SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT MANAGEMENT PLAN

Management Plan

2012-

P.O. Box 849
Big Lake, TX 76932
Ph: 325-884-2893 Fax: 325-884-2445
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Management Plan
2012-

Whereas, the Santa Rita Underground Water Conservation District was created in accordance with Article 16, Section 59 of the 71st Legislature(1989) P. 2153, Ch.653 S.B. 1634 and Chapters 50 and 52 of the Texas Water Code, as amended; and
Whereas, the District is required by SB1 through Chapter 36.1071 of the Texas Water Code to develop and adopt a new Management Plan; and

Whereas, the District Board of Directors has determined that the new 5 year Management Plan addresses the requirements of Chapter 36.1071.

Now, Therefore, be it resolved, that the Board of Directors of the Santa Rita Underground Water Conservation District, following notice and hearing, hereby adopts this new 5 year Management Plan to replace the existing Management Plan; and

Further, be it resolved, that this new Management Plan shall become effective immediately upon adoption.

Adopted this _____ by the Board of Directors of the Santa Rita Underground Water Conservation District.

_____ _____

George Tucker, President Rusty Owens, Secretary

_____ _____

Dale Calley, Vice President Bobby Shelton

_____

Mike Vargas

Santa Rita Underground Water Conservation District

P.O. Box 849

Big Lake, TX 76932

Executive Administrator
Texas Water Development Board
Austin, TX 78711-3231

Dear Administrator:

Attached is a copy of the adopted Management Plan of the Santa Rita Underground Water Conservation District (SRUWCD) as required by 36.1072(a) of the Texas Water Code. A copy of the SRUWCD Board of Directors resolution adopting the plan is attached.

Upon receipt of your certification of this Management Plan, it is the intent of the Board of Directors that this plan replace the existing 5 year Management Plan that was adopted by the District in 2008

The SRUWCD Management Plan was developed during open meetings of the Board as required by the Open Meetings Act. Documentation that notice and hearing requirements were followed is presented as a separate attachment.

No surface water entities exist within the District.

Sincerely,

_____

Cindy Weatherby
District Manager

Santa Rita Underground Water

Conservation District

P.O. Box 849

Big Lake, TX 76932

District Goal

The overall objectives of this District are to maintain local individual control of the underground water supply, to gather data, and to create awareness of the need to manage for a better water supply.

The District provides information regarding the conservation, preservation/protection, recharge, and prevention of waste of the underground water reservoirs. This management plan will help provide guidance to accomplish the overall objective of the District. The plan is an open-ended document and can be revised or updated as needed to help meet the District's goals and objectives.

1. Continue to update equipment and services provided to the taxpayers of Santa Rita U.W.C.D.

2. Continue to encourage well owner compliance with the rules and regulations of Santa Rita U.W.C.D.

Particularly:

a. Well permitting (new wells).

b. Well spacing.

c. Protection of the aquifer from pollution.

d. Prohibit the waste of water.

e. Open or abandoned wells to be capped or plugged.

3. Continue to inventory the groundwater resources by:

a. Monitoring and recording water levels and well depths.

b. Testing water samples by chemical and/or bacterial analysis

by certified labs.

c. Assisting the Texas Commission on Environmental Quality and/or the Texas Water Development Board in any research or studies pertinent to the depletion or contamination of the aquifer.

4. Strive to protect the underground water from pollution by:

a. Investigating any complaint or concern that individuals might have pertaining to:

1. Oil Field pollution or contamination

2. Salt Water Disposal Wells.

3. Agriculture related or other chemicals that may be infiltrating the aquifer.

4. Any other possible problem that occurs which might endanger water quality.

5. Promote public education/conservation of water by:

a. Distributing existing water education materials as well as periodical articles in the local newspaper.

b. Assisting any farmer or rancher requesting technical assistance or information that the District has available, or access to, concerning water quality and quantity.

c. Instructing the public when problems are found, of the proper treatment or corrective action necessary to make the water safe for consumption.

d. Provide Hydro geologic information (depth to water, well depth, etc.) to individuals with water wells.

e. Offering any other service or information that might be pertinent to protecting water quality and quantity.

f. Promote the reclamation of flow back water used in the Fracking process of drilling oil wells to preserve groundwater.

6. Distribute information regarding water related legislation which will impact the people of the Santa Rita U.W.C.D. as well as the people of Texas.

7. Encourage the formation of new underground water conservation districts to promote local underground water conservation protection issues.

Santa Rita Underground Water Conservation District

Time Period for this Plan

This plan becomes effective upon certification by the Texas Water Development Board and replaces the existing management plan which was adopted by the Board of Directors on_____, 2012. This new plan remains in effect until a revised plan is certified or September 1, 2017, which ever is earlier.

Statement of Guiding Principles

The primary concern of the residents of this District regarding groundwater is the potential contamination of the groundwater from the vast amount of oil and gas production and the activities involved in the production of oil and gas. In 1988 there was an attempt by Glasscock County Underground Water Conservation District to annex the major portion of Reagan into their district. The residents of Reagan County asked Senator Bill Sims to introduce legislation creating the Santa Rita Underground Water Conservation District. During the legislative process, the original Bill was compromised; allowing residents of Reagan County a short time to annex their surface interests into Glasscock Underground Water Conservation District. Thus, the northern portion of Reagan became of patchwork of two conservation districts.

The District recognizes that the groundwater resources of this region are of vital importance to the residents, and that this resource must be managed and protected from contamination and overdraft. The greatest threat to prevent the District from achieving the stated mission is from State Mandates and agency bureaucrats who have little understanding of local conditions and the Railroad Commissioners' lack of regulation on the use of groundwater for drilling, fracking and secondary recovery operations. With the many water wells, which are exempt from regulation by the District for this process make it almost impossible to plan for future water supplies. This management plan is intended as a tool to focus the thoughts and actions of those given the responsibility for the operation of District activities.

General Description

The Santa Rita Underground Water Conservation District was created by Acts of the 71st Legislative (1989) and was confirmed by residents shortly thereafter to be funded by ad valorem tax. It became an active District on January 1st, 1990 with the hiring of a

Manager and a Secretary. The District adopted Rules and By Laws the same year, which were revised in 1995. In 1991 the District adopted its first management plan. With adoption of these rules, the District implemented regulation of all water wells. The current members of the Board of Directors are: George Tucker, President, Dale Calley, Vice President, Rusty Owens, Secretary, Bobby Shelton, Member, and Mike Vargas, Member. The District Manager is Cindy Weatherby. The Santa Rita Underground Water Conservation District covers all but 65,350 acres of Reagan County. The economy of the District is primarily oil and gas production, and agricultural income is derived primarily from cotton and grain sorghum as well as sheep, meat goats, and beef cattle production. Recreational hunting leases contribute to the income of the residents also.

Location and Extent

The Santa Rita U.W.C.D. has an aerial extent of approximately 1175 square miles, or 751,866 acres of land, minus 65,350 acres which was annexed into the Glasscock County U.W.C.D. The total population of Reagan County is approximately 3326 persons. The City of Big Lake is the county seat of Reagan County. Other communities within the District, mostly in name only, are Stiles, Best, and Texon. Land use in the District is for agricultural purposes, of which approximately 7200 acres is farm land, and the balance in range land. Lands owned by the University of Texas covers 218,105 acres of the District. The only major aquifer underlying the District is the Edwards-Trinity (Plateau). Most of the farm land within the District is in the Northwestern portion of the County. Irrigation covers approximately 3500 acres. The principle method of irrigation has been furrow irrigation using underground pipelines and surge valves; with a few LEPA and Drip systems also.

Topography and Drainage

The lands within the Santa Rita U.W.C.D. are within the Concho river basin of the Colorado River with the Southern and Southwestern portions of the District draining into the Pecos River (Rio Grande) basin. Topographically, the area within the District ranges

in altitude from 2380 feet above sea level in the Northwestern part of the District, to 2860 feet above sea level in the southwestern part of the District.

Groundwater Resources of the Santa Rita U.W.C.D.

The Edwards-Trinity(Plateau) Aquifer is located in all of the District with approximate altitude of the base from 1900' to 2300' above sea level. Water from this aquifer is used primarily for irrigation, human consumption and livestock needs. This aquifer consists of saturated sediments of lower Cretaceous age Trinity Group formations and overlying limestone of the Washita, Fredericksburg, and Trinity groups. The Antlers sand and Dockum sand are used extensively in the Southern and Southeastern portions of the District for rural domestic and livestock water. The lower sand unit of the Dockum Group, often referred to as the Santa Rosa Sandstone, is an artesian aquifer in which the water is confined by overlying shale. Wells completed in this zone produce fresh to saline water which has been used mostly for secondary recovery purposes by the Oil Industry. Reported well yields range from 20 gal/min, where saturated thickness is thin, to more than 100 gal/min within the District.

Chemical quality of Edwards-Trinity (Plateau) water ranges from fresh to slightly saline. The water is typically hard, and may vary widely in concentration of dissolved solids; made up of mostly calcium and bicarbonate. Salinity levels are highest in areas of older oil and gas production in the North and west part of the District. Other areas have unacceptable levels of boron, fluoride, and sulfates. Water levels in the Northwestern part of the District continue to decline due to irrigation, however, none of this area has experienced declines greater than 60 feet since 1980. Recent drought and the many water wells drilled to supply the drilling of oil wells and the fracking process in some areas of the District have caused older, more shallow wells run dry.

The source of fresh ground water in the region is precipitation in the immediate area, and in areas mainly to the north and west. The direct infiltration of rainfall is minimal, because

most of the water is evaporated or transpired by plants. Water that escapes runoff, evaporation, and transpiration migrates downward by gravity until it reaches the zone of saturation. Currently the District is using the Region F-Regional Water Plan Reagan County projections as well as estimates of recharge and availability rates. The data sets describe the saturated thickness and yield, where the product of these two factors describes water in storage. When combined with recharge and production values, these estimates can be used by the District to derive goals for future estimates of available groundwater combined with the management process.

The estimates of the modeled available groundwater (MAG) in the District are based on the DFC (Desired Future Condition). See attached:

GAM RUN 10-043MAG (Version 2): Modeled Available Groundwater For the Edwards-Trinity (Plateau), Trinity, and Pecos Valley Aquifers in Groundwater Management Area 7

DFC

The District estimates

Based on Texas Water Development Report 359, the Dockum Aquifer also occurs within the district. The Dockum Aquifer does not crop out at the surface within in the district; therefore no recharge from precipitation to the aquifer occurs with in the district. Additionally, no water discharges to springs, lakes, streams, or rivers within the district.

Since the District does not cover all of Reagan County, all estimates except irrigation are based on a percentage derived by dividing the amount of acres within the District by the

total number of acres contained within Reagan County. The percentage used to develop these estimates is 0.9136.

See-Attached: Projected Water Demands TWDB 2012 State Water Plan Data

Since the District does not cover all of Reagan County, all estimates except irrigation are based on a percentage derived by dividing the amount of acres within the District by the total number of acres contained within Reagan County. The percentage used to develop these estimates is 0.9136. Irrigation estimates are based on 10 percent of total irrigation. Estimates of the total usable amount of groundwater in the District are based on Texas Water Development Board Water Use Survey-Estimated Groundwater pumpage for Reagan County. The District does not express an opinion as to the accuracy of the information, since these estimates were developed for regional planning purposes, and not for District planning purposes.

Projected Demands for Water in the Santa Rita Underground Water Conservation District

See attachment :Estimated Historical Water Use And 2012 State Water Plan Datasets

Since the District does not cover all of Reagan County, county-wide data are not necessarily the best representative data for the District. The following data have been proportionally adjusted based upon District area coverage relative to the total county area. The data in the following table are more representative of the projected District water demands.

See attachment:Santa Rita Undergound Water Conservation District Projected Water Demands:

* All estimates except irrigation are based on a percentage derived by dividing the amount of acres within the District by the total number of acres contained within Reagan County. The percentage used to develop these estimates is 0.9136.

** Irrigation estimates are based on 10 percent (0.10) of total irrigation.

Surface Water Resources of Santa Rita Underground Water Conservation District

No surface water management entities exist within the District. There are no surface water impoundments within the District except for livestock consumption. There are no surface water entities located within the District to coordinate the development of this plan.

See Attachment: Estimated Historical Water Use And 2012 State Water Plan Datasets

Projected Water Management Strategies of the Santa Rita Underground Water Conservation District

See Attachment: Projected Water Management Strategies TWDB 2012 State Water Plan Data

Projected Water Needs of the Santa Rita Underground Water Conservation District

See Attachment: Projected Water Supply Needs TWDB 2012 State Water Plan Data

Potential Demand and Supply Issues Solutions

All estimates of the total usable amount of groundwater in the district, the amount of recharge, the projected water supply and demand for water in the district, and the water supply needs are based on data supplied by the Texas Water Development Board.

Since the District does not cover all of Reagan County, all estimates except irrigation are based on a percentage derived by dividing the amount of acres within the District by the total number of acres contained within Reagan County. The percentage used to develop these estimates is 0.9136. Irrigation estimates are based on 10 percent of total irrigation.

Based on supply and demand calculations and projections it is obvious that there will be times that demand exceeds supply. In this area of the State, and with the type of aquifer that serves the area, this is a normal occurrence that is recognized by the local residents.

Efforts are being made by the residents of the District to use the available groundwater resources with maximum efficiency, while monitoring the quality of the groundwater to protect this resource for years to come.

Management of Groundwater Supplies

District will manage 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 a reduction of groundwater use. An observation network shall be established and maintained in order to monitor changing storage conditions of groundwater supplies within the District. The District will make a regular assessment of water supply and groundwater storage conditions and will report those conditions to the Board and to the public. The District will undertake, as necessary and cooperate with investigations of the groundwater resources within the District and will make the results of investigations available to the public.

The relevant factors to be considered in making a determination to deny a permit 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

The District will employ all technical resources at its disposal to evaluate the resources available within the District and to determine the effectiveness of regulatory or conservation measures. A public or private user may appeal to the Board for discretion in enforcement of the provisions of the water supply deficit contingency plan on grounds of adverse economic hardship or unique local conditions. The exercise of said discretion by the Board, shall not be construed as limiting the power of the Board.

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 provisions of this plan.

The District adopted rules on January 17, 2012 relating to the permitting of wells. The rules adopted by the District shall be pursuant to Texas Water Code Chapter 36 and provisions of this plan. All rules will be adhered to and enforced. The promulgation and enforcement of the rules will be based on the best technical evidence available.

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

The District will seek cooperation in the implementation of this plan and the management of groundwater within the District.

Methodology for Tracking District Progress in Achieving Management Goals

The District manager will prepare and present an annual report to the Board of Directors on District performance in regards to achieving management goals and objectives. The presentation of the report will occur during the first monthly Board meeting each fiscal year, beginning October 1, 2012. 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 previous fiscal year. 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.

GOALS, MANAGEMENT OBJECTIVES and PERFORMANCE STANDARDS

Goal

1.0 Develop a groundwater monitoring system to improve the understanding of the aquifers and their hydrogeologic properties, as well as a quantification of resources necessary for prudent planning. This will help to provide the most efficient use of groundwater (356.5(a)(1)(A)).

Management Objective

1.1 Establish a water quality and water level monitoring network of 15 wells in the District as of October 1, 2012.

Performance Standard

1.1a- Each year determine the overall rate of deterioration of the water quality within the District through sampling 15 of the wells in the water quality monitoring network.

1.1b - Each year measure 15 wells in the water level monitoring network within the District during the Winter months.

1.1c- An Annual report to Board of Directors on number of wells measured and sampled.

Goal

2.0 Gather information necessary to assist in the achievement of the District's goal. This will help in controlling and preventing waste of groundwater (356.5(a)(1)(B))

Management Objective

2.1 Each year register all new water wells in the District.

Performance Standard

2.1a- Annual report to Board of Directors on the number of wells registered during the year.

Management Objective

2.2 Each year maintain a database of all well information.

Performance Standards

2.2a- Annual report to Board of Directors on the total number of wells in the database.

Management Objective

2.3 Each year update maps showing existing wells and all new wells drilled during the year.

Performance Standards

2.3a- Annually present all maps developed to Board of Directors for review.

Management Objective

2.4 Each year routinely plot on topographic maps any new or existing wells that have been inventoried and registered.

Performance Standards

2.4a- An annual review of topographic maps by Board of Directors indicating all wells that have been inventoried and registered.

Goal

3.0 Drought Conditions (356.5(a)(1)(F))

Management Objective

3.1 The District will monitor the Palmer Drought Severity Index (PDSI) by Texas Climatic Divisions. If PDSI indicates that the District will experience severe drought conditions, the District will notify all public water suppliers within the District.

Performance Standard

3.1a- The District staff will monitor the PDSI and report findings and actions to the District Board on a quarterly basis.

The District will strive to maintain the Desired Future Condition as submitted through GMA process which were submitted August 13, 2012. It will be difficult to meet the water needs of the future without the reporting amount of

use by the oil field which the District is unable to regulate. The District will encourage conservation from these users and also ask that they report usage to the district voluntarily and will be aware of conditions that could keep the district from meeting their DFC.

Please refer to the attached: Table 7 in the GAM Run 10-43

Goal

4.0

Conservation, Recharge Enhancement, Rainwater Harvesting, Precipitation Enhancement, and Brush Control

Management Objective: Conservation

4.1 Provide information to area residents about water conservation.

Performance Standard

4.1a- The District staff will publish an article concerning water conservation in a local newsletter or newspaper at least one time a year.

Management Objective: Recharge Enhancement

4.2 Provide information to area residents about recharge enhancement.

Performance Standard

4.2a- The District staff will publish an article concerning recharge enhancement in a local newsletter or newspaper at least one time a year.

Management Objective: Rainwater Harvesting

4.3 Provide information to area residents about rainwater harvesting.

Performance Standard

4.3a- The District staff will publish an article concerning rainwater harvesting on in a local newsletter or newspaper at least one time a year.

Management Objective: Precipitation Enhancement

4.4 Provide information to area residents about precipitation enhancement.

Performance Standard

4.4a- The District staff will publish an article concerning precipitation enhancement in a local newsletter or newspaper at least one time a year.

Management Objective: Brush Control

4.5 Provide information to area residents about brush control.

Performance Standard

4.5a- The District staff will publish an article concerning brush control in a local newsletter or newspaper at least one time a year.

Goal

5.0 Minimize the potential for contamination of the groundwater by new or existing wells.

Management Objective

5.1- Each year enforce rules for the drilling, completing, and equipping of water wells to insure that all new wells are completed properly to protect the groundwater.

Performance Standard

5.1a- Each year the District will have 100% of new wells drilled annually constructed to standards set forth in District rules.

Performance Effectiveness Standard:

5.1b- Each year determine the percent of wells drilled annually constructed to standards set forth in District rules.

Performance Standard

5.1c- Submit an Annual Report to Board of Directors on percentage of wells drilled annually constructed to standards set forth in District rules.

Management Objectives

5.2- Each year continue to properly plug abandoned or unusable water wells.

Performance standard

5.2a- Submit an Annual Report to Board of Directors on the number of wells plugged annually.

5.2b- Submit an Annual Report to Board of Directors on the number of wells capped annually.

SB1 Management Goals Determined Not-Applicable

Goal

1.0 Control and Prevention of Subsidence (356.5(a)(1)(C))

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

Goal

2.0 Conjunctive Surface Water Management Issues (356.5(a)(1)(D))

There is no surface water in the Santa Rita Underground Water District.

Goal

3.0 Addressing Natural Resource Issues Which Impact the Use and Availability of Groundwater and Which Are Impacted By the Use of Groundwater In The District (356.5(a)(1)(E))

The District has no documented occurrences of endangered or threatened species dependent upon groundwater. Other issues related to resources-air, water, soil, etc. supplied by nature that are useful to life are likewise not documented. The natural resources of the oil and gas industry are regulated by the Railroad Commission of Texas, and are exempt by Chapter 36.117(e), unless the spacing requirements of the District can be met when space is available. Therefore, this management goal is not applicable to the operations of the District.

Information Not Available:

Goal

4.0 Addressing in a Quantitative Manner the Desired Future Conditions of the Groundwater Resources in the District (356.5(a)(1)(H))

A network of 15 water wells in the District are measured annually in the winter months to monitor water levels. This will aid the District to achieve the Desired Future Condition.

The District will review and calculate its permit and well registration totals in light of the DFCs of the groundwater resources within the boundaries of the District to assess whether the District is on target to meet the DFC estimates submitted to the TWDB.

District's permit and well registration totals and will evaluate the District's progress in achieving the DFCs of the groundwater resources within the boundaries of the District and whether the District is on track to maintain the DFC estimates over the fifty year planning period.

Summary definitions.

"Abandoned Wells" - shall mean:

1) a well or borehole the condition of which is causing or is likely to cause pollution of groundwater. A well is considered to be in use in the following cases:

(A) a water well which contains the casing, pump, and pump column in good condition;

(B) a well in good condition which has been capped.

2) a water well or borehole which is not in compliance with Texas law, the Rules and Regulations of the SRUWCD District, the Texas Water Well Drillers' Act, Texas Natural Resource Conservation Commission, or any other state or federal agency or political subdivision having jurisdiction, if the water well is abandoned or deteriorated.

"Board" - elected Board of Directors of the Santa Rita Underground Water Conservation District.

"District"- that area of Reagan County, Texas not annexed into another District, is the Santa Rita Underground Water Conservation District.

"TCEQ" – Texas Commission on Environmental Quality

"TWDB" -Texas Water Development Board.

"Waste" - as defined by Chapter 36 of the Texas Water Code 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 threaten to cause intrusion into the reservoir of water unsuitable for agricultural, domestic, or stock raising purposes;

(2) the flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose;

(3) escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater;

(4) pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;

(5) willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the commission under Chapter 26;

(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; or

(7) for water produced from an artesian well, "waste" has the meaning assigned by Section 11.205

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

"Landowner"- means the person whom bears ownership of the land surface area and water rights there under, unless previously sold.

"Water Well"- means any facility device, or method used to withdraw groundwater within the District.

"Water Right Holder"- means the person other than the landowner who has ownership of the water rights beneath the land surface.

"Well Owner"- means the person who owns the land upon which a well is located or is to be located.

SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT

P.O. Box 849
Big Lake, TX 76932

MANAGEMENT PLAN

WHEREAS, the Santa Rita Underground Water Conservation District was created by Acts of the 67th Legislature (1981), p. 2104, Ch. 489, H.B. 2381, in accordance with Article 16, Section 59 of the Constitution of Texas and Chapters 51 and 52 of the Texas Water Code, as amended; and

WHEREAS, H.B.2381 was amended by Acts of the 77th Legislature (2001), H.B. 561, in accordance with Chapters 36 of the Texas Water Code, as amended; and

WHEREAS, the District is required by Chapter 36.1071 of the Texas Water Code to develop and adopt a Management Plan; and

WHEREAS, the District is required by Chapter 36.1072 of the Texas Water Code to review and readopt the plan with or without revisions at least once every five years and to submit the adopted Management Plan to the Executive Administrator of the Texas Water Development Board for review and certification; and

WHEREAS, the District's adopted Management Plan shall be certified by the Executive Administrator if the plan is administratively complete; and

WHEREAS, the District Board of Directors, after reviewing the existing Management Plan, has determined that this plan should be replaced with an amended Management Plan; and

WHEREAS, the District Board of Directors has determined that the Amended Management Plan addresses the requirements of Chapter 36.1071.

NOW, THEREFORE, be it resolved, that the Board of Directors of the Santa Rita Underground Conservation District, following notice and hearing, hereby adopts this amended Management Plan; and

FURTHER, be it resolved, that this new Management Plan shall become effective immediately upon adoption.

Adopted_____, 2012 by the Board of Directors of the Santa Rita Underground Water Conservation District.

_____
Presiding Officer

Attest:

_____
Board Secretary

Attachment A

Estimated Historical Groundwater Use and 2012 Texas State Water Plan datasets

Estimated Historical Groundwater Use And 2012 State Water Plan Datasets:

Santa Rita Underground Water Conservation District

by Stephen Allen
Texas Water Development Board
Groundwater Resources Division
Groundwater Technical Assistance Section
stephen.allen@twdb.texas.gov
(512) 463-7317
February 19, 2013

GROUNDWATER MANAGEMENT PLAN DATA:

This package of water data reports (part 1 of a 2-part package of information) is being provided to groundwater conservation districts to help them meet the requirements for approval of their five-year groundwater management plan. Each report in the package addresses a specific numbered requirement in the Texas Water Development Board's groundwater management plan checklist. The checklist can be viewed and downloaded from this web address:

http://www.twdb.texas.gov/groundwater/docs/GCD/GMPchecklist0911.pdf

The five reports included in part 1 are:

1. Estimated Historical Groundwater Use (checklist Item 2)
   from the TWDB Historical Water Use Survey (WUS)
2. Projected Surface Water Supplies (checklist Item 6)
3. Projected Water Demands (checklist Item 7)
4. Projected Water Supply Needs (checklist Item 8)
5. Projected Water Management Strategies (checklist Item 9)
   reports 2-5 are from the 2012 State Water Plan (SWP)

Part 2 of the 2-part package is the groundwater availability model (GAM) report. The District should have received, or will receive, this report from the Groundwater Availability Modeling Section. Questions about the GAM can be directed to Dr. Shirley Wade, shirley.wade@twdb.texas.gov, (512) 936-0883.

DISCLAIMER:

The data presented in this report represents the most updated Historical Groundwater Use and 2012 State Water Planning data available as of 2/19/2013. Although it does not happen frequently, neither of these datasets are static and are subject to change pending the availability of more accurate data (Historical Water Use Survey data) or an amendment to the 2012 State Water Plan (2012 State Water Planning data). District personnel must review these datasets and correct any discrepancies in order to ensure approval of their groundwater management plan.

The Historical Water Use dataset can be verified at this web address:

http://www.twdb.texas.gov/waterplanning/waterusesurvey/estimates/

The 2012 State Water Planning dataset can be verified by contacting Wendy Barron (wendy.barron@twdb.texas.gov or 512-936-0886).

The values presented in the data tables of this report are county-based. In cases where groundwater conservation districts cover only a portion of one or more counties the data values are modified with an apportioning multiplier to create new values that more accurately represent district conditions. The multiplier used as part of the following formula is a land area ratio: (data value * (land area of district in county / land area of county)). For two of the four State Water Plan tables (Projected Surface Water Supplies and Projected Water Demands) only the county-wide water user group (WUG) data values (county other, manufacturing, steam electric power, irrigation, mining and livestock) are modified using the multiplier. WUG values for municipalities, water supply corporations, and utility districts are not apportioned; instead, their full values are retained when they are located within the district, and eliminated when they are located outside (we ask each district to identify these locations).

The two other SWP tables (Projected Water Supply Needs and Projected Water Management Strategies) are not apportioned because district-specific values are not statutorily required. Each district needs only "consider" the county values in those tables.

In the Historical Groundwater Use table every category of water use (including municipal) is apportioned. Staff determined that breaking down the annual municipal values into individual WUGs was too complex.

TWDB recognizes that the apportioning formula used is not perfect but it is the best available process with respect to time and staffing constraints. If a district believes it has data that is more accurate it has the option of including those data in the plan with an explanation of how the data were derived. Apportioning percentages are listed above each applicable table.

For additional questions regarding this data, please contact Stephen Allen (stephen.allen@twdb.texas.gov or 512-463-7317) or Rima Petrossian (rima.petrossian@twdb.texas.gov or 512-936-2420).

Estimated Historical Groundwater Use
TWDB Historical Water Use Survey (WUS) Data

Groundwater historical use estimates are currently unavailable for calendar years 2005, 2011 and 2012. TWDB staff anticipates the calculation and posting of these estimates at a later date.

REAGAN COUNTY *91.77 % (multiplier)* All values are in acre-feet/year

Year	Source	Municipal	Manufacturing	Steam Electric	Irrigation	Mining	Livestock	Total
1974	GW	715	28	0	13,335	820	399	15,297
1980	GW	795	0	0	21,107	240	229	22,371
1984	GW	923	0	0	30,946	1,333	128	33,330
1985	GW	867	0	0	20,878	1,297	141	23,183
1986	GW	795	0	0	22,316	1,325	135	24,571
1987	GW	672	0	0	18,767	1,304	90	20,833
1988	GW	719	0	0	20,908	1,214	102	22,943
1989	GW	781	0	0	30,926	963	100	32,770
1990	GW	698	0	0	34,873	963	100	36,634
1991	GW	713	0	0	29,802	1,613	105	32,233
1992	GW	665	0	0	22,655	1,613	106	25,039
1993	GW	764	0	0	22,220	1,599	116	24,699
1994	GW	927	0	0	28,544	1,599	164	31,234
1995	GW	876	0	0	39,692	1,599	126	42,293
1996	GW	711	0	0	40,551	1,599	117	42,978
1997	GW	584	0	0	43,063	1,599	117	45,363
1998	GW	850	0	0	59,070	1,599	173	61,692
1999	GW	867	0	0	18,844	1,599	173	21,483
2000	GW	847	0	0	14,572	1,599	165	17,183
2001	GW	711	0	0	10,766	1,599	131	13,207
2002	GW	672	0	0	13,656	1,599	131	16,058
2003	GW	917	0	0	9,179	1,599	73	11,768
2004	GW	954	0	0	9,525	1,599	74	12,152
2006	GW	1,235	0	0	17,199	0	113	18,547
2007	GW	1,235	0	0	15,594	0	119	16,948
2008	GW	1,280	0	0	17,852	0	210	19,342
2009	GW	699	0	0	15,329	457	211	16,696
2010	GW	553	0	0	17,790	526	178	19,047

Projected Surface Water Supplies
TWDB 2012 State Water Plan Data

REAGAN COUNTY *91.77 % (multiplier)* All values are in acre-feet/year

RWPG	WUG	WUG Basin	Source Name	2010	2020	2030	2040	2050	2060
F	LIVESTOCK	COLORADO	LIVESTOCK LOCAL SUPPLY	35	35	35	35	35	35
F	LIVESTOCK	RIO GRANDE	LIVESTOCK LOCAL SUPPLY	3	3	3	3	3	3
	Sum of Projected Surface Water Supplies (acre-feet/year)			**38**	**38**	**38**	**38**	**38**	**38**

Projected Water Demands
TWDB 2012 State Water Plan Data

Please note that the demand numbers presented here include the plumbing code savings found in the Regional and State Water Plans.

REAGAN COUNTY

91.77 % (multiplier)

All values are in acre-feet/year

RWPG	WUG	WUG Basin	2010	2020	2030	2040	2050	2060
F	BIG LAKE	COLORADO	910	988	1,026	1,010	970	923
F	MINING	COLORADO	1,868	1,987	2,051	2,113	2,175	2,236
F	IRRIGATION	COLORADO	33,585	33,028	32,473	31,917	31,361	30,815
F	LIVESTOCK	COLORADO	232	232	232	232	232	232
F	COUNTY-OTHER	COLORADO	115	124	129	127	122	116
F	LIVESTOCK	RIO GRANDE	17	17	17	17	17	17
	Sum of Projected Water Demands (acre-feet/year)		**36,727**	**36,376**	**35,928**	**35,416**	**34,877**	**34,339**

Projected Water Supply Needs
TWDB 2012 State Water Plan Data

Negative values (in red) reflect a projected water supply need, positive values a surplus.

REAGAN COUNTY

All values are in acre-feet/year

RWPG	WUG	WUG Basin	2010	2020	2030	2040	2050	2060
F	BIG LAKE	COLORADO	0	0	0	0	0	0
F	COUNTY-OTHER	COLORADO	0	0	0	0	0	0
F	IRRIGATION	COLORADO	-10,997	-10,607	-10,116	-9,559	-8,976	-8,393
F	LIVESTOCK	COLORADO	0	0	0	0	0	0
F	LIVESTOCK	RIO GRANDE	7	7	7	7	7	7
F	MINING	COLORADO	0	0	0	0	0	0
	Sum of Projected Water Supply Needs (acre-feet/year)		**-10,997**	**-10,607**	**-10,116**	**-9,559**	**-8,976**	**-8,393**

Projected Water Management Strategies
TWDB 2012 State Water Plan Data

REAGAN COUNTY

WUG, Basin (RWPG)

All values are in acre-feet/year

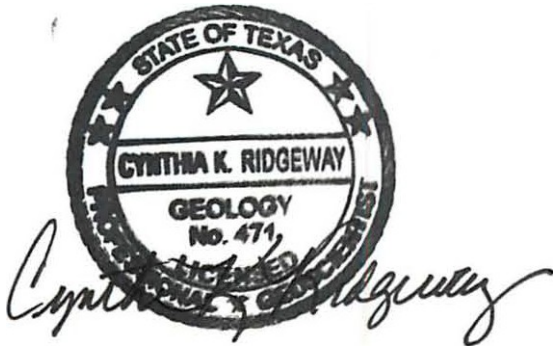
Water Management Strategy	Source Name [Origin]	2010	2020	2030	2040	2050	2060
IRRIGATION, COLORADO (F)							
IRRIGATION CONSERVATION	CONSERVATION [REAGAN]	0	1,968	3,936	3,936	3,936	3,936
Sum of Projected Water Management Strategies (acre-feet/year)		**0**	**1,968**	**3,936**	**3,936**	**3,936**	**3,936**

Attachment B

GAM Run 11-003

GAM RUN 11-003: SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT MANAGEMENT PLAN

by Eric Aschenbach
Texas Water Development Board
Groundwater Resources Division
Groundwater Availability Modeling Section
July 29, 2011



Cynthia K. Ridgeway is the Manager of the Groundwater Availability Modeling Section and is responsible for oversight of work performed by Eric Aschenbach under her direct supervision. The seal appearing on this document was authorized by Cynthia K. Ridgeway, P.G. 471 on July 29, 2011.

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GAM RUN 11-003: SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT MANAGEMENT PLAN

by Eric Aschenbach
Texas Water Development Board
Groundwater Resources Division
Groundwater Availability Modeling Section
July 29, 2011

EXECUTIVE SUMMARY:

Texas State Water Code, Section 36.1071, Subsection (h), states that, in developing its groundwater management plan, groundwater conservation districts shall use groundwater availability modeling information provided by the Executive Administrator of the Texas Water Development Board in conjunction with any available site-specific information provided by the district for review and comment to the Executive Administrator. Information derived from groundwater availability models that shall be included in the groundwater management plan includes:

- the annual amount of recharge from precipitation to the groundwater resources within the district, if any;
- for each aquifer within the district, the annual volume of water that discharges from the aquifer to springs and any surface water bodies, including lakes, streams, and rivers; and
- the annual volume of flow into and out of the district within each aquifer and between aquifers in the district.

This report supersedes Groundwater Availability Model (GAM) Run 07-22. A groundwater availability model was not previously completed for the Dockum Aquifer, but a model that includes the Santa Rita Underground Water Conservation District was released in January 2009 and an alternate model for the Dockum Aquifer was released in April 2010. In addition, there may have been slight boundary changes for the district since GAM Run 07-22 was completed. The purpose of this report is to provide information to Santa Rita Underground Water Conservation District for its groundwater management plan. The groundwater management plan for Santa Rita Underground Water Conservation District is due for approval by the Executive Administrator of the Texas Water Development Board before August 10, 2012.

This report discusses the method, assumptions, and results from model runs using groundwater models for the Dockum Aquifer and the Edwards-Trinity (Plateau) Aquifer. Tables 1 and 2 summarize the groundwater model data required by the statute, and figures 1 and 2

show the area of each model from which the values in the respective tables were extracted. If after review of the figures, Santa Rita Water Conservation District determines that the district boundaries used in the assessment do not reflect current conditions, please notify the Texas Water Development Board immediately.

METHODS:

Groundwater models for the Edwards-Trinity (High Plains) Aquifer and the Dockum Aquifer were run for this analysis. Water budgets for selected years of the transient model period were extracted and the average annual water budget values for recharge, surface water outflow, inflow to the district, outflow from the district, net inter-aquifer flow (upper), and net inter-aquifer flow (lower) for the portions of the aquifers located within the district are summarized in this report.

PARAMETERS AND ASSUMPTIONS:

Edwards-Trinity (Plateau) Aquifer

- The recently modified and calibrated one-layer groundwater flow model of the Edwards Trinity (Plateau) and Pecos Valley Alluvium aquifers (Hutchison and others, 2011) was used for these simulations. The modified model version was developed to more effectively simulate groundwater conditions and was used for this management plan data extraction analysis due to enhancements in the calibration and in order to be consistent with the Managed Available Groundwater (MAG) process. The model was calibrated based on groundwater elevation data from 1930 to 2005; however, data was extracted from 1980 to 2005 to be more consistent with the analysis completed for the Dockum Aquifer.
- The model has one layer which represents the Pecos Valley Aquifer in the northwest portion of the model area, the Edwards-Trinity (Plateau) Aquifer in the southeast portion of the model area, and a lumped representation of both aquifers in the relatively narrow area where the Pecos Valley Aquifer overlies the Edwards-Trinity (Plateau) Aquifer.
- The standard deviation of groundwater elevation residuals (a measure of the difference between simulated and actual water levels during model calibration) for the entire model domain is 70 feet and the average residual is -1.3 feet.
- The model was run with MODFLOW-2000 (Harbaugh and others, 2000).

Dockum Aquifer

- A modified version of the groundwater model for the Dockum Aquifer as described in Oliver and Hutchison (2010) was used for this analysis. This model is an update to the previously developed groundwater availability model for the Dockum Aquifer described in Ewing and others (2008). The modified model version was completed to more effectively simulate the relationship between the Ogallala Aquifer and the Dockum Aquifer and was used for this management plan data extraction analysis due to enhancements in the calibration and in order to be consistent with the Managed Available Groundwater (MAG) process. See Oliver and Hutchison (2010) and Ewing and others (2008) for assumptions and limitations of the model.

- The model includes two active layers. Layer 2 represents the upper portion of the Dockum Aquifer and Layer 3 represents the lower portion of the Dockum Aquifer. Layer 1, which is active in version 1.01 of the model documented in Ewing and others (2008), was inactivated in the modified version of the model as described in Oliver and Hutchison (2010). An individual water budget for the district was determined for the Dockum Aquifer (Layers 2 and Layer 3, collectively). It should be noted that pumping only occurs in the lower portion of the Dockum Aquifer in the groundwater model.

- The mean absolute error (a measure of the difference between simulated and measured water levels during model calibration) for the lower portion of the Dockum Aquifer between 1980 and 1997 is 53 feet. This represents 2.5 percent of the hydraulic head drop across the model area (Oliver and Hutchison 2010).

- The MODFLOW Drain package was used to simulate both evapotranspiration and springs. However, there were no model grid cells representing drains within the district so there was no drain flow incorporated into the surface water outflow value shown in Table 2.

- The MODFLOW General-Head Boundary (GHB) package was applied to the areas in Layer 1 with a high conductance in order to properly mimic water levels in these units. Where the GHB correlates with the Ogallala Aquifer, transient head values for the GHB were taken from the historical portion of the groundwater availability model (Blandford and others, 2003; Dutton, 2004; Ewing and others, 2008). Outside of the footprint of the Ogallala Aquifer, GHB values for the Dockum Aquifer model were estimated from land surface elevation (Ewing and others, 2008; discussed in Oliver and Hutchison, 2010).

- The model was run with MODFLOW-2000 (Harbaugh and others, 2000).

RESULTS:

A groundwater budget summarizes the amount of water entering and leaving the aquifer according to the groundwater availability model. Selected components were extracted from the groundwater budget for the aquifers located within the district and averaged over the duration of the calibration and verification portion of the model runs in the district, as shown in tables 1 and 2. The components of the modified budget shown in tables 1 and 2 include:

- Precipitation recharge—The areally distributed recharge sourced from precipitation falling on the outcrop areas of the aquifers (where the aquifer is exposed at land surface) within the district.
- Surface water outflow—The total water discharging from the aquifer (outflow) to surface water features such as streams, reservoirs, and drains (springs).
- Flow into and out of district—The lateral flow within the aquifer between the district and adjacent counties.
- Flow between aquifers—The vertical flow between aquifers or confining units. This flow is controlled by the relative water levels in each aquifer or confining unit and aquifer properties of each aquifer or confining unit that define the amount of leakage that occurs. “Inflow” to an aquifer from an overlying or underlying aquifer will always equal the “Outflow” from the other aquifer.

The information needed for the District’s management plan is summarized in tables 1 and 2. It is important to note that sub-regional water budgets are not exact. This is due to the size of the model cells and the approach used to extract data from the model. To avoid double accounting, a model cell that straddles a political boundary, such as district or county boundaries, is assigned to one side of the boundary based on the location of the centroid of the model cell. For example, if a cell contains two counties, the cell is assigned to the county where the centroid of the cell is located (see figures 1 and 2).

LIMITATIONS

The groundwater model(s) used in completing this analysis is the best available scientific tool that can be used to meet the stated objective(s). To the extent that this analysis will be used for planning purposes and/or regulatory purposes related to pumping in the past and into the future, it is important to recognize the assumptions and limitations associated with the use of the results. In reviewing the use of models in environmental regulatory decision making, the National Research Council (2007) noted:

> "Models will always be constrained by computational limitations, assumptions, and knowledge gaps. They can best be viewed as tools to help inform decisions rather than as machines to generate truth or make decisions. Scientific advances will never make it possible to build a perfect model that accounts for every aspect of reality or to prove that a given model is correct in all respects for a particular regulatory application. These characteristics make evaluation of a regulatory model more complex than solely a comparison of measurement data with model results."

A key aspect of using the groundwater model to evaluate historic groundwater flow conditions includes the assumptions about the location in the aquifer where historic pumping was placed. Understanding the amount and location of historic pumping is as important as evaluating the volume of groundwater flow into and out of the district, between aquifers within the district (as applicable), interactions with surface water (as applicable), recharge to the aquifer system (as applicable), and other metrics that describe the impacts of that pumping. In addition, assumptions regarding precipitation, recharge, and streamflow are specific to a particular historic time period.

Because the application of the groundwater model was designed to address regional scale questions, the results are most effective on a regional scale. The TWDB makes no warranties or representations relating to the actual conditions of any aquifer at a particular location or at a particular time.

It is important for groundwater conservation districts to monitor groundwater pumping and overall conditions of the aquifer. Because of the limitations of the groundwater model and the assumptions in this analysis, it is important that the groundwater conservation districts work with the TWDB to refine this analysis in the future given the reality of how the aquifer responds to the actual amount and location of pumping now and in the future. Historic precipitation patterns also need to be placed in context as future climatic conditions, such as dry and wet year precipitation patterns, may differ and affect groundwater flow conditions.

TABLE 1: SUMMARIZED INFORMATION FOR THE EDWARD-TRINITY (PLATEAU) AQUIFER THAT IS NEEDED FOR SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT'S GROUNDWATER MANAGEMENT PLAN. ALL VALUES ARE REPORTED IN ACRE-FEET PER YEAR AND ROUNDED TO THE NEAREST 1 ACRE-FOOT.

Management Plan requirement	*Aquifer or confining unit*	*Results*
Estimated annual amount of recharge from precipitation to the district	Edwards-Trinity (Plateau) Aquifer	35,753
Estimated annual volume of water that discharges from the aquifer to springs and any surface water body including lakes, streams, and rivers	Edwards-Trinity (Plateau) Aquifer	0
Estimated annual volume of flow into the district within each aquifer in the district	Edwards-Trinity (Plateau) Aquifer	72,938
Estimated annual volume of flow out of the district within each aquifer in the district	Edwards-Trinity (Plateau) Aquifer	101,995
Estimated net annual volume of flow between each aquifer in the district	Not applicable	Not applicable

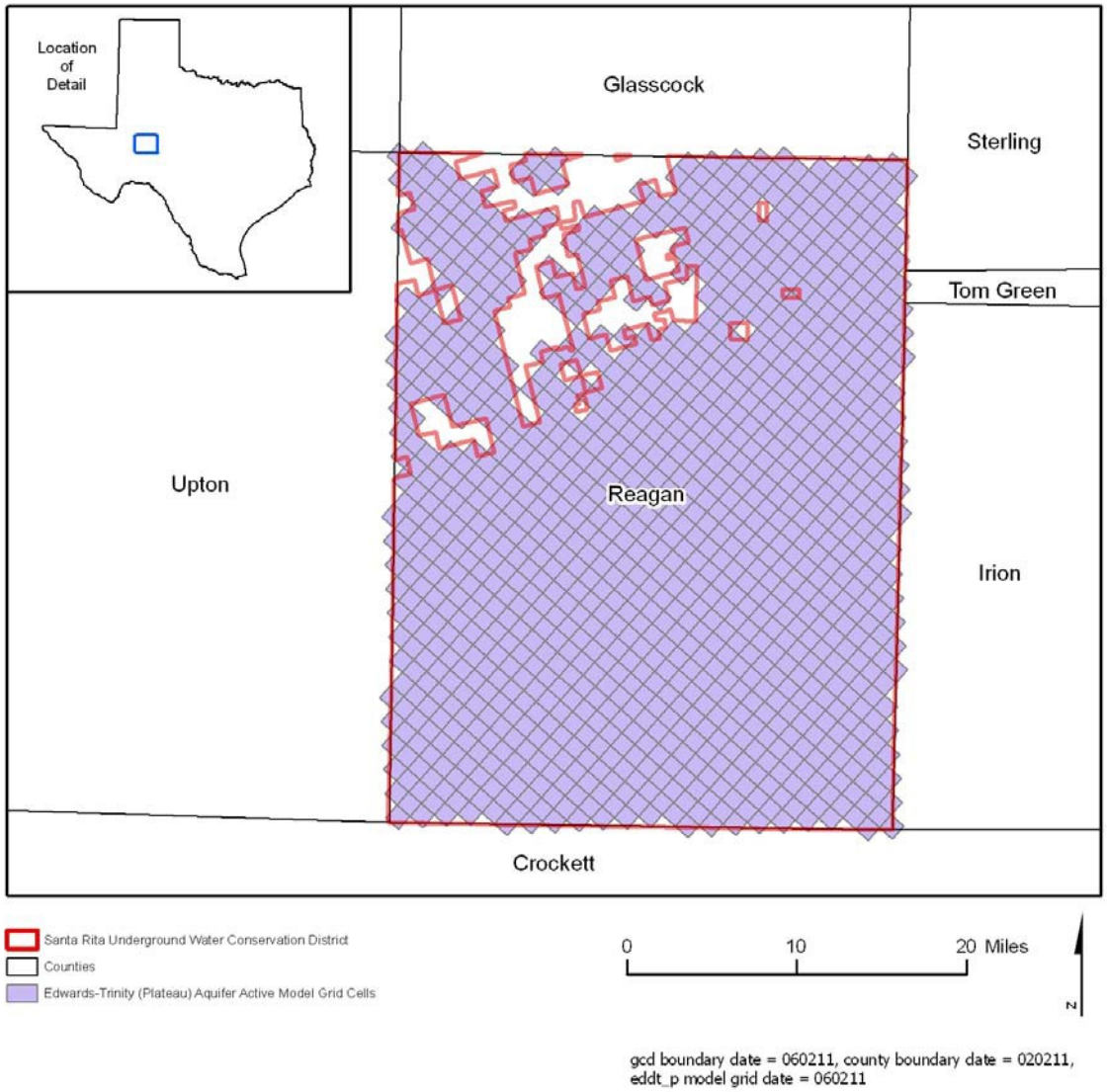

FIGURE 1: AREA OF THE GROUNDWATER MODEL FOR THE EDWARD-TRINITY (PLATEAU) AQUIFER FROM WHICH THE INFORMATION IN TABLE 1 WAS EXTRACTED (THE AQUIFER EXTENT WITHIN THE DISTRICT BOUNDARY).

TABLE 2: SUMMARIZED INFORMATION FOR THE DOCKUM AQUIFER THAT IS NEEDED FOR SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT'S GROUNDWATER MANAGEMENT PLAN. ALL VALUES ARE REPORTED IN ACRE-FEET PER YEAR AND ROUNDED TO THE NEAREST 1 ACRE-FOOT.

Management Plan requirement	*Aquifer or confining unit*	*Results*
Estimated annual amount of recharge from precipitation to the district	Dockum Aquifer	0
Estimated annual volume of water that discharges from the aquifer to springs and any surface water body including lakes, streams, and rivers	Dockum Aquifer	0
Estimated annual volume of flow into the district within each aquifer in the district	Dockum Aquifer	126
Estimated annual volume of flow out of the district within each aquifer in the district	Dockum Aquifer	221
Estimated net annual volume of flow between each aquifer in the district	From the overlying younger units and into the Dockum Aquifer	229

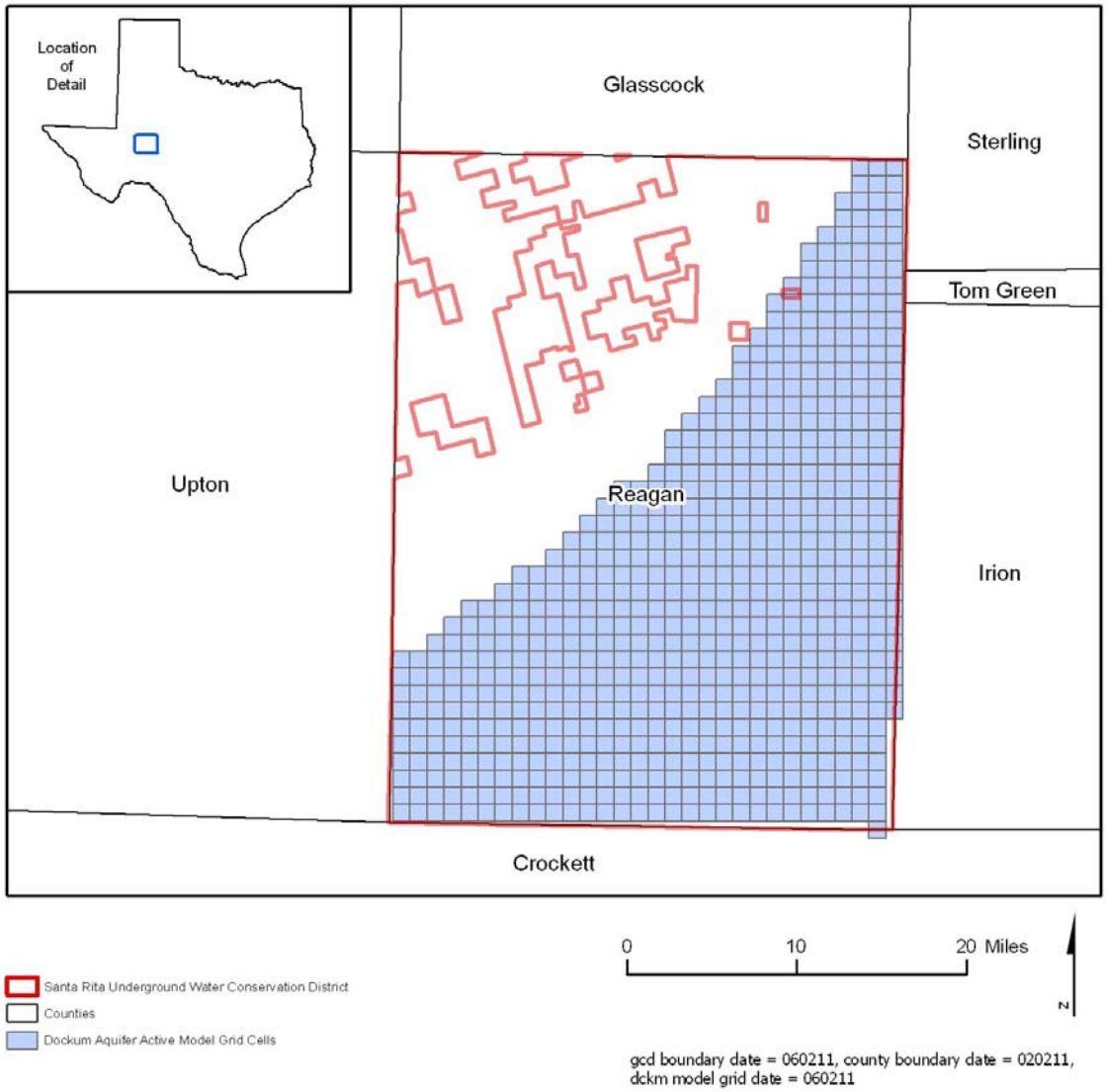

FIGURE 2: AREA OF THE GROUNDWATER MODEL FOR THE DOCKUM AQUIFER FROM WHICH THE INFORMATION IN TABLE 2 WAS EXTRACTED (THE AQUIFER EXTENT WITHIN THE DISTRICT BOUNDARY).

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Attachment C

GAM Run 10-043 MAG (Version 2)

GAM RUN 10-043 MAG (VERSION 2): MODELED AVAILABLE GROUNDWATER FOR THE EDWARDS-TRINITY (PLATEAU), TRINITY, AND PECOS VALLEY AQUIFERS IN GROUNDWATER MANAGEMENT AREA 7

by Jerry Shi, Ph.D., P.G.
Texas Water Development Board
Groundwater Resources Division
Groundwater Availability Modeling Section
(512) 463-5076
November 12, 2012

The seal appearing on this document was authorized by Jianyou (Jerry) Shi, P.G. 11113 on November 12, 2012.

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GAM RUN 10-043 MAG (VERSION 2): MODELED AVAILABLE GROUNDWATER FOR THE EDWARDS-TRINITY (PLATEAU), TRINITY, AND PECOS VALLEY AQUIFERS IN GROUNDWATER MANAGEMENT AREA 7

by Jerry Shi, Ph.D., P.G.
Texas Water Development Board
Groundwater Resources Division
Groundwater Availability Modeling Section
(512) 463-5076
November 12, 2012

EXECUTIVE SUMMARY:

The modeled available groundwater values for Groundwater Management Area 7 for the Edwards- Trinity (Plateau), Trinity, and Pecos Valley aquifers are summarized in Table 1. These values are also listed by county (Table 2), river basin (Table 3), and regional water planning area (Table 3). The modeled available groundwater values for the relevant aquifers in Groundwater Management Area 7 were initially based on Scenario 10 of GAM Run 09-035. In GAM Run 09-035, the Edwards-Trinity (Plateau), Trinity, and Pecos Valley aquifers were simulated and reported together. Though the desired future condition statement, specifying an average drawdown of 7 feet, only explicitly references the Edwards-Trinity (Plateau) Aquifer, it is the intent of the districts to also incorporate the Trinity and Pecos Valley aquifers. This was confirmed by Ms. Caroline Runge of Menard Underground Water District acting on behalf of Groundwater Management Area 7 in an e-mail to Ms. Sarah Backhouse at the Texas Water Development Board on June 6, 2012. The results here, therefore, contain information for each of these three aquifers. The modeled available groundwater from the Edwards-Trinity (Plateau), Trinity, and Pecos Valley aquifers in Groundwater Management Area 7 that achieves the requested desired future conditions is approximately 449,400 acre-feet per year from 2010 to 2060.

Earlier draft versions of this report showed modeled available groundwater for portions of the Edwards-Trinity (Plateau) Aquifer within the Lipan-Kickapoo Water Conservation District, the Lone Wolf Groundwater Conservation District, the Hickory Underground Water Conservation District No. 1, and the portion of the Trinity Aquifer within the Uvalde Underground Water Conservation District. However, Groundwater Management Area 7 declared those counties “not relevant” for joint planning purposes. Since modeled available groundwater only applies to areas with a specified desired future condition, we updated this report to depict modeled available groundwater only in counties with specified desired future conditions.

The modeled available groundwater for Kinney County Groundwater Conservation District previously reported in Draft GAM Run 10-043 MAG (Shi and Oliver, 2011) dated January 26, 2011, has been updated in a new model run and is presented in this report. The new model run is an update of Scenario 3 of Groundwater Availability Modeling Task 10-027, which meets the desired future conditions for the area adopted by the districts of Groundwater Management Area 7.

REQUESTOR:

Mr. Allan Lange of Lipan-Kickapoo Water Conservation District on behalf of Groundwater Management Area 7.

DESCRIPTION OF REQUEST:

In a letter dated August 13, 2010, Mr. Lange provided the Texas Water Development Board (TWDB) with the desired future conditions of the Edwards-Trinity (Plateau) Aquifer in Groundwater Management Area 7. On June 6, 2012 TWDB clarified through e-mail with Ms. Caroline Runge of Menard Underground Water District acting on behalf of Groundwater Management Area 7 that the intent of the districts within Groundwater Management Area 7 was to also incorporate the Trinity and Pecos Valley aquifers, except where explicitly stated as non-relevant in the desired future conditions of the Edwards-Trinity (Plateau) Aquifer. The desired future conditions for the aquifer[s], as described in Resolution # 07-29-10-9 and adopted July 29, 2010 by the groundwater conservation districts within Groundwater Management Area 7, are described below:

1) An average drawdown of 7 feet for the Edwards-Trinity (Plateau)[, Pecos Valley, and Trinity] aquifer[s], except for the Kinney County [Groundwater Conservation District], based on Scenario 10 of the TWDB [Groundwater Availability Model] run 09-35 which is incorporated in its entirety into this resolution; and

2) In Kinney County, that drawdown which is consistent with maintaining, at Las Moras Springs, an annual average flow of 23.9 [cubic feet per second] and a median flow of 24.4 [cubic feet per second] based on Scenario 3 of the Texas Water Development Board's flow model presented on July 27, 2010; and

3) the Edwards-Trinity [Aquifer] is not relevant for joint planning purposes within the boundaries of the Lipan-Kickapoo [Water Conservation District], the Lone Wolf [Groundwater Conservation District], and the Hickory Underground Water Conservation District No. 1; and

4) the Trinity (Hill Country) portion of the aquifer is not relevant for joint planning purposes within the boundaries of the Uvalde [Underground Water Conservation District] in [Groundwater Management Area] 7.

METHODS, PARAMETERS AND ASSUMPTIONS:

The desired future condition for Kinney County was evaluated in a new model run (Shi and others, 2012). The new model run is an update of Scenario 3 of Groundwater Availability Modeling (GAM) Task 10-027 (Hutchison, 2010a). Both model runs were based on the MODFLOW-2000 model developed by the TWDB to assist with the joint planning process regarding the Kinney County Groundwater Conservation District (Hutchison and others, 2011b). In both model runs, the total pumping in Kinney County, which lies within Groundwater Management Areas 7 and 10, was maintained at approximately 77,000 acre-feet per year to achieve the desired future conditions at Las Moras Springs. Details regarding this new model run are summarized in Shi and others (2012).

The desired future condition for the remaining areas in Groundwater Management Area 7 was based on Scenario 10 of GAM Run 09-035 using a MODFLOW-2000 model developed by the TWDB (Hutchison and others, 2011a). Details regarding this scenario can be found in Hutchison (2010b). In GAM Run 09-035, the Edwards-Trinity (Plateau), Trinity, Pecos Valley, and Trinity aquifers were simulated and reported together. The desired future condition statement specifying of an average drawdown of 7 feet, which is achieved in the above simulation, only explicitly references the Edwards-Trinity (Plateau) Aquifer. By stating that the above simulation is "incorporated in its entirety" into the resolution, it is the intent of the districts to also incorporate the Trinity and Pecos Valley aquifers. The results below, therefore, contain information on the Trinity and Pecos Valley aquifers in addition to the Edwards-Trinity (Plateau) Aquifer. This interpretation has been confirmed by Ms. Caroline Runge on behalf of Groundwater Management Area 7 to Ms. Sarah Backhouse at the Texas Water Development Board.

The locations of the Edwards-Trinity (Plateau), Trinity, and Pecos Valley aquifers are shown in Figure 1.

RESULTS:

The modeled available groundwater values from aquifers in Groundwater Management Area 7 that achieve the desired future conditions is approximately 445,000 acre-feet per year for the Edwards-Trinity (Plateau) aquifer, 2,500 acre-feet per year for the Trinity Aquifer, and 1,600 acre-feet per year for the Pecos Valley Aquifer (Tables 1, 2, and 3). These tables contain the modeled available groundwater for the aquifers subdivided by county, regional water planning area, and river basin for use in the regional water planning process. These areas are shown in Figure 2.

Tables 4, 5, and 6 show the modeled available groundwater for the Edwards-Trinity (Plateau), Trinity, and Pecos Valley aquifers summarized by county, regional water planning area, and river basin, respectively, within Groundwater Management Area 7.

The modeled available groundwater for the aquifers within and outside the groundwater conservation districts in Groundwater Management Area 7 where they were determined to be relevant for the purposes of joint planning are presented in Table 7. As shown in Table 7, the modeled available groundwater within the groundwater conservation districts in Groundwater Management Area 7 is approximately 370,000 acre-feet per year from 2010 to 2060.

LIMITATIONS:

The groundwater model used in developing estimates of modeled available groundwater is the best available scientific tool that can be used to estimate the pumping that will achieve the desired future conditions. Although the groundwater model used in this analysis is the best available scientific tool for this purpose, it, like all models, has limitations. In reviewing the use of models in environmental regulatory decision-making, the National Research Council (2007) noted:

> "Models will always be constrained by computational limitations, assumptions, and knowledge gaps. They can best be viewed as tools to help inform decisions rather than as machines to generate truth or make decisions. Scientific advances will never make it possible to build a perfect model that accounts for every aspect of reality or to prove that a given model is correct in all respects for a particular regulatory application. These characteristics make evaluation of a regulatory model more complex than solely a comparison of measurement data with model results."

A key aspect of using the groundwater model to develop estimates of modeled available groundwater is the need to make assumptions about the location in the aquifer where future pumping will occur. As actual pumping changes in the future, it will be necessary to evaluate the amount of that pumping as well as its location in the context of the assumptions associated with this analysis. Evaluating the amount and location of future pumping is as important as evaluating the changes in groundwater levels, spring flows, and other metrics that describe the condition of the groundwater resources in the area that relate to the adopted desired future condition.

Given these limitations, users of this information are cautioned that the modeled available groundwater numbers should not be considered a definitive, permanent description of the amount of groundwater that can be pumped to meet the adopted desired future condition. Because the application of the groundwater model was designed to address regional scale questions, the results are most effective on a regional scale. Texas Water Development Board makes no warranties or representations relating to the actual conditions of any aquifer at a particular location or at a particular time.

It is important for groundwater conservation districts to monitor future groundwater pumping as well as whether or not they are achieving their desired future conditions. Because of the limitations of the groundwater model and the assumptions in this analysis, it is important that the groundwater conservation districts work with Texas Water Development Board to refine these modeled available groundwater numbers given the reality of how the aquifer responds to the actual amount and location of pumping now and in the future.

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Texas Water Development Board, 2007, Water for Texas – 2007—Volumes I-III; Texas Water Development Board Document No. GP-8-1, 392 p.

TABLE 1. MODELED AVAILABLE GROUNDWATER FOR THE EDWARDS-TRINITY (PLATEAU) AQUIFER IN GROUNDWATER MANAGEMENT AREA 7. RESULTS ARE IN ACRE-FEET PER YEAR AND ARE DIVIDED BY COUNTY, REGIONAL WATER PLANNING AREA, AND RIVER BASIN.

County	Regional Water Planning Area	River Basin	Year					
			2010	2020	2030	2040	2050	2060
Coke	F	Colorado	998	998	998	998	998	998
Crockett	F	Colorado	19	19	19	19	19	19
		Rio Grande	5,407	5,407	5,407	5,407	5,407	5,407
Ector	F	Colorado	4,918	4,918	4,918	4,918	4,918	4,918
		Rio Grande	504	504	504	504	504	504
Edwards	J	Colorado	2,306	2,306	2,306	2,306	2,306	2,306
		Nueces	1,632	1,632	1,632	1,632	1,632	1,632
		Rio Grande	1,700	1,700	1,700	1,700	1,700	1,700
Gillespie	K	Colorado	2,378	2,378	2,378	2,378	2,378	2,378
		Guadalupe	136	136	136	136	136	136
Glasscock	F	Colorado	65,213	65,213	65,213	65,213	65,213	65,213
Irion	F	Colorado	2,293	2,293	2,293	2,293	2,293	2,293
Kimble	F	Colorado	1,283	1,283	1,283	1,283	1,283	1,283
Kinney	J	Nueces	12	12	12	12	12	12
		Rio Grande	70,326	70,326	70,326	70,326	70,326	70,326
McCulloch	F	Colorado	4	4	4	4	4	4
Menard	F	Colorado	2,194	2,194	2,194	2,194	2,194	2,194
Midland	F	Colorado	23,251	23,251	23,251	23,251	23,251	23,251
Nolan	G	Brazos	302	302	302	302	302	302
		Colorado	391	391	391	391	391	391
Pecos	F	Rio Grande	115,938	115,938	115,938	115,938	115,938	115,938
Reagan	F	Colorado	68,250	68,250	68,250	68,250	68,250	68,250
		Rio Grande	28	28	28	28	28	28
Real	J	Colorado	278	278	278	278	278	278
		Guadalupe	3	3	3	3	3	3
		Nueces	7,196	7,196	7,196	7,196	7,196	7,196
Schleicher	F	Colorado	6,410	6,410	6,410	6,410	6,410	6,410
		Rio Grande	1,640	1,640	1,640	1,640	1,640	1,640
Sterling	F	Colorado	2,497	2,497	2,497	2,497	2,497	2,497
Sutton	F	Colorado	386	386	386	386	386	386
		Rio Grande	6,052	6,052	6,052	6,052	6,052	6,052

TABLE 1. MODELED AVAILABLE GROUNDWATER FOR THE EDWARDS-TRINITY (PLATEAU) AQUIFER IN GROUNDWATER MANAGEMENT AREA 7. RESULTS ARE IN ACRE-FEET PER YEAR AND ARE DIVIDED BY COUNTY, REGIONAL WATER PLANNING AREA, AND RIVER BASIN.

County	Regional Water Planning Area	River Basin	Year					
			2010	2020	2030	2040	2050	2060
Taylor	G	Brazos	331	331	331	331	331	331
		Colorado	158	158	158	158	158	158
Terrell	E	Rio Grande	1,421	1,421	1,421	1,421	1,421	1,421
Tom Green	F	Colorado	426	426	426	426	426	426
Upton	F	Colorado	21,257	21,257	21,257	21,257	21,257	21,257
		Rio Grande	1,122	1,122	1,122	1,122	1,122	1,122
Uvalde	L	Nueces	1,635	1,635	1,635	1,635	1,635	1,635
Val Verde	J	Rio Grande	24,988	24,988	24,988	24,988	24,988	24,988
Grand Total			**445,283**	**445,283**	**445,283**	**445,283**	**445,283**	**445,283**

TABLE 2. MODELED AVAILABLE GROUNDWATER FOR THE TRINITY AQUIFER IN GROUNDWATER MANAGEMENT AREA 7. RESULTS ARE IN ACRE-FEET PER YEAR AND ARE DIVIDED BY COUNTY, REGIONAL WATER PLANNING AREA, AND RIVER BASIN.

County	Regional Water Planning Area	River Basin	Year					
			2010	2020	2030	2040	2050	2060
Gillespie	K	Colorado	2,482	2,482	2,482	2,482	2,482	2,482
Real	J	Nueces	52	52	52	52	52	52
Total			**2,534**	**2,534**	**2,534**	**2,534**	**2,534**	**2,534**

TABLE 3. MODELED AVAILABLE GROUNDWATER FOR THE PECOS VALLEY AQUIFER IN GROUNDWATER MANAGEMENT AREA 7. RESULTS ARE IN ACRE-FEET PER YEAR AND ARE DIVIDED BY COUNTY, REGIONAL WATER PLANNING AREA, AND RIVER BASIN.

County	Regional Water Planning Area	River Basin	Year					
			2010	2020	2030	2040	2050	2060
Crockett	F	Rio Grande	31	31	31	31	31	31
Ector	F	Rio Grande	113	113	113	113	113	113
Pecos	F	Rio Grande	1,448	1,448	1,448	1,448	1,448	1,448
Upton	F	Rio Grande	2	2	2	2	2	2
Total			**1,594**	**1,594**	**1,594**	**1,594**	**1,594**	**1,594**

TABLE 4. MODELED AVAILABLE GROUNDWATER FOR THE EDWARDS-TRINITY (PLATEAU), TRINITY, AND PECOS VALLEY AQUIFERS IN GROUNDWATER MANAGEMENT AREA 7 BY COUNTY FOR EACH DECADE BETWEEN 2010 AND 2060. RESULTS ARE IN ACRE-FEET PER YEAR.

County	2010	2020	2030	2040	2050	2060
Coke	998	998	998	998	998	998
Crockett	5,457	5,457	5,457	5,457	5,457	5,457
Ector	5,535	5,535	5,535	5,535	5,535	5,535
Edwards	5,638	5,638	5,638	5,638	5,638	5,638
Gillespie	4,996	4,996	4,996	4,996	4,996	4,996
Glasscock	65,213	65,213	65,213	65,213	65,213	65,213
Irion	2,293	2,293	2,293	2,293	2,293	2,293
Kimble	1,283	1,283	1,283	1,283	1,283	1,283
Kinney	70,338	70,338	70,338	70,338	70,338	70,338
Mcculloch	4	4	4	4	4	4
Menard	2,194	2,194	2,194	2,194	2,194	2,194
Midland	23,251	23,251	23,251	23,251	23,251	23,251
Nolan	693	693	693	693	693	693
Pecos	117,386	117,386	117,386	117,386	117,386	117,386
Reagan	68,278	68,278	68,278	68,278	68,278	68,278
Real	7,529	7,529	7,529	7,529	7,529	7,529
Schleicher	8,050	8,050	8,050	8,050	8,050	8,050
Sterling	2,497	2,497	2,497	2,497	2,497	2,497
Sutton	6,438	6,438	6,438	6,438	6,438	6,438

TABLE 4. MODELED AVAILABLE GROUNDWATER FOR THE EDWARDS-TRINITY (PLATEAU), TRINITY, AND PECOS VALLEY AQUIFERS IN GROUNDWATER MANAGEMENT AREA 7 BY COUNTY FOR EACH DECADE BETWEEN 2010 AND 2060. RESULTS ARE IN ACRE-FEET PER YEAR.

County	2010	2020	2030	2040	2050	2060
Taylor	489	489	489	489	489	489
Terrell	1,421	1,421	1,421	1,421	1,421	1,421
Tom Green	426	426	426	426	426	426
Upton	22,381	22,381	22,381	22,381	22,381	22,381
Uvalde	1,635	1,635	1,635	1,635	1,635	1,635
Val Verde	24,988	24,988	24,988	24,988	24,988	24,988
Total	**449,411**	**449,411**	**449,411**	**449,411**	**449,411**	**449,411**

TABLE 5. MODELED AVAILABLE GROUNDWATER FOR THE EDWARDS-TRINITY (PLATEAU), TRINITY, AND PECOS VALLEY AQUIFERS IN GROUNDWATER MANAGEMENT AREA 7 BY REGIONAL WATER PLANNING AREA FOR EACH DECADE BETWEEN 2010 AND 2060. RESULTS ARE IN ACRE-FEET PER YEAR.

Regional Water Planning Area	Year					
	2010	2020	2030	2040	2050	2060
E	1,421	1,421	1,421	1,421	1,421	1,421
F	331,684	331,684	331,684	331,684	331,684	331,684
G	1,182	1,182	1,182	1,182	1,182	1,182
J	108,493	108,493	108,493	108,493	108,493	108,493
K	4,996	4,996	4,996	4,996	4,996	4,996
L	1,635	1,635	1,635	1,635	1,635	1,635
Total	**449,411**	**449,411**	**449,411**	**449,411**	**449,411**	**449,411**

TABLE 6. MODELED AVAILABLE GROUNDWATER FOR THE EDWARDS-TRINITY (PLATEAU), TRINITY, AND PECOS VALLEY AQUIFERS IN GROUNDWATER MANAGEMENT AREA 7 BY RIVER BASIN FOR EACH DECADE BETWEEN 2010 AND 2060. RESULTS ARE IN ACRE-FEET PER YEAR.

River Basin	Year					
	2010	2020	2030	2040	2050	2060
Brazos	633	633	633	633	633	633
Colorado	207,392	207,392	207,392	207,392	207,392	207,392
Guadalupe	139	139	139	139	139	139
Nueces	10,527	10,527	10,527	10,527	10,527	10,527
Rio Grande	230,720	230,720	230,720	230,720	230,720	230,720
Total	**449,411**	**449,411**	**449,411**	**449,411**	**449,411**	**449,411**

TABLE 7. MODELED AVAILABLE GROUNDWATER FOR THE EDWARDS-TRINITY (PLATEAU), TRINITY, AND PECOS VALLEY AQUIFERS IN GROUNDWATER MANAGEMENT AREA 7 BY GROUNDWATER CONSERVATION DISTRICT FOR EACH DECADE BETWEEN 2010 AND 2060. RESULTS ARE IN ACRE-FEET PER YEAR.

Groundwater Conservation District	Year					
	2010	2020	2030	2040	2050	2060
Coke County UWCD	998	998	998	998	998	998
Crockett County GCD	4,685	4,685	4,685	4,685	4,685	4,685
Glasscock GCD	106,075	106,075	106,075	106,075	106,075	106,075
Hill Country UWCD	4,996	4,996	4,996	4,996	4,996	4,996
Irion County WCD	2,435	2,435	2,435	2,435	2,435	2,435
Kimble County GCD	1,283	1,283	1,283	1,283	1,283	1,283
Kinney County GCD	70,338	70,338	70,338	70,338	70,338	70,338
Menard County UWD	2,194	2,194	2,194	2,194	2,194	2,194
Middle Pecos GCD	117,386	117,386	117,386	117,386	117,386	117,386
Plateau UWC and SD	8,050	8,050	8,050	8,050	8,050	8,050
Real-Edwards CRD	13,167	13,167	13,167	13,167	13,167	13,167
Santa Rita UWCD	27,416	27,416	27,416	27,416	27,416	27,416
Sterling County UWCD	2,497	2,497	2,497	2,497	2,497	2,497
Sutton County UWCD	6,438	6,438	6,438	6,438	6,438	6,438
Uvalde County UWCD (Edwards-Trinity Plateau)	1,635	1,635	1,635	1,635	1,635	1,635
Wes-Tex GCD	693	693	693	693	693	693

TABLE 7. MODELED AVAILABLE GROUNDWATER FOR THE EDWARDS-TRINITY (PLATEAU), TRINITY, AND PECOS VALLEY AQUIFERS IN GROUNDWATER MANAGEMENT AREA 7 BY GROUNDWATER CONSERVATION DISTRICT FOR EACH DECADE BETWEEN 2010 AND 2060. RESULTS ARE IN ACRE-FEET PER YEAR.

Groundwater Conservation District	Year					
	2010	2020	2030	2040	2050	2060
Total (areas in districts relevant for joint planning)	**370,286**	**370,286**	**370,286**	**370,286**	**370,286**	**370,286**
No District	79,125	79,125	79,125	79,125	79,125	79,125
Total (all areas)	**449,411**	**449,411**	**449,411**	**449,411**	**449,411**	**449,411**

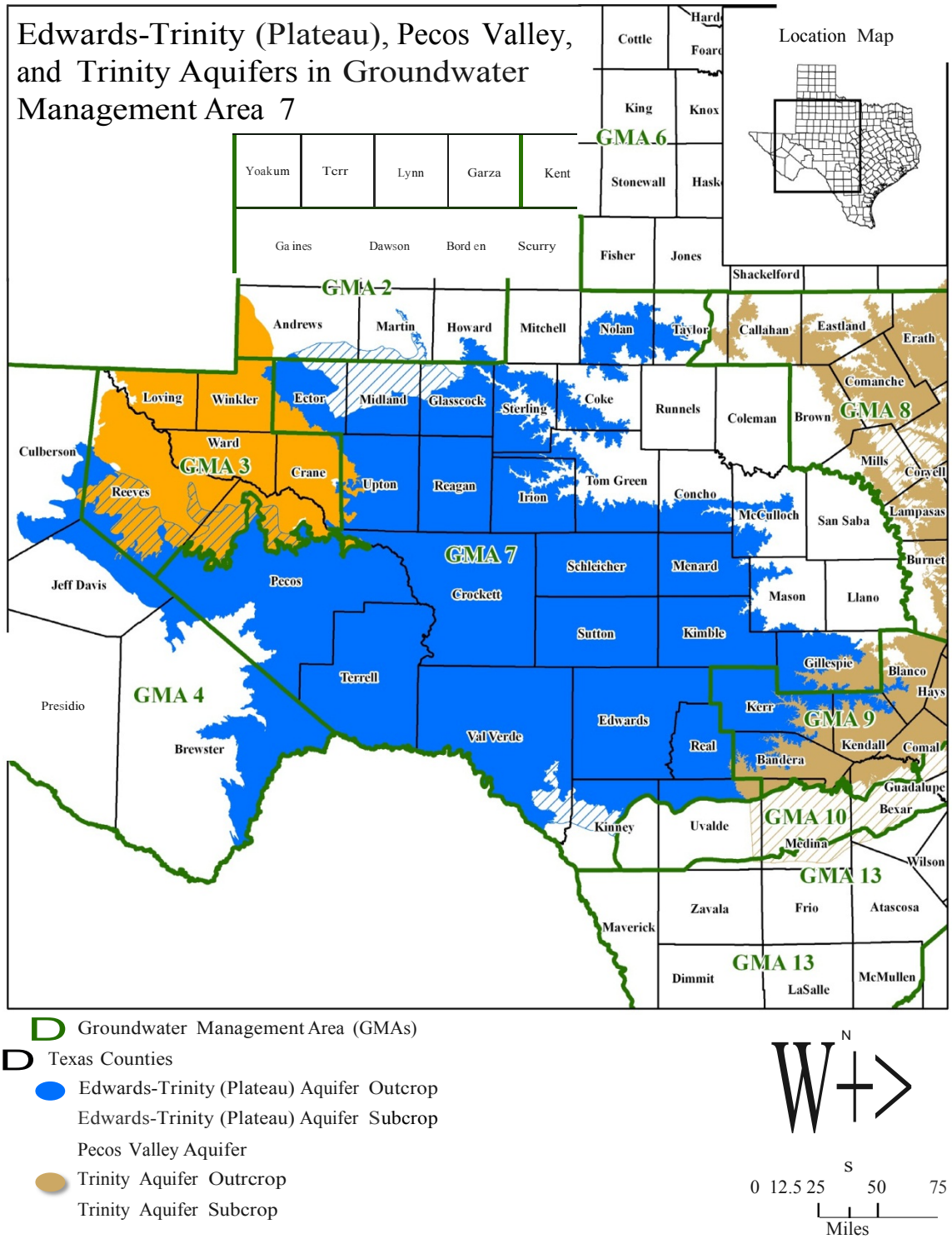

FIGURE 1. MAP SHOWING THE BOUNDARY OF THE EDWARDS-TRINITY (PLATEAU), PECOS VALLEY, AND TRINITY AQUIFERS ACCORDING TO THE 2007 STATE WATER PLAN (TWDB, 2007).

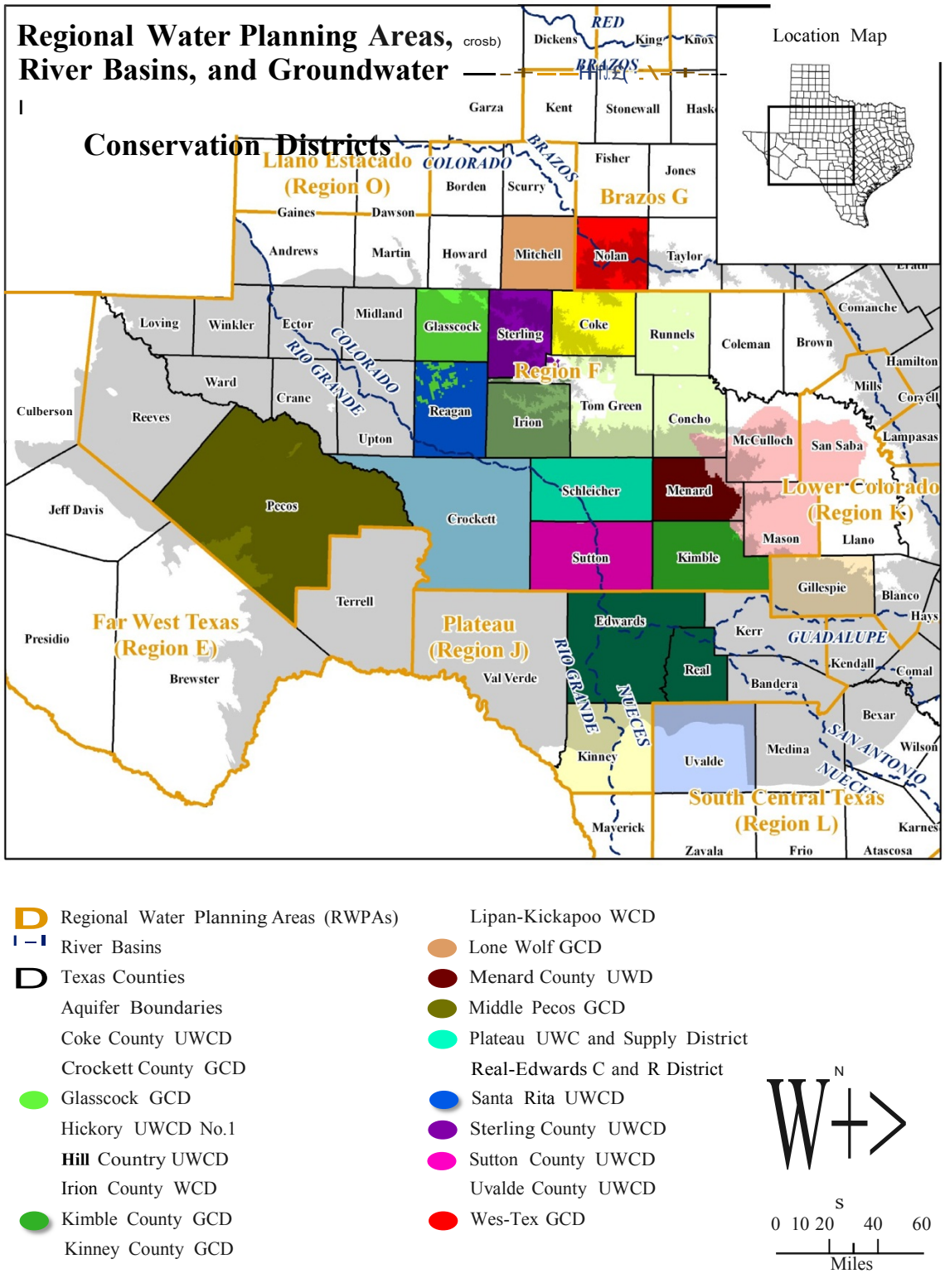

FIGURE 2. MAP SHOWING REGIONAL WATER PLANNING AREAS, GROUNDWATER CONSERVATION DISTRICTS, COUNTIES, AND RIVER BASINS IN AND NEIGHBORING GROUNDWATER MANAGEMENT AREA 7.

Attachment
D

District
Rules

SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT

RULES

AMENDED JANUARY 17, 2012

Table of Contents

Rules of the
Santa Rita Underground Water Conservation District

Rules of the Santa Rita Underground Water Conservation District (the District) as amended are hereby adopted and effective as of January 17, 2012.

In accordance with Section 59 of Article 16 of the Texas Constitution and the District Act, Act of May 24, 1989, 71st Legislature, Regular Session, Chapter 653 (Senate Bill 1634), as amended, and Chapters 36 and 49 of the Texas Water Code, the following rules are hereby ratified and adopted as the rules of the District by its Board. All existing rules or parts of existing rules in conflict with these rules are hereby repealed. Each rule as worded herein has been in effect since date of passage and shall be as hereafter amended. If any section, sentence, paragraph, clause, or part of these rules and regulations should be held or declared invalid or for any reason by a final judgment of the courts of this state or of the United States, such decision or holding shall not affect the validity of the remaining portions of these rules; and the Board does hereby declare that it would have adopted and promulgated such remaining portions of such rules irrespective of the fact that any other sentence, section, paragraph, clause, or part thereof may be declared invalid.

The rules, regulations, and modes of procedures herein contained have been adopted for the purpose of simplifying procedure, avoiding delays, saving expense, and facilitating the administration of the groundwater laws of the State and the rules of this District. To the end that these objectives be attained, these rules shall be so construed. These rules may be used as guides in the exercise of discretion, where discretion is vested. However, under no circumstances and in no particular case shall they, or any of them, be construed as a limitation or restriction upon the exercise of any discretion, where such exists.

Nothing in these rules or Chapter 36 of the Texas Water Code shall be construed as granting the authority to deprive or divest a landowner, including a landowner's lessees, heirs, or assigns, of the groundwater ownership and rights described by § 36.002 of the Texas Water Code, recognizing, however, that § 36.002 does not prohibit the District from limiting or prohibiting the drilling of a well for failure or inability to comply with minimum well spacing or tract size requirements adopted by the District; affect the ability of the District to regulate groundwater production as authorized under §§ 36.113, 36.116, or 36.122 or otherwise under Chapter 36, Texas Water Code, or a special law governing the District; or require that a rule adopted by the District allocate to each landowner a proportionate share of available groundwater for production from the aquifer based on the number of acres owned by the landowner.

RULE 1 DEFINITIONS.

Unless the context indicates a contrary meaning, the words hereinafter defined shall have the meaning provided under the definitions in this section of the rules. In the administration of its duties, the District follows these definitions and the definitions of terms set forth in Chapter 36 of the Texas Water Code.

(1) **"Abandoned Well"** means a well that has not been used for six (6) consecutive months. A well is considered to be in use in the following cases:

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

(b) A non-deteriorated well which has been capped with a covering capable of preventing surface pollutants from entering the well and sustain the weight of at least 400 pounds.

(2) **"Agriculture"** means any of the following activities:

(a) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;

(b) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or nonsoil med (confirm meaning), by a nursery grower;

(c) raising, feed, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;

(d) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure;

(e) wildlife management; and

(f) raising or keeping equine animals.

(3) **"Animal Feeding Operation"** means a lot or facility (other than an aquatic animal production facility) where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 calendar days or more in any 12-month period, and the animal confinement areas do not sustain crops, vegetation, forage growth, or postharvest residues in the normal growing season over any portion of the lot or facility.

(4) **"Applicant"** means the Well Owner.

(5) **"Aquifer"** or "Groundwater Reservoir" shall mean a specific subsurface water-bearing reservoir having ascertainable boundaries containing groundwater.

(6) **"Authorized Well Site"** shall be:

(a) the location of a proposed well on an application duly filed until such application is denied; or

(b) the location of a proposed well on a valid permit (An authorized well site is not a permit to drill.)

(7) **"Beneficial use"** or **"Use for a Beneficial purpose"** shall mean use for:

(a) agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational, or pleasure purposes;

(b) exploring for, producing, handling, or treating oil, gas, sulphur, or other minerals; or

(c) any other purpose that is useful and beneficial to the users that do not commit waste as defined in these rules.

(8) **"Board"** shall mean the Board of Directors of the Santa Rita Underground Water Conservation District consisting of (5) five elected or appointed members.

(9) **"Casing"** means a tubular structure installed in the excavated or drilled hole, temporarily or permanently, to maintain the hole sidewalls against caving, and, along with cementing and/or bentonite grouting, prevent surface contaminant infiltration.

(10) **"Commission"** means the Texas Commission on Environmental Quality or its successor.

(11) **"Concentrated Animal Feeding Operation"** ("CAFO") means any animal feeding operation with the number of animals established in TCEQ's rules, including at least 37,500 chickens (other than laying hens), or that has been designated by the TCEQ's Executive Director as a CAFO because it is a significant contributor of pollutants into or adjacent to water in the state.

(12) **"Desired Future Condition"** means a quantitative description, adopted in accordance with § 36.108 of the Texas Water Code, of the desired, condition of the groundwater resources in a Management Area at one or more specified future times.

(13) **"Deteriorated Well"** means a well, the condition of which will cause, or is likely to cause pollution of any groundwater in this District.

(14) **"Discharge"** means the amount of water that leaves an aquifer by natural or artificial means.

(15) **"District"** shall mean Santa Rita Underground Water Conservation maintaining its principal office in Santa Rita Underground Water Conservation District Office Building, 108 Highway 67 West, Big Lake, Texas. Where applications, reports, and other papers are required to be filed with or sent to "the District", this means the District's headquarters in the Santa Rita Underground Water Conservation District Office Building, Big Lake, Texas.

(16) **"District Act"** means the District's enabling legislation originally enacted by Act of the 71st Legislature, 1989, Regular Session, Chapter 653 (Senate Bill 1634), as amended by Act of the 81st Legislature, 2009, Regular Session, Chapter 879 (Senate Bill 2520).

(17) **"Domestic Use"** means use to supply the needs of a household for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation, or cleaning. This includes the use of water for home landscapes, watering of domestic animals, and home gardening.

(18) **"Drilling Permit"** means a permit issued by the District for a properly spaced well that is capable of producing more than 25,000 gallons of water per day (17.4 gallons per minute).

(19) **"Exempt Well"** means any well for which the District is prohibited from requiring a permit under Texas Water Code Chapter 36.117. Wells used solely for domestic use or livestock or poultry use on 10 acres or less are NOT exempt and must be permitted prior to drilling. For all purposes herein, an exempt well shall be exempt from permitting requirements, but shall not be exempt from either preregistration or registration requirements or spacing rules created hereunder.

(20) **"Groundwater"** means water percolating below the surface of the earth.

(21) **"Licensed Water Well Driller"** shall mean any person who holds a license issued by the State of Texas pursuant to the provisions of the Texas Water Well Drillers Act, as amended, and the substantive rules of the Texas Department of Licensing and Regulation or its successors.

(22) **"Management Area"** means an area designated and delineated by the Texas Water Development Board as an area suitable for management of groundwater resources.

(23) **"Modeled Available Groundwater"** means the amount of water determined by the Executive Administrator of the Texas Water Development Board and that may be produced on an average annual basis to achieve the Desired Future Condition of the aquifer as determined under § 36.108 of the Texas Water Code.

(24) **"Non-Exempt Well"** means any well not specifically exempted by Chapter 36.117 of the Texas Water Code or these rules. This includes domestic and livestock wells on a tract of land that is 10 acres or less.

(25) **"Notice of Intent to Drill"** means a preregistration form or other form that must be submitted to the District by the landowner or his agent prior to the drilling of an exempt well or monitor well.

(26) **"Open or Uncovered Well"** means any artificial excavation drilled or dug for the purpose of producing groundwater and that is not capped or covered as required by the Texas Water Code.

(27) **"Owner" or "Well Owner"** means the person who holds a possessory interest in: (1) the land upon which a well is located or to be located, and who has authority to and who may lawfully produce groundwater from this land and/or (2) the well itself as long as this person has the authority to produce groundwater from the land on which the well is located, as evidenced by written documentation that establishes the consent of the landowner to this person's ownership and operation of the well; provided, however, that this person may authorize in writing another person to act on his/her behalf with respect to matters regulated by the District. The ownership and rights of the owners of the land and their lessees and assigns in groundwater are hereby recognized, and nothing in this code shall be construed as depriving or divesting the owners or their lessees and assigns of the ownership or rights, except as those rights may be limited or altered by rules promulgated by the District. A rule promulgated by the District may not discriminate between owners of land that is irrigated for production and owners of land or their lessees and assigns whose land that was irrigated for production is enrolled or participating in a federal conservation program.

(28) **"Permitted Well"** means any artificial excavation drilled or dug for the purpose of producing groundwater that:

(a) is not exempt by Chapter 36.117 Texas Water Code;

(b) is properly registered with the District; and

(c) has been issued a permit by the District.

(29) **"Person"** shall mean any individual, partnership, firm, state governmental agency, political subdivision, corporation, or legal entity.

(30) **"Plugging"** means an absolute sealing of the entire well bore with cement and/or approved bentonite grout.

(31) **"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, property, or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

(32) **"Preregistration"** means the completion and submission of a preregistration form prior to the drilling of an exempt well and production of water.

(33) **"Recharge"** means the amount of water that infiltrates to the water table of an aquifer.

(34) **"Registered Well"** means and includes and artificial excavation to produce or that is producing water for any purpose that has been properly recorded with the District.

(35) **"Transportation Facility"** is any system for transporting water, which may include a pipeline, channel, ditch, watercourse or other natural or artificial facilities, or any combination of such facilities, pertaining to any or all water which is produced from a well or wells located or to be located within the District, any or all of which is used or intended for use outside the boundaries of the District.

(36) **"Waste"** as used herein shall have the same meaning defined by the Legislature, as follows:

(a) the withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes;

(b) the flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose;

(c) escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater;

(d) the 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;

(e) 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 the owner of the well unless such discharge is authorized by permit, rule, or order issued by the Commission under Chapter 26;

(f) groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge; or

(g) for water produced from an artesian well, "waste" has the meaning assigned by § 11.205 of the Texas Water Code.

(37) **"Water"** shall mean groundwater.

(38) **"Water Well Drillers rules"** shall mean the administrative rules that apply to the drilling of water wells, as set forth in 16 Texas Administrative Code § 76.1000 (Texas Department of Licensing and Regulation, Technical Requirements – Locations and Standards of Completion for Wells).

(39) **"Well"** or **"Water Well"** shall mean any facility, device, or method used to withdraw groundwater within the District.

(40) **"Well Report"** or **"Driller's Log"** means a record, made at the time of drilling, showing the depth, thickness, character of the different strata penetrated, location of any water bearing strata, depth, size and character of casing installed, together with any other data or information required by the State or this Board and recorded on forms prescribed either by the State regulatory agency with jurisdiction thereof or by this Board.

(41) **"Well system"** means two or more wells owned, operated, or otherwise under the control of the same person and that are the source of groundwater that is put to the same beneficial use at the same location of use. Groundwater production authorized by permit for a well system is considered to be aggregated and assigned to the entire well system.

(42) **"Withdrawal"** means extracting groundwater by pumping or any other method.

RULE 1A DRILLING AND OPERATING PERMITS REQUIRED.

No person, firm, or corporation may drill or operate a well without first obtaining a permit from the District.

Rules for filing all applications:

(a) If the applicant is an individual, the application shall be signed by the applicant or his duly appointed agent. The agent may be requested to present satisfactory evidence of his authority to represent the applicant.

(b) If the application is by a partnership, the applicant shall be designated by the firm name followed by the words "partnership" and the application shall be signed by a least one of the general partners who is duly authorized to bind all of the partners.

(c) In the case of a corporation, public district, county or municipality, the application shall be signed by a duly authorized official. A copy of the resolution or other authorization to make the application may be required by the officer or agent receiving the application.

(d) In the case of an estate or guardianship, the application shall be signed by the duly appointed guardian or representative of the estate.

RULE 1B PERMIT EXEMPTIONS.

(a) A district may exempt wells from the requirement of obtaining a drilling permit, an operating permit, or any other permit required by this chapter or the district's rules.

(b) A district may not require any permit issued by the district for:

(1) drilling or operating a well used solely for domestic use or for providing water for livestock or poultry if the well is located or to be located on a tract of land larger than 10 acres and drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day;

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

(3) drilling a water well authorized under a permit issued by the Railroad Commission of Texas under Chapter 134, Texas Natural Resources Code, or for production from the well to the extent the withdrawals are required for mining activities regardless of any subsequent use of the water.

For purposes of an exemption under this subsection, the terms "livestock use" and "poultry use" do not include livestock or poultry operations that fall under the definition of "Animal Feeding Operation" or "Concentrated Animal Feeding Operation" set forth in District Rule 1.

(c) A district may not restrict the production of any well that is exempt from permitting under Subsection (b)(l).

(d) Notwithstanding Subsection (b), the District may require an exempt well to be permitted by the District and to comply with all District rules in order to be operated if:

(1) the groundwater withdrawals that were exempted under Subsection (b)(2) are no longer used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas; or

(2) the groundwater withdrawals that were exempted under Subsection (b)(3) 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.

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

(1) the total amount of water withdrawn during the month;

(2) the quantity of water necessary for mining activities; and

(3) the quantity of water withdrawn for other purposes.

(f) Notwithstanding Subsection (d), a district may not require a well exempted under Subsection (b)(3) to comply with the spacing requirements of the district.

(g) A district may not deny an application for a permit to drill and produce water for hydrocarbon production activities if the application meets all applicable rules as promulgated by the district.

(h) A water well exempted under Subsection (a) or (b) shall:

(1) be registered in accordance with rules promulgated by the district; and

(2) be equipped and maintained so as to conform to the district's rules requiring installation of casing, pipe, and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir.

(i) The driller of a well exempted under Subsection (a) or (b) shall file the drilling log with the district.

(j) A well to supply water for a subdivision of land for which a plat approval is required by Chapter 232, Local Government Code, is not exempted under Subsection (b).

(k) Groundwater withdrawn from a well exempt from permitting or regulation under this section and subsequently transported outside the boundaries of the district is subject to any applicable production and export fees under §§ 36.122 and 36.205 of the Texas Water Code.

(l) This chapter applies to water wells, including water wells used to supply water for activities related to the exploration or production of hydrocarbons or minerals. This chapter does not apply to production or injection wells drilled for oil, gas, sulphur, uranium, or brine, or for core tests, or for injection of gas, saltwater, or other fluids, under permits issued by the Railroad Commission of Texas.

RULE 1C STANDARD PERMIT PROVISIONS.

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

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

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

(c) The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner.

(d) The permittee must keep records of the amount of groundwater produced and the purpose of the production and agrees to make those records available for District inspection, if requested by the District, on a regular basis, send such records to the District. Immediate written notice must be given to the District by the permittee in the event the well is either polluted or causing pollution of the aquifer.

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

(f) The application pursuant to which this permit has been issued is incorporated in this permit, and this permit is granted on the basis of and contingent upon the accuracy of the information supplied in that application and in any amendments to the application. A finding that false information has been supplied is grounds for

immediate revocation of the permit. In the event of conflict between the provisions of this permit and the contents of the application, the provisions of this permit shall control.

(g) Violation of this permit's terms, conditions, requirements, or special provisions shall subject the permit holder to civil penalties, injunction from further well operation and production, and other legal action as provided by the District Rules.

RULE 1D PERMIT REQUIREMENTS.

(a) When to Apply: The owner of any well to be drilled after January 1, 2009, shall file the permit application prior to drilling the well at the District's principal office in Reagan County, 108 Hwy 67 West, Big Lake, Texas.

(b) All permit applications shall set forth the following:

(1) the exact proposed location of the well to be drilled as provided in the application including the county, the section, block, survey, and township; labor and league; and exact number of feet to the two nearest nonparallel property lines (legal survey line); or other adequate legal description;

(2) estimated rated at which water will be withdrawn;

(3) the proposed use of the well to be drilled, whether municipal, industrial, or irrigation, livestock, domestic, or other beneficial use;

(4) the size the pump to be installed upon completion of permitted well;

(5) the approximate date drilling operations are to begin;

(6) the location of the three (3) nearest wells within a quarter of a mile of the proposed location, and the names and addresses of the owners thereof;

(7) an agreement by the applicant that a completed well registration and log will be furnished to the District (on forms furnished by it) by the applicant or well driller upon completion of this well and prior to the production of water there from (except for such production as may necessary to drilling and testing such well);

(8) the name and address of the owner of the land upon which the well location is to be made;

(10) if the applicant is other than the owner of the property, documentation showing the applicable authority to construct and operate each well for the proposed use;

(11) a declaration that the applicant will comply with the District's Rules and Management Plan;

(12) such additional data as may be required by the Board; and

(13) if groundwater is proposed to be transferred out of the District, the applicant shall describe and provide any relevant information with regard to the following:

(i) the availability of water in the District and in the proposed receiving area during the period for which the water supply is requested;

(ii) the projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District; and

(iii) how the proposed transfer is consistent with the approved regional water plan and District Management Plan.

For well systems, the applicant shall provide the information required in this subsection for each well that is part of the well system.

(c) PERMIT DEPOSIT: Each application for a Drilling Permit must be accompanied by a $50.00 deposit. Said deposit shall be returned to the applicant by the District if:

(1) The application is denied;

(2) If the application is granted, upon receipt of correctly completed registration and log of well; or

(3) If said permit location is abandoned without having been drilled, upon return and surrender of said permit marked "abandoned" by the applicant.

In the event neither the registration and log of the well, nor the permit marked abandoned is returned to such District within six (6) months after the approval date of the permit or the extension date thereof, the said deposit shall become property of the District. All deposits heretofore made or which shall hereafter be made shall become the property of the District if such registration and log or permit has not been returned or is not returned to the District with which deposit was made within six (6) months from the approval date of the permit.

(d) No person shall hereafter begin to drill or drill a well, or increase the size of a well or pump therein, which well could reasonably be expected to produce, or a pump designed to produce, in excess of 25,000 gallons of water per day (17.36 gal/min), without having first applied to the Board, and had issued a permit to do so, unless the drilling and operation of the well is exempt by statutory law or by

these rules. Drilling a well without a required permit or operating a well at a higher rate of production than the rate approved for the well is declared to be illegal, wasteful per se, and a nuisance.

(e) It is a violation of the District Rules for a well owner, well operator, or water well driller to drill a non-exempt well until an application for a Drilling Permit has been filed with the District and approved. It is also a violation of the District Rules for a water well driller to fail to submit an approved copy of the Drilling Permit along with the Well Report that is required to be submitted to the District. A violation occurs on the first day the drilling, alteration, or operation begins and continues each day thereafter until the appropriate permits are approved.

RULE 1E OPERATING PERMIT REQUIREMENTS.

(a) AUTOMATIC PERMIT: The District shall automatically grant an Operating Permit for each nonexempt well in the District that was in existence before August 19, 1989, and is capable or producing more than 25,000 gallons per day but not more than 100,000 gallons per day. For all other nonexempt wells, an Operating Permit must be secured in order to lawfully operate a nonexempt well. One application containing the information required under Rule 1D(b) may be filed prior to the drilling and operation of a new nonexempt well or well system.

(b) The permit may also contain provisions relating to the means and methods of transportation outside the district of groundwater produced within the District.

RULE 2 PROCESSING AND ACTION ON PERMIT APPLICATIONS.

(a) Drilling Permit Applications:

(1) Upon receipt of a properly completed application and prior to the issuance of a permit, District staff may inspect the proposed well location to verify compliance with District rules. After inspection or upon verification of the information in the application, if the completed permit application complies with the District rules, upon the applicant's written request and consent, the District's General Manager is delegated the authority by the Board and the General Manager may issue the Drilling Permit without notice and hearing before the Board or, upon request by the applicant or at the General Manager's discretion, the application may be set for hearing before the District's Board. If the application is granted by the General Manager, the applicant assumes the risk that its application may be subsequently protested and the General Manager shall provide the appropriate 10-day hearing notice under Rule 21 for the next regular Board meeting to apprise the Board of the General Manager's issuance of the permit, and to allow any qualified person under Rule 21 to protest the application.

(2) If the application does not comply with District rules, the application must be either amended to bring it into compliance with the rules or a properly completed application for an exception to the rules must be filed with the District and presented to the Board so that, following notice and hearing, a ruling can be made on the application for an exception. The notice and hearing requirements set forth under District Rule 21 shall apply to an application for a drilling permit or an application for a drilling permit exception.

(3) An application shall be considered filed when properly filled out, completed, signed and received by the District. Such application shall be prepared on forms provided by the District and shall be in writing and shall be prepared in accordance with and contain the information called for in the form of application, if any, prescribed by the Board, and all instructions which may have been issued by the Board with respect to the filing of an application. Otherwise, the application will not be considered.

(b) Operating Permit Applications:

Within 60 days after the date an administratively complete application is submitted, the District shall take action to set the application for a preliminary hearing before the District's Board. The preliminary hearing shall be held within 35 days after the setting of the date, and the District's Board shall act on the application within 60 days after the date the final hearing on the application is concluded. Notice of the hearing and hearing procedure are set forth under District Rules 19-21. As mandated by § 36.113 of the Texas Water Code, before granting or denying a permit application, the District's Board shall consider whether:

(1) the application conforms to the requirements prescribed by this chapter and is accompanied by the prescribed fees;

(2) the proposed use of water unreasonably affects existing groundwater and surface water resources or existing permit holders;

(3) the proposed use of water is dedicated to any beneficial use;

(4) the proposed use of water is consistent with the district's certified water management plan;

(5) the applicant has agreed to avoid waste and achieve water conservation;

(6) the applicant has agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure; and

(7) for those hearings conducted by the State Office of Administrative Hearings under Rule 21(i), the Board shall consider the Proposal for Decision and Findings of Fact and Conclusions of Law issued by the State Office of Administrative Hearings.

(c) The District, to the extent possible, shall issue permits up to the point that the total volume of exempt and permitted groundwater production will achieve the applicable Desired Future Condition established for the aquifers in the District. In issuing permits, the District shall manage total groundwater production on a long-term basis to achieve the applicable Desired Future Condition and shall consider:

(1) the Modeled Available Groundwater;

(2) the Texas Water Development Board Executive Administrator's estimate of the current and projected amount of groundwater produced under exemptions granted by District Rule 1B and § 36.117 of the Texas Water Code;

(3) the amount of groundwater authorized under permits previously issued by the District;

(4) a reasonable estimate of the amount of groundwater that is actually produced under permits issued by the District; and

(5) yearly precipitation and production patterns.

(d) In reviewing a proposed transportation of groundwater out of the District, the District shall consider the following:

(1) the availability of water in the District and in the proposed receiving area during the period for which the water supply is requested;

(2) the projected effect of the proposed transport on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District; and

(3) the approved regional water plan and certified District management plan.

(e) The District may not impose more restrictive permit conditions on transporters than the District imposes on in-district users.

RULE 3 TIME DURING WHICH A PERMIT SHALL REMAIN VALID.

(a) Any Drilling Permit granted hereunder shall be valid if the work permitted shall have been completed within four (4) months from the filing date of the application. It shall thereafter be void. Provided, however, that the District, for good cause, may extend the life of such permit for an additional four (4) months if

a written application for such extension shall have been made to the District during the first four (4) month period. Provided, further, that when it is made known to the Board that a proposed project will take more time to complete, the General Manager, upon receiving written application may grant such time as is reasonably necessary to complete such a project.

(b) Any Operating Permit granted hereunder shall be valid for a term of five (5) years, subject to renewal. A renewal request form shall be provided by the District prior to expiration of the permit term, and shall be filed with the District no later than January 15th of the new year for which the permit renewal is requested. The General Manager may rule on any renewal application that seeks renewal with the identical permit conditions in the existing permit without notice, hearing, or further action by the Board, or with such notice and hearing as the General Manager deems practical and necessary under the circumstances. Any permit holder seeking renewal may appeal the General Manager's ruling by filing, within ten calendar days of notice of the General Manager's ruling, a written request for a hearing before the Board. The Board will hear the applicant's appeal at the next available regular Board meeting. The General Manager shall inform the Board of any renewal applications granted or denied. On the motion of any Board member, and a majority concurrence in the motion, the Board may overrule the action of the General Manager. The General Manager may authorize an applicant for a permit renewal to continue operating under the conditions of the prior permit, subject to any changes necessary under proportional adjustment regulations or these rules, for any period in which the renewal application is the subject of a hearing.

(c) BASIS FOR RENEWAL: While there is no automatic right of renewal, an application for renewal will be approved if the General Manager or Board finds that the applicant's continued use of groundwater will remain in compliance with the terms, provisions, and requirements of the applicant's current permit and the District Act and rules, subject to adjustment by the General Manger or Board for any new production limits or proportional adjustment requirements that may be applicable to the renewed permit.

(d) BASIS FOR DENIAL: The General Manager or Board may deny a renewal application only on grounds that the applicant is in violation of the District's rules, the District Act, or Chapter 36, Water Code, or that the applicant has a previous violation on record with the District, which has become a final order of the District's Board.

RULE 4 REQUIREMENT OF DRILLER'S LOG, CASING, AND PUMP DATA.

(a) Complete records shall be kept and reports thereof made to the District concerning the drilling, maximum production potential, equipping and completion of all wells drilled either by a licensed driller or an individual land owner. Such records shall include an accurate driller's well log, and any geophysical or electric

log, if available, and such additional data concerning the description of the well, its potential, hereinafter referred to as "maximum rate of production" and its actual equipment as may be required by the District. Such records shall be filed with the District within 60 days after the completion of the well.

(b) Subject to the Water Well Drillers rules, every licensed well driller shall deliver either in person, by fax, email, or send by first-class mail, a photocopy of the State Well Report to the District within 60 days from the completion or cessation of drilling, deepening, or otherwise altering a well.

(c) No person shall produce water from any well hereafter drilled and equipped within the District, except that necessary to the drilling and testing of such well and equipment, unless or until the District has been furnished an accurate driller's log, any electric log which shall have been made, and a registration of the well correctly furnishing all available information required on the forms furnished by the District.

RULE 5 WELL REGISTRATION.

(a) REGISTRATION REQUIRED: Well Registration is required for all existing and future exempt and non-exempt wells in the District and shall be accomplished by filing a registration form on a form and in the manner required by the District.

(b) All existing and future exempt and non-exempt wells drilled in the District shall be registered with the District and shall be known as Authorized Well Sites.

(c) Registration shall include the following information, submitted on forms provided by the District:

(1) name and address of the well owner;

(2) the exact location of the well, including–block, section, survey and the distance to the two nearest intersecting property lines or survey lines, or another adequate legal description;

(3) coordinates (Latitude/Longitude) for the well location;

(4) the proposed uses of the underground water to be produced such as domestic, livestock, irrigation, industrial, municipal, or other beneficial use;

(5) the size of the well;

(6) a description of the well construction, including depth and size of wellbore and depth and size casing;

(7) the depth of the water level in the well if the well is already drilled;

(8) the name and address of the driller and the approximate date the well was drilled or is to be drilled;

(9) pump size; and

(10) gallons per minute (GPM) being produced.

(d) WHEN TO REGISTER: All nonexempt and exempt wells shall be registered. The owner of an exempt well drilled after January 1, 2009, shall register the exempt well at least one day prior to drilling the well. The District will collect registration information for all exempt wells drilled before January 1, 2009. The owner of an exempt well drilled before the effective date of this rule should be cooperative with the District in its efforts to register all such wells.

(e) The District's authorization of all Permitted Wells and Authorized Well Sites is conditional, may be revoked, suspended, or modified by the District's Board if the person to whom the authorization was issued does not comply with the rules of the District, does not comply with the terms and conditions stated in the drilling permit, or abandons the well. The District shall provide reasonable notice and opportunity for hearing under the District's permitting rules before revoking, suspending, or modifying any authorization under this rule.

(f) WHERE TO REGISTER: A well owner must file the required registration information at the District's principal office at Big Lake, Texas.

(g) RE-REGISTRATION: If the owner of a registered well plans to change the use of the water, increase the production rate of the water, or to substantially alter the size of the well or well pump in a manner that does not require a permit, the owner must re-register the well.

(h) CHANGE OF OWNERSHIP: If there is a change in well ownership and no other change to the well or Authorized Well Site, the new well owner must submit a change of ownership notice to the District within 90 days of the transfer of ownership. It is a violation of the District Rules for any person or entity to produce groundwater from any well without first having:

(1) applied to and received approval for a new permit from the District; or

(2) submitted a notice of change of ownership to the District for existing wells or authorized well sites within 90 days of the transfer of ownership.

RULE 6 PREREGISTRATION REQUIRED FOR EXEMPT WELLS.

(a) Completed Preregistration forms for the drilling, reworking, redrilling, or reequipping of an exempt well or monitor well must be filed with the District prior to proceeding with the work. Preregistration is required for all wells defined as exempt under Rule 1B. It is a violation of the District Rules for any person or

entity to drill, rework, redrill, or reequip an exempt well until a well preregistration form has been filed with and approved by the District.

(b) Preregistration shall be submitted on forms provided by the District. Preregistration forms must be administratively complete to be considered by the District.

(c) The application to drill, rework, redrill, or reequip an exempt well may be submitted to the district in person, by fax, mail, or email by the owner of the land or his duly appointed agent, including a partner, operator, driller, or any other person who has the authority to construct the well and/or operate the well for the proposed use.

RULE 7 MINIMUM SPACING OF WATER WELLS.

(a) DISTANCE REQUIREMENTS: No 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 660 feet from the nearest property line; provided that the Board, in order to prevent waste or to prevent confiscation of property, may grant exceptions to permit drilling within shorter distance than above described when the Board shall determine that such exceptions are necessary either to prevent waste or to prevent confiscation of property. All water wells must adhere to the following spacing limitations:

(1) a minimum of 50 feet from any watertight sewage and liquid waste facility;

(2) a minimum horizontal distance of 150 feet from any concentrated source of contamination, such as existing or proposed livestock or poultry yards, privies, and septic system absorption field; and

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

(b) In the interest of protecting life and for the purpose of preventing waste and preventing confiscation of property, the Board reserves the right in particular subterranean water zones and/or reservoirs to enter special orders increasing or decreasing distances provided by this rule.

(c) In applying this rule and in applying every special rule with relation to spacing in all of the subterranean water zones and/or reservoirs underlying the confines of this District, no subdivision of property will be regarded in applying such spacing rule or in determining the matter of confiscation if such subdivision took place subsequent to the promulgation and adoption of the original spacing rule;

(d) Any subdivision of property creating a tract of such size and shape that it is necessary to obtain an exception to the spacing rule before a well can be drilled thereon is a voluntary subdivision and not entitled to a permit to prevent confiscation of property if it were either:

(i) segregated from a larger tract in contemplation of water resource development; or

(ii) segregated by fee title conveyance from a larger tract after the spacing rule became effective and the voluntary subdivision rule attached;

The date of attachment of the voluntary subdivision rule is the date of discovery of underground water production in a certain continuous reservoir regardless of the subsequent lateral extensions of such reservoir, provided that such rule does not attach in the case of a segregation of a small tract by fee title conveyance which is not located in an underground water production area having a discovery date of such segregation. The date of attachment of the voluntary subdivision rule for a reservoir under any special circumstances which the Board deems sufficient to provide for an exception, may be established other than above so that innocent parties may have their rights protected.

(e) WELL DENSITY: Subject to these rules, no more than a cumulative total of 16 wells, whether drilled prior to or subsequent to enactment of this rule, shall be permitted per survey section (640 acres) (hereinafter referred to as "drilled to density"). In the event the applicant owns less than a full section, or the survey section contains more or less than 640 acres, then the number of wells permitted for said tract shall be proportionately increased or reduced so that the total number of wells permitted shall be established by dividing the number of acres owned by the number of acres in the section and multiplying by 16.

RULE 8 EXCEPTION TO SPACING RULE.

(a) In order to protect vested property rights, to prevent waste, or to prevent confiscation of property, the Board may grant exception to the spacing and well density 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 and well density regulations is desired, application shall be submitted by the applicant in writing to the Board at its District Office on forms furnished by the District. Incomplete applications will not be accepted by the District. The application shall explain the circumstances justifying an exception to the spacing and well density provisions. The application shall be accompanied by a plat or sketch, drawn to scale of one inch equaling 660 feet. The plat or sketch shall show accurately to scale all wells within a quarter mile of the immediate area and shall show accurately to scale of wells within a quarter

mile of the proposed well site. The application shall also contain the name and addresses 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 facts who shall state that all the facts therein are true and correct.

(c) Such exception may be granted 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 or refusing of such application without notice of hearing except to the applicants. The applicant may also waive notice or hearing or both.

(d) Any subdivision of property creating a tract of such size and shape that it cannot comply with the spacing requirements of this section shall be considered a voluntary subdivision and shall not be eligible for an exception to the spacing requirements.

RULE 9 PLACE OF DRILLING OF WELL.

After an application for a drilling permit has been granted, the well, if drilled, must be drilled in compliance with all District rules. If the well should be commenced or drilled at a different location, greater than 30 feet from the location given on the drilling permit application, the drilling or operation of such well may be enjoined by the District pursuant to Chapter 36, Texas Water Code. The District shall have the right to confirm reported distances and inspect the wells or well locations.

RULE 9A WELL DRILLING, COMPLETION, CAPPING AND PLUGGING.

(a) RESPONSIBILITIES OF THE WELL DRILLER AND LANDOWNER: All well drillers, landowners drilling their own wells, and persons having a well drilled, deepened, or altered shall adhere to the provisions of Texas Department of Licensing and Regulation, Title 16, Texas Administrative Code §76.702, Well Drilling, Completion, Capping and Plugging as contained in the State Water Well Drillers and Water Well Pump Installers Rules, as amended, prescribing the location of wells and proper drilling, completion, capping, and plugging of wells.

(b) LOCATION AND STANDARDS OF COMPLETION FOR WELLS: Wells shall be located and completed in accordance with the provisions of Texas Department of Licensing and Regulation, §76.1000, Locations and Standards of Completion for Wells, as amended.

(c) REPORTING UNDESIRABLE WATER OR CONSTITUENTS: All well drillers including landowners drilling their own wells shall adhere to the provisions of the State Water Well Drillers and Pump Installers Rules, Texas

Department of Licensing and Regulation, §76.701 and any subsequent changes or amendments, when reporting any undesirable water or constituents that have been encountered.

(d) STANDARDS OF COMPLETION FOR WATER WELLS ENCOUNTERING UNDESIRABLE WATER OR CONSTITUENTS: If a water well driller or landowner drilling his/her own well knowingly encounters undesirable water or constituents and the well is not plugged or made into a completed monitoring well, the driller shall complete the well in accordance with Texas Department of Licensing and Regulation, §76.1001, Standards of Completion for Water Wells Encountering Undesirable Water or Constituents, as amended.

(e) STANDARDS FOR WELLS PRODUCING UNDESIRABLE WATER OR CONSTITUENTS: Wells completed to produce undesirable water shall be completed in accordance with Texas Department of Licensing and Regulation, §76.1002, Standards for Wells Producing Undesirable Water or Constituents, as amended.

(f) RE-COMPLETIONS: The landowner shall have the continuing responsibility of insuring the integrity of the well in accordance with Texas Department of Licensing and Regulation, §76.1003, Re-completions, as amended.

(g) STANDARDS FOR CAPPING AND PLUGGING OF WELLS AND PLUGGING WELLS THAT PENETRATE UNDESIRABLE WATER OR CONSTITUENT ZONES: Wells must be capped and plugged in accordance with Texas Department of Licensing and Regulation, §76.1004, Standards for Capping and Plugging of Wells and Plugging Wells that Penetrate Undesirable Water or Constituent Zones, as amended.

(h) STANDARDS FOR WATER WELLS: Wells drilled prior to August 1989, unless abandoned, shall be grandfathered without further modification unless the well is found to be a threat to public health and safety or to water quality as described in the provisions of the Texas Department of Licensing and Regulation, §76.1005, Standards for Water Wells, as amended.

RULE 10 STANDARDS OF WELL COMPLETION.

(a) The space between the borehole and the casing shall be filled from ground level to a depth of not less than 10 feet below the land surface or wellhead with cement slurry.

(b) A concrete slab or sealing block shall be poured around the well casing, whether plastic or steel. The concrete block will extend at least two (2) feet from all sides of the well casing, and have a minimum thickness of four (4) inches and slope downward from the well casing.

(c) The concrete block shall be separated from the well casing by a plastic or mastic coating or sleeve to prevent bonding of the slab to the casing.

(d) The surface of the slab should be sloped to drain away from the well.

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

(f) The well casing shall be capped or completed in a manner that will prevent pollutants from entering the well.

RULE 11 REWORKING OR REPLACING OF WELL.

(a) No person shall rework, redrill, or re-equip a well in a manner that would increase the maximum rate of production of water from such well beyond any previous actual rate of production of such well as established by Rule 1D(d) above without first having made an application to the Board, and having been granted a permit by the Board to do so. Nor shall any person replace a well without a permit from the Board. A replacement well, in order to be considered as such, must be drilled within 150 feet of the old well and not elsewhere. It must not be located closer to any other well or Authorized Well Site located within one mile of the proposed relocation site unless the new location complies with the minimum spacing requirements set out in Rule 7; otherwise the replacement well shall be considered to be a new well for which application must be made under Rule 1D above; provided, however, that the Board may grant an exception to this spacing limitation without notice or hearing in any instance where the replacement well is placed farther away from any existing wells or Authorized Well Sites located within one mile of the proposed relocation site. 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 agent must within 120 days of issuance of the permit declare in writing to the District which one of these wells he desires to place into production. If the landowner does not notify the District of his choice within 120 days, then it will be conclusively presumed that the new well is the well he desires to retain. Immediately after determining which well will be retained for production, the other well shall be:

(1) properly plugged;

(2) properly equipped in such a manner that it cannot produce more than 25,000 gallons of water a day; or

(3) closed in accordance with § 756.001 or § 756.002 of the Texas Health & Safety Code. Violation of this subsection is a criminal misdemeanor punishable by a fine of not less than $100.00 or more than $500.00.

(b) The size of maximum rate of production of a well shall not be hereafter changed to a larger size of capacity so as to substantially increase the rate of production of a well without a permit from the Board. (For example, increasing the size of the well bore from six inches to eight inches.) Such permit may be granted only after written notice to adjacent owners and owners of a well within a quarter of a mile

from such well and after a decision by the Board in writing that they have no objection to the proposed changed, then the Board may proceed to decide such matter. Provided that if the well is sufficient distance from other wells to comply with spacing regulations for new wells of the desired capacity, the Board may proceed to act on such application.

(c) No person shall be required to equip and produce any wells to its maximum rate of production; provided, however, that for purposes of reworking, or replacing a well pursuant to Rule 11 hereof, the maximum rate of production of each well established hereunder shall be considered the actual production rate even though said well is produced at a lesser rate of production

(d) In the event the application meets all spacing requirements and no contest is filed, the Board may grant such application without further action.

RULE 12 CHANGED CONDITIONS.

The decision of the Board on any matter within its jurisdiction may be reconsidered by it on its own motion or upon motion showing changed conditions, or upon the discovery of new or different conditions or facts after the hearing or after having announced a ruling or decision, or, after having finally granted or denied an application, it shall give notice to all persons who were proper parties to the original action, and such persons shall be entitled to a hearing thereon if they file request therefore within 15 days from the date of the mailing of such notice.

RULE 13 RIGHT TO ENTER LAND TO INSPECT, TEST, CAP, LOCATE, AND SEAL WELLS.

(a) Any authorized officer, employee, agent, or representative of the District shall have the right at all reasonable times to enter upon the lands on which a well or wells may be located within the boundaries of the District to:

(1) inspect such well or wells;

(2) to read, or interpret any meter, wire box or other instrument for the purpose of measuring production of water from said well or wells;

(3) determine the pumping capacity of said well or wells;

(4) measure the water level or obtain water samples for determining the water quality of said well or wells;

(5) test the pump and the power unit of the well or wells;

(6) cap wells that are open in violation of §36.118, Texas Water Code, as amended, or §76.702, Texas Department of Licensing and Regulation, Water Well Drillers and Water Well Pump Installers Rules, as amended;

(7) determine the coordinates (location) of said well or wells using GPS or other available methods;

(8) make any other reasonable and necessary inspection and/or test that may be required or necessary for the information or the enforcement of the rules and regulations of the District; or

(9) seal wells as authorized by court order under Rule 14.

(b) The operation of any well may be enjoined by the Board immediately upon refusal to permit gathering of information as above provided from such well or wells.

RULE 14 SEALING OF PROHIBITED WELLS.

(a) Pursuant to a court order, the District may, upon orders from the judge of the courts, seal wells that are prohibited from withdrawing groundwater within the District, to ensure that a well is not operating in violation of the District Rules. A well may be sealed when:

(1) no application has been made for a permit to drill a new water well which is not excluded or exempted;

(2) no application form has been filed for a permit to withdraw groundwater from an existing well which is not excluded or exempted from the requirement that a permit be obtained in order to lawfully withdraw groundwater;

(3) no application form has been filed for a change to a permit to withdraw groundwater from an existing well;

(4) no permit has been issued prior to the operation of a non-exempt well; or

(5) the Board has denied, canceled or revoked a drilling permit or the operating authority to produce groundwater from a well.

(b) The well may be sealed by physical means, and tagged to indicate that the well has been sealed by the District, and other appropriate action may be taken as necessary to preclude operation of the well or to identify unauthorized operation of the well.

(c) Tampering with, altering, damaging, or removing the seal of a sealed well, or in any other way violating the integrity of the seal, or pumping of groundwater from a well that has been sealed constitutes a violation of these rules and subjects the person performing that action, as well as any well owner or primary operator who authorizes or allows that action, to such penalties as provided by the District Rules.

RULE 15 OPEN WELLS TO BE CLOSED OR CAPPED.

Every owner or operator of any land within the District, upon which is located any open or uncovered well is, and shall be, required to close or cap the same set forth below and in accordance with Chapter 36, Texas Water Code and subsequent changes thereto:

(a) The District may require the owner or lessee of land on which an open or uncovered well is located to keep the well closed or capped with a covering capable of sustaining weight of not less than 400 pounds, except when said well is in actual use by the owner or operator thereof; and no such owner or operator shall permit or allow any open or uncovered well to exist in violation of this requirement.

(b) Officers, agents and employees of the District are authorized to serve or cause to be served notice upon any owner or operator of a well in violation of this rule, thereby requesting such owner and/or operator of such well with a covering in compliance herewith.

RULE 16 FAILURE TO COMPLY WITH CAPPING OR PLUGGING RULES.

In the event any owner or operator fails to comply with the request to either cap or plug a well(s) within 30 days, a written notice shall be delivered to the owner of said well or wells either by certified mail or by priority mail with confirmation of delivery requesting compliance with the rule within 10 days of receipt of the written notice. If, after the 10 day period, an inspection of the well or wells reveals that the landowner has not complied with the request or refuses to plug or cap a well, any officer, agent, or employee of the District may go upon said land and plug or cap said well in manner complying with this rule and the Well Drillers and Water Well Pump Installers Rules and all expenditures thereby incurred shall constitute a lien upon the land where such well is located. Any officer, agent, or employee of the District is authorized to perfect said lien by the filing of the affidavit authorized by § 36.118 of the Texas Water Code as amended. All of the powers and authority granted in such section are hereby adopted by the District, and its officers, agents, and employees are hereby bestowed with all of such powers and authority.

RULE 17 FINAL ORDERS AND DECISIONS OF THE BOARD.

The orders and decisions of the Board in any uncontested application or proceeding shall become final on the day it is entered by the Board. All orders and decisions of the Board in contested applications, appeals or other proceedings shall contain a statement that the same was contested. In such event the order will become final after 15 days from the entry thereof and be binding on the parties thereto unless a Motion for Rehearing is filed under Rule 18 hereof. In the event of an appeal of a decision or order of the Board, the decision or order shall not become final until all appeals have been exhausted.

RULE 18 REQUEST FOR REHEARING AND APPEAL.

(a) To appeal any decision of the Board, a request for rehearing must be filed with the District within 20 calendar days of the date of the Board's decision. Such a request for rehearing must be in writing and must state clear and concise grounds for the request. The Board's decision is considered to be final if no request for rehearing is timely filed, upon the Board's denial of the request for rehearing, or upon rendering a decision after conducting the rehearing. If a rehearing request is granted by the Board, the rehearing must be conducted within 45 calendar days. Failure of the Board to grant or deny the request for rehearing within 90 calendar days of the date of submission shall constitute denial of the request. After all administrative remedies are exhausted with the District and the Board's decision is final, suit may be filed in a court of competent jurisdiction in Reagan County to appeal the Board's decision. The deadline for filing such a suit is 60 calendar days after the Board's decision is considered to be final. A suit challenging any decision of the Board is prohibited if a request for rehearing was not timely filed.

(b) The Board may, in a proper case, find that an emergency exists and that substantial injustice will result from delay. In that event, and upon recitation of such finding, the order of the Board will become final on the date of the announcement of the order by the Board, and motion for rehearing will be considered thereon.

(c) An applicant in a contested or uncontested hearing on an application or a party to a contested hearing may request written findings and conclusions within 20 calendar days of the Board's decision. The Board shall provide certified copies of the findings and conclusions to the person who requested them, and to each person who provided comments or each designated party, not later than the 35th day after the date the Board receives the request. A person who receives a certified copy of the findings and conclusions from the board may request a rehearing as set forth under Subsection (a) of this rule before the Board not later than the 20th day after the date the Board issues the findings and conclusions.

RULE 19 RULES GOVERNING PROTEST.

(a) NOTICE OF PROTESTS: In the event anyone should desire to protest or oppose any pending matter before the Board, a written notice of protest or opposition shall be filed with the Board on or before the date on which such application or matter has been set for hearing. For the convenience of the Board, it is urged that protest be filed at least five (5) working days before the board meeting or hearing date.

(b) PROTEST REQUIREMENTS: Protests shall be submitted in writing with a duplicate copy to the opposite party or parties and shall comply in substance with § 36.415 of the Texas Water Code and the following requirements:

(1) each protest shall show the name and address of the Protestant and show that Protestant has read either the application or a notice relative thereto published by the Board;

(2) each protest shall describe the potential protestant's personal justiciable interest related to a legal right, duty, privilege, power, or economic interest that is within a district's regulatory authority;

(3) each protest shall describe how the justiciable interest may be affected by the activities contemplated by a permit or permit amendment application; and

(4) protestant should call attention to any amendment of the application of adjustment which if made, would result in withdrawal of the protest.

(c) CONTESTED APPLICATIONS OR PROCEEDINGS DEFINED: An application, appeal, motion or proceedings pending before the Board is considered contested when either protestants or interveners, or both, files the notice of protest as above set out and appears at the hearing held on the application, motion or proceeding and present testimony or evidence in support of their contentions, or present a question or questions of law with regard to the application, motion or proceedings. Where neither protestants nor intervenors so appear and offer testimony or evidence in support of their contentions, or raise a question of law with reference to any pending application, motion or proceeding, the same shall be considered as uncontested.

(d) In the event of a contested hearing each party shall furnish other parties to the proceeding with a copy of all motions, amendments or briefs filed with the Board, and on the same day filed with the Board.

(e) REQUEST FOR HEARING AT STATE OFFICE OF ADMINISTRATIVE HEARINGS: If an application is contested, any party to the hearing may request that the District contract with the State Office of Administrative Hearings to conduct the hearing on the application. A request that the hearing be conducted by the State Office of Administrative Hearings must be made to the Board no later than five (5) calendar days before the date that the preliminary hearing on the application is set to begin.

RULE 20 GENERAL RULES OF PROCEDURE FOR HEARING.

The District conducts four general types of hearings: (1) hearings involving permit matters governed by Rule 21, in which the rights, duties, or privileges of a party are determined after an opportunity for an adjudicative hearing; (2) rulemaking hearings involving matters of general applicability that implement, interpret, or prescribe the law or District policy, or that describe the procedure or practice requirements of the District governed by Rule 22; (3) hearings on the Desired Future Conditions governed by Rule 23; and (4) show cause hearings governed by Rule 24(c). Any matter designated for hearing before the Board may be conducted by a Presiding Officer and quorum of the

Board or referred by the Board for hearing before a Hearings Examiner. A permit hearing may be conducted by the State Office of Administrative Hearings if required under Rules 19(e) and 21(i).

(a) Hearings conducted by the District will be conducted in such manner as the Board deems most suitable to the particular case. It is the purpose of the Board to obtain all the relevant information and testimony pertaining to the issue before it as conveniently, inexpensively and expeditiously as possible without prejudicing the rights of either applicants or protestants. The Presiding Officer may conduct the preliminary and evidentiary hearings or other proceedings in the manner the Presiding Officer deems most appropriate for the particular hearing. The Presiding Officer has the authority to:

(1) set hearing dates, other than the preliminary hearing date for permit matters set by the General Manager in accordance with Rule 2(b);

(2) convene the hearing at the time and place specified in the notice for public hearing;

(3) establish the jurisdiction of the District concerning the subject matter under consideration;

(4) rule on motions and on the admissibility of evidence and amendments to pleadings;

(5) designate and align parties and establish reasonable time limits and the order for testimony and presentation of evidence;

(6) administer oaths to all persons presenting testimony;

(7) examine witnesses;

(8) issue subpoenas when required to compel the attendance of witnesses or the production of papers and documents;

(9) require the taking of depositions and compel other forms of discovery under these rules—discovery will be conducted upon such terms and conditions, and at such times and places, as directed by the Hearings Examiner or Presiding Officer; unless specifically modified by order of the Hearings Examiner or Presiding Officer, discovery will be governed by, and subject to the limitations set forth in, the Texas Rules of Civil Procedure. In addition to the forms of discovery authorized under the Texas Rules of Civil Procedure, the parties may exchange informal requests for information, either by agreement or by order of the Hearings Examiner or Presiding Officer;

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

(11) conduct public hearings in an orderly manner in accordance with these rules;

(12) recess any hearing from time to time and place to place;

(13) reopen the record of a hearing for additional evidence when necessary to make the record more complete;

(14) exercise any other appropriate powers necessary or convenient to effectively carry out the responsibilities of presiding officer; and

(15) permit hearings may be conducted informally when, in the judgment of the Hearings Examiner or Presiding Officer, the conduct of a proceeding under informal procedures will result in a savings of time or cost to the parties, lead to a negotiated or agreed settlement of facts or issues in controversy, and not prejudice the rights of any party. If all parties reach a negotiated or agreed settlement that settles the facts or issues in controversy, the proceeding will be considered an uncontested case and the General Manager will summarize the evidence, including findings of fact and conclusions of law based on the existing record and any other evidence submitted by the parties at the hearing.

(b) After giving proper notice, hearings may be held in conjunction with any Regular or Special called meeting of the Board or hearings may be scheduled at other times as deemed appropriate by the Board. All hearings will be held at the District office unless the Board determines that another location would be more appropriate for a specific hearing.

(c) REPORTING: Hearings and other proceedings will be recorded on audio cassette tape or, at the discretion of the presiding officer, may be recorded by a certified shorthand reporter. The District does not prepare transcriptions for the public of hearings or other proceedings recorded on audio cassette tape on District equipment, but will arrange for a party in interest to have access to the recording. Subject to availability of space, any party at interest may, at its own expense, arrange for a reporter to report the hearing or other proceeding or for recording of the hearing or other proceeding. The cost of reporting or transcribing a permit hearing may be assessed by the Presiding Officer.

(1) If a proceeding other than a permit hearing is recorded by a reporter, and a copy of the transcript of testimony is ordered by any person, the testimony will be transcribed and the original transcript filed with the papers of the proceeding at the expense of the person requesting the transcript of testimony. Copies of the transcript of testimony of any hearing or other proceeding thus reported may be purchased from the reporter.

(2) On the request of a party to a contested hearing, the Presiding Officer shall have the hearing transcribed by a court reporter. The Presiding Officer may assess any court reporter transcription costs against the party that requested the transcription or among the parties to the hearing. Except as provided by this subsection, the presiding officer may exclude a party from further participation in a hearing for failure to pay in a timely manner costs assessed against that party under this subsection. The Presiding Officer may not exclude a party from further participation in a hearing as provided by this subsection if the parties have agreed that the costs assessed against that party will be paid by another party.

(3) If a hearing is uncontested, the Presiding Officer may substitute minutes for the hearing report required under these rules and § 36.410 of the Texas Water Code for a method of recording the hearing provided by § 36.410(a).

RULE 21 PERMIT HEARINGS.

(a) Notices of all permit hearings of the District shall be prepared by the General Manager, and shall, at a minimum, state the following information:

(1) the name and address of the applicant;

(2) the name or names of the owner or owners of the land if different from the applicant;

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

(4) the address or approximate proposed location of the well, if different than the address of the applicant;

(5) a brief explanation of the proposed permit or permit amendment, including any requested amount of groundwater, the purpose of the proposed use, and any change in use;

(6) a general explanation of the manner by which a person may contest the application, including information regarding the need to appear at the hearing or submit a motion for continuance on good cause under these rules; and

(7) any other information the Board or General Manager deems relevant and appropriate to include in the notice.

(b) Not later than 10 days prior to the date of the hearing, notice shall be:

(1) posted by the General Manager, with the Board President's approval, at a place readily accessible to the public in the District Office;

(2) provided by the General Manager, with the Board President's approval, to the County Clerk of Reagan County, whereupon the County Clerk shall post the notice on a bulletin board at a place convenient to the public in the county courthouse annex;

(3) provided to the applicant by regular mail;

(4) provided to any person who has requested notice under subsection (d) of this rule by regular mail, facsimile, or electronic mail; and

(5) provided to property owners within the "area of influence" by regular mail, facsimile, or electronic mail.

(d) A person may request notice from the district of a hearing on a permit or a permit amendment application. The request must be in writing and is effective for the remainder of the calendar year in which the request is received by the district. To receive notice of a hearing in a later year, a person must submit a new request. An affidavit of an officer or employee of the district establishing attempted service by first class mail, facsimile, or e-mail to the person in accordance with the information provided by the person is proof that notice was provided by the district. Failure to provide notice under this subsection does not invalidate an action taken by the district at the hearing.

(e) The Board shall conduct an evidentiary hearing on a permit or permit amendment application if a party appears to protest that applications or if the General Manager proposes to deny an application in whole or in part, unless the applicant or other party in a contested hearing requests the District to contract with the State Office of Administrative Hearings to conduct the evidentiary hearing, as set forth in Rules 19(e) and 21(i). If no one appears at the initial, preliminary hearing and the General Manager proposes to grant the application, the permit or permit amendment application is considered to be uncontested, and the General Manager may act on the permit application without conducting an evidentiary hearing on the application. Unless one of the parties in a contested hearing requests a continuance and demonstrates good cause for the continuance, the Board may conduct the preliminary and evidentiary hearings on the same date.

(f) WHO MAY APPEAR: Beyond protestants designated by the Presiding Officer, the Board shall have discretion to allow anyone else to appear. All parties appearing must complete a hearing registration form provided by the District.

(g) ADMISSIBILITY OF EVIDENCE: Except as modified by these rules and to the extent consistent with these rules and Chapter 36 of the Texas Water Code and the District Act, the Texas Rules of Evidence govern the admissibility and introduction of evidence; however, evidence not admissible under the Texas Rules of Evidence may be admitted if it is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. In addition, evidence may be stipulated by agreement of all parties. It is intended that needful and

proper evidence shall be conveniently, inexpensively and speedily produced while preserving the substantial rights of the parties to the proceedings. When a proceeding will be expedited and the interests of the parties not substantially prejudiced, testimony may be received in written form. The written testimony of a witness, either in narrative or question and answer form, may be admitted into evidence upon the witness being sworn and identifying the testimony as a true and accurate record of what the testimony would be if given orally. The witness will be subject to clarifying questions and to cross-examination, and the prepared testimony will be subject to objection.

(h) CONCLUSION OF HEARING CONDUCTED BY THE DISTRICT:

(1) Closing the Record; Final Report: At the conclusion of the presentation of evidence and any oral argument, the Hearings Examiner or Presiding Officer may either close the record or keep it open and allow the submission of additional evidence, exhibits, briefs, or proposed findings and conclusions from one or more of the parties. No additional evidence, exhibits, briefs, or proposed findings and conclusions may be filed unless permitted or requested by the Hearings Examiner or Presiding Officer. After the record is closed, the Hearings Examiner or Presiding Officer shall prepare and submit a report to the Board, applicant, and each person who provided comments or each designated party not later than the 30th day after the date a hearing is concluded. The report will include a summary of the evidence, together with the Hearings Examiner's or Presiding Officer's findings and conclusions and recommendations for action.

(2) Upon completion and issuance of the Hearings Examiner's or Presiding Officer's report, a copy will be submitted to the Board and delivered to each party to the proceeding. In a contested case, delivery to the parties will be by certified mail. If the hearing was conducted by a quorum of the Board and if the Presiding Officer prepared a record of the hearing as provided by § 36.408(a) of the Texas Water Code, the Presiding Officer shall determine whether to prepare and submit a report under this section, but shall not be required to prepare a report. If a report is prepared, then prior to Board action any party in a contested case may file written exceptions to the Hearings Examiner's or Presiding Officer's report, and any party in an uncontested case may request an opportunity to make an oral presentation of exceptions to the Board. Upon review of the report and exceptions, the Hearings Examiner or Presiding Officer may reopen the record for the purpose of developing additional evidence, or may deny the exceptions and submit the report and exceptions to the Board. The Board may, at any time and in any case, remand the matter to the Hearings Examiner or Presiding Officer for further proceedings.

(3) Time for Board Action on Certain Permit Matters: In the case of hearings involving original permit applications, or applications for permit renewals

or amendments, the Hearings Examiner's or Presiding Officer's report should be submitted, and the Board should act, within 60 calendar days after the close of the hearing record.

(i) HEARINGS CONDUCTED BY THE STATE OFFICE OF ADMINISTRATIVE HEARINGS: If timely requested by the applicant or other party to a contested hearing in accordance with Rule 19(e), the District shall contract with the State Office of Administrative Hearings to conduct the hearing on the application. All hearings that are required to be held by the State Office of Administrative Hearings shall be conducted as follows:

(1) The Board shall determine whether the hearing will be held in Travis County or at the District Office or other regular meeting place of the Board, after considering the interests and convenience of the parties, and the expense of a contract with the State Office of Administrative Hearings.

(2) The party requesting that the hearing be conducted by the State Office of Administrative Hearings shall pay all costs associated with the contract for the hearing and shall make a deposit with the District in an amount that is sufficient to pay the estimated contract amount before the hearing begins. If the total cost for the contract exceeds the amount deposited by the paying party at the conclusion of the hearing, the party that requested the hearing shall pay the remaining amount due to pay the final price of the contract. If there are unused funds remaining from the deposit at the conclusion of the hearing, the unused funds shall be refunded to the paying party.

(3) Upon execution of a contract with the State Office of Administrative Hearings and receipt of the deposit from the appropriate party or parties, the District's Presiding Officer shall refer the application in accordance with the contract. The Presiding Officer's referral shall be in writing and shall include procedures established by the Presiding Officer; a copy of the permit application, all evidence admitted at the preliminary hearing, the District's rules, the District Management Plan, and the District Act; and guidance regarding the permitting criteria to be addressed in a Proposal for Decision and Findings of Fact and Conclusions of Law to be prepared by the State Office of Administrative Hearings.

(4) A hearing conducted under this rule is governed by the State Office of Administrative Hearings' procedural rules, in Subchapters C, D, and F, Chapter 2001, Texas Government Code; and, to the extent, not inconsistent with these provisions, any procedures established by the Presiding Officer.

(5) The District's Board shall conduct a hearing within 45 calendar days of receipt of the Proposal for Decision and Findings of Fact and Conclusions of Law issued by the State Office of Administrative Hearings, and shall act on the application at this hearing or no later than 60 calendar days after the date that the Board's final hearing on the application is concluded in a manner

consistent with § 2001.058 of the Texas Government Code. At least 10 calendar days prior to this hearing, the Presiding Officer shall provide written notice to the parties of the time and place of the Board's hearing under this subsection by mail and facsimile, for each party with a facsimile number.

RULE 22 RULEMAKING HEARINGS:

(a) GENERAL PROCEDURES FOR RULEMAKING HEARINGS: The Presiding Officer will conduct the rulemaking hearing in the manner the presiding officer deems most appropriate to obtain all relevant information pertaining to the subject of the hearing as conveniently, inexpensively, and expeditiously as possible. A quorum of the District's Board will participate in all rulemaking hearings, which will render a hearing report unnecessary.

(b) SUBMISSION OF PUBLIC COMMENTS: Any interested person may submit written statements, protests or comments, briefs, affidavits, exhibits, technical reports, or other documents relating to the subject of the hearing. Such documents must be submitted no later than the time of the hearing; provided, however, that the presiding officer may grant additional time for the submission of documents. Any person desiring to testify on the subject of the hearing must so indicate on the registration form provided at the hearing. The Presiding Officer will establish the order of testimony and may limit the number of times a person may speak, the time period for oral presentations, and the time period for raising questions. In addition, the Presiding Officer may limit or exclude cumulative, irrelevant, or unduly repetitious presentations.

(c) CONCLUSION OF RULEMAKING HEARING: At the conclusion of the hearing, the Board may take action on the subject matter of the hearing, take no action, or postpone action until a future meeting or hearing of the Board. When adopting, amending, or repealing any rule, the District shall:

(1) consider all groundwater uses and needs;

(2) develop rules that are fair and impartial;

(3) consider the groundwater ownership and rights described by § 36.002 of the Texas Water Code;

(4) consider the public interest in conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and in controlling subsidence caused by withdrawal of groundwater reservoirs or their subdivision, consistent with the objectives of Section 59, Article XVI, Texas Constitution;

(5) consider the goals developed as part of the District Management Plan under § 36.1071 of the Texas Water Code; and

(6) not discriminate between land that is irrigated for production and land that was irrigated for production and enrolled or participating in a federal conservation program.

(d) NOTICE OF RULEMAKING HEARINGS: Notices for all rulemaking hearings must include a brief explanation of the subject matter of the hearing, the time, date, and place of the hearing, location or Internet site at which a copy of the proposed rules may be reviewed or copied, if the District has a functioning Internet site, and any other information deemed relevant by the General Manager or Board. Not less than 20 calendar days prior to the date of a rulemaking hearing, the General Manager shall:

(1) post notice in a place readily accessible to the public at the District Office;

(2) provide notice to the County Clerk of Reagan County;

(3) publish notice in one or more newspapers of general circulation in the District;

(4) provide notice by mail, facsimile, or electronic mail to any person who has requested notice under Subsection (e) of this rule; and

(5) make available a copy of all proposed rules at a place accessible to the public during normal business hours, and post an electronic copy on the District's Internet site, if the District has a functioning Internet site.

(e) A person may submit to the District a written request for notice of a rulemaking hearing. Such a request is effective for the remainder of the calendar year in which the request is received by the District. To receive notice of a rulemaking hearing in a later year, a person must submit a new request. Failure to provide notice under this subsection does not invalidate an action taken by the District at a rulemaking hearing.

(f) EMERGENCY RULES: The Board may adopt an emergency rule without prior notice and/or hearing if the Board finds that a substantial likelihood of imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on less than 20 calendar days' notice. The Board shall prepare a written statement of the reasons for this finding. An emergency rule adopted shall be effective for not more than 90 calendar days after its adoption by the Board. The Board may extend the 90-day period for an additional 90 calendar days if notice of a hearing on the final rule is given not later than the 90th calendar day after the date the rules is adopted. An emergency rule adopted without notice and/or a hearing must be adopted at a meeting conducted under Chapter 551, Texas Government Code.

RULE 23 HEARINGS ON DESIRED FUTURE CONDITIONS.

(a) Upon receipt of proposed Desired Future Conditions from the Groundwater Management Area's district representatives, a public comment period of 90 calendar

days commences, during which the District will receive written public comments and conduct at least one hearing to allow public comment on the proposed Desired Future Conditions relevant to the District. The District will make available at the District Office a copy of the proposed Desired Future Conditions and any supporting materials, such as the documentation of factors considered under Subsection 36.108(d) and groundwater availability model run results. At least 10 calendar days before the hearing, the Board must post notice that includes:

(1) the proposed Desired Future Conditions and a list of any other agenda items;

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

(3) the name, telephone number, and address of the person to whom questions or requests for additional information may be submitted;

(4) the names of the other districts in the District's management area; and

(5) information on how the public may submit comments.

(b) Except as provided by this subsection, the hearing and meeting notice must be provided in the manner prescribed for a rulemaking hearing under Rule 22(d) and § 36.101(d) of the Texas Water Code.

(c) After the public hearing, the District shall compile for consideration at the next joint planning meeting a summary of relevant comments received, any suggested revisions to the proposed Desired Future Conditions, and the basis for any suggested revisions.

(d) As soon as possible after the District receives the Desired Future Conditions resolution and explanatory report from the Groundwater Management Area's district representatives pursuant to § 36.108(d-3) of the Texas Water Code, the Board shall adopt the Desired Future Conditions in the resolution and explanatory report that apply to the District. The Board shall issue notice of its meeting at which it will take action on the Desired Future Conditions in accordance with Subsection (a) of this rule.

RULE 24 GENERAL PROCEDURAL RULES.

(a) COMPUTING TIME: In computing any period of time prescribed or allowed by these rules, by order of the Board, or by any applicable statute, the day of the act, event or default from which designated period of the time begins to run, is not to be included, but the last day of the period so computed is to be included, unless it be a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday on which the District's office is closed.

(b) TIME LIMIT: Applications, requests, or other papers or documents required or permitted to be filed under these rules or by law must be received for filing at the District Office at 108 Hwy 67 West, Big Lake, Texas. The date of receipt and not the date of posting is determinative.

(c) SHOW CAUSE ORDERS AND COMPLAINTS: The Board, either on its own motion or upon receipt of sufficient written protest or complaint, may at any time, after due notice to all interested parties, cite any person operating within the district to appear before it in a public hearing and require him to show cause why his operation, authority, or permit should not be suspended, cancelled, or otherwise restricted and limited, for failure to comply with the orders or rules of the Board or the relevant statutes of the State, or for failure to abide by the terms and provisions of the permit or operating authority itself. The matter of evidence and all other matters of procedure at any such hearing will be conducted in accordance with these rules of procedures and practice.

(d) PROCEDURES NOT OTHERWISE PROVIDED FOR: If in connection with any hearing, the Board determines that there are no statutes or other applicable rules resolving particular procedural questions then before the Board, the Board will direct the parties to follow procedures consistent with the purpose of these rules, the District's enabling act, and Chapters 36 and Subchapters H and I, and Chapter 49 of the Texas Water Code.

(e) MINUTES AND RECORDS OF THE DISTRICT: All official documents, reports, records and minutes of the District are available for public inspection and copying in accordance with the Texas Public Information Act. Upon written application of any person, the District will furnish copies of its public records, subject to the provisions of Chapter 552, Texas Government Code. Persons who are furnished copies may be assessed reproduction fees as provided in Chapter 552 and regulations of the Office of the Attorney General.

(f) HEADINGS AND CAPTIONS: All 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.

(g) CONTINUANCE: Any meeting, workshop, or hearing may be continued from time to time and date to date without published notice after the initial notice has been provided, in conformity with the Texas Open Meetings Act.

RULE 25 MANAGEMENT PLAN.

(a) The Board shall adopt a Management Plan that specifies the acts, procedures, performance and avoidance necessary to minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, to prevent interference between wells, to prevent degradation of water quality, to prevent waste, and to avoid impairment of a Desired Future Conditions. The District shall use the District's rules to implement the Management Plan.

(b) The Board will review and readopt or amend the plan at least every fifth year after its last approval by the Texas Water Development Board. If the Board considers a new plan necessary or desirable, based on evidence presented at a hearing, including the District's best available data, groundwater availability, a new plan will be adopted and submitted to the Texas Water Development Board in accordance with Texas Water Development Board rules. The District will amend its plan to address goals and objectives consistent with achieving the Desired Future Conditions within two years of the adoption of the Desired Future Conditions by the Groundwater Management Area.

(c) The District will update its rules, if necessary, to implement the Desired Future Conditions before the first anniversary of the date that the Texas Water Development Board approves the District Management Plan that has been updated to include the adopted Desired Future Conditions.

RULE 26 WASTE.

(a) Groundwater shall not be produced within, or used within or beyond the District's boundaries, in such a manner or under such conditions as to constitute waste as defined in the "Definitions" set forth in these rules.

(b) Any person producing or using groundwater shall use every possible precaution, in accordance with the most approved methods, to stop and prevent waste of such water.

(c) No person shall pollute or harmfully alter the character of the groundwater reservoir of the District by means of saltwater or other deleterious matter admitted from other stratum or strata or from the surface of the ground.

(d) No person shall commit waste as the term is defined by the "Definitions."