

MEMO

To: Kevin Ward
Through Robert Mace *REM*
From: Rima Petrossian *RP*
Date: 4/29/2009
Re: Management Plan Approval for Middle Trinity
Groundwater Conservation District

Staff recommends that the Middle Trinity Groundwater Conservation District (GCD) management plan be approved as administratively complete.

Middle Trinity GCD is due for the Executive Administrator's approval by Monday, June 15, 2009.

Texas Water Development Board
Groundwater Conservation District Management Plan Review and Approval
Tracking

Reviewers Recommending the Plan for Approval

- 1) Lance N. Christian Date 4/24/09
Lance Christian, P.G., Earth Science Technician, Groundwater Technical Assistance
- 2) David Wuerch Date 4/24/09
David Wuerch, P.G., Geologist, Groundwater Technical Assistance
- 3) Sarah Backhouse Date 4/24/09
Sarah Backhouse, Earth Science Technician, Groundwater Technical Assistance
- 4) Sarah Davidson Date 4/24/09
Sarah Davidson, Hydrologist, Groundwater Technical Assistance

Recommended for Approval

- 1) Rima Petrossian Date 4/29/09
Rima Petrossian, P.G., Manager, Groundwater Technical Assistance
- 2) Vacant Date —
Vacant, Director, Groundwater Resources Division
- 3) Robert E. Mace Date 4/30/09
Robert E. Mace, Ph.D., P.G. Deputy Executive Administrator, Water Science & Conservation

Approval

The groundwater conservation district management plan document submitted by:

Middle Trinity Groundwater Conservation District

for approval, as administratively complete under the requirements of 31TAC Ch. 356, has been found by me, to be in fulfillment of said requirements.

J. Kevin Ward Date 5/5/09
J. Kevin Ward, Executive Administrator, Texas Water Development Board

Texas Water Development Board

Groundwater Conservation District Management Plan Checklist

District name: Middle Trinity GCD

☒ Official review ☐ Prereview

Reviewing staff: Sarah Backhouse

Date plan received: 4/16/09

Date plan reviewed: 4/24/09

	Citation of rule	Citation of statute	Present in plan and administratively complete	Citation of source or method	Evidence that best available data was used	Notes
Is a paper hard copy of the plan available?	31 TAC §356.6(a)(1)		Yes			p.
Is an electronic copy of the plan available?	31 TAC §356.6(a)(1)		Yes			p.
1. Is an estimate of the managed available groundwater in the District based on the desired future condition of the aquifer(s) included (if available from the TWDB)?	31 TAC §356.5(a)(5)(A)	TWC §36.1071(e)(3)(A)	Yes	GAM 08-84mag	Yes	p. 6-7
2. Is an estimate of the <u>amount of groundwater being used</u> within the District on an annual basis for at least the most recent five years, included?	31 TAC §356.5(a)(5)(B); §356.2(2)	TWC §36.1071(e)(3)(B)	Yes	TWDB WUS	Yes	p. 7-8
3. Is an estimate of the annual <u>amount of recharge, from precipitation</u> , to the groundwater resources within the District included?	31 TAC §356.5(a)(5)(C)	TWC §36.1071(e)(3)(C)	Yes	GAM 08-72	Yes	p. 9
4. For each aquifer in the district, is an estimate of the annual volume of <u>water that discharges from the aquifer</u> to springs and any surface water bodies, including lakes, streams and rivers, included?	31 TAC §356.5(a)(5)(D)	TWC §36.1071(e)(3)(D)	Yes	GAM 08-72	Yes	p. 13
5. Is an estimate of the annual volume of flow						
a) <u>into the District</u> within each aquifer,			Yes	GAM 08-72	Yes	p. 14
b) <u>out of the District</u> within each aquifer,	31 TAC §356.5(a)(5)(E)	TWC §36.1071(e)(3)(E)	Yes	GAM 08-72	Yes	p. 15
c) and <u>between aquifers</u> in the District,			Yes	GAM 08-72	Yes	p. 15
if a groundwater availability model is available, included?						
6. Is an estimate of the <u>projected surface water supply</u> within the District according to the most recently adopted state water plan included?	31 TAC §356.5(a)(5)(F)	TWC §36.1071(e)(3)(F)	Yes	2007 SWP	Yes	p. 11-12
7. Is an estimate of the <u>projected total demand for water</u> within the District according to the most recently adopted state water plan included?	31 TAC §356.5(a)(5)(G)	TWC §36.1071(e)(3)(G)	Yes	2007 SWP	Yes	p. 12-13
8. Did the District consider the <u>water supply needs</u> that are included in the adopted state water plan?	31 TAC §356.5(a)(7)	TWC §36.1071(e)(4)	Yes			p. 10-11
9. Did the District consider the <u>water management strategies</u> that are included in the adopted state water plan?	31 TAC §356.5(a)(7)	TWC §36.1071(e)(4)	Yes			p. 19
10. Are the actions, procedures, performance, and avoidance necessary to effectuate the management plan, including <u>specifications and proposed rules</u> , all specified in as much detail as possible, included in the plan?	31 TAC §356.5(a)(4); §356.6(a)(3)	TWC §36.1071(e)(2)	Yes			p. 19-20 - Rules attached
11. Was a <u>certified copy</u> of the District's <u>resolution</u> adopting the plan included?	31 TAC §356.6(a)(2)		Yes			Appendix B
12. Was <u>evidence</u> that the plan was adopted, <u>after notice and hearing</u> , included?	31 TAC §356.6(a)(5)	TWC §36.1071(a)	Yes			Appendix C
13. Was <u>evidence</u> that, following notice and hearing, the District coordinated in the development of its management plan with <u>all surface water management entities</u> , included?	31 TAC §356.6(a)(4)	TWC §36.1071(a)	Yes			Appendix D
14. Has any available <u>site-specific information</u> been provided by the district to the executive administrator for review and comment before being used in the management plan when developing the <u>estimates required in subsection 31 TAC §§356.5(a)(5)(C), (D), and (E)</u> ?	31 TAC §356.5(b)	TWC §36.1071(h)	N/A			

Mark an affirmative response with YES

Mark a negative response with NO

Mark a non-applicable checklist item with N/A

Management goals required to be addressed	Management goal (as applicable) present in plan	Methodology for tracking progress 31TAC §356.5(a)(6)	Management objective(s)	Performance standard(s)	Notes
Providing the most efficient use of groundwater 31 TAC 356.5(a)(1)(A); TWC §36.1071(a)(1)	15) Yes	16) Yes p. 19	17) Yes	18) Yes	p. 21
Controlling and preventing waste of groundwater 31 TAC 356.5(a)(1)(B); TWC §36.1071(a)(2)	19) Yes	20) Yes p. 19	21) Yes	22) Yes	p. 22-23
Controlling and preventing subsidence 31 TAC 356.5(a)(1)(C); TWC §36.1071(a)(3)	23) N/A	24) N/A	25) N/A	26) N/A	p. 26
Addressing conjunctive surface water management issues 31 TAC 356.5(a)(1)(D); TWC §36.1071(a)(4)	27) Yes	28) Yes p. 19	29) Yes	30) Yes	p. 23
Addressing natural resource issues that impact the use and availability of groundwater and which are impacted by the use of groundwater 31 TAC 356.5(a)(1)(E); TWC §36.1071(a)(5)	31) N/A	32) N/A	33) N/A	34) N/A	p. 26
Addressing drought conditions 31 TAC 356.5(a)(1)(F); §36.1071(a)(6)	35) Yes	36) Yes p. 19	37) Yes	38) Yes	p. 24
Addressing a) conservation, b) recharge enhancement, c) rainwater harvesting, d) precipitation enhancement, and e) brush control where appropriate and cost effective 31 TAC 356.5(a)(1)(G); TWC §36.1071(a)(7)	39)	40)	41)	42)	
	39a) Yes	40a) Yes p. 19	41a) Yes	42a) Yes	p. 24
	39b) Yes	40b) Yes p. 19	41b) Yes	42b) Yes	p. 24-25
	39c) Yes	40c) Yes p. 19	41c) Yes	42c) Yes	p. 25
	39d) N/A	40d) N/A	41d) N/A	42d) N/A	p. 26
	39e) Yes	40e) Yes p. 19	41e) Yes	42e) Yes	p. 25
Addressing in a quantitative manner the desired future conditions of the groundwater resources in the District (if available from the districts in the groundwater management area) 31 TAC 356.5(a)(1)(H); TWC §36.1071(a)(8)	43) Yes	44) Yes p. 19	45) Yes	46) Yes	p. 25-26
Does the plan identify the performance standards and management objectives for effecting the plan? 31 TAC §356.5(a)(2)&(3); TWC §36.1071(e)(1)			47) Yes	48) Yes	p.
Mark required elements that are present in the plan with YES Mark any required elements that are missing from the plan with NO Mark Plan elements that have been indicated as not applicable to the district with (N/A)					

Texas Water Development Board

Groundwater Conservation District Management Plan Checklist

District name: Middle Trinity Groundwater Conservation District - OR #1

☒ Official review ☐ Prereview

Reviewing staff: Lance Christian

Date plan received: 4/16/09

Date plan reviewed: 4/22/09

	Citation of rule	Citation of statute	Present in plan and administratively complete	Citation of source or method	Evidence that best available data was used	Notes
Is a paper hard copy of the plan available?	31 TAC §356.6(a)(1)		Yes			
Is an electronic copy of the plan available?	31 TAC §356.6(a)(1)		Yes			
1. Is an estimate of the managed available groundwater in the District based on the desired future condition of the aquifer(s) included (if available from the TWDB)?	31 TAC §356.5(a)(5)(A)	TWC §36.1071(e)(3)(A)	Yes	GAM 08-84mag	Yes	p. 4-7
2. Is an estimate of the <u>amount of groundwater being used</u> within the District on an annual basis for at least the <u>most recent five years</u> , included?	31 TAC §356.5(a)(5)(B); §356.2(2)	TWC §36.1071(e)(3)(B)	Yes	TWDB WUS	Yes	p. 7-8
3. Is an estimate of the annual <u>amount of recharge, from precipitation</u> , to the groundwater resources within the District included?	31 TAC §356.5(a)(5)(C)	TWC §36.1071(e)(3)(C)	Yes	GAM 08-72	Yes	p. 9
4. For each aquifer in the district, is an estimate of the annual volume of <u>water that discharges from the aquifer</u> to springs and any surface water bodies, including lakes, streams and rivers, included?	31 TAC §356.5(a)(5)(D)	TWC §36.1071(e)(3)(D)	Yes	GAM 08-72	Yes	p. 13
5. Is an estimate of the annual volume of flow						
a) <u>into the District</u> within each aquifer,			Yes	GAM 08-72	Yes	p. 14
b) <u>out of the District</u> within each aquifer,	31 TAC §356.5(a)(5)(E)	TWC §36.1071(e)(3)(E)	Yes	GAM 08-72	Yes	p. 15
c) and <u>between aquifers</u> in the District,			Yes	GAM 08-72	Yes	p. 15
If a groundwater availability model is available, included?						
6. Is an estimate of the <u>projected surface water supply</u> within the District according to the most recently adopted state water plan included?	31 TAC §356.5(a)(5)(F)	TWC §36.1071(e)(3)(F)	Yes	2007 SWP	Yes	p. 11
7. Is an estimate of the <u>projected total demand for water</u> within the District according to the most recently adopted state water plan included?	31 TAC §356.5(a)(5)(G)	TWC §36.1071(e)(3)(G)	Yes	2007 SWP	Yes	p. 12
8. Did the District consider the <u>water supply needs</u> that are included in the adopted state water plan?	31 TAC §356.5(a)(7)	TWC §36.1071(e)(4)	Yes			p. 10
9. Did the District consider the <u>water management strategies</u> that are included in the adopted state water plan?	31 TAC §356.5(a)(7)	TWC §36.1071(e)(4)	Yes			p. 19
10. Are the actions, procedures, performance, and avoidance necessary to effectuate the management plan, including <u>specifications</u> and <u>proposed rules</u> , all specified in as much detail as possible, included in the plan?	31 TAC §356.5(a)(4); §356.6(a)(3)	TWC §36.1071(e)(2)	Yes			p. 19-20 A copy of the rules is included.
11. Was a <u>certified copy</u> of the District's <u>resolution</u> adopting the plan included?	31 TAC §356.6(a)(2)		Yes			Appendix B Adopted on 4/2/2009.
12. Was <u>evidence</u> that the plan was adopted, <u>after notice</u> and <u>hearing</u> , included?	31 TAC §356.6(a)(5)	TWC §36.1071(a)	Yes			Appendix C - 4 published on 3/12-13/09. Posted on 3/12/09 and 3/23/09.
13. Was <u>evidence</u> that, following notice and hearing, the District coordinated in the development of its management plan with <u>all surface water management entities</u> , included?	31 TAC §356.6(a)(4)	TWC §36.1071(a)	Yes			Appendix D 3 letters sent on 4/14/2009.
14. Has any available <u>site-specific information</u> been provided by the district to the executive administrator for review and comment before being used in the management plan when developing the <u>estimates</u> , required in subsection 31 TAC §356.5(a)(5)(C), (D), and (E) ?	31 TAC §356.5(b)	TWC §36.1071(h)	N/A			Provided information from GAM 08-72 only.

Mark an affirmative response with YES

Mark a negative response with NO

Mark a non-applicable checklist item with N/A

Management goals required to be addressed	Management goal (as applicable) present in plan	Methodology for tracking progress 31TAC §356.5(a)(6)	Management objective(s)	Performance standard(s)	Notes
Providing the most efficient use of groundwater 31 TAC 356.5(a)(1)(A); TWC §36.1071(a)(1)	15) Yes	16) Yes p. 19	17) Yes	18) Yes	p. 21
Controlling and preventing waste of groundwater 31 TAC 356.5(a)(1)(B); TWC §36.1071(a)(2)	19) Yes	20) Yes p. 19	21) Yes	22) Yes	p. 22-23
Controlling and preventing subsidence 31 TAC 356.5(a)(1)(C); TWC §36.1071(a)(3)	23) N/A	24) N/A	25) N/A	26) N/A	p. 26
Addressing conjunctive surface water management issues 31 TAC 356.5(a)(1)(D); TWC §36.1071(a)(4)	27) Yes	28) Yes p. 19	29) Yes	30) Yes	p. 23
Addressing natural resource issues that impact the use and availability of groundwater and which are impacted by the use of groundwater 31 TAC 356.5(a)(1)(E); TWC §36.1071(a)(5)	31) N/A	32) N/A	33) N/A	34) N/A	p. 26
Addressing drought conditions 31 TAC 356.5(a)(1)(F); §36.1071(a)(6)	35) Yes	36) Yes p. 19	37) Yes	38) Yes	p. 24
Addressing a) conservation, b) recharge enhancement, c) rainwater harvesting, d) precipitation enhancement, and e) brush control where appropriate and cost effective 31 TAC 356.5(a)(1)(G); TWC §36.1071(a)(7)	39)	40)	41)	42)	
	39a) Yes	40a) Yes p. 19	41a) Yes	42a) Yes	p. 24
	39b) Yes	40b) Yes p. 19	41b) Yes	42b) Yes	p. 24-25
	39c) Yes	40c) Yes p. 19	41c) Yes	42c) Yes	p. 25
	39d) N/A	40d) N/A	41d) N/A	42d) N/A	p. 26
	39e) Yes	40e) Yes p. 19	41e) Yes	42e) Yes	p. 25
Addressing in a quantitative manner the desired future conditions of the groundwater resources in the District (if available from the districts in the groundwater management area) 31 TAC 356.5(a)(1)(H); TWC §36.1071(a)(8)	43) Yes	44) Yes p. 19	45) Yes	46) Yes	p. 25-26
Does the plan identify the performance standards and management objectives for effecting the plan? 31 TAC §356.5(a)(2)&(3); TWC §36.1071(e)(1)			47) Yes	48) Yes	p. 21-26
Mark required elements that are present in the plan with YES Mark any required elements that are missing from the plan with NO Mark Plan elements that have been indicated as not applicable to the district with (N/A)					

Texas Water Development Board

Groundwater Conservation District Management Plan Checklist

District name: Middle Trinity Groundwater Conservation District

☒ Official review ☐ Prereview

Reviewing staff: Sarah Davidson

Date plan received: 4/16/09

Date plan reviewed: 4/24/09

	Citation of rule	Citation of statute	Present in plan and administratively complete	Citation of source or method	Evidence that best available data was used	Notes
Is a paper hard copy of the plan available?	31 TAC §356.6(a)(1)		YES			
Is an electronic copy of the plan available?	31 TAC §356.6(a)(1)		YES			
1. Is an estimate of the managed available groundwater in the District based on the desired future condition of the aquifer(s) included (if available from the TWDB)?	31 TAC §356.5(a)(5)(A)	TWC §36.1071(e)(3)(A)	YES	GAM 08-84	from TWDB	p. 4, 6
2. Is an estimate of the <u>amount of groundwater being used</u> within the District on an annual basis for at least the <u>most recent five years</u> , included?	31 TAC §356.5(a)(5)(B); §356.2(2)	TWC §36.1071(e)(3)(B)	YES	TWDB WUS	from TWDB	p. 7-9
3. Is an estimate of the annual <u>amount of recharge, from precipitation</u> , to the groundwater resources within the District included?	31 TAC §356.5(a)(5)(C)	TWC §36.1071(e)(3)(C)	YES	GAM 08-72	from TWDB	p. 9
4. For each aquifer in the district, is an estimate of the annual volume of <u>water that discharges from the aquifer</u> to springs and any surface water bodies, including lakes, streams and rivers, included?	31 TAC §356.5(a)(5)(D)	TWC §36.1071(e)(3)(D)	YES	GAM 08-72	from TWDB	p. 13
5. Is an estimate of the annual volume of flow						
a) <u>into the District</u> within each aquifer,			YES	GAM 08-72	from TWDB	p. 14
b) <u>out of the District</u> within each aquifer,	31 TAC §356.5(a)(5)(E)	TWC §36.1071(e)(3)(E)	YES	GAM 08-72	from TWDB	p. 15
c) and <u>between aquifers</u> in the District,			YES	GAM 08-72	from TWDB	p. 15
if a groundwater availability model is available, included?						
6. Is an estimate of the <u>projected surface water supply</u> within the District according to the most recently adopted state water plan included?	31 TAC §356.5(a)(5)(F)	TWC §36.1071(e)(3)(F)	YES	TWDB SWP	from TWDB	p. 11-12
7. Is an estimate of the <u>projected total demand for water</u> within the District according to the most recently adopted state water plan included?	31 TAC §356.5(a)(5)(G)	TWC §36.1071(e)(3)(G)	YES	TWDB SWP	from TWDB	p. 12-13
8. Did the District consider the <u>water supply needs</u> that are included in the adopted state water plan?	31 TAC §356.5(a)(7)	TWC §36.1071(e)(4)	YES			p. 10-11
9. Did the District consider the <u>water management strategies</u> that are included in the adopted state water plan?	31 TAC §356.5(a)(7)	TWC §36.1071(e)(4)	YES			p. 18-19
10. Are the actions, procedures, performance, and avoidance necessary to effectuate the management plan, including <u>specifications and proposed rules</u> , all specified in as much detail as possible, included in the plan?	31 TAC §356.5(a)(4); §356.6(a)(3)	TWC §36.1071(e)(2)	YES			p. 19; rules sent as attachment
11. Was a <u>certified copy</u> of the District's <u>resolution</u> adopting the plan included?	31 TAC §356.6(a)(2)		YES			App. B (April 2, 2009)
12. Was <u>evidence</u> that the plan was adopted, <u>after notice and hearing</u> , included?	31 TAC §356.6(a)(5)	TWC §36.1071(a)	YES			App. C (notices published March 12, 13 and 23, 2009)
13. Was <u>evidence</u> that, following notice and hearing, the District coordinated in the development of its management plan with <u>all surface water management entities</u> , included?	31 TAC §356.6(a)(4)	TWC §36.1071(a)	YES			App. D (Brazos River Authority, Lake Proctor Irrigation Authority, and Upper Leon River Municipal Water District notified April 14, 2009)
14. Has any available <u>site-specific information</u> been provided by the district to the executive administrator for review and comment before being used in the management plan when developing the <u>estimates required in subsection 31 TAC §§356.5(a)(5)(C), (D), and (E)</u> ?	31 TAC §356.5(b)	TWC §36.1071(h)	N/A			

Mark an affirmative response with YES

Mark a negative response with NO

Mark a non-applicable checklist item with N/A

Management goals required to be addressed	Management goal (as applicable) present in plan	Methodology for tracking progress 31TAC §356.5(a)(6)	Management objective(s)	Performance standard(s)	Notes
Providing the most efficient use of groundwater 31 TAC 356.5(a)(1)(A); TWC §36.1071(a)(1)	15) YES	16) p. 19	17) YES	18) YES	p. 21
Controlling and preventing waste of groundwater 31 TAC 356.5(a)(1)(B); TWC §36.1071(a)(2)	19) YES	20) p. 19	21) YES	22) YES	p. 22-23
Controlling and preventing subsidence 31 TAC 356.5(a)(1)(C); TWC §36.1071(a)(3)	23) N/A	24) N/A	25) N/A	26) N/A	p. 26
Addressing conjunctive surface water management issues 31 TAC 356.5(a)(1)(D); TWC §36.1071(a)(4)	27) YES	28) p. 19	29) YES	30) YES	p. 23
Addressing natural resource issues that impact the use and availability of groundwater and which are impacted by the use of groundwater 31 TAC 356.5(a)(1)(E); TWC §36.1071(a)(5)	31) N/A	32) N/A	33) N/A	34) N/A	p. 26
Addressing drought conditions 31 TAC 356.5(a)(1)(F); §36.1071(a)(6)	35) YES	36) p. 19	37) YES	38) YES	p. 24
Addressing	39)	40)	41)	42)	
a) conservation,	39a) YES	40a) p. 19	41a) YES	42a) YES	p. 24
b) recharge enhancement,	39b) YES	40b) p. 19	41b) YES	42b) YES	p. 24-25
c) rainwater harvesting,	39c) YES	40c) p. 19	41c) YES	42c) YES	p. 24-25
d) precipitation enhancement, and	39d) N/A	40d) N/A	41d) N/A	42d) N/A	p. 26
e) brush control	39e) YES	40e) p. 19	41e) YES	42e) YES	p. 24-25
where appropriate and cost effective 31 TAC 356.5(a)(1)(G); TWC §36.1071(a)(7)					
Addressing in a quantitative manner the desired future conditions of the groundwater resources in the District (if available from the districts in the groundwater management area) 31 TAC 356.5(a)(1)(H); TWC §36.1071(a)(8)	43) YES	44) p. 19	45) YES	46) YES	p. 25-26
Does the plan identify the performance standards and management objectives for effecting the plan? 31 TAC §356.5(a)(2)&(3); TWC §36.1071(e)(1)			47) YES	48) YES	p. 19-26
Mark required elements that are present in the plan with YES Mark any required elements that are missing from the plan with NO Mark Plan elements that have been indicated as not applicable to the district with (N/A)					

Texas Water Development Board

Groundwater Conservation District Management Plan Checklist

District name: Middle Trinity GCD

☒ Official review ☐ Prereview

Reviewing staff: David Wuerch

Date plan received: 4/16/09

Date plan reviewed: 4/20/09

	Citation of rule	Citation of statute	Present in plan and administratively complete	Citation of source or method	Evidence that best available data was used	Notes
Is a paper hard copy of the plan available?	31 TAC §356.6(a)(1)		Yes			
Is an electronic copy of the plan available?	31 TAC §356.6(a)(1)		Yes			
1. Is an estimate of the managed available groundwater in the District based on the desired future condition of the aquifer(s) included (if available from the TWDB)?	31 TAC §356.5(a)(5)(A)	TWC §36.1071(e)(3)(A)	Yes	GAM 08-84	Yes	p.4,6-7 Table 2
2. Is an estimate of the <u>amount of groundwater being used</u> within the District on an annual basis for at least the most recent five years, included?	31 TAC §356.5(a)(5)(B); §356.2(2)	TWC §36.1071(e)(3)(B)	Yes	TWDB WUS	Yes	p.7-8 Table 3
3. Is an estimate of the annual <u>amount of recharge, from precipitation</u> , to the groundwater resources within the District included?	31 TAC §356.5(a)(5)(C)	TWC §36.1071(e)(3)(C)	Yes	GAM 08-72	Yes	p.9 Table 4
4. For each aquifer in the district, is an estimate of the annual volume of <u>water that discharges from the aquifer</u> to springs and any surface water bodies, including lakes, streams and rivers, included?	31 TAC §356.5(a)(5)(D)	TWC §36.1071(e)(3)(D)	Yes	GAM 08-72	Yes	p. 13-14 Table 8
5. Is an estimate of the annual volume of flow						
a) <u>into the District</u> within each aquifer,			Yes	GAM 08-72	Yes	p.14 Table 9
b) <u>out of the District</u> within each aquifer,	31 TAC §356.5(a)(5)(E)	TWC §36.1071(e)(3)(E)	Yes	GAM 08-72	Yes	p.15 Table 9
c) and <u>between aquifers</u> in the District,			Yes	GAM 08-72	Yes	p.15 Table 9
if a groundwater availability model is available, included?						
6. Is an estimate of the <u>projected surface water supply</u> within the District according to the most recently adopted state water plan included?	31 TAC §356.5(a)(5)(F)	TWC §36.1071(e)(3)(F)	Yes	2007 SWP	Yes	p.11-12 Table 6
7. Is an estimate of the <u>projected total demand for water</u> within the District according to the most recently adopted state water plan included?	31 TAC §356.5(a)(5)(G)	TWC §36.1071(e)(3)(G)	Yes	2007 SWP	Yes	p.12-13 Table 7
8. Did the District consider the <u>water supply needs</u> that are included in the adopted state water plan?	31 TAC §356.5(a)(7)	TWC §36.1071(e)(4)	Yes			p.10-11 Table 5
9. Did the District consider the <u>water management strategies</u> that are included in the adopted state water plan?	31 TAC §356.5(a)(7)	TWC §36.1071(e)(4)	Yes			p.19 Table 10
10. Are the actions, procedures, performance, and avoidance necessary to effectuate the management plan, including <u>specifications</u> and <u>proposed rules</u> , all specified in as much detail as possible, included in the plan?	31 TAC §356.5(a)(4); §356.6(a)(3)	TWC §36.1071(e)(2)	Yes			p.19-20 Rules Attached
11. Was a <u>certified copy</u> of the District's <u>resolution</u> adopting the plan included?	31 TAC §356.6(a)(2)		Yes			Appendix B
12. Was <u>evidence</u> that the plan was adopted, <u>after notice and hearing</u> , included?	31 TAC §356.6(a)(5)	TWC §36.1071(a)	Yes			Appendix C
13. Was <u>evidence</u> that, following notice and hearing, the District coordinated in the development of its management plan with <u>all surface water management entities</u> , included?	31 TAC §356.6(a)(4)	TWC §36.1071(a)	Yes			Appendix D
14. Has any available <u>site-specific information</u> been provided by the district to the executive administrator for review and comment before being used in the management plan when developing the <u>estimates</u> required in subsection 31 TAC §§356.5(a)(5)(C), (D), and (E) ?	31 TAC §356.5(b)	TWC §36.1071(h)	N/A			

Mark an affirmative response with YES

Mark a negative response with NO

Mark a non-applicable checklist item with N/A

Management goals required to be addressed	Management goal (as applicable) present in plan	Methodology for tracking progress 31TAC §356.5(a)(6)	Management objective(s)	Performance standard(s)	Notes
Providing the most efficient use of groundwater 31 TAC 356.5(a)(1)(A); TWC §36.1071(a)(1)	15) Yes	16) p. 19 Annual report	17) Yes	18) Yes	p.21
Controlling and preventing waste of groundwater 31 TAC 356.5(a)(1)(B); TWC §36.1071(a)(2)	19) Yes	20) p. 19 Annual report	21) Yes	22) Yes	p.22-23
Controlling and preventing subsidence 31 TAC 356.5(a)(1)(C); TWC §36.1071(a)(3)	23) N/A	24) N/A	25) N/A	26) N/A	p.26
Addressing conjunctive surface water management issues 31 TAC 356.5(a)(1)(D); TWC §36.1071(a)(4)	27) Yes	28) p. 19 Annual report	29) Yes	30) Yes	p.23
Addressing natural resource issues that impact the use and availability of groundwater and which are impacted by the use of groundwater 31 TAC 356.5(a)(1)(E); TWC §36.1071(a)(5)	31) N/A	32) N/A	33) N/A	34) N/A	p.26
Addressing drought conditions 31 TAC 356.5(a)(1)(F); §36.1071(a)(6)	35) Yes	36) p. 19 Annual report	37) Yes	38) Yes	p.24
Addressing	39)	40)	41)	42)	
a) conservation,	39a) Yes	40a) p. 19 Annual report	41a) Yes	42a) Yes	p.24
b) recharge enhancement,	39b) Yes	40b) p. 19 Annual report	41b) Yes	42b) Yes	p.24-25
c) rainwater harvesting,	39c) Yes	40c) p. 19 Annual report	41c) Yes	42c) Yes	p.25
d) precipitation enhancement, and	39d) N/A	40d) N/A	41d) N/A	42d) N/A	p.26
e) brush control	39e) Yes	40e) p. 19 Annual report	41e) Yes	42e) Yes	p.25
where appropriate and cost effective 31 TAC 356.5(a)(1)(G); TWC §36.1071(a)(7)					
Addressing in a quantitative manner the desired future conditions of the groundwater resources in the District (if available from the districts in the groundwater management area) 31 TAC 356.5(a)(1)(H); TWC §36.1071(a)(8)	43) Yes	44) p. 19 Annual report	45) Yes	46) Yes	p.25-26
Does the plan identify the performance standards and management objectives for effecting the plan? 31 TAC §356.5(a)(2)&(3); TWC §36.1071(e)(1)			47) Yes	48) Yes	p.21-26
Mark required elements that are present in the plan with YES Mark any required elements that are missing from the plan with NO Mark Plan elements that have been indicated as not applicable to the district with (N/A)					



**Middle Trinity
Groundwater Conservation District**
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April 14, 2009

Mr. J. Kevin Ward
Executive Administrator
Texas Water Development Board
Stephen F. Austin Building
P. O. Box 13231
Austin, Texas 78711-3231

RECEIVED

APR 16 2009

TWDB

Dear Mr. Ward:

Please find enclosed a copy of the re-adopted Groundwater Management Plan for the Middle Trinity Groundwater Conservation District. I am submitting it to you for review and approval by the Texas Water Development Board as required by Chapter 36 of the Texas Water Code.

The Middle Trinity Groundwater Conservation District is appreciative of the support we receive from the Texas Water Development Board. I hope that our Groundwater Management Plan submission includes all of the elements required to facilitate an expeditious approval.

If you or your staff requires any additional information, please call or email our office. We are here, five days a week, working to preserve conserve and protect our groundwater resources.

Sincerely,


Joe B. Cooper

**Middle Trinity Groundwater
Conservation District**

Groundwater Management Plan

Adopted - April 29, 2004

Approved by Texas Water Development Board - July 1, 2004

Re-Adopted – April 2, 2009

Middle Trinity Groundwater Conservation District

Groundwater Management Plan - 2009

I. District Mission

The mission of the Middle Trinity Groundwater Conservation District is to conserve, preserve and protect the quality and quantity of the groundwater resources for the citizens of Comanche and Erath Counties. To accomplish its Mission, the District will work to minimize the draw down of the water table, prevent the waste of groundwater, prevent interference between the wells, protect the existing and historic use of groundwater, prevent the degradation of the quality of groundwater, use public education to promote water conservation, give consideration the service needs of municipal water utilities and the agricultural community, and carry out the powers and duties conferred under Chapter 36 of the Texas Water Code. The District believes that the economy, environment, and quality of life will all be positively impacted by the achievement of its mission.

II. Purpose of Management Plan

The 75th Texas Legislature in 1997 enacted Senate Bill 1 ("SB 1")¹ to establish a comprehensive statewide water planning process. In particular, SB 1 contained provisions that required groundwater conservation districts to prepare management plans to identify the water supply resources and water demands that will shape the decisions of each district. SB 1 designed the management plans to include management goals for each district to manage and conserve the groundwater resources within their boundaries. In 2001, the Texas Legislature enacted Senate Bill 2 ("SB 2")² to build on the planning requirements of SB 1 and to further clarify the actions necessary for districts to manage and conserve the groundwater resources of the state of Texas.

The Texas Legislature enacted significant changes to the management of groundwater resources in Texas with the passage of House Bill 1763 (HB 1763)³ in 2005. HB 1763 created a long-term planning process in which groundwater conservation districts (GCDs) in each Groundwater Management Area (GMA) are required to meet and determine the Desired Future Conditions (DFCs) for the groundwater resources within their boundaries by September 1, 2010. In addition, HB 1763 required GCDs, like the District, to provide each GCDs' management plans with the other GCDs in the GMA for review by the other GCDs.

The Middle Trinity Groundwater Conservation District's management plan satisfies the requirements of SB 1, SB 2, HB 1763, the statutory requirements of Chapter 36 of the Texas

¹ Act of June 2, 1997, 75th Leg., R.S., ch. 1010, 1997 Tex. Gen. Laws 3610.

² Act of May 27, 2001, 77th Leg., R.S., ch. 966, 2001 Tex. Gen. Laws 1991.

³ Act of May 30, 2005, 79th Leg., R.S. ch. 970, 2005 Tex. Gen. Laws 3247.

Water Code, and the administrative requirements of the Texas Water Development Board's (TWDB) rules.

III. District Information

A. Creation

The District was created in 2001 pursuant to the authorization provided by the 77th Texas Legislature in House Bill 3665.⁴ The voters of both Comanche and Erath Counties confirmed the creation of the District on May 4, 2002. In compliance with Section 36.1072(e) of the Texas Water Code and 31 TAC § 356.3, this management plan is being re-adopted within five years of the original adoption of the management plan.⁵

B. Location and Extent

The District is located in the North Central Texas counties of Comanche County and Erath County. The boundaries of the District are coterminous with the boundaries of Comanche and Erath Counties. The District is bordered by Palo Pinto County on the north, Hood, Somervell, Bosque and Hamilton Counties on the east, Mills County on the south and Brown and Eastland Counties on the west. The District covers an area of approximately 2038 square miles.⁶

C. Background

The Board of Directors ("Board") currently consists of 6 (six) members. The existing Board is made up of 3 (three) directors from Comanche County and 3 (three) directors from Erath County.

D. Authority / Regulatory Framework

In the process of creating and re-adopting its management plan, the District has complied with all procedures and met all requirements established by Chapter 36 of the Texas Water Code and Chapter 356 of the Texas Water Development Board's (TWDB) rules contained in Title 31 of the Texas Administrative Code.⁷ The District exercises the authority and powers that it was granted by and through the special and general laws that govern it, including Chapter 1362, Acts of the 77th Texas Legislature, Regular Session, 2001; Chapter 893, Acts of the 78th Texas Legislature, Regular Session, 2003; and Chapter 36 of the Texas Water Code.

⁴ Act of May 25, 2001, 77th Leg. R.S., ch. 1362, 2001 Tex. Gen. Laws 3371.

⁵ TEX. WATER CODE ANN. §36.1072(e) (Vernon 2008); 31 TEX. ADMIN. CODE § 356.3

⁶ Texas Almanac, 2002-2003, The Dallas Morning News.

⁷ 31 TEX. ADMIN. CODE §§ 356

E. Groundwater Resources of Comanche and Erath Counties

Comanche and Erath Counties are located primarily over the outcrop of the Trinity aquifer. A Texas Water Development Board diagram of the Trinity Aquifer can be found at Appendix A. The Texas Water Development Board describes the groundwater resources of the Trinity Aquifer as follows:

“The Trinity aquifer consists of early Cretaceous age formations of the Trinity Group where they occur in a band extending through the central part of the state in all or parts of 55 counties, from the Red River in North Texas to the Hill Country of South-Central Texas. Trinity Group deposits also occur in the Panhandle and Edwards Plateau regions where they are included as part of the Edwards-Trinity (High Plains and Plateau) aquifers.

Formations comprising the Trinity Group are (from youngest to oldest) the Paluxy, Glen Rose, and Twin Mountains-Travis Peak. Updip, where the Glen Rose thins or is missing, the Paluxy and Twin Mountains coalesce to form the Antlers Formation. The Antlers consists of up to 900 feet of sand and gravel, with clay beds in the middle section. Water from the Antlers is mainly used for irrigation in the outcrop area of North and Central Texas.

Forming the upper unit of the Trinity Group, the Paluxy Formation consists of up to 400 feet of predominantly fine-to-coarse-grained sand interbedded with clay and shale. The formation pinches out downdip and does not occur south of the Colorado River.

Underlying the Paluxy, the Glen Rose Formation forms a gulfward-thickening wedge of marine carbonates consisting primarily of limestone. South of the Colorado River, the Glen Rose is the upper unit of the Trinity Group and is divisible into an upper and lower member. In the north, the downdip portion of the aquifer becomes highly mineralized and is a source of contamination to wells that are drilled into the underlying Twin Mountains.

The basal unit of the Trinity Group consists of the Twin Mountains and Travis Peak formations, which are laterally separated by a facies change. To the north, the Twin Mountains formation consists mainly of medium- to coarse-grained sands, silty clays, and conglomerates. The Twin Mountains is the most prolific of the Trinity aquifers in North-Central Texas; however, the quality of the water is generally not as good as that from the Paluxy or Antlers Formations. To the south, the Travis Peak Formation contains calcareous sands and silts, conglomerates, and limestones. The formation is subdivided into the following members in descending order: Hensell, Pearsall, Cow Creek, Hammett, Sligo, Hosston, and Sycamore.

Extensive development of the Trinity aquifer has occurred in the Fort Worth-Dallas region where water levels have historically dropped as much as 550 feet. Since the mid-1970s, many public supply wells have been abandoned in favor of a surface-water supply, and water levels have responded with slight rises. Water-level declines of as much as 100 feet are still occurring in Denton and Johnson counties. The Trinity aquifer

is most extensively developed from the Hensell and Hosston members in the Waco area, where the water level has declined by as much as 400 feet.”⁸

IV. Technical District Information Required by Texas Administrative Code

A. Estimate of Managed Available Groundwater in District Based on Desired Future Conditions– 31 TAC § 356(a)(5)(A) / 36.1071(e)(3)(A)

Texas Water Code § 36.001 defines managed available groundwater ("MAG") as “the amount of water that may be permitted by a district for beneficial use in accordance with the desired future condition of the aquifer as determined under Section 36.108.” HB 1763 adopted by the 79th Legislature in 2005 provides that the DFCs of the aquifer may only be determined through the joint planning process and must be adopted prior to the statutory deadline of September 1, 2010.

The joint planning process set forth in Texas Water Code § 36.108 must be collectively conducted by all groundwater conservation districts within the same GMA. The District is a member of GMA 8. GMA 8 adopted DFCs for the northern segment of the Trinity Aquifer on September 17, 2008. The adopted DFCs were then forwarded to the TWDB for development of the MAG calculations. The District received the MAG calculations from the Texas Water Development Board and the MAGs for the Trinity aquifer were approved by resolution by the GMA 8 members on March 16, 2009.

The DFCs adopted by the District and GMA 8 represent the quantified, measurable conditions of the groundwater resources of the District in 50 years. The District’s DFCs are comprehensive tools that indicate how the District intends to monitor and manage its groundwater resources. Overall, the District’s DFCs give the amount of water level declines that the District does not want to exceed over a 50 year planning period.

As additional technical and hydrogeological information is gathered by the District, the District will revise and update its management plan and the information contained therein to include the most up-to-date data available.

⁸ Aquifers of Texas, Texas Water Development Board, Report 345, by Ashworth and Hopkins, November 1995.

**TABLE 1:
DESIRED FUTURE CONDITIONS SUBMITTED TO TEXAS WATER DEVELOPMENT BOARD
MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT⁹**

COMANCHE COUNTY

Aquifer (Trinity subdivisions)	Amount average draw down should not exceed after 50 years (in ft.)
Paluxy	0
Glen Rose	0
Hensell	2
Hosston	11

ERATH COUNTY

Aquifer (Trinity subdivisions)	Amount average draw down should not exceed after 50 years (in ft.)
Paluxy	1
Glen Rose	1
Hensell	11
Hosston	27

Based on the DFC estimates submitted to the Texas Water Development Board, the MAG estimates represent the amount of groundwater that is available from the aquifers located within the District's boundaries in terms of acre-feet per year.

⁹ GAM Run 08-84mag, Shirley C. Wade, Texas Water Development Board, February 8, 2009.

**TABLE 2: MANAGED AVAILABLE GROUNDWATER ESTIMATES
MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT¹⁰**

COMANCHE COUNTY

Aquifer (Trinity subdivisions)	Managed Available Groundwater Totals (in acre-ft. per year)
Paluxy	19
Glen Rose	0
Hensell	419
Hosston	23,283
Total	23,721

ERATH COUNTY

Aquifer (Trinity subdivisions)	Managed Available Groundwater Totals (in acre-ft. per year)
Paluxy	4,230
Glen Rose	1
Hensell	9,142
Hosston	15,723
Total	29,096

¹⁰GAM Run 08-84mag, Shirley C. Wade, Texas Water Development Board, February 8, 2009.

MANAGED AVAILABLE GROUNDWATER TOTALS FOR BOTH COUNTIES

Aquifer (Trinity subdivisions)	Managed Available Groundwater Totals For Both Counties (in acre-ft. per year)
Paluxy	4,249
Glen Rose	1
Hensell	9,562*
Hosston	39,006
Total	52,818

*The values shown for the Hensell Aquifer in Table 4 of GAM Run 08-84 indicate that the Managed Available Groundwater for the Hensell Aquifer within the District is 9,561 acre-feet per year while the District totals for the Hensell Aquifer on Page 34 of GAM Run 08-84 indicate 9,562 acre-feet per year of Managed Available Groundwater. This 1 acre-foot discrepancy is based on the mathematical rounding of decimals in the Managed Available Groundwater calculations for both counties in the District and is not based on a mathematical error in computing the Managed Available Groundwater for the District.

**B. Amount of Groundwater Being Used within the District on an Annual Basis -
31 TAC §356.5(a)(5)(B) / TWC § 36.1071(e)(3)(B)**

**TABLE 3: HISTORICAL GROUNDWATER PUMPAGE SUMMARY (acre-feet)
MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT**

COMANCHE COUNTY

Year	Aquifer	Municipal	Manufacturing	Steam Electric	Irrigation	Mining	Livestock	Total
1980	TRINITY	727	7	0	10,000	0	583	11,317
1984	TRINITY	812	24	0	22,583	79	386	23,884
1985	TRINITY	808	22	0	22,500	79	315	23,724
1986	TRINITY	777	18	0	21,875	83	369	23,122
1987	TRINITY	763	4	0	21,250	70	350	22,437
1988	TRINITY	726	3	0	20,000	77	324	21,130
1989	TRINITY	855	3	0	28,827	74	353	30,112
1990	TRINITY	869	3	0	25,313	74	470	26,729
1991	TRINITY	858	3	0	23,250	80	468	24,659
1992	TRINITY	848	9	0	32,060	80	636	33,633
1993	TRINITY	919	5	0	28,162	80	690	29,856
1994	TRINITY	861	5	0	27,329	80	727	29,002
1995	TRINITY	845	4	0	25,667	80	799	27,395

1996	TRINITY	853	1	0	17,575	80	718	19,227
1997	TRINITY	903	3	0	17,099	80	808	18,893
1998	TRINITY	971	3	0	21,276	80	742	23,072
1999	TRINITY	880	3	0	19,237	80	809	21,009
2000	TRINITY	901	2	0	13,515	80	851	15,349
2001	TRINITY	872	2	0	17,265	80	789	19,008
2002	TRINITY	996	2	0	12,254	80	729	14,061
2003	TRINITY	685	3	0	14,104	80	2,512	17,384

ERATH COUNTY

Year	Aquifer	Municipal	Manufacturing	Steam Electric	Irrigation	Mining	Livestock	Total
1980	TRINITY	3,487	0	0	9,000	0	1,216	13,703
1984	TRINITY	3,769	10	0	10,539	0	1,304	15,622
1985	TRINITY	3,533	16	0	7,010	0	1,377	11,936
1986	TRINITY	3,525	13	0	5,022	0	1,530	10,090
1987	TRINITY	3,806	15	0	4,864	0	1,330	10,015
1988	TRINITY	3,993	15	0	5,122	0	1,086	10,216
1989	TRINITY	3,900	10	0	9,174	0	1,201	14,285
1990	TRINITY	3,760	12	0	7,376	0	2,949	14,097
1991	TRINITY	3,651	1	0	4,404	0	2,998	11,054
1992	TRINITY	3,573	51	0	5,939	0	3,700	13,263
1993	TRINITY	3,710	48	0	15,253	0	3,996	23,007
1994	TRINITY	3,646	89	0	11,878	0	4,607	20,220
1995	TRINITY	3,656	138	0	11,578	0	4,914	20,286
1996	TRINITY	3,960	104	0	12,463	0	4,865	21,392
1997	TRINITY	3,770	102	0	7,736	0	4,999	16,607
1998	TRINITY	4,193	25	0	7,437	0	4,529	16,184
1999	TRINITY	4,202	0	0	8,623	0	4,749	17,574
2000	TRINITY	4,271	0	0	10,261	0	4,660	19,192
2001	TRINITY	4,440	7	0	6,739	0	4,470	15,656
2002	TRINITY	4,204	7	0	9,578	0	3,908	17,697
2003	TRINITY	3,963	6	0	6,407	0	6,264	16,640

Table 3 – Amount of Groundwater Used in Each Category of Use in the Annual Texas Water Development Board (TWDB) Water User Survey Database

Note: The amounts provided in Section B reflect the most recent information available from the Texas Water Development Board. As additional technical and hydrogeological information is gathered by the District, the District will revise and update its management plan and the information contained therein to include the most up-to-date data available.

C. Annual Amount of Recharge From Precipitation to the Groundwater Resources within the District – 31 TAC § 356.5(a)(5)(C) / TWC 36.1071(e)(3)(C)

The estimated total amount of annual recharge from precipitation within the District is 149,049 acre-feet. The estimated amount of recharge was derived from information provided in the Texas Water Development Board GAM Run 08-72. As additional technical and hydrogeological information is gathered by the District, the District will revise and update its management plan and the information contained therein to include the most up-to-date data available.

**TABLE 4: ANNUAL AMOUNT OF RECHARGE FROM PRECIPITATION
MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT**

Aquifer or Confining Unit	Estimated Amount of Annual Recharge From Precipitation to Comanche and Erath Counties (in acre-feet per year)
Woodbine Aquifer	0
Washita and Fredericksburg series	11,929
Paluxy Aquifer	41,114
Glen Rose Formation	41,803
Hensell Aquifer	33,591
Pearsall/Cow Creek/Hammett/Sligo Formations	0
Hosston Aquifer	20,612
Total	149,049

Table 4 – Annual Amount of Recharge from Precipitation in the District from GAM Run 08-72.

Note: The amounts provided in Section C. reflect the most recent information available from the Texas Water Development Board. As additional technical and hydrogeological information is gathered by the District, the District will revise and update its management plan and the information contained therein to include the most up-to-date data available.



D. Water Supply Needs 31 TAC 356.5(a)(7) / TWC § 36.1071(e)(4)

**TABLE 5: WATER SUPPLY NEEDS FROM 2007 STATE WATER PLAN
MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT**

The positive values provided in Table 5 represent the water surpluses projected for the District and the negatives values represent the actual projected water needs for the District over a fifty year period.

COMANCHE COUNTY

RWPG	WUG	County	River Basin	2010	2020	2030	2040	2050	2060
G	Comanche	Comanche	Brazos	0	0	0	0	0	0
G	County Other	Comanche	Brazos	376	372	389	416	450	476
G	County Other	Comanche	Colorado	3	3	4	4	5	5
G	De Leon	Comanche	Brazos	0	0	0	0	0	0
G	Irrigation	Comanche	Brazos	4,563	4,729	4,892	5,054	5,214	5,373
G	Livestock	Comanche	Brazos	0	0	0	0	0	0
G	Livestock	Comanche	Colorado	0	0	0	0	0	0
G	Manufacturing	Comanche	Brazos	13	10	7	5	3	0
G	Mining	Comanche	Brazos	0	0	0	0	0	0
Total Projected Water Needs (acre-feet per year) =				0	0	0	0	0	0

ERATH COUNTY

RWPG	WUG	County	River Basin	2010	2020	2030	2040	2050	2060
G	County Other	Erath	Brazos	1,357	1,176	1,009	851	338	0
G	Dublin	Erath	Brazos	0	0	0	0	0	0
G	Irrigation	Erath	Brazos	2,232	2,277	2,322	2,366	2,410	2,453
G	Livestock	Erath	Brazos	0	0	0	0	0	0
G	Manufacturing	Erath	Brazos	1	-8	-16	-24	-31	-40
G	Stephenville	Erath	Brazos	3,283	3,150	3,043	2,942	2,536	2,268
Total Projected Water Needs (acre-feet per year) =				0	-8	-16	-24	-31	-40

Table 5 –Projected Water Supply Needs in the District from Volume 3, 2007 State Water Planning Database

Note: The amounts provided in Section D reflect the most recent information available from the Texas Water Development Board. As additional technical and hydrogeological information is gathered by the District, the District will revise and update its management plan and the information contained therein to include the most up-to-date data available.

E. Projected Surface Water Supply within the District – 31 TAC § 356.5(a)(5)(F) / TWC § 36.1071(e)(3)(F)

**TABLE 6: PROJECTED SURFACE WATER SUPPLIES
MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT**

COMANCHE COUNTY

RWPG	Water User Group	County	River Basin	Source Name	2010	2020	2030	2040	2050	2060
G	Comanche	Comanche	Brazos	Brazos River Authority Little River Lake/ Reservoir System	634	632	622	605	587	568
G	County Other	Comanche	Brazos	Mercer Creek Run-of-River	200	200	200	200	200	200
G	De Leon	Comanche	Brazos	Brazos River Authority Little River Lake/ Reservoir System	280	280	274	265	256	248
G	Irrigation	Comanche	Brazos	Brazos River Combined Run-of-River Irrigation	20,582	20,582	20,582	20,582	20,582	20,582
G	Livestock	Comanche	Brazos	Livestock Local Supply	4,125	4,125	4,125	4,125	4,125	4,125
G	Livestock	Comanche	Colorado	Livestock Local Supply	128	128	128	128	128	128
Total Projected Surface Water Supplies (acre-feet per year) =					25,949	25,947	25,931	25,905	25,878	25,851

Erath County

RWPG	Water User Group	County	River Basin	Source Name	2010	2020	2030	2040	2050	2060
G	Dublin	Erath	Brazos	Brazos River Authority Little River Lake/ Reservoir System	485	516	544	576	682	753
G	Irrigation	Erath	Brazos	Brazos River Combined Run-of-River Irrigation	5,344	5,344	5,344	5,344	5,344	5,344
G	Livestock	Erath	Brazos	Livestock Local Supply	9,321	9,321	9,321	9,321	9,321	9,321
G	Stephenville	Erath	Brazos	Brazos River Authority Little River Lake/ Reservoir System	1,862	1,862	1,862	1,862	1,862	1,862
Total Projected Surface Water Supplies (acre-feet per year) =					17,012	17,043	17,071	17,103	17,209	17,280

Table 6–Projected Surface Water Supplies in the District from Volume 3, 2007 State Water Planning Database

Note: The amounts provided in Section E reflect the most recent information available from the Texas Water Development Board. As additional technical and hydrogeological information is gathered by the District, the District will revise and update its management plan and the information contained therein to include the most up-to-date data available.

F. Projected Water Demand within the District – 31 TAC § 356.5(a)(5)(G) / TWC § 36.1071(e)(3)(G)

**TABLE 7: PROJECTED WATER DEMANDS
MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT**

COMANCHE COUNTY

RWPG	Water User Group	County	River Basin	2010	2020	2030	2040	2050	2060
G	Comanche	Comanche	Brazos	634	632	622	605	587	568
G	County Other	Comanche	Brazos	899	903	886	859	825	799
G	County Other	Comanche	Colorado	17	17	16	16	15	15
G	De Leon	Comanche	Brazos	280	280	274	265	256	248
G	Irrigation	Comanche	Brazos	35,598	35,230	34,867	34,507	34,151	33,798
G	Livestock	Comanche	Brazos	4,125	4,125	4,125	4,125	4,125	4,125
G	Livestock	Comanche	Colorado	128	128	128	128	128	128
G	Manufacturing	Comanche	Brazos	31	34	37	39	41	44
G	Mining	Comanche	Brazos	54	51	50	49	48	47
Total Projected Water Demands (acre-feet per year) =				41,766	41,400	41,005	40,593	40,176	39,772

ERATH COUNTY

RWPG	Water User Group	County	River Basin	2010	2020	2030	2040	2050	2060
G	County Other	Erath	Brazos	1,705	1,886	2,053	2,211	2,724	3,062
G	Dublin	Erath	Brazos	485	516	544	576	682	753
G	Irrigation	Erath	Brazos	10,658	10,502	10,349	10,197	10,048	9,901
G	Livestock	Erath	Brazos	9,321	9,321	9,321	9,321	9,321	9,321
G	Manufacturing	Erath	Brazos	73	82	90	98	105	114
G	Stephenville	Erath	Brazos	2,717	2,850	2,957	3,058	3,464	3,732
Total Projected Water Demands (acre-feet per year) =				24,959	25,157	25,314	25,461	26,344	26,883

Table 7 - Projected Water Demands in the District Through 2060 from 2010 Volume 3, 2007 State Water Planning Database

Note: The amounts provided in Section F reflect the most recent information available from the Texas Water Development Board. As additional technical and hydrogeological information is gathered by the District, the District will revise and update its management plan and the information contained therein to include the most up-to-date data available.

G. Annual Volume of Water that Discharges from the Aquifer to Springs and Surface Water Bodies – 31 TAC § 356.5(a)(5)(D) / TWC § 36.1071(e)(3)(D)

The estimated total annual volume of water that discharges from the aquifer to springs and any surface water body including lakes, streams, and rivers is 34,330 acre-feet per year.

**TABLE 8: ESTIMATED ANNUAL VOLUME OF WATER THAT DISCHARGES FROM THE AQUIFER
MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT**

Aquifer or Confining Unit	Estimated Amount of Annual Volume of Water that Discharges from the Aquifer in Erath and Comanche Counties (in acre-feet per year)
Woodbine Aquifer	0
Washita and Fredericksburg series	921
Paluxy Aquifer	3,923
Glen Rose Formation	11,550
Hensell Aquifer	12,585
Pearsall/Cow Creek/Hammett/Sligo Formations	0
Hosston Aquifer	5,351
Total	34,330

Table 8 – Annual Volume of Discharge from the Aquifer from Texas Water Development Board GAM Run 08-72.

Note: The amounts provided in Section G reflect the most recent information available from the Texas Water Development Board. As additional technical and hydrogeological information is gathered by the District, the District will revise and update its management plan and the information contained therein to include the most up-to-date data available.

H. Estimate of the Annual Volume of Flow into the District, out of the District, and Between Aquifers in the District – 31 TAC § 356.5(a)(5)(E) / TWC § 36.1071(e)(3)(E)

TABLE 9: ANNUAL VOLUME OF FLOW INTO THE DISTRICT, OUT OF THE DISTRICT WITHIN EACH AQUIFER, AND BETWEEN EACH AQUIFER IN THE DISTRICT (FOR BOTH ERATH AND COMANCHE COUNTIES)
MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT

FLOW INTO THE DISTRICT

Aquifer or Confining Unit	Estimated Annual Volume of Flow Into the District Within Each Aquifer in the District (in acre-feet per year)
Woodbine Aquifer	0
Washita and Fredericksburg series	116
Paluxy Aquifer	178
Glen Rose Formation	644
Hensell Aquifer	1,429
Pearsall/Cow Creek/Hammett/Sligo Formations	1
Hosston Aquifer	1,404



FLOW OUT OF THE DISTRICT WITHIN EACH AQUIFER IN THE DISTRICT

Aquifer or Confining Unit	Estimated Volume of Flow Out of the District Within Each Aquifer in the District (in acre-feet per year)
Woodbine Aquifer	0
Washita and Fredericksburg series	245
Paluxy Aquifer	106
Glen Rose Formation	643
Hensell Aquifer	4,817
Pearsall/Cow Creek/Hammett/Sligo Formations	3
Hosston Aquifer	2,387

FLOW BETWEEN EACH AQUIFER IN THE DISTRICT

Aquifer or Confining Unit	Estimated Net Annual Volume of Flow Between Each Aquifer in the District (in acre-feet per year)
Woodbine Aquifer to or from Washita and Fredericksburg series	0
Washita and Fredericksburg series to Paluxy Aquifer	61
Paluxy Aquifer to Glen Rose Formation	627
Glen Rose Formation to Hensell Aquifer	2,280
Hensell Aquifer to Pearsall/Cow Creek/Hammett/Sligo formations	11,399
Pearsall/Cow Creek/Hammett/Sligo formations to Hosston Aquifer	11,767

Table 9 – Annual Flow Into, Out of, and Between Each Aquifer in the District from Texas Water Development Board GAM Run 08-72.

Note: The amounts provided in Section H reflect the most recent information available from the Texas Water Development Board. As additional technical and hydrogeological information is gathered by the District, the District will revise and update its management plan and the information contained therein to include the most up-to-date data available.

V. Management of Groundwater Supplies – 31 TAC § 356.5(a)(6); 31 TAC § 356.5(a)(7) / TWC § 36.1071(e)(4)

The Texas Legislature has established that groundwater conservation districts (“districts”), such as the Middle Trinity Groundwater Conservation District (“District”), are the state’s preferred method of groundwater management. The Texas Legislature codified its policy decision in Section 36.0015 of the Texas Water Code, which establishes that districts will manage groundwater resources through rules developed and implemented in accordance with Chapter 36 of the Texas Water Code (“Chapter 36”). Chapter 36 gives directives to districts and the statutory authority to carry out such directives, so that districts are given the proper tools to protect and manage the groundwater resources within their boundaries.

The District has used and will continue to use in the future the regulatory tools it has been provided by Chapter 36 and the Texas Legislature to address the many challenges facing the District including the significant threats to the water quality of the groundwater resources of the District. The District places a major priority on prevention of the contamination of its groundwater resources through abandoned and deteriorated water wells. Wells that have been abandoned or not properly maintained provide direct conduits or pathways that allow contamination from the surface to quickly reach the groundwater resources of the District. To address the threats to the water quality of its groundwater resources, the District has taken steps to increase the number of abandoned or deteriorated water wells that are plugged and intends to take additional action to plug wells in the future. The District has created a well plugging grant program with District funds which provides funding on an as-available basis for residents of Comanche and Erath Counties to plug the abandoned and deteriorated wells that are located on their property. In addition, the District requires, through the District's rules that all abandoned, deteriorated, or replaced wells be plugged in compliance with the Water Well Drillers and Pump Installers Rules of the Texas Department of Licensing and Regulation. The District has also places a priority on the capping of water wells which will be used a later date in order to eliminate waste, prevent pollution, and prevent further deterioration of the well casing.

It has also been the practice of the District to use the regulatory tools granted to districts by Chapter 36 to preserve and protect the existing and historic users of groundwater in the District. The legislature empowered the District to protect existing users of groundwater, which are those individuals or entities currently invested in and using groundwater or the groundwater resources within the District for a beneficial purpose, and preserve historic use by historic users, which are those individuals or entities who used groundwater beneficially in the past. The District strives to protect and preserve such use to the extent practicable under the goals and objectives of this Management Plan.

The District has created a permitting process for groundwater use that preserves and protects the existing and historic use of groundwater in the District. Pursuant to legislative authority, such as Section 36.113(e) of the Texas Water Code, the District protects existing use by imposing more restrictive permit conditions on new permit applications and increased use by historic users. In protecting existing users, the District has established limitations that apply to all subsequent new permit applications and increased use by historic users, regardless of type or location of use, which bear a reasonable relationship to this Management Plan; and are reasonably necessary to protect existing use. In accordance with Section 36.116(b), Water Code, the District has also

preserved historic use when developing and implementing rules which limit groundwater production to the maximum extent practicable consistent with this Management Plan. Under the District's permitting process, non-exempt groundwater users who have existing or historic use receive Grandfather Permits, while all new groundwater users and those existing and historic users who need an increased amount of groundwater production through new wells or modifications to existing wells obtain Operating Permits.

The Grandfather Permits issued by the District under the District's rules have an important role as part of the District's overall permitting process and Permit Retirement Program. Grandfather Permits are designated as either "Active Well Grandfather Permits" or "Inactive Well Grandfather Permits" based on the operational status of the water well to be permitted. The District has issued Operating Permits for the water wells in the District that meet certain criteria including those wells that have not received a Grandfather Permit and those water wells that will be or have been drilled and have or will produce groundwater for the first time after May 11, 2004 - the date of the original adoption of the rules of the District. In accordance with § 36.116 of the Texas Water Code, the rules of the District regulate the production of groundwater under Operating Permits issued by the District through spacing and production limits.

Another significant component of the District's permitting process under the District rules is the Retirement Program for Inactive Well Grandfather Permits. After providing the proper notice and hearing, the Board may establish a date as the Date of Permit Retirement. The Date of Permit Retirement may be designated by the Board when the Board has determined that there is an insufficient amount of groundwater available in the District for the issuance of new Operating Permits. On the Date of Permit Retirement, the District, under the rules, may retire certain Inactive Well Grandfather Permits so that no well that is permitted under an Inactive Well Grandfather Permit may be operated in the future without the well owner first obtaining an Operating Permit. The amount of groundwater allocated by the District to water wells operated under the retired Inactive Well Grandfather Permits will then be available for allocation and use under Operating Permits. To ensure that Grandfather Permits reflect the most accurate status of the wells that are permitted, the District has and will distribute Groundwater Well Status Reports to all persons and entities who have been granted Grandfather Permits.

In managing its groundwater supplies, the District has taken into account the water management strategies contained in the 2007 State Water Plan. The 2007 State Water Plan did not have any water management strategies for Comanche County and had two recommended strategies for Erath County. These strategies include additional development of the Trinity Aquifer and water conservation, and both strategies focus on the manufacturing water user groups. The combined effect of these strategies results in approximately 58 acre-feet per year water savings by the year 2060.

**TABLE 10: WATER MANAGEMENT STRATEGIES
MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT**

ERATH COUNTY

RWPG	WUG	River Basin	Water Management Strategy	Source Name	2010	2020	2030	2040	2050	2060
G	Manufacturing	Brazos	Additional Trinity Aquifer Development (Includes Overdrafting)	Trinity Aquifer	0	50	50	50	50	50
G	Manufacturing	Brazos	Manufacturing Water Conservation	Conservation	2	4	6	7	7	8
Total Projected Water Management Strategies (acre-feet per year) =					2	54	56	57	57	58

Table 10 –Water Management Strategies for Erath County Volume 3, 2007 State Water Planning Database

Note: The information provided reflects the most recent information available from the Texas Water Development Board. As additional technical and hydrogeological information is gathered by the District, the District will revise and update its management plan and the information contained therein to include the most up-to-date data available.

VI. Methodology to Track District Progress in Achieving Management Goals – 31 TAC § 356.5(a)(6)

An annual report (“Annual Report”) is created by the general manager and staff of the District and provided to the members of the Board of the District. The Annual Report covers the activities of the District including information on the District’s performance in regards to achieving the District’s management goals and objectives. The Annual Report is delivered to the Board within ninety (90) days following the completion of the District’s fiscal year, beginning with the fiscal year that started on January 1, 2005. A copy of the Annual Report is kept on file and available for public inspection at the District’s offices upon adoption.

VII. Actions, Procedures, Performance, and Avoidance for District Implementation of Management Plan – 31 TAC § 356.5(a)(3); 31 TAC § 356.5 (a)(4) / 36.1071(e)(2)

The District has acted on the goals and directives established in this management plan. The District has also used the objectives and provisions of the management plan as a guideline in its policy-implementation and decision-making. In both its daily operations and long term planning efforts, the District continuously strives to comply with the initiatives and standards created by the management plan for the District.

After receiving public input, the District adopted rules in accordance with Chapter 36 of the Texas Water Code and all rules must be followed and enforced. The District may amend the District rules as necessary to comply with changes to Chapter 36 of the Texas Water Code and to insure the best management of the groundwater within the District. The development and enforcement of the rules of the District has been and will continue to be based on the best scientific and technical evidence available to the District.

The District has encouraged and will continue to encourage public cooperation and coordination in the implementation of the management plan for the District, as it is amended. All operations and activities of the District have been and will be performed in a manner that best encourages cooperation with the appropriate state, regional or local water entity. The meetings of the Board of the District are noticed and conducted at all times in accordance with the Texas Open Meetings Law. The District has also made available for public inspection all official documents, reports, records and minutes of the District pursuant with the Texas Public Information Act and will continue to do so in the future.

VIII. Management Goals

A. Providing the Most Efficient Use of Groundwater – 31 TAC § 356.5(a)(1)(A) / TWC § 36.1071(a)(1)

- A. 1. **Objective** – Annually, the District will require all new water wells that are constructed within the boundaries of the District to be registered with the District pursuant to the District Rules.
- A. 1. **Performance Standard** – The number of water wells registered by the District for each year will be included in the Annual Report submitted to the Board of Directors of the District.
- A. 2. **Objective** – The District will annually require all water wells subject to the District's permitting requirements to be permitted pursuant to the District Rules.
- A. 2. **Performance Standard** – The number of water wells permitted by the District for each year will be included in the Annual Report submitted to the Board of Directors of the District.
- A. 3. **Objective** – The District will annually regulate the production of groundwater by maintaining a system of permitting which authorizes the use and production of groundwater within the boundaries of the District pursuant to the District Rules.
- A. 3. **Performance Standard** – The District will annually accept and process applications for the permitted use of groundwater in the District in accordance with the permitting system established by the District Rules. The number and type of applications made for the permitted use of groundwater in the District, and the number and type of permits issued by the District, will be included in the Annual Report given to the Board of Directors.
- A.4. **Objective** – The District will annually attempt to increase the public awareness regarding the purpose, objectives, and mission of the District.
- A.4. **Performance Standard** – The District will provide at least two of the following on annual basis: informational presentations to public service organizations or community groups; informational radio spots; or manned kiosks at public expositions.

B. Controlling and Preventing Waste of Groundwater – 31 TAC § 356.5(a)(1)(B) / TWC § 36.1071(a)(2)

- B. 1. Objective** – At least once each year, the District will evaluate the District Rules to identify whether any amendments are needed to reduce the amount of waste of groundwater within the boundaries of the District.
- B. 1. Performance Standard** – The District will include a discussion of the annual evaluation of the District Rules and the determination of whether any amendments to the rules are needed to prevent the waste of groundwater in the Annual Report of the District provided to the Board of Directors.
- B. 2. Objective** – The District will annually provide information to the public on eliminating and reducing wasteful practices in the use of groundwater by publishing information on groundwater waste reduction on the District's website at least once a year.
- B. 2. Performance Standard** – A copy of the information on groundwater waste reduction will be provided on the District's website and the information on the published on the website will be included in the District's Annual Report to be provided to the District's Board of Directors.
- B.3. Objective** – The District will require the plugging of at least one (1) deteriorated or abandoned well identified by the District in accordance with the Texas Department of Licensing and Regulation, Water Well Drillers and Pump Installers Rules (16 Texas Administrative Code, Chapter 76).
- B.3. Performance Standard** – At least once each year, the District will produce a report that describes the activities of the District in plugging a deteriorated or abandoned water well identified by the District and the report will be included in the Annual Report given to the Board of Directors of the District.
- B.4. Objective** - The District will submit at least one request each year to the Texas Railroad Commission by the end of each fiscal year asking for the location of existing salt water or waste disposal injection wells which have been permitted by the Texas Railroad Commission within the District within the most recent fiscal year.
- B.4. Performance Standard** – A copy of each request letter that was submitted to the Texas Railroad Commission asking for the location of existing salt water or waste disposal wells permitted to operate within the District will be included in the Annual Report submitted to the Board of Directors of the District for each fiscal year.

- B.5. Objective** – The District will provide at least one request each year to the Texas Railroad Commission which asks whether any new salt water or waste disposal injection wells have been permitted by the Texas Railroad Commission to operate within the District within the most recent fiscal year.
- B.5. Performance Standard** – A copy of each request provided to the Texas Railroad Commission each year which requests information regarding the location of any new salt water or waste disposal wells permitted to operate within the District will be included in the Annual Report submitted to the Board of Directors of the District.
- B.6. Objective** – The District will transmit at least one request each year to the Texas Railroad Commission which asks that the Commission provide a copy of the results of integrity tests performed on salt water or waste disposal injection wells permitted by the Texas Railroad Commission to operate within the District.
- B.6. Performance Standard** – A copy of each letter sent to the Texas Railroad Commission each year requesting the results of the integrity testing performed on salt water or waste disposal injection wells permitted by the Texas Railroad Commission to operate within the District will be included in the Annual Report submitted to the Board of Directors of the District.

C. Conjunctive Surface Water Management Issues – 31 TAC § 356.5(a)(1)(D) / TWC § 36.1071(a)(4)

- C. 1. Objective** – Each year, the District will participate in the regional planning process by attending at least 25 percent of the Region G (Brazos G) – Regional Water Planning Group meetings to encourage the development of surface water supplies to meet the needs of water user groups in the District.
- C. 1. Performance Standard** – The attendance of a District representative at the Region G Regional Water Planning Group meeting(s) will be noted in the Annual Report presented to the District Board of Directors and will provide the total number of meetings conducted by the Region G Regional Water Planning Group for that year and will indicate how many of the meetings were attended by the District.

D. Drought Conditions – 31 TAC § 356.5(a)(1)(F) / TWC § 36.1071(a)(6)

- D. 1. Objective** – On a monthly basis, 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 - <http://www.txdps.state.tx.us/dem/sitrepindex.htm>.
- D. 1. Performance Standard** – 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 that is provided to the Board of Directors.

E. Conservation, Recharge Enhancement, Rainwater Harvesting, and Brush Control – 31 TAC § 356.5(a)(1)(G) / TWC § 36.1071(a)(7)

- E. 1. Objective** – The District will submit at least one article regarding water conservation for publication each year to at least one newspaper of general circulation in Comanche and Erath Counties.
- E. 1. Performance Standard** – A copy of the article submitted by the District for publication to a newspaper of general circulation in Comanche and Erath Counties regarding water conservation will be included in the Annual Report given to the Board of Directors.
- E. 2. Objective** – The District will present a pre-existing educational program for use in public or private schools in Comanche and Erath Counties at least once each year to educate students on the importance of water conservation.
- E. 2. Performance Standard** – A description of the educational program presentation(s) by the District for use in the public and private schools in Comanche and Erath Counties will be included in the Annual Report to the Board of Directors each year.
- E. 3. Objective** – On an bi-annual basis, the District will include an informational flier on water conservation within at least one mail-out to permit holders distributed in the normal course of business for the District.
- E. 3. Performance Standard** – The District's Annual Report will include a copy of the most recent informational flier distributed to permit holders regarding water conservation and identify the number of fliers distributed.
- E. 4. Objective** – The District will provide information relating to recharge enhancement on the District web site at least once each year.

E. 4. **Performance Standard** – The District’s Annual Report will include a copy of the information provided on the District web site related to recharge enhancement.

E. 5. **Objective** – The District will provide information on rainwater harvesting each year by offering new information about rainwater harvesting on the District web site at least once each year.

E. 5. **Performance Standard** – The District’s Annual Report will provide a copy of the information on rainwater harvesting which has been posted on the District web site in the previous year.

E. 6. **Objective** – The District will evaluate the State Brush Control Plan as it is revised from time to time at least once each year to determine whether projects within the District will increase the groundwater resources of the District.

E. 6. **Performance Standard** – Upon review of a newly revised State Brush Control Plan, the District’s Annual Report will include a copy of the most recent brush control information pertaining to the District.

F. Addressing in a Quantitative Manner the Desired Future Conditions – 31 TAC § 356.5(a)(1)(H) / TWC § 36.1071(a)(8)

F. 1. **Objective** – The District will review and calculate its permit and well registration totals in light of the Desired Future Conditions of the groundwater resources within the boundaries of the District to assess whether the District is on target to meet the Desired Future Conditions estimates submitted to the TWDB.

F. 1. **Performance Standard** – The District’s Annual Report will include a discussion of the District’s permit and well registration totals and will evaluate the District’s progress in achieving the Desired Future Conditions of the groundwater resources within the boundaries of the District and whether the District is on track to maintain the Desired Future Conditions estimates over the 50 year planning period.

F. 2. **Objective** – The District will annually sample the water levels in at least five monitoring wells within the District and will determine the five-year water level averages based on the samples taken. The District will compare the five-year water level averages to the corresponding five-year increment of its Desired Future Conditions in order to track its progress in achieving the Desired Future Conditions.

- F. 2. **Performance Standard** – The District's Annual Report will include the water level samples taken each year for the purpose of measuring water levels to assess the District's progress towards achieving its Desired Future Conditions. Once the District has obtained water level samples for five consecutive years and is able to calculate water level averages over five-year periods thereafter, the District will include a discussion of its comparison of water level averages to the corresponding five-year increment of its Desired Future Conditions in order to track its progress in achieving its Desired Future Conditions.

IX. Management Goals Not-Applicable to District

- A. **Controlling and Preventing Subsidence – 31 TAC § 356.5(a)(1)(C) / TWC § 36.1071(a)(3)** – The District has not been advised as to any issues with subsidence that exist within the boundaries of the District.
- B. **Natural Resource Issues – 31 TAC § 356.5(a)(1)(E) / TWC § 36.1071(a)(5)** – The District has not been advised as to any threatened or endangered species that exist within the boundaries of the District and are significantly impacted by groundwater usage.
- C. **Addressing Precipitation Enhancement – 31 TAC § 356.5(a)(1)(G) / TWC § 36.1071(a)(7)** – Precipitation enhancement is not a cost effective or appropriate program for the District at this time since there are not precipitation enhancement programs in nearby counties or groundwater conservation districts that the District could participate with and allocate expenses for precipitation enhancement projects.

X. Action Required for Plan Approval – 31 TAC § 356.6

A. Certified Copy of District's Resolution Re-Adopting Management Plan – 31 TAC § 356.6(a)(2)

A certified copy of the District's resolution re-adopting the plan is located in Appendix B– District Resolution.

B. Evidence of Management Plan Adoption After Notice and Hearing – 31 TAC § 356.6(a)(3) / TWC § 36.1071(a)

Evidence, such as public notices, that the management plan was re-adopted following applicable public meetings and hearings is located in Appendix C- Notice of Meetings.

C. Coordination with Surface Water Management Entities – 31 TAC § 356.6(a)(4) / TWC § 36.1071(a)

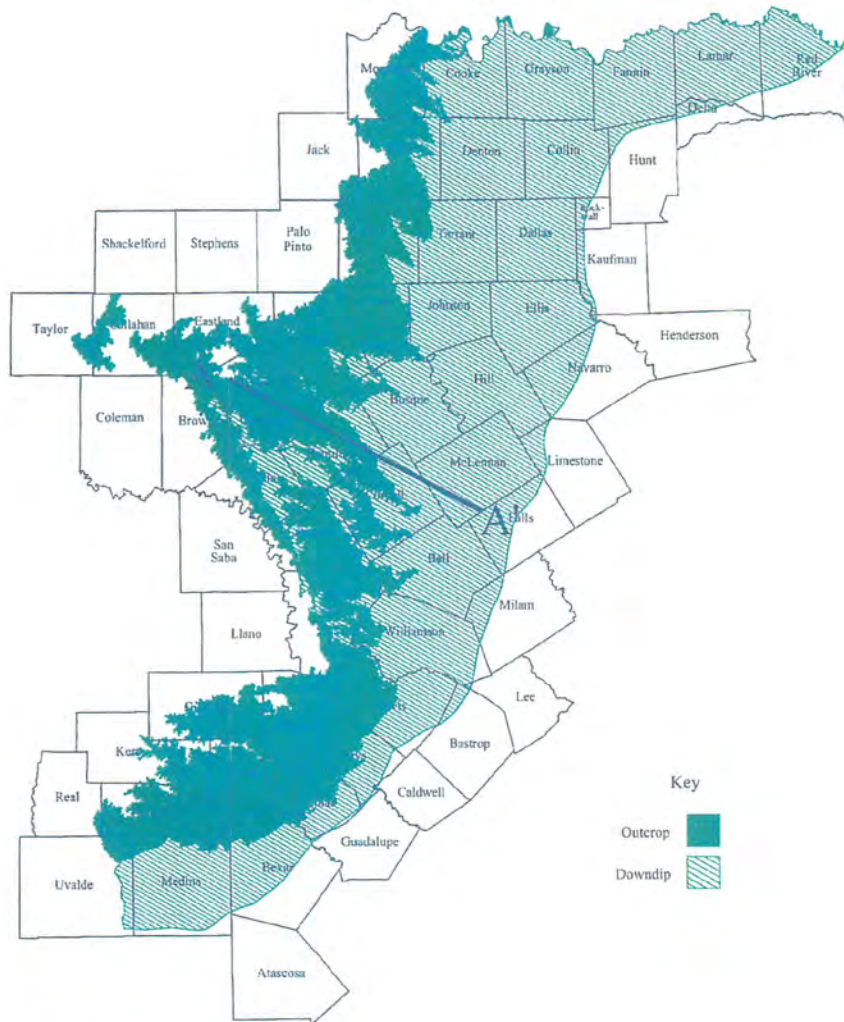
Evidence, such as correspondence with regional water planning groups and/or other surface water authorities or management entities, which demonstrates that the District coordinated with surface water management entities in regards to re-adopting the District's management plan is located in Appendix D.

References

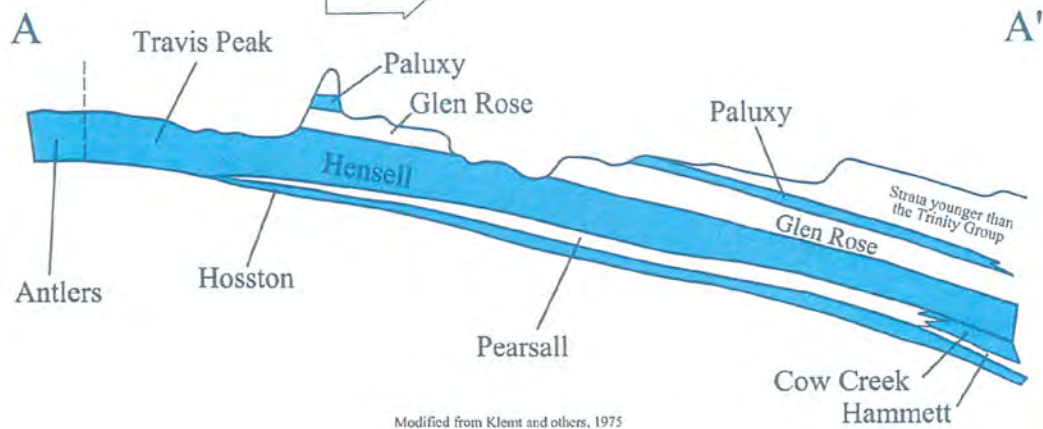
1. 2007 State Water Plan, Volume 3, Regional Water Planning Group Database
(<http://www.twdb.state.tx.us/wushhistorical/DesktopDefault.aspx?PageID=1>
and
<http://www.twdb.state.tx.us/DATA/db07/defaultReadONLY.asp>).
2. *Aquifers of Texas*, Texas Water Development Board, Report 345, by Ashworth and Hopkins, November 1995.
3. Texas Almanac 2002-2003, The Dallas Morning News.
4. GAM Run 08-72, Wade Oliver, TWDB, October 3, 2008.
5. GAM Run 08-84mag, Shirley C. Wade, TWDB, February 8, 2009.

APPENDIX A

Trinity



Key



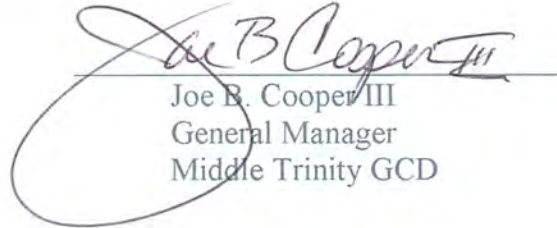
Modified from Klemm and others, 1975

APPENDIX B

**AFFIDAVIT OF CERTIFICATION
FOR
RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDDLE TRINITY
GROUNDWATER CONSERVATION DISTRICT RE-ADOPTING THE
GROUNDWATER MANAGEMENT PLAN**

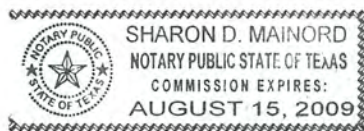
I, Joe B. Cooper III, hereby certify that the attached document is a real and true copy of the Resolution of the Board of Directors of the Middle Trinity Groundwater Conservation District re-adopting the Groundwater Management Plan.

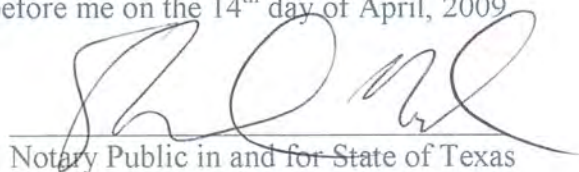
Witness my signature this 14th day of April, 2009.


Joe B. Cooper III
General Manager
Middle Trinity GCD

STATE OF TEXAS §
COUNTY OF ERATH §

SWORN TO AND SUBSCRIBED before me on the 14th day of April, 2009




Notary Public in and for State of Texas

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDDLE TRINITY
GROUNDWATER CONSERVATION DISTRICT ADOPTING DISTRICT
GROUNDWATER MANAGEMENT PLAN**

THE STATE OF TEXAS

§
§
§

MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT

WHEREAS, the Middle Trinity Groundwater Conservation District ("District") was created by the Texas Legislature, pursuant to the authority of Article XVI, § 59 of the Texas Constitution, through Act of May 25, 2001, 77th Leg., R.S., ch. 1362, 2001 Tex. Gen. Laws 3371, as amended ("the Act"), as a groundwater conservation district operating under Chapter 36, Texas Water Code, Section 59, Article XVI of the Texas Constitution, and the Act;

WHEREAS, the Board of Directors of the District ("Board") originally adopted its Management Plan in accordance with Sections 36.1071 and 36.1072 of the Texas Water Code and 31 Texas Administrative Code Chapter 356, on April 29, 2004 and the Management Plan was approved by the Texas Water Development Board ("TWDB") on July 1, 2004;

WHEREAS, pursuant to Section 36.1072 of the Texas Water Code and 31 Texas Administrative Code Section 356.3, the District is required to re-adopt its Management Plan, with or without revisions, at least once every five years and must thereafter re-submit the revised plan for TWDB approval pursuant to 31 Texas Administrative Code Sections 356.5 and 356.6;

WHEREAS, the District has made timely revisions to its Management Plan for re-adoption by the Board prior to the expiration of the five-year period;

WHEREAS, as part of the process of re-adopting its Management Plan, the District requested and received the assistance of the TWDB and worked with the TWDB staff to obtain the staff's recommendations and comments on the revisions to its Management Plan;

WHEREAS, the Board and the staff of the District and the District's legal counsel reviewed and analyzed the District's best available data, groundwater availability modeling and managed available groundwater information, and other information and data required by the TWDB;

WHEREAS, the District issued notice in the manner required by state law and held a public hearing on April 2, 2009, to receive public and written comments on the Management Plan at the District's office located at 150 North Harbin, Suite 434, Stephenville, Texas;

WHEREAS, the District will coordinate with the appropriate surface water management entities after the public hearing and re-adoption of its Management Plan to afford surface water management entities within the boundaries of the District the opportunity to review and provide comments to the District on its Management Plan;

WHEREAS, the Board finds that the revised Management Plan meets all of the requirements of Chapter 36, Texas Water Code, and 31 Texas Administrative Code Chapter 356; and

WHEREAS, the Board of Directors met in a public meeting on April 2, 2009, properly noticed in accordance with appropriate law, after holding a public hearing on the attached revised Management Plan, considered the re-adoption of the Management Plan, and considered approval of this resolution.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT THAT:

1. The above recitals are true and correct.
2. The Board of Directors hereby re-adopts the attached Management Plan as the Management Plan of the District;
3. The Board of Directors, the District staff, and the District's legal counsel are further authorized to take all steps necessary to implement this resolution and submit the revised Management Plan to the TWDB for its approval; and
4. The Board of Directors, the District staff, and the District's legal counsel are further authorized to take any and all action necessary to coordinate with the TWDB as may be required in furtherance of TWDB's approval pursuant to the provisions of Section 36.1072 of the Texas Water Code.

AND IT IS SO ORDERED.

PASSED AND ADOPTED on this 2 day of April, 2009.

MIDDLE TRINITY GROUNDWATER CONSERVATION DISTRICT

By: 
Board President

ATTEST:


Board Secretary

APPENDIX C

COUNTY OF COMANCHE, STATE OF TEXAS

Before me, the under signed authority, on this day personally appeared Jerry Morgan, known to me, who being duly sworn, on his/her oath, deposes and says that he/she is the Publisher of the DELEON FREE PRESS, a newspaper of general circulation published in COMANCHE COUNTY; that said newspaper has been continuously and regularly published in said county for a period of more than one year; that a copy of the within and foregoing notice was published in said newspaper at least once each week for a period of One week(s) before the return day named therein, such publication being on the following dates, March 12, 2009, a newspaper copy of which is attached hereto.

Jerry Morgan

Jerry Morgan (Name)
Publisher (Title)
DELEON FREE PRESS

Sworn to and subscribed before this 9th day of April, 2009.

Kay Madge

Notary Public
State of Texas

12

MEETING NOTICE

The Middle Trinity Groundwater Conservation District will hold a public hearing on the proposed re-adoption of the MTGCD's Groundwater Management Plan on Thursday, April 2, 2009, at 1:00 p.m. at the Dublin City Council Chambers, 213 E. Blackjack, Dublin, Texas. All interested parties are invited to attend.



ANCHORS AWEIGH – Zack Paul joined the Navy! More than 30 friends and family members of Zack Paul, pictured above, participated in a come-and-go reception, Sunday, February 22, 2009 at the First National Bank Hospitality Room. Zack departed for eight weeks of basic training at Great Lakes Naval Training Center on March 4. After basic training, Zack will report to Charleston, SC, for nuclear tech advanced training. For the next eight weeks mail can be sent to Zack at the following address: SR Paul, Zachary, Ship 13 Div 175, 3420 Sailor Dr. Great Lakes, Ill. 60088-3520.

Comanche County Genealogical Society to Meet

The Comanche County Genealogical Society will hold its monthly meeting Thursday night, March 12, 2009 at 7:00 p.m. at the Comanche County Historical Museum.

The speaker will be Pauleta Davies and the program will be "Researching Family History of Slaves."

The genealogy group is planning a trip to Hill College in the near future to access the

college's extensive information on Confederate Soldiers.

New members are always invited to visit and become a member. Membership dues are \$20 for singles or \$25 per couple. Meetings are held the second Thursday of each month at the museum.

A web page is now available (www.comanchecountytx-genealogy.org).

Veterans Benefits Outreach

Comanche County veterans and their families are invited to participate in a "Veterans Benefits Outreach" program, Saturday, April 4, 2009, from 10 a.m. to 2 p.m. at the Eastland VFW, 918 Hwy 570, two miles east of Eastland.

Valuable personal assistance will be available and claims will be given by experts from: County Veterans Service Officers, Texas Veterans Commission, VA Benefit Counselors (bring your VA correspondence), Dallas VA

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New Copper Sinks & Copper Tubs...
Shower Curtains & Hooks...
Cowhides...Switchplates...
Rustic Iron For Yard & Home...
Western Comforter Sets...
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Open Tuesday-Saturday 9-6
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254-965-9663 or 254-396-3513



*We Salute Area Farmers & Ranchers on
National Agriculture Week March 15-21*

Rollies On Texas

341 S. Texas • DeLeon

Affidavit of Publication

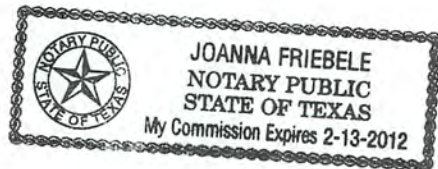
THE STATE OF TEXAS
COUNTY OF COMANCHE

Before me, the undersigned authority, on this day personally appeared James Wilkerson, who being duly sworn, deposes and says that he is the publisher of the *Comanche Chief*; that said newspaper is generally circulated in Comanche County, Texas; that the attached notice was published in said newspaper on the following dates:

March 12, 2009

James Wilkerson
James Wilkerson, publisher *Comanche Chief*

Subscribed and sworn to before me this the 16 day of March, 2009, to certify which witness my hand and seal of office.



Joanna Friebele
Notary Public in and for the State of Texas

JOANNA FRIEBELE
Print or Type Name of Notary Public

My Commission Expires 2-13-2012

NOTARY PUBLIC
STATE OF TEXAS

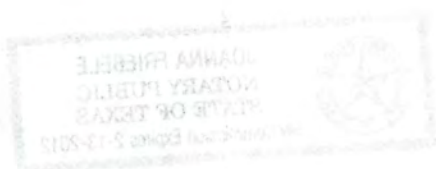
I, the undersigned, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears to me.

[Signature]
Notary Public

Witness my hand and seal this 1st day of May, 2012.

[Signature]
Notary Public

My commission expires 12/31/2012



Affidavit of Publication

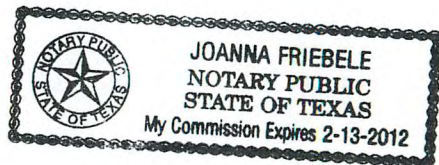
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Joanna Friebele
Notary Public in and for the State of Texas
JOANNA FRIEBELE
Print or Type Name of Notary Public
My Commission Expires 2-13-2012



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ANGUS BULLS. Ig selec-
tion - performance or Calving
ease. One to fit your needs and
price range. Harold Perkins
356-3397 or 356-3375 (wk)
(39TFC)

PURE BRED HEREFORD
BULLS FOR SALE: Call
254-842-5717; 254-842-5997;
or 361-526-5132. (451fc)

FOR SALE: Barbado and
Dorper Cross Sheep. Small
square bales of coastal hay.
580-262-1005. 650 CR 408.
(46-47p)

FARMING

CUSTOM SPRIGGING:
Coastal & Tifton 85 avail-
able. Gerald Lewis. Call 254-
842-7315 or 254-758-2317
(37-48p)

SPRIGGING: Tifton 85 or
coastal. Todd Schoen. 325-
642-6149. (37-48c)

HAY

FOR SALE: Round bales
coastal and oats. Gary Hall,
Sidney. 325-330-0845. (311fc)

SMALL SQUARE BALES
of Alfalfa for sale. For infor-
mation on price and delivery,
contact Donald at 254-784-
0800. (44-47p)

TIFTON 85 & COASTAL
BERMUDA GRASS HAY:
Round or square- All grades.
Starting at \$60/bale. 254-485-
0354. (44-47p)

HAY FOR SALE: Coastal.
Tifton, Sudan. Round bales
of all qualities. \$125-150 per
ton. Fob, full loads only. Call
254-485-7553. (44-47p)

WANTED

TUPPERWARE: WANT A
PARTY? Do you need Tup-
perware? Call 254-643-7176
(521fc)

FREE: We'll take your old
junk cars! 325-330-0833
Mike. (42-46p)

PETS

PHOTO TO SALE: 2 male
chocolate-brown puppies. 2 months
old. \$100 each. Call 254-485-7553.

LOST

LOST-STRAYED-STO-
LEN: Male Jack Donkey.
53 or 52 inches tall. Multi
colored. From Bill Clemon's
property on Highway 16 N.
Gone 2 months or longer.
Call 325-356-3133 with info.
REWARD. (451fc)

MEDICAL

HELP WANTED - Full time
night CNA, Program Aide
relief, 9-5 or 6pm and Certi-
fied Nurses Aide from 6am to
2pm. Contact Jean at Hillview
Manor, Mon.-Fri. 8-5, 648-
2247. (181fc)

FULL TIME COOK NEED-
ED: English reading, writing,
& speaking skills required. Ap-
ply in person at Western Hills
Healthcare Residence, 400 Old
Sidney Rd. (451fc)

FULL TIME HOUSEKEEP-
ER NEEDED: For the 7am-
3pm shift & Part time Jani-
tor needed. English reading,
writing, & speaking skills
required. Apply in person from
8am-4pm at Western Hills
Healthcare Residence, 400 Old
Sidney Rd. (461fc)

GIRLING HEALTH CARE,
INC.: Providers. P/T positions
for caring and dependable
people (male and female)
to work in the homes of the
elderly and disabled in your
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Call 1-800-665-4471. Email to
opportunities@girling.com.
E.O.E. M/F/D/V. (46c)

HELP WANTED

AVON REPRESENTA-
TIVES NEEDED: It Pays
to Be With Avon. ISR. Betty
254-842-5421. (206c)

SHOP FOREMAN/ME-
CHANIC: Diesel experience
preferred. Weekend work re-
quired. 254-386-5660. (46-47c)

YARD SALE: at the corner of
Milton and Victor. Beginning
at 8 am. Friday and Satur-
day. Lots of baby equipment!
(46c) **FULL TIME POSI-**
TIONS: Delivery of small an-
imals to pet stores. Overnight
travel required. Clean MVR.
No CDL required. Weekend
work required. 254-386-8398.
(42-43c) **FULL TIME OFFICE**

POSITIONS: Ideal candidate
possesses strong accounting
skills, has computer experi-
ence and is able to handle
heavy phones and multi-task.
254-386-8398. (42-43c) **SHOP**
FOREMAN/MECHANIC:
Diesel experience preferred.
Weekend work required. 254-
386-5660. (42-43c)

AUCTION

Annual Spring Equipment Sale

Saturday, March 21 • 10 a.m.

Hwy. 377 E, Comanche, Texas behind Riata Trading Co.

Selling for farmers, ranchers and area lenders.

THIS IS A PARTIAL LISTING ONLY - CONSIGNMENTS WELCOME

TRACTORS: JD 1986 4450 C/A Q/R, new rubber, 6800 hrs. (real nice); JD 240 1980 mod., 4180 hrs. (real nice); JD 1979 2240, low hrs. (real clean); JD 1968 320 (good); Ford 1971 5000, 2375 hrs. (real clean); Ford 9700 w/Big John loader, Kubota L2550 w/loader, power reverser, 1000 hrs.; Oliver 1952 88 (good); MF 1969 1080 (clean)

FARM EQUIPMENT: JD 530 baler, Vermeer 1983 504-H baler (real clean), Vermeer 1985 R23 hay rake, twin hyd. (real good); 10-wheel drag-type rake w/hyd.; MF 9-shank spring chisel, Coastal renovator, JD 14 ft. tandem, Taylor Way 14 ft. offset, JD grain drill, 16-disk galvanized box, JD 8300 grain drill w/fertilizer box (real nice), Case grain drill, galvanized box; JD 3 pt. 4-bottom moldboard, JD 1010 field cultivator D/T (good), Hughes g/n ranch cattle trailer 5'x20', 2006 mod. (like new); Dougan 6'x24' g/n cattle trailer (real good); Cheyenne 1991 6'x16' w/saddle compartment (real nice); gooseneck flatbed trailer 102'x24', 2001 mod. 5-bale hay van (like new), post hole diggers, 3 pt. blades, hay spikes, of 2" structural pipe.

Auctioneer's Note: For additional listing and pictures through sale day, visit our website at www.centextauctionsales.com

Terms: Full payment sale day. Everything sold "as is, where is." No warranties or guaranties either written or implied. Any announcements sale day take precedence over previous advertisements. Not responsible for accidents. Cash or check w/proper ID. No tires or wheels.

LOADER TRACTOR • FOOD-DRINKS • SALE RAIN OR SHINE

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10750 Hwy. 1476 • Comanche, Texas 76442

Auctioneers

Bill Blue, Lic. TX 7791 • Doug Johnston, Lic. TX 13632

For info call

325-885-2109 • Mobile 254-842-7940

The Middle Trinity Groundwater Conservation District will hold a public hearing on the proposed re-adoption of the MTGCD's Groundwater Management Plan on Thursday, April 2, 2009, at 1:00 p.m. at the Dublin City Council Chambers, 213 E. Blackjack, Dublin, Texas. All interested parties are invited to attend.

CIRCLE T AUCTION CO.

Mike Purley, Auctioneer

DUBLIN ISD AUCTION

MarketPlace

CLASSIFIED

100

Announcements

101 Love Lines

105 Happy Ads

110 Auctions

120 Lost

LOST CAT
on/around Rosebud.
Lg male gray
Tabby.
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125 Found

130 Hunting
Leases

140 Personals

160 Special
Notices

200

Employment

210 Business
Opportunities

Established Tanning Salon, Only Spray Booth in Town. W/ Selection of Jewelry & Handbags. Asking \$58k. Best Time to Own Tanning Salon
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Employment
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Employment
Wanted

AFFORDABLE
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Please call
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240 Help

245 Help
Wanted
Full Time

Full time office position. Ideal candidate possesses strong accounting skills, has computer experience and is able to handle heavy phones and multi-task. 254-386-5660

RED RIVER Arenas in Coleman, TX is seeking full time salesperson for rodeo equip. Applicant must be knowledgeable in rodeo equip. & arenas and have strong selling skills. Please fax resume to 325-625-1708 or Sales@RedRiverArenas.com. No phone calls please
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Computer Technician - Respond to on-site technical work throughout the

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Clean. Residential &
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LET US Spring
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Garden Equip! Will
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We're local! Mattresses from \$89 Full or Queen sets starting at \$199.99
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2" FENCE PIPE
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MF 85-PROPANE
Front end loader
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630 Feed,
Seed,
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I Want to Buy Lg.
quantity of Coastal
Ro. Bales 254-485-
3500/254-977-3500

Horse Quality
Coastal Sq. Bales
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710 Acreage

25-50 ACRES Very
good soil-Coastal,
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mi from Sville. Mineral rights included.
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Dairies/Farm730 Homes
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3/2/2 \$178k
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w/large cov. porches on 7.5 ac., sandy soil. New fences, road, lower Trinity well & septic, entrance, roof & landscaping. 11 mi. from Sville 7 mi from

730 Homes
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2500 SQ. ft frame on 3.58 ac, only 1 mi from Sville 3/3/office, 2 liv. areas. Barn w/5 stalls 50ft.x16ft bunk house, workshop/storage bldg, lots of trees., \$199,000 (will negotiate selling up to 2 add. acres)
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\$450/mo +Dep
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Village Apartments
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clean, good area.
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Distance to TSU,
Most Util. Paid -
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COASTAL
SQUARE bales. \$6
in barn 20 bale min.
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4x5 + bales.
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2nd cut Western
High Ctry. \$16.50
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New & Used
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15 + Acres E. on
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15 Miles Has
Septic,
Electric, Phone
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ft Back 3 ac wooded
& fenced \$149,000
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3/2/2 1978 sq.ft.
Call for details &
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3/2/2 Brick w/fenced
yard, storage, CH/A,
new carpet & tile!
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New 3/2/2 Low
140's on Pavement
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Beautiful 3/1 1400
sqft. Sandstone
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Roof, Hard Woods,
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washer, Disp., Pan-
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Open Floor Plan,
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GREAT 2 level
home in Strawn,
beautiful woodwork,
3400 Sq. ft. 5/2, 1.9
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new paint/tile
\$129,00
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GAIN. DEAL FELL
THROUGH. 3 br 2
ba. Thermo win-
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cient. Only one at
\$43,500. 800-518-
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NEW D/WIDE 3/2
\$315 per mo! Spe-
cial close out, lot
model, great open
floor plan, all appli-
ances, air, del & set.
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down, 300 mos.,
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Homes RBI33937

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Close to Schools
No Pets \$450/mo
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tive Brick Home 2
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dep. No pets 254-
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254-968-7962 (Eve)

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& carpet. Fenced
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3/2 In Country,
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3 BD Independent
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\$10
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Dinnette w/4 Chairs
Like new! Willing to
trade \$450 1-208-
880-9500-local

The Middle Trinity
Groundwater
Conservation District
will hold a public hear-
ing on the proposed
re adoption of the
M T G C D ' s
Groundwater
Management Plan on
Thursday, April 2,
2009, at 1:00 p.m. at the
Dublin City Council
Chambers, 213 E.
Blackjack, Dublin,
Texas. All interested
parties are invited to
attend.

12

AFFIDAVIT OF PUBLICATION

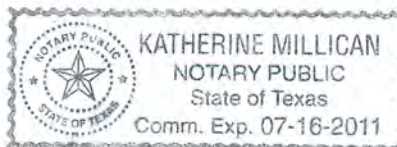
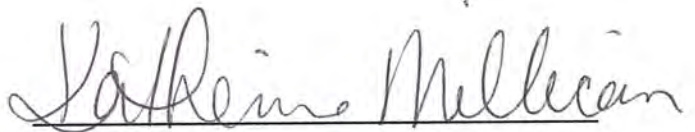
THE STATE OF TEXAS:
COUNTY OF ERATH:

BEFORE ME, a notary public in and for the above named County, on this day personally appeared the person whose name is subscribed below, who having been duly sworn, says upon oath that he or she is a duly authorized office or employee of *The Dublin Citizen*, which is a newspaper of general circulation in the above named County, devoting no less that 25% of its total column lineage to the carrying of items of general interest, published, and having been published regularly and continuously for not less than 12 months prior to the making of any publication; and that a true and correct copy of the NOTICE TO THE PUBLIC a clipping of which is attached to the affidavit, was published in said Newspaper on March 12th, 2009.



Authorized Officer or Employee

SUBSCRIBED AND SWORN TO BEFORE ME on the 13th
day of March, 2009.



Notary Public

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DISD

cont'd from B5

Any problems found in an energy audit would have to be remedied before a Gesper is put into use.

The board approved spending \$800 to have an energy audit on the four school campuses.

In other action, a bid of \$238,641.60 from Jack Bandy Construction to tear down the old Middle School was rejected as too high on a four to three vote with Dannis Lozano, Joe Willingham, Rodney Teten and Garron House voting to reject while Don Keith, Sammy Moore and Mike Jurney voted against the motion.

Jurney noted he would like to postpone the vote in order to give it more thought.

Others on the board said the bids could be lower if bidders got "hungrier" for jobs or if a local site could be found to dispose of concrete which would save time and money for those wanting to do the demolition.

Neff has noted having insurance companies frown on issuing policies on a vacant building and it could be that insurance would not be available.

Neff said at first he thought the price was high but after checking with other would-be bidders found out it was considered reasonable.

It was noted that everything in the building including fire escapes are to be sold at auction this Saturday.

The Dublin Citizen is:

*open during lunch for your convenience

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Public Notice

PUBLIC NOTICE

The Middle Trinity Groundwater Conservation District will hold a public hearing on the proposed re-adoption of the MTGCD's Groundwater Management Plan on Thursday, April 2, 2009, at 1:00 p.m. at the Dublin City Council Chambers, 213 E. Blackjack, Dublin, Texas. All interested parties are invited to attend.

ORDINANCE NO. 03-09-09-3

An Ordinance of the City of Dublin, Texas, repealing Ordinance No. 06-14-04-2; authorizing and directing the installation and erection of Speed Limit Signs for the School Zones; establishing the location of School Zones; requiring vehicles and traffic within School Zones to reduce speed during certain hours or

Sunday, March 15, 2009, 1:30 p.m.

Lots of Antiques

Selling the estate of Ray Kelly

Directions: Hwy 281, 1/2 mile North of Morgan M

Old Horse Drawn Plow • Slot Machine • 25HP Husky Lawn Mower • 2 Old Milk Cans • Old Glass Kerosene Lamps • Brass Spittoon (out of Granbury Courthouse) • Floor Buffer • 2 Push Mowers • Electric Cement Mixer • BBQ Grill • Gas Air Compressor • Electric Air Compressor/20 gal. • Floor Jacks • Ceramic Floor Tiles • Pick-up Tool Box • Singletrees • 4 Wheel Flat Carts • Old Well Bucket • Old Hay Hook • Lawn Mower Trailer • Stainless Steel Commercial Roaster Oven • Electric Wood Planer • Shotgun Shell Loading Machine • Old Wood Burning Heater • 10" Radial Arm Saw • 1/2" 5 Speed Drill Press • Bench Sander • Old Cast Iron Cookware • Old Large Butter Churn • Horse Bits • Old Steam Irons • 2 Old Hand Corn Shellers • Old Dutch Oven • Several Metal Cabinets w/ Drawers • Yard Tools • Solid Core Doors • Glass Patio Doors •

12

**MIDDLE TRINITY GCD
NOTICE OF PUBLIC HEARING
ON
PROPOSED RE-ADOPTION OF GROUNDWATER
MANAGEMENT PLAN**

The Middle Trinity Groundwater Conservation District will hold a public hearing on the proposed re-adoption of the MTGCD's Groundwater Management Plan on Thursday, April 2, 2009, at 1:00 p.m. at the Dublin City Council Chambers, 213 E. Blackjack, Dublin, Texas. All interested parties are invited to attend.

PUBLIC HEARING AGENDA:

1. Call to Order
2. Summary presentation of the MTGCD Groundwater Management Plan proposed for re-adoption as required by Chapter 36 of the Texas Water Code and Chapter 356 of the Texas Water Development Board's (TWDB) rules contained in Title 30 of the Texas Administrative Code.
3. Public Comment on the Groundwater Management Plan proposed for re-adoption.
4. Adjourn

A copy of the MTGCD Management Plan proposed for re-adoption may be found on the MTGCD's website at www.middletrinitygcd.org. Copies of the plan will be available as of March 13, 2009 at the MTGCD office located at 150 N. Harbin Street, Suite 434, Stephenville, Texas.

The Middle Trinity Groundwater Conservation District is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the General Manager of the District at 254-965-6705 at least 24 hours in advance if accommodation is needed.

**For more information about the public hearing or the
Middle Trinity Groundwater Conservation District
Contact: Joe Cooper, General Manager
254-965-6705**

FILED
AT 10:30 O'CLOCK A M

MAR 12 2009

Ruby Ledy

Clerk, County Court Comanche Co., Texas

12

**MIDDLE TRINITY GCD
NOTICE OF PUBLIC HEARING
ON
PROPOSED RE-ADOPTION OF GROUNDWATER
MANAGEMENT PLAN**

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**For more information about the public hearing or the
Middle Trinity Groundwater Conservation District**

**Contact: Joe Cooper, General Manager
254-965-6705**

915 POSTED
A.M. P.M.

MAR 12 2009

GWINDA JONES, COUNTY CLERK
ERATH COUNTY, TEXAS
BY ACS DEPUTY

03/23/2009 MON 11:55 FAX

Stephenville, TX 76401
Well Site
4730 FM 2303
Stephenville, TX 76401

Steven Gillette GPM 17 Acres 2.811
751 CR 419
Comanche, TX 76442
Well Site
7380 Hwy 67 - 377
Comanche, TX 76401

City of Gusting GPM 80 Acres 94.126
P.O. Box 145
Gusting, TX 76455
Well Site
315 S. Leon
Gusting, TX 76455

Hill Valley Estates GPM 11 Acres 4.4
P.O. Box 203
Stephenville, TX 76401
Well Site
Lot 18 Hill Valley
Stephenville, TX 76401

Rowena Jackson Trust GPM 150 Acres 186
P.O. Box 8142
Witchita Falls, TX 76307
Well Site
2444 CR 180
Stephenville, TX 76401

David Boucher & Donna Gaines GPM 25 Acres 3.740
1437 Oakwood
Stephenville, TX 76401
Well Site
Timber Creek Estates, Lot 12 Phase II
Stephenville, TX 76401

Jose & Maria Alvarado GPM 10 Acres 3
P.O. Box 202
Lingleville, TX 76461
Well Site
446 CR 392
Stephenville, TX 76401

03/23/2009 MON 11:55 FAX

BOARD MEETING AGENDA:

The following agenda items will be discussed.

1. Call to order
2. Invocation
3. Roll Call of Members
4. Recognize Guests
5. Public Comments
6. Approve/Ratify Minutes
7. Approve/Ratify Payment of Bills
8. Income/Expense Comparison
9. Managers Report
10. Office Report
11. Field Tech Report
12. Quarterly Drought Assessment
13. Quarterly Investment Report
14. Presentation by Mark Kaiser of City of Stephenville on request for consideration of variance/change to the MTGCD Rules concerning spacing / pumping allowance for new wells being proposed for the City of Stephenville.
15. Real Estate and Building Report
16. Update on Annexation of Bosque and Coryell Counties
17. Discussion/Possible Action on MTGCD Legislation
18. Discussion/ Possible Action on Employee Evaluations
19. Discussion/ Possible Action on Resolution to Approve and Re-adopt MTGCD's proposed Groundwater Management Plan with amendments as required by Chapter 36 of the Texas Water Code and Chapter 356 of the Texas Water Development Board's rules contained in Title 30 of the Texas Administrative Code
20. Discussion/ Possible Action to fill Board vacancy from Comanche County
21. Discussion of agenda topics for next month

03/23/2009 MON 11:55 FAX

NOTICE OF DISTRICT BOARD MEETING and PERMIT HEARING

The Middle Trinity Groundwater Conservation District, Board of Directors will hold a PERMIT HEARING and Board Meeting on April 02 , 2009, at the Dublin City Council Chambers, 213 E. Blackjack, Dublin, Texas. The Permit Hearing will be held immediately upon adjournment of the 1:00 p.m. Public Hearing on proposed re-adoption of the MTGCD Groundwater Management Plan. The Board Meeting will begin immediately upon adjournment of the Permit Hearing. All interested parties are invited to attend.

PERMIT HEARING AGENDA:

Operating Permits to be heard:

James & Renee Ward **GPM 12** **Acres 8**
P.O. Box 64
Addington, OK 73520
Well Site
CR 260
Stephenville, TX 76401

Osbaldo Arzate (2 wells) each at **GPM 39** **Acres 35**
5451 Hwy 6
DeLeon, TX 76444
Well Site
CR 416
DeLeon, TX 76444

Bryan Carroll **GPM 18** **Acres 10**
209 N Ervin
Comanche, TX 76442
Well Site
Blue Heron Ct. Lot 140
Comanche, TX 76442

Zchobio Mata **GPM 8** **Acres 1**
557 CR 487
Stephenville, TX 76401
Well Site
557 CR 487
Stephenville, TX 76401

Charles May **GPM 12** **Acres 4.7**
4848 FM 2303

03/23/2009 MON 11:55 FAX

005/005

22. Adjourn

CERTIFICATION

I, the undersigned authority, do hereby certify that on March 23 or before 1:00PM, I posted and filed the above notice of meeting with the Erath and Comanche County Clerks' offices and also posted a copy on the doors of the MTGCD offices in Comanche and Erath Counties in a place convenient and readily accessible to the general public at all times and that it will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with the Texas Government Code, Chapter 551.

By:

Joe Cooper, MTGCD General
Manager

The Middle Trinity Groundwater Conservation District is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the President of the District at 254-965-6705 at least 24 hours in advance if accommodation is needed.

At any time during the meeting and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the Middle Trinity Groundwater Conservation District Board may meet in executive session on any of the above agenda items for consultation concerning attorney-client matters (§551.071); deliberation regarding real property (§551.072); deliberation regarding prospective gift (§551.073); personnel matters (§551.074); and deliberation regarding security devices (§551.076). Any subject discussed in executive session may be subject to action during an open meeting.

**For more information about the permit hearing, meeting or the
Middle Trinity Groundwater Conservation District contact:
JOE B. COOPER, GENERAL MANAGER
254-965-6705**

FILED
AT 1:30 O'CLOCK P M

MAR 23 2009

Ruby Lerby
Clerk, County Court Comanche Co., Texas

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DeLeon, TX 76444
Well Site
CR 416
DeLeon, TX 76444

Bryan Carroll **GPM 18** **Acres 10**
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Comanche, TX 76442
Well Site
Blue Heron Ct. Lot 140
Comanche, TX 76442


Zehobio Mata **GPM 8** **Acres 1**
557 CR 487
Stephenville, TX 76401
Well Site
557 CR 487
Stephenville, TX 76401

Charles May **GPM 12** **Acres 4.7**
4848 FM 2303
Stephenville, TX 76401
Well Site
4730 FM 2303
Stephenville, TX 76401

Steven Gillette **GPM 17** **Acres 2.811**
751 CR 419
Comanche, TX 76442
Well Site
7380 Hwy 67 - 377
Comanche, TX 76401

POSTED
A.M. 1:00 P.M.

MAR 23 2009

GWINDA JONES, COUNTY CLERK
ERATH COUNTY, TEXAS
BY  DEPUTY

City of Gustine **GPM 80** **Acres 94.126**
P.O. Box 145
Gustine, TX 76455
Well Site
315 S. Leon
Gustine, TX 76455

Hill Valley Estates **GPM 11** **Acres 4.4**
P.O. Box 203
Stephenville, TX 76401
Well Site
Lot 18 Hill Valley
Stephenville, TX 76401

Rowena Jackson Trust **GPM 150** **Acres 186**
P.O. Box 8142
Wichita Falls, TX 76307
Well Site
2444 CR 180
Stephenville, TX 76401

David Boucher & Donna Gaines **GPM 25** **Acres 3.740**
1437 Oakwood
Stephenville, TX 76401
Well Site
Timber Creek Estates, Lot 12 Phase II
Stephenville, TX 76401

Jose & Maria Alvarado **GPM 10** **Acres 3**
P.O. Box 202
Lingleville, TX 76461
Well Site
446 CR 392
Stephenville, TX 76401

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By:

Joe Cooper, MTGCD General
Manager

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**For more information about the permit hearing, meeting or the
Middle Trinity Groundwater Conservation District contact:
JOE B. COOPER, GENERAL MANAGER
254-965-6705**

APPENDIX D



Middle Trinity
Groundwater Conservation District
www.middletrinitygcd.org



150 N. Harbin, Suite #434
Stephenville, Texas 76401
Phone: (254) 965-6705
Fax: (254) 965-6745
mtgcd@our-town.com

107 S. Austin
Comanche, Texas 76442
Phone: (325) 356-9200
Fax: (325) 356-9700
mtgcd@comanchetx.com

April 14, 2009

Brazos River Authority
Attn: Mr. Phil Ford
P. O. Box 7555
Waco, Texas 76714-7555

Dear Mr. Ford:

Enclosed please find a copy of the revised Management Plan re-adopted by the Middle Trinity Groundwater Conservation District (the "District") for review and comment by the Brazos River Authority. The District originally adopted its Management Plan on April 29, 2004 and the Management Plan was approved by the Texas Water Development Board ("TWDB") on July 1, 2004. In accordance with Section 36.1072 of the Texas Water Code and 31 Texas Administrative Code Section 356.3, the District is required to re-adopt its Management Plan, with or without revisions, at least once every five years and must thereafter re-submit the revised plan for TWDB approval. The District re-adopted its Management Plan after providing notice and conducting a public hearing on the draft Management Plan on April 2, 2009. The District's Board of Directors subsequently re-adopted the Management Plan for the District at its regularly scheduled Board meeting on April 2, 2009.

The District submits the enclosed Management Plan to the Brazos River Authority pursuant to Section 36.1071(a) of the Texas Water Code and the Texas Water Development Board's ("TWDB") rules (Title 31 Texas Administrative Code, Section 356.6(a)). The District asks for the review and comment of the Brazos River Authority as part of the District's effort to coordinate with the Brazos River Authority on the District's comprehensive management goals.

Joe Cooper
General Manager

Sharon Mainord
Administrative Assistant

Wes Burris
Field Technician

Betty Hayes
Comanche County Representative

The District is committed to working with the Brazos River Authority to manage and conserve the groundwater resources of Erath and Comanche Counties. Please contact the District at (254) 965-6705 if you have any questions regarding the District's adopted Management Plan or its activities.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe B. Cooper". The signature is written in a cursive style with a large, looping initial "J".

Joe B. Cooper
Middle Trinity GCD

Enclosure



Middle Trinity
Groundwater Conservation District
www.middletrinitygcd.org

150 N. Harbin, Suite #434
Stephenville, Texas 76401
Phone: (254) 965-6705
Fax: (254) 965-6745
mtgcd@our-town.com

107 S. Austin
Comanche, Texas 76442
Phone: (325) 356-9200
Fax: (325) 356-9700
mtgcd@comanchetx.com

13

April 14, 2009

Lake Proctor Irrigation Authority
P.O. Box 203
Stephenville, Texas 76401-0024

Dear Lake Proctor Irrigation Authority:

Enclosed please find a copy of the revised Management Plan re-adopted by the Middle Trinity Groundwater Conservation District (the "District") for review and comment by the Lake Proctor Irrigation Authority. The District originally adopted its Management Plan on April 29, 2004 and the Management Plan was approved by the Texas Water Development Board ("TWDB") on July 1, 2004. In accordance with Section 36.1072 of the Texas Water Code and 31 Texas Administrative Code Section 356.3, the District is required to re-adopt its Management Plan, with or without revisions, at least once every five years and must thereafter re-submit the revised plan for TWDB approval. The District re-adopted its Management Plan after providing notice and conducting a public hearing on the draft Management Plan on April 2, 2009. The District's Board of Directors subsequently re-adopted the Management Plan for the District at its regularly scheduled Board meeting on April 2, 2009.

The District submits the enclosed Management Plan to the Lake Proctor Irrigation Authority pursuant to Section 36.1071(a) of the Texas Water Code and the Texas Water Development Board's ("TWDB") rules (Title 31 Texas Administrative Code, Section 356.6(a)). The District asks for the review and comment of the Lake Proctor Irrigation Authority as part of the District's effort to coordinate with the Lake Proctor Irrigation Authority on the District's comprehensive management goals.

Joe Cooper
General Manager


Sharon Mainord
Administrative Assistant

Wes Burris
Field Technician

Betty Hayes
Comanche County Representative

The District is committed to working with the Lake Proctor Irrigation Authority to manage and conserve the groundwater resources of Erath and Comanche Counties. Please contact the District at (254) 965-6705 if you have any questions regarding the District's adopted Management Plan or its activities.

Sincerely,



Joe B. Cooper
Middle Trinity GCD

Enclosure



Middle Trinity
Groundwater Conservation District
www.middletrinitygcd.org

150 N. Harbin, Suite #434
Stephenville, Texas 76401
Phone: (254) 965-6705
Fax: (254) 965-6745
mtgcd@our-town.com

107 S. Austin
Comanche, Texas 76442
Phone: (325) 356-9200
Fax: (325) 356-9700
mtgcd@comanchetx.com

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April 14, 2009

Upper Leon River Municipal Water District
2250 Highway 2861
Comanche, Texas 76442-5619

Dear Upper Leon River Municipal Water District:

Enclosed please find a copy of the revised Management Plan re-adopted by the Middle Trinity Groundwater Conservation District (the "District") for review and comment by the Upper Leon River Municipal Water District. The District originally adopted its Management Plan on April 29, 2004 and the Management Plan was approved by the Texas Water Development Board ("TWDB") on July 1, 2004. In accordance with Section 36.1072 of the Texas Water Code and 31 Texas Administrative Code Section 356.3, the District is required to re-adopt its Management Plan, with or without revisions, at least once every five years and must thereafter re-submit the revised plan for TWDB approval. The District re-adopted its Management Plan after providing notice and conducting a public hearing on the draft Management Plan on April 2, 2009. The District's Board of Directors subsequently re-adopted the Management Plan for the District at its regularly scheduled Board meeting on April 2, 2009.

The District submits the enclosed Management Plan to the Upper Leon River Municipal Water District pursuant to Section 36.1071(a) of the Texas Water Code and the Texas Water Development Board's ("TWDB") rules (Title 31 Texas Administrative Code, Section 356.6(a)). The District asks for the review and comment of the Upper Leon River Municipal Water District as part of the District's effort to coordinate with the Upper Leon River Municipal Water District on the District's comprehensive management goals.

Joe Cooper
General Manager

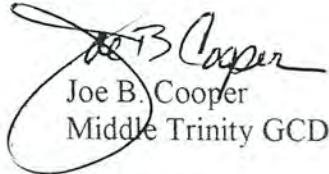
Sharon Mainord
Administrative Assistant

Wes Burris
Field Technician

Betty Hayes
Comanche County Representative

The District is committed to working with the Upper Leon River Municipal Water District to manage and conserve the groundwater resources of Erath and Comanche Counties. Please contact the District at (254) 965-6705 if you have any questions regarding the District's adopted Management Plan or its activities.

Sincerely,



Joe B. Cooper
Middle Trinity GCD

Enclosure

PREAMBLE

The rules of the Middle Trinity Groundwater Conservation District were adopted by the Board of Directors on May 11th, 2004 at a duly posted public meeting in compliance with the Texas Open Meetings Act and following publication in accordance with the Texas Water Code Sec. 36.101. In accordance with Section 59 of Article XVI of the Texas Constitution; Act of May 25, 2001, 77th Leg., R.S., ch. 1362, 2001 Tex. Gen. Laws 3371; Act of May 23, 2003, 78th Leg., R.S., ch. 893, 2003 Tex. Gen. Laws 2717; and Chapter 36 of the Texas Water Code, the following rules are hereby ratified and adopted as the rules of this District by its Board. These rules shall take effect on May 11th, 2004.

The rules, regulations, and modes of procedure herein contained are and have been adopted to simplify procedures, avoid delays, and facilitate the administration of the water laws of the State and the rules of this District. These rules are to be construed to attain those objectives.

These rules may be used as guides in the exercise of discretion, where discretion is vested. However, these rules shall not be construed as a limitation or restriction upon the exercise of discretion conferred by law, nor shall they be construed to deprive the District or the Board of any powers, duties, or jurisdiction provided by law. These rules will not limit or restrict the amount and accuracy of data or information that may be required for the proper administration of the law.

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SECTION 1. DEFINITIONS AND CONCEPTS:

RULE 1.1 DEFINITIONS OF TERMS:

In these rules, the Middle Trinity Groundwater Conservation District follows the definitions of terms used in Chapters 35 and 36, Texas Water Code, and Chapters 1901 and 1902, Texas Occupations Code, unless a different definition is listed below. The following terms shall have the meanings listed below:

“Abandoned well” means a well that for a period of at least one year:

- (1) has been left unused, unattended and improperly protected from contamination and/or sources of pollution;
- (2) has not been used for a beneficial purpose; or
- (3) is not registered or permitted with the District.

For purposes of the “abandoned well” definition, a well is considered to be in “use” in the following cases:

- (1) a non-deteriorated well which is operational; or
- (2) a non-deteriorated well which has been capped in accordance with Rule 10.5.

“Acre-foot” means the amount of water necessary to cover one acre of land one foot deep, or about 325,000 gallons of water.

“Administration fee” means a fee authorized by Section 36.205, Water Code, which the Board may set to cover the costs to the District of performing the administrative function for which the fee is charged and which may not unreasonably exceed the cost to the District of performing the administrative function for which the fee is charged.

“Applicant” means: (1) the owner of the land on which the well(s) or proposed well(s) are located; (2) a lessee or other person with the express, written grant of authority of the landowner to act on the landowner’s behalf with respect to transactions involving the District; or (3) the owner of the rights to produce groundwater from land that have been severed from the overlying land previously associated with such rights.

“Aquifer” means a formation or group of saturated geologic units capable of storing and yielding water in usable quantities.

“Beneficial use” or “Use for a Beneficial Purpose” means:

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

“Board” means the Board of Directors of the Middle Trinity Groundwater Conservation District.

“Claims Period” means the time period from the date of the adoption of these rules to a date one year after the date of adoption of these rules.

“Contiguous” as used in these Rules with respect to acreage means acres within the same continuous boundary associated with the right to produce groundwater that are owned or leased by a single landowner. Separate tracts of land must share a common boundary of at least 300 feet

in order for the acreage on the separate tracts to be considered contiguous. Acreage on separate tracks of land that would otherwise be contiguous under this definition but for the need to cross over to the other side of a public right-of-way shall be considered contiguous for the purposes of this definition, although the acreage of the public right-of-way itself shall not be included for purposes of calculating the amount of total contiguous acreage.

“Date of Permit Retirement” means the date upon which the District by resolution may determine that there is insufficient groundwater available in the District for issuance of new Operating Permits under Rule 3.2(b) and retires Inactive Well Grandfather Permits that have been granted by the District, as specifically set forth under Rule 5.15.

“Deteriorated well” means a well that, because of its condition, will cause, or is likely to cause, pollution of any groundwater in the District.

“District” means the Middle Trinity Groundwater Conservation District

“District Acts” means Act of May 25, 77th Leg., R.S., ch. 1362, 2001 Tex. Gen. Laws 3371; Act of May 23, 78th Leg., R.S., ch. 893, 2003 Tex. Gen. Laws 2717; and the non-conflicting provisions of Chapter 36, Water Code.

“District office” means any office of the District as established by resolution of the Board.

“Domestic use” means use of groundwater by an individual or a household to support essential domestic activity. Such essential domestic activity includes water for uses inside the home; for irrigation of lawns, flower beds, shrubs, trees shading the home, or of a family garden and/or orchard with sprinklers and garden hoses; for watering of domestic animals; for protection of foundations; and for recreation specifically only for swimming pools. Essential domestic activity does not include:

- (a) water used to support activities for which consideration is given or for which the product of the activity is sold;
- (b) pond, lake, tank reservoir, or other confinement which has a capacity greater than 50,000 gallons;
- (c) non-closed system geothermal heating/cooling systems; or
- (d) use by or for a public water system.

“Drilling” includes drilling, equipping, or completing wells or modifying the size of wells.

“Existing well” means a well that was in existence or for which drilling commenced prior to the date of adoption of these rules.

“Exempt well” means a well exempted under District Rule 5.3 for which the owner is not required to obtain a permit, but for which the owner is required to register under the District Rule 5.1.

“Groundwater” means water percolating below the surface of the earth.

“Landowner” or **“Owner”** means the person or entity who bears ownership of the land surface or the legal right to produce groundwater from it by deed or by lease, as applicable based upon the context of usage, unless a clearly different meaning is indicated by such context of usage.

“Livestock use” means the use of groundwater for the open-range watering of livestock, exotic livestock, game animals or fur-bearing animals. For purposes of this definition, the terms livestock and exotic livestock are to be used as defined in §142.001 of the Agriculture Code, and the terms game animals and fur-bearing animals are to be used as defined in §63.001 and 71.001, respectively, of the Parks and Wildlife Code. Livestock use does not include use by or for a public water system or a Concentrated Animal Feeding Operation.

“Management Plan” means the most recently adopted version of the District’s Management Plan.

“New well” means a well for which drilling commenced on or after the date of adoption of these rules.

“Open or uncovered well” means an excavation at least ten feet in depth dug for the purpose of producing underground water, which is not covered or capped as required by Texas Water Code, the District’s Rules, the Texas Occupations Code, or the rules and regulations of the Texas Department of Licensing and Regulation.

“Open Meetings Act” means Chapter 551, Texas Government Code.

“Operational” with respect to a water well means a non-deteriorated well which contains the casing, pump, and pump column in good condition and is capable of producing groundwater without being further equipped.

“Permitted well” means a well subject to the District’s permitting requirements, which is not otherwise exempted from permitting by District Rules.

“Presiding Officer” means the President or other Board member presiding at a hearing or other proceeding or a hearing examiner appointed by the Board to conduct any hearing or other proceeding.

“Public Information Act” means Chapter 552, Texas Government Code.

“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 of humans, animal life, vegetation, or property, or to public health safety or welfare, or impairs the usefulness of the water for any lawful or reasonable purpose.

“Registered well” means and include any artificial excavation to produce groundwater that does not otherwise require a Permit by District Rules.

“Retail public utility” is defined as per Section 13.002 of the Texas Water Code.

“Rules” means the rules of the District compiled in this document and as may be supplemented or amended from time to time.

“Substantially alter” with respect to the size or capacity of a well means to increase the inside diameter of the pump discharge column pipe size of the well in any way or to otherwise increase the capacity of the well to produce groundwater in an amount more than 5 percent greater than the well had the capacity to produce before the alterations.

Types of permits:

1. **“Active Well Grandfather Permit”** means a permit required by the District for:
 - (A) the operation of any non-exempt, existing well or well system that was completed and produced groundwater for beneficial use at any time on or before the date of adoption of these rules and which is operational on the date of adoption of these rules; or
 - (B) equipping, substantially altering, operating, or producing groundwater from a well for which an Inactive Grandfather Permit has been issued by the District.
2. **“Inactive Well Grandfather Permit”** means a permit required by the District for a non-exempt, existing well system that:
 - (A) was completed at any time on or before the date of adoption of these rules;
 - (B) is not operational on the date of adoption of these rules; and
 - (C) has not been abandoned.
3. **“Operating Permit”** means a permit required by the District for drilling, equipping, completing, substantially altering, operating, or producing groundwater from any non-exempt water well for which an Active Well Grandfather Permit or amendment has not been issued by the District or timely applied for and awaiting District action.

“Water well” is defined as per Chapter 1901.001 of the Texas Occupations Code, and means an artificial excavation constructed to explore for or produce groundwater. The term does not include:

- (A) a test or blast hole in a quarry or mine or a well or excavation constructed to explore for or produce oil, gas, or other minerals unless the hole is also used to produce groundwater; or
- (B) an injection water source well regulated under Section 91.101, Natural Resources Code.

“Water well driller” is defined as per Chapter 1901.001 of the Texas Occupations Code.

“Waste” is defined as per Chapter 36, Texas Water Code, and Section 8 herein.

“Well” means a water well, unless clearly indicated to have a different meaning by the context in which it the term is used.

“Well field” see Well system.

“Well owner” means a landowner who owns a well or the land upon which a well is located or is to be located.

“Well operator” means the person who operates a well or a water distribution system supplied by a well.

“Well system” means a well or group of wells that are connected or tied to the same distribution system.

“Withdraw” means extracting groundwater by pumping or by another method.

RULE 1.2 PURPOSE OF RULES:

The rules are adopted under the authority of Chapter 36 of the Texas Water Code, for the purpose of conserving, preserving, protecting, and recharging groundwater in the District in order to prevent degradation of water quality, prevent waste of groundwater, and to achieve the goals of the District Acts and Management Plan.

RULE 1.3 USE AND EFFECT OF RULES:

These rules are the embodiment of the District's authority to regulate groundwater under the District Acts and have the full force and effect of law. The District uses these rules as guides in the exercise of discretion, where discretion is vested with the District. However, these rules shall not be construed as a limitation or restriction upon the exercise of discretion conferred by law, nor shall they be construed to deprive the District or the Board of any powers, duties, or jurisdiction provided by law. These rules will not limit or restrict the amount and character of data or information that may be required to be collected for management of the District.

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. They do not affect the meaning or interpretation of these rules in any way.

RULE 1.6 CONSTRUCTION:

A reference to a title or chapter without further identification is a reference to a title or chapter of the Water Code. A reference to a section or rule without further identification is a reference to a section or rule in these Rules. Construction of words and phrases are governed by the Code Construction Act, Subchapter B, Chapter 311, Government Code. A reference to a code without further identification is a reference to the most recent edition of Vernon's Texas Codes Annotated and any yet uncodified, but effective, amendments to such codes by the Texas Legislature.

RULE 1.7 METHODS OF SERVICE UNDER THE RULES:

Except as otherwise expressly provided in these rules, any notice or documents required by these rules to be served or delivered may be delivered to the recipient, or the recipient's authorized representative, 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 depository box 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 on 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 time after service, three days will be added to the prescribed period. Where service by one or more methods has been attempted and failed, the service is complete upon notice publication in a newspaper of general circulation in Comanche and Erath Counties or by such other method approved by the General Manager.

RULE 1.8 SEVERABILITY:

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

RULE 1.9 REGULATORY COMPLIANCE:

All permittees and registrants of the District shall comply with all applicable rules and regulations of all governmental entities. If District Rules and regulations are more stringent than those of other

governmental entities, the District Rules and regulations control.

RULE 1.10 COMPUTING TIME:

In computing any period of time prescribed or allowed by these rules, order of the Board, or any applicable statute, the day of the act, event, or default from which the designated period of time begins to run is not included, but the last day of the period so computed is included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, or legal holiday.

RULE 1.11 SHOW CAUSE ORDERS AND COMPLAINTS:

The Board, on its own motion or upon receipt of sufficient written protest or complaint, may at any time, after due notice to all interested parties, cite a person operating within the District to appear before it at a public hearing and require the person to show cause why a suit should not be initiated against the person in a district court for failure to comply with the orders or rules of the Board, the relevant statutes of the State, or failure to abide by the terms and provisions of a permit issued by the District or the operating authority of the District. A hearing under this Rule shall be conducted in accordance with the rules of procedure and practice of the District.

SECTION 2. BOARD:

RULE 2.1 ELECTION OF DIRECTORS AND TAXING AUTHORITY:

(a) Election of directors: The Board shall designate polling places and election judges in accordance with the Texas Election Code. With the exception of 2004, elections shall occur on the first Saturday in May of even numbered years. On May 4, 2002, two initial directors from each county in the District were elected, and pursuant to the District Acts, will serve as the entire Board of Directors of the District until May 2004. On the third Saturday in May 2004, an election shall be held in each county in the District for the election of six permanent directors. The initial permanent directors from each county shall draw lots to determine which county will have two initial permanent directors who serve four year terms and one initial permanent director who serves a two year term and which county will have two initial permanent directors who serve two year terms and one initial permanent director who serves a four year term. The initial permanent directors from each county shall draw lots to determine the length of the term that each initial permanent director from that county will serve.

(b) On May 4, 2002, the voters of Comanche and Erath Counties confirmed creation of the District. In addition, the voters of Erath County also granted the District on May 4, 2002 the authority to levy and collect a property tax in an amount not to exceed one and three quarter cent on each \$100 of valuation of property in the District to pay for the maintenance and operation of the District. On November 5, 2002, the voters of Comanche County granted the District the authority to levy and collect a property tax in the amount of one and three quarter cents on each \$100 of valuation of property in the District to pay for maintenance and operation of the District.

RULE 2.2 BOARD STRUCTURE, OFFICERS:

The Board consists of the members elected and qualified as required by the District Acts. The Board will elect one of its members to serve as President, who will preside over Board meetings and proceedings; one member to serve as Vice President to preside in the absence of the President; and one member to serve as Secretary to keep a true and complete account of all meetings and proceedings of the Board. The Board shall elect officers after each General Election of Board Members.

SECTION 3. PRODUCTION LIMITATIONS:

RULE 3.1 GRANDFATHER PERMITS:

(a) Subject to these rules, the District Management Plan, Chapter 36 of the Texas Water Code, and the

directives of the Texas Legislature, the District will by permit authorize a well entitled under these Rules to an Active Well Grandfather Permit to produce water in an amount that it was capable of producing prior to the date of adoption of this rule and applying to a beneficial use, so long as the well is not substantially altered.

- (b) A well for which an Inactive Well Grandfather Permit has been issued may not produce groundwater unless and until the Inactive Well Grandfather Permit has been amended pursuant to Rule 5.13(d) to reflect Active Well Grandfather Permit status.
- (c) The District may retire certain Inactive Grandfather Permits on the date established by order of the Board as the Date of Permit Retirement in accordance with, and as specifically set forth under, Rule 5.15, and require such wells to be plugged in accordance with Rule 10.5.

RULE 3.2 OPERATING PERMITS:

- (a) Subject to these rules, the District Management Plan, Chapter 36 of the Texas Water Code, and the directives of the Texas Legislature, the District shall limit the quantity of groundwater produced under an Operating Permit to the amount for which the applicant can demonstrate a need and ability to apply the groundwater produced to a beneficial use, provided, however, that:
 - (1) for an applicant other than a retail public utility, the quantity shall not exceed in any calendar year 3 (three) acre-feet per acre of land contiguous to the well site and owned or leased for the right to produce groundwater by the applicant as designated in the permit application;
 - (2) for an applicant that is a retail public utility, the quantity shall not exceed in any calendar year:
 - (A) for a well that complies with the spacing requirements set forth under Rule 7.4(a) but does not comply with the spacing requirements set forth under Rule 7.4(d):
 - (i) 6 (six) acre-feet per acre of land contiguous to the well site and owned or leased for the right to produce groundwater by the retail public utility for any calendar year between the date of adoption of these Rules and the end of calendar year 2008; and
 - (ii) 3 (three) acre-feet per acre of land contiguous to the well site and owned or leased for the right to produce groundwater by the retail public utility beginning in calendar year 2009, regardless of when the Operating Permit was issued or the well was drilled; or
 - (B) for a well that complies with the spacing requirements set forth under both Subsections (a) and (d) of Rule 7.4, 6 (six) acre-feet per acre of land contiguous to the well site and owned or leased for the right to produce groundwater by the retail public utility; and
 - (3) the District has not determined that there is insufficient groundwater available in the District under Subsection (b) of this Rule.
- (b) After notice and hearing, the District may by order cease the granting of new Operating Permits when the District has determined that there is insufficient groundwater available in the District, as availability is defined in the District Management Plan, for the issuance of new Operating Permits. The District shall base its determination regarding insufficient availability upon the sum of:

- (1) the estimated total exempt use in the District; and
- (2) the total amount of water estimated to be used under or allocated to:
 - (A) Active Well Grandfather Permits;
 - (B) Inactive Well Grandfather Permits; and
 - (C) previously issued Operating Permits.

The order may account for the implications of establishing the Date of Permit Retirement under Rule 5.15 on groundwater availability in the District. The District expressly reserves the right to reduce the amount of groundwater allocated to or under Operating Permits in order to achieve the goals and objectives of the District Management Plan or to make water available for the issuance of new operating permits or exempt users.

RULE 3.3 LIMIT SPECIFIED IN OPERATING PERMITS:

Notwithstanding Rule 3.2, the maximum annual quantity of groundwater that may be withdrawn under an Operating Permit issued by the District shall be no greater than the amount specified in the permit or the amended permit.

SECTION 4. DISTRICT MANAGEMENT ACTIONS AND DUTIES:

RULE 4.1 DISTRICT MANAGEMENT PLAN:

The Board shall adopt a Management Plan that specifies the acts, procedures, performance and avoidance necessary to prevent waste, the reduction of artesian pressure, or the draw-down of the water table. The District shall use the Rules of the District to implement the Management Plan. The Board will review the plan at least every fifth year. If the Board considers a new plan necessary or desirable, based on evidence presented at hearing, a new plan will be adopted. A plan, once adopted, remains in effect until amended, or until the adoption of a new plan.

SECTION 5. WATER WELL REGISTRATION AND PERMITS:

RULE 5.1 REGISTRATION:

All water wells, existing and new, must be registered with the District and are required to comply with the District's registration requirements in these rules.

RULE 5.2 GENERAL REGISTRATION POLICIES AND PROCEDURES:

- (a) No person or entity shall drill, operate, modify, complete, change type or location of use, plug, abandon, or substantially alter the size of a well within the District without first registering the well with the District, even though the well may be exempt from the requirement to obtain a permit under District Rule 5.3.
- (b) The District staff will review the application for registration and make a preliminary determination on whether the well meets the permit exclusions or exemptions provided in Rule 5.3. Providing the preliminary determination is that the well is excluded or exempt from permitting, the registrant may begin the drilling or other well-related activity immediately upon receiving the approved registration.
- (c) If the preliminary determination is that the well is not exempt, the District staff will inform the registrant of any further applications and information required to permit the well under these rules.
- (d) If the preliminary determination is that the well is not exempt, no person may drill, equip,

complete, or substantially alter the well without first obtaining the appropriate permit or amendment thereto from the District.

- (e) A violation of this rule occurs on the first day the drilling, operation, equipping, completion, or alteration without the appropriate registration or permit begins and continues each day thereafter until the appropriate registration or permit is issued.
- (f) A person or entity seeking to register a well shall provide the District with the following information in the registration application on a form provided by the District upon request by the applicant, which shall be accompanied by the applicable administration fees, if any, adopted by Board resolution:
 - (1) the name, telephone number, fax number, and mailing addresses of the registrant and the owner of the land on which the well is or will be located;
 - (2) if the registrant is other than the owner of the property, documentation establishing the applicable authority to construct and operate a well for the proposed use;
 - (3) a statement of the nature and purpose of the existing and proposed use and the amount of water used or to be used for each purpose;
 - (4) the location of the well;
 - (5) a water well capping and plugging plan that complies with Rule 10.5 of these rules or a declaration that the applicant will comply with Rule 10.5 and provide a report to the District regarding each capped or plugged well;
 - (6) a statement that the water withdrawn from the well will be put to beneficial use at all times;
 - (7) the location of the use of the water from the well;
 - (8) the maximum pumping capacity of the well, method of withdrawal, size of well (inside diameter of the pump [discharge] column pipe and diameter of the well casing), size of well pump, and estimated depth of each well ;
 - (9) for an existing well, whether any water was produced prior to the date of adoption of these rules;
 - (10) the total number of acres of land contiguous in ownership with the land where the well(s) is/are located; and
 - (11) any other information deemed necessary by the Board.
- (g) A registration certificate shall provide the owner of a well that existed prior to the date of the adoption of these rules with evidence of that existence for purposes of exempting the well from the requirement to comply with any well spacing or location requirements of the District.
- (h) Failure of the owner of a well to file for and obtain a registration from the District under this Section shall subject the well owner to enforcement under these Rules.
- (i) A registration certificate is perpetual in nature, subject to cancellation for violation of these rules.
- (j) All persons or entities who are granted a registration certificate are required to allow District staff to perform water level monitoring, water quality testing, and well investigations in accordance with Section 10 of these rules.
- (k) A person may not change the type of use, location of use of the water produced, location of groundwater withdrawal, or make changes related to the operation of the well that may render the well non-exempt without first applying for and obtaining a registration amendment from the District to authorize the change. Any person who becomes the owner of a currently registered

well must, within 60 calendar days from the date of the change in ownership, file an application for a registration amendment to effect a transfer of the registration.

- (l) The well registration requirements of this Section 5 are effective immediately for any new wells or for equipping, change in type or location of use, or substantially altering the size of an existing well. The well registration requirements of this Section 5 are effective on a date one calendar year after the original adoption of this Rule for the operation of an existing well.

RULE 5.3 PERMIT EXCLUSIONS & EXEMPTIONS:

(a) The District's permit requirements in these rules do not apply to:

- (1) a well used solely for domestic use or livestock use on a tract of land larger than 10 (ten) acres that is either drilled, equipped or completed so that it is incapable of producing more than 25,000 gallons of groundwater per day;
 - (2) a well used solely for domestic use or livestock use overlying a tract of land equal to or less than 10 (ten) acres that is either drilled, equipped, or completed so that it is incapable of producing more than 25,000 gallons of groundwater per day and that:
 - (A) was platted prior to the date of adoption of this rule; and
 - (B) is not further subdivided into smaller tracts of land after the effective date of this rule and prior to the drilling, completion, or equipping of the well.
 - (3) the drilling of a water well used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Texas Railroad Commission provided that the person holding the permit is responsible for drilling and operating the water well and the well is located on the same lease or field associated with the drilling rig; or
 - (4) the drilling of a water well authorized under a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, or for production from such a well to the extent the withdrawals are required for mining activities regardless of any subsequent use of the water.
- (b) A well exempted under Subsections (a)(1) or (2) of this Rule will maintain its exemption if title to the well and the underlying land is transferred subsequent to its initial qualification for exemption, as long as the other substantive requirements for exemption are met.
- (c) A well exempted under Subsections (a)(3) and (4) of this Rule must be permitted and comply with all District rules if:
- (1) the purpose of the well exempted under Subsection (a)(3) is no longer solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas; or
 - (2) the withdrawals from a well exempted under Subsection (a)(4) are no longer necessary for mining activities or are greater than the amount necessary for mining activities specified in the permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code.
- (d) An entity holding a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, that authorizes the drilling of a water well shall report monthly to the

District:

- (1) the total amount of water withdrawn during the month;
 - (2) the quantity of water necessary for mining activities; and
 - (3) the quantity of water withdrawn for other purposes.
- (e) A water well exempted under Subsections (a)(1) through (4) of this Rule shall:
- (1) be registered in accordance with rules promulgated by the District;
 - (2) be equipped and maintained so as to conform to the District's rules requiring installation of casing, pipe, and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution of harmful alteration of the character of the water in any groundwater reservoir; and
 - (3) comply with the requirements of Rule 7.3 regarding the spacing and location of wells.
- (f) The driller of a new well exempted under Subsection (a) of this Rule shall file the drilling log with the District.
- (g) A well to supply water for a subdivision of land for which a plat approval is required by Chapter 232, Local Government Code, is not exempted under Subsection (a).

RULE 5.4 GENERAL PERMITTING POLICIES AND PROCEDURES:

(a) Grandfather Permits:

- (1) Active Well Grandfather Permits: An owner of a non-exempt, existing well or well system that was completed and produced groundwater for beneficial use on or before the date of adoption of these rules and which is operational on the date of adoption of these rules shall apply to the District for an Active Well Grandfather Permit prior to the expiration of the Claims Period. Failure of an owner of such a well to apply for an Active Well Grandfather Permit before the expiration of the Claims Period shall preclude the owner from making any future claim or application to the District for an Active Well Grandfather Permit for the well and shall cause the owner to forfeit his rights and ability to operate the well under these Rules, unless the owner amends an Inactive Well Grandfather Permit pursuant to Rule 5.13(d) or the owner obtains an Operating Permit that authorizes production from the well. Active Well Grandfather Permit applications will not be subject to any administrative fee requirement the Board may establish for processing applications.
- (2) Inactive Well Grandfather Permits: An owner of a non-exempt, existing well or well system that was completed at any time on or before the date of adoption of these rules, but is not operational on the date of adoption of these rules and has not been abandoned, shall apply to the District for an Inactive Well Grandfather Permit prior to the expiration of the Claims Period. Failure of an owner of such a well to apply for an Inactive Well Grandfather Permit before the expiration of the Claims Period shall preclude the owner from making any future claim or application to the District for an Inactive Well Grandfather Permit for the well and shall cause the owner to forfeit his rights and ability to operate the well under these Rules, unless the owner amends an Active Well Grandfather Permit pursuant to Rule 5.13(d) or the owner obtains an Operating Permit that authorizes production from the well. Inactive Well Grandfather Permit applications will not be subject to any administrative fee requirement the Board may establish for processing applications.
- (3) Restriction on Location of Withdrawal: The right to produce groundwater from a well under a grandfather permit may not be transferred to any other well in the District, except to a replacement well under Rule 6.1.

(b) Operating Permits: An Operating Permit is required by the District for drilling, completing,

substantially altering, operating, or producing groundwater from any non-exempt well for which an Active Well Grandfather Permit, an Inactive Well Grandfather Permit, or amendment to such permits has not been issued by the District or timely applied for and awaiting District action. This requirement is effective as of the expiration of the Claims Period for existing wells and as of the date of the adoption of these rules for all new wells. Every person who drills a water well after the effective date of these rules, other than an exempt well as defined in Rule 5.3, must file an application for an Operating Permit on a form approved by the Board. Each Operating Permit application must be accompanied by any applicable administration fee adopted by the Board, which will be accepted and deposited by the District staff. The Board will set the amount of any administration fee by resolution. The District will return the fee to the applicant if the permit location is abandoned without having been drilled or results in a dry hole that has been plugged, upon return and surrender of the permit marked "abandoned" by the applicant. In the event the permit marked "abandoned" is not returned to the District office within 120 days after the date of permit issuance by the District, the administration fee becomes the property of the District.

(c) Permit Terms:

(1) Operating Permits:

- (A) The initial Operating Permit issued by the Board in accordance with Rule 5.8 shall be effective until December 31 of the next odd-numbered calendar year following the year in which the permit is issued; provided, however, if this would result in an initial permit term of less than one year, such permit shall be effective until December 31 of the second odd-numbered year. An Operating Permit may be renewed in the manner set forth under Subsection (d) of this Rule.
- (B) The initial Operating Permit shall include a condition that the permittee begin producing in accordance with the terms and conditions of the permit within nine months from the date of issuance, unless the applicant has applied for and been granted an extension. Such extensions shall only be granted once and shall not be valid for more than an additional six-month period. Thereafter, the permit is voidable by the General Manager and the applicant must file a new Operating Permit application.

(2) Grandfather Permits:

- (A) Active Well Grandfather Permits are effective as of the date of issuance by the District and are perpetual in nature, subject to being modified in the future in accordance with Chapter 36 of the Texas Water Code, the directives of the Texas Legislature, or to achieve the goals and objectives of the District's Management Plan.
- (B) Inactive Well Grandfather Permits are effective as of the date of issuance by the District and are perpetual in nature, subject to being modified in the future in accordance with Chapter 36 of the Texas Water Code, the directives of the Texas Legislature, to achieve the goals and objectives of the District's Management Plan, or being retired in accordance with Rule 5.15.

- (d) Renewal applications for Operating Permits shall be submitted to the District no later than 60 days prior to the end of the existing permit term. The General Manager may rule on any renewal application without notice, hearing, or further action by the Board, or with such notice and hearing as the General Manager deems practical and necessary under the circumstances. The General Manager may deny a renewal application on any reasonable ground, including, but not limited to, a determination that the applicant is currently in violation of these Rules or Chapter 36, Texas Water Code, or that the applicant has a previously unresolved violation on record with the District. An applicant whose application was denied may appeal the General Manager's ruling by filing, within thirty (30) days of the General Manager's ruling, 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 shall inform the Board of any renewal applications 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. The General Manager may authorize an applicant for a permit renewal to continue operating under the conditions of the prior permit, subject to any changes necessary under these Rules, or the District's Management Plan, for any period in which the renewal application is the subject of a scheduled or pending permit hearing.

RULE 5.5 PERMIT APPLICATION REQUIREMENTS:

- (a) Each application for a permit or permit amendment requires a separate application and payment of the associated administration fee, if such a fee is required. Application forms will be provided by the District and furnished to the applicant upon request.
- (b) All permits are granted in accordance with and subject to the provisions of the Rules of the District.
- (c) The application for a permit shall be in writing and sworn to.
- (d) To the extent the information exists or is available through the exercise of reasonable diligence by an applicant, each permit application shall include the following:
 - (1) the name, telephone number, fax number, and mailing addresses of the applicant and the owner of the land on which the well will be located;
 - (2) if the applicant is other than the owner of the property, documentation establishing the applicable authority to construct and operate a well for the proposed use;
 - (3) a location map showing the proposed well location and an alternative well location that meets, if applicable, the District's minimum spacing and location requirements, and showing all wells in existence on the date of application within a quarter (1/4) mile radius of the location(s) of the proposed well or well to be modified, which the General Manager may require to be shown on a 7.5 minute United States Department of Interior Topographic Map and/or by latitude and longitude coordinates as measured by a calibrated GPS instrument;
 - (4) a statement of the nature and purpose of the proposed use;
 - (5) a declaration that the applicant will comply with the District's Rules and all groundwater use permits and plans promulgated pursuant to the District's Rules;
 - (6) a water conservation plan or a declaration that the applicant will comply with the District's management plan;
 - (7) the estimated rate at which water will be withdrawn, the maximum pumping capacity of the well, method of withdrawal, size of well (inside diameter of the pump [discharge] column pipe and diameter of the well casing), size of well pump, and estimated depth of each well;
 - (8) a water well capping and plugging plan that complies with Rule 10.5 of these rules or a declaration that the applicant will comply with Rule 10.5 and provide a report to the District regarding each capped or plugged well;
 - (9) a statement by the applicant that the water withdrawn under the permit will be put to beneficial use at all times;
 - (10) the location of use of the water from the well;
 - (11) a drought contingency plan, if the applicant is otherwise required by law to develop a drought contingency plan;
 - (12) the total number of acres of land contiguous in ownership with the land where the well(s) is/are located;
 - (13) if the groundwater is to be resold, leased, or otherwise transferred to others, provide the location to which the groundwater will be delivered, the purpose for which the

- groundwater will be used, and a copy of the legal documents establishing the right for the groundwater to be sold, leased, or otherwise transferred, including but not limited to any contract for the sale, lease, or transfer of groundwater; and
- (14) any other information deemed necessary by the Board.

RULE 5.6 COMPLETION OF PERMIT APPLICATION REQUIRED:

The District shall promptly consider and act on each administratively complete application for a permit. If an application is not administratively complete, the District may request the applicant to complete the application. The application will expire if the applicant does not complete the application within 90 (ninety) days of the date of the District's request or upon conclusion of an extension granted by the General Manager of the District.

RULE 5.7 PERMITS SUBJECT TO CONDITIONS AND RESTRICTIONS:

Permits issued by the District for permitted wells may be subject to conditions and restrictions placed on the rate and amount of withdrawal, the rules promulgated by the District, and terms and provisions with reference to the equipping of wells or pumps that may be necessary to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, or lessen interference between wells.

RULE 5.8 DECISION AND ISSUANCE OF PERMIT:

In deciding whether or not to issue a permit, or an amended permit and in setting the permitted volume or other terms of a permit, the Board shall consider whether:

- (a) the application contains all the information requested and is accompanied by the subscribed administrative fees;
- (b) the proposed use of water complies with Chapter 36, Water Code, and these District Rules, including the production limitations identified in Section 3 as applicable;
- (c) the proposed use of water does or does not unreasonably affect existing groundwater and surface water resources or existing permit holders;
- (d) the proposed use of water is dedicated to a beneficial use;
- (e) the proposed use of water is consistent with the District Management Plan;
- (f) the applicant agrees to avoid waste and achieve water conservation;
- (g) the applicant has agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure;
- (h) the District has not issued an order under Rule 3.2 establishing that there is insufficient groundwater availability in the District for the issuance of new Operating Permits.

RULE 5.9 AGGREGATION OF WITHDRAWAL:

A permit or a permit amendment for a well field will aggregate the authorized withdrawal for the entire field as it applies to Sections 3 and 5 of these Rules.

RULE 5.10 EFFECT OF ACCEPTANCE OF PERMIT:

Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of and agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions contained in the permit and in the District Rules.

RULE 5.11 PERMIT PROVISIONS:

All permits are granted subject to these rules, 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 must contain the following standard permit provisions:

- (a) This permit is granted in accordance with the provisions of the District Rules, and acceptance of

this permit constitutes an acknowledgment and agreement that the permittee will comply with the Rules of the District.

- (b) This permit confers only the right to operate under the terms and conditions of the permit, and its terms may be modified or amended pursuant to the District Rules or Chapter 36 of the Texas Water Code, as they exist or may be amended, and the directives of the Texas Legislature, or if necessary to achieve the goals and objectives of the District Management Plan. Within 60 calendar days after the date of sale, the Operating Permit holder must notify the District in writing of the name of the new owner of a permitted well. Any person who becomes the owner of a currently permitted well must, within 60 calendar days from the date of the change in ownership, file an application for a permit amendment to effect a transfer of the permit.
- (c) The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner.
- (d) The permitted well site must be accessible to District representatives for inspection or to perform water level monitoring, water quality testing, and well investigations in accordance with Section 10 of these Rules, and the permittee agrees to cooperate fully in any reasonable inspection of the well and well site by the District representatives.
- (e) The application pursuant to which this permit has been issued is incorporated in the permit, and the permit is granted on the basis of, and contingent upon, the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of the permit.
- (f) Violation of a permit's terms, conditions, requirements, or special provisions is punishable by permit revocation, civil penalties, and other enforcement as provided by Section 10 of the District Rules.
- (g) The name of the person or entity to whom the permit is issued.
- (h) The date the permit is issued.
- (i) The date by which the permit must be renewed, if applicable.
- (j) The conditions and restrictions, if any, placed on the rate and amount of withdrawal of groundwater.
- (k) All permittees granted an Active Well Grandfather Permit or an Inactive Well Grandfather Permit are required to complete and return to the District a Groundwater Well Status Report distributed by the District in accordance with Rule 5.16.
- (l) Any other conditions or restrictions the District prescribes.
- (m) Any other information the District determines is necessary.

RULE 5.12 OPERATING PERMIT LIMITATIONS:

It is a violation of these rules to produce water from a non-exempt well, for which an Active Well Grandfather Permit, an Inactive Well Grandfather Permit, or amendment to such permits has not been issued by the District or timely applied for and awaiting District action, without obtaining an Operating Permit from the District or, if applicable, to produce any amount of water in excess of the authorized permit.

RULE 5.13 AMENDMENT OF PERMITS:

- (a) A substantial change to a permit may be made only after application to and approval by the District to so amend.
- (b) A substantial change to a permit shall not be made prior to notice and hearing.
- (c) A substantial change to a permit includes a change that would substantially alter the size or capacity of a well, an increase in the annual quantity of groundwater authorized to be withdrawn, a change in type of use or location of use of the water produced, a change of location of groundwater withdrawal except as provided in Section 6 for replacement wells, or the addition of a new well to be included in an already permitted aggregate system.
- (d) An Inactive Well Grandfather Permit may be amended to Active Well Grandfather Permit status by the General Manager upon proper application by the permittee for such a permit amendment.

Alternatively, an Active Well Grandfather Permit may be amended to Inactive Well Grandfather Permit status by the General Manager upon proper application by the permittee for such a permit amendment.

- (e) Upon receipt of a Groundwater Well Status Report completed pursuant to Rule 5.16, the General Manager may amend an Active Well Grandfather Permit or an Inactive Well Grandfather Permit to reflect any changes in the permit described by the Groundwater Well Status Report.
- (f) Upon receipt by the District of information regarding a change concerning a well authorized under a permit, the General Manager may amend the permit to reflect the change to the well, provided, however, that Board approval is required to amend the permit to reflect a substantial change.
- (g) Any non-substantial changes to a permit, such as a change in ownership of the land the well or well system is located on, may be made by the General Manager upon proper application for a permit amendment to effect a transfer of the permit.
- (h) In the case of an emergency where plant or animal life is endangered by a lack of water, no alternative supplies are reasonably available, and a well owner is unable after reasonable diligence to contact the District to apply for and obtain an amendment to an Inactive Well Grandfather Permit to convert it to Active Well Grandfather Permit status, the well owner may use the inactive well to meet the emergency needs of the plant or animal life only if the well owner properly applies to the District for the amendment to the permit for the change of permit status within 10 days of the date the well is equipped for use.

RULE 5.14 DRILLER'S LOGS:

The driller of any water well within the District shall keep an accurate driller's log for each well. The driller shall file a copy of each log and a report detailing the drilling, equipping, and completing of the well with the District within 60 days after the date the well is completed, including whether the well was drilled and completed at an alternative location specified pursuant to Rule 5.5(d)(3). The report shall include all information submitted by the driller to any agency of the State of Texas.

RULE 5.15 RETIREMENT PROGRAM FOR INACTIVE WELL GRANDFATHER PERMITS:

- (a) After notice and hearing, the Board by order may establish a date designated as the Date of Permit Retirement. The Date of Permit Retirement may be designated by the Board when the Board determines that there is insufficient groundwater available in the District for issuance of new Operating Permits under Rule 3.2(b).
- (b) On the Date of Permit Retirement, the District shall retire Inactive Well Grandfather Permits described under Subsection (e) of this Rule that have been granted by the District so that no permittee may:
 - (1) amend an Inactive Well Grandfather Permit to Active Well Grandfather Permit status under Rule 5.13; or
 - (2) operate the well without first applying for and obtaining an Operating Permit from the District, if the District is at that time issuing Operating Permits in accordance with Rule 3.2.
- (c) After the Date of Permit Retirement, the District may grant new Operating Permits if the Board determines additional water is available under Rule 3.2.
- (d) The owner of a well for which an Inactive Well Grandfather Permit is retired under this Rule who fails to timely apply for and obtain an Operating Permit, if available, is subject to the well plugging requirements of Rule 10.5.
- (e) The provisions of this Rule apply only to Inactive Well Grandfather Permits for wells that have never had Active Well Grandfather Permit status prior to the Date of Permit Retirement, as well as those wells and permits described under Subsection (f) of this Rule.

- (f) For any well that has been issued an Inactive Well Grandfather Permit and has never had Active Well Grandfather Permit status prior to the date that notice is published of a hearing described under Subsection (a) of this Rule, but that files an administratively complete application with the District to convert the well from Inactive to Active Well Grandfather Permit status after the date of such publication of notice and prior to the Date of Permit Retirement, the well must begin producing water for a beneficial use in accordance with the terms of the permit within one calendar year of the Date of Permit Retirement. Failure to comply with the terms of this Subsection shall subject such a well described by this Subsection and its Grandfather Permits to being retired by the District as if the Active Well Grandfather Permit had never been issued for the well. A hearing to retire a Grandfather Permit under this Subsection may be initiated by the District after notice to the permittee. The burden of proof at such a hearing that the well produced groundwater for a beneficial use during the year following the Date of Permit Retirement shall be on the permittee.

RULE 5.16 GROUNDWATER WELL STATUS REPORT:

- (a) A person or entity who has been granted an Active Well Grandfather Permit or an Inactive Well Grandfather Permit by the District is required to complete and return to the District the Groundwater Well Status Report distributed on a form provided by the District every two (2) years on a schedule to be established by the Board by resolution. The Groundwater Well Status Report will indicate the current status of the permitted well, including whether the well is producing groundwater or has been capped, plugged, or sealed in accordance with Section 10 of these Rules, and any other information required by the Board.
- (b) Failure of a permittee to complete the Groundwater Well Status Report may subject the permittee to enforcement under Section 10 of these Rules.

SECTION 6. REWORKING AND REPLACING A WELL:

RULE 6.1 APPLICATION REQUIREMENT:

- (a) Under the following conditions, a well owner may apply to re-equip, re-drill, or replace a currently permitted or registered well by filing an application to amend such permit or registration on a form provided by the District upon request:
- (1) the replacement well, in order to be considered such, must be drilled within 100 feet of the location of the well to be replaced and comply with subsection (b) of this rule;
 - (2) the replacement well shall not be located any closer to any other permitted well or authorized well site than the well being replaced, unless the new location complies with the minimum spacing and location requirements of these rules;
 - (3) the replacement well or pump shall not be larger in size or capacity than the well being replaced so as to substantially alter the size or capacity of the well; and
 - (4) if a replacement well is drilled, the well owner ceases production from the well being replaced and begins pursuit of compliance with the well plugging requirements of Rule 10.5 for the well being replaced.
- (b) If the replacement well is drilled at a distance greater than ten (10) yards (30 feet) from the location of the well to be replaced, then the well owner must seek and obtain a permit amendment from the District as a substantial change pursuant to Rule 5.13.

RULE 6.2 NO HEARING OR NOTICE REQUIREMENT:

Except as provided by Subsection (b) of Rule 6.1, applications submitted under this Section may be granted by the General Manager without notice or hearing.

SECTION 7. SPACING AND WELL LOCATION; WELL COMPLETION:

RULE 7.1 SPACING AND LOCATION OF EXISTING WELLS:

Wells drilled prior to the date of adoption of these rules were required to be drilled in accordance with the state laws in effect, if any, on the date such drilling commenced.

RULE 7.2 ADHERENCE TO LOCATION IN PERMIT:

After an application for an Operating Permit has been granted, the well, if drilled, must be drilled within 10 (ten) yards (30 feet) of the location or alternative location specified in the Operating Permit, and not elsewhere. If the well should be commenced or drilled at a different location, the drilling or operation of such well may be enjoined by the Board pursuant to Chapter 36, Texas Water Code. As described in the Texas Water Well Drillers and Pump Installer Administrative Rules, *16 Texas Administrative Code § 76.1000*, all well drillers and persons having a well drilled, deepened, or otherwise altered shall adhere to the provisions of the rule prescribing the location of wells and proper completion.

RULE 7.3 SPACING AND LOCATION OF WELLS:

Location of all new exempt or non-exempt wells should be as specified in *16 Texas Administrative Code § 76.1000 (Tex. Dept. of Lic. and Reg., Technical Requirements – Locations and Standards of Completion for Wells)*.

RULE 7.4 SPACING AND LOCATION OF NEW PERMITTED WELLS:

(a) In addition to the requirements in Rule 7.3, the following well spacing shall be required for the drilling of new wells that require an Operating Permit:

Well casing Diameter	Minimum distance from existing registered or permitted wells and between proposed wells
Up to 4"	300 ft.
>4" up to 5"	400 ft.
>5" up to 6"	500 ft.
>6" up to 7"	600 ft.
>7" but less than 8"	700 ft.
8" but less than 10"	800 ft.
10" or greater	1000 ft.

(b) An applicant may seek an exception to the spacing requirements of Subsection (a) of this Rule on the grounds that the well or wells proposed in the application will produce groundwater from an aquifer or subdivision thereof other than the aquifer or subdivision thereof from which the existing permitted or registered wells that are closer than the minimum distances are producing. The exception may be granted by the Board only after written notice of a permit hearing has been given by the applicant to all owners of existing permitted or registered wells located within the minimum required distance from the proposed permitted well site, and after a public hearing at which all interested parties have the opportunity to appear and be heard.

(c) For purposes of this rule, a permitted or registered well is “existing” if it has already been authorized by the District or if the District has received an administratively complete application for the well.

(d) In addition to the requirements set forth under Subsection (a) of this Rule, a well for an applicant that is a retail public utility and that seeks authorization to utilize the production limitations set forth for Operating Permits under Rule 3.2(a)(2)(B) shall be drilled at a minimum distance of 500-feet from all property lines on the property where the well is to be located.

RULE 7.5 STANDARDS OF COMPLETION FOR WELLS:

Standards of completion shall be as specified in *16 Texas Administrative Code § 76.1000 (Tex. Dept. of Lic. and Reg., Technical Requirements – Locations and Standards of Completion for Wells)*.

RULE 7.6 STANDARDS OF RE-COMPLETIONS FOR WELLS:

Standards of re-completion shall be as specified in *16 Texas Administrative Code § 76.1003 (Tex. Dept. of Lic. and Reg., Technical Requirements – Recompletions)*.

SECTION 8. PROHIBITION OF WASTE:

RULE 8.1 GENERAL PROHIBITION:

No person or entity under the jurisdiction of the District shall intentionally or negligently commit waste. Groundwater produced from within the District shall not be used in such a manner as to constitute waste as defined in Texas Water Code § 36.001.

RULE 8.2 SUBSURFACE POLLUTION:

No person shall pollute or harmfully alter the character of the groundwater reservoir of the District by causing or allowing the introduction of salt water or other deleterious matter from another stratum or strata, from the surface of the ground or from the operation of a well.

RULE 8.3 SURFACE POLLUTION:

No person shall pollute or harmfully alter the character of the groundwater reservoir by activities on the surface of the ground that cause or allow pollutants to enter the reservoir through recharge features, whether natural or manmade.

RULE 8.4 ORDERS TO PREVENT WASTE/POLLUTION:

After providing notice to affected parties and opportunity for a hearing, the Board may adopt orders to prohibit or prevent waste or pollution. If the Board determines that an emergency exists, requiring immediate entry of an order to prohibit waste or pollution and protect the public health, safety, and welfare, it may enter a temporary order without notice and hearing provided, however, the temporary order shall continue in effect for the lesser of fifteen (15) days or until a hearing can be conducted.

SECTION 9. HEARINGS:

RULE 9.1 TYPES OF HEARINGS:

(a) The District conducts two general types of hearing:

- (1) Permit hearings involving permit matters, in which the rights, duties, or privileges of a person are determined after an opportunity for an adjudicative hearing, and
- (2) 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. All hearings shall be held before a quorum of the Board.

(b) Permit Hearings. The District shall hold a permit hearing as required by these Rules on permit applications, permit renewals or amendments, and permit revocations or suspensions.

(c) Hearings on Motions for Rehearing. Motions for Rehearing will be heard by the Board in the manner prescribed for permit hearings under this Section.

(d) Rulemaking Hearings. The District shall hold a rulemaking hearing as required by these Rules to consider adoption of a new District Management Plan or revising an existing District Management Plan or to amend the District Rules or adopt new District Rules. A public hearing may also be held under the rulemaking hearings procedures set forth under this Section on any matter within the jurisdiction of the Board if the Board deems a hearing to be in the public interest or necessary to effectively carry out the duties and responsibilities of the District.

RULE 9.2 NOTICE AND SCHEDULING OF HEARINGS:

(a) Notices of all hearings of the District shall be prepared by the General Manager. For all rulemaking hearings, the notice shall include the subject matter of the hearing, the time, date, and place of the hearing, and any other information deemed relevant by the General Manager or the Board. For all permit hearings, the notice shall, at a minimum, state the following information:

- (1) the name and address of the applicant;
- (2) the name or names of the owner or owners of the land if different from the applicant;
- (3) the time, date, and location of the hearing;
- (4) the address or approximate proposed location of the well, if different than the address of the applicant; and
- (5) any other information the Board or General Manager deem appropriate to include in the notice.

(b) For permit hearings, not less than five days prior to the date of the hearing, notice shall be:

- (1) posted by the General Manager at a place convenient to the public in the District Office; and
- (2) provided by the General Manager to the county clerk of Comanche and Erath Counties, whereupon such county clerk shall post the notice on a bulletin board at a place convenient to the public in the county courthouse.

(c) For rulemaking hearings, not less than five days prior to the date of the hearing, notice shall be published by the General Manager once in a newspaper of general circulation in the District, in addition to posting the notice in the manner provided for permit hearings under Subsection (b) of this Rule.

(d) Any hearing may or may not be scheduled during the District's regular business hours, Monday through Friday of each week, except District holidays. All hearings shall be held at the location set forth in the notice. The District may schedule as many applications for consideration at one Permit Hearing as deemed desirable. Any hearing may be continued from time to time and date to date without notice after the initial notice. The General Manager shall set a Permit Hearing date within 30 calendar days after the date the administratively complete application is submitted. The Permit Hearing shall be held within 35 calendar days after the setting of the date. Within this same time frame, the General Manager shall post notice and set a hearing on the application before the District Board.

(e) In addition to the other notice requirements under this Rule, a landowner seeking an exception

from the board under Rule 7.4 to the spacing requirements for new wells shall not less than 14 days prior to the date of the hearing provide written notice by certified mail to all owners of existing permitted or registered wells located within the minimum required distance from the proposed permitted well site. The notice shall include the information set forth under Subsection (a) of this Rule, the nature of the exception for which the applicant is seeking approval, and information calculated to apprise the recipient of the notice that the proposed well of the applicant will be located closer to the well of the recipient than the minimum distances set forth under Rule 7.4.

RULE 9.3 GENERAL PROCEDURES FOR PERMIT HEARINGS:

- (a) Authority of Presiding Officer: The Presiding Officer may conduct the hearing or other proceeding in the manner the Presiding Officer deems most appropriate for the particular hearing. The Presiding Officer has the authority to:
 - (1) set hearing dates, other than the initial hearing date for permit matters, which shall be set by the General Manager in accordance with Rule 9.2;
 - (2) convene the hearing at the time and place specified in the notice for public hearing;
 - (3) rule on motions and on the admissibility of evidence;
 - (4) establish the order for presentation of evidence;
 - (5) administer oaths to all persons presenting testimony;
 - (6) examine witnesses;
 - (7) ensure that information and testimony are introduced as conveniently and expeditiously as possible, without prejudicing the rights of any person participating in the proceeding;
 - (8) conduct public hearings in an orderly manner in accordance with these rules;
 - (9) recess any hearing from time to time and place to place; and
 - (10) exercise any other appropriate powers necessary or convenient to effectively carry out the responsibilities of Presiding Officer.
- (b) Hearing Registration Forms: Each person attending and participating in a hearing of the District must submit on a form provided by the District the following information: the person's name; the person's address; who the person represents if other than himself; whether the person wishes to testify; and any other information relevant to the hearing.
- (c) For permit revocation or suspension hearings, the Presiding Officer may implement these procedures for permit hearings in a manner as the Presiding Officer deems appropriate and not calculated to prejudice the rights of the permittee.

RULE 9.4 APPEARANCE; PRESENTATION; TIME FOR PRESENTATION; ABILITY TO SUPPLEMENT; CONDUCT AND DECORUM; WRITTEN TESTIMONY:

- (a) Any interested person may appear at a hearing in person or may appear by 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 as determined by the Board. Any partner may appear on behalf of a 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 on behalf of 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.
- (b) After the Presiding Officer calls a hearing to order, the Presiding Officer shall announce the subject matter of the hearing and the order and procedure for presentation.
- (c) The Presiding Officer may prescribe reasonable time limits for the presentation of evidence and

oral argument.

- (d) In the discretion of the Presiding Officer, any person who appears at a hearing and makes a presentation before the Board may supplement that presentation by filing additional written evidence with the Board within 10 days after the date of conclusion of the hearing. Cumulative, repetitive, and unduly burdensome evidence filed under this subsection will not be considered by the Board.
- (e) Every person, representative, witness, and other participant in a proceeding must conform to ethical standards of conduct and must 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.
- (f) Written testimony: When a proceeding will be expedited and the interest of the persons participating in the hearing will not be prejudiced substantially, 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.

RULE 9.5 EVIDENCE; BROADENING THE ISSUES:

- (a) The Presiding Officer may admit evidence if it is relevant to an issue at the hearing.
- (b) The Presiding Officer may exclude evidence that is irrelevant, immaterial, or unduly repetitious.
- (c) No person will be allowed to appear in any hearing or other proceeding whose appearance, 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.

RULE 9.6 RECORDING:

Hearings and other proceedings shall be recorded on audiocassette tape and by other means authorized by the Presiding Officer.

RULE 9.7 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 for the hearing or other proceeding to reconvene are not publicly announced at the hearing or other proceeding by the Presiding Officer before it is recessed, a notice of any further setting of the hearing or other proceeding will be delivered at a reasonable time to persons who submitted a hearing registration form under Rule 9.3(b), and any other person the Presiding Officer deems appropriate, but is not necessary to post or publish a notice of the new setting.

RULE 9.8. REPORT:

Within 14 days after the date the hearing is finally concluded, if the permit is timely contested on grounds upon which the District has the authority to deny the permit under these Rules, the Presiding Officer must submit a hearing report to the Board. The report must include a summary of the subject matter of the hearing, the evidence or public comments received, and the Presiding Officer's recommendations for Board action on the subject matter of the hearing. Any person who participated in the hearing may

review a copy of the hearing report and submit to the Board written exceptions to the hearing report. The Presiding Officer may direct the General Manager to prepare the hearing report and recommendations required by this Rule.

RULE 9.9 BOARD ACTION:

Within 35 days after the final hearing date is concluded, the Board must take action on the subject matter of the hearing.

RULE 9.10. REQUEST FOR REHEARING AND APPEAL:

A decision of the Board concerning a hearing matter may be appealed by requesting a rehearing before the Board within 20 calendar days of the date of the Board's decision. Such a rehearing request must be mailed to the District in writing and must state clear and concise grounds for the request. Such a hearing is mandatory with respect to any decision or action of the Board before any appeal to District Court may be brought. Any appeal to District Court shall be limited to the issues and grounds raised in the motion for rehearing. The Board's decision is final if no request for rehearing is made within the specified time, upon the Board's denial of the 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. The failure of the Board to grant or deny the request for rehearing within 90 calendar days of the date of submission shall constitute a denial of the request.

RULE 9.11 RULEMAKING HEARING PROCEDURES:

- (a) General Procedures: Rulemaking hearings shall be conducted by or before a quorum of the Board. 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. In conducting a rulemaking hearing, the Presiding Officer may elect to utilize procedures set forth in these Rules for permit hearings to the extent that and in the manner that the Presiding Officer deems most appropriate for the particular rulemaking hearing.
- (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 9.2; 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 establishes 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: At the conclusion of the hearing, the Board may take action on the subject matter of the hearing, take no action, or postpone action until a future meeting or hearing of the Board.

SECTION 10. INVESTIGATIONS AND ENFORCEMENT:

RULE 10.1 NOTICE AND ACCESS TO PROPERTY:

Board Members 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 Rules, including but not limited to water level monitoring, water quality testing, and well investigations. Prior to entering upon property for the purpose of conducting an investigation, the person seeking access must

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 on file with the District. Notice is not required if prior permission is granted to enter without notice. Inhibiting or prohibiting access to any Board Member or District agents or employees who are attempting to conduct an investigation under the District Rules constitutes a violation and subjects the person who is inhibiting or prohibiting access, as well as any other person who authorizes or allows such action, to the penalties set forth in Chapter 36 of the Texas Water Code.

RULE 10.2 CONDUCT OF INVESTIGATION:

Investigations or inspections that require entrance upon property must be conducted at reasonable times, and must 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 10.3 RULE ENFORCEMENT:

- (a) If it appears that a person or entity has violated, is violating, or is threatening to violate any provision of the District Rules, the Board of Directors may institute and conduct a suit in a court of competent jurisdiction in the name of the District for injunctive relief, recovery of a civil penalty of not more than \$10,000 per violation, both injunctive relief and a civil penalty, or any other appropriate remedy. Each day that a violation continues shall be considered a separate violation.
- (b) A penalty under this section is in addition to any other penalty provided by law and may be enforced by filing a complaint in a court of competent jurisdiction in the county in which the District's principal office or meeting place is located.
- (c) If the District prevails in a suit to enforce its Rules, the District may seek and the court shall grant, in the same action, recovery of attorney's fees, costs for expert witnesses, and other costs incurred by the District before the court. The amount of attorney's fees awarded by a court under this Rule shall be fixed by the court.
- (d) The District by resolution may adopt a civil penalty schedule for violation of District Rules or Chapter 36, Water Code. Additionally, any permit issued by the District may be revoked for violation of District Rules, Chapter 36, Water Code, or violations of the terms and conditions of the permit.

RULE 10.4 SEALING OF WELLS:

- (a) Following notice to the well owner and operator and upon resolution by the Board, the District may seal wells that are prohibited from withdrawing groundwater within the District to ensure that such wells are not operated in violation of the District Rules. A well will be sealed when:
 - (1) no application has been made or no permit has been issued, as required by these Rules, for a permit to drill, operate, complete, equip, or substantially alter a water well which is not excluded or exempted from the permitting requirements of these Rules; or
 - (2) the Board has denied, canceled or revoked a permit; or
 - (3) an owner of a non-exempt well will no longer operate the well.
- (b) The well may be sealed by physical means, including plugging or rendering inoperable, and tagged to indicate that the well has been sealed by order of the District. The District may recover costs incurred for sealing a well under this Rule from the owner of the well. Other appropriate action may be taken as necessary to preclude operation of the well or to identify unauthorized

operation of the well.

- (c) 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 well that has been sealed constitutes a violation of these rules and subjects the person performing that action, as well as any well owner or primary operator who authorizes or allows that action, to such penalties as provided by the District Rules.
- (d) The owner of the well may appeal the decision of the Board to seal the well by filing a written request for a hearing before the Board, in which case the Board will hear the owner's appeal at the next regular Board meeting for which notice has not already been published. The owner may also take corrective action to address the cause for which the District sealed the well and thereafter request the District to remove the seal at the General Manager's discretion.

RULE 10.5 CAPPING AND PLUGGING OF WELLS:

- (a) The District shall require a well to be capped to prevent waste, prevent pollution, or prevent further deterioration of a well casing. The well must remain capped until such time as the conditions that led to the capping requirement are eliminated. If well pump equipment is removed from a well and the well will be re-equipped at a later date, the well must be capped, provided however that the casing is not in a deteriorated condition that would permit commingling of water strata, in which case the well must be plugged. The cap must be capable of sustaining a weight of at least four hundred (400) pounds and must be constructed with a water tight seal to prevent entrance of surface pollutants into the well itself, either through the well bore or well casing.
- (b) A deteriorated or abandoned well or a well replaced pursuant to Rule 6.1 must be plugged in accordance with the Texas Department of License and Regulation, Water Well Drillers and Pump Installers Administrative Rules (16 Texas Administrative Code, Chapter 76). It is the responsibility of the landowner to see that such a well is plugged to prevent pollution of the underground water and to prevent injury to persons and animals. Registration of the well is required prior to, or in conjunction with, well plugging.
- (c) A driller, licensed pump installer, or well owner that plugs an abandoned or deteriorated well in the District shall submit a copy of the plugging report to the District and the Texas Department of License and Regulation within thirty (30) days of plugging completion. The District shall furnish plugging report forms on request.
- (d) The District shall enforce compliance with these rules and Chapter 1901 of the Texas Occupations Code related to wells located in the boundaries of the District.
- (e) The District may bring an action to enjoin a person from violating these rules or Chapter 1901 of the Texas Occupations Code.
- (f) The District may enforce by injunction or other appropriate remedy in a court any rule, decision, determination, or order adopted or entered under Chapter 1901 of the Texas Occupations Code that is related to the plugging of water wells.
- (g) The District may bring an action to recover a civil penalty under Chapter 1901 of the Texas Occupations Code for a violation of Chapter 1901 related to the plugging of water wells. The District may bring the action in the county in which:
 - (1) the offending activity occurred; or
 - (2) the person engaging in the activity resides.

- (h) If the owner or lessee fails or refuses to plug or cap the well in compliance with this rule and District standards within thirty (30) days after being requested to do so in writing by an officer, agent, or employee of the District, then, upon Board approval, any person, firm, or corporation employed by the District may go on the land and plug or cap the well safely and securely, pursuant to Chapter 36 of the Texas Water Code.
- (i) Reasonable expenses incurred by the District in plugging or capping a well constitutes a lien on the land on which the well is located.
- (j) The District shall perfect the lien by filing in the deed records an affidavit, executed by any person conversant with the facts, stating the following:
 - (1) the existence of the well;
 - (2) the legal description of the property on which the well is located;
 - (3) the approximate location of the well on the property;
 - (4) the failure or refusal of the owner or lessee, after notification, to close the well within thirty (30) days after the notification;
 - (5) the closing of the well by the District, or by an authorized agent, representative, or employee of the District; and
 - (6) the expense incurred by the District in closing the well.

SECTION 11: TRANSPORT OF GROUNDWATER

RULE 11.1 GROUNDWATER TRANSPORT FEE:

- (a) No permit other than an Active Well Grandfather Permit or an Operating Permit is required to transport groundwater produced in the District for use outside of the District. However, the District may impose a reasonable fee or surcharge, established by Board resolution, for transportation of groundwater out of the District in an amount not to exceed the greater of:
 - (1) the equivalent of the District's tax rate per hundred dollars of valuation for each thousand gallons of groundwater to be transferred out of the District; or
 - (2) 2.5 cents per thousand gallons of groundwater to be transferred out of the District.
- (b) A permittee who transports groundwater for use outside of the District shall be metered in accordance with Rule 12.1, keep a monthly log of meter readings of groundwater produced and transported out of the District, and shall provide the District with a report of monthly and annual groundwater produced and transported for the previous calendar year on a form provided by the District no later than January 15 of each year.

RULE 11.2 AMENDMENT OF PERMIT:

In accordance with Rule 5.13(c), the permit under which the groundwater will be transported must be amended to reflect any change in location or type of use of the water produced.

SECTION 12: METERS

RULE 12.1 METERS REQUIRED:

- (a) A meter is required for the production or transport of any groundwater for use inside or outside of the District for any activity for which a fee that is based on the amount of groundwater produced or transported is required to be calculated under these Rules. The owner of a well required to be metered under this Rule shall equip the well with a flow measurement device meeting the

specifications of these Rules and shall operate the meter on the well to measure the cumulative amount of groundwater required to be measured.

- (b) A mechanically driven, totalizing water meter is the only type of meter that may be installed on a well required to be metered under this rule. The totalizer must not be resettable by the permittee and must be capable of a maximum reading greater than the maximum expected pumpage or amount transported during the permit term. Battery operated registers must have a minimum five-year life expectancy and must be permanently hermetically sealed. Battery operated registers must visibly display the expiration date of the battery. All meters must meet the requirements for registration accuracy set forth in the American Water Works Association standards for cold-water meters as those standards existed on the date of adoption of these Rules.
- (c) The water meter must be installed according to the manufacturer's published specifications in effect at the time of the meter installation, or the meter's accuracy must be verified by the permittee in accordance with Rule 9.5. If no specifications are published, there must be a minimum length of five pipe diameters of straight pipe upstream of the water meter and one pipe diameter of straight pipe downstream of the water meter. These lengths of straight pipe must contain no check valves, tees, gate valves, back flow preventers, blow-off valves, or any other fixture other than those flanges or welds necessary to connect the straight pipe to the meter. In addition, the pipe must be completely full of water throughout the region. All installed meters must measure only groundwater.
- (d) Each meter shall be installed, operated, maintained, and repaired in accordance with the manufacturer's standards, instructions, or recommendations.
- (e) The owner of a well is responsible for the installation, operation, maintenance, and repair of the meter associated with the well.
- (f) Bypasses are prohibited unless they are also metered.

Rule 12.2 METERING AGGREGATE WITHDRAWAL:

Where wells that are required to be metered under these Rules are permitted in the aggregate, one or more water meters may be used for the aggregate well system if the water meter or meters are installed so as to measure the groundwater produced or transported from all wells covered by the aggregate permits. The provisions of Rule 12.1 apply to meters measuring aggregate pumpage or aggregate transport.

Rule 12.3 ACCURACY VERIFICATION:

- (a) **Meter Accuracy to be Tested:** The General Manager may require the permittee, at the permittee's expense, to test the accuracy of a water meter and submit a certificate of the test results. The certificate shall be on a form provided by the District. The General Manager may further require that such test be performed by a third party qualified to perform such tests. The third party must be approved by the General Manager prior to the test. Except as otherwise provided herein, certification tests will be required no more than once every three years for the same meter. If the test results indicate that the water meter is registering an accuracy reading outside the range of 95% to 105% of the actual flow, then appropriate steps shall be taken by the permittee to repair or replace the water meter within 90 calendar days from the date of the test. The District, at its own expense, may undertake random tests and other investigations at any time for the purpose of verifying water meter readings. If the District's tests or investigations reveal that a water meter is not registering within the accuracy range of 95% to 105% of the actual flow, or is not properly recording the total flow of groundwater withdrawn from the well or wells, the permittee shall reimburse the District for the cost of those tests and investigations, and the permittee shall take appropriate steps to bring the meter or meters into compliance with these Rules within 90 calendar days from the date of the tests or investigations. If a water meter or

related piping or equipment is tampered with or damaged so that the measurement of accuracy is impaired, the District may require the permittee, at the permittee's expense, to take appropriate steps to remedy the problem and to retest the water meter within 90 calendar days from the date the problem is discovered and reported to the permittee.

- (b) **Meter Testing and Calibration Equipment:** Only equipment capable of accuracy results of plus or minus two percent of actual flow may be used to calibrate or test meters.
- (c) **Calibration of Testing Equipment:** All approved testing equipment must be calibrated every two years by an independent testing laboratory or company capable of accuracy verification. A copy of the accuracy verification must be presented to the District before any further tests may be performed using that equipment.

Rule 12.4 REMOVAL OF METER FOR REPAIRS:

A water meter may be removed for repairs and the well remain operational provided that the District is notified prior to removal and the repairs are completed in a timely manner. The readings on the meter must be recorded immediately prior to removal and at the time of reinstallation. The record of pumpage must include an estimate of the amount of groundwater withdrawn during the period the meter was not installed and operating.

Rule 12.5 WATER METER READINGS:

The permittee of a well required to be metered under Rule 12.1 must read each water meter associated with the well and record the meter readings and the actual amount of pumpage or transport in a log at least monthly. The logs containing the recordings shall be available for inspection by the District at reasonable business hours. The information regarding the amount of groundwater produced or transported must be furnished to the District annually no later than February 1 on a form provided by the District.