

Wintergarden Groundwater
Conservation District
P O Box 1433
Carrizo Springs, TX 78834
(830) 876-3801
Fax (830) 876-3782
wggwcd@brushco.net

T W D B
RECEIVED

JUL - 1 1999

ROUTE TO: _____

CC TO: CP, TK, BR

June 29, 1999

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

Re: Transmittal of District Management Plan

Dear Mr. Pederson,

The Wintergarden Groundwater Conservation District (WGCD) is resubmitting our Management Plan that was adopted by our Board of Directors on May 11, 1999 and then amended and re-approved by the Board of Directors on June 15, 1999. Please retract the first submitted Management Plan dated May 26, 1999 and substitute the current enclosed Management Plan. It will remain in effect until a revised Management Plan is certified or June 2009, whichever is earlier. This Plan is fulfillment of requirements of SB1 and TWDB rules, specifically Texas Administration Code Chapter 356 (31TAC 356). The District Rules previously forwarded are to be attached as an addendum to support the Management Goals, Objectives and performance standards detailed in the Plan.

The local surface water entity has been notified of this Plan. Nueces River Authority has reviewed the document and has provided a letter confirming their approval.

The District appreciates the continuing efforts TWDB staff has made during the production of this Plan. Several members of the TWDB team have contributed in many significant ways to help bring this Plan to its present level. We thank them very kindly.

Enclosed are copies of the resolution adopting this amended Plan, along with copied of the posted Agenda, etc.

Please let me know if you need any additional information in the review of our Plan for administrative completeness.

Sincerely,



Ed Walker
Manager
WGCD

RESOLUTION

Wintergarden Groundwater Conservation District

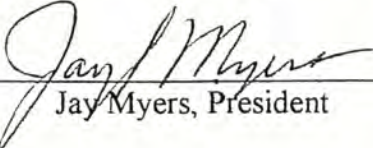
A resolution by the Board of Directors of the Wintergarden Groundwater Conservation District approving and adopting the "Wintergarden Groundwater Conservation District Management Plan" Which was previously adopted on May 11, 1999 and amended on June 15, 1999 and will remain in force until further amended, or of even month of year 2009.

Whereas, in compliance with the Texas Open Meetings Act, the agenda for the Wintergarden Groundwater Conservation District meeting of Tuesday, June 15, 1999 was duly posted in all the county courthouses as of June 11, 1999. and,

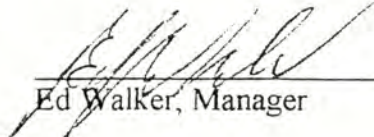
Whereas, all legal requirements, and all other applicable laws have been complied with and fulfilled. and,

Whereas, the official "Rules of the Wintergarden Groundwater Conservation District" were duly adopted on February 23, 1999 after proper notice, posting and publishing of which is an official attachment to the Wintergarden Groundwater Conservation District Management Plan.

Now; Therefore Be It Resolved, that the Wintergarden Groundwater Conservation District Management Plan in its final draft as presented to the Board of Directors on June 15, 1999 and to be effective until amended by the board of Directors, with proper notice and posting, or until even month of year 2009 **is hereby approved and adopted** by a motion made by Director Chris Meyer, followed by a second made by Treasurer Fred Kite. The vote was unanimous in favor of adopting the Plan.


Jay Myers, President

Attest:


Ed Walker, Manager

Wintergarden Groundwater
Conservation District

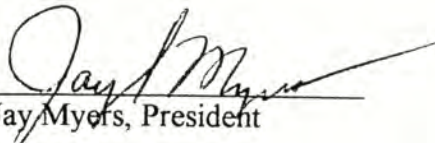
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(830) 876-3801
Fax (830) 876-3782

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REVISED AGENDA

Regular Scheduled Board meeting of the Wintergarden Groundwater Conservation District to be held at the District Office on Hwy 277 W. in Carrizo Springs, TX 78834 on June 15, 1999 at 6:00 p.m. with the following agenda:

- 1) Call to Order.
- 2) Approve Minutes from May 11, 1999 meeting.
- 3) Approve financial statement & bills for payment.
- 4) Review WGCD budget.
- 5) CPA audit update
- 6) **Review & Approve Management Plan**
- 7) Update on Rain Enhancement project.
- 8) Consider Joining the Chamber of Commerce
- 9) Flag Subscription
- 10) Adjourn


Jay Myers, President

Posted at _____, this _____, day of June 1999.



NUECES RIVER AUTHORITY

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GENERAL OFFICE

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200 E. Nopal • P.O. Box 349
Uvalde, Texas 78802-0349
Tel: 830-278-6810 • Fax: 830-278-2025

COASTAL BEND DIVISION

Natural Resources Center, Suite 3100
6300 Ocean Drive
Corpus Christi, Texas 78412
Tel: 361-825-3193 • Fax: 361-825-3195

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EXECUTIVE DIRECTOR
UVALDE, TEXAS

JAMES DODSON
DEPUTY EXECUTIVE DIRECTOR
CORPUS CHRISTI, TEXAS

June 28, 1999

Mr. Ed Walker, Manager
Wintergarden Groundwater Conservation District
P.O. Box 1433
Carrizo Springs, Texas 78834

Re: Wintergarden Groundwater Conservation District Management Plan

Dear Mr. Walker:

Texas Water Development Board rules require Management Plans to be developed by groundwater districts in conjunction with surface water entities within the districts' boundaries. This is to acknowledge receipt of the Management Plan of the Wintergarden Groundwater Conservation District as adopted by the District on June 15, 1999. The Nueces River Authority has no comments regarding the Plan. We look forward to working with the District in the future.

Sincerely,

Con Mims
Executive Director

Wintergarden
Groundwater
Conservation District
Management
Plan

(Adopted 6/15/99)

The Wintergarden Groundwater Conservation District Office is located at:

Hwy 277 W.

PO Box 1433

Carrizo Springs, TX 78834

Office Hours: 8:00 a.m.-12:00 p.m. 1:00 p.m.- 5:00 p.m.

Telephone: (830) 876-3801

Fax: (830) 876-3782

E-mail wggwcd@brushco.net

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Purpose And Intent

It is the purpose and intent of this plan to establish policy in the area of, water conservation, public information, regulations, permits and enforcement, equity and discretion, and cooperation and coordination, and will be in effect from adoption by notice and hearing for ten years until equal month of adoption in the year 2009. The goal of this plan is to establish a Regulatory Action Plan that will conserve, preserve, protect and prevent the waste of the underground water within the District. Due to the present potential mining of groundwater in the Carrizo aquifer in some areas of the District, the Regulatory Action Plan will also address reducing the mining of groundwater. The regulations and policies in this plan have been established so that the goals, needs and obligations of the District may be accomplished as set forth by the 75th Legislature, Regular Session 1997, House Bill 3602, and Chapter 36 of the Texas Water Code. 9

Background

The Wintergarden Groundwater Conservation District was created in 1997 by HB 3602 75th Leg. in accordance with Section 59, Article 16 of the Constitution of the State of Texas, and in accordance with the Texas Water Code Title 2 Water Administration Subtitle E Groundwater Management (ch. 35 & 36). The Wintergarden Groundwater Conservation District was confirmed by election in January 1998. The election was successful and a tax rate of \$0.04 per \$100.00 valuation was set.

The District encompasses all of Dimmitt, LaSalle, & Zavala Counties. This includes approximately 2,685,148 acres, or 4,195 square miles. The District economy is heavily dependent on agriculture and agriculture related business. Rainfall of 20.0 annually usually peaks in the late spring, with a secondary peak in the early fall. Due to this trend and high summer temperatures, irrigation is required for consistent crop production and yield. Approximately 88.6% of the total groundwater pumpage in the District is used in Agriculture.

Last 5 years average per county of acre-foot used for agriculture as follows;

Dimmitt	5616 AF	8.4%
LaSalle	6418 AF	9.6%
Zavala	55,148 AF	82.1%

Policy

It is the Policy of the District to promote water conservation, provide public information, maintain and sustain regulation, permits, enforcement, equity and discretion, cooperation and coordination. These policies are designed to support the regulation of groundwater withdrawals to reduce the mining of groundwater resources within the District. The implementation of this plan can only be achieved through a consorted effort by all parties that use groundwater within the District. The District shall maintain an office with regular office hours.

Management of Groundwater Supplies

The District will manage the supply of groundwater within the District in order to conserve the resource while seeking to maintain the economic viability of all resource user groups, public and private. In consideration of the economic and cultural activities occurring within the District, the District will identify and engage in such activities and practices, that if implemented would result in a reduction of groundwater use. An observation network shall be established and maintained in order to monitor changing storage conditions of groundwater supplies within the District. The District will make a regular assessment of water supply and groundwater storage conditions and will report those conditions to the Board and to the public. The District will undertake, as necessary and co-operate with investigations of the groundwater resources within the District and will make the results of the investigations available to the public upon adoption by the Board.

The District will adopt rules to regulate groundwater withdrawals by means of spacing and production limits. In making a determination, the District may deny a well construction permit or limit groundwater withdrawals in accordance with the guidelines stated in the rules of the District.

Technical Research and Studies

The District in cooperation with other entities including the Texas Water Development Board and the Texas Natural Resources Conservation Commission will work to determine methods to conserve and protect groundwater through more efficient irrigation practices, education, and well head protection. The District will be collecting well data from six (6) full time monitors placed in Carrizo Aquifer wells in order to determine the current level in the aquifer and the effects of the current usage by the year 2001.

Water Conservation

Water conservation has become a strong initiative throughout the State of Texas. New buildings are required to use certain water conserving plumbing fixtures as a result of legislation passed by the Texas Legislature in 1991. It has been recognized that fresh water is a vital commodity that can only last through preservation. The District may require a conservation plan for permitted wells in order to be sure that the groundwater produced is put to a beneficial use, not wasted. The District will work with water utilities, industry, and agriculture users to promote the most efficient use of water so that we may preserve one of our most valuable natural resources. The District will explore other conservation methods and options and will adopt new requirements, as they become necessary.

Groundwater Recharge

Estimates annual groundwater recharge in the District by County and Aquifer.

Dimmit County	Carrizo/Wilcox	12,189 AF
LaSalle County	Carrizo/Wilcox	12,631 AF
	Queen City Aquifer	425 AF
	Sparta Aquifer	1,400 AF
Zavala County	Carrizo/Wilcox	11,058 AF

In addition to the above values, WGCD believes recharge could be enhanced by a respectable amount with the implementation of a sound program to artificially recharge the aquifer. Beginning in the Spring of 1999 WGCD along with Webb County will be actively engaged in a 6 month rain enhancement program which is planned to be reoccurring in future years. The rain enhancement will not only increase the agriculture economic base but will also increase recharge. It has been established in various publications from TNRCC that cloud seeding will effectively increase rainfall by 12-20%, there-by increasing recharge by a similar amount.

Groundwater Availability

Estimates annual groundwater availability in the District, by county and aquifer

Dimmit County	Carrizo/Wilcox	30,277 AF
LaSalle County	Carrizo/Wilcox	34,810 AF
	Queen City	420 AF
	Sparta	1,400 AF
Zavala County	Carrizo/Wilcox	30,475 AF

Current and Projected Groundwater Needs

The WGCD is a three county District consisting of;

Dimmit: Asherton, Big Wells, Brundage, Catarina, and Carrizo Springs.

LaSalle: Artesia Wells, Cotulla, Encinal, Fowlerton, Los Angeles, Millett, and Woodward.

Zavala: Batesville, Crystal City, LaPryor,

Based on available data that last 5 years ending in 1996 annual water uses in the WGCD District has remained relatively constant as reflected in the following data.

Year	Total acre Ft.
1996	77,847
1995	75,562
1994	73,217
1993	73,036
1992	78,848

Estimated Groundwater pumpage percentages per county of the total usage in the District are as follows:

Dimmitt	12.1%
LaSalle	10.4%
Zavala	77.6%

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Projected total water demands for the WGCD will be as follows:

Year	Usage
2000	54,386 AF
2010	53,824 AF
2020	58,493 AF
2050	32,121 AF

Projected groundwater supply data:

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County	Aquifer	Year 2000	2010	2020	2030	2040	2050
Dimmitt	cz-wx	30,277	30,277	30,277	12,189	12,189	12,189
LaSalle	cz-wx	34,810	34,810	34,810	12,631	12,631	12,631
	sparta	1,400	1,400	1,400	1,400	1,400	1,400
	qn cty	425	425	425	425	425	425
Zavala	cz-wx	30,475	30,475	11,058	11,058	11,058	11,058

Source of Information

All values aforementioned were used in the preparation of "Water for Texas – Today and Tomorrow" TWDB 1997.

Public Information

The District will take necessary steps to ensure the public is informed and will cooperate with the media and all interested parties. The dissemination of information to public is vital to create awareness, and the public support that is needed to control and reduce the mining of the underground aquifer.

The District will also continue to pursue water conservation through a public information and education program. If used properly, voluntary conservation measures can significantly extend the life of the groundwater, thereby preventing the need for mandatory programs by this District or the State. Voluntary programs are entirely the function of providing the necessary education on conservation methods and habits along with the means to implement those methods. The District will continue to provide information to school districts and the public in an effort to create voluntary conservation.

Methodology the District Will Use To Track Progress on an Annual Basis in Achieving All Management Goals

The District Manager will prepare an annual report on District performances in achieving the management goals. The annual report will be presented to the Board of Directors during the first quarter of the calendar year, beginning January 2001. The report will include the number of instances each objective activity was engaged in during the year, referenced to the expenditure of staff time and budget so that the effectiveness and efficiency of each activity may be evaluated. The annual report will be maintained on file at the District Office and made available to the public upon adoption by the Board.

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Goals and Objectives

Goal 1.0 Efficient Use of Ground Water.

Management Objectives: District will establish an aquifer water level metering network with a minimum of five well/monitors by December 31, 2001.

Performance Standards: The District will create an aquifer water level monitoring network by Dec 31, 2001.

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Goal 2.0 Controlling and Preventing Waste of Groundwater.

Management Objectives: The District will at least on two occasions each year provide public information on water conservation and waste prevention through public speaking appearances at public schools, and civic organizations or newspaper articles.

Performance Standards:

- A. The number of speaking appearances made by the District each year.
- B. The number of newspaper articles published by the District each year.

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Goal 3.0 Control and Prevent Subsidence. Does not apply to WGCD.

Goal 4.0 Address Conjunctive Surface Water Management Issues.

Management Objectives: Each year the District will confer at least on one occasion with the Nueces River Authority on cooperative opportunities for conjunctive resource management.

Performance Standard: The number of conferences on conjunctive resource management opportunities held with Nueces River Authority each year.

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Goal 5.0 Address Natural Resource Issues that Impact the Use and Availability of Groundwater.

Management Objectives: Each year the District will insure that all new wells permitted for construction within the District, comply with the District construction standards through monitoring of the State of Texas water well report required to be provided to the District by water well drillers.

Performance Standard: The number of newly constructed water wells within the District monitored for compliance with District construction standards each year.

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Regulation

The primary objective of this plan is to control groundwater withdrawals to reduce potential aquifer mining within the District. Groundwater withdrawals can be reduced through conservation of groundwater. In regulating groundwater withdrawals, the District shall take into account several factors, including:

- 1) economic impact of conservation measures;
- 2) the degree and effect of aquifer mining in the area; and
- 3) differing hydrological characteristics of the aquifer(s) within the District.

The District will utilize the data and information obtained to evaluate the effectiveness of its regulatory policies and determine what future action may be needed to achieve the mandate of the Act, the District Rules, and the objectives and requirements of this Plan.

Permits And Enforcement

The District may deny permits or limit groundwater withdrawals following the guidelines stated in the Act, Rules of the District, and this Plan, in determining whether to issue a permit or limit groundwater withdrawal, the District will weigh the public benefit against individual hardship after considering all appropriate testimony and all relevant factors that include:

- 1) the purpose of the District Rules;
- 2) the objectives and requirements of this Plan;
- 3) the economic impact on the applicant from grant or denial of the permit or terms prescribed by the permit; and
- 4) an equitable distribution of available groundwater.

In carrying out its purpose, the District is empowered to require the reduction of groundwater withdrawal to amounts that will reduce aquifer mining, and restore and maintain sufficient artesian pressure. To achieve this requirement, the District may, on its own initiative and based on information obtained through its monitoring procedures, amend or revoke any permits.

The District will enforce permit terms and conditions.

Equity and Discretion

The District recognizes that the burden of reducing the mining of an underground aquifer should be borne by all users of groundwater. Although a single entity's groundwater withdrawal may not be capable of causing severe problems, the total action by all users can cause significant mining of groundwater. Therefore, every entity must be regulated.

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pp 8-12

To achieve the objective, the District must use discretion in permitting groundwater withdrawals. Therefore, temporary exceptions to the general rule for a specific area may be necessary if an economic hardship will be created that is significantly greater for one person than for others in the District, or if required due to hydrological, physical, or geophysical characteristics.

This Plan prescribes a production ratio of groundwater withdrawal based upon the number of acres of land owned by a property owner. Nothing in this Plan, however, should be interpreted to mean that a person is entitled to use groundwater in any amount merely because the Plan prescribes a ratio for production. The number of acres of land that are not within the Certificate of Convenience and Need (CCN) of a public or private water utility may be taken into consideration to meet the production ratio, if the well will be located within the boundaries of the water utilities CCN, and the utilities number of connections within the CCN justifies the amount of water requested.

Cooperation And Coordination

The District will work with the public, the regulated community, and state and local governments to achieve the District goals. The District will work with all water suppliers, industrial, and agricultural users to help them to preserve groundwater. The Texas Natural Resource Conservation Commission is the agency charged with protecting the state's water resources, and the Texas Water Development Board is the agency responsible for water resources planning and promotion of water conservation practices. The District will continue to work with both of these agencies throughout the life of this Plan.

Regulatory Action Plan

This portion of the Plan translates the legislative mandate of the District, Chapter 36 of the Texas Water Code and the policy and purpose of the District Rules into specific objectives and requirements. The Regulatory Action Plan establishes the requirements necessary to receive a water well drilling and production permit. The requirements are written as general guidelines, and each permit will be evaluated based on the best scientific data available. The current demand on the aquifer and the trend of the water levels in the area may be determining factors in the evaluation of a permit application

Spacing Requirements and Production Ratios

- (1) Exemptions;
Wells drilled to produce water to be used by an individual, a family, or a household for drinking water, cooking, washing, irrigation of a garden or orchard, if the produce from the orchard or garden is to be consumed by the individual, family or household, or watering of animals used in operating a farm or as food for the individual, family, or household, shall be exempt from spacing and production rules. Wells drilled, completed and equipped to produce less than

25,000 gallons per day or 17.5 gallons per minute shall also be exempt from these spacing and production requirements.

(2) Spacing;

(a) No well producing more than 25,000 gallons per day shall be drilled such that said well shall be located closer than 100 feet from the property line or ½ mile of any existing well.

The Board 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.

(b) 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 requirement.

(c) In applying this requirement, no subdivision of property made subsequent to the adoption of the original spacing requirement will be considered in determining whether or not any property is being confiscated within the terms of such spacing requirements.

(3) Production;

A person may be permitted to produce wells on their property, or property for which a person can show possession of groundwater rights, to a maximum production of 2 ½ acre feet per year. Annual production shall be computed by District personnel according to acres of groundwater rights possessed by the applicant, at the time that the application is filed.

Transportation Of Water From The District

For conserving groundwater in the District. Transportation of water from the District requires a permit as stated in the District Rules. Water wells to be used for the transportation of water out of the District shall be subject to spacing and production requirements as described herein. The Board reserves the right to approve a transportation permit application at a reduced rate, in order to reduce the economic impact upon agriculture production in the District. A minimum of 50% of the annual groundwater rights of all property owners must be retained by the property owner for agriculture production. Due to the economic impact that will result from the transportation of water out of the District, fees of one dollar (\$1.00) per acre foot for water used in agriculture, and seventeen cents (\$0.17) per thousand (1,000) gallons for all other uses, will be assessed by the District to mitigate the economic loss, as per chapter 36 of the Texas Water Code. Fees are due the first of each month, and are to be included with the monthly pumping report. A transportation permit shall be valid for a period up to 5 years. Construction of a transportation facility must commence within two years of the issuance of the permit, or the permit will be invalid.

Groundwater Protection

Section 26.401 of the Texas Water Code states that: "In order to safeguard present and future groundwater supplies, usable and potential usable groundwater must be protected and maintained."

A change in more than 10 % in the average level of the wells monitored by the District and/or by TWDB will necessitate a change in pumpage in that area.

Groundwater contamination may result from many sources, including current and past oil and gas production, agriculture activities, industrial and manufacturing processes, commercial and business endeavors, domestic activities, and natural sources that may be influenced or may result from human activities.

The District shall take appropriate measures to discontinue activities that are either causing, or are a potential threat to cause groundwater contamination. Due to permeability of aquifer outcrops and recharge zones, there is a greater threat for groundwater contamination from surface pollution in recharge and outcrop regions, and the District will impose more stringent restrictions on those areas.

Fees

Copies of the District Rules and Management Plan are \$5.00.

Water Well Drilling Permit Fee is \$175.00 of which \$75.00 is refundable to the applicant upon receipt of the drillers log and well registration to the District.

Water Well Production Permit Fee is \$25.00

Well Registration Fee for exempt wells is \$10.00.

Photocopies of District Documents are \$.10 per page.

Sending or receiving Facsimiles is \$2.00 for first page and \$1.00 thereafter including coversheet.

Document research by a District Employee is \$15.00 hr.

The cost of postage will be added when applicable.

Definitions

"Act" means the legislative Act that created the District that governs its operations. (Act of H.B. 3602, 75th Legislature.)

"Area" means a geographical area designated by the Board in which regulatory policy will be applied.

"Board" means the Board of Directors of the Wintergarden Groundwater Conservation District.

"Certificate Of Convenience And Need (CNN)" means the designation of geographical boundaries of a service area of a water utility.

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

"Mining Of An Aquifer or Aquifer Mining" means to extract groundwater from an aquifer at an annual rate which exceeds the normal recharge to the aquifer.

"Outcrop" means an area which an underground stratum or geologic formation is found at the surface of the ground.

"Person" includes corporation, individual, organization, government or governmental subdivision or agency, business trust, estate trust, partnership, association, or any other legal entity.

"Plan" means this District Plan.

"Water Utility" means any corporation, company, entity, or governmental subdivision public or private that sells water to any person within its service area.

"Well" means any excavation, facility, device, or method that could be used to withdraw groundwater.

"Withdraw" means the act of extracting groundwater by any method.