

GLASSCOCK COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

KENNETH BRADEN, CHAIRMAN
DENNIS SEIDENBERGER, V-CHAIRMAN
ZANE EOFF, SECRETARY
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Mr. Craig Pedersen
Executive Administrator
Texas Water Development Board
1700 N. Congress
Austin, Texas 78711-3231

Dear Mr. Pedersen,

Attached is a copy of the adopted Management Plan of the Glasscock County Underground Water Conservation District (GCUWCD) as required by §36.1072(a) of the Texas Water Code. The GCUWCD Management Plan was adopted by the Board of Directors at their monthly meeting on March 17, 1998. In addition, a copy of the GCUWCD Board of Directors resolution adopting the plan is also attached.

This plan replaces our existing Management Plan that was adopted by the District in 1989.

The GCUWCD Management Plan was developed during open meetings of the Board as required by the Open Meeting Act. Documentation that notice and hearing requirements were followed is presented as a separate attachment. There are no surface water management entities located within the District. Since notices of hearings are posted within the District, no additional notification is given under §36.1071(a).

The following cross-references are provided as a means of documenting the completeness of the Management Plan as applicable to the statutory requirements of Chapter 36 of the Texas Water Code.

§36.1071(a) since there are no surface water entities located within the District, no surface water entities were notified.

§36.1071(a)(1) is addressed in Section titled Location and Extent, Section titled Potential Demand and Supply Issues and Solutions, Section titled Management of Groundwater Supplies, and Section titled Goals, Management Objectives and Performance Standards, Goal 2.0 - 2.2a.

§36.1071(a)(2) is addressed Section titled Goals, Management Objectives and Performance Standards, Goal 1.0 - 1.1a.

§36.1071(a)(3) is addressed in Section titled SB-1 Management Goals Determined Not-Applicable, Goal 3.0.

§36.1071(a)(4) is addressed in Section titled Surface Water Resources of Glasscock County U.W.C.D and in Section titled SB-1 Management Goals Determined Not-Applicable, Goal 4.0.

§36.1071(a)(5) is addressed in Section titled SB-1 Management Goals Determined Not-Applicable, Goal 5.0.

§36.1071(e)(1) is addressed by submission of this Management Plan to the TWDB.

§36.1071(e)(2) is addressed in Section titled Actions, Procedures, Performance and Avoidance for Plan Implementation, Section titled Goals, Management Objectives, and Performance Standards, and in the attached copy of the existing Rules and By-Laws of the Glasscock County Underground Water Conservation District.

§36.1071(e)(3)(A) is addressed in Section titled Groundwater Resources of the Glasscock County U.W.C.D.

§36.1071(e)(3)(B) is addressed in Section titled Groundwater Use in Glasscock County U.W.C.D.

§36.1071(e)(3)(C) is addressed in Section titled Groundwater Resources of the Glasscock County U.W.C.D.

§36.1071(e)(3)(D) is addressed in Section titled Projected Water Supplies of Glasscock County U.W.C.D. and Section titled Projected Demands for Water in Glasscock County U.W.C.D., and Section titled Potential Demand and Supply issues and Solutions.

§36.1071(e)(4) is determined Not Applicable since the regions are not yet approved and in place.

§36.1071(f) the current District Rules and By-Laws were adopted in 1986 and will be used during the initial implementation of the new Management Plan. A copy of the District Rules and By-Laws is attached for your reference. The Rules and By-Laws of the District may be redrafted as needed to comply with changes to the law and the newly adopted management plan.

§36.1071(g) is determined as Not Applicable at this time, but will be addressed in five years in 2002 when the Management Plan must be recertified.

This new Glasscock County U.W.C.D. Management Plan will be in force for 10 years from the date of certification. If the TWDB has any questions or requires additional information, please contact us.

Sincerely,



Ricky Harston
General Manager

GLASSCOCK COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

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**GLASSCOCK COUNTY
UNDERGROUND WATER CONSERVATION DISTRICT**

MANAGEMENT PLAN

1998-2008

GLASSCOCK COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

DISTRICT MISSION

The Glasscock County Underground Conservation District strives to bring about conservation, preservation, and the efficient, beneficial and wise use of water for the benefit of the citizens and economy of the District through monitoring and protecting the quality of the groundwater.

REGIONAL COOPERATION AND COORDINATION

The District is a member of the West Texas Regional Groundwater Alliance. The regional alliance consists of ten (10) locally created and locally funded districts that encompass almost eight and three-quarter (8.75) million acres or thirteen (13) thousand square miles of West Texas. This West Texas region is as diverse as the State of Texas. Due to the diversity of this region, each member district provides it's own unique programs to best serve its constituents.

In 1988, four (4) groundwater districts; Coke County UWCD, Glasscock County UWCD, Irion County WCD, and Sterling County UWCD signed the original Cooperative Agreement. As new districts were created, they too signed the Cooperative Agreement. In the fall of 1996, the original Cooperative Agreement was redrafted and the West Texas Regional Groundwater Alliance was created. The current member districts are:

- | | | |
|--------------------|------------------|-----------------------|
| Coke County UWCD | Emerald UWCD | Glasscock County UWCD |
| Hickory UWCD #1 | Irion County WCD | Lipan-Kickapoo WCD |
| Plateau UWC & SD | Santa Rita UWCD | Sterling County UWCD |
| Sutton County UWCD | | |

This Alliance was created because the local districts have a common objective to facilitate the conservation, preservation, and beneficial use of water and related resources. Local districts monitor the water-related activities of the State's largest industries such as farming & ranching, oil & gas and municipalities. The alliance provides coordination essential to the activities of these member districts as they monitor these activities in order to accomplish their objectives.

TIME PERIOD FOR THIS PLAN

This plan becomes effective upon adoption by the District Board of Directors and certification by the Texas Water Development Board (TWDB) affirming the plan is administratively complete. This plan replaces the existing plan adopted by the District Board of Directors on February 21, 1989. This District management plan will remain in effect until September 1, 2008, or a period of ten (10) years, which ever is later, or until a revised plan is certified by the TWDB.

STATEMENT OF GUIDING PRINCIPLES

The primary concern of the residents of this area of the State regarding groundwater is the potential contamination of the groundwater from the vast amount of oil and gas production and the activities involved in the production of oil and gas. For this reason, the residents asked Representative Tom Craddick to introduce legislation to create this groundwater conservation district. The District recognizes that the groundwater resources of this region are of vital importance to the residents and that this resource must be managed and protected from contamination. The greatest threat to prevent the District from achieving the stated mission is from state mandates and agency bureaucrats who have no understanding of local conditions. A basic understanding of the aquifers and their hydrogeologic properties, as well as a quantification of resources is the foundation from which to build prudent planning measures. This management plan is intended as a tool to focus the thoughts and actions of those given the responsibility for the execution of District activities.

General Description

The Glasscock County Underground Water Conservation District was created by Acts of the 67th Legislature (1981). In August, 1981, the residents confirmed the District and also voted to fund the district operations through local property taxes. It became an active District in August, 1981. On April 15, 1986, the District adopted Rules and By-Laws which became effective immediately and on February 21, 1989 the District adopted a management plan. With the adoption of these rules, the District implemented a well permitting and registration program. The current members of the Board of Directors are: Kenneth Braden, Chairman, Dennis Seindenberger, Vice-Chairman, Zane Eoff, Secretary, Larry Wheat, Member, and Mark Halfmann, Member. The District General Manager is Ricky Harston. The Glasscock County U.W.C.D. covers all of Glasscock County and a portion of Northwest Reagan County. The District's economy is based primarily on agriculture, and oil and gas production. The agricultural income is derived primarily from cotton, grain sorghum, wheat, alfalfa, pecans, as well as sheep, goats, and beef cattle production. Recreational hunting leases also contribute to the income of the area.

Location and Extent

The Glasscock County U.W.C.D. has an areal extent of approximately 864 square miles or approximately 552,960 acres of land in Glasscock County and 65,000 acres in Northwest Reagan County. The total population of the District is approximately 1500 people. There are no incorporated cities within the District boundaries. The two communities within the District are Garden City and St. Lawrence. Land use in the District is for agricultural purposes of which 177,120 acres is crop or farm land, 9,000 acres is improved pasture, and the balance of 431,840 acres is range land. The majority of the District is over the Edwards-Trinity (Plateau) aquifer with

GLASSCOCK COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

exception of the northwest part of Glasscock County which is over the Ogallala aquifer. The crop land is located primarily in the southern and northwest portions of the District, with the balance being in pasture and range land. Irrigation covers approximately 69,980 acres of the District's crop land. Of these acres, 49,999 are located in Glasscock County and 19,980 acres are located in Reagan County. The principle method of irrigation has been furrow irrigation. However, within the last 7 to 8 years there has been a gradual trend to change to more highly efficient pivot and drip irrigation.

Topography and Drainage

The District is within what is known as the Permian Basin of Texas. Topographically, the area within the District is generally a nearly level to undulating plain that slopes upward from the east to the west. The altitude of the land surface ranges from 2,300 feet above sea level in the eastern part of the District to about 2,750 feet above sea level in the western part of the District.

The Glasscock County U.W.C.D. lies within the Colorado River Basin. The North Concho River is a tributary of the Colorado River and is located in the northeast part of the District.

Groundwater Resources of the Glasscock County U.W.C.D.

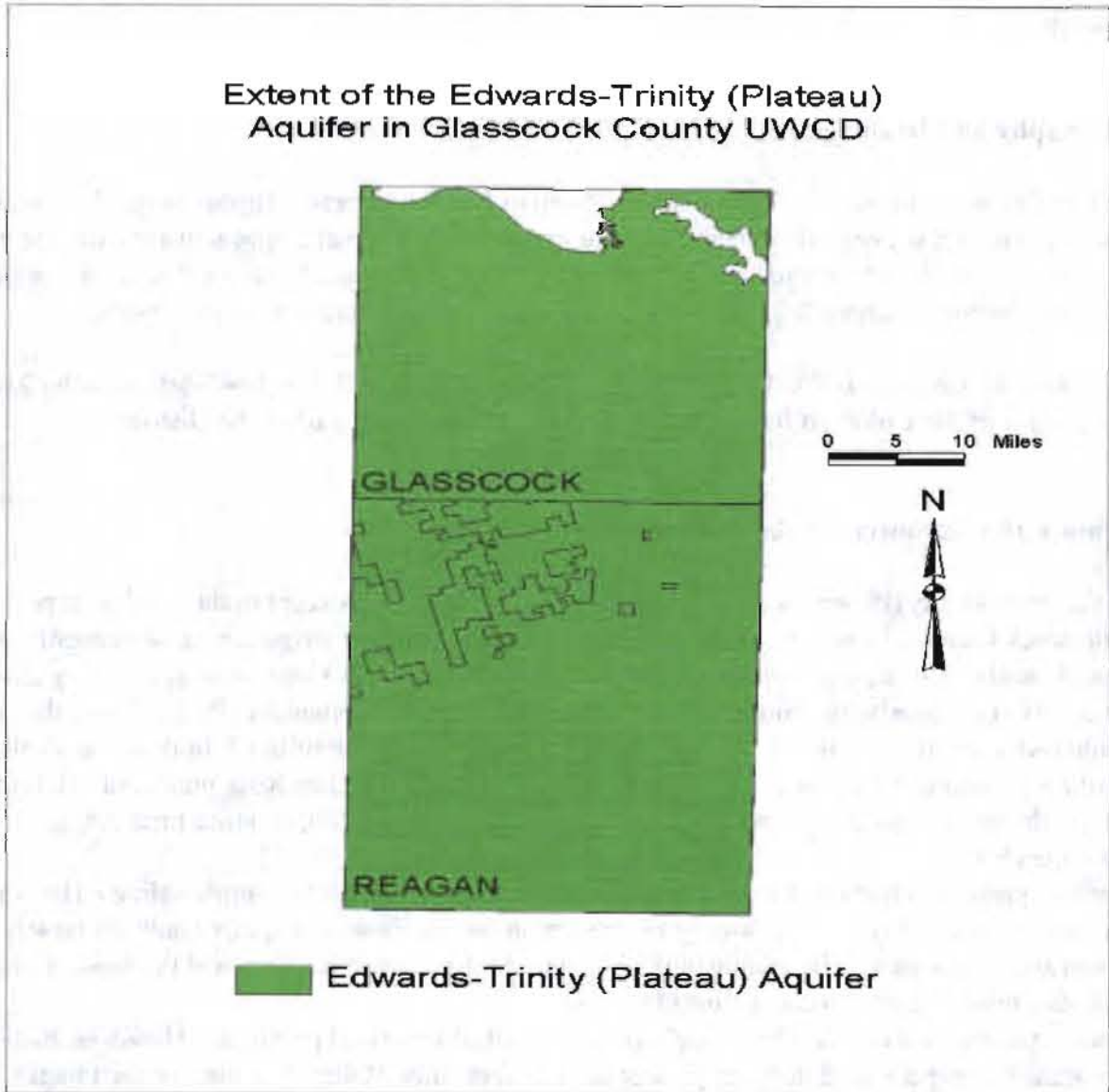
The Edwards-Trinity (Plateau) aquifer is located in all of the District except in the northwest portion of Glasscock County. Water from this aquifer is principally used for irrigation, rural domestic, and livestock needs. This aquifer consists of saturated sediments of lower Cretaceous age Trinity Group formations and overlying limestones and dolomite of the Comanche Peak, Edwards, and Georgetown formations. The Glen Rose Limestone is the primary unit of the Trinity in the southern part of the plateau and is replaced by the Antlers Sand north of the Glen Rose pinch out. Reported well yields range from 20 gal/min, where saturated thickness is thin, to more than 300 gal/min, within the District.

Chemical quality of Edwards-Trinity (Plateau) water ranges from fresh to slightly saline. The water is typically hard and may vary widely in concentrations of dissolved solids made up mostly of calcium and bicarbonate. The salinity of the groundwater tends to increase toward the west. Certain areas have unacceptable levels of fluoride.

In some instances, water levels have declined as a result of increased pumpage. However, none of these areas has experienced declines greater than 20 feet since 1980. (See map on next page)

GLASSCOCK COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

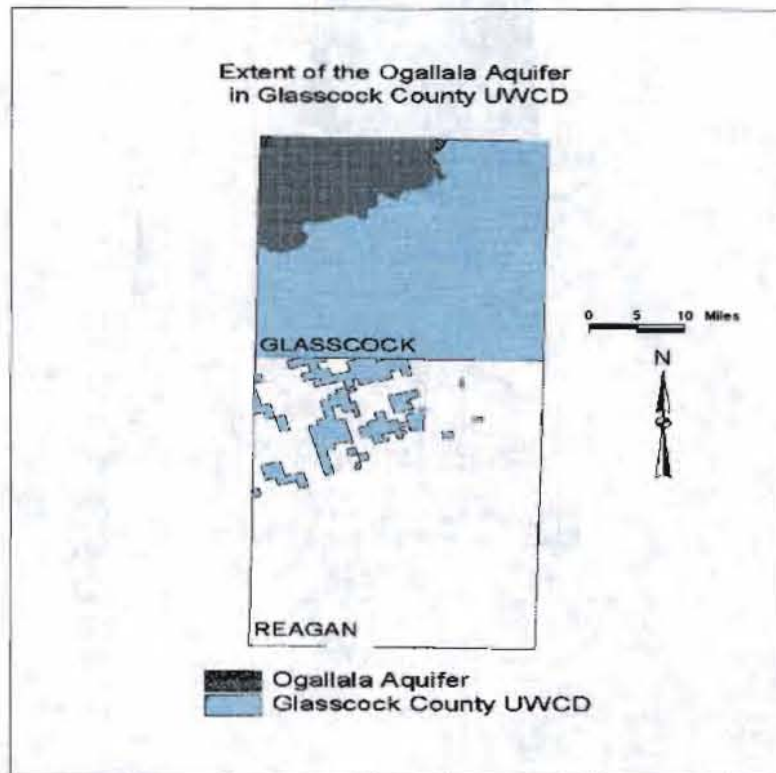
**Extent of the Edwards-Trinity (Plateau)
Aquifer in Glasscock County UWCD**



GLASSCOCK COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

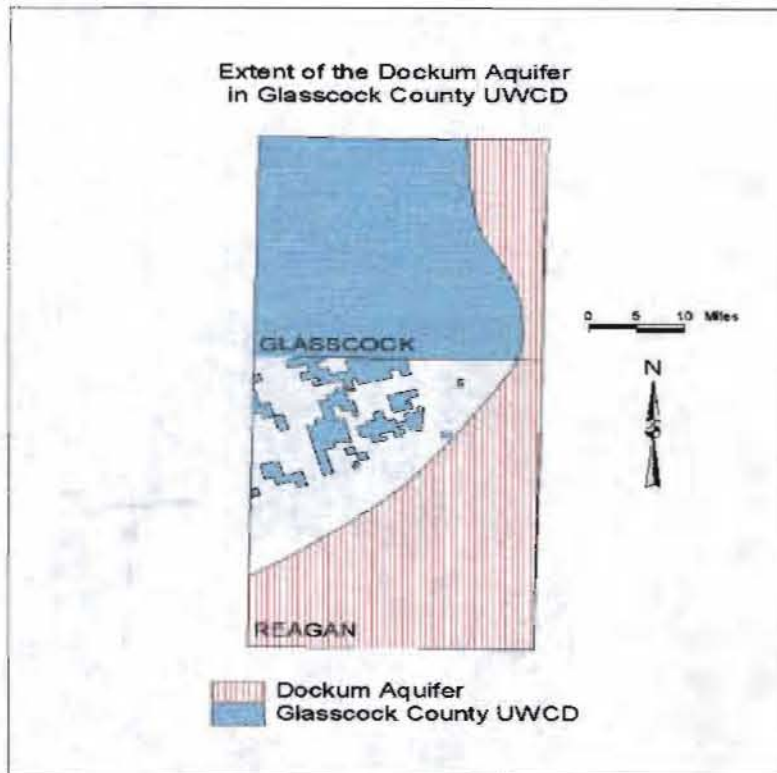
The Ogallala aquifer is located in northwest Glasscock County. The Ogallala is composed primarily of sand, gravel, clay and silts deposited during the Tertiary Period. Water from this aquifer is principally used for irrigation, rural domestic, and livestock needs. Water yields from this aquifer is generally greater than 150 gal/min.

The chemical quality of the water in the aquifer is generally fresh; however, higher levels of dissolved-solids and chloride concentrations can be found within the District.



GLASSCOCK COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

The Dockum Group of Triassic age is located in the extreme eastern portion of the District. This aquifer is used principally for livestock needs.



The aquifer explanations above were taken from Texas Water Development Board's Report 345 Aquifers of Texas (1995).

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Currently the District is using the Texas Water Development Board's Report 235 (1979) data for Groundwater Availabilities as well as estimates of recharge and availability rates. The data sets describe the saturated thickness and yield, which the product describes as water in storage. When combined with recharge and production values, these estimates can be used by the District to derive goals for future estimates of available groundwater. It is estimated that annual recharge within the District is 15,482 acre-feet per year to the Edward-Trinity (Plateau) aquifer and 940 acre-feet per year to the Ogallala aquifer. Currently within the District, there is an estimated 4,638,209 acre-feet of recoverable water in storage in the Edwards-Trinity (Plateau) aquifer and 847,350 acre-feet in the Ogallala aquifer. Based on Texas Water Development Board estimates, the existing total usable amount of groundwater in the District is 5,485,559 acre-feet.

The Colorado River Municipal Water District 1994 Summary Weather Modification Report indicated 23% enhancement to rainfall. Based upon this figure an additional 3,777 acre-feet of additional recharge could feasibly be realized.

Surface Water Resources of Glasscock County U.W.C.D.

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

Projected Water Supplies of Glasscock County U.W.C.D.

Projected water supply amounts for the District are 41,744 acre-feet in year 2000 and 24,998 acre-feet in 2010; as provided by the Texas Water Development Board's, Water for Texas, Today and Tomorrow (1997).

Groundwater Use in Glasscock County U.W.C.D.

Based on Texas Water Development Board's, Water for Texas, Today and Tomorrow (1997), during the last five years ending in 1995, annual groundwater usage in the Glasscock County portion of the District has varied from a high of 69,054 acre-feet to a low of 25,099 acre-feet. The annual estimated usage within the District for the 5 years is as follows:

1995	69,054 acre-feet per year
1994	58,390 acre-feet per year

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1993	25,099 acre-feet per year
1992	25,099 acre-feet per year
1991	36,060 acre-feet per year

Based on available Texas Water Development Board data, during the last five years ending in 1995, annual groundwater usage in the Northwest Reagan County portion of the District has varied from a high of 38,927 acre-feet to a low of 21,792 acre-feet. The annual estimated usage within the District for the 5 years is as follows:

1995	38,927 acre-feet per year
1994	27,994 acre-feet per year
1993	21,792 acre-feet per year
1992	22,218 acre-feet per year
1991	29,228 acre-feet per year

This data was obtained from the Texas Water Development Board's annual survey of historical water use.

Projected Demands for Water in Glasscock County U.W.C.D.

The Texas Water Development Board published projected groundwater needs in their planning document "Water for Texas Today and Tomorrow, 1997. This management planning document is based upon the estimates contained in that document and related files of the Texas Water Development Board and will be used until alternatives are generated. The Texas Water Development Board has projected that the total water demands for the Glasscock County U.W.C.D. will be 59,113 acre-feet per year by 2010. This estimate is based on the following projections and population statistics. Irrigation demand is estimated to be 59,096 acre-feet per year, domestic and livestock demands are 17 acre-feet per year. However, based on current usage, the irrigation demand will be 88,000 acre-feet per year. This estimate is based on the number of irrigated acres multiplied by 1.25 acre feet per year.

Potential Demand and Supply Issues and Solutions

Based on supply and demand calculations and projections it is obvious that there will be times that

GLASSCOCK COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

demands exceed supply. In this area of the State and with the type of aquifer that serves the area, this is a normal occurrence that is recognized by the local residents.

The supply and demand totals for 2010 are as follows:

Projected Supplies	
Groundwater from Edward-Trinity (Plateau) aquifer	15,479 acre-feet per year
Groundwater from Ogallala aquifer	9,519 acre-feet per year
Total Projected Supply	24,998 acre-feet per year
Total Projected Demand	59,113 acre-feet per year
Balance (Shortage)	34,115 acre-feet per year

Since the District does not overlie all of Reagan County, some estimates obtained are based on a percentage derived by dividing the amount of acres within the District by the total number of acres contained within Reagan County. The percentage used to develop these estimates is .0864. 90% of the irrigated acres in Reagan County are located within the District, therefore, this percentage was used to develop irrigation estimates. All estimates of the total usable amount of groundwater in the district, the amount of recharge, the projected water supply and demand for water in the district, and the water supply needs are based on data supplied by the Texas Water Development Board and the District does not express an opinion as to the accuracy of the information since these estimate were developed for regional planning purposes and not for District planning purposes.

The residents of the District understand that groundwater supplies are limited and have modified farming and ranching techniques to match the availability of water. There are approximately 40 highly efficient pivot irrigation systems now operating in the District with new ones being installed periodically and approximately 4,500 acres of highly efficient drip irrigation have been installed with many more acres going in every year. Efforts are being made by the residents of the District to use the available groundwater resources with maximum efficiency, while monitoring the quality of the groundwater to protect this resource for the years to come.

Management of Groundwater Supplies

For the past 17 years, the District has and will continue to manage the supply of groundwater within the District, in order to conserve the resource while seeking to maintain the economic viability of all resource user groups, public and private. In consideration of the economic and cultural activities occurring within the District, the District will continue to identify and engage in such activities and practices, that if implemented, would result in preservation and protection of the groundwater. The observation network will continue to be reviewed and maintained in order to monitor changing conditions of groundwater within the District. The District will undertake investigations of the groundwater resources within the District and will make the results of investigations available to the public.

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

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

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

Actions, Procedures, Performance and Avoidance for Plan Implementation

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

The District has adopted and will amend, as necessary, rules relating to the implementation of this plan. The rules adopted by the District shall be pursuant to TWC Chapter 36 and the provisions of this plan. All rules will be adhered to and enforced. The promulgation and enforcement of the rules will be based on the best technical evidence available.

The District shall treat all citizens with equality. Citizens may apply to the District for discretion in enforcement of the rules on grounds of adverse economic effect or unique local characteristics. In granting of discretion to any rule, the Board shall consider the potential for adverse effect on

GLASSCOCK COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

adjacent owners and aquifer conditions. The exercise of said discretion by the Board shall not be construed as limiting the power of the Board:

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

The District manager will prepare and present an annual report to the Board of Directors on District performance in regards to achieving management goals and objectives (during the first monthly Board of Directors meeting each fiscal year, beginning December 31, 2000). The report will include the number of instances each activity was engaged in during the year.

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

**GOALS, MANAGEMENT OBJECTIVES
and PERFORMANCE STANDARDS**

Goal

1.0 Control and Prevent the Waste* of Groundwater

Management Objective

1.1 Each month, the District will investigate all identified wasteful practices within two (2) working days of identification or complaint received.

Performance Standard

1.1a - Number of wasteful practices identified and the average number of days District personnel took to respond or investigate after identification or complaint received, during the month.

Goal

2.0 Providing for the Efficient Use of Groundwater Within the District

Management Objective

2.1 Each year, the District will provide topcon mapping equipment to all producers upon request (based upon availability) for better irrigation planning and contour farming.

GLASSCOCK COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

Performance Standard

2.1a - Number of producers requesting (based upon availability) the use of equipment and number of acres mapped, annually.

Management Objective

2.2 Each year, the District will provide laser plane leveling equipment to all producers upon request; (based upon availability) for better irrigation planning and contour farming.

Performance Standard

2.1a - Number of producers requesting (based upon availability), the use of equipment, annually.

SB-1 MANAGEMENT GOALS DETERMINED NOT-APPLICABLE

Goal

3.0 Control and prevention of subsidence.

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

This goal is not applicable to the operations of the District.

Goal

4.0 Conjunctive surface water management issues.

No surface water management entities exist within the District. There are no surface water impoundments within the District except for livestock consumption. The Glasscock County U.W.C.D. has no jurisdiction over surface water. The groundwater within the district is used primarily for irrigated agriculture, rural domestic and livestock needs.

This goal is not applicable to the operations of the District.

Goal

5.0 Addressing natural resource issues which impact the use and availability of groundwater, and which are impacted by the use of groundwater.

The District has no documented occurrences of endangered or threatened species dependent upon groundwater resources.

GLASSCOCK COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

This goal is not applicable to the operations of the District.

*** Summary Definitions.**

“Abandoned Well” - shall mean:

- 1) a well or borehole the condition of which is causing or is likely to cause pollution of groundwater in the District. A well is considered to be in use in the following cases:
 - (A) a well which contains the casing, pump, and pump column in good condition; or
 - (B) a well in good condition which has been capped;
- 2) a well or borehole which is not in compliance with applicable law, including the Rules and Regulations of the District, the Texas Water Well Drillers’ Act, Texas Natural Resource Conservation Commission, or any other state or federal agency or political subdivision having jurisdiction, if presumed to be an abandoned or deteriorated well.

“Board” - the Board of Directors of the Glasscock County Underground Water Conservation District.

“District” - the Glasscock County Underground Water Conservation District.

“TNRCC” - Texas Natural Resource Conservation Commission.

“TWDB” - Texas Water Development Board.

“Waste” - as defined by Chapter 36 of the Texas Water Code means any one or more of the following:

- (1) withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes;
- (2) the flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose;
- (3) escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater;
- (4) pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;

GLASSCOCK COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

- (5) willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the commission under Chapter 26;
- (6) groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge; or
- (7) for water produced from an artesian well; "waste" has the meaning assigned by Section 11.205;

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P.O. BOX 208 132 N. MAIN GARDEN CITY, TEXAS 79739 PHONE (915) 354-2430 FAX (915) 354-2322 E-MAIL gcuwcd@worldnet.att.net

Management Plan 1998 - 2008

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

WHEREAS, the District is required by SB1 through Chapter 36.1071 of the Texas Water Code to develop and adopt a new Management Plan; and

WHEREAS, the District is required by SB1 to submit the adopted Management Plan to the Executive Administrator of the Texas Water Development Board for review and certification by September 1, 1998; and

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

WHEREAS, the District Board of Directors, after reviewing the existing Management Plan, has determined that this plan should be replaced with a new 10 year Management Plan; and


WHEREAS, the District Board of Directors has determined that the new 10 year Management Plan addresses the requirements of Chapter 36.1071.

NOW, THEREFORE, be it resolved, that the Board of Directors of the Glasscock County Underground Water Conservation District, following notice and hearing, hereby adopts this new 10 year Management Plan to replace the existing Management Plan; and

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

Adopted this 17th day of March, 1998, by the Board of Directors of the Glasscock County Underground Water Conservation District.


Zane Eoff, Board Secretary


Kenneth Braden, Board Chairman

GLASSCOCK COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

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LINDA CYPERT, SECRETARY

PUBLIC NOTICE

The Glasscock County Underground Water
Conservation District

will hold a Public Hearing on the

17th day of March, 1998 at 9:00 a.m.
in the Water District Office.

Agenda is as follows:

- 1) To receive public comment on the proposed
Glasscock County U.W.C.D. 1998-2008
Management Plan.

Posted the 11th day of March, 1998 at 10:30
o'clock in the morning. At the courthouse.

FILED March 11 1998

Betty Bate
County Clerk Glasscock County, Tex.

by: _____ Deputy

Linda Cypert
Linda Cypert
Secretary

GLASSCOCK COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

KENNETH BRADEN, CHAIRMAN
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LINDA CYPERT, SECRETARY

PUBLIC NOTICE

The Glasscock County Underground Water
Conservation District
will hold their monthly board meeting on the
17th day of March, 1998 at 9:30 a.m.
in the Water District Office.

Agenda is as follows:

- 1) Read minutes
- 2) Approve Financial Statement for February
- 3) Pay bills
- 4) Discussion and possible action on Resolution
adopting the Glasscock County U.W.C.D.'s 1998-
2008 Management Plan.

and other items as may be pertinent.

Posted the 11th day of March, 1998 at 10:30
o'clock in the morning. At the courthouse.

FILED March 11 19 98

Billy Pate
County Clerk Glasscock County, Tex.

By: _____ Deputy

Linda Cypert
Linda Cypert
Secretary

**Rules and By-Laws
of**

**GLASSCOCK COUNTY UNDERGROUND
WATER CONSERVATION DISTRICT**

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**RULES OF THE GLASSCOCK COUNTY
UNDERGROUND WATER CONSERVATION DISTRICT**

*Rules of Glasscock County Underground Water Conservation
District and as amended are hereby published as of April 15, 1986.*

In accordance with Section 59 of Article 16 of the Texas Constitution and with Acts of the 67th Legislature (1981), p. 2104, Ch. 489, H.B. 2381 and Chapters 51 and 52 of the Texas Water Code, the following rules are hereby ratified and adopted as the rules of the District by its Board. All rules or parts of rules in conflict with these rules are hereby repealed. Each rule as worded herein has been in effect since date of passage and as may be hereafter amended.

The rules, regulations and modes of procedure herein contained are and have been adopted for the purpose of simplifying procedure, avoiding delays, saving expense, and facilitating the administration of the ground water laws of the State and the rules of this District. To the end that these objectives be attained, these rules shall be so construed.

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

RULE 1 - DEFINITIONS

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

- (a) The "Board" shall mean the Board of Directors of the Glasscock County Underground Water Conservation District, consisting of five (5) duly elected members.
- (b) "District" shall mean the Glasscock County Underground Water Conservation District, maintaining its principal office in Garden City, Texas. Where application, reports, and other papers are required to be filed with or sent to "the District", this means the District's headquarters in Garden City, Texas.
- (c) The term "Well" or "Water Well" shall mean and include any artificial excavation constructed to produce or which produces **more** than 25,000 gallons of water per day or 17.36 gallons per minute.
- (d) "Water" shall mean underground water.

(e) "Owner" shall mean and include any person, firm, partnership or corporation that has the right to produce water from the land either by ownership, contract, lease, easement, or any other estate in the land.

(f) "Person" shall mean any individual, partnership, firm, or corporation.

(g) The word "Waste" as used herein shall have the same meaning as defined by the Legislature, as follows:

(1) The withdrawal of underground water from an underground water reservoir at such rate and in such amount so as to cause the intrusion therein of water not suitable for agricultural, gardening, domestic, or stock raising purposes.

(2) The flowing or producing of wells from an underground water reservoir when the water produced therefrom is not used for a beneficial purpose.

(3) The escape of underground water from one underground water reservoir to any other reservoir not containing underground water.

(4) The pollution or harmful alteration of the character of the underground water within the underground water reservoir of the District by means of salt water or other deleterious matter admitted from some other stratum or strata or from the surface of the ground; and

(5) Willfully or negligently causing, suffering, or permitting underground water to escape into any river, creek, watercourse, depression, or lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land of any other person than the owner of such well.

(h) An "Authorized Well Site" shall be:

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

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

(i) "Open or Uncovered Well" shall mean any artificial excavation drilled or dug for the purpose of producing water from the underground reservoir, not capped or covered as required by these rules, which is as much as the ten (10) feet deep, nor more than six (6) feet in diameter.

(j) "Exempt Well" shall mean and include any artificial excavation constructed to produce or which produces less than 25,000 gallons per day or 17.36 gallons per minute. For all purposes herein, an "exempt well" as defined herein shall be exempt from any and all rules and regulations created hereunder.

RULE 2 - WASTE

(a) Underground water shall not be produced within, or used within or without the District, in such

a manner or under such conditions as to constitute waste as defined in Rule 1 hereof.

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

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

(d) No person shall commit waste as that term is defined by Section (g), Rule 1 of the Rules of the Glasscock County Underground Water Conservation District.

RULE 3 - PERMIT REQUIRED

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

(b) Nor permit shall be required for the drilling of temporary wells exempt by Subsection 118 of Chapter 52, Texas Water Code (being generally wells used for the production of oil, gas, or other minerals and water wells used in conjunction therewith).

RULE 4 - DEPOSITS

Each application for a permit to drill a well shall be accompanied by a \$50.00 deposit which shall be accepted by the District. Said deposit shall be returned to the applicant by the District if: (1) the application is denied; or (2) if the application is granted, upon receipt of correctly completed registration and log of the well; or (3) if said permit location is abandoned without having been drilled, upon return and surrender of said permit marked "abandoned" by the applicant. In the event neither the registration and log of the well nor the permit marked "abandoned" is returned to such District within six (6) months after the approval date of the permit or the extension date thereof, the said deposit shall become the property of the District. All deposits heretofore made or which shall hereafter be made shall become the property of the District if such registration and log or permit has not been returned or is not returned to the District with which deposit was made within six (6) months from the approval date of the permit.

RULE 5 - ISSUANCE OF PERMITS

(a) The Board shall issue or cause to be issued a drilling permit for a well properly spaced upon proper application executed and filed by the owner with the District and containing the matters specified below. An application shall be considered filed when properly made out, completed, and signed and tendered to the District or a person duly designated by such District to receive the same.

Such applications shall be on forms provided by the District and shall be in writing and shall be prepared in accordance with and contain the information called for in the form of application, if any, prescribed by the Board, and all instructions which may have been issued by the Board with respect to filing of an application. Otherwise, the application will not be considered.

(b) Rules for the filing of applications:

- (1) If the applicant is an individual, the application shall be signed by the applicant or his duly appointed agent. The agent may be requested to present satisfactory evidence of his authority to represent the applicant.
- (2) If the application is by a partnership, the applicant shall be designated by the firm name followed by the words "a Partnership" and the application shall be signed by at least one of the general partners who is duly authorized to bind all of the partners.
- (3) In the case of a corporation, public district, county or municipality, the application shall be signed by a duly authorized official. A copy of the resolution or other authorization to make the application may be required by the officer or agent receiving the application.
- (4) In the case of an estate or guardianship, the application shall be signed by the duly appointed guardian or representative of the estate.

(c) Such applications shall set forth the following:

- (1) The exact proposed location of the well to be drilled as provided in the application including the county, the section, block, survey and township; labor and league; and exact number of yards to the two nearest non-parallel property lines (legal survey line); or other adequate legal description.
- (2) The proposed use of the well to be drilled, whether municipal, industrial, or irrigation.
- (3) The size, of the pump.
- (4) The approximate date drilling operations are to begin.
- (5) The location of the three (3) nearest wells within a quarter of a mile of the proposed location, and the names and addresses of the owners thereof.
- (6) An agreement by the applicant that a completed well registration and log will be furnished to the District (on forms furnished by it) by the applicant upon completion of this well and prior to the production of water therefrom (except for such production as may be necessary to the drilling and testing of such well).
- (7) Such additional data as may be required by the Board.
- (8) The name and address of the fee owner of the land upon which the well location is to be made.

**RULE 6 - REQUIREMENT OF DRILLER'S LOG,
CASING AND PUMP DATA**

(a) Complete records shall be kept and reports thereof made to the District concerning the drilling, maximum production potential, equipping and completion of all wells drilled. Such records shall

include an accurate driller's log, any electric log which shall have been made, and such additional data concerning the description of the well, its potential, hereinafter referred to as "maximum rate of production" and its actual equipment and rate of discharge permitted by said equipment as may be required by the Board. Such records shall be filed with the District Board within 30 days after completion of the well.

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

(c) No person shall be required to equip and produce any well to its maximum rate of production; provided, however, that for purposes of reworking, re-drilling or replacing a well pursuant to Rule 10 hereof, the maximum rate of production of each well established hereunder shall be considered the actual production rate even though said well is produced at a lesser rate of production.

RULE 7 - MINIMUM SPACING OF WELLS

(a) Distance Requirements:

(1) No well to be drilled subsequent to the date of enactment of this rule shall be drilled such that said well shall be located nearer than six hundred sixty (660') feet from the nearest property line; provided that the Board, in order to prevent waste or to prevent confiscation of property, may grant exceptions to permit drilling within shorter distances than above described when the Board shall determine that such exceptions are necessary either to prevent waste or the prevent confiscation of property.

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

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

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

segregated by fee title conveyance from a larger tract after the spacing rule became effective and the voluntary subdivision rule attached.

(iii) The date of attachment of the voluntary subdivision rule is the date of discovery of underground water production in a certain continuous reservoir regardless of the subsequent lateral extensions of such reservoir, provided that such rule does not attach in the case of a segregation of a small tract by fee title conveyance which is not located in an underground water production area having a discovery date prior to the date of such segregation.

(iv) The date of attachment of the voluntary subdivision rule for a reservoir under any special circumstances which the Board deems sufficient to provide for an exception, may be established other than above so that innocent parties may have their rights protected.

(b) Well Density. Subject to paragraph (a) (1) et seq. above, no more than a cumulative total of 16 wells, whether drilled prior to or subsequent to enactment of this rule, shall be permitted per section (hereinafter referred to as "drilled to density". In the event the applicant owns less than a full section, then the number of wells permitted for said tract shall be proportionately reduced so that the total number of wells permitted shall be established by multiplying sixteen (16) times the quotient of the number of acres owned by the Applicant divided by the number of acres in the section; provided, however, that this density rule shall not apply to acreage drilled to density pursuant to these rules where the cumulative average of water production allowed per acre per minute is less than 2 gallons per acre per minute. In this event the landowner shall be permitted to drill additional water wells on said lands until the 2 gallons/acre/minute basis is attained. Said cumulative average gallons per acre per minute basis shall be computed by District personnel according to maximum pumping capability of the water well established at the time the well is drilled.

(C) Change in Use of Well:

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

RULE 8 - EXCEPTION TO SPACING RULE

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

(b) If an exception to such spacing regulations is desired, application therefor shall be submitted by the applicant in writing to the Board at its district office on forms furnished by the District. The

application shall be accompanied by a plat or sketch, drawn to scale of one (1) inch equaling two hundred (200) yards. The plat or sketch shall show thereon the property lines in the immediate area and shall show accurately to scale all wells within a quarter mile of the proposed well site. The application shall also contain the names and addresses of all property owners adjoining the tract on which the well is to be located and the ownership of the wells within a quarter mile of the proposed location. Such application and plat shall be certified by some person actually acquainted with the facts who shall state that all the facts therein are true and correct.

(c) Such exception may be granted ten (10) days after written notice has been given to the applicant and all adjoining owners and all well owners within a quarter mile of the proposed location, and after a public hearing at which all interested parties may appear and be heard, and after the Board has decided that an exception should be granted. Provided, however, that if all such owners execute a waiver in writing stating that they do not object to the granting of such exception, the Board may thereupon proceed to decide upon the granting or refusing of such application without notice of hearing except to the applicant. The applicant may also waive notice or hearing or both .

RULE 9 - PLACE OF DRILLING OF WELL

After an application for a well permit has been granted, the well, if drilled, must be drilled within ten yards 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 52, Texas Water Code.

RULE 10 - REWORKING OR REPLACING OF WELL

(a) No person shall rework, re-drill, or re-equip a well in a manner that would increase the maximum rate of production of water from such well beyond any previous actual rate of production of such well as established by Rule 6 above without first having made an application to the Board, and having been granted a permit by the Board to do so. Nor shall any person replace a well without a permit from the Board. A replacement well, in order to be considered as such, must be drilled within one hundred fifty (150) feet of the old well and not elsewhere. It must not be located toward any other well or authorized well site unless the new location complies with the minimum spacing requirements set out in Rule 7; otherwise the replacement well shall be considered to be a new well for which application must be made under Rule 7 above. Provided, however, that the Board may grant an exception without notice or hearing in any instance where the replacement well is placed farther away from any existing wells or authorized well sites.

The location of the old well (the well being replaced) shall be protected in accordance with the spacing rules of the District until the replacement well is drilled and tested. The landowner or his agent must within 120 days of the issuance of the permit declare in writing to the District which one of these two wells he desires to produce. If the landowner does not notify the District of his choice within this 120 days, then it will be conclusively presumed that the new well is the well he desires to retain. Immediately after determining which well will be retained for production, the other well

shall be:

- (1) Filled and abandoned; or
- (2) Properly equipped in such a manner that it cannot produce more than 25,000 gallons of water a day; or
- (3) Closed in accordance with Article 9202, Vernon's Annotated Civil Statutes: Violation of such Article is made punishable thereby a fine of not less than \$100.00 nor more than \$500.00.

An application to rework, re-equip, re-drill or replace an existing well may be granted by the Board without notice or hearing.

(b) The size or maximum rate of production of a well shall not be hereafter changed to a larger size or capacity so as to substantially increase the rate of production of a well without a permit from the Board. (For example, increasing the size of the well bore from six inches to eight inches.) Such permit may be granted only after written notice to adjacent owners and owners of a well within a quarter of a mile from such well and a public hearing, as provided in Rule 8 (c) above, and after a decision by the Board that such change will not cause unreasonable draw down of the water table or unreasonable interference between wells, waste, or confiscation of property. Provided that if the adjacent owners and owners of a well within a quarter of a mile indicate to the Board in writing that they have no objection to the proposed change, then the Board may proceed to decide such matter. Provided that if the well is a sufficient distance from other wells to comply with spacing regulations for new wells of the desired capacity the Board may proceed to act on such application.

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

RULE 11 - TIME DURING WHICH A PERMIT SHALL REMAIN VALID

Any permit granted hereunder shall be valid if the work permitted shall have been completed within four (4) months from the filing date of the application. It shall thereafter be void. Provided, however, that the Board, for good cause, may extend the life of such permit for an additional four (4) months if an application for such extension shall have been made to the District during the first four (4) months period. Provided, further, that when it is made known to the Board that a proposed project will take more time to complete, the Board, upon receiving written application may grant such time as is reasonably necessary to complete such project.

RULE 12 - CHANGED CONDITIONS

The decision of the Board on any matter contained herein may be reconsidered by it on its own motion or upon motion showing changed conditions, or upon the discovery of new or different conditions or facts after the hearing or decision on such matter. If the Board should decide to

reconsider a matter after having announced a ruling or decision, or after having finally granted or denied an application, it shall give notice to persons who were proper parties to the original action, and such persons shall be entitled to a hearing thereon if they file a request therefor within fifteen days from the date of the mailing of such notice.

RULE 13 - RIGHT TO INSPECT AND TEST WELLS

Any authorized officer, employee, agent, or representative of the District shall have the right at all reasonable times to enter upon lands upon which a well or wells may be located within the boundaries of the District, to inspect such well or wells and to read, or interpret any meter, weir box or other instrument for the purpose of measuring production of water from said well or wells; and any authorized officer, employee, agent, or representative of the District shall have the right at all reasonable times to enter upon any lands upon which a well or wells may be located within the boundaries of the District for the purposes of testing the pump and the power unit of the well or wells and of making any other reasonable and necessary inspections and tests that may be required or necessary for the information or the enforcement of the rules and regulations of the District. The operation of any well may be enjoined by the Board immediately upon the refusal to permit the gathering of information as above provided from such well.

RULE 14 - OPEN WELLS TO BE CAPPED

Every owner or operator of any land within the District upon which is located any open or uncovered well is, and shall be, required to close or cap the same permanently with a covering capable of sustaining weight of not less than four hundred (400) pounds, except when said well is in actual use by the owner or operator thereof; and no such owner or operator shall permit or allow any open or uncovered well to exist in violation of this requirement. Officers, agents and employees of the District are authorized to serve or cause to be served written notice upon any owner or operator of a well in violation of this rule, thereby requesting such owner and/or operator to close or cap such well permanently with a covering in compliance herewith. In the event any owner or operator fails to comply with such request within ten (10) days after such written notice, any officer, agent, or employee of the District may go upon said land and close or cap said well in a manner complying with this rule and all expenditures thereby incurred shall constitute a lien upon the land where such well is located, provided, however, no such lien shall exceed the sum of One Hundred Dollars (\$100-00) for any single closing. Any officer, agent, or employee of the District, is authorized to perfect said lien by the filing of the affidavit authorized by Section 52.119 of the Texas Water Code. All of the powers and authority granted in such section are hereby adopted by the District, and its officers, agents, and employees are hereby bestowed with all of such powers and authority.

RULE 15 - FINAL ORDERS OF THE BOARD

The orders of the Board in any non-contested application or proceeding shall become the final order of the Board on the day it is entered by the Board. All orders of the Board in contested applications, appeals or other proceedings shall contain a statement that the same was contested. In such event the order will become final after fifteen (15) days from the entry thereof and be binding on the parties thereto unless a motion for rehearing is filed under Rule 18 hereof.

RULE 16 - REHEARING

(a) Any person whose application is denied, whose contest is overruled, or who is not granted the relief desired, may file with the Board a motion for rehearing within fifteen (15) days from the announcement by the Board of its decision or action. The Board shall act thereon within a reasonable time. If such a motion for rehearing is filed and is overruled, the order of the Board shall be final on the date the motion is overruled.

(b) The Board may, in a proper case, find that an emergency exists and that substantial injustice will result from delay. In that event, and upon recitation of such finding, the order of the Board will become final on the date of the announcement of the order by the Board, and no motion for rehearing will be considered thereon.

(c) If an application or a contest is denied by the Board, and if the applicant or contestant shall not have had and shall not have been afforded an opportunity for a hearing before the Board, as elsewhere provided by these rules, the applicant or contestant shall be entitled to a hearing before the Board. A written request to the Board for such a hearing, stating such facts, must be filed with the Board within the above fifteen (15) day period. If such motion is in order and is duly filed, the Board shall give notice to the applicant and all proper and necessary parties of the time and place of such hearing, and shall proceed to conduct such a hearing.

RULE 17 - RULES GOVERNING PROTESTS

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

(b) **PROTEST REQUIREMENTS:** Protests shall be submitted in writing with a duplicate copy to the opposite party or parties and shall comply in substance with the following requirements:

- (1) Each protest shall show the name and address of the Protestant and show that Protestant has read either the application or a notice relative thereto published by the Board.
- (2) There shall be an allegation of injury to Protestant which will result from the proposed action or matter to be considered by the Board.

- (3) If the protest is based upon claim of interference with some present right of Protestant, it shall include a statement of the basis of protestant's claim of right.
- (4) Protestant should call attention to any amendment of the application or adjustment which, if made, would result in withdrawal of the protest.

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

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

RULE 18 - GENERAL RULES OF PROCEDURE FOR HEARING

(a) Hearings will be conducted in such manner as the Board deems most suitable to the particular case, and technical rule of legal and court procedure need not be applied. It is the purpose of the Board to obtain all the relevant information and testimony pertaining to the issue before it as conveniently, inexpensively and expeditiously as possible without prejudicing the rights of either applicants or Protestants.

(b) **WHO MAY APPEAR:** Any party at interest in a proceeding may appear either in person or by attorney or both in such proceedings. A party at interest is any person owning a water right within the bounds of the District who is or may be affected by such proceeding. At the discretion of the Board anyone not a party at interest in a proceeding may appear.

(c) **ADMISSIBILITY:** Evidence will be admitted if it is of that quality upon which reasonable persons are accustomed to rely in the conduct of serious affairs. It is intended that needful and proper evidence shall be conveniently, inexpensively and speedily produced while preserving the substantial rights of the parties to the proceeding.

(d) **TESTIMONY SHALL BE PERTINENT:** The testimony shall be confined to the subject matter contained in the application or contest. In the event that any party at a hearing shall pursue a line of testimony or interrogation of a witness that is clearly irrelevant, incompetent or immaterial, the person conducting the hearing may forthwith terminate such line of interrogation.

(e) **A STIPULATION:** Evidence may be stipulated by agreement of all parties at interest..

(f) **LIMITING NUMBER OF WITNESSES:** The right is reserved to the Board in any proceeding to limit the number of witnesses appearing whose testimony may be merely cumulative.

RULE 19 - GENERAL RULES

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

(b) **TIME LIMIT:** Applications, requests, or other papers or documents required or permitted to be filed under these rules or by law must be received for filing at the Board's offices at Garden City, Texas, or, in a proper case, at the office of the proper county committee, within the time limit, if any, for such filing. The date of receipt and not the date of posting is determinative.

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

RULE 20 - WELL VALIDATION

In order to provide for the validation of existing water wells that are subject to the rules and regulations of the Glasscock County Underground Water Conservation District (hereinafter referred to as the District), it shall be the policy of this Board that a certification of validation for a well can be issued only after the location of the well and the wellhead equipment of the well has been determined by field survey by District personnel, and/or designated agents acting for said District. The actual costs of such validation surveys; including salaries, expenses and overhead costs of District personnel; and/or fees and expenses of designated agents, and the appropriate overhead costs of the District; and/or fees and expenses for attorneys, and the appropriate overhead costs of the District; shall be borne by the well owner or his agent; providing that such costs to the well owner or his agent shall not exceed \$250-00 per well validated. It is the privilege of this Board to cause to be issued a validation certificate for wells drilled and equipped within the District for which the landowner or his agent has not applied for an Application For Water Well Permit; or for wells not otherwise properly permitted, provided that such wells were not drilled, equipped and operated (pumped) in such a manner as to violate any other rules and regulations of the district; and provided that the costs of such well validation are paid to the District as provided by this resolution. Nothing in this resolution is intended to limit the powers of this Board to any other course of action granted

within Texas Law, or within its rules and regulations, or within the prerogative of the Board.

The District's Manager is hereby directed to establish and administer the District's program for well validation; with appeals to the Manager's well validating decisions being subject to Board review at any of its regularly called meetings, or special called meetings.

RULE 21 - TRANSPORTATION OF WATER FROM THE DISTRICT

1. Every person must obtain a permit from the District for the transporting of water by pipeline, channel, ditch, watercourse or other natural or artificial facilities, or any combination of such facilities, if such water is produced from wells located or to be located within the District, and if all or any part of such water is used or is intended for use outside of the boundaries of the District. However, the requirement for a permit hereunder shall not apply to any well currently in operation located within the District prior to the effective date of this Rule provided the amount of water transported from such well annually shall not exceed the amount of water so transported in either the calendar year 1982 or 1983 or 1984, whichever was the greatest.

(a) The permit provided for herein must be applied for and filed with the District in the form or forms promulgated by the District hereunder and such permit must be obtained from the District prior to the proposed transporting of water, all in accordance with the provisions of this rule.

(b) An application for the transportation of water for which a permit is required under this Rule must:

- (1) be in writing and sworn to;
- (2) contain the name, post-office address and place of residence or principal office of the applicant;
- (3) identify the location of the well from which the water to be transported is produced or to be produced;
- (4) describe specifically the proposed transportation facilities;
- (5) state the nature and purposes of the proposed use and the amount of water to be used for each purpose;
- (6) state the time within which the proposed construction or alterations to begin;
- (7) state the length of time required for the proposed use of the water;
- (8) provide information showing the effect of the proposed transportation on the quantity and quality of water available within the District;
- (9) identify any other possible sources which could be used for the stated purposes, including quality and quantity of such alternate sources;
- (10) identify and other liquids that could be substituted for the fresh ground water and possible sources of such liquid including quantity and quality.

(c) The application must be accompanied by a map or plat drawn on a scale not less than one inch equals 4,000 feet, showing substantially:

- (1) the location of the existing or proposed well; and
- (2) the location of the existing or proposed water transportation facilities, and
- (3) the location of the proposed or increased use or uses.

(d) The application must be accompanied by an application fee in an amount of \$50-00.

(e) The District shall determine whether the application, maps, and other material comply with the requirements of this Act. The District may require amendment of the application, maps, or other materials to achieve necessary compliance.

(f) The District shall conduct a hearing on each application within ninety (90) days of the filing of the complete application.

(g) The District shall give notice of the hearing on the application as prescribed by this Rule, stating:

- (1) the name and address of the applicant;
- (2) the date the application was filed;
- (3) the location and purpose of the well from which the water to be transported is produced or to be produced;
- (4) the time and place of the hearing; and
- (5) any additional information the District considers necessary.

(h) At the time and place stated in the notice, the District shall hold a hearing on the application. The hearing may be held in conjunction with any regular or special meeting of the District, or a special meeting may be called for the purpose of holding a hearing. Any person may appear at the hearing, in person or by attorney, or may enter his appearance in writing. Any person who appears may present objectives to the issuance of the permit. The District may receive evidence, orally or by affidavit, in support or in opposition to the issuance of the permit, and it may hear arguments.

(i) After the hearing the District shall make a written decision granting or denying the application. The application may be granted in whole or in part. Any decision to grant a permit, in whole or in part, shall require a majority vote of Directors present.

(j) Such application shall not be approved unless the Board of Directors finds and determines that the transporting of water for use outside the District applied for will not substantially affect the quantity and quality of water available to any person or property within the District; that all other feasible sources of water available to the person requesting a permit have been developed and used to the fullest; that no other liquid could be feasibly substituted for the use of fresh ground water; and that the proposed use, or any part of the proposed use, will not constitute waste as defined under the laws of the State of Texas. In evaluating the application, the District shall consider the quantity

of water proposed to be transported; the term for which the transporting is requested; the safety of the proposed transportation facilities with respect to the contamination of the aquifer; the nature of the proposed use; the effect of the proposed use of the water to be transported on District residents taking into account all beneficial use of District residents, including municipal, agricultural, industrial, recreational and other categories; and such other factors as are consistent with the purposes of the District,

(k) On approval of an application, the District shall issue a permit to the applicant. The applicant's right to transport shall be limited to the extent and purposes stated in the permit. A permit shall not be transferable except as provided in Paragraph (0).

(l) The permit shall be in writing and attested by the seal of the District and it shall contain substantially the following information:

- (1) the name of the person to whom the permit is issued;
- (2) the date the permit is issued;
- (3) the term for which the permit is issued;
- (4) the date the original application was filed;
- (5) the destination and use or purpose for which the water is to be transported;
- (6) the maximum quantity of water to be transported annually;
- (7) the time within which construction or work on the well transportation facilities must begin and the time within which it must be completed; and
- (8) any other information the District prescribed.

(m) The permittee shall file with the District quarterly reports describing the amount of water transported and used for the permitted purpose. Such report shall be filed on the appropriate form or forms provided by the District within ten (10) days of the March 31, June 30, September 30, and December 31 next following the commencement of transporting of water, and within ten (10) days of each such quarterly date thereafter.

(n) All transporting facilities for wells subject to the requirements of this Subsection shall be equipped with flow monitoring devices approved by the District available for District inspection at any time.

(o) A permittee may apply for an extension of any permit granted under this Subsection or for transfer of a permit to another person. The District shall consider and grant or deny such application for extension or transfer of a permit in the same manner as is provided herein for the application for a permit.

(p) (i) Any permit granted under this Subsection shall be subject to revocation for non-use or waste by the permittee, or for substantial deviation from the purposes or other terms stated in the permit. Revocation of a permit for non-use shall require that no water is transported under the permit for a period of five years.

(ii) Any person transporting water produced from wells located within the District for use outside of the District, regardless of the amount of water so transported, must register such transporting with the District. Such registration shall be made within one hundred eighty (180) days after the effective date of this Rule.

(a) Any person subject to the requirements of this Subsection (ii) shall file with the District quarterly reports describing the amount of water transported, the destination and use of such water. Such report shall be filed on the appropriate form or forms provided by the District within ten (10) days of the March 31, June 30, September 30 and December 31 next following the commencement of transporting of water and within ten (10) days of each such quarterly date thereafter.

(b) All transporting facilities for wells subject to the requirements of this Subsection shall be equipped with flow monitoring devices approved by the District and available for District inspection at any time.

REPEAL OF PRIOR REGULATIONS

All of the previous rules and regulations of the District have been revised and amended; and except as they are herein republished, they are repealed. Any previous rule or regulation which conflicts with or is contrary to these rules is hereby repealed.

SAVINGS CLAUSE

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

**BY-LAWS AND RULES OF
THE GLASSCOCK COUNTY
UNDERGROUND WATER DISTRICT**

In accordance with the Legislative act, House bill 2381, Article XVI Section 59 and 52 of the Texas Water Code, Vernon's Civil Statutes of Texas, the following on the 8th of March of 1981 were ratified and adopted. These are guides to be used with discretion and were so adopted for the purpose of simplifying procedures and facilitating the administration of the district.

ESTABLISHMENT OF THE DISTRICT

Definitions:

The Board shall mean the Board of Directors of the Glasscock County Underground Water District consisting of five (5) duly elected members from the four county precincts and one at large.

The District shall mean the Glasscock County Underground Water District maintaining its office in Garden City, Texas; where registrations, reports, and other papers are required to be filed with or sent to the District. The area includes the County lines.

Water shall mean underground water.

Owner shall mean and include any person, firm, partnership or corporation that has the right to produce water from the land either by ownership, contract, lease, easement, or any other estate in the land.

Person shall mean any individual, partnership, firm or corporation.

The word Waste as used shall have the same meaning as defined by the Legislature.

**REQUIREMENTS FOR THE BOARD
AND PROCEDURES FOR MEETINGS**

Candidates:

A person is qualified to serve on the board who has filed an application with the secretary of the board. It must be signed by the applicant or by at least 10 qualified electors of the District, and filed 20 days prior to the election. They must be at least 21 years of age; own land in the precinct; and is a resident of the county. All procedures for holding the election shall be in accordance with the Texas Election Code Art. 6.02 and the act creating the District.

Election:

It shall be held on the 2nd Saturday of August.

Meetings:

The board shall hold monthly meetings on the 3rd Tuesday of the month or it may hold other meetings at call of the chairman or at the request of at least two (2) of the directors.

-a quorum is the majority of the directors

-the board may elect its own officers yearly

-meetings will be held in the district's office

-the board will follow the Roberts Rules of Parliamentary Procedures

-the board may also act as a hearing board concerning any disputes concerning the rules and operation of the district.

POWERS AND DUTIES OF THE DISTRICT

The district may exercise the powers, rights, privileges, and functions permitted by Chapters 51 and 52 of the Water Code, as amended, including authority to:

1. make and enforce rules to provide for conserving, preserving, protecting, recharging, and preventing waste of the water from the underground water reservoirs that may be enforced by injunction, mandatory injunction, or other appropriate remedies in a court of competent jurisdiction: or;

2. require permits for the drilling, equipping and completion of wells in the underground water reservoirs and issue permits subject to terms and provisions with reference to the drilling, equipping, and completion of the wells as may be necessary to prevent waste or conserve, preserve and protect underground water;

3. provide for the spacing of wells producing from the underground water reservoirs and regulate the production from those wells to minimize as far as practicable the draw down of the water table or the reduction of the artesian pressure, provided, the owner of the land, his heirs, assigns, and lessees are not denied a permit to drill a well on their land and the right to produce underground water from that well subject to rules adopted under this act;

4. require records to be kept and reports to be made of the drilling, equipping, and completion of wells into any underground water reservoir and the taking and use of underground water from those reservoirs and require accurate driller's logs to be kept of those wells and a copy of those logs and of any electric logs that may be made of the wells to be filed with the district;

5. acquire land for the erection of dams and for the purpose of draining lakes, draws and depressions, and construct dams, drain lakes depressions, draws, and creeks and install pumps and other equipment necessary to recharge any underground water reservoirs;

6. have made by registered professional engineers surveys of the underground water of any underground water reservoir and of the facilities for the development, production and use of the underground water, determine the quantity of the underground water available for production and use and the improvements, developments and recharges needed for those underground water reservoirs;
7. develop comprehensive plans for the most efficient use of the underground water of any underground water reservoir and for the control and prevention of waste of that underground water, with the plans to specify in the amount of detail that may be practicable the acts, procedures, performance, and avoidance that are or may be necessary to effect those plans, including specifications;
8. carry out research projects, develop information, and determine limitations, if any, that should be made on the withdrawal of underground water from any underground water reservoir;
9. collect and preserve information regarding the use of the underground water and the practicability of recharge of any underground water reservoir;
10. publish plans and information, bring them to the notice and attention of the users of the underground water within the district, and encourage their adoption and execution;
11. contract for, sell and distribute water from a water import authority, or other agency.

ADMINISTRATIVE PROCEDURES

Administrator and Employees

The board may employ a manager and set his salary. The board may delegate any of its powers and duties (except those of adopting rules, a dissolution resolution, a dissolution order, and those relating to hearings, taxation and bonds.) to the manager who may carry out the powers and duties delegated to him by the board. Employment of personnel is subject to the general law on nepotism. The manager with the approval of the board may employ employees of the board and set their salaries, and hire legal counsel for the board.

The manager shall with the approval of the board develop a plan of work for the district, act as official liaison for the board between the public and governmental agencies, and prepare budgets.

The manager's position shall be reviewed yearly at the beginning of the fiscal year.

TAXATION AND BONDS

The tax and bond provisions of Chapters 51 and 52 of the Water Code as amended apply to the District.

The board may levy and collect property taxes levied on the property in the district that are necessary to enable the board to perform the powers and functions given it in the Act.

The board may levy annual taxes not to exceed five (.05) cents on the \$100 dollar valuation on all taxable property within the district. The board has adopted the county appraisal as the base for valuations necessary to provide net funds.

ANNEXATION

Additional territory may be added to the district under Chapter 51 of the Water Code as amended. The directors shall determine to which precinct the annexed land shall be added for purposes of election of directors.

AMENDMENT TO BY-LAWS

These By-Laws may be altered or amended or the same may be repealed by new By-Laws adopted at any regular or special meeting of the Board of Directors of the District, provided that no such action shall be taken at a regular or special meeting unless ten (10) days notice of the proposed alteration, amendment or repeal and a copy of proposed new By-Laws is submitted in writing to each of the Directors of the District with the notice of such meeting. No such alteration, amendment or repeal of the By-Laws or the adoption of new By-Laws shall be valid unless the same shall be by the affirmative vote of at least a majority of all of the Directors of the District.

DISSOLUTION OF THE DISTRICT

Chapter 52 of the Water Code, as amended, applies to dissolution of the district.