

BRUSH COUNTRY GROUNDWATER CONSERVATION DISTRICT

Groundwater Management Plan

Adopted March 5, 2013

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I. DISTRICT MISSION AND OBJECTIVES

The Brush Country Groundwater Conservation District (“District”) strives to preserve and protect the groundwater resources within its boundaries. The District recognizes that groundwater conservation districts are the state’s preferred method of groundwater management and will work with local stakeholders towards achieving its objectives. The District will accomplish its objectives by working to lessen interference between water wells, minimize drawdown of groundwater levels, prevent the waste of groundwater, and reduce the degradation of groundwater quality within the District while helping the local economies maintain and improve their current condition. The District will also use the authority granted in its Enabling Act and applicable state laws to protect and maintain the groundwater resources of the District.

II. PURPOSE OF GROUNDWATER MANAGEMENT PLAN

The purpose of this Management Plan is to provide a planning tool for the District as it works to manage, protect, and conserve the groundwater resources within its boundaries. This Management Plan currently contains the hydrogeological and technical information provided by the Texas Water Development Board (“TWDB”) for the groundwater resources of the District. As the District obtains more site-specific groundwater information, the District will update and amend this Management Plan as necessary.

The development of the District’s Management Plan will enable the District to comply with the requirements of state law. The Texas Legislature created a statewide water planning process with the passage of Senate Bill 1 (“SB 1”) in 1997, Senate Bill 2 (“SB 2”) in 2001, and Senate Bill 3 (“SB 3”) in 2007. The development of management plans by each groundwater conservation district in Texas is an integral part of the statewide water planning process. The District’s Management Plan satisfies all the requirements established for groundwater conservation districts by SB 1, SB 2, SB 3, the requirements Chapter 36 of the Texas Water Code, and the requirements under TWDB rules.

III. DISTRICT INFORMATION

A. District Creation.

The District was created by the 81st Texas Legislature, Regular Session, in 2009 with the enactment of Senate Bill 2456 (attached to this plan as “Appendix A” now codified as Chapter 8852 Texas Special District Local Laws Code). The creation of the District was confirmed by the citizens located within the District’s boundaries in Jim Hogg, Jim Wells, Brooks, and Hidalgo Counties at an election held on November 3, 2009. The District contains the authority and responsibilities specified in its Enabling Act, Chapter 36 of the Texas Water Code, the TWDB Rules, this Groundwater Management Plan, and the District Rules, as they may be amended.

B. District Board of Directors.

The Board of Directors is made up of nine members. The directors for the District are appointed by the Commissioners Courts of Jim Hogg, Jim Wells, and Brooks Counties. The Commissioners Court of Brooks County must appoint one director to represent the municipal interests of the City of Falfurrias and two directors to represent the agricultural interests of the territory in Brooks County that is outside the City of Falfurrias and not within the Kenedy County Groundwater Conservation District and the portion of Hidalgo County within the District. The Commissioners Court of Jim Hogg County must appoint one director to represent the interests of Jim Hogg County within the service area of the Jim Hogg County Water Control and Improvement District No. 2 and two directors to represent the agricultural interests of the area of Jim Hogg County outside the service area of the Jim Hogg County Water Control and Improvement District No. 2. The Commissioners Court of Jim Wells County must appoint two directors to represent the agricultural interests of the area of Jim Wells County outside the City of Alice¹ and not within the Kenedy County Groundwater Conservation District. The Commissioners Courts of both Brooks and Jim Hogg Counties must jointly appoint one director to represent the industrial and mining interests of Jim Hogg and Brooks Counties. District directors serve staggered four-year terms that expire on June 1 of each even-numbered year.

C. Authority of District.

The District has the authority and duties given to groundwater conservation districts by Texas Water Code Chapter 36, 31 Texas Administrative Code (TAC) Chapter 356, and the District's Enabling Act. The District exercises the authority given to preserve and protect the groundwater resources of the District through the adoption and implementation of District rules.

D. Location and Extent of District Boundaries.

The District's boundaries consist of the entire territory within Jim Hogg County, the area within Jim Wells County that is not within the Kenedy County Groundwater Conservation District and outside the corporate limits of the City of Alice², the area of Brooks County not within the Kenedy County Groundwater Conservation District, and a portion of northern Hidalgo County. A map of the District is contained in Appendix B.

E. Groundwater Resources of District.

The TWDB has identified the Gulf Coast aquifer as the only major aquifer within the District's boundaries. The TWDB defines major aquifers as aquifers that are capable of producing large yields to wells or that produce groundwater over a large area. The

^{1, 2} The District does not include the corporate limits of the City of Alice existing as of January 1, 2009.

only minor aquifer recognized within the District is the Yegua-Jackson aquifer, which covers a small portion of southwestern Jim Hogg County. Minor aquifers tend to be smaller and produce less water than major aquifers.

A diagram of the Gulf Coast aquifer can be found at Figure 1 below. The TWDB generally describes the groundwater resources of the Gulf Coast aquifer as follows:

The Gulf Coast aquifer forms a wide belt along the Gulf of Mexico from Florida to Mexico. In Texas, the aquifer provides water to all or parts of 54 counties and extends from the Rio Grande northeastward to the Louisiana-Texas border. Municipal and irrigation uses account for 90 percent of the total pumpage from the aquifer. The Greater Houston metropolitan area is the largest municipal user, where well yields average about 1,600 gal/min.

The Gulf Coast aquifer consists of complex interbedded clays, silts, sands, and gravels of Cenozoic age, which are hydrologically connected to form a large, leaky artesian aquifer system. This system comprises four major components consisting of the following generally recognized water-producing formations. The deepest is the Catahoula, which contains ground water near the outcrop in relatively restricted sand layers. Above the Catahoula is the Jasper aquifer, primarily contained within the Oakville Sandstone. The Burkeville confining layer separates the Jasper from the overlying Evangeline aquifer, which is contained within the Fleming and Goliad sands. The Chicot aquifer, or upper component of the Gulf Coast aquifer system, consists of the Lissie, Willis, Bentley, Montgomery, and Beaumont formations, and overlying alluvial deposits. Not all formations are present throughout the system, and nomenclature often differs from one end of the system to the other. Maximum total sand thickness ranges from 700 feet in the south to 1,300 feet in the northern extent.

Water quality is generally good in the shallower portion of the aquifer. Ground water containing less than 500 mg/l dissolved solids is usually encountered to a maximum depth of 3,200 feet in the aquifer from the San Antonio River Basin northeastward to Louisiana. From the San Antonio River Basin southwestward to Mexico, quality deterioration is evident in the form of increased chloride concentration near the coast. Little of this ground water is suitable for prolonged irrigation due to either high salinity or alkalinity, or both. In several areas at or near the coast, including Galveston Island and the central and southern parts of Orange County, heavy municipal or industrial pumpage had previously caused an updip migration, or saltwater intrusion, of poor-quality water into the aquifer. Recent reductions in pumpage here have resulted in a stabilization and, in some cases, even improvement of ground-water quality.

Brooks County

Excerpts from a TWDB report specific to Brooks County describe the groundwater resources of Brooks County as follows:

The rock formations that contain fresh to slightly saline water are sedimentary deposits of Tertiary and Quaternary age. They include, in order of decreasing age, the Oakville Sandstone, Lagarto Clay, Goliad Sand, Lissie Formation, Beaumont Clay, and recent windblown sand. All formations, except the Oakville and the Lagarto, crop out in Brooks County. The formations consist principally of interbedded sand and clay deposits; the sand constitutes the principal aquifer in the county.

All of the formations containing fresh to slightly saline water in Brooks County are considered to be part of the principal (Gulf Coast) aquifer. The formations are composed of non-marine sand and sandstone interbedded with clay. The sedimentary rocks become finer grained and some beds of sand grade into clay toward the coast. Correlation of individual sand or clay beds is difficult even over short distances because of the heterogenous character of the sedimentary rocks. Because the character of much of the sedimentary rocks comprising the Goliad Sand, Lissie Formation, Beaumont Clay, and windblown sand have similar electrical properties, the geologic sections, which are based on electrical logs, show only the Oakville Sandstone, Lagarto Clay, and Goliad Sand and rocks younger than the Goliad Sand.

The regional dip of the formations in Brooks County is to the east and southeast toward the Gulf. A major fault zone crosses the county along a line from near the southwest corner to the vicinity of Falfurrias. The fault was not observed at the surface. An examination of electric logs of oil wells along and near the fault zone indicates that the displacement decreases toward the surface, and that at shallow depths of less than 1,500 to 2,000 feet, hardly a trace of the fault exists. Consequently, this structural feature does not affect the circulation of groundwater in the county.

Rainfall in Brooks County and adjoining areas is the source of all fresh groundwater occurring in the county. Groundwater in Brooks County occurs under both water-table and artesian conditions, depending on whether the water is unconfined (under atmospheric pressure only) or confined. Water-table conditions usually prevail at shallow depths in the outcrop areas of the aquifers, whereas artesian conditions generally prevail downdip from the outcrop where the aquifers are overlain by less permeable material. Water in a well penetrating the artesian aquifers will rise to an altitude higher than the bottom of the confining layer. This rise is caused by the pressure from the weight of the water in the updip part of the aquifers and by the pressure from overlying rock formations.²

² Groundwater Resources of Brooks County, Texas, U.S. Geological Survey, Texas Water Development Board Report 61, by B.N. Myers and O.C. Dale, October 1967.

Southern Jim Wells County

Excerpts from a report addressing the groundwater resources of southern Jim Wells County describes the southern Jim Wells County study area as follows:

The geologic formations that contain fresh to slightly saline water are, in order of decreasing age, the Oakville Sandstone and the Lagarto Clay of Miocene age, the Goliad Sand of Pliocene age, and the Lissie Formation and Beaumont Clay (including barrier island and beach deposits) of Pleistocene age, the south Texas eolian plain deposits of Pleistocene and Holocene age, and the barrier island deposits and alluvium of Holocene age. All of these units are exposed in the report area except the Goliad Sand, Lagarto Clay, and Oakville Sandstone, which crop out in counties west of the report area.

The geologic formations, except the alluvium and south Texas eolian plain deposits, crop out in belts that are nearly parallel to the Gulf Coast. Younger formations generally crop out close to the coast and successively older ones farther inland. Because of the different ages of the formations, the outcrops are progressively eroded and dissected inland. For example, the outcrop of the Beaumont Clay and Lissie Formation, undifferentiated, which covers most of Kleberg County, is comparatively uneroded in contrast to the uneven and dissected outcrop of the Goliad Sand farther inland. The alluvium and south Texas eolian plain deposits transgress the other geologic formations and are elongated mostly normal to the Gulf Coast.

The lithology, dip, and thickness of many of the geologic formations change in the direction of the dip; and the lithology and thickness commonly change laterally along the strike. Sand beds may grade laterally into clay or silt within short distances. These sand beds and other beds containing water are interconnected with similar beds on a different level, so that a series of water-bearing beds within a formation, or even within a group of formations, function as a single aquifer. Both dips and thicknesses of the formations increase gulfward, and the clastic sediments composing the geologic formations grade from fluvial and deltaic sand, silt, and clay in inland areas to predominantly finer sediments that interfinger with brackish and marine sediments near the Gulf Coast and offshore.³

Southwestern Jim Hogg County

A diagram of the Yegua-Jackson aquifer can be found at Figure 2 below. The Yegua-Jackson aquifer is located only in a small portion of southwestern Jim Hogg County. The TWDB generally describes the groundwater resources of the Yegua-Jackson aquifer as follows:

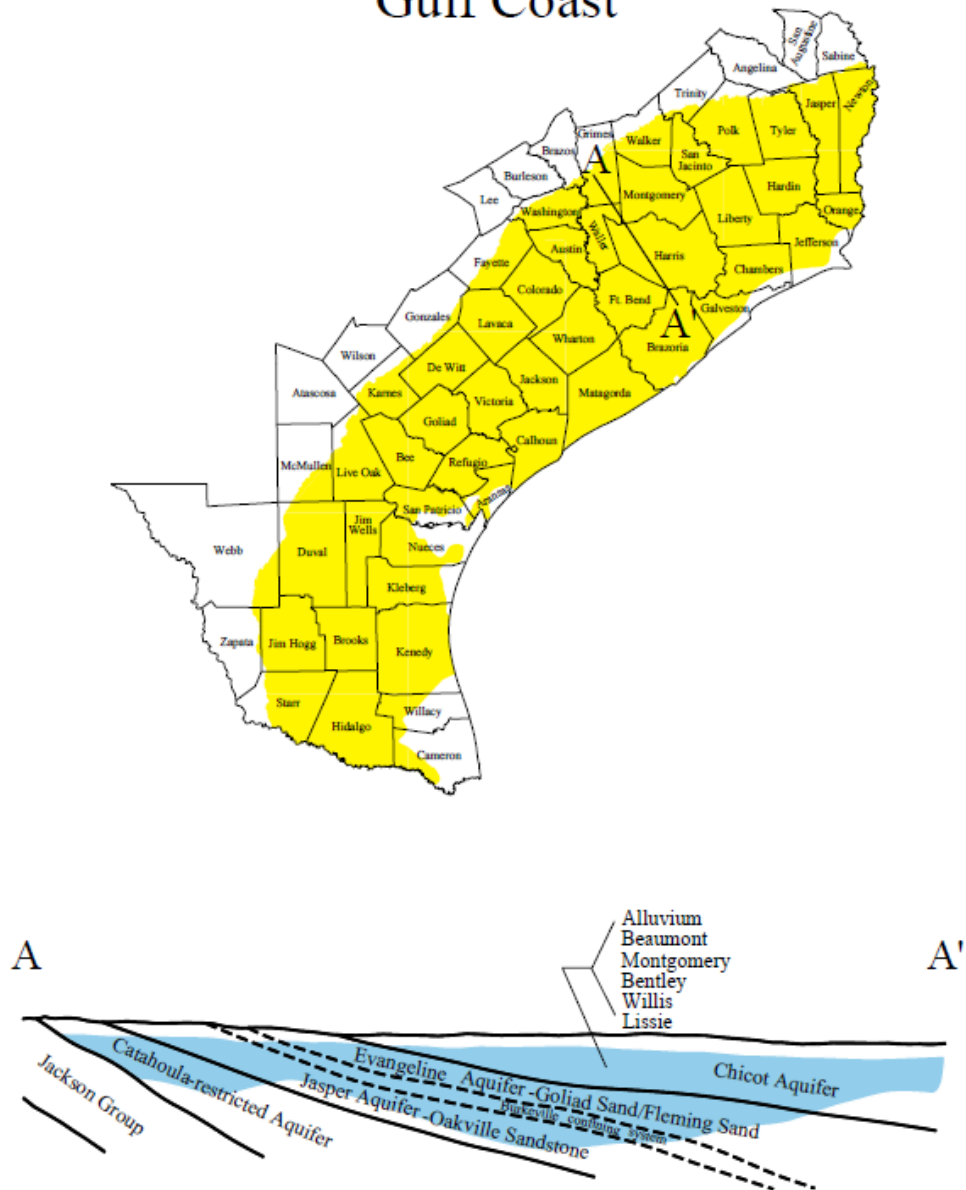
³ Ground-Water Resources of Kleberg, Kenedy, and Southern Jim Wells Counties, Texas, Texas Water Development Board Report 173, U.S. Geological Survey, by G. H. Shafer and E. T. Baker, Jr., July 1973.

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

⁴ Aquifers of Texas, Texas Water Development Board, Report 345, by Ashworth and Hopkins, November 1995.

FIGURE 1

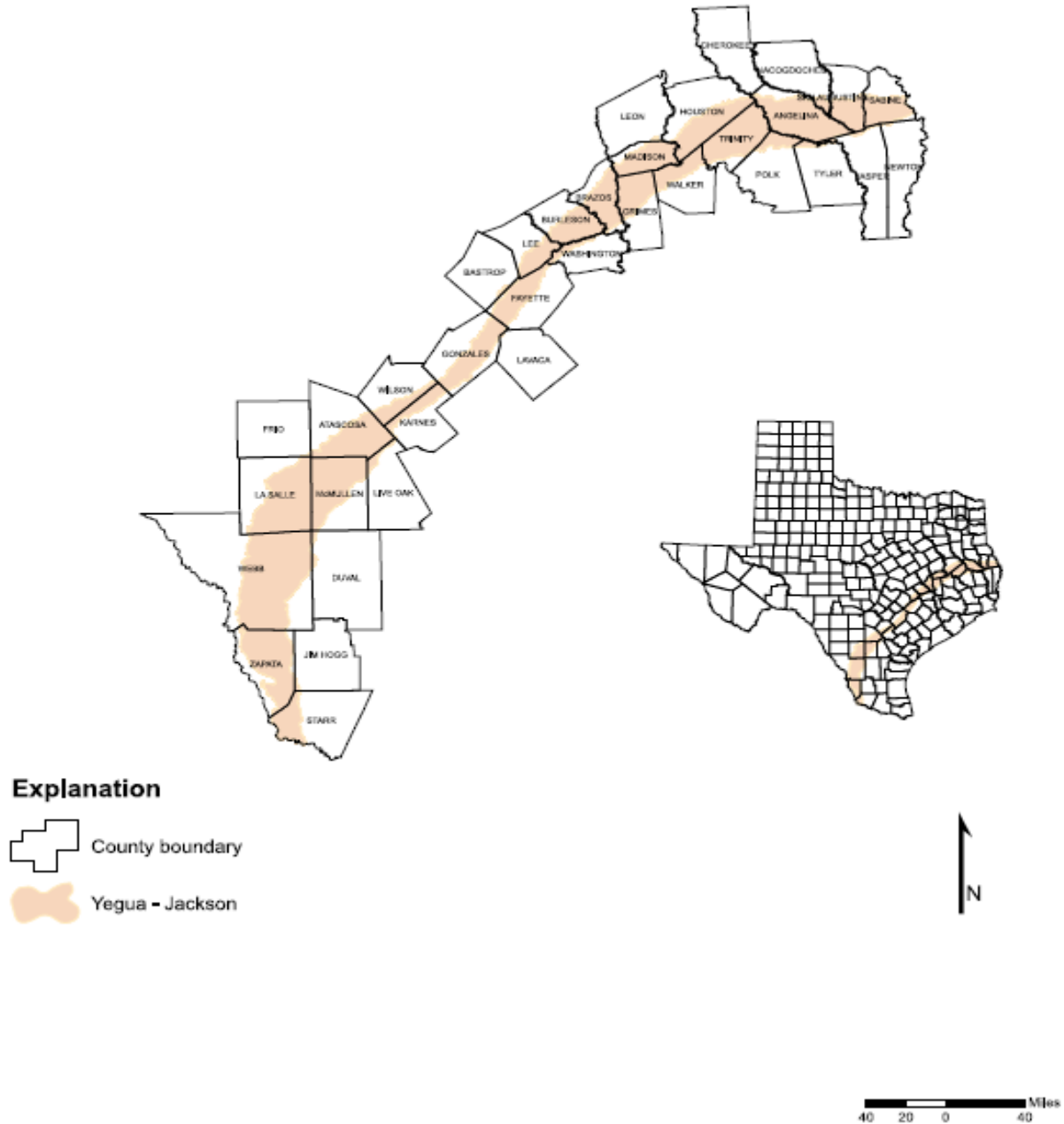
Gulf Coast



Modified from Baker, 1979

FIGURE 2

Yegua-Jackson



IV. CRITERIA FOR PLAN APPROVAL

A. Planning Horizon.

The Management Plan is adopted to be effective for a ten (10) year planning period, which will begin on the date TWDB approves this plan. In accordance with Section 36.1072(e) of the Texas Water Code and TWDB Rules (in 31 TAC §356.3), the District will review and re-adopt its Management Plan, with or without amendments, every five years and will re-submit its Management Plan for TWDB approval after re-adoption. This Management Plan will be effective until replaced by a revised plan that has been approved by the TWDB.

B. Plan Adoption.

Public notices demonstrating that this Management Plan was adopted after the required public hearings and Board meeting are attached to this plan as “Appendix C”.

C. Board Resolution.

A certified copy of the resolution of the Board of Directors of the District adopting this Management Plan is attached to this plan as “Appendix D”.

D. Coordination with Surface Water Management Entities.

The surface water management entities within the District include the Nueces River Authority, the City of Corpus Christi through its ownership of Lake Corpus Christi, and the Jim Wells County Fresh Water Supply District No. 1. Sample correspondence sent to these entities, as well as Region M (Rio Grande Regional Water Planning Area) and Region N (Coastal Bend Regional Water Planning Group) and a list of recipients is attached to this plan as “Appendix E”.

V. ESTIMATES OF TECHNICAL INFORMATION REQUIRED BY 31 TAC 356.5 AND TEX. WATER CODE § 36.1071

A. Modeled available groundwater in the district based on the desired future condition established under Tex. Water Code 36.108 — 31 TAC 356.5 (a)(5)(A) and Texas Water Code § 36.10701(e)(3)(A).

Modeled available groundwater is defined in Texas Water Code § 36.001(25) as the amount of water that “may be produced on an average annual basis to achieve a desired future condition established under Section 36.108.” Under Texas Water Code § 36.108(d), the desired future condition may only be determined through joint planning

with other groundwater conservation districts (“GCDs”) in the same groundwater management area (“GMA”). The District is located in GMA-16.

On August 30, 2010, the authorized voting representatives of GMA-16 established a DFC of the Gulf Coast Aquifer of a GMA-wide average of approximately 94 feet through 2060 consistent with scenario 10 of GAM Run 09-008.

The following is the GMA-16 drawdown based upon Scenario 10, GAM Run 09-008 by county and model layer.

County	Layer 1	Layer 2	Layer 3	Layer 4	Gulf Coast Aquifer Average
Bee	67	79	65	55	66
Brooks	84	157	130	130	131
Cameron	46	63	27	27	41
Duval	146	171	157	131	150
Hidalgo	55	91	57	56	66
Jim Wells	98	115	107	105	107
Jim Hogg		206	207	194	202
Kenedy	32	254	55	54	99
Kleburg	35	280	73	73	115
Live Oak	82	80	71	23	41
McMullen				11	11
Nueces	32	126	38	38	59
San Patricio	34	94	27	27	46
Starr		150	137	102	127
Webb		265		124	197
Willacy	37	178	39	39	73
GMA-16 Average	46	158	77	77	94

The following is the GMA-16 drawdown based upon Scenario 10, GAM Run 09-008 by GCD:

Groundwater Conservation District	Drawdown (ft) in 2060 from Estimated 2010 Conditions					Total Gulf Coast Aquifer Pumping (AF/yr)
	Layer 1	Layer 2	Layer 3	Layer 4	Gulf Coast Aquifer Average	
Bee	59	72	54	49	58	10,653
Brush Country	97	164	151	154	150	68,595
Corpus Christi	12	69	25	25	33	1,794
Duval	146	171	157	131	150	14,055
Kenedy	41	241	62	61	101	94,804
Live Oak	82	80	71	23	41	11,433
McMullen				10	10	510
Red Sands		40	40	40	40	584
San Patricio	34	94	27	27	46	19,000
Starr		150	137	102	127	7,521

The resolution adopting the DFC is included in Appendix F.

As provided under Texas Water Code § 36.108(d), at a minimum, every five years the District must revisit the adoption of its DFCs. The District, through GMA-16, is currently in the process of amending the DFC established August 30, 2010.

Following the GMA-16 submission of the DFC to the TWDB, the TWDB produced GAM Run 10-047 MAG. This GAM Run is the total amount of pumping from the aquifer including uses of water both subject to permitting and exempt from permitting. The pumping output from the groundwater availability model is the estimate of the modeled available groundwater under the Water Code definition. The modeled available groundwater for the District is 68,846 acre-feet per year.

B. Amount of groundwater being used within the district on an annual basis — 31 TAC 356.5 (a)(5)(B) and Tex. Water Code §36.1071(e)(3)(B).

To estimate the annual groundwater being used in the District, the District relies on the December 18, 2012 TWDB report entitled “Estimated Historical Groundwater Use and 2012 State Water Plan Datasets: Brush Country Groundwater Conservation District” (Datasets). The data for estimated historical groundwater use is represented by the TWDB to be up-to-date as of December 18, 2012, and is based upon the TWDB Historical Groundwater Use Survey. The most recent values for municipal, manufacturing, irrigation, mining and livestock are shown in the table below. For a

complete listing of the use survey data, including the most recently available five years, see Appendix G.

County	Municipal AFY	Manufacturing AFY	Irrigation AFY	Mining AFY	Livestock AFY	Total AFY
Brooks	1,326	0	578	0	210	2,242
Hidalgo	149	0	0	19	5	173
Jim Hogg	156	0	250	121	317	844
Jim Wells	2,084	0	1,357	92	629	4,162

- C. Annual amount of recharge from precipitation to the groundwater resources within the district — 31 TAC 356.5 (a)(5)(C) and Tex. Water Code § 36.1071(e)(3)(C).

Please refer to Appendix H.

- D. For each aquifer, the annual net volume of water that discharges from the aquifer to springs and any surface water bodies, including lakes, streams, and rivers — 31 TAC 356.5 (a)(5)(D) and Tex. Water Code § 36.1071(e)(3)(D).

Please refer to Appendix H.

- E. Annual volume of flow into and out of the district within each aquifer and between aquifers in the district, if a groundwater availability model is available — 31 TAC 356.5 (a)(5)(E) and Tex. Water Code §36.1071(e)(3)(E).

Please refer to Appendix H.

- F. Projected surface water supply in the district, according to the most recently adopted state water plan — 31 TAC 356.5 (a)(5)(F) and Tex. Water Code §36.1071(e)(3)(F).

The most recently adopted state water plan is the 2012 State Water Plan. The Plan indicates a projected surface water supply for each County within the District. Jim Wells County Freshwater Supply District No. 1 (“JWCFWSD No. 1”) is a WUG within Jim Wells County that is not, but should be, included in the State Water Plan. JWCFWSD No. 1 has not responded to the TWDB’s water use survey data since 2002 and no historical data exists since 2003. Because annual data has not been received by JWCFWSD No. 1, it does not meet the criteria to be included as a WUG in the State Water Plan.

Projected surface water supply data from the 2012 State Water Plan Data Set is shown below except water use groups within each County that are not within the District were excluded.

BROOKS COUNTY

WUG	WUG Basin	Source Name	2010	2020	2030	2040	2050	2060
Livestock	Nueces-Rio Grande	Livestock Local Supply	484	484	484	484	484	484
Sum of Projected Surface Water Supplies (AFY) =			484	484	484	484	484	484

HIDALGO COUNTY

WUG	WUG Basin	Source Name	2010	2020	2030	2040	2050	2060
Livestock	Nueces-Rio Grande	Livestock Local Supply	0	0	0	0	0	0
Livestock	Rio Grande	Livestock Local Supply	0	0	0	0	0	0
Sum of Projected Surface Water Supplies (AFY) =			0	0	0	0	0	0

JIM HOGG COUNTY

WUG	WUG Basin	Source Name	2010	2020	2030	2040	2050	2060
Livestock	Nueces-Rio Grande	Livestock Local Supply	0	0	0	0	0	0
Livestock	Rio Grande	Livestock Local Supply	0	0	0	0	0	0
Sum of Projected Surface Water Supplies (AFY) =			0	0	0	0	0	0

JIM WELLS COUNTY

WUG	WUG Basin	Source Name	2010	2020	2030	2040	2050	2060
Livestock	Nueces	Livestock Local Supply	152	152	152	152	152	152
Livestock	Nueces-Rio Grande	Livestock Local Supply	743	743	743	743	743	743
Sum of Projected Surface Water Supplies (AFY) =			895	895	895	895	895	895

- G. Projected total demand for water in the district according to the most recently adopted state water plan — 31 TAC 356.5 (a)(5)(G) and Tex. Water Code §36.1071(e)(3)(G).

The most recently adopted state water plan is the 2012 State Water Plan. The Plan indicates a projected total demand for water for each County within the District.

Demand data from the 2012 State Water Plan Data Set is shown below except water use groups within each County that are not within the District were excluded. Jim Wells County Freshwater Supply District No. 1 (“JWCFWSD No. 1”) is a WUG within Jim Wells County that is not, but should be, included in the State Water Plan. JWCFWSD No. 1 has not responded to the TWDB’s water use survey data since 2002 and no historical data exists since 2003. Because annual data has not been received by

JWCFWSD No. 1, it does not meet the criteria to be included as a WUG in the State Water Plan.

Data from San Diego WUG is shown in the Jim Wells County Projected Demand table. The District has chosen to retain the value even though San Diego is only partially within the District. The San Diego contribution to demand is actually lower, but by an amount unknown to the District. Finally, the District notes that Hebbronville is an unincorporated area and the WUG for Hebbronville should be reported as Jim Hogg County Water Control and Improvement District No. 1.

BROOKS COUNTY

WUG	WUG Basin	2010	2020	2030	2040	2050	2060
County-Other	Nueces-Rio Grande	130	76	45	27	16	9
Falfurrias	Nueces-Rio Grande	2,135	2,515	2,795	2,957	3,021	3,032
Irrigation	Nueces-Rio Grande	17	17	17	16	15	15
Livestock	Nueces-Rio Grande	538	538	538	538	538	538
Mining	Nueces-Rio Grande	108	116	120	125	129	132
Total Projected Water Demands (AFY) =		2,928	3,262	3,515	3,663	3,719	3,726

HIDALGO COUNTY

WUG	WUG Basin	2010	2020	2030	2040	2050	2060
Livestock	Nueces-Rio Grande	10	10	10	10	10	10
Livestock	Rio Grande	1	1	1	1	1	1
Total Projected Water Demands (AFY) =		11	11	11	11	11	11

JIM HOGG COUNTY

WUG	WUG Basin	2010	2020	2030	2040	2050	2060
County-Other	Nueces-Rio Grande	137	143	147	150	148	142
County-Other	Rio Grande	16	16	17	17	17	16
Hebbronville	Nueces-Rio Grande	731	759	780	792	778	748
Irrigation	Nueces-Rio Grande	817	817	817	817	817	817
Livestock	Nueces-Rio Grande	383	383	383	383	383	383
Livestock	Rio Grande	135	135	135	135	135	135
Mining	Nueces-Rio Grande	33	36	37	38	39	40
Total Projected Water Demands (AFY) =		2,252	2,289	2,316	2,332	2,317	2,281

JIM WELLS COUNTY

WUG	WUG Basin	2010	2020	2030	2040	2050	2060
County-Other	Nueces	292	304	307	304	299	292
County-Other	Nueces-Rio Grande	1695	1761	1784	1764	1735	1698
Irrigation	Nueces	1103	968	850	747	657	577
Irrigation	Nueces-Rio Grande	1960	1721	1512	1329	1168	1027
Livestock	Nueces	169	169	169	169	169	169
Livestock	Nueces-Rio Grande	825	825	825	825	825	825
Mining	Nueces	187	204	214	224	234	243
Mining	Nueces-Rio Grande	208	227	238	249	262	271
Orange Grove	Nueces-Rio Grande	374	394	405	406	402	393
Premont	Nueces-Rio Grande	858	905	931	935	925	905
San Diego	Nueces-Rio Grande	103	105	106	105	103	101

Total Projected Water Demands (AFY) = 7,774 7,583 7,341 7,057 6,779 6,501

VI. CONSIDER THE WATER SUPPLY NEEDS AND WATER MANAGEMENT STRATEGIES INCLUDED IN THE ADOPTED STATE WATER PLAN — 31 TAC 356.5 (a)(7) and Texas Water Code § 36.1071(e)(4)

A. Water Supply Needs.

The most recently adopted state water plan is the 2012 State Water Plan. The Plan indicates projected water supply needs for each County within the District. Jim Wells County Freshwater Supply District No. 1 (“JWCFWSD No. 1”) is a WUG within Jim Wells County that is not, but should be, included in the State Water Plan. JWCFWSD No. 1 has not responded to the TWDB’s water use survey data since 2002 and no historical data exists since 2003. Because annual data has not been received by JWCFWSD No. 1, it does not meet the criteria to be included as a WUG in the State Water Plan.

Data concerning water supply needs from the 2012 State Water Plan Data Set is contained in Appendix I.

B. Water Management Strategies.

The most recently adopted state water plan is the 2012 State Water Plan. The Plan indicates projected water management strategies for each County within the District. Jim Wells County Freshwater Supply District No. 1 (“JWCFWSD No. 1”) is a WUG within Jim Wells County that is not, but should be, included in the State Water Plan. JWCFWSD No. 1 has not responded to the TWDB’s water use survey data since 2002 and no historical data exists since 2003. Because annual data has not been received by JWCFWSD No. 1, it does not meet the criteria to be included as a WUG in the State Water Plan.

Projected water management strategies from the TWDB 2012 State Water Plan Data Set is contained in Appendix J.

VII. DETAILS ON THE DISTRICT MANAGEMENT OF GROUNDWATER

The Texas Legislature has established that groundwater conservation districts, such as the Brush Country Groundwater Conservation District, are the state's preferred method of groundwater management. The Texas Legislature codified its groundwater management policy decision in Section 36.0015 of the Texas Water Code, which provides that districts will manage the groundwater resources within their boundaries through rules developed and implemented in accordance with Chapter 36 of the Texas Water Code. Chapter 36 provides directives for districts and the statutory authority to carry out such directives to enable districts to have the necessary tools to protect and preserve the groundwater resources with their boundaries. The District will use the regulatory tools it has been given by Chapter 36 to properly address the groundwater issues within its boundaries, including groundwater supply and groundwater quality. While using its regulatory tools to accomplish the District's statutory objectives, the District will give strong consideration to the economic and cultural activities which occur within the District and which rely upon the continued use of groundwater.

Section 36.1072 of the Water Code requires the District to adopt rules necessary to implement this management plan. The section also prohibits the District from adopting all but a handful of rules until the management plan is approved. The District has drafted a set of proposed rules. Once this management plan is approved, the District will adopt final rules. The proposed rules are available on the District's website at www.brushcountrygcd.com and are contained in Appendix K.

One of the District's objectives is to lessen the interference between wells. The District may establish spacing rules which require new wells to be spaced a certain distance from existing or previously permitted wells. The District will follow the statutory exemption from spacing requirements such as for wells drilled under a permit issued by the Railroad Commission or for production from wells to the extent withdrawals are required for mining activities. Another way the District can work to lessen interference between wells is to require existing and new wells not otherwise exempted from registration, to register with the District. This requirement will allow the District to have information on the location and proximity of all wells within its boundaries.

The District intends to help prevent the contamination of groundwater from abandoned and deteriorated water wells. Wells that have been abandoned or have not been properly maintained can cause surface contamination to quickly reach the groundwater resources of the District. To address this issue, the District is planning to require that all abandoned, deteriorated, or replaced wells be plugged in compliance with the Water Well Drillers and Pump Installers Rules of the Texas Department of Licensing and Regulation. The District will also require

capping of water wells that well owners plan to use at a later date. This will likely help to eliminate waste, prevent pollution, and stop future deterioration of well casing.

The District also plans to use the regulatory tools granted to districts by Chapter 36 to preserve and protect existing and historic users of groundwater within its boundaries. The Texas Legislature gives the District the authority to protect existing users of groundwater, which are those individuals or entities currently invested in and using groundwater or the groundwater resources within the District for a beneficial purpose. The Texas Legislature also provides the authority to preserve historic use by historic users, which are those individuals or entities who used groundwater beneficially in the past. Some uncertainty exists in permitting based upon historic use following the Texas Supreme Court decision in the *Edwards Aquifer Authority v. Day and McDaniel*. To the extent permitted under Chapter 36 and the case law following *EAA v. Day*, the District will strive to protect existing and historic use in accordance with Chapter 36, the District's rules, and the goals and objectives of this Management Plan. One of the tools the District can use to protect existing and historic use of groundwater is to establish a permitting process through the District's rules. Pursuant to legislative authority, including Section 36.113(e) of the Texas Water Code, the District will protect existing use by possibly imposing more restrictive permit conditions on new permit applications and increased use by historic users. In protecting existing users, the District may establish limitations that apply to all subsequent new permit applications and increased use by historic users, regardless of type or location of use, which bear a reasonable relationship to this Management Plan and are reasonably necessary to protect existing use. In accordance with Section 36.116(b) of the Texas Water Code, the District may also preserve historic use when developing and implementing rules limiting groundwater production to the maximum extent practicable and consistent with this Management Plan.

The District intends to protect existing and historic users of groundwater by creating a monitoring well network for the District. The monitoring well network will enable the District to determine if new wells should be permitted based on the water levels indicated in various parts of the District's monitoring well network.

In order to better manage the groundwater resources within the District's boundaries, the District may establish management zones and adopt different rules for each subdivision of an aquifer or geologic strata located in whole or in part within the boundaries of the District or each geographic area overlying a subdivision of an aquifer located in whole or in part within the boundaries of the District. As previously stated, the District will also adopt rules to regulate groundwater withdrawals by means of spacing and/or production limits. The factors to be considered in deciding whether to grant or deny a permit or limit groundwater withdrawals should include those factors set forth in the District's Enabling Act, Chapter 36 of the Texas Water Code, and the District's rules.

Finally, the District may develop rules that address production of groundwater by:

- A. setting production limits on wells;
- B. limiting the amount of water produced based on acreage or tract size;

- C. limiting the amount of water that may be produced from a defined number of acres assigned to an authorized well site;
- D. limiting the maximum amount of water that may be produced on the basis of acre-feet per acre or gallons per minute per well site per acre;
- E. managed depletion; or
- F. any combination of the methods listed above in Paragraphs (A) through (E).

VIII. ACTIONS, PROCEDURES, PERFORMANCE AND AVOIDANCE FOR PLAN IMPLEMENTATION — 31 TAC 356.5 (a)(4), 31 TAC 356.6 (a)(3) and Tex. Water Code §36.1071(e)(2)

The District will use its Management Plan to direct the District's efforts to conserve and protect the groundwater resources within its jurisdiction. The District will make certain that all rules development, regulatory activities, and planning are consistent with this Management Plan.

Section 36.108 of the Texas Water Code requires the District to work and plan with other groundwater conservation districts in GMA-16. The District will use this Management Plan as part of its cooperation efforts with the neighboring groundwater conservation districts.

The rules for the District will be developed in coordination with the management goals and technical information provided in this Management Plan. The District's rules will be consistent with the provisions of this Management Plan and Chapter 36 of the Texas Water Code. The enforcement of the rules will be driven by the hydrogeological and technical information available to the District, including the information provided in this Management Plan. The District has drafted proposed rules. As stated earlier, after approval of this management plan, the District will propose and adopt its rules, which the public may view and download at www.brushcountrygcd.com. The proposed rules are available on the website and are in Appendix K.

IX. METHODOLOGY FOR TRACKING PROGRESS TO ACHIEVE THE DISTRICT'S MANAGEMENT GOALS — 31 TAC §356.5 (a)(6)

To track its progress in achieving its management goals and objectives, the District will prepare an annual report ("Annual Report") to be submitted to and reviewed by its Board of Directors. The Annual Report will be submitted to the Board of Directors no later than 90 days following the end of the District's fiscal year. The Annual Report will address the District's performance regarding each of the management goals and objectives in this plan for the previous fiscal year. Completion of the Annual Report will begin following the end of fiscal year 2012. The District will maintain a copy of the Annual Report for public review in its records after the Annual Report has been adopted by the Board of Directors.

X. DISTRICT GOALS, MANAGEMENT OBJECTIVES AND PERFORMANCE STANDARDS — 31 TAC §356.5

Each of the District's goals, objectives, and performance standards are addressed as follows:

A. Providing the Most Efficient Use of Groundwater - 31 TAC § 356.5 (a)(1)(A) and Tex. Water Code § 36.1071(a)(1)

1. *Objective:* Beginning in 2012, the District will require the registration of wells not otherwise exempt from registration within the District's boundaries each year. Each year the District will locate and register a minimum of one well.

Performance Standard: The number of new and existing wells registered with the District will be provided in the Annual Report for each fiscal year.

2. *Objective:* The District will require permits for all groundwater use considered non-exempt within District boundaries each year. The District will establish a permitting process in the District's rules.

Performance Standard: The District will accept and process permit applications for all non-exempt groundwater use pursuant to the permitting process described in the District Rules each year. The Annual Report for each year will contain a summary of the number of applications submitted to the District requesting authorization for the permitted use of groundwater and the number and type of permits issued by the District.

B. Controlling and Preventing Waste of Groundwater - 31TAC § 356.5 (a)(1)(B) and Tex. Water Code § 36.1071(a)(2)

1. *Objective:* Each year the District will provide information to the public on reducing and preventing the waste of groundwater. The District will use one of the methods set forth below to provide information to the public at least once during each fiscal year:
 - a. Offer public presentations on groundwater issues, including waste prevention;
 - b. Sponsor an educational program or course;
 - c. Distribute literature packets or brochures;
 - d. Provide information on the District's web site addressing the prevention of waste; or

- e. Submit newspaper articles to the newspapers of general circulation within the District for publication;

Performance Standard: The Annual Report will include a summary of the District's efforts during the previous year to provide information to the public on the reducing and preventing the waste of groundwater.

- 2. Objective: The District will prohibit waste as defined by Chapter 36 of the Texas Water Code within its boundaries and will implement this prohibition through its rules.

Performance Standard: The District's Annual Report will include a summary of the number of well owners who violated the District's prohibition on waste and any action taken by the District.

C. Controlling and Preventing Subsidence – 31 TAC § 356.5 (a)(1)(C) and Tex. Water Code §36.1071(a)(3)

- 1. Objective: The District will monitor for any signs of subsidence within its boundaries.

Performance Standard: The District will indicate in its Annual Report that it has monitored for any signs of subsidence and, if evidence of subsidence is found, shall provide an explanation in its Annual Report.

- 2. Objective: The District will stay abreast of subsidence issues within the GMA-16 area.

Performance Standard: The District will indicate in its Annual Report that it has stayed abreast of subsidence issues within the GMA-16 area and will provide a list of those groundwater conservation districts or other entities that have experienced any new evidence of subsidence within the previous year.

D. Addressing Conjunctive Surface Water Management Issues – 31 TAC §356.5 (a)(1)(D) and Tex. Water Code §36.1071(a)(4)

- 1. Objective: The District will participate in the regional water planning process by sending a District representative to attend at least one meeting of the Rio Grande Regional Water Planning Group ("Region M") and one meeting of the Coastal Bend Regional Water Planning Group ("Region N") each year. The District will coordinate with the Nueces River Authority, a member of Region N, during attendance of the Region N Meeting.

Performance Standard: Attendance at the Region M meeting and the Region N meeting by a representative of the District will be included in the Annual Report and will provide the dates of attendance.

- E. Addressing Natural Resource Issues which Impact the Use and Availability of Groundwater, and which are Impacted by the Use of Groundwater - 31TAC §356.5 (a)(1)(E); and Tex. Water Code §36.1071(a)(5)

1. Objective: Each year, the District will collect at least ten water level measurements from District monitor wells. The ten water level measurements will be taken from 3 wells in Brooks County, 3 wells in Jim Hogg County, 3 wells in Jim Wells County, and 1 well in Hidalgo County.

Performance Standard: Beginning in 2012, the District's Annual Report will include a description of the number of wells measured and the monitoring results of each well measured.

2. Objective: The District will monitor whether there are any significant impacts to wildlife common to the District that rely on the District's groundwater resources.

Performance Standard: The District's Annual Report will indicate that the District monitored any impacts to wildlife and, if any significant impacts are found, will describe such impacts in its Annual Report.

- F. Addressing Drought Conditions - 31TAC §356.5 (a)(1)(F) and Tex. Water Code §36.1071(a)(6)

1. Objective: The District will access at least one updated Palmer Drought Severity Index ("PDSI") map each quarter and will check for updates to the Drought Preparedness Council Situation Report ("Situation Report") posted on the following website: <http://www.txdps.state.tx.us/dem/sitrepindex.htm>. The District also will access useful drought information on the TWDB website: <http://www.twdb.state.tx.us/data/drought>.

Performance Standard: The District will include the PDSI maps and Situation Reports it has reviewed in its Annual Report each year and will include a discussion of the current drought status of the District.

- G. Addressing Conservation, Recharge Enhancement, Rainwater Harvesting, Precipitation Enhancement, or Brush Control, where Appropriate and Cost Effective - 31TAC §356.5 (a)(1)(G) and TWC §36.1071(a)(7).

1. Objective: The District will provide information to the public on water conservation at least once each fiscal year by one of the following methods:
 - a. Distribute literature packets or brochures within the District;
 - b. Provide information to the public on the District's web site;
 - c. Conduct public presentations;
 - d. Submit newspaper articles to newspapers of general circulation in the District for publication; or
 - e. Present exhibits at local public events;

Performance Standard: The District's Annual Report will provide a description of the District efforts and a copy of any information provided to the public during the previous year to promote conservation.

2. Objective: The District will provide information to the public by providing literature at the District's office, once the District establishes an office.

Performance Standard: The District's Annual Report will include a copy of the information provided to the public at the District's office.

3. Objective: The District will promote rainwater harvesting by providing information on rainwater harvesting on the District's web site at least once each year, once a website is established for the District.

Performance Standard: The District's Annual Report will include a copy of the information on rainwater harvesting which has been provided on the District web site within the previous fiscal year.

4. Objective: The District will inform the public about the brush control activities within the District's boundaries and the benefits of brush control by providing literature at the District's office, once the District establishes an office.

Performance Standard: The District's Annual Report will include an update on the brush control activities within the District's boundaries and will provide a copy of the literature provided to the public at the District's office.

5. Precipitation enhancement is not an appropriate goal for the District at this time since there is not an operational precipitation enhancement program in the area or in other groundwater conservation districts in the vicinity of the District. The District recognizes the significant expense associated

with precipitation enhancement programs and is currently unable to develop a precipitation enhancement program for this reason.

6. *Objective:* The District will begin to identify recharge areas within the District.

Performance Standard: Any recharge areas identified during the year will be discussed in the District's Annual Report.

- H. Addressing in a Quantitative Manner the Desired Future Conditions of the Groundwater Resources - 31TAC §356.5(a)(1)(H) and Tex. Water Code § 36.1071(a)(8).

1. *Objective:* Each year, the District will collect at least ten water level measurements from District monitor wells. The ten water level measurements will be taken from 3 wells in Brooks County, 3 wells in Jim Hogg County, 3 wells in Jim Wells County, and 1 well in Hidalgo County.

Performance Standard: Each year the District will post the water level measurement collected and identify the aquifer from which the measurement is taken in the District's Annual Report and website. The District will include a discussion of the change in water level in each aquifer as compared to previous years' water level.

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APPENDIX LIST

- Appendix A Brush Country Groundwater Conservation District Enabling Act
- Appendix B Map of Brush Country Groundwater Conservation District
- Appendix C Notices of Public Hearings and Meetings of Brush Country Groundwater Conservation District
- Appendix D Resolution of Brush Country Groundwater Conservation District Adopting Groundwater Management Plan
- Appendix E Sample Letter and Entities Notified to Evidence Coordination with Surface Water Management Entities
- Appendix F Resolution Adopting DFC
- Appendix G Estimated Historical Groundwater Use
- Appendix H GAM Run 12-013: Brush Country GCD Management Plan
- Appendix I Projected Water Supply Needs
- Appendix J Projected Water Management Strategies
- Appendix K Proposed Rules

APPENDIX A

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER

For contingent expiration of this chapter, see Section 8852.003.

CHAPTER 8852. BRUSH COUNTRY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8852.001. DEFINITIONS. In this chapter:

- (1) “Board” means the board of directors of the district.
- (2) “Director” means a member of the board.
- (3) “District” means the Brush Country Groundwater Conservation District.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.002. NATURE OF DISTRICT. The district is a groundwater conservation district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed in at least one of the territories described by Section 8852.023 at a confirmation election held before September 1, 2011:

- (1) the district is dissolved on September 1, 2011, except that:
 - (A) any debts incurred shall be paid;
 - (B) any assets that remain after the payment of debts shall be transferred in equal amounts to Jim Hogg, Brooks, Hidalgo, and Jim Wells Counties; and
 - (C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2013.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.004. INITIAL DISTRICT TERRITORY.

- (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.
- (b) The boundaries described in Section 2 of the Act creating this chapter form a closure. A mistake made in describing the district's boundaries in the legislative process does not affect the district's:
 - (1) organization, existence, or validity;
 - (2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;
 - (3) right to impose an assessment or tax; or
 - (4) legality or operation.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.005. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to achieve the legislative intent and purposes of Chapter 36, Water Code. A power granted by Chapter 36, Water Code, or this chapter shall be broadly interpreted to achieve that intent and those purposes.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

SUBCHAPTER B. DISTRICT CREATION

Sec. 8852.021. TEMPORARY DIRECTORS.

- (a) The temporary board consists of:
 - (1) David Grall;
 - (2) Mauro Garcia;
 - (3) Robert Scott;
 - (4) A. C. Jones IV;
 - (5) Mario Martinez;
 - (6) Israel Hinojosa;

- (7) a person appointed by the commissioners courts of Brooks and Jim Hogg Counties within 60 days of the effective date of this Act;
 - (8) Jesse Howell;
 - (9) Pearson Knolle; and
 - (10) Lawrence Cornelius.
- (b) If there is a vacancy on the temporary board, the remaining temporary directors shall select a qualified person to fill the vacancy.
- (c) Unless the temporary director's term expires under Subsection (d), a temporary director serves until the earlier of:
 - (1) the date the temporary director becomes an initial permanent director under Section 8852.024; or
 - (2) the date this chapter expires under Section 8852.003.
- (d) The following temporary directors' terms expire on the date of the canvass of the election to confirm the creation of the district:
 - (1) David Grall and Mauro Garcia, if the voters in the territory described by Section 8852.023(a)(3) vote not to confirm the creation of the district;
 - (2) Robert Scott, if the voters in the territory described by Section 8852.023(a)(1) vote not to confirm the creation of the district;
 - (3) A. C. Jones IV and Mario Martinez, if the voters in the territory described by Section 8852.023(a)(5) vote not to confirm the creation of the district;
 - (4) Israel Hinojosa, if the voters in the territory described by Section 8852.023(a)(4) vote not to confirm the creation of the district;
 - (5) a person appointed by the commissioners courts of Brooks and Jim Hogg Counties, if the creation of the district is confirmed by voters of none of the territories described by Section 8852.023;
 - (6) Jesse Howell and Pearson Knolle, if the voters in the territory described by Section 8852.023(a)(6) vote not to confirm the creation of the district; and
 - (7) Lawrence Cornelius, if the voters in the territory described by Section 8852.023(a)(2) vote not to confirm the creation of the district.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. As soon as practicable after all the temporary directors have qualified under Section 36.055, Water Code, a majority of the temporary directors shall convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. If an agreement on location cannot be reached, the organizational meeting shall be at the Brooks County Courthouse.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.023. CONFIRMATION ELECTION.

- (a) The temporary board shall hold an election in each of the following territories in the district to confirm the creation of the district and the imposition of a maintenance tax:
 - (1) the territory in the corporate limits of the city of Falfurrias as of January 1, 2009;
 - (2) the territory in the corporate limits of the city of Alice as of January 1, 2009;
 - (3) the territory:
 - (A) in Brooks County that, as of January 1, 2009, is:
 - (i) outside the corporate limits of the city of Falfurrias; and
 - (ii) not in the Kenedy County Groundwater Conservation District; and
 - (B) in Hidalgo County that is:
 - (i) described by a metes and bounds description in Section 2 of the Act creating this chapter; and
 - (ii) not in the Kenedy County Groundwater Conservation District as of January 1, 2009;
 - (4) the territory in the certificated retail water service area of the Jim Hogg County Water Control and Improvement District No. 2 as of January 1, 2009;
 - (5) the territory in Jim Hogg County that is outside the certificated retail water service area of the Jim Hogg County Water Control

- and Improvement District No. 2 as of January 1, 2009; and
- (6) the territory in Jim Wells County that, as of January 1, 2009, is:
 - (A) outside the corporate limits of the city of Alice; and
 - (B) not in the Kenedy County Groundwater Conservation District.
- (b) Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section.
- (c) Except as provided by this section, an election under this section must be conducted as provided by Sections 36.017(b), (c), and (e), Water Code, and the Election Code.
- (d) The ballot for the election must be printed to provide for voting for or against the proposition: "The creation of the Brush Country Groundwater Conservation District and the levy of an ad valorem tax in the district at a rate not to exceed three cents for each \$100 of assessed valuation."
- (e) If the majority of voters in a territory described by Subsection (a) voting at an election held under this section vote to confirm the creation of the district, that territory is included in the district. If the majority of voters in a territory described by Subsection (a) voting at an election held under this section vote not to confirm the creation of the district, that territory is excluded from the district.
- (f) If the majority of voters in any of the territories described by Subsection (a) voting at an election held under this section vote not to confirm the creation of the district, the temporary board or any successor board may hold a subsequent confirmation election in that territory.
- (g) The district may not impose a maintenance tax unless the tax is confirmed under this section.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.024. INITIAL PERMANENT DIRECTORS.

- (a) If the creation of the district is confirmed at an election held under Section 8852.023 in one or more territories in the district, each temporary director who represents a territory that is included in the district becomes an initial permanent director of the district.
- (b) The initial permanent directors shall draw lots to determine which directors serve

a term expiring on June 1 of the first even-numbered year after the confirmation election and which directors serve a term expiring on June 1 of the next even-numbered year.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.025. GIFTS AND GRANTS. The temporary board may solicit and accept gifts and grants, including services, on the district's behalf from any public or private source to provide revenue for the district before a confirmation election is held under Section 8852.023.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.026. RIGHT OF CERTAIN LANDOWNERS TO WITHDRAW FROM DISTRICT. A person who owns a tract of land in Brooks or Hidalgo County that adjoins the boundaries of the Kenedy County Groundwater Conservation District as of the effective date of the Act creating this chapter may petition the Kenedy County Groundwater Conservation District for annexation into that district. Notwithstanding any other law, the Kenedy County Groundwater Conservation District may annex territory described by a petition under this section. Territory annexed by the Kenedy County Groundwater Conservation District under this section not later than January 1, 2010, is disannexed at that time from the district created by this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.027. LIMITATION OF POWERS OF TEMPORARY BOARD.

- (a) The temporary board may exercise only the powers described by Sections 8852.022, 8852.023, and 8852.025.
- (b) Except as required by a law or rule relating to participation in a groundwater management area in which the district is located, the temporary board may not:
 - (1) adopt rules, including rules regarding wells; or
 - (2) develop a draft or final management plan.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 8852.051. APPOINTMENT OF DIRECTORS; TERMS.

(a) Not later than June 1 of each even-numbered year, the Commissioners Courts of Brooks County, Jim Hogg County, and Jim Wells County shall appoint directors as follows:

- (1) the Commissioners Court of Brooks County shall appoint:
 - (A) one director who represents the municipal interests of the territory described by Section 8852.023(a)(1), if the territory described by Section 8852.023(a)(1) is included in the district; and
 - (B) two directors who represent the agricultural interests of the territory described by Sections 8852.023(a)(3)(A) and (B), if the territory described by Sections 8852.023(a)(3)(A) and (B) is included in the district;
- (2) the Commissioners Court of Jim Hogg County shall appoint:
 - (A) one director who represents the interests of Jim Hogg County in the territory described by Section 8852.023(a)(4), if the territory described by Section 8852.023(a)(4) is included in the district; and
 - (B) two directors who represent the agricultural interests of the territory described by Section 8852.023(a)(5), if the territory described by Section 8852.023(a)(5) is included in the district;
- (3) the Commissioners Court of Jim Wells County shall appoint:
 - (A) one director who represents the municipal interests of the territory described by Section 8852.023(a)(2), if the territory described by Section 8852.023(a)(2) is included in the district; and
 - (B) two directors who represent the agricultural interests of the territory described by Section 8852.023(a)(6), if the territory described by Section 8852.023(a)(6) is included in the district; and

- (4) the Commissioners Courts of Brooks County and Jim Hogg County jointly shall appoint one director to represent the industrial and mining interests of Jim Hogg and Brooks Counties.
- (b) Directors serve staggered four-year terms that expire on June 1 of an even-numbered year.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.052. ELIGIBILITY.

- (a) A director is not disqualified from service because the director is an employee, manager, director of the board, or officer of a groundwater producer that is or may be regulated by the district.
- (b) A temporary director whose term of office expires under Section 8852.021(d) is not eligible for appointment as a director.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.053. COMPENSATION; REIMBURSEMENT.

- (a) Notwithstanding Section 36.060, Water Code, a director is not entitled to receive compensation for performing the duties of a director.
- (b) A director is entitled to receive reimbursement for the director's reasonable expenses incurred while engaging in activities on behalf of the district in accordance with Sections 36.060(b) and (c), Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.054. VACANCY. A vacancy in the office of director shall be filled by appointment of the board in a manner consistent with the representational requirements of Section 8852.051. The appointed director serves only for the remainder of the unexpired term to which the director was appointed.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 8852.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as otherwise provided by this chapter, the district has the powers and duties provided by the general law of this state, including Chapter 36, Water Code, and Section 59, Article XVI, Texas Constitution, applicable to groundwater conservation districts.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.102. CONTRACTS. The district may enter into a contract with any person, public or private, for any purpose authorized by law.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.103. EXEMPTIONS FROM PERMIT REQUIREMENTS.

- (a) Section 36.117, Water Code, applies to the district except that for the purposes of applying that section to the district, "domestic use" and "livestock use" have the meanings assigned by Subsection (b).
- (b) In this section:
 - (1) "Domestic use":
 - (A) means the use of groundwater by an individual or a household to support domestic activities, including the use of groundwater for:
 - (i) drinking, washing, or culinary purposes;
 - (ii) irrigating a lawn or a family garden or orchard;
 - (iii) watering domestic animals; or
 - (iv) water recreation, including aquatic and wildlife enjoyment; and
 - (B) does not include the use of water:
 - (i) to support an activity for which consideration is given or received or for which the product of the activity is sold; or
 - (ii) by or for a public water system.
 - (2) "Livestock use" means the use of groundwater for the open-range watering of livestock, exotic livestock, game animals, or fur-bearing animals. For

purposes of this subdivision, "livestock" and "exotic livestock" have the meanings assigned by Sections 1.003 and 142.001, Agriculture Code, respectively, and "game animal" and "fur-bearing animal" have the meanings assigned by Sections 63.001 and 71.001, Parks and Wildlife Code, respectively. Livestock use does not include use by or for a public water system.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.104. EFFECTS OF TRANSFER.

- (a) In reviewing a proposed transfer of groundwater out of the district in accordance with Section 36.122(f), Water Code, the district shall determine whether the proposed transfer would have a negative effect on:
 - (1) the availability of water in the district;
 - (2) the conditions of any aquifer that overlies the district;
 - (3) subsidence in the district;
 - (4) existing permit holders or other groundwater users in the district; and
 - (5) any applicable approved regional water plan or certified district management plan.
- (b) If the district determines under Subsection (a) that the transfer would have a negative effect, the district may, in addition to the conditions authorized by Section 36.122, Water Code, impose other requirements or limitations on the permit that are designed to minimize the effect.
- (c) Sections 36.122(c), (i), and (j), Water Code, do not apply to a requirement or limitation imposed under this section.
- (d) The district may impose a fee or surcharge as an export fee. The restrictions under Section 36.122(e), Water Code, do not apply to a fee or surcharge imposed under this subsection.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.105. APPLICABILITY OF DISTRICT REGULATIONS. Groundwater regulations adopted by the district under this chapter apply to all persons except as exempted under Section 36.117, Water Code, or this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.107. LANDOWNERS' RIGHTS. The rights of landowners and their lessees and assigns in groundwater in the district are recognized. Nothing in this chapter shall be construed to deprive or divest the owners or their lessees and assigns of their rights, subject to district rules.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.108. LIMITATION ON RULEMAKING POWER NOT APPLICABLE. Section 36.121, Water Code, does not apply to the district.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8852.151. REVENUE. To pay the maintenance and operating costs of the district and to pay any bonds or notes issued by the district, the district may impose ad valorem taxes at a rate not to exceed three cents on each \$100 of assessed valuation of taxable property in the district.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.152. GRANTS, GIFTS, AND DONATIONS. The district may solicit and accept grants, gifts, and donations from any public or private source.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

SUBCHAPTER F. DISSOLUTION

Sec. 8852.201. SUBCHAPTER CUMULATIVE. The provisions of this subchapter are cumulative of the provisions of Subchapter I, Chapter 36, Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.202. DISSOLUTION BY ELECTION.

- (a) After January 1, 2016, the board shall order an election on the question of dissolving the district if the board receives a petition requesting that an election be held for that purpose that is signed by at least 15 percent of the district's registered voters.
- (b) Not later than the 30th day after the date the board receives the petition, the directors shall:
 - (1) validate the signatures on the petition; and
 - (2) if the signatures are validated, order an election on the next uniform election date under Section 41.001, Election Code.
- (c) The order calling the election must state the nature of the election, including the proposition that is to appear on the ballot.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.203. NOTICE OF ELECTION. Notice of an election under this subchapter must be provided by posting a copy of the order calling the election in at least one conspicuous place for at least 10 days before the day of the election at the county courthouse in Brooks County, Jim Hogg County, Jim Wells County, and Hidalgo County.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

Sec. 8852.204. BALLOT. The ballot for an election under this subchapter must be printed to permit voting for or against the proposition: "The dissolution of the Brush Country Groundwater Conservation District."

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

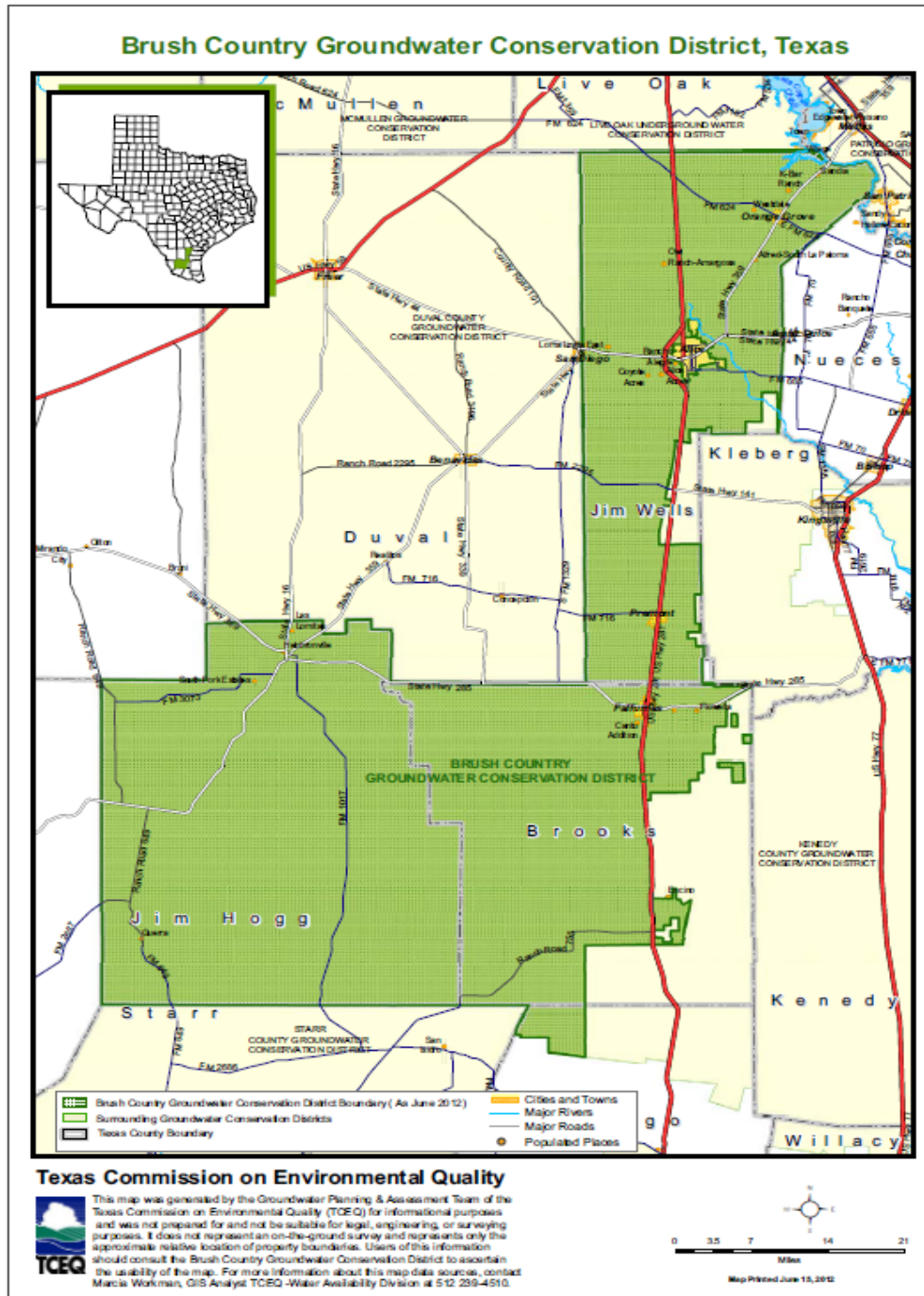
Sec. 8852.205. ELECTION RESULTS; DISPOSITION OF ASSETS. If a majority of the votes in an election under this subchapter favor dissolution:

- (1) the board shall find that the district is dissolved; and
- (2) Section 36.310, Water Code, applies for the purpose of disposition of the district's assets.

Added by Acts 2009, 81st Leg., R.S., Ch. [1396](#), Sec. 1, eff. June 19, 2009.

APPENDIX B

MAP OF BRUSH COUNTRY GCD



APPENDIX C

NOTICES OF PUBLIC HEARINGS AND MEETINGS OF BRUSH COUNTRY GCD

NOTICE OF MEETING
OF THE
BRUSH COUNTRY GROUNDWATER CONSERVATION DISTRICT
at the
Brooks County Annex Courtroom in Falfurrias
408 West Travis Street
Falfurrias, Texas

Tuesday, March 5, 2013 at 9:30 am

Public Meeting



1. Call to order, declare meeting open to the public, and take roll.
2. Discuss, consider, and act on minutes of the January 22, 2013 Board Meeting.
3. Discuss, consider, and act on General Manager's Report.
 - a. Public Notices for water mgt plan adoption
 - b. Duval County GCD Meeting Report
 - c. Kenedy County GCD Meeting Report
 - d. Program at Hidalgo County Irrigation Dist. #6 on Feb 28, 2013
 - e. GCD Program at Rio Bravo RC&D Outreach Conference on March 28, 2013
 - f. Report on meeting with City Manager of Alice on Plan for Developing Groundwater Waterwell System
 - g. Region N Meeting at Robstown on March, 7, 2013
 - h. BCGCD Well Registry Follow up
4. Public Hearing on the Brush Country Groundwater Conservation District's Water Management Plan. The Board will conduct a public hearing at about but no earlier than 9:35 am on the proposed management plan. At the close of the Public Hearing, the Board may take action to adopt the management plan.
5. Discuss, consider, and act on adoption of Water Management Plan by Resolution.
6. Discuss, consider, and act on GMA 16 Issues.
 - a. Next GMA 16 meeting set for March 5, 2013 at 1:00 pm at Brooks County Annex Courtroom.
 - b. Bar W Technical Work Status
7. Discuss, consider, and act on Hiring BCGCD Part Time Employee
8. Discuss, consider, and act on Financial Statement Report
9. Discuss, consider, and act on payment of bills

10. Discuss, consider, and act on authorizing general manager to purchase tablet minicomputer and monthly data plan
11. Discuss, consider, and act, on distribution of tax revenues by collecting entities.
12. Review and discuss correspondence received.
 - a. Letters from FFA Students
 - b. TCEQ Notice of administrative completeness of Mestena's Radioactive Material License Number R05360
13. Discuss, consider, and act on hiring CPA to develop audit of 2012 BCGCD Financial Records
14. Discuss, consider, and act on developing district rules.
15. Discuss, consider, and act on date and time for next meeting of Board of Directors
16. Discuss, consider, and act on new business for next meeting agenda.
17. Public comment.
18. Adjourn.

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time. These public meetings are available to all persons regardless of disability. If you require special assistance to attend the meeting, please call (361) 325 5093 at least 24 hours in advance of the meeting to coordinate any special physical access arrangements.

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

S.O.S. Acknowledgment of Receipt

From: liaison@sos.state.tx.us This sender is in your [contact list](#).

Sent: Wed 2/27/13 2:19 PM

To: fsaenz641@hotmail.com

Agency: Brush Country Groundwater Conservation District
Liaison: Felix Saenz

Acknowledgment of Receipt

The Office of the Secretary of State has posted
notice of the following meeting:

Meeting Information:

Brush Country Groundwater Cons. District

Board of Directors

03/05/2013 09:30 AM "TRD# 2013001397"

Notice posted: 02/27/13 02:19 PM

Proofread your current open meeting notice at:

[http://info.sos.state.tx.us/pls/pub/pubomquery\\$omquery.queryTRD?p_trd=2013001397](http://info.sos.state.tx.us/pls/pub/pubomquery$omquery.queryTRD?p_trd=2013001397)

NOTICE OF PUBLIC HEARING

Notice is given that the Brush Country Groundwater Conservation District Board of Directors will hold a public hearing on the adoption of a proposed Management Plan at its regularly scheduled meeting on Friday, March 5, 2013, at the Brooks County Annex Courtroom, 408 West Travis Street, Falfurrias TX 78355. The public meeting will begin at 9:30 a.m. and the public hearing will take place during the public meeting and will begin about but no earlier than 9:35 a.m..

A copy of the proposed Management Plan is available for inspection at the District office 408 West Travis Street, Falfurrias TX 78355 and may be downloaded and copied from the District's website at www.brushcountrygcd.com.

**NOTICE OF PUBLIC HEARING
CORRECTED**

Notice is given that the Brush Country Groundwater Conservation District Board of Directors will hold a public hearing on the adoption of a proposed Management Plan at its regularly scheduled meeting on **Tuesday**, March 5, 2013, at the Brooks County Annex Courtroom, 408 West Travis Street, Falfurrias TX 78355. The public meeting will begin at 9:30 a.m. and the public hearing will take place during the public meeting and will begin about but no earlier than 9:35 a.m..

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Mailed BCGCD Water Mgt Plan Meeting Notice on 2/13/13 & 2/19/13

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105 W HIGH ST
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JEFF OSBORN, HERRADURA PETROLEUM INC
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 All letters subject to editing.

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3/8

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Owner/Publisher
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STAFF:
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Vanessa G. Saenz

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AFFIDAVIT OF PUBLICATION

Before me, a Notary Public, personally appeared
Carlos Vela Who, after being by me duly
sworn upon oath, deposes and says:

I am the Owner/Publisher (title) of the
Hessdonville VEEW (newspaper name), a
weekly newspaper of Texas, located at
Jon Hogg County Texas.

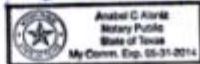
The accompanying printed matter represents a true and
correct copy of a Public Notice and that such
notice was published in the listed Texas newspaper on the
date indicated:

Hessdonville VEEW
Newspaper Name
February 13 + February 27
Date of Publication

I hereby swear and affirm that I have personal knowledge
of all matters stated
herein and that the foregoing statements are true and
correct.

Signed: Cm Vela
(Title) Owner/Publisher

Anabel C. Alaniz





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ORDINANCE NO. 567

ORDINANCE DEFINING JUNKED VEHICLES;
DECLARING JUNK VEHICLES TO BE PUBLIC NUISANCE;
CREATING AN OFFENSE; SETTING PENALTIES;
ESTABLISHING A PROCEDURE FOR ABATEMENT
AND REMOVAL; REPEALING ORDINANCE 555 AND
ALL PRIOR CONFLICTING ORDINANCES OR PARTS
THEREOF; ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY
COUNCIL OF THE CITY OF FALFURRIAS, TEXAS: The
City of Falfurrias Police Department will be enforcing this
Ordinance. Violators are subject to a fine of no more than \$200
if found guilty.

50-1t

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50-1t

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Marcelo Silva, Editor/Publisher
San Juanita Olivárez, Advertising Manager
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physical address: 219 E. RICE
FALFURRIAS, TX 78355
Voice/Fax: 361.325.2200

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STATE OF TEXAS,
COUNTY OF BROOKS

Before me, the undersigned authority on this day personally appeared
SAN JUANITA OLIVÁREZ, known to me, who being dully sworn on his oath,
deposes and says that she is the ADVERTISING MANAGER of the *Falfurrias Facts*,
a newspaper of general circulation published in said county and that said newspaper
has been continuously and regularly published in said county for a period for more
than one year; and that a copy of the within and foregoing notice was published in
said newspaper on the following day(s), to-wit;

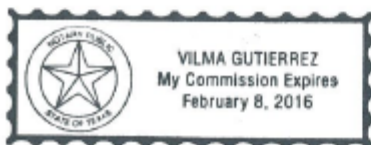
February 14, 2013

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28TH

day of FEBRUARY, of 2013





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Calendar

Feb. 22—La Gloria ISD early release day.
Feb. 22-23—Jerseys Tennis Meet @ Hebbronville Tournament.
Feb. 23—Jerseys Powerlifting Meet @ Bishop.
Feb. 23—Jerseys Track & Field @ Bruni.
Feb. 25—Jerseys (F) @ Odem, 5 p.m.
Feb. 25—Jerseys Golf (Boys & Girls) @ Hidalgo Invitation at Llano Grande G.C. in Mercedes.
Feb. 26—VA Medical Mobile Unit, Falfurrias.
Feb. 26—Jerseys (JV) @ Riviera (district game), 5 p.m.
Feb. 26—Belles (V) vs. Edinburg (district game), here, 5 p.m.
Feb. 27—Hands of Hope - Thrift Store, 9 a.m. to 2 p.m.
Feb. 28—Jerseys Jr. High Track & Field @ Ben Bolt.

Veterans

LEGALS

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ORDINANCE NO. 567

ORDINANCE DEFINING JUNKED VEHICLES; DECLARING JUNK VEHICLES TO BE PUBLIC NUISANCE; CREATING AN OFFENSE; SETTING PENALTIES; ESTABLISHING A PROCEDURE FOR ABATEMENT AND REMOVAL; REPEALING ORDINANCE 555 AND ALL PRIOR CONFLICTING ORDINANCES OR PARTS THEREOF; ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FALFURRIAS, TEXAS: The City of Falfurrias Police Department will be enforcing this Ordinance. Violators are subject to a fine of no more than \$200 if found guilty.

50-11

**FACTS DEADLINE:
EVERY MONDAY
at 11 A.M.**

Mar. 4—López-Williams VFW Post 7634 regular meeting, 7 p.m.
Mar. 7—Belles (JV, V) @ Bishop (district game), 5 p.m.
Mar. 7-9—Jerseys (V) host Baseball Tournament, time TBA.
Mar. 7-9—Jerseys (JV, F) @ Hebbronville Tournament, time TBA.
Mar. 8—DPS Spring Break Presentation, 7th & 8th Grade @ 9:30 a.m. and 9th-12th Grade @ 10:30 a.m., Premont H.S.
Mar. 8—Jerseys Jr. High Track & Field @ Riviera.
Mar. 8—Jerseys Golf (Boys & Girls) @ Port Isabel Invitational at South Padre Island G.C. in Laguna Vista.
Mar. 8—Belles (JV, V) @ Hebbronville (district game), 5 p.m.

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FALFURRIAS PUBLISHING CO., INC.



FALFURRIAS FACTS

Marcelo Silva, Editor/Publisher
San Juanita Olivárez, Advertising Manager
mailing address: P.O. BOX 619
physical address: 219 E. RICE
FALFURRIAS, TX 78355
Voice/Fax: 361.325.2200

PUBLISHER'S AFFIDAVIT

**STATE OF TEXAS,
COUNTY OF BROOKS**

Before me, the undersigned authority on this day personally appeared
SAN JUANITA OLIVÁREZ, known to me, who being dully sworn on his oath,
deposes and says that she is the ADVERTISING MANAGER of the *Falfurrias Facts*,
a newspaper of general circulation published in said county and that said newspaper
has been continuously and regularly published in said county for a period for more
than one year; and that a copy of the within and foregoing notice was published in
said newspaper on the following day(s), to-wit;

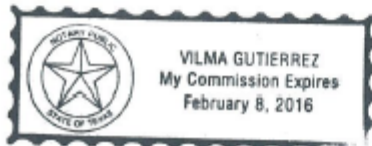
February 21, 2013

and a newspaper copy of said notice is hereto attached.

Sworn and subscribed to before me this:

28TH

day of FEBRUARY, of 2013



HISTORY FAIR

Continued from A6

Martinez and Aaron Perez
Edel Ramos and Ariel
Chloe Carpenter and
Aleste Campos will be going
Group Documentary.
For Individual Performance
will be Easi Cordova, Gabi
Casta and Adrian Casta and
Group Performance it
will be Elizabeth Gutierrez
and Autumn Flores, Kyrstin
Casta, Boos Torres, Jayleen
Pacheco and Megan Munoz
and Elena Kamasu and
Lara Barraza.

For Individual Website:
Mary Lopez, Caroline
Wines and Jacob Chance
Wines. For Group Website:
Priddy and Sarah Mu-
noz, Gabby Nunes and Kayla
Ruelas and Nicole Rivera
Bernardo Mendez.

For Historical Papers it will
Travis Burris, Larissa Luna
Michael Torres.
Students in the Senior Di-
vision will be Charles Lemon
Frank Lasi for Individual
sites. In Group Exhibit,
students are Joshua Perez
Miguel Gutierrez, Ashley
ares and Victoria Figueroa
Christopher Hernandez
Paul Pullen.
For Group Documentary
students are Jose Perez
Sydney Priddy, Arlanna
ares and Rudy Rodriguez
Andrew Alariz and Ma-
re Ramirez.
For Individual Performance

the students are Guadalupe
Cejia and David Barrett and
for Group Performance the
students are Pedro Barra,
Nelson Smithwick, Bonnie
Christiansen, Johnny Gutier-
rez and Jose Duran and Caci-
lia Eberhard, Lainey Eber-
hard, Elisa Paiz and Kristen
Franki and Christian Kocian,
Levi Lopez and Jeremy Garza.

For Individual Website:
Jorge Zamora and Dustin
Money and for Group
Website: Jesus Carrasco and
Michael Pakelouch and Sierra
Flores and Jaden Gallegos
and Victoria Vicente and
Jeyme Reyna.

In Historical Paper the
students are Shelby Dough-
erty, Savannah Moore and
Margaret Moore.

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ESPARZA

Continued from A1

few things I've been doing," he
said of his decision to run for
re-election.

One of those things is
continuing to keep a low tax
rate for the city. Since he has
served on the council, the
tax rate has been lower or the
same each year, never increas-
ing.

Esparza added that keep-
ing a low tax rate actually
increases funds because it
attracts more businesses to
the area. The new businesses
would increase the city's tax
base. The key to still creating
revenue with a lower tax base,
however, is continued growth.

Another issue Esparza
would like to keep tackling is
properly funding the fire and
police department.

"That's one of the things
that we need to do is to make
sure we fund our public safety
properly," he said.

Esparza commended the
City of Alice's public safety
officials, especially with the
gang and drug activity of
the last year. He hopes that
the budget will allow for the
forces to expand in the future.

With much of the southern
United States in a drought,
Esparza said it is important to
have clean water for Alice.

"We need to make sure
that our community has
water available," he said.
"We've been working on and
are looking for alternative
(sources)."

Right now, Alice is at the
mercy of Corpus Christi
when their supply is low. They
must pump water from Lake
Corpus Christi into Lake

Pindley. One option for an
alternate source of water is
well water.

Lower tax rates, a funded
fire and police department
and clean water are large
projects that Esparza plans to
tackle, but there are plenty of
smaller projects that need to
be considered. Those include
the smaller streets that tend to
get overlooked for larger ones,
like North Texas Boulevard.

There are also sewer lines
that are constantly being
repaired.

"You can see it around
town," he said. "I know where
some of them are."

Things to consider in the

next budget cycle is what the
council wants to do with the
high sales tax revenue that
the area has been seeing for
the last couple of years. The
city already has roughly 10
months of surplus in reserves,
so the money could either be
put towards more reserves or
go to pay off debts.

"I think that I do have quite
a bit of experience with the
city council," Esparza said of
why he thinks he should be
re-elected. "I think that's what
I bring in that knowledge and
that experience."

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NOTICE OF PUBLIC HEARING

Notice is given that the Brush Country Groundwater Conservation District Board of Directors will hold a public hearing on the adoption of a proposed Management Plan at its regularly scheduled meeting on Friday, March 5, 2013, at the Brooks County Annex Courtroom, 408 West Travis Street, Falfurrias TX. 78355. The public meeting will begin at 9:30 a.m. and the public hearing will take place during the public meeting and will begin about but no earlier than 9:35 a.m..

A copy of the proposed Management Plan is available for inspection at the District office 408 West Travis Street, Falfurrias TX. 78355 and may be downloaded and copied from the District's website at www.brushcountrygcd.com.

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\$59.98 22 lbs. 7 lbs. Boneless Pork Chops 7 lbs. Chuck Steak 7 lbs. T-Bone Steak 7 lbs. Pork Loin 7 lbs. Ground Beef	Cabritos & Machitos Available \$19.98 7.5 lbs. 2 1/2 lbs. Beef Steaks 4 lbs. Prime Long Steaks 7 lbs. Smoked Pork Sausage	\$199.98 70 lbs. 10 lbs. T-Bone Steaks 10 lbs. Tenderloin (Marinated) 10 lbs. Chuck Steaks 10 lbs. Boneless Pork Chops 10 lbs. Pork Loin 10 lbs. Ground Beef 10 lbs. Beef Sausage 10 lbs. Beef Sausage 10 lbs. Beef Sausage

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Edinburg, TX 78539
1-866-781-7400
Fax: (956) 384-9294

AFFIDAVIT OF PUBLISHER

STATE OF TEXAS §

COUNTY OF JIM WELLS §

BEFORE ME, the undersigned Notary Public, on this day personally Appeared Russel Gruber, who, being by me duly sworn, stated:

1. Affiant is an employee of Alice Echo-News Journal and has personal knowledge of the facts stated in this affidavit.
2. Russel Gruber (Advertising Director) publishes a newspaper of general Circulation in Jim Wells, Duval, Nueces, County, Texas, which is known as ALICE NEWSPAPERS INC, ALICE ECHO NEWS JOURNAL, DUVAL COUNTY PRESS, THE FREER PRESS, & NUECES COUNTY RECORD STAR.

3. In the newspaper dated 2/13/13

A notice was published as provided by the Texas Probate Code. A true and correct copy of the notice is attached.

4. For publishing the notice, the bookkeeper has made a charge of \$ 100⁰⁰

A proper charge under the laws of the State of Texas.

Elizabeth Gruber
Advertising Director or Representative

SUBSCRIBED AND SWORN TO BEFORE ME by the above-named affivant on

3/6, 2013 to certify which witness my hand and seal of office



Sandra Salaiz
Notary Public in and for
The State of Texas

My Commission expires:

7-23-16

JOHNSON

Continued from A1

encourage growth on that side of the city to balance out the growth on the east side.

Another issue that Terrell Johnson hopes to tackle is repairs to the existing infrastructure.

"I'm not about putting band-aids on things," she said. "The band-aids need to come off already."

Terrell Johnson also wants to continue the city's studies on alternative water sources, such as wells.

What the councilwoman re-

ally wants to focus on, however, are Alice's outdoor recreation facilities.

"That's my baby," she said. When she first ran for council, Terrell Johnson was very involved in National Little League. She worked in the concession stands and saw the poor conditions of the fields.

A new concession stand was recently opened.

"I work hand in hand with the rest of the council to get these up to date," she said.

The Anderson Park Walking Trail began as an idea for Terrell Johnson, who thought that parents needed something to do while their kids played on the

playground.

She went to the city manager and the idea was transferred to Yolanda Bono in the Parks and Recreation Department.

"All you need to do is plant that little seed," Terrell Johnson said. "It was a team effort."

Terrell Johnson also pushed for the beautification of Highway 44 as you enter the city.

"The more appealing the city appears as people are driving by the more appealing it is to stop and spend money," she said.

Terrell Johnson wants voters to know that she brings positive energy to the council and is the same person she was from the first day she was elected.

Manuela "Meme" H. Hinojosa

San Diego, Texas — Manuela "Meme" H. Hinojosa, 92, passed away February 20, 2013 in San Diego, Texas. She was born September 23, 1920 in El Refugio Ranch, Duval County, Texas to Jesus R. and Concepcion H. Hinojosa.

She will always be remembered as a devout Catholic as well as a loving and caring woman who had a quick wit and wonderful sense of humor.

She was preceded in death by her brothers and sisters, Corrado (Alicia), Antonio, Rodolfo, Apolonio, Roberto, Luis (Narcisalia), Natalia Hinojosa, Guadalupe (Mauro) Garcia, Amelia (Gisela) Perez and Clara (Florencia) Garcia.

She is survived by her loving nephews and nieces as well as her second family — her current and past design-

ers of La Hacienda Nursing Home. Visitation will be held Thursday, February 21, 2013 at 5 to 9 p.m. at Mauro P. Garcia Funeral Home in San Diego with a Rosary to be recited at 7 p.m. Funeral Mass will be celebrated Friday, February 22, 2013 at 10 a.m. at St. Francis de Paula Catholic Church in San Diego. Burial will follow at the Hinojosa Family Cemetery in El Refugio Ranch.

C condolences for the family may be left on our website www.maurogarcia.com. The family would like to thank all of the staff at La Hacienda Nursing Home for the loving and excellent care she was given during the 45 years she lived there. Mauro P. Garcia Funeral Homes, Inc. entrusted with arrangements.

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RELAY

Continued from A1

that she may not be able to have children at all followed by her miracle baby.

"I feel blessed that I've been able to go on and have children," she said.

The scary diagnosis of cancer has propelled Terrell to help others that struggle with the disease.

"I felt like it was very important to give back," she said.

Giving back meant being a Read to Recovery Chairman with the American Cancer Society. It is a program that helps find rides or gas money for patients to travel for treatment.

Terrell has also participated in Relay for Life for several years and involved her students when she was an educator at

William Adams Middle School and Alice High School. At WAMS, her students raised more than \$7,500 one year strictly through fundraisers. No outside help was sought, such as local businesses.

Terrell also headed a Relay for Life Team at Energy Dynamics and participated one year with Alice High School. She wasn't able to lead

a team this year because of her switch to Dubose Intermediate School, but plans to have one next year and be a platinum sponsor.

The principal called Relay for Life the best community event in Alice for its family-friendly environment.

"Everybody is positive that night," she said. "Everybody wants the best for everybody."

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NOTICE OF PUBLIC HEARING

Notice is given that the Brush Country Groundwater Conservation District Board of Directors will hold a public hearing on the adoption of a proposed Management Plan at its regularly scheduled meeting on Tuesday, March 5, 2013, at the Brooks County Annex Courtroom, 408 West Travis Street, Falfurrias TX. 78355. The public meeting will begin at 9:30 a.m. and the public hearing will take place during the public meeting and will begin about but no earlier than 9:35 a.m.

A copy of the proposed Management Plan is available for inspection at the District office 408 West Travis Street, Falfurrias TX. 78355 and may be downloaded and copied from the District's website at www.brushcountrygcd.com.

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2012 Chevrolet Suburban, MSRP \$32,000	2012 Chevrolet Impala, MSRP \$18,000	2011 Ford Expedition, MSRP \$22,000	2012 Honda S, MSRP \$18,000
2011 Chevrolet Camaro RS, MSRP \$22,000	2012 Chevrolet Malibu SE, MSRP \$18,000	2011 Nissan 370Z, MSRP \$22,000	2014 Ford F-150 FX4, MSRP \$22,000
2011 Chevrolet Traverse, MSRP \$22,000	2012 Chevrolet Malibu, MSRP \$18,000	2011 Ford Explorer, MSRP \$22,000	2010 Buick Lucerne, MSRP \$22,000
2011 Chevrolet Camaro, MSRP \$22,000	2011 Chevrolet Impala, MSRP \$18,000	2011 Jeep Grand Cherokee, MSRP \$22,000	
2012 Chevrolet Equinox, MSRP \$22,000	2011 Chevrolet Aveo LT, MSRP \$18,000	2010 Nissan Murano, MSRP \$22,000	
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AFFIDAVIT OF PUBLISHER

STATE OF TEXAS §

COUNTY OF JIM WELLS §

BEFORE ME, the undersigned Notary Public, on this day personally Appeared Russel Gruber, who, being by me duly sworn, stated:

1. Affiant is an employee of Alice Echo-News Journal and has personal knowledge of the facts stated in this affidavit.
2. Russel Gruber (Advertising Director) publishes a newspaper of general Circulation in Jim Wells, Duval, Nueces, County, Texas, which is known as ALICE NEWSPAPERS INC, ALICE ECHO NEWS JOURNAL, DUVAL COUNTY PRESS, THE FREER PRESS, & NUECES COUNTY RECORD STAR.

3. In the newspaper dated 2/22/13

A notice was published as provided by the Texas Probate Code. A true and correct copy of the notice is attached.

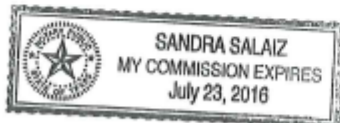
4. For publishing the notice, the bookkeeper has made a charge of \$ 100⁰⁰

A proper charge under the laws of the State of Texas.

Elizabeth Luena
Advertising Director or Representative

SUBSCRIBED AND SWORN TO BEFORE ME by the above-named affivant on

3/4, 2013 to certify which witness my hand and seal of office



Sandra Salaiz
Notary Public in and for
The State of Texas

My Commission expires:

7-23-16

APPENDIX D

RESOLUTION ADOPTING MANAGEMENT PLAN

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BRUSH COUNTRY GROUNDWATER CONSERVATION DISTRICT AUTHORIZING ADOPTION OF THE DISTRICT MANAGEMENT PLAN

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

WHEREAS, after notice and hearing the Board of Directors ("Board") of the District adopted a Management Plan on September 25, 2012 and submitted it to the Texas Water Development Board on October 5, 2012;

WHEREAS, the District subsequently withdrew the Management Plan on November 5, 2012 because of a deficiency in the Plan;

WHEREAS, the Board addressed the deficiency in the withdrawn Management Plan at its December 6, 2012 Board meeting and submitted it to the Texas Water Development Board for pre-review on December 10, 2012;

WHEREAS, on January 22, 2013, the Board directed that a Public Hearing regarding the Management Plan be held on March 5, 2013 and that advance notice be provided by newspaper publication and individual notice;

WHEREAS, the Notice of Public Hearing was published in the *Hebbronville View* on February 13 and 27, 2013, the *Falfurrias Facts* on February 14 and 21, 2013, and in the *Alice Echo-News* on February 13 and 22, 2013;

WHEREAS, individual notice was mailed to landowners in the District within Hidalgo County on February 14 and 19, 2013;

WHEREAS, the Board conducted a Public Hearing on March 5, 2013;

WHEREAS, following the close of the Public Hearing, the Board considered and acted on the Management Plan on March 5, 2013;

WHEREAS, the Management Plan meets the requirements of Texas Water Code § 36.1071 and § 36.1072 and 31 TAC §§ 356.5 and 356.6 ; and

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


NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Brush Country Groundwater Conservation District that:

- 1) The "Management Plan of the Brush Country Groundwater Conservation District" contained in Attachment A is hereby adopted; and
- 2) This Management Plan will take effect upon approval by the executive administrator of the Texas Water Development Board. It will remain in effect until a revised District Management Plan is adopted and approved.

AND IT IS SO ORDERED.

In Favor 8 Opposed 0

PASSED AND APPROVED THIS 5th DAY OF MARCH, 2013.


George E. Fanner, President

ATTEST:


David Kelly, Secretary



APPENDIX E

SAMPLE LETTER AND ENTITIES NOTIFIED AND EVIDENCE OF COORDINATION WITH SURFACE WATER MANAGEMENT ENTITIES

**Brush Country Groundwater Conservation District
PO Box 136
Falfurrias, TX 78355
(361) 325-5093**

March 8, 2013

To: The Attached Mailing List

Re: Brush Country Groundwater Conservation District's Adopted Management Plan

The Brush Country Groundwater Conservation District ("District") Board of Directors adopted a final Management Plan on March 5, 2013. The Plan will now be submitted to the Texas Water Development Board for approval.

The District previously submitted the Plan to you on October 1, 2012. This Plan is a replacement. The approved Plan is now being submitted in accordance with Texas Water Code § 36.1071(a) and (b).

Please contact me if you require additional information.

Sincerely,


Felix Sacnz
General Manager

Enclosure

Brush Country Groundwater Conservation District
PO Box 136
Falfurrias, TX 78355
(361) 325-5093

March 8, 2013

Mr. Stephen Allen, P.G.
Groundwater Technical Assistance Section
Groundwater Resources Division
Texas Water Development Board
PO Box 13231
Austin, TX 78711

Re: Brush Country Groundwater Conservation District's Management Plan

Dear Mr. Allen:

Enclosed for the Texas Water Development Board's approval, please find Brush Country Groundwater Conservation District's ("District") Management Plan, which the District's Board of Directors adopted on March 5, 2013.

The approved Plan is being submitted in accordance with Texas Water Code § 36.1072.

Please contact me if you require additional information.

Sincerely,



Felix Saenz
General Manager

Enclosure

Mr. Lonnie Stewart, General Manager
Bee Groundwater Conservation District
PO Box 682
Beeville, TX 78104-0682

Mr. Gustavo Gonzales, Water Director
Corpus Christi ASR Conservation District
PO Box 9277
Corpus Christi, TX 78469

Mr. Alberto Garcia, Manager
Duval County Groundwater Conservation District
PO Box 506
Benavides, TX 78341

Mr. Andy Garza, District Manager
Kenedy County Groundwater Conservation District
PO Box 1433
Kingsville, TX 78363

Mr. Lonnie Stewart, Manager
Live Oak Underground Water Conservation District
3460A Highway 281
George West, TX 78022

Mr. Lonnie Stewart, Manager
McMullen Groundwater Conservation District
PO Box 232
Tilden, TX 78072

Mr. Armando Vela, President
Red Sands Groundwater Conservation District
PO Box 229
Linn, TX 78563

Mr. Duane Campion
San Patricio County Groundwater Conservation District
PO Box 1400
Sinton, TX 78387

Ms. Rose Benavidez, Manager
Starr County Groundwater Conservation District
601 E. Main St.
Rio Grande City, TX 78582

Con Mims
Nueces River Authority
PO Box 349
Uvalde, TX 78802-0349

Mr. Billy Moss, Manager
Jim Hogg County Water Control and Improvement District No. 2
PO Box 148
Hebbronville, TX 78361-0148

Ms. Melida K. Rangel, Manager
Jim Wells County Freshwater Supply District No. 1
PO Box 428
Ben Bolt, TX 78342-0000

Mr. Gustavo Gonzales, Water Director
City of Corpus Christi Water Development
2726 Holly Road
Corpus Christi, TX 78415

Mayor Carl Srp
City of Orange Grove
PO Box 1350
Orange Grove, TX 78372

Mayor Dalia Gee
City of Premont
PO Drawer 340
Premont, TX 78375

Mayor Ana Maria Garcia
City of Falfurrias
PO Drawer E
Falfurrias, TX 78355

Mr. Matias Saenz, General Manager
Falfurrias Utility Board
PO Box 518
Falfurrias, TX 78355

Mayor Ruperto Canales III
City of San Diego
404 S. Mier
San Diego, TX 78384

Mr. Vic Casas, General Manager
San Diego Municipal Utility District
200 South Drive EE Dunlap Highway
San Diego, TX 78384

Mr. Rey De Lo Santos, Jr., City Manager
City of Alice
PO Box 3229
Alice, TX 78333

Mr. Glenn Jarvis
Region M Water Planning Group
Law Offices of Glenn Jarvis
1801 S. 2nd Street, Suite 550
McAllen, TX 78503

Carola Serrato
Region N Water Planning Group
South Texas Water Authority
PO Box 1701
Kingsville, TX 78364

Mr. Scott Bledsoe, III
Region N Water Planning Group
Live Oak UWCD
PO Box 3
Oakville, TX 78060

Judge Ramon Garcia
Hidalgo County Judge
1615 S. Closner
Suite J
Edinburg, TX 78539

Judge Raul M. Ramirez
Brooks County Judge
129 East Rice Street
Falfurrias, TX 78355

Judge Guadalupe S. Canales
Jim Hogg County Judge
PO Box 729t
Hebbronville, TX 78361-0719

Judge L. Arnolando Saenz
Jim Wells County Judge
200 N. Almond Street
Alice, TX 78332

APPENDIX F

RESOLUTION R2010-001 TO ADOPT DESIRED FUTURE CONDITIONS

FOR AQUIFER(S) IN GROUNDWATER MANAGEMENT AREA 16

THE STATE OF TEXAS

GROUNDWATER MANAGEMENT AREA 16

GROUNDWATER CONSERVATION DISTRICTS

WHEREAS, Texas Water Code 36.108 requires the groundwater conservation districts located in whole or in part in a groundwater management area ("GMA") designated by the Texas Water Development Board to adopt desired future conditions for the relevant aquifers located within the management area;

WHEREAS, the groundwater conservation districts located wholly or partially within Groundwater Management Area 16 ("GMA 16"), as designated by the Texas Water Development Board, as of the date of this resolution are as follows: Bee GCD, Brush County GCD, Live Oak UWCD, McMullen GCD, Kenedy County GCD, Corpus Christi Aquifer Storage and Recovery Conservation District, San Patricio County GCD, Starr County GCD, Duval County GCD, and Red Sands GCD (collectively hereinafter "the GMA 16 Districts");

WHEREAS, the GMA 16 Districts are each governmental agencies and bodies politic operating under Chapter 36, Water Code;

WHEREAS, the GMA 16 Districts desire to fulfill the requirements of Texas Water Code 36.108 through mutual cooperation and joint planning efforts;

WHEREAS, the GMA 16 Districts have held numerous public meetings at which they have engaged in joint planning efforts to promote more comprehensive management of the aquifers located in whole or in part in Groundwater Management Area 16;

WHEREAS, the GMA 16 Districts recognize that GMA 16 includes a geographically and hydrologically diverse area with a variety of land uses and a diverse mix of water users;

WHEREAS, the GMA 16 Districts have considered the relevant aquifers, subdivisions thereof, and geologic strata located in whole or in part within the boundaries of GMA 16, and have further considered the hydrogeologic characteristics of the same, as well as the various uses and users of groundwater produced from such aquifers, subdivisions, and strata;

WHEREAS, the GMA 16 Districts held a meeting, which was open to the public and public comment was received, on August 30, 2010 at 1:00 PM in the Blue Room of Sam Fore Hall at Texas A&M University- Kingsville located at 700 University Blvd., Kingsville, TX 78363;

WHEREAS, notice of said August 30, 2010, meeting was properly given by each and all of the GMA 16 Districts in accordance with Chapter 36, Water Code, and Chapter 551, Government Code, and a true and correct copy of each of the notices has been attached hereto in Appendix A and is incorporated herein for all purposes;

WHEREAS, it is the intent and purpose of the GMA 16 Districts by adoption of this resolution to fulfill the requirements of Texas Water Code 36.108, including establishing "desired future conditions for the relevant aquifers" within GMA 16 for the specific aquifer(s) and desired future conditions described below;

WHEREAS, Texas Water Code 36.108 requires adoption of desired future conditions for only the "relevant aquifers" located within the management area and because the Carrizo-Wilcox, and the Yegua-Jackson aquifer slivers are not used for non-exempt wells and are not anticipated to be used for non-exempt wells during the planning horizon, GMA 16 considers the aquifers to not be relevant for purposes of GMA 16 joint planning at this time;

WHEREAS, GMA 16 Districts agree to continue to work on the desired future conditions for the aquifer(s) set forth below and the Groundwater Availability Model ("GAM") created by the Texas Water Development Board for GMA 16 in the near future after the adoption of the desired future conditions for the aquifer(s) below and the September 1, 2010 statutory deadline;

WHEREAS, in establishing these desired future conditions for the aquifer(s) set forth below, the GMA 16 Districts have considered all of the criteria required by Chapter 36 of the Texas Water Code and other information including groundwater availability model runs prepared by the TWDB;

WHEREAS, in establishing these desired future conditions for the aquifer(s) set forth below, the GMA 16 Districts have considered the uses and conditions of the aquifer(s) in different geographic areas within GMA 16 and what the effects and impacts of adopting such desired future conditions will have upon the condition of the aquifer(s) and the uses and users of groundwater from the aquifer(s) both now and in the future;

WHEREAS, after considering such anticipated effects and impacts these desired future conditions will have on the aquifer(s), uses, and users of groundwater, and considering all of the other criteria required by Chapter 36 of the Texas Water Code, including without limitation the groundwater resource management duties and responsibilities of the GMA Districts individually and collectively, the GMA 16 Districts have adopted the desired future conditions for the aquifers) set forth below;

WHEREAS; In reference to GAM run 09-008, the committee has considered several scenarios during deliberation; and

WHEREAS, at said August 30, 2010, meeting, after a motion was duly made and seconded that the GMA 16 Districts adopt this resolution establishing desired future conditions for the Gulf Coast aquifer and declining to adopt a desired future condition for the aquifer slivers, the motion prevailed by the following vote:

9 Ayes, 0 Nays, 1 Absent, and 0 present not voting


A List of the votes by District is enclosed in Appendix B.


NOW, THEREFORE, BE IT RESOLVED BY THE AUTHORIZED VOTING REPRESENTATIVES OF THE GMA 16 DISTRICTS AS FOLLOWS:

- 1 The above recitals are true and correct.
- 2 The authorized voting representatives of the GMA 16 Districts hereby establish a desired future condition of the Gulf Coast aquifer of a GMA-wide average drawdown of approximately 94 feet through 2060 consistent with scenario 10 of GAM run 09-008 by the vote reflected in the above recitals.
- 3 The authorized voting representatives of the GMA 16 Districts hereby decline to establish a desired future condition of the Carrizo-Wilcox, and the Yegua-Jackson aquifer slivers, finding them to not be relevant for purposes of GMA 16 joint planning at this time by the vote reflected in the above recitals.
- 4 The GMA 16 Districts and their agents and representatives, individually and collectively, are further authorized to take any and all actions necessary to implement this resolution.
- 5 The desired future conditions of the aquifer adopted by the GMA 16 Districts and attached hereto shall be effective immediately and shall continue in effect until amended, superseded, or repealed.

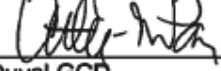
AND IT IS SO ORDERED.

PASSED AND ADOPTED on this 30th day of August, 2010.

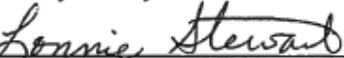

Bee GCD


Brush Country GCD



Corpus Christi Aquifer Storage & Recovery Conservation District



Duval GCD


Kenedy County GCD


McMullen GCD


Live Oak UWCD


Red Sands GCD


San Patricio County GCD


Starr GCD

APPENDIX G

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

Groundwater use estimates are currently unavailable for 2005. TWDB staff anticipates the calculation and posting of these estimates at a later date.

BROOKS COUNTY

72.01 % (multiplier)

All values are in acre-feet/year

Year	Source	Municipal	Manufacturing	Steam Electric	Irrigation	Mining	Livestock	Total
1974	GW	943	30	0	1,175	27	629	2,804
1980	GW	818	6	0	216	133	67	1,240
1984	GW	1,099	6	0	97	114	53	1,369
1985	GW	1,016	6	0	180	114	48	1,364
1986	GW	1,306	6	0	360	0	55	1,727
1987	GW	805	0	0	360	127	57	1,349
1988	GW	872	0	0	360	212	58	1,502
1989	GW	995	0	0	202	104	58	1,359
1990	GW	828	0	0	252	104	58	1,242
1991	GW	785	0	0	522	100	60	1,467
1992	GW	886	0	0	432	100	45	1,463
1993	GW	870	0	0	259	96	45	1,270
1994	GW	984	0	0	335	91	42	1,452
1995	GW	1,078	0	0	335	91	41	1,545
1996	GW	1,149	0	0	335	91	44	1,619
1997	GW	1,818	0	0	335	91	45	2,289
1998	GW	2,010	0	0	335	91	37	2,473
1999	GW	1,420	0	0	335	91	39	1,885
2000	GW	1,420	0	0	18	91	54	1,583
2001	GW	1,402	0	0	18	91	105	1,616
2002	GW	1,264	0	0	175	91	53	1,583
2003	GW	1,162	0	0	513	366	44	2,085
2004	GW	1,161	0	0	450	366	51	2,028
2006	GW	1,096	1	0	406	0	323	1,826
2007	GW	1,007	1	0	225	0	307	1,540
2008	GW	1,434	0	0	471	0	236	2,141
2009	GW	1,579	0	0	1,740	126	252	3,697
2010	GW	1,326	0	0	578	128	210	2,242

HIDALGO COUNTY*1.61 % (multiplier)*

All values are in acre-feet/year

Year	Source	Municipal	Manufacturing	Steam Electric	Irrigation	Mining	Livestock	Total
1974	GW	73	9	0	302	18	21	423
1980	GW	53	3	0	145	4	3	208
1984	GW	83	1	0	142	9	2	237
1985	GW	61	2	2	160	9	2	236
1986	GW	81	8	0	0	0	7	96
1987	GW	72	7	0	0	10	1	90
1988	GW	76	8	0	0	10	6	100
1989	GW	84	9	0	176	9	6	284
1990	GW	85	13	0	328	9	6	441
1991	GW	90	7	0	319	10	7	433
1992	GW	91	6	0	133	10	5	245
1993	GW	86	5	0	208	10	5	314
1994	GW	118	12	0	240	6	5	381
1995	GW	124	13	0	213	4	6	360
1996	GW	126	7	27	131	14	5	310
1997	GW	128	15	12	93	18	5	271
1998	GW	128	13	24	187	18	4	374
1999	GW	102	7	21	193	18	5	346
2000	GW	92	8	29	72	18	4	223
2001	GW	157	14	12	60	10	4	257
2002	GW	141	13	10	55	14	3	236
2003	GW	147	8	15	32	8	4	214
2004	GW	149	12	15	24	6	3	209
2006	GW	65	7	0	17	5	5	99
2007	GW	81	7	0	18	3	5	114
2008	GW	117	7	0	1	2	6	133
2009	GW	147	0	0	25	29	6	207
2010	GW	149	0	0	0	19	5	173

JIM HOGG COUNTY*100.00 % (multiplier)*

All values are in acre-feet/year

Year	Source	Municipal	Manufacturing	Steam Electric	Irrigation	Mining	Livestock	Total
1974	GW	382	20	0	129	22	657	1,210
1980	GW	991	0	0	0	0	74	1,065
1984	GW	695	0	0	450	0	70	1,215
1985	GW	690	0	0	500	119	66	1,375
1986	GW	571	0	0	500	0	55	1,126
1987	GW	497	0	0	500	238	50	1,285
1988	GW	497	0	0	500	217	54	1,268
1989	GW	249	0	0	120	41	54	464
1990	GW	585	0	0	150	41	52	828
1991	GW	818	0	0	150	28	54	1,050
1992	GW	986	0	0	150	28	88	1,252
1993	GW	815	0	0	31	27	88	961
1994	GW	775	0	0	313	27	69	1,184
1995	GW	683	0	0	313	27	69	1,092
1996	GW	896	0	0	313	27	76	1,312
1997	GW	354	0	0	313	27	76	770
1998	GW	836	0	0	313	27	58	1,234
1999	GW	598	0	0	313	27	58	996
2000	GW	854	0	0	817	27	51	1,749
2001	GW	890	0	0	758	27	78	1,753
2002	GW	789	0	0	758	27	27	1,601
2003	GW	873	0	0	500	27	35	1,435
2004	GW	802	0	0	500	28	34	1,364
2006	GW	833	0	0	500	32	408	1,773
2007	GW	833	0	0	417	22	423	1,695
2008	GW	907	0	0	562	77	346	1,892
2009	GW	947	0	0	0	103	378	1,428
2010	GW	156	0	0	250	121	317	844

JIM WELLS COUNTY*93.44 % (multiplier)*

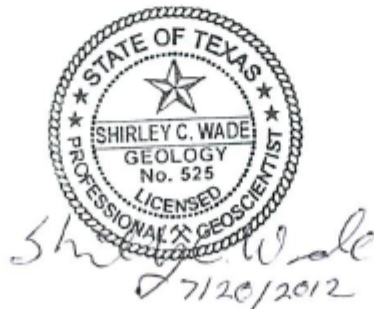
All values are in acre-feet/year

Year	Source	Municipal	Manufacturing	Steam Electric	Irrigation	Mining	Livestock	Total
1974	GW	1,513	55	0	2,723	561	1,054	5,906
1980	GW	2,336	0	0	2,802	227	170	5,535
1984	GW	2,320	0	0	2,474	364	88	5,246
1985	GW	2,167	0	0	1,752	219	80	4,218
1986	GW	2,191	0	0	2,336	0	77	4,604
1987	GW	2,056	0	0	2,261	396	75	4,788
1988	GW	2,202	0	0	1,997	378	75	4,652
1989	GW	2,446	0	0	836	367	74	3,723
1990	GW	2,372	0	0	1,111	367	84	3,934
1991	GW	2,316	0	0	994	305	85	3,700
1992	GW	2,153	0	0	691	336	100	3,280
1993	GW	2,190	0	0	706	329	98	3,323
1994	GW	2,332	0	0	838	329	99	3,598
1995	GW	2,402	0	0	694	329	101	3,526
1996	GW	2,593	0	0	795	329	93	3,810
1997	GW	2,340	0	0	634	326	89	3,389
1998	GW	2,418	0	0	1,414	145	95	4,072
1999	GW	2,426	0	0	1,179	145	103	3,853
2000	GW	2,487	0	0	3,406	324	99	6,316
2001	GW	3,054	0	0	2,119	112	48	5,333
2002	GW	2,438	0	0	2,500	112	73	5,123
2003	GW	2,993	0	0	2,914	112	76	6,095
2004	GW	3,027	0	0	3,209	120	73	6,429
2006	GW	2,373	0	0	3,568	115	571	6,627
2007	GW	2,224	0	0	1,974	115	582	4,895
2008	GW	1,999	0	0	1,429	115	553	4,096
2009	GW	2,182	0	0	1,813	105	585	4,685
2010	GW	2,084	0	0	1,357	92	629	4,162

APPENDIX H

GAM RUN 12-013: BRUSH COUNTRY GROUNDWATER CONSERVATION DISTRICT MANAGEMENT PLAN

by Shirley C. Wade, Ph.D., P.G.
Texas Water Development Board
Groundwater Resources Division
Groundwater Availability Modeling Section
(512) 936-0883
July 20, 2012



The seal appearing on this document was authorized by Shirley C. Wade, P.G. 525 on July 20, 2012.

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GAM RUN 12-013: BRUSH COUNTRY GROUNDWATER CONSERVATION DISTRICT MANAGEMENT PLAN

by Shirley C. Wade, Ph.D., P.G.
Texas Water Development Board
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July 20, 2012

EXECUTIVE SUMMARY:

Texas State Water Code, Section 36.1071, Subsection (h), states that, in developing its groundwater management plan, a groundwater conservation district shall use groundwater availability modeling information provided by the executive administrator of the Texas Water Development Board (TWDB) 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.

The purpose of this report is to provide Part 2 of a two-part package of information to Brush Country Groundwater Conservation District for its groundwater management plan. The groundwater management plan for the Brush Country Groundwater Conservation District is due for approval by the executive administrator of the TWDB before November 3, 2012.

This report discusses the method, assumptions, and results from model runs using the groundwater availability model for the Yegua Jackson Aquifer and the model developed for Groundwater Management Area 16 (Hutchison and others, 2011) which was used to estimate the modeled available groundwater for Groundwater

Management Area 16. This model run is an alternative for the Gulf Coast Aquifer results of GAM Run 10-005, which was based on the groundwater availability models for the southern and central portions of the Gulf Coast Aquifer. The Brush Country Groundwater Conservation District can use either GAM Run 10-005 or GAM Run 12-013 for their groundwater management plan. Tables 1 and 2 summarize the groundwater model data required by the statute and figures 1 and 2 show the area of the model from which the values in the tables were extracted. If after review of the figures, Brush Country Groundwater Conservation District determines that the district boundaries used in the assessment do not reflect current conditions, please notify the TWDB immediately.

METHODS:

The alternative numerical groundwater flow model for the Gulf Coast Aquifer (1963 through 1999; Hutchison and others, 2011) in Groundwater Management Area 16 and the groundwater availability model for the Yegua Jackson Aquifer (1980 through 1997: Deeds and others, 2010) were run for this analysis. Water budgets for each year of the transient model period were extracted using ZONEBUDGET Version 3.01 (Harbaugh, 2009) 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:

Gulf Coast Aquifer

- The area covered by the alternative model developed by Hutchison and others (2011) includes all of Groundwater Management Area 16 with Brush Country Groundwater Conservation District approximately located at the center of the model domain. The models for the central portion of the Gulf Coast Aquifer System (Chowdhury and others, 2004) and the Gulf Coast Aquifer in the Lower Rio Grande Valley (Chowdhury and Mace, 2007) only cover parts of the Brush Country Groundwater Conservation District. The model was calibrated based on groundwater elevation data from 1963 to 1999.
- The model has six layers representing the following hydrogeologic units (from top to bottom): Chicot Aquifer (layer 1), Evangeline Aquifer (layer 2),

Burkeville Confining Unit (layer 3), Jasper Aquifer (layer 4), Yegua-Jackson Aquifer (layer 5), and Queen-City/Sparta/Carrizo-Wilcox aquifers (layer 6).

- 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 41 feet and the absolute residual mean is 15 feet.
- The model was run with MODFLOW-2000 (Harbaugh and others, 2000).

Yegua Jackson Aquifer

- Version 1.01 of the groundwater availability model for the Yegua Jackson Aquifer was used for this analysis. See Deeds and others (2010) for assumptions and limitations of the groundwater availability model.
 - This groundwater availability model includes five layers, which generally correspond to (from top to bottom):
 1. the outcrop section of the Yegua Jackson Aquifer and younger overlying units,
 2. the upper portion of the Jackson Group,
 3. the lower portion of the Jackson Group,
 4. the upper portion of the Yegua Group, and
 5. the lower portion of the Yegua Group.
 - An overall water budget for the district was determined for the Yegua Jackson Aquifer (Layer 1 through Layer 5 collectively for the portions that represent the Yegua Jackson Aquifer).
 - As reported in Deeds and others (2010), the mean absolute errors (a measure of the difference between simulated and measured water levels during model calibration) for the Jackson Group (combined upper and lower Jackson units), Upper Yegua, and Lower Yegua portions of the Yegua Jackson Aquifer for the historical-calibration period of the model are 31.1, 23.9, and 24.5 feet, respectively. These represent 10.3, 5.7 and 6.3 percent of the hydraulic head drop across each model area, respectively.
 - 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 groundwater budget components listed below were extracted from the model results 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. The components of the modified budget shown in tables 1 through 5 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).

TABLE 1: SUMMARIZED INFORMATION FOR THE GULF COAST AQUIFER THAT IS NEEDED FOR BRUSH COUNTRY GROUNDWATER CONSERVATION DISTRICT'S GROUNDWATER MANAGEMENT PLAN. ALL VALUES ARE REPORTED IN ACRE-FEET PER YEAR AND ROUNDED TO THE NEAREST 1 ACRE-FOOT.

<i>Management Plan requirement</i>	<i>Aquifer or confining unit</i>	<i>Results</i>
Estimated annual amount of recharge from precipitation to the district	Gulf Coast Aquifer	8,199
Estimated annual volume of water that discharges from the aquifer to springs and any surface water body including lakes, streams, and rivers	Gulf Coast Aquifer	1,475
Estimated annual volume of flow into the district within each aquifer in the district	Gulf Coast Aquifer	25,390
Estimated annual volume of flow out of the district within each aquifer in the district	Gulf Coast Aquifer	40,832
Estimated net annual volume of flow between each aquifer in the district	From underlying older units into the Gulf Coast Aquifer	7,955

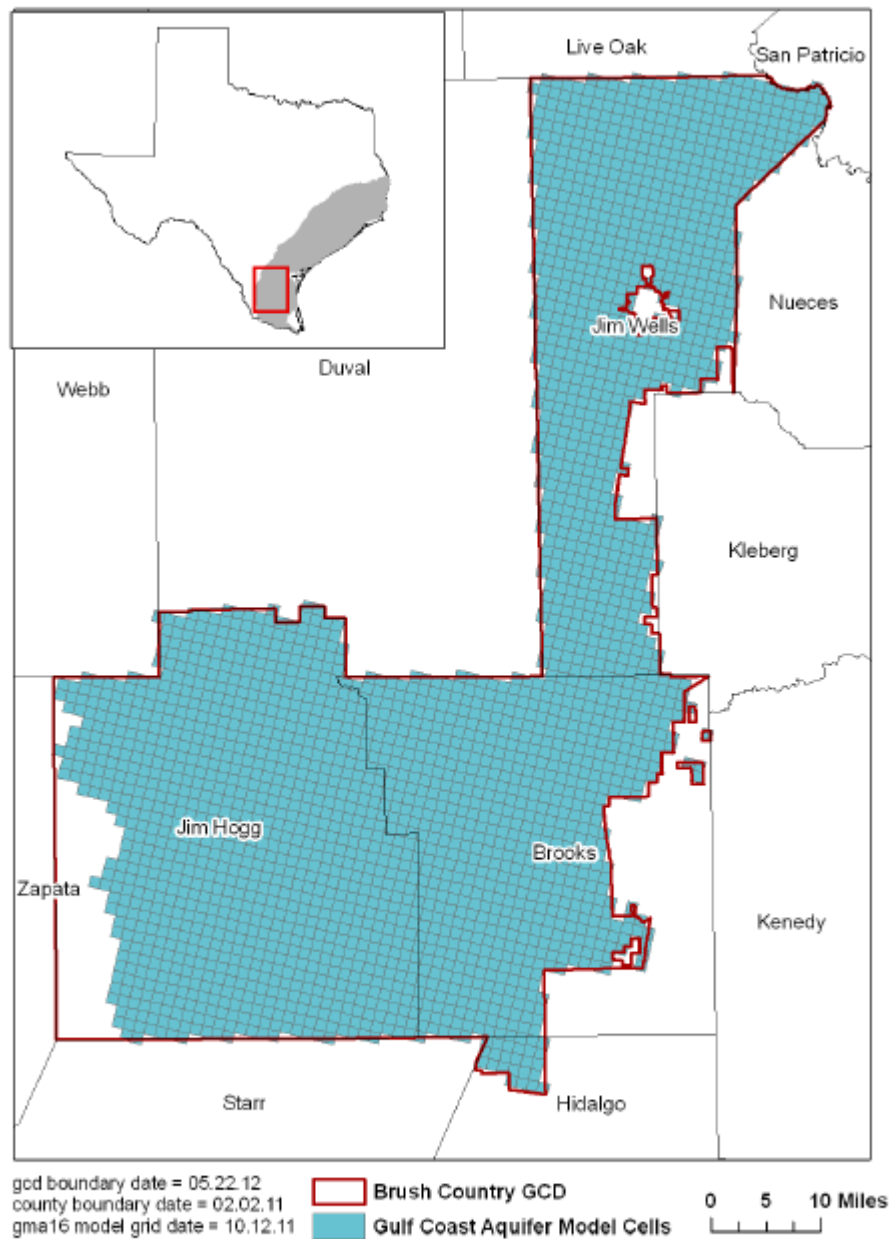


FIGURE 1: AREA OF ACTIVE MODEL CELLS FOR THE GULF COAST AQUIFER IN BRUSH COUNTRY GROUNDWATER CONSERVATION DISTRICT FROM WHICH THE INFORMATION IN TABLE 1 WAS EXTRACTED (THE AQUIFER EXTENT WITHIN THE DISTRICT BOUNDARY).

TABLE 2: SUMMARIZED INFORMATION FOR THE YEGUA JACKSON AQUIFER THAT IS NEEDED FOR BRUSH COUNTRY GROUNDWATER CONSERVATION DISTRICT'S GROUNDWATER MANAGEMENT PLAN. ALL VALUES ARE REPORTED IN ACRE-FEET PER YEAR AND ROUNDED TO THE NEAREST 1 ACRE-FOOT.

<i>Management Plan requirement</i>	<i>Aquifer or confining unit</i>	<i>Results</i>
Estimated annual amount of recharge from precipitation to the district	Yegua Jackson Aquifer	0
Estimated annual volume of water that discharges from the aquifer to springs and any surface water body including lakes, streams, and rivers	Yegua Jackson Aquifer	0
Estimated annual volume of flow into the district within each aquifer in the district	Yegua Jackson Aquifer	151
Estimated annual volume of flow out of the district within each aquifer in the district	Yegua Jackson Aquifer	156
Estimated net annual volume of flow between each aquifer in the district	Not Applicable	*Not applicable

*Groundwater availability model assumes no interaction between the Yegua Jackson and underlying units.

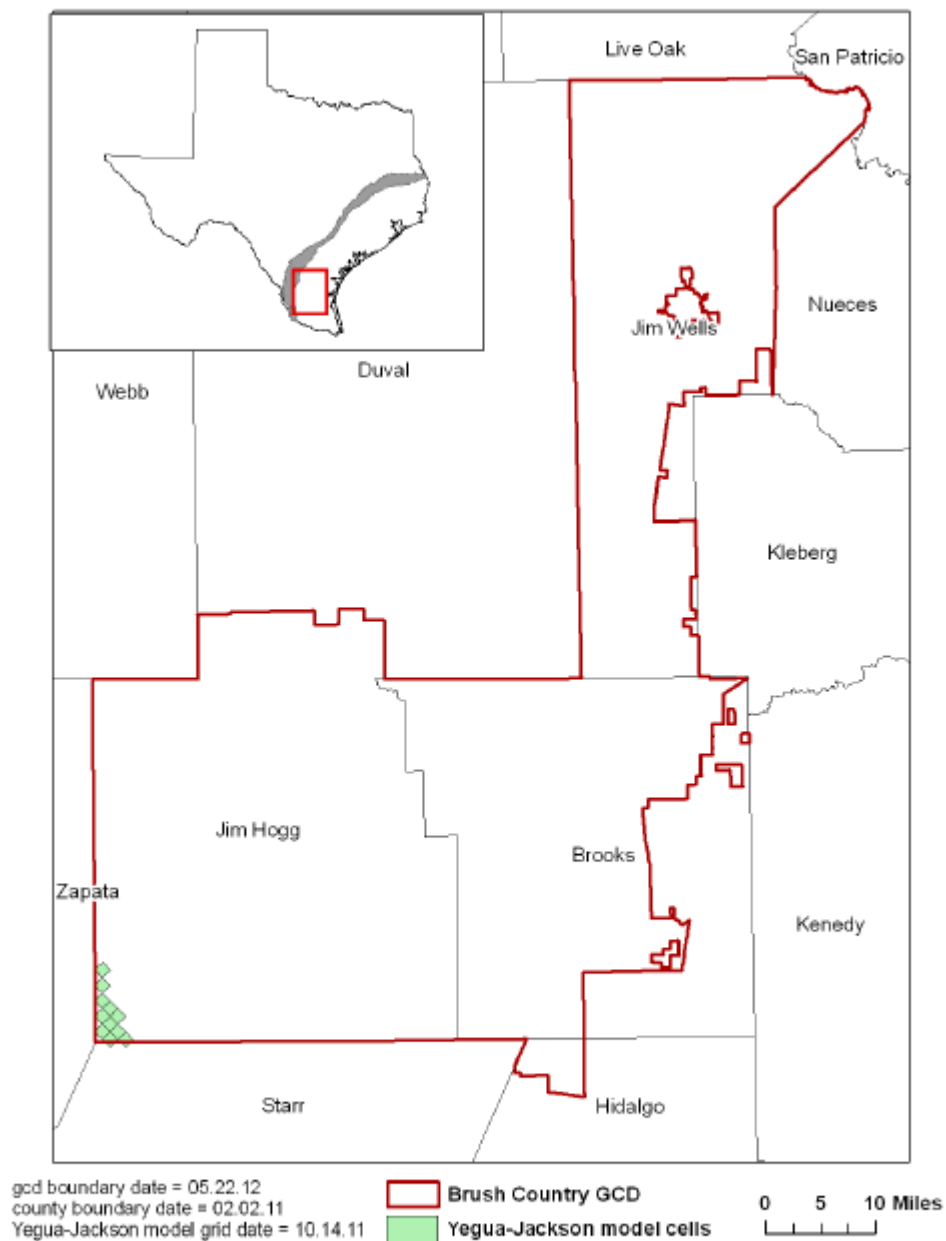


FIGURE 2: AREA OF THE GROUNDWATER AVAILABILITY MODEL FOR THE YEGUA JACKSON AQUIFER FROM WHICH THE INFORMATION IN TABLE 2 WAS EXTRACTED (THE AQUIFER EXTENT WITHIN THE DISTRICT BOUNDARY).

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.

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APPENDIX I

Projected Water Supply Needs TWDB 2012 State Water Plan Data

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

BROOKS COUNTY

All values are in acre-feet/year

RWPG	WUG	WUG Basin	2010	2020	2030	2040	2050	2060
N	COUNTY-OTHER	NUECES-RIO GRANDE	0	0	0	0	0	0
N	FALFURRIAS	NUECES-RIO GRANDE	0	0	0	0	0	0
N	IRRIGATION	NUECES-RIO GRANDE	0	0	0	0	0	0
N	LIVESTOCK	NUECES-RIO GRANDE	0	0	0	0	0	0
N	MINING	NUECES-RIO GRANDE	0	0	0	0	0	0
Sum of Projected Water Supply Needs (acre-feet/year)			0	0	0	0	0	0

HIDALGO COUNTY

All values are in acre-feet/year

RWPG	WUG	WUG Basin	2010	2020	2030	2040	2050	2060
M	ALAMO	NUECES-RIO GRANDE	-59	-762	-1,548	-2,415	-3,407	-4,424
M	ALTON	NUECES-RIO GRANDE	0	0	-2,446	-3,419	-4,482	-5,602
M	COUNTY-OTHER	NUECES-RIO GRANDE	1,028	-2,179	-5,775	-9,722	-14,197	-18,779
M	COUNTY-OTHER	RIO GRANDE	60	-187	-409	-652	-927	-1,210
M	DONNA	NUECES-RIO GRANDE	1,729	1,435	1,117	759	347	-103
M	EDCOUCH	NUECES-RIO GRANDE	-129	-188	-255	-332	-420	-516
M	EDINBURG	NUECES-RIO GRANDE	6,216	3,826	1,029	-1,805	-5,151	-8,580
M	ELSA	NUECES-RIO GRANDE	659	603	534	460	364	258
M	HIDALGO	NUECES-RIO GRANDE	594	209	-219	-685	-1,206	-1,740
M	HIDALGO	RIO GRANDE	-2	-18	-20	-27	-49	-71
M	HIDALGO COUNTY MUD #1	NUECES-RIO GRANDE	-1,130	-1,814	-2,588	-3,421	-4,342	-5,287
M	IRRIGATION	NUECES-RIO GRANDE	-179,009	-127,739	-61,663	-64,971	-68,279	-71,333
M	IRRIGATION	RIO GRANDE	-14,526	-12,328	-9,540	-9,567	-9,594	-9,619
M	LA JOYA	NUECES-RIO GRANDE	46	-5	-59	-120	-189	-265
M	LA JOYA	RIO GRANDE	19	-2	-25	-51	-80	-113
M	LA VILLA	NUECES-RIO GRANDE	256	258	259	261	261	258
M	LIVESTOCK	NUECES-RIO GRANDE	0	0	0	0	0	0
M	LIVESTOCK	RIO GRANDE	0	0	0	0	0	0
M	MANUFACTURING	NUECES-RIO GRANDE	912	589	297	5	-255	-594
M	MCALLEN	NUECES-RIO GRANDE	2,627	-2,501	-8,474	-14,830	-21,932	-29,453
M	MCALLEN	RIO GRANDE	0	-1	-1	-2	-3	-4
M	MERCEDES	NUECES-RIO GRANDE	3,231	3,123	2,988	2,846	2,652	2,434

RWPG	WUG	WUG Basin	2010	2020	2030	2040	2050	2060
M	MILITARY HIGHWAY WSC	NUECES-RIO GRANDE	-8	-143	-422	-780	-1,120	-1,479
M	MILITARY HIGHWAY WSC	RIO GRANDE	0	0	0	0	-4	-9
M	MINING	NUECES-RIO GRANDE	183	182	181	179	177	175
M	MINING	RIO GRANDE	23	22	21	21	21	20
M	MISSION	NUECES-RIO GRANDE	-1,470	-4,468	-7,824	-11,365	-15,469	-19,674
M	NORTH ALAMO WSC	NUECES-RIO GRANDE	8,983	5,627	1,853	-2,345	-7,180	-12,150
M	PALMHURST	NUECES-RIO GRANDE	0	0	209	-296	-929	-1,633
M	PALMVIEW	NUECES-RIO GRANDE	0	0	0	0	-447	-906
M	PENITAS	NUECES-RIO GRANDE	5	3	2	-1	-7	-16
M	PHARR	NUECES-RIO GRANDE	376	-1,754	-4,152	-6,799	-9,649	-12,695
M	PROGRESO	NUECES-RIO GRANDE	0	0	0	0	0	0
M	SAN JUAN	NUECES-RIO GRANDE	-478	-1,642	-2,933	-4,361	-6,008	-7,697
M	SHARYLAND WSC	NUECES-RIO GRANDE	1,624	-391	-397	-1,331	-2,296	-3,335
M	STEAM ELECTRIC POWER	NUECES-RIO GRANDE	1,816	-1,980	-4,374	-7,291	-10,847	-15,183
M	SULLIVAN CITY	RIO GRANDE	159	186	184	13	-197	-411
M	WESLACO	NUECES-RIO GRANDE	1,043	286	-579	-1,537	-2,622	-3,787
Sum of Projected Water Supply Needs (acre-feet/year)			-196,811	-158,102	-113,703	-148,125	-191,288	-236,668

JIM HOGG COUNTY

All values are in acre-feet/year

RWPG	WUG	WUG Basin	2010	2020	2030	2040	2050	2060
M	COUNTY-OTHER	NUECES-RIO GRANDE	-60	-66	-70	-73	-71	-65
M	COUNTY-OTHER	RIO GRANDE	-7	-7	-8	-8	-8	-7
M	HEBBRONVILLE	NUECES-RIO GRANDE	169	141	120	108	122	152
M	IRRIGATION	NUECES-RIO GRANDE	0	0	0	0	0	0
M	LIVESTOCK	NUECES-RIO GRANDE	0	0	0	0	0	0
M	LIVESTOCK	RIO GRANDE	0	0	0	0	0	0
M	MINING	NUECES-RIO GRANDE	8	5	4	3	2	1
Sum of Projected Water Supply Needs (acre-feet/year)			-67	-73	-78	-81	-79	-72

JIM WELLS COUNTY

All values are in acre-feet/year

RWPG	WUG	WUG Basin	2010	2020	2030	2040	2050	2060
N	ALICE	NUECES-RIO GRANDE	0	0	0	0	0	0

RWPG	WUG	WUG Basin	2010	2020	2030	2040	2050	2060
N	COUNTY-OTHER	NUECES	0	0	0	0	0	0
N	COUNTY-OTHER	NUECES-RIO GRANDE	-167	-238	-262	-241	-210	-170
N	IRRIGATION	NUECES	0	0	0	0	0	0
N	IRRIGATION	NUECES-RIO GRANDE	0	0	0	0	0	0
N	LIVESTOCK	NUECES	0	0	0	0	0	0
N	LIVESTOCK	NUECES-RIO GRANDE	0	0	0	0	0	0
N	MINING	NUECES	0	0	0	0	0	0
N	MINING	NUECES-RIO GRANDE	0	0	0	0	0	0
N	ORANGE GROVE	NUECES-RIO GRANDE	0	0	0	0	0	0
N	PREMONT	NUECES-RIO GRANDE	0	0	0	0	0	0
N	SAN DIEGO	NUECES-RIO GRANDE	0	0	0	0	0	0
Sum of Projected Water Supply Needs (acre-feet/year)			-167	-238	-262	-241	-210	-170

APPENDIX J

Projected Water Management Strategies TWDB 2012 State Water Plan Data

BROOKS COUNTY

WUG, Basin (RWPG)

All values are in acre-feet/year

Water Management Strategy	Source Name [Origin]	2010	2020	2030	2040	2050	2060
FALFURRIAS, NUECES-RIO GRANDE (N)							
MUNICIPAL WATER CONSERVATION	CONSERVATION [BROOKS]	1	38	95	156	228	309
Sum of Projected Water Management Strategies (acre-feet/year)		1	38	95	156	228	309

HIDALGO COUNTY

WUG, Basin (RWPG)

All values are in acre-feet/year

Water Management Strategy	Source Name [Origin]	2010	2020	2030	2040	2050	2060
ALAMO, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	5	10	14	19	24
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	100	200	277	381	471
ACQUISITION OF WATER RIGHTS THROUGH URBANIZATION	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	400	800	1,330	1,700	2,100
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	25	25	25	25	125	225
BRACKISH WATER DESALINATION	GULF COAST AQUIFER-BRACKISH [HIDALGO]	0	83	288	469	882	1,304
NON-POTABLE REUSE	DIRECT REUSE [HIDALGO]	34	150	225	300	400	500
ALTON, NUECES-RIO GRANDE (M)							
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	59	82	2,446	3,419	4,482	5,602
COUNTY-OTHER, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	1,090	3,888	5,860	10,099	14,390
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	94	257	395	554	736	942
EXPAND EXISTING GROUNDWATER WELLS	GULF COAST AQUIFER [HIDALGO]	0	1,089	1,887	3,861	4,098	4,389

WUG, Basin (RWPG)

All values are in acre-feet/year

Water Management Strategy	Source Name [Origin]	2010	2020	2030	2040	2050	2060
COUNTY-OTHER, RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	187	409	652	927	1,210
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	50	100	200	300	400	483
DONNA, NUECES-RIO GRANDE (M)							
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	15	32	51	72	95	118
BRACKISH WATER DESALINATION	GULF COAST AQUIFER-BRACKISH [HIDALGO]	0	50	50	50	50	50
EXPAND EXISTING GROUNDWATER WELLS	GULF COAST AQUIFER [HIDALGO]	0	25	25	25	25	25
EDDOUCH, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	65	118	175	246	299	360
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	65	70	81	86	121	156
EDINBURG, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	1,631	3,114	4,591	6,619
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	74	328	500	686	889	1,097
NON-POTABLE REUSE	DIRECT REUSE [HIDALGO]	0	0	500	1,500	3,000	4,000
ELSA, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	0	0	50	50
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	2	5	7	10	14	17
BRACKISH WATER DESALINATION	GULF COAST AQUIFER-BRACKISH [HIDALGO]	0	100	100	100	100	100
PROPOSED ELEVATED STORAGE TANK AND INFRASTRUCTURE IMPROVEMENTS FOR CITY OF ELSA	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	105	105	105	105	105	105
HIDALGO, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	0	8	29	51

WUG, Basin (RWPG)

All values are in acre-feet/year

Water Management Strategy	Source Name [Origin]	2010	2020	2030	2040	2050	2060
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	0	154	558	973
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	32	66	104	145	189	235
EXPAND EXISTING GROUNDWATER WELLS	GULF COAST AQUIFER [HIDALGO]	110	235	334	427	506	585
HIDALGO, RIO GRANDE (M)							
EXPAND EXISTING GROUNDWATER WELLS	GULF COAST AQUIFER [HIDALGO]	2	18	20	27	49	71
HIDALGO COUNTY MUD #1, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	66	100	139	181	227	274
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	1,051	1,684	2,401	3,173	4,026	4,901
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	14	30	48	68	89	112
IRRIGATION, NUECES-RIO GRANDE (M)							
IRRIGATION CONVEYANCE SYSTEM CONSERVATION	CONSERVATION [HIDALGO]	5,976	20,246	34,268	48,044	61,572	74,904
ON- FARM WATER CONSERVATION	CONSERVATION [HIDALGO]	795	5,385	13,673	25,560	40,946	59,773
IRRIGATION, RIO GRANDE (M)							
IRRIGATION CONVEYANCE SYSTEM CONSERVATION	CONSERVATION [HIDALGO]	62	207	354	498	639	779
ON- FARM WATER CONSERVATION	CONSERVATION [HIDALGO]	8	56	142	265	425	621
LA JOYA, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH URBANIZATION	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	0	2	87	185
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	7	14	21	49	62	73
BRACKISH WATER DESALINATION	GULF COAST AQUIFER-BRACKISH [HIDALGO]	50	48	75	69	40	7
LA JOYA, RIO GRANDE (M)							
BRACKISH WATER DESALINATION	GULF COAST AQUIFER-BRACKISH [HIDALGO]	0	2	25	51	80	113

WUG, Basin (RWPG)

All values are in acre-feet/year

Water Management Strategy	Source Name [Origin]	2010	2020	2030	2040	2050	2060
LA VILLA, NUECES-RIO GRANDE (M)							
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	0	1	1	1	1	1
MANUFACTURING, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	0	0	55	194
EXPAND EXISTING GROUNDWATER WELLS	GULF COAST AQUIFER [HIDALGO]	0	0	0	0	100	200
NON-POTABLE REUSE	DIRECT REUSE [HIDALGO]	0	0	0	0	100	200
MCALLEN, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	225	329	393	432
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	998	4,083	5,718	7,341
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	191	382	925	1,250	2,177	3,423
BRACKISH WATER DESALINATION	GULF COAST AQUIFER-BRACKISH [HIDALGO]	3,360	3,360	6,139	6,600	8,121	8,821
EXPAND EXISTING GROUNDWATER WELLS	GULF COAST AQUIFER [HIDALGO]	0	0	487	619	945	1,543
NON-POTABLE REUSE	DIRECT REUSE [HIDALGO]	0	0	0	2,349	5,578	9,893
MCALLEN, RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	1	1	2	3	4
MERCEDES, NUECES-RIO GRANDE (M)							
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	7	14	23	32	43	53
BRACKISH WATER DESALINATION	GULF COAST AQUIFER-BRACKISH [HIDALGO]	560	560	560	560	560	560
EXPAND EXISTING GROUNDWATER WELLS	GULF COAST AQUIFER [HIDALGO]	0	560	560	560	560	560
MILITARY HIGHWAY WSC, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	5	14	16	18

WUG, Basin (RWPG)

All values are in acre-feet/year

Water Management Strategy	Source Name [Origin]	2010	2020	2030	2040	2050	2060
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	139	353	561	789
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	8	18	28	38	43	47
EXPAND EXISTING GROUNDWATER WELLS	GULF COAST AQUIFER [HIDALGO]	0	125	250	375	500	625

MILITARY HIGHWAY WSC, RIO GRANDE (M)

ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	0	0	0	0	4	9
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MISSION, NUECES-RIO GRANDE (M)

ACQUISITION OF WATER RIGHTS THROUGH URBANIZATION	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	299	2,633	4,901	7,236	10,014	12,118
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	260	637	598	789	1,394	2,135
BRACKISH WATER DESALINATION	GULF COAST AQUIFER-BRACKISH [HIDALGO]	560	560	560	560	560	560
NON-POTABLE REUSE	DIRECT REUSE [HIDALGO]	352	839	1,765	2,780	3,909	5,321

NORTH ALAMO WSC, NUECES-RIO GRANDE (M)

ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	0	0	0	48
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	0	0	0	902
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	248	538	863	1,215	3,098	4,000
BRACKISH WATER DESALINATION	GULF COAST AQUIFER-BRACKISH [HIDALGO]	11,201	11,201	11,201	11,201	11,201	11,201

PALMHURST, NUECES-RIO GRANDE (M)

ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	0	15	46	82
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	0	281	883	1,551
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	32	68	110	155	203	254

WUG, Basin (RWPG)

All values are in acre-feet/year

Water Management Strategy	Source Name [Origin]	2010	2020	2030	2040	2050	2060
PALMVIEW, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	0	0	22	45
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	0	0	425	860
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	16	34	55	78	102	128
PENITAS, NUECES-RIO GRANDE (M)							
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	1	1	2	2	7	16
PHARR, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	89	205	311	423	554
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	698	2,478	4,721	7,086	8,895
ACQUISITION OF WATER RIGHTS THROUGH URBANIZATION	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	400	766	928	1,067	2,003
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	143	392	478	589	798	943
EXPAND EXISTING GROUNDWATER WELLS	GULF COAST AQUIFER [HIDALGO]	100	150	175	200	225	250
NON-POTABLE REUSE	DIRECT REUSE [HIDALGO]	50	50	50	50	50	50
PROGRESO, NUECES-RIO GRANDE (M)							
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	11	24	38	54	71	89
SAN JUAN, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	24	82	147	218	300	385
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	454	1,560	2,786	4,143	5,708	7,312
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	95	206	330	465	612	762

WUG, Basin (RWPG)

All values are in acre-feet/year

Water Management Strategy	Source Name [Origin]	2010	2020	2030	2040	2050	2060
SHARYLAND WSC, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	20	20	67	115	167
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	372	377	1,264	2,181	3,168
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	29	62	100	141	186	231
STEAM ELECTRIC POWER, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	980	2,374	3,291	3,847	5,183
NON-POTABLE REUSE	DIRECT REUSE [HIDALGO]	0	1,000	2,000	4,000	7,000	10,000
SULLIVAN CITY, RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	0	0	10	21
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	0	0	186	390
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	11	25	39	55	73	91
WESLACO, NUECES-RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	0	0	0	100
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	0	0	0	0	100
ADVANCED WATER CONSERVATION	CONSERVATION [HIDALGO]	44	82	124	217	793	1,048
BRACKISH WATER DESALINATION	GULF COAST AQUIFER-BRACKISH [HIDALGO]	100	100	100	100	250	350
EXPAND EXISTING GROUNDWATER WELLS	GULF COAST AQUIFER [HIDALGO]	0	0	0	100	429	899
POTABLE REUSE	DIRECT REUSE [CAMERON]	1,120	1,120	1,120	1,120	1,150	1,290
Sum of Projected Water Management Strategies (acre-feet/year)		28,037	61,436	109,705	165,287	233,014	306,209

JIM HOGG COUNTY

WUG, Basin (RWPG)

All values are in acre-feet/year

Water Management Strategy	Source Name [Origin]	2010	2020	2030	2040	2050	2060
COUNTY-OTHER, NUECES-RIO GRANDE (M)							
ADVANCED WATER CONSERVATION	CONSERVATION [JIM HOGG]	0	1	1	1	1	1
EXPAND EXISTING GROUNDWATER WELLS	GULF COAST AQUIFER [JIM HOGG]	60	66	70	73	71	65
COUNTY-OTHER, RIO GRANDE (M)							
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	7	7	8	8	8	7
HEBBRONVILLE, NUECES-RIO GRANDE (M)							
ADVANCED WATER CONSERVATION	CONSERVATION [JIM HOGG]	2	4	6	8	7	6
Sum of Projected Water Management Strategies (acre-feet/year)		69	78	85	90	87	79

JIM WELLS COUNTY

WUG, Basin (RWPG)

All values are in acre-feet/year

Water Management Strategy	Source Name [Origin]	2010	2020	2030	2040	2050	2060
ALICE, NUECES-RIO GRANDE (N)							
MUNICIPAL WATER CONSERVATION	CONSERVATION [JIM WELLS]	50	133	219	306	438	585
COUNTY-OTHER, NUECES-RIO GRANDE (N)							
GULF COAST AQUIFER SUPPLIES	GULF COAST AQUIFER [JIM WELLS]	565	565	565	565	565	565
ORANGE GROVE, NUECES-RIO GRANDE (N)							
MUNICIPAL WATER CONSERVATION	CONSERVATION [JIM WELLS]	3	8	14	18	28	38
PREMONT, NUECES-RIO GRANDE (N)							
MUNICIPAL WATER CONSERVATION	CONSERVATION [JIM WELLS]	9	22	36	49	70	92
Sum of Projected Water Management Strategies (acre-feet/year)		627	728	834	938	1,101	1,280

APPENDIX K
PROPOSED RULES



Proposed
**RULES OF THE
BRUSH COUNTRY
GROUNDWATER CONSERVATION
DISTRICT**

Amended:

Effective Date:

INTRODUCTION

The Brush Country Groundwater Conservation District (“District”) was created by the 81st Texas Legislature, Regular Session, in 2009 with the enactment of Senate Bill 2456 (now codified as Chapter 8852 Texas Special District Local Laws Code). The creation of the District was confirmed by the citizens located within the District’s boundaries in Jim Hogg, Jim Wells, Brooks, and Hidalgo Counties at an election held on November 3, 2009.

The District’s boundaries consist of the entire territory within Jim Hogg County, the area within Jim Wells County that is not within the Kenedy County Groundwater Conservation District and outside the corporate limits of the City of Alice existing as of January 1, 2009, the area of Brooks County not within the Kenedy County Groundwater Conservation District, and a portion of northern Hidalgo County.

The District strives to preserve and protect the groundwater resources within its boundaries. The District recognizes that groundwater conservation districts are the state’s preferred method of groundwater management and will work with local stakeholders towards achieving its objectives. The District will accomplish its objectives by working to lessen interference between water wells, minimize drawdown of groundwater levels, prevent the waste of groundwater, and reduce the degradation of groundwater quality within the District while helping the local economies maintain and improve their current condition. The District will also use the authority granted in its Enabling Act and applicable state laws to protect and maintain the groundwater resources of the District.

RULE 1. DEFINITIONS

In the administration of its duties, the District follows the definitions of terms set forth in the District Act, Chapter 36 of the Texas Water Code, and other definitions as follows:

1. “District Act” means the District’s enabling legislation now codified as Chapter ____, Texas Special District and Local Laws Code.
2. “Federal conservation program” means the Conservation Reserve Program of the United States Department of Agriculture, or any successor program.
3. “Groundwater” means water percolating below the surface of the earth.
4. “Groundwater reservoir” means a specific subsurface water-bearing reservoir having ascertainable boundaries containing groundwater.
5. “Subdivision of a groundwater reservoir” means a definable part of a groundwater reservoir in which the groundwater supply will not be appreciably affected by withdrawing water from any other part of the reservoir, as indicated by known geological

and hydrological conditions and relationships and on foreseeable economic development at the time the subdivision is designated or altered.

6. “Waste” means any one or more of the following:
 - A. 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. 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 that of 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 Section 11.205.
7. “Use for a beneficial purpose” means 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 user.

8. “Subsidence” means the lowering in elevation of the land surface caused by withdrawal of groundwater.
9. “Board” means the board of directors of the district.
10. “Director” means a member of the board.
11. “Public water supply well” means a well that produces the majority of its water for use by a public water system.
12. “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 media, by a nursery grower;
 - C. raising, feeding, 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.
13. “Agricultural use” means any use or activity involving agriculture, including irrigation.
14. “Conjunctive use” means the combined use of groundwater and surface water sources that optimizes the beneficial characteristics of each source.
15. “Nursery grower” means a person who grows more than 50 percent of the products that the person either sells or leases, regardless of the variety sold, leased, or grown. For the purpose of this definition, “grow” means the actual cultivation or propagation of the product beyond the mere holding or maintaining of the item prior to sale or lease and typically includes activities associated with the production or multiplying of stock such as the development of new plants from cuttings, grafts, plugs, or seedlings.
16. “Total aquifer storage” means the total calculated volume of groundwater that an aquifer is capable of producing.

17. “Modeled available groundwater” means the amount of water that the executive administrator determines may be produced on an average annual basis to achieve a desired future condition.
18. “Recharge” means the amount of water that infiltrates to the water table of an aquifer.
19. “Inflows” means the amount of water that flows into an aquifer from another formation.
20. “Discharge” means the amount of water that leaves an aquifer by natural or artificial means.
21. “Evidence of historic or existing use” means evidence that is material and relevant to a determination of the amount of groundwater beneficially used without waste by a permit applicant during the relevant time period set by district rule that regulates groundwater based on historic use. Evidence in the form of oral or written testimony shall be subject to cross-examination. The Texas Rules of Evidence govern the admissibility and introduction of evidence of historic or existing use, except that evidence not admissible under the Texas Rules of Evidence may be admitted if it is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
22. “Desired future condition” means a quantitative description, adopted in accordance with Water Code Section 36.108, of the desired condition of the groundwater resources in a management area at one or more specified future times.
23. “Domestic use” means
 - A. the use of groundwater by an individual or a household to support domestic activities, including the use of groundwater for:
 1. drinking, washing, or culinary purposes;
 2. irrigating a lawn or a family garden or orchard;
 3. watering domestic animals; or
 4. water recreation, including aquatic and wildlife enjoyment.
 - B. does not include the use of water:
 1. to support an activity for which consideration is given or received or for which the product of the activity is sold; or
 2. by or for a public water system.

24. “Livestock use” means the use of groundwater for the open-range watering of livestock, exotic livestock, game animals, or fur-bearing animals. For purposes of this subdivision, “livestock” and “exotic livestock” have the meanings assigned by Sections 1.003 and 142.001, Agriculture Code, respectively, and “game animal” and “fur-bearing animal” have the meanings assigned by Sections 63.001 and 71.001, Parks and Wildlife Code, respectively. Livestock use does not include use by or for a public water system.

RULE 2. WASTE AND BENEFICIAL USE

RULE 2.1. WASTE PREVENTION

- A. Groundwater shall not be produced within, or used within or outside of the District, in such a manner as to constitute waste as defined in these Rules.
- B. No person shall pollute or harmfully alter the character of the underground water reservoir of the District by means of salt water or other deleterious matter admitted from some other stratum or strata from the surface of the ground.
- C. No person shall commit waste as that term is defined in Section 13.

RULE 2.2. USE FOR A BENEFICIAL PURPOSE

- 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.
- C. Any other purpose that is useful and beneficial to the user.

RULE 2.3. ORDERS TO PREVENT WASTE/POLLUTION

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

RULE 3. RULEMAKING

- A. The district may make and enforce rules, including rules limiting groundwater production based on tract size or the spacing of wells, to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater and to carry out the powers and duties provided by this chapter. In adopting a 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;
 - 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 from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution;
 - 5. consider the goals developed as part of the district's management plan; 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.
- B. Any rule of the district that discriminates between land that is irrigated for production and land that was irrigated for production and enrolled or participating in a federal conservation program is void.
- C. Not later than the 20th day before the date of a rulemaking hearing, the general manager or board shall:
 - 1. post notice in a place readily accessible to the public at the district office;
 - 2. provide notice to the county clerk of each county in the district;
 - 3. publish notice in one or more newspapers of general circulation in the counties in which the district is located;

4. provide notice by mail, facsimile, or electronic mail to any person who has requested notice under Subsection (h); and
 5. make available a copy of all proposed rules at a place accessible to the public during normal business hours and, if the district has a website, post an electronic copy on a generally accessible Internet site.
- D. The notice provided under Subsection (c) must include:
1. the time, date, and location of the rulemaking hearing;
 2. a brief explanation of the subject of the rulemaking hearing; and
 3. a location or Internet site at which a copy of the proposed rules may be reviewed or copied.
- E. The presiding officer shall conduct a rulemaking hearing in the manner the presiding officer determines to be most appropriate to obtain information and comments relating to the proposed rule as conveniently and expeditiously as possible. Comments may be submitted orally at the hearing or in writing. The presiding officer may hold the record open for a specified period after the conclusion of the hearing to receive additional written comments.
- F. Each person who participates in a rulemaking hearing to submit a hearing registration form stating:
1. the person's name;
 2. the person's address; and
 3. whom the person represents, if the person is not at the hearing in the person's individual capacity.
- G. The presiding officer shall prepare and keep a record of each rulemaking hearing in the form of an audio or video recording or a court reporter transcription.
- H. A person may submit to the district a written request for notice of a rulemaking hearing. 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. 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.

- I. The District may use an informal conference or consultation to obtain the opinions and advice of interested persons about contemplated rules and may appoint advisory committees of experts, interested persons, or public representatives to advise the district about contemplated rules.
- J. Failure to provide notice under Subsection (c)(4) does not invalidate an action taken by the District at a rulemaking hearing.

RULE 4. EMERGENCY RULES

- A. The board may adopt an emergency rule without prior notice or hearing, or with an abbreviated notice and hearing, if the board:
 - 1. 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 days' notice; and
 - 2. prepares a written statement of the reasons for its finding under Subdivision 1.
- B. Except as provided by Subsection (c), a rule adopted under this rule may not be effective for longer than 90 days.
- C. If notice of a hearing on the final rule is given not later than the 90th day after the date the rule is adopted, the rule is effective for an additional 90 days.

RULE 5. ENFORCEMENT OF RULES, ORDERS, PERMITS

- A. The district may enforce its rules, orders and permits against any person by injunction, mandatory injunction, or other appropriate remedy in a court of competent jurisdiction.
- B. Any person who breaches any rule, order or permit of the District is subject to civil penalties not to exceed \$10,000 per day per violation, and each day of a continuing violation constitutes a separate violation.
- C. A penalty under this rule is in addition to any other penalty provided by the law of this state and may be enforced against any person by complaints filed in the appropriate court of jurisdiction in Brooks County.
- D. If the district prevails in any suit to enforce its rules, orders, and permits, the District may seek and the court shall grant against any person, in the same action,

recovery for attorney's fees, costs for expert witnesses, and other costs incurred by the District before the court. The amount of the attorney's fees shall be fixed by the court.

RULE 6. RECORDS AND REPORTS

- A. An owner or operator of a water well that is required to be registered with or permitted by the district, except for the owner or operator of a well that is exempt from permit requirements, must report groundwater withdrawals using reasonable and appropriate reporting methods and frequency established by the District.
- B. Accurate drillers' logs must be kept of water wells and copies of drillers' logs and electric logs must be filed with the District.

RULE 7. PERMIT REQUIRED , PERMIT AMENDMENTS, APPLICATION

- A. No person, firm, or corporation may drill a non-exempt well without first obtaining a permit from the District.
- B. No person, firm, or corporation may alter the size of a non-exempt well or well pump such that it would bring that well under the jurisdiction of the district without first obtaining a permit from the District.
- C. No person, firm, or corporation may operate a non-exempt well without first obtaining a permit from the District.
- D. A violation occurs on the first day the drilling, alteration, or operation begins and continues each day thereafter until the appropriate permits are approved.
- E. Except as exempted under the rules, the District requires a permit for the drilling, equipping, operating, or completing of wells or for substantially altering the size of wells or well pumps. A change in the withdrawal or use of groundwater during the term of a permit issued by the district may not be made unless the District has first approved a permit amendment authorizing the change.
- F. The District does not require a permit or a permit amendment for maintenance or repair of a well if the maintenance or repair does not increase the production capabilities of the well to more than its authorized or permitted production rate.
- G. An application for a permit or a permit amendment must be in writing in a form provided by the District and sworn to.

- H. The following shall be included in the permit or permit amendment application:
1. the name and mailing address of the applicant and the owner of the land on which the well will be located;
 2. if the applicant is other than the owner of the property, documentation establishing the applicable authority to construct and operate a well for the proposed use;
 3. a statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose;
 4. a water conservation plan or a declaration that the applicant will comply with the District's management plan;
 5. the location of each well and the estimated rate at which water will be withdrawn;
 6. a water well closure plan or a declaration that the applicant will comply with well plugging guidelines and report closure to the District and all other appropriate agencies; and
 7. a drought contingency plan.

RULE 8. CRITERIA FOR ISSUANCE AND ELEMENTS OF PERMIT

- A. Before granting or denying a permit or permit amendment, the District shall consider whether:
1. the application conforms to the requirements prescribed by these rules 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 approved management plan;
 5. the maximum allowable production, if any;

6. the applicant has agreed to avoid waste and achieve water conservation; and
 7. 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.
- B. A permit issued by the District to the applicant under these rules shall state the terms and provisions prescribed by the District.
- C. The permit will include:
1. the name and address of the person to whom the permit is issued;
 2. the location of the well;
 3. the date the permit is to expire if no well is drilled;
 4. a statement of the purpose for which the well is to be used;
 5. a requirement that the water withdrawn under the permit be put to beneficial use at all times;
 6. the location of the use of the water from the well;
 7. a water well closure plan or a declaration that the applicant will comply with well plugging guidelines and report closure to the District and other appropriate agencies;
 8. the conditions and restrictions, if any, placed on the rate and amount of withdrawal;
 9. any conservation-oriented methods of drilling and operating prescribed by the district;
 10. any maximum allowable production;
 11. a drought contingency plan prescribed by the district; and
 12. other terms and conditions as provided by the District rules.

RULE 9. PERMITS FOR EXISTING WELLS.

- A. Any well existing on or before the December 6, 2012 of these rules, which has not been permitted and which is not exempted from permitting under Rule 13, is entitled to obtain a permit from the District in the manner provided by this Rule.
- B. Applications for permits for existing nonexempt wells must be filed with the District. Any owner of an existing nonexempt well who failed to apply by February 6, 2013 of the Rules may make application for a permit pursuant to this Rule; provided, however, if the well was in operation during the period from the December 6, 2012 until the application was made, in addition to the normal requirements, past water use fees, if any, shall be paid for each year of operation. Upon written request of the well owner or permittee, the Board may waive any or all past due fees.

Upon completion of a sworn application providing the completion date, capacity, location, water use, and such other information as may be required by the District, and upon payment of the application processing fee, the current annual water use fee, and any required past water use fees, the District will issue a permit to the applicant in accordance with the applicable provisions of

RULE 10. MAXIMUM ALLOWABLE PRODUCTION

- A. The initial permits issued by the District will not include production limits unless necessary so that the total the total production of exempt and permitted groundwater production will achieve the desired future conditions.
- B. If necessary to set a maximum allowable production for initial permits; the District shall manage total groundwater production on a long-term basis to achieve the desired future condition and the District will also consider:
 - 1. the modeled available groundwater determined by the executive administrator of the Texas Water Development Board;
 - 2. the executive administrator's estimate of the current and projected amount of groundwater produced under exemptions granted by district rules;
 - 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.
- C. In order to protect the public health and welfare and to conserve and manage the groundwater resources in the District during times of drought, the District may pro-rate groundwater use, place special requirements on, modify, delay, or deny a permit for a new well during a District-declared drought.
 - D. The District may impose more restrictive permit conditions on new permit applications and increased use by historic users if the limitations:
 1. Apply to all subsequent new permit applications and increased use by historic users, regardless of type or location of use;
 2. Bear a reasonable relationship to the existing District Management Plan; and
 3. Are reasonably necessary to protect existing use.

RULE 11. PERMIT TERM

Unless otherwise specified by the Board of Directors or these rules, a permit is effective until the end of the calendar year in which it is issued. If renewed, such permits shall thereafter be effective for one-year terms from the initial expiration date unless otherwise specified by the Board. The permit terms will be shown in the permit. A permit applicant requesting a permit term longer than one year must substantiate its reason for the longer term and its need to put groundwater to beneficial use throughout the proposed permit term.

RULE 12. TIMING OF ACTION ON APPLICATION

- A. The District shall promptly consider and act on each administratively complete application for a permit or permit amendment or, if within 60 days after the date an administratively complete application is submitted, the application has not been acted on or set for a hearing on a specific date, the applicant may petition the district court of the county where the land is located for a writ of mandamus to compel the district to act on the application or set a date for a hearing on the application, as appropriate.
- B. For applications requiring a hearing, the initial hearing shall be held within 35 days after the setting of the date, and the District shall act on the application within 60 days after the date the final hearing on the application is concluded.

- C. The application will expire if the information requested in the application is not provided to the District within 60 days of written request.
- D. An administratively complete application requires information set forth in accordance with these rules.

RULE 13. REGULATION OF SPACING AND PRODUCTION

- A. In order to minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, to control subsidence, to prevent interference between wells, to prevent degradation of water quality, or to prevent waste, the District regulates well spacing.
- B. *All wells drilled prior to the effective date of these Rules, shall be drilled in accordance with state law in effect, if any, on the date such drilling commenced.*
- C. All new wells drilled after the effective date of these rules must comply with the spacing and location requirements set forth under the Texas Water Well Drillers and Pump Installers Administration Rules, Title 16, Part 4, Chapter 76, Texas Administrative Code, unless a written variance is granted by the Texas Department of Licensing and Regulation and a copy of the variance is forwarded to the District by the applicant or registrant.
- D. After authorization to drill a well has been granted under a registration or a permit, the well, if drilled, must be drilled within ten (10) yards (30 feet) of the location specified in the permit, and not elsewhere. If the well should be commenced or drilled at a different location, the drilling or operation of such well may be enjoined by the Board pursuant to Chapter 36, Texas Water Code, and these Rules.
- E. In addition to the requirements of subsection (c), spacing of nonexempt wells capable of producing over 10,000,000 gallons annually may be required to prevent interference between wells and impacts to neighboring wells and shall be determined based on a hydrogeological report submitted with the application for the well. The Board may, among other things, require wells to be spaced a certain distance from property lines or adjoining wells.

RULE 14. EXEMPT WELLS

- A. The District provides an exemption from the District requirement to obtain a permit for:

1. drilling or operating a well used solely for domestic use or for providing water for livestock or poultry if the well is:
 - a. located or to be located on a tract of land larger than 10 acres; and
 - b. 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, 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.
- B. The District may not restrict the production of water from any well described by Subsection (a)(1).
- C. The District may cancel a previously granted exemption, and may require an operating permit for or restrict production from a well, if:
1. the groundwater withdrawals that were exempted under Subsection (a)(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 (a)(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.
- D. An entity holding a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, that authorizes the drilling of water well shall report monthly to the District:
1. the total amount of water withdrawn during the month;
 2. the quantity of water necessary for mining activities; and

3. the quantity of water withdrawn for other purposes.
- E. The District requires compliance with the District's well spacing rules for the drilling of any well except a well exempted under Subsection (a)(3).
 - F. The 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.
 - G. The district shall require the owner of a water well to:
 1. register the well in accordance with rules promulgated by the District; and
 2. equip and maintain the well 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.
 - H. The driller of a well shall file with the District the well log required by [Section 1901.251, Occupations Code](#), and, if available, the geophysical log.
 - I. An exemption provided under Subsection (a) does not apply to a well if the groundwater withdrawn is used to supply water for a subdivision of land for which a plat approval is required by Chapter 232, Local Government Code.
 - J. Groundwater withdrawn under an exemption provided in accordance with this rule and subsequently transported outside the boundaries of the district is subject to any applicable production and export fees provided under these rules.
 - K. This rule applies to water wells, including water wells used to supply water for activities related to the exploration or production of hydrocarbons or minerals. This rule 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 15. OPEN OR UNCOVERED WELLS

- A. The owner or lessee of land on which an open or uncovered well is located is required to keep the well permanently closed or capped with a covering capable of sustaining weight of at least 400 pounds, except when the well is in actual use.

- B. As used in this rule, “open or uncovered well” means an artificial excavation dug or drilled for the purpose of exploring for or producing water from the groundwater reservoir and is not capped or covered as required by this rule.
- C. If the owner or lessee fails or refuses to close or cap the well in with District rules, any person, firm, or corporation employed by the District may go on the land and close or cap the well safely and securely.
- D. Reasonable expenses incurred by the District in closing or capping a well constitute a lien on the land on which the well is located.
- E. The lien arises and attaches upon recordation in the deed records of the county where the well is located an affidavit, executed by any person conversant with the facts, stating the following:
 - 1. the existence of the well;
 - 2. the legal description of the property on which the well is located;
 - 3. the approximate location of the well on the property;
 - 4. the failure or refusal of the owner or lessee, after notification, to close the well within 10 days after the notification;
 - 5. the closing of the well by the District, or by an authorized agent, representative, or employee of the District; and
 - 6. the expense incurred by the district in closing the well.
- F. Nothing in this rule affects the enforcement of Subchapter A, Chapter 756, Health and Safety Code.

RULE 16. TRANSFER OF GROUNDWATER OUT OF DISTRICT

- A. If an application for a permit or an amendment to a permit under Rule 7 proposes the transfer of groundwater outside of the district’s boundaries, the District may also consider the provisions of this rule in determining whether to grant or deny the permit or permit amendment.
- B. The District may impose a reasonable fee, set by resolution, for processing an application under this rule. The fee may not exceed fees that the District imposes for processing other applications for a permit. An application filed to comply with this rule shall be considered and processed under the same procedures as

other applications for permits and shall be combined with applications filed to obtain a permit for in-district water use from the same applicant.

- C. The District may impose a fee or surcharge for an export fee, as set by resolution.
- D. In reviewing a proposed transfer of groundwater out of the District, the District shall determine whether the proposed transfer would have a negative effect on:
 - 1. the availability of water in the District;
 - 2. the conditions of any aquifer that overlies the District;
 - 3. subsidence in the District;
 - 4. existing permit holders or other groundwater users in the District; and
 - 5. any applicable approved regional water plan or approved District management plan.
- E. If the District determines under Subsection (d) that the transfer would have a negative effect, the District may impose other requirements or limitations on the permit, in addition to the conditions authorized by Section 36.122, Water Code, that are designed to minimize the effect.
- F. In addition to conditions provided by Rule 8, the permit shall specify:
 - 1. the amount of water that may be transferred out of the District; and
 - 2. the period for which the water may be transferred.
- G. The District may periodically review the amount of water that may be transferred under the permit and may limit the amount if additional factors considered in Subsection (d) warrant the limitation. The review described by this subsection may take place not more frequently than the period provided for the review or renewal of regular permits issued by the District. In its determination of whether to renew a permit issued under this rule, the District shall consider relevant and current data for the conservation of groundwater resources and shall consider the permit in the same manner it would consider any other permit in the District.
- H. The District is prohibited from using revenues obtained under Subsection (c) to prohibit the transfer of groundwater outside of a District. The District is not prohibited from using revenues obtained under Subsection (c) for paying expenses related to enforcement of Water Code Chapter 36 or District rules.

- I. In applying this rule, a district must be fair, impartial, and nondiscriminatory.

RULE 17. RIGHT TO ENTER LAND

- A. The directors, engineers, attorneys, agents, operators, and employees of the District may go on any land to inspect, make surveys, or perform tests to determine the condition, value, and usability of the property, with reference to the proposed location of works, improvements, plants, facilities, equipment, or appliances. The cost of restoration shall be borne by the District.
- B. District employees and agents are entitled to enter any public or private property within the boundaries of the District or adjacent to any reservoir or other property owned by the District at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit, or other order of the District. District employees or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection and shall notify any occupant or management of their presence and shall exhibit proper credentials.

RULE 18. DISTRICT FEES

- A. The district may set fees for administrative acts of the district, such as filing applications. Fees set by a district may not unreasonably exceed the cost to the district of performing the administrative function for which the fee is charged. Administrative fees will be set by resolution.
- B. The District shall set and collect fees for all services provided outside the boundaries of the district. The fees may not unreasonably exceed the cost to the District of providing the services outside the district. Fees for services provided outside the District will be set by resolution.
- C. The District may assess production fees based on the amount of water authorized by permit to be withdrawn from a well or the amount actually withdrawn. The District may assess the fees in conjunction with taxes otherwise levied by the District. The District may use revenues generated by the fees for any lawful purpose. Production fees, if any, will be set by resolution and shall not exceed:
 1. \$1 per acre-foot payable annually for water used for agricultural use; or
 2. \$10 per acre-foot payable annually for water used for any other purpose.

RULE 19. NOTICE AND HEARING PROCESS

RULE 19.1. SCHEDULE OF HEARING

- A. The general manager or board may schedule a hearing on permit or permit amendment applications received by the District as necessary.
- B. The general manager or board may schedule more than one application for consideration at a hearing.
- C. A hearing must be held at the District office or regular meeting location of the board unless the board provides for hearings to be held at a different location. For a hearing conducted by SOAH, the District may hold the hearing in Travis County.
- D. A hearing may be held in conjunction with a regularly scheduled board meeting.

RULE 19.2. NOTICE

- A. If the general manager or board schedules a hearing on an application for a permit or permit amendment, the general manager or board shall give notice of the hearing as provided by this rule.
- B. The notice must include:
 - 1. the name of the applicant;
 - 2. the address or approximate location of the well or proposed well;
 - 3. 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;
 - 4. the time, date, and location of the hearing; and
 - 5. any other information the general manager or board considers relevant and appropriate.
- C. Not later than the 10th day before the date of a hearing, the general manager or board shall:
 - 1. post notice in a place readily accessible to the public at the District office;

2. provide notice to the county clerk of each county in the District; and
 3. provide notice by:
 - a. regular mail to the applicant;
 - b. regular mail, facsimile, or electronic mail to any person who has requested notice under Subsection (d) below; and
 - c. regular mail to any other person entitled to receive notice under the rules of the District.
- 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.
- E. Failure to provide notice under Subsection (c)(3)(B) does not invalidate an action taken by the District at the hearing.

RULE 19.3. HEARING REGISTRATION

The District requires each person who participates in a hearing to submit a hearing registration form stating:

- A. the person's name;
- B. the person's address; and
- C. whom the person represents, if the person is not there in the person's individual capacity.

RULE 19.4. HEARING PROCEDURES

- A. A hearing must be conducted by:
 1. a quorum of the board;

2. an individual to whom the board has delegated in writing the responsibility to preside as a hearings examiner over the hearing or matters related to the hearing; or
 3. the State Office of Administrative Hearings under Rule 19.14.
- B. Except as provided by Subsection (c) or Rule 19.14, the board president or the hearings examiner shall serve as the presiding officer at the hearing.
- C. If the hearing is conducted by a quorum of the board and the board president is not present, the directors conducting the hearing may select a director to serve as the presiding officer.
- D. The presiding officer may:
1. convene the hearing at the time and place specified in the notice;
 2. set any necessary additional hearing dates;
 3. designate the parties regarding a contested application;
 4. establish the order for presentation of evidence;
 5. administer oaths to all persons presenting testimony;
 6. examine persons presenting testimony;
 7. ensure that information and testimony are introduced as conveniently and expeditiously as possible without prejudicing the rights of any party;
 8. prescribe reasonable time limits for testimony and the presentation of evidence; and
 9. exercise the procedural rules adopted by the District.
- E. Except as otherwise provided, the District may allow any person, including the general manager or a district employee, to provide comments at a hearing on an uncontested application.
- F. The presiding officer may allow testimony to be submitted in writing and may require that written testimony be sworn to. On the motion of a party to the hearing, the presiding officer may exclude written testimony if the person who submits the testimony is not available for cross-examination by phone, a deposition before the hearing, or other reasonable means.

- G. If the board has not acted on the application, the presiding officer may allow a person who testifies at the hearing to supplement the testimony given at the hearing by filing additional written materials with the presiding officer not later than the 10th day after the date of the hearing. A person who files additional written material with the presiding officer under this subsection must also provide the material, not later than the 10th day after the date of the hearing, to any person who provided comments on an uncontested application or any party to a contested hearing. A person who receives additional written material under this subsection may file a response to the material with the presiding officer not later than the 10th day after the date the material was received.
- H. The presiding officer, at the presiding officer's discretion, may issue an order at any time before board action on a permit application that:
 - 1. refers parties to a contested hearing to an alternative dispute resolution procedure on any matter at issue in the hearing;
 - 2. determines how the costs of the procedure shall be apportioned among the parties; and
 - 3. appoints an impartial third party as provided by Section 2009.053, Government Code, to facilitate that procedure.

RULE 19.5. EVIDENCE

- A. The presiding officer shall admit evidence that is relevant to an issue at the hearing.
- B. The presiding officer may exclude evidence that is irrelevant, immaterial, or unduly repetitious.

RULE 19.6. RECORDING

- A. Except as provided by Subsection (b), the presiding officer shall prepare and keep a record of each hearing in the form of an audio or video recording or a court reporter transcription. 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.

- B. If a hearing is uncontested, the presiding officer may substitute minutes or the report required under Rule 19.8 for a method of recording the hearing provided by Subsection (a).

RULE 19.7. CONTINUANCE

The presiding officer may continue a hearing from time to time and from place to place without providing notice. If the presiding officer continues a hearing without announcing at the hearing the time, date, and location of the continued hearing, the presiding officer must provide notice of the continued hearing by regular mail to the parties.

RULE 19.8. REPORT

- A. Except as provided by Subsection (e), the presiding officer shall submit a report to the board not later than the 30th day after the date a hearing is concluded.
- B. The report must include:
 - 1. a summary of the subject matter of the hearing;
 - 2. a summary of the evidence or public comments received; and
 - 3. the presiding officer's recommendations for board action on the subject matter of the hearing.
- C. The presiding officer or general manager shall provide a copy of the report to:
 - 1. the applicant; and
 - 2. each person who provided comments or each designated party.
- D. A person who receives a copy of the report under Subsection (c) may submit to the board written exceptions to the report.
- E. If the hearing was conducted by a quorum of the board and if the presiding officer prepared a record of the hearing, the presiding officer shall determine whether to prepare and submit a report to the board under this rule.

RULE 19.9. BOARD ACTION

The board shall act on a permit or permit amendment application not later than the 60th day after the date the final hearing on the application is concluded. For a hearing conducted by the State Office of Administrative Hearings, the final hearing on the application concludes on the date the SOAH proposal for decision, exceptions and replies to exceptions to the proposal for decision are presented the Board of Directors. In a proceeding for a permit application or amendment in which a district has contracted with the State Office of Administrative Hearings for a contested case hearing, the board has the authority to make a final decision on consideration of a proposal for decision issued by an administrative law judge consistent with Section 2001.058, Government Code.

RULE 19.10. REQUEST FOR REHEARING OR FINDINGS AND CONCLUSIONS

- A. An applicant in a contested or uncontested hearing on an application or a party to a contested hearing may administratively appeal a decision of the board on a permit or permit amendment application by requesting written findings and conclusions or a rehearing before the board not later than the 20th day after the date of the board's decision.
- B. On receipt of a timely written request, the board shall make written findings and conclusions regarding a decision of the board on a permit or permit amendment application. 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 before the board not later than the 20th day after the date the board issues the findings and conclusions.
- C. A request for rehearing must be filed in the District office and must state the grounds for the request. If the original hearing was a contested hearing, the person requesting a rehearing must provide copies of the request to all parties to the hearing.
- D. If the board grants a request for rehearing, the board shall schedule the rehearing not later than the 45th day after the date the request is granted.
- E. The failure of the board to grant or deny a request for rehearing before the 91st day after the date the request is submitted is a denial of the request.

RULE 19.11. DECISION; WHEN FINAL

- A. A decision by the board on a permit or permit amendment application is final:
 - 1. if a request for rehearing is not filed on time, on the expiration of the period for filing a request for rehearing; or
 - 2. if a request for rehearing is filed on time, on the date:
 - a. the board denies the request for rehearing; or
 - b. the board renders a written decision after rehearing.
- B. Except as provided by Subsection (c), an applicant or a party to a contested hearing may file a suit against the District to appeal a decision on a permit or permit amendment application not later than the 60th day after the date on which the decision becomes final.
- C. An applicant or a party to a contested hearing may not file suit against the District under if a request for rehearing was not filed on time.

RULE 19.12. CONSOLIDATED HEARING ON APPLICATIONS

- A. Except as provided by Subsection (b), the District shall process applications from a single applicant under consolidated notice and hearing procedures on written request by the applicant if the district requires a separate permit or permit amendment application for:
 - 1. drilling, equipping, operating, or completing a well or substantially altering the size of a well or well pump;
 - 2. the spacing of water wells or the production of groundwater; or
 - 3. transferring groundwater out of a district.
- B. The District is not required to use consolidated notice and hearing procedures to process separate permit or permit amendment applications from a single applicant if the board cannot adequately evaluate one application until it has acted on another application.

RULE 19.13. HEARING REQUEST AND AFFECTED PERSON DETERMINATION

- A. Hearing Requests. The following may request a contested hearing under these Rules:
1. the Board;
 2. the General Manager;
 3. the applicant; and
 4. affected persons (as determined in F. below).
- B. Form of Request. A request for a contested hearing by an affected person (as determined in F. below) must be in writing and be filed by United States mail, facsimile, e-mail, or hand delivery with the District within the time provided by subsection D. of this section.
- C. Requirements for Request. A hearing request by an affected person (as determined in F. below) must substantially comply with the following:
1. give the name, address, and daytime telephone number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and, where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
 2. identify the person's personal justiciable interest affected by the application, or District action including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the activity that is the subject of the application or District action and how and why the requestor believes he or she will be affected by the activity in a manner not common to members of the general public;
 3. request a contested hearing;
 4. if the party requesting a hearing desires for the hearing to be referred to and conducted by the State Office of Administrative Hearings, then the hearing request must include a statement "I/we request that the State Office of Administrative Hearings conduct the hearing."; and,
 5. if applicable, provide any other information specified in the public notice of application.

- D. Deadline for hearing requests. A hearing request by an affected person (as determined in F. below) must be filed with the District within 20 days after the last publication of the notice of application.
- E. A request for a contested hearing shall be granted:
1. by the General Manager if the request is made by the applicant or the General Manager; or
 2. by the Presiding Officer if the request is made by an affected person (as determined in F. below) other than the applicant or the General Manager and the request:
 - a. is based solely on concerns within the jurisdiction and authority of the District;
 - b. is supported by competent showing that the person requesting a hearing is likely to be impacted by the proposed regulated activity;
 - c. complies with all of the requirements of A through D above; and,
 - d. is timely filed with the District.
- F. Determination of Affected Person and a Party's Right to participate in a Hearing to be made by the Presiding Officer.

At a preliminary hearing conducted by the District before the commencement of an evidentiary hearing, the Presiding Officer shall determine a party's right to participate in a hearing. The Presiding Officer may refer to SOAH the determination of a party's right to participate in a hearing. Any "affected person", as determined under this section, may participate in a hearing.

1. For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.
2. Governmental entities, including local governments and public agencies, with authority under state law over issues contemplated by the application may be considered affected persons.

3. Relevant factors shall be considered, including, but not limited to, the following:
 - a. whether the interest claimed is one protected by the Act or Texas Water Code Chapter 36;
 - b. distance between the regulated activity and the affected interest;
 - c. whether a reasonable relationship exists between the interest claimed and the activity regulated;
 - d. likely impact of the regulated activity on the use of groundwater interests of the person; and
 - e. for governmental entities, their statutory authority over or interest in the issues relevant to the application.
4. An applicant is an affected person.

RULE 19.14. HEARINGS CONDUCTED BY STATE OFFICE OF ADMINISTRATIVE HEARINGS

If requested by an applicant or other party to a contested case, the District shall contract with the State Office of Administrative Hearings to conduct a hearing. A person opposing an application who requests a hearing under Rule 19.13C must include in a timely hearing request the statement “I/we request that the State Office of Administrative Hearings conduct the hearing” in order for the hearing to be referred to and conducted by SOAH.

An applicant desiring that the District refer a contested case to SOAH must make a written request for the SOAH referral no later than 10 days after the determination that the District will grant a hearing under rule 19.13E.

A party requesting a hearing before SOAH shall pay all costs associated with the contract for a SOAH hearing and shall deposit with the District an amount determined by the District to pay the contract amount before the hearing begins. At the conclusion of the hearing, the District shall refund any excess money to the paying party.

If the District contracts with the State Office of Administrative Hearings to conduct a hearing, the hearing shall be conducted as provided by Subchapters C, D, and F, Chapter 2001, Government Code.

RULE 19.16. DISCOVERY

The presiding officer may issue subpoenas, require deposition and order other discovery consistent with the authority granted to a state agency under Subchapters C, D, and F, Chapter 2001, Texas Government Code.

RULE 19.17. RULES; ALTERNATIVE DISPUTE RESOLUTION

A district by rule may develop and use alternative dispute resolution procedures in the manner provided for governmental bodies under Chapter 2009, Government Code.

RULE 19.18. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT

Except as provided by these rules and Water Code Sections 36.416 and 36.4165, Chapter 2001, Government Code, does not apply to a hearing under these Rules.