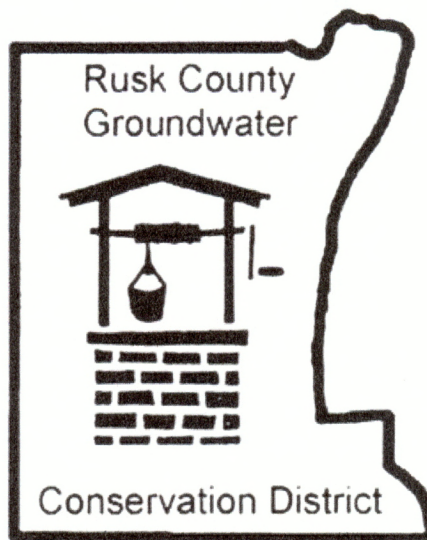


**Rusk County Groundwater  
Conservation District**

**District  
Management  
Plan  
(Revision 1)**



**Adopted – August 15, 2005**

PO. Box 97, Henderson, TX 75653

903.657.1900

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*(Revisions on pages 14, 15, 16 and 18)*

## **I. DISTRICT MISSION**

The Rusk County Groundwater Conservation District (RCGCD) mission is to develop and implement an efficient, economical and environmentally sound groundwater management program to protect and sustain the groundwater resources of the District.

## **II. DISTRICT INFORMATION**

Creation of the RCGCD was authorized in 2003 by the 78th Texas Legislature under HB 3569. The citizens of Rusk County confirmed creation of the District by an election held on June 5, 2004. This plan is being submitted within two years of the confirmation election as required by 31 TAC §356.3.

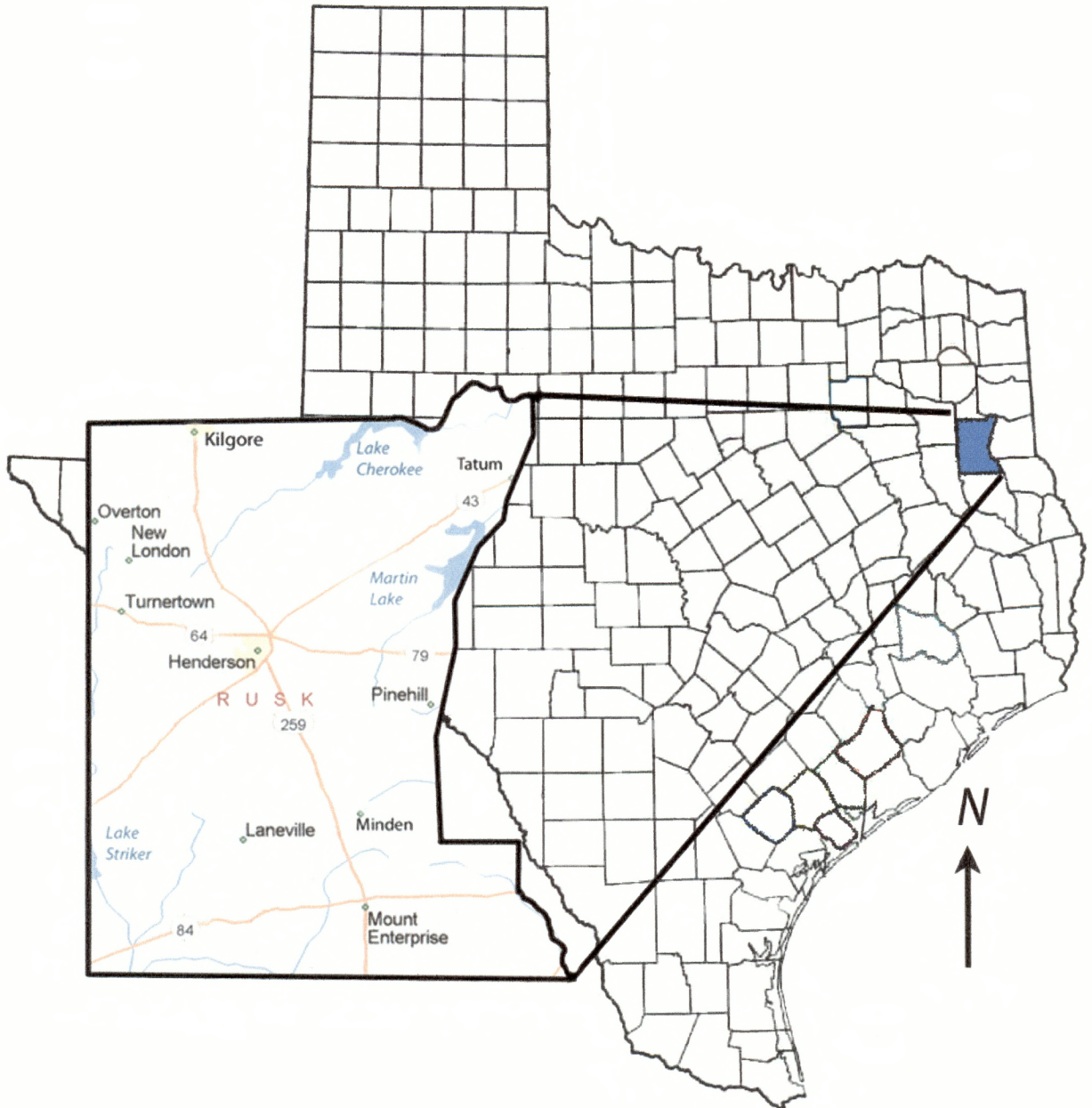
The District was formed to protect the underground water resources for the citizens of Rusk County. Beyond its enabling legislation, the District is governed primarily by the provisions of Chapter 36 of The Texas Water Code.

The current members of the Board of Directors are Worth Whitehead - President, Robert Whaley - Vice President, Ruth Flanagan - Secretary-Treasurer, Amos Standard, Mike Wilhite, R.D. Wittner, David Powell, Hugh Sparkman and Charles Long. The District does not currently have a General Manager. RCGCD has the same area as that of Rusk County, Texas (Exhibit A). The County has a vibrant economy dominated by the energy (oil, gas, coal, electricity) and agricultural communities.

The District has the power and authority to undertake various studies, to adopt and amend as needed, a management plan, to establish a program for the permitting of certain water wells, and to implement structural facilities and non-structural programs to achieve its statutory mandates. The District has rule-making authority to implement its policies and procedures and to help ensure the management of groundwater resources.

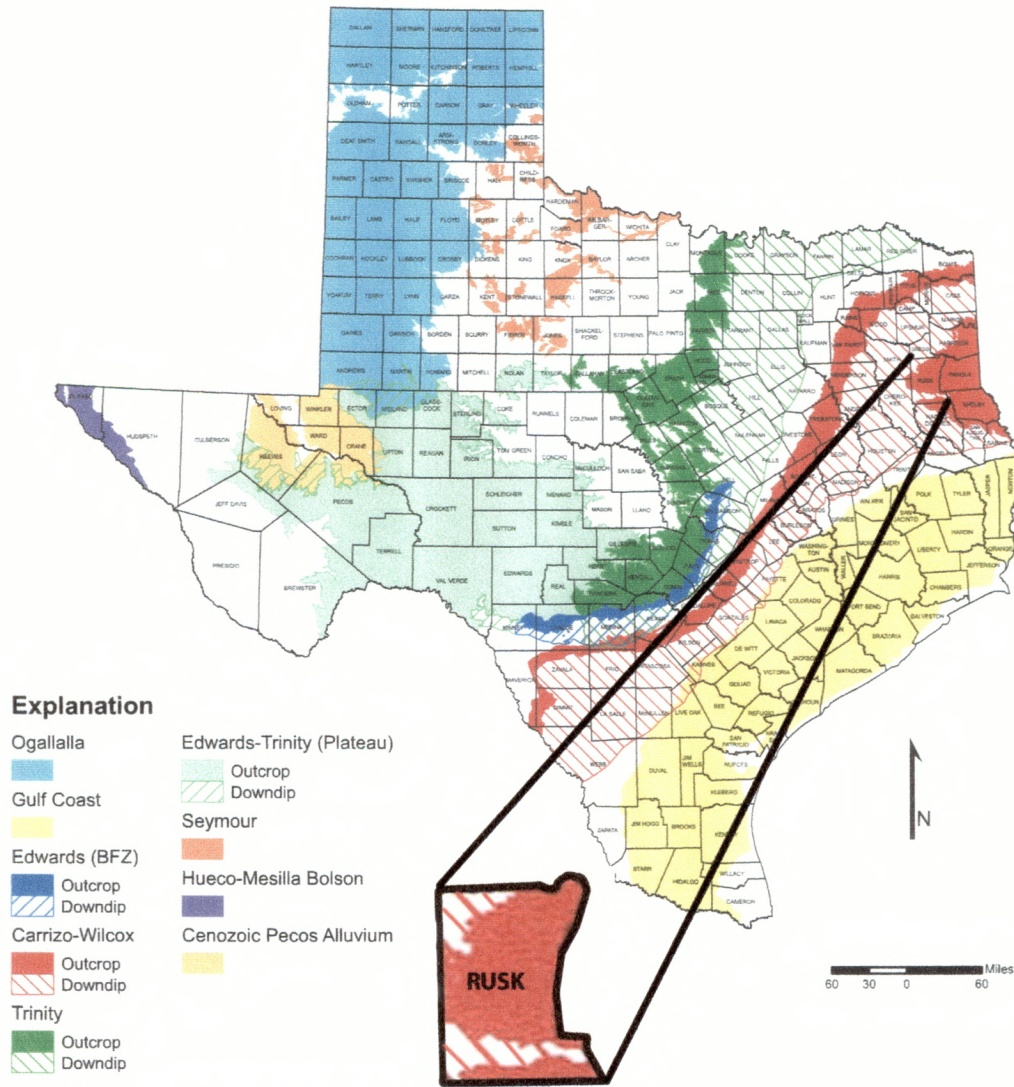
The RCGCD jurisdiction includes all the territory located within Rusk County. This area encompasses approximately 924 square miles. Based on the 2002 Census of Agriculture, approximately 272,400 acres, or 46% of this area, is farmland. Two aquifers are located under Rusk County, the Carrizo-Wilcox major aquifer (Exhibit B) and the Queen City minor aquifer which touches the western edge (Exhibit C). Public water supply entities in Rusk County utilize groundwater.

# Rusk County Groundwater Conservation District



# Rusk County Groundwater Conservation District

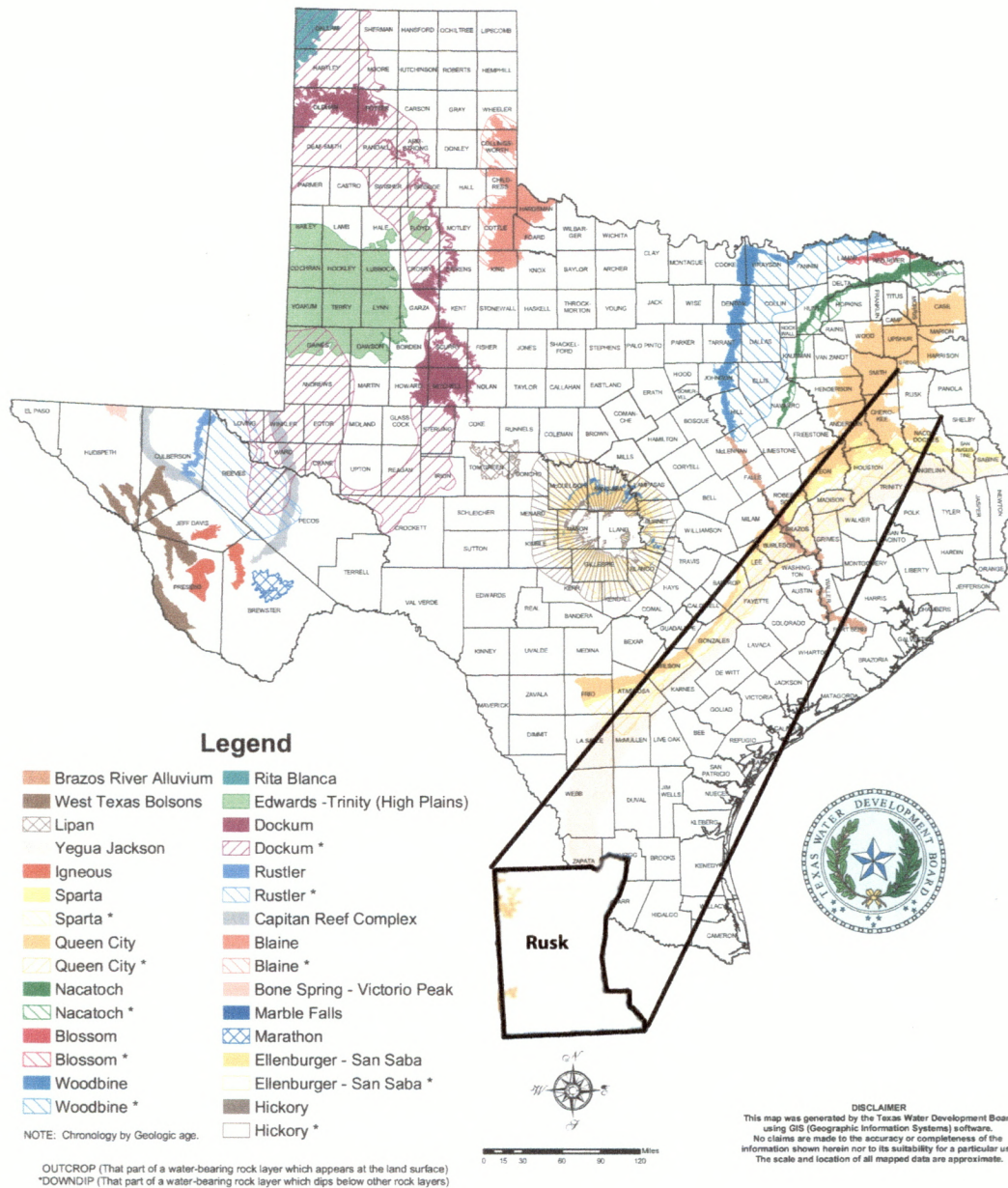
## Major Aquifers



Outcrop (That part of a water-bearing rock layer that appears at the land surface)  
 Downdip (That part of a water-bearing rock layer that dips below other rock layers)

# Rusk County Groundwater Conservation District

## Minor Aquifers



### **III. PURPOSE OF THE MANAGEMENT PLAN**

Senate Bill 1 (SB 1) enacted by the 75th Texas Legislature in 1997 requires all underground water conservation districts to develop a management plan which defines the water needs and supply within each district and the goals each district will use to manage the underground water in order to meet the water needs of such district.

This groundwater management plan fulfills the requirements of SB 1 and the Texas Water Development Board Rules, specifically Texas Administrative Code, Chapter 356 (31TAC §356). The plan includes the required 13 planning elements, 7 goals, objectives, performance standards, and tracking methods required by the TWDB. These requirements are summarized on pages 21-24.

### **IV. STATEMENT OF GUIDING PRINCIPLES**

The District recognizes that the groundwater resources of the region are of vital importance. The preservation of this most valuable resource can be managed in a prudent and cost effective manner through education and cooperation. The greatest threat to prevent the District from achieving the stated mission is inappropriate management, based on a lack of understanding of local conditions. This management document is intended as a tool to focus the thoughts and actions of those given the responsibility for the execution of District activities.

### **V. CRITERIA FOR PLAN CERTIFICATION.**

#### **A. Planning Horizon**

*Ten year planning period – 31TAC § 356.5(a)*

The board of Directors of the Rusk County Groundwater Conservation District on June 27, 2005 adopted this groundwater management plan, based upon a ten year planning period. The district is scheduling it for certification by the Texas Water Development Board in July 2005. The plan will remain in effect until a revised District Management Plan is certified, or July 2015, whichever occurs first. The plan will be reviewed annually, and be updated and readopted at least every five years.

[365.1072(e) TWC]

Water demand and supply projections cover a 50 year period between 2000 and 2050.



## **B. Board Resolution**

*Certified copy of the Rusk County Groundwater Conservation District resolution adopting the plan – 31TAC § 356.6(a) (2)*

A certified copy of the Rusk County Groundwater Conservation District resolution adopting the plan is located in Appendix A– District Resolution.

## **C. Plan Adoption**

*Evidence that the plan was adopted after notice and hearing - 31TAC § 356.6(a) (3)*

Public notices documenting that the plan was adopted following appropriate public meetings and hearings are located in Appendix B – Notice of Meetings.

## **D. Coordination with Surface Water Management Entities**

*Evidence that following notice and hearing the Rusk County Groundwater Conservation District coordinated in the development of its management plan with surface water management entities - 31TAC § 356.6(a)(4)*

Letters to Angelina and Nacogdoches Water Control and Improvement District No. 1 (Lake Striker), Cherokee Water Company (Lake Cherokee), and TXU (Martin Lake), Sabine River Authority of Texas (Sabine river basin), and Angelina & Neches River Authority (Angelina river basin) are located in Appendix C – Letters to Surface Water Management Entities.

## **E. Consistency with Regional Water Plan**

*Evidence of consistency with, and any conflict between, proposed management plan and the regional water plan developed by the regional planning group in which Rusk County Groundwater Conservation District is located. - 31TAC § 356.6(a) (5)*

Letter to the East Texas Regional Water Planning Group confirming consistency with the East Texas Regional Water Planning Group water plan is located in Appendix D - East Texas Regional Water Planning Group Letter

## **VI. DESCRIPTION OF DISTRICT**

### **A. Location and Extent**

Rusk County, having an area extent of 924 square miles, is located in the piney woods area of East Texas. The county is bounded by Gregg and Harrison Counties to the North, Panola and Shelby Counties to the East, Nacogdoches County to the South, and Cherokee and Smith Counties to the West. Henderson which is centrally located in the county is the county seat.

### **B. Topography and Drainage**

Rusk County Groundwater Conservation District is bordered on the northeast by the Sabine River. On the southern boundary, the land is lower in elevation than the rest of the county. The headwaters of the Attoyac River on the southeast corner and the headwaters of the Angelina River become more evident as much of the land becomes wetland. The elevation of Rusk County reaches 650 to 670 feet above sea level.

The majority of the county (89%) is made up of gently sloping to moderately steep rolling hills. Most of this land is of a soil type which is well drained and moderately permeable.

Eleven percent of the land is in a nearly level flood plain with some moderately slowly permeable soils.

It should be noted that currently, large quantities of lignite have been mined and the overburden mixed when the land was reclaimed. The lignite belt follows very closely the mapped portion of the Carrizo-Wilcox aquifer.

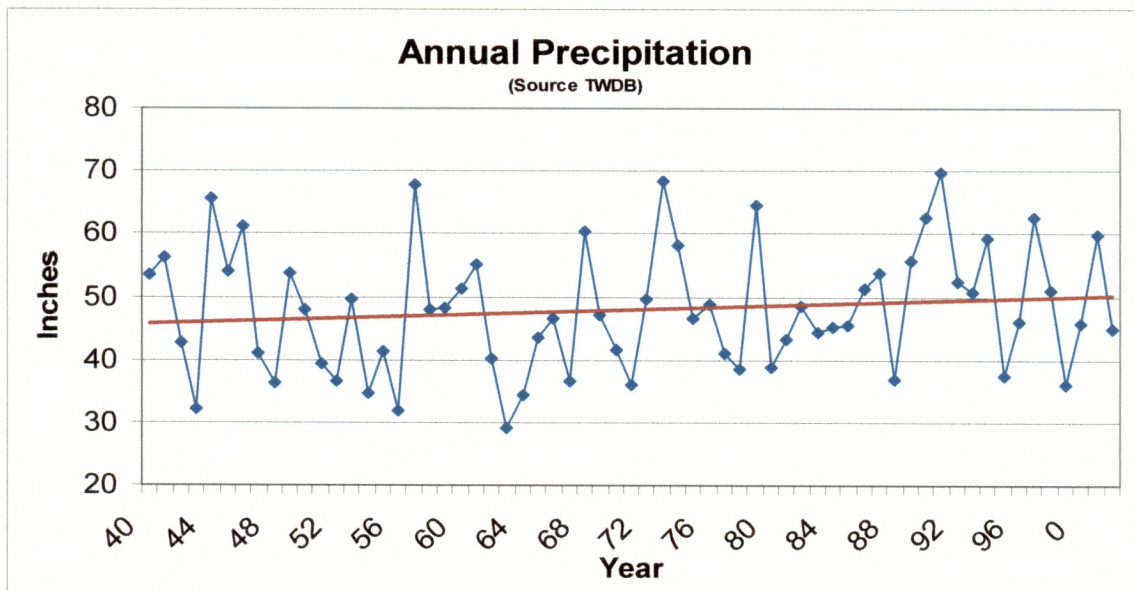
### **C. Groundwater Resources of Rusk County**

There is one major and one minor aquifer located under Rusk County. The Major aquifer is made up of the Wilcox and Carrizo formations. The Wilcox is overlain by the Carrizo formation and is considered as one major aquifer by the TWDB. It extends from the Rio Grande in South Texas northeast into Arkansas and Louisiana, providing water to most of Rusk County and all or parts of sixty counties in Texas (See Exhibit B). The aquifer ranges in thickness from approximately 700 feet in northeast Rusk County to over 1,600 feet in the southwest corner of Rusk County. The Carrizo-Wilcox aquifer yields fresh to slightly saline water. The minor aquifer under the northwest and southwest edge of Rusk County is the Queen City formation (See Exhibit C). It has a maximum thickness of 700 feet in central Smith County. The TWDB has classified the Queen City as a minor aquifer. It yields groundwater that is generally low in dissolved

solids concentrations. It does, however, contain high acidity and excessive iron concentrations. (Source: East Texas Priority Groundwater Management Area File Report – April 2004)

The average historical usage of groundwater in Rusk County between 1984 and 2000 has dropped slightly, but remains in the 8,000 to 8,500 acre-feet per year range (See Exhibit D). The historical natural recharge for the Carrizo-Wilcox aquifer in Rusk County based on historical water level in 9 state sampling wells and historical usage is estimated at 8,200 acre-feet per year (See Exhibit E). The historical annual precipitation from 1940 through 2002 is 47.94 inches per year for quad 513 which covers most of Rusk County.

There is currently no feasible method for increasing recharge in the District. The District will be reviewing the possibility of utilizing Aquifer Storage and Recovery (ASR) and the use of Surface Water Recharge Ponds. A primary concern is the identification of basin compartmentalization or impermeable layers within the aquifer which inhibit recharge to the basin aquifers. Also important are concerns about chemical mixing of surface waters and native groundwater, hydrologic variability within the aquifers, and the nature of probable migration of recharged water.



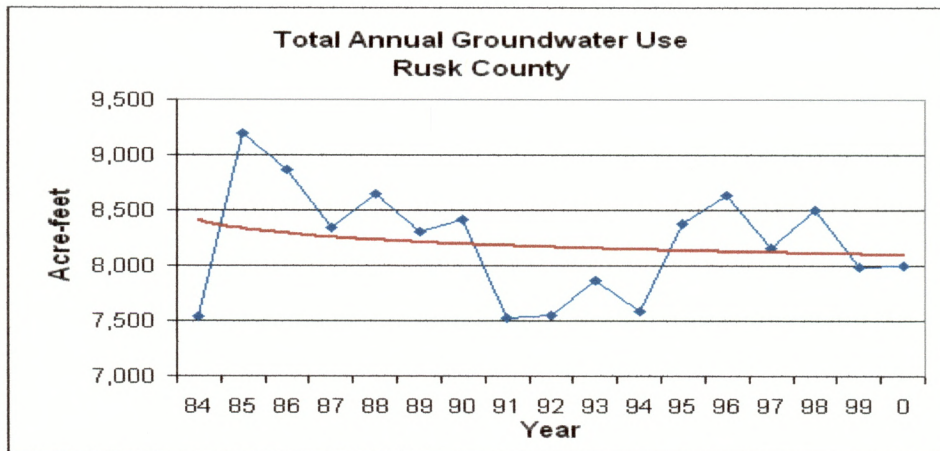
## Rusk County Groundwater Conservation District

# Historical Groundwater Use in Rusk County

(Source - Updated Evaluation for the East Texas PGMSA - Technical Summary)

Year	Pop.	Mun.	Mfg.	Power	Irrg.	Mining	Stock	Total
1984	43,159	4,958	168	125	33	1,690	566	7,540
1985	43,168	5,953	198	11	38	2,492	507	9,199
1986	42,400	5,563	207	20	19	2,584	477	8,870
1987	42,400	5,539	190	24	19	2,111	455	8,338
1988	42,200	5,940	183	16	19	2,020	473	8,651
1989	43,494	5,740	175	17	32	1,855	482	8,301
1990	43,735	5,861	152	17	27	1,855	507	8,419
1991	44,539	5,603	122	18	27	1,241	515	7,526
1992	44,777	5,663	103	24	27	1,232	495	7,544
1993	44,685	5,902	85	23	149	1,202	507	7,868
1994	44,496	5,805	82	18	38	1,173	467	7,583
1995	45,340	6,529	80	20	151	1,189	414	8,383
1996	45,572	6,671	94	179	149	1,189	353	8,635
1997	45,568	6,337	92	14	149	1,201	367	8,160
1998	46,107	6,631	74	18	149	1,201	426	8,499
1999	45,913	6,076	77	19	149	1,201	460	7,982
2000	47,372	6,455	69	18	18	974	462	7,996

<b>Total</b>	101,226	2,151	581	1,193	26,410	7,933	139,494
<b>Average</b>	5,954	127	34	70	1,554	467	8,206



**Rusk County Groundwater  
Conservation District**

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**Historical Recharge Estimate for Rusk County**

*(Source - Updated Evaluation for the East Texas PGMSA - Technical Summary)*

Well Site	Water Level (depth to water level in feet)			
	1984	2000	Change	% change
Crossroads WSC SWN 35-42-202	-302	-308	-6	-1.9%
R. C. Walling SWN 35-43-501	-57	-64	-7	-10.9%
City of Tatum SWN 35-44-601	-116	-111	5	4.5%
Church Hill WSC SWN 35-51-502	-204	-215	-11	-5.1%
Euel Faulkner SWN 35-52-101	-61	-65	-4	-6.2%
H.H. Truelock SWN 35-52-701	-113	-119	-6	-5.0%
Boyd Patrich SWN 35-59-601	-97	-109	-12	-11.0%
Roger Beard SWN 35-59-302	-192	-203	-11	-5.4%
Mount Enterprise WSC SWN 37-03-201	-171	-203	-32	-15.8%

Average Change	-9
Average Percent Change over 17 years	-6.3%
Average Percent Change per Year	-0.4%
Recharge Rate 100% - Change per Year %	99.6%
Average Historical Usage over 17 years	8,206
Average Historical Recharge Rate	8,175

*Note: The average historical recharge rate was calculated in the following manner.*  
 1. Calculate the average percent of change per year in the test well level (-0.4%)  
 2. Multiply the inverse of this percentage by the average historical use from Exhibit D above (8,206) to yield the estimated average historical recharge rate. (8,175)

#### D. Surface Water Resources of Rusk County

There are two river basins (Sabine and Angelina) and three reservoirs located partially in Rusk County. (Lake Cherokee, Lake Striker, and Martin Lake)

The Sabine River Basin covers the North East half of Rusk County. The Angelina River Basin covers the South West half of Rusk County.

Martin Lake is located on the northeast edge of Rusk County. It is not a resource for potable water as it is used as a power plant cooling reservoir and selenium has been detected in the water.

Lake Cherokee, operated by Lake Cherokee Water Company, is located on the north edge of Rusk County and the south edge of Gregg County. Currently available water from this 3,987 acre lake is used by the City of Longview Texas.

Lake Striker is a 2,400 acre lake located on the southwest edge of Rusk County. It is operated by the Angelina-Nacogdoches Counties Water Control & Improvement District No.1. It was initially constructed to service a steam generation power plant and paper mill. The paper mill no longer uses the 15 million gallons per day and 10 million gallons of this surface water is available. Currently, the City of Henderson, in alliance with the cities of Jacksonville and Troup, is in negotiations to purchase this water to relieve the pressure on the city's groundwater dependence.

The total projected surface water supplies in Rusk County are estimated at 26,688 acre-feet per year through the year 2050.

#### SURFACE WATER

Year	Projected Supply acre-feet per year	Projected Demand acre-feet per year
2000	26,688	31,548
2010	26,688	36,455
2020	26,688	41,385
2030	26,688	46,410
2040	26,688	46,431
2050	26,688	46,443

(Source: Table 2 and Table 5, 2002 State water planning Database)

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## E. Projected Groundwater Supplies of Rusk County

The projected total usable amount of groundwater for Rusk County is currently estimated at 16,186 acre-feet per year from the Carrizo-Wilcox Aquifer and Queen City Aquifer in both the Sabine and Neches river basins. This supply is projected to increase slightly to 16,339 by the year 2050.

### GROUNDWATER

Year	Projected Supply acre-feet per year
2000	16,153
2010	16,186
2020	16,223
2030	16,261
2040	16,299
2050	16,339

(Source: Table 4, 2002 State water planning Database)

To insure the validity of the Rusk County Groundwater Conservation District Management Plan to sustain the groundwater resources of the District a Groundwater Availability Model (GAM) run was requested from the TWDB. A summary of the results of this estimate showing water entering and leaving the aquifers in Rusk County is shown below.

### Groundwater Flow Budget for Rusk County

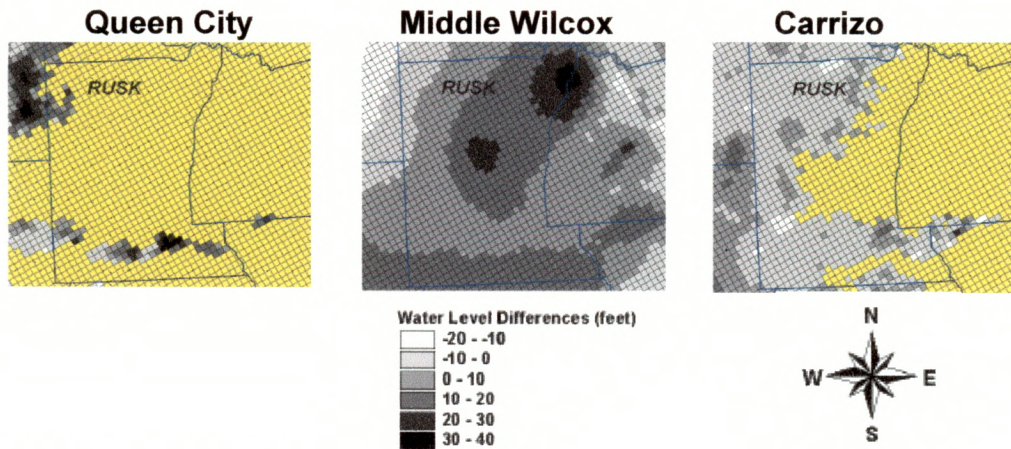
FLOW TERM	FLOW (acre-feet/year)
Lateral flow in	5,348
Lateral flow out	-9,459
Drains	-1,027
Recharge	77,678
Evapotranspiration	-37,108
Net Stream Leakage	-35,433

(A copy of the full GAM run results can be viewed on the District Web site at [www.rcgcd.org](http://www.rcgcd.org))

The gross recharge of 77,678 acre-feet per year less the estimated Evapotranspiration of 37,108 yields a net annual recharge of 40,570 acre-feet per year. Based on this recharge estimate and the estimated groundwater use through the year 2050, the Rusk County Groundwater Conservation District board believes that sustaining the groundwater resources in Rusk County is a viable objective in managing our groundwater resources.

The maps below provided by the GAM run show the projected water level changes to the aquifers in Rusk County from 1999 to 2050.

(The yellow areas indicate that there is no aquifer present at that location)



#### F. Groundwater Use in Rusk County

Historical groundwater use in the District has averaged 8,200 acre-feet per year from 1984 through 2000. There is an overall decreased use trend for the district over this 17 year period. However, the Municipal groundwater use has experienced an increase in demand. (See Exhibit F)

#### G. Projected Groundwater Demands for Rusk County

The projected groundwater demands for Rusk County will remain steady or slowly reduce. This reduction is due to a projected reduced demand from the Henderson municipal area based on their anticipated development of new surface water sources.

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Year	Projected Demand acre-feet per year
2000	9,375
2010	8,872
2020	8,530
2030	8,572
2040	8,583
2050	8,690

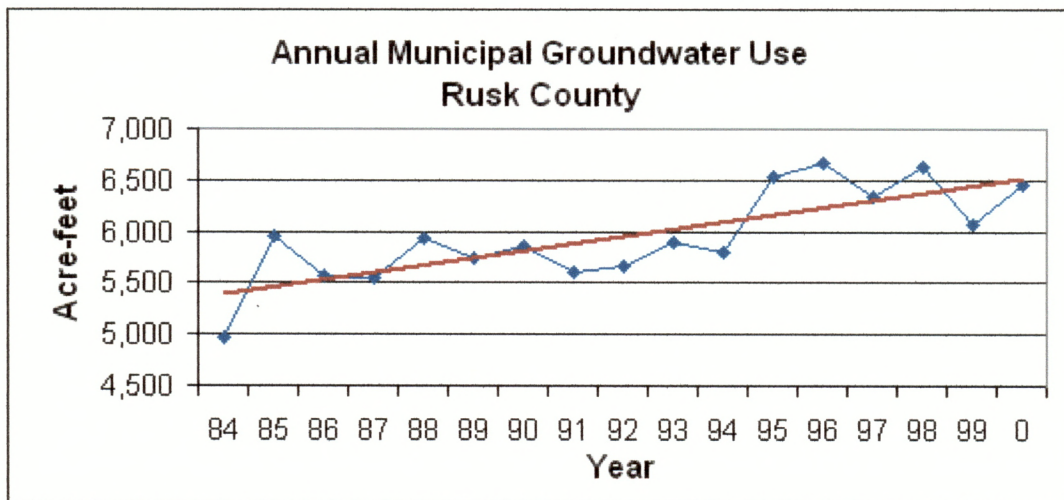
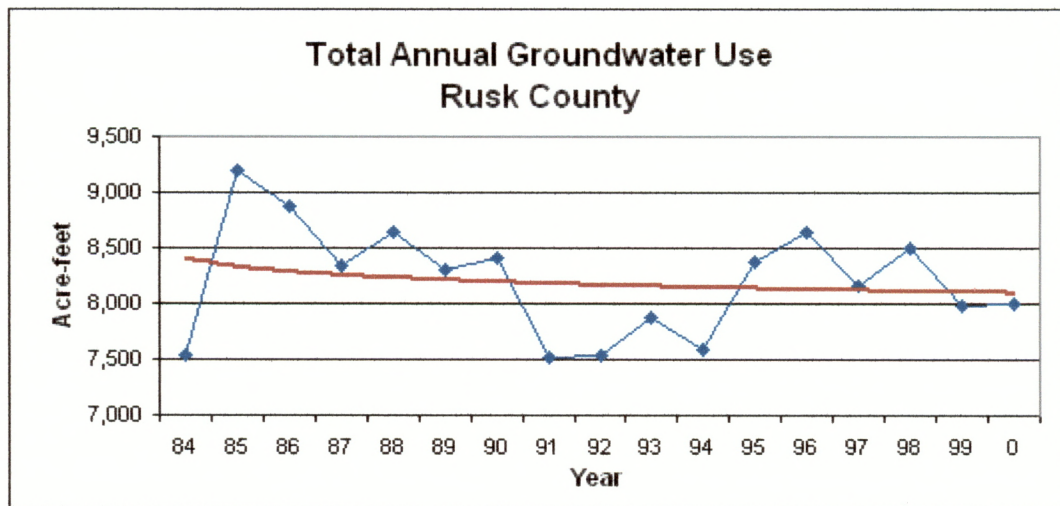
Source: Table 2 and Table 5, 2002 State water planning Database



## Rusk County Groundwater Conservation District

### Municipal Groundwater Use Trend

(Source - Updated Evaluation for the East Texas PGMSA - Technical Summary)



## **H. Potential Demand and Supply Issues and Solutions**

Although the data shows that the Carrizo-Wilcox aquifer is a viable source of groundwater into 2050, there are two major areas of concern to Rusk County's water supply and demand.

The first issue is with the municipality of Henderson. The heavy demand on the aquifer is illustrated by the drop in water level at the Mount Enterprise test well site. (Mount Enterprise WSC SWN 37-03-201). This shortfall has been identified by the East Texas Regional Water Planning Group and the City of Henderson. The City of Henderson is actively looking for a future source of surface water to relieve the pressure on the Carrizo-Wilcox aquifer. One current source of surface water for the city of Henderson is the Sabine River.

The supply of water from the Sabine River is the second area of concern to Rusk County as well as the rest of East Texas. The Sabine River forms the boundary line between Texas and Louisiana for the downstream half of its length. Almost the entire basin upstream, from the state line, is in Texas. Texas, however, does not have unrestricted access to water in the Sabine River. According to the Sabine River Compact between the states of Texas and Louisiana, executed in 1953, Texas may have unrestricted access as long as the river maintains a minimum flow of 36 cubic feet per second at the junction between the river and the state line. With the expected growth in East Texas areas that are dependent upon the Sabine River Basin, and the existing contracts between the SRA and the city of Dallas to provide over 300,000 acre-feet of water per year, there is concern for the water availability from this source during drought conditions. The Sabine River Authority is actively working with Texas Regional Planning Groups (C, D, and I) developing long term strategies to meet their projected water needs without increasing groundwater demand from the Carrizo-Wilcox aquifer.

## **VII. MANAGEMENT OF GROUNDWATER SUPPLIES**

The District will manage the supply of groundwater within the District in order to conserve the resource while seeking to maintain the economic viability of all resource user groups, public and private. In consideration of the economic and cultural activities occurring within the District, the District will identify and engage in such activities and practices, that if implemented would result in sustaining the level of groundwater use, while increasing the use of surface water. The existing observation network will be used to monitor changing storage conditions of

groundwater supplies within the District. If necessary the network may be expanded. The District will make a regular assessment of water supply and groundwater conditions and will report those conditions to the Board and to the public. The District will cooperate with investigations of the groundwater resources within the District and will make the results of investigations available to the public upon adoption by the Board.

The District will adopt rules to manage groundwater. The District may deny a water well drilling permit or limit groundwater withdrawals in accordance with the guidelines stated in the rules of the District. In making a determination to deny a permit or limit groundwater withdrawals, the District will consider the public benefit against individual hardship after considering all appropriate testimony. The relevant factors to be considered in making a determination to deny a permit or limit groundwater withdrawals will include:

- 1) The purpose of the rules of the District
- 2) The equitable distribution of the resource
- 3) The economic hardship resulting from grant or denial of a permit or the terms prescribed by the permit

In pursuit of the District's mission of protecting the resource, the District may require reduction of groundwater withdrawals to amounts that will not cause harm to the aquifer. To achieve this purpose, the District may, at the Board's discretion amend or revoke any permits after notice and hearing. The determination to seek the amendment or revocation of a permit by the District will be based on aquifer conditions observed by the District. The District will enforce the terms and conditions of permits and the rules of the District by injunction or other appropriate relief in a court of competent jurisdiction as provided for in the Texas Water Code (TWC) Section 36.102. A contingency plan to cope with the effects of water supply deficits due to climatic or other conditions will be developed by the District and will be adopted by the Board after notice and hearing. In developing the contingency plan, the District will consider the economic effect of conservation measures upon all water resource user groups, the local implications of the degree and effect of changes in water storage conditions, the unique hydro geologic conditions of the aquifers within the District, and the appropriate conditions under which to implement the contingency plan. The District will evaluate the resources available within the District and determine the effectiveness of regulatory or conservation measures. A public or private user may appeal to the Board for discretion in enforcement of the provisions of the water supply deficit contingency plan on grounds of adverse economic hardship or unique local conditions. The exercise of said discretion by the Board, shall not be construed as limiting the power of the Board.

## VIII. ACTIONS, PROCEDURES, PERFORMANCE AND AVOIDANCE FOR PLAN IMPLEMENTATION

The District will implement the provisions of this plan and will utilize the provisions of this plan as a guidepost for determining the direction or priority for all District activities. All operations of the District, all agreements entered into by the District and any additional planning efforts in which the District may participate will be consistent with the provisions of this plan. The District will adopt rules relating to the permitting of wells and the production of groundwater. The rules adopted by the District for permitting shall be pursuant to TWC 36.113 and the provisions of this plan. All rules will be adhered to and enforced. The promulgation and enforcement of the rules will be based on the best technical evidence available to the District. The District shall treat all citizens with equality. Citizens may apply to the District for discretion in enforcement of the rules on grounds of adverse economic effect or unique local conditions. In granting of discretion to enforcement of any rule, the Board shall consider the potential for adverse effect on adjacent landowners. The exercise of said discretion by the Board shall not be construed as limiting the power of the Board. The District will seek cooperation in the implementation of this plan and the management of groundwater supplies within the District. All activities of the District will be undertaken in cooperation and coordinated with the appropriate state, regional or local water management entity.

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## IX. METHODOLOGY FOR TRACKING DISTRICT PROGRESS IN ACHIEVING MANAGEMENT GOALS

The District staff will prepare and present an annual report to the Board of Directors on District performance in regards to achieving management goals and objectives. The presentation of the report will occur during the last monthly Board meeting each fiscal year, beginning August 2005. The report will include the number of instances in which each of the activities specified in the District's management objectives was engaged in during the fiscal year. Each activity will be referenced to the estimated expenditure of staff time and budget in accomplishment of the activity. The notations of activity frequency, staff time and budget will be referenced to the appropriate performance standard for each management objective describing the activity, so that the effectiveness and efficiency of the District's operations may be evaluated. The Board will maintain the report on file, for public inspection at the District's offices upon adoption. This methodology will apply to all management goals contained within this plan.

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## X. GOALS, MANAGEMENT OBJECTIVES and PERFORMANCE STANDARDS

The management goals, objectives, performance standards and tracking methods of the Rusk County Groundwater Conservation District in the emphasis areas defined in 31TAC§356 are addressed below.

### A. Efficient Use of Groundwater (31TAC§356.5 (a) (1) (A))

- 14  
16  
17
- A.1 **Objective** — The District will require all new exempt or non-exempt wells that are constructed within the boundaries of the District to be registered with the District in accordance with the District rules.  
Performance Standard — Issue permits within 20 days of application.  
Tracking Method — Each Year the number of exempt and non-exempt wells registered by the District for the year and a list of any permits that were not issued within 20 days with the cause and corrective action taken, will be incorporated into the Annual Report submitted to the Board of Directors of the District.
- A.2 **Objective** - Establish a Groundwater Database for all water wells in the District. The database shall include information relating to well location, production volume, and other information deemed necessary by the District to enable effective monitoring of groundwater in Rusk County.  
Performance Standard – Document all new and existing wells by 2010.  
Tracking Method – Each Year the number of new and existing groundwater wells added to the database will be presented in the Annual Report submitted to the Board of Directors of the District.
- A.3 **Objective**- Provide Public Education Opportunities.  
Performance Standard - Disseminate educational information regarding the hydro-geologic cycle and status of aquifers through at least two articles in Rusk County newspapers, posting on the District internet website, and as needed responses to public inquiries.  
Tracking Methods - The Annual Report to the Board of Directors of the District will reflect educational achievements through newspaper articles, the number of hits on the Districts web site, and the number of responses to public inquiries annually.

**B. Minimize Waste of Groundwater (31TAC§356.5 (a) (1) (B))**

**B.1 Objective - Public Education**

Performance Standard - The District will provide educational leadership to the citizens of the District concerning this subject through at least one printed publication per year, public speaking at least once per year at service organizations or public schools, and wasteful practices posted on the Districts internet website.

Tracking Methods - Each Year the number of publications and speaking appearances by the District each year will be presented in the Annual Report submitted to the Board of Directors of the District

**B.2 Objective - Identify wasteful practices.**

Performance Standard –

- a) Write and adopt rules to regulate wasteful practices by December 2008.
- b) Track Water Quality Issues.
- c) Initiate a District wide program to identify the location of all abandoned wells by January 2010.
- d) Develop and adopt guidelines, setting forth the period of time allowed, for abandoned well owners to insure voluntary compliance with Texas Water Code well plugging requirements by January 2010.
- e) Report unplugged abandoned water wells to the well owners and Board within thirty (30) days of discovery.

Tracking Methods -

- a) Hold public hearing on proposed rules to regulate wasteful practices by December 2008.
- b) Report achievements in the District's Annual Report.
- c) Provide TECQ and TWDB an annual status report on unplugged abandoned water wells beginning in 2010.

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**C. Conjunctive Surface Water Management Issues. (31TAC§356.5 (a) (1) (D))**

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C.1. **Objective** - The District will actively participate with Municipal and County Governments to encourage the development of additional surface water sources for Rusk County.  
**Performance Standard** – Selected board members will attend at least one planning meeting per year with municipal and county government groups addressing surface water options.  
**Tracking Methods** - Each Year, the progress made by Municipal and County Governments will be submitted to the Board of Directors in the Annual Report on advancements made toward increasing surface water availability and reduction of demand on the aquifers in the county.

C.2. **Objective** - Coordinate conjunctive surface water issues with the East Texas Regional Water Planning Group.  
**Performance Standard** – The District will participate in the regional planning process by attending at least 50% of the East Texas Regional Water Planning Group meetings per year.  
**Tracking Methods** – A report will be made by the board’s representative at each board meeting of the Rusk County Groundwater Conservation District, updating the Board on conjunctive surface water issues being discussed by the ETRWPG.

**D. Addressing Drought Conditions (31TAC§356.5 (a) (1) (F))**

D.1. **Objective** - The District will develop and adopt a Drought Contingency Plan for the Rusk County Groundwater Conservation District within one year of the adoption and certification of this plan, review it annually, and revise it if necessary.  
**Performance Standards** - A contingency plan to cope with the effects of water supply shortages due to climatic or other conditions will be developed by the District and will be adopted by the Board after notice and hearing. In developing the contingency plan, the District will consider the economic effects of conservation measures upon all water resource user groups, the local implications of the degree and effect of changes in water storage conditions, the unique hydro geologic conditions of the aquifer and the appropriate conditions under which to implement the contingency plan.

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**Tracking Methods –**

a) Development and adoption of a Drought Contingency Plan

- within one year of the adoption and certification of this plan.
- b) The Annual Report to the Board of Directors of the District will reflect any implementations of the Drought Contingency Plan in that year. The report will include an appraisal of the plans effectiveness and suggestions for revisions to the plan.

**E. Addressing Conservation (31TAC§356.5 (a) (1) (G))**

- E.1. **Objective** – Public education on groundwater conservation.
- Performance Standards - The District will issue at least two articles per year in Rusk County newspapers and on the District internet website regarding water conservation issues applicable to the residence of Rusk County.
- Tracking Methods – Copies of the articles posted on the District website regarding groundwater conservation will be included in the Annual Report to the Board of Directors.

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**XI. SB-1 MANAGEMENT GOALS DETERMINED NOT-APPLICABLE**

**A. Control and Prevention of Subsidence 31TAC§356.5 (a) (1) (C)**

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

22

**B. Natural Resource Management Issues 31TAC§356.5 (a) (1) (E)**

The District has no documented occurrences of endangered or threatened species dependent upon groundwater resources. However, the District will coordinate with the Texas Commission on Environmental Quality (TCEQ) on water quality issues.

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DISTRICT RESOLUTION

RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT

CERTIFICATE FOR RESOLUTION

STATE OF TEXAS  
COUNTY OF RUSK

RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT  
RESOLUTION AUTHORIZING APPROVING MANAGEMENT PLAN

WHEREAS, the Management Plan of the Rusk County Groundwater Conservation District, (Revision 1) attached hereto as Attachment A, has been developed for the purpose of conserving, preserving, protecting, and recharging the underground water in the District, and this action is taken under the District's statutory authority to prevent waste and protect rights of owners of interest in groundwater;

WHEREAS, the Management Plan meets the requirements of Senate Bill 1;

WHEREAS, under no circumstances, and in no particular case will this Management Plan, or any part of it, be construed as a limitation or restriction upon the exercise of any discretion, where such exists; nor will it in any event be construed to deprive the Board of an exercise of powers, duties and jurisdiction conferred by law, nor to limit or restrict the amount and character of data or information which may be required for the proper administration of the law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT THAT:

- 1) The "Management Plan of the Rusk County Groundwater Conservation District" (Revision 1) contained in attachment A is hereby adopted.
- 2) This Management Plan will take effect upon certification by the Texas Water Development Board. It will remain in effect until a revised District Management Plan is certified or August 2015, whichever is earlier.

AND IT IS SO ORDERED.

The motion Passed with 6 ayes, and 0 nays.

PASSED AND APPROVED THIS 15 DAY OF August, 2005

Worth Whitehead  
Worth Whitehead, President

ATTESTED BY:

Ruth Flanagan  
Ruth Flanagan, Secretary



Resolution 2005-06

**NOTICE OF MEETINGS**

**NOTICE OF PUBLIC HEARING**

The Rusk County Groundwater Conservation District (RCGCD) will hold a public hearing and take appropriate action regarding an approved revision of the District Management Plan at 6:30 P.M., August 15, 2005 at the RCGCD District offices located at 204 North Main Street, Suite C, Henderson, Texas 75652. Copies of the draft Management Plan are available for review on Thursdays and Fridays at the RCGCD offices. Contact RCGCD at 903.657.1900 or at [at.rcgcd@cox-internet.com](mailto:at.rcgcd@cox-internet.com) for additional information.

*(Posted in the Henderson Daily News August 10 through July 12, 2005)*

**Henderson Daily News**

**Wednesday, August 10, 2005**

---

**1. LEGALS**

---

**NOTICE OF  
PUBLIC HEARING**

The Rusk County Groundwater Conservation District (RCGCD) will hold a public hearing and take appropriate action regarding an approved revision of the District Management Plan at 6:30 P.M., August 15, 2005 at the RCGCD District offices located at 204 North Main Street, Suite C, Henderson, Texas 75652. Copies of the draft Management Plan are available for review on Thursday and Fridays at the RCGCD offices. Contact RCGCD at 903-657-1900 or [at.rcgcd@cox-internet.com](mailto:at.rcgcd@cox-internet.com) for additional information.

**NOTICE OF MEETINGS**

**POSTED AGENDA FOR PUBLIC HEARING**

**RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT**

**PO BOX 97**

**HENDERSON, TEXAS 75653**



**PHONE 903.657.1900**

A special meeting of the Rusk County Groundwater Conservation District Board of Directors will be held on Monday, August 15, 2005 at 6:30 PM at the district offices, located at 204 North Main Street, Suite C, Henderson, Texas.


Matters to be considered by the Board of Directors and on which the Board of Directors expect to take official action include:

1. Approve minutes of regular meeting held on July 26, 2005
2. Conduct Public Hearing on the draft District Management Plan and take appropriate action.
3. Presentation by citizens: any citizen may make a presentation at this time, however no action will be taken unless provided for on the above agenda. Limit 3 minutes each. Limit of one speaker per issue.
4. Open forum: Board may discuss general issues without taking action.
5. Adjourn

*This notice is posted in accordance with the open meeting act.*

*Date Posted: August 10, 2005*

*Posted: Ruth Flanagan, Secretary*

FILED FOR RECORD  
2005 AUG 10 AM 8:38  
JOYCE LEWIS, COUNTY CLERK  
RUSK COUNTY, TEXAS  
BY  DEPUTY

LETTERS TO SURFACE WATER MANAGEMENT ENTITIES

RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT



PO BOX 97  
HENDERSON, TEXAS 75653  
PHONE: 903.657.1900  
E-MAIL: rcgcd@cox-internet.com



12

August 16, 2005

David Mason, General Manager  
Angelina-Nacogdoches Counties WCID1  
1524 Woodberry  
Lufkin, Texas 75904

Dear Mr. Mason:

Enclosed you will find a copy of the revised District Management Plan for the Rusk County Groundwater Conservation District. After a Public Hearing, this Management Plan was adopted by Resolution 2005-6 of the Rusk County Groundwater Conservation District Board of Directors on August 15, 2005.

This revised Management Plan is forwarded for your review and comment in accordance with Texas Administrative Code (31TAC§356.6 (a) (4)). Your response to this plan would be greatly appreciated.

If you have any questions or need additional information, please contact me or Len Luscomb.

Sincerely,

*Worth Whitehead*

Worth Whitehead  
Board President

Enclosure: RCGCD District Management Plan (Revision 1)

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Total Postage & Fees	\$ 1.95
Sent To: <i>Mr. D. Mason, Angelina-Nacogdoches WCID1</i>	
Street, Apt. No. or PO Box No. <i>1524 Woodberry</i>	
City, State, ZIP+4® <i>LUFKIN, TEXAS</i>	

**LETTERS TO SURFACE WATER MANAGEMENT ENTITIES**  
**RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT**



**PO BOX 97**  
**HENDERSON, TEXAS 75653**  
**PHONE: 903.657.1900**  
**E-MAIL: rcgcd@cox-internet.com**



August 16, 2005

Mr. Tony Martin, Manager  
Cherokee Water Company  
NK-20 Lake Cherokee  
Longview, Texas 75603

Dear Mr. Martin:

Enclosed you will find a copy of the revised District Management Plan for the Rusk County Groundwater Conservation District. After a Public Hearing, this Management Plan was adopted by Resolution 2005-6 of the Rusk County Groundwater Conservation District Board of Directors on August 15, 2005.

This revised Management Plan is forwarded for your review and comment in accordance with Texas Administrative Code (31TAC§356.6 (a) (4)). Your response to this revised plan would be greatly appreciated.

12

If you have any questions or need additional information, please contact me or Len Luscomb.

Sincerely,

*Worth Whitehead*

Worth Whitehead  
Board President

Enclosure: RCGCD District Management Plan (Revision 1)

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<b>Total Postage &amp; Fees</b>	<b>\$ 3.95</b>	
Sent To <i>Mr. T. Martin, Cherokee Water Co.</i>		
Street, Apt. No. <i>NK-20 LAKE CHEROKEE</i>		
City, State, ZIP+4 <sup>®</sup> <i>LONGVIEW, TEXAS 75603</i>		
<small>PS Form 3800, June 2002 See Reverse for Instructions</small>		

LETTERS TO SURFACE WATER MANAGEMENT ENTITIES

RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT



PO BOX 97  
HENDERSON, TEXAS 75653  
PHONE: 903.657.1900  
E-MAIL: rcgcd@cox-internet.com



August 16, 2005

Mr. Don Montgomery  
TXU Energy  
P.O. Box 966  
Henderson, Texas 75653

Reference: Martin Lake

Dear Mr. Montgomery:

Enclosed you will find a copy of the revised District Management Plan for the Rusk County Groundwater Conservation District. After a Public Hearing, this Management Plan was adopted by Resolution 2005-6 of the Rusk County Groundwater Conservation District Board of Directors on August 15, 2005.

This revised Management Plan is forwarded for your review and comment in accordance with Texas Administrative Code (31TAC§356.6 (a) (4)). Your response to this plan would be greatly appreciated.

If you have any questions or need additional information, please contact me or Len Luscomb.

Sincerely,

Worth Whitehead  
Board President

Enclosure: RCGCD District Management Plan (Revision 1)

12

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Total Postage & Fees	\$ 3.75
UNIT 201 0652	
Postmark Here	
7005 1160 0004 0189 6476	
Sent To: Don Montgomery, TXU Energy	
Street, Apt. No. or PO Box No.: P.O. Box 966	
City, State, ZIP+4: Henderson, Texas 75653	
PS Form 3800, June 2002 See Reverse for Instructions	

**LETTERS TO SURFACE WATER MANAGEMENT ENTITIES**

**RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT**



**PO BOX 97  
HENDERSON, TEXAS 75653  
PHONE: 903.657.1900  
E-MAIL: rcgcd@cox-internet.com**



August 16, 2005

Mr. Jerry Clark – EVP & GM  
Sabine River Authority of Texas  
P.O. Box 579  
Orange, Texas 77631-0579

Dear Mr. Clark:

Enclosed you will find a copy of the revised District Management Plan for the Rusk County Groundwater Conservation District. After a Public Hearing, this Management Plan was adopted by Resolution 2005-6 of the Rusk County Groundwater Conservation District Board of Directors on August 15, 2005.

This Management Plan is forwarded for your review and comment in accordance with Texas Administrative Code (31TAC§356.6 (a) (4)). Your response to this plan would be greatly appreciated.

If you have any questions or need additional information, please contact me or Len Luscomb.

Sincerely,

Worth Whitehead  
Board President

12

Enclosure: RCGCD District Management Plan (Revision 1)

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Total Postage & Fees	\$ 4.45
08/16/05	
Postmark Here	
7005 13160 0004 0669 1490	
Sent to: Mr. J. Clark, Sabine River Authority	
Street, Apt. No.: P.O. Box 579	
City, State, ZIP+4: Orange, Texas 77631-0579	
PS Form 3800, Series 2002	

**LETTERS TO SURFACE WATER MANAGEMENT ENTITIES**

**RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT**



PO BOX 97  
HENDERSON, TEXAS 75653  
PHONE: 903.657.1900  
E-MAIL: rcgcd@cox-internet.com



August 16, 2005

Mr. Kenneth Reneau – General Manager  
Angelina & Neches River Authority  
210 East Lufkin Ave.  
Lufkin, Texas 75901

Dear Mr. Reneau:

Enclosed you will find a copy of the revised District Management Plan for the Rusk County Groundwater Conservation District. After a Public Hearing, this Management Plan was adopted by Resolution 2005-6 of the Rusk County Groundwater Conservation District Board of Directors on August 15, 2005.

This revised Management Plan is forwarded for your review and comment in accordance with Texas Administrative Code (31TAC§356.6 (a) (4)). Your response to this plan would be greatly appreciated.

If you have any questions or need additional information, please contact me or Len Luscomb.

Sincerely,

Worth Whitehead  
Board President

Enclosure: RCGCD District Management Plan (Revision 1)

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Total Postage & Fees	\$ 1.75	POSTED

2005 1110 0004 0618 1550

2005  
Mr. K. Reneau, Angelina & Neches R.A.  
210 East Lufkin Ave.  
Lufkin, Texas 75901

PS Form 3800, June 2002

12



LETTER TO EAST TEXAS REGIONAL WATER PLANNING COMMITTEE

RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT



PO BOX 97  
 HENDERSON, TEXAS 75653  
 PHONE: 903.657.1900  
 E-MAIL: rcgcd@cox-internet.com



August 16, 2005

Mr. David Alders, Chair  
 East Texas Regional Water Planning Group (RWPGI)  
 210 Premier Drive  
 Jasper, Texas 75951

13  
(a)

Dear Mr. Alders:

Enclosed you will find a copy of the Revised District Management Plan for the Rusk County Groundwater Conservation District. After a Public Hearing, this Revised Management Plan was adopted by Resolution 2005-6 of the Rusk County Groundwater Conservation District Board of Directors on August 15, 2005.

This Revised Management Plan is forwarded for your review and comment in accordance with Texas Administrative Code (31TAC§356.6 (a) (5)). Your response to this plan, with any possible conflicts with the existing Region I Regional Water Plan, would be greatly appreciated as we would like to include your comments in our submittal to the Texas Water Development Board.

Revisions are located on pages 14 and 15 as a result of a GAM run for Rusk County dated July 19, 2005.

If you have any questions or need additional information, please contact me or Len Luscomb.

Sincerely,

*Worth Whitehead*

Worth Whitehead  
 Board President

Enclosure: RCGCD District Management Plan (Revision 1)

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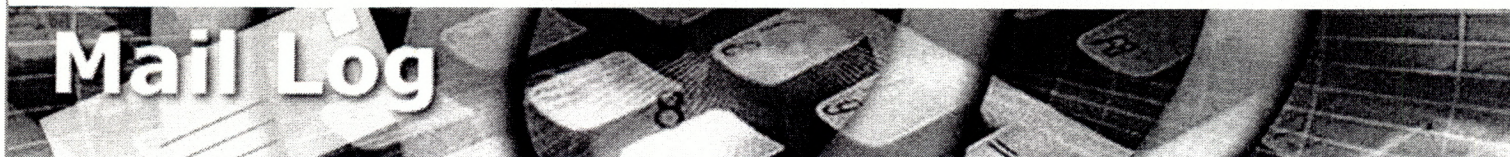
Postage	\$ 1.75	UNIT 125 0425
Certified Fee	1.75	
Return Receipt Fee (Endorsement Required)	1.75	Postmark Here
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.25	

7005 1160 0004 0689 6537

Sent To: *Mr. David Alders, ETRWPG*  
 Street: *210 Premier Dr*  
 City: *Jasper Texas 75951*

PS Form 3807, June 2002. See Reverse for Instructions.

<p><b>SENDER: COMPLETE THIS SECTION</b></p> <ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> <p>1. Article Addressed to:  <i>MR. DAVID ALDERS                  ETRWPG                  210 PREMIER DRIVE                  JASPER, TEXAS 75951</i></p> <p>2. Article Number (Transfer from service label)                  7005 1160 0004 0689 6537</p> <p>PS Form 3811, February 2L Domestic Return Receipt 102595-02-M-1540</p>	<p><b>COMPLETE THIS SECTION ON DELIVERY</b></p> <p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee  <i>X Lindsey Cox</i></p> <p>B. Received by (Printed Name) C. Date of Delivery  <i>Lindsey Cox</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No                  If YES, enter delivery address below:</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
--	--



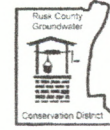
**August 29, 2005**

Contact	Company Name	Subject	Start Date	Due Date	Notified	Tasked	Resp.	Out
Potts, Robert - General Manager	Edwards Aquifer Authority	8/26/05 ltr - Enclosed is the 2004 Annual Report of the Edwards Aquifer Authority. Mr. Guerra also received a copy.	8/29/2005 2:23:39 PM		L. Glenn		N	--
Whitehead, Worth - Board President	Rusk County Groundwater Conservation District	8/25/05 Expressed Mail ltr - Enclosed is the Rusk County Groundwater Conservation District's Management Plan, Revision 1. Also enclosed is their Board's resolution adopting the Management Plan, Revision 1.	8/29/2005 2:16:33 PM	11/15/2005	P. Blanton, R. Mace, B. Mullican, A. Omoegbele	R. Petrossian	N	--
Melichar, David - Publisher	Greater Austin Chamber of Commerce	Enclosed is the Summer 2005 Business Meetings guide for the greater Austin area.	8/29/2005 2:12:39 PM		D. Ramirez		N	--

**RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT**



**PO BOX 97  
HENDERSON, TEXAS 75653  
PHONE: 903.657.1900  
E-MAIL: rcgcd@cox-internet.com**



August 25, 2005

Mr. Kevin Ward, Executive Administrator  
1700 North Congress  
P.O. Box 13231  
Austin, Texas 78711-3231

**TWDB  
RECEIVED**

**AUG 29 2005**

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

Dear Mr. Ward

Enclosed you will find a copy of the adopted District Management Plan Revision 1 for the Rusk County Groundwater Conservation District that is being sent to you for certification. Also enclosed is an original of the board's resolution adopting the Districts Management Plan Revision 1. Copies of the public hearing posting and the agenda for this hearing are located in Appendix B pages 26 - 27 of the plan. Copies of the letters sent to surface water entities are located in Appendix C pages 28-32 of the plan. A copy of the letter to the East Texas Regional Water Planning Group (RWPGI) requesting review of the plan is located in Appendix D page 33 of the plan. Our District Rules have not been adopted and are still in the process of review by the board of directors. The proposed District Rules that were sent to you with the original Management Plan submission are still valid.

The District Management Plan was revised to include the GAM run for Rusk County that was not available at the time of the original submission. Also comments from two water entities to our original plan were included in this revision. All revisions can be found on pages 14, 15, 16, and 18 of the plan.

If you have any questions or need additional information, please contact me or Len Luscomb.

Sincerely,

A handwritten signature in cursive script that reads "Worth Whitehead".

Worth Whitehead  
Board President

Enclosures: RCGCD District Management Plan Revision 1,  
District Resolution 2005-06,

RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT

CERTIFICATE FOR RESOLUTION

STATE OF TEXAS  
COUNTY OF RUSK

**RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT  
RESOLUTION AUTHORIZING APPROVING MANAGEMENT PLAN**

WHEREAS, the Management Plan of the Rusk County Groundwater Conservation District, (Revision 1) attached hereto as Attachment A, has been developed for the purpose of conserving, preserving, protecting, and recharging the underground water in the District, and this action is taken under the District's statutory authority to prevent waste and protect rights of owners of interest in groundwater;

10

WHEREAS, the Management Plan meets the requirements of Senate Bill 1;

WHEREAS, under no circumstances, and in no particular case will this Management Plan, or any part of it, be construed as a limitation or restriction upon the exercise of any discretion, where such exists; nor will it in any event be construed to deprive the Board of an exercise of powers, duties and jurisdiction conferred by law, nor to limit or restrict the amount and character of data or information which may be required for the proper administration of the law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT THAT:

- 1) The "Management Plan of the Rusk County Groundwater Conservation District" (Revision 1) contained in attachment A is hereby adopted.
- 2) This Management Plan will take effect upon certification by the Texas Water Development Board. It will remain in effect until a revised District Management Plan is certified or August 2015, whichever is earlier.

AND IT IS SO ORDERED.

The motion Passed with 6 ayes, and 0 nays.

PASSED AND APPROVED THIS 15 DAY OF August, 2005

Worth Whitehead  
Worth Whitehead, President

ATTESTED BY:

Ruth Flanagan  
Ruth Flanagan, Secretary

# **PROPOSED RULES OF THE RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT**

## PRELIMINARY DRAFT

The rules of the Rusk County Groundwater Conservation District were adopted by the Board of Directors on DATE, at a duly posted public meeting in compliance with the Texas Open Meetings Act and following notice and hearing in accordance with the Texas Water Code Sec. 36.101. In accordance with Section 59 of Article XVI of the Texas Constitution and Acts of the 78<sup>th</sup> Legislature, Regular Session, Chapter 764, 2003 (H.B. 3569), and Chapter 36 of the Texas Water Code, the following rules are hereby ratified and adopted as the rules of this District by its Board.

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

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

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## **RULE 1 – DEFINITIONS AND CONCEPTS**

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

- (a) "Acre-foot" means the amount of water necessary to cover one acre of land to the depth of one foot, or 325,851 U.S. gallons of water.
- (b) "Additional production" means the amount of water produced from an excluded well in excess of that amount produced under permit by the Railroad Commission of Texas.
- (c) "Affected person" means, for any application, a person who has a personal justifiable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justifiable interest.
- (d) "Agricultural crop" means food or fiber commodities grown for resale or commercial purposes that provide food, clothing, animal feed or other products.
- (e) "Aquifer" means a geologic formation, group of formations or part of a formation that is capable of yielding a significant amount of water to a well or spring.
- (f) "Beneficial use" or "beneficial purpose" means use of groundwater for:
  - 1) agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial or recreational purposes;
  - 2) exploring for, producing, handling, or treating oil, gas, sulfur, lignite, or other minerals; or
  - 3) any other purpose that is useful and beneficial to the user that does not commit or result in waste as that term is defined in these rules.
- (g) "Board" means the Board of Directors of the Rusk County Groundwater Conservation District.
- (h) "Casing" means a tubular, water tight structure installed in the excavated or drilled hole to maintain the well opening and, along with cementing, to confine the ground waters to their zones of origin and to prevent the entrance of surface pollutants.
- (i) "Cement" means a neat Portland or construction cement mixture of not more than seven gallons of water per ninety-four (94) pound sack of dry cement, creating a cement slurry in which bentonite, gypsum, or other additives may be included.
- (j) "Deteriorated well" means a well, the condition of which will cause, or is potentially likely to cause, pollution of any water in the district.
- (k) "District" means the Rusk County Groundwater Conservation District as authorized under House Bill 3569 (Acts 2003, 78th Legislature, Regular Session, chapter. 764, p. 2214).
- (l) "District Office" means the office of the district, which may be changed from time to time by resolution of the board.
- (m) "Drilling permit" means a permit for a water well to be drilled, including test wells, or an existing well that is to be re-drilled.
- (n) "Drilling registration" means the registration required for an exempt well that is to be drilled.
- (o) "GPM" means gallons per minute.
- (p) "Groundwater" means water percolating below the surface of the earth within the district.

- (q) "Groundwater reservoir" means a specific subsurface water-bearing stratum.
- (r) "Hearing body" means the board, any committee of the board, or a hearing examiner at any hearing held under the authority of law.
- (s) "Hearing examiner" means the person appointed by the board of directors to conduct a hearing or other proceeding.
- (t) "Landowner" means the person who holds possessor rights to the land surface or the groundwater.
- (u) "New well application" means an application for a permit for a water well that has not been drilled.
- (v) "Open Meetings law" means Chapter 551, Texas Government Code, as it may be amended from time to time.
- (w) "Open Records law" means Chapter 552 Texas Government Code, also called the "Public Information law," as it may be amended from time to time.
- (x) "Operating permit" means a permit issued by the district for a water well, allowing groundwater to be withdrawn from a water well.
- (y) "Party" means a person who is an automatic participant in a proceeding before the district or a person who is an affected person as defined under these rules.
- (z) "Person" means an individual, corporation, limited liability company, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.
- (aa) "Pollution" means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the district, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or public enjoyment of the water for any lawful or reasonable use.
- (bb) "Presiding officer" means the president, vice-president, secretary or other board member presiding at any hearing or other proceeding or a hearing examiner conducting any hearing or other proceeding.
- (cc) "Quorum" means a majority of the members of the board of directors.
- (dd) "Registration" means a certificate issued by the district for a well that is exempt from an operating permit.
- (ee) "Rule" or "rules" means the rules and regulations of the district.
- (ff) "Texas Rules of Civil Procedure" and "Texas Rules of Evidence" mean the civil procedure and evidence rules, as adopted by the Supreme Court of Texas, as amended, and in effect at the time of the action or proceeding. Except as modified by these district rules, the rights, duties and responsibilities of the presiding officer acting under the Texas Rules of Civil Procedure and the Texas Rules of Evidence are the same as a court acting under those rules, without a jury.
- (gg) Types of wells:
  - 1) "Additional production well" means a well that is otherwise excluded by law from regulation by the district that is also used for additional purposes regulated by the district.
  - 2) "Artesian well" means a water well completed in the confined portion of an aquifer such that, when properly cased, water will rise in the well by natural pressure above the base of the overlying impermeable stratum.
  - 3) "De-watering well" or "depressurizing well" means a well used to remove water from a construction site or an excavation, or to relieve hydrostatic



- uplift on permanent structures. De-watering wells may include exempt, non-exempt, and excluded wells.
- 4) "Exempt well" means a well, which may be either a new or an existing well, that is exempt under Texas Water Code §36.117 or the District Rules, and is not required to have an operating permit. Existing exempt wells may be registered with the district; new exempt wells must be registered with the district. An exempt well is a well that is:
    - (a) drilled or equipped to produce no more than 25,000 gallons per day;
    - (b) for a domestic water supply to 10 or fewer households and a person who is a member of each household is either the owner of the well, a person related to the owner or a member of the owner's household within the second degree of consanguinity, or an employee of the well owner;
    - (c) drilled or equipped to produce water for watering livestock and poultry connected with farming, ranching, or dairy enterprises; or
    - (d) from which no water is sold or exported from Rusk County.
  - 5) "Existing well" means a well that is in existence or for which drilling has commenced on the day of adoption of these rules.
  - 6) "Excluded well" means a well drilled for oil, gas, sulfur, uranium, or brine, or for core tests, or for injection of gas, saltwater, or other fluid or for any purpose, under permits issued by the Railroad Commission of Texas.
  - 7) "Injection well" means a well into which fluids are injected.
  - 8) "Monitoring well" means a well installed to measure some property of the groundwater or the aquifer that it penetrates.
  - 9) "New well" means a well not in existence or for which drilling has not commenced on the day of adoption of these rules.
  - 10) "Non-exempt well" means either an existing or a new well subject to these rules.
- (hh) "Waste" means any one or more of the following:
- 1) withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agriculture, gardening, domestic, stock raising purposes, or other beneficial purposes;
  - 2) the flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose;
  - 3) escape of groundwater from a groundwater reservoir to any other reservoir or geologic stratum that does not contain groundwater;
  - 4) pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;
  - 5) willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or other order issued by the Texas Commission on Environmental Quality under Chapter 26, Texas Water Code;
  - 6) groundwater pumped for irrigation that escapes as irrigation tail water onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge;

- 7) for water produced from an artesian well, "waste" has the meaning assigned by Section 11.205, Texas Water Code;
  - 8) groundwater that is discharged into a water course for transit to another location when the losses in transit exceed 20%; or
  - 9) operating a deteriorated well.
- (ii) "Water meter" or "water measuring device" for large volume users means a water flow measuring device that can within +/- 10% accurately record the amount of groundwater produced during a measured time.
  - (jj) "Well" means any facility, device or method used to withdraw groundwater from a groundwater reservoir in the district.
  - (kk) "Well operator" means the person who operates a well or a water distribution system supplied by a well.
  - (ll) "Well owner" means the person who owns a possessor interest in the land upon which a well is located or to be located, the well, or the groundwater.
  - (mm) "Well system" means a well or group of wells tied to the same distribution system.
  - (nn) "Withdraw" means the act of extracting or producing groundwater by pumping or some other method.

1.2 The definitions contained in the Texas Water Code Section 36.001 shall also be included to the extent that they are used in these rules.

1.3 Purpose of rules. - These rules are adopted pursuant to the authority of Section 36.101, Texas Water Code, for the purpose of conserving, preserving, protecting, and recharging groundwater in the district, and these rules are adopted under the district's statutory authority to prevent waste and to protect the rights of owners of interests in groundwater.

1.4 Use and effect of rules. - These rules are used by the district in the exercise of the powers conferred by law and in the accomplishment of the purposes of the law creating the district. They may not be construed as a limitation or restriction on the exercise of any discretion, nor may they be construed to deprive the district or board of the exercise of any powers, duties or jurisdiction conferred by law, nor may they be construed to limit or to restrict the amount and the character of data or information that may be required to be collected for the proper administration of the law creating the district.

1.5 Amending of rules. - The board may, following notice and hearing, amend these rules or adopt new rules from time to time.

1.6 Headings and captions. - The section and other headings and captions contained in these rules are for reference purposes only and do not affect in any way the meaning or interpretation of these rules.

1.7 Construction. - A reference to a title, chapter or section without further identification is a reference to a title, chapter or section of the Water Code. Construction of words and phrases are governed by the Code Construction Act, Chapter 311, Subchapter B, Texas Government Code. Whenever a singular

noun is used, it may refer to a plural; whenever a plural noun is used, it may refer to a singular.

- 1.8 Method of Service under these Rules. - Except as otherwise expressly provided in these Rules, any notice or documents required by these Rules to be served or delivered may be delivered to the recipient, or the recipient's authorized representative, in person, by agent, by courier receipted delivery, by certified mail sent to the recipient's last known address, or by telephonic document transfer to the recipient's current telecopier number. Service by mail is complete upon deposit in a post office or other official depository of the United States Postal Service. Service by telephonic document transfer is complete upon transfer, except that any transfer occurring after 5:00 p.m. will be deemed complete on the following business day. If service or delivery is by mail, and the recipient has the right, or is required, to do some act within a prescribed time after service, three days will be added to the prescribed period. Where service by one of more methods has been attempted and failed, the service is complete upon notice publication in a general circulated newspaper in Rusk County.
- 1.9 Severability. - If any one or more of the provisions contained in these rules is for any reason held to be invalid, to be illegal, or to be unenforceable in any respect, the invalidity, illegality, or unenforceability may not affect any other rule or provision of these rules and these rules will be construed as if such invalid, illegal, or unenforceable rule or provision had never been contained in these rules.

## **RULE 2 - BOARD OF DIRECTORS**

- 2.1 Purpose of the board: The board is created to determine policy and to regulate the withdrawal of groundwater within the boundaries of the district, and to exercise its rights, powers and duties in a manner that will effectively and expeditiously accomplish the purposes of the law creating the district and Chapter 36, Texas Water Code. The board's responsibilities include, but are not limited to, adoption and enforcement of reasonable rules, policies, permits, and orders.
- 2.2 Board structure, officers: The board consists of appointed members, qualified as required by law. Each year at its regular June meeting, and if there is no June meeting, at its next regular meeting, the board will select one of its members to serve as president to preside over board meetings and proceedings, one to serve as vice-president to preside in the absence of the president, and one to serve as secretary-treasurer to keep a true and correct account of all meetings and proceedings of the board. The board may appoint an assistant secretary to assist the secretary. Members and officers serve until their successors are appointed and qualified to hold the office. In the event of a vacancy in an office of the district, the board shall select out of its members a person to serve out the remaining term of the office. In the absence of a general manager, the president shall exercise all of the duties delegated to the general manager under these rules. Business of the district will be conducted when a quorum is present.
- 2.3 Meetings: The board will hold a regular meeting each month on a day and place that the board may establish from time to time by resolution. At the request of

the president, or by written request of at least five members, the board may hold special meetings. All board meetings will be held in accordance with the Open Meetings law.

- 2.4 Committees: The president may establish committees for formulation of policy recommendations to the board, and appoint the chair and membership of the committees, which may be derived from the board or outside of the board. Committee members serve at the pleasure of the president.
- 2.5 Ex parte communications: Board members may not communicate, directly or indirectly, about any issue of fact or law in any contested case before the board, with any agency, person, party or their representatives, except on notice and opportunity for all parties to participate. A board member may communicate ex parte with other members of the board, if a quorum is not present.

### **RULE 3 - GENERAL MANAGER**

- 3.1 General Manager: The board may employ a person to be the general manager, who is the chief administrative officer of the district. The general manager shall have full authority to manage and to operate the affairs of the district, subject only to the direction given by the board through policies and orders adopted by it. At least annually, the board shall determine the compensation to be paid to the general manager and review the action and performance of the general manager to determine how the general manager has fulfilled his responsibilities and whether additional responsibilities should be delegated to him. The general manager, with the approval of the board, may employ all persons necessary for the proper handling of the business and operation of the district.
- 3.2 Delegation of authority: The general manager may delegate duties as may be necessary to effectively and expeditiously accomplish those duties, provided that no such delegation may relieve the general manager from responsibilities under the Texas Water Code, the act creating the district, and the policies, orders and permits promulgated by the board.

### **RULE 4 - DISTRICT**

- 4.1 Minutes and records of the district: All documents, reports, records, and minutes of the district are available for public inspection and copying in accordance with the Open Records law. Upon written application of any person, the district will furnish copies of its public records. Persons who are furnished copies may be assessed a copying charge, pursuant to policies established by the board. A list of charges for copies will be furnished by the district.
- 4.2 Certified copies: Requests for certified copies must be in writing. Certified copies may be made by the secretary, assistant secretary or the general manager and will be affixed with the seal of the district. Persons furnished with certified copies may be assessed a certification charge, in addition to the copying charge, pursuant to policies established by the board.
- 4.3 Official office and office hours: The board, by resolution, shall establish an official office for the district, and the regular business hours to be maintained.

### **RULE 5 – WASTE**

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

## **RULE 6 – PERMIT AND REGISTRATION REQUIRED**

- 6.1 No person shall drill, modify, complete, change type of use, plug, abandon, or alter the size of a well within the District without first registering the well with the District, or making application for a new well even though the well may be exempt from the requirement of a permit under Texas Water Code Section §36.117 or Rule 1.1 (gg) 4.
- 6.2 The District staff will review the application for registration and make a preliminary determination on whether the well meets the requirements, exclusions, or exemptions.
- 6.3 No permit shall be required for the drilling of wells exempt by Texas Water Code §36.117 or Rule 1.1 (gg) 4. Regardless of whether a permit is required, all wells must be installed consistent with 16 Texas Administrative Code §76.1000 (Technical Requirements – Locations and Standards of Completion for Wells).
- 6.4 Exempted Wells shall be registered with the District before drilling. All exempt wells shall be equipped and maintained so as to conform to the District's Rules requiring installation of casing, pipe and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir. Forms for registrations and applications for permits shall be provided by the District.
- 6.5 Any existing operational well not exempt under Rule 1.1 (gg) 4 in existence prior to effective date of these Rules is considered grandfathered and will automatically be granted an operating permit upon completion of the well validation procedure as provided in Rule 14. These grandfathered wells will not be assessed a registration or permit fee if the procedure is completed by DATE and the owner or operator provides all the information requested by the District. The volume allowed by the permit will be determined by past or planned production of the well.
- 6.6 A water well used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Texas Railroad Commission is exempt from District Fees provided the person holding

the permit is responsible for drilling and operating the water well and it is located on the same lease or field associated with the drilling rig.

6.7 A well-exempted under provision Rule 1.1 (gg) 4 above must be permitted and comply with all District Rules if:

- (a) the purpose of the well is no longer solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas; or
- (b) the withdrawals are no longer necessary for mining activities or are greater than the amount necessary for mining activities specified in the permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code.

6.8 All permits are granted subject to these rules, orders of the Board, and the laws of the State of Texas. In addition to any special provisions or other requirements incorporated into the permit, each permit issued must contain the following standard permit provisions:

- (a) This permit is granted in accordance with the provisions of the Rules of the District, and acceptance of this permit constitutes an acknowledgment and agreement that the permittee will comply with the Rules of the District.
- (b) This permit confers only the right to operate and its terms may be modified or amended. To protect the permit holder from the illegal use by a new landowner, within 10 days after the date of sale, the operating permit holder must notify the District in writing the name of the new owner of a permitted well. Any person who becomes the owner of a currently permitted well must, within 20 calendar days from the date of the change in ownership, file an application for a permit amendment to affect a transfer of the permit.
- (c) The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner.
- (d) The well site must be accessible to District representatives for inspection, and the permittee agrees to cooperate fully in any reasonable inspection of the well and well site by the District representatives.
- (e) The application pursuant to which this permit has been issued is incorporated in the permit, and the permit is granted on the basis of, and contingent upon, the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of the permit.
- (f) Violation of a permit's terms, conditions, requirements, or special provisions is punishable by civil penalties as provided by the District Rules and by law.
- (g) The permit may also contain provisions relating to the means and methods of transportation of water produced within the District.

6.9 Except as provided below, a permit is not required for a Monitor Well or a Remediation Well. A copy of the Driller's Report must be filed with the District

within (30) thirty days. If the use of Monitor Well or Remediation Well is changed to produce non-contaminated water, it then becomes subject to the permitting or registration requirements of these Rules depending upon use and volume.

## **RULE 7 – FEES AND REPORTS**

- 7.1 In accordance with Section 36.122 of the Texas Water Code, the Board will assess an export fee of \$0.025 per 1000 gallons for all water transferred out of the district. The fee is payable on water exported on or after DATE. Operators of wells exporting water out of the district shall provide payment to the District each quarter. Payment shall be due within thirty (30) days of the last day of March, June, September, and December with their quarterly reports. Operators shall provide monthly production records to document payment amount. The payment shall be accompanied by the report form specified by the Board.
- 7.2 Each application for a permit to drill a well shall be accompanied by a permit fee of \$125.00. Of this permit fee, \$100.00 will be refunded to the applicant upon issuance of an operating permit for the completed well by the District.
- 7.3 Each day that a payment remains unpaid after it is due shall constitute a separate violation of these Rules. A late payment charge equal to one percent per month following the due date shall be assessed on past due export fees.
- 7.4 An entity holding a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, that authorized the drilling of a water well shall accurately meter each water well and report monthly to the District:
- (a) the total amount of water withdrawn during the month;
  - (b) the quantity of water necessary for mining activities;
  - (c) the quantity of water withdrawn for other purposes;
- Multiple wells in the same well field may provide the information described in a-c above in aggregate for all water wells within the well field or separately for each well.

## **RULE 8 – ISSUANCE OF PERMITS**

- 8.1 Every person who drills a water well after the effective date of these Rules, other than an Exempt Well, must file an Application for Permit on a form approved by the Board. Each permit application must be accompanied by the fee.
- 8.2 Drilling Permit Requirement: The well owner, well operator, or any other person acting on behalf of the well owner must obtain a drilling permit from the District prior to drilling a new water well other than an exempt well, developing a well field or perforating an existing well. The application for a permit shall be in writing and sworn to, and shall include the following:
- (a) the name and mailing address of the applicant and the owner of the land on which the well will be located;

- (b) if the applicant is other than the owner of the property, documentation establishing the applicable authority to construct and operate a well for the proposed use;
- (c) a location map of all existing wells within a quarter (1/4) mile radius of the proposed well or the existing well to be modified;
- (d) a map from the county appraisal District indicating the location of the proposed well or the existing well to be modified, the subject property, and adjacent owners' physical addresses and mailing addresses;
- (e) notice of any application to the Texas Natural Resource Conservation Commission to obtain or modify a Certificate of Convenience and Necessity to provide water or wastewater service with water obtained pursuant to the requested permit;
- (f) a statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose.
- (g) a declaration that the applicant will comply with the District's Rules and all groundwater use permits and plans promulgated pursuant to the District's Rules.
- (h) a water conservation plan or a declaration that the applicant will comply with the Management Plan.
- (i) the location of each well and the estimated rate at which water will be withdrawn;
- (j) a water well closure plan or a declaration that the applicant will comply with all District well plugging and capping guidelines and report closure to the Commission.
- (k) a hydro geological report addressing the area of influence, draw down, recovery time, and other pertinent information required by the District shall be required for the following:
  - 1) Requests to drill a well with a daily maximum capacity of more than 2 million gallons;
  - 2) Requests to modify to increase production or production capacity of a Public Water Supply, Municipal, Commercial, Industrial, Agricultural or Irrigation well with an outside casing diameter greater than 6 5/8 inches. The well must be equipped (or tested at a rate equal to or greater than the rate necessary) for its ultimate planned use and the hydro geologic report must address the impacts of that use. The report must include hydro geologic information addressing and specifically related to the proposed water pumpage levels at the proposed pumpage site intended for the proposed well or for the proposed transporting of water outside the District. Applicants may not rely solely on reports previously filed with or prepared by the District.

8.3 Operating Permit Requirement: Within 14 days after the completion of a new water well, reworking, or re-equipping of an existing water well as provided in Rule 8.9 below, the well owner or well operator must file a completed operating permit application.

8.4 Transfer Permit Requirement: The well owner, well operator, or any other person acting on behalf of the well owner must obtain a transfer permit to transfer groundwater produced from within the District outside the District's boundaries. A groundwater transfer permit is not required for transferring groundwater that is



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

- 8.5 Notice of Permit Hearing: Once the District has received a completed original application for a water well drilling permit, operating permit, or a transport permit, the General Manager will issue written notice indicating a date and time for a hearing on the application in accordance with these Rules. The District may schedule as many applications at one hearing as deemed necessary.
- 8.6 Drilling Permits: Unless specified otherwise by the Board or these Rules, drilling permits are effective for a term ending 120 calendar days after the date the permit application was received.
- 8.7 Transfer Permits: Unless specified otherwise by the Board or these Rules, transport permits are effective for five (5) years. Notwithstanding the period specified above, the District may periodically review the amount of water that may be transferred under the permit and may limit the amount.
- 8.8 Effect of Acceptance of Permit: Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of and agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions.
- 8.9 Reworking and Replacing a Well:
- (a) An existing well may be reworked or re-equipped in a manner that will not change the permitted well status. A change in the permitted well status will require an operating permit amendment.
  - (b) A permit must be applied for if a party wishes to replace an existing well with a replacement well.
  - (c) A replacement well, in order to be considered such, must be drilled within fifteen feet of the existing well.
  - (d) The location of the old well (the well being replaced) shall be protected in accordance with the spacing Rules of the District until the replacement well is drilled and tested. The landowner or his/her agent must within 120 days of the issuance of the permit declare in writing to the District which one of these two wells he desires to produce. If the landowner does not notify the District of his/her choice within this 120 days, then it will be conclusively presumed that the new well is the well he/her desires to retain. Immediately after determining which well is retained for production, the other well shall be:
    - 1) Properly equipped in such a manner that it cannot produce more than 25,000 gallons of water a day; or
    - 2) Closed in accordance with applicable state law and regulation Section 756.002, Texas Health and Safety Code
    - 3) Violation of such Article is made punishable by a fine as provided by law.

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

- 8.10 Emergency Authorization: Any person, who has a Permit or Certificate of Registration from the District to Operate a well, may apply to the District for emergency authorization to drill and operate a replacement well as set forth below. The emergency must meet all of the following conditions:
- (a) The "emergency" must present an imminent threat to the public health and safety or to an agricultural activity, must be explained to the satisfaction of the District and include any documentation requested by the District.
  - (b) Neither the emergency authorization nor an applicant for a permit to drill the well has been denied.
  - (c) A completed application as required by these Rules must be sent by telecopy or hand delivery within three (3) business days after notifications of the emergency conditions is given.
  - (d) All application fees must be paid within 7 days of the emergency notifications.
  - (e) Such other information as requested has been received by the District.
  - (f) The well must comply with all the other provisions for a replacement well as specified in Rule 8.9

## **RULE 9 – REQUIREMENT OF DRILLERS LOG, CASING AND PUMP DATA**

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

## **RULE 10 – MINIMUM SPACING OF WELLS**

- 10.1 Distance Requirements:
- (a) No non exempt well to be drilled subsequent to the date of enactment of this rule shall be drilled such that said well shall be located nearer than one

- hundred fifty (150') feet from the nearest property line; provided that the Board, may grant exceptions to permit drilling within shorter distances.
- (b) An exempt well shall be located a minimum distance of one hundred (100) feet from an existing or proposed septic system absorption field, septic systems spray area, a dry litter poultry facility and fifty (50) feet from any property line provided the well is located at the minimum distance from sources of potential contamination. The Board may grant a variance from this requirement.
  - (c) In the interest of protecting life and for the purpose of preventing waste, preventing overlapping cones of depression resulting from production rates, and preventing confiscation of property, the Board reserves the right to limit the number of wells on a tract of land or require a minimum distance between wells.

#### 10.2 Exception to Spacing Rule;

- (a) In order to protect vested property rights, to prevent waste, to prevent confiscation of property, or to protect correlative rights, the Board may grant exception to the above spacing regulations. This rule shall not be construed so as to limit the power of the Board, and the powers stated are cumulative only of all other powers possessed by the Board.
- (b) If an exception to such spacing regulations is desired, application therefore shall be submitted by the applicant in writing to the Board at its District office on forms furnished by the District. The application shall be accompanied by a plat or sketch, drawn to scale of one (1) inch equaling one thousand (1000) feet. The plat or sketch shall show thereon the property lines in the immediate area and shall show accurately to scale all wells within a quarter mile of the proposed well site. The application shall also contain the names of all property owners adjoining the tract on which the well is to be located and the ownership of the wells within a quarter mile of the proposed location. Such application and plat shall be certified by some person actually acquainted with the facts who shall state that all the facts therein are true and correct.
- (c) Such exception may be granted ten (10) days after written notice has been given to the applicant and all adjoining owners and all well owners within a quarter mile of the proposed location, and after a public hearing at which all interested parties may appear and be heard, and after the Board has decided that an exception should be granted. Provided, however, that if all such owners execute a waiver in writing stating that they do not object to the granting of such exception, the Board may thereupon proceed to decide upon the granting or refusing of such application without notice of hearing except to the applicant. The applicant may also waive notice or hearing or both.

### **RULE 11 – PLACE OF DRILLING WELL**

- 11.1 After an application for a well permit has been granted, the well, if drilled, must be drilled within fifty feet of the location specified in the permit so long as that location does not violate any spacing requirements in these rules. If the well should be commenced or drilled at a different location, the drilling or operation of such well may be enjoined by the Board pursuant to Chapter 36, Texas Water

Code, as amended. The District shall have the right to confirm reported distances and inspect the wells or well locations.

## **RULE 12 – RIGHT TO INSPECT AND TEST WELLS**

12.1 Any authorized officer, employee, agent, or representative of the District shall have the right at all reasonable times to enter upon lands upon which a well or wells may be located within the boundaries of the District, to inspect such well or wells for information or the enforcement of the Rules and regulations of the District. The operation of any well may be enjoined by the Board immediately upon the refusal to permit the gathering of information as above provided from such well.

## **RULE 13 – OPEN WELLS TO BE CAPPED**

13.1 At a minimum, open or uncovered wells must be capped in accordance with the requirements of the TCEQ, the Texas Department of Licensing and Regulation's Water Well Drillers and Pump Installers Program, and the District Rules and Well Construction Standards. The owner or lessee shall keep the well permanently closed or capped with a watertight covering capable of sustaining weight of at least 400 pounds, except when the well is in actual use. The covering for a capped well must be constructed with a watertight seal to prevent entrance of surface pollutants into the well itself, either through the well bore or well casing.

13.2 Unless granted an exception by the General Manager or Board, all abandoned wells that are not capped in accordance with Rule 13.1 must be closed or capped in accordance with the requirements of the TCEQ, the Texas Department of Licensing and Regulation's Water Well Drillers and Pump Installers Program, District Rule 13, and other applicable Rules and Well Construction Standards adopted by the Board of Directors. Prior to closing or capping a well, the District Well Construction Standards require as a minimum, registration of the well with the District, a site inspection by District staff, submission to the District for review and approval, and a Close and Abandonment Plan by the owner or the well driller. The General Manager may require the well owner to take a water sample and have a water quality analysis conducted as part of or prior to the closing or capping operation at the well owner's expense.

13.3 In accordance with 16 TAC Section 76.700, Texas Water Well Drillers Rules, within 60 days of completing the plugging of a well located within the District, the well driller shall provide the District a copy of the Plugging Report.

13.4 If the owner or lessee fails or refuses to close or cap the well in compliance with this Rule and District standards within ten (10) days after being requested to do so in writing by an officer, agent, or employee of the District, then, upon Board approval, any person, firm, or corporation employed by the District may go on the land (pursuant to Texas Water Code Chapter 36.118) and close or cap the well safely and securely.

- 13.5 Reasonable expenses incurred by the District in closing or capping a well constitute a lien on the land on which the well is located. The District shall perfect the lien by filing in the deed records of the county where the well is located an affidavit, executed by any person conversant with the facts, stating the following:
- (a) The existence of the well;
  - (b) The legal description of the property on which the well is located;
  - (c) The approximate location of the well on the property;
  - (d) The failure or refusal of the owner or lessee, after notification, to close the well within ten (10) days after the notification;
  - (e) The closing of the well by the District, or by an authorized agent, representative, or employee of the District; and
  - (f) The expense incurred by the District in closing the well.
- 13.6 Wells closed or capped pursuant to this section may be physically sealed and red tagged to indicate that the District has sealed the well. The District may take other action as necessary to preclude operation of the well or to identify unauthorized operation of the well.

#### **RULE 14 – WELL VALIDATION**

- 14.1 In order to provide for the “grandfathering” of existing non exempt water wells, a certification of validation for a well can be issued only after the location of the well and the wellhead equipment of the well has been determined by field survey by District personnel, the well owner, and/or designated agents acting for the District. A well owner or agent may apply to the District for validation. There will be no cost to the well owner or the well owner’s agent if the existing well is registered within one year of the adoption of these Rules. After this one year grace period, a non refundable registration fee of \$50.00 will be required for validation. The Board on its own initiative may cause to be issued a validation certificate for wells drilled and equipped within the District for which the landowner or his agent has not applied for a Permit or for wells not otherwise properly permitted, provided that such wells were not drilled, equipped and operated (pumped) in such a manner as to violate any other Rules and regulations of the District.
- 14.2 To the extent available, the well owner shall provide all of the information required in Rules 8 and 9 and as may otherwise be requested by the District. It is the intent of the District to utilize the information collected hereunder to establish a historic use for each well validated.

#### **RULE 15 – TRANSFER OF GROUNDWATER OUT OF THE DISTRICT**

- 15.1 Purpose: In recognition of the fact that the transfer of groundwater resources from the District for use outside of the District impacts residents and property owners of the District differently than use within the District, and in order to manage and conserve groundwater resources within the District, and provide reasonable protection of the public health and welfare of residents and property owners of the District, a ground water transfer permit is required to produce

groundwater from within the District's boundaries and to transfer such groundwater for use outside the District.

15.2 Scope: A groundwater transfer permit is required for production of any water from a well within the District, all or part of which is regularly transported for use outside the District. A groundwater transfer permit shall be obtained prior to commencing construction of wells or other facilities utilized to transfer groundwater from the District. Water wells to be used for the transfer of water outside of the District shall be subject to all other requirements of the District.

15.3 Application: An application for groundwater transfer permit shall be filed in the District office by the owner of the groundwater rights or owner or operator of the production facilities. The following information shall be provided:

- (a) The name and mailing address of the applicant and the owner of the land 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 statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose;
- (d) A water conservation plan;
- (e) A declaration that the applicant will comply with the District's management plan;
- (f) The location of each well and the estimated rate at which water will be withdrawn;
- (g) A water well closure plan or a declaration that the applicant will comply with well plugging guidelines and report closure to the Board.
- (h) A drought contingency plan;
- (i) Data showing the availability of water in the District and in the proposed receiving area during the period for which water supply is requested;
- (j) Alternate sources of supply that might be utilized by the applicant, and the feasibility and the practicability of utilizing such supplies;
- (k) The amount and purposes of use in the proposed receiving area for which water is intended;
- (l) The projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or existing permit holders or other groundwater users within the District;
- (m) The indirect costs and economic and social impacts associated with the proposed transfer of water from the District.
- (n) Proposed plan of the applicant to mitigate adverse hydro geologic, social or economic impacts of the proposed transfer of water from the District;
- (o) How the proposed transfer is addressed in the approved regional water plan and certified District management plan;
- (p) The names and addresses of the property owners within one-half (1/2) mile of the location of the well(s) from which water to be transported is to be produced, and the location of any wells on those properties.
- (q) The time schedule for construction and/or operation of the well.
- (r) Construction and operation plans for the proposed facility, including, but not limited to:

1) A technical description of the proposed well(s) and production facility, including depth of the well, the casing diameter, type and setting, the perforated interval, and the size of pump.

2) A technical description of the facilities to be used for transportation of water.

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

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

15.4 Application Processing Fee: An application processing fee, sufficient to cover all reasonable and necessary costs to the District of processing the application, will be charged. The application must be accompanied by the Fee. If the fee is determined by the General Manager or the Board to be insufficient to cover anticipated costs of processing the application, the applicant may be required to post a deposit in an amount determined by the General Manager or the Board's representative to be sufficient to cover anticipated processing cost. As costs are incurred by the District in processing the application, those costs may be reimbursed from funds deposited by the applicant. The applicant shall be provided a monthly accounting of billings against the application processing deposit. Any funds remaining on deposit after the conclusion of application processing shall be returned to the applicant. If initially deposited funds are determined by the General Manager to be insufficient to cover costs incurred by the District in processing the application, an additional deposit may be required. If the applicant fails to deposit funds as required by the District, the application may be dismissed.

15.5 Notice: Within 30 days following a determination by the District that the application is complete, notice of the application shall be mailed by the applicant to all property owners within one-half mile of the property upon which the well(s) is to be located and published in a newspaper of general circulation within the District. The District will provide the notice to the applicant for mailing and publication. Notice shall include at least the following information:

(a) the name and address of the applicant;

(b) the date the application was filed;

(c) the time and place of the hearing;

(d) the location of the proposed well(s) from which water to be transported is to be produced;

(e) A description of the production facility; and

(f) A brief summary of the information in the application.

15.6 Hearing: If requested by the applicant, any affected person opposed to the application having a justifiable interest, or the General Manager, a contested case public hearing shall be conducted in accordance with provisions of the Texas Administrative Procedure Act, Gov't Code- 2000.01, et seq. If not requested by any party, the public hearing on the application may be conducted by the Board at a regular or special meeting.

15.7 Permit:

(a) The permit to transfer groundwater out of the District may be issued as a consolidated permit authorizing drilling, production, and transfer of water from

- the District. Whether issued as a consolidated permit or separately, the requirements for a permit to transfer groundwater out of the District are cumulative with all other permits or other requirements of the District.
- (b) In determining whether to issue a permit to transfer groundwater out of the District, Board shall consider, in addition to all other factors applicable to issuance of a permit from the District:
- 1) The availability of water in the District and in the proposed receiving area during the period for which the water supply is requested;
  - 2) The availability of feasible and practicable alternative supplies to the applicant;
  - 3) The amount and purposes of use for which water is needed in the proposed receiving area;
  - 4) The projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District;
  - 5) The indirect cost and economic and social impacts associated with the proposed receiving area;
  - 6) The approved regional water plan and certified District management plan; and,
  - 7) Other facts and considerations necessary by the Board for protection of the public health and welfare and conservation and management of natural resources in the District.
- (c) If it determines to issue a permit to transfer groundwater out of the District, the Board may limit the permit as warranted by consideration of those factors identified above. In addition to conditions identified by Texas Water Code – 36.1131, the permit to transfer water out of the District shall specify:
- 1) The amount of water that may be transferred out of the District;
  - 2) The period for which the water may be transferred
  - 3) Any monitoring or reporting requirements determined to be appropriate; and,
  - 4) Such other terms and provisions with reference to the drilling, equipping, completion, or alterations of wells or pumps that may be necessary to conserve the groundwater, prevent waste, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence.
  - 5) That it may be cancelled if the required production and transfer fees are not paid when due.

## **RULE 16 – ENFORCEMENT**

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

### **END OF DISTRICT RULES**