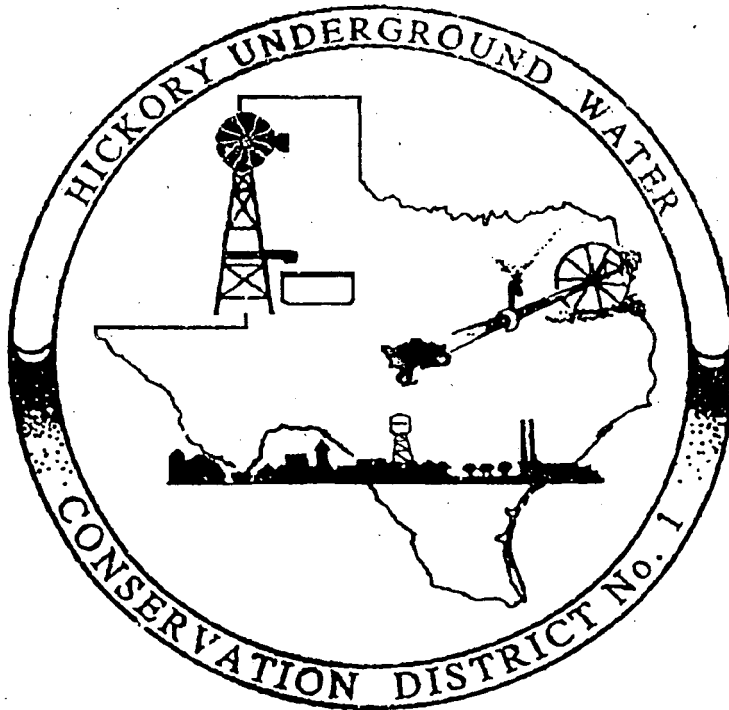


Hickory Underground Water Conservation District No. 1

Management Plan

1998-2008



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District Mission

The Hickory Underground Water Conservation District No. 1 strives to conserve, preserve, prevent waste, protect, and recharge the underground waters of the Hickory Aquifer, and as far as practicable to minimize the drawdown of the water table and the reduction of artesian pressure within the District Boundaries.

Time Period

This plan becomes effective upon certification by the Texas Water Development Board and remains in effect until September 1, 2008, or a period of ten years which ever is later. The plan may be revised at anytime, or after five years when the plan will be reviewed to insure that it is consistent with the applicable Regional Water Plans and the State Water Plan.

History

The need for a local Underground Water Conservation District to properly manage water from the Hickory Aquifer in Central Texas was first identified in the early

Hickory Underground Water Conservation District No. 1

1970's. At the request of area citizens, the Texas Water Development Board delineated a subdivision of the Hickory Underground Water Reservoir in 1975 in Concho, Kimble, Llano, Mason, McCulloch, Menard, and San Saba Counties. In November 1981, a petition was submitted to the Texas Water Commission calling for the creation of the Hickory Underground Water Conservation District No. 1 (District). A hearing was scheduled for June 9, 1982, before the Texas Water Commission to consider the sufficiency of the petition and determine whether such a District should be created. At the conclusion of the hearing, a petition was granted and the District was created. This petition states:

That on the 29th day of December, 1975, pursuant to Notice and Hearing as required by law, Texas Water Rights Commission duly entered its order designating and defining a subdivision of the underground water reservoir in the Hickory formation in Kimble, Menard, Mason, San Saba, Concho, McCulloch, and Llano Counties, Texas, said subdivision being designated the "Hickory Aquifer Underground Reservoir."

According to statutory provision, a confirmation election was held on August 14, 1982. The results of the election were: 1116 in favor of the confirmation of the District; 68 opposed; therefore, the District was officially established with a 94% approval of area voters.

Regional Cooperation and Coordination

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

In 1988, four (4) groundwater districts; Coke County UWCD, Glasscock County UWCD, Irion County WCD, and Sterling County UWCD signed the original Cooperative Agreement. 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:

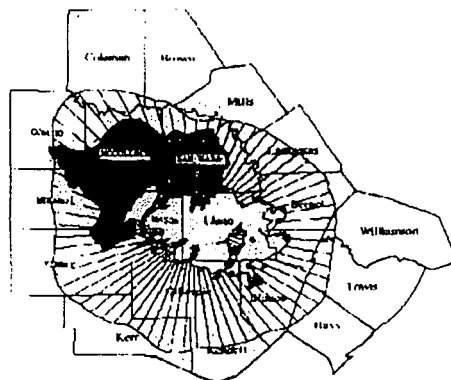
Coke County UWCD	Emerald UWCD	Glasscock County UWCD
Hickory UWCD	Irion County UWCD	Lipan-Kickapoo WCD
Plateau UWC&SD	Santa Rita UWCD	Sterling County UWCD
Sutton County UWCD		

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This Alliance was created because the local districts have a common objective to facilitate the conservation, preservation, and beneficial use of water and related sources. Local districts monitor the water-related activities of the farming and ranching, oil and gas, industrial entities 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.

Location and Extent

The Hickory Underground Water Conservation District No. 1 is located near the geographical center of Texas. The District comprises 1,250,000 acres of the Hickory Aquifer including parts of six counties: Mason, McCulloch, Menard, Kimble, San Saba, and Concho counties. (See Appendix A) Principal municipalities in or near the district boundaries are Brady, San Saba, Mason, and Eden.



Statement of Guiding Principles

The Hickory Underground Water Conservation District No. 1 (District) is created and organized under the terms and provisions of Article XVI, Section 59, of the Constitution of Texas and Chapter 36 (formerly Chapter 52) of the Texas Water Code, Vernon's Texas Civil Statutes, and the District's actions are authorized by, and consistent with this constitutional and statutory provision, including all amendments and additions. The District is created for the purpose of conserving, preserving, recharging, controlling subsidence, protecting and preventing waste and as far as practicable to minimize the drawdown of the water table and the reduction of artesian pressure of the Hickory Aquifer within the district boundaries. In order to carry out its constitutional and statutory purposes, the District has all the powers authorized by Article XVI, Section 59, of the Texas Constitution, and Chapter 36 of the Texas Water Code, Vernon's Texas Civil Statutes, together with all amendments and additions.

The District's purposes and powers are implemented through promulgation and enforcement of the District's regulations. These regulations are adopted and revised under the authority of Subchapter E, Chapter 36, Texas Water Code, and are incorporated herein as a part of the District's management plan. (See Appendix B)

The District's Board of Directors is made up of five members representing the various districts. Current Directors are W. Owen Parks (President), Bill Sloan (Vice-President), Bert C. Striegler (Secretary), Jim Quinn and Larry Lehmborg.

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Topography

The District is within the Colorado River basin and is bisected by the Llano and San Saba Rivers, as well as numerous other creeks. Drainage is typically from west to east.

The District contains two major geologic features. The Llano Uplift (Central Basin) is in the eastern and southern portions of the District. This feature is made up of rocks ranging in age from 1.0 to 1.2 billion years old and comprises granite and older metamorphic rocks. The northern and western parts of the District are in the Edwards Plateau region and are made up of Cretaceous Age limestone, dolomite, and marble.

The District elevation ranges from 1,100 to 2,300 feet above sea level.

Groundwater Resources of the Hickory Aquifer

This partition of the Hickory Aquifer is the primary source of groundwater of interest in the area. Water from the Hickory is used for irrigation, public water supply, industrial, stock, and the domestic needs of the people and entities served.

There are other aquifers (i.e. Ellenburger, Marble Falls, San Saba) within the district boundaries that meet the limited needs of individuals; however, the Hickory UWCD does not presently have the authority to regulate or manage these additional resources.

The Hickory Aquifer occurs in parts of the counties in the Llano uplift region of Central Texas. Discontinuous outcrops of the Hickory Sandstone overlies or flank exposed Precambrian rocks that form the central core of the uplift. The down dip

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artesian portion of the aquifer encircles the uplift and extends to maximum depths approaching 4000 ft. Most of the water pumped from the aquifer is used for irrigation. The largest capacity wells, however, have been completed for municipal water supply and industrial purposes in the Mason and Brady area.

The Hickory Sandstone Member of the Cambrian Riley Formation is composed of some of the oldest sedimentary rocks found in Texas. In most of the northern and western portions of the aquifer, the Hickory can be differentiated into lower, middle, and upper units, which reach a maximum thickness of 480 feet in southwestern McCulloch County. In the southern and eastern extent of the aquifer, the Hickory consists of only two units. Block faulting has compartmentalized the Hickory Aquifer, thus restricting flow.

RECHARGE

Most of the recharge to the Hickory is probably from direct infiltration of precipitation on the outcrop of the Hickory Formation. The amount is unknown, but can be approximated by planimetry of the areal extent of the outcrop areas which provide recharge to the Hickory, compiling rainfall records of the area, and estimating infiltration rates. The outcrop areas on the map total 136 square miles, or 87,040 acres. This represents the total Hickory outcrop area potentially contributing recharge to the Hickory Aquifer within the District. The average annual rainfall for the area is 24 inches. Infiltration rates for sand formations in Texas range from far less than one-quarter inch per year in West Texas up to approximately three inches per year in East

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Texas. If one inch of the average precipitation actually infiltrated the Hickory Aquifer, such recharge would total 7,250 acre feet per year, or 6.5 million gallons per day (MGD). If as much as two inches of the average precipitation were to infiltrate, which is probably unlikely, such recharge would total 14,500 acre feet per year, or 13 MGD.

The amount of recharge occurring via streamflow losses from creeks that cross the Hickory outcrop area is also unknown. A preliminary office review of the relationship of the outcrop areas to drainage patterns indicate few streams exist which have large drainage areas upstream from the outcrop areas. Notable exceptions include small parts of the outcrop area traversed by the San Saba River or by the Llano River and a larger part of the outcrop traversed by Tiger and Katemcy Creek. Recharge via streamflow losses may not be too significant. Exact conditions can only be determined by more detailed investigations including field studies.

Recharge via leakage from adjacent formations probably is not too important excepting possibly where shallow alluvial deposits overlie the Hickory outcrop. Normally, leakage from adjacent formations is largely restricted by low permeability materials. However, faulting in some areas may place permeable materials adjacent to the Hickory; in such areas, leakage could be of more significance. Information on leakage will likely be difficult to obtain and will require extensive field data.

STORAGE

The amount of water in storage in the Hickory Aquifer can be calculated based on the thickness and extent of the aquifer and its porosity. Calculations can be made

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for the outcrop area and the area downdip from the outcrop of the Hickory. Assuming a porosity of 20 percent, an outcrop area of 136 square miles, and an average saturated thickness of 150 feet, the amount of water stored beneath the outcrop area is estimated to be about 2.6 million acre feet, or 8.5×10^5 million gallons. Similarly, the amount in storage in the formation between the outcrop area and the downdip limit of fresh water can be calculated. Assuming porosity of 20 percent, an area of 2,335 square miles and an average saturated thickness of 300 feet, the amount of fresh water stored in the aquifer downdip from its outcrop are is calculated to be 90 million acre feet, or 2.9×10^7 million gallons. Thus the total amount of water stored in the Hickory Formation is estimated to be approximately 93 million acre feet, or 3×10^7 million gallons.¹

Groundwater from the aquifer is generally fresh. However, locally, the aquifer produces water with excessive alpha particles and total radium concentrations in excess of drinking water standards. The water can also contain radon gas. The upper unit of the Hickory produces groundwater containing concentrations of iron in excess of drinking water standards.

PROJECTED HICKORY AQUIFER WATER SUPPLIES

Projected average annual groundwater available from the Hickory Aquifer for the six counties within the District is estimated at 27,620 acrefeet. This data was obtained from the Texas Water Development Board. Other aquifers in the District include the

¹ Recharge and storage data obtained from "Hickory Aquifer Data" prepared for Hickory UWCD by R.W. Harden & Associates, August 1986.

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Edwards, Trinity, Ellenburger, Marble Falls, etc., however the District presently has no authority to manage these resources.

The total available groundwater in the above mentioned other aquifers, according to TWDB data², shows to be 78,464 acrefeet. Total projected available groundwater is approximately 106,084 acrefeet. Due to the lack of detailed hydrologic data on the related aquifers, the District is concerned that much of the water is not readily available at sufficient quantities to meet larger user needs. The rate of production is generally sufficient to meet domestic or stock needs.

SURFACE WATER RESOURCES OF THE HICKORY UWCD NO. 1

The only surface water resources impoundment used for other than livestock consumption is Brady Lake. The normal pool capacity is 30,000 acrefeet with a calculated annual firm yield of 3,100 acrefeet. Currently the City of Brady is not utilizing this water, however, Brady Lake pumpage is approximately 9 acrefeet annually for domestic purposes. The San Saba and Llano Rivers bisect the District; however, only a small amount is used for other than livestock and domestic purposes.

TOTAL PROJECTED SUPPLY OF WATER IN THE DISTRICT ²

The total projected water supply in the district is approximately 106,084 acrefeet from groundwater resources and 3,100 acrefeet from surface water resources, for a

² Report of Available Groundwater in the HUWCD No. 1 prepared by TWDB for the HUWCD No. 1

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total of approximately 109,184 acrefeet annually.

NATURAL OR ARTIFICIAL RECHARGE

The Texas Water Development Board, at the request of the District, completed a study of an area within the District to evaluate the possibility of beneficial artificial recharge of this area of the Hickory Aquifer. *Evaluation of the Hickory Aquifer and Its Relationship to Katemcy Creek and Its Major Tributaries for Beneficial Recharge, McCulloch and Mason Counties, Texas*, is available in the District Office. This study, along with subsequent studies, does not support an economically feasible recharge program.

GROUNDWATER USED IN THE HICKORY UWCD

Based on the data obtained from the Texas Water Development Board, the information detailed on the chart below indicates the past groundwater usage in the District from 1990 to 1995.

	1990	1991	1992	1993	1994	1995
Concho	3398	3924	4295	7355	5042	3667
Kimble	2393	2260	2147	3255	1647	1713
McCulloch	6194	5926	5939	7113	7098	6810
Mason	18571	19010	14189	15219	14237	13238
Menard	840	954	1239	1158	1187	1116
San Saba	2143	2232	2305	1158	1187	3114
Total	33539	34106	30114	36376	32150	32358

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PROJECTED WATER DEMANDS

The following table provides estimates of projected demands in acrefeet per year.

Year	2000	2010	2020	2030	2040	2050
Concho	3961	3923	3886	3849	3808	3802
Kimble	4134	4148	4113	4098	4194	4299
McCulloch	6640	6576	6578	6476	6424	6373
Mason	19389	19073	18771	18514	18261	18013
Menard	1712	1658	1617	1591	1568	1546
San Saba	8225	7891	7610	7389	7149	7010
	44061	43269	42575	41917	41449	41047

This data was obtained from the 1996 Consensus Texas Water Plan Population and Consumption Water Demand Forecast by the TWDB.

**POTENTIAL DEMANDS AND AQUIFER SUPPLY CAPABILITY
ISSUES AND SOLUTIONS**

In the year 2050, the total projected water needs of the District are estimated at 41,047 acrefeet. The estimated available water from the Hickory Aquifer is approximately 27,620 acrefeet, leaving a shortfall of approximately 13,427 acrefeet. The Hickory is permitted for 31,434.3 acrefeet, currently, of

which 12,000 acrefeet is not being used, but permitted to go to the City of San Angelo with anticipated usage after 2036. This amount was established after numerous lawsuits between the City of San Angelo and the District. The 19,222.7 acrefeet permitted for use within the District would leave a local surplus of approximately 8797.3 acrefeet. This surplus will not be adequate if, and when, the City of San Angelo initiates pumping.

Greater reliance on groundwater will need to be placed on the other aquifers within the District that are not currently managed by the District.

TRACKING METHODOLOGY

The District manager will provide a report of staff activities to the District Board of Directors on a monthly or annual basis to insure management objectives and goals are being achieved.

MANAGEMENT GOALS, OBJECTIVES, AND PERFORMANCE STANDARDS

Goal 1.0 Implement management strategies that will protect and enhance the quality of useable quality water by encouraging the most efficient use of groundwater.

Management Objective

1.1 Annually the district will provide educational materials identifying conservation measures for the efficient use of water. Annually, two (2) District newsletters issues will be published that contain water conservation information. Handout packets with

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conservation literature will be provided at the annual McCulloch County Soil and Water Conservation District 5th Grade Field Day or one other water related function.

Performance Standards

1.1a Number of newsletters published annually containing water conservation information.

1.1b Number of annual events where conservation material was provided.

Management Objective

1.2 To insure available quality groundwater, the District will identify 100 wells for annual water level monitoring and obtain water levels on 50% of the selected wells annually.

Performance Standards

1.2a Percentage of monitor wells measured annually.

Goal 2.0 To control and prevent the waste of groundwater.

Management Objective

2.1 Each year the District will loan flow meters for use by three irrigating farmers within the District to evaluate irrigation systems and reduce waste.

Performance Standard

2.1a Number of farmers provided with flowmeters to assist in evaluating their irrigation systems each year.

Management Objective

2.2 Each year the District will provide informative speakers to two schools and/or

Hickory Underground Water Conservation District No. 1

civic groups to raise public awareness to ensure wise use of groundwater.

Performance Standard

2.2a Number of speaking appearances to promote wise water use provided annually.

Goal 3.0 Develop a water quality/monitoring network for the purpose of establishing a baseline water quality.

Management Objective

3.1 The District will identify at least twenty (20) wells to be used as water quality monitoring wells that will be sampled annually.

Performance Standard

3.1a Number of wells will be sampled annually.

Goal 4.0 Address conjunctive surface water management issues.

Management Objective

4.1 Annually meet, at least once, with City of Brady to discuss and review potential use of surface water resources in the area.

Performance Standard

4.1a Number of meetings with City representatives annually.

SB-1 Management Goals Determined Not Applicable

Goal 1.0 Controlling and Preventing Subsidence

The rigid geologic framework of the region precludes significant subsidence

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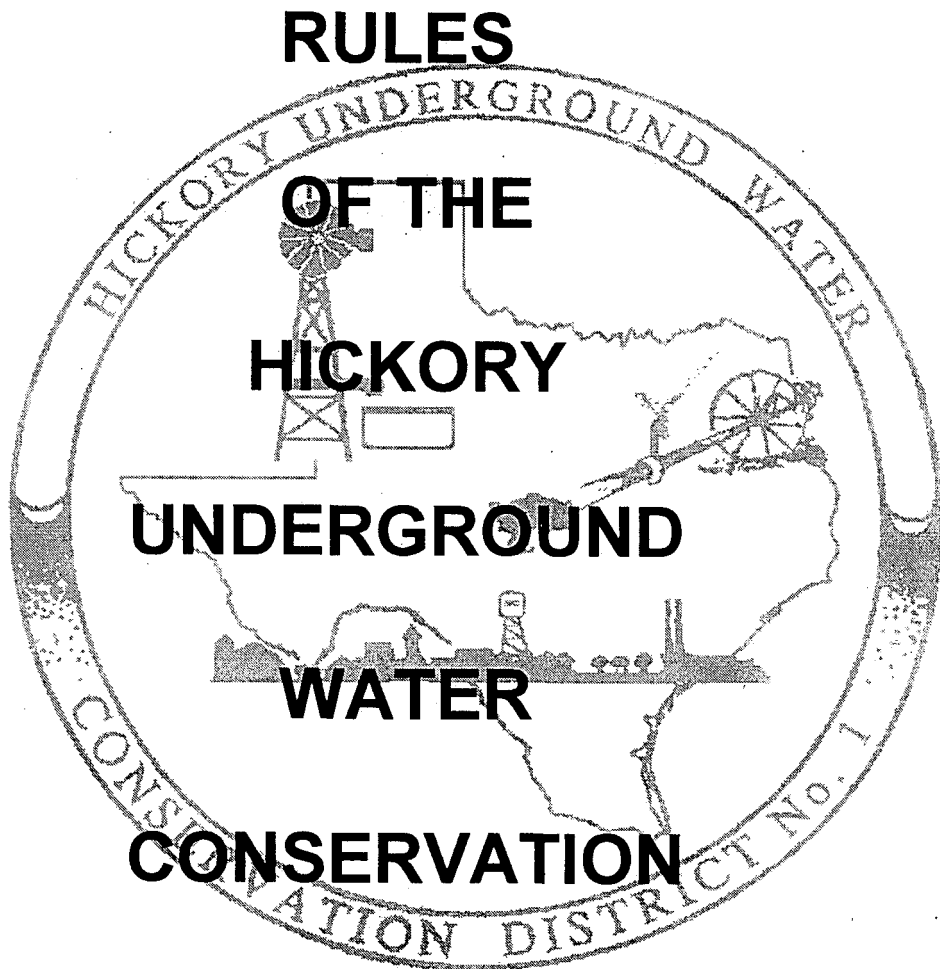
from occurring. This goal is not applicable to the operation of the District.

Goal 2.0 Addressing natural resource issues which impact use and availability of groundwater, and which are impacted by the use of groundwater.

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

Appendix B

Appendix B



DISTRICT NO. 1

Adopted December 12, 1995

Amended July 11, 1997

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HICKORY UNDERGROUND WATER CONSERVATION DISTRICT NO. 1

RULES OF THE HICKORY UNDERGROUND WATER CONSERVATION DISTRICT NO. 1, IN TEXAS AS AMENDED ARE HEREBY PUBLISHED AS OF DECEMBER 12, 1995

PREAMBLE

In accordance with the terms and provisions of Article XVI Section 59 of the Constitution of Texas and Chapters 36 of the Texas Water Code, the following rules are hereby ratified and adopted by the Hickory Underground Water Conservation District No. 1. Nothing in these rules shall be construed as depriving or divesting the right of ownership as recognized by Section 36.002 of the Texas Water Code.

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 by the District. These rules shall pertain only to the Hickory aquifer.

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) "Abandoned Well" shall mean a well that has not been used for six consecutive months. A well is considered to be in use in the following cases:
 - (1) A non-deteriorated well which contains the casing, pump and pump column in good condition; or
 - (2) A non-deteriorated well which has been capped.
- (b) "Applicant" shall be the owner of the land on which the well or proposed well is located, unless the landowner authorizes another person to own the permit or registration.
- (c) "Artesian Well" shall mean a well completed in the confined portion of an aquifer such that, when properly cased, water will rise in the well, by natural pressure, above an overlying impermeable stratum.
- (d) "Beneficial Use" or "Beneficial Purpose" shall mean use for:
 - (1) agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational, or pleasure purposes;
 - (2) exploring for, producing, handling, or treating oil, gas, sulphur, or other

- minerals; or
- (3) any other purpose that is useful and beneficial to the users that does not commit waste as defined in this rule.
- (e) "Board" shall mean the Board of Directors of the Hickory Underground Water Conservation District No. 1, consisting of five (5) duly elected members.
- (f) "Casing" shall mean a tubular watertight structure installed in an excavated or drilled hole to maintain the well opening.
- (g) "Conservation" shall mean those practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water .
- (h) "Deteriorated Well" shall mean a well, the condition of which will cause, or is likely to, based on judgement of the Board, cause pollution of any water in the District.
- (i) "District" shall mean the Hickory Underground Water Conservation District No. 1. When applications, reports and other papers are required to be filed or sent to "the District" this means the District's headquarters in Brady, Texas.
- (j) "Driller's Log" shall mean a record, made at the time of drilling, showing the depth, thickness, character of the different strata penetrated, and location of water-bearing strata, as well as the depth, size, and character of casing installed.
- (k) "Flow monitoring device" shall mean an electrical or mechanical register that incorporates both a digit totalizer and instantaneous flowrate indicator utilizing generally accepted units (i.e. gallons, acre feet, or acre inches).
- (l) "Fresh Water" shall mean water having physical and chemical properties such that it is suitable and feasible for beneficial use.
- (m) "General Manager" shall mean a person selected by the Board to manage and operate the affairs of the District subject only to the orders of the Board.
- (n) "Groundwater" shall mean water in the Hickory Aquifer suitable for agricultural, gardening, public supply, domestic, or stock raising uses, percolating below the earth's surface, but shall not include water in a defined subterranean stream or in the underflow of a river.
- (o) "Licensed Water Well Driller" shall mean any person who holds a license issued by the State of Texas pursuant to the provisions of the Texas Water Well Drillers Act, as amended, and the substantive rules of the Water Well Drillers Board, or its successors.
- (p) "Open" or "Uncovered Well" shall mean any well not capped or covered as required by these rules.
- (q) "Permit" shall mean a drilling and production permit as described in Rule 3.
- (r) "Person" shall mean and include any individual, partnership, firm, corporation, entity, municipal corporation, unincorporated area, government, or governmental subdivisions or agency, business trust, estate, trust, or any other legal entity or association.
- (s) "Plugging" shall mean an absolute sealing of the well bore in accordance with the Texas Water Well Drillers rules.
- (t) "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 of the water for any lawful or reasonable purpose.
- (u) "Underground Water" shall mean water in the Hickory Aquifer suitable for

- agricultural, gardening, public supply, domestic, or stock raising uses, percolating below the earth's surface, but shall not include water in a defined subterranean stream or in the underflow of a river.
- (v) "Undesirable Water" shall mean water that is injurious to vegetation, land or fresh water, or water that can cause pollution.
 - (w) The word "Waste" as used herein shall mean any one or more of the following:
 - (1) The withdrawal of groundwater from an underground water reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir, water unsuitable for agricultural, gardening, domestic, or stock raising purposes;
 - (2) The flowing or producing of water from an the Hickory underground water reservoir if the water produced is not used for a beneficial purpose;
 - (3) The escape of groundwater from an underground reservoir to any other reservoir that does not contain groundwater, or contains undesirable water;
 - (4) The pollution or harmful alteration of groundwater in an underground water reservoir by salt water, other deleterious matter admitted from another stratum or from the surface of the ground;
 - (5) Willfully or Negligently causing, suffering, or permitting groundwater to escape into any river, creek, natural water course, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well or;
 - (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.
 - (7) The loss of groundwater in the distribution system and/or storage facilities of a public water supply system in excess of 20% of total annual pumpage. This loss is also termed "shrinkage", "line loss" or "unaccounted for water". Excessive line loss is a nonbeneficial use of groundwater.
 - (x) "Water" shall mean groundwater.
 - (y) "Well" or "Water Well" shall mean and include any artificial excavation into which groundwater from the Hickory aquifer may flow and be produced.
 - (z) "Well Location" shall mean the location of a proposed well on an application duly filed until such application is granted or denied, or the location of a well on a valid permit.

RULE 2 - WELL REGISTRATION

Registration is required for all wells drilled in the Hickory Aquifer that are exempt from permitting under Rule 3(c), including wells used for monitoring purposes. For those wells not drilled as of the effective date of this Rule, registration forms shall be submitted a minimum of ten (10) days prior to the start of drilling. A registration shall include the following information, submitted on forms provided by the District:

- (a) The exact location of the well including the County, section, block, or other legal description;
- (b) Use or proposed use of well;
- (c) Size or proposed size of the pump;
- (d) For those wells drilled after the effective date of this Rule an agreement, by the

applicant, that a complete well construction registration form and Driller's and geophysical log (if available) will be furnished to the District upon completion of the well and prior to the production of water from the well.

- (e) Such additional data as may be required by the General Manager; and
- (f) The name and address of the applicant for registration.
- (g) Water quality analysis of registered monitoring wells are also required to be provided to District semi-annually.
- (h) 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 may have been made, and a registration submitted on forms furnished by the District.

RULE 3 - PERMIT REQUIRED

- (a) No person shall drill, own, pump or operate a well or produce groundwater from a well located within the Hickory aquifer without a permit unless that well is exempt under Rule 3 (c).
- (b) The permit shall specify and authorize: the drilling of the well, the location of the well, annual maximum production allowed from the well, ownership of the well and permit and use of water from the well. All rights and authority granted under the permit may not be changed or transferred except as provided for in accordance with Rule 8.
- (c) The following Hickory aquifer wells are not required to have a permit from the District:
 - (1) A well not capable of producing more than 25,000 gallons of water in a 24-hour period;
 - (2) A well used to satisfy the domestic needs of ten (10) or fewer households and a person who is a member of each household is either the owner of the well, a person related to the owner or a member of the owner's household within the second degree by consanguinity, or an employee of the owner;
 - (3) A well used to provide water for feeding livestock and poultry connected with farming, ranching, or dairy enterprises;
 - (4) A well used only to supply water for hydrocarbon production activities that are associated with any well permitted by the Railroad Commission of Texas drilled before September 1, 1995;
 - (5) Jet wells used for domestic needs; or
 - (6) A well that is abandoned or not used.
- (d) Owners of all wells not exempt by Rule 3(c) shall be required to obtain a permit following the procedures in Rule 4.

RULE 4 - PERMIT APPLICATION PROCEDURES

- (a) Application for a permit shall be made at the office of the District at Brady, Texas. The General Manager, or other authorized person in the office of the District, shall note on the face of the application the date and time of day on

- which such application is received, and shall give such application a serial number showing its relative priority as to the time of applications later filed. The General Manager shall determine whether the application contains the maps, and other data required by the District's rules and make a determination as to whether the application is administratively and technically complete. If the General Manager determines that an application is incomplete, the General Manager shall notify the applicant of the deficiencies and provide the applicant an opportunity to provide the necessary information.
- (b) The District shall conduct a public hearing on each application. The General Manager shall set the application for hearing within 20 days after the filing of an application that is technically and administratively complete. The hearing shall be held within 35 days after the setting of the hearing. An application shall not be considered complete until all information required herein as well as all information specifically and timely requested by the District has been furnished by the applicant.
 - (c) The General Manager shall give notice of the hearing on the application as prescribed by this section. The notice shall:
 - (1) State the name and address of the applicant;
 - (2) State the date the application was filed;
 - (3) State the location of the well;
 - (4) State the nature of the proposed use;
 - (5) Specify the time and place of the hearing;
 - (6) Give any additional information the General Manager considers necessary;
 - (7) Be mailed by certified mail to the applicant not less than ten (10) days prior to the hearing, and notice shall be provided to the public in the manner the District notices its public meetings.
 - (d) At the time and place stated in the notice, the Board shall hold a public hearing on the application. The hearing may be held in conjunction with any regular or special meeting of the Board, or a special meeting may be called for the purpose of holding a hearing. The hearing shall be held in accordance with Rule 9.
 - (e) After the hearing the Board shall, within 35 days, make a written decision granting or denying the application. The application may be granted in whole or in part as amended.
 - (f) Such application shall be approved unless the Board finds and determines the groundwater to be produced within the District will not be put to beneficial use or will constitute waste.
 - (g) On approval of an application, the District may issue a permit to the applicant subject to any safeguards or restrictions the Board determines are necessary in order to conserve the groundwater, prevent waste, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, or lessen interference between wells. The applicant's right to produce shall be limited to the rate, term, quantity and purpose(s) stated in the permit. The District may issue a permit for lesser quantities or a lesser term than is requested by the applicant.

RULE 5 - REQUIRED DATA FOR PERMIT

The permit application required under Rule 4 shall be filed with the District on the form or forms promulgated by the District. The permit application shall:

- (a) Contain the name, post office address and place of residence or principal office of the applicant;
- (b) Identify the exact location of the well from which the water is to be produced;
- (c) Describe specifically the well and the production facilities;
- (d) State the nature, amount and purposes of the use;
- (e) State the date initial production of water is intended to begin;
- (f) State the length of time and pumping periods required for the use of water;
- (g) Identify the exact location of wells listed under other applications or permits related to this water project;
- (h) Describe the applicant's plan for prevention of waste and conservation of the water;
- (i) State the effect of the proposed production on the quantity, quality and artesian pressures of the water available within the District;
- (j) Provide such other information as may be specifically requested by the General Manager;
- (k) Be signed by the applicant;
- (l) Be accompanied by a map or plat indicating the scale and showing substantially:
 - (1) The location of the well; and
 - (2) The location of any existing or related wells and facilities; and
 - (3) The locations of the place of use of the water produced; and
- (m) Include a payment as required by the District's schedule of fees to cover the cost of administrative and technical review.
- (n) In addition for permit applications submitted on pre-existing wells the permit application shall include:
 - (1) The actual well completion including: date drilled, material settings, borehole diameter(s), casing and screen diameters, pump size and diameter, drilling logs and geophysical logs, if available;
 - (2) The amount of water that has been used annually from this well for the past five (5) years;
 - (3) The use(s) of water produced by the well for the past five (5) years.

RULE 6 - PERMIT TERM AND RENEWAL

- (a) Permits issued by the District are effective for three (3) years from the date of issuance. Each permit shall be considered for renewal every three (3) years from the anniversary of the original date of permit issuance. A permit issued prior to the effective date of this Rule shall be first considered for renewal on the next date that corresponds to a three year multiple of the anniversary of the original date of issuance, and then every three (3) years thereafter.
- (b) At least sixty (60) days prior to a permit renewal date, the District shall review the permit conditions and permit owner's compliance with permit conditions, rules and orders of the Board.
 - (1) If the District makes a determination that a permit owner is in compliance with the permit conditions, rules and orders, the permit shall be automatically renewed and a renewal permit shall be issued to the permit owner, prior to the renewal date, with no material changes to the rights conditions, use of water, location of water use, or production amount; or
 - (2) If the District makes a determination that a permit owner is in general

compliance with the permit conditions, rules and orders, but that additional information or updating of information is required, the District shall notify the permit owner by certified mail at least sixty (60) days prior to the permit renewal date of the requirements for permit renewal. The permit shall automatically be renewed and the permit issued upon the District's determination of receipt of all required renewal information, if received prior to the permit renewal date. If the District does not receive the required information prior to the renewal date, the permit shall not be renewed; or

- (3) If the District makes a determination that a permit owner is not in compliance with the permit conditions, rules and orders, the District shall notify the permit owner by certified mail at least sixty (60) days prior to the permit renewal date, and specify the District's findings. If the items of non-compliance are not corrected prior to the renewal date the permit shall not be renewed.

RULE 7 - PERMIT RECALL

After notice and opportunity for hearing, the Board may review, revise, recall, cancel, reallocate or change, in whole or part, the permit or permits for:

- (a) All wells which are contributing to a cumulative net water-level decline averaging seven (7) feet or more, occurring over any consecutive three year period, as determined from a group of not less than ten (10) hydrologically connected wells located within the outcrop area of the Hickory aquifer; or
- (b) Any well where the permit owner is not in compliance with any permit condition, ~~rule~~ or order of the Board, or the permit was obtained by misrepresentation or ~~failure~~ to disclose relevant facts.

RULE 8 - CHANGES TO PERMITS

- (a) A permittee may apply for a transfer of ownership of any permit granted by the District, and such transfer may be approved as a ministerial act upon filing the required information. However, a transfer of ownership shall be approved as a ministerial act only if the transfer is to change the ownership of the permit and no other changes to the permit are requested.
- (b) A permittee may apply to the District for changes in the use, location of production, location of use for municipal or industrial purposes, maximum permitted quantity or any other changes required. The application shall state in writing the reason, nature and the purpose of the proposed changes. The application for amendment shall be in the same form as the original permit application. The General Manager may request any additional relevant information necessary to analyze the request for the amendment. A change in the location of use for uses other than municipal or industrial purposes does not require a permit revision or District approval.

RULE 9 - GENERAL RULES OF PROCEDURE FOR HEARING

- (a) **NATURE OF HEARING:** 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 applicant or protestants.
- (b) **HEARING OFFICER:** The Board may authorize the President, a Director, or any individual acting on the Board's behalf to serve as a hearing officer and to conduct hearings for the Board. If a hearing is conducted by an officer, this officer shall present a written report of the hearing and recommendation to the Board. The hearing officer shall have the authority to administer oaths and to make all rulings necessary and appropriate to conduct the hearing.
- (c) **WHO MAY APPEAR:** Any party at interest in a proceeding, may appear, either in person or by attorney or both, in such proceeding. A party at interest is any land or permit owner 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.
- (d) **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.
- (e) **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.
- (f) **A STIPULATION:** Evidence may be stipulated by agreement of all parties of interest.
- (g) **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 10 - REQUIREMENTS PRIOR TO START OF PRODUCTION

For wells completed after the effective date of these Rules, production shall not commence until:

- (a) The permit owner submits a complete record concerning the drilling, equipping and completion of the well. Such report shall include an accurate driller's log, any electric log which may have been made, and such additional data concerning the description of the well, its discharge, and its equipment as may be required by the General Manager. Such reports shall be filed with the District at its office in Brady, Texas within 30 days after completion of the well. Failure to timely file required reports will subject the person to the civil penalty; and
- (b) The well has been equipped with a flow monitoring device approved by the District and available for District inspection.

RULE 11 - TIME DURING WHICH DRILLING SHALL BE INITIATED

Actual on site drilling, pursuant to a permit granted by the District, shall be initiated within four(4) months from the date the permit is issued. If such drilling is not initiated within the four(4) months the permit is void and drilling may not be initiated; provided, however, that the General Manager, 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 District that a proposed project will take more time to complete, the General Manager upon receiving written application, may grant such time as is reasonably necessary to complete such project.

RULE 12 - CONTINUING RIGHT OF SUPERVISION

- (a) All District permits are issued subject to the rules of the District and to the continuing right of the District to regulate groundwater within the District's boundaries as authorized by Chapter 36, Texas Water Code, as amended.
- (b) 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 thereof within fifteen days from the date of the mailing of such notice. Any reconsideration shall recognize any existing rights created by the original decision.

RULE 13 - INSPECTING AND TESTING WELLS

The District shall have the authority to inspect and/or test water wells for the purpose of collecting data regarding water production, water levels and water quality and for the purpose of determining whether pollution or waste is occurring or whether a violation of law or of any permit exists. However, no District officer, employee or representative shall enter onto private property for such purposes without first obtaining the consent of the landowner or other person in possession, except as otherwise authorized by applicable law or regulation or when a properly obtained court order authorizes such entry.

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 (as defined in Section 36.118 of the Texas Water Code) is, and shall be, required to plug, close or cap the well safely and securely with a covering capable of sustaining weight of at least four hundred (400) pounds, or other method approved by the General Manager, 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 rule. Officers, agents and employees of the District are authorized to serve or cause to be served, written notice upon any owner and/or operator to close or cap such well with a covering in compliance with this rule. In the event any owner or operator fails to comply with such request within thirty (30) 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 reasonable expenditures thereby incurred may be billed to the owner/operator of said well or may constitute a lien upon the land. Any officer, agent or employee of the District, is authorized to perfect said lien by the filing of the affidavit authorized by Section 36.118 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 - CONSERVATION MEASURES

The Board may impose measures deemed appropriate to provide for the conservation of groundwater to prevent waste and to carry out the duties of the District, including requiring:

- (a) All water supply systems to institute a conservation oriented rate structure in the sale of water to their retail customers.
- (b) All water supply systems to have a water conservation plan which requires:
 - (1) Voluntary conservation measures and information/education programs;
 - (2) Promotion of water saving devices and water efficient landscaping; and
 - (3) Other conservation criteria set by the Board.
- (c) All permit applications to contain a statement relating to effective water conservation programs and methods that will insure a concerted water conservation program. Irrigation water users may be required to obtain an irrigation water management plan in cooperation with the local soil and water conservation district.

RULE 16 - REPORT OF ANNUAL WATER USE

All permittees shall annually report to the District the total amount pumped per well during the previous year. To facilitate reporting the District will make available forms to report the amount of water used annually. Reports must be completed and returned to the District office in Brady, Texas by March 15th of the year following the reporting period. Failure to timely file the annual report will subject the permittee to a civil penalty and other sanctions provided in these rules.

RULE 17 - WELL COMPLETION

All wells shall be drilled, completed, equipped and maintained so as to comply with the standards and regulations of the Texas Natural Resource Conservation Commission

RULE 18 - ENFORCEMENT OF RULES

If the Board determines that it appears a person has violated, is violating, or is threatening to violate any provision of Chapter 36 of the Texas Water Code, or any rule, regulation, permit, or order of the District, the Board may institute and conduct a suit in the name of the District for injunctive relief, for recovery of a civil penalty or for both injunctive relief and penalty.

- (a) The Board may set reasonable civil penalties for breach of any rule of the District that shall not exceed the jurisdiction of a justice court as provided by Section 27.031, Government Code.
- (b) A penalty under this section is in addition to any other provided by the law of this state and may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located.
- (c) If the District prevails in any suit to enforce its rules, it may, in the same action, recover reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court. The amount of the attorney's fees shall be fixed by the court.
- (d) A person who is in breach of a District rule is subject to civil penalties not to exceed \$5,000.00 or as provided for under paragraph (b) of this rule.

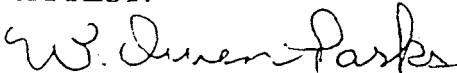
REPEAL OF PRIOR REGULATIONS

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.

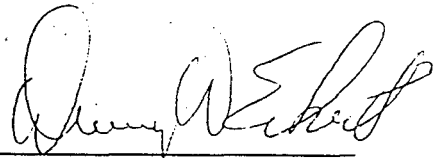
SAVINGS CLAUSE

If any section, sentence, paragraph, clause, or part of these rules should be held or declared invalid for any reason by the 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.

ATTEST:



W. Owen Parks
President
Board of Directors



Dewey W. Eckert
Secretary
Board of Directors

RULE PREAMBLE

Whereas the water table in the outcrop area of the Hickory Aquifer is declining, a majority of wells in the District are in the outcrop area of the Hickory Aquifer, and yields of wells in the outcrop area of the Hickory Aquifer are being impacted by water-level declines, the District herein adopts Rule 6A and amends Rule 5 to minimize, as far as practicable, the drawdown of the water table:

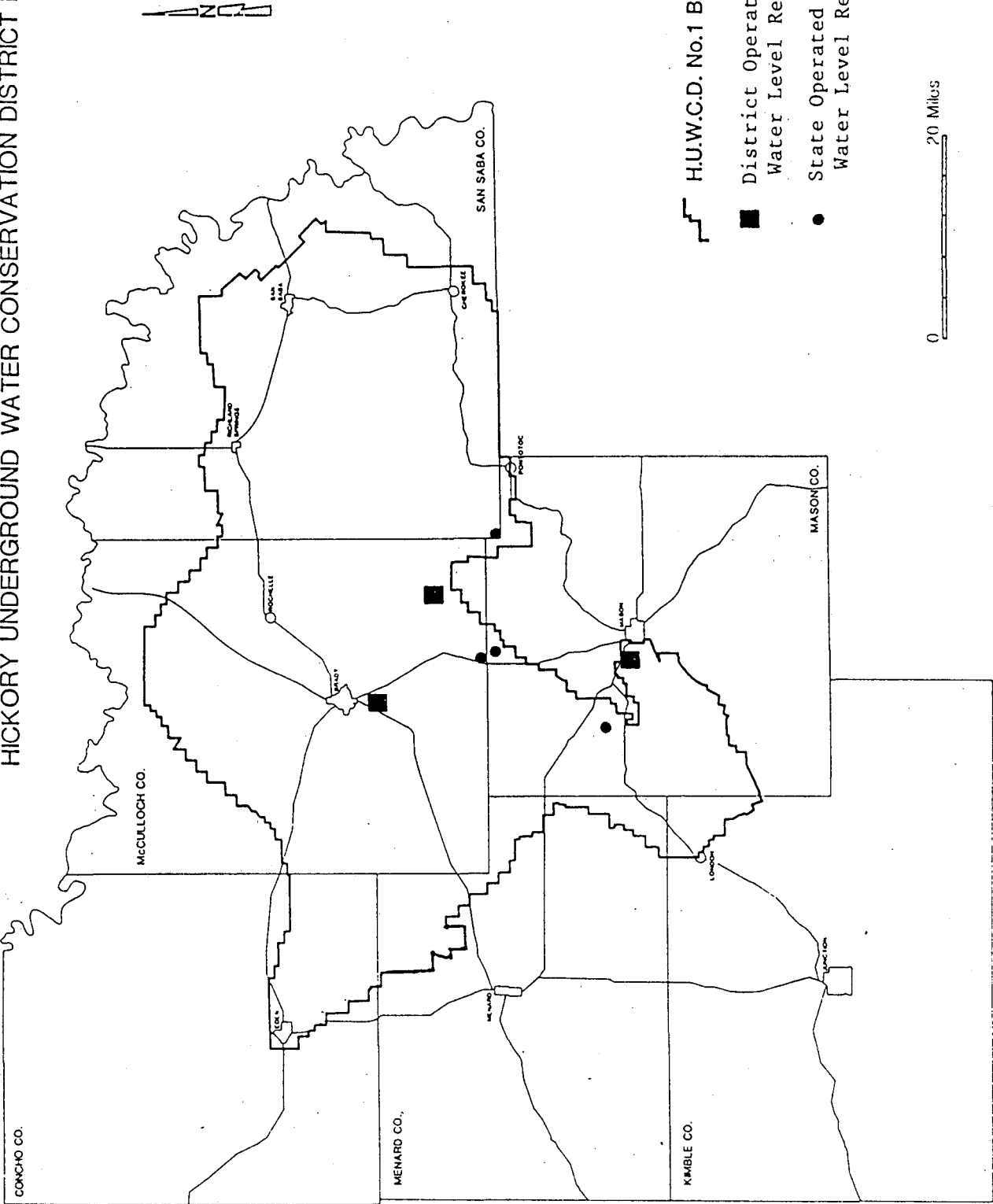
RULE 6A - OUTCROP DEPLETION PROTECTION

- (a) Each permit application or related group of applications, requesting new or additional production of greater than 500 acre feet per year of groundwater shall include a study of the effects of the proposed production in the quantity and quality of groundwater within the District (the "Study").
- (b) Each permit application, or related group of applications, requesting new or additional production of greater than 1000 acre feet per year of groundwater shall include in the study an evaluation of the impact of the proposed production on the water levels in the outcrop of the Hickory Aquifer.
- (c) The District shall deny in whole or part any permit application subject to Rule 6A(b) which, due to its proposed production volume, will cause or contribute to an average decline in water levels in the outcrop of the Hickory Aquifer, or relevant parts therein, to exceed 1.2 feet per year, based upon a three year average of water levels. The burden of proof as to compliance with this rule is on the permit applicant.
- (d) The evaluation of the impact of proposed production on the water levels in the outcrop shall consist of:
 - (i) Evaluating the historical rate of water-level decline in the outcrop area or areas relevant to the permit application, then estimating the additional water-level decline which will be caused by the proposed production in the relevant outcrop area or areas:
 - (ii) The evaluation shall use a statistically valid trend analysis, a computer model, or any other method commonly used by professional groundwater hydrologists which will provide accurate results and is acceptable to the District.
- (e) The District shall undertake a study of the rate of depletion of water from the outcrop areas of the Hickory Aquifer at least once every five years, to evaluate the rate of decline and the impact of such decline on outcrop wells ("Outcrop Decline Study"). Based upon the results of the Outcrop Decline Study, the District shall evaluate methods to limit or reduce the rate of water level decline in the outcrop areas, including enacting groundwater production restrictions.

RULE 5 (amended as indicated)

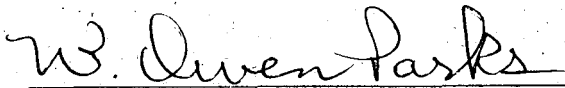
- (i) State the effect of the proposed production of the quantity, quality, and artesian pressures of the groundwater available within the District and satisfy the requirements of Rule 6A, if applicable.

HICKORY UNDERGROUND WATER CONSERVATION DISTRICT NO. 1



**Statement of Commitment by Hickory Underground Water
Conservation District No. 1, to Effectuation of the District
Groundwater Management Plan**

The District will implement the provisions of this plan and/or future amendments and will utilize the provisions of this plan, or amended plan, as a guidepost for determining the direction or priority for District activities as provided for in SB-1.



H.U.W.C.D. No.1 Board Chairman



H.U.W.C.D. No.1 General Manager

Hickory Underground Water Conservation District No. 1

P.O. Box 1214

Brady, Texas 76825

(915)597-2785 FAX (915)597-0133

e-mail: hick6@centex.net

Url: <http://www.angelfire.com/tx/hickory>

Board of Directors

Staff

W. Owen Parks, President
Bill Sloan, Vice President
Bert C. Striegler, Secretary
Larry Lehmborg
Jim Quinn

T W D B
RECEIVED

Stan Reinhard, General Manager
Angelina Bonetti, Office Manager
David Huie, Field Technician

July 28, 1998

AUG 03 1998

ROUTE TO:

CC TO: TK, Original - B. Mullican

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

Dear Mr. Pedersen;

The Hickory Underground Water Conservation District No. 1 adopted the attached new/revised management plan as required by Chapter 36, Texas Water Code by a unanimous board approval on 4 June 1998.


Public hearing notices were posted and a public hearing was conducted in accordance with existing rules and statutes.

Attached you will also find the listed supporting documents needed to meet certification requirements.

1. Letter from City of Brady indicating coordination in the development of this management plan as it related to surface water management entities.
2. Notice of public hearing.
3. Minutes of public hearing.
4. Notice of Board Meeting to adopt the management plan and appropriate resolution.
5. Minutes of Board Meeting adopting Resolution to Adopt Management Plan.
6. Resolution adopting management plan.
7. Questionnaire elements 14-36 as required.

I hope this management plan and related documentation will meet the requirements for certification of the Hickory UWCD No. 1, Ten (10) Year Plan. If you have any questions, please, call me at 915-597-2785.

Sincerely,




Stanley G. Reinhard
General Manager

Notice is hereby given that the Board of Directors of the Hickory Underground Water Conservation District No. 1 will hold a Management Plan Hearing on **Thursday, 4 June, 1998, at 6:30 p.m.** in the conference room of the Hickory Underground Water Conservation District No. 1, 111 E. Main in Brady, Texas. The Board of Directors may take action on any items on this agenda it may determine would be appropriate.

MANAGEMENT PLAN HEARING AGENDA

- I. CALL TO ORDER
- II. REVIEW AND DISCUSS PROPOSED MANAGEMENT PLAN
- III. ADJOURN

I, the undersigned authority, do hereby certify that the attached notice of the Board of Directors of the Hickory Underground Water Conservation District No. 1 is a true and correct copy of said notice. I posted copies of said notice at the McCulloch County Courthouse in Brady, Texas, on the official bulletin board, and in the front entrance of the Hickory Underground Water Conservation District, in a place convenient and readily accessible to the general public, both being posted at least 72 hours preceding the time of the meeting.

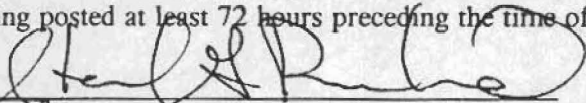

STANLEY G. REINHARD, GENERAL MANAGER

Notice is hereby given that the Board of Directors of the Hickory Underground Water Conservation District No. 1 will meet in Regular Session on **Thursday, 4 June, 1998, at 7:00 p.m.** in the conference room of the Hickory Underground Water Conservation District No. 1, 111 E. Main in Brady, Texas. The Board of Directors may take action on any items on this agenda it may determine would be appropriate.

**REGULAR MEETING
AGENDA**

- I. CALL TO ORDER
- II. AGENDA
- III. MINUTES
- IV. FINANCIAL REPORT
 - A. FINANCIAL REPORT FOR MAY 1998
- V. REPORT OF DISTRICT ACTIVITIES
 - A. STAFF REPORT
- VI. NEW BUSINESS
 - A. ADOPT 10 YEAR MANAGEMENT PLAN AND APPROVE RESOLUTION TO ADOPT PLAN
- VII. OLD BUSINESS
- VIII. HEARINGS
 - A. WILLIAM R. FINLEY 8 P.M. 1 WELL
- IX. OTHER MATTERS
- X. ADJOURN

I, the undersigned authority, do hereby certify that the attached notice of the Board of Directors of the Hickory Underground Water Conservation District No. 1 is a true and correct copy of said notice. I posted copies of said notice at the McCulloch County Courthouse in Brady, Texas, on the official bulletin board, and in the front entrance of the Hickory Underground Water Conservation District, in a place convenient and readily accessible to the general public, both being posted at least 72 hours preceding the time of the meeting.



STANLEY G. REINHARD, GENERAL MANAGER

MINUTES
Hearing
4 June 1998

The Board of Directors of the Hickory Underground Water Conservation District No. 1 held a Regular Meeting on Thursday, 4 June, 1998, in the District office at 111 East Main Street, Brady, Texas. President Owen Parks called the meeting to order at 1837. Those in attendance for the meeting or portions thereof were:

Owen Parks	San Saba
Bill Sloan	San Saba
Bert Striegler	Rochelle
Gary Broz	City of Brady
Ken Bull	Rochelle - Region F Alt Delegate
Stan Reinhard	Brady
Angelina Bonetti	Brady
Terry Norman	Brady

A motion was made by Bill and seconded by Bert to approve the agenda. Motion passed.

The group discussed the management plan. Changes were made.

A motion was made by Bill and seconded by Bert to adjourn. Motion passed. Meeting adjourned at 1930.

W. Owen Parks
Board President

Bert Striegler
Secretary

9 July 1998
Date