of local conditions as well as technical support from knowledgeable agencies. Management planning should be based upon an awareness of the hydrogeologic properties of the specific aquifers within the District as well as quantification of existing and future resource data. This management plan is intended only as a reference tool to provide guidance in the execution of district activities, but should allow flexibility in achieving its goals.

## **GENERAL DESCRIPTION**

The District was created by the citizens of Fisher County through election in November, 2002. The current officers are Ted Posey, chairman; Freddie Stuart, vice-chairman; Watson Moore, Secretary-Treasurer. Other Board members include Jimmy D. Counts, and Marion Reed. Directors are elected with Fisher County Commissioner's precincts, with a director from within each of the four precincts. Additionally, one director is elected as an at-large position from the entire county. The Clear Fork Groundwater Conservation District has the same real extent as that of Fisher County, Texas. The county has a diverse economy, with agriculture and industry all represented. Livestock operations include cattle, goats, and hogs. Crops include cotton, sorghum, wheat, hay, pecans, and some fruits and vegetables. One of the major industries is National Gypsum, which began operations in Fisher County in 1935. Oil and gas production have been a part of Fisher County for several decades. Communities in the county include Roby, Busby, Claytonville, Eskota, Hobbs, Longworth, McCaulley, Palava, Rotan, Royston, and Sylvester. The largest tourist attraction is the diverse hunting opportunities in Fisher County.

## LOCATION AND EXTENT

The Clear Fork Groundwater Conservation District shares a boundary with Fisher County. Fisher County is on U.S. Highway 180 west of Abilene in the Rolling Plains region of central West Texas. The county is bordered on the north by Kent and Stonewall counties, on the east by Jones County, on the south by Nolan County, and on the west by Scurry County. Its center point is 32°45' north latitude and 100°23' west longitude. Roby is the county seat; Rotan, the county's largest town, is 225 miles west of Dallas, 65 miles northwest of Abilene and 125 miles southeast of Lubbock. In addition to U.S. 180 the county's transportation needs are served by State highways 70 and 92.

Soils range from red to brown, with loamy surface layers and clayey or loamy subsoils. Between 51 percent and 60 percent of the land in the county is considered prime farmland. The vegetation, typical of the Rolling Prairies, features medium-height to tall grasses, mesquite, and cacti. Cedar, cottonwood, and pecan trees also grow along streams. Many species of wildflowers bloom in the spring and early summer, including daisies, buttercups, tallow weed, Indian blanket, baby's breath, prairie lace, wild verbena, belladonna, and hollyhock. Texas bluebells thrive in low places.

The climate is subtropical and subhumid, with cool winters and hot summers. Temperatures range in January from an average low of 28° F to an average high of 56°, and in July from 70° to 96°. The average annual rainfall measures twenty-two inches, and the average relative humidity is 73 percent at 6 A.M. and 40 percent at 6 P.M. The average annual snowfall is five inches.

The growing season averages 222 days, with the last freeze in early April and the first freeze in early November. The agricultural economy centers around cattle, livestock products and hunting, but 60 percent of the annual agricultural income is from crops, especially cotton, wheat, sorghum, and hay. Petroleum, natural gas, gypsum, rock, and sand and gravel are also produced in the county. \*

\*Taken from "FISHER COUNTY." Handbook of Texas Online.  
<<http://www.tshautexas.edu/handbook/online/view/NN/hcn4.html>> [Accessed Mon Nov 22 9:35 US/Central 2004.] by Hooper Shelton

## TOPOGRAPHY AND DRAINAGE

Fisher County covers 897 square miles of grassy, rolling prairies. The elevation ranges from 1,800 to 2,400 feet. The northern third of the county is drained by the Double Mountain Fork of the Brazos River, and the southern two-thirds is drained by the Clear Fork of the Brazos. (Source: *USDA Natural Resources Conservation Service, Abilene Field Office*)

\*Taken from "FISHER COUNTY." Handbook of Texas Online.  
<<http://www.tshautexas.edu/handbook/online/view/NN/hcn4.html>> [Accessed Mon Nov 22 9:35 US/Central 2004.] by Hooper Shelton

## GROUNDWATER RESOURCES OF CLEAR FORK G.C.D.

Only two formations constitute aquifers in Fisher County. These are the Seymour of the Lingos Formation and Dockum.

The Seymour Formation is the only significant source of groundwater. The formation is present in the north one-third of Fisher County, stretching solid from east to west. The Seymour Aquifer consists of discontinuous beds of poorly sorted gravel, conglomerate, sand and silty clay deposited during the Quaternary Period by eastward-flowing streams. Individual accumulations vary greatly in thickness, although most of the Seymour is less than 100 feet thick. All material forming the Seymour aquifer are unconsolidated alluvial sediments of non-marine origin deposited on the erosional surface of Permian beds. Sediments are composed of clay, silt, sand, conglomerate, gravel, and some caliche. The formation consists of beds of gypsum, anhydrite, halite, dolomite, sandstone and shale. In Fisher County the yields of wells range from less than 30 gal/min to as much as 200 gal/min, depending on saturated thickness, and average about 35 gal/min. The water quality generally is slightly saline to higher salinity problems.

The Dockum, a minor aquifer, is limited to a very small portion of the south west corner of the district. The water is primarily used for livestock and oil-field activity.

## SURFACE WATER RESOURCES OF CLEAR FORK G.C.D.

There is no surface water within the district, with the exception of a few livestock tanks. Based on reported existing surface water rights holders within Fisher County, a total of 915 acre feet of water is permitted by the TCEQ mainly for irrigation use by landowners within the county.

## PROJECTED GROUNDWATER SUPPLIES OF CLEAR FORK G.C.D. In Acre-Feet

<b>Year</b>	<b>2000</b>	<b>2010</b>	<b>2020</b>	<b>2030</b>	<b>2040</b>	<b>2050</b>	<b>2060</b>
Municipal	689	656	641	592	550	530	489
Manufacturing	158	192	225	255	284	310	336
Mining	468	375	359	354	349	344	337
Irrigation	2459	2386	2314	2245	2178	2113	2049
Livestock	585	585	585	585	585	585	585
<b>TOTALS</b>	<b>4359</b>	<b>4194</b>	<b>4124</b>	<b>4031</b>	<b>3946</b>	<b>3882</b>	<b>3796</b>

*Data taken from Brazos G Regional Water Plan, Table 4-51, 2001*

**GROUNDWATER USE IN CLEAR FORK G.C.D.**

	Municipal		Irrigation		Mining		Manufacturing		Livestock		County/ Other	
	GW	SW	GW	SW	GW	SW	GW	SW	GW	SW	GW	SW
1991	150	587	1333		466	2	130	19	93	833		
1992	88	614	666		466	2	116	15	73	655		
1993	102	658	1453	236	466	2	148	18	74	668		
1994	102	665	1498	340	466	4	146	18	73	659		
1995	83	616	1626	265	466	4	140	23	71	640		
1996	139	690	2030	331	466	4	144	3	64	578		
1997	133	710	2800	311	466	4	133	1	60	536		
1998	155	707	3566		466	2	145	2	56	502		
1999	145	652	3612		466	2	151	1	56	207		
2000	135	554	2446	13	466	2	158		58	526		

Data taken from Texas Water Development Board.

**PROJECTED DEMANDS FOR WATER IN FISHER COUNTY  
In Acre Feet**

<u>Year</u>	<u>2000</u>	<u>2010</u>	<u>2020</u>	<u>2030</u>	<u>2040</u>	<u>2050</u>
Municipal	493	493	493	493	493	493
Manufacturing	491	491	491	491	491	491
Mining	458	458	458	458	458	458
Irrigation	5760	5760	5760	5760	5760	5760
Livestock	145	145	145	145	145	145
<b>TOTALS</b>	7,347	7,347	7,347	7,347	7,347	7,347

Data taken from Brazos G Regional Water Plan, Table 4-21, 2001

**TOTAL USEABLE AMOUNT OF GROUNDWATER IN CLEAR FORK GCD**

<u>Year</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Dockum	102	102	102	102	102	102
Seymour	7,010	7,010	7,010	7,010	7,010	7,010
<b>Total Ac/ft.</b>	7,112	7,112	7,112	7,112	7,112	7,112

Data taken from Brazos G Region Water Plan, table 3-15, 2001

### Estimate of Annual Amount of Recharge to the Groundwater Resources Within the District

Year	2005	2006	2007	2008	2009	2010	2011
Ac/ft.	11,087	11,117	11,117	11,063	11,048	11,009	11,009

*Data taken from the water budget from the GAM of Texas Water Development Board*

### HOW NATURAL OR ARTIFICIAL RECHARGE OF GROUNDWATER WITHIN THE DISTRICT MIGHT BE INCREASED

**Brush Management:** The eradication of mesquite and salt cedar from areas of moderate to heavy brush canopy would yield additional groundwater supplies.

### POTENTIAL DEMAND AND SUPPLY

Based on current calculations and projections it is obvious that issues will arise when demands exceed supplies. The District will use all regulatory statutes available to encourage the cities of Roby and Rotan, and the Water Supply Corporations in the District to develop conservation plans and additional surface water supplies. The District will also encourage additional water supplies through groundwater conservation education programs at the school and community levels.

### MANAGEMENT OF GROUNDWATER SUPPLY

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 continue to identify and engage in such activities and practices, that if implemented, would result in the conservation and protection of the groundwater. The observation and monitoring network will continue to be reviewed and maintained in order to monitor changing conditions of groundwater within the District. The District will undertake investigations of the groundwater resources within the District and will make the results of those investigations available to the public.

The District will adopt, as necessary, rules to regulate the groundwater withdrawals by means of spacing and/or production limits. The relevant factors to be considered in making the determination to grant a permit or limit groundwater withdrawal will include:

1. The purpose of the District and its rules;
2. The equitable conservation and preservation of the resource, and;
3. The economic hardship resulting from granting or denying a permit or the terms prescribed by the rules.

In pursuit of the District mission of conserving and protecting the resource, the District will enforce the terms and conditions of permits and rules of the District by enjoining the permit holder in a court of competent jurisdiction, as provided for in TWC §36.102, if necessary.

**ACTIONS, PROCEDURES, PERFORMANCES AND AVOIDANCE FOR PLAN IMPLEMENTATION**

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The District will implement the provisions of the plan and will utilize the provisions of the 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 the plan.

The District will adopt, as necessary, rules relating to the implementation of this plan. The rules adopted by the District shall be pursuant to TWC §36 and the provisions of this plan. All rules will be adhered and enforced. The promulgation and enforcement of the rules will be based upon 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 characteristics. In granting discretion to any rule, the Board shall consider the potential for adverse effect on adjacent landowners and aquifer conditions. The exercise of said discretions by the Board shall not be construed as limiting the power of the board.

**The methodology that the District will use to trace its progress on an annual basis in achieving its management goals will be as follows:**

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**The District Manager will prepare and present an annual report to the Board of Directors on the District performance in regards to achieving management goals and objectives (during the first monthly Board of Directors meeting each fiscal year, beginning October 1, 2005.) This report will include the number of instances each activity was engaged in during the year.**

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**The annual report will be maintained on file at the District office.**

## **GOALS, MANAGEMENT OBJECTIVES AND PERFORMANCE STANDARDS**

### **GOAL 1.0 – Providing for the most efficient use of groundwater**

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#### **1.1 Management Objective**

Each year, on four (4) or more occasions, the District will disseminate educational information relating to conservation practices for the efficient use of water resources. These will include but are not limited to publications from the Texas Water Development Board, the Texas Commission on Environmental Quality, Texas Cooperative Extension Service, the Texas Water Resource Institute, and other resources.

**1.1a Performance Standard** - Number of occasions, annually, the District disseminated educational information related to conservation practices for the efficient use of groundwater.

**1.1b Performance Standard** – Number of educational literature packets that have been distributed will be reported to the board in the annual report.

#### **1.2 Management Objective**

The District will adopt and enforce rules regarding the spacing of all new wells drilled within the District to limit the areas of overlapping cones of depression.

**1.2a Performance Standard** - The number of wells drilled each year in compliance with the spacing rules will be reported to the Board annually.

#### **1.3 Management Objective**

The District will implant a district-wide voluntary monitoring network to evaluate groundwater availability. Wells will be monitored for static level at least quarterly each year.

**1.3a Performance Standard** – The number of wells involved in the project, and respective static levels, will be reported to the Board of Directors annually. Well will be placed on a well numbering grid map for reference.

### **GOAL 2.0 – Controlling and preventing waste of groundwater**

**2.1 Management Objective** – Report to the Board on a monthly basis any and all reported wasteful practices and non-beneficial use of groundwater in the district. Investigate and determine how to handle each reported waste within five (5) working days.

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**2.1a Performance Standard** – Monthly reports of wasteful practices will be summarized in the annual report to the Board of Directors. Summaries shall include

all relevant dates, information, and any remedial action taken by the District (if applicable).

**GOAL 3.0 – Addressing Drought Conditions**

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**3.1 Management Objective** – The District will monitor the Palmer Drought Severity Index (PDSI) by Texas Climatic Division. If PDSI indicates that the District will experience severe drought conditions, the District will notify all public water suppliers within the District

**3.1a Performance Standard** – The District staff will monitor the PDSI and report findings and actions to the District Board on a quarterly basis.

**GOAL 4.0 – Addressing Conservation**

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**4.1 Management Objective** - The district will submit an article regarding water conservation for publication each year to at least one newspaper of general circulation in Fisher County.

**4.1a Performance Standard** – A copy of the article submitted by the District for publication will be included in the annual report given to the Board of Directors.

**MANAGEMENT GOALS DETERMINED NOT-APPLICABLE**

**GOAL 5.0 – Control and prevention of subsidence**

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The rigid geologic framework of the region precludes significant subsidence from occurring.

This goal is not applicable to the operations of the District.

**GOAL 6.0 – Conjunctive surface water management issues.**

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No surface water management entities exist within the District. There is no surface water impoundments within the District except for livestock consumption. The groundwater within the district is used primarily for livestock, domestic and irrigated agriculture.

This goal is not applicable to the operations of the District.

**GOAL 7.0 – Addressing natural resource issues which impact the use and availability of groundwater, and which are impacted by the use of groundwater.**

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The District has no documented occurrences of endangered or threatened species dependent upon groundwater resources.

This goal is not applicable to the operations of the District.

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE CLEAR FORK GROUNDWATER CONSERVATION DISTRICT ADOPTING MANAGEMENT PLAN**

THE STATE OF TEXAS

§

CLEAR FORK GROUNDWATER CONSERVATION DISTRICT

§

§

**WHEREAS**, the Clear Fork Groundwater Conservation District (the "District") is a political subdivision of the State of Texas organized and existing under and by virtue of Article XVI, Chapter 59, of the Texas Constitution;

**WHEREAS**, under the direction of the Board of directors, and in accordance with Section 36.1071, Texas Water Code, and Chapter 356, Title 31, Texas Administrative Code, the District developed a Management Plan;

**WHEREAS**, the District requested the technical assistance of the Texas Water Development Board ("TWDB") and worked with TWDB staff in 2004 and 2005 ascertaining the technical information, estimates, and other information that are required by the TWDB, the Texas Administrative Code, and Chapter 36, Texas Water Code, to be included in the Management Plan;

**WHEREAS**, the District held a public hearing, which was properly noticed as required by law, to receive public and written comments on the Management Plan on April 4, 2005 at the USDA Service Center, 601 West South 1<sup>st</sup> Street, Roby, Texas; and

**WHEREAS**, the Board of Directors finds the Management Plan meets all the requirements of Chapter 36, Texas Water Code, and Chapter 356, Title 31, Texas Administrative Code.

**NOW THEREFORE BE IT RESOLVED THAT:**

The Management Plan is hereby adopted as the Management Plan for the District; and

The Board and General Manager are authorized to take any and all action necessary to file the adopted Management Plan with the Texas Water Development Board, and to coordinate with the TWDB as may be required in furtherance of certification pursuant to the provisions of 36.1072 of the Texas Water Code.

**AND IT IS SO ORDERED.**

Passed and adopted on this 4<sup>th</sup> of April, 2005.

**CLEAR FORK GROUNDWATER CONSERVATION DISTRICT**

by: Ted Posey  
Ted Posey, Board Chairman

Attest:

Freddie Stuart  
Freddie Stuart, Board Vice-Chairman

Watson Moore  
Watson Moore, Board Member

FILED FOR RECORD  
AT 5/2/05 O'Clock  
Pat Thomson, Board Member

Marion Reed  
Marion Reed, Board Member

PAT THOMSON  
COUNTY CLERK, FISHER COUNTY, TEXAS  
BY Pat Thomson DEPUTY

CLEAR FORK GROUNDWATER CONSERVATION DISTRICT  
Public Hearing  
Monday April 4, 2005  
8:00 AM  
USDA Service Center Conference Room  
601 W. South 1<sup>st</sup>  
Roby, Texas

Minutes: Recorded by Belynda Rains

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**In Attendance:** Directors; Watson Moore, Marion Reed  
Jimmy Counts, General Manager: Belynda Rains County Attorney: Rudy Hamric

The Board convened for Public Hearing at 8:09 am with Watson Moore serving as mediator in the absence of Chairman Ted Posey and Vice Chairman Freddy Stuart.

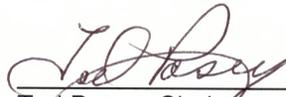
Copies of the Proposed Management Plan was passed out, with the updated information from the TWDB and GAM report.

No outside attendance to review the Proposed Management Plan.

1. Adjournment

The meeting was adjourned at 8:13 a.m, motion by Jimmy Counts, seconded by Marion Reed.

THE ABOVE MINUTES OF THE PUBLIC HEARING ON THE MANAGEMENT PLAN OF THE CLEAR FORK GROUNDWATER CONSERVATION DISTRICT HELD ON APRIL 4, 2005 WERE APPROVED AND ADOPTED BY THAT BOARD ON May 2, 2005.

  
\_\_\_\_\_  
Ted Posey, Chairman

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ATTEST

  
\_\_\_\_\_  
Belynda Rains, General Manager

CLEAR FORK GROUNDWATER CONSERVATION DISTRICT  
Board of Directors Meeting  
Monday April 4, 2005  
Following Public Hearing  
USDA Service Center Conference Room  
601 W. South 1<sup>st</sup>  
Roby, Texas

Minutes: Recorded by Belynda Rains

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**In Attendance:** Directors; Watson Moore  
Marion Reed, Jimmy Counts,  
General Manager: Belynda Rains County Attorney: Rudy Hamric,

1. Call to order/ Invocation  
8:15 a.m. Watson called meeting to order / voiced the invocation
2. Determination of a Quorum  
Quorum was met with Marion, Jimmy and Watson in attendance, Ted and Freddie were absent.
3. Public Input/Discussion  
There were none
4. Approve Minutes of February 28, 2005 meeting  
Marion moved to accept as recorded, Jimmy seconded the motion, motion carried.
5. Approve Financial Report / Treasure's Report – Payment of Bills  
Report was presented, with \$23,323.87 in operational account, \$1,200.00 in permit account total in account \$25,486.13 as of 2/28/05 bank statement. March statement had not been received. Bills for the month \$412.15 operational, this included \$47.15 SBC, telephone, \$40.00 Rotan Advance, public hearing notice & \$325 donation to Upper Clear Fork SWCD , motion by Jimmy to accept the financial statement and approve to pay the bills, seconded by Marion, motion passed.
6. Business Items as Listed for Discussion/Action -
  - (a) District Rules and Regulations  
Letters had been mailed to applicants for well drilling permits, that had not to date filled a drilling log. A copy of the letter was presented to the board members.
  - (b) Management Plan  
The Proposed Management Plan was presented for consideration, Projected Demands table was reviewed, Marion moved to accept changes and additions, Jimmy seconded the motion, motion carried. Jimmy moved to adopt the Management plan and send to the TWDB for certification, seconded by Marion, For – 3, Jimmy Counts, Marion Reed, Watson Moore, Against – 0, absent Ted Posey and Freddie Stuart. Jimmy moved to adopt the Resolution of the Board of Directors of The Clear Fork Groundwater Conservation District Adopting Management Plan, motion was seconded by Marion Reed, motion carried. Resolution was passed and adopted.
  - (c) TWDB Grant Application  
Belynda reported no news on the status had been received.
7. Reports
  - A. Committee Reports – none

- B. Chairman's Report- none
- C. District Managers Report – Would be out of the office from March 2 to March 21.

8. Upcoming Seminars and Meetings:  
2005 Ground Water Summit – April 17-20, San Antonio

9. Other Business  
None

10. Adjournment  
The meeting was adjourned at 8:39 am, motion by Marion, seconded by Jimmy.

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE CLEAR FORK  
GROUNDWATER CONSERVATION DISTRICT HELD ON April 4, 2005 WERE APPROVED AND ADOPTED  
BY THAT BOARD ON May 2, 2005.

  
\_\_\_\_\_  
Ted Posey, Chairman

ATTEST

  
\_\_\_\_\_  
Belynda Rains, General Manager



# Clear Fork Groundwater Conservation District

USDA Service Center  
601 W South 1<sup>st</sup> Street • P O Box 369 • Roby, TX 79543  
Phone/fax: (325) 776-2710 Alt. Fax: (325) 776-9029  
General Manager, Belynda Rains

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*Board of Directors*

*Chairman*

Ted Posey  
450 St. Hwy 70N  
Rotan, TX 79546

*Vice Chairman*

Freddie Stuart  
PO Box 70  
Sylvester, TX  
79560

*Secretary*

M. Watson Moore  
571 FM 57W  
Roby, TX 79543

Jimmy D. Counts  
748 FM 2832  
Rotan, TX 79546

Marion Reed  
445 CR 277  
McCaulley, TX  
79534

April 15, 2005

Teresa Clark, Administrative Agent  
Brazos G Regional Water Planning Group  
PO Box 7555  
Waco, TX 76714-7555

Certified mail:7002 2410 0003 4596 1053

Dear Ms. Clark,

Please find enclosed a copy of the adopted Management Plan for the Clear Fork Groundwater Conservation District. The Board of Directors would like you to review the plan.

If you have any questions or concerns, please do not hesitate to contact me at the telephone number above or at [belynda.rains@tx.nacdnet.net](mailto:belynda.rains@tx.nacdnet.net). Thank you for your time.

Sincerely,

Belynda Rains  
General Manager

br/enclosures

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(a)

*Clear Fork Groundwater Conservation District*

USDA Service Center  
601 W South 1<sup>st</sup> Street • P O Box 369 • Roby, TX 79543  
Phone/fax: (325) 776-2710 Alt. Fax: (325) 776-9029  
General Manager, Belynda Rains

April 15, 2005

Brazos River Authority  
PO Box 7555  
Waco, TX 76714

To Whom It May Concern:

Please find enclosed a copy of our recently adopted Management Plan. We are awaiting certification by the TWDB.

Sincerely,



Belynda Rains, general manager

br/enclosure

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS  
COUNTY OF FISHER

BEFORE ME, the undersigned authority, on this day personally appeared Rosemary Donham the Publisher of The Rotan Advance/Roby Star Record, a newspaper having generally circulation in Fisher County, Texas, who being by me duly sworn deposes and says that the foregoing attached notice was published in said newspaper on the following date(s), to-wit: MARCH 3, 2005

Signed Rosemary Donham 11

SUBSCRIBED AND SWORN to before me this the 28 day of April, 2005, to certify which witness my hand and seal of office.



Notary public in and for Fisher County, Texas

My Commission Expires: 10-21-2006

Tina Soliz



# Clear Fork Groundwater Conservation District

USDA Service Center  
601 W South 1<sup>st</sup> Street • P O Box 369 • Roby, TX 79543  
Phone/fax: (325) 776-2710 Alt. Fax: (325) 776-9029  
General Manager, Belynda Rains

## Board of Directors

**Chairman**  
Ted Posey  
450 St. Hwy 70N  
Rotan, TX 79546

**Vice Chairman**  
Freddie Stuart  
PO Box 70  
Sylvester, TX  
79560

**Secretary**  
M. Watson Moore  
571 FM 57W  
Roby, TX 79543

Jimmy D. Counts  
748 FM 2832  
Rotan, TX 79546

Marion Reed  
445 CR 277  
McCaulley, TX  
79534

May 16, 2005

Kevin Ward, Executive Administrator  
Texas Water Development Board  
1700 North Congress Avenue  
Austin, Texas 78711-3231

Certified mail: 7000 0520 0020 7159 0556

Dear Mr. Ward,

Enclosed please find the recently adopted management plan for the Clear Fork Groundwater Conservation District. The Board of Directors is sending the plan to the TWDB for an administrative review.

If you have any questions or concerns, please do not hesitate to contact me at the telephone number above or at [belynda.rains@tx.nacdnet.net](mailto:belynda.rains@tx.nacdnet.net). Thank you for your time and consideration. We look forward to hearing from you regarding out certification status.

Sincerely,  


Belynda Rains  
General Manager

br/enclosures

TWDB  
RECEIVED

MAY 20 2005

ROUTE TO: \_\_\_\_\_

CC TO: \_\_\_\_\_

# GAM run 05-02

by **Richard Smith, P.G.**

Texas Water Development Board  
Groundwater Availability Modeling Section  
(512) 936-0877  
March 1, 2005

## **REQUESTOR:**

Ms. Belynda Rains, General Manager, Clear Fork Groundwater Conservation District

## **DESCRIPTION OF REQUEST:**

Ms. Rains requested the water budget in Fisher County from the Groundwater Availability Model (GAM) of the Seymour aquifer (Ewing and others, 2004) for the years 2005 through 2011. We also calculated water volumes for Fisher County for the 2000 to 2050 decadal years.

## **METHODS:**

To address the request, we:

- Ran the GAM with average recharge for 2000 through 2050.
- Took budget information from the GAM and converted it to acre-feet per year.
- Calculated the volume of water in the aquifer using information from the GAM and assumed values of specific yield.

## **PARAMETERS AND ASSUMPTIONS:**

- We used recharge values that represent average conditions from 2005 through 2050.
- The GAM uses pumpage based on the 2001 Brazos G Regional Water Planning Plan. We made no changes to the pumpage in the original GAM.
- We assumed a specific yield of 0.15 for the Seymour aquifer, the value used in the GAM.
- We estimated volume of water in the aquifer by subtracting the elevation of the aquifer bottom (from the GAM) from the elevation of GAM calculated water levels and multiplying by the appropriate area and the specific yield.

## **RESULTS:**

The volume of groundwater in the Seymour aquifer in Fisher County is shown in Table 1. The water budget for Fisher County is shown in Table 2

## Clear Fork Groundwater Conservation District

USDA Service Center  
601 W South 1<sup>st</sup> Street • P O Box 369 • Roby, TX 79543  
Phone/fax: (325) 776-2710 Alt. Fax: (325) 776-9029  
General Manager, Belynda Rains

**TWDB  
RECEIVED**

**JUL 11 2005**

**ROUTE TO: \_\_\_\_\_**

**CCTO: \_\_\_\_\_**

June 30, 2005

Texas Water Development Board  
Kevin Ward, Exe Administrator  
1700 N Congress Ave.  
Austin, TX 78711-3231

Dear Mr. Kevin Ward,

At this time the Clear Fork Groundwater Conservation District would like this cover letter to be added as part of our Management Plan and for your consideration in certifying our plan as presented.

The Clear Fork Groundwater Conservation District is addressing the Surface water for Fisher County. In our Management Plan the District did not consider surface water since it does not exist within the District. The Surface water that is associated in Table 5, 2002 State Water Planning Database, is physically located outside the boundaries of the District, therefore we did not address it.

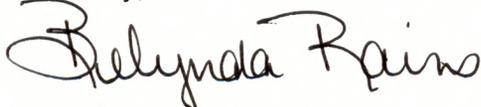
When the board of directors of the Clear Fork Groundwater Conservation District revisits the Management Plan for modification the surface water information will be added and a management goal will be initiated.

### Projected Surface Water Supplies for Fisher County

Source Name	2000	2010	2020	2030	2040	2050
Oak Creek Lake/Reservoir (Roby)	350	350	350	0	0	0
Colorado River MWD System	276	250	231	210	197	187
Hubbard Creek Lake/Reservoir	9	9	9	9	9	9
Oak Creek Lake/Reservoir (County)	215	215	0	0	0	0
Total Projected Water Supplies (acre feet per year)	850	850	590	219	206	196

Again, we would like your consideration in certifying our plan as presented with this letter as part of the plan.

Sincerely,



Belynda Rains, general manager

**REFERENCES:**

Ewing, J. E., Jones, T. L., Pickens, J. F., Chastain-Howley, A., Dean, K. E., and Spear, A. A., 2004, Groundwater availability model for the Seymour aquifer: final report prepared for the Texas Water Development Board by INTERA Inc., 432 p.

Table 1: Volume of groundwater in the Seymour aquifer in Fisher County by decade.

County	Water volumes in acre-feet			Seymour aquifer		2050	2060
	2000	2010	2020	2030	2040		
Fisher	380,000	380,000	370,000	370,000	370,000	370,000	370,000

Values rounded to two significant figures.

Table 2: Water budget for Fisher County (values in acre-feet per year).

County	Year	Stor In	Stor Out	X-In	X-Out	LwExcIn	LwExcOut	Wells	Spring	Recharge	ET	StrLeak in	StrLeak out	Total In	Total Out	%Diff
<b>Fisher</b>	2005	-740	925	0	-516	4,444	-4,533	2,931	0	11,087	-4,088	188	-3,834	16,644	-16,643	0
	2006	-716	898	0	-517	4,432	-4,559	2,919	0	11,117	-4,086	187	-3,834	16,634	-16,631	0.02
	2007	-685	872	0	-517	4,423	-4,565	2,908	0	11,117	-4,088	187	-3,834	16,599	-16,598	0
	2008	-658	812	0	-518	4,413	-4,484	2,895	0	11,063	-4,091	187	-3,833	16,475	-16,479	-0.02
	2009	-632	789	0	-518	4,405	-4,470	2,883	0	11,048	-4,092	187	-3,832	16,429	-16,426	0.02
	2010	-611	747	0	-518	4,395	-4,411	2,869	0	11,009	-4,094	187	-3,830	16,338	-16,334	0.03
	2011	-584	735	0	-519	4,388	-4,417	2,870	0	11,009	-4,096	187	-3,828	16,319	-16,314	0.03

1. Stor In – Water going into storage
2. Stor Out – Water coming out of storage
3. X-In – Water moving horizontally into the county
4. X-Out – Water moving horizontally out of the county
5. LwExcIn – Water moving vertically into the layer
6. LwExcOut – Water moving vertically out of the layer
7. Wells – pumpage from wells
8. Spring – spring flow
9. Recharge – recharge to the county
10. ET – Evapotranspiration out of the county
11. StrLeak In – water leaking out of the streams into the aquifer
12. StrLeak Out – water leaking into the streams out of the aquifer
13. Total\_In – total amount of water moving into the county and into storage
14. Total\_Out – total amount of water moving out of the county or out of storage
15. %Diff – percent difference between Total\_In and Total\_Out



Big Country Electric Cooperative would like to announce the winners of the annual Youth Tour Speech Contest. The contest was held February 24, 2005 at the Roby High School Auditorium. Three winners, Alexis Reed of Haskell, Fran Leighton of Hermleigh, and Brittany Kelly of Anson will join approximately 1500 other teens across the country for a 9-day all-expenses-paid trip to Washington, D.C. in June.

Along with the trip to D.C., the students will each receive a \$1,000 scholarship. Amaris Bernal of Roby receives a \$1,000 scholarship and will serve as alternate in the event one of the students is unable to go on the trip.

The purpose of this tour is to provide an opportunity for youth to visit monuments, government buildings and cooperative related organizations in order to become familiar with the historical and political environment of our nation's capital. They will enjoy the best of Washington, D.C., tour the Smithsonian Institute, Ford's Theatre, the FBI Building,

Jefferson and Lincoln Memorials, Mount Vernon and countless other points of interest. The students will experience the sight of Arlington National Cemetery, the Vietnam Memorial, and the changing of the guard at the tomb of the Unknown Soldier. They will visit their Congressman's office and find out face to face what's going on in national government. Their Congressman will meet with the students and answer questions about current governmental issues.

Big Country Electric Cooperative wants to offer our area youth a chance for such an experience. Other contestants were Ja'cee Teague, Stacy Oakley, Jance Morris, Terryn Autry, Tyler Martin, Art T. Flores, and J. W. Chick.

Big Country Electric Cooperative is extremely pleased with the participation in the contest, the quality of students and the presentations given. We are proud to have Alexis Reed, Fran Leighton, and Brittany Kelly representing our area on this year's Youth Tour to Washington, D.C.

*I and my family are grateful for them  
Helen Thornburg*

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## **PUBLIC NOTICE**

The Clear Fork Groundwater Conservation District (Clear Fork GCD) will hold a public meeting **April 4, 2005 at 8:00 a.m., in the Conference Room of the USDA Service Center, 601 W. South 1st, Roby.** The meeting will be conducted for public input on the proposed Management Plan of the Clear Fork GCD.

Copies of the proposed Management Plan are available during regular business hours 8:00 a.m.-4:30 p.m.; at the Clear Fork GCD office in the USDA Service Center in Roby.

**TAX PLANNING**  
BY GERALD RODGERS, CPA

**1-20 WEST**

**WEST**

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 Addressee

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***CLEAR FORK  
GROUNDWATER  
CONSERVATION DISTRICT  
Rules and Regulations***

**ADOPTED:  
November 3, 2003**

**AMENDED:  
February 2, 2004  
April 22, 2004**

**Mission Statement:**

*To establish and protect the water rights of local landowners, and preserve this resource for generations to come.*

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## PREAMBLE

In accordance with the terms and provisions of Article XVI Section 59 of the Constitution of Texas, Chapter 36 of the Texas Water Code, and HB 3674 as enacted by the 77<sup>th</sup> Texas Legislature, the following rules are hereby ratified and adopted by the Clear Fork Groundwater Conservation District. Nothing in these rules shall be construed as depriving or divesting the right of ownership as recognized by Section 36.002 of the Texas Water Code.

The rules, regulations, and modes of procedure herein contained are and have been adopted to simplify procedures, avoiding delays, saving expense, and facilitating the administration of the ground water laws of the State by the District.

These rules may be used as guides in the exercise of discretion, where discretion is vested. However, under no circumstances and in no particular case shall they, or any of them, be construed as a limitation or restriction upon the exercise of any discretion, where such exist; nor shall they 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.

## SECTION 1. DEFINITIONS AND CONCEPTS

### RULE 1.1 DEFINITIONS:

- (a) **“Abandoned Well”** – shall mean a well that had not been in use for six consecutive months. A well is considered to be in use in the following cases: (1) a non-deteriorated well which contains the casing, pump, and pump column in good condition; or (2) a non-deteriorated well which has been capped.
- (b) **“Acre”** – shall mean survey recorded unit of land measurement equaling 43,560 square feet.
- (c) **“Acre-foot”** – shall mean the volume of water that will cover an area of one acre to a depth of one foot (approx. 325, 829 gallons).
- (d) **“Agricultural crop”** – shall mean food or fiber commodities grown for resale or commercial purposes that provide food, clothing, or animal feed.
- (e) **“Applicant”** – shall mean the owner of the land, on which a well(s) or proposed well(s) is/are located, unless the landowner authorizes another person to submit the permit or registration.
- (f) **“Aquifer”** – shall mean a formation or group of saturated geologic units capable of storing and yielding water in usable quantities.
- (g) **“Beneficial Use or Beneficial Purpose”** – shall mean a use as described in Rule 12.3 herein.
- (h) **“Board”** – shall mean the Board of Directors of the Clear Fork Groundwater Conservation District.
- (i) **“Casing”** – shall mean a tubular watertight structure installed in an excavated or drilled hole to maintain the well opening.
- (j) **“Commercial Irrigation System”** – shall mean any water distribution device, installed above ground or below ground that applies water to the surface or subsurface of the earth and is used to irrigate land intended for commercial use. Water delivery devices used to water lawns and for non-commercial use are not considered commercial irrigation systems.
- (k) **“Conservation”** – shall mean practices, techniques and technologies that will reduce the consumption of water, reduce the loss of waste of water, improve efficiency in the use of water, or increase the use of recycled water.

- (l) **"De-watering well"** - means a well used to remove water from a construction site or excavation, or to relieve hydrostatic uplift on permanent structures.
- (m) **"Deteriorated Well"** – shall mean a well, the condition of which will cause, or is likely to cause, pollution of groundwater in the District.
- (n) **"District"** – shall mean Clear Fork Groundwater Conservation District
- (o) **"District Act"** – shall mean Acts of the 77<sup>th</sup> Legislature (2001), HB 3674 and the non-conflicting provisions of Chapter 36, Water Code.
- (p) **"Drilling Permit"** – shall mean a permit for a water well issued or to be issued by the District allowing a water well to be drilled.
- (q) **"Exploratory Hole"** – shall mean any hole drilled to a depth greater than the top of any stratum containing groundwater, as "groundwater" as is defined in Chapter 36, Texas Water Code, as amended, for the purpose of securing geological or other information, which may be obtained by penetrating the earth with a drill bit, and includes what is commonly referred to in the industry as "water well test holes", "slim hole test" or seismograph test holes" and the like.
- (r) **"Gallons Per Minute" (gpm)** – shall mean the amount the water in U.S. gallons that a well or well system is capable of delivering or is actually delivering per minute.
- (s) **"Groundwater"** – shall mean water percolating below the surface of the earth but does not include water produced with oil in the production of oil and gas.
- (t) **"Hearing body"** – shall mean a person appointed by the Board to conduct a hearing or other proceeding.
- (u) **"Hearing Examiner"** – shall mean a person appointed by the Board to conduct a hearing or other proceeding.
- (v) **"Landowner"** – shall mean the person who bears ownership of the land surface.
- (w) **"Lechate Well"** – shall mean a well used to remove contamination from soil and groundwater.
- (x) **"Livestock Watering Well"** – shall mean a well of any type, used to provide drinking water for commercial farm and ranch animals or wildlife ranging in

normal concentrations for the species. This definition of livestock watering well does not include wells used in confined animal operations (i.e. confined swine, beef cattle, dairy cattle, sheep and goats, poultry or any other types of livestock production units and/or feedlots for swine, beef cattle, dairy cattle, sheep and goats, poultry or other types of livestock or wildlife).

- (y) **“Monitoring well”** – shall mean a well installed to measure some property of the groundwater or aquifer it penetrates, and does not produce more than 5,000 gallons of groundwater per year.
- (z) **“Open or Uncovered Wells”** – shall mean an excavation at least ten feet in depth dug for the purpose of producing groundwater that is not covered or capped as required by the Texas Water Code.
- (aa) **“Owner”** – shall mean without limitation any person, partnership, corporation, municipal corporation, governmental or proprietary body, association of such persons or agent of such entity that had the right to produce water from the land, where the water well or proposed water well is located, either by contract, lease, easement or any other estate in the land.
- (bb) **“Permitted Well”** – shall mean a well that: (1) is permitted with the District in accordance with Section 4 or 5 of the District Rules; (2) (a) was drilled prior to February 16, 2004 and for which a well enrollment was filed with the district prior to March 31, 2004 or (b) was drilled on or after February 16, 2004 and was permitted by the district.
- (cc) **“Person”** – shall mean any individual, partnership, firm, governmental agency, political subdivision, corporation, or other legal entity.
- (dd) **“Pollution”** – shall mean the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the District that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to public health, safety or welfare, or impairs the usefulness of the water for any lawful or reasonable purpose.
- (ee) **“Presiding Officer”** – shall mean President, Vice-President, Secretary or other Board member presiding at any hearing or other proceeding, or a Hearing Examiner conducting any hearing or other proceeding.
- (ff) **“Registered Well”** – shall mean and include any artificial excavation to produce, or that is producing, water for any purpose that is not subject to the District’s drilling permit requirements.
- (gg) **“Rules”** – shall mean the rules of the District compiled in this document and as may be supplemented or amended from time to time.

- (hh) **“Temporary Well Registration”** – shall mean a registration for any artificial excavation to produce, or that is producing, water for any purpose, until such time when a completed well log and well registration form is received by the Manager in the District Office.
- (ii) **“Texas Open Meeting Law”** – shall mean Chapter 551, Government Code
- (jj) **“Texas Open Records Law”** – shall mean Chapter 552, Government Code.
- (kk) **“Waste”** – shall be defined by Chapter 36.001 (8), Texas Water Code and Section 12 herein.
- (ll) **“Water meter”** – shall mean a water flow measuring device that can accurately record the amount of groundwater produced during a measured time.
- (mm) **“Well”** – shall mean any facility, device, or method used to withdraw groundwater from the groundwater supply within the District.
- (nn) **“Well Owner or Well Operator”** – shall mean (1) the person who owns the land upon which a well is located or is to be located or (2) the person who operates a well or a water distribution system supplied by a well.
- (oo) **“Well System”** – shall mean a well or group of wells tied to the same distribution system.
- (pp) **“Withdraw”** – shall mean extracting groundwater by pumping or by another method.
- (qq) **“Windmill”** – shall mean a wind-driven or hand-driven device that uses a piston pump to remove groundwater.

**RULE 1.2 PURPOSE OF RULES:** These rules are adopted to implement applicable provisions of the District Act and Ch.36, Water Code, and accomplish the purposes set forth therein and in Section 59, Article XVI, Texas Constitution.

**RULE 1.3 USE OF EFFECT OF RULES:** The District uses these rules as guides in the exercise of the power conferred by law and in the accomplishment of the purposes of the District Act. They may not be construed as a limitation or restriction of the exercise of any discretion, nor be construed to deprive the District or Board of the exercise of any powers, duties, or jurisdiction conferred by law, nor be construed to limit or restrict the amount and character of data or information that may be required to be collected for the proper administration of the District Act.

**RULE 1.4 AMENDING OF RULES:** The Board may, following notice and hearing amend these rules or adopt new rules from time to time.

**RULE 1.5 HEADINGS AND CAPTIONS:** This section and other headings and captions contained in these rules are for reference purposes only. They do not affect the meaning or interpretation of these rules in any way.

**RULE 1.6 CONSTRUCTION:** Construction of words and phrases are governed by the Code Construction Act, Chapter 311, Government Code.

**RULE 1.7 METHODS OF SERVICE UNDER THESE RULES:** Except as otherwise expressly provided in these rules, any notice or documents required by these rules to be served or delivered may be delivered to the recipient, or the recipient's authorized representative, (1) in person, (2) by agent, (3) by courier receipted delivery, (4) by certified mail sent to the recipient's last known address, or (5) by telephonic document transfer to the recipient's current telecopier number. Service by mail is complete upon deposit in a post office or other official depository of the United States Postal Service. Service by telephonic document transfer is complete upon transfer, except that any transfer occurring after 5:00 p.m. will be deemed complete on the following business day. If service or delivery is by mail, and the recipient is either required to act or respond or has the right to act or respond within a proscribed time after service, three days will be added to the prescribed time period. Where service by one or more methods has been attempted and failed, service is complete upon notice by publication in a generally circulated newspaper in Fisher County.

**RULE 1.8 TIME:**

(a) **COMPUTING TIME:** In computing any period of time prescribed or allowed by these rules, by order of the Board, or by any applicable statute, the day of the act, event or default from which the designated period of time begins to run, is not to be included, but the last day of the period so computed is to be included, unless it be a Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a legal holiday.

(b) **TIME LIMIT:** Applications, requests, or other papers or documents required or permitted to be filed under these rules or by law must be received for filing at the Board's offices at Roby, Texas, or, in proper case, at the office of the proper county committee, within the time limit, if any, for such filing. The date the receipt and not the date of posting is determinative.

**RULE 1.9 SEVERABILITY:** If any one or more of the provisions contained in these rules are for any reason held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability may not affect any other rules or provisions of these rules, and these rules must be construed as if such invalid, illegal or unenforceable rules or provision had never been contained in these rules.

**RULE 1.10 EQUITABILITY:** Citizens may make a request to the district for discretion in enforcement of the rules on the grounds of unique economic hardships or extenuating circumstances. In granting discretion in enforcement of any rule, the board shall consider the potential for adverse affects to adjacent landowners. The exercise of said discretion by the Board shall not be construed as limiting the power of the board.

## SECTION 2. BOARD

- RULE 2:1 PURPOSE OF BOARD:** The Board was created to determine policy and regulate the withdrawal of groundwater within the boundaries of the District in order to conserve, preserve, and protect the groundwater within the District, and to exercise its rights, powers, and duties in a way that will effectively and expeditiously accomplish the purposes of the District Act. The Board's responsibilities include, but are not limited to , the adoption and enforcement of reasonable rules and other orders.
- RULE 2:2 BOARD STRUCTURE, OFFICERS:** The Board consists of the members appointed or elected and qualified as required by the District Act. The Board will elect one of its members to serve as President and in each even numbered year at its regular June meeting (if there is not a June meeting, at its next regular meeting) to preside over Board meetings and proceedings; one to serve as Vice-President to preside in the absence of the President; and one to serve as Secretary to keep a true and complete account of all meetings and proceedings of the Board. Members and officers serve until their successors are elected or appointed and sworn in accordance with the District Act and these rules.
- RULE 2:3 MEETINGS:** The Board will hold a regular meeting once a month and as the Board may establish from time to time by resolution. At the request of the President, or by written request of at least two members, the Board may hold special meetings. All Board meetings will be held according to the Texas Open Meetings Law.
- RULE 2:4 COMMITTEES:** The President may establish committees for formulation of policy recommendations to the Board, and to research and study issues of importance to the district. The President may appoint the chair and membership of the committees. Committee members serve at the pleasure of the President.

### SECTION 3. DISTRICT STAFF

- RULE 3:1**      **MINUTES AND RECORDS OF THE DISTRICT:** All documents, reports, records, and minutes of the District are available for public inspection and copying/certification, under the provisions of Texas Open Records Law. Upon written application of any person, the District will furnish copies of its public records. A reasonable copying and certification charge, pursuant to policies established by the District, will be assessed. A list of the charges for copies and certification will be furnished by the District.
- RULE 3:2**      **DISTRICT MANAGEMENT PLAN:** The District will not adopt a long-term management plan before the relevant date set out in the District Act. However, the District will be available to the Region G planning group as a resource and may hold public hearings concerning appropriate goals for a long-term management plan during the period between the enactment of these rules and November 1, 2004.
- RULE 3:3**      **DISTRICT OFFICE:** The District will maintain its office at 601 W. South 1<sup>st</sup>, Roby, Texas 79543, business hours Monday – Friday 8:00 a.m. – 4:30 p.m. The mailing address: P.O. Box 369, Roby, Texas 79543. The telephone number: 325-776-2730. The email address is clearforkgcd@yahoo.com
- RULE 3:4**      **DISTRICT STAFF:** The Board may employ a person to manage the district. The general manager will have no power, duty, or responsibility other than gathering information and performing water district functions as determined by the Board. The Board may give the district manager discretionary authority to employ temporary or contract labor as needed by the district on board-approved projects.

## SECTION 4. EXISTING WELL ENROLLMENT

### RULE 4:1

#### EXISTING WELL INFORMATION:

- (a) All Well Owners or well operators must enroll each well located within the District by or before March 31, 2004.
- (b) Each enrollment form must include all available information regarding the following:
  - 1) The name and address of the owner of the land upon which the well is located;
  - 2) The name and address of the operator of the well, if different than the owner;
  - 3) The location of the well including block and section number;
  - 4) The well depth;
  - 5) The gallons per minute produced;
  - 6) The pump size and type (including brand);
  - 7) The casing size;
  - 8) The depth to which the casing is set, including any intervals;
  - 9) The depth interval at which the screen is set;
  - 10) The number of feet to each of two non-parallel survey lines;
  - 11) The number of feet to other existing wells on the property;
  - 12) The total contiguous acreage of land owned by the land owner on which the well is located;
  - 13) The well status, the date the well was drilled, and the purposes for which the groundwater produced by the well is used; and
  - 14) A signed statement that all information given is true and correct and all wells owned or operated by the applicant are in compliance with District rules.
- (c) Each enrollment form must be signed.
- (d) A separate enrollment form must be filed for each well.

### RULE 4:2

**FILING FEE:** During the registration period established by these rules, there will be no filing fee for well enrollments. The Board expressly reserves the right to impose a filing fee for wells enrolled after the interim period as prescribed in these rules.

## **SECTION 5. DRILLING PERMIT – DETERMINATION OF PERMITTING APPLICABILITY**

- RULE 5.1 APPLICABILITY:** Wells enrolled under Section 4 of these rules are not affected by the application of this section.
- RULE 5.2 PERMITTING OF WELL:** The Board shall grant a drilling permit on all new wells drilled within the district.
- (a) It is a violation of these rules for a well owner, well operator, water well driller or water well pump installer to drill any well within the District without a Drilling Permit form and when applicable an Application for Temporary Water Well Permit form being filed with the District for the well being drilled.
- (b) For all wells, except lechate wells, monitoring wells, and de-watering wells, a permit must be applied for by the well owner, well operator, or water well driller prior to being drilled. The District staff will review the registration and make a preliminary determination of whether the well meets the terms of these rules and procedures. If the preliminary staff determination finds that the well is exempted or excluded from permitting requirements, the registrant may begin drilling immediately upon completing the application. If it is determined that the well being applied for is not excluded or exempted from permitting requirements, the well owner, well operator, or water well driller must apply for a Temporary Water Well Permit in accordance with procedures described in Section 8 of the District rules.

## SECTION 6. DEPOSITS FOR PERMITS

- RULE 6.1** **APPLICABILITY:** Wells enrolled under Section 4 of these rules are not affected by the application of this section.
- RULE 6.2** **DEPOSITS:** For all other wells, a temporary water well permit must be obtained prior to drilling. In order to receive a temporary water well permit, an application must be filed with the District, a \$100 deposit must be paid to the District, and the District must find that the well is in accordance with the specifications set out in Section 7, Interim Well Spacing Rules.
- RULE 6.2** **RETURN:** Upon completion of a well for which a Temporary Water Well Permit was obtained, an applicant may receive a refund of the deposit by delivering to the District office the drilling log for the well.

## SECTION 7. WELL SPACING REQUIREMENTS (amended 4/22/04)

**RULE 7.1 APPLICABILITY:** Wells enrolled under Section 4 of these rules are not affected by the application of this section.

**RULE 7.2 WELL SPACING RULES:** In order to prevent waste, protect correlative rights, and ensure the beneficial use of groundwater, the District determines that, wells should be spaced as follows.

Maximum Production Rate (gpm)	Well Spacing (feet)
Below: 25	No requirement
25-175	350
175-300	500
300-above	750

**RULE 7.3 SETBACK:** No well shall be drilled closer than 50 ft. to a property line, with the exception for wells drilled with-in Municipal Boundaries and follow Section 76.100 of the Texas Department of Licensing and Regulation Water Well Drillers and Pump Installers Administrative Rules. If adjoining property has a well at 50', wells shall be a minimum of 100' apart, unless the production of wells would require increased spacing requirements to be followed.

**RULE 7.4 WAIVER FOR NEIGHBORING WELL SPACING:** An exception to property line spacing rule maybe granted if the neighboring property owner files a waiver granting the drilling of a well in violation of the spacing limits. A waiver must be obtained from the District and notarized by the neighboring property owner. A board hearing of each waiver with both adjacent property owners present, will be required before the waiver is approved by the board.

## SECTION 8. PERMITTING PROCUDERS (amended 4-22-04)

**RULE 8.1 APPLICABILITY:** Wells enrolled under Section 4 of these rules are not affected by the application of this section.

**RULE 8.2 PERMITTING PROCESS:** All wells drilled after **February 16, 2004**, must be permitted by the District. In order to begin drilling, the well owner or well operator must obtain a temporary water well permit.

**RULE 8.3 ISSUANCE OF TEMPORARY WATER WELL PERMITS:**

(a) The Board shall issue or cause to be issued sequentially numbered temporary water well permits for the purposes of drilling a water well determined to require said permit in accordance with Section 5 of the District rules.

(b) An Application for Temporary Water Well Permit (permit) shall be considered filed when properly filled out on District forms, signed, tendered and accompanied by the required deposit at the District office.

(c) The Board shall issue a Temporary Water Well Permit, upon proper application executed and filed by the owner or well operator containing matters specified in the application and complying with all District Rules. The General Manager shall determine whether a permit application contains the required information. An application is considered filed when properly made out, completed, signed, and tendered to the General Manager.

All applications shall be in writing and on forms provided by the District, and prepared in accordance with, and contain the information called for, in the application form and all instructions issued by the Board with respect to the filing of an application. Otherwise, the application will not be considered.

(d) In accordance with Section 14 of these rules, upon due notice to both parties, to hear and determine the contest or to determine which of the applications should, in its judgement, be granted. In the event of a contest, or such conflicting application, the drilling of a well shall not be commenced until the matter is passed upon by the Board. A contest shall be deemed filed when written notification is filed with the Board at its office with authorized personnel. Thereafter, both applicants, or the

applicant and the contestant, or contestant, after due notice, shall be entitled to a hearing before the Board. At such hearing, all parties may introduce pertinent evidence as to why the particular application should be granted or denied, including evidence as to the protection of property rights, and other pertinent matters, which evidence shall be taken in consideration which of the applicants duly filed his application first.

- (e) If any application is not favorably recommended by the General Manager, the applicant shall have the right to appeal to the Board. Such appeal must be delivered by registered mail within fifteen (15) business days from the time that the General Manager declined to sign the application. If no such appeal is filed, the application shall be deemed to have been abandoned by the applicant. Upon receipt of such appeal the Board shall conduct a hearing in accordance with Section 16 of these Rules.

**RULE 8.4 ELEMENTS OF AN APPLICATION FOR TEMPORARY WATER WELL PERMIT**

- (a) An applicant must qualify himself in one of the following ways:
  - 1) If the applicant is an individual, the application shall be signed by the applicant or his duly appointed agent. The agent shall present satisfactory evidence of his authority to represent the applicant.
  - 2) If the applicant is by partnership, the applicant shall be designated by its legal firm name and the application shall be signed by at least one of the general partners who is duly authorized to bind all of the partners.
  - 3) In the case of a corporation, public district, county or municipality, the application shall be signed by a duly authorized official. A copy of the resolution or other authorization to make the application may be required by the officer of agent receiving the application.
  - 4) In the case of an estate or guardianship, the application shall be signed by the duly appointed guardian or representative of the estate.
- (b) Information required on the application is as follows:
  - 1) The name and address of the owner of the land upon which the application is made.

- 2) The proposed location of the well to be drilled as provided in the application including Block and Section and :
    - (A). the number of feet to each of two non-parallel survey lines and the number of feet to existing wells on the property, or
    - (B). the location of all existing wells measured in feet from the nearest two non-parallel survey lines, and a signed agreement that the well drilled under the authority of the permit will be located such that it is not in conflict with District Rules 8.1 or 8.2; and
    - (C). the proposed well's casing size, pump column size, pump capacity and anticipated well production in gallons per minute.
  - 3) Verification of total contiguous acreage of land owned by landowner or which the well is to be drilled, and
  - 4) Signed affidavit that all farms owned or operated by applicant and/or landowner are in compliance with the District rules.
- (c) The application must be signed and sworn to.

**RULE 8.5 TIME DURING WHICH DRILLING PERMIT SHALL REMAIN VALID**

Any permit granted hereunder shall be valid if the work permitted shall have been completed within 90 days from the filing date of the application. It shall thereafter be void. Provided, however, that the Board, for good cause, may extend the life of such permit for an additional 60 days if an application for such extension shall have been made known to the District during the first month period. Provided further, that when it is made known to the Board that a proposed project will take more time to complete, the Board, upon receiving the written application may grant or cause to be granted such time as is reasonably necessary to complete such project.

**RULE 8.6 PROOF OF REGISTRATION OR PERMIT REQUIRED**

- (a) Any person actively engaged in the drilling of a well must have in their possession, while at the drilling site:
  - 1) The completed original Water Well Permit or approved Application for Temporary Water Well Permit
- (b) Any person actively engaged in the drilling of a well must provide proof of 8.6(a)1) if requested by any District director, employee or other legally authorized agent who presents his official credentials.

- (c) Any person actively engaged in the drilling of wells within the District must fax or mail a copy of their drilling license to the district office at the beginning of each year.

## SECTION 9. RECORDS OF DRILLING ACTIVITIES

**RULE 9.1** **APPLICABILITY:** Wells enrolled under Section 4 of these rules are not affected by the application of this section.

**RULE 9.2** **DRILLING LOGS:**

- (a) Accurate records shall be kept and reports thereof made to the District of all wells drilled.
- (b) No person shall produce water from any well, except that necessary for drilling and testing, until the District has been furnished with a completed driller's log (Form TNRCC-1099 State of Texas Well Report or its successors).

**SECTION 10. WELL LOCATION AND COMPLETION/PLUGGING**  
**(amended 4-22-04)**

**RULE 10.1 RESPONSIBILITY:**

- (a) After an Application for Temporary Water Well Permit has been issued, the well, if drilled, must be drilled within 10 feet of the location specified on the permit, unless water is not found, then the driller may move up to 2100' in any direction from the proposed drilling site on the application, provided it is not closer to property lines or existing wells that would cause the well location to be in violation of Section 7 of these rules, per permit application.

**RULE 10.2 COMPLETION/PLUGGING OF WELL:**

- (a) All water wells drilled within the District shall be completed or plugged in accordance with the Administrative Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 76, Water Well Drillers and Pump Installers (Appendix A of these rules).
- (b) A violation of the Administrative Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 76, Water Well Drillers and Pump Installers shall be considered a violation of District Rules and disposition of such violations shall be in accordance with Section 15 of the District rules.

## **SECTION 11. REWORKING, REDRILLING OR REPLACING A REGISTERED WELL**

### **RULE 11.1 REWORKING AND REDRILLING:**

Reworking and/or redrilling operations that do not increase the production capacity of an enrolled well do not require an additional enrollment. Reworking and/or redrilling operations that may increase the production capacity of an enrolled well must be registered under these rules.

### **RULE 11.2 REPLACEMENT OF REGISTERED WELL:**

A replacement well will require a new registration regardless of:

- (a) production capacity that will be the same or less than the well being replaced; and
- (b) the replacement well being located within thirty (30) feet of the well being replaced; and
- (c) the well being replaced is plugged with concrete in accordance with the relevant provisions of the Water Well Driller's Regulations; and
- (d) the well being replaced was enrolled under these rules.
- (e) notwithstanding any other provisions of these rules, replacement wells are subject to Rules 6.2 and 6.3.

All other replacement wells must be permitted under these rules.

## **SECTION 12. WASTE, WASTE PREVENTION, AND BENEFICIAL USE/PURPOSE**

### **RULE 12.1 WASTE MEANS ANY ONE OR MORE OF THE FOLLOWING:**

Waste means the definition assigned by the Texas Water Code Chapter 36.001(8){a-g}.

### **RULE 12.2 WASTE PREVENTION:**

- (a) Groundwater shall not be produced within, or used within or without the District, in such a manner as to constitute waste as defined in Rule 12.1 hereof.
- (b) No person shall pollute or harmfully alter the character of the groundwater reservoir of the District by means of salt water or other deleterious matter admitted from some other stratum or strata or from the surface of the ground.
- (c) No person shall commit waste as that term is defined in Rule 1.1 (kk).

### **RULE 12.3 CATEGORIES OF BENEFICIAL USE OR BENEFICIAL PURPOSE:**

- (a) agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational, or pleasure purposes;
- (b) exploring for, producing, handling, or treating oil, gas, sulphur, or other minerals; or
- (c) any other purpose that is useful and beneficial to the user.

## **SECTION 13. REGISTRATION OF PERSONS AUTHORIZED TO DRILL WELLS AND INSTALL PUMPS**

### **RULE 13.1 REGISTRATION OF WATER WELL DRILLERS:**

- (a) It is a violation of District rules for any person to be actively engaged in the commercial drilling of a well in the District without first having been registered with the District.
- (b) Only person who are licensed water well drillers, in good standing with the Texas Department of Licensing and Regulation and whose license validity is verified with the District are allowed to commercially drill water wells within the District.
- (c) Registration with the District shall be on forms provided by the District and be in accordance with and contain information called for on the form.

### **RULE 13.2 REGISTRATION OF WATER WELL PUMP INSTALLERS:**

- (a) It is a violation of District rules for any person to be actively engaged in the commercial installation of a water well pump in the District without first having been registered with the District.
- (b) Only persons who are licensed water well pump installers, in good standing with the Texas Department of Licensing and Regulation and whose license validity is verified with the District are allowed to commercially install water well pumps within the District.
- (c) Registration shall be on forms provided by the District and shall be in accordance with the information called for on the form.

## SECTION 14. HEARINGS

- RULE 14.1 NATURE OF HEARING:** Hearings will be conducted in such manner as the Board deems most suitable to the particular case, and technical rules of legal and court procedure need not be applied. It is the purpose of the Board to obtain all the relevant information and testimony pertaining to the issue before it as conveniently, inexpensively and expeditiously as possible without prejudicing the rights of either applicant or protestants.
- RULE 14.2 HEARING OFFICER:** The Board may authorize the President, a Director, or any individual acting on the Board's behalf to serve as a hearing officer and to conduct hearings for the Board. If a hearing is conducted by an officer, this officer shall present a written report of the hearing and recommendation to the Board. The hearing officer shall have the authority to administer oaths and to make all rulings necessary and appropriate to conduct the hearing.
- RULE 14.3 WHO MAY APPEAR:** Any party at interest in a proceeding, may appear, either in person or by attorney or both, in such proceeding. A party at interest is any land or permit owner within the bounds of the District who is, or may be, affected by such proceeding. At the discretion of the Board, anyone not a party at interest in a proceeding may appear.
- RULE 14.4 ADMISSIBILITY:** Evidence will be admitted if it is of that quality upon which reasonable persons are accustomed to rely in the conduct of serious affairs. It is intended that needful and proper evidence shall be conveniently, inexpensively and speedily produced while preserving the substantial rights of the parties to the proceeding.
- RULE 14.5 TESTIMONY SHALL BE PERTINENT:** The testimony shall be confined to the subject matter contained in the application or contest. In the event that any party at a hearing shall pursue a line of testimony or interrogation of a witness that is clearly irrelevant, incompetent, or immaterial, the person conducting the hearing may forthwith terminate such line of interrogation.
- RULE 14.6 A STIPULATION:** Evidence may be stipulated by agreement of all parties of interest.
- RULE 14.7 LIMITING THE NUMBER OF WITNESSES:** The right is reserved to the Board in any proceeding to limit the number of witnesses appearing whose testimony may be merely cumulative.

## SECTION 15. INVESTIGATIONS AND ENFORCEMENT

**RULE 15.1 ENFORCEMENT OF RULES:** If the Board determines that it appears a person has violated, is violating, or is threatening to violate any provision of Chapter 36 of the Texas Water Code, or any rule, regulation, permit, or order of the District, the Board may institute and conduct a suit in the name of the District for injunctive relief, for recovery of a civil penalty or for both injunctive relief and penalty.

- (a) The Board may set reasonable civil penalties for breach of any rule of the District that shall exceed \$5,000.00 or the jurisdiction of a justice court as provided by Section 27.031, Government Code, whichever is higher, for each violation and for each day of violation.
- (b) A penalty under this section is in addition to any other provided by law of this state and may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located.
- (c) If the District prevails in any suit to enforce its rules, it may, in the same action, recover reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court. The amount of the attorney's fees shall be fixed by the court.

### **RULE 15.2 SEALING/CAPPING OF WELLS:**

- (a) Sealing of Wells: Following due process, the District may, upon orders from a judge of competent jurisdiction, seal wells that are prohibited from withdrawing groundwater within the district, to ensure that a well is not operated in violation of the District Rules. A well may be sealed when:
  - 1) no application has been made for a permit to drill a new water well which is not excluded or exempted; or
  - 2) the Board has denied, canceled or revoked a drilling permit.

The well may be sealed by physical means, and tagged to indicate that the well has been sealed by the District, and other appropriate action may be taken as necessary to preclude operation of the well or to identify unauthorized operation of the well.

Tampering with, altering, damaging, or removing the seal of a sealed well, or in any other way violating the integrity of the seal, or pumping groundwater from a well that has been sealed constitutes a violation of these rules and subjects the person performing that action, as well as any well owner or primary operator who authorizes or allows that action, to such penalties as provided by the District Rules.

- (b) Capping Well: The District may require a well to be capped to prevent waste, prevent pollution, or prevent further deterioration of a well casing. The well must remain capped until such time as the conditions that led to the capping requirement are eliminated. If well pump equipment is removed from a well and the well will be re-equipped at a later date, the well must be capped, provided however that the casing is not in a deteriorated condition that would permit commingling of water strata in which case the well must be plugged. The cap must be capable of sustaining a weight of at least four hundred (400) pounds when installed on/in the well.

## **SECTION 16. TRANSFER FEES**

**RULE 16.1 FEES:** The District will require a fee of  $\frac{1}{2}$  the current tax rate per 1000 gallons of water transported outside the District.

### APPENDIX A

TEXAS DEPARTMENT OF LICENSING AND REGULATION

16 TEXAS ADMINISTRATIVE CODE

CHAPTER 76

**WATER WELL DRILLERS AND PUMP INSTALLERS**