

Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

To: Kelly Mills, P.G., Team Leader  **Date:** July 18, 2013
Groundwater Planning & Assessment Team

From: Leon Byrd, P.G.
Groundwater Planning & Assessment Team

Subject: Petition to Amend Order Creating Gonzales County Underground Water Conservation District to Expand Authority to Manage the Yegua-Jackson Aquifer; Pursuant to Title 30, Texas Administrative Code, Section 293.21.
TCEQ Internal Control No. 02192013-021
TCEQ Docket No. 2013-1165-WR

Application Background

On February 13, 2013, the Executive Director of the Texas Commission on Environmental Quality (TCEQ) received a petition from the Gonzales County Underground Water Conservation District (the District). The petition was submitted under section 293.21, Texas Administrative Code, Title 30, requesting to expand the jurisdiction of the District to include the Yegua-Jackson aquifer present within the District's established boundaries. The District's Board of Directors voted for submitting petition on January 8, 2013. The petition was declared administratively complete on April 8, 2013.

Pursuant to 30 TAC § 293.18(e), notice of the petition and public meeting was mailed to the governing body of each county, regional water planning group, adjacent GCD, municipality, river authority, water district, or other entity that supplies public drinking water, including each holder of a certificate of convenience and necessity issued by the Commission and each irrigation district located either in whole or in part in the proposed district. Notice was also published on April 25 and May 2, 2013 in the *Post Register*, a newspaper regularly or generally circulated in Caldwell County, and on April 26 and May 3, 2013 in the *Gonzales Inquirer*, a newspaper regularly or generally circulated in Gonzales County. Finally, notice was posted on the bulletin boards used for posting legal notices on April 19, 2013 in Caldwell and Gonzales counties.

District Background

The Texas Natural Resource Conservation Commission created the District by order on November 12, 1993. At an election held on May 7, 1994, voters confirmed the creation of the District in Gonzales County, Texas. The District serves the areas of Gonzales County and, by a 2007 annexation, the southeastern portion of Caldwell County. The District is currently authorized to manage the Carrizo-Wilcox, Queen City, and Sparta aquifers.

Purpose and Scope

The purpose of this petition is to amend the order creating the District to expand its management authority to the Yegua-Jackson aquifer within the District's territorial boundaries. The District was created by an order of the Texas Natural Resource Conservation Commission (predecessor of the TCEQ), on November 19, 1993, to conserve, preserve, protect, and prevent waste of groundwater resources. Since creation of the District, in 2002, the Texas Water Development Board (TWDB) has defined the boundaries of and listed the Yegua-Jackson aquifer as a minor aquifer, in its State Water Plan, section 5.3.1.1. In addition, Groundwater Management Area 13 (GMA13) adopted Desired Future Conditions (DFCs) on August 12, 2010 and the TWDB provided GMA13 with Modeled Available Groundwater (MAG) for the aquifer on December 9, 2011. These new developments, along with other issues described within this petition, have created a need for management of the Yegua-Jackson aquifer within the District's boundaries.

Location and Extent

The District serves most of Gonzales County and the southeast portion of Caldwell County (**Figure 1**). There are approximately 677,000 acres in Gonzales County, of which 576,000 acres are within the boundaries of the District. In December 2007, the District approved a resolution to annex approximately 77,440 acres in the southeastern portion of Caldwell County; voters approved the resolution on May 10, 2008. A dispute with the Plum Creek Conservation District over portions of this annexed territory was settled under Senate Bill 1225 (82nd Legislature, Regular Session, 2011), leaving approximately 72,767 acres within the District.

Geology

The Yegua Formation (part of the upper Claiborne Group) and the Jackson Group (made up of the Whitsett, Manning, Wellborn, and Caddell formations) are part of the upper Eocene-Pleistocene series of cyclic progradational sedimentary sequences. Since the outcrops of the two aquifers are contiguous and sometimes overlap, they were delineated as one aquifer, the Yegua-Jackson.

The Yegua Formation is composed of medium- to fine-grained sand, clay, silt, small amounts of gypsum, and beds of lignite. The Yegua has a maximum thickness of about 1,000 feet. The Jackson Group conformably overlies the Yegua Formation and consists of clay, silt, tuffaceous sand, sandstone, bentonitic clay, and some volcanic ash, and has a maximum thickness of at least 950 feet.

Groundwater

Groundwater in the Yegua-Jackson aquifer is under water-table conditions in the shallow outcrop areas and under confined conditions in the deeper, down dip sediments. Groundwater flow in the Yegua-Jackson aquifer is influenced by the topography in the outcrop areas. In general, groundwater flows from the topographically high areas along drainage divides to the topographically low areas in creeks and rivers. In the confined portion of the aquifer, groundwater moves

horizontally along the dip of the aquifer and vertically across formations, assuming no influence from pumpage. In general, the dip of the aquifer and land surface is toward the Gulf of Mexico, resulting in groundwater flow in the southeasterly direction in Gonzales County.

The occurrence of usable quality water is erratic through most of the Yegua-Jackson aquifer; however, few other economically viable sources of groundwater are available in this area of the District. Use of water from the Yegua-Jackson aquifer occurs almost exclusively in the unconfined portion of the aquifer. In Gonzales County, the Yegua-Jackson aquifer yields small quantities of fresh to moderately saline water for domestic and livestock use. The yield and water quality can vary significantly over small differences in location and depth.

Effective Management of Groundwater Resources

The District has a well-established record of proper management, planning, and regulation for groundwater in the Carrizo-Wilcox, Queen City, and Sparta aquifers. The District's management plan, rules, and policies provide the appropriate framework for the regulation of other aquifers in the District. The District has adequate resources and an adequate budget to carry out its planning and regulatory activities.

The Yegua-Jackson aquifer is currently unregulated within the territorial boundaries of the District, even though the majority of landowners over the aquifer are subject to District taxes. By expanding the District's authority to manage the Yegua-Jackson aquifer, the District will be able to expend available resources for research, education, conservation, and prevention of waste. The aquifer will be conserved, preserved, and protected under the existing District Rules and management goals for the aquifer will be incorporated into a revised Management Plan.

Proposed Projects and Management Issues for the Yegua-Jackson Aquifer

The District proposes to implement the following projects to manage the Yegua-Jackson aquifer:

- (1) register wells completed in the aquifer;
- (2) set up a groundwater observation well network for measuring and recording water levels;
- (3) set up a groundwater sampling program to monitor trends in water quality across the district;
- (4) collect water usage data from rig supply and frack wells operated by the oil and gas industry; and
- (5) include information about the Yegua Jackson aquifer in its existing educational programs.

The District's Management Plan and Rules will be revised to include the DFCs and MAG for the Yegua-Jackson aquifer.

Public Meeting

Pursuant to 30 TAC § 293.21(d), a public meeting was held in the City of Gonzales on June 6, 2013. There was one commenter, who said he supported granting this petition.

Conclusions and Recommendation

The petition submitted by the Gonzales County Underground Water Conservation District appears administratively and technically complete. After evaluating the District's petition and supporting information, staff conclude that: 1) the District has a well-established record of management, planning, and regulation for groundwater in the Carrizo-Wilcox, Queen City, and Sparta aquifers; 2) the District's Management Plan, Rules and policies provide an appropriate framework for the regulation of the Yegua-Jackson aquifer in the District; 3) the District resources and a budget are in place to carry out planning and regulatory activities; and 4) the expansion of the District's authority over the Yegua-Jackson aquifer would provide effective management of groundwater resources.

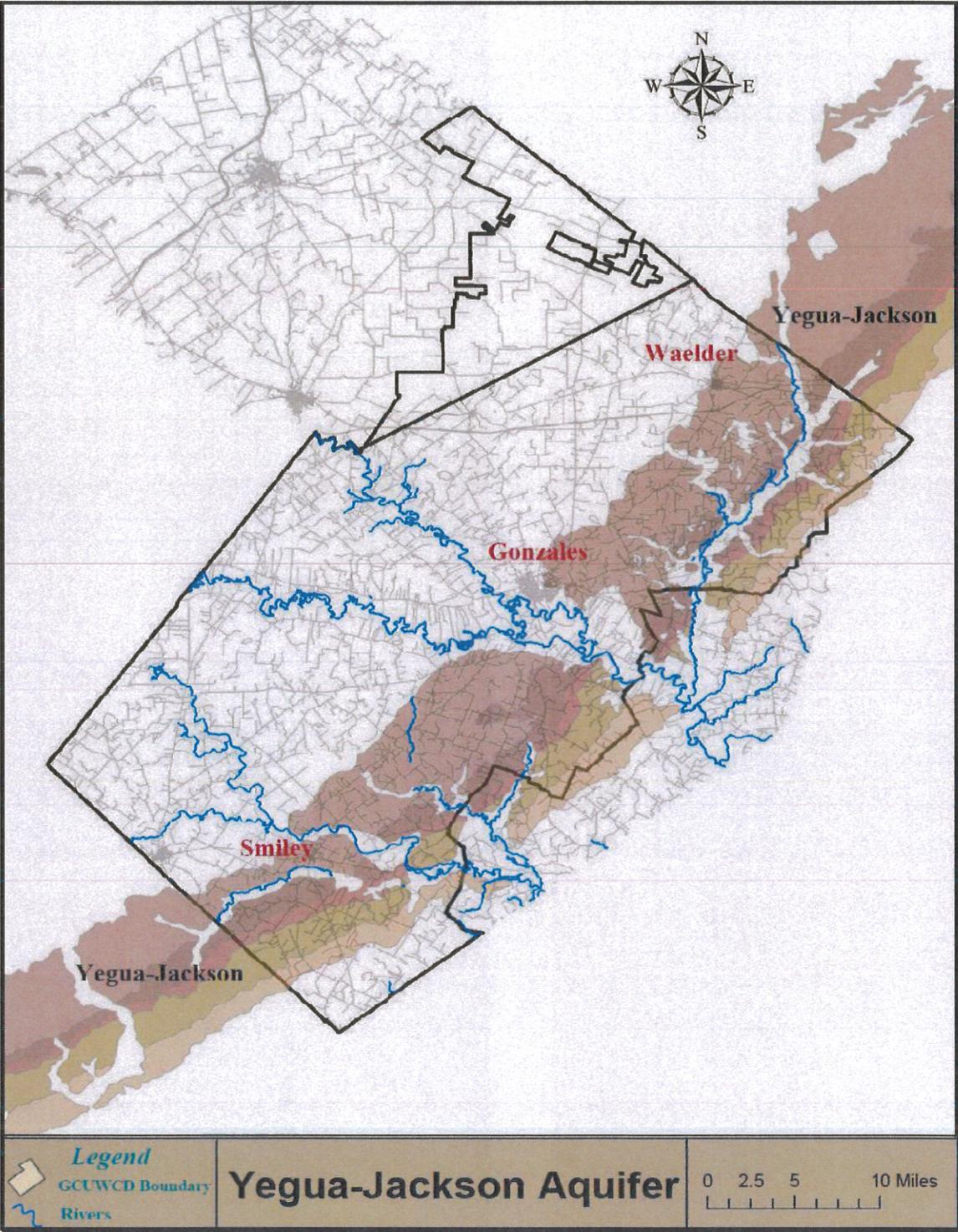
Staff recommends that the petition of the Gonzales County Underground Water Conservation District be granted and that the order creating the District be amended to authorize the management and regulation of the Yegua-Jackson aquifer in the District.



Leon Byrd, P.G.

Groundwater Planning and Assessment Team

Figure 1. Location of the Gonzales County Underground Water Conservation District Showing the Yegua-Jackson Aquifer.



REFERENCES

Mace, R.E., Davidson, S.C., Angle, E.S., and Mullican, W.F., 2006, *Aquifers of the Gulf Coast of Texas*: Texas Water Development Board, Report 365.

Shafer, G.H., 1965, *Ground-Water Resources of Gonzales County, Texas*: U.S. Geological Survey in Cooperation with Texas Water Development Board, Report 4.

Follett, C.R., 1966, *Ground-Water Resources of Caldwell County, Texas*: U.S. Geological Survey in Cooperation with Texas Water Development Board, Report 12.

Deeds, N.E., Yan, T., Singh, A., Kelley, V.A., Knox, P.R., and Young, S.C., 2010, *Final Report Groundwater Availability Model for the Yegua-Jackson Aquifer*: Texas Water Development Board.

TCEQ Docket No. 2013-1165-WR. Consideration of a petition from the Gonzales County Underground Water Conservation District (District) requesting to expand its authority to manage the Yegua-Jackson aquifer within its territorial boundaries pursuant to 30 Texas Administrative Code Chapter 293. The petition was approved by the District's Board of Directors on January 8, 2013. The District was created by order of the Texas Natural Resource Conservation Commission on November 19, 1993, in the area delineated as Management Area 3 of the Carrizo-Wilcox aquifer in Gonzales County. The District operates in Gonzales and Caldwell counties and is currently authorized to manage the Carrizo, Wilcox, Queen City, and Sparta aquifers. (Kelly Mills, Christiaan Siano)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution



NOTICE OF DISTRICT PETITION AND PUBLIC MEETING

The Texas Commission on Environmental Quality (TCEQ) has received a petition from the Gonzales County Underground Water Conservation District (the District) requesting to expand its authority to manage the Yegua-Jackson aquifer within its territorial boundaries pursuant to 30 Texas Administrative Code Chapter 293 and the procedural rules of the TCEQ. The petition was approved by the District's Board of Directors. The Executive Director found that the submitted petition is administratively complete.

The District was created by order of the Texas Natural Resource Conservation Commission (predecessor agency to the TCEQ) on November 19, 1993, in the area delineated as Management Area 3 of the Carrizo-Wilcox aquifer in Gonzales County. The location of the District is shown on the map designated as Exhibit "A". The District is currently authorized to manage the Carrizo, Wilcox, Queen City, and Sparta aquifers.

PETITION. The nature and purpose of the petition is to extend the management authority of the District to the Yegua-Jackson aquifer within the District's boundaries. The aquifers identified include: the Yegua Formation which is part of the upper Claiborne Group and the Jackson Group made up of the Whitsett, Manning, Wellborne, and Caddell formations, all are part of the Eocene-Pliocene Series. Since the surface areas of the two aquifers are contiguous, and sometimes overlap, they were delineated as one aquifer, the Yegua-Jackson.

The District shall make copies of the petition and supporting information available for public inspection during regular business hours at the following locations: Nixon City Hall, 100 West 3rd Street, Nixon, Texas 78140; Smiley City Hall, 207 US Hwy 87 West, Smiley, Texas 78159; Gonzales County Underground Water Conservation District Office, 920 Saint Joseph Street, Room 129, Gonzales, Texas 78629; Waelder City Hall, 300 Hwy 90 West, Waelder, Texas 78959; Harwood Feed & Farm Supply, Hwy 90, Harwood, Texas 78632; and Delhi Community Center, 6108 SH 304, Rosanky, Texas 78953, Caldwell County.

PUBLIC MEETING. The District and the TCEQ will host a public meeting to receive comments on the petition to amend the District's creation order. The meeting will be held at the Gonzales County Courthouse District Courtroom at 414 Saint Joseph Street, Gonzales, Texas at 7:00 p.m. on Thursday, June 6, 2013.

QUESTIONS. Questions regarding this petition may be directed to the District or the Water Availability Division, TCEQ. Please refer to Internal Control # D-02192013-021 when requesting information. The District contact is Mr. Greg Senglemann, P.G., General Manager, Gonzales County Underground Water Conservation District, P.O. Box 1919, Gonzales, Texas 78629 or visit its website <http://www.gcuwcd.org/> or call 830-672-1047. The TCEQ staff contact is C. Leon Byrd, P.G., Senior Staff Geologist, Groundwater Planning and Assessment Team at 512.239.0540 or leon.byrd@tceq.texas.gov.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least one week prior to the meeting.

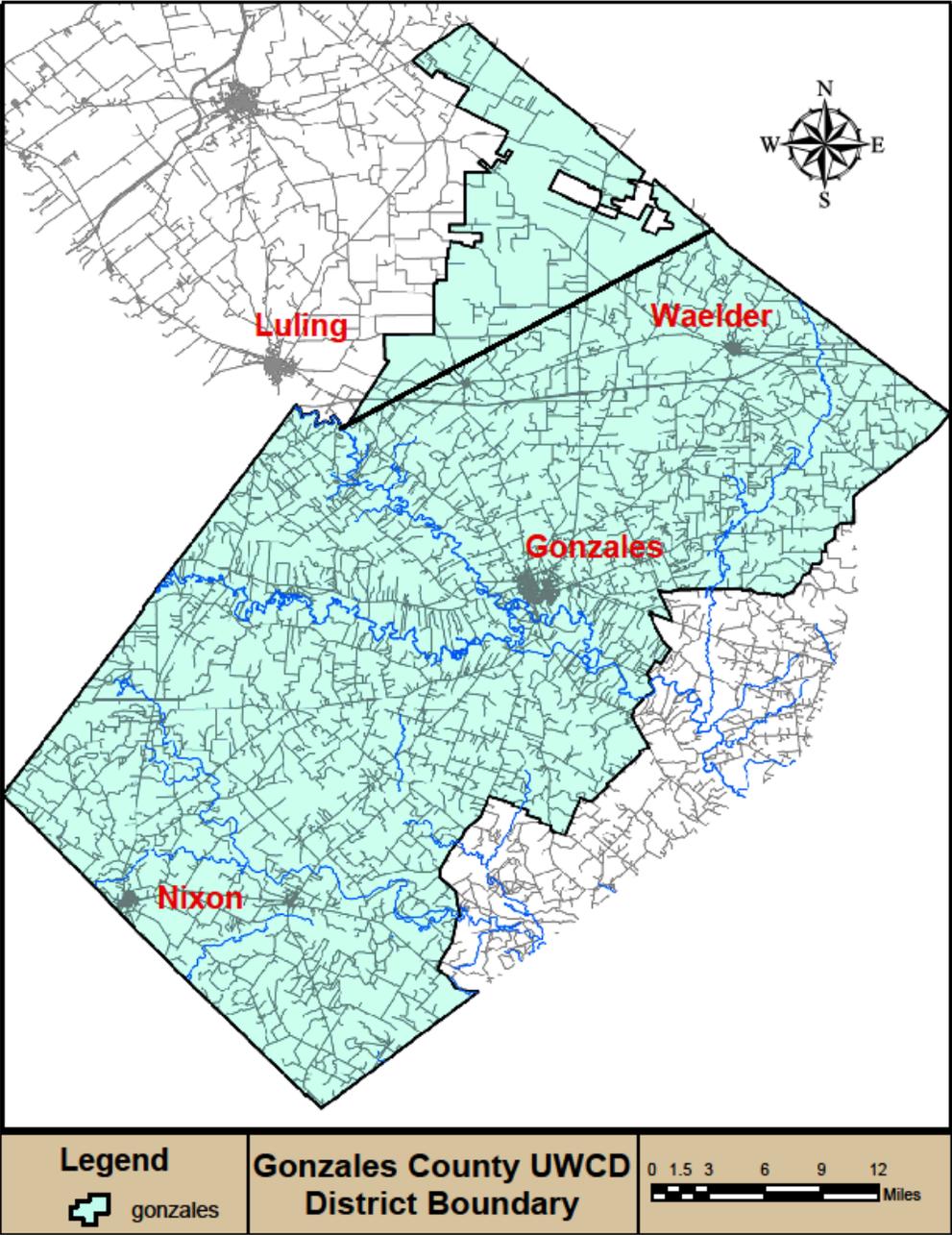


Exhibit A

101692-D04
104
11/2/93

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TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



AN ORDER approving the petition for creation
of Gonzales County Underground Water
Conservation District; IC No. 101692-D04

On October 27, 1993, the Texas Natural Resource Conservation Commission (Commission) considered the petition for creation of Gonzales County Underground Water Conservation District (District) pursuant to Chapter 52 of the Texas Water Code. Carol Wood, Attorney, a Commission Hearings Examiner, presented the petition to the Commission with a Proposal for Decision after Deborah Thomas, Attorney, another Commission Hearings Examiner, held a preliminary hearing on the matter in Gonzales, Texas, on April 14, 1993, and Ms. Wood conducted an evidentiary public hearing in Austin, Texas, on July 6, 1993.

The Hearings Examiner designated the following as parties to the proceeding: the petitioners, the Executive Director of the Texas Water Commission, the Commission's Public Interest Counsel, the City of Gonzales, Sue C. Ortman, Thomas R. Semmes, Yates Semmes Land and Cattle Company, Gonzales County Water Supply Corporation, Clifton D. Janota, Kent Knox, W. R. Low, the Independent Cattlemen's Association, and W. Wayne Spahn.

After considering the Hearings Examiner's Proposal for Decision and the evidence and arguments presented, the Texas Natural Resource Conservation Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On October 16, 1992, a petition for the creation of Gonzales County Underground Water Conservation District was filed with the Texas Water Commission, predecessor agency of the Texas Natural Resource Conservation Commission, in accordance with Chapter 52 of the Texas Water Code.
 - a. The petition was signed by at least 50 landowners within the proposed District.
 - b. The name of the proposed district was included.
 - c. The area and boundaries of the proposed district, as well as a map generally outlining the boundaries of the proposed district, was included.
 - d. The petition included the purposes of the District.
 - e. The petition included a statement of the general nature of projects proposed to be undertaken by the District.
2. A public hearing on the petition for creation of Gonzales County Underground Water Conservation District was held in Gonzales, Texas, on April 14, 1993, and in Austin, Texas, on July 6, 1993.
3. Proper notice of the hearing was given pursuant to Section 52.032 of the Texas Water Code and Section 13(a) of the Administrative Procedure and Texas Register Act, TEX. REV. CIV. STAT. ANN. art. 6252-13a (Vernon Supp. 1993).
 - a. Notice of the hearing included a statement of the nature and purpose of the proposed District, and the date, time, and place of hearing.

- b. Notice of the hearing was posted on March 9, 1993, on the bulletin board used for posting legal notices in each county in which all or a part of the proposed District is to be located.
 - c. Notice of the hearing was published on March 12 and March 19, 1993, in The Gonzales Inquirer, a newspaper generally circulated in Gonzales County, Texas, the county in which the District is proposed to be located.
 - d. Notice of the hearing was mailed by the Chief Clerk of the Texas Water Commission on February 16, 1993, to each statutory party; to every city in whose extraterritorial jurisdiction any portion of the District is proposed to be located; and to the Commissioners Courts of any county in which all or part of the proposed District is proposed to be located.
4. All appropriate and necessary deposits and fees associated with the filing of the petition for creation of the District have been paid.
5. The affidavits of five proposed temporary directors of the proposed District have been received by the Texas Natural Resource Conservation Commission. The proposed temporary directors are the following:

Lawrence Walshak
Ralph Mason
John L. Cook
Steve Ehrig
Greg Tieken

6. Each of the persons named in Finding of Fact No. 5 is qualified to serve as temporary director of the District as each (a) is over the age of 18 years, (b) is a resident of the State of Texas, (c) owns land subject to taxation within the District, and (d) has completed and filed with the Texas Natural Resource Conservation Commission an application for consideration of appointment as temporary director in the form and substance required by the rules of the Commission. If appointed, these temporary directors will serve until permanent directors are elected.
7. The proposed District will contain approximately 896 square miles of land and will generally conform with the boundaries of Management Area 3 of the Carrizo-Wilcox Aquifer in Gonzales County, Texas.
8. The petitioners and the City of Gonzales entered into a settlement agreement. The City of Gonzales agreed not to oppose the proposed District's seeking a tax cap of \$0.05 per \$100 property valuation and provisions contained in the petition relating to the proposed District's power of eminent domain. The petitioners agreed the proposed District will restrict the use of ad valorem taxes as follows:
 - a. The District will not finance any capital addition by use of ad valorem property taxes if the capital addition is predominantly for the express purpose of the following:
 - (1) Buying, selling, and transporting water; or

- (2) A recharge project - as long as the water usage in the District does not exceed the natural recharge of the aquifers.
- b. If the District enters into any agreement or contract for the express purpose of providing water to a person, firm, or entity, then the contracting person, firm, or entity shall pay the direct development, production, and operation and maintenance costs of the project.
- c. If the District issues bonds for the sale or transport of water, then the District will not pledge any ad valorem taxes for the repayment of those bonds.
- d. Ad valorem property taxes will not be used to directly subsidize the sale or transport of water outside the District.
9. The petitioners further agreed the proposed District will not assess a use fee to any water utility primarily serving end-use customers within the District as long as the water usage in the District does not exceed the natural recharge of the aquifers. However, each water utility will be subject to the District's jurisdiction for all other purposes including, but not limited to, spacing, permits, and all other rules of the District.
10. Because the proposed District's use of the power of eminent domain to acquire property interests is necessary to the exercise of the authority conferred by Chapter 52 of the Texas

Water Code, restricting the proposed District's power of eminent domain is not in the public interest.

11. Section 52.023 of the Texas Water Code requires the boundaries of a district created under Chapter 52, Subchapter A, to be coterminous with or inside the boundaries of a management area designated by the Commission.
12. The discrepancy between the petitioners' proposed District boundaries and those of Management Area 3 creates a proposed District larger than the Management Area in Gonzales County.
13. The Queen City and Sparta Aquifers should be included in the proposed District.
14. The proposed District is feasible and practicable.
 - a. The proposed tax rate of 2.5 cents per \$100 valuation will provide the District with an annual budget of \$100,000.
 - b. The proposed District will be able to function properly and carry out its proposed programs with an annual budget of \$100,000.
15. The proposed District will be a benefit to the land in the district.
 - a. The District will protect the underground water in Gonzales County by preventing over-pumping and contamination by saline water.
 - b. The District will be able to control development of the aquifers and promote water conservation.

- c. The proposed District will be a public benefit or utility in that it will educate the public about water conservation and will preserve the quality and quantity of the underground water in Management Area 3.

CONCLUSIONS OF LAW

1. The public hearing regarding the petition was held under the authority of, and in accordance with, Chapter 52 of the Texas Water Code and the applicable provisions of the Texas Natural Resource Conservation Commission Permanent Rules.
2. The Texas Natural Resource Conservation Commission has jurisdiction to consider the petition for creation of an underground water conservation district and is authorized to make Findings of Fact and Conclusions of Law and to enter Orders with respect to the creation of the proposed District.
3. All statutory and regulatory requirements for the creation of Gonzales County Underground Water Conservation District have been fulfilled.
4. The proposed Gonzales County Underground Water Conservation District is feasible and practicable, will be a benefit to the land in the district, and will be a public benefit or utility.

WHEREAS Chairman John Hall, Commissioner Pam Reed and Commissioner Peggy Garner vote unanimously to issue this Order;

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION THAT:

1. The petition for creation of Gonzales County Underground Water Conservation District be approved.

2. Gonzales County Underground Water Conservation District be created under the terms and conditions of Chapter 52 of the Texas Water Code.
3. Gonzales County Underground Water Conservation District have all the rights, powers, privileges, authority, and functions conferred by, and be subject to all duties imposed by, the Texas Natural Resource Conservation Commission and the general laws of the State of Texas relating to underground water conservation districts.
4. The boundaries of Gonzales County Underground Water Conservation District be coterminous with or inside the boundaries of Management Area 3 of the Carrizo-Wilcox Aquifer in Gonzales County, Texas.
5. Petitioners submit to the Executive Director of the Texas Natural Resource Conservation Commission a revised map indicating the boundaries of the District are coterminous with or inside the boundaries of Management Area 3 of the Carrizo-Wilcox Aquifer in Gonzales County, Texas.
6. The Gonzales County Underground Water Conservation District include the Queen City Aquifer and the Sparta Aquifer, as well as the Carrizo-Wilcox Aquifer.
7. The Gonzales County Underground Water Conservation District comply with the terms of the agreement set forth in Findings of Fact Nos. 8 and 9.
8. The following five persons be named and appointed as temporary directors of Gonzales County Underground Water Conservation

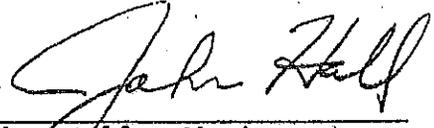
District to serve until their successors are elected or have been appointed in accordance with applicable law:

Lawrence Walshak
Ralph Mason
John L. Cook
Steve Ehrig
Greg Tieken

9. The foregoing temporary directors, no later than the 15th day after the date the individuals are appointed temporary directors, take their oaths of office.
10. No later than the 30th day after the date all temporary directors have been appointed and have qualified, the temporary directors meet and order an election to be held within the boundaries of the proposed Gonzales County Underground Water Conservation District to approve the creation of the District and to elect permanent directors.
11. The Chief Clerk of the Texas Natural Resource Conservation Commission forward a copy of this Order to all parties.
12. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date: **NOV 12 1993**

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION



John Hall, Chairman

ATTEST:



Gloria A. Vasquez, Chief Clerk

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TCEQ DOCKET NO. 2013-1165-WR

**ORDER AMENDING ORDER CREATING THE
GONZALES COUNTY UNDERGROUND WATER CONSERVATION DISTRICT**

On the 4th day of September, 2013, the Texas Commission on Environmental Quality considered the petition of the Gonzales County Underground Water Conservation District to amend the order creating the District to expand the District's authority by adding the regulation of the Yegua-Jackson aquifer within its boundaries. After considering the filings and arguments of the parties, the Commission makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On the 12th day of November, 1993, the Texas Natural Resource Conservation Commission, meeting in regular session created by order the "Gonzales County Underground Water Conservation District" ("the District").
2. At an election held on the 7th day of May, 1994, voters confirmed the creation of the District in Gonzales County, Texas.
3. The District serves the areas of Gonzales County and, by a 2007 annexation, the southeastern portion of Caldwell County.
4. The District is currently authorized to manage the Carrizo-Wilcox, Queen City, and Sparta aquifers.

5. In the 2002 State Water Plan, section 5.3.1.1,¹ the Texas Water Development Board added the Yegua-Jackson aquifer as a minor aquifer of Texas, which is made up of the Yegua Formation (part of the upper Claiborne Group) and the Jackson Group (comprising the Whitsett, Manning, Wellborn, and Caddell formations).
4. The Yegua-Jackson aquifer includes parts of Gonzales County, but no parts of Caldwell County, Texas.
5. The District, by regular board meeting on the 8th day of January, 2013, voted unanimously to petition the Commission to amend the District's creation order and be authorized to manage the Yegua-Jackson aquifer within the District, in accordance with Title 30, Texas Administrative Code, § 293.21.
6. The District's petition to include the Yegua-Jackson aquifer was received by the Commission on the 13th day of February, 2013.
7. Notice
 - a) Notice was mailed to the governing body of each county, regional water planning group, adjacent GCD, municipality, river authority, water district, or other entity that supplies public drinking water, including each holder of a certificate of convenience and necessity issued by the Commission and each irrigation district located either in whole or in part in the proposed district;
 - b) Notice was published on April 25 and May 2, 2013 in the *Post Register*, a newspaper regularly or generally circulated in Caldwell County, and on April 26 and May 3, 2013 in the *Gonzales Inquirer*, a newspaper regularly or generally circulated in Gonzales County.
 - c) Notice was posted on the bulletin-boards used for posting legal notices on April 19, 2013 in Gonzales County.

¹ Available at http://www.twdb.state.tx.us/publications/State_Water_Plan/2002/WP%20Ch%205.pdf

8. A public meeting was held on June 6, 2013 in the City of Gonzales, Gonzales County, Texas.
9. One comment was received supporting the petition.
10. The District has a well-established record of proper management, planning, and regulation for groundwater in the Carrizo-Wilcox, Queen City, and Sparta aquifers.
11. The District's management plan, rules, and policies provide the appropriate framework for the regulation of other aquifers in the District.
12. The District has adequate resources and an adequate budget to carry out its planning and regulatory activities.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction to amend this district creation order under Chapter 36 of the Texas Water Code.
2. The District has complied with Chapter 36 of the Texas Water Code, and section 293.21, Texas Administrative Code, Title 30.
3. Notice of this petition was proper under sections 293.21 and 293.18(e) of Texas Administrative Code, Title 30.
4. Expanding the District's authority to the Yegua-Jackson aquifer will provide for the effective management of groundwater resources.

**THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY THAT:**

I.

The order of the Texas Natural Resource Conservation Commission dated on the 12th day of November, 1993, which creates the Gonzales County Underground Water Conservation District, is amended in Findings of Fact No. 13 as follows:

13. The Queen City, Sparta, and Yegua-Jackson Aquifers should be included in the proposed district.

Conclusions of Law No. 6 is amended as follows:

6. The Gonzales County Underground Water Conservation District includes the Queen City Aquifer, the Sparta Aquifer, and the Yegua-Jackson Aquifer, as well as the Carrizo-Wilcox Aquifer.

II.

Except as amended herein, the order of the Texas Natural Resource Conservation Commission dated on the 12 day of November, 1993, creating the Gonzales County Underground Water Conservation District remains in full force and effect.

The Chief Clerk of the Commission shall forward a copy of this Order to all affected persons.

If any provision, sentence, clause or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date:

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Bryan W. Shaw, Ph.D. Chairman