Wes-Tex Groundwater Conservation District
100 East Third Street, Suite 305B
Sweetwater, Texas 79556
325-236-6033 (voice & fax)
www.westexgcd.org

March 10, 2010

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

Dear Mr. Ward:

Enclosed for administrative review please find the recently adopted management plan for the Wes-Tex Groundwater Conservation District. This submission includes the following:

1. WTGCD Management Plan and Appendix;
2. Resolution adopting the Plan;
3. Evidence of publication of hearing notice in two issues of the Sweetwater Reporter (notice was published twice as first meeting was cancelled due to icy weather conditions);
4. Hearing notices filed with County Clerk and posted at Nolan County Courthouse notices board;
5. Copy of letters to surface water management entities - City of Sweetwater and Brazos G RWPG.

A digital copy of the Plan has been emailed to Ms. Rima Petrossian.

We want to extend our thanks to your staff, in particular Ms. Rima Petrossian and Mr. Lance Christian, for their expert help in reviewing and recommending revisions to the Plan. Their assistance was invaluable. It is obvious that much importance has been placed on developing an efficient system of management plan review.

If you have any questions or concerns, please do not hesitate to contact me at the telephone number above or at becky.stewart@co.nolan.tx.us. All of our rules, plans, and forms are available online at www.westexgcd.org. Thank you for your time and consideration. We look forward to hearing from you regarding our approval status.

Sincerely,

Becky Stewart
General Manager

copy via email: Ms. Rima Petrossian
Mr. Lance Christian

Wes-Tex Groundwater Conservation District
Nolan County, Texas

Management Plan

2010 – 2020

DISTRICT MISSION

The Wes-Tex Groundwater Conservation District is committed to providing for the conservation, protection, the enhancement of recharge, and the prevention of waste of groundwater within the District by developing and implementing an efficient, economical and environmentally sound conservation program with full consideration and respect for the individual citizens of the District.

TIME PERIOD FOR THIS PLAN

This plan becomes effective upon the adoption by the Board of Directors of the Wes-Tex Groundwater Conservation District and approval by the Texas Water Development Board. This plan will be readopted with or without changes by the District Board and submitted to the Texas Water Development Board for approval at least every five years. {TWC §36.1072(e)}

STATEMENT OF GUIDING PRINCIPLES

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

GENERAL DESCRIPTION

The District was created by the citizens of Nolan County through election in November, 2002. The current officers are Randall Bankhead, chairman; Henry Ortega, Jr., vice-chairman; John Adams, Jr., Secretary-Treasurer. Other Board members include Alton Pyburn, Arthur Bixler, Archie Hunter, Larry Black, Mark Morrow and Al Edwards. Directors are elected from Nolan County Commissioner's precincts, with a member from an incorporated area and an unincorporated area within each of the four precincts. Additionally, one director is elected as an at-large position from the entire county. The Wes-Tex Groundwater Conservation District has the same real extent as that of Nolan County, Texas. The county has a diverse economy, with energy, agriculture and industry all represented. Livestock operations include cattle, sheep, goats, and hogs. Crops include cotton, sorghum, wheat, hay, pecans, and some fruits and vegetables. One of the major industries is United States Gypsum, which began operations in Nolan County in 1924. Wind energy has recently become a major economic force in the county, with several large wind fields constructed since 2000. Oil and gas production have been a part of Nolan County for several decades. Lone Star Industries has been a major economic force since 1950. Texas State

Technical College in Sweetwater is a vocational training facility that opened in 1970. Communities in the county include Sweetwater, Roscoe, Blackwell, Maryneal, and Nolan-Divide. The largest tourist attraction is the Sweetwater Rattlesnake Roundup held in March of each year.

LOCATION AND EXTENT

The Wes-Tex Groundwater Conservation District shares a boundary with Nolan County. Nolan County is in west central Texas, bounded on the east by Taylor County, on the south by Coke and Runnels counties, on the west by Mitchell County, and on the north by Fisher County. The center of the county lies at 32°18' north latitude and 100°24' west longitude. Sweetwater, the county seat and largest population center, is forty-two miles west of Abilene, 125 miles southeast of Lubbock, and 130 miles northeast of Odessa. The county was named for Philip Nolan. It lies on the lower plains, with the western end of the Callahan Divide in the southern section of the county. The loamy soils of the county are light to dark, with deep, clayey or loamy subsoils and lime accumulations. The county has very little timber; hackberry, scrubby post oak, cottonwood, and mesquite trees grow along the streams, and Rocky Mountain junipers or scrub cedars grow on the hillsides. Annual rainfall averages 22.19 inches, and the growing season averages 221 days. Temperatures range from an average minimum of 30° F in January to an average maximum of 96° F in July. The agricultural economy centers around cattle and livestock products, but 50 percent of the annual agricultural income is from crops, especially cotton, wheat, sorghum, and hay. Petroleum, natural gas, gypsum, rock, and sand and gravel are also produced in the county. *

*Taken from "NOLAN COUNTY." Handbook of Texas Online. <http:www.tshautexas.edu/handbook/online/view/NN/hcn4.html> [Accessed Tue Aug 17 9:43 US/Central 2004.] *by Gerald McDaniel*

TOPOGRAPHY AND DRAINAGE

The land is predominantly rolling uplands to the north, with plateaus traversed by valleys in the south; altitudes range from 2,000 to 2,700 feet above sea level. Streams in the northern part of the county, including Cottonwood, Bitter, Stink, and Sweetwater creeks, drain into the Clear Fork of the Brazos River. In the southern part of the county Silver, Wilson, Fish, and Oak creeks drain into the Colorado River.* USDA Hydrogeologic Units include #4812060102 – Brazos Watershed in the northern half of the county, #481208002 – Upper Colorado and Champion Watershed in the middle western portion of the county, #4812080008 – Oak Creek / Spence Watershed in the southern third of the county, and #4812090101 – Valley Creek Watershed in the extreme southeastern portion of the county. *(Source: USDA Natural Resources Conservation Service, Abilene Field Office)*

*Taken from "NOLAN COUNTY." Handbook of Texas Online. <http:www.tshautexas.edu/handbook/online/view/NN/hcn4.html> [Accessed Tue Aug 17 9:43 US/Central 2004; By *Gerald McDaniel*

SURFACE WATER RESOURCES OF WES-TEX G.C.D.

Surface water availability in the Wes-Tex GCD is limited small allocations from the Brazos River and the Lake Sweetwater Reservoir. The City of Sweetwater has authorized storage in Lake Sweetwater of 10,000 acre feet, and an authorized diversion of 3,740 acre feet. The priority date on this right is 10/17/27. The Brazos G Regional Water Plan lists a Year 2000 yield for Lake Sweetwater of 1,400 acre feet, but projects a Year 2050 yield of only 467 feet. The prolonged

drought of the 1990's has forced the City of Sweetwater to depend upon groundwater withdrawals for municipal use.

With regard to Brazos River Rights, H&H Feedlot in Nolan County has a 45 acre feet per year authorized diversion from the Brazos River, with a 1958 Year of Priority Date. Additionally, there are 90 acre feet per year authorized diversions for irrigation use.

See surface water data in Appendix B, Table 1: 2007 State Water Plan – Projected Surface Water Supplies – Nolan County

GROUNDWATER RESOURCES OF WES-TEX G.C.D.

Only two formations constitute significant aquifers in Nolan County. These are the Antlers Sand of the Cretaceous Trinity Group and the Santa Rosa Formation of the Triassic Dockum Group. In many areas of western Nolan County, the Antlers Sand and the Santa Rosa Formation lie beneath the limestones of the Edwards Group. Where the Edwards limestone and the Antlers Sand have been stripped away by erosion, the Dockum Group is either exposed or buried beneath the sand and gravel deposits of the Ogallala Formation (Pliocene). In some areas, the Ogallala also lies above the Antlers Sand. Although a major aquifer in the High Plains of western Texas, the Ogallala Formation in Nolan County lies above the regional water table and provides a pathway for the downward movement of water to recharge the Antlers and the Santa Rosa. Permian rocks lie beneath the Dockum Group, and are present in the subsurface throughout the county. In the northern part of the county, these rocks form extensive outcrops where erosion has removed the younger Cretaceous and Triassic rocks. Permian Rocks are in this area of Texas, however, are not a significant source of water.

The Antlers Sand provides small volumes of stock water for farms and ranches. The yields of many of the wells producing from this formation are less than 20 gallons per minute (gpm), although a few irrigation wells are reported to have yields of greater that 100 gpm. The 2006 Brazos G Regional Water Plan estimates an average availability of groundwater from the Antlers Sand (Edwards-Trinity) of 1000 acre feet per year in Nolan County.

The Santa Rosa Formation is the only significant source of groundwater. The formation is present in western Nolan County, but disappears toward the east and south because of erosion preceding the deposition of the Cretaceous formations. The formation probably disappears slightly to the west of Maryneal and east of Roscoe. The aquifer is confined in areas where the Santa Rosa lies beneath the Antlers Sand and the Edwards limestone. Recharge occurs by leakage through the overlying formations. Where the Santa Rosa Formation lies beneath the Ogallala Formation, groundwater occurs under unconfined conditions, and recharge is traceable to leakage from the Ogallala. The Texas Water Development Board estimates there are 569,920 acre feet of groundwater in storage in the Dockum aquifer in Nolan County, with all of that water having less than 5,000 mg/l of total dissolved solids (TDS). This is an estimate of storage only, not recoverable water. The 2006 Brazos Region G Water Plan estimates that only 3500 acre feet are available each year from the Dockum aquifer in Nolan County. The Trinity Edwards and the Dockum aquifers combined have a total availability of 4000 acre feet of water per year in Nolan County.

The Blaine Aquifer occurs in a very small area in northern Nolan County and the groundwater produced from such aquifer is of poor quality and small volume. A groundwater availability

model for the Blaine Aquifer is not currently available. Based on data that is currently available, it is believed that the groundwater produced from the Blaine aquifer is not a significant source of water in Nolan County. Accordingly, the District Board does not anticipate including the aquifer in its joint planning efforts and will not be setting a Desired Future Condition for the aquifer. In the event additional data is discovered to the contrary, the District Board will re-evaluate its position with regard to the Blaine Aquifer and include a comprehensive discussion of same in a future management plan.

In western Nolan County, there is a strong possibility of contamination by herbicides, pesticides and fertilizers. There is also a possibility of contamination by oil field brine.*

* *Report on Potential Areas for Groundwater Development in the Vicinity of Sweetwater, Nolan County, Texas:* LBG-Guyton Associates, Austin, Texas. February 1997. **Used with permission from the City of Sweetwater.**

See the Appendix for the following groundwater data:

Table 2: Groundwater Availability Model Water Budget

Table 3: Groundwater Availability and Supply in Acre-Feet/Year – Taken from the 2006 Brazos G. Regional Water Plan

Table 4: Historical Water Use Estimates Summary – TWDB Water Use Survey – Nolan County

Table 5: Historical Groundwater Pumpage Summary – TWDB Water Use Survey – Nolan County

Table 6: 2007 State Water Plan – Projected Water Demands – Nolan County

Table 7: 2007 State Water Plan – Projected Water Needs – Nolan County

Table 8: 2007 State Water Plan – Projected Water Management Strategies – Nolan County – Region G

ESTIMATE OF MANAGED AVAILABLE GROUNDWATER [TWC §36.1071(e)(3)(A)]

The Desired Future Conditions for the aquifers located within the District boundaries and within Groundwater Management Area 7 have not been established; therefore, an estimate of the managed available groundwater is not available at this time. The District is actively working with the other member districts within Groundwater Management Area 7 toward determining the desired future conditions for each aquifer located within the district. Once these are established an estimate of the managed available groundwater will be determined. The District will amend the management plan after that time.

GROUNDWATER AVAILABILITY MODEL WATER BUDGET
[TWC §36.1071(e)(3)(C)-(E)]

The most recent groundwater availability model of the Edwards Trinity Plateau aquifer sets out the following estimates

The Texas Water Development Board's Groundwater Availability Model 09-013, the most recent groundwater availability model of the Edwards Trinity Plateau aquifer, sets out an estimated water budget. Such budget is included in the appendix as Table 2.

See Table 2: Groundwater Availability Model Water Budget

How Natural or Artificial Recharge of Groundwater Within The District Might Be Increased {31 TAC §356.5(a)(5)(C)}

Brush Management: The eradication of mesquite *(Prosopis sp.)* and juniper *(Juniperus sp.)* from areas of moderate to heavy brush canopy would yield additional groundwater supplies.

Groundwater Recharge Structures: Structures designed to collect impound surface water in canyons and streambeds cut into fractured rock may increase the volume of water available for recharge by slowing the amount of surface runoff during flood events.

POTENTIAL DEMAND AND SUPPLY

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

MANAGEMENT OF GROUNDWATER SUPPLY {31 TAC §356.5(a)(6)}

The District will manage the supply of groundwater within the District in order to conserve the resource while seeking to maintain the economic viability of all resource user groups, public and private. In consideration of the economic and cultural activities occurring within the District, the District will continue to identify and engage in such activities and practices, that if implemented, would result in the conservation and protection of the groundwater. The observation and monitoring network will continue to be reviewed and maintained in order to monitor changing conditions of groundwater within the District. The District will undertake investigations of the groundwater resources within the District and will make the results of those investigations available to the public.

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

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

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

ACTIONS, PROCEDURES, PERFORMANCES AND AVOIDANCE FOR PLAN IMPLEMENTATION {31 TAC §356.5(a)(4)}

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

The District will adopt, as necessary, rules relating to the implementation of this plan. The rules adopted by the District shall be pursuant to TWC §36 and the provisions of this plan. All rules will be adhered and enforced. The promulgation and enforcement of the rules will be based upon the best technical evidence available. The current rules of the District are available in the District office and also online at http://westexgcd.org/documents/adoptedrules.pdf.

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

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

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

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

GOALS, MANAGEMENT OBJECTIVES AND PERFORMANCE STANDARDS

GOAL 1.0 – Providing for the most efficient use of groundwater {31 TAC §356.5(a)(1)(A)}

1.1 Management Objective

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

1.1a *Performance Standard -* Number of occasions, annually, the District disseminated educational information related to conservation practices for the efficient use of groundwater will be reported to in the Annual Report to the Board of Directors.

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

1.2 Management Objective

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

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

1.3 Management Objective

The District will implement a district-wide monitoring network to evaluate groundwater availability. **The monitoring network will be comprised of voluntary well owners. At least twenty** wells will be monitored by district personnel (or assigns) for static **water** levels at least quarterly each year.

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

GOAL 2.0 – Controlling and preventing waste of groundwater {31 TAC §356(a)(1)(B)}

2.1 Management Objective – The District will provide an annual report to the District Board regarding the number and status of reported wasteful practices and non-beneficial water use in the District. If a wasteful practice is reported to the District, the District will respond in writing within five (5) working days.

2.1a *Performance Standard* – All reports of wasteful practices will be summarized in the annual report to the Board of Directors. Summaries shall include all relevant dates, information, and any remedial action taken by the District (if applicable).

2.2 Management Objective – The general manager will disseminate educational information or article concerning beneficial use and the identification of wasteful practices on at least two occasions each year.

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2.2a *Performance Standard* – The number of occasions the District submitted or disseminated information to district citizens shall be reported to the board of directors in the annual report each year.

GOAL 3.0 – Addressing Drought Conditions {31 TAC §356.(a)(1)(F)}

3.1 Management Objective – On a monthly basis, provided updates have been posted, the district will download at least one updated Palmer Drought Severity Index (PDSI) map posted on the National Weather Service-Climate Prediction Center website. http://www.cpc.ncep.noaa.gov/products/monitoring_and_date/drought.shtml. In addition, the district will check for the periodic updates to the Drought Preparedness Council Situation Report posted on the Texas Department of Public Safety website. http://www.txdps.state.tx.us/dem/sitrepindex.htm.

3.1a *Performance Standard* – At least quarterly, the District will make an assessment of the status of drought in the District and will provide the downloaded PDSI map(s) and Drought preparedness Council Situation Report, if available, to the Board of Directors. The downloaded PDSI maps and Situation Reports will be included in the District annual report provided to the Directors.

3.2 RESERVED FOR FUTURE USE

GOAL 4.0 – Addressing Conservation {TAC §356.(a)(1)(G)}

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41a
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4.1 Management Objective – The district will submit an article regarding water conservation for publication each year to at least one newspaper of general circulation in Nolan County.

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

4.2 Management Objective – District personnel will be available to present water conservation programs to school, 4-H, scouting, and community groups per request. These programs will be scheduled through the administrative office, and will be appropriate to the audience. The manager will present programs at least twice a year.

4.2a *Performance Standard* – A summary of programs presented, content, and audience group will be submitted in the annual report. A bibliography of any conservation literature received by the audience will be included with the summary. The number of programs presented will be included in the report.

4.3 RESERVED FOR FUTURE USE

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GOAL 5.0– Addressing Conjunctive Surface Water Issues {TAC §356.5(a)(1)(D)}

5.1 Management Objective – The district will encourage and provide resources when possible to the cities of Sweetwater and Roscoe toward developing alternative sources of surface water for future use.

5.1a *Performance Standard* – The district manager will meet with the city manager and/or the city water utilities manager of both Sweetwater and Roscoe annually (once per year) to discuss surface water implementation. Documentation of this meeting will be included in the annual report.

5.2 Management Objective – The District will actively participate in the Regional Planning Process (Region G – Brazos) to remain current with surface water issues.

5.2a *Performance Standard* – The general manager will attend at least one meeting of the Brazos G RPG annually, and will review the agenda of each meeting, available on the Brazos G RPG website, and will discuss relevant items with a representative on the Brazos G RPG.

Management Goals Not Applicable to the District

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Desired Future Conditions: The desired future conditions ("DFCs") of the groundwater within the District have not yet been established. Chapter 36.108 of the Texas Water Code requires that such DFCs be established not later than September 1, 2010 and then every 5 years thereafter. The District is actively participating in the joint planning process and in the development of a desired future condition for the portion of the aquifers within the District. Therefore, this goal is not applicable to the District at this time. {TWC §36.1071(a)(8)}

23

Controlling and Preventing Subsidence: The District has not been advised as to any issues with subsidence that exist within the boundaries of the District.
{31 TAC §356.5(a)(1)(E)}

31

Natural Resource Issues: The District has not been advised as to any threatened or endangered species that exist within the boundaries of the District that are significantly impacted by groundwater usage. {31 TAC§356(a)(1)(E)}

39e

Brush Control: Brush Control projects are carried out and funded by the NRCS which has federal authority to administer brush control projects and funding assistance for same. Therefore, this is not an appropriate goal for the district at this time. {TWC §36.1071(a)(7)}

39b

Recharge Enhancement: This management plan addresses 2 potential sources of recharge enhancement, those being brush control and groundwater recharge structures. As stated above, brush control is not an appropriate goal for the district at this time. Groundwater recharge structures, although a possible method for increase of recharge is not a cost effective measure at this time. {TWC §36.1071(a)(7)}

39d

Precipitation Enhancement: There is no existing precipitation enhancement program operating in Nolan County or surrounding counties with which the District could participate and share costs.

The cost of operating a single county precipitation enhancement program is prohibitive. {TWC §36.1071(a)(7)}

Rainwater Harvesting: Although the District does, from time to time, publish educational information regarding rainfall harvesting, this is done in connection with goals related to conservation. At this time, the District Board does not view rainwater harvesting as an appropriate individual goal. {TWC §36.1071(a)(7)}

3Ac

Action Required for Plan Approval
{31 TAC §356.6}

The initial management plan for the Wes-Tex Groundwater Conservation District was adopted by resolution on November 4th, 2004. The management plan was designed to remain in effect for ten years from the date of approval as administratively complete by the Texas Water Development Board. A subsequent management plan was adopted by resolution on March 4, 2010. The current management plan will remain in effect unless the District chooses to adopt an amended plan management plan that is approved by the TWDB. The amended management plan will become effective as of the date of approval by the TWDB. To comply with the requirements of Chapter 36 of the Texas Water Code, the District will review its existing management plan annually and readopt the plan with or without revisions at least every five years.

References

2006 Regional Water Management Plan, Region G – Regional Water Planning Group.

2007 State Water Plan – Texas Water Development Board.

Aquifers of the Edwards Plateau, Texas Water Development Board, Report 360, edited by Mace, Angle and Mullican, February, 2004.

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

GAM of the Edwards-Trinity (Plateau) Aquifer of Texas, Texas Water Development Board, by Anaya, R. and Ridgeway, C., October 2004.

GAM 09-013 of the Edwards-Trinity (Plateau) Aquifer of Texas, Texas Water Development Board.

Groundwater Availability in Texas, Texas Department of Water Resources, Report 238, by Muller, D.A. and Price, R.D., 1979.

"NOLAN COUNTY." Handbook of Texas Online. <http:www.tshautexas.edu/handbook/online/view/NN/hcn4.html> [Accessed Tue Aug 17 9:43 US/Central 2004.] *by Gerald McDaniel*

Report on Potential Areas for Groundwater Development in the Vicinity of Sweetwater, Nolan County, Texas: LBG-Guyton Associates, Austin, Texas. February 1997. Used with permission from the City of Sweetwater.

Water Use Survey, Estimated Water Use by Texas Counties, Water Uses Unit, TWDB, Excel File downloaded on August 19, 2004.

Projected Water Demands from 2007 State Water Plan, provided by TWDB (with disclaimer); available at http://www.twdb.state.tx.us/DATA/db07/defaultReadOnly.asp.

Projected Surface Water Supplies from 2007 State Water Plan, provided by TWDB (with disclaimer); available at http://www.twdb.state.tx.us/DATA/db07/defaultReadOnly.asp.

Projected Water Needs from 2007 State Water Plan, provided by TWDB (with disclaimer); available at http://www.twdb.state.tx.us/DATA/db07/defaultReadOnly.asp.

Projected Water Management Strategies from 2007 State Water Plan, provided by TWDB (with disclaimer); available at http://www.twdb.state.tx.us/DATA/db07/defaultReadOnly.asp.

Historical Groundwater Pumpage Summary – TWDB Water Use Survey, provided by TWDB (with disclaimer); also available at http://www.twdb.state.tx.us/wushistorical/DesktopDefault.aspx?PageID=2.

Historical Water Use Estimate Survey - TWDB Water Use Survey, provided by TWDB (with disclaimer); also available at http://www.twdb.state.tx.us/wushistorical/DesktopDefault.aspx?PageID=1.

Appendix

Maps of the Aquifers of Nolan County

Tables

1. 2007 State Water Plan – Projected Surface Water Supplies
2. Groundwater Availability Water Budget
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5. Historical Groundwater Pumpage Summary – TWDB Water Use Survey
6. 2007 State Water Plan – Projected Water Demands
7. 2007 State Water Plan – Projected Water Needs
8. 2007 State Water Plan – Projected Water Management Strategies

Certified Copy of District Resolution Adopting the Management Plan
{31 TAC §356.6(a)(2)}

Evidence of Management Plan Adoption after Notice and Hearing
{31 TAC §356.6(a)(3)}

Letter from the City of Sweetwater granting permission to use study completed by LBG-Guyton (1997)

Appendix

Management Plan 2010

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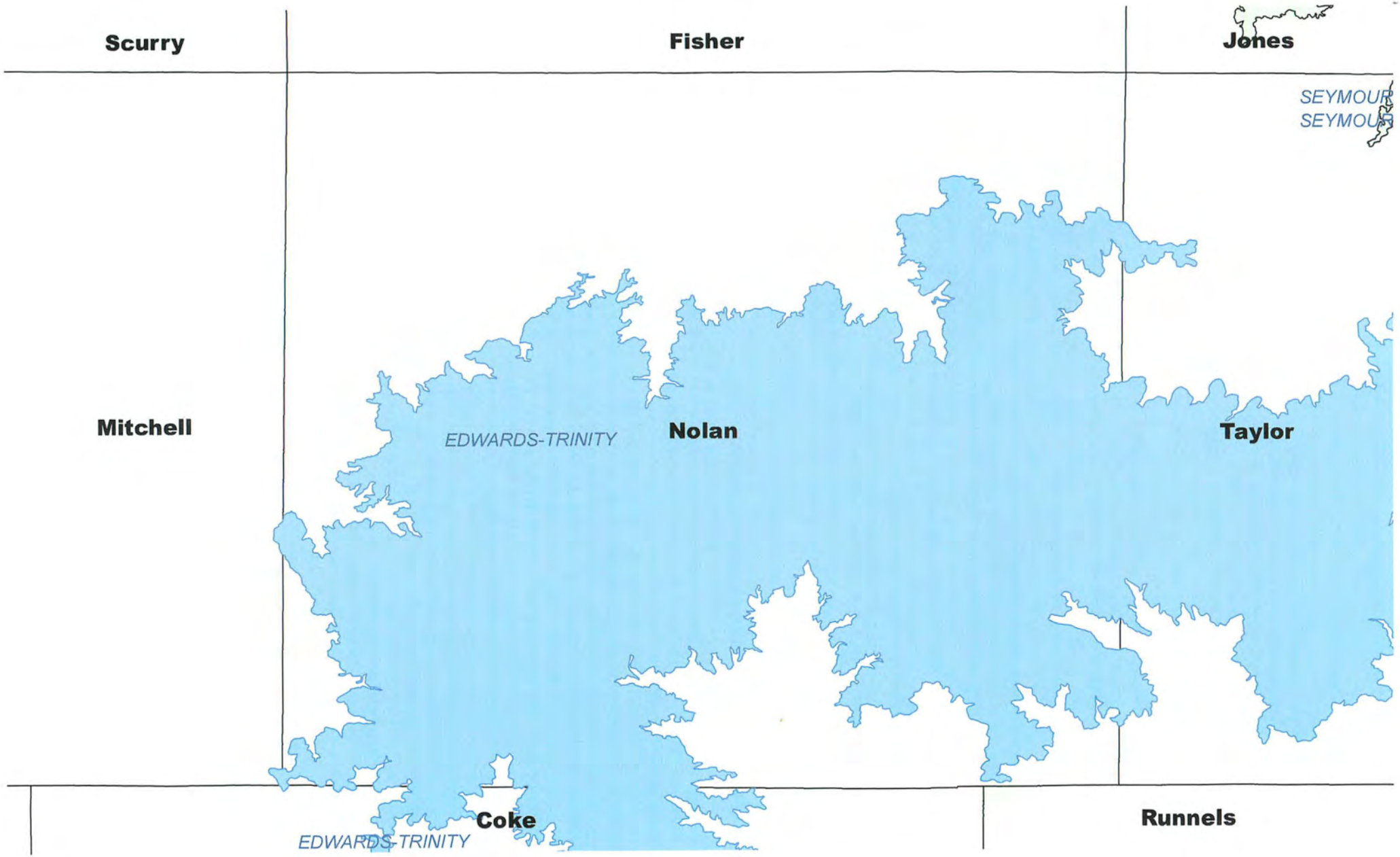
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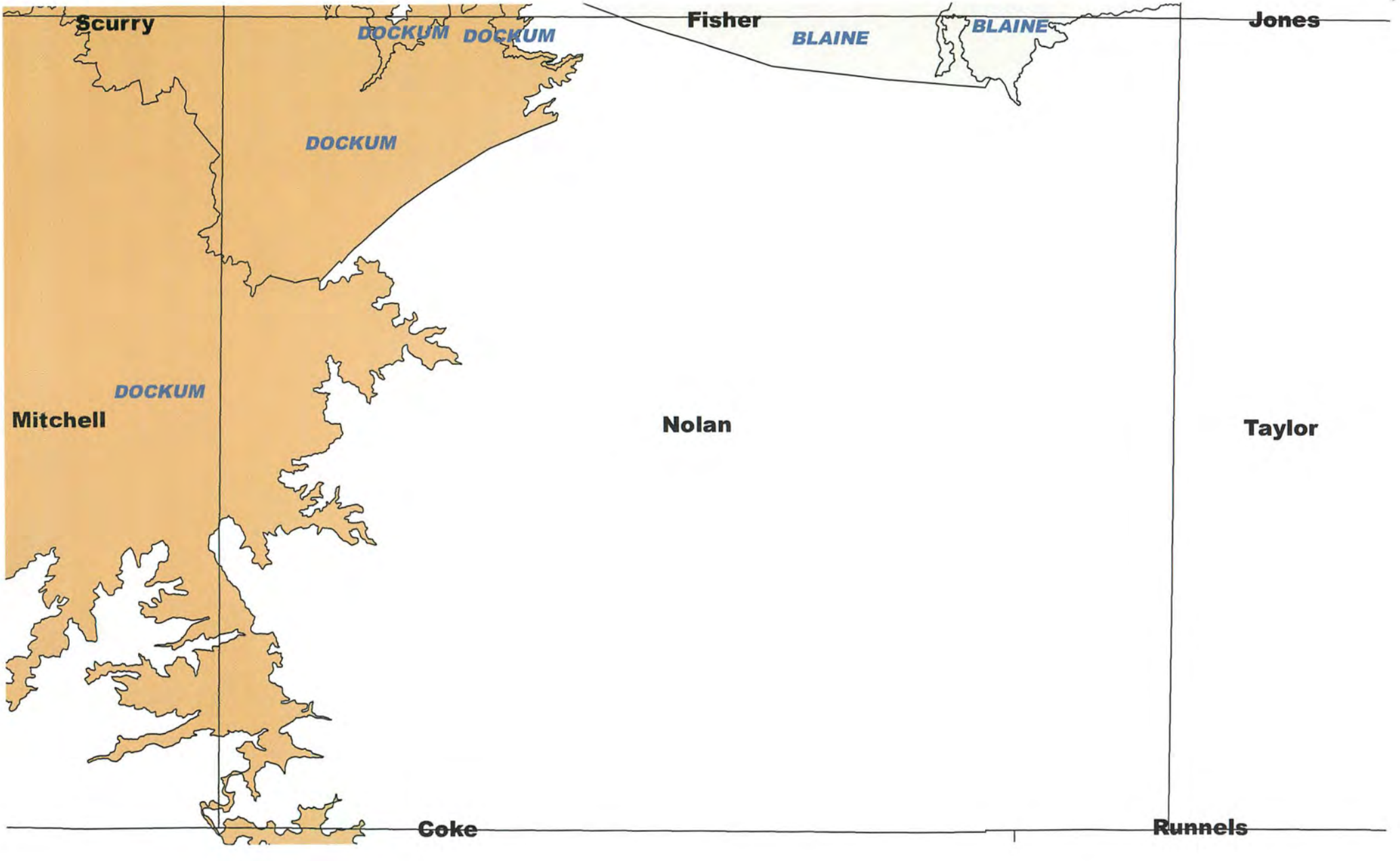
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TABLE 1

2007 State Water Plan
Projected Surface Water Supplies
Nolan County

RWPG	Water User Group	County	River Basin	Source Name	2010	2020	2030	2040	2050	2060
G	Bitter Creek WSC	Nolan	Brazos	Brazos River Run-of-River	118	118	116	112	106	101
G	Bitter Creek WSC	Nolan	Colorado	Brazos River Run-of-River	10	9	11	14	19	24
G	County Other	Nolan	Brazos	Brazos River Run-of-River	71	71	72	74	78	82
G	County Other	Nolan	Colorado	Brazos River Run-of-River	97	96	94	91	86	82
G	County Other	Nolan	Colorado	Oak Creek Lake/ Reservoir	0	0	0	0	0	0
G	Irrigation	Nolan	Brazos	Brazos River Combined Run-of-River Irrigation	120	120	120	120	120	120
G	Livestock	Nolan	Brazos	Livestock Local Supply	223	223	223	223	223	223
G	Livestock	Nolan	Colorado	Livestock Local Supply	241	241	241	241	241	241
G	Manufacturing	Nolan	Brazos	Sweetwater Lake/ Reservoir	305	303	302	300	298	297
G	Steam Electric Power	Nolan	Brazos	Sweetwater Lake/ Reservoir	443	441	439	436	434	432
G	Sweetwater	Nolan	Brazos	Oak Creek Lake/ Reservoir	0	0	0	0	0	0
G	Sweetwater	Nolan	Brazos	Sweetwater Lake/ Reservoir	0	0	0	0	0	0
Total Projected Surface Water Supplies (acre-feet per year) =					**1,628**	**1,622**	**1,618**	**1,611**	**1,605**	**1,602**

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

3/9/2009

TABLE 2

GROUNDWATER AVAILABILITY MODEL WATER BUDGET

Management Plan requirement	Aquifer or confining unit	Results (acre-feet/year)
Estimated annual amount of recharge from precipitation to the district	undifferentiated Edwards-Trinity aquifers	11,480
	Lower portion of the Dockum Aquifer	7135
Estimated annual volume of water that discharges from the aquifer to springs and any surface water body including lakes, streams, and rivers	undifferentiated Edwards-Trinity aquifers	10,840
	Lower portion of the Dockum Aquifer	516
Estimated annual volume of flow into the district within each aquifer in the district	undifferentiated Edwards-Trinity aquifers	214
	Lower portion of the Dockum Aquifer	84
Estimated annual volume of flow out of the district within each aquifer in the district	undifferentiated Edwards-Trinity aquifers	1,199
	Lower portion of the Dockum Aquifer	321
Estimated net annual volume of flow between each aquifer in the district	Between Edwards and associated limestones and the undifferentiated Trinity Group*	0
	Between overlying units and the lower portion of the Dockum Aquifer*	0

Source: Groundwater Availability Model 09-013
www.twdb.state.tx.us/**Gam/GAM**runs/GR09-13.pdf

*Note: only Layer 3 of the Dockum Aquifer is represented and Layer 2 of the Edwards-Trinity (Plateau) Aquifer is saturated in the district for the respective groundwater availability models. Therefore, this term is zero due to the absence of any overlying units or saturated layer for each model.

3

4

5a

5b

5c

TABLE 3

GROUNDWATER AVAILABILITY AND SUPPLY IN ACRE-FEET/ YEAR TAKEN FROM 2006 BRAZOS G REGIONAL WATER PLAN

Aquifer	Availability	2010 supply	2060 supply
Dockum	3500	3500	3500
Edwards – Trinity	1000	836	836
Total	4500	4336	4336

TABLE 4

Historical Water Use Estimate Summary

TWDB - Water Use Survey

Nolan County

Unit: Acre Feet (ACFT)

GW = groundwater; SW = surface water

Year	Source	Municipal	Manufacturing	Steam Electric	Irrigation	Mining	Livestock	Total
1974	GW	268	45	0	2,706	811	358	4,188
	SW	2,510	593	0	216	1,031	678	5,028
	Total	**2,778**	**638**	**0**	**2,922**	**1,842**	**1,036**	**9,216**
1980	GW	1,198	52	0	1,999	311	150	3,710
	SW	3,545	530	0	825	513	596	6,009
	Total	**4,743**	**582**	**0**	**2,824**	**824**	**746**	**9,719**
1984	GW	1,056	159	0	1,762	382	88	3,447
	SW	3,223	468	0	500	0	797	4,988
	Total	**4,279**	**627**	**0**	**2,262**	**382**	**885**	**8,435**
1985	GW	914	151	0	1,963	497	80	3,605
	SW	2,320	453	0	553	0	727	4,053
	Total	**3,234**	**604**	**0**	**2,516**	**497**	**807**	**7,658**
1986	GW	647	102	0	1,260	478	59	2,546
	SW	2,761	458	0	1,073	0	543	4,835
	Total	**3,408**	**560**	**0**	**2,333**	**478**	**602**	**7,381**
1987	GW	333	43	0	1,066	440	65	1,947
	SW	3,070	479	0	1,065	0	591	5,205
	Total	**3,403**	**522**	**0**	**2,131**	**440**	**656**	**7,152**
1988	GW	821	95	0	1,281	406	63	2,666
	SW	3,261	454	0	1,282	0	569	5,566
	Total	**4,082**	**549**	**0**	**2,563**	**406**	**632**	**8,232**
1989	GW	1,318	123	0	2,049	378	61	3,929
	SW	4,675	438	0	441	0	560	6,114
	Total	**5,993**	**561**	**0**	**2,490**	**378**	**621**	**10,043**
1990	GW	1,236	145	0	1,791	378	61	3,611
	SW	2,766	354	0	94	0	564	3,778
	Total	**4,002**	**499**	**0**	**1,885**	**378**	**625**	**7,389**
1991	GW	1,118	94	0	1,475	415	65	3,167
	SW	3,798	370	0	78	0	578	4,824
	Total	**4,916**	**464**	**0**	**1,553**	**415**	**643**	**7,991**
1992	GW	589	54	0	1,089	415	90	2,237
	SW	3,839	418	0	363	0	815	5,435
	Total	**4,428**	**472**	**0**	**1,452**	**415**	**905**	**7,672**
1993	GW	621	78	0	2,280	415	94	3,488
	SW	2,091	362	0	500	0	849	3,802
	Total	**2,712**	**440**	**0**	**2,780**	**415**	**943**	**7,290**

2

1994	GW	591	77	0	2,080	415	94	3,257
	SW	2,558	356	0	499	0	845	4,258
	Total	**3,149**	**433**	**0**	**2,579**	**415**	**939**	**7,515**
1995	GW	663	89	0	1,437	277	111	2,577
	SW	2,314	443	0	315	0	1,001	4,073
	Total	**2,977**	**532**	**0**	**1,752**	**277**	**1,112**	**6,650**
1996	GW	657	60	0	2,644	277	177	3,815
	SW	3,474	510	0	581	0	1,593	6,158
	Total	**4,131**	**570**	**0**	**3,225**	**277**	**1,770**	**9,973**
1997	GW	438	36	0	1,562	277	101	**2,414**
	SW	3,799	546	0	343	0	914	5,602
	Total	**4,237**	**582**	**0**	**1,905**	**277**	**1,015**	**8,016**
1998	GW	488	62	0	1,431	277	75	2,333
	SW	4,418	555	0	314	0	673	5,960
	Total	**4,906**	**617**	**0**	**1,745**	**277**	**748**	**8,293**
1999	GW	477	62	0	1,604	277	55	2,475
	SW	2,500	549	0	655	0	493	4,197
	Total	**2,977**	**611**	**0**	**2,259**	**277**	**548**	**6,672**
2000	GW	782	80	0	4,894	277	46	6,079
	SW	2,728	563	0	382	0	418	4,091
	Total	**3,510**	**643**	**0**	**5,276**	**277**	**464**	**10,170**
2001	GW	323	33	0	2,841	229	22	3,448
	SW	3,799	504	0	214	0	416	4,933
	Total	**4,122**	**537**	**0**	**3,055**	**229**	**438**	**8,381**
2002	GW	360	32	0	2,865	229	22	3,508
	SW	4,236	491	0	216	0	410	5,353
	Total	**4,596**	**523**	**0**	**3,081**	**229**	**432**	**8,861**
2003	GW	304	33	0	3,158	229	14	3,738
	SW	3,579	495	0	13	0	268	4,355
	Total	**3,883**	**528**	**0**	**3,171**	**229**	**282**	**8,093**
2004	GW	191	35	0	4,138	229	16	4,609
	SW	2,253	526	0	93	0	301	3,173
	Total	**2,444**	**561**	**0**	**4,231**	**229**	**317**	**7,782**

NOTE: All Pumpage reported in acre-feet

3/9/2009

TABLE 5

Historical Groundwater Pumpage Summary
TWDB - Water Use Survey
Nolan County

Unit: Acre Feet (ACFT)

Year	Aquifer	Municipal	Manufacturing	Steam Electric	Irrigation	Mining	Livestock	Total
1980	DOCKUM	378	0	0	1,498	106	34	2,016
	EDWARDS-TRINITY PLATEAU	787	45	0	295	62	71	1,260
	OTHER	33	7	0	206	143	45	434
	Total	**1,198**	**52**	**0**	**1,999**	**311**	**150**	**3,710**
1984	DOCKUM	322	0	0	1,360	80	20	1,782
	EDWARDS-TRINITY PLATEAU	850	43	0	250	90	40	1,273
	OTHER	24	35	0	152	212	28	451
	Total	**1,196**	**78**	**0**	**1,762**	**382**	**88**	**3,506**
1985	DOCKUM	369	0	0	1,515	45	18	1,947
	EDWARDS-TRINITY PLATEAU	717	54	0	278	111	37	1,197
	OTHER	24	0	0	170	341	25	560
	Total	**1,110**	**54**	**0**	**1,963**	**497**	**80**	**3,704**
1986	DOCKUM	282	0	0	972	43	14	1,311
	EDWARDS-TRINITY PLATEAU	468	44	0	178	106	27	823
	OTHER	8	0	0	109	329	18	464
	Total	**758**	**44**	**0**	**1,259**	**478**	**59**	**2,598**
1987	DOCKUM	315	0	0	822	40	14	1,191
	EDWARDS-TRINITY PLATEAU	26	42	0	151	98	30	347
	OTHER	12	1	0	92	302	20	427
	Total	**353**	**43**	**0**	**1,065**	**440**	**64**	**1,965**
1988	DOCKUM	510	0	0	988	36	14	1,548
	EDWARDS-TRINITY PLATEAU	471	46	0	181	91	29	818
	OTHER	20	0	0	111	279	20	430
	Total	**1,001**	**46**	**0**	**1,280**	**406**	**63**	**2,796**
1989	DOCKUM	546	0	0	1,566	34	14	2,160
	EDWARDS-TRINITY PLATEAU	1,002	44	0	295	84	29	1,454

	OTHER	15	0	0	188	259	19	481
	Total	**1,563**	**44**	**0**	**2,049**	**377**	**62**	**4,095**
1990	DOCKUM	490	0	0	1,382	35	14	1,921
	EDWARDS-TRINITY PLATEAU	1,019	40	0	254	84	28	1,425
	OTHER	36	0	0	155	259	19	469
	Total	**1,545**	**40**	**0**	**1,791**	**378**	**61**	**3,815**
1991	DOCKUM	477	0	0	1,138	20	14	1,649
	EDWARDS-TRINITY PLATEAU	892	28	0	209	94	30	1,253
	OTHER	37	0	0	127	302	21	487
	Total	**1,406**	**28**	**0**	**1,474**	**416**	**65**	**3,389**
1992	DOCKUM	425	0	0	841	19	20	1,305
	EDWARDS-TRINITY PLATEAU	261	36	0	154	94	42	587
	OTHER	36	0	0	94	302	29	461
	Total	**722**	**36**	**0**	**1,089**	**415**	**91**	**2,353**
1993	DOCKUM	442	0	0	1,769	19	20	2,250
	EDWARDS-TRINITY PLATEAU	285	48	0	320	94	43	790
	OTHER	39	0	0	191	302	30	562
	Total	**766**	**48**	**0**	**2,280**	**415**	**93**	**3,602**
1994	DOCKUM	429	0	0	1,760	19	20	2,228
	EDWARDS-TRINITY PLATEAU	260	52	0	0	94	43	449
	OTHER	37	0	0	320	302	30	689
	Total	**726**	**52**	**0**	**2,080**	**415**	**93**	**3,366**
1995	DOCKUM	387	0	0	1,217	19	24	1,647
	EDWARDS-TRINITY PLATEAU	368	43	0	0	62	51	524
	OTHER	47	0	0	220	196	35	498
	Total	**802**	**43**	**0**	**1,437**	**277**	**110**	**2,669**
1996	DOCKUM	410	0	0	2,240	19	38	2,707
	EDWARDS-TRINITY PLATEAU	327	28	0	0	62	82	499
	OTHER	45	0	0	404	196	56	701
	Total	**782**	**28**	**0**	**2,644**	**277**	**176**	**3,907**
1997	DOCKUM	393	0	0	1,323	19	22	1,757
	EDWARDS-TRINITY PLATEAU	64	36	0	0	62	47	209
	OTHER	45	0	0	239	196	33	513
	Total	**502**	**36**	**0**	**1,562**	**277**	**102**	**2,479**
1998	DOCKUM	437	0	0	1,212	19	16	1,684

	EDWARDS-TRINITY PLATEAU	71	46	0	0	62	35	214
	OTHER	50	0	0	219	196	24	489
	Total	**558**	**46**	**0**	**1,431**	**277**	**75**	**2,387**
1999	DOCKUM	428	0	0	1,359	19	12	1,818
	EDWARDS-TRINITY PLATEAU	70	46	0	0	62	25	203
	OTHER	49	0	0	245	196	18	508
	Total	**547**	**46**	**0**	**1,604**	**277**	**55**	**2,529**
2000	DOCKUM	701	0	0	4,145	19	10	4,875
	EDWARDS-TRINITY PLATEAU	114	70	0	0	62	22	268
	OTHER	81	0	0	748	196	15	1,040
	Total	**896**	**70**	**0**	**4,893**	**277**	**47**	**6,183**
2001	DOCKUM	286	0	0	1,933	19	10	2,248
	EDWARDS-TRINITY PLATEAU	93	75	0	0	62	20	250
	OTHER	51	0	0	908	196	14	1,169
	Total	**430**	**75**	**0**	**2,841**	**277**	**44**	**3,667**
2002	DOCKUM	301	0	0	1,950	19	10	2,280
	EDWARDS-TRINITY PLATEAU	95	78	0	0	62	20	255
	OTHER	53	0	0	915	196	14	1,178
	Total	**449**	**78**	**0**	**2,865**	**277**	**44**	**3,713**
2003	DOCKUM	305	0	0	2,151	19	40	2,515
	EDWARDS-TRINITY PLATEAU	93	78	0	0	62	87	320
	OTHER	55	0	0	1,007	196	61	1,319
	Total	**453**	**78**	**0**	**3,158**	**277**	**188**	**4,154**

NOTE: All Pumpage reported in acre-feet 3/9/2009

Source: TWDB Water Use Survey Database
(http://www.twdb.state.tx.us/wushistorical/DesktopDefault.aspx?PageID=2)

TABLE 6

2007 State Water Plan
Projected Water Demands
Nolan County

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RWPG	Water User Group	County	River Basin	2010	2020	2030	2040	2050	2060
G	Bitter Creek WSC	Nolan	Brazos	118	118	116	112	106	101
G	Bitter Creek WSC	Nolan	Colorado	4	4	4	3	3	3
G	County Other	Nolan	Brazos	102	101	99	95	91	86
G	County Other	Nolan	Colorado	97	96	94	91	86	82
G	Irrigation	Nolan	Brazos	1,747	1,701	1,656	1,612	1,570	1,529
G	Irrigation	Nolan	Colorado	3,391	3,302	3,215	3,129	3,048	2,968
G	Livestock	Nolan	Brazos	223	223	223	223	223	223
G	Livestock	Nolan	Colorado	241	241	241	241	241	241
G	Manufacturing	Nolan	Brazos	779	915	1,038	1,159	1,266	1,372
G	Mining	Nolan	Brazos	253	253	253	253	253	253
G	Mining	Nolan	Colorado	25	25	25	25	25	25
G	Roscoe	Nolan	Brazos	189	190	188	182	173	165
G	Steam Electric Power	Nolan	Brazos	1,315	1,882	2,200	2,588	3,061	3,638
G	Sweetwater	Nolan	Brazos	3,013	3,072	3,081	3,029	2,900	2,763
	Total Projected Water Demands (acre-feet per year) =			**11,497**	**12,123**	**12,433**	**12,742**	**13,046**	**13,449**

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

TABLE 7

2007 State Water Plan
Projected Water Needs
Nolan County

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Positive values reflect a water surplus; negative values reflect a water need.

RWPG	WUG	County	River Basin	2010	2020	2030	2040	2050	2060
G	Bitter Creek WSC	Nolan	Brazos	0	0	0	0	0	0
G	Bitter Creek WSC	Nolan	Colorado	6	5	7	11	16	21
G	County Other	Nolan	Brazos	-31	-30	-27	-21	-13	-4
G	County Other	Nolan	Colorado	0	0	0	0	0	0
G	Irrigation	Nolan	Brazos	-1,227	-1,190	-1,153	-1,118	-1,084	-1,051
G	Irrigation	Nolan	Colorado	-1,937	-1,848	-1,761	-1,676	-1,595	-1,515
G	Livestock	Nolan	Brazos	0	0	0	0	0	0
G	Livestock	Nolan	Colorado	0	0	0	0	0	0
G	Manufacturing	Nolan	Brazos	362	224	100	-23	-132	-239
G	Mining	Nolan	Brazos	-186	-185	-185	-184	-184	-184
G	Mining	Nolan	Colorado	-14	-14	-14	-13	-13	-13
G	Roscoe	Nolan	Brazos	-45	-45	-42	-36	-26	-17
G	Steam Electric Power	Nolan	Brazos	-492	-1,059	-1,377	-1,767	-2,240	-2,817
G	Sweetwater	Nolan	Brazos	-1,969	-2,023	-2,027	-1,969	-1,835	-1,693
			Total Projected Water Needs (acre-feet per year) =	**-5,901**	**-6,394**	**-6,586**	**-6,807**	**-7,122**	**-7,533**

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

3/9/2009

TABLE 8

2007 State Water Plan

Projected Water Management Strategies

Nolan County - Region G

WUG	River Basin	Water Management Strategy	Source Name	Source County	2010	2020	2030	2040	2050	2060
Mining	Brazos	Brackish Groundwater	Edwards-Trinity Plateau Aquifer	Nolan	186	186	186	187	187	187
Mining	Colorado	Brackish Groundwater	Edwards-Trinity Plateau Aquifer	Nolan	14	14	14	13	13	13
Irrigation	Brazos	Brush Control and Range Management	Brush Control	Nolan	0	0	0	0	0	0
Irrigation	Colorado	Brush Control and Range Management	Brush Control	Nolan	0	0	0	0	0	0
County Other	Brazos	Champion Well Field - Phases 1 & 2	Dockum Aquifer	Mitchell	50	50	50	50	50	50
Manufacturing	Brazos	Champion Well Field - Phases 1 & 2	Dockum Aquifer	Mitchell	0	0	0	0	150	150
Steam Electric Power	Brazos	Champion Well Field - Phases 1 & 2	Dockum Aquifer	Mitchell	0	700	700	1,100	1,500	2,000
Sweetwater	Brazos	Champion Well Field - Phases 1 & 2	Dockum Aquifer	Mitchell	1,264	831	550	1,260	796	736
Irrigation	Brazos	Irrigation Water Conservation	Conservation	Nolan	60	98	135	133	131	129
Irrigation	Colorado	Irrigation Water Conservation	Conservation	Nolan	94	152	206	199	192	186
Manufacturing	Brazos	Manufacturing Water Conservation	Conservation	Nolan	23	46	73	81	89	96
Mining	Brazos	Mining Water Conservation	Conservation	Nolan	7	13	18	18	18	18
Mining	Colorado	Mining Water Conservation	Conservation	Nolan	1	1	1	1	1	1
Sweetwater	Brazos	Municipal Water Conservation	Conservation	Nolan	94	195	156	113	95	91
Roscoe	Brazos	Reallocation of Source	Dockum Aquifer	Nolan	50	50	50	50	50	50
Steam Electric Power	Brazos	Steam-Electric Conservation	Conservation	Nolan	39	94	154	181	214	257
Sweetwater	Brazos	Subordination	Oak Creek Lake/ Reservoir	Reservoir	1,679	1,671	1,557	1,435	1,301	1,154
Steam Electric Power	Brazos	Wastewater Reuse	Direct Reuse	Nolan	560	560	560	560	560	560
Sweetwater	Brazos	Wastewater Reuse	Direct Reuse	Nolan	560	560	560	560	560	560
Irrigation	Brazos	Weather Modication	Weather Modification	Nolan	0	0	0	0	0	0
Irrigation	Colorado	Weather Modication	Weather Modification	Nolan	0	0	0	0	0	0
total projected water mgmt strategies - acre-ft/year					4,681	5,221	4,970	5,941	5,907	6,238

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

9

RESOLUTION OF THE BOARD OF DIRECTORS OF THE WES-TEX GROUNDWATER CONSERVATION DISTICT ADOPTING MANAGEMENT PLAN

THE STATE OF TEXAS §
§
WES-TEX GROUNDWATER CONSERVATION DISTRICT §
§

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

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

WHEREAS, the District requested the technical assistance of the Texas Water Development Board ("TWDB") and worked with TWDB staff in 2010 ascertaining the technical information, estimates, and other information that are required by the TWDB, the Texas Administrative Code, and Chapter 36, Texas Water Code, to be included in the Management Plan;

WHEREAS, the District held a public hearing, which was properly noticed as required by law, to receive public and written comments on the Management Plan on March 4, 2010 at the Nolan County Courthouse, 100 East Third Street, Room 317A, Sweetwater, Texas; and

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

NOW THEREFORE BE IT RESOLVED THAT:

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

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

AND IT IS SO ORDERED.

Passed and adopted on this 4th of March, 2010.

WES-TEX GROUNDWATER CONSERVATION DISTRICT

by: Randall Bankhead
Randall Bankhead, Board Chairman

Attest:

Henry Ortega, Board Vice-Chairman

John G. Adams, Jr.
John Adams, Board Member

NOTICE OF PUBLIC HEARING
WES-TEX GROUNDWATER CONSERVATION DISTRICT

Tuesday, February 23, 2010
10:00 a.m.
Room 317A, Nolan County Courthouse
100 East Third Street, Sweetwater, Texas

The Wes-Tex GCD will hear public comments regarding the proposed Management Plan of the Wes-Tex Groundwater Conservation District. Written comments on the management plan are currently being accepted by the general manager. A copy of the Management Plan may be downloaded from the District Web Site: www.westexgcd.org, or you may call the district manager at 325-236-6033.

Posted - February 16, 2010 at the Nolan County Courthouse.

B Stewart

Becky Stewart, General Manager; Wes-Tex GCD; 100 East Third, Suite 305B; Sweetwater, Texas 79556. (325)236-6033

PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE WES-TEX GCD PUBLIC HEARING AND WHO MAY NEED AUXILLIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT BECKY STEWART AT LEAST TWO (2) WORKING DAYS PRIOR TO THE MEETING SO THAT APPROPRIATE ARRAGEMENTS CAN BE MADE.

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NOTICE OF PUBLIC HEARING
WES-TEX GROUNDWATER CONSERVATION DISTRICT

Thursday, March 4, 2010
10:00 a.m.
Room 317A, Nolan County Courthouse
100 East Third Street, Sweetwater, Texas

The Wes-Tex Groundwater Conservation District Board of Directors will hold a public hearing, as set out above, for the purpose of hearing public comments regarding the District's proposed management plan. Written comments on the management plan are currently being accepted by the general manager. A copy of the management plan may be downloaded at www.westexgcd.org, or you may call the general manager at 325-236-6033.

PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE WES-TEX GCD PUBLIC HEARING AND WHO MAY NEED AUXILLIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT THE DISTRICT GENERAL MANAGER AT LEAST TWO (2) WORKING DAYS PRIOR TO THE MEETING SO THAT APPROPRIATE ARRAGEMENTS CAN BE MADE.

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COMMUNITY EVENTS
Community Calendar

March 2010

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Wes-Tex GCD to hold public hearing

Written by Staff Reports
Saturday, 27 February 2010

The Wes-Tex Groundwater Conservation District Board of Directors will hold a public hearing at 10 a.m. on Thursday, march 4, 2010, for the purpose of hearing public comments regarding the District's proposed management plan. Written comments on the management plan are currently being accepted by the general manager. A copy of the management plan may be downloaded at www.westexgcd.org, or you may call the general manager at 325-236-6033.

Persons with disabilities who plan to attend the Wes-Tex GCD public hearing and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille are requested to contact the district general manager at least two working days prior to the meeting so that appropriate arrangements can be made.

Last Updated (Monday, 01 March 2010)

Sweetwater Reporter

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Tuesday, February 16, 2010 | www.sweetwaterreporter.com | Vol. 112, Issue 078 ■ 50 cents

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Sports

Highland girl start b-ball playoffs tonight

– See Page 10

Third class receives AR trophy

Mrs. Hayes' class is the third class to have all students in the 25 point club for Accelerated Reading at Sweetwater Intermediate School. Pictured is Mrs. Hayes and her fifth grade class receiving the A.R. traveling trophy from Mrs. Cumbie. Students can spend their points in the Accelerated Reader store-Nolan Marcus.

Courtesy Photo

Wes-Tex GCD to hold public hearing

The Wes-Tex Groundwater Conservation District Board of Directors will hold a public hearing for the purpose of hearing public comments regarding the District's proposed management plan. Written comments on the management plan are currently being accepted by the general manager. A copy of the management plan may be downloaded at www.westexgcd.org, or you may call the general manager at 325-236-6033.

The public hearing will be held at 10 a.m. on Tuesday, Feb. 23, 2010, in Room 317A at the Nolan County Courthouse, located at 100 E. Third Street in Sweetwater.

Persons with disabilities who plan to attend the Wes-Tex GCD public hearing and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille are requested to contact the district general manager at least two working days prior to the meeting so that appropriate arrangements can be made.

Longtime librarian passes away

Reception held for Justice Rick Strange

Wes-Tex Groundwater Conservation District
100 East Third Street, Ste. 305B
Sweetwater, Texas 79556
325-236-6033 (voice and fax)
www.westexgcd.org
becky.stewart@co.nolan.tx.us

via certified mail
#70060100000341818168

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March 10, 2010

Mr. Eddie Brown
Manager, City of Sweetwater
PO Box 450
Sweetwater, Texas 79556

Dear Eddie:

The Wes-Tex GCD has adopted an updated Management Plan to be utilized in the coming years. I have enclosed a copy of the adopted plan for the City of Sweetwater's use. This plan has also been sent to the Texas Water Development Board for approval and the Regional Water Planning Group for review. Additional copies may be downloaded at our web site or I will be happy to send more upon request.

As always, we appreciate the courtesies and help that you, Eddy Campbell and others with the City have extended to the District.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

B Stewart

Becky Stewart

Wes-Tex Groundwater Conservation District
100 East Third Street, Ste. 305B
Sweetwater, Texas 79556
325-236-6033 (voice and fax)
www.westexgcd.org
becky.stewart@co.nolan.tx.us

via certified mail
#70060100000341818175

March 10, 2010

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Brazos G Regional Water Planning Group
Honorable Dale Spurgin, Chairman
C/O Brazos River Authority
PO Box 7555
Waco, Texas 76714

Attn: Ms. Julie Andress

Dear Chairman Spurgin:

The Wes-Tex Groundwater Conservation District in Sweetwater, Nolan County, Texas, has adopted an updated Management Plan to be utilized in the coming years. I have enclosed a copy of the adopted plan to be reviewed by Brazos G Regional Water Planning Group. You may copy this as needed, or you may download additional copies at our web site, www.westexgcd.org.

Please do not hesitate to contact this office if you have any questions or concerns.

Sincerely,

B Stewart

Becky Stewart
General Manager

c: Mr. Mike McGuire
District Manager, Rolling Plains GCD
Voting Member, Region G RPG

Copy of rules from provided url on p. 6 of plan

RULES OF THE

WES-TEX GROUNDWATER CONSERVATION DISTRICT

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PROPOSED ON:
June 3, 2004

ADOPTED ON:
August 26, 2004

EFFECTIVE DATE:
August 31, 2004

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RULES OF THE

Wes-Tex Groundwater Conservation District

Board of Directors

John Adams, Jr.
Chairman, Prec. 4, Unincorporated

Archie Hunter
Vice-Chairman, County At-Large Representative

Randall Bankhead
Secretary – Treasurer, Prec. 1, Unincorporated

Lance Hall, Prec. 1, Incorporated

Jeff Howard, Prec. 2, Incorporated

Alton Pyburn, Prec. 2, Unincorporated

Randy Petty, Prec. 3, Unincorporated

Thomas Saunders, Prec. 3, Incorporated

Henry Ortega, Jr., Prec. 4, Unincorporated

General Manager

Katy Hoskins

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TABLE OF CONTENTS

CHAPTER 1. GENERAL PROVISIONS
SUBCHAPTER A: GENERAL

§1.1 PURPOSE OF RULES.

(a) The purpose of these Rules of the Wes-Tex Groundwater Conservation District is to implement the powers and duties of the District under its enabling Act, Texas Water Code Chapter 36, and other applicable laws and to establish the general policies and procedures of the District.

(b) The District's Rules are promulgated under the District's statutory authority to achieve the following objectives: to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, or prevent waste of groundwater. The District's orders, rules, regulations, requirements, resolutions, policies, guidelines, or similar measures have been implemented to fulfill these objectives.

(c) The Rules of the Wes-Tex Groundwater Conservation District will guide, define, and achieve the District goals of water conservation and pollution prevention in an effort to preserve, protect, and enhance the groundwater within the District's jurisdictional boundaries.

§1.2 USE AND EFFECT OF RULES.

(a) The District uses these Rules as guides in the exercise of the powers conferred to it by law and in the accomplishment of the purposes of the Act. They shall not be construed as a limitation or restriction on the exercise of any discretion, where it exists; nor shall they be construed to deprive the District or Board of the exercise of any powers, duties or jurisdiction conferred by law; nor shall they be construed to limit or restrict the amount and character of data or information that may be required to be collected for the proper administration of the Act.

(b) Except as otherwise specified, these rules are effective August 31, 2004. References to Texas Water Code Chapter 36 include subsequent revisions and are effective upon the effective date of these Rules or upon the effective date of subsequent amendments to Texas Water Code Chapter 36.

§1.3 AMENDING RULES.

The Board may, following notice and hearing, amend these Rules or adopt new rules from time to time.

§1.4 HEADINGS AND CAPTIONS.

The section and other headings and captions contained in these Rules are for reference purposes only and shall not affect in any way the meaning or interpretation of these Rules.

§1.5 CONSTRUCTION OF RULES.

(a) Unless otherwise expressly provided for in these Rules, the past, present and future tense shall each include the other; the masculine, feminine and neuter gender shall each include the other; and the singular and plural number shall each include the other.

(b) The verbs "may," "can," "might," "should," or "could" are used when an action is optional or may not apply in every case. The verbs "will," "shall," or "must" are used when an action is required. The verb "cannot" is used when an action is not allowed or is unachievable.

§1.6 SEVERABILITY.

In case any one or more of the provisions contained in these Rules shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other Rules, or provisions hereof, and these Rules shall be construed as if such invalid, illegal, or unenforceable rule or provision had never been contained herein.

§1.7 SAVINGS CLAUSE.

If any section, sentence, paragraph, clause, or part of these Rules should be held or declared invalid for any reason by a final judgment of the courts of this state or of the United States, such decision or holding shall not affect the validity of the remaining portions of these Rules; and the Board does hereby declare that it would have adopted and promulgated such remaining portions irrespective of the fact that any other sentence, section, paragraph, clause, or part thereof may be declared invalid.

§1.8 COMPUTING TIME.

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

§1.9 TIME LIMITS.

Applications, requests, or other papers or documents required or permitted to be filed under these Rules must be received for filing at the District, within the time limit, if any, for such filing. The date of receipt and not the date of posting is determinative.

§1.10 REGULATORY COMPLIANCE.

Where District Rules and regulations are more stringent than those of other governmental entities, the District Rules and regulations shall control provided the rules and regulations are within the scope of the district's statutory authority and are not otherwise preempted by state or federal law.

SUBCHAPTER B: GENERAL OPERATIONS

§1.20 MEETINGS OF THE BOARD.

The Board of Directors will hold regular meetings at least quarterly. In addition, the Board may hold special meetings at the request of the chairman. The public is invited to attend all meetings of the Board of Directors. All board meetings will be held in accordance with Chapter 551 of the Texas Government Code.

SUBCHAPTER C: RULEMAKING PROCEDURES

§1.40 APPLICABILITY.

This subchapter applies to rulemaking by the District but does not apply to internal personnel rules or practices, bylaws, statements regarding internal management or organization, or other statements not of general applicability.

§1.41 PUBLIC HEARINGS ON PROPOSED RULES.

(a) The Board shall hold at least one public hearing on proposed rules prior to adoption of the proposed rules as final rules.

(b) The Board may direct the General Manager or any other person to serve as the presiding officer and to conduct the public hearings on the proposed rules.

(c) Public hearings will be conducted in the manner the Board or General Manager deems most suitable to conveniently, inexpensively, and expeditiously provide a reasonable opportunity for interested persons to submit relevant data, views, or arguments, in writing or orally, on proposed rules.

§1.42 NOTICE OF PUBLIC HEARINGS ON PROPOSED RULES.

(a) The Board will set a time and place for any public hearing on proposed rules of the District.

(b) The General Manager shall give prior notice of the public hearing at least thirty (30) days before the public hearing by posting the notice in the location where notices of the District's Board meetings are posted and by publishing the notice in one or more newspapers of general circulation within the District, unless the Board determines an emergency to public health or safety exists. Notice for a hearing on proposed rules of the District for emergency situations shall be given at least five (5) days prior to the public hearing.

(c) The notice shall advise the public of the following:

(1) the proposed agenda;

(2) the date, place, and time the public hearing is to be convened;

(3) the date and time by which written comments must be filed with the District; and

(4) the place at which written comments must be filed with the District.

§1.43 ADOPTION OF RULES.

(a) The Board may adopt proposed rules as final rules at any time after the completion of the public hearing(s) and after the close of the written comment period.

(b) The Board will compile its rules and make them available for public use and inspection at the District's principal office.

CHAPTER 2. DEFINITIONS

§2.1 APPLICABILITY.

(a) The District employs two types of definitions. General definitions apply to all Rules of the District. Specific definitions apply only to the chapter in which they are located. Specific definitions applying only to a particular chapter are set out in that chapter.

(b) The District follows the definitions of terms set forth in Texas Water Code Chapter 36 and other definitions as set forth herein.

§2.2 DEFINITIONS.

Unless the context clearly indicates a contrary meaning, the following words and terms shall have the following meanings in these Rules:

(1) **"Abandoned well"** means a well that has not been used for twelve consecutive months. A well is considered to be in use in the following cases:

(A) a non-deteriorated well which contains the casing, pump, and pump column in good condition; or

(B) a non-deteriorated well which has been capped.

(2) "**Acre Foot**" - the volume of water necessary to cover one acre of land one foot deep or 325,851 gallons.

(3) "**Act**" - the District's enabling legislation **H.B. No. 3659 of the 77th Legislature**, in conjunction with Texas Water Code Chapter 36, as amended.

(4) **"Aggregate System" -** Two or more wells permitted by the District for a total aggregate withdrawal.

(5) "**Aggregate Withdrawal**" - the amount of water withdrawn from two or more wells which are permitted for a total pumpage volume of all wells in the aggregate.

(6) "**Agricultural or Agricultural**" - means any use or activity involving agriculture as defined in Texas Water Code Section 36.001, including but not limited to aquaculture; irrigation to cultivate the soil to produce crops; the practice of floriculture, viticulture, silviculture, and horticulture, including nursery grower operations; raising, feeding, or keeping animals for breeding or production of food or fiber or other products with a tangible value; planting cover crops; wildlife management; or raising or keeping equine animals.

(7) **"Annular Space"** - the space between two cylindrical objects, one of which surrounds the other, such as the space between the walls of a drilled hole and the installed casing.

(8) "**Aquifer**" - a geologic formation with water in sufficient quantities to make the production of water from this formation feasible for beneficial use.

(9) "**Artesian Zone**" - a zone where water is confined in an aquifer under pressure so that the water will rise in the well casing or drilled hole above the bottom of the confining bed overlying the aquifer.

(10) "**AWWA**" - American Water Works Association

(11) "**Beneficial Use**" - the use of water in a nonwasteful manner for one or more beneficial purposes as defined in Texas Water Code Section 36.001, including but not limited to agricultural use, domestic use, stock-raising, municipal use, mining, industrial use including manufacturing, commercial use, non-agricultural irrigation, recreational use including pleasure uses, oil and gas operations, or other uses including extraction for the purposes of remediation, injection operations, or leachate operations.

(12) "**Board**" - the Board of Directors of the Wes-Tex Groundwater Conservation District, Nolan County, Texas

(13) "**Capped Well**" – a well that is closed or capped with a covering capable of preventing surface pollutants from entering the well and sustaining weight of at least 400 pounds and constructed in such a way that the covering cannot be easily removed by hand.

(14) "**Casing**" – a watertight pipe which is installed in an excavated or drilled hold, temporarily or permanently, to maintain the hole sidewalls against caving, advance the borehole, and in conjunction with cementing and/or bentonite grouting, to confine the groundwaters to their respective zones or origin, and to prevent surface contaminant infiltration.

(15) "**Cement Grout**" - a mixture of water and cement, which may also include a bentonite clay component.

(16) "**Commercial Use**" - a well used to supply water to properties or establishments which are in business to provide goods or services or repairs and which use water in those processes or incidental to the maintenance of the property or establishment including landscape irrigation; or a well used to supply water to the business establishment primarily for employee and customer sanitary purposes.

(17) **"Commission" -** means the Texas Commission on Environmental Quality or its successor agency.

(18) "**Conservation**" - those water saving practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

(19) **"De-watering Well" –** an artificial excavation that is constructed to produce groundwater for the purpose of lowering the water table or potentiemetric surface and that is not primarily used for the purpose of utilizing the groundwater that is produced.

(20) "**Director**" - an elected or appointed member of the Board of Directors of the Wes-Tex Groundwater Conservation District.

(21) "**Discharge**" - the volume of water that passes a given point within a given period of time.

(22) "**District**" - the Wes-Tex Groundwater Conservation District, Nolan County, Texas

(23) "**Domestic Use**" – the use of water by an individual or a household to support domestic activity. Such may include water for drinking, washing or culinary purposes; for irrigation of lawns, or a family garden and/or orchard; for watering of domestic animals; and for water recreation including aquatic and wildlife enjoyment. If the water is diverted, it must be diverted solely through the efforts of the user. Domestic use does not include water used to support activities for which consideration is given or received of for which the product of the activity is sold.

(24) "**Exempt Well**" - a well that is exempt from the requirement to obtain a permit under Section 3.5 of these Rules.

(25) "**Existing Well**" - any well in the District that was drilled and completed, on or before the original effective date of these rules.

(26) **"Export" –** the transport of groundwater out of the district.

(27) "**Export Fee**" – a fee assessed by the District for groundwater that is exported out of the District. The fee may be assessed against pumpage from permitted and unpermitted wells.

(28) **"Extraction well"** - a well used to extract contaminated fluids from the subsurface for the purpose of conducting an environmental remediation.

(29) "**Fees**" - charges imposed by the District pursuant to Rule, Order, or the Act.

(30) "**Fiscal Year**" - the business year of the District beginning October 1 of each year and ending on September 31 of the following year.

(31) "**Groundwater or Underground Water**" - water located beneath the earth's surface but does not include water produced with oil and gas production.

(32) "**Groundwater Reservoir**" - a specific subsurface water-bearing reservoir having ascertainable boundaries and containing groundwater.

(33) "**Hazardous Conditions**" - any groundwater quality condition that may be detrimental to public health or affect the beneficial use of water from the aquifer.

(34) "**Hydrogeological Report**" - a report that identifies the availability of groundwater in a particular area and formation, and which also addresses the issues of quantity and quality of that water and the impacts of pumping that water on the surrounding environment including impacts to nearby or adjacent wells.

(35) **"Incidental Use"** - a beneficial use of water which is of a minor nature. Transport of water outside the District which is in no case more than 50,000 gallons annually per well is considered incidental use.

(36) "**Industrial Use**" - the use of water integral to the production of primary goods and/or services provided by industrial, manufacturing or commercial facilities and used primarily in the building, production, manufacturing, or alteration of a product or goods, or a well used to wash, cleanse, cool, or heat such goods or products. Industrial use includes the use of water in the generation of electricity by means other than hydroelectric, including the use of water for cooling purposes, for uses associated with plant personnel, fire protection at the facility, and in maintaining associated property and facilities including mitigation and habitat areas. Industrial use does not include agriculture use.

(37) **"Injection well"** means an artificial excavation or opening in the ground made by digging, boring, drilling, jetting, driving, or some other method, and used to inject, transmit, or dispose of industrial and municipal waste or oil and gas waste into a subsurface stratum; or a well initially drilled to produce oil and gas which is used to transmit, inject, or dispose of industrial and municipal waste or oil and gas waste into a subsurface stratum; or a well used for the injection of any other fluid; but the term does not include any surface pit, surface excavation, or natural depression used to dispose of industrial and municipal waste or oil and gas waste.

(38) **"Leachate well"** means a well used to remove leachate from soil or groundwater. For the purposes of this definition, "leachate" means a liquid that has percolated through or drained from solid waste or hazardous waste and contains soluble, suspended, or miscible materials removed from such waste.

(39) "**Licensed Water Well Driller**" - any person who holds a license issued by the State of Texas pursuant to the provisions of the Texas Water Well Drillers Act and the substantive rules of the Texas Department of Licensing and Regulation's Water Well Drillers and Pump Installers Program.

(40) "**Licensed Water Well Pump Installer**" - any person who holds a license issued by the State of Texas pursuant to the provisions of the Texas Water Well Pump Installers Act and the substantive rules of the Texas Department of Licensing and Regulation's Water Well Drillers and Pump Installers Program.

(41) "**Meter**" - A water flow measurement device which meets AWWA standards for the line size, pressures, and flows, and which is properly installed according to the manufacturer's specifications.

(42) "**Modify**" - to alter the physical or mechanical characteristics of a well, its equipment, or production capabilities. This does not include repair of equipment, well houses or enclosures, or replacement with comparable equipment.

(43) "**Monitor or Observation Well**" - a well generally used by a person other than the District for collecting water-quality and/or water-level data.

(44) "**Mean Sea Level (MSL)" -** An average sea level reference datum determined by the National Oceanic and Atmospheric Administration. Used as a reference in the measurement of elevations.

(45) **"Municipal use" -** the use of water for a public water system for residential, commercial, or public and institutional uses, including the application of potable water for irrigation of golf courses, parks and recreational uses; it does not include water for industrial uses even when industrial users are receiving potable water.

(46) "**New Well**" - any well that is not an existing well or any existing well which has been substantially altered with respect to size or capacity after August 31, 2004.

(47) "**Nonexempt Well**" - a well required to obtain a drilling permit and be registered with the district.

(48) "**Open or Uncovered Well**" - an artificial excavation at least 10 feet deep and not more than six feet in diameter, that is dug or drilled for the purpose of producing the groundwater, or for injection, monitoring, or de-watering purposes, and is not capped or covered as required by the District.

(49) "**Operate or Operations**" - to produce or cause to produce water from a well or to use a well for injection or closed loop heat exchange purposes.

(50) "**Per Capita**" - one individual or person, a unit of population; may be phrased as a standard value such as: one active residential account or meter equals 3.0 per capita.

(51) "**Person**" - includes a corporation, individual, organization, cooperative, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

(52) "**Plug**" - to close a well permanently in accordance with approved District standards.

(53) **"Potable Water"** - water which is safe for human consumption in that it is free from impurities in amounts sufficient to cause disease or harmful physiological effects.

(54) "**Potentiometric Surface**" - the elevation to which water from a specific aquifer will rise in a well (water level).

(55) "**Public Water System**" – a system that provides water for human consumption as defined by the rules of the Texas Commission on Environmental Quality. A "community water system" means a water system that has the potential to serve at least 15 residential service connections on a year-round basis or serves at least 25 people on a year-round basis.

(56) "**Pumpage or Groundwater Production**" - all water withdrawn from the ground, measured at the wellhead.

(57) "**Permit**" - an authorization issued by the District allowing the drilling, equipping, or completion of a well or withdrawal of a specific amount of groundwater from a nonexempt well for a designated period of time, generally in the form of millions of gallons or acre-feet per year.

(58) "**Permit Amendment**" - a minor or major change in the permit.

(59) "**Recharge Zone**" - the area of the aquifer in which water infiltrates the surface and enters permeable rock layers.

(60) **"Recreational Use"** – the use of water for fishing, swimming, water skiing, boating, hunting, and other forms of water recreation, including aquatic and wildlife enjoyment.

(61) "**Red Tag**" - An official seal, tag, or label placed on a well or its equipment, or the act of placing the tag or label, to indicate that further pumping of groundwater, or operation of the well, or continuing with other District regulated activities is not permitted by the District, will be in violation of District Rules, and may subject the well owner and operator to civil suit and/or penalties.

(62) "**Rules**" - standards and regulations promulgated by the District.

(63) "**Seal**" - the impermeable material, such as cement grout, bentonite, or puddling clay, placed in the annular space between the borehole wall and the casing to prevent the downhole movement of surface water or the vertical mixing of groundwater.

(64) "**Shrinkage**" - the loss of water between the producing well(s) meter and the customers meter in a water system. [Note: when the amount of shrinkage becomes excessive (greater than 15% of pumpage volume) the loss of water may become waste. May also be termed "line loss".]

(65) "**Special Provisions**" - conditions or requirements added to a permit which may be more or less restrictive than the Rules as a result of circumstances unique to a particular situation.

(66) "**Spring**" - a point(s) of natural discharge from an aquifer.

(67) "**Stratum**" - a layer of rock having a similar composition throughout.

(68) "**Surface Completion**" - sealing off access of undesirable water, surface material, or other potential sources of contamination to the well bore by proper casing and/or cementing procedures.

(69) "**Subsidence**" – sinking of a portion of the land surface resulting from removal of fluids from subsurface reservoirs such as oil deposits, groundwater, or salt domes.

(70) **"Total Dissolved Solids (TDS)"** - a measurement of the quantity of minerals, chemicals, elements, or other matter contained in a state of solution by water.

(71) "**Unconsolidated Formations**" - naturally-occurring earth formations that are not lithified. Alluvium, soil, gravel, clay, and overburden are some of the terms used to describe this type of formation.

(72) "**User**" - a person who produces, distributes, or uses water from the aquifer(s).

(73) "**Void**" - a general term for pore space or other opening in rock. The openings can be very small to cave size, and are filled with water below the water table.

(74) "**Water Level Elevation or Altitude**" - the measure or estimate of a water surface in a well or aquifer as measured in feet above mean sea level.

(75) "**Water Meter Seal**" - a physical seal that is installed in or on the water meter to prevent tampering with meter readings.

(76) "**Water-Quality Report**" - a report prepared by the Texas Department of Health, the U.S.G.S. or any other governmentally or District-approved laboratory that is the product of testing the water for bacteria, solids, elements, chemicals, or contaminants.

(77) "**Water Table**" - the upper boundary of the saturated zone in an unconfined aquifer.

(78) "**Water Tight Seal**" - a seal, which prohibits the entrance of liquids or solutions, including water, which may enter through the wellhead and potentially, contaminate the well.

(79) "**Water Table Zone**" - that part of the aquifer confined only by atmospheric pressure (water levels will not rise in the well above the water table).

(80) "**Well**" - any artificial excavation or borehole constructed for the purposes of exploring for or producing groundwater, or for injection, monitoring, or de-watering purposes.

(81) "**Well Elevation**" - the ground surface elevation of the well bore.

(82) "**Well Log**" - an accurately kept record made during the process of drilling on forms prescribed by the Water Well Drillers Team, showing the depth of the well bore,

thickness of the formations, character of casing installed, together with any other data or information required by the Water Well Drillers Team; or any other special purpose well log that may be available for a given well, such as a gamma ray log, a temperature log, an electric log, or a caliper log.

(83) "**Well Pumps and Equipment**" - devices and materials used to obtain water from a well, including the seals and safeguards necessary to protect the water from contamination.

(84) "**Well Registration**" - the creation of a record of the well by use and a well identification number for purposes of registering the well as to its geographic location and for notification to the well owner in cases of spills or accidents, data collection, record keeping and for future planning purposes.

(85) "**Withdraw or Withdrawal**" - the act of extracting groundwater by pumping or any other method, other than the discharge of natural springs.

CHAPTER 3. REGISTRATION, PERMITS, FEES, AND OTHER REQUIREMENTS

SUBCHAPTER A: SCOPE AND APPLICABILITY

§3.1 REGISTRATION REQUIRED.

(a) Except for those types of wells listed in Subsection (c), all wells within the District whether exempt or non-exempt from permitting are required to be registered with the District on forms approved by the General Manager.

(b) Registration of an existing, exempt well will provide the owner or operator of the well with evidence that the well existed before the effective date of these Rules. Registration of an existing, exempt well will also include the well in the spacing protections provided by Chapter 6.

(c) The following types of wells are not required to be registered with the District: leachate wells, extraction wells, injection wells, and dewatering wells.

§3.2 REGISTRATION OF EXISTING WELLS.

(a) The owner or operator of an existing well, except for those types of wells listed in Subsection 3.1(c), located in the District shall register the well by completing an application form provided by the District and submitting the completed form to the District within 12 months of the effective date of these Rules.

(b) District staff will review the application and make a preliminary determination of whether the well meets the exemptions from further regulation provided in Section 3.5. The General Manager will classify all existing well registrations as "Currently Exempt from Further Regulation" or "Not Exempt from Further Regulation."

(c) The owner or operator of an existing well must be fully compliant with all registration requirements and other applicable provisions of these Rules within 12 months of the effective date of these Rules.

§3.3 REGISTRATION OF NEW WELLS.

(a) All new wells, except for those types of wells listed in Subsection 3.1(c), must be registered by the well owner, well operator, or water well driller prior to being drilled, equipped, completed, or substantially altered with respect to size or capacity. Substantially alter means to increase the inside diameter of the pump discharge column pipe in any way or to otherwise increase the capacity of the well by more than five percent.

(b) The owner, operator, or water well driller shall register the new well by completing an application form provided by the District and submitting the application to the District for review and approval. District staff will review the application and make a preliminary determination of whether the well meets the exemptions from permitting provided in Section

3.5 and whether the well is in compliance with District rules. The District staff will inform the registrant of their determination within five business days of receipt of the completed application.

(c) If the staff's preliminary determination is that the well is exempt and in compliance with all District spacing and rules, the registrant may begin drilling or other activity immediately upon receiving the approved registration. If the staff's preliminary determination is that the well is exempt, but is not in compliance with all District spacing rules, the General Manager shall notify the registrant of the provisions that are not in compliance and the changes needed to bring the proposed well into compliance. The registrant may re-submit the application to the District after correcting the appropriate provisions.

(d) If the preliminary determination is that the well is not exempt, the District staff will inform the registrant of any further application information or fees required to process the application as a permit application.

(e) If the preliminary determination is that the well not exempt, no person may drill, equip, complete, or substantially alter the well without first obtaining the appropriate permit or amendment thereto from the District.

(f) A violation of this Rule occurs on the first day the drilling, equipping, completion, or alteration without the appropriate registration or permit begins and continues each day thereafter until the appropriate registration or permit is issued.

§3.4 DRILLING PERMIT REQUIREMENTS.

(a) Except as otherwise stated in Subsection (c) of this section, a permit from the District is required prior to drilling, equipping, completing, or substantially altering, any well within the District that is not exempt under §3.5 of these rules. It is a violation of these Rules for a well owner, well operator, water well driller, or any other person acting on behalf of the well owner, to drill, equip, complete, substantially alter, operate, or produce groundwater from a non-exempt well within the District without first obtaining the proper permit or permit amendment.

(b) An application for a permit, or permit amendment, shall be submitted in accordance with Subchapter B of this Chapter.

(c) The following types of wells do not require a permit from the District: leachate wells, extraction wells, injection wells, dewatering wells, and monitoring wells that produce less that 5,000 gallons per year.

§3.5. EXEMPTIONS FROM DRILLING PERMITS OR FURTHER REGULATION

(a) The following wells are not required to have a drilling permit from the district:

(1) a well used solely for domestic 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 of groundwater per day;

(2) a 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 Railroad Commission of Texas provided that the person holding the Railroad Commission permit is responsible for drilling and operating the water well and the well is located on the same lease or field associated with the drilling rig;

(3) a water well authorized under a permit issued by the Railroad Commission of Texas under Natural Resources Code Chapter 134, provided the withdrawals are no greater than the amount necessary for mining activities specified in the Railroad Commission permit, regardless of any subsequent use of the water; and

(4) a well used solely for domestic use or for agricultural use that produces five million gallons of water per year or less.

(b) A well exempt under Subsection (a) will lose its exempt status and must be permitted if the well is subsequently used for a purpose or in a manner that is not exempt under Subsection (a).

(c) A water well exempt under Subsection (a) shall be:

(1) registered in accordance with these Rules; and

(2) 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.

(d) The driller of a well exempted under Subsection (a) shall file the drilling log with the District.

(e) Groundwater withdrawn from a well exempt from permitting under this section and subsequently exported outside the boundaries of the District requires notice to the District and is subject to any applicable production and export fees.

(f) In order to determine if a well is exempt under Subsection (a)(4), the board may require the well owner or operator to submit information verifying the amount of annual production from the well. If the Board determines that there is no reasonable basis for determining the amount of production, the Board may require that a water meter be installed within a specified time period.

SUBCHAPTER B: APPLICATION REQUIREMENTS AND PROCESSING

§3.10 PREPARATION OF AN APPLICATION.

(a) Form of Application. Application for a well registration, permit, or permit amendment shall be made on forms provided by the District. Applications shall be in writing and sworn to.

(b) Proper Registrant, Applicant, or Declarant. The application must be submitted and signed by the well owner, well operator, or an authorized agent of the owner or operator. The agent may be required to provide the District with a notarized authorization from the landowner.

(c) Completeness of an Application. An application shall be considered administratively complete if it includes all information required to be included in the application; is properly completed, signed, and notarized; is accompanied by payment of all applicable fees, including any penalties or past due fees; and includes any maps, documents, or supplementary information requested by the Board or staff. A determination of administrative completeness will be made by the General Manager.

(d) Action on Incomplete Applications. The District will not take action on an application which is not administratively complete or which has not proceeded in a manner consistent with District Rules. An application may be rejected as not administratively complete if the District finds that substantive information required by the application or District staff is missing, false, or incorrect. Applicants submitting incomplete applications will be notified by the District in writing.

§3.11 REQUIREMENTS FOR APPLICATIONS.

(a) A separate application is required for each well.

(b) Content Requirements. An application must contain the following information in sufficient detail to be acceptable to the District:

(1) Minimum Requirements. All applications shall include the following:

(A) the name, physical address, the 911 system address, and phone number of the applicant and the owner of the property on which the well is or 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 detailed statement of the nature and purpose of the proposed uses and the amount of groundwater to be used for each purpose, including the estimated annual pumpage volume for the well; the number of cultivated acres being

irrigated and anticipated crop type, if applicable; an explanation of any anticipated growth in total water demand and associated pumpage needs; and any alternative water sources being used by the applicant;

(D) the location of the well and the estimated rate at which water will be withdrawn from the well, and for a proposed aggregate system, a description of the system and the estimated annual pumpage for the system;

(E) the proposed location(s) of use of the water from the well;

(F) the proposed casing size and pump capacity;

(G) a statement by the applicant that the water withdrawn under the permit will be put to a beneficial, non-wasteful use at all times and that the applicant will comply with all District Rules, orders, and permit provisions;

(H) a water well closure plan or a declaration that the applicant will comply with well plugging and capping guidelines set forth in these Rules and will report well closures to the District;

(I) a water conservation plan, if the applicant is required by law to have a water conservation plan;

(J) a drought contingency plan, if the applicant is required by law to have a drought contingency plan; and

(K) any other information deemed necessary for the evaluation of the application by the General Manager or the Board.

(2) Additional Requirements. An application for a permit that involves the export of groundwater from the District shall include the following additional information:

(A) the location of the proposed receiving area for the water to be exported;

(B) a detailed statement of the nature and purpose of the various proposed uses in the proposed receiving area and the amount of groundwater to be used for each purpose;

(C) information describing the projected effect of the proposed exportation of water on aquifer conditions, depletion, subsidence, and existing permit holders or other groundwater users within the District;

(D) a copy of a proposed plan, if any, to mitigate any adverse impacts of the proposed export on groundwater users within the District;

(E) a description of how the proposed export is addressed in any approved regional water plan(s), if applicable; and

(F) a technical description of the facilities to be used for transportation of the groundwater and a time schedule for construction thereof.

(c) Hydrogeological Report. An applicant for a new well, other than a replacement well, or an applicant for permit renewal for a well that has not previously been the subject of a hydrogeological report, that involves the export of groundwater out of the District or the production of more than 1000 acre-feet of groundwater annually, shall submit to the District a current hydrogeological report addressing the area of influence, drawdown, recovery time, and other pertinent information required by the District. The well must be equipped to test for its ultimate planned use and the hydrogeological report must address the impacts of that use. The hydrogeological report shall be prepared by a qualified person who is properly licensed by the State of Texas to prepare such report. The report shall include hydrogeologic information addressing and specifically related to the proposed water pumpage levels at the proposed pumpage site. Applicants may not rely solely on reports previously filed with or prepared by the District. The report must be submitted within 120 days of the date the permit is granted, and failure to submit a hydrogeological report as required by the District is a violation of these Rules and shall be grounds for cancellation of the permit. The Board shall make the final determination of whether a hydrogeological report meets the requirements of this subsection.

(d) Fees Included with Application. The application must be accompanied by the application processing fee, inspection fee, or other fees as appropriate. Such fees must be paid before an application may be declared administratively complete. Application processing fees are non-refundable.

(e) Activities Not Considered Export. For purposes of this section, the following activities are not considered to be an export of groundwater:

(1) the export of groundwater from the District for incidental use as defined in Chapter 2 of these Rules;

(2) the export of groundwater for an agricultural operation that overlaps or is adjacent to the District boundary; or

(3) the export of groundwater that occurs as a result of the distribution of water within a single, aggregate system of a retail public water system that overlaps the District boundary.

§3.12 SCHEDULING AND NOTICE OF HEARING ON AN APPLICATION.

(a) Staff Recommendation. Once an application for a drilling permit has been declared administratively complete by the General Manager, the District Staff will perform a technical review of the application, certify the spacing of the proposed well with regard to all district spacing rules, and prepare a staff recommendation to the Board. The staff recommendation will include a summary of the facts related to the application and staff recommendations for Board action on the application.

(b) Scheduling of Hearing. If the General Manager determines that the permit application is not in compliance with all district rules and should be heard by the Board, the General Manager

or Board will schedule the application for a hearing at a regular or special meeting of the Board. If the General Manager determines that the proposed well is in compliance with all district rules, then the drilling permit may be approved by the General Manager, and the drilling operation may proceed without a full board hearing. The Board may schedule hearings for additional dates, times, and places if the hearing is to be presided over by a hearings examiner. The General Manager or Board may schedule more than one application for consideration at a hearing. Well registrations do not require a hearing or Board action.

(c) Notice of Hearings. The General Manager shall give notice of all hearings involving permit applications in the following manner:

(1) Notice of the date, time, and location of the hearing shall be sent to the applicant in writing at least ten calendar days before the date of the hearing by certified mail, return receipt requested. The notice to the applicant shall include the staff recommendation on the application.

(2) A copy of the notice shall be posted at the District office and at the county courthouse in the place where notices are usually posted. The date of posting may not be less than ten calendar days before the date of the hearing.

(d) Contents of Notice. The notice shall include:

(1) the name of the applicant;

(2) the date, time, and location of the hearing; and

(3) any other information the General Manager or Board deems relevant or appropriate.

§3.13 HEARING PROCEDURES.

(a) General Provisions. Hearings on permit matters will be conducted by a quorum of the Board or an individual to whom the board has delegated the responsibility to preside as a hearings examiner. The board president, or another board member designated by the president, or the hearings examiner shall serve as the presiding officer for the hearing.

(b) Hearing Registration. The District may require each person who attends a hearing to submit a hearing registration form stating the person's name, address, whom the person represents, and whether the person wishes to testify.

(c) Conduct of Hearings. Hearings will be conducted in the manner the presiding officer deems most suitable to conveniently, inexpensively, and expeditiously provide a reasonable opportunity for interested persons to submit relevant data, views, or arguments, in writing or orally. In addition, the presiding officer may:

(1) convene the hearing at the time and place specified in the notice;

(2) set any necessary additional hearing dates;

(3) establish the order for presentation of evidence;

(4) administer oaths to all persons presenting testimony;

(5) examine persons presenting testimony;

(6) limit testimony or the presentation of evidence to persons who, in the presiding officer's determination, are affected by the subject matter of the hearing;

(7) allow testimony to be submitted in writing and may require that written testimony be sworn to;

(8) ensure that information and testimony are introduced as conveniently and expeditiously as possible without prejudicing the rights of any party; and

(9) prescribe reasonable time limits for testimony and the presentation of evidence.

(d) Continuance. The presiding officer may continue a hearing from time to time and from place to place without providing notice under Section 3.12 by announcing at the hearing the time, date, and location of the continued hearing.

(e) Recording. The District shall prepare and keep a record of each hearing in the form of either minutes, or audio or video recording, or court reporter transcription, or the report described by Subsection (f) of this section. If a hearing is transcribed at the request of a party to the hearing, the presiding officer may assess the costs associated with producing the transcript to one or more parties. If a hearing involved a contested application, then the District shall keep a record of the hearing in the form of audio or video recording or a court reporter transcription.

(f) Report. The presiding officer shall submit a report to the board not later than the 30th day after the date a hearing is concluded, unless the hearing was conducted by a quorum of the board. If the hearing was conducted by a quorum of the board, the presiding officer shall determine at the presiding officer's discretion whether to prepare and submit a report to the board under this section. The report must include:

(1) a summary of the subject matter of the hearing;

(2) a summary of the evidence or public comments received; and

(3) the presiding officer's recommendations for board action on the subject matter of the hearing.

§3.14 ACTION ON APPLICATIONS.

(a) Before granting or denying a permit, in whole or in part, the District shall consider whether the application conforms to the requirements prescribed by these Rules and Texas Water Code Chapter 36, and is accompanied by the prescribed fees.

(b) In determining whether to issue a permit, and in setting the terms and provisions of the permit, the District shall consider the purposes of the District and all other relevant factors, including, but not limited to:

(1) the amount and purposes of use for which water is needed;

(2) whether the proposed use of water is dedicated to a beneficial, non-wasteful use; and

(3) whether the proposed use of water is consistent with the District's certified groundwater management plan and any applicable spacing requirements or applicable production limitations.

(c) The District shall make a written determination granting or denying in whole or part the application.

§3.15 TERM OF DRILLING PERMITS.

(a) All drilling permits are effective for six months from the date of issuance, unless otherwise stated on the permit. The Board may issue a permit with a term longer than six months, but not to exceed two years, when doing so aids the District in the performance of its duties and accomplishing the goals of the Act.

(b) The permit term will be shown on the permit.

§3.16 PERMIT ISSUANCE AND FORMAT

(a) Permit Contents. The permit shall include the following information in a format approved by the General Manager:

(1) the name and address of the person to whom the permit is issued;

(2) the state well number or District-assigned well number for the well;

(3) the date the permit is issued;

(4) the date the permit is to expire;

(5) the location of the well(s);

(6) the type or purpose(s) of use of the groundwater;

(8) the place of use of the groundwater;

(9) a requirement that the water withdrawn under the permit be put to a beneficial use at all times;

(10) any other conditions, provisions, or restrictions the District prescribes; and

(11) any other information the District deems necessary.

(b) Corrections or Administrative Modifications. The General Manager, on his own motion or at the request of the permittee, may make non-substantive corrections or administrative modifications to any permit either by reissuing the permit or by issuing an endorsement to the permit, without observing formal amendment or public notice procedures. The General Manager must notify the permittee and file a copy of the endorsement or corrected permit in the District's official records.

§3.17 PERMIT TERMS AND CONDITIONS

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 shall be subject to the following terms and conditions:

(1) The permit is granted in accordance with the provisions of **H.B. No. 3659 of the 77th Texas Legislature** in conjunction with Texas Water Code Chapter 36, and the Rules and orders of the District, and acceptance of the permit constitutes an acknowledgment and agreement that the permittee will comply with all the terms, provisions, conditions, requirements, limitations, and restrictions embodied in the permit and with the Rules and orders of the District.

(2) The permit confers no vested rights in the holder and the permit is non-transferable. The permit may be revoked or suspended or its terms may be modified or amended pursuant to the requirements of the Act and any applicable Rules and orders of the District. Upon the sale of the well covered by the permit, written notice must be given by the permittee to the District within ninety (90) days.

(3) The drilling and operation of the well for the authorized use shall be conducted in such a manner as to avoid waste, pollution, or harm to the aquifer.

(4) The well site shall be accessible to District representatives for inspection. The permittee agrees to cooperate fully in any reasonable inspection of the well site and related monitoring or sampling by District representatives.

(5) The application pursuant to which a 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 and in any amendments thereof. A finding that false information has been supplied shall be grounds for immediate revocation of the permit. In the event of conflict between the provisions of the permit and the contents of the application, the provisions of the permit shall control.

(6) Driller's logs must be submitted within thirty (30) days of the drilling of a well. Failure to submit a driller's log will be grounds for denial of future permits and forfeiture of any deposit.

(7) Violation of the permit's terms, conditions, requirements, or special considerations is a violation of these Rules and shall be punishable by civil penalties as provided by the Act and these Rules.

(8) If special provisions on a permit are inconsistent with other provisions or regulations of the District, the special provisions shall prevail.

(9) Community water system permittees should maintain at least 85 percent accountability. If losses or unaccounted for water exceeds 15 percent, the District may require the permittee to submit a report to the District outlining the steps the permittee will take to improve system accountability.

§3.18 PERMIT AMENDMENTS.

(a) It is a violation of these Rules for a permittee to violate any term, provision, or restriction contained in a permit issued by the District. A permittee must apply for and receive an amendment to their permit prior to changing any term, provision, or restriction in the permit.

(b) Amendment Types:

(1) Minor amendments include a request to:

(A) change the name or address of the well owner without any change in use;

(B) convert two or more wells individually permitted by the same permittee into an aggregate system under one permit.

(C) an incidental relocation of the well site within a 250 feet radius of the original site. The relocation site must still comply with all spacing rules.

(2) All other amendments, including all amendments to permits involving the export of groundwater, are major amendments.

(c) Minor amendments may be granted by the General Manager without notice, hearing, or further action by the Board.

(d) Major amendments shall be subject to all the requirements and procedures applicable to issuance of a new permit for a new well.

(e) An application for permit amendment shall be made on forms supplied by the District and must be accompanied by any applicable application processing fee established by the Board. No application processing fee will be required from permittees requesting a decrease in maximum authorized withdrawal.

§3.19 PERMIT REVOCATION, CANCELLATION, OR MODIFICATION.

(a) A permit is not a vested right of the holder.

(b) After notice and an opportunity for hearing, a permit may be revoked, suspended, terminated, canceled, modified, or amended in whole or in part for cause, including, but not limited to (i) violation of any terms or conditions of the permit, (ii) obtaining the permit by

misrepresentation or failure to disclose relevant facts, or (iii) failure to comply with any applicable Rules, regulations, fee schedule, special provisions, requirements, or orders of the District. The permittee shall furnish to the District upon request, and within a reasonable time, any information to determine whether cause exists for revoking, suspending, terminating, canceling, modifying, or amending a permit.

§3.20 AGGREGATION.

(a) In issuing a permit, the authorized withdrawal for a given well may be aggregated, at the discretion of the District, with the authorized withdrawal from other permitted wells designated by the District. The geographic location of each well and integrated distribution systems will be considered in determining whether or not to allow aggregation of withdrawal of groundwater.

(b) For the purpose of categorizing wells by the amount of groundwater production, when wells are permitted with an aggregate withdrawal, the aggregate value shall be assigned to the group, rather than allocating to each well its prorated share or estimated production. Water withdrawn from each well shall be independently measured or metered.

§3.21 TEMPORARY EMERGENCY APPROVALS.

(a) Basis for Temporary Emergency Permit. Upon application to the District, the General Manager may issue a temporary emergency permit that authorizes the withdrawal of water from a well not currently drilled. An application for a temporary emergency permit must present sufficient evidence that:

(1) no suitable alternative supply of water is immediately available to the applicant; and

(2) an emergency need for the groundwater exists such that issuance of the permit is necessary in order to prevent an immediate and serious threat to human life or health or to prevent extensive and severe property damage or economic loss to the applicant or intended recipient of the water.

(b) Action on Request. The General Manager may rule on any application for a temporary emergency permit without notice, hearing, or further action by the Board, or with such notice and hearing as the General Manager deems practical and necessary under the circumstances. The General Manager may deny an application for a temporary emergency permit on any reasonable ground, including, but not limited to, a determination that the applicant is currently in violation of these Rules or Texas Water Code Chapter 36, that the applicant has a previously unresolved violation on record with the District, or that the application does not meet the requirements of this Rule. Written notice of the ruling shall be given to the applicant. Any applicant may appeal the General Manager's ruling by filing, within ten business days of the General Manager's ruling, a written request for a hearing before the Board. The Board will hear the applicant's appeal at the next available regular Board meeting.

(c) Board notification. The General Manager shall inform the Board of any temporary emergency permits granted. On the motion of any Board member, and a majority concurrence in the motion, the Board may overrule the action of the General Manager.

(d) Permit Fee. The permit fee to be assessed for a temporary emergency permit under this Rule shall be the same as a permit issued under Section 3.14.

(e) Term of Temporary Emergency Permit. No temporary emergency permit may be issued unless an application for a permit issued under Section 3.14 has been filed with the District addressing the same well. The term of any temporary emergency permit issued by the General Manager under this rule shall extend only until the Board makes a final decision on the application for the permit under Section 3.14.

§3.22 FINAL DECISION; APPEAL.

(a) Board Action. After the record is closed and a permitting matter is submitted to the Board, the Board may take the matter under advisement, continue it from day to day, reopen or rest the matter, refuse the action sought, grant the action sought in whole or part, or take any other appropriate action. Board action takes effect at the conclusion of the meeting in which the Board took the action and is not affected by a request for rehearing.

(b) Requests for Rehearing. A decision of the Board made under this Rule may be appealed by requesting a rehearing before the Board within 20 calendar days of the Board's decision. Such a rehearing request must be filed at the District Office in writing and must state clear and concise grounds for the request. Such a rehearing request is mandatory with respect to any decision or action of the Board before an appeal may be brought. The Board's decision is final if no request for rehearing is made within the specified time, upon the Board's denial of the request for rehearing, or upon the Board's rendering of a decision after rehearing. If the rehearing request is granted by the Board, the date of the rehearing will be within 45 calendar days thereafter unless otherwise agreed to by the parties to the proceeding. The failure of the Board to grant or deny a request for rehearing within 90 calendar days of the date of submission will be deemed to be a denial of the request.

SUBCHAPTER C: REQUIREMENTS OF WELL OWNERS, OPERATORS AND WELL DRILLERS

§3.40 REPORTS.

(a) Pumpage and Export Reports.

(1) Any entity holding a permit issued by the Railroad Commission of Texas under Texas Natural Resources Code Chapter 134 that authorizes the drilling of a water well shall report annually to the District:

(A) the total amount of water withdrawn each month;

(B) the quantity of water necessary for mining activities;

(C) the quantity of water withdrawn for other purposes; and

(D) The Report shall include, if it has not already been provided to the District, the driller's log, a description of the casing and pumping equipment, and the capacity of the well.

(2) Any entity exporting water out of the district boundaries will provide the district with an annual report of amounts of water exported. A report form will be provided by the district.

(b) Water Quality Reports.

(1) All community water system permittees required by statute or regulation to conduct water quality analyses (including public water systems) shall, at the time of obtaining results of the analyses, submit a duplicate copy to the District.

(2) If a community water system is required by the TCEQ to notify its customers that water fails to meet TCEQ standards, the permittee shall immediately notify the District by submitting a copy of the TCEQ's report.

§3.41 FEES AND PAYMENT OF FEES.

(a) Application, Registration, and other Administrative Fees. The Board shall establish a schedule of administrative fees by resolution. The Board will attempt to set fees at an amount that does not unreasonably exceed the cost to the District of performing the function for which the fees are charged. Such costs may include maintenance of a fund balance for contingencies. Wells used by the district solely for monitoring purposes are exempt from application fees, registration fees, and well log deposits.

(b) Export fees. The District may establish an export fee in accordance with Texas Water Code Chapter 36. The export fee rate will be established by Board resolution and the fee rate will be included in the District's fee schedule. Export fees will not be applied to:

(1) the export of groundwater from the District for incidental use as defined in Chapter 2 of these Rules;

(2) the export of groundwater for an agricultural operation that overlaps or is adjacent to the District boundary; or

(3) the export of groundwater that occurs as a result of the distribution of water within a single, aggregate system of a retail public water system that overlaps the District boundary.

(c) Production Fees. The District may establish a production fee in accordance with the Act and Texas Water Code Chapter 36. The Production Fee Rate will be established by Board resolution.

(d) Payment of Fees. All administrative fees are due at the time of application or registration unless otherwise specified by the Board. Export fees and production fees shall be paid upon receipt of a fee statement from the District. The validity of any permit is contingent upon payment of any applicable export or production fee, and if the fee is not paid within 45 days of the date of the fee statement, the permit may be cancelled by the Board. The Board by resolution may establish procedures for the payment of export or production fees in installments.

(e) Returned Check Fee. The Board may, by resolution, establish a fee for checks returned to the District for insufficient funds, account closed, signature missing, or any other problem causing a check to be returned by the District's depository.

(f) Well Log Deposit. The Board may, by resolution, establish a Well Log Deposit to be held by the District for return to the depositor if well logs are submitted to the District within thirty (30) days following surface completion of the well.

§3.42 DRILLER'S REQUIREMENTS PRIOR TO DRILLING

(a) Current License. All drillers must have a copy of their current license on file with the district before beginning the drilling of any well. This shall be faxed or mailed to the district annually upon renewal of the license.

(b) State Well Reports. In accordance with the Texas Administrative Code §76.700(3) and §76.701, well drilling reports and undesirable water reports shall be filed with the Wes-Tex Groundwater District within thirty (30) days of completion of the well or the discovery of undesirable water.

CHAPTER 4. RESERVED FOR FUTURE USE

CHAPTER 5. GENERAL PROVISIONS AND PROHIBITIONS

§5.1 GENERAL PROHIBITION.

Groundwater produced from within the District shall not be used in such a manner or under such conditions as to constitute waste. No person shall intentionally or negligently commit waste.

§5.2 SUBSURFACE POLLUTION.

No person shall pollute or harmfully alter the character of the groundwater reservoirs of the District by operating or constructing a well that causes or allows the introduction of salt water pollutants or other deleterious matter from another stratum from the surface of the ground.

§5.3 SURFACE POLLUTION.

No person shall pollute or harmfully alter the character of the groundwater reservoirs of the District by activities on the surface of the ground, which cause or allow pollutants to enter the groundwater reservoirs through well head or well bore.

§5.4 ORDERS TO PREVENT WASTE/POLLUTION.

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

CHAPTER 6. REGULATION OF WELL SPACING AND PRODUCTION

SUBCHAPTER A: GENERAL PROVISIONS

§6.1 PURPOSE.

The purpose of this chapter is to achieve the District's statutory goals of conserving, preserving, protecting, and recharging the groundwater resources within the District by establishing aquifer management requirements consistent with Texas Water Code Chapter 36, and appropriate to the aquifer system.

§6.2 APPLICABILITY.

All permitted wells are required to meet the well spacing and production regulations set forth in this chapter.

§6.3 BASIS FOR LIMITATION OF WELL SPACING AND PRODUCTION.

The requirements of this chapter are based on the District's statutory authority to regulate the spacing of water wells and the production of groundwater in order to minimize the drawdown of the water table or the reduction of artesian pressure, to control subsidence, to prevent interference between wells, to prevent degradation of water quality, or to prevent waste.

SUBCHAPTER B: SPACING REQUIREMENTS

§6.10 DRILLING WELLS AT UNAPPROVED LOCATIONS PROHIBITED

It is a violation of these Rules for a well owner, well operator, or water well driller to drill a a new well that does not comply with the spacing and location requirements of this sub-chapter.

§6.11 MINIMUM SPACING APPLICABLE TO ALL NEW WELLS

(a) All new wells, regardless of casing diameter, must be spaced a minimum of 300 feet from the nearest property line and a minimum of 600 feet from any existing well. Additionally, all new wells must comply with spacing and location requirements set forth by the Texas Department of Licensing and Regulation and set forth under Title 16, Texas Administrative Code Chapter 76, Water Well Drillers and Pump Installers Rules.

(b) A well must be located a minimum horizontal distance of 50 feet from any water tight sewage facility and liquid waste facility. {(TAC Ch.76.1000(a)(3)}

(c) A well must be located a minimum horizontal distance of 150 feet from any contamination, such as existing or proposed livestock or poultry yards, privies, lateral sewage drain lines and septic system absorption fields.

(d) No well may be located within 500 feet of a sewage treatment plant, solid waste disposal sight, or land irrigated by sewage plant effluent, or within 300 feet of a sewage wet well, sewage pumping station, or a drainage ditch that contains industrial waste discharges or wastes from sewage treatment systems.

(e) The spacing requirements of this section do not apply to:

(1) a well in existence on or before the effective date of these Rules;

(2) a replacement well that is drilled within 50 feet of the original well;

(3) a 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 Railroad Commission of Texas provided that the person holding the Railroad Commission permit is responsible for drilling and operating the water well and the well is located on the same lease or field associated with the drilling rig; or

(4) a water well authorized under a permit issued by the Railroad Commission of Texas under the Natural Resources Code Chapter 134 if the well is exempt under Section 3.5(a)(3).

(f) If a well that is exempt from spacing under Subsections (e)(3) or (e)(4) of this section is subsequently converted to a type of use that is not exempt, then the well will become subject to the District's spacing requirements, and if the well is not in compliance with the District's spacing requirements, it must be plugged in a manner consistent with the Texas Department of Licensing and Regulation Water Well Drillers and Pump Installers Rules and Regulations.

§6.12 MAXIMUM DENSITY REQUIREMENTS APPLICABLE TO ALL NEW WELLS

No more than 16 wells may be located on any single surveyed section of land.
This subsection will not be construed to require the closing, capping, or plugging of any existing well. For a section that is owned by more than one landowner, any additional wells that may be drilled on that section under this density rule will be assigned to the landowners based on the proportion of the section owned by each landowner and the number of wells already owned by each landowner on that section.

§6.13 EXCEPTIONS TO SPACING AND DENSITY REQUIREMENTS

(a) If an applicant presents waivers signed by all adjoining landowner(s) stating that they have no objections to the proposed location of a new well site, the Board may determine that the spacing requirements of Subsection(a) of Section 6.11 will not apply to the new well location.

(b) If an applicant can show by clear and convincing evidence that the proposed location of a new well site will not result in the movement of contaminated water or the contamination of fresh water supplies, the Board may determine that the spacing requirements in Subsections (b) – (d) in Section 6.11 will not apply to the proposed new well location.

(c) If the Board chooses to grant a permit to drill a well that does not meet the spacing requirements in Section 6.11, the Board may monitor production of the well and may limit the production if deemed reasonable or necessary to ensure that no injury is done to adjoining landowners or aquifers.

(d) A well used solely for domestic use by a single family will be exempted from spacing requirements of Section 6.11 if the tract of land owned is too small to achieve the necessary spacing. These wells will be exempt only if they are equipped in such a way as to produce no more that 25,000 gallons of groundwater per day.

SUBCHAPTER C: PRODUCTION LIMITS

§6.20 – PRODUCTION LIMITS.

Pending collection of additional hydrogeologic and other scientific data, production is not limited, except to the extent necessary to ensure that the groundwater is put to a beneficial, non-wasteful use. However, in order to accomplish the purposes of Texas Water Code Chapter 36, and achieve the stated purposes and goals of the District, including managing the sustainability of the aquifers and preventing significant, sustained water-level declines within the aquifers, the Board reserves the right to amend this section in the future to establish any production limits necessary on new or existing permits. All permits are issued subject to any future production limits adopted by the District.

CHAPTER 7. DRILLING, EQUIPPING AND CONSTRUCTION

§7.1 APPLICABILITY.

The requirements of this chapter are applicable to all wells drilled in the District, including exempt wells.

§7.2 RECORDS.

(a) Complete records shall be kept and reports thereof made to the District concerning the drilling, equipping, and completion of all wells drilled in the District. Such records shall include an accurate driller's log, depth to water, any electric log that shall have been made, and

such additional data concerning the description of the well, its discharge, and its equipment as may be required by the Board. Such records shall be filed with the District within thirty (30)days after drilling of the well.

(b) No person shall operate any well drilled and equipped within the District, except operations 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 special purpose log or data which have been generated during well development, and a registration of the well correctly furnishing all available information required on the forms furnished by the District.

§7.3 DRILLING AND COMPLETION OF WELLS.

(a) Drilling and completion of wells must satisfy all applicable requirements of the Texas Commission on Environmental Quality and the Texas Department of Licensing and Regulation, and any additional well construction standards adopted by the District.

(b) All wells must be completed in accordance with the well completion standards set forth under the requirements promulgated by the Texas Department of Licensing and Regulation and set forth under Title 16, Texas Administrative Code Chapter 76, Water Well Drillers and Pump Installers Rules.

(c) The Board of Directors may adopt additional well construction standards for wells drilled within the District. Approved well construction standards will be made available to the public at the District office.

§7.4 INSTALLATION OF WELL PUMPS AND EQUIPMENT.

Well pumps and equipment shall only be installed or serviced in wells registered with the District.

§7.5 SUSPENSION

The General Manager or Board of Directors may suspend an authorization for a well registration or permit for failure to comply with the requirements of this chapter.

CHAPTER 8. ABANDONED, OPEN AND UNCOVERED WELLS

§8.1 REGISTRATION AND SEALING.

(a) Any owner or lessee of land on which an open or uncovered well or an abandoned well is located must register the well with the District.

(b) Any well not registered with the District shall be classified as abandoned.

§8.2 MINIMUM STANDARDS.

(a) Capping of Open or Uncovered Wells.

(1) At a minimum, open or uncovered wells must be capped in accordance with these Rules and in accordance with the standards set forth in the Texas Water Well Drillers and Pump Installers Administrative Rules, Title 16, Chapter 76, Texas Administrative Code.

(2) The owner or lessee shall keep the well capped with a water tight 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 water tight seal to prevent entrance of surface pollutants into the well itself, either through the well bore or well casing.

(3) If an owner or a lessee fails or refuses to close or cap a well in compliance with this section or a Board order, District staff, or any person employed by the District, may go onto the land and close or cap the well safely and securely.

(b) Plugging of Abandoned Wells.

(1) All abandoned wells must be plugged in accordance with standards set forth in the Texas Water Well Drillers and Pump Installers Administrative Rules, Title 16, Chapter 76, Texas Administrative Code. If an owner or a lessee fails or refuses to plug an abandoned well in compliance with this section or a Board order, District staff, or any person employed by the District, may go onto the land and plug the well safely and securely.

(2) Prior to plugging a well, the owner or operator shall notify the General Manager in writing of their plans to plug the well. It is a violation of these Rules for any water well driller or pump installer to plug an abandoned well for which the District has not received prior written notice. 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 plugging operation at the well owner's expense.

(3) A copy of any plugging report required by Texas Department of Licensing and Regulation shall be submitted to the District.

§8.3 ENFORCEMENT.

If the owner or lessee or operator of a well fails or refuses to cap or plug the well in compliance with this rule and District standards 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 onto the land (pursuant to Texas Water Code Section 36.118) and plug or cap the well safely and securely.

§8.4 LIEN FOR RECOVERY OF EXPENSES INCURRED BY DISTRICT.

(a) Reasonable expenses incurred by the District in plugging or capping a well will be assessed to the landowner and shall constitute a lien on the land on which the well is located.

(b) 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 thirty (30) days after the notification;

(5) the closing of the well by the District, or by an authorized agent, representative, or employee of the District; and

(6) the expense incurred by the District in closing the well.

§8.5 PENALTIES.

Pursuant to Chapter 11 of these Rules, penalties shall be applicable in cases of failure or refusal to plug abandoned wells or cap wells not currently in use.

§8.6 REPLACEMENT WELLS

A well that has ceased to be functional and is being replaced with a new well must be properly plugged in manner consistent with the Texas Department of Licensing and Regulation Water Well Drillers and Pump Installers Rules and Regulations.

CHAPTER 9. WATER CONSERVATION

§9.1 CONSERVATION POLICY.

The District may implement conservation policies through various programs initiatives and incentives including public education, technical assistance, special programs, through grants and loans, from support by various local, state, and federal programs, industries, foundations, non profits, public and private individuals, corporations, partnerships, and other interest groups that will further the District's goals of cost-effective water conservation, pollution prevention, and waste prevention of the District's water resources.

§9.2 WATER CONSERVATION PLANS.

Each permittee who is required to prepare, adopt, and implement a water conservation plan by another agency of the State of Texas or by any water wholesale provider shall submit a copy of that plan to the District for the District's files in order to assist the District in monitoring the success of water conservation efforts within the District.

CHAPTER 10. DROUGHT

§10.1 PURPOSE.

The purpose of this chapter is to provide guidelines to well owners and operators and water users within the District area regarding groundwater availability and use in response to drought or other uncontrollable circumstances that have disrupted the normal availability of groundwater supplies, causing localized and/or regional water availability and water quality emergencies. This chapter establishes procedures intended to preserve the availability and quality of water during such conditions.

§10.2 APPLICABILITY.

This chapter applies to all permittees within the District. In addition, the District shall utilize public education and assistance programs to encourage compliance with this chapter by owners of wells exempt from permitting and all other water users located within the District's jurisdictional area.

This chapter is directly applicable to water users of Edwards-Trinity Plateau and the Dockum Aquifers. The District may apply these Rules to all groundwater aquifers and water-bearing formations located within its jurisdictional boundaries.

§10.3 DROUGHT CONDITION.

The District shall define and declare drought and its specific stages according to the Palmer Drought Severity Index as published by the Texas Water Development Board or similar agency. The index ranges from 4 (Extremely Wet) to –4 (Extreme Drought) --- see Table 10.1 -- and takes into account hydrologic factors such as recent precipitation, evaporation, and soil moisture. Upon declaration of a drought stage of "Moderate drought" or worse, water well owners, operators or users are encouraged to implement the corresponding drought measures stipulated in any drought plan of the owner, operator, or user.

Table 10.1 Palmer Drought Index Classifications

4.0 or more	extremely wet
3.0 to 3.99	very wet
2.0 to 2.99	moderately wet
1.0 to 1.99	slightly wet
0.5 to 0.99	incipient wet spell
0.49 to -0.49	near normal
-0.5 to -0.99	incipient dry spell
-1.0 to -1.99	Mild drought
-2.0 to -2.99	**moderate drought**
-3.0 to -3.99	severe drought
-4.0 or less	extreme drought

§10.4 WATER QUALITY.

The District may monitor groundwater quality of water supply wells in the District as it determines necessary.

§10.5 AQUIFER EMERGENCY WARNINGS.

(a) When the concentration of Total Dissolved Solids (TDS) increases above Safe Drinking Water Standards in any groundwater well(s) within the district and/or other contamination or hazardous conditions affecting groundwater quality or groundwater quantity exist, an Aquifer Emergency Warning may be declared by the Board of Directors.

(b) During an Aquifer Emergency Warning the District may:

(1) initiate further detailed analysis to determine whether significant changes have occurred in the water quality;

(2) encourage permittees or other water users within the District to identify an implement measures to conserve water or reduce groundwater pumpage ; and

(3) encourage the interconnection of public and private water systems to prevent health hazards and localized water shortages or depletions.

§10.6 DROUGHT MANAGEMENT PLANS

Each permittee who is required by another agency or political subdivision of the state to maintain a drought management plan shall submit a copy of the plan to the District for the District's files in order to assist the District in monitoring the success of drought management efforts within the District.

CHAPTER 11. ENFORCEMENT

§11.1 NOTICE AND ACCESS.

Pursuant to Texas Water Code Section 36.123, any authorized officer, agent, employee, or representative of the District, when carrying out technical and other investigations necessary to the implementation of the Rules or the Act, and after reasonable notice to the owner or operator, may enter upon private property for the purpose of inspecting and investigating conditions relating to the withdrawal, waste, water quality, pollution, or contamination of groundwater or other acts covered by the these Rules or the Texas Water Code.

§11.2 SHOW CAUSE ORDERS AND COMPLAINTS.

The Board, either on its own motion or upon receipt of sufficient written protest or complaint, may at any time, after due notice to all interested parties, cite any person owning or operating a well within the District, or any person in the District violating the Act, these Rules, or an Order of the Board. Under the citation, that person is ordered to appear before the Board in a public hearing and require him to show cause why an enforcement action should not be initiated or why his operating authority or permit should not be suspended, cancelled, or otherwise restricted and limited, for failure to abide by the terms and provisions of the permit, these Rules, or the Act.

§11.3 CONDUCT OF INVESTIGATION.

When investigations or inspections require entrance upon private property, such investigations and such inspections shall be conducted at reasonable times, and shall be consistent with all applicable rules and regulations concerning safety, internal security, and fire protection. The persons conducting such investigations shall identify themselves and present District identification upon request by the owner, operator, lessee, management in residence, or person in charge.

§11.4 SEALING OF WELLS.

(a) The District may seal wells that are prohibited by the Act, Rules, or Board orders from withdrawing groundwater within the District when the General Manager, or his designated District employee, determines that such action is reasonably necessary to assure that a well is not operated in violation of the Act, Rules, or Board orders. This authorization to seal a well or to take other appropriate action to prohibit the withdrawal of groundwater extends to, but is not limited to, the following circumstances in which: (i) a permit has been granted, but the applicable fees have not been paid within the time period provided for payment; (ii) representations have been made by the well owner or operator that no groundwater is to be withdrawn from a well during a particular period; (iii) no application has been made for a permit to withdraw groundwater from an existing well that is not excluded or exempted from the requirement that a permit be obtained in order to lawfully withdraw groundwater; (iv) the

Board has denied, cancelled, or revoked a permit; (v) permit conditions have not been met; or (vi) a threat of, or potential for, contamination to the aquifer exists.

(b) The well may be physically sealed by the District, and if sealed by the District, the well shall then be red-tagged to indicate that the well has been sealed. Other appropriate action may be taken as necessary to preclude operation of the well or to identify unauthorized operation of the well.

(c) Tampering with, altering, damaging, or removing the seal or red tag of a sealed or red tagged well, or in any other way violating the integrity of the seal or red tag, or the pumping of groundwater from a well that has been sealed or red tagged shall constitute a violation of these Rules and shall subject the person performing that action, as well as any well owner and/or operator who authorizes or allows that action, to such penalties as provided by the Act and these Rules.

§11.5 REQUEST FOR INJUNCTIVE RELIEF.

If it appears that a person has violated, is violating, or is threatening to violate any provision of the Act or any Rule, permit, Board order, or other order of the District, the Board may institute and conduct a suit in the name of the District for injunctive relief, for recovery of a civil penalty, or for both injunctive relief and penalty.

§11.6 PENALTIES FOR LATE PAYMENT OF FEES.

(a) Failure to Make Export Fee Payment. Failure to make the export fee payment within the time period specified shall constitute grounds for the District to declare the permit void.

(b) Late Payment Penalties. Failure to make complete and timely payments of a fee will automatically result in a late payment penalty of 10 percent of the amount not paid. The fee payment plus the late payment fee must be made within thirty (30) days following the date the payment is due, otherwise the permit may be declared void by the Board.

(c) After a permit is declared void for failure to make payment of production or export fees, all enforcement mechanisms provided by this Rule and the Act shall be available to prevent unauthorized use of the well, and may be initiated by the General Manager without further authorization from the Board.

§11.7 FAILURE TO REPORT EXPORTED VOLUMES.

The accurate reporting and timely submission of exported volumes is necessary for the proper management of water resources. Failure of the permittee to submit complete, accurate, and timely export and water quality reports, as required by Section 3.40 of these Rules, may result in forfeiture of the permit, civil penalties, or payment of increased meter reading and inspection fees as a result of District inspections to obtain current and accurate pumpage and/or exported volumes and water quality reports.

§11.8 EMERGENCY ORDERS.

The District will develop Emergency Contingency Plans to deal with water quality or water quantity emergencies. Public hearings on Emergency Contingency Plans shall be conducted by the Board prior to adoption. To implement Emergency Contingency Plans, the Board, or the General Manager if specifically authorized by an Emergency Contingency Plan, may adopt emergency orders of either a mandatory or prohibitory nature, requiring remedial action by a permittee or other party responsible for the emergency condition.

§11.9 CIVIL PENALTIES.

(a) The District may enforce these Rules by injunction or other appropriate remedy in a court of competent jurisdiction.

(b) Any person who violates any District Rule is subject to a civil penalty of up to $10,000 for each violation and for each day of continuing violation. Each day a violation continues may be considered a separate violation.

(c) All civil penalties recovered by the District shall be paid to the **Wes-Tex Groundwater Conservation District**

(d) A penalty under this section may be enforced by complaints filed in the appropriate court of jurisdiction in Nolan County, Texas.

(e) A penalty under this section is in addition to penalties provided under **H.B. 3659 , Acts of the 77th Legislature.**