



**Pineywoods Groundwater
Conservation District**

Management Plan

December 11, 2008

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SECTION I INTRODUCTION

A. DEFINITIONS

- **“Abandoned or deteriorated well”** shall mean a well, as defined by these rules, which allows surface inflow or infiltration and/or that is causing or is likely to cause, pollution of groundwater in the District and includes a well which is not in use and/or a well that is not properly equipped to pump groundwater. A well that is not in compliance with applicable laws regarding proper installation, including Rules and Regulations of this District, Rules and Regulations of the Texas Department of Licensing and Regulation, Rules and Regulations of the Texas Commission on Environmental Quality, Rules and Regulations of any state or federal agency of competent jurisdiction and laws of the state of Texas is presumed to be abandoned or deteriorated.
- **“Acceptable decline rate”** is a percentage of the saturated thickness which may be removed from the groundwater reservoir annually and will encourage conservation and extend its longevity.
- **“Allowable decline”** is an amount of water, expressed in acre feet. It is calculated by multiplying the net saturated thickness of the previous year by the acceptable decline rate set by the Board. It is assigned at the center of each section of land.
- **“Annual”** shall mean recurring or done every year. The use within this document, unless otherwise stated, is based on the fiscal year of the District which is a twelve (12) month period from January 1 of the calendar year through December 31 of the same calendar year.
- **“Aquifer” shall** mean a formation or group of saturated geologic formations capable of storing and yielding fresh water in usable quantities.
- **“Beneficial use”** shall be any use which is advantageous and does not constitute waste.
- **“Board”** shall mean the governing body of the District, which shall consist of seven (7) Directors serving three-year terms.
- **“Chapter 35”** refers to Sections 35.001 through 35.020 of the Texas Water Code, which authorize the Texas Commission on Environmental Quality (TCEQ) to designate groundwater management areas and create groundwater conservation districts. This Chapter also outlines the Priority Groundwater Management Area (PGMA) process. A reference to a specific section or subsection may be identified using the symbol “§” or using the abbreviation of “Sec.”
- **“Chapter 36”** refers to Sections 36.001 through 36.419 of the Texas Water Code, which authorizes creation of groundwater conservation districts and outlines the powers and duties of a groundwater conservation district. A reference to a specific section or subsection may be identified using the symbol “§” or using the abbreviation of “Sec.”

- **“Coliform bacteria”** is bacteria that are used to indicate the presence of pathogens. Coliform bacteria may not be pathogens but usually are present when pathogens are present and are more resistant to environmental stresses than pathogens.
- **“Desired Future Conditions” (DFC)**, is the desired condition of the groundwater in the future.
- **“Discharge”** means the amount of water that leaves an aquifer by natural or artificial means.
- **“District”** shall mean Pineywoods Groundwater Conservation District, maintaining its principal office in Nacogdoches County, Nacogdoches, Texas. Where applications, reports and other papers are required to be filed with or sent to “the District”, this means where the District’s headquarters are at. The District shall also be known as “Pineywoods GCD”, and the acronym “PGCD” shall also refer to the Pineywoods Groundwater Conservation District.
- **“Each year”** shall mean recurring or done every calendar year.
- **“Evidence of historic or existing use”** means evidence that is material and relevant to a determination of the amount of groundwater beneficially used without waste by a permit applicant during the relevant time periods set by district rule that regulates groundwater based on historic use. Evidence in the form of oral or written testimony shall be subject to cross-examination. The Texas Rules of Evidence govern the admissibility and introduction of evidence of historic or existing use, except that evidence not admissible under the Texas Rules of Evidence may be admitted if it is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- **“Groundwater”** shall mean water percolating below the surface of the earth.
- **“Groundwater reservoir”** shall mean a specific subsurface water-bearing reservoir having ascertainable boundaries containing groundwater.
- **“Hydraulic conductivity”** is a measurement of the capacity of a porous medium to transmit water. It is expressed as the volume of water at the kinematic viscosity that will move in a unit time under a unit hydraulic gradient through a unit area measured at right angles to the direction of flow.
- **“Inflows”** means the amount of water that flows into an aquifer from another formation.
- **“Irrigation distribution system or irrigation system”** shall mean a device or combination of devices having a hose, pipe or other conduit which connects directly to any water well through which water or a mixture of water and chemicals is drawn and applied to land. The term does not include any hand held-hose sprayer or other similar device which is constructed so that an interruption in water flow automatically prevents any backflow to the water source.
- **“Managed available groundwater” (MAG)** means 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.

- **“Management plan”** is the groundwater management plan required pursuant to Texas Water Code §36.1071.
- **“Monitoring well or observation well”** shall mean an artificial excavation constructed to measure or monitor the quality or quantity or movement of substances, elements, chemicals, or fluids beneath the surface of the ground. The term shall not include any monitoring well which is used in conjunction with the production of oil, gas, or any other minerals.
- **“Natural resource”** is a material source of wealth, such as timber, water or a mineral deposit that occurs in a natural state.
- **“Owner”** shall mean and include any person or other entity, public or private, that has the right to produce water from the land either by ownership, contract, lease, easement or any other estate in the land or water.
- **“Person”** shall mean any individual, partnership, firm or corporation.
- **“Pollution”** shall mean the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, water in the District that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or which impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.
- **“Porosity”** is a measurement of the voids or openings in a medium. It may be expressed quantitatively as the ratio of the volume of openings to the total volume.
- **“Recharge”** means the amount of water that infiltrates to the water table of an aquifer.
- **“Saturated thickness”** is the vertical distance between the water table and the base of the groundwater reservoir, and the pores between the solid particles are filled with water.
- **“Specific yield”** is the ratio of the volume of water that will drain under the influence of gravity to the total volume.
- **“Texas Water Code (TWC)”** shall refer to the laws which govern the use and disposition of water in the state of Texas.
- **“Texas Water Development Board (TWDB)”** shall refer to the Texas Water Development Board of the State of Texas in Austin, Texas.
- **“Total aquifer storage”** means the total calculated volume of groundwater that an aquifer is capable of producing.
- **“Underground water”** is used synonymous with groundwater.
- **“Waste”** as used herein shall have the same meaning as defined by Chapter 36 of the Texas Water Code as now

or hereafter amended.

“Waste means any one or more of the following:

1. Withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock-raising purposes;
2. The flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose;
3. Escape of groundwater from a groundwater reservoir to any other reservoir or a geologic stratum that does not contain groundwater;
4. Pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;
5. Willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order;
6. Groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge; or
7. For water produced from an artesian well, “waste” has the meaning.

- **“Water”** is used synonymous with groundwater and underground water.
- **“Water rights”** shall mean a defined number of surface acres, within each section of land which a person has acquired the right to capture the groundwater from beneath, subject to the Rules of this District.
- **“Water well”** shall mean any artificial excavation constructed for the purpose of exploring for or producing groundwater. The term, however, shall not include any test or blast holes in quarries or mines, or any well or excavation for the purpose of exploring for, or producing oil, gas, or any other minerals unless the holes are used to produce groundwater. The term shall not include any injection water source well regulated by the Railroad Commission of Texas.
- **“Well”** shall mean water well, injection well, recharge well, dewatering well, test well, or monitoring well and is in compliance with the District Rules.

B. PURPOSE OF THE DISTRICT

The purpose of the District is to provide for the conservation, preservation, protection, recharging, and prevention of waste of the groundwater, and of groundwater reservoirs or their subdivisions, and to control subsidence within the defined boundary of the District. The purpose of the District is achieved through rules, education programs, District-provided services, and through mutual cooperation of local, state, and federal agencies. The District issues water well permits, collects groundwater information and other services. Extensive databases are used to store, retrieve, and analyze the groundwater information for the District. It is the belief of the District’s residents and the

Board of Directors that groundwater is best managed locally through a groundwater conservation district. This belief is realized by the adoption and implementation of a management plan outlining the goals, methods, and procedures to be utilized in the management of the groundwater resources of the District. This management plan will provide a better understanding of the goals and objectives of the District by the residents and promote cooperation in its implementation.

This document has been developed in accordance with the requirements of Chapter 36 of the Texas Water Code, and the provisions of Texas Administrative Code Title 31, Chapter 356 Groundwater Management Plan Certification.

C. HISTORY AND STATUTES

The Texas State Legislature in 1949 authorized the creation of Underground Water Conservation Districts to perform certain prescribed duties, functions, and hold specific powers as set forth in Article 7880-3c, Texas Civil Statutes, changed to Chapter 52 of the Texas Water Code, currently Chapter 36 of the Texas Water Code. The District was created pursuant to Article 16, Section 59 of the Constitution of Texas by House Bill 2572 of the 77th Texas Legislature which became effective May 31, 2001, and as amended by House Bill 1981 of the 79th Texas Legislature. A confirmation election was held November 6, 2001 and was passed by the voters of the District.

D. THE GOVERNING BODY

The District is currently governed by a seven-member appointed Board of Directors, each serving overlapping three year terms. The members are appointed by the county commissioners of Angelina and Nacogdoches counties and by the city commissioners of the City of Lufkin and the City of Nacogdoches.

E. ADMINISTRATIVE

It is the goal of the District that its activities be consistent with sound business practices; that the interest of the public shall always be considered in conducting District business; that impropriety or the appearance of impropriety shall be avoided to ensure and maintain public confidence in the District; and that the Board shall control and manage the affairs of the District lawfully, fairly, impartially, and in accordance with the stated purposes of the District. Documents have been developed and approved by the Board to assist the staff in performing their duties and meeting their responsibilities.

The District employs a General Manager to manage the administrative affairs of the District and provides for additional staff, as needed, to assist in these duties. The General Manager is responsible for ensuring that the rules, regulations, policies, and procedures adopted by the Board are followed. The General Manager is held responsible by the Board and is required to provide timely reports about the administrative affairs of the District. These reports include but are not limited to:

- Financial- Provide current year budget updates at least quarterly; monthly financial reports of all accounts; provide any information needed for the annual financial audit of the District and identify future needs for budget planning.
- Rules- Manage the implementation of the rules of the District in accordance with procedures set forth in the District Rules and/or Policies. Schedule requests for exceptions to the Rules for a hearing before the Board in

- accordance with proper procedure. Bring before the Board any problem with any of the activities of the District.
- Information- At each regular board meeting the Manager will report on the activities of the Manager and/or staff in carrying out their duties. These activities may include meetings and/or seminars attended upcoming meetings and seminars, legislative activities, new program development, and updates on programs being developed.

Management Goal: It is the goal of the District that its activities be consistent with sound business practices; that the interest of the public shall always be considered in conducting District business; that impropriety or the appearance of impropriety shall be avoided to ensure and maintain public confidence in the District; and that the Board shall control and manage the affairs of the District lawfully, fairly, impartially, and in accordance with the stated purposes of the District.

Management Objective: Adopt rules, regulations, policies, and procedures as needed and insure that the Management and staff have a clear understanding of their duties in accordance with the administrative goals of the District.

Performance Standard: Annually review and include a summary in the annual report to the Board of Directors that the Administrative duties as set forth are carried out as stated.

(A list of the current Directors, Officers, and Staff is included in Appendix A and area is on map 5.)

F. METHODOLOGY FOR TRACKING PROGRESS

Methodology for Tracking District Progress in Achieving Management Goals

The District manager will prepare and present an annual report to the Board of Directors on District performance in regards to achieving management goals and objectives. The presentation of the report will occur at a regularly scheduled meeting during the first quarter of each fiscal year. The report will include the activity, goal, objective, performance standard and comments on details. The comments of each activity will be referenced to the appropriate performance standard for each management objective describing the activity, so that the effectiveness and efficiency of the Districts operations may be evaluated. The District will maintain the report on file, for public inspection at the Districts offices upon adoption. This methodology will apply to all management goals contained within this plan.”

SECTION II PLANNING PERIOD

The Board may review the management plan annually and must review and readopt the plan, with or without revisions, at least once every five years. For the purpose of 31 TAC §356.5(a) this management plan uses a planning period of at least ten (10) years from the date of acceptance by the TWDB.

A. Supply and Demand

Amount of Water being used within the District Annually

The following charts are projections of the annual water usage within the District from 1974 to 2004. These charts include ground and surface water, and account for municipal, manufacturing, agriculture, mining and power supply usage. They show an annual usage of 11, 785 ac/ft/yr and 23, 945 ac/ft/yr for Nacogdoches and Angelina Counties, respectively, for the year 2004.

Figure 1

Angelina County

Year	Source	Municipal	Manufacturing	Steam Electric	Irrigation	Mining	Livestock	Total
1974	GW	6,698	27,131	0	462	15	79	34,385
	SW	0	4,175	0	0	0	404	4,579
Total		6,698	31,306	0	462	15	483	38,964
1980	GW	9,308	23,164	0	563	0	117	33,152
	SW	4	5,217	0	0	9	158	5,388
Total		9,312	28,381	0	563	9	275	38,540
1984	GW	9,127	21,840	0	563	0	243	31,773
	SW	3	5,876	0	0	0	364	6,243
Total		9,130	27,716	0	563	0	607	38,016
1985	GW	9,026	21,842	0	450	0	189	31,507
	SW	4	7,652	0	0	0	284	7,940
Total		9,030	29,494	0	450	0	473	39,447
1986	GW	8,765	21,202	0	400	0	169	30,536
	SW	4	7,604	0	0	0	253	7,861
Total		8,769	28,806	0	400	0	422	38,397
1987	GW	8,545	20,972	0	400	0	176	30,093
	SW	5	7,130	0	0	0	264	7,399
Total		8,550	28,102	0	400	0	440	37,492
1988	GW	8,160	18,717	0	400	0	199	27,476
	SW	4	11,526	0	0	0	298	11,828
Total		8,164	30,243	0	400	0	497	39,304
1989	GW	8,981	26,070	0	0	0	176	35,227
	SW	3	9,153	0	0	0	265	9,421
Total		8,984	35,223	0	0	0	441	44,648

1990	GW	9,104	17,608	0	0	0	174	26,886
	SW	4	10,315	0	0	0	262	10,581
Total		9,108	27,923	0	0	0	436	37,467
1991	GW	8,920	16,460	0	0	22	178	25,580
	SW	3	7,094	0	0	0	267	7,364
Total		8,923	23,554	0	0	22	445	32,944
1992	GW	9,615	15,375	0	0	22	251	25,263
	SW	0	11,418	0	0	0	377	11,795
Total		9,615	26,793	0	0	22	628	37,058
1993	GW	9,773	14,433	0	30	22	245	24,503
	SW	0	17,352	0	0	0	367	17,719
Total		9,773	31,785	0	30	22	612	42,222
1994	GW	9,367	14,927	0	30	22	202	24,548
	SW	0	19,412	0	0	0	304	19,716
Total		9,367	34,339	0	30	22	506	44,264
1995	GW	9,726	15,352	0	30	22	202	25,332
	SW	0	9,176	0	0	0	302	9,478
Total		9,726	24,528	0	30	22	504	34,810
1996	GW	10,329	14,875	0	30	22	183	25,439
	SW	0	12,036	0	0	0	274	12,310
Total		10,329	26,911	0	30	22	457	37,749
1997	GW	10,523	14,433	0	30	22	178	25,186
	SW	0	8,977	0	0	0	267	9,244
Total		10,523	23,410	0	30	22	445	34,430
1998	GW	11,991	15,029	0	30	22	201	27,273
	SW	0	9,538	0	0	0	302	9,840
Total		11,991	24,567	0	30	22	503	37,113
1999	GW	12,057	14,261	0	30	22	233	26,603
	SW	0	2,907	0	0	0	350	3,257
Total		12,057	17,168	0	30	22	583	29,860
2000	GW	12,493	13,681	0	30	22	231	26,457
	SW	0	11,557	0	0	0	347	11,904
Total		12,493	25,238	0	30	22	578	38,361
2001	GW	11,143	11,656	0	9	22	226	23,056
	SW	0	7,250	0	0	0	339	7,589
Total		11,143	18,906	0	9	22	565	30,645
2002	GW	10,331	11,830	0	9	22	213	22,405
	SW	0	7,358	0	0	0	320	7,678
Total		10,331	19,188	0	9	22	533	30,083
2003	GW	12,859	12,006	0	25	22	201	25,113
	SW	0	7,468	0	130	0	301	7,899
Total		12,859	19,474	0	155	22	502	33,012
2004	GW	11,034	7,496	0	109	22	199	18,860
	SW	0	4,662	0	125	0	298	5,085
Total		11,034	12,158	0	234	22	497	23,945

NOTE: All Pumpage reported in acre-feet

TWDB:

Source: TWDB Water Use Survey Database (<http://www.twdb.state.tx.us/wushistorical/DesktopDefault.aspx?PageID=1>)

Figure 2

Nacogdoches County

Year	Source	Municipal	Manufacturing	Steam Electric	Irrigation	Mining	Livestock	Total
1974	GW	5,050	1,779	0	0	58	637	7,524
	SW	0	49	0	21	0	1,056	1,126
Total		5,050	1,828	0	21	58	1,693	8,650
1980	GW	5,440	1,182	0	0	0	789	7,411
	SW	2,510	882	0	0	200	564	4,156
Total		7,950	2,064	0	0	200	1,353	11,567
1984	GW	6,197	589	0	19	0	695	7,500
	SW	2,826	401	0	5	12	1,042	4,286
Total		9,023	990	0	24	12	1,737	11,786
1985	GW	6,239	503	0	39	0	507	7,288
	SW	2,668	325	0	10	12	761	3,776
Total		8,907	828	0	49	12	1,268	11,064
1986	GW	6,726	566	0	40	0	533	7,865
	SW	2,429	330	0	11	13	800	3,583
Total		9,155	896	0	51	13	1,333	11,448
1987	GW	6,900	541	0	40	0	511	7,992
	SW	2,908	339	0	11	14	767	4,039
Total		9,808	880	0	51	14	1,278	12,031
1988	GW	7,444	513	0	40	0	512	8,509
	SW	3,618	386	0	10	14	768	4,796
Total		11,062	899	0	50	14	1,280	13,305
1989	GW	7,529	558	0	138	0	534	8,759
	SW	2,776	307	0	138	12	802	4,035
Total		10,305	865	0	276	12	1,336	12,794
1990	GW	7,026	567	0	140	0	637	8,370
	SW	3,092	403	0	140	12	956	4,603
Total		10,118	970	0	280	12	1,593	12,973
1991	GW	6,660	683	0	140	0	637	8,120
	SW	2,556	443	0	140	220	956	4,315
Total		9,216	1,126	0	280	220	1,593	12,435
1992	GW	7,150	695	0	140	0	638	8,623
	SW	2,802	467	0	140	220	957	4,586
Total		9,952	1,162	0	280	220	1,595	13,209
1993	GW	7,474	874	0	980	0	656	9,984
	SW	2,446	474	0	245	220	984	4,369
Total		9,920	1,348	0	1,225	220	1,640	14,353
1994	GW	7,083	840	0	1,117	0	712	9,752
	SW	2,558	497	0	143	220	1,068	4,486

	Total	9,641	1,337	0	1,260	220	1,780	14,238
1995	GW	7,966	723	0	1,016	0	642	10,347
	SW	2,490	372	0	254	220	962	4,298
	Total	10,456	1,095	0	1,270	220	1,604	14,645
1996	GW	6,738	637	0	1,016	0	860	9,251
	SW	2,836	492	0	254	220	1,290	5,092
	Total	9,574	1,129	0	1,270	220	2,150	14,343
1997	GW	6,664	1,110	0	1,016	0	599	9,389
	SW	1,516	115	0	254	220	899	3,004
	Total	8,180	1,225	0	1,270	220	1,498	12,393
1998	GW	6,484	742	0	1,016	0	538	8,780
	SW	3,452	204	0	254	220	807	4,937
	Total	9,936	946	0	1,270	220	1,345	13,717
1999	GW	6,448	915	0	1,016	0	582	8,961
	SW	149	47	0	254	220	873	1,543
	Total	6,597	962	0	1,270	220	1,455	10,504
2000	GW	6,209	767	0	186	0	607	7,769
	SW	4,542	1,131	0	116	220	910	6,919
	Total	10,751	1,898	0	302	220	1,517	14,688
2001	GW	6,197	1,700	0	419	0	583	8,899
	SW	987	176	0	257	220	875	2,515
	Total	7,184	1,876	0	676	220	1,458	11,414
2002	GW	5,841	1,597	0	187	0	584	8,209
	SW	1,066	166	0	114	220	876	2,442
	Total	6,907	1,763	0	301	220	1,460	10,651
2003	GW	5,268	2,389	0	395	0	507	8,559
	SW	1,789	247	0	148	220	761	3,165
	Total	7,057	2,636	0	543	220	1,268	11,724
2004	GW	5,691	2,061	0	281	0	495	8,528
	SW	1,958	213	0	123	220	743	3,257
	Total	7,649	2,274	0	404	220	1,238	11,785

NOTE: All Pumpage reported in acre-feet

TWDB:
6/23/2008

Source: TWDB Water Use Survey Database (<http://www.twdb.state.tx.us/wushistorical/DesktopDefault.aspx?PageID=1>)

B. Projected Surface Water Supplies

The following charts show the surface water supplies for Angelina and Nacogdoches Counties for 2000 and the projected surface water supplies through the year 2060. This also shows available sources from Sam Rayburn Reservoir.

Angelina County

RWPG	Water User Group	County	River Basin	Source Name	2000	2010	2020	2030	2040	2050	2060
I	Lufkin	Angelina	Neches	Sam Rayburn Reservoir	28,000	28,000	28,000	28,000	28,000	28,000	28,000

acre-feet per year

Source: City of Lufkin

Figure 3

Angelina County

RWPG	Water User Group	County	River Basin	Source Name	2000	2010	2020	2030	2040	2050	2060
I	Manufacturing	Angelina	Neches	Striker Lake/Reservoir	10,000	10,000	10,000	10,000	10,000	10,000	10,000
I	Manufacturing	Angelina	Neches	Kurth Lake/Reservoir	19,000	18,421	18,417	18,413	18,408	18,404	18,400
I	Livestock	Angelina	Neches	Livestock Local Supply	377	347	347	347	347	347	347
Total Projected Surface Water Supplies (acre-feet per year) =					29,377	28,768	28,764	28,760	28,755	28,751	28,747

Source: Volume 3, 2007 State Water Planning Database
(<http://www.twdb.state.tx.us/DATA/db07/defaultReadOnly.asp>)

6/23/2008

Nacogdoches County

RWPG	Water User Group	County	River Basin	Source Name	2000	2010	2020	2030	2040	2050	2060
I	Nacogdoches	Nacogdoches	Neches	Nacogdoches Lake/Reservoir	18,996	6,937	6,541	6,194	5,837	5,543	5,197
I	County-Other	Nacogdoches	Neches	Nacogdoches Lake/Reservoir	0	200	183	168	156	149	144
I	Manufacturing	Nacogdoches	Neches	Nacogdoches Lake/Reservoir	1,166	2,082	1,983	1,872	1,772	1,569	1,437
I	Mining	Nacogdoches	Neches	Other Local Supply	220	220	220	220	220	220	220
I	Irrigation	Nacogdoches	Neches	Neches River Combined Run-of-River Irrigation	254	136	136	136	136	136	136
I	Livestock	Nacogdoches	Neches	Livestock Local Supply	1,290	910	910	910	910	910	910
I	Appleby WSC	Nacogdoches	Neches	Nacogdoches Lake/Reservoir	0	240	346	414	477	575	652
Total Projected Surface Water Supplies (acre-feet per year) =					21,926	10,725	10,319	9,914	9,508	9,102	8,696

Source: Volume 3, 2007 State Water Planning Database
(<http://www.twdb.state.tx.us/DATA/db07/defaultReadOnly.asp>)

6/23/2008

C. Projected Total Water Demands

Figure 4 shows the total projected water demand for Angelina and Nacogdoches Counties through the year 2060. This is the combined surface water and groundwater use for the District. The projections are from the 2007 State Water Plan and include agriculture, municipal and industrial use.

Figure 4

Angelina County

RWPG	Water User Group	County	River Basin	2010	2020	2030	2040	2050	2060
I	Diboll	Angelina	Neches	968	1,123	1,310	1,554	1,901	2,377
I	Hudson	Angelina	Neches	579	732	931	1,168	1,518	1,982
I	Huntington	Angelina	Neches	243	262	288	325	380	457
I	Lufkin	Angelina	Neches	7,546	8,444	9,446	10,565	11,951	13,599
I	Zavalla	Angelina	Neches	86	84	82	80	78	78
I	County-Other	Angelina	Neches	2,530	2,624	2,746	2,905	3,203	3,637
I	Manufacturing	Angelina	Neches	30,266	34,359	37,982	41,642	44,887	48,356
I	Mining	Angelina	Neches	18	17	17	17	17	17
I	Livestock	Angelina	Neches	598	620	647	677	712	749
I	Central WCID of Angelina County	Angelina	Neches	676	686	702	724	778	862
I	Four Way WSC	Angelina	Neches	368	501	673	886	1,192	1,597
I	Hudson WSC	Angelina	Neches	654	768	902	1,095	1,358	1,726
I	Irrigation	Angelina	Neches	30	30	30	30	30	30
Total Projected Water Demands (acre-feet per year) =				44,562	50,250	55,756	61,668	68,005	75,467

Source: Volume 3, 2007 State Water Planning Database
 (<http://www.twdb.state.tx.us/DATA/db07/defaultReadOnly.asp>)

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Nacogdoches County

RWPG	Water User Group	County	River Basin	2010	2020	2030	2040	2050	2060
I	Cushing	Nacogdoches	Neches	129	135	140	147	162	179
I	Garrison	Nacogdoches	Neches	149	147	144	141	139	139
I	Nacogdoches	Nacogdoches	Neches	7,625	8,423	9,218	9,939	11,352	12,540
I	County-Other	Nacogdoches	Neches	2,452	2,625	2,770	2,954	3,373	3,849
I	Manufacturing	Nacogdoches	Neches	2,288	2,553	2,786	3,016	3,214	3,468
I	Steam Electric Power	Nacogdoches	Neches	4,828	6,911	8,079	9,504	11,241	13,358
I	Mining	Nacogdoches	Neches	215	213	212	211	210	209
I	Irrigation	Nacogdoches	Neches	302	302	302	302	302	302
I	Livestock	Nacogdoches	Neches	1,719	1,954	2,227	2,544	2,911	3,332

I	Appleby WSC	Nacogdoches	Neches	763	945	1,117	1,311	1,678	2,074
I	Lilly Grove SUD	Nacogdoches	Neches	423	533	641	752	982	1,224
I	Swift WSC	Nacogdoches	Neches	483	567	640	730	903	1,093
Total Projected Water Demands (acre-feet per year) =				21,376	25,308	28,276	31,551	36,467	41,767

Source: Volume 3, 2007 State Water Planning Database
 (http://www.twdb.state.tx.us/DATA/db07/defaultReadOnly.asp)

6/23/2008

D. Projected Water Needs

Figure 5 shows the projected water needs for Angelina and Nacogdoches Counties through the year 2060. Negative numbers indicate an additional amount of water that will be needed to supply the needs of the District.

Figure 5

Angelina County									
A positive value indicates a projected water surplus; a negative value indicates a projected water supply need.									
RWPG	WUG	County	River Basin	2010	2020	2030	2040	2050	2060
I	Diboll	Angelina	Neches	-32	-187	-374	-618	-965	-1,441
I	Hudson	Angelina	Neches	-41	-194	-393	-630	-980	-1,444
I	Huntington	Angelina	Neches	497	473	446	410	360	292
I	Lufkin	Angelina	Neches	-827	-1,748	-2,725	-3,805	-5,104	-6,657
I	Zavalla	Angelina	Neches	107	109	111	113	115	115
I	County-Other	Angelina	Neches	-30	-127	-251	-411	-709	-1,143
I	Manufacturing	Angelina	Neches	13,687	9,600	5,965	2,287	-995	-4,504
I	Mining	Angelina	Neches	10	11	11	11	11	11
I	Livestock	Angelina	Neches	62	40	13	-17	-52	-89
I	Central WCID of Angelina County	Angelina	Neches	198	188	172	150	96	12
I	Four Way WSC	Angelina	Neches	1,004	871	699	486	180	-225
I	Hudson WSC	Angelina	Neches	6	-108	-242	-435	-698	-1,066
I	Irrigation	Angelina	Neches	8	8	8	8	8	8
Total Projected Water Needs (acre-feet per year) =				14,649	8,936	3,440	-2,451	-8,733	-16,131

Source: Volume 3, 2007 State Water Planning Database

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(http://www.twdb.state.tx.us/DATA/db07/defaultReadOnly.asp)

Nacogdoches County

A positive value indicates a projected water surplus; a negative value indicates a projected water supply need.

RWPG	WUG	County	River Basin	2010	2020	2030	2040	2050	2060
I	Cushing	Nacogdoches	Neches	108	102	97	90	75	58
I	Garrison	Nacogdoches	Neches	311	313	316	319	321	321
I	Nacogdoches	Nacogdoches	Neches	1,585	358	-804	-1,906	-3,616	-5,175
I	County-Other	Nacogdoches	Neches	1,306	1,116	956	760	334	-147
I	Manufacturing	Nacogdoches	Neches	476	109	-243	-578	-1,024	-1,431
I	Steam Electric Power	Nacogdoches	Neches	-4,828	-6,911	-8,079	-9,504	-11,241	-13,358
I	Mining	Nacogdoches	Neches	5	7	8	9	10	11
I	Irrigation	Nacogdoches	Neches	1,230	1,230	1,230	1,230	1,230	1,230
I	Livestock	Nacogdoches	Neches	266	31	-242	-559	-926	-1,347
I	Appleby WSC	Nacogdoches	Neches	247	211	138	37	-183	-458
I	Lilly Grove SUD	Nacogdoches	Neches	124	14	-94	-205	-435	-677
I	Swift WSC	Nacogdoches	Neches	-78	-162	-235	-325	-498	-688
Total Projected Water Needs (acre-feet per year) =				752	-3,582	-6,952	-10,632	-15,953	-21,661

Source: Volume 3, 2007 State Water Planning Database

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(<http://www.twdb.state.tx.us/DATA/db07/defaultReadOnly.asp>)

E. Projected Water Management Strategies

Figures 6 and 7 illustrate the projected strategies for water management to supply the needs of the District.

Figure 6

Angelina County

RWPG	WUG	WUG County	River Basin	Water Management Strategy	Source Name	Source County	2010	2020	2030	2040	2050	2060
I	County-Other	Angelina	Neches	Purchase Water from Provider (2)	Sam Rayburn-Steinhagen Lake/Reservoir System	Reservoir	30	127	251	411	709	1,143
I	Diboll	Angelina	Neches	Purchase Water from Provider (2)	Sam Rayburn-Steinhagen Lake/Reservoir System	Reservoir	21	167	348	584	912	1,369
I	Manufacturing	Angelina	Neches	Purchase Water from Provider (2)	Sam Rayburn-Steinhagen Lake/Reservoir System	Reservoir	0	0	0	0	4,504	4,504
I	Manufacturing	Angelina	Neches	Purchase Water from Provider (2)	Columbia Lake/Reservoir	Reservoir	8,551	8,551	8,551	8,551	8,551	8,551
I	Lufkin	Angelina	Neches	Purchase Water from Provider (3)	Sam Rayburn-Steinhagen Lake/Reservoir System	Reservoir	827	1,748	2,725	3,805	5,104	6,657
I	County-Other	Angelina	Neches	New Wells - Carrizo Wilcox Aquifer	Carrizo-Wilcox Aquifer	Angelina	404	404	404	404	404	1,211
I	Hudson	Angelina	Neches	New Wells - Carrizo Wilcox Aquifer	Carrizo-Wilcox Aquifer	Angelina	404	404	404	1,453	1,453	1,453
I	Hudson WSC	Angelina	Neches	New Wells - Carrizo Wilcox Aquifer	Carrizo-Wilcox Aquifer	Angelina	0	435	435	435	1,242	1,242
I	Diboll	Angelina	Neches	Municipal Conservation	Conservation	Angelina	11	20	26	34	53	72
I	Lufkin	Angelina	Neches	Municipal Conservation	Conservation	Angelina	50	117	189	249	319	408
I	Livestock	Angelina	Neches	Expand Local Surface Water Supplies	Livestock Local Supply	Angelina	0	0	0	89	89	89
I	Diboll	Angelina	Neches	New Wells - Yegua Jackson Aquifer	Yegua-Jackson Aquifer	Angelina	646	646	646	646	1,614	1,614
I	Four Way WSC	Angelina	Neches	Purchase Water from Provider (2)	Sam Rayburn-Steinhagen Lake/Reservoir System	Reservoir	0	0	0	0	0	225
Total Projected Water Management Strategies (acre-feet per year) =							10,944	12,619	13,979	16,661	24,954	28,538

Source: Volume 3, 2007 State Water Planning Database
<http://www.twdb.state.tx.us/DATA/db07/defaultReadOnly.asp>

TWDB: 6/23/2008

Figure 7

Nacogdoches County

RWPG	WUG	WUG County	River Basin	Water Management Strategy	Source Name	Source County	2010	2020	2030	2040	2050	2060
I	Steam Electric Power	Nacogdoches	Neches	Purchase Water from Provider (2)	Columbia Lake/Reservoir	Reservoir	4,828	6,911	8,079	9,504	11,241	13,358
I	Swift WSC	Nacogdoches	Neches	New Wells - Carrizo Wilcox Aquifer	Carrizo-Wilcox Aquifer	Nacogdoches	807	807	807	807	807	807
I	Appleby WSC	Nacogdoches	Neches	New Wells - Carrizo Wilcox Aquifer	Carrizo-Wilcox Aquifer	Nacogdoches	0	0	0	807	807	807
I	Lilly Grove SUD	Nacogdoches	Neches	New Wells - Carrizo Wilcox Aquifer	Carrizo-Wilcox Aquifer	Nacogdoches	0	0	807	807	807	807
I	Livestock	Nacogdoches	Neches	New Wells - Carrizo Wilcox Aquifer	Carrizo-Wilcox Aquifer	Nacogdoches	0	0	1,574	1,574	1,574	1,574
I	Nacogdoches	Nacogdoches	Neches	Municipal Conservation	Conservation	Nacogdoches	0	229	425	514	654	787
I	Nacogdoches	Nacogdoches	Neches	Purchase Water from Provider (1)	Nacogdoches Lake/Reservoir	Reservoir	0	0	804	1,906	3,616	5,175
I	Manufacturing	Nacogdoches	Neches	Purchase Water from Provider (1)	Nacogdoches Lake/Reservoir	Reservoir	0	1,626	1,626	1,626	1,626	1,626
I	County-Other	Nacogdoches	Neches	New Wells - Carrizo Wilcox Aquifer	Carrizo-Wilcox Aquifer	Nacogdoches	0	0	0	0	0	291
I	County-Other	Nacogdoches	Neches	Purchase Water from Provider (1)	Columbia Lake/Reservoir	Reservoir	0	428	428	428	428	428
I	Nacogdoches	Nacogdoches	Neches	Neches Basin Subordination	Nacogdoches Lake/Reservoir	Reservoir	8,050	8,050	8,050	8,050	8,050	8,050
I	Appleby WSC	Nacogdoches	Neches	Municipal Conservation	Conservation	Nacogdoches	0	0	0	22	39	62
Total Projected Water Management Strategies (acre-feet per year) =							13,685	18,051	22,600	26,045	29,649	33,772

Source: Volume 3, 2007 State Water Planning Database
<http://www.twdb.state.tx.us/DATA/db07/defaultReadOnly.asp>

TWDB: 6/23/2008

SECTION III GROUNDWATER SUPPLY

A. GENERAL GEOLOGY, STRATIGRAPHY, AND HYDROLOGY

Carrizo-Wilcox Aquifer

The Wilcox Group and the overlying Carrizo Formation of the Claiborne Group form a hydrologically connected system known as the Carrizo-Wilcox aquifer. This aquifer extends from the Rio Grande in South Texas northeastward into Arkansas and Louisiana, providing water to all or parts of 60 counties. The Carrizo Sand and Wilcox Group crop out along a narrow band that parallels the Gulf Coast and dips beneath the land surface toward the coast, except in the East Texas structural basin adjacent to the Sabine Uplift, where the formations form a trough.

Municipal and irrigation pumpage account for about 35 percent and 51 percent, respectively, of total pumpage. The largest metropolitan areas dependent on ground water from the Carrizo-Wilcox aquifer are Bryan-College Station, Lufkin-Nacogdoches, and Tyler. Irrigation is the predominant use in the Winter Garden region of South Texas.

The Carrizo-Wilcox aquifer is predominantly composed of sand locally interbedded with gravel, silt, clay, and lignite deposited during the Tertiary Period. South of the Trinity River and north of the Colorado River, the Wilcox Group is divided into three distinct formations: the Hooper, Simsboro, and Calvert Bluff. Of the three, the Simsboro typically contains the most massive water-bearing sands. This division cannot be made south of the Colorado River or north of the Trinity River due to the absence of the Simsboro as a distinct unit. Aquifer thickness in the down dip artesian portion ranges from less than 200 feet to more than 3,000 feet. Well yields are commonly 500 gal/min, and some may reach 3,000 gal/min in the down dip where the aquifer is under artesian conditions. Some of the greatest yields (more than 1,000 gal/min) are produced from the Carrizo Sand in the southern, or Winter Garden, area of the aquifer. Yields of greater than 500 gal/min are also obtained from the Carrizo and Simsboro formations in the central region.

Regionally, water from the Carrizo-Wilcox aquifer is fresh to slightly saline. In the outcrop, the water is hard, yet usually low in dissolved solids. Down dip, the water is softer, has a higher temperature, and contains more dissolved solids. Hydrogen sulfide and methane may occur locally. Excessively corrosive water with high iron content is common throughout much of the northeastern part of the aquifer. Localized contamination of the aquifer in the Winter Garden area is attributed to direct infiltration of oil field brines on the surface and to downward leakage of saline water to the overlying Bigford Formation. Significant water-level declines have developed in the semiarid Winter Garden portion of the Carrizo aquifer, as the region is heavily dependent on ground water for irrigation. Since 1920, water levels have declined as much as 100 feet in much of the area and more than 250 feet in the Crystal City area of Zavala County. Significant water-level declines resulting from extensive municipal and industrial pumpage also have occurred in Northeast Texas. Tyler and the Lufkin-Nacogdoches area have experienced declines in excess of 400 feet, and in a few wells, as much as 500 feet since the 1940s. In this area, conversion to surface-water use is slowing the rate of water-level decline. The northeast outcrop area has been dewatered in the vicinity of lignite surface-mining operations, and the Simsboro Sand Formation of the Wilcox Group has been affected by water-level declines in parts of Robertson and Milam counties. (Map 1)

Queen City Aquifer

The Queen City aquifer extends across Texas from the Frio River in South Texas northeastward into Louisiana. The aquifer provides water for domestic and livestock purposes throughout most of its extent, significant amounts of water for municipal and industrial supplies in Northeast Texas, and water for irrigation in Wilson County. Yields of individual wells are commonly low, but a few exceed 400 gal/min. Sand, loosely cemented sandstone, and interbedded clay units of the Queen City Formation of the Tertiary Claiborne Group make up the aquifer. These beds fill the East Texas structural basin adjacent to the Sabine Uplift and then dip gently to the south and southeast toward the Gulf Coast. Although total aquifer thickness is usually less than 500 feet, it can approach 700 feet in some areas of Northeast Texas. Water of excellent quality is generally found within the outcrop and for a few miles down dip, but water quality deteriorates with depth in the down dip direction. In some areas, water of acceptable quality may occur at depths of approximately 2,000 feet. The water may be acidic in much of Northeast Texas and relatively high in iron concentrations in some locations. (Map 2)

Sparta Aquifer

The Sparta aquifer extends in a narrow band from the Frio River in South Texas northeastward to the Louisiana border in Sabine County. The Sparta provides water for domestic and livestock supplies throughout its extent, and water for municipal, industrial, and irrigation purposes in much of the region. Yields of individual wells are generally less than 100 gal/min, although most high-capacity wells average 400 gal/min to 500 gal/min. A few wells produce as much as 1,200 gal/min. The Sparta Formation, part of the Claiborne Group deposited during the Tertiary, consists of sand and interbedded clay with massive sand beds in the basal section. These beds dip gently to the south and southeast toward the Gulf Coast and reach a total thickness of up to 300 feet. Water of excellent quality is commonly found within the outcrop and for a few miles down dip, but it deteriorates with depth in the down dip direction. Locally, water within the aquifer may contain iron concentrations in excess of drinking water standards. (Map 3)

Yegua-Jackson Aquifer

The Yegua-Jackson aquifer extends in a narrow band from the Rio Grande and Mexico across the State to the Sabine River and Louisiana. Although the occurrence, quality, and quantity of water from this aquifer are erratic, domestic and livestock supplies are available from shallow wells over most of its extent. Locally water for municipal, industrial, and irrigation purposes is available. Yields of most wells are small, less than 50 gallons per minute, but in some areas, yields of adequately constructed wells may range to more than 500 gallons per minute. The Yegua-Jackson aquifer consists of complex associations of sand, silt, and clay deposited during the Tertiary Period. Net freshwater sands are generally less than 200 feet deep at any location within the aquifer. Water quality varies greatly within the aquifer, and shallow occurrences of poor-quality water are not uncommon. In general, however, small to moderate amounts of usable quality water can be found within shallow sands (less than 300 feet deep) over much of the Yegua-Jackson aquifer. (Map 4)

B. MANAGED AVAILABLE GROUNDWATER

Scope: The managed available groundwater is the amount of groundwater available for permitting purposes in each of the major and minor aquifers within Angelina and Nacogdoches Counties. The desired future conditions are the conditions we would want the aquifers to be by the year 2060.

Methodology: The Managed Available Groundwater (MAG) will be determined by the TWDB after the Desired Future Conditions (DFC) have been approved for the Groundwater Management Area 11 (GMA-11) by the Texas Water Development Board. These are to be completed by September 1, 2010. The Pineywoods Groundwater Conservation District is participating with the other groundwater districts in GMA-11 in determining the DFC.

C. ANNUAL VOLUME OF WATER DISCHARGING TO SURFACE WATER

Scope: This includes groundwater discharging from each aquifer within the District to springs and surface water bodies including lakes, streams and rivers.

Methodology: Using the data from GAM run 08-49, table 1 summarizes the flow from each aquifer to surface water springs, lakes, streams and rivers.

Table 1

Management Plan requirement	Aquifer or confining unit	Results
Estimated annual amount of recharge from precipitation to the district	Jasper	16
	Sparta	18,401
	Weches	3,200
	Queen City	8,030
	Reklaw	3,025
	Carrizo	18,455
	Wilcox (upper)	2,464
	Wilcox (middle)	409
	Wilcox (lower)	0
Estimated annual volume of water that discharges from the aquifer to springs and any surface water body including lakes, streams, and rivers	Jasper	0
	Sparta	8,509
	Weches	546
	Queen City	601
	Reklaw	351
	Carrizo	4,056
	Wilcox (upper)	2,737
	Wilcox (middle)	0
	Wilcox (lower)	0

Ac/ft/yr

D. ANNUAL RECHARGE FROM PRECIPITATION

Scope: This is the distributed recharge sourced from precipitation falling on the outcrop areas of the aquifers (where the aquifer is exposed at land surface) within the district.

Methodology: Using data from the TWDB GAM run 08-49, the annual precipitation is shown in acre feet per year (ac/ft/yr) and rounded to the nearest 1 acre foot.

Results: **Table 1** shows a breakdown of the recharge from precipitation for each aquifer within the district in acre feet per year. This equals to 54,000 acre feet per year.

E. ANNUAL FLOW INTO/OUT AND BETWEEN AQUIFERS

Scope: Flow into and out is the flow into and out of the district described in lateral flow within the aquifer between the district and adjacent counties. Flow between aquifers describes the vertical flow, or leakage, between aquifers or confining units. Flow out of the district from each aquifer is considered to be the same as flow into the district.

Methodology: Summaries of water budgets derived from the Groundwater Availability Model Run 08-49. Selected components were extracted from the groundwater budget for the aquifers located within the district and averaged over the duration of the calibrated portion of the model run (1980 to 1999) in the district.

Results: **Table 2** shows the flows into and out of the district and the flows between aquifers within the district.

Table 2

Management Plan requirement	Aquifer or confining unit	Results
Estimated annual volume of flow into the district within each aquifer in the district	Jasper	0
	Sparta	1,488
	Weches	139
	Queen City	383
	Reklaw	685
	Carrizo	11,677
	Wilcox (upper)	12,574
	Wilcox (middle)	9,381
	Wilcox (lower)	1,398
Estimated annual volume of flow out of the district within each aquifer in the district	Jasper	16
	Sparta	357
	Weches	87
	Queen City	317
	Reklaw	530
	Carrizo	2,282

	Wilcox (upper)	2,191
	Wilcox (middle)	1,397
	Wilcox (lower)	271
Estimated net annual volume of flow between each aquifer in the district	Burkeville into Jasper	0
	Sparta into Weches	9,482
	Weches into Queen City	9,957
	Queen City into Reklaw	11,307
	Reklaw into Carrizo	16,402
	Carrizo into Wilcox (upper)	1,891
	Wilcox (middle) into Wilcox (upper)	1,936
	Wilcox (lower) into Wilcox (middle)	2,227

Ac/ft/yr

SECTION IV COLLECTION OF DATA

GOAL A. WATER QUANTITY

Water Well Registration:

The Rules require an exempt well that produces less than 25,000 gallons per day and meets other criteria as an exempt well, to be registered with the District prior to drilling. The registration is reviewed by the staff to determine it to be in compliance with the District's Rules and spacing waivers are assessed if requested and approved. Upon completion of the well and submittal of the well log by the driller, the well is recorded by the District. Water wells for oil and gas wells permitted by the Texas Railroad Commission must be registered with the District prior to drilling and a well log is to be submitted upon completion of the well.

Water Well Permit Application:

The Rules require an application be made to the District for a water well permit prior to drilling a well capable of producing groundwater in excess of 25,000 gallons per day. The first step in this process is to provide certain base information to the District. The application requires the owner's name, address, legal description of the land, location of the well on the property, estimated amount of production, proposed use, and distance from other wells on the property as well as adjoining property, the name of the driller, and the date drilling is planned. The staff will assist in determining some of this information as well as determining if the proposed location will meet the Rules of the District. After an application is completed and the fee has been paid, the staff will then verify the information and schedule it for review by the appropriate individual or Board and consider it in accordance with District Rules. If at anytime during this process a discrepancy is found which would invalidate the application, the applicant is notified and a correction may be made. After approval by the Board or General Manager, the permit is then placed in a pending file until the well log and registration form is received from the applicant or driller. Well drilling may

be started as soon as the application is completed by the applicant; however, until it has been reviewed by the staff and approved by the Board, drilling is at the risk of the applicant. A water well permit is in effect for 120 days from the time the application is made. An applicant may apply for two extensions for an additional 120 days each. After the expiration date of the original application or extensions, the permit expires. After that time another application must be submitted with the appropriate fee.

Management Goal: Provide prompt and timely processing of all applications for water well permits.

Management Objective: Complete administrative review process, including staff review and schedule for Board or General Manager consideration within 30 to 60 days of application date.

Performance Standard: Annually review all water well permit applications to determine if they were considered by the Board or General Manager within 60 days of application date, provided they were administratively complete and had been recommended for approval. This review will be included in the annual report to the Board of Directors.

Well Log and Registration:

The Rules require that the District be provided a well drilling log and completion report within 30 days after completion of the well and before production begins. In some cases a well may be completed but not equipped. In this case, the available well completion information is submitted to the District and will remain incomplete until the pump has been installed and that information provided to the District. The deposit is not returned until required information has been received by the District in accordance with District policy.

The information required on the well log and registration form adds needed data about the well and includes: a location of the well using longitude and latitude measurements, a descriptive log of the formation from the surface to the bottom of the well, the total depth of the well and casing, zone or zones of perforation, and size and depth of the pump. After this information is received by the District it is reviewed for accuracy in relation to the well permit application and field-verified. Information is then entered into the well log database. Additional requested information includes discharge in gallons per minute, and any other production tests that may have been made (such as pumping level and production under pressure).

Management Goal: Maintain a well completion/equipment information database to include each permitted well completed.

Management Objective: Review Well Log and Registration information for accuracy and enter information into databases within 30 working days of receipt.

Water Level Observation Wells:

A water level observation program will be initiated within the District. This program will consist of annual static water levels measurements in representative wells across the District. The District will collect data from each of the water users in the District and chart the water level measurements. The data will be recorded. These measurements will be corrected to land surface elevation and tabulated to reflect the change in water level elevations between the current year and the previous year. Observations will be made about the condition of the well, the accuracy of the data obtained from the well and whether the well is still a satisfactory representative of the wells within the area. The staff will tabulate the data and check for discrepancies. After completion, the information is entered into the District's water level database. Data will also be received from industries and municipalities within the District and added to the database.

Management Goal: Maintain the most accurate and representative database of water level elevation information possible within the equipment, staff and financial capabilities of the District.

Management Objective: Annually obtain a static water level measurement from at least eighty percent of the wells, review static water level tabulations for accuracy (visit observation wells if necessary to resolve any inaccuracy) and enter observation well tabulations in the water level database.

Performance Standard: Annually compare the number of water level observation well measurements obtained, tabulated, and entered into the database with the total number of water level observation wells. This review will be included in the annual report to the Board of Directors.

GOAL B. USE OF WATER QUANTITY DATA

Well permitting, registration, and the water level observation program provide the District with baseline information. The following programs use part or all of the information

Annually the District will develop a water table decline map of the District. In conjunction with the decline map, hydrographs for each of the observation wells will also be developed each year. Water level measurements for the current year are tabulated to reflect a one-year change for each observation well.

Management Goal: Provide accurate and timely depletion information of the District.

Management Objective: Prepare necessary information by December 31 each year.

Performance Standard: Annually review data for completeness and include a summary in the annual report to the Board of Directors.

Information Reports:

The data generated from the programs outlined above provides the District with the capability to develop various informational reports in regard to the quantity of water within the District. These reports are available to the general public upon request in addition to summary reports published in certain editions of the District newsletter (*PGCD Newsletter*). One issue of the newsletter will carry a summary of recent water level changes, plus an annual average change for each county of the District. Each edition of the newsletter includes a report of the number of well permit applications and the number of new wells completed for each county for the previous quarter. The District will have available the following reports, when completed:

- The existing total usable amount of groundwater,
- Estimates of the amount of groundwater being used on an annual basis,
- Projected groundwater supply,
- Activity of well permitting/well drilling per year by county and District-wide, and
- Annual water level changes for current year by county and District-wide.

Management Goal: Develop readily available up-to-date water quantity reports for the general public.

Management Objective: Update current water quantity reports within thirty days after new data is tabulated.

Performance Standard: Annually check to see if water quantity reports are updated and are readily available

to the general public. This review will be included in the annual report to the Board of Directors.

Responding to Other Requests:

The District receives requests from individuals and organizations within the District as well as outside the District and Texas in regard to the groundwater supply, depletion, saturated thickness, expected yield and projected life of the aquifer. Some of these requests are general in nature or are considered routine operations; for some, a pre-prepared report may meet the request. Other times, the information must be generated for a specific area or areas of the District and may require considerable time to prepare, and an estimated time of delivery may be required.

Management Goal: Respond to all requests for information.

Management Objective: Within 10 days from the time a specific request is made, provide the requested information or provide an estimate of time needed to develop the information.

Performance Standard: Annually compare date of request with date information is provided. This review will be included in the annual report to the Board of Directors.

GOAL C. WATER QUALITY

The quality of the groundwater within the District is considered very good. With a few exceptions, the total dissolved solids (TDS) average less than 500 mg/L. The areas of higher TDS are generally considered naturally occurring and include higher concentrations of sodium, chloride and/or sulfate. The range is from a high of 14,356 mg/L TDS (Sparta, Angelina Co., unusually high) to 10 mg/L TDS (Carrizo, Nacogdoches Co.) The water quality information collected from the Texas Water Development Board Ground Water Data System December 13, 2001.

Water Quality Protection: It is the District's belief that the primary source for contaminants to enter our groundwater is through a well or well bore. This includes active as well as abandoned wells. To help prevent contamination the District requires wells to be completed in accordance with the Texas Water Well Drillers Act. Abandoned wells are required to be capped or plugged. If the District is informed of an abandoned well which is not capped or plugged, the District will require the landowner to cap or plug the well. In the event this well is located where contaminants could enter the well, the District will require the well to be properly plugged.

GOAL D. COLLECTION OF WATER QUALITY DATA

The District collects water data from the groundwater users and new well data to compile a database to use to track the water quality variances in the District. This information is to be compared to data collected by the TWDB.

Management Goal: Collect water quality data from new wells in the District and to provide adequate information to determine any change in the water quality within the District and seek remedial or corrective action if warranted.

Management Objective: Collect and enter results in the District water quality database of the water quality observation wells annually.

Performance Standard: Annually check the number of water quality well samples collected, analyzed, verified, and entered in the database. This review will be included in the annual report to the Board of Directors.

Analysis on Request: The District staff will assist any person in the District to interpret a water analysis of their wells and make recommendations if requested or warranted.

SECTION V MANAGEMENT AND PROTECTION OF THE GROUNDWATER SUPPLY

GOAL A. RULES

The Powers and Duties of Chapter 36 (Subchapter D) and the Rules of the District provide an outline for many of the items contained within this Management Plan. In addition to the Rules; the Board, County Committees, landowners, residents, and the staff of the District have developed programs, policies and services which are put into practice and in accordance with other provisions of Chapter 36 of the Water Code. As changes are made in the Water Code and other state or federal laws that relate to a district as defined in §35.002 and in respect to the Texas Water Code, §36.052, the District will update its rules, policies, procedures and management plan accordingly.

The Board adopted Rules for the District on February 7, 2002. The Rules of the District are in compliance with Chapter 36, Texas Water Code.

(A copy of the District Rules is included in Appendix B)

The Rules of the District are considered to be the most important tool available to the District to manage the groundwater supply.

Management Goal: Enforce the Rules of the District to conserve and protect the quantity and quality of the resource to the best of the District's ability through the powers and duties provided in Chapter 36 of the Texas Water Code.

Management Objective: Ensure that all rules of the District are enforced fairly and equitably within the District, through the use of hearings before the Board of Directors and/or any other measures available to the District in rendering a decision if a dispute arises in regard to rules, procedures, policies, services, and any other activity of carrying out the purpose of the District.

Performance Standard: Annually review the Minutes of Board Meetings to determine if decisions in regard to the enforcement of, or exceptions to, the Rules of the District were rendered in accordance with the provisions of the Rules of the District and Chapter 36 of the Texas Water Code. This review will be included in the annual report to the Board of Directors.

GOAL B. GROUNDWATER QUALITY PROTECTION MEASURES

The District will take appropriate actions when it becomes aware of any contaminate threatening the water quality of the aquifers of the District. Whether it is point source or non-point source, the District will use any controls at its disposal to maintain high quality water. This can be in the form of education or enforcement actions.

Management Goal: Take appropriate action within the powers of the District to protect the quality of the

groundwater, and keep the public educated to help prevent contamination.

Management Objective: Maintain a constant awareness of activities which may be or become a threat to the quality of groundwater and be prepared to adopt rules, resolutions, orders and/or directives to address the issue.

Performance Standard: Annually review the Minutes of Board Meetings to determine if all water quality issues considered by the Board were addressed. This review will be included in the annual report to the Board of Directors.

GOAL C. WASTE

It is the intent of the District to prevent the waste of groundwater. When possible sources of waste become known to the District, the District will take whatever actions are determined to be correct.

Management Goal: To prevent the waste of groundwater in the District and promote its efficient use in order to maintain ample water supplies for the future.

Management Objective: Determine waste as defined in the Rules of the District and the Water Code and respond to reports of waste within 4 days.

Performance Standard: Annually review all reported sources of waste, and if corrective actions were taken when warranted. A summary that includes the number of reports of waste and the number of days the District took to respond to each report of waste will be included in the annual report to the District Board of Directors.

GOAL D. PROVIDING FOR THE MOST EFFICIENT USE OF GROUNDWATER

It is the intent of the District to provide for the most efficient use of groundwater by regulating the drilling of wells within the District and by enforcement of the District Rules.

Management Goal: To provide for the most efficient use of groundwater within the District.

Management Objective: Each year, beginning in FY2002, the District will require the registration of all new wells drilled within the District's jurisdiction and the District will require a permit for all non-exempt wells, new and existing.

Performance Standard: Each month at regularly scheduled meetings the General Manager reports to the District Board of Directors the number of new and existing wells registered with the District and the number of applications received for new wells within the District.

GOAL E. DROUGHT CONDITIONS

During drought conditions within the District, all efforts will be made to see that all municipalities and public water supply companies follow their Drought Contingency Plans as they have been presented to the District. During severe drought conditions, the District staff will closely monitor the aquifer levels to ensure that adequate quantities of water are available to the District, and coordinate with the Region I Water Planning Area.

Management Goal: The District will prevent any waste of groundwater by any public or private source by

promoting the most efficient use of groundwater during drought conditions whether the conditions are mild, moderate or severe.

Management Objective: The District shall call for the most efficient use of groundwater by all users in the District to maintain sufficient groundwater aquifer resources during periods of drought and for future resources by preventing waste and by regulation of users, if necessary, to prevent depletion of the aquifers. To work closely with groundwater users and provide assistance where it is possible to control customer usage as it is outlined in their Drought Contingency Plans.

Performance Standard: Periodically review the Texas Palmer Drought Index and the Texas Drought Preparedness Report, and monitor production figures quarterly. A summary of any drought conditions will be given to the Board of Directors in the annual report along with any recommendations and make necessary changes, as needed.

SECTION VI WATER CONSERVATION PROGRAMS

Water conservation is an important part of protection of the aquifers in the District. In order for the groundwater to provide for the future needs of the District, conservation of the resource must be constantly addressed. Conservation includes, but is not limited to, preventing waste and making use of the groundwater in a beneficial way. Education is a large part of conservation. The District will encourage conservation by using the newsletter and other public educational material it determines to be beneficial to the conservation of water in the District.

Management Goal: Prevent unnecessary waste of the groundwater and encourage conservation.

Management Objective: Maintain a constant review of all projects to ensure that they are using the best available technology. Publish a newsletter at least quarterly and include some educational information to promote conservation. Provide public education at any opportunity to promote conservation.

Performance Standard: Annually review all projects to determine if they are using best available technology and if educational materials are benefiting the conservation program. This review will be included in the annual report to the Board of Directors.

SECTION VII PUBLIC RELATIONS & EDUCATION

One of our goals is that the activities of the District be consistent with sound business practices, insure that the public interest is always considered and make every effort possible to maintain public confidence. It is the District's opinion that public relations and education is a necessity to achieve this goal. The District will provide information and education opportunities to the public upon request and will seek any opportunity within its ability to promote public trust and protection of the groundwater.

A. INFORMATION

Quarterly Newsletter:

A newsletter is published quarterly, or as information is needed to the principles of the District. This newsletter will include current information that will be useful to the District to promote conservation and prevent waste and contamination.

News Articles and News Releases:

News articles will be issued as needed to promote beneficial use of groundwater, encourage conservation and correct information made public that is incorrect by other sources.

Management Goal: Provide current information to the residents of the District about water conservation and waste prevention.

Management Objective: Publish current information and or reports in the newsletter and other local news media as they become available.

Performance Standard: Annually verify that each edition of the newsletter contains current information and or reports about water conservation and waste prevention. This review will be included in the annual report to the Board of Directors.

B. EDUCATION

Public Education Programs:

The District will provide educational programs and materials upon request when feasible to do so. The limited staff of the District will prevent an aggressive program of public education, but every effort will be made to supply every demand of the public for education.

Management Goal: Inform people within the District and outside the District about the benefits, goals, programs, duties and responsibilities of the District.

Management Objective: Inform people about the benefits, goals, programs, duties and responsibilities of the District.

Performance Standard: Annually review programs the District has provided or helped to provide which inform people about the goals, programs, duties and responsibilities of the District, and determine if more is needed and can be done to promote the District and its benefits. This review will be included in the annual report to the Board of Directors.

Public School Education Programs:

The District encourages the cities and other entities within the District to promote public education through school programs. Several of the cities in the District have such programs now. The District staff will strive to help school programs in the District to educate students about the necessity and benefits of conservation.

Management Goal: Encourage the cities and rural areas to help provide public school education material to the schools of the District and to provide assistance from the District when available.

Management Objective: Inform the cities and rural areas of the District about the benefits of providing conservation education to the schools through the newsletters and other correspondence.

Performance Standard: Periodically review school education programs that cities and rural areas have began. This review will be included in the annual report to the Board of Directors.

SECTION VIII GOALS DETERMINED TO BE NOT APPLICABLE

A. SURFACE WATER

One city in the District currently uses surface water. The City of Nacogdoches treats surface water from Lake Nacogdoches in their 25 MGD plant. The City of Nacogdoches provides surface water and groundwater at a ratio of 65:35.

The City of Lufkin is in the planning stages of construction of a surface water treatment plant on Sam Rayburn Reservoir. This plant, when completed, will supply surface water to the Cities of Zavalla, Huntington and Lufkin. This will reduce the demand on the Carrizo-Wilcox and Yegua-Jackson aquifers in the District.

It is the opinion of the District that the Conjunctive Surface Water goal is not an issue in the District. Therefore, this goal is not applicable at this time.

B. SUBSIDENCE

It is the opinion of the District that subsidence is not an issue within the District. Therefore, this goal is not applicable to the District at this time.

C. RECHARGE

A small part of the northeast portion of Nacogdoches County is the outcrop of the Carrizo-Wilcox aquifer. This area of the county is rural and is the only recharge site for the Carrizo-Wilcox in the District. The main recharge areas lay in counties in the north and east of the Pineywoods GCD.

From the information contained in the above report, the District has determined that for the reasons listed, recharge, natural or artificial, including precipitation enhancement, rainwater harvesting or brush control is not an appropriate management goal of the District at this time.

D. DESIRED FUTURE CONDITIONS

The desired future conditions of the groundwater within the District have not yet been established in accordance with Chapter 36.108 of the Texas Water Code. The District is actively participating in the joint planning process and the development of a desired future condition for the portion of the aquifer within the District. Therefore, this goal is not applicable to the District at this time.

E. REGIONAL PLAN

The East Texas Regional Water Planning Group (ETRWPG) area covers all of and portions of 20 counties. Counties whose boundaries fall entirely in the region include Anderson, **Angelina**, Cherokee, Hardin, Houston, Jasper, Jefferson, **Nacogdoches**, Newton, Orange, Panola, Rusk, Sabine, San Augustine, Shelby, Tyler. Counties located within the ETRWPG and Region H includes Polk and Trinity counties. Henderson County is located within the ETRWPG and Region C. Smith County is located within the ETRWPG and Region D.

The major water resources include groundwater from the Carrizo-Wilcox and Gulf Coast Aquifers and surface water from reservoirs and run-of-river located within the Neches and Sabine River Basins. The planning area

also encompassed portions of the Trinity Basin, Neches-Trinity Coastal Basin and approximately one square mile in Cypress Creek Basin. The District participates in the efforts of the ETRWPG in the development of a regional plan for the area.

F. NATURAL RESOURCE ISSUES

There are no known Natural Resource Issues in the District that have an impact on the groundwater quantity or quality at this time. Therefore, this goal is not applicable to the District at this time.

G. RECHARGE ENHANCEMENT

East Texas has one of the highest annual rainfalls in Texas. Therefore, this goal is not applicable at this time.

H. RAINWATER HARVESTING

At the present time, there is not a shortage of water in the District. Therefore, this goal is not applicable at this time.

I. PRECIPITATION ENHANCEMENT

With the high amount of rainfall in the District, precipitation enhancement is not needed. Therefore, this goal is not applicable at this time.

J. BRUSH CONTROL

A great amount of the area in the District is heavily forested. There is ample amounts of water for growth. Therefore, this goal is not applicable at this time.

SECTION IX FUTURE ACTIVITIES, PLANS AND PROGRAMS

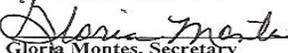
The District is always open for suggestions which will help in the conservation and protection of water. This section of the Management Plan is provided to identify plans, programs, services, and activities the District may develop in the future. Some items may be in some stage of development only through the association it may have with current activities of the District. Other items may only be suggestions and never be developed. All activities, plans and programs of the District have been developed after consideration and approval of the Board based on the benefit to the residents and the financial and staff capabilities of the District.

Precipitation enhancement:

I do hereby affirm and attest that Recharge enhancement, Rainwater harvesting, Precipitation enhancement and Brush control are not specifically applicable to the operations of the Pineywoods Groundwater Conservation District at this time.

 12/11/08

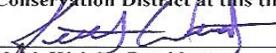
Keith Wright, President Date

 12/11/2008

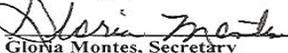
Gloria Montes, Secretary Date

Natural Resources Issues:

I do hereby affirm and attest that there are no known natural resources issues within the Pineywoods Groundwater Conservation District at this time.

 12/11/08

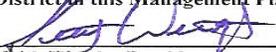
Keith Wright, President Date

 12/11/2008

Gloria Montes, Secretary Date

Regional Water Plan:

I do hereby affirm and attest that the water supply needs addressed for the Pineywoods Groundwater Conservation District in this Management Plan are not in conflict with Region I Water Planning Group.

 12/11/08

Keith Wright, President Date

 12/11/2008

Gloria Montes, Secretary Date

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B. COPIES OF LETTERS TO SURFACE WATER ENTITIES IN THE DISTRICT

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C. PUBLIC NOTICE OF HEARING

PUBLIC HEARING

The Board of Directors for the Pineywoods Groundwater Conservation District will consider re-adopting their Management Plan at the regularly scheduled meeting on December 11, 2008 in the City of Lufkin Commissioners Room 102. The purpose of the hearing is to receive comments and/or discuss the 2008 District Management Plan and amendments prior to Board adoption and submittal to the Texas Water Development Board for certification.

Copies of the proposed Management Plan will be available on December 8, 2008 at the District Office room 213 at Nacogdoches City Hall, 202 E. Pilar, Nacogdoches, TX, (936) 568-9292, or at the City of Lufkin Asst. City Manager's office room 130, Lufkin City Hall. The Management Plan will also be available for reviewing or downloading at their website at www.pgcd.org.

Published in the November 21, 2008 Edition of the *Lufkin Daily News* and *Nacogdoches Sentinel*

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D. Resolution

R-081211

RESOLUTION
PINEYWOODS GROUNDWATER
CONSERVATION DISTRICT
2008 MANAGEMENT PLAN

WHEREAS, Texas Water Code, Chapter 36, §36.1071 required the District to develop a comprehensive management plan to address the following management goals as applicable: (1) providing the most efficient use of groundwater; (2) Controlling and preventing waste of groundwater; (3) controlling and preventing subsidence; (4) addressing conjunctive surface water management issues; (5) addressing natural resource issues; (6) addressing drought conditions; and (7) addressing conservation, recharge enhancement, rainwater harvesting, precipitation enhancement, or brush control, where appropriate and cost-effective; and (8) addressing in a quantitative manner the desired future conditions of the groundwater resources. and

WHEREAS, The Texas Water Development Board has adopted rules under Title 31. Natural Resource and Conservation Part X. Texas Water Development Board, Chapter 356. Groundwater Management Plan Certification. and

WHEREAS, The Pineywoods Groundwater Conservation District was created in 2001 and has operated under the requirements of Chapter 36 of the Texas Water Code or other chapters of the Texas Water Code or sections of the Texas Administrative Code since creation. and

WHEREAS, The Pineywoods Groundwater Conservation District intends to continue to carry out the purpose for which the people created the District. and

WHEREAS, The Texas Water Code, §36.1071 requires the District to identify the performance standards and management objectives under which the District will operate to achieve the management goals. and

WHEREAS, The Board of Directors of the Pineywoods Groundwater Conservation District believes that the 2008 Management Plan of the District reflects the best management of the groundwater for the District and meets the requirements of §36.1071 as applicable. and

WHEREAS, The Board further believes that the description of activities, programs, procedures and rules of the District included in the plan provide performance standards and management objectives necessary to effect the Plan in accordance with §36.1071. and

WHEREAS, The Plan includes managed available groundwater, the amount of groundwater being used, desired future conditions for the District as well as addresses recharge. and

WHEREAS, The District has adopted rules, resolutions, and directives to implement this plan. and

WHEREAS, The District is fully prepared to amend and or adopt additional rules or adopt resolutions or issue directives in the future as determined by the Board of Directors to address issues identified in the future. and

WHEREAS, The District is fully prepared to amend this Plan as determined by the Board of Directors as necessary and in accordance with applicable laws of this state.

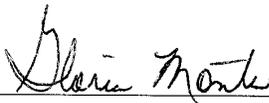
NOW THEREFORE BE IT RESOLVED:

The Board of Directors of the Pineywoods Groundwater Conservation District does hereby adopt the 2008 Pineywoods Groundwater Conservation District Management Plan. This, the 11th day of December, 2008.



Keith Wright – President

David Alders – Vice President



Gloria Montes – Secretary



Keith Weathers – Finance/Investment Officer

John Holloway – Director

Tom Burr – Director



Jimmy Mize - Director

Appendix A

Pineywoods Groundwater Conservation District Board

Pineywoods Groundwater Conservation District Board

Room 213
202 E. Pilar
Nacogdoches, TX 75961

**Keith Wright, Asst. City Manager
President**

City of Lufkin
P.O. Box 190
Lufkin, TX 75902
936-633-0203 936-633-0416 (FAX)
kwright@cityoflufkin.com
City of Lufkin Appointment

**David Alders
Vice-President**

8740 FM 226
Nacogdoches, TX 75961
936-569-1284 936-569-1284 (FAX)
dalders@txucom.net
Nacogdoches County Appointment

**Gloria Montes
Secretary**

P.O. Box 13072, SFA Station
Nacogdoches, Texas 75962
(936) 468-2188 (936) 468-7037 fax
gmontes@sfasu.edu
Nacogdoches County Appointment

**Keith Weathers
Treasurer/Finance Officer**

5646 FM 843
Pollock, TX 75969
(936) 824-2865 (936) 824-2965 fax
angwatsu@consolidated.net
Angelina County Appointment

**John Holloway
Director**

PO Box 632560
Nacogdoches, Texas 75963-2560
(936) 560-3901 (936) 560-2695 fax
Jholloway@pilgrimspride.com
Angelina and Nacogdoches Counties Appointment

Tom Burr

Director

1300 S. Mopac Expressway

Austin, TX 78746

(936) 829-1451

thomasburr@templeinland.com

Angelina County Appointment

Jimmy Mize

Director

P.O. Box 631111

Nacogdoches, TX 75963-1111

(936) 462-4040 (936) 559-5200 fax

jmize@fbtet.com

City of Nacogdoches Appointment

STAFF

David Alford
david@pgcd.org
General Manager

Lynn Thomas
lynn@pgcd.org
Administrative Assistant

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PINEYWOODS GROUNDWATER CONSERVATION DISTRICT



DISTRICT RULES

Revised May 8, 2008

Board Members:

Keith Wright – President

David Alders - Vice President

Gloria Montes - Secretary

Keith Weathers – Treasurer/Finance Officer

John Holloway – Member

Tom Burr - Member

Jimmy Mize - Member

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PINEYWOODS GROUNDWATER CONSERVATION DISTRICT

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RULES OF THE PINEYWOODS

GROUNDWATER CONSERVATION DISTRICT

Effective as of Feb. 7, 2002

In accordance with Section 59 of Article 16 of the Texas Constitution and with the Acts of the 77th Legislature (2001), Ch. 313, H.B. 2572 and Chapters 35 and 36 of the Texas Water Code, Pineywoods Groundwater Conservation District adopts the following Rules as the Rules of the District. Each rule as worded below herein has been in effect since date of passage and as may be amended.

The Rules, regulations, and modes of procedure contained below are and have been adopted for the purposes of achieving the goals of the District Act and the Management Plan, prevent waste, and protect rights of owners of interest in groundwater while simplifying procedure, avoiding delays, saving expense, and facilitating the administration of the groundwater laws of the State and the Rules of this District. To the end that these objectives be attained, these Rules shall be so construed.

These Rules may be used as guides in the exercise of discretion, where discretion is vested. However, under no circumstances and in no particular case shall they, or any of them, be construed as a limitation or restriction upon the exercise of any discretion of the Board, where such exist; nor shall they in any event be construed to deprive the Board of an exercise of powers, duties and jurisdiction conferred by law, nor to limit or restrict the amount and character of data or information which may be required for the proper administration of the law. Any reference to the Texas Water Code includes the section referenced and any subsequent amendments.

RULE 1 – DEFINITIONS AND CONCEPTS

1.1 Unless the context indicates a contrary meaning, the words hereinafter defined shall have the following meaning in these Rules:

(a) “Beneficial use” 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, sulfur, or other minerals; or
- (3) any other purposes that is useful and beneficial to the user and approved by the Board.

(b) The “Board” shall mean the Board of Directors of the Pineywoods Groundwater Conservation District, consisting of seven (7) Board members.

(c) “District Act” means acts of the 77th Legislature (2001), Chapter 313, H.B. 2572 and the nonconflict of provisions of Chapter 36, Texas Water Code, as same may be amended.

(d) “District Office or Offices” shall mean the location or locations as may be established by resolution of the Board.

- (e) "District" shall mean Pineywoods Groundwater Conservation District.
- (f) "Domestic Use" means the use of water at a single-family household to support domestic activities including drinking, washing, and sanitation. Domestic use does not include use for any commercial purpose or at any commercial establishment. Domestic use does not include a use at any commercial establishment with a single-family household.
- (g) "Drilling" includes drilling, equipping, or completing wells or modifying the size of wells or well pumps to change pumpage volume.
- (h) "Drilling Permit" means a permit issued by the District allowing a water well to be drilled.
- (i) "Fee or Fees" means the amount required to be paid as established by the Board of Directors.
- (j) "Groundwater" means water percolating below the surface of the earth.
- (k) "Hearing Body" means the Board, any committee of the Board, or a hearing examiner at any hearing held under the authority of the District Act.
- (l) "Hearing Examiner" means a person appointed by the Board to conduct a hearing or other proceeding.
- (m) "Hearing Rules and Procedures" means the rules and procedures for hearings adopted by the Board for hearings and other proceedings of the District, as they may be supplemented or amended from time to time.
- (n) "Operator" shall mean the person who operates a well.
- (o) "Operating Permit" means a permit issued by the District for a water well, allowing groundwater to be withdrawn from a water well for a designated period.
- (p) "Owner" shall mean and include any person that has the right to produce water from the land either by ownership, contract, lease or easement
- (q) "Person" shall mean any individual, partnership, firm, or corporation, limited liability company, or other legal entity.
- (r) "Rules" shall mean these Rules of the District and the Hearing Rules and Procedures as they may be supplemented or amended from time to time.
- (s) "Waste" means any one or more of the following:
 - (1) withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes;
 - (2) the flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose;

- (3) escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata not containing groundwater;
 - (4) pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter from another stratum or from the surface of the ground;
 - (5) willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the commission under Chapter 26, Texas Water Code; groundwater released on well startup or well development in order to improve water quality shall not constitute waste as defined above.
 - (6) groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge; or
 - (7) for water produced from an artesian well, "waste" has the meaning assigned by Section 11.205, Texas Water Code.
- (t) "Well" or "Water Well" shall mean and include any artificial excavation constructed for the purpose of producing groundwater including a test well constructed for the purpose of determining the location, quality or quantity of groundwater.
- (1) "Abandoned or deteriorated well" shall mean a well, as defined by these rules, or any other well which allows surface inflow or infiltration and/or that is causing, or is likely to cause, pollution of groundwater in the District and includes a well which is not in use and/or compliance with applicable laws regarding proper installation, including Rules and Licensing and Regulation, Rules and Regulations of the Texas Commission on Environmental Quality, Rules and Regulations of any state or federal agency of competent jurisdiction and laws of the state of Texas is presumed to be abandoned or deteriorated.
- (u) "Exempt Well" shall mean any well for which the District is prohibited to require a permit under the District Act, Texas Water Code §36.117 or the District Rules. Exempt wells include wells used solely for domestic or agriculture use or for providing water for livestock or poultry that is either drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons per day and certain wells for hydrocarbon production. Wells to supply water for a subdivision of land for which plat approval is required by law or regulation are not exempt. For all purposes herein, an Exempt Well shall be exempt from permitting requirements and production fees but shall not be exempt from pre-registration or registration requirements.
- (v) "Monitor Well," means any well used for the sampling or measurement of any chemical or physical property of subsurface strata or their contained fluids.
- (w) "Remediation Well" means any well used to produce contaminated water from a subsurface strata pursuant to a plan approved by the Texas Commission on Environmental Quality or

other agency with applicable jurisdiction.

(x) "Accurately metered" shall mean use of a properly calibrated and functioning water meter, meeting the American Water Works Association (AWWA) standards for the line size, pressures, and flow, installed according to the manufacturer's specifications, or other metering or measuring device approved by the District.

- 1.2 The definitions contained in Texas Water Code Section 36.001 shall also be included to the extent that they are used in these Rules.
- 1.3 Purpose of Rules. The Rules are the foundation for achieving the goals of the District Act and Management Plan.
- 1.4 Use and Effect of Rules. The District uses these Rules as guides in the exercise of the powers conferred by law and in the accomplishment of the purposes of the District Act and Management Plan.
- 1.5 Amendment of Rules. The Board may, following notice and hearing, amend these Rules or adopt new Rules from time to time.
- 1.6 Headings and Caption. 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.
- 1.7 Construction. A reference to a title, chapter or section without further identification is a reference to a title, chapter or section of the Water Code, Construction of words and phrases are governed by the Code Construction Act, Subchapter B, Chapter 311, Government Code.
- 1.8 Method of Service under these Rules. Except as otherwise expressly provided in these Rules, any notice or documents required by these Rules to be served or delivered may be delivered to the recipient, or the recipient's authorized representative, in person, by agent, by courier receipted delivery, by certified mail sent to the recipient's last known address, or by telephonic document transfer to the recipient's current telecopier number. Service by mail is complete upon deposit in a post office or other official depository of the United States Postal Service. Service by telephonic document transfer is complete upon transfer, except that any transfer occurring after 5:00 p.m. will 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 of more methods has been attempted and failed, the service is complete upon notice publication in a general circulated newspaper in Angelina or Nacogdoches County.
- 1.9 Severability. If any one or more of the provisions contained in these Rules are for any reason held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability may not affect any other Rules or provisions of these Rules, and these Rules must be construed as if such invalid, illegal or unenforceable Rules or provision had never been contained in these Rules.
- 1.10 Burden of Proof: In all matters regarding applications for permits, exceptions, and other

matters for which District approval is required, the burden shall be upon the applicant or other persons seeking a permit, exception, or other authority to establish that all conditions, criteria, standards, or prerequisites have been met.

RULE 2 – WASTE

- (a) Groundwater shall not be produced within, or used within or without the District, in such a manner or under such conditions as to constitute waste as defined in Rule 1 hereof.
- (b) Any person producing or using groundwater shall use every possible precaution, in accordance with the most approved methods, to stop and prevent waste of such water.
- (c) No person shall pollute or harmfully alter the character of a groundwater reservoir of the District by means of salt water or other deleterious matter admitted from other stratum or strata or from the surface of the ground.
- (d) No person shall commit waste as that term is defined by Rule 1.1 (s).

RULE 3 – PERMIT AND REGISTRATION REQUIRED

- 3.1 No person shall drill, modify, complete, change type of use, plug, abandon, or alter the size of a well within the District without first registering the well with the District, or making application for a new well even though the well may be exempt from the requirement of a permit under Texas Water Code Section 36.117 or Rule 1.1 (u).
- 3.2 The District staff will review the application for registration and make a preliminary determination on whether the well meets the requirements, exclusions, or exemptions.
- 3.3 No permit shall be required for the drilling of wells exempt by Texas Water Code §36.117 or Rule 1.1 (u). Regardless of whether a permit is required, all wells must be installed consistent with 16 Texas Administrative Code §76.1000 (Technical Requirements – Locations and Standards of Completion for Wells).
- 3.4 Exempted Wells shall be registered with the District before drilling. All exempt wells shall 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 or harmful alteration of the character of the water in any groundwater reservoir. Forms for registrations and applications for permits shall be provided by the District.
- 3.5 Any existing operational well not exempt under Rule 1.1 (u), in existence prior to effective date

of these Rules is considered grandfathered and will automatically be granted an operating permit upon completion of the well validation procedure as provided in Rule 13. These grandfathered wells will not be assessed a registration or permit fee if the procedure is completed by January 1, 2003 and the owner or operator provides all the information requested by the District. Said grandfathering is only for the initial term of the permit. The volume allowed by the permit will be determined by past or planned production of the well.

- 3.6 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 is exempt from District Fees provided the person holding the permit is responsible for drilling and operating the water well and it is located on the same lease or field associated with the drilling rig.
- 3.7 A well-exempted under provision Rule 1.1 (u) above must be permitted and comply with all District Rules if:
- (1) the purpose of the well 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 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.
- 3.8 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 Rules of the District, 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 and its terms may be modified or amended. To protect the permit holder from the illegal use by a new landowner, within 10 days after the date of sale, the operating permit holder must notify the District in writing the name of the new owner of a permitted well. Any person who becomes the owner of a currently permitted well must, within 20 calendar days from the date of the change in ownership, file an application for a permit amendment to affect a transfer of the permit.
 - (c) The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner.
 - (d) Withdrawals from all non-exempt wells and wells exempt pursuant to Rule 1.1 (u) shall be accurately metered and the quantity of groundwater produced shall be reported to the District quarterly. Wells used for Domestic or agricultural purposes capable of providing more than 25,000 gallons per day but less than 100,000 gallons per day are not required to be metered or report production.

- (e) The well site must be accessible to District representatives for inspection, and the permittee agrees to cooperate fully in any reasonable inspection of the well and well site by the District representatives.
 - (f) 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.
 - (g) Violation of a permit's terms, conditions, requirements, or special provisions is punishable by civil penalties as provided by the District Rules and by law.
 - (h) The permit may also contain provisions relating to the means and methods of transportation of water produced within the District.
- 3.9 Except as provided below, a permit is not required for a Monitor Well or a Remediation Well. A copy of the Driller's Report must be filed with the District within (30) thirty days. If the use of Monitor Well or Remediation Well is changed to produce non-contaminated water, it then becomes subject to the permitting or registration requirements of these Rules depending upon use and volume.

RULE 4 – FEES AND REPORTS

In accordance with HB 2572 and Section 36.205 of the Texas Water Code, the Board adopts a production fee of \$0.02 per 1000 gallons for all nonexempt wells except wells used for Domestic use or providing water to livestock or poultry which are not capable of producing more than 100,000 gallons per day. The fee is payable on water produced on or after April 1, 2002. Operators of nonexempt wells shall provide payment to the District each quarter. Payment shall be due within thirty (30) days of the last day of March, June, September, and December with their quarterly reports. Operators shall provide monthly production records to document payment amount. The payment shall be accompanied by the report form specified by the Board.

- 4.1 In accordance with Section 36.122 of the Texas Water Code the District adopts a transfer fee of 50% of and in addition to the production fee for water transported out of the District.
- 4.2 Each application for a permit to drill a well shall be accompanied by the fee or fees as established herein or by resolution of the Board.
- 4.3 Each day that a payment remains unpaid after it is due shall constitute a separate violation of these Rules. A late payment charge equal to one percent per month following the due date shall be assessed on past due production fees.
- 4.4 An entity holding a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, that authorized the drilling of a water well shall accurately meter each water well and report monthly to the District:
 - (a) the total amount of water withdrawn during the month;

- (b) the quantity of water necessary for mining activities;
- (c) the quantity of water withdrawn for other purposes;

Multiple wells in the same well field may provide the information described in a-c above in aggregate for all water wells within the well field or separately for each well.

RULE 5 – ISSUANCE OF PERMITS

- 5.1 Every person who drills a water well after the effective date of these Rules, other than an Exempt Well, must file an Application for Permit on a form approved by the Board. Each permit application must be accompanied by the fee.
- 5.2 Drilling Permit Requirement: The well owner, well operator, or any other person acting on behalf of the well owner must obtain a drilling permit from the District prior to drilling a new water well other than an exempt well, developing a well field or perforating an existing well.
- 5.3 Operating Permit Requirement: Within 14 days after the completion of a new water well, reworking, or re-equipping of an existing water well as provided in Rule 5.10 below, the well owner or well operator must file a completed operating permit application.
- 5.4 Permit Applications: Each original application for a water well drilling permit, operating permit, transport permit, and permit amendment requires a separate application and payment of the associated fee. Application forms will be provided by the District and furnished to the applicant upon request.

The application for a permit shall be in writing and sworn to, and shall include the following:

- a) the name and mailing address of the applicant and the owner of the land on which the well will be located;
- b) 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;
- c) a location map of all existing wells within a quarter (1/4) mile radius of the proposed well or the existing well to be modified;
- d) a map from the county appraisal District indicating the location of the proposed well or the existing well to be modified, the subject property, and adjacent owners' physical addresses and mailing addresses;
- e) notice of any application to the Texas Natural Resource Conservation Commission to obtain or modify a Certificate of Convenience and Necessity to provide water or wastewater service with water obtained pursuant to the requested permit;
- f) a statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose.
- g) 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.
- h) a water conservation plan or a declaration that the applicant will comply with the

- Management Plan.
- i) the location of each well and the estimated rate at which water will be withdrawn;
 - j) a water well closure plan or a declaration that the applicant will comply with all District well plugging and capping guidelines and report closure to the Commission.
 - k) a hydrogeological report addressing the area of influence, draw down, recovery time, and other pertinent information required by the District shall be required for the following:
 - (1) Requests to drill a well with a daily maximum capacity of more than 2 million gallons;
 - (2) Requests to modify to increase production or production capacity of a Public Water Supply, Municipal, Commercial, Industrial, Agricultural or Irrigation well with an outside casing diameter greater than 6 5/8 inches.

The well must be equipped (or tested at a rate equal to or greater than the rate necessary) for its ultimate planned use and the hydrogeologic report must address the impacts of that use. The report must include hydrogeologic information addressing and specifically related to the proposed water pumpage levels at the proposed pumpage site intended for the proposed well or for the proposed transporting of water outside the District. Applicants may not rely solely on reports previously filed with or prepared by the District.

5.5 Transfer Permit Requirement: The well owner, well operator, or any other person acting on behalf of the well owner must obtain a transfer permit to transfer groundwater produced from within the District outside the District's boundaries.

A groundwater transfer permit is not required for transferring groundwater that is part of a product manufactured in the District, or if the groundwater is to be used on property that straddles the District boundary line. Water that is bottled is not considered to be a product manufactured for this exclusion.

5.6 Notice of Permit Hearing: Once the District has received a completed original application for a water well drilling permit, operating permit, a transport permit, or a permit amendment and associated fees the General Manager will issue written notice indicating a date and time for a hearing on the application in accordance with these Rules. The District may schedule as many applications at one hearing as deemed necessary.

5.7 Drilling Permits: Unless specified otherwise by the Board or these Rules, drilling permits are effective for a term ending 120 calendar days after the date the permit application was received.

5.8 Transfer Permits: Unless specified otherwise by the Board or these Rules, transport permits are effective for five (5) years. Notwithstanding the period specified above, the District may periodically review the amount of water that may be transferred under the permit and may limit the amount.

5.9 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.

5.10 Reworking and Replacing a Well:

- a) An existing well may be reworked or re-equipped in a manner that will not change the permitted well status. A change in the permitted well status will require an operating permit amendment.
- b) A permit must be applied for if a party wishes to replace an existing well with a replacement well.
- c) A replacement well, in order to be considered such, must be drilled within fifteen feet of the existing well.
- d) The location of the old well (the well being replaced) shall be protected in accordance with the spacing Rules of the District until the replacement well is drilled and tested. The landowner or his/her agent must within 120 days of the issuance of the permit declare in writing to the District which one of these two wells he desires to produce. If the landowner does not notify the District of his/her choice within this 120 days, then it will be conclusively presumed that the new well is the well he/her desires to retain. Immediately after determining which well is retained for production, the other well shall be:
 - (1) Properly equipped in such a manner that it cannot produce more than 25,000 gallons of water a day; or
 - (2) Closed in accordance with applicable state law and regulation Section 756.002, Texas Health and Safety Code
 - (3) Violation of such Article is made punishable by a fine as provided by law.

A permit to rework, re-equip, re-drill or replace an existing well may be granted by the Board without notice or hearing so long as the production capacity of the new well does not exceed the capacity of the existing well.

5.11 Emergency Authorization:

Any person, who has a Permit or Certificate of Registration from the District to Operate a well, may apply to the District for emergency authorization to drill and operate a replacement well as set forth below. The emergency must meet all of the following conditions:

- (a) The “emergency” must present an imminent threat to the public health and safety or to an agricultural activity, must be explained to the satisfaction of the District and include any documentation requested by the District.
- (b) Neither the emergency authorization nor an applicant for a permit to drill the well has been denied.
- (c) A completed application as required by these Rules must be sent by

telecopy or hand delivery within three (3) business days after notifications of the emergency conditions is given.

- (d) All application fees must be paid within 7 days of the emergency notifications.
- (e) Such other information as requested has been received by the District.
- (f) The well must comply with all the other provisions for a replacement well as specified in Rule 5.10

RULE 6 – REQUIREMENT OF DRILLERS LOG, CASING AND PUMP DATA

- (a) Complete records shall be kept and reports thereof made to the District concerning the drilling, maximum production potential, equipping and completion of all wells drilled. Such records shall include an accurate driller's log, any electric log which shall have been made, and such additional data concerning the description of the well, its potential, hereinafter referred to as "maximum rate of production" and its actual equipment and rate of discharge permitted by said equipment as may be required by the Board. Such records shall be filed with the District Board within 60 days after completion of the well.
- (b) The well driller shall deliver either in person, by fax, email, or send by first-class mail, a photocopy of the State Well Report to the District within 60 days from the completion or cessation of drilling, deepening, or otherwise altering a well.
- (c) No person shall produce water from any well hereafter drilled and equipped within the District, except that necessary to the drilling and testing of such well and equipment, unless or until the District has been furnished an accurate driller's log, any electric log which shall have been made, and a registration of the well correctly furnishing all available information required on the forms furnished by the District.

RULE 7 – MINIMUM SPACING OF WELLS

- (a) Distance Requirements:

- (1) **Non-Exempt Wells**

- Non-exempt wells shall not be drilled nearer than one hundred fifty (150) feet from the nearest property line and shall be located at the minimum distance from sources of potential contamination as described in 16 TAC 76.1000 (a) (3) (4) (5) and shall meet all other standards as described in 16 TAC Chapter 76. The Board may grant exceptions from this requirement.

- (2) **Exempt Wells**

- An exempt well shall not be drilled nearer than fifty (50) feet from any property line provided the well is located at the minimum distance from sources of potential contamination as described in 16 TAC 76.1000 (a) (3) (4) (5) and meets all other standards as described

in 16 TAC Chapter 76. The Board may grant exceptions from this requirement.

(3) In the interest of protecting life and for the purpose of preventing waste, preventing overlapping cones of depression resulting from production rates and preventing confiscation of property, the Board reserves the right to limit the number of wells on a tract of land or require a minimum distance between wells.

(4) Subdivision of property:

(i) In applying this rule and applying every special rule with relation to spacing in all of the subterranean water zones and/or reservoirs underlying the confines of this District, no subdivision of property made subsequent to the adoption of the original spacing rule will be considered in determining whether or not any property is being confiscated within the terms of such spacing rule, and no subdivision of property will be regarded in applying such spacing rule or in determining the matter of confiscation if such subdivision took place subsequent to the promulgation and adoption of the original spacing rule.

(ii) Any subdivision of property creating a tract of such size and shape that it is necessary to obtain an exception to the spacing rule before a well can be drilled thereon is a voluntary subdivision and not entitled to a permit to prevent confiscation of property if it were either, (a) segregated from a larger tract in contemplation of water resource development, or (b) segregated by fee title conveyance from a larger tract after the spacing rule became effective and the voluntary subdivision rule attached.

(b) Change in Use of Well:

Any well existing at the date of enactment of this Rule must comply with the provisions of this rule if after the date of enactment of this rule the ultimate use of the water produced from the well is changed in whole or in part such that the water produced from the well annually is increased. Ultimate use of the water shall be defined as domestic, municipal, industrial, agricultural, or irrigation use.

RULE 8 – EXCEPTION TO SPACING RULE

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

(b) If an exception to such spacing regulations for a **non-exempt well** is desired, application therefore shall be submitted by the applicant in writing to the Board at its District office on forms furnished by the District. The application shall be accompanied by a plat or sketch,

drawn to scale of one (1) inch equaling one thousand (1000) feet. The plat or sketch shall show thereon the property lines in the immediate area and shall show accurately to scale all wells within a quarter mile of the proposed well site. The application shall also contain the names of all property owners adjoining the tract on which the well is to be located and the ownership of the wells within a quarter mile of the proposed location. Such application and plat shall be certified by some person actually acquainted with the facts who shall state that all the facts therein are true and correct. All Public Water Supply Wells shall be completed by a registered professional engineer licensed in the State of Texas.

- (c) If an exception to such spacing regulations for an **exempt well** is requested, application therefore shall be submitted by the applicant or driller in writing to the District on forms furnished by the District. The application shall be accompanied by a plat or sketch showing the property lines of the tract where the proposed well is to be located as well as all adjacent property and all other wells within 100 feet of the proposed well. The application shall also contain the names and addresses of all adjacent property owners and owners of wells within 100 feet of the proposed well. The plat or sketch shall be verified as being true and correct by someone familiar with the factual assertions contained therein.
- (d) Such exception may be granted ten (10) days after written notice has been given to the applicant and all adjoining owners and all well owners within a quarter mile of the proposed location, and after a public hearing at which all interested parties may appear and be heard, and after the Board has decided that an exception should be granted. Provided, however, that if all such owners execute a waiver in writing stating that they do not object to the granting of such exception, the Board may thereupon proceed to decide upon the granting or refusing of such application without notice of hearing except to the applicant. The applicant may also waive notice or hearing or both.

RULE 9 – PLACE OF DRILLING WELL

After an application for a well permit has been granted, the well, if drilled, must be drilled within fifty feet of the location specified in the permit so long as that location does not violate any spacing requirements in these rules. 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 amended. The District shall have the right to confirm reported distances and inspect the wells or well locations.

RULE 10 – RIGHT TO INSPECT AND TEST WELLS

Any authorized officer, employee, agent, or representative of the District shall have the right at all reasonable times to enter upon lands upon which a well or wells may be located within the boundaries of the District, to inspect such well or wells and to read, or interpret any meter, weir box or other instrument for the purpose of measuring production of water from said well or wells; and any authorized officer, employee, agent, or representative of the District shall have the right at all reasonable times to enter upon any lands upon which a well or wells may be located within the boundaries of the District for the purposes of testing the pump and the power unit of the well or wells and of making any other reasonable and necessary inspections and tests that may be

required or necessary for the information or the enforcement of the Rules and regulations of the District. The operation of any well may be enjoined by the Board immediately upon the refusal to permit the gathering of information as above provided from such well.

The District shall have the right to install or to require the installation of necessary metering equipment in order to determine well production capacity and monthly production rates.

RULE 11 – OPEN WELLS TO BE CAPPED

- (a) At a minimum, open or uncovered wells must be capped in accordance with the requirements of the TCEQ, the Texas Department of Licensing and Regulation's Water Well Drillers and Pump Installers Program, and the District Rules and Well Construction Standards. The owner or lessee shall keep the well permanently closed or capped with a watertight covering capable of sustaining weight of at least 400 pounds, except when the well is in actual use. The covering for a capped well must be constructed with a watertight seal to prevent entrance of surface pollutants into the well itself, either through the well bore or well casing.
- (b) Unless granted an exception by the General Manager or Board, all abandoned wells that are not capped in accordance with Rule 11(a) must be closed or capped in accordance with the requirements of the TCEQ, the Texas Department of Licensing and Regulation's Water Well Drillers and Pump Installers Program, District Rule 11, and other applicable Rules and Well Construction Standards adopted by the Board of Directors. Prior to closing or capping a well, the District Well Construction Standards require as a minimum, registration of the well with the District, a site inspection by District staff, submission to the District for review and approval a Close and Abandonment Plan by the owner or the well driller, and payment of the Well Abandonment Fee. The General Manager may require the well owner to take a water sample and have a water quality analysis conducted as part of or prior to the closing or capping operation at the well owner's expense.
- (c) In accordance with 16 TAC Section 76.700, Texas Water Well Drillers Rules, within 60 days of completing the plugging of a well located within the District, the well driller shall provide the District a copy of the Plugging Report.
- (d) If the owner or lessee fails or refuses to close or cap the well in compliance with this Rule and District standards within ten (10) 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 (pursuant to Texas Water Code Chapter 36.118) and close or cap the well safely and securely.

(e) Reasonable expenses incurred by the District in closing or capping a well constitute a lien on the land on which the well is located. The District shall perfect the lien by filing in the deed records of the county where the well is located 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 ten (10) 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.

(f) Wells closed or capped pursuant to this section may be physically sealed and red tagged to indicate that the District has sealed the well. The District may take other action as necessary to preclude operation of the well or to identify unauthorized operation of the well.

RULE 12 – GENERAL RULES OF PROCEDURE FOR HEARING

All hearings whether conducted by the Board or before a Hearings Examiner shall be conducted in accordance with the Hearing Rules and Procedures as adopted by the Board and as they may be amended from time to time.

RULE 13 – WELL VALIDATION

In order to provide for the “grandfathering” of existing non exempt water wells, a certification of validation for a well can be issued only after the location of the well and the wellhead equipment of the well has been determined by field survey by District personnel, and/or designated agents acting for the District. A well owner or agent may apply to the District for validation. The costs to the well owner or the well owner’s agent shall be set by the Board. The Board on its own initiative may cause to be issued a validation certificate for wells drilled and equipped within the District for which the landowner or his agent has not applied for a Permit or for wells not otherwise properly permitted, provided that such wells were not drilled, equipped and operated (pumped) in such a manner as to violate any other Rules and regulations of the District. To the extent available, the well owner shall provide all of the information required in Rules 6 and 5.4 and as may otherwise be

requested by the District. It is the intent of the District to utilize the information collected hereunder to establish a historic use for each well validated.

RULE 14 – TRANSFER OF GROUNDWATER OUT OF THE DISTRICT

- (a) Purpose. In recognition of the fact that the transfer of groundwater resources from the District for use outside of the District impacts residents and property owners of the District differently than use within the District, and in order to manage and conserve groundwater resources within the District, and provide reasonable protection of the public health and welfare of residents and property owners of the District, a ground water transfer permit is required to produce groundwater from within the District's boundaries and to transfer such groundwater for use outside the District.
- (b) Scope. A groundwater transfer permit is required for production of any water from a well within the District, all or part of which is regularly transported for use outside the District. A groundwater transfer permit shall be obtained prior to commencing construction of wells or other facilities utilized to transfer groundwater from the District. Water wells to be used for the transfer of water outside of the District shall be subject to all other requirements of the District.
- (c) Exceptions. A groundwater transfer permit is not required for transfers of groundwater from the District in the following cases:
 - (1) Transfers of groundwater from the District that were occurring on or before March 14, 2002 to the extent the production or transportation capacity of facilities used to produce or transfer groundwater from the District are not increased over the capacity of such facilities that were existing or permitted by the District on or before March 14, 2002.
 - (2) Transfers of groundwater from the District which are incidental to beneficial use within the District.
- (d) Application. An application for groundwater transfer permit shall be filed in the District office by the owner of the groundwater rights or owner or operator of the production facilities. The following information shall be provided:
 - (1) The name and mailing address of the applicant and the owner of the land on which the well is or 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 statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose;
 - (4) A water conservation plan;
 - (5) A declaration that the applicant will comply with the District's management plan;

- (6) The location of each well and the estimated rate at which water will be withdrawn;
- (7) A water well closure plan or a declaration that the applicant will comply with well plugging guidelines and report closure to the Board.
- (8) A drought contingency plan;
- (9) Data showing the availability of water in the District and in the proposed receiving area during the period for which water supply is requested;
- (10) Alternate sources of supply that might be utilized by the applicant, and the feasibility and the practicability of utilizing such supplies;
- (11) The amount and purposes of use in the proposed receiving area for which water is intended;
- (12) The projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or existing permit holders or other groundwater users within the District;
- (13) The indirect costs and economic and social impacts associated with the proposed transfer of water from the District.
- (14) Proposed plan of the applicant to mitigate adverse hydrogeologic, social or economic impacts of the proposed transfer of water from the District;
- (15) How the proposed transfer is addressed in the approved regional water plan and certified District management plan;
- (16) The names and addresses of the property owners within one-half (1/2) mile of the location of the well(s) from which water to be transported is to be produced, and the location of any wells on those properties.
- (17) The time schedule for construction and/or operation of the well.
- (18) Construction and operation plans for the proposed facility, including, but not limited to:
 - I. A technical description of the proposed well(s) and production facility, including depth of the well, the casing diameter, type and setting, the perforated interval, and the size of pump.
 - II. A technical description of the facilities to be used for transportation of water.

(19) If the water is to be used by someone other than the applicant, a signed contract between the applicant and the user or users.

(20) Additional information that may be required by the District.

- (e) Application Processing Fee. An application processing fee, sufficient to cover all reasonable and necessary costs to the District of processing the application, will be charged. The application must be accompanied by the Fee. If the fee is determined by the General Manager or the Board to be insufficient to cover anticipated costs of processing the application, the applicant may be required to post a deposit in an amount determined by the General Manager or the Boards representative to be sufficient to cover anticipated processing cost. As costs are incurred by the District in processing the application, those costs may be reimbursed from funds deposited by the applicant. The applicant shall be provided a monthly accounting of billings against the application processing deposit. Any funds remaining on deposit after the conclusion of application processing shall be returned to the applicant. If initially deposited funds are determined by the General Manager to be insufficient to cover costs incurred by the District in processing the application, an additional deposit may be required. If the applicant fails to deposit funds as required by the District, the application may be dismissed.
- (f) Notice. Within 30 days following a determination by the District that the application is complete, notice of the application shall be mailed by the applicant to all property owners within one-half mile of the property upon which the well(s) is to be located and published in a newspaper of general circulation within the District. The District will provide the notice to the applicant for mailing and publication. Notice shall include at least the following information:
- (1) the name and address of the applicant;
 - (2) the date the application was filed;
 - (3) the time and place of the hearing;
 - (4) the location of the proposed well(s) from which water to be transported is to be produced;
 - (5) A description of the production facility; and
 - (6) A brief summary of the information in the application.
- (g) Hearing. If requested by the applicant, any affected person opposed to the application having a justifiable interest, or the General Manager, a contested case public hearing shall be conducted in accordance with provisions of the Texas Administrative Procedure Act, Gov't Code- 2000.01, et seq. If not requested by any party, the public hearing on the application may be conducted by the Board at a regular or special meeting.

(h) Permit

(1) The permit to transfer groundwater out of the District may be issued as a consolidated permit authorizing drilling, production, and transfer of water from the District. Whether issued as a consolidated permit or separately, the requirements for a permit to transfer groundwater out of the District are cumulative with all other permits or other requirements of the District.

(2) In determining whether to issue a permit to transfer groundwater out of the District, Board shall consider, in addition to all other factors applicable to issuance of a permit from the District:

- I. The availability of water in the District and in the proposed receiving area during the period for which the water supply is requested;
- II. The availability of feasible and practicable alternative supplies to the applicant;
- III. The amount and purposes of use for which water is needed in the proposed receiving area;
- IV. The projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District;
- V. The indirect cost and economic and social impacts associated with the proposed receiving area;
- VI. The approved regional water plan and certified District management plan; and,
- VII. Other facts and considerations necessary by the Board for protection of the public health and welfare and conservation and management of natural resources in the District.

(3) If it determines to issue a permit to transfer groundwater out of the District, the Board may limit the permit as warranted by consideration of those factors identified above. In addition to conditions identified by Texas Water Code – 36.1131, the permit to transfer water out of the District shall specify:

- I. The amount of water that may be transferred out of the District;
- II. The period for which the water may be transferred
- III. Any monitoring or reporting requirements determined to be appropriate; and,
- IV. Such other terms and provisions with reference to the drilling, equipping, completion, or alterations of wells or pumps that may be necessary to conserve the groundwater, prevent waste, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, lessen interference

between wells, or control and prevent subsidence.

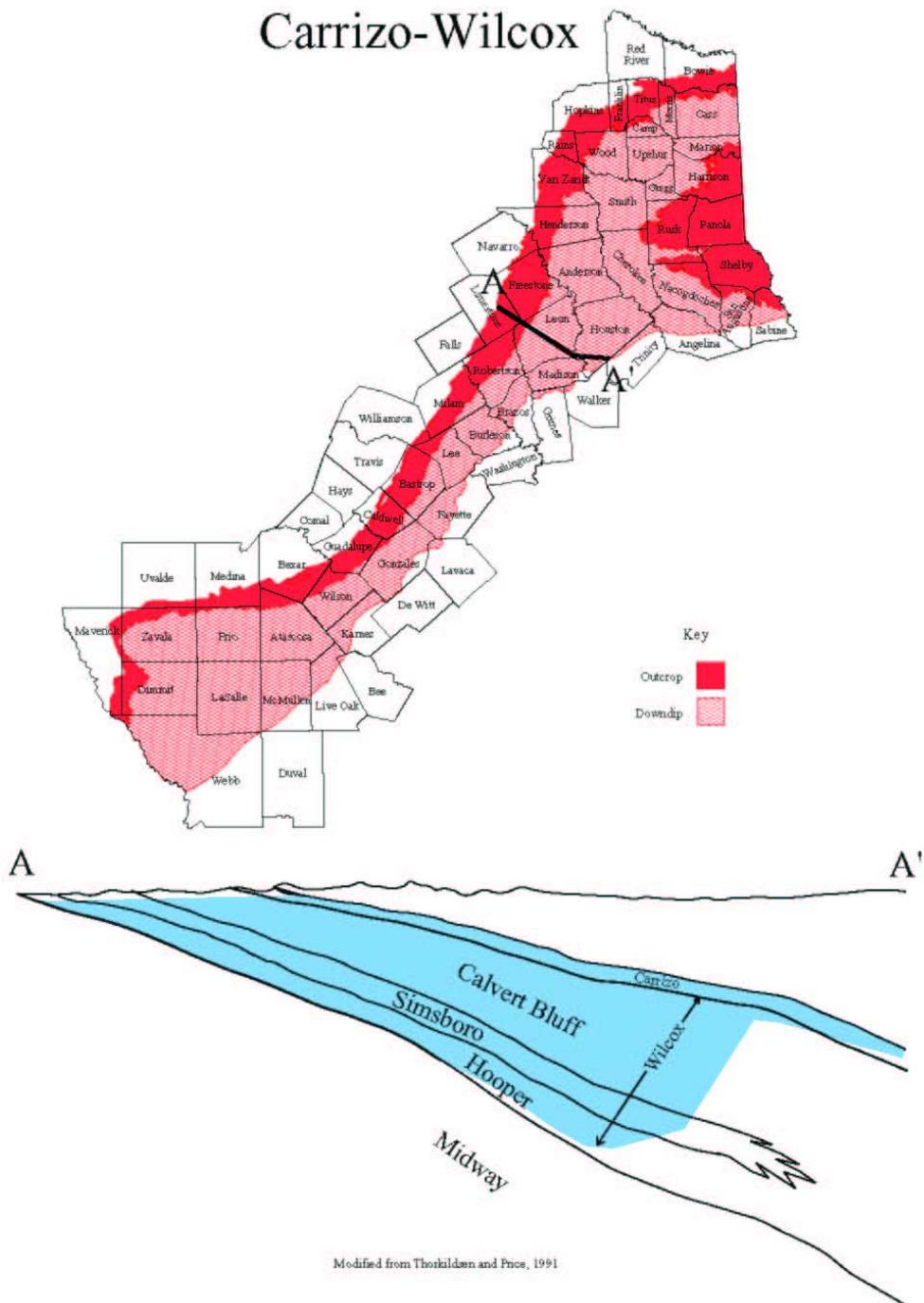
- V. That it may be cancelled if the required production and transfer fees are not paid when due.

RULE 15 – ENFORCEMENT

In accordance with the Texas Water Code, 36.102, the District may enforce Chapter 36 of the Texas Water Code and its Rules by injunction, mandatory injunction or other appropriate remedy in a court of competent jurisdiction. The Board adopts civil penalties for breach of Chapter 36 of the Texas Water Code and any rule of the District. Civil penalties shall not exceed \$10,000 per day per violation, and each day of a continuing violation shall constitute a separate violation of the Rules.

End of District Rules

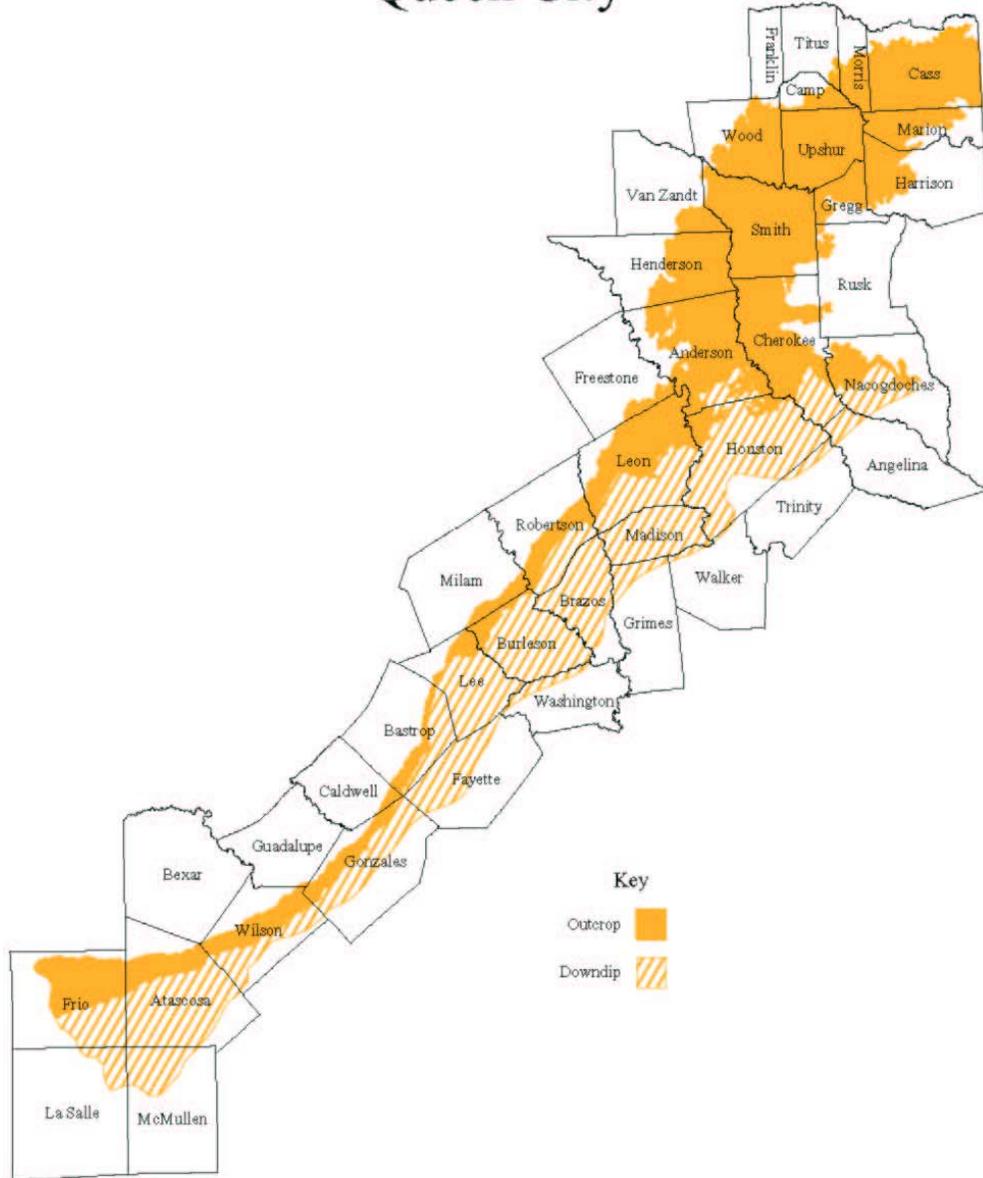
Map 1



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Map 2

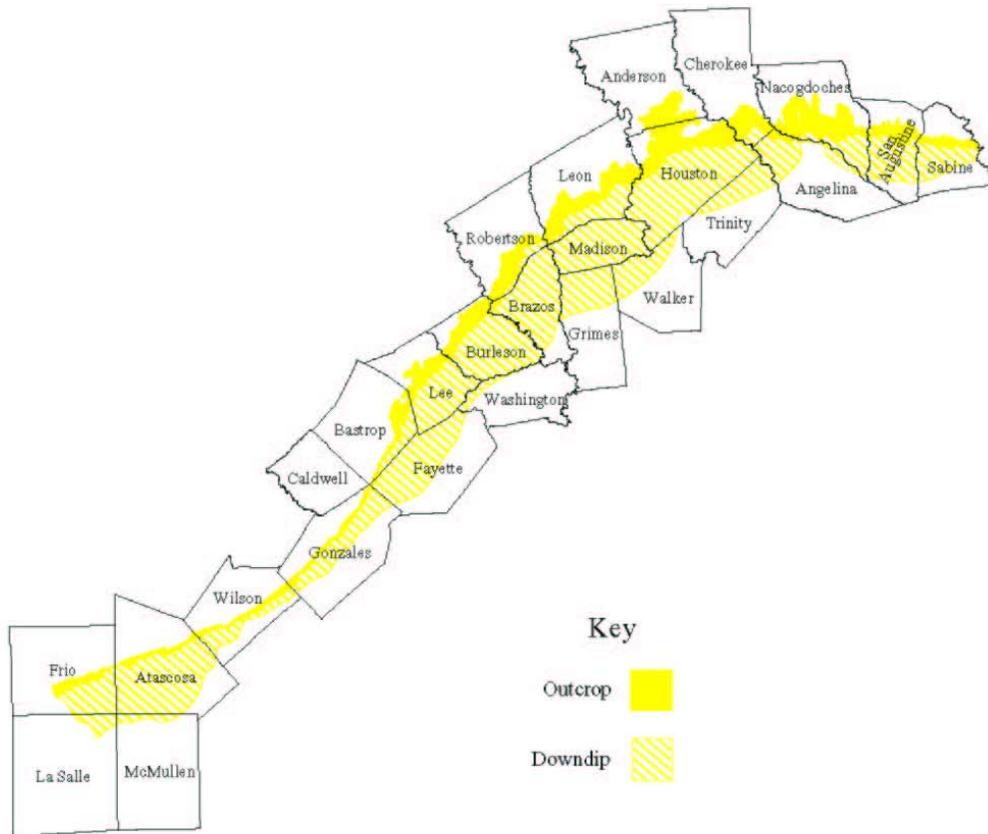
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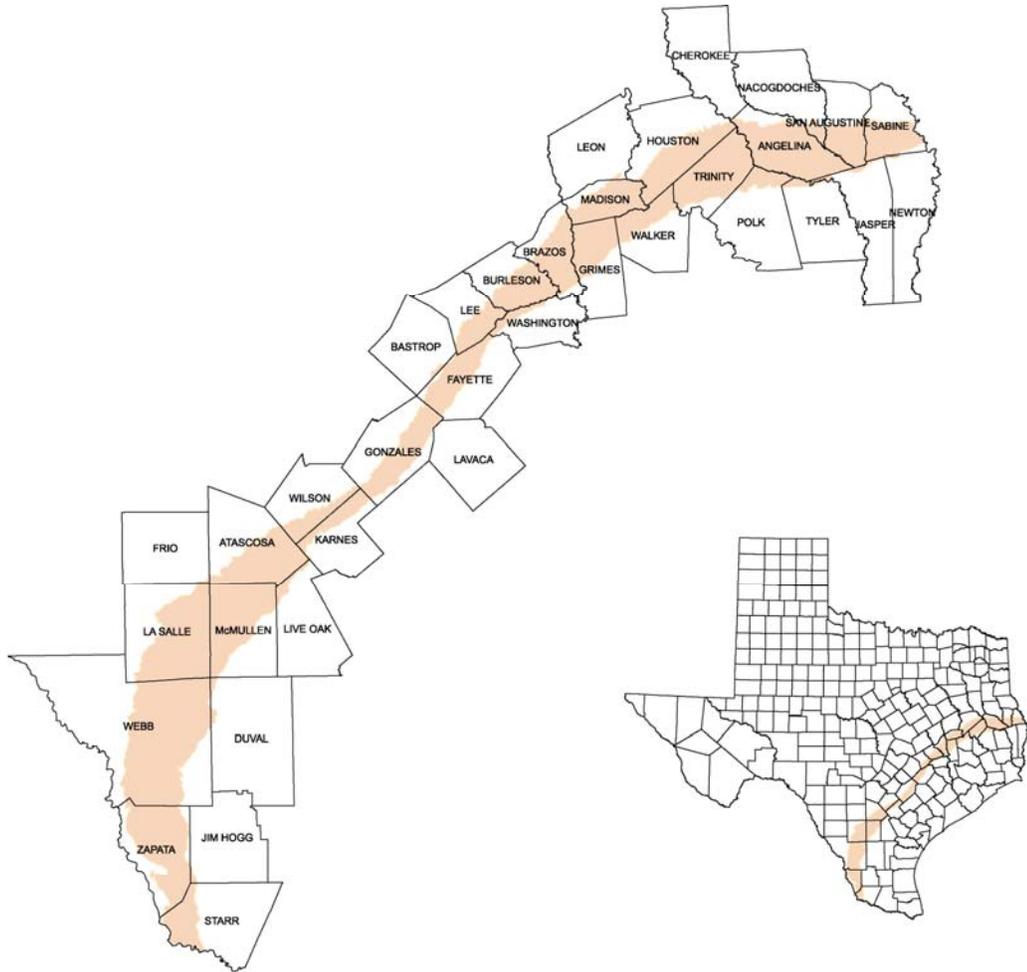
Map 3

Sparta



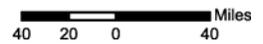
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Map 4



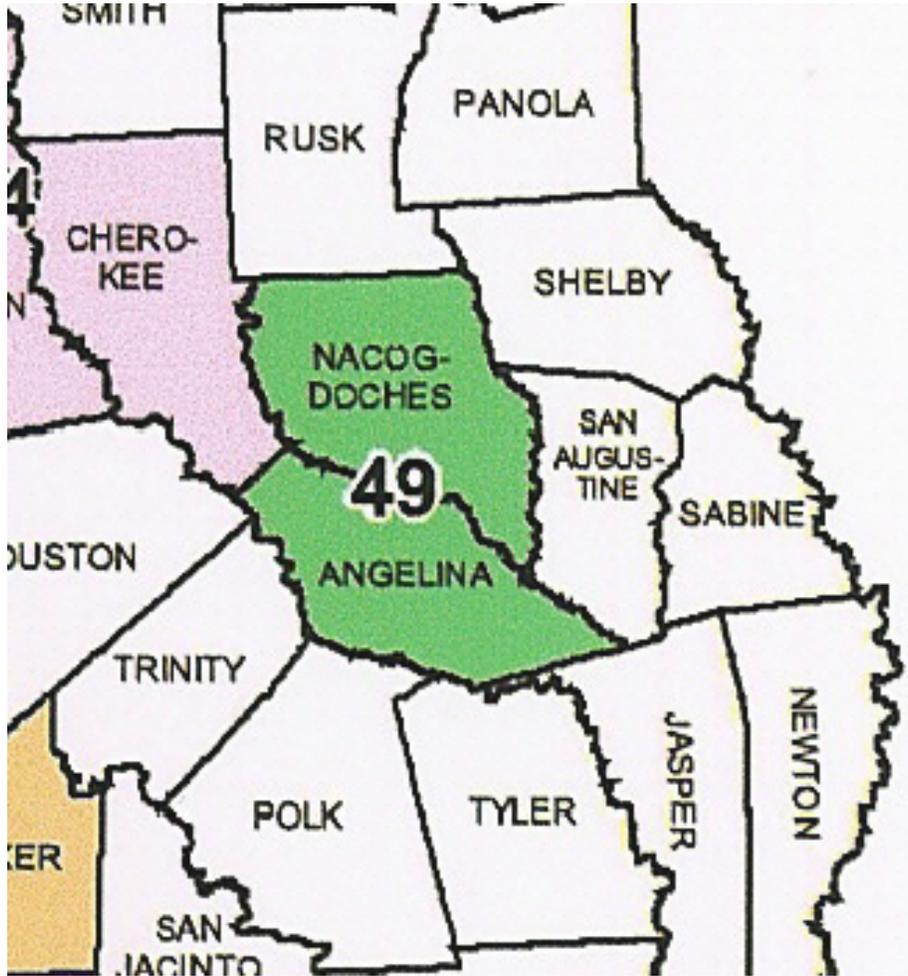
Explanation

-  County boundary
-  Yegua - Jackson



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Map 5



End