Evergreen Underground Water
Conservation District

The Evergreen Underground Water Conservation District
"Since 1965"
Help Us Preserve Our Most Precious Resource
"WATER"

Groundwater Management Plan
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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 groundwater 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.

TIME PERIOD OF THIS PLAN

This plan was adopted by resolution of the District Board of Directors after notice and hearing in a public meeting on December 19, 2003. The plan shall be in effect for a time period of 10 years from the date the plan is certified as administratively complete by the Texas Water Development Board.

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, hereafter 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 be annexed into 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 groundwater 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 (TWDB) and the Texas Commission on Environmental Quality (TCEQ) in order to identify 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 TWDB have provided funds for the District to purchase lab equipment for water analysis, and well mapping equipment. The District collects data on water levels, groundwater production, and water quality on a monthly and annual basis from wells throughout the District. 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 the groundwater.

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 promote best management practices of all groundwater resources within the District. An observation network has been 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 cooperate 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 has adopted 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 Section 36.102 of the Texas Water Code (TWC).

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 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 is or will be located within the boundaries of the water utilities CCN, the utility’s number of connections within the CCN justifies the amount of water requested, and the well meets the District’s well spacing requirements.

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 Commission on Environmental Quality 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 the District Act, to TWC Chapter 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 cooperation and coordinated with the appropriate state, regional or local water management entity.

PLANNING ESTIMATES AND PROJECTIONS

TOTAL USEABLE AMOUNT OF GROUNDWATER IN THE DISTRICT

The District estimates that the total useable amount of groundwater in the District is 248,694 ac-ft per year. This estimate is based on a water budget developed by the District for the Carrizo-Wilcox aquifer of 212,074 acre-feet per year. The Carrizo-Wilcox aquifer water budget is combined with estimates of annual recharge for the Gulf Coast, Queen City and Sparta aquifers totaling 36,620 acre-feet per year to compile the total amount of useable groundwater in the District. The Carrizo-Wilcox aquifer water budget used the annual recharge estimates and the estimates of water in storage in the Carrizo Sands from the Carrizo-Wilcox aquifer Groundwater Availability Model (GAM), the amount of groundwater used in the District, the water management strategies that will require the development of new groundwater supplies in the District and the amount of groundwater may be acceptably be used from aquifer storage each
ANNUAL AMOUNT OF NATURAL OR ARTIFICIAL RECHARGE TO GROUNDWATER RESOURCES IN THE DISTRICT

The District estimates that the annual amount of natural or artificial recharge to the groundwater resources of the District is 89,611 acre-feet per year. The recharge values presented in this plan are consistent with the definition of recharge given in the TWDB groundwater management plan rules. The estimates represent recharge by infiltration from the land surface or leakage from another formation and do not include the down-gradient movement of water in the aquifer.

The recharge estimates for the Carrizo-Wilcox aquifer in all counties of the District are based on the TWDB Southern Carrizo-Wilcox aquifer Groundwater Availability Model (GAM). The GAM run data compiled by TWDB on request of the District indicate that the Carrizo-Wilcox aquifer receives a net gain through leakage from overlying aquifers. The TWDB GAM data also indicate that the Carrizo Sand receives a net gain of approximately 3,400 acre-feet per year in leakage from the underlying Wilcox Formation. This net movement of water was not considered in the estimate of recharge in the District because it represents movement within subdivisions of the same aquifer.

The estimates for the Sparta and Gulf Coast aquifers are based on a GIS calculation of the area of the aquifer outcrop in each county based on the TWDB major and minor aquifer maps and an assumed rate of infiltration of deep recharge of approximately 1.75 percent of annual rainfall.

Table 1, Estimates of Annual Groundwater Recharge by Surface Infiltration in acre-feet per year

<table>
<thead>
<tr>
<th>Aquifer</th>
<th>Atascosa</th>
<th>Frio</th>
<th>Karnes</th>
<th>Wilson</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gulf Coast</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sparta</td>
<td>1,150</td>
<td>1,260</td>
<td>0</td>
<td>980</td>
<td>3,390</td>
</tr>
<tr>
<td>Queen City</td>
<td>4,380</td>
<td>8,000</td>
<td>0</td>
<td>5,650</td>
<td>18,030</td>
</tr>
<tr>
<td>Carrizo-Wilcox</td>
<td>13,864</td>
<td>5,411</td>
<td>0</td>
<td>10,867</td>
<td>30,142</td>
</tr>
<tr>
<td>County Total</td>
<td>19,394</td>
<td>14,671</td>
<td>15,200</td>
<td>17,497</td>
<td>66,762</td>
</tr>
</tbody>
</table>

Table 2, Estimates of Annual Recharge to the Carrizo-Wilcox Aquifer by Leakage from Other Formations in acre-feet per year

<table>
<thead>
<tr>
<th>Aquifer</th>
<th>Atascosa</th>
<th>Frio</th>
<th>Karnes</th>
<th>Wilson</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carrizo-Wilcox</td>
<td>-2,651</td>
<td>12,715</td>
<td>-3,414</td>
<td>16,199</td>
<td>22,849</td>
</tr>
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</table>

Details on the calculation of annual recharge values are presented in Appendix D.
DETAILS ON HOW NATURAL OR ARTIFICIAL RECHARGE IN THE DISTRICT
MIGHT BE INCREASED

The natural or artificial recharge in the District might be feasibly increased by
airborne seeding of cumuliform clouds with either glaciogenic, or hygroscopic
material. Based on data from the North Dakota Atmospheric Resource Board the
District estimates that airborne cloud seeding may increase the rainfall in the
District by approximately 10-15 percent.

ANNUAL AMOUNT OF GROUNDWATER USED IN THE DISTRICT

The District estimates that the amount of groundwater being used within the
District on an annual basis in the Year 2000 was 192,032 ac-ft per year. This
estimate is taken from the TWDB Annual Water Use Survey data. The data for
the Year 2000 is the most recent year for which survey data has been released.

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>Atascosa</td>
<td>45,330</td>
<td>Atascosa</td>
<td>48,889</td>
<td>Atascosa</td>
<td>59,633</td>
<td>Atascosa</td>
<td>48,157</td>
<td>Atascosa</td>
<td>59,111</td>
</tr>
<tr>
<td>Cz-Wx</td>
<td>829</td>
<td>QnCl</td>
<td>862</td>
<td>QnCl</td>
<td>1,064</td>
<td>QnCl</td>
<td>764</td>
<td>QnCl</td>
<td>1,075</td>
</tr>
<tr>
<td>Sparta</td>
<td>66</td>
<td>Sparta</td>
<td>60</td>
<td>Sparta</td>
<td>60</td>
<td>Sparta</td>
<td>64</td>
<td>Sparta</td>
<td>73</td>
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<tr>
<td>Frio</td>
<td>120,035</td>
<td>Frio</td>
<td>83,325</td>
<td>Frio</td>
<td>87,111</td>
<td>Frio</td>
<td>61,760</td>
<td>Frio</td>
<td>95,932</td>
</tr>
<tr>
<td>Cz-Wx</td>
<td>83</td>
<td>QnCl</td>
<td>69</td>
<td>QnCl</td>
<td>80</td>
<td>QnCl</td>
<td>80</td>
<td>QnCl</td>
<td>68</td>
</tr>
<tr>
<td>Sparta</td>
<td>9</td>
<td>Sparta</td>
<td>6</td>
<td>Sparta</td>
<td>8</td>
<td>Sparta</td>
<td>8</td>
<td>Sparta</td>
<td>7</td>
</tr>
<tr>
<td>Karnes</td>
<td>398</td>
<td>Karnes</td>
<td>419</td>
<td>Karnes</td>
<td>359</td>
<td>Karnes</td>
<td>348</td>
<td>Karnes</td>
<td>411</td>
</tr>
<tr>
<td>Cz-Wx</td>
<td>3,640</td>
<td>Gulf Coast</td>
<td>3,779</td>
<td>Gulf Coast</td>
<td>3,750</td>
<td>Gulf Coast</td>
<td>3,296</td>
<td>Gulf Coast</td>
<td>4,195</td>
</tr>
<tr>
<td>Cz-Wx</td>
<td>EUWCD</td>
<td>EUWCD</td>
<td>EUWCD</td>
<td>EUWCD</td>
<td>EUWCD</td>
<td>EUWCD</td>
<td>EUWCD</td>
<td>EUWCD</td>
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</tr>
<tr>
<td>187,405</td>
<td>Cz-Wx</td>
<td>149,273</td>
<td>Cz-Wx</td>
<td>161,488</td>
<td>Cz-Wx</td>
<td>126,860</td>
<td>Cz-Wx</td>
<td>174,120</td>
<td>Cz-Wx</td>
</tr>
<tr>
<td>912</td>
<td>QnCl</td>
<td>931</td>
<td>QnCl</td>
<td>1,144</td>
<td>QnCl</td>
<td>844</td>
<td>QnCl</td>
<td>1,143</td>
<td>QnCl</td>
</tr>
<tr>
<td>75</td>
<td>Sparta</td>
<td>66</td>
<td>Sparta</td>
<td>68</td>
<td>Sparta</td>
<td>72</td>
<td>Sparta</td>
<td>80</td>
<td>Sparta</td>
</tr>
<tr>
<td>3,640</td>
<td>Gulf Coast</td>
<td>3,779</td>
<td>Gulf Coast</td>
<td>3,750</td>
<td>Gulf Coast</td>
<td>3,296</td>
<td>Gulf Coast</td>
<td>4,195</td>
<td>Gulf Coast</td>
</tr>
<tr>
<td>192,032</td>
<td>Total Use</td>
<td>154,049</td>
<td>Total Use</td>
<td>166,450</td>
<td>Total Use</td>
<td>131,072</td>
<td>Total Use</td>
<td>179,538</td>
<td>Total Use</td>
</tr>
</tbody>
</table>

Cz-Wx = Carrizo-Wilcox aquifer, QnCl = Queen City aquifer, Sparta = Sparta aquifer, Gulf Coast = Gulf Coast aquifer

Table 3, Annual Amount of Groundwater Used in the District from TWDB Annual Water Use Survey

The TWDB Annual Water Use Survey data is available for the Years 1980, 1984 – 2000. The TWDB estimates groundwater use in the District for the entire period of record are presented as supporting documentation. (Appendix E)
ESTIMATE OF PROJECTED WATER SUPPLIES IN THE DISTRICT

The estimate of total projected water supplies in the District for the year 2010 is 121,224 ac-ft per year. This estimate represents both ground and surface water supplies. The estimate is taken from the data in Table 5 of the 2001 South Central Texas Regional Water Plan.

Table 4, County Totals for Estimates of Projected Water Supplies in ac-ft/year

The complete set of projected water supply estimates are presented in Appendix F of this plan.

ESTIMATE OF PROJECTED WATER DEMAND IN THE DISTRICT

The estimate of total projected water demand in the District for the year 2010 is 197,806 ac-ft per year. This estimate represents water demands that may be met by either ground or surface water and is taken from the data in Table 2 of the 2001 South Central Texas Regional Water Plan.

Table 5, County Totals for Estimates of Projected Water Demand in ac-ft per year

The complete set of projected water demand estimates are presented in Appendix G of the plan document.

COMPARISON OF WATER SUPPLY AND DEMAND PROJECTIONS

A comparison of the estimates of the total projected water supplies and projected water demand in the District indicates a water need of 76,582 ac-ft per year for the year 2010.
Table 6, Estimates of Identified Water Needs in ac-ft per year

WATER MANAGEMENT STRATEGIES TO MEET NEEDS OF WATER USER GROUPS

The SCTRWPG has recommended 21 water management strategies that are intended to meet the identified needs of water user groups in the District. A majority of these strategies are conservation based measures intended to serve a larger amount of people with the same or similar amount of water. The amount of water that will be produced by all of the water management strategies included by the SCTRWPG in Table 12 of the Regional Water Plan is 21,309 acre-feet per year in 2010.

Table 7, County and District Totals by Decade of Amounts of Water Generated by SCTRWPG Recommended Water Management Strategies

HOW THE DISTRICT HAS ADDRESSED WATER SUPPLY NEEDS IN THE MANAGEMENT PLAN IN A MANNER THAT IS NOT IN CONFLICT WITH THE TWDB APPROVED SOUTH CENTRAL TEXAS REGIONAL WATER PLAN

The water management strategies recommended in the South Central Texas Regional Water Plan are expected to produce a total of 21,309 acre-feet per year in 2010. None of the strategies recommended for the area of the District is related to surface water. The total of projected groundwater supplies estimated by the SCTRWPG to be utilized in 2010 is 119,984 acre-feet per year. The total amount of groundwater required by the South Central Texas Regional Water Plan is 119,293 acre-feet per year in 2010. The South Central Texas Regional Water Plan would not be affected by the District adoption of a value of 248,694 acre-feet per year for the total useable amount of groundwater or an availability of groundwater from the Carrizo-Wilcox aquifer of 21,309 acre-feet per year. These values also compare favorably to the sum of the 2010 total of projected water demand in the District of 197,806 acre-feet per year and the total amount of water required for water management strategies in 2010 of 21,309 acre-feet per year.
Table 8, Projected Groundwater Supplies in the District by Decade in acre-feet per year

<table>
<thead>
<tr>
<th>County</th>
<th>2000</th>
<th>2010</th>
<th>2020</th>
<th>2030</th>
<th>2040</th>
<th>2050</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atascosa</td>
<td>47,134</td>
<td>47,134</td>
<td>47,134</td>
<td>27,585</td>
<td>27,584</td>
<td>27,584</td>
</tr>
<tr>
<td>Frio</td>
<td>30,914</td>
<td>30,913</td>
<td>30,912</td>
<td>15,645</td>
<td>15,644</td>
<td>15,645</td>
</tr>
<tr>
<td>Karnes</td>
<td>5,276</td>
<td>5,007</td>
<td>4,806</td>
<td>4,651</td>
<td>4,512</td>
<td>4,388</td>
</tr>
<tr>
<td>Wilson</td>
<td>27,449</td>
<td>25,930</td>
<td>24,625</td>
<td>23,487</td>
<td>22,497</td>
<td>21,624</td>
</tr>
<tr>
<td>EUWCD GW Supplies (ac-ft/year) =</td>
<td>110,773</td>
<td>108,984</td>
<td>107,477</td>
<td>71,368</td>
<td>69,237</td>
<td>69,241</td>
</tr>
</tbody>
</table>

**MANAGEMENT GOALS, OBJECTIVES AND PERFORMANCE STANDARDS**

**Goal 1.0 – Addressing the Efficient use of Groundwater**

**Management Objective**

1.1 - Each month the District will monitor the volume of water produced from nine irrigation wells and make note of the crops irrigated by the wells to promote water conservation in irrigation practices.

**Performance Standard**

1.1 - A table of the monthly meter readings from the nine irrigation wells and a discussion of the irrigation application rates for each type of crop irrigated by the nine wells monitored by the District will be included in the Annual Report on District Activities made to the Board of Directors each year.

**Management Objective**

1.2 - Each month the District will monitor the volume of water produced by 30 Municipal and Rural water suppliers in the District.

**Performance Standard**

1.2 - A table showing the monthly production volumes reported to the District by the Municipal and Rural water suppliers in the District will be included in the Annual Report on District Activities made to the Board of Directors each year.

**Management Objective**

1.3 - Each year the District will request production reports from the operators of 200 agricultural irrigation wells in the District.
Performance Standard
1.3a - A copy of the request for production reports sent to the operators of agricultural irrigation wells will be included in the Annual Report on District Activities made to the Board of Directors each year.

1.3b - A table showing the production volumes reported to the District from the agricultural irrigation well operators in the District will be included in the Annual Report on District Activities made to the Board of Directors each year.

Management Objective
1.4 - Each month the District will measure the water levels in 35 water wells and will measure the water level of an additional 126 wells on an annual basis each year.

Performance Standard
1.4 - A table showing the monthly and a table showing the annual water level measurements made by the District will be included in the Annual Report on District Activities made to the Board of Directors each year.

Goal 2.0 Addressing the Control and Prevention of 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 - A discussion of the waste of groundwater observed by the District each year, including the number of reports of the waste of groundwater received by the District and the District response to the report will be included in the Annual Report on District Activities made to the Board of Directors each year.

Goal 3.0 Address the Conjunctive use of Surface and Groundwater

Management Objective
3.1 - Each year the District will use the Southern Carrizo-Wilcox Groundwater Availability Model to predict the potential effects of different groundwater pumping scenarios on both groundwater and surface water.

Performance Standard
3.1 - A discussion of the groundwater pumping scenario simulated in the Southern Carrizo-Wilcox Groundwater Availability Model run made by or for the District and a summary of the simulation results will be included in the Annual Report on District Activities made to the Board of Directors each year.
Goal 4.0 Addressing Natural Resource Issues which Impact the use and Availability of Groundwater, and which are Impacted by the use of Groundwater.

Management Objective
4.1 – Each year the District will sample at least 40 water wells in the District for chemical analysis of water quality.

Performance Standard
4.1a - A table giving the results of the chemical analyses of the water quality samples taken by the District each year will be included in the Annual Report on District Activities made to the Board of Directors.

4.2a – A discussion of whether any instances of groundwater contamination or issues of concern were noted in the water quality sample analyses will be included in the Annual Report on District Activities made to the Board of Directors.

Goal 5.0 Addressing Conservation

Management Objective
5.1 – Each year, the District will submit an article for publication regarding water conservation to one newspaper of general circulation in the District.

Performance Standard
5.1 - A copy of the article regarding water conservation submitted by the District for publication to a newspaper of general circulation in the District will be included in the Annual Report to the Board of Directors.

Management Objective
5.2 – Each year, the District will include an informative flier on water conservation with at least one mail-out distributed in the normal course of business to groundwater use permit holders in the District.

Performance Standard
5.2 - The Annual Report to the Board of Directors will include a copy of the informative flier regarding water conservation that was distributed to groundwater use permit holders in the District and the number of fliers distributed.

Goal 6.0 Addressing Drought Conditions

Management Objective
6.1 – Each month, the District will download the updated Palmer Drought Severity Index (PDSI) map and check for the periodic updates to the Drought Preparedness Council Situation Report (Situation Report) posted on the Texas Water Information Network website www.txwin.net.
Performance Standard
6.1 - Quarterly, the District will make an assessment of the status of drought in the District and prepare a quarterly briefing to the Board of Directors. The downloaded PDSI maps and Situation Reports will be included with copies of the quarterly briefing in the District Annual Report to the Board of Directors.

Management Goals of 31 TAC 356.5 (a)(1) Determined “Not Applicable”

Controlling and Preventing 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. 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

The objective of the District Rules are to translate the legislative mandate of the District and Chapter 36 of the Texas Water Code into policy and specific objectives and requirements that are needed to effectively manage and preserve the groundwater resources within the District. The Rules set forth the requirements necessary to receive a water well drilling and production permit, and the associated responsibilities of conservation and preservation of the resource. 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.
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 by 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 the 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:
110 Wyoming Blvd.
Pleasanton, TX 78064
Office Hours: Monday - Friday 8:00 a.m.-12:00 p.m. - 1:00 p.m.-5:00 p.m.
Telephone: (830) 569-4186
Fax: (830) 569-4238
E-mail: mmahoney@karnesec.net

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.

"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.

"Transportation Facility" means any facility constructed for the purpose of transporting groundwater out of the District.

"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.
Appendix A
Evidence of the Administrative Processes Required For the Certification of the Groundwater Management Plan as Administratively Complete
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 Bill 1;

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 27TH DAY OF FEBRUARY 2004.

SIGNED
Kenneth Stephens – President

ATTEST
William H. Ruple-Secretary/Treasurer
Appendix B

Rules of the
Evergreen Underground Water
Conservation District
The Evergreen Underground Water Conservation District

"Since 1965"

Help Us Preserve Our Most Precious Resource

"WATER"

110 Wyoming Blvd., Pleasanton, TX 78064

Phone: (830) 569-4186

Fax: (830) 569-4238
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EVERGREEN UNDERGROUND WATER
CONSERVATION DISTRICT
DISTRICT RULES

SECTION 1. DEFINITIONS AND CONCEPTS

RULE 1.1 DEFINITIONS OF TERMS: In the administration of its duties, the Evergreen Underground Water Conservation District follows the definitions of terms set forth in Chapter 36, Water Code, and other definitions as follows:

a. "Aquifer" shall mean a geologic formation, group of formation that is capable of yielding a significant amount of water to a well or spring.

b. "ASR" shall mean Aquifer Storage and Retrieval Project, which is a project with two phases that anticipates the use of a class V aquifer storage well for injection into a geologic formation, group of formations, or part of a formation that is capable of underground storage of appropriated surface water or groundwater for subsequent retrieval and beneficial use.

c. "Aquifer Storage Well" shall mean a class V injection well designed and used expressly for the injection of water into a geologic formation, group of formations, or part of a formation that is capable of underground storage of water for later retrieval and beneficial use.

d. "Artesian Well" shall mean a water well completed in the confined portion of an aquifer such that, when properly cased, water will rise in the well, by natural pressure, above an overlying impermeable stratum.

e. "Beneficial Use" or "Beneficial Purpose" shall mean use for:
   1. agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational or pleasure purposes;
   2. exploring for, producing, handling, or treating oil, gas, sulfur, or other minerals; or
   3. any other purpose that is useful and beneficial to the users that does not commit waste as defined in section (af) of this rule.

f. "Board" means the Board of Directors of the District.

g. "Casing" means a tubular watertight structure installed in the excavated or drilled hole to maintain the well opening and, along with cementing, to confine the groundwaters to their zones of origin and prevent the entrance of surface pollutants.

h. "Cement" means a neat Portland or construction cement mixture of not more than seven gallons of water per ninety-four (94) pound sack of dry cement, or a cement slurry, which contains cement along with bentonite, gypsum, or other additives. All manufacturers recommendations regarding water content for the mix must be strictly adhered to.

i. "Deteriorated Well" means a well, the condition of which will cause, or is likely to cause, pollution of any water in the District.

j. "District" means the Evergreen Underground Water Conservation District.


Rules Adopted 11-21-02
1. "District Office" means the office of the District. The District office may be changed from time to time by resolution of the Board.

m. "District Water Purveyor" means any person, corporation, water supply Corporation, municipality, political subdivision or agency with no less than 95% of its total monthly water volumes supplied within the boundaries of the District.

n. "Emergency Multiple System Interconnects" means a District Water Purveyor with lines that are interconnected with a system or systems outside of the District for the sole purpose of temporary water service outside the District during an emergency situation. Emergency assistance to any entity outside of the District that this is supplied more than 5% of its total monthly water volume from within the District is subject to District Transportation Permitting Requirements and Fees.

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

p. "Hearing Body" means the Board, any committee of the Board, or a Hearings Examiner at any hearing held by the District.

q. "Hearing Examiner" means a person appointed to conduct a hearing or other proceeding.

r. "High Production Well" means a well, or combination of wells on common property and under common ownership, that is capable of producing more than 1500 gallons per minute.

s. "Drilling Permit" means a permit issued or to be issued by the District for the drilling of a water well.

t. "New Well Application" means an application for a permit for a well that has not been drilled.


w. "Production Permit" means a permit for a water well issued or to be issued by the District allowing the withdrawal of a specified amount of groundwater for a designated period.

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

y. "Pollution" means 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 or public enjoyment of the water for any lawful or reasonable purpose.

z. "Presiding Officer" means the Chair, Vice-Chair, Secretary, or other Board member presiding at any hearing or other proceeding, or a Hearings Examiner conducting any hearing or other proceeding.

aa. "Rules" means the rules of the District compiled in this document as it may be supplemented or amended from time to time.

ab. "Mud" means a relatively homogeneous, relatively viscous fluid produced by the suspension of clay-size particles in water. Specifically, it must be a nine and two-tenths pound per gallon mud or heavier, with a marsh funnel viscosity of fifty seconds or equivalent.

ac. "Texas Rules of Civil Procedure" and "Texas Rules of Civil Evidence" means the civil procedure and evidence rules as amended and in effect at the time of the action or proceeding. Except as modified by the Rules of the District, the rights, duties, and responsibilities of the presiding officer acting under the Texas Rules of Civil Procedure or the Texas Rules of Evidence are the same as a court acting under those rules.

Rules Adopted 11-21-02
RULE 1.3 USE AND EFFECT OF RULES: These Rules are used by the District as a
guide in the exercise of the powers conferred by law and in the
accomplishment of the purposes of the District Act. They may not be
construed as a limitation or restriction on the exercise of any discretion
nor may they be construed to deprive the District or Board of the exercise of
any powers, duties or jurisdiction conferred by law, nor may they 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: The section and other headings and captions
contained in these Rules are for reference purposes only and do not affect in
any way the meaning or interpretation of these Rules.

RULE 1.6 CONSTRUCTION: A reference to a title, chapter or section without
further identification is a reference to a title, chapter or section of the
Water Code. Construction of words and phrases are governed by the Code

RULE 1.7 METHODS OF SERVICE UNDER THE RULES: Except as otherwise
expressly provided in these Rules, any notice or document required by these
Rules to be served or delivered may be delivered to the recipient, or the
recipient’s authorized representative, in person, by agent, by courier
receipted delivery, by certified mail sent to the recipient’s last known
address, or 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. shall be deemed complete the
following business day. If service or delivery is by mail, and the recipient
has the right, or is required, to do some act within a prescribed period of
time after service, three days will be added to the prescribed period. Where
service by other methods has proved impossible, the service may be complete
upon publication of the notice in a newspaper with general circulation
in the District.

RULES 1.8 SEVERABILITY: If any one or more of the provisions contained in
these Rules is 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 will be
construed as is such invalid, illegal or unenforceable rule or provision had
never been contained in these Rules.
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, and to exercise its rights, powers, and duties in a manner 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, policy and orders.

RULE 2.2 BOARD STRUCTURE, OFFICERS: The Board consists of the members elected, or appointed, and qualified as required by the District Act. Each year at its regular February meeting, and if there is no February meeting, at its next regular meeting, the Board will select one of its members to serve as President to preside over Board meetings and proceedings, one to serve as Vice-President to preside in the absence of the Chair, 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 each month on a day the Board may establish from time to time. At the request of the Chair, or by written request of at least two members, the Board may hold special meetings. All Board meetings will be held in accordance with the Texas Open Meetings Law.

RULE 2.4 COMMITTEES: The President may establish committees for formulation of policy recommendations to the Board, and appoint the chair and membership of the committees.

SECTION 3. GENERAL MANAGER

RULE 3.1 GENERAL MANAGER: The person employed by the Board as General Manager is the chief administrative officer of the District, pursuant to the District Act, and shall have full authority to manage and operate the affairs of the District, subject only to Board orders. After consultation and authorization of the Board, the General Manager is responsible for employing all persons necessary for the proper handling of the business and operation of the District and determining their compensation.

RULE 3.2 DELEGATION OF AUTHORITY: The General Manager may delegate duties as may be necessary to effectively and expeditiously accomplish those duties, provided that no such delegation may ever relieve the General Manager from responsibilities under the District Act or Board orders.

SECTION 4. DISTRICT

RULE 4.1 MINUTES AND RECORDS OF THE DISTRICT: All documents, reports, records, and minutes of the District will be available for public inspection and copying in accordance with the Texas Open Records Act. Upon written application of any person, the District will furnish copies of its public records. Persons who are furnished copies may be assessed a copying charge, pursuant to policies established by the Board. A list of the charges for copies will be furnished by the District.

Rules Adopted 11-21-02

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RULE 4.2 CERTIFIED COPIES: Requests for certified copies must be in writing. Certified copies will be made under the direction of the General Manager and will be affixed with the seal of the District. Persons furnished certified copies may be assessed a certification charge, in addition to the copying charge, pursuant to policies established by the board.

RULE 4.3 OFFICE HOURS: The District will maintain regular business hours.

SECTION 5. PERMITS

RULE 5.1 STANDARD PERMIT PROVISIONS: All permits are granted subject to the District Act, these Rules, the District Management Plan, orders of the Board, and the laws of the State of Texas. In addition to any special provisions or other requirements incorporated into the permit, each permit issued shall contain the following standard permit provisions:

a. This permit is granted in accordance with the provisions of the District Act, Water Code, and the Rules, Management Plan, and orders of the District, and acceptance of this permit constitutes an acknowledgment and agreement that the permittee will comply with the Texas Water Code, the District Act, the District Rules, Management Plan, orders of the District Board, and all the terms, provisions, conditions, requirements, limitations and restrictions embodied in this permit.

b. This permit confers no vested rights in the holder, and it may be revoked or suspended, or its terms may be modified or amended pursuant to the provisions of the District Act.

c. The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner. In the event that groundwater is to be transported a distance greater than one-half (1/2) mile from the well, it must be transported by a pipeline to prevent waste caused by evaporation and percolation.

d. The permittee must keep records of the amount of groundwater produced and the purpose of the production, and such records shall be available for inspection by District representatives. Immediate written notice must be given to the District in the event production exceeds the quantity authorized by this permit, or the well is either polluted or causing pollution of the aquifer.

e. The well site must be accessible to District representatives for inspection, and the permittee agrees to cooperate fully in any reasonable inspection of the well and well site by District representatives.

f. The application pursuant to which this permit has been issued is incorporated in this permit, and this permit is granted on the basis of and contingent upon the accuracy of the information supplied in that application and in any amendments to the application. A finding that false information has been supplied are grounds for immediate revocation of the permit. In the event of conflict between the provisions of this permit and the contents of the application, the provisions of this permit shall control.

g. Suspension or revocation of a permit may require immediate cessation of all activities granted by permit.

Rules Adopted 11-21-02
h. Violation of this permit's terms, conditions, requirements, or special provisions, is punishable by civil penalties as provided by the District Rules.

i. Wherever special provisions are inconsistent with other provisions or District Rules, the special provisions prevail.

RULES 5.2 GENERAL PERMITTING POLICIES AND PROCEDURES:

a. Notice of Permit Hearing: Once the District receives a completed original application for a water well permit, or application for a permit renewal or amendment, the General Manager will issue written notice indicating a date and time for a hearing on the application in accordance with these Rules, except that no notice or hearing is required for permit amendments granted by the General Manager in accordance with Rule 5.8, or temporary or emergency permits granted in accordance with Rule 5.9. The General Manager may schedule as many applications at one hearing as the General Manager deems necessary. Any person that wishes to be heard as a potential party to a hearing must, at least 5 business days prior to the hearing date, provide the General Manager with written notice of that person's intent to appear at the hearing. If the General Manager decides to contest the application, the General Manager must, at least 5 business days prior to the hearing date, provide the applicant with written notice of the General Manager's intent to contest the application. Hearings will be held in accordance with Section 7.

b. Decision and Issuance of Permit: In deciding whether or not to issue a permit, and in setting the terms of the permit, the Board will consider the purpose of the District Act and all other relevant factors, including, but not limited to, (1) the District Management Plan; (2) the proposed use of the water is dedicated to beneficial use, (3) the sustainable yield of the aquifer; (4) the impact on other landowners rights in groundwater from grant or denial of the permit, or the terms prescribed by the permit, and (5) whether the applicant has agreed to avoid waste, and take reasonable diligence to protect groundwater quality, and to follow well plugging guidelines at the time of well closure. If no person notifies the General Manager of their intent to contest the application and if the General Manager does not contest the application, the application will be presented directly to the Board for a final decision. The Board may grant the application or refer the application to the Hearings Examiner for a complete hearing.

RULE 5.3 WELL PERMIT EXEMPTION: A well drilling and operating permit is not required for wells that are used to produce water to be used by an individual, a family, or household for:

a. Drinking water and cooking;

b. Washing;

c. Irrigating a garden or orchard, if the produce of the garden or orchard is to be consumed by the individual, family, or household;

d. Watering animals used in operating a farm or animals being raised as food for the individual, household or family;

e. Wells drilled, completed, equipped and used in accordance with TWC-‘36.117 shall also be exempt from these spacing and production requirements.
RULE 5.4 WELL DRILLING AND PRODUCTION PERMIT:

a. Permits Required:

1. Every person, unless exempted by Rule 5.3, must obtain a permit from the District for the drilling of a water well and production of up to 652,000 gallons of water per acre of water rights per calendar year. The term "contiguous", as used in this subsection, shall be construed to mean water rights owned or leased by a permittee within a continuous perimeter boundary situated within the District. Contiguous may also apply to properties that are divided by a road or highway if the properties border one another.

2. The requirement for a production permit under this Rule shall also apply to any non-exempt un-permitted well currently in operation located within the District prior to the effective date of this rule, before the well may be altered or re-equipped to increase production. The requirement for a production permit shall also apply to all non-exempt un-permitted wells upon change in ownership of the property where the well is located, and/or prior to a change in the intended use of the water that is to be produced from the well.

3. Production permit applications for new wells shall be accompanied by well registration application(s) for any unregistered exempt well(s), and/or production permit application(s) for any non-exempt, un-permitted well(s) that currently exist on the same tract of land or adjoining tracts of land owned by the applicant for the new permit(s).

b. Permit Application:

1. The permit application provided for herein must be filed with the District in the form or forms promulgated by the District and such permit must be obtained from the District prior to the drilling of a water well and proposed production of water, all in accordance with the provisions of this rule.

2. The depth of the water-bearing formation which the applicant proposes to drill, complete, and produce the well.

3. An application for the production of water for which a permit is required under this rule shall:
   a) be in writing and sworn to;
   b) contain the name, post-office address and place of residence or principal office of the applicant;
   c) identify the actual or anticipated location, pump size, and production capacity of the well from which the water is to be produced;
   d) the total number to acres of land contiguous in ownership with the land where the well is to be located.
   e) State the nature and purpose of the proposed use and the anticipated amount of water to be used.
   f) State the anticipated time within which the proposed construction or alteration is to begin;
g) State the presently anticipated duration required for the proposed use of the water;

h) Provide information showing the anticipated effect of the proposed production on the quantity and quality of water available for future use both inside and outside the District,

i) Provide information showing what water conservation measures permittee has adopted, what water conservation goals permittee has established, and what measures and time frames are necessary to achieve the permittee's established water conservation goals;

j) If the water is to be resold to others, provide a description of the permittee's service area, permittee's metering and leak detection and repair program for its water storage, delivery and distribution system, permittee's drought or emergency water management plan, and information on each customer's water demands, including population and customer data, water use data, water supply system data, wastewater data, water conservation measures and goals, and the means for implementation and enforcement;

k) Identify well(s) producing from the same formation within one-half (1/2) mile of the proposed well and the owner(s) of said well(s) and:

l) a description of existing water wells, their location on the property and the use of the existing wells.

4. The application must be accompanied by a map or plat drawn on a scale that adequately details the proposed project, showing:

(a) the location of the existing or proposed well(s);
(b) the location of the existing or proposed production monitoring device(s) for compliance to section (j) of this Rule;
(c) the location of the existing or proposed water use facilities; and
(d) the location of the proposed or increased use or uses.

5. The Rule 5.4 permit application must be accompanied by an application fee which shall be used to cover the cost of considering and processing the application.

6. The District shall determine whether the application, maps, and other materials comply with the requirements of this rule. The district may require amendment of the application, maps, or other materials to achieve necessary compliance.

7. Before construction of any wells associated with a Production project may be commenced, a rule 5.4 applicant or permittee must apply for and obtain a drilling permit for each proposed well as required by Rules 5.1 and 5.2. An application for drilling permit(s) must be submitted concurrently with a Rule 5.4 application for production. Applications submitted concurrently will be considered together by the Board according to the standards and rules applicable to each.

c. Permit Hearing:

1. If there is an existing well, producing from the same formation, within one-half (1/2) mile of the proposed well site, or an application requires an exception to the spacing or production rule, the District shall mail notices not less than ten (10) days before the date set for the hearing of an application by first-class mail, postage prepaid, to:
the application, the record of whose application has been filed with the District; and
the owners of the adjacent properties within one-half (1/2) mile.

2. The notice shall contain the following:
(a) the identifying number given the application by the District;
(b) the name and address of the applicant;
(c) the date on which the application was submitted;
(d) the time and place of the hearing;
(e) the proposed location of the well to be drilled; and
(f) a brief summary of the information included in this application.

d. Permit Evaluation:
In evaluating the application, the District shall consider the quantity of water proposed to be produced; the term for which production is requested; the safety of the proposed production with respect to the contamination of the aquifer; the actual or anticipated number, location, pump size and production capacity of the wells from which water is to be produced; the nature of the proposed use; the effect of the proposed use of the water on municipal, agricultural, industrial, recreational and other categories of use, and such other factors as are consistent with the purpose of the District and the District’s Management Plan. Except for temporary permits for temporary withdrawals, the Board will limit groundwater withdrawals, based upon the factors described above, to levels that do not exceed the sustainable yield of the aquifer.

e. Permit Limitations:
On approval of an application, the District shall issue a Production Permit to the applicant. The permittee’s right to produce shall be limited to the extent and purposes stated in the permit. The permit shall be valid for a period not to exceed five (5) years, at which time the permit may be renewed. A permit shall be considered for renewal if; the permittee has been in compliance with the conditions of the permit, the District’s Rules and Regulations, has timely submitted a groundwater production renewal application with the appropriate fee, agrees to comply with the District’s current groundwater production allowance, and District Rules and Regulations. A permit that has not been submitted for renewal within six (6) months after the expiration date of the permit shall be revoked. Production permits are site specific and a permitted groundwater production allowance is restricted to production from the well that it is permitted for. A permit shall not be transferable except as provided in Rule 5.8.

f. Permit Information:
The permit shall be in writing and attested by the seal of the District and it shall contain substantially the following information:
(1) the name of the person to whom the permit is issued;
(2) the date the permit is issued;
(3) the term for which the permit is issued;
(4) the date the original application was filed;
(5) the actual or anticipated number, location, pump size and production capacity of the wells from which water is to be produced;
(6) the total number of acres of land contiguous in ownership with the land where the well is to be located.
(7) The destination and use or purpose for which the water is to be produced;
(8) The maximum quantity of water to be produced annually, which is unusual or emergency conditions may be expressed in a three-year rolling average. For the purposes of this subsection, "unusual or emergency conditions" shall be drought, forces of nature, acts of God, the temporary failure of equipment or machinery, or the failure or reduction of water sources;
(9) The permit is issued subject to the rules of the District and to the continuing right of the District to manage the aquifer within the District's boundaries as authorized by Chapter 36, Texas Water Code, as amended; and
(10) Any other information the District prescribes.

**g. Reporting:**
A permittee authorized to produce water for an agricultural or livestock use shall file with the District annual reports describing the amount of water produced and used for the permitted purpose. Such report shall be filed on the appropriate form or forms provided by the District within fifteen (15) days of December 31, next following commencement of production and annually thereafter. Permittee's authorized to produce water for other purposes of use shall file with the District monthly reports describing the amount of water produced and used for the permitted purpose. Such report shall be filed on the appropriate form(s) provided by the District within fifteen (15) days of the first of each month.

**h. Monitoring Devices:**
All production facilities or wells subject to the requirements of this Subsection shall be equipped with production monitoring devices approved by the District and available for District inspection at any time during normal business hours. An hour meter may be considered as a production monitoring device on the well, if the well output (gpm) can be accurately determined.

**RULE 5.5 SPACING AND PRODUCTION REQUIREMENTS:**

**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 the 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**

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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 or 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.

d. Subject to limitations imposed upon withdrawals as specified under these rules, a person may be permitted to produce wells on their property, or property for which person can show possession of groundwater rights, up to a maximum production of 652,000 gallons per acre per year. The cumulative annual production allowance shall be computed by District personnel and may be assessed according to historical use, acreage to be irrigated, or service connections, however the allowance shall not exceed the annual production capability of the well, or the annual production allowance based upon the acres of groundwater rights owned or leased by the applicant, at the time the application is filed. Entities that supply water to the public may use part of the acreage within their CCN, or service area if the well is located or to be located within their CCN or service area, and the well meets the District’s spacing rules.

RULE 5.6 EXCEPTION TO SPACING AND PRODUCTION RULE

a. In order to protect property rights, to prevent waste, or confiscation of property, the Board may grant exception to the above spacing and production rules. This rule shall not be construed so as to limit the power of the Board, and the powers stated are cumulative only of all other powers possessed by the Board.

b. If an exception to the spacing or production rule is desired, the application shall be submitted by the applicant in writing to the District office on forms furnished by the District. The application shall be accompanied by a plat or sketch, drawn to scale of one (1) inch equaling two thousand (2000) feet. The plat or sketch shall show thereon the property lines in the immediate area and shall show accurately to scale the location of the wells producing from the same water bearing formation within one-half (1/2) mile of the proposed well location. The application shall also contain the names and addresses of all property owners adjoining the tract on which the well is to be located, within one-half (1/2) mile, and the owners of the wells producing from the same water bearing formation within one-half (1/2) mile of the proposed well location. Such application and plat shall be certified by some person actually acquainted with the facts who

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shall state that all facts therein are true and correct.
Provided, however, that is the owners of the wells producing from
the same water bearing formation within one-half (1/2) mile,
indicate to the District in writing that they have no objection
to the proposed well, then the District may proceed to decide
such matter without necessity of a hearing.

c. Hearing notices shall state that the application does not meet
the spacing requirements of the District, and an exception is
requested by the applicant.

RULE 5.7 REWORKING OR REPLACING EXISTING WELLS:

a. Reworked, Re-drilled, Re-equipped Wells or Change the Intended
Use of a Well: No person shall rework, re-drill, or re-equip a
well in a manner that would increase the maximum rate of
production of water from such well beyond any previous rate of
production of such well, or change the intended use of a well, if
the production from the well will be greater than 25,000 gallons
per day or 17.5 gallons per minute, without first having made an
application to the District and having been granted a permit by
the District to do so. If the well is sufficiently spaced to
comply with existing spacing and production rules for new wells
of desired capacity, the District may proceed to grant such
application without notice or hearing. If the well is not
sufficiently spaced to comply with existing spacing and
production rules for new wells of the desired capacity, such
permit may be granted only after written notice to the owners of
the adjacent properties within one-half (1/2) mile, and a public
hearing, as provided in Rule 5.1 herein. Provided, however, that
if the owners of the wells producing from the same water bearing
formation within one-half (1/2) mile, indicate to the District in
writing that they have no objection to the proposed change, then
the District may proceed to decide such matter without the
necessity of a hearing. A new registration form indicating the
new production capacity of the well must be completed and
submitted to the District within sixty (60) days of issuance of
the permit.

b. Replacement Wells:
No person shall replace a well without a permit unless the well
is exempted as provided for in Rule 5.3. A replacement well, in
order to be considered as such, must be used for the same
purpose, watering the same acreage as the well it is replacing.
A replacement well must be completed in the same aquifer as the
well it replaces, and shall not be drilled, completed, or
equipped so as to increase the rate of production of water from
the well it replaces. A replacement well must not be located
toward any other well or authorized well site unless the new
location complies with the minimum spacing and production rules
set out in Rule 5.5 herein; otherwise the replacement well shall
be considered to be a new well for which an application must be
made under Rule 5.4 herein. The District may grant a permit for
a replacement well without notice or hearing if the well meets
the spacing and production requirements of Rule 5.5, and the
applicant agrees to the terms of Rule 5.4

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c. The location of the well being replaced shall be protected in accordance with the spacing and production rules of the District until the replacement well is drilled and tested. The owner must, within sixty (60) days of the issuance of the permit, indicate in writing to the District which one of these two wells he/she desires to produce and must submit a completed registration form and driller’s log, and any mechanical log which may have been made, on the replacement well. Immediately after determining which well will be retained for production, the other well shall be:
   (1) plugged according to Rule 6.4 herein;
   (2) if the well is not deteriorated, as defined in Rule 1.1 herein, the well may be capped according to rule 6.4 herein; or
   (3) properly equipped in such a manner that it cannot produce more than 25,000 gallons per day, or 17.5 gallons per minute.

RULE 5.8 PERMIT AMENDMENTS:
Transfer Ownership of a Permit: An application to amend any permit to change the name of the permittee must be made within 90 calendar days of the change in ownership of the permitted well. The General Manager may grant such an amendment without notice, hearing, or further action by the Board.

RULE 5.9 TEMPORARY OR EMERGENCY PERMITS:

a. Basis for Temporary or Emergency Permits:
   Upon application, the General Manager may grant a Temporary or Emergency Permit that authorizes the withdrawal of water from a well not currently drilled or permitted.

1. An application for a Temporary Permit must present sufficient evidence that:
   (a) no suitable alternative water supply is immediately available to the applicant; and
   (b) the well usage will not impair the rights of any other owner of interest in the groundwater.

2. An applicant for Emergency Permit must present sufficient evidence that:
   (a) no suitable alternative water supply is immediately available to the applicant; and
   (b) an emergency need for the groundwater exists.

b. Action on Requests: The General Manager may grant any application for a Temporary or Emergency Permit without notice, hearing, or further action by the Board. The General Manager may deny an application for a Temporary or Emergency Permit on any reasonable ground including, but not limited to, a determination that the applicant is currently in violation of the District Act or these rules, or that the applicant has a previous unresolved violation on record with the District. Notice of the General Manager’s action will be served upon the applicant. Any affected party may appeal the General Manager’s action by filing, within twenty business days of that action, a written request for a hearing before the Board. The Board will hear the applicant’s appeal at the next available regular Board meeting. The General Manager must inform the Board of any Temporary or Emergency Permits granted. On the motion of any Board member, and a majority concurrence in the motion, the Board may overrule the action of the General Manager.
c. **Term of Temporary or Emergency Permit:** No Temporary or Emergency Permit may be issued unless an application for a permit issued under Rule 5.1 has been filed with the District. The term of any Temporary or Emergency Permit granted by the General Manager under this Rule extends only until the Board makes a final decision on the application for the permit under Rule 5.2. Emergency permits for replacement wells may not require a hearing if there is substantial proof that the replacement well will have a reduced impact upon the aquifer than the well it is to replace.

### SECTION 5. OTHER DISTRICT ACTIONS AND DUTIES

**RULE 6.0 ANNUAL REPORTING FOR UN-PERMITTED, NON-EXEMPT WELLS:**

a. **Reporting:** Within 15 days of December 31, 2003, and annually thereafter, the owners or operators of all non-exempt wells shall file a report to the District the volume of groundwater produced for the previous calendar year, the use of the groundwater, and the aquifer from which the water was produced. The report shall be filed on the appropriate form(s) provided by the District.

b. **Monitoring Devices:** All production facilities or wells subject to the requirements of this Subsection shall be equipped with production monitoring devices approved by the District and available for District inspection at any time during normal business hours. An hour meter may be considered as a production monitoring device on the well, if the well output (gpm) can be accurately determined.

c. **Non-compliance of Reporting:** Well owners and operators failing to meet the requirements of this section, as determined by the District, may, at the discretion of the Board, be required to file a production permit application(s) for the well(s) as defined in subsection 5.4 of these rules.

**RULE 6.1 DISTRICT MANAGEMENT PLAN:** The District Plan specifies the acts, procedures, and performance necessary to prevent waste and protect rights of owners or interest in groundwater, and forms the basis of permitting decisions and permit requirements imposed by the Board. The Board will review the plan as necessary, and when the Board considers a new plan necessary or desirable, a new plan will be adopted. A plan, once adopted, remains in effect until the adoption of a new plan.

**RULE 6.2 REGISTRATION OF NEW WELLS:**

a. All new wells must be registered by the well owner, well operator, or water well driller prior to being drilled. Registration may be by mail or telephonic document transfer, using a form provided by the District. The District staff will review the registration and make a preliminary determination on whether the well meets drilling and production permit exclusions or exemptions provided in Rule 5.3, and must inform the registrant of their determination within five business days. If the preliminary determination is that the well is excluded or exempt from requiring a drilling and operating permit, the registrant may begin drilling immediately upon receiving the approved registration.

b. It is a violation of these rules for a well owner, well operator, or water well driller to drill any well without approved registration form filed with the District.
RULE 6.3 LOCATIONS OF WELLS:

a. After an application for a well permit has been granted, the well, if drilled must be drilled within thirty (30) feet of the location specified in the permit.

b. A well shall be located a minimum horizontal distance of fifty (50) feet from any water-tight sewage or liquid-waste collection facility.

c. A well shall be located a minimum horizontal distance of one hundred and fifty (150) feet from any concentrated sources of contamination, such as existing or proposed livestock or poultry yards, privies, underground storage tanks, and septic system absorption fields. If, however, this distance can not be accommodated within the limits of a person's property, this distance may be decreased provided the total depth of cement slurry is increased by twice the horizontal reduction. In no case shall a well be located less than fifty (50) feet from any concentrated sources of contamination.

d. A well shall be located at a site not generally subject to flooding; provided, however, that if a well must be placed in a flood prone area, it shall be completed with a watertight sanitary well seal and steel casing extending a minimum of twenty-four (24) inches above flood level.

e. No well shall be located within five-hundred (500) feet of a sewage treatment plant, solid waste disposal site or land irrigated by sewage plant effluent, or within three-hundred (300) feet of a sewage wet well, sewage pumping station or drainage ditch which contains industrial waste discharges or wastes from sewage treatment systems.

RULE 6.4 MINIMUM STANDARDS OF WELL COMPLETION:

a. The annular space between the borehole and the casing shall be filled from ground level to a minimum depth of twenty (20) feet with cement.

b. A concrete slab or sealing block shall be placed above the cement around the casing at the ground surface.
   1. The slab or block shall extend at least two (2) feet from the well in all directions, have a minimum thickness of four (4) inches, and should be separated from the well casing by a plastic or mastic coating or sleeve to prevent bonding of the slab to the casing.
   2. The surface of the slab shall be sloped to drain away from the well.

c. The top of the casing shall extend a minimum of one (1) foot above the ground surface.

d. If a well is to be completed with polyvinyl chloride (PVC) casing, in lieu of placing a concrete slab around the casing at the ground surface as provided for in section (2) of this rule, a steel sleeve may be used to protect the casing from breakage. The steel sleeve shall be a minimum of three-sixteenths (3/16) inches in thickness and eighteen (18) inches in length, shall extend six (six) inches
into cement, and shall be two (2) inches larger in diameter than the polyvinyl chloride (PVC) casing being used.

e. All wells that are to be completed in the artesian or confined portion of an aquifer shall be completed so that waters from other strata or zones are not allowed to commingle through the borehole-casing annulus. Therefore, one of the following shall apply:

1. If the well is to be completed with steel casing, the annular space between the borehole and the casing shall be filled with cement from the top of the water-bearing formation to be produced from to the land surface.

2. If the well is to be completed with polyvinyl chloride (PVC) casing, the borehole-casing annulus shall be filled with cement, palletized bentonite, or mud, as that term is defined in Rule 1 herein, or other suitable material if specifically approved by the Board, from the top of the water-bearing formation to be produced from to the land surface, provided that if cement is not used, a cement plug will be installed as required in section (a) of this rule.

f. If a well is to be gravel packed the full length of the casing, it shall be completed with double string of casing. The outside string of casing must be set to the top of the desired aquifer formation so as to seal off all water bearing strata above the formation, and extend one foot above land surface. The annulus between the outside casing and the borehole shall be completed according to subsection (e.1). The second string of casing may then be set at the desired depth in the aquifer, and the annulus between the two casings shall contain gravel.

g. If a gravel packed well is to be drilled in the unconfined portion of an aquifer, it shall be completed with a double string of casing. The outside string of casing shall be set at depth of 20 feet below land surface, extend one foot above land surface, and shall be completed according to subsection (a). The second string of casing may then be set inside of the first string of casing at the desired depth in the aquifer, and the annulus between the two casings shall contain gravel.

h. If a well penetrates any undesirable water zones, or zones containing waters that differ significantly in chemical quality, the undesirable water zone shall be sealed off and confined to its zone of origin.

1. When undesirable water is encountered in a zone overlying fresh water, the well shall be cased from the top of the fresh water zone to the land surface and the annular space between the casing and the wall of the borehole shall be cemented to the land surface.

2. When undesirable water is encountered in a zone underlying a fresh water zone, the portion of the well bore opposite the undesirable water zone shall be filled with cement to a height that will prevent the entrance of the undesirable water into the well.

i. The well casing shall be capped or completed in a manner that will prevent Pollutants from entering the well as provided for in Rule 6.7 herein.

RULE 6.5 PERSONS AUTHORIZED TO DRILL: Only persons who are licensed water well drillers, in good standing with the Texas Water Well Drillers Board, may drill water wells within the District. The only exceptions allowed will be:
a. Any person who drills, bores, cores, or constructs a water well on his or her own property for his or her own use provided minimum standards for well completion, as stated in Rule 6.4 herein, are met.

b. A person who assists in the construction of a well under direct supervision of a licensed well driller and is not primarily responsible for the drilling operation.

RULE 6.6 AQUIFER STORAGE AND RECOVERY (ASR): ASR projects shall be limited to the injection and storage of compatible groundwater as provided in this rule herein.

a. Permits are required on all new, and existing ASR projects:

1. ASR projects are required to be permitted prior to the injection and retrieval of water.

2. Well(s) to be used for injection and retrieval in an ASR project shall have class V injection well approval by the Texas Natural Resources commission prior to application submission.

3. An ASR permit application must be accompanied by applications for production permits for each well to be used for injection or retrieval of water.

b. Permit Application:

1. The permit application provided for herein must be filed with the District in the form or forms promulgated by the District and such permit must be obtained from the District prior to the injection and retrieval of water.

2. An application for the production of water for which a permit is required under this Rule shall:

   (a) be in writing and sworn to;
   (b) contain the name, post-office address and place of residence or principal office of the applicant;
   (c) proposed injection rates and volumes;
   (d) proposed frequency of injection periods;
   (e) proposed retrieval rates and volumes;
   (f) proposed frequency of retrieval periods;
   (g) estimated radial distances of travel from the injection wells on an annual basis;
   (h) estimated maximum extent of travel for the life of the project;
   (i) location of all injection, retrieval and monitoring wells
   (j) identify the actual or anticipated location, pump size, and production and injection capacity of the well from which the water is to be injected into and retrieved from;
   (k) the total number of acres of land contiguous in ownership with the land where the well is to be located.
   (l) state the source of the water to be injected, the quality of the water and a chemical analysis of the water;

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(m) state the anticipated time within which the proposed construction is to begin;
(n) state the presently anticipated duration required for the proposed use of the project.
(o) Provide information showing the anticipated effect of the ASR project on groundwater quality;
(p) A report identifying any potential impacts to artificial penetrations within one-half mile of the perimeter of the buffer zone, and identify well(s) producing from the same formation within one-half (1/2) mile of the proposed well and the owner(s) of said well(s).
(q) A proposed monitoring plan which would address the quality of water injected and retrieved and the water levels of the receiving body of underground water within the perimeter of the buffer zone and within one half (1/2) mile of the perimeter of the buffer zone. In addition, the proposed monitoring plan shall describe how waters injected and retrieved will be measured and reported;
(r) Other information as determined by the District as necessary for the protection of underground sources of drinking water.

c. Map Requirements.

1. An overall plan of the project area showing the locations and extent of the proposed works and the locations of all pertinent features, including structures, pipelines, roads, natural springs, artesian wells, and property lines. Also, such plan shall include all proposed or existing injection and retrieval wells associated with the aquifer storage and retrieval project by latitude and longitude;
2. Name(s) and location(s) of the underground formation(s) in which water will be stored for later retrieval and the general direction of flow indicated;
3. Cross sections and profiles of the underground formation(s) into which water will be injected and stored, any underground formation which confines the injection interval, any underground formation(s) located between the storage area and the land surface and the actual and/or proposed operating depths of all planned injection and retrieval facilities;
4. The location of a buffer zone surrounding the land surface area under which the underground storage of water will occur and beyond which pumpage by other wells will not interfere or significantly affect the movement or storage of the water;
5. The location and ownership of all existing domestic, public water supply, Irrigation, or commercial wells within one-half (1/2) mile of the perimeter of the buffer zone described in this subsection, indicated by appropriate symbols to differentiate these works from the proposed works;
6. All elevations shall be referred to mean sea level datum; and
7. Any additional information the District may require to determine the feasibility of the project.

d. Well Construction:
1. All ASR wells shall be constructed to meet the standards as set forth in Title 30, Part 1, Chapter 331 Subchapter H, Rule §331.132, and Subchapter K, Rule §331.183 of the Texas Administrative Code.

2. Upon completion of the aquifer storage well, the following information shall be obtained and submitted to the District:
   (a) as-built drilling and completion data on the well(s);
   (b) all logging and testing data on the well(s);
   (c) formation fluid analysis;
   (d) injection fluid analysis;
   (e) injectivity and pumping tests determining well capacity and reservoir characteristics;
   (f) hydrogeologic modeling, with supporting data, predicting mixing zone characteristics and injection fluid movement and quality; and
   (g) other information as determined by the District as necessary for the protection of underground sources of drinking water.

e. Operating and Reporting:
   1. All Class V aquifer storage wells shall be operated in such a manner that they do not present a hazard to or cause pollution of an underground source of drinking water.
   2. Injection pressure at the wellhead shall not exceed a maximum which shall be calculated so as to assure the pressure in the injection zone does not cause movement of fluid out of the injection zone.
   3. The owner or operator of an aquifer storage well that has ceased operations for more than two years shall notify the District 30 days prior to resuming operation of the well.
   4. The owner or operator shall maintain the mechanical integrity of all wells operated under this section.
   5. The quality of water to be injected must meet the quality criteria prescribed by the commission's drinking water standards. The following must be monitored at the required frequency, and reported to the District on a monthly basis:
      (a) monthly average injection rates;
      (b) monthly injection and retrieval volumes;
      (c) monthly average injection pressures;
      (d) monthly water quality analyses of injected water; and
      (e) other information as determined by the District as necessary for the protection of underground sources of drinking water.

f. Permit Requirements and Limitations:
   1. District employees shall have access to the ASR facility for inspection and data collection at any time during regular District business hours.
   2. Any of the following conditions shall require a permit amendment prior to implementation:
      (a) changes or additions to injection or retrieval sites;
      (b) changes in source water or changes in the chemical constituents of the source water.
      (c) Changes in the annual injection and retrieval rate.
(d) Retrieval of stored water shall never exceed 90% of the total amount of injected water.

3. In the even that water quality is being effected outside of the ASR buffer zone, a suspension in the operation of the project shall be required until a determination is made upon the impact of the ASR project on the degradation of water quality.

RULE 6.7 SEALING, CAPPING AND PLUGGING OF WELLS:

a. Sealing Wells. The District may seal wells that are prohibited from withdrawing groundwater within the District by the District Act, these Rules and Board orders, or when the General Manager determines that sealing a well is reasonably necessary to ensure that the well is not operated in violation of the District Act, these rules Board orders. A well may be sealed when: (1) the well has not been properly permitted; or (2) continued operation of the well will result in waste or pollution. 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 of groundwater from a sealed well constitutes a violation of these Rules and will subject 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 Act and these Rules.

b. Capping Wells. 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.

c. Plugging Wells. It is the responsibility of the landowner to plug a well that is deteriorated or abandoned. A deteriorated or abandoned well must be capped immediately in accordance with Rule 6.4 if the well casing deteriorates to a point where commingling of water strata is either possible or occurring, within 30 calendar days the well must either be equipped or plugged to prevent the commingling.

1. For a deteriorated or abandoned well that does not penetrate any undesirable water zone, all removable casing must be removed from the well plugged as follows:
   (a) filled with cement to the land surface; or
   (b) filled with mud followed by a cement plug not less than ten feet long extending downward from a point four feet below land surface; or
   (c) The well must be filled with mud followed by a cement plug not less than ten feet long extending downward from a point four feet below land surface.

2. For a deteriorated or abandoned well that penetrates any undesirable water zone, all removable casing must be removed from the well and the well plugged as follows;
(a) filled with cement to the land surface; or
(b) either the zone(s) contributing undesirable water or the fresh water zone(s) must be isolated with cement plugs and the remainder of the well bore filled with mud to form a base for a cement plug not less than ten feet long extending down from the land surface; or
(c) the well must be filled as provided in subsection (2) above, except the cement plug may extend downward from a point-four feet below the land surface.

3. Any person that plugs a well in the District must, within sixty(60) days after plugging is complete, submit a copy of the plugging report to the District. A copy of the plugging report furnished to the Texas Natural Resource Conservation Commission will suffice as proper notice to the District.

RULE 6.8 DRILLER'S LOG, CASING AND PUMP DATA: Complete records must be kept and reports thereof made to the District concerning the drilling, maximum production potential, equipping and completion of all wells drilled in the District. Such records must include an accurate Driller's log, any mechanical log that may have been made and a registration of the well correctly furnishing all available information required on the forms furnished by the District or on forms furnished by the Texas Natural Resource Conservation Commission. Such reports must be filed within 60 calendar days after completion of the well.

RULE 6.9 TRANSPORTATION OF WATER FROM THE DISTRICT:

a. For the purpose of conserving 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 as defined in Rule 1 herein. Such applications shall be on forms provided by the District and shall be in Accordance with and contain the information called for in the application form or in these rules. Otherwise, the application will not be considered. Water wells used or to be used for the transportation of water out of the District shall be subject to permitting requirements as described in section 5 herein.

The Board reserves the right to approve a transportation permit application at reduced rate based upon consideration of:

1. The availability of water in the District and in the proposed receiving area during the period for which the water supply is requested.
2. The projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users in the District; and
3. The approved regional water plan and certified District Management plan.
4. The District may not deny a permit based on the fact that the applicant seeks to transfer groundwater outside of the District but may limit a permit issued under this section.
5. A permit application to transport groundwater out of the District shall be accompanied with a production permit application or production permit amendment for each well that is used to produce groundwater that is proposed to be transported out of the District.
b. IN EVALUATING AN APPLICATION TO TRANSPORT WATER, THE DISTRICT WILL:

1. Evaluate the projected total supply and demand of usable groundwater within the District, including projected groundwater in storage and projected groundwater recharge during:
   
1. the amount of water that may be transferred out of the District; and
2. the period proposed for transport.

C. EXCEPTIONS:

1. A transportation facility permit, as provided for herein, shall not be Required if the transportation of water began prior to September 1, 1997.
2. If a transportation facility is granted an exception, as provided herein above, a registration of such a transportation facility shall be required.
3. District Water Purveyor meeting the following requirements may be Exempt from the requirement for a Transportation Permit and Fee:
   
   (a) 95% of the total monthly water volume of the District Water Purveyor must be supplied within the District's Boundaries.
   
   (b) The monthly volume of water transported out of the District shall not exceed 5% of the Purveyors corresponding monthly demand.

d. INFORMATION TO BE PROVIDED IN APPLICATION:

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

1. The name and address of the applicant.
2. The legal description of the exact location of the well(s) from which water to be transported is to be produced.
3. The name and address of the fee owner(s) of the land upon which is located the well(s) which is to produce water to be transported.
4. 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 these properties.
5. The time schedule for construction and/or operation of the facility.
6. A complete construction and operations plan that will include, but is not limited to, information as to:
   
   (a) A technical description of the proposed well(s) and production facility, including depth of the well, the
casing diameter, type and setting, the perforated interval, and the size of the pump;
(b) A technical description of the facilities to be used for transportation of water.

7. The use of water to be transported.
8. The volume of water to be transported annually.
9. Scientific evidence showing that the proposed operation will not:
   (a) Cause pollution, as defined in Rule 1 herein; and
   (b) Cause waste, as defined in Rule 1 herein.
10. Provide information showing the effect of the proposed transportation on the quantity and quality of water available within the District.
11. Provide information showing the effect of the proposed transportation on existing wells in the District.
12. A water conservation plan and a drought management plan.
13. Additional information that may be required by the Board.
14. Any mitigation plan developed by the applicant to offset adverse social economic or hydrologic impacts within the District.

e. NOTICE OF HEARING:

1. 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.
   (a) The applicant, the records of whose application has been filed with the District; and
   (b) 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.

2. Because of the potential to impact areas outside of 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 of the District.
3. The notice shall contain the following:
   (a) the name and address of the applicant;
   (b) the date the application was filed;
   (c) the time and place of the hearing;
   (d) the location of the proposed well(s) from which water to be transported is to be produced;
   (e) a description of the transportation facility; and
   (f) a brief summary of the information in the application.

f. 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 these rules. Applications shall not be approved for amounts in excess of the sustainable yield unless the Board of Directors 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; or any part of the proposed use will not
constitute waste, as defined by Rule 1 herein. In evaluating the application, the Board shall consider the quantity of water proposed to be transported; whether the ultimate destination of the water is within the recharge zone of the aquifer, thus promoting recharge of the aquifer; the term for which the transporting is requested; the safety of the proposed transportation facilities with respect to the contamination of the aquifer; whether the withdrawal of the groundwater requested is reasonable; whether such withdrawal is contrary to the conservation and use of groundwater; whether the applicant has paid fees required under paragraph j.; and the application is not otherwise detrimental to the public welfare.

**g. MONITORING AND REPORTING:**

1. All transportation facilities subject to registration or permitting shall be equipped with flow monitoring devices approved by the District and shall be available at all reasonable times for inspection by District personnel.

2. 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.

3. Registered transportation facilities shall submit reports to the District on a monthly basis, beginning at the time of registration. Such reports shall include, but is not limited to, the volume of water transported during the preceding month.

4. Permitted 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.

**h. RESPONSIBILITY:** The owner of a transportation facility shall be charged with district liability for the prevention of pollution and waste, as these terms are defined in Rule 1 herein, by reason of the operations of said facility.

**i. TRANSPORTATION FEES:**

The District shall assess a fee for water transported out of the District using one of the following methods:

1. A fee negotiated between the District and the transporter; or

2. A rate of $0.025 (2.5 cents) per one thousand (1000) gallons.

**j. EMERGENCY MULTIPLE SYSTEMS INTERCONNECTS:** In addition to the above requirements relating to transportation of water from District, the following shall apply to Emergency Multiple Systems Interconnects:

1. All interconnects shall be valved and metered at the District Boundary Lines.

2. The District shall be provided written notice immediately as to the nature of the emergency requiring the emergency interconnect, the estimated time of assistance required, and the current meter reading.

3. Upon application, the General Manager may grant a Temporary Emergency Permit for Emergency Multiple Systems Interconnects, if required, using the general procedures for issuing Emergency Permits under Rule 5.9.

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SECTION 7. HEARINGS

RULE 7.1 TYPES OF HEARINGS: The District conducts two general types of hearings: hearings involving permit matters, in which the rights, duties, or privileges of a party are determined after an opportunity for an adjudicative hearing, and rulemaking hearings involving matters of general applicability that implement, interpret, or prescribe the law or District policy, or that describe the procedure or practice requirements of the District. Any matter designated for hearing before the Board may be referred by the Board for hearing before a Hearings Examiner.

Permit Hearings: Permit Applications, Amendments and Revocations:
The District may hold hearings on original permit applications, applications for permit renewals or amendments and permit revocations or suspensions. Notice of permit hearings will be given in accordance with Rule 5.4 c. Hearings involving permit matters must be scheduled before a Hearings Examiner.

RULE 7.2 NOTICE AND SCHEDULING OF RULE MAKING HEARINGS:
The General Manager is responsible for giving notice of all hearings in the following manner:

- Written notice of a hearing will be given to each county, rural water supply corporation, and municipal government within the District. Notice must also be given to each person who has previously requested copies of hearing notices pursuant to the procedures set forth in subsection (b), and any other person the General Manager deems appropriate. The date of delivery or mailing of notice may not be less than 10 business days before the date set for the hearing.

Notice of hearing must be published at least one time a week for two weeks in a newspaper of general circulation within the District. A rule or amendment to a rule may be adopted by the Board on the fourteenth (14th) day after the second publication. A copy of the notice must be posted at the county courthouse of each county within the District in the place where notices are usually posted as prescribed by law.

RULE 7.3 GENERAL PROCEDURES:
- Authority of Presiding Officer: The presiding officer may conduct the hearing or other proceeding in the manner the presiding officer deems most appropriate for that particular proceeding. The presiding officer has the authority to:

  1. set hearing dates, other than the initial hearing date for permit matters set by the General Manager in accordance with Rule 7.1;
  2. convene the hearing at the time and place specified in the notice for public hearing;
  3. establish the jurisdiction of the District concerning the subject matter under consideration;
  4. rule on motions and on the admissibility of evidence and amendments to pleadings;
  5. designate and align parties and establish the order for presentation of evidence;
6. administer oaths to all persons presenting testimony;
7. examine witnesses;
8. issue subpoenas when required to compel the attendance of
   witnesses or the production of papers and documents;
9. require the taking of depositions and compel other forms of
   discovery under these Rules;
10. ensure that information and testimony are introduced as
    conveniently and expeditiously as possible, without
    prejudicing the rights of any party to the preceding;
11. conduct public hearings in an orderly manner in accordance
    with these Rules;
12. recess any hearing from time to time and place to place;
13. reopen the record of a hearing for additional evidence when
    necessary to make the record more complete; and
14. exercise any other appropriate powers necessary or convenient
    to effectively carry out the responsibilities of presiding
    officer.

b. Registration Forms: Each individual attending a hearing or other
   proceeding of the District must submit a form providing the
   person's name and address, whether the person plans to testify; and
   any other information relevant to the hearing or other proceeding.

c. Appearance; Representative Capacity: Any interested person may
   appear in person or may be represented by counsel, engineer, or
   other representative, provided the representative is fully
   authorized to speak and act for the principal. Such person or
   representative may present evidence, exhibits, or testimony, or
   make an oral presentation in accordance with the procedures
   applicable to the particular proceeding. Any partner may appear on
   behalf of the partnership. A duly authorized officer or agent of a
   public or private corporation, political subdivision, governmental
   agency, municipality, association, firm, or other entity may appear
   for the entity. A fiduciary may appear for a ward, trust, or
   estate. A person appearing in a representative capacity may be
   required to prove proper authority.

d. Alignment of Parties; Number of Representatives Heard: Participants
   in a proceeding may be aligned according to the nature of the
   proceeding and their relationship to it. The presiding officer may
   require the participants of an aligned class to select one or more
   persons to represent them in the proceeding or on any particular
   matter or ruling and may limit the number of representatives heard,
   but must allow at least one representative of an aligned class to
   be heard in the proceeding or any particular matter or ruling.

e. Appearance by Applicant or Movant: The applicant, movant or party
   requesting the hearing or other proceeding or a representative
   should be present at the hearing or other proceeding. Failure to
   appear may be grounds for withholding consideration of a matter and
   dismissal without prejudice or may require the rescheduling or
   continuance of the hearing or other proceeding if the presiding
   officer deems it necessary in order to fully develop the record.

f. Reporting: Hearings and other proceedings will be recorded on
   audio cassette tape or, at the discretion of the presiding officer,
   may be recorded by a certified shorthand reporter. The district
   does not prepare transcriptions for the public of hearings or other
   proceedings recorded on audio cassette tape on District equipment,
   but will arrange for a party at interest to have access to the
   recording. Subject to availability of space, any party at interest
   may, at its own expense, arrange for a reporter to report the
hearing or other proceeding or for recording of the hearing or other proceeding. The cost of reporting or transcribing a permit hearing may be assessed in accordance with Rule 7.5 (b). If a proceeding other than a permit hearing is recorded by a reporter, and a copy of the transcript of testimony is ordered by any person, the testimony will be transcribed and the original transcript filed with the papers of the proceeding at the expense of the person requesting the transcript filed with the papers of the proceeding at the expense of the person requesting the transcript of testimony. Copies of the transcript of testimony of any hearing or other proceeding thus reported may be purchased from the reporter.

g. Continuance: The presiding officer may continue hearings or other proceedings from time to time and from place to place without the necessity of publishing, serving, mailing or otherwise issuing a new notice. If a hearing or other proceeding is continued and a time and place (other than the District Office) for the hearing or other proceeding to reconvene are not publicly announced at the hearing or other proceeding and by the presiding officer before it is recessed, a notice of any further setting of the hearing or other proceeding must be delivered at a reasonable time to all parties, persons who have requested notice of the hearing pursuant to Rule 7.1, and any other person the presiding officer deems appropriate, but it is not necessary to post at the county courthouses or publish a newspaper notice of the new setting.

h. Filing of Documents; Time Limit: Applications, motions, exceptions, communications, requests, briefs or other papers and documents required to be filed under these Rules or by law must be received in hand at the District’s office within the time limit, if any, set by these Rules or by the presiding officer for filing. Mailing within the time period is insufficient if the submissions are not actually received by the District within the time limit.

i. Computing Time: In computing any period of time specified by these Rules, by a presiding officer, by Board orders, or by law, the day of the act, event, or default after which the designated period of time begins to run is not included, but the last day of the period computed is included, unless the last day is a Saturday, Sunday or legal holiday, in which case the period runs until the end of the next business day.

j. Affidavit: Whenever the making of an affidavit by a party to a hearing or other proceeding is necessary, it may be made by the party or the party’s representative or counsel. This Rule does not dispense with the necessity of an affidavit being made by a party when expressly required by statute.

k. Broadening the Issues: No person will be allowed to appear in any hearing or other proceeding that in the opinion of the presiding officer is for the sole purpose of unduly broadening the issues to be considered in the hearing or other proceeding.

l. Conduct and Decorum: Every person, party, representative, witness, and other participant in a proceeding must conform to ethical standards of conduct and will exhibit courtesy and respect for all other participants. No person may engage in any activity during a proceeding that interferes with the orderly conduct of District business. If in the judgment of the presiding officer, a person is acting in violation of this provision, the presiding officer will first warn the person to refrain from engaging in such conduct. Upon further violation by the same person, the presiding officer may exclude that person from the proceeding for such time and under such conditions as the presiding officer deems necessary.

Rules Adopted 11-21-02
RULE 7.4 UNCONTESTED PERMIT HEARINGS PROCEDURES:

a. Informal Hearings: Permit hearings may be conducted informally when, in the judgment of the Hearings Examiner, the conduct of a proceeding under informal procedures will result in a savings of time or cost to the parties, lead to a negotiated or agreed settlement of facts or issues in controversy, and not prejudice the rights of any party.

b. Agreement of Parties: If all parties reach a negotiated or agreed settlement that settles the facts or issues in controversy, the proceeding will be considered an uncontested case and the General Manager will summarize the evidence, including findings of fact and conclusions of law based on the existing record and any other evidence submitted by the parties at the hearing.

c. Decision to Proceed as Uncontested or Contested Case: If the parties do not reach a negotiated or agreed settlement of the facts and issues in controversy or if any party contest a staff recommendations, and the Hearings Examiner determines these issues will require extensive discovery proceedings, the Hearing Examiner may declare the case to be contested and convene a prehearing conference as set forth in Rule 7.5. The Hearings Examiner may also recommend issuance of a temporary permit for a period not to exceed 4 months, with any special provisions the Hearings Examiner deems necessary, for the purpose of completing the contested case process. Any case not declared a contested case under this provision will be an uncontested case.

RULE 7.5 CONTESTED PERMIT HEARING PROCEDURES:

a. Prehearing Conference: A prehearing conference may be held to consider any matter that may expedite the hearing or otherwise facilitate the hearing process.

1. Matters Considered: Matters that may be considered at a prehearing conference include, but are not limited to, (1) designation of parties; (2) formulation and simplification of issues; (3) necessity or desirability of amending applications or other pleadings; (4) possibility of making admissions or stipulations; (5) scheduling discovery; (6) identification of and specification of the number of witnesses; (7) filing and exchange of prepared testimony and exhibits; and (8) procedure at the hearing.

2. Notice: A prehearing conference may be held at a date, time, and place stated in a separate notice given in accordance with Rule 7.1, or at the date, time, and place for hearing stated in the notice of public hearing, and may be continued from time to time and place to place, at the discretion of the Hearings Examiner.

3. Conference Action: Action taken at a prehearing conference may be reduced to writing and made a part of the record or may be stated on the record at the close of the conference.

b. Assessing Reporting and Transcription Costs: Upon the timely request of any party, or at the discretion of the Hearings Examiner, the Hearings Examiner may assess reporting and transcription costs to one or more of the parties. The Hearings Examiners will consider the following factors in assessing reporting and transcription costs:
1. the party who requested the transcript;
2. the financial ability of the party to pay the costs;
3. the extent to which the party participated in the hearing;
4. the relative benefits to the various parties of having a transcript;
5. the budgetary constraints of a governmental entity participating in the proceeding;
6. any other factor that is relevant to a just and reasonable assessment of costs.

In any proceeding where the assessment of reporting or transcription costs is an issue, the Hearings Examiner will provide the parties an opportunity to present evidence and argument on the issue. A recommendation regarding the assessment of costs will be included in the Hearings Examiner’s report to the Board.

c. Designation of Parties: Parties to a hearing may be designated on the first day of hearing or at such other time as the Hearings Examiner determines. The General Manager and any person specifically named in a matter are automatically designated parties. Persons other than the General Manager or a person specifically named must, in order to be admitted as a party, appear at the proceeding in person or by representative and seek to be designated. After parties are designated, no other person may be admitted as a party unless, in the judgment of the Hearings Examiner, there exists good cause and the hearing will not be unreasonably delayed.

d. Rights of Designated Parties: Subject to the direction and orders of the Hearings Examiner, parties have the right to conduct discovery, present a direct case, cross-examine witnesses, make oral and written arguments, obtain copies of all documents filed in the proceeding, receive copies of all notice issued by the District concerning the proceeding, and otherwise fully participate in the proceeding.

e. Persons Not Designated Parties: At the discretion of the Hearings Examiner, persons not designated as parties to a proceeding may submit comments or statements, orally or in writing. Comments or statements submitted by non-parties may be included in the record, but may not be considered by the Hearings Examiner as evidence.

f. Furnishing Copies of Pleadings: After parties have been designated, a copy of every pleading, request, motion, or reply filed in the proceeding must be provided by the author to every other party or the party’s representative. A certification of this fact must accompany the original instrument when filed with the District. Failure to provide copies may be grounds for withholding consideration of the pleading or the matters set forth therein.

g. Interpreters for Deaf Parties and Witnesses: If a party of subpoenaed witness in a contested case is deaf, the District will provide and interpreter whose qualifications are approved by the State Commission for the Deaf and Hearing Impaired to interpret the proceedings for that person. "Deaf person" means a person who has a hearing impairment, whether or not the person also has a speech impairment, that inhibits the person’s comprehension of the proceeding or communication with others.

h. Agreements to be in Writing: No agreement between parties or their representatives affecting any pending matter will be considered by the Hearings Examiner unless it is in writing, signed, and filed as
part of the record, or unless it is announced at the hearing and entered of record.

i. **Discovery:** Discovery will be conducted upon such terms and conditions, and at such times and places, as directed by the Hearings Examiner. Unless specifically modified by these Rules or by order of the Hearings Examiner, discovery will be governed by, and subject to the limitations set forth in, the Texas Rules of Civil Procedure. In addition to the forms discovery authorized under the Texas Rules of Civil Procedures, the parties may exchange informal requests for information, either by agreement or by order of the Hearings Examiner.

j. **Discovery Sanctions:** If the Hearings Examiner finds a party is abusing the discovery process in seeking, responding to, or resisting discovery, the Hearings Examiner may:
   1. suspend processing of the application for a permit if the applicant is the offending party.
   2. disallow any further discovery of any kind or a particular kind by the offending party;
   3. rule that particular facts be regarded as established against the offending party for the purposes of the proceeding, in accordance with the claim of the party obtaining the discovery ruling;
   4. limit the offending party’s participation in the proceeding;
   5. disallow the offending party’s presentation of evidence on issues that were subject of the discovery request; and
   6. recommend to the Board that the hearing be dismissed with or without prejudice.

k. **Ex Parte Communications:** The Hearings Examiner may not communicate, directly or indirectly, in connection with any issue of fact or law with any agency, person, party, or their representatives, except on notice and opportunity for all parties to participate. This provision does not prevent communications with staff not directly involved in the hearing in order to utilize the special skills and knowledge of the District in evaluating the evidence.

l. **Compelling Testimony; and Swearing Witnesses:** The Hearings Examiner may compel any person to testify who is necessary, helpful, or appropriate to the hearing. The Hearings Examiner shall administer the oath in a manner calculated to impress the witness with the importance and solemnity of the promise to adhere to the truth.

m. **Evidence:** Except as modified by these Rules, the Texas Rules of Civil Evidence govern the admissibility and introduction of evidence; however, evidence not admissible under the Texas Rules of Civil Evidence may be admitted if it is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. In addition, evidence may be stipulated by agreement of all parties.

n. **Written Testimony:** When a proceeding will be expedited and the interests of the parties not substantially prejudiced, testimony may be received in written form. The written testimony of a witness, either in narrative or question and answer form, may be admitted into evidence upon the witness being sworn and identifying the testimony as a true and accurate record of what the testimony would be if given orally. The witness will be subject to clarifying questions and to cross-examination, and the prepared testimony will be subject to objection.
o. Requirements for Exhibits: Exhibits of a documentary character must be of a size that will not unduly encumber the files and records of the District. All exhibits must be numbered and, except for maps and drawings, may not exceed 8 1/2 by 11 inches in size.

p. Abstracts of Documents: When documents are numerous, the Hearings Examiner may receive in evidence only those that are representative and may require the abstracting of relevant data from the documents and the presentation of the abstracts in the form of an exhibit. Parties have the right to examine the documents from which the abstracts are made.

q. Introduction and Copies of Exhibits: Each exhibit offered shall be tendered for identification and placed in the record. Copies must be furnished to the Hearings Examiner and to each of the parties, unless the Hearings Examiner rules otherwise.

r. Excluding Exhibits: In the event an exhibit has been identified, objected to, and Excluded, it may be withdrawn by the offering party. If withdrawn, the exhibit will be returned and the offering party waives all objections to the exclusion of the exhibit. If not withdrawn, the exhibit shall be included in the record for the purpose of preserving the objection to excluding the exhibit.

s. Official Notice: The Hearings Examiner may take official notice of all facts judicially cognizable. In addition, official notice may be taken of generally recognized facts within the area of the District's specialized knowledge.

t. Documents in District Files: Extrinsic evidence of authenticity is not required as a condition precedent to admissibility of documents maintained in the files and records of the District.

u. Oral Agreement: At the discretion of the Hearing Examiner, oral arguments may be heard at the conclusion of the presentation of evidence. Reasonable time limits may be prescribed. The Hearings Examiner may require or accept written briefs in lieu of, or in addition to, oral arguments. When the matter is presented to the Board for final decision, further oral arguments may be heard by the Board.

RULE 7.6 CONCLUSION OF THE HEARING; REPORT:

a. Closing the Record; Final Report: At the conclusion of the presentation of evidence and any oral argument, the Hearings Examiner may either close the record or keep it open and allow submission of additional evidence, exhibits, briefs, or proposed findings and conclusions from one or more of the parties. No additional evidence, exhibits, briefs or proposed findings and conclusions may be filed unless permitted or requested by the Hearings Examiner. After the record is closed, the Hearings Examiner shall prepare a report to the Board. The report will include a summary of the evidence, together with the Hearings Examiner’s findings and conclusions and recommendations for action. Upon completion and issuance of the Hearings Examiner’s report, a copy will be submitted to the Board and delivered to each party to the proceeding. In a contested case, delivery to the parties will be by certified mail.

b. Exceptions to the Hearings Examiner’s Report; Reopening the Record: Prior to Board action any party in a contested case may file written exceptions to Hearings Examiner’s report, and any party in an uncontested case may request an opportunity to make an oral presentation of exceptions to the Board upon review of the report and exceptions, the Hearings Examiner may reopen the record for the purpose of developing additional evidence, or may deny the
evidence, or may deny the exceptions and submit the report and exceptions to the Board. The Board may, at any time and in any case, remand the matter to the Hearings Examiner for further proceedings.

c. **Time for Board Action on Certain Permit Matters:** In the case of hearings involving original permit applications, or applications for permit renewals or amendments, the Hearings Examiner’s report should be submitted, and the Board should act, within 60 calendar days after the close of the hearing record.

**RULE 7.7 RULEMAKING HEARING PROCEDURES**

a. **General Procedures:** The presiding officer will conduct the rulemaking hearing in the manner the presiding officer deems most appropriate to obtain all relevant information pertaining to the subject of the hearing as conveniently, inexpensively, and expeditiously as possible.

b. **Submission of Documents:** Any interested person may submit written statements, protests or comments, briefs, affidavits, exhibits, technical reports, or other documents relating to the subject of the hearing. Such documents must be submitted no later than the time of the hearing, as stated in the notice of hearing given in accordance with Rule 7.2; provided, however, that the presiding officer may grant additional time for the submission of documents.

c. **Oral Presentations:** Any person desiring to testify on the subject of the hearing must so indicate on the registration form provided at the hearing. The presiding officer will establish the order of testimony and may limit the number of times a person may speak, the time period for oral presentations, and the time period for raising questions. In addition, the presiding officer may limit or exclude cumulative, irrelevant, or unduly repetitious presentations.

d. **Conclusion of the Hearing; Closing the Record:** Hearings Examiner’s report: At the conclusion of the testimony, and after the receipt of all documents, the presiding officer may either close the record, or keep it open to allow the submission of additional information. If the presiding officer is a Hearings Examiner, the Hearings Examiner will, after the record is closed, prepare a report to the Board. The report will include a summary of the subject of the Hearing and the public comments received, together with the Hearings Examiner’s recommendations for action. Upon Completion and issuance of the Hearings Examiner’s report, a copy will be submitted to the Board. Any interested person who so requests in writing will be notified when the report is completed, and furnished a copy of the report.

e. **Exceptions to the Hearings Examiner’s Report; Reopening the Record:** Any interested person may make exceptions to the Hearings Examiner’s report, and the Board may reopen the record, in the manner prescribed in Rule 7.6 (b).

**RULE 7.8 FINAL DECISION; APPEAL:**

a. **Board Action:** After the record is closed and the matter is submitted to the Board, the Board may then take the matter under advisement, continue it from day to day, reopen or rest the matter, refuse the action sought or grant the same in whole or part, or take any other appropriate action. The Board action takes effect at the conclusion of the meeting and is not affected by a motion for rehearing.
b. Requests for Rehearing: Any decision of the Board on a matter may be appealed by requesting a rehearing before the Board within 20 calendar days of the Board's decision. Such a rehearing request must be filed at the District Office in writing and must state clear and concise grounds for the request. Such a rehearing request is mandatory with the respect to any decision or action of the Board before any appeal to State District Court. The Board's decision is final if no request for rehearing, or upon rendering a decision after rehearing. If the rehearing request is granted by the Board, the date of the rehearing will be within 45 calendar days thereafter, unless otherwise agreed to by the parties to the proceeding. The failure of the Board to grant or deny the request for rehearing within 90 calendar days of submission will be deemed to be a denial of the request.

SECTION 8. GROUNDWATER QUALITY

RULE 8.1 SOLID, HAZARDOUS OR RADIOACTIVE WASTE: All persons generating, transporting, disposing, applying, or otherwise managing substances defined under state or federal law as solid, hazardous, or radioactive waste, or as sludge, must follow any and all applicable federal, state, and local environmental statutes, requirements, and regulations, including, but not limited to those imposed under the Solid Waste Disposal Act (RCRA), the Public Health Service Act (the Safe Drinking Water Act), the Federal Water Pollution Control Act (the Clean Water Act), the National Environment Policy Act, the Atomic Energy Act and the Low-Level Radioactive Waste Policy Act, as those statutes, requirements or regulations are administered by the appropriate agency, including but not limited to the Texas Railroad Commission, the Texas Natural Resource Conservation Commission, The Texas Department of Health, or their successors, and the Environmental Protection Agency in the event that applicable statutes, requirements, or regulations require that the person generating, transporting, applying, disposing or otherwise managing a waste or a sludge obtain a permit from an agency, and where those activities occur within the boundaries of the District, notice of the application must be provided to the District by the applicant within ten days of the date of application. In no event may waste or sludge be permitted to be applied in any manner in any outcrop area of any aquifer within the Evergreen Underground Water Conservation Water District.

RULE 8.2 RECHARGE FACILITIES: A permit must be obtained before installing or operating a recharge facility. The following information must be provided on, or submitted with the application:

1. The name and address of the applicant.
2. The name and address of the fee owner(s) of the land upon which the recharge facility will be located.
3. The legal description of the exact proposed location of the recharge facility.
4. The time schedule for construction and/or operation of the facility.
5. The names and addresses of the property owners within one-half mile of the proposed recharge facility location, and the location of any wells on those properties.
6. A complete construction and operations plan that will include, but is not limited to, information as to:
   (a) a technical description of the facility to be used for recharge.
   (b) The source of the water to be recharged
   (c) The quality of the water to be recharged
   (d) The volume of water to be recharged.
(e) The rate at which the water will be recharged.
(f) The formation into which waters will be recharged.
(7) Scientific evidence showing that the proposed operations will not:
(a) endanger the structural characteristics of the formation receiving the recharged water.
(b) Cause pollution, as defined in Rule 1, of underground water.
(c) Cause waste, as defined in Rule 1.
(8) Any additional information that may be required by the Board.

SECTION 9.1 INVESTIGATIONS AND ENFORCEMENT

RULE 9.1 NOTICE AND ACCESS TO PROPERTY: Board Members, the General Manager, and District agents and employees are entitled to access to all property within the District to carry out technical and other investigations necessary to the implementation of the District Act and these Rules. Prior to entering upon property for the purpose of conducting an investigation, the person seeking access shall give notice in writing or in person or by telephone to the owner, lessee, or operator, agent, or employee of the well owner or lessee, as determined by information contained in the application or other information in file with the District. Notice is not required if prior permission has been granted to enter without notice. Inhibiting or prohibiting access to any Board Member, the General Manager, or District agents or employees who are attempting to conduct an investigation under the District Act or these Rules shall constitute a violation and shall subject the person who is inhibiting or prohibiting access, as well as any other person who authorized or allows such action, to the penalties set forth in the District Act.

RULE 9.2 LIMITATIONS OF DISTRICT EMPLOYEE ACTIVITIES: District employees may not gather information not specifically related to the purposes of the District, the District Act, these Rules, or District Policy.

RULE 9.3 CONDUCT OF INVESTIGATION: Where investigations or inspections require entrance upon property, such investigations and such inspections will be conducted at reasonable times, and will be consistent with the establishment's rules and regulations concerning safety, internal security, and fire protection. The persons conducting such investigations must identify themselves and present credentials upon request of the owner, lessee, operator, or person in charge of the well.

RULE 9.4 REQUEST FOR INJUNCTIVE RELIEF AND ASSESSMENT OF PENALTIES: If it appears that a person has violated, is violating, or is threatening to violate any provision of the District Act or any Board order, rule or permit, the Board may authorize the General Manager to institute and conduct a suit in the name of the District for injunctive relief, or to recover a civil penalty of up to ten thousand dollars ($10,000.00) per day per violation, and each day of a continuing violation constitutes a separate violation, or for both injunctive relief and civil penalties. A penalty under this section is in addition to any other penalty provided by the 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. If the District prevails in any suit to enforce its rules, the District may seek and the court shall grant, in the same action, recovery for attorney's fees, cost for 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.

Rules Adopted 11-21-02 37
SECTION 10. FEES

RULE 10.1 APPLICATION, REGISTRATION, AND OTHER FEES: The Board shall establish a schedule of fees. The Board will attempt to set fees that do not unreasonably exceed the costs incurred by the District of performing the administrative function which the fee is charged. District Monitor Wells are exempt from application, registration, and well log deposits. The General Manager shall exempt District Monitor Wells from any other fee if he determines that the assessment of the fee would result in the District charging itself a fee.

RULE 10.2 APPLICATION PROCESSING FEE: The Board may adopt a processing fee for drilling and production permits and transportation permits to cover all reasonable and necessary costs to the District of processing and application. The fee shall be sufficient to cover actual costs incurred by the District for activities associated with processing the application including, as appropriate: hydrogeological studies and modeling, field inspections, cost benefit analysis and economic modeling, professional fees, and cost of a contested case hearing including costs incurred by the District for a hearings examiner, expert witnesses, attorneys and transcript costs. In any case in which a contested hearing is anticipated, the Board may require the applicant to post a deposit, in an amount established by the District’s schedule of fees, to cover anticipated processing costs. As costs are incurred by the District in processing the application, those costs may be reimbursed from funds deposited by the applicant. The applicant shall be provided an accounting of billings against the application processing deposit. Any funds remaining on deposit after the conclusion of application processing shall be returned to the applicant. If initially deposited funds are determined to be insufficient to cover costs incurred by the District in processing the application, an additional deposit may be required. If the applicant fails to deposit funds as required by the District, the application may be dismissed.
RESOLUTION ADOPTING RULES OF THE EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT

WHEREAS. The Rule of the Evergreen Underground Water Conservation District, attached hereto as Attachment A, have 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 rules, regulations and modes or procedure contained are adopted for the purpose of simplifying procedure, avoiding delays, saving expense and facilitating the administration of this District and these rules shall be so construed; and

WHEREAS. Under no circumstances, and in no particular case will these Rules, or any part of them, be construed as a limitation or restriction upon the exercise of any discretion, where such exists; nor may 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.

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

1. The “Rules of the Evergreen Underground Water Conservation District” contained in attachment A are hereby adopted.
2. All prior rules are hereby repealed.
3. The General Manager is hereby authorized to take any and all action necessary to implement this resolution.
4. These rules take effect November 21, 2002.

AND IT IS SO ORDERED.

PASSED AND ADOPTED ON THIS 21ST DAY OF NOVEMBER, 2002.

SIGNED

Kenneth Stephens
President

ATTEST

William H. Ruple
Secretary/Treasurer
Appendix C

Details on the Calculation
Of the Estimate of the
Total Useable Amount of Groundwater in
the District
Groundwater Availability of the Carrizo-Wilcox Aquifer

It is the Districts’ mission to conserve the groundwater in storage in the District to maintain the current aquifer conditions without stifling the economic viability and potential growth of the District. The Southern Carrizo-Wilcox aquifer GAM indicates that there is a large amount of groundwater in storage in the District. The Carrizo Sand sub-division of the Carrizo-Wilcox aquifer alone contains 305,000,000 acre-feet of groundwater in storage. For this reason the District has used a water budget method of determining the groundwater availability in the Carrizo-Wilcox aquifer. The methodology for determining the availability of groundwater from the Carrizo-Wilcox aquifer considers the amount of recharge to the aquifer in each county, the net down gradient movement of groundwater, the amount of water needed from storage to sustain current use, anticipated regional water management strategies that require development of additional supplies from the aquifer and an additional degree of unanticipated new growth or expansion of current aquifer use in the District. While an aggregate total availability of groundwater from the Carrizo-Wilcox aquifer is presented. The Carrizo-Wilcox groundwater availability sub-totals for each county will be considered as limiting the amount of useable groundwater from the aquifer within the county on an annual basis.

<table>
<thead>
<tr>
<th>County</th>
<th>Infiltration Recharge from Precipitation (ac-ft/year)</th>
<th>Inter-aquifer Leakage (Net Recharge or Loss in ac-ft/year)</th>
<th>Net Down-Gradient Movement in the Aquifer (ac-ft/year)</th>
<th>TWDB Reported Use in Year 2000 (ac-ft/year)</th>
<th>Interim Balance (annual amount taken from storage in ac-ft/year)</th>
<th>Region L WMS 2010 needs for Additional Groundwater (ac-ft/year)</th>
<th>Volume of Water Stored in Carrizo Sand (ac-ft)</th>
<th>Carrizo-Wilcox aquifer Availability in EUWCD</th>
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<td>84,000,000</td>
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1- The amount of water required to supply water management strategies recommended by the SCTRWP which require additional development of the aquifer and are not conservation demand reduction strategies
2- The District has allowed for an additional amount of water to be removed from storage on an annual basis that is equal to twenty five percent increase in the amount of water currently used from the aquifer in each county

Table 9, Groundwater Availability from the Carrizo-Wilcox aquifer

Groundwater Availability of the Gulf Coast, Queen City and Sparta Aquifers

The area in the District in which useable quality of groundwater is accessible from the Gulf Coast, Queen City and Sparta aquifers is limited. The current amount of groundwater estimated being used from these aquifers is relatively low as compared to the estimates of groundwater recharge for each aquifer. For the purpose of managing the Gulf coast, Queen City and Sparta aquifers the amount of groundwater estimated to be recharged on an annual basis shall be
Appendix D
Details on the Calculation Of Recharge Values For the Carrizo-Wilcox, Gulf Coast, Sparta and Queen City aquifers
Selected Data from the TWDB GAM-run of the Southern Carrizo-Wilcox GAM
Done at the Request of the District

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<th>County</th>
<th>Lyr</th>
<th>upper Z-flow in</th>
<th>Z-flow out</th>
<th>lower Z-flow in</th>
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<td>-31,922</td>
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</table>

Layer 1 = Queen City aquifer
Layer 2 = Reklaw Formation
Layer 3 = Carrizo Sand
Layer 4 = Upper Portion of Wilcox Formation
Layer 5 = Middle Portion of Wilcox Formation
Layer 6 = Lower Portion of Wilcox Formation

* TWDB notes that the Queen City was included in the Southern Carrizo-Wilcox GAM as a boundary layer and the recharge estimates should not be considered reliable

The estimate of the Carrizo-Wilcox aquifer recharge by surface infiltration in each county was made by summing the values in the recharge column of the data table for GAM layers 3 through 6. The estimate of the Carrizo-Wilcox aquifer recharge by leakage from overlying formations was made by summing the values in the Z-flow in and Z-flow out for GAM layer 3 in each county.
The Central Gulf Coast GAM was not available at the time of development of this plan and could not be used to determine the recharge to the Gulf Coast aquifer in Karnes County. Texas Board of Water Engineers (TBWE) Bulletin 6007, "The Ground-Water Geology of Karnes County, Texas" does not contain an estimate of recharge to the Gulf Coast aquifer in Karnes County but indicated that the amount of recharge in Karnes County was probably low. A preliminary average rate of recharge for the Gulf Coast aquifer of approximately 1.1 inches per year has been published for the Northern Gulf Coast aquifer GAM by the United States Geologic Survey. This value was presented by USGS during the Stakeholder Advisory Forum meeting for the Northern Gulf Coast aquifer GAM of January 29th, 2003.

A recharge rate of approximately 1.1 inches per year represents approximately 2.75 percent of an annual rainfall of 40 inches. The recharge potential in Karnes County is considered low and the average annual rainfall amount is 28.9 inches. (Anders, 1960) Given these considerations a conservative rate of recharge 1.75 percent of annual rainfall was assumed for the calculation of a recharge amount for the Gulf Coast aquifer in Karnes County. The methodology used to calculate the annual amount of recharge is as follows:

1.75% of 28.9 inches of annual rainfall = 0.50575 inches per year

0.50575 inches per year rounded to 0.5 inches per year
(To avoid implication of undue accuracy)

0.5 inches per year / 12 inches (1 foot) = 0.04166 feet per year

0.04166 feet per year rounded to 0.042 feet per year
(To avoid implication of undue accuracy)

Area of the Gulf Coast aquifer outcrop in Karnes County = 361,800 acres
(GIS calculation from TWDB major aquifer map)

0.042 feet per year x 361,800 acres = 15,195.6 (15,200) acre-feet per year

TBWE Bulletin 5710, "Ground-Water Geology of Wilson County, Texas", TWDB Report 32 "Groundwater Resources of Atascosa and Frio Counties" and TWDB Report 210 "Ground-Water Resources of the Carrizo Aquifer in the Winter Garden Area of Texas" were referenced but do not include an estimate of the recharge amount or rates of recharge for the Queen City and Sparta aquifers in the District. The assumptive rate of recharge of 1.75 percent of average annual rainfall used to calculate the Gulf Coast aquifer recharge in Karnes County was applied to the recharge calculations for the Queen City and Sparta aquifers in Atascosa, Frio and Wilson Counties. Average annual rainfall values of 25.4 inches per year for Atascosa and 22.6 inches per year were found in TWDB
Report 32. An average annual rainfall value of 26.8 inches per year for Wilson County was found in TBWE Bulletin 5710. The methodologies used to calculate the amount of recharge to the Queen City and Sparta aquifers in Atascosa, Frio and Wilson Counties is as follows:

**Atascosa County**
Average annual rainfall = 25.4 inches per year (TWDB Report 32)
25.4 inches per year x 1.75% = 0.4445 inches per year
0.4445 inches per year rounded to 0.44 inches per year
(To avoid implication of undue accuracy)
0.44 inches per year / 12 inches (1 foot) = 0.0366 feet per year
0.0366 feet per year rounded to 0.037 feet per year
(To avoid implication of undue accuracy)
Area of the Queen City aquifer outcrop in Atascosa County = 118,289 acres
(GIS calculation from TWDB major aquifer map)
0.037 feet per year x 118,289 acres = 4,376.6 (4,380) acre-feet per year
Area of the Sparta aquifer outcrop in Atascosa County = 31,027 acres
(GIS calculation from TWDB major aquifer map)
0.037 feet per year x 31,027 acres = 1,147.9 (1,150) acre-feet per year

**Frio County**
Average annual rainfall = 22.6 inches per year (TWDB Report 32)
22.6 inches per year x 1.75% = 0.3955 inches per year
0.3955 inches per year rounded to 0.4 inches per year
(To avoid implication of undue accuracy)
0.4 inches per year / 12 inches (1 foot) = 0.0333 feet per year
0.0333 feet per year rounded to 0.033 feet per year
(To avoid implication of undue accuracy)
Area of the Queen City aquifer outcrop in Frio County = 243,228 acres
(GIS calculation from TWDB major aquifer map)
0.033 feet per year x 243,228 acres = 8,026.5 (8,000) acre-feet per year
Area of the Sparta aquifer outcrop in Frio County = 38,050 acres
(GIS calculation from TWDB major aquifer map)
0.033 feet per year x 38,050 acres = 1,255.65 (1,260) acre-feet per year
Wilson County
Average annual rainfall = 26.8 inches per year (TBWE Bulletin 5710)

26.8 inches per year x 1.75% = 0.469 inches per year

0.469 inches per year rounded to 0.47 inches per year
(To avoid implication of undue accuracy)

0.47 inches per year / 12 inches (1 foot) = 0.039166 feet per year

0.039166 feet per year rounded to 0.039 feet per year
(To avoid implication of undue accuracy)

Area of the Queen City aquifer outcrop in Wilson County = 144,917 acres
(GIS calculation from TWDB major aquifer map)

0.039 feet per year x 144,917 acres = 5,651.7 (5,650) acre-feet per year

Area of the Sparta aquifer outcrop in Wilson County = 25,037 acres
(GIS calculation from TWDB major aquifer map)

0.039 feet per year x 25,037 acres = 976.4 (980) acre-feet per year
Appendix E
TWDB Annual Water Use Survey
Groundwater Use Estimates
For
Atascosa, Frio, Karnes and Wilson Counties
### Atascosa County Estimated Groundwater use in ac-ft per year

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### Atascosa County Estimated Groundwater use in ac-ft per year, Continued

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## Wilson County Estimated Groundwater use in ac-ft per year

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Carrizo-Wilcox = Carrizo-Wilcox aquifer, Edwards-BFZ = Edwards BFZ aquifer, Gulf Coast = Gulf Coast aquifer, Queen City = Queen City aquifer, Sparta = Sparta aquifer
Appendix H

Estimates of Projected Groundwater Supplies
Managed by Evergreen UWCD
In
Atascosa, Frio, Karnes and Wilson Counties
By Decade
2000 - 2050

(Excludes Surface Water and Edwards-BFZ aquifer Supplies)
### Atascosa County Projected Groundwater Supplies in ac-ft per year

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**Groundwater Supplies (ac-ft/year) = 47,134**

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**Groundwater Supplies (ac-ft/year) = 30,914**
Karnes County Projected Groundwater Supplies in ac-ft per year

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Groundwater Supplies (ac-ft/year) = 5,276, 5,007, 4,866, 4,651, 4,512, 4,388
## Wilson County Projected Groundwater Supplies in ac-ft per year

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Groundwater Supplies (ac-ft/year) = 27,449 25,930 24,625 23,467 22,497 21,624

Co.-Other = County Other, Manufact'g = Manufacturing, Power = Steam Electric Power
SA-Nueces = San Antonio-Nueces
Carrizo-Wilcox = Carrizo-Wilcox aquifer, Gulf Coast = Gulf Coast aquifer, Queen City = Queen City aquifer
Sparta = Sparta aquifer
Appendix I

Water Management Strategies Recommended in South Central Texas Regional Water Plan (SCTRWP) For Atascosa, Frio, Karnes and Wilson Counties By Decade 2000 - 2050
### SCTRWP Water Management Strategies for Atascosa County

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<tr>
<th>WUG</th>
<th>WMS Name</th>
<th>Source (County)</th>
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<th>2010</th>
<th>2020</th>
<th>2030</th>
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Co.-Other = County Other, Power = Steam Electric Power
Carrizo-Wilcox = Carrizo-Wilcox aquifer, Edwards BFZ = Edwards-BFZ aquifer
February 27, 2004

Dear Mr. Ward,

Please find enclosed a copy of the Evergreen Underground Water Conservation District’s amended District Management plan.

If you have any questions, please feel free to contact me at 830.569.4186.

Respectfully,

Mike Mahoney
General Manager

Enclosure
EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT
NOTICE OF MEETING AND PUBLIC HEARING

Notice is hereby given that a Regular Meeting of the Board of Directors for the Evergreen Underground Water Conservation District, which includes a Public Hearing on the Amendment to the Management Plan, will be held on Friday, February 27, 2004, 9:00 a.m. at the District Office, 110 Wyoming Blvd., Pleasanton, Atascosa County, Texas.

AGENDA

1. Declaration of Quorum and Call to Order.

Recess to Public Hearing

PUBLIC HEARING—AMENDMENT TO THE MANAGEMENT PLAN

a. Call to order
b. Receive Public Comments on the Amendment to the Management Plan.
c. Adjourn.

Reconvene to Meeting.

CONSIDER AND/OR ACTION ON:

2. Resolution #R04001 to Adopt the Amended Management Plan.
4. Pooling Funds to Hire Groundwater Lobbyist.
5. Authorization to Make Final Payment on Office Building.
9. Employee Health Insurance.
10. Water Well Drilling and Production Permits.
11. Staff Reports/Directors’ Discussion.
12. Set Date and Time for Next Board Meeting.
13. Public Comments.

The Board of Directors for the Evergreen Underground Water Conservation District reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Deliberations Regarding Economic Development Negotiations).

THE STATE OF TEXAS
COUNTY OF WILSON

Received in duplicate originals, this the 19th day of February 2004, and posted according to laws by posting a duplicate original hereof on a bulletin board convenient to the public 72 hours prior to the scheduled meeting.

EVA S. MARTINEZ, COUNTY CLERK
COUNTY CLERK’S OFFICE
WILSON COUNTY

Authorized Signature
February 27, 2004

Greg Rothe
General Manager
San Antonio River Authority
PO Box 839980
San Antonio, TX 78283

Dear Mr. Rothe,

Please find enclosed a copy of the Evergreen Underground Water Conservation District’s amended District Management plan.

If you have any questions, please feel free to contact me at 830.569.4186.

Respectfully,

[Signature]

Mike Mahoney
General Manager

Enclosure
February 27, 2004

Con Mims
General Manager
Nueces River Authority
PO Box 349
Uvalde, TX 78802

Dear Mr. Mims,

Please find enclosed a copy of the Evergreen Underground Water Conservation District’s amended District Management plan.

If you have any questions, please feel free to contact me at 830.569.4186.

Respectfully,

Mike Mahoney
General Manager

Enclosure
February 27, 2004

Evelyn Bonavita
Chair
South Central Regional Water Planning Group
PO Box 839880
San Antonio, TX 78283

Dear Mrs. Bonavita,

Please find enclosed a copy of the Evergreen Underground Water Conservation District’s amended District Management plan.

If you have any questions, please feel free to contact me at 830.569.4186.

Respectfully,

Mike Mahoney
General Manager

Enclosure
February 27, 2004

Bill West
General Manager
Guadalupe-Blanco River Authority
933 East Court Street
Seguin, TX 78802

Dear Mr. West,

Please find enclosed a copy of the Evergreen Underground Water Conservation District’s amended District Management plan.

If you have any questions, please feel free to contact me at 830.569.4186.

Respectfully,

Mike Mahoney
General Manager

Enclosure
Evergreen Underground Water Conservation District

The Evergreen Underground Water Conservation District

"Since 1965"

Help Us Preserve Our Most Precious Resource "WATER"

Groundwater Management Plan
FAX Transmittal Form

Date: 4-17-04
Time: 4:30 p.m.

Message To: Texas Water Development Board

Attention: Rima Petrossian
Phone: 
FAX No.: (FAX phone number sent to:)

Message From: Ronnie Hernandez

Dept: Planning & Development
Telephone No: (210) 227-1373
Extension: 

Attached please find the letter indicating that Region L received the European Management Plan.

K.A.

If you do not receive all of the transmission, please contact the sender at the above extension.
If you have a return transmission, our Facsimile Number is 210-302-3692
1.11-3.9 GC
April 16, 2004
Ms. Rima Petrossian
Texas Water Development Board
1700 N. Congress Ave.
P.O. Box 13231
Austin, Texas 78711-3231

Dear Ms. Petrossian:

The San Antonio River Authority (SARA), administrative agency to the South Central Texas Regional Water Planning Group (SCTRWP) received the Evergreen Underground Water Conservation District (EUWCD) Management Plan on December 22, 2003 for review of potential conflicts in terms of projects or water management strategies specified in Region L’s Regional Water Plan.

Sincerely,

EVELYN BONAVITA, Chair
South Central Texas Regional Water Planning Group

Cc: Ms. Candi Gonzales, EUWCD
    Mr. Ralph Boeker, TWDB