

**STERLING COUNTY  
UNDERGROUND WATER  
CONSERVATION DISTRICT**

**P.O. Box 359 Sterling City TX 76951  
ph (915) 378-2704**

Mr. Craig Pedersen  
Executive Administrator  
Texas Water Development Board  
1700 N. Congress  
Austin, Texas 78711-3231

Dear Mr. Pedersen,

Attached is the original adopted Management Plan of the Sterling County Underground Water Conservation District. This plan was adopted on August 10, 1998 at the regular monthly meeting of the District's Board.

The outline of this management plan was developed in open meetings of the Board of directors of the District. The plan was drawn up by the District's manager at the request of the Board.

The resolution adopting the plan is also included, along with the notice of hearing and monthly meeting as required by the Open Meetings Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Jennings", written in a cursive style.

Bob Jennings  
Manager

**STERLING COUNTY  
UNDERGROUND WATER  
CONSERVATION DISTRICT**

**MANAGEMENT PLAN 1998-2008**

**STERLING COUNTY UNDERGROUND WATER CONSERVATION DISTRICT**

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## **District Mission**

### **STERLING COUNTY UNDERGROUND WATER CONSERVATION DISTRICT**

The Sterling County Underground Water 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 8.75 million acres or 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 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 CountyUWCD
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 production 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 Board of Directors and replaces the existing management plan adopted by the Board of Directors in November, 1986. This new plan will remain in effect until a revised plan is certified on or before September 1, 2008.

## **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 State Senator Bill Simms and Representative Dick Burnet 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 hydro geologic 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 Sterling County Underground Water Conservation District was created by acts of the 69<sup>th</sup> Legislature (1985). In November, 1986, the residents confirmed the District and also voted to fund the district operations through local property taxes. It became an active District in November, 1986. On August 10, 1989, the District adopted Rules and By-Laws which became effective immediately, and adopted a management plan soon after this. With the adoption of these rules, the District implemented a well permitting and registration program. The current members of the Board of Directors are: Mackey McEntire, Chairman, Bill Humble, Vice-Chairman, Gary Foster, Secretary, Darwin Schrader, Member, Jim Terry, Member. The District General Manager is Bob Jennings. The Sterling County U.W.C.D. covers all of Sterling County. The District's economy is based primarily on oil & gas production and agriculture interests. The agricultural income is derived primarily from the production of sheep and beef cattle. Recreational hunting leases also contribute to the income of the area.

### **Location and Extent**

The Sterling County U.W.C.D. has an areal extent of approximately 914 square miles or approximately 584,960 acres. The total population of the County is approximately 1500 people. The only town in Sterling County is Sterling City. Land use in the District is for agricultural purposes of which 576,570 acres is range land, and 8,390 acres of crop land. The freshwater aquifer of the District is the Edwards-Trinity. There are approximately 500 acres of irrigated farm land in the District.

## **Topography and Drainage**

The District is in the drainage basin of the North Concho River, a tributary of the Colorado River Drainage Basin. The District is primarily made up of hills and plateaus surrounding low lying areas dissected by tributaries of the North Concho. The MSL elevation of the district ranges from 2300 to 2655 feet.

## **Groundwater Resources of the Sterling County U.W.C.D.**

Sterling County overlies the Edwards-Trinity aquifer. County Static water level averages 147 feet. Freshwater is produced from a formation of sandstone, quartzite, conglomerate, and thin clay layers. The primary recharge for the Edwards Trinity aquifer in Sterling County is the infiltration of precipitation. The main use of water in Sterling County is for oil & gas production with Secondary uses of livestock production and municipal purposes in Sterling City the only municipality in Sterling County. Reported well yields range from less than one gal/min, where saturated thickness is thin, to nearly 2000 gal/min in specific areas, within the District. Chemical quality of Edwards-Trinity 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.

Sterling County is a member of The West Texas Weather Modification Association and is part of a target area covered by seven groundwater conservation districts. Data from the Weather Modification (Cloud Seeding ) program for 1997 is currently being analyzed. The Colorado River Municipal Water District has been conducting rainfall enhancement since the early 1970's. Their 1994 Summary Weather Modification report indicates a 23% enhancement to rainfall. Based on these estimates, recharge enhancement to Sterling County could be approximately 3,858 acre-ft./year.

This Management plan utilizes data available from the TWDB Report wplan-96. It is estimated that the District has a total usable Goldwater supply of 16,774 acre-ft. This data is an average for a large, multi county area overlying the Edwards-Trinity aquifer. The more specific the area, this data is extrapolated to generalize, the less accurate the average data will become. The estimated annual effective recharge for the aquifer beneath Sterling County is 16774 acre-feet per year.

## **Surface Water Resources of Sterling 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.

## **Projected Water Supplies of Sterling County U.W.C.D.**

Projected water supply amounts for the District are 2,242 acre-feet in year 2000 and 2,071 acre-feet in 2010; as provided by the TWDB, WPLAN-96.

### **Groundwater Use in Sterling County U.W.C.D.**

Using the most recent data available from the TWDB, WPLAN-96, Sterling Counties' groundwater use average from 1980 to 1995 is 1884 acre-feet per year. This average includes uses from municipal, irrigation, mining, and livestock production. The annual estimated usage within the District for the most recent five year period ending in 1995 is shown below.

1995	1894 acre-feet per year
1994	1958 acre-feet per year
1993	1906 acre-feet per year
1992	2225 acre-feet per year
1991	2139 acre-feet per year

### **Projected Demands for Water in Sterling County**

The data in this section came from the TWDB Water Supplies Section. The estimated total water demands for Sterling County will be 1911 acre-feet per year by 2050. This estimate is based on projections of the following breakdown and population statistics. Sterling City at current population growth will have a projected demand of 303 acre-feet per year by the year 2050. Mining or secondary recovery flood projects are anticipated to use 396 acre feet. Irrigation will hypothetically use 709 acre-feet. Watering of livestock is estimated to use 476 acre-feet, and it is estimated that 27 acre-feet will be used in other county activities by the year 2050.

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

Based on supply and demand calculations and projections, no supply deficits are anticipated by 2050.



The supply and demand totals for 2010 are as follows, as provided by TWDB, WPLAN-96:

Projected Supplies	
Groundwater from Edwards-Trinity	16,774 acre-feet per year
Total Projected Supply	16,774 acre-feet per year
Total Projected Demand	2,071 acre-feet per year
Balance (surplus)	14,703 acre-feet per year

### **Management of Groundwater Supplies**

For the past 12 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 in the District 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 adjacent owners and aquifer conditions. The exercise of said discretion by the Board shall not be construed as limiting the power of the Board.

### **Determination of District's progress**

The District's manager will address the District's Board on a monthly basis at the monthly meetings held by the District. At these meetings a progress report is presented to the Board.

## **GOALS, MANAGEMENT OBJECTIVES and PERFORMANCE STANDARDS**

### **Goal**

#### **1.0 Control and Prevent the Waste\* of Groundwater**

##### **Management Objective**

1.1 Each year identify all wasteful practices within the District, when observed.

##### **Performance Standards**

1.1a- Each year, the District will investigate any identified wasteful practices within two (2) working days of identification.

### **Goal**

#### **2.0 Providing for the Efficient Use of Groundwater Within the District**

Management Objective

2.1 Each year the District will provide a recommendation per request, for each request on efficient use of groundwater resources upon request.

Performance Standards

2.1a- The District will always be available for consultation, in the matter of efficient groundwater use. The District will provide available records of such events upon request, for each request.

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

Goal

**3.0 Control and prevention of subsidence**

Due to the limited quantity of groundwater pumped, and the geologic formations underlying the District, it has been determined that subsidence is not a concern.

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 Sterling County U.W.C.D. has no jurisdiction over surface water. The groundwater within the district is used primarily for livestock and rural domestic.

Goal

**5.0 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.

**\* 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 of political subdivision having

jurisdiction, if presumed to be an abandoned or deteriorated well

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

“District”- The Sterling 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 of producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose;
- (3) escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater;
- (4) pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;
- (5) willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the commission under Chapter 26;
- (6) groundwater pumped for irrigation that escapes as irrigation 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

*Mackey McEntire*

Mackey McEntire, Chairman

*Bill Humble*

Bill Humble, Vice Chairman

*Gary Foster*

Gary Foster, Treasurer

*Darwin Schrader*

Darwin Schrader, Member

*Jim Terry*

Jim Terry, Member

**STERLING COUNTY  
UNDERGROUND WATER  
CONSERVATION DISTRICT**

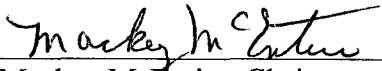
**P.O. Box 359 Sterling City TX 76951  
ph (915) 378-2704**

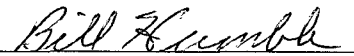
**RESOLUTION**

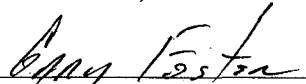
WHEREAS, it has been mandated by the state through Senate Bill 1, all underground water conservation districts will submit a new management plan to The Texas Water Development Board for approval by September 1, 1998.


Be it resolved that the Board of the Sterling County Underground Water Conservation District of Sterling County, Texas, has adopted a new management plan, to be sent to The Texas Water Development Board, entitled "MANAGEMENT PLAN 1998-2008" on August 10, 1998.

Board Members:

  
Mackey McEntire, Chairman

  
Bill Humble, Vice Chairman

  
Gary Foster, Treasurer

  
Darwin Schrader, Member

  
Jim Terry, Member

#1383

FILED August 6 19 98

At 9:15 o'clock A M

DIANE A. HAAR  
County Clerk, Sterling County, Texas

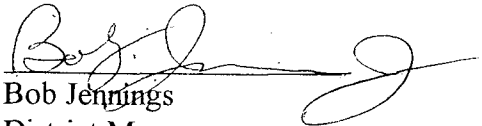
By Susan Wylatt Deputy

**NOTICE OF MEETING/  
HEARING**

**STERLING COUNTY UNDERGROUND WATER CONSERVATION DISTRICT  
PO BOX 359  
STERLING CITY, TX 76951**

- DATE:** Monday, August 10, 1998  
**TIME:** 7:00 pm  
**LOCATION:** Water District Office  
**AGENDA:**
- \* approve monthly bills
  - \* set the Districts 1999 tax rate and approve budget
  - \* have hearing on the proposed district management plan
  - \* adopt the Districts mandated management plan
  - \* discuss District's monthly progress
  - \* discuss any other District business
  - \* hear report from area's weather modification efforts

This notice has been posted in the Sterling County Courthouse and Water District Office on the 6<sup>th</sup> day of August, 1998.

  
Bob Jennings  
District Manager

**CERTIFICATE**

THE STATE OF TEXAS  
COUNTY OF STERLING

I, Diane A. Haar, Clerk of the County Court in and for Sterling County, Texas, hereby certify that the above and foregoing instrument is a true and correct copy of the original 'NOTICE OF MEETING' as filed by STERLING COUNTY UNDERGROUND WATER CONSERVATION DISTRICT, in my office on August, 6 A.D. 1998.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 6<sup>th</sup> day of August, A.D. 1998.



Diane A. Haar, Clerk, County Court, Sterling County, Texas

By Diane A. Haar  
county clerk

By: Susan Wylatt  
Deputy Clerk

BY-LAWS AND RULES  
OF THE STERLING COUNTY  
UNDERGROUND WATER CONSERVATION DISTRICT

In accordance with the Legislative act, House Bill 2587, and Chapter 52 of the Texas Water Code, Vernon's Civil Statutes of Texas, the following draft of the by-laws and rules are guides to be used with discretion and were so drafted 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 Sterling County Underground Water Conservation District consisting of five (5) duly elected members from the four county precincts and one at large.

The District shall mean the Sterling County Underground Water Conservation District maintaining its office in Sterling 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, or firm or corporation.

The word waste as used shall have the same meaning 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, and of the precinct of which he's running. All procedures for holding the election shall be in accordance with the Texas Election Code and the act creating the District.

Election:

It shall be held on the third Saturday in May.

Meetings:

The board shall hold monthly meetings on the third Monday 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.



#### 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 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, shall apply to dissolution of the district.

#### PROTECTION AND PRIVACY ACT

The Sterling County Underground Water Conservation District will not provide information to outside persons, firms, organizations or agencies concerning water rights, well location and pertinent facts dealing with the landowners property without written consent from the property or land owner.

- a quorum is the majority of the directors
- the board may elect its own officers yearly
- meeting will be held in the district's office
- the board will follow the rules of parliamentary procedures(Robert's Rules of Order)
- 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 Chapter 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 drawdown 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 constrict 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 the 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 liason for the board between the public and governmental agencies, prepare budgets. The manager's position shall be reviewed yearly at the beginning of the fiscal year.

#### TAXATION AND BONDS

The tax and bond provision of Chapter 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 fundctions given it in the Act.

The board may levy annual taxes not to exceed 50¢ on the 100 dollar valuation on all taxable property within the district. The board does hereby adopt the Sterling County Appraisal District as the base for valuations necessary to provide net funds.

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

The Rules of Sterling County Underground Water Conservation District and as amended are hereby published as of the 10th day of August, 1989.

In accordance with Section 59 of Article XVI of the Texas Constitution and with Acts of the 70th Legislature (1987), p. 3092, ch. 915, H.B. 2587 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 the objectives be attained, these rules shall be so construed.

These rules may be used as guides in the exercise of discretion, where discretion is vested. However, under no circumstances and in no particular case shall they, or any of them, be construed as a limitation or restriction upon the exercise of any discretion, where such exists; 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) "Abandonment" shall mean the intentional discontinuation of use.

(b) 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.)

(c) The "Board" shall mean the Board of Directors of the Sterling County Underground Water Conservation

District, consisting of five (5) duly elected members.

(d) "Capping" shall mean the equipping a well with a suitable device that will prevent the entrance of surface pollutants into the well.

(e) "Casing" shall mean a tubular watertight structure installed in the excavated or drilled hole to maintain the well opening and, along with cementing, to confine ground waters to their zones of origin and prevent the entrance of surface pollutants.

(f) "Cement" shall mean a neat Portland or construction cement mixture of not more than seven gallons of water per 94-pound sack of dry cement, or a cement slurry which contains cement along with bentonite, gypsum, or other additives; the well driller will adhere to the manufacturer's recommended water content for the mix.

(g) "Completion" shall mean the sealing off access of undesirable water to the well bore by proper casing and/or cementing procedures.

(h) "District" shall mean the Sterling County Underground Water Conservation District, maintaining its principal office in Sterling City, Texas. Where applications, reports and other papers are required to be filed with or sent to "the District", this means the District's headquarters in Sterling City, Texas.

(i) "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. Except as provided in Rule 3 hereinafter, for all purposes herein, an "exempt well" as defined herein shall not be exempt from any and all rules and regulations created hereunder.

(j) "Mud" shall mean a relatively homogenous, relatively viscous fluid produced by the suspension of clay-size particles in water.

(k) "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 (10) feet deep, nor more than six (6) feet in diameter.

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

(m) "Person" shall mean any individual, partnership, firm, corporation, municipality, county, state or other political subdivision.

(n) "Plugging" shall mean an absolute sealing of the well bore.

(o) "Pollution" shall mean the alteration of the physical, thermal, chemical, or biological quality of,

or the contamination of, any water in the District that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

(p) "Undesirable Water" shall mean water that is injurious to vegetation, to land or to fresh water, or water that can cause pollution.

(q) 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 a rate and in an amount that causes or threatens to cause the intrusion into the reservoir of water unsuitable for municipal, industrial, 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;

<4> The pollution or harmful alteration of the character of the underground water in an underground water reservoir of the District by salt water or other deleterious matter admitted from another other stratum or from the surface of the ground; or

<5> Willfully or negligently causing, suffering, or permitting underground water to escape into any river, creek, or sewer, street, highway, road, or road ditch, or onto land other than that of the owner of the well.

(r) "Water" shall mean underground water.

(s) The term "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.

(t) "Well log" shall mean a log accurately kept, or forms prescribed by the Water Well Drillers Board of Texas, or any successor regulatory agency with jurisdiction there, at the time of drilling showing the depth, thickness, character of the different strata penetrated, location of water-bearing strata, depth, size and character of casing installed, together with any other data or information required by the Water Well Drillers Board of Texas or of this Board. Each copy of a well log shall include the name, mailing address, and telephone number of the District as well as the Water Well Drillers Board of Texas and the Texas Water Commission.

## **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 some other stratum or strata or from the surface of the ground.

(d) No person shall commit waste as the term is defined by Section (g), Rule 1 of the Rules of the Sterling 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 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) No 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 sixty (60) days 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 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 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 the 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 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, and 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, redrilling 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) Distant 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 three hundred thirty (330') 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 to prevent confiscation of property.

(2) In the interest of protection 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 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 subdivision of property will be regarded in applying such spacing rule or in determining the matter of confiscation if such subdivision took place subsequent to the promulgation and adoption of the original spacing rule.

(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 circumstance 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 land until the 2 gallons/acre/minute basis is attained. Said cumulative average gallonage 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.

#### **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 therefore shall be submitted by the applicant in writing to the Board at its district office on forms furnished by the District. The application shall be accompanied by a plat or sketch, drawn to scale of one (1) inch equaling 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 exceptions 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 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 of 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 (10) 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, redrill, or re-equip a well in a manner that would increase the maximum rate of production of water from such well beyond any previous actual rate of production of such well as established by Rule 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 site unless the new location complies with 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) Plugged 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, as amended. 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, redrill 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 drawdown of the water table or unreasonable interference between wells, waste, or confiscation of property. Provided that if the adjacent 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 that 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) month 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 therefore with fifteen (15) 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 or for determining the pumping capacity of 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 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 of 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 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 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 Protester and show that Protester has read either the application or a notice relative thereto published by the Board.

(2) There shall be an allegation of injury to Protester which will 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 Protester, it shall include a statement of the basis of Protester claim of right.

(4) Protester 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 Protesters 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 Protesters 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 rules 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 Sterling 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 of 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 Sterling 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.

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 appeal to the Manager's well validating decisions being subject to Board review at any of its regularly called meetings, or at special called meetings.

#### **RULE 21 - TRANSPORTATION OF WATER FROM THE DISTRICT**

I. 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 the greatest calendar year for the past three preceding years prior to the date of said application for permit.

(a) The permit provided for herein must be applied for and filed with the District in the form of 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 of 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 alteration is to begin;
- (7) state the length of time required for the proposed use of water;
- (8) provide information showing the effect if 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 any 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 of 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 transporting 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 materials 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 objections 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 us 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 (O).

(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 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 of 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) Any permit granted under this Subsection shall be subject to revocation for nonuse or waste by the permittee, or for substantial deviation from the purposes or other terms stated in the permit. Revocation of a permit for nonuse 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 the 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.

**RULE 22 - WELL DRILLING, COMPLETION, CAPPING AND PLUGGING**

(a) Responsibility

(1) All wells drillers and persons having a well drilled, deepened, or otherwise altered shall adhere to the provisions of this Rule prescribing the location of wells and proper drilling completion, capping and plugging.

(b) Location of Domestic, Industrial, Injection and Irrigation Wells.

(1) Except as noted in paragraph (c) (1) of this Rule (relating to Standards of Completion for Domestic, Industrial, Injection and Irrigation Wells), a well shall be located a minimum horizontal distance of 50 feet from any water-tight sewage and liquid-waste collection facility.

(2) Except as noted in paragraph (c) (1) of this Rule (relating to Standards of Completion for Domestic, Industrial, Injection and Irrigation Wells), a well shall be located a minimum horizontal distance of 150 feet from any concentrated sources of contamination, such as existing or proposed livestock or poultry yards, privies, and septic system absorption fields.

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

(c) Standards of Completion for Domestic, Industrial, Injection and Irrigation Wells. Domestic, industrial, injection and irrigation wells shall be completed in accordance with the following specifications and in compliance with local county and/or incorporated city ordinances:

(1) The annular space between the borehole and the casing shall be filled from ground level to a depth of not less than 10 feet below the land surface or well head with cement slurry. The distances given in Paragraph (b) (1) and (2) of this Paragraph (relating to Location of Domestic, Industrial, Injection and Irrigation Wells) may be decreased provided the total depth of cement slurry is increased by twice the horizontal reduction. In areas of shallow, unconfined groundwater aquifers, the cement need not be placed below the static water level. In areas of shallow,

confined groundwater aquifers having artesian head, the cement need not be placed below the top of the water-bearing strata.

(2) In all wells where plastic casing is used, a concrete slab or sealing block shall be placed above the cement slurry around the well at the ground surface.

(i) The slab or block shall extend at least two feet from the well in all directions and have a minimum thickness of four inches and shall be separated from the well casing by a plastic or mastic coating or sleeve to prevent bonding of the slab to the casing.

(ii) The surface of the slab shall be sloped to drain away from the well.

(iii) The top of the casing shall extend a minimum of one foot above the top of the slab.

(3) In all wells where steel casing is used:

(i) The casing shall extend a minimum of one foot above the original ground surface; and

(ii) A slab or block as described in Paragraph (2) (i) is required above the cement slurry except when a pitless adapter is used.

Pitless adapters may be used in such wells provided that:

(a) the adapter is welded to the casing or fitted with another suitably effective seal; and

(b) the annular space between the borehole and the casing is filled with cement to a depth not less than 15 feet below the adapter connection.

(4) All wells, especially those that are gravel packed, shall be completed so that aquifers or zones containing waters that are known to differ significantly in chemical quality are not allowed to commingle through the borehole-casing annulus or the gravel pack and cause quality degradation of any aquifer or zone.

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

(d) Standards for Completion for Wells Encountering Undesirable Water.

(1) If a well encounters undesirable water and the well is not plugged, the licensed well driller or owner shall see that the well drilled, deepened or otherwise alters in forthwith completed in accordance with the



following:

(i) When undesirable water is encountered in a well, the undesirable water shall be sealed off and confined to the zone(s) of origin.

(ii) When undesirable water is encountered in a zone overlying fresh water, the well shall be cased from the top of the fresh water zone to the land surface.

(iii) The annular space between the casing and the wall of the borehole shall be cemented to the land surface.

(iv) When undesirable water is encountered in a zone underlying a fresh water zone, the part of the well bore opposite the undesirable water zone shall be filled with cement to a height that will prevent the entrance of the undesirable water into the pumping well.

(2) The person who performs the well completion on a well shall, within 30 days after completing the well, submit a well completion report to the District Manager, on forms supplied by the District Manager.

(e) Standards for Wells Producing Undesirable Water.

(1) Wells completed to produce undesirable water shall be cased from the top of the undesirable water zone of 50 feet below the lowermost fresh water zone to the land surface.

(2) The annular space between the casing and the wall of the borehole shall be cemented to the land surface, or as a minimum, to a height greater than the hydrostatic head of the undesirable water aquifer plus the uppermost 10 feet of casing.

(3) If the undesirable water does not enter the cased part of the well, the lowermost and uppermost 10 feet (minimum) of the casing shall be cemented in order to seal off all other water-bearing or other permeable sections from the well.

(f) Recompletion.

(1) The landowner shall have the continuing responsibility of insuring that a well does not allow the commingling of undesirable water and fresh water or the unwanted loss of water through the wellbore to other porous strata.

(2) If a well is allowing the commingling of undesirable water and fresh water or the unwanted loss of water, and the casing in the well cannot be removed and the well recompleted with the applicable rules, the

casing in the well shall be perforated and squeeze cemented in a manner that will prevent the commingling of loss of water. If such a well has no casing then the well shall be cased and cemented, or plugged in a manner that will prevent such commingling or loss of water.

(3) The District Manager may direct the landowner to take proper steps to prevent the commingling of undesirable water and fresh water, or the unwanted loss of water.

(g) Well Plugging and Capping

(1) It is the responsibility of the landowner or person having the well drilled, deepened, or otherwise altered, to cap or have capped, under standards set forth in this Rule (relating to Well Drilling, Completion, Capping, and Plugging), any well which is open at the surface.

(2) It is the responsibility of the landowner or person having the well drilled, deepened or otherwise altered to plug or have plugged a well which is abandoned.

(3) It shall be the responsibility of the landowner or person having the well drilled, deepened, or otherwise altered to see that any well which encounters undesirable water is plugged under the standards set forth in this Rule (relating to Well Drilling, Completion, Capping and Plugging).

(4) The person that plugs such a well shall, within 30 days after completion or plugging complete, submit a well completion and plugging report to the District Manager, on forms supplied by the District Manager.

(h) Standards for Plugging Wells

(1) If the use of a well that does not contain any undesirable water zones is permanently discontinued, all removable casing shall be removed from the well and the entire well filled with cement to the land surface.

(2) In lieu of the procedure in subsection (1) of this paragraph, the well may be filled with heavy mud followed by a cement plug extending from land surface to a depth of not less than 10 feet.

(i) Standards for Plugging Wells That Penetrate Undesirable Water Zones

(1) If the use of well that penetrates undesirable water is to be permanently discontinued, all removable casing shall be removed from the well and the entire well filled with cement to the land surface.

(2) In lieu of the procedure in subsection (1) of this paragraph, either the zone(s) contributing undesirable water, or the fresh water zone(s), shall be isolated with cement plugs and the remainder of the wellbore filled with heavy mud to form a base for a cement plug extending from land surface to a depth of not less than 10 feet.

#### **RULE 23 - REPORTING UNDESIRABLE WATER**

(1) Each licensed well driller shall immediately inform the landowner of person having a well drilled, deepened, or otherwise altered when undesirable water has been encountered.

(2) The well driller shall submit to the District Manager and the landowner or person having the well drilled, deepened, or otherwise altered, on forms supplied by the District Manager, a statement signed by the well driller indicating that the landowner or person having the well drilled, deepened, or otherwise altered, has been informed that undesirable water has been encountered and shall note on all logs filed the depth such undesirable water was found.

(3) The statement indicated in subsection (2) of this Rule must be submitted within 30 days after encountering undesirable water.

#### **RULE 24 - DISPOSAL AND STORAGE OF WASTES**

(1) None of the following materials and substances may be imported from outside the district to a point within the district, nor moved within the district from point to point, for the purpose of temporarily, or permanently disposing, discharging or storing of such materials or substances within the district without first obtaining a permit from the district:

- (a) Radioactive wastes;
- (b) Toxic substances;
- (c) Hazardous substances;
- (d) Polychlorinated biphenyls;
- (e) Oil, gas, and mineral production and refinement wastes;
- (f) Soil, fluids or other material or substances contaminated with any of the above; and
- (g) Any other substance that presents a threat to the quality or quantity of groundwater used within the district.

(2) Exclusions - The following substances are

hereby expressly excluded from this rule:

(a) Agricultural insecticides, herbicides or other agri-chemicals applied to the surface at the appropriate rate and for their intended use only; provided, however, that this rule shall not exclude the disposal from washing out of equipment used for applying the chemicals by any operator.

(3) The following activities are prohibited unless a permit is granted by the district:

(a) Construction, operation, maintenance or use of water disposal wells for disposal of any of the materials or substances enumerated in subparagraphs (1)(a) through (1)(g) inclusive of this Rule 24; and

(b) Construction, operation, maintenance or use of tanks, reservoirs, pits, depressions, sites, land fills, or other manner or storage of any of the materials or substances enumerated in subparagraphs (1)(a) through (1)(g) inclusive of this Rule 24 on either a temporary or a permanent basis within the district.

(4) Exceptions - This rule shall be strictly enforced in its application; provided, however, circumstances may arise that are materially different from those normally encountered in, or resulting from, any of the disposal or storage operations or activities described or prohibited by this rule. However, an exception may be granted at the discretion of the board upon due evidence presented that such prohibition shall cause undue hardship and the board finds that such disposal, or means of disposal, does not constitute a threat of waste, pollution or harmful alteration of groundwater within the district.

(a) Any person, firm, corporation, partnership, association of persons, or other entity desiring an exception to any of the provisions contained in this Rule shall file a written, sworn application with the District Office in Sterling City, Texas which shall state the following:

(1) The nature of the exception requested;

(2) The type of substance or material for which the exception is requested;

(3) The quantity of the substance or material to be stored and/or disposed of;

(4) The rate of disposal and method of disposal of such substance or material;

(5) The exact location of storage and/or disposition of such substance or material;

(6) A description of the present place facilities and environment of the substance or material including the method of storage and safeguards afforded thereby;

(7) The justification for granting the exception;  
and

(8) Any information that the Applicant deems appropriate in support of said Application.

(b) Seven copies of any Application for an Exception under this rule shall be submitted to the district at its general office in Sterling City, Texas.

(c) All Applications for an Exception shall be heard and considered by the Board of Directors meeting in regular or special session within ninety (90) days after submittal. Thirty (30) days prior to the date of hearing the district shall give notice of such hearing to the applicant and any known interested parties, including, but not limited to all governmental agencies having potential concurrent jurisdiction, and notice shall also be given to the public by appropriate notice given by the district by appropriate notice published in a newspaper of general circulation within the district at least thirty (30) days prior to the date of hearing.

(d) Upon hearing of the evidence presented, within sixty (60) days the Board shall enter an order granting or denying an Application for Exception, with any such conditions as it shall deem proper and necessary to protect the quality and/or quantity of the groundwaters underlying said district. In this regard, as one of such conditions, the district may require the installation of requisite equipment at the sole expense of the applicant to monitor water quality, as well as require testing and water analysis of the groundwater from areas around the waste disposal site. In addition, this monitoring equipment shall be in place and in working condition at all times and district personnel and/or agents or its contractors shall have the right to inspect and obtain samples from said equipment at any time deemed necessary by the district.

(e) Any hearings hereunder shall be public in nature and shall be conducted pursuant to Rules 15 through 19, inclusive, provided herein.

(f) At the hearing the Applicant will be given the opportunity to present evidence with respect to the type of substance or materials for which an exception is sought, the quantity, location, description of the present facilities and environment of the material or substances, whether the substances or materials will alter or harm the groundwater, and protective devices and/or techniques to be employed by the Applicant to prevent such alteration or harm to the groundwater.

(g) The decision of the Board shall be based upon

a preponderance of the evidence submitted at the hearing by the Applicant, by the district, or by other interested parties, local state or federal agencies or public officials.

(h) The board may grant an exception to more than one applicant with the same waste disposal process.

(5) All persons, firms, partnerships, corporations, associations of persons, or other legal entities having in their possession or under their care, custody and control within the district any of the material and substances enumerated in subparagraphs (1)(a) through (1)(g) inclusive of this rule as of the date on which this rule becomes effective, whether for use, storage or disposal, shall report by sworn inventory to the district office in Sterling City, Texas within sixty (60) days of the effective date of this rule. The report shall include a description of the material or substances possessed, amount, location, status and whether a plan or schedule has been formulated for the ultimate disposal of the materials or substances and the place of such disposal.

Within sixty (60) days after receipt of such report, the board shall either approve same or set a hearing according to the procedures outlined herein.

(6) In the event of a change in the quality or quantity of the groundwater which would indicate possible contamination of the groundwater, at any time, the board shall have the right, power and authority to require the disposal facility to shut down until the source of the contamination is located and measures have been taken to correct the source of contamination and restore the water quality to its previous condition.

#### 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 judgment of the courts of this state or of the United States, such decision or holding shall not affect the validity of the remaining portions of these rules; and the Board does hereby declare that it would have adopted and promulgated such remaining portions of such rules irrespective of the fact that any other sentence,

section paragraph, clause, or part thereof  
may be declared invalid.

Entered this 10th day of August, 1989.

Sterling County Underground Water Conservation District  
P.O. Box 359  
Sterling City, TX 76951