

# REVIEW PANEL'S REPORT ON PETITION FOR INQUIRY BY DISTRICTS WITHIN GMA 16 REGARDING THE STARR COUNTY GROUNDWATER CONSERVATION DISTRICT

INCLUDES LIST OF EVIDENCE CONSIDERED, AND  
RECOMMENDATIONS

TCEQ DOCKET No. 2019-1092-MIS

Report Authors: Dirk Aaron - Chairman, Clearwater Underground Water Conservation District; Lynn Smith, Mesquite GCD; Zach Holland, Bluebonnet GCD; Micah Voulgaris, Cow Creek GCD; and Joe Cooper, Middle Trinity GCD

Respectfully Addressed To:

Mr. Toby Baker, Executive Director for the Texas Commission on Environmental Quality

February 13, 2020

## LIST OF EXHIBITS & EVIDENCE

1. GMA 16 Petition for Inquiry
2. TCEQ Solicits Responses to Petition
3. Evidence of Mailing Petition to SCGCD
4. TCEQ Executive Director Recommendation
5. TCEQ Solicitation for Public Comment
6. Starr County GCD Notice of Appearance of Counsel
7. SCGCD Motion to Grant Petition and Review Panel
8. TCEQ Interim Order
9. SCGCD Response to Written Panel Questions
10. Minutes of Review Panel Public Meeting on January 7, 2020
  - a. Ms. Guerra commented on not sending a representative to any GMA 16 joint planning meetings in 2017
  - b. Ms. Guerra commented on failing to adopt the DFCs for the GMA 16 aquifers
  - c. Ms. Guerra commented on failing to update the management plan before January 17, 2019, the second anniversary of the GMA 16 adoption of the DFCs
11. Review Panel Decision Matrices
12. Initial Offer of Negotiated Settlement
13. SCGCD Response to Proposed Negotiated Settlement
14. SCGCD Management Plan
15. SB 1848 SCGCD Enabling Legislation
16. Appointment of Initial SCGCD Directors
17. SCGCD Meeting Minutes Prior to August 1, 2019
18. SCGCD Rules
19. Letter From Judge Vera
20. Pertinent Texas Statute
21. List of Other Evidence Reviewed



## Executive Summary

On October 24, 2019, the Texas Commission on Environmental Quality (TCEQ or Commission), issued an Interim Order granting the Petition for Inquiry (Petition) filed by eight groundwater conservation districts (GCD) in Groundwater Management Area 16 (GMA 16) (Petitioners) regarding Starr County Groundwater Conservation District (SCGCD) (TCEQ Docket No. 2019-1092-MIS).

In the Interim Order the Commission appointed a Review Panel consisting of five volunteer GCD managers. The Review Panel was charged to consider and adopt a report in accordance with TWC §36.3011 and 30 TAC §293.23. This report conveys the Review Panel's findings and recommended actions appropriate for the Commission to take. It also describes the information relied on and reasons it finds those recommended actions appropriate.

The Petition alleges SCGCD failed to:

1. participate in the GMA 16 joint planning process under TWC§ 36.108;
2. adopt the Desired Future Conditions (DFCs) adopted by GMA 16 GCDs; and
3. update its management plan within two years of GMA 16 adopting new DFCs.

The Petition filed by the districts of GMA 16 is substantiated by the evidence contained in both the Petition and the State Auditor's Office's (SAO) report number 18-030 dated May 2018 (Audit Report). It was also affirmed by SCGCD's Agreed and Unopposed Motion to Grant Petition filed October 22, 2019, and SCGCD board member statements to the Review Panel during the public meeting held on January 7, 2020.

SCGCD failed all expectations in honoring local constituents and stakeholders based on the enabling act to establish an engaged, responsive, and effective groundwater management district. SCGCD ignored the authors of the enabling legislation per SB 1848, affirmed by the Texas Senate, House of Representatives, and the Governor providing authority and privilege of serving the citizens of Starr County. Over the past fourteen years, SCGCD board members did not respect the defined responsibilities of TCEQ, the Texas Water Development Board (TWDB), and GMA 16 and failed to cooperate with them.

Since the seating of the Review Panel, SCGCD has taken positive action on their own volition to address many of the previous deficiencies. Three new board members have been appointed, a new Board President has been seated, and consultants have been tasked with assisting SCGCD in becoming active. SCGCD has also expressed the desire to continue this process by agreeing to all the items the panel has specified in a proposed negotiated settlement.

The Review Panel recommends TCEQ issue an order implementing the specified negotiated settlement with SCGCD per TWC §36.3011(e) and including language to dissolve the district should it fail to accomplish each task within the timeframe specified in the settlement and order. This strategy is supported by the Review Panel's list of evidence reviewed and its findings.

## **Background**

Eight groundwater districts within GMA 16 filed a Petition (Exhibit 1) in August 2019 regarding actions and/or lack of actions by SCGCD which fall within 30 TAC §293.23. Groundwater districts within and surrounding GMA 16 are considered an affected person in 30 TAC §293.23. On October 24, 2019, TCEQ, issued an Interim Order granting the Petition and appointed a Review Panel. (TCEQ Docket No. 2019-1092-MIS).

The Review Panel consists of five volunteer GCD managers: Dirk Aaron as Chairman, Clearwater Underground Water Conservation District (UWCD); Lynn Smith, Mesquite GCD, Zach Holland, Bluebonnet GCD, Micah Voulgaris, Cow Creek GCD, and Joe Cooper, Middle Trinity GCD, (Review Panel) and Peggy Hunka, TCEQ, disinterested, non-voting recording secretary.

The Petitioners claim SCGCD failed to participate in the GMA 16 joint planning process as required in TWC§ 36.108. Petitioners further claim that SCGCD failed to adopt the Desired Future Conditions (DFCs) adopted by GMA 16 GCDs. Finally, petitioners claim that SCGCD failed to update its management plan within two years of GMA 16 adopting new DFCs.

The Review Panel developed questions for all the parties to the Petition and delivered these to the parties in November 2019. Responses were received from GMA 16, Office of Public Interest Counsel (OPIC), SCGCD, and TCEQ on or about December 6, 2019. The review Panel also received testimony at a public meeting held on January 7, 2020, at the Starr County Courthouse Annex, Rio Grande City, Texas.

The recording secretary documented the minutes of the Review Panel as they convened by conference calls, in person meetings, and by public meetings as held on January 7, 2020, in Rio Grande City, Texas, and February 13, 2020, in Austin, Texas. After review of the evidence and testimony, the Review Panel considered the findings and the available remedies to resolve the allegations set forth in the Petition.

The Petition filed by the members of GMA 16 is substantiated by the evidence contained in the Petition and SAO Audit Report. The allegations within the petition are also affirmed by SCGCD's Agreed and Unopposed Motion to Grant Petition filed October 22, 2019. Finally, SCGCD board member comments to the Review Panel during the public meeting held on January 7, 2020 affirm the petitioner's allegations.

## **Allegations**

The Petitioners stated that under TWC §36.108(c) district representatives are required to meet at least annually to conduct joint planning with the other districts in the GMA. The Petitioners allege that SCGCD failed to meet at least annually to conduct joint planning with the other districts in GMA 16.

The Petitioners allege in their Petition that SCGCD, as of the date of the Petition, has not adopted the January 17, 2017, DFCs as required in TWC§ 36.108(d-4) which states that after a district receives notification from the TWDB that the DFCs resolution and explanatory report under TWC§ 36.108 (d-3) are administratively complete, the district shall adopt the applicable DFCs in the resolution and report.

The Petitioners allege that the SCGCD management plan was not updated before January 17, 2019, the second anniversary of the GMA 16 adoption of the DFCs as required by statute.

## **Timeline of Events**

August 5, 2019, the members of GMA 16, consisting of Bee GCD, Brush Country GCD, Live Oak County UWCD, McMullen County GCD, Kenedy County GCD, Corpus Christi Aquifer Storage and Recovery Conservation District (ASRCD), San Patricio GCD, and Duval County GCD, filed a Petition for Inquiry with TCEQ (Exhibit 1).

August 15, 2019, the Office of General Counsel mailed a letter providing information on how to file a response to the validity of the specific claims raised in the Petition in accordance with 30TAC§ 293.23 (Exhibit 2).

August 26, 2019, within the 21 days required by the rules, Petitioners provided evidence the petition had been provided to SCGCD (Exhibit 3).

August 29, 2019, to September 13, 2019, TCEQ solicited nominations for volunteers to serve on a Review Panel. By September 19, 2019, seven individuals had expressed an interest in serving on the panel, and five qualified individuals were selected to serve on the Review Panel.

September 9, 2019, in accordance with the 35-day deadline to file a response to the Petition, TCEQ received no response from SCGCD.

September 20, 2019, the Executive Director of TCEQ recommended to the Commission to appoint the Review Panel. The Executive Director also recommended “granting the petition because the issues raised in the petition are within the scope of TWC§ 36.3011(b) and are supported by the evidence submitted with the petition” (Exhibit 4).

October 4, 2019, TCEQ provided all parties to the Petition an opportunity for oral presentation responses at the TCEQ commission meeting held on October 23, 2019, at TCEQ (Exhibit 5).

October 11, 2019, SCGCD engaged the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. to represent the District in a general counsel capacity, with Mr. Michael A. Gershon to serve as lead counsel (Exhibit 6).

October 22, 2019, SCGCD agreed and stipulated that conditions and circumstances have existed in the recent past, since its creation by the Texas Legislature in 2005, that provide a basis for the Commission’s grant of relief in the petition to select a Review Panel authorized to conduct the inquiry and to prepare the written report provided for in 30 TAC§ 293.23 (Exhibit 7).

October 24, 2019, the Commission appointed a Review Panel consisting of Dirk Aaron as the chairman; Lynn Smith, Zach Holland, Micah Voulgaris, and Joe Cooper as the four other members; and Peggy Hunka, as the non-voting recording secretary (Exhibit 8).

October 25, 2019, the Review Panel developed questions and solicited responses from SCGCD, GMA 16, OPIC and TCEQ. The responses from SCGCD are provided (Exhibit 9).

November 8, 2019, the Review Panel met in a telephone conference to discuss procedures and a plan of action.

November 21, 2019, the Review Panel, the Petitioners, and TCEQ Staff met via telephone conference to review the Panel's questions they received on October 25, 2019.

December 6, 2019 the Review Panel received all responses to requests for evidence.

December 17, 2019 The Review Panel met via phone conference to discuss evidence received and determine if there were any gaps.

January 2, 2020, the Review Panel met via phone conference to plan the public meeting that was held in Starr County on January 7, 2020.

January 7, 2020, the Review Panel took evidence from all parties at the Starr County Courthouse Annex in Rio Grande City, Texas, from 10:00 a.m. to approximately 1:30 p.m. Excerpts from that meeting are provided. (Exhibit 10)

January 15, 2020, the Review Panel discussed findings, shared questions, and agreed to utilize a standard decision support matrix tool to quantify and qualify the preliminary opinions per remedies defined in TWC §36.303. The preliminary opinions were determined independent of one another, but no consensus was determined (Exhibit 11).

January 17, 2020, the Panel Chair called each member after sending an email requesting approval to initiate discussion with SCGCD and Petitioners to draft initial elements of a negotiated settlement referenced in TWC §36.3011(e).

January 20, 2020, the Panel Chair, on behalf of the entire panel, coordinated with SCGCD and Petitioners to negotiate a settlement with defined benchmarks and attainable deadlines to have the district fully operational by September 2021 (Exhibit 12).

January 30, 2020, the Review Panel convened in Austin to discuss the draft report and SCGCD response to the proposed negotiated settlement provided by SCGCD legal counsel on January 29, 2020 (Exhibit 13).

February 13, 2020, the Review Panel held a public meeting to receive comments on the draft report and negotiated settlement and adopted the final report at TCEQ headquarters in Austin.

### **Findings of Fact**

The Petitioners stated that under TWC §36.108(c), district representatives are required to meet at least annually to conduct joint planning with the other districts in the GMA. The Petitioners provided evidence, in the form of meeting minutes, that SCGCD did not attend any GMA 16 meetings from January 17, 2017, to October 23, 2018 (Exhibit 1, Part C). Additionally, Petitioners provided as evidence the SAO Audit Report of SCGCD (Exhibit 1, Part D) which concluded that SCGCD did not send a representative to any GMA 16 joint planning meetings during fiscal year 2017. The SCGCD board members confirmed the validity of this allegation at the Review Panel meeting on January 7, 2020 (Exhibit 10).

The Petitioners provided as evidence a January 17, 2017, Resolution to Adopt DFCs for the GMA 16 Aquifer (Exhibit 1, Part E). Petitioners allege in their Petition that SCGCD, as of the date of the Petition,

has not adopted the January 17, 2017, DFCs. Per the Petitioners, this may be a violation of TWC§ 36.108(d-4) which states that after a district receives notification from the TWDB that the DFCs resolution and explanatory report under TWC§ 36.108(d-3) are administratively complete, the district shall adopt the applicable DFCs in the resolution and report. The SAO Audit Report states that SCGCD held no meetings in 2017 and could not have adopted the DFCs for the GMA 16 aquifers. The SCGCD board members confirmed the validity of this allegation at the Review Panel meeting on January 7, 2020 (Exhibit 10).

The Petitioners provided evidence that TWDB approved SCGCD's current management plan on July 25, 2014 (Exhibit 14). Petitioners allege that the SCGCD management plan has not been updated before January 17, 2019, the second anniversary of the GMA 16 adoption of the DFCs, discussed in the previous section. The five-year term for the SCGCD's management plan expired on July 25, 2019. The Review Panel requested but did not receive evidence that SCGCD updated or re-approved the 2014 management plan. The SCGCD board members confirmed the validity of this allegation at the Review Panel meeting on January 7, 2020 (Exhibit 10).

### **Additional Findings**

Pursuant to TWC §36.302(c) the SAO Audit Report made the determination that, “Starr County Groundwater Conservation District was not actively engaged in the achievement of its management plan goals and ensuring compliance with statutory requirements.” Pursuant to TWC §36.302(e) the SAO reported findings of the review to the legislative audit committee and to the Commission. No substantive action resulted from these findings.

SCGCD violated TWC §36.051 by not electing board members in accordance with its enabling legislation, Section 9 of Senate Bill 1848 (Exhibit 15). The Review Panel determined that 80% of the board members, originally appointed in 2005, were still serving at the beginning of this inquiry (Exhibit 9 Response #4 and Exhibit 16).

SCGCD violated TWC §36.064 by not conducting quarterly board meetings within the last five years (Exhibit 17).

SCGCD Rules, including *Rule 3.2 Board Structure, Officers*, among others, conflict with their enabling legislation. It appears SCGCD utilized rules from another district without tailoring them to their enabling legislation or conditions within their district (Exhibits 15 and 18).

SCGCD failed to implement a funding strategy that would provide for the adequate management of groundwater within the district (Exhibit 9 Response #2 and Response #20, and Exhibit 10).

### **Negotiated Settlement**

Pursuant to TWC §36.3011(e), the framework of a negotiated settlement was offered by the Review Panel to the parties on January 20, 2020. The elements and timeline of the negotiated settlement have been formalized since that time and are as follows:

- Provide SCGCD’s documentation of the newly appointed directors names and precinct they represent. This element must be completed within 45 days of the date of the TCEQ Agreed Order that formalizes the negotiated settlement.
- Provide SCGCD’s approved director election (calendar) schedule for Nov 2020 and Nov 2022 general elections. This element must be completed within 45 days of the date of the TCEQ Agreed Order that formalizes the negotiated settlement.
- Provide Starr County precinct map for 2020 election. This element must be completed within 45 days of the date of the TCEQ Agreed Order that formalizes the negotiated settlement.
- Provide SCGCD’s minutes of all board meetings after October 24, 2019, thus documenting any agreements and actions related to becoming operational, this shall continue quarterly until the last quarter of 2021. This element must be completed quarterly beginning in the quarter the TCEQ Agreed Order that formalizes the negotiated settlement.
- Provide SCGCD approved bylaws and associated resolutions. This element must be completed within 45 days of the date of the TCEQ Agreed Order that formalizes the negotiated settlement.
- Provide SCGCD approved policies and associated resolutions adopted including, but not limited to, those required by Texas Water Code § 36.061. This element must be completed within 45 days of the date of the TCEQ Agreed Order that formalizes the negotiated settlement.
- Provide SCGCD copies of training certificates for each director on the Open Meetings Act. This element must be completed within 45 days of the date of the TCEQ Agreed Order that formalizes the negotiated settlement.
- Provide SCGCD copies of training certificates for directors and staff concerning the Public Information Act. This element must be completed within 45 days of the date of the TCEQ Agreed Order that formalizes the negotiated settlement.
- Provide SCGCD draft management plan with current correspondence to TWDB staff. This element must be completed within 90 days of the date of the TCEQ Agreed Order that formalizes the negotiated settlement and quarterly until approval of the management plan.
- Provide SCGCD draft of proposed amendments to district rules correcting disparities with their enabling legislation and proposed date for proper public hearing by SCGCD for formal adoption. This element must be completed within 90 days of the date of the TCEQ Agreed Order that formalizes the negotiated settlement.
- Provide evidence that each director appointed is qualified to serve in his/her precinct including address of home and corresponding with eligibility of precinct served. This element must be completed within 45 days of the date of the TCEQ Agreed Order that formalizes the negotiated settlement.
- Provide documentation from Starr County Judge Vera regarding the County Commissioners Court’s intent (with corresponding resolution and/or minutes and/or Interlocal Agreement) making arrangements with the District for:
  - office space,
  - phone, fax, and other office-related needs,
  - staff resources,
  - funding as appropriate for startup and cost share for GMA16 participation in Round 3,
  - proposed budget amounts and support from the Commissioners Court,

- Proposed funding sources (fees and/or property tax) and corresponding proposed MOU related to taxing authority and amount (reference per board testimony on January 7th that a governmental property tax swap offsetting \$.005/\$100 valuation is in the works).
- This element must be completed within 120 days of the date of the TCEQ Agreed Order that formalizes the negotiated settlement.
- Final SCGCD Board Resolutions affirming:
  - actions regarding GMA 16 participation,
  - actions affirming GMA 16 financial participation in round 3 (DFC development and all achievable deadlines of above criteria discussed),
  - actions affirming the district is developing a budget to be effective next fiscal year in support of being operational,
  - This element must be started within 90 days of the date of the TCEQ Agreed Order that formalizes the negotiated settlement. Quarterly progress reporting to TCEQ is required to indicate progress in obtaining complete participation. This may be in the form of GMA-16 minutes or other proof of participation.
- Evidence supporting the attainment of each element should be sent to the TCEQ representative identified in that order at the specified frequency until complete or through the last quarter of 2021 (for on-going elements).
- Failure to meet the requirements and reporting schedule of any specified element will result in an enforcement letter being issued from TCEQ providing a 90-day opportunity to address the deficiency. Should the deficiency go unresolved, TCEQ should initiate proceedings to dissolve SCGCD.

SCGCD directors have provided evidence that several of the aforementioned items have already been addressed. Notably, a letter from Starr County Judge Vera was received by the panel that indicates the County's willingness to assist SCGCD (Exhibit 19). They have further indicated that the remaining items will be addressed and have documented that in a formal response to the review panel through their legal counsel (Exhibit 13).

### **Recommended Action**

The Review Panel recommends that the Commission issue an order to SCGCD to comply in accordance with the elements, timeline, and reporting requirements of the proposed negotiated settlement described above. If SCGCD fails to comply with the Commission's order, we recommend that the Commission dissolve the district. This recommendation is a combination of Option 1 and Option 2 as listed below.

The Review Panel has conducted an analysis of each potential course of action by the Commission (Exhibit 11). They are prioritized in order of preference below:

**Option 1 - Issue an Order:** As stated in their Petition, GMA 16 member districts desire that SCGCD become fully operational. Issuing an order to SCGCD for action fulfills the Petitioners' request, is legally binding, is agreed to by SCGCD, is supported by the state legislators for the area, and demonstrates the self-policing of GCDs. As previously mentioned, SCGCD has a documented history of non-compliance and has violated TCEQ compliance agreements in the past. We have not assessed TCEQ's capability or

capacity to enforce this order. It is believed that SCGCD offer of self-imposed deadlines and elements contained in the negotiated agreement are key to the success of this option; without these, the panel believes Option 2 is best served.

Option 2 - Dissolution of the District: Comments given by SCGCD board members at the Review Panel Meeting on January 7, 2020, conflicted with comments given during the SOA's audit in 2017 pertaining to the future fiscal viability and existence of SCGCD. The low attendance at the public meeting by local concerned and/or affected landowners may represent of a lack of will to support a GCD in Starr County. If SCGCD were dissolved, it would not address the grievances of the Petitioners, is not supported in this situation by the state legislators in the area, and has the optics of heavy-handedness by State government.

Option 3 - Dissolution of the Board: The manner of performance of SCGCD board members does not warrant their continued service. A new board would likely be serious in meeting compliance deadlines and metrics since that is entirely why they would be elected. GMA 16 would likely be satisfied as the new board progresses towards compliance. There is, however, no evidence of an engaged constituency willing to provide viable candidates desiring to apply for a place on the board; holding elections is cost prohibitive. Dissolving the board does not address the key issue of establishing an adequate revenue stream to support GCD operations.

Option 4 – Receivership: Receivership would force outside management to meet certain metrics and deadlines within the local GCD framework. GMA 16 concerns could be addressed by a receiver. This course of action is not supported by state legislators in this situation and may be expensive and litigious to implement. The optics of having the State take over a political subdivision for the purpose of establishing and maintaining a district that has no funding or assets in place is not a feasible course of action.

Additional Opportunity: As stated in TWC §36.303(b), TCEQ may recommend to the legislature, based upon the report required by Section 35.018 (Reports), actions the Commission deems necessary to accomplish comprehensive management in a district. This authority could be utilized to address the question of ad valorem tax authority of SCGCD.



**Conclusion**

The Review Panel recommends that the Commission issue an order to SCGCD to comply in accordance with the attached negotiated settlement (Exhibit 13). If SCGCD fails to comply with the Commission’s order, we recommend that the Commission dissolve the district.

This report satisfies the mandates of TWC §36.3011(f) to include: (1) a summary of all evidence taken in any hearing on the petition; (2) a list of findings and recommended actions appropriate for the Commission to take and the reasons it finds those actions appropriate, including defined elements of a negotiated settlement per TWC§ 36.3011(e), and (3) additional findings the panel considers appropriate, including findings gathered from conference calls, meetings and email correspondence.

The Review Panel lacks the authority to render a final ruling on this matter but has exercised the privilege under TWC§ 36.3011(e) to negotiate a settlement with Petitioners and SCGCD to resolve the dispute by lawful means which forms the basis for our recommendations to the Commission.

All information related to the Petition should be centrally located and provided under TCEQ DOCKET No. 2019-1092-MIS on the TCEQ website and database. In addition, all documents should be provided and available to each affected party in the proceeding, the legislature, and the public.

Exhibit 20 contains the most pertinent statutes related to this process. These statutes were interpreted by the Review Panel in their plain language form and in the absence of legal counsel.

Exhibit 21 contains various documents that supported the review but were not necessary to refer to within the report.

Respectfully Submitted By:



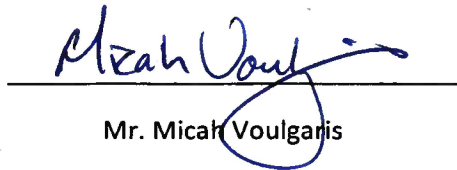
Mr. Dirk Aaron, Chairman



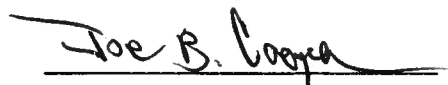
Mr. Lynn Smith, P.G.



Mr. Zach Holland



Mr. Micah Voulgaris



Mr. Joe Cooper

TCEQ DOCKET NO. \_\_\_\_\_

PETITION FOR INQUIRY §  
 OF STARR COUNTY §  
 GROUNDWATER CONSERVATION §  
 DISTRICT SUBMITTED BY §  
 GCDS IN GMA-16 §

BEFORE THE  
 TEXAS COMMISSION ON  
 ENVIRONMENTAL QUALITY

**PETITION FOR INQUIRY**

NOW COME, groundwater conservation districts (GCDs) within Groundwater Management Area-16 (GMA-16) (collectively referred to as GMA 16 GCDs) which consists of Bee County GCD, Brush County GCD, Live Oak County Underground Water Conservation District, McMullen County GCD, Kenedy County GCD, Corpus Christi Aquifer Storage and Recovery Conservation District, San Patricio GCD, and Duval County GCD and file this Petition requesting that TCEQ investigate the below issues regarding Starr County GCD and in support thereof show TCEQ the following.

I.  
BACKGROUND

GMA-16 is composed of ten GCDs in South Texas. Exhibit A is a map of the GMA-16. Starr County is included in GMA-16, in addition to the above-listed GMA-16 GCDs. Starr County GCD has failed to participate in the GMA-16 joint planning process under Texas Water Code § 36.108 and failed to adopt the desired future conditions adopted by GMA-16 GCDs. Moreover, Starr County GCD has failed to update its management plan within 2 years of GMA-16 adopting new DFCs. The Texas Commission Environmental Quality (TCEQ) should conduct an inquiry of Starr County GCD's inactions and take appropriate action to compel Starr County GCD to comply. The Board of Directors of the GMA-16 GCDs have adopted resolutions authorizing this Petition



for Inquiry and authorizing a district-designated representative to execute and certify to the facts in this Petition. The resolutions are included in Exhibit B.

II.  
THE GMA-16 GCDS ARE AFFECTED PERSONS

Texas Water Code § 36.3011 and TCEQ Rule 30 Tex. Admin. Code § 293.23 provides that an affected person may file a petition with the commission to request an inquiry. An affected person, with respect to a groundwater management area includes, among others, a GCD in the same management area as the offending GCD. Tex. Water Code § 36.3011(a)(2) and 30 Tex. Admin. Code § 293.23(a)(2). As indicated above, the GMA-16 GCDs are in the same management area as Starr County GCD and are “affected persons.”<sup>1</sup>

III.  
INQUIRY INTO FAILURE TO PARTICIPATE IN JOINT  
PLANNING AND TO ADOPT DESIRED FUTURE CONDITIONS

An affected person may file a petition with the commission to request inquiry for nine different reasons. Tex. Water Code § 36.3011(b) and 30 Tex. Admin. Code § 293.23(b). Among the nine reasons are:

- a district fails to participate in joint planning process under Tex. Water Code § 36.108; and
- a district fails to adopt the applicable desired future conditions adopted by the management area at a joint meeting; and
- a district fails to update its management plan before the second anniversary of the adoption of DFCs by the management area.

TCEQ should conduct an inquiry of Starr County GCD for the three above-listed reasons.

---

<sup>1</sup> See 31 30 Tex. Admin. Code § 356.21. The boundaries of the GMA are delineated using a GIS maintained and updated by the executive administrator of the Texas Water Development Board. The boundaries of and GCDs within GMA-16 are shown in Exhibit A, which is available at [http://www.twdb.texas.gov/groundwater/management\\_areas/maps/GMA\\_16GCD.pdf?d=4411](http://www.twdb.texas.gov/groundwater/management_areas/maps/GMA_16GCD.pdf?d=4411).



A. Failure to participate in joint planning

Texas Water Code § 36.108(c) requires district representatives to meet at least annually to conduct joint planning with the other districts in the management areas. GMA-16 conducted properly-noticed meetings on the following dates within the last two years:

January 17, 2017  
June 27, 2017  
April 24, 2018  
July 24, 2018  
October 23, 2018

As reflected in the minutes of each of these meetings, attached as Exhibit C, a representative of Starr County GCD did not attend the meetings. Starr County GCD's failure to participate in joint planning is also documented by the State Auditor's office. The State Auditor's office audited Starr County GCD in 2018 and concluded that in 2017, Starr County GCD did not achieve most of its management plan goals and did not comply with the majority of statutory requirements.<sup>2</sup>

Specifically, the State Auditor's office noted the Starr County GCD is a member of GMA-16 and it did not send any representatives to GMA-16 joint planning meetings during fiscal year 2017.<sup>3</sup>

B. Failure to adopt Desired Future Conditions

On January 17, 2017, GMA-16 adopted Desired Future Conditions.<sup>4</sup> Starr County GCD did not attend the meeting. Tex. Water Code § 36.106(d-4) required, at the time, that a GCD must adopt the applicable DFC as soon as possible after the district receives the GMA-adopted

---

<sup>2</sup> An Audit Report on Selected Groundwater Conservation Districts May 2018 SAO Report No. 18-030 available at <http://www.sao.texas.gov>. Also, the pertinent parts of the Audit Report are included in Exhibit D.

<sup>3</sup> An Audit Report on Selected Groundwater Conservation Districts SAO Report No. 18-030 May 2018 Table 3 at page 6.

<sup>4</sup> See January 17, 2017 Resolution to Adopt Desired Future Conditions for Groundwater Management Area 16 Aquifers, attached as Exhibit E.



resolution. Starr County GCD has not adopted the January 17, 2017 DFCs. In fact, Starr County GCD Board never met in 2017.<sup>5</sup>

C. Failure to update Management Plan before the second anniversary of the GMA adoption of DFCs

GMA-16 adopted DFCs on January 17, 2017. The Texas Water Development Board approved Starr County GCD's current management plan on July 25, 2014<sup>6</sup> and the management plan has not been updated before January 17, 2019, which is the second anniversary of the GMA-16 adoption of the DFCs.<sup>7</sup>

IV. Appointment of Review Panel, Review Panel Report and Actions Necessary

The GMA-16 GCDs believe the evidence compels TCEQ to appoint a review panel under 30 Tex. Admin. Code 293.23(g) and that the review panel will conclude that TCEQ action is necessary to address the Starr County GCD's deficiencies. The State Auditor's office has already concluded the risk of no action:

Failure to achieve its management goals or perform the actions required by statute increases the risk that groundwater resources with the [Starr County Groundwater Conservation] District will not be properly managed to protect, preserve, conserve, and recharge groundwater.<sup>8</sup>

A commission finding that Starr County GCD is deficient under Water Code § 36.301(b) means that the commission may take any action against the District the commission considers necessary under Tex. Water Code § 36.303. Commission action may include:

1. issuing an order requiring the district to take certain actions or to refrain from taking certain actions;

---

<sup>5</sup> See *Id.* "The District did not have any meetings during fiscal year 2017."

<sup>6</sup> See *Id.* At page 2 and [www.twdb.texas.gov/groundwater/conservation\\_districts/gcdinfo3.asp](http://www.twdb.texas.gov/groundwater/conservation_districts/gcdinfo3.asp).

<sup>7</sup> See note 5, *supra*.

<sup>8</sup> An Audit Report on Selected Groundwater Conservation Districts SAO Report 18-030, May 18, 2018 at page 1.



2. dissolving the board in accordance with [Sections 36.305](#) and [36.307](#) and calling an election for the purpose of electing a new board;
3. requesting the attorney general to bring suit for the appointment of a receiver to collect the assets and carry on the business of the groundwater conservation district; or
4. dissolving the district in accordance with [Sections 36.304](#), [36.305](#), and [36.308](#).


The GMA-16 GCDs request the TCEQ order Starr County GCD to participate in joint planning, adopt DFCs, and update its management plan. In the order, TCEQ should indicate that violation of the order will result in commission action to dissolve the board and call for an election.

Respectfully submitted,

BEE COUNTY GROUNDWATER  
CONSERVATION DISTRICT  
PO Box 682  
Beeville, TX 78104-0682

LIVE OAK UNDERGROUND WATER  
CONSERVATION DISTRICT  
3460A Highway 281  
George West, TX 78022

MCMULLEN GROUNDWATER  
CONSERVATION DISTRICT  
PO Box 232  
Tilden, TX 78072

  
\_\_\_\_\_  
Lonnie Stewart, General Manager

BRUSH COUNTRY GROUNDWATER  
CONSERVATION DISTRICT

PO Box 136  
Falfurrias, TX 78355

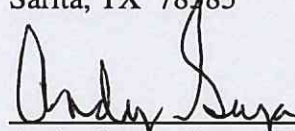


---

Felix Saenz, General Manager

KENEDY COUNTY GROUNDWATER  
CONSERVATION DISTRICT

PO Box 212  
Sarita, TX 78385

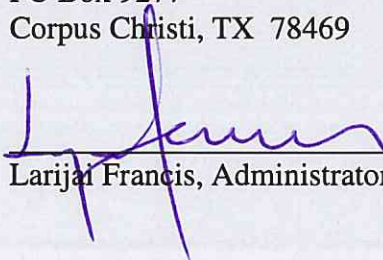


---

Andy Garza, General Manager

CORPUS CHRISTI AQUIFER STORAGE  
AND RECOVERY CONSERVATION DISTRICT

PO Box 9277  
Corpus Christi, TX 78469

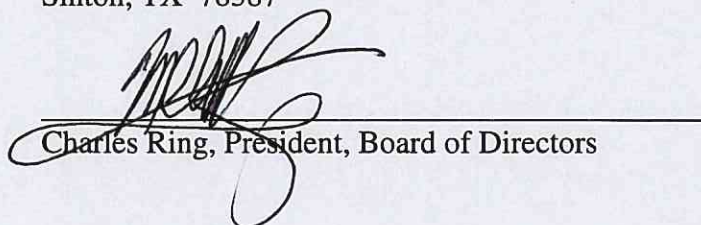


---

Larija Francis, Administrator

SAN PATRICIO COUNTY GROUNDWATER  
CONSERVATION DISTRICT

PO Box 531  
Sinton, TX 78387



---

Charles Ring, President, Board of Directors

DUVAL COUNTY GROUNDWATER  
CONSERVATION DISTRICT  
PO Box 506  
Benavides, TX 78341



---

Atlee M. Parr, Interim General Manager



**PETITION FOR INQUIRY OF STARR COUNTY GROUNDWATER CONSERVATION  
DISTRICT SUBMITTED BY GCDS IN GMA-16**

**Affidavit of Service in accordance with 30 TAC 293.23(e)**

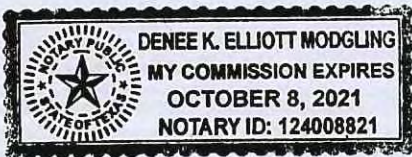
STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

In accordance with Texas Commission on Environmental Quality rule 30 TAC 293.23(e), I, Denise Fregeolle-Burk, being duly sworn, file this Affidavit verifying that each entity on the attached Mailing List, which is all groundwater conservation districts within Groundwater Management Area 16 (GMA 16) and adjacent to GMA 16, was mailed copies (via certified mail, return receipt requested, and U.S. first class mail) of the foregoing Petition for Inquiry on this 5<sup>th</sup> day of August, 2019.

*Denise Fregeolle-Burk*

Denise Fregeolle-Burk

Subscribed and sworn to before me this 5<sup>th</sup> day of August, 2019, to certify which witness my hand and seal of office.



*Denee K. Elliott Modgling*

Notary Public/State of Texas



**PETITION FOR INQUIRY OF STARR COUNTY GROUNDWATER CONSERVATION  
DISTRICT SUBMITTED BY GCDS IN GMA-16**

**Mailing List**

Mr. Lonnie Stewart, General Manager  
\*Bee County Groundwater Conservation District  
PO Box 682  
Beeville, TX 78104-0682

Mr. Felix Saenz  
General Manager  
\*Brush Country Groundwater Conservation District  
PO Box 136  
Falfurrias, TX 78355

Mr. Lonnie Stewart, Manager  
\*Live Oak Underground Water Conservation District  
3460A Highway 281  
George West, TX 78022

Mr. Lonnie Stewart, Manager  
\*McMullen Groundwater Conservation District  
PO Box 232  
Tilden, TX 78072

Mr. Andy Garza, General Manager  
\*Kenedy County Groundwater Conservation District  
PO Box 212  
Sarita, TX 78385

Mr. Larijai Francis, Administrator  
\*Corpus Christi ASR Conservation District  
PO Box 9277  
Corpus Christi, TX 78469

Mr. Charles Ring, Board of Directors  
\*San Patricio County Groundwater  
Conservation District  
PO Box 531  
Sinton, TX 78387

Mr. Atlee M. Parr, Interim General Manager  
\*Duval County Groundwater Conservation District  
PO Box 506  
Benavides, TX 78341

Mr. Russell Labus, General Manager  
Evergreen Underground Water Conservation District  
110 Wyoming Blvd.  
Pleasanton, TX 78064

Heather Sumpter, General Manager  
Goliad County Groundwater Conservation District  
PO Box 562  
Goliad, TX 77963

Mr. Armando Vela, General Manager  
Red Sands Groundwater Conservation District  
PO Box 229  
Linn, TX 78563

Billie Sue Dunnivan  
Refugio Groundwater Conservation District  
PO Box 116  
Refugio, TX 78377

Mr. Baldemar Garza, Manager  
Starr County Groundwater Conservation District  
601 E. Main St.  
Rio Grande City, TX 78582

Mr. Ed Walker, General Manager  
Wintergarden Groundwater Conservation District  
PO Box 1433  
Carrizo Springs, TX 78834

Thomas E. Callan, Chairman  
\*\*Aransas County Groundwater Conservation  
District  
301 N. Live Oak  
Rockport, TX 78382

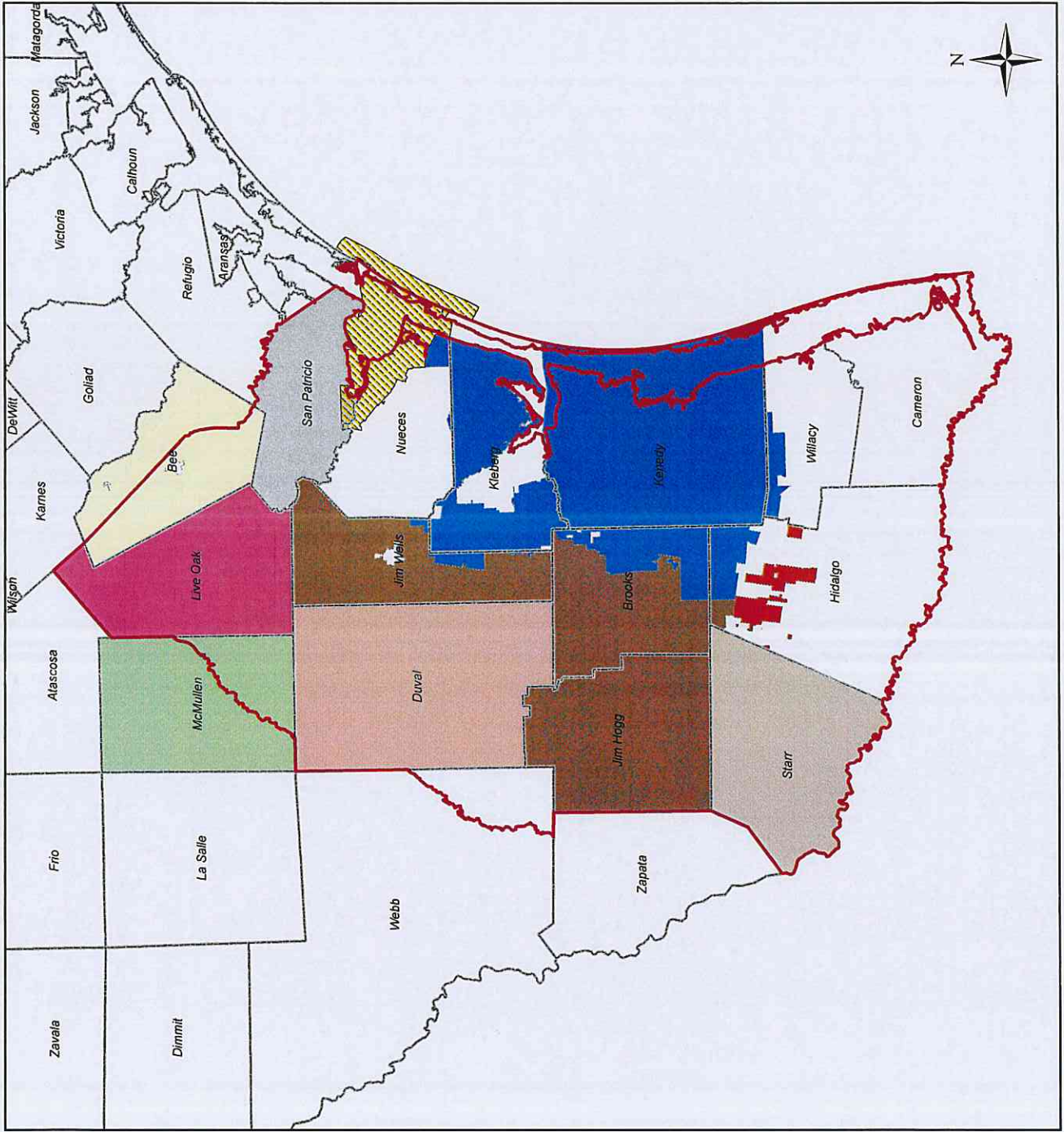
***\*Petitioner***

***\*\*The creation of the Aransas County GCD  
was not approved in its confirmation election  
and the district is dissolved on September 1,  
2019. Tex. Special District Local Laws Code  
§ 8823.003(1).***













# **Exhibit A**



# Groundwater Management Area 16

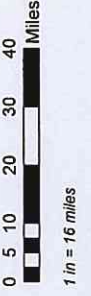
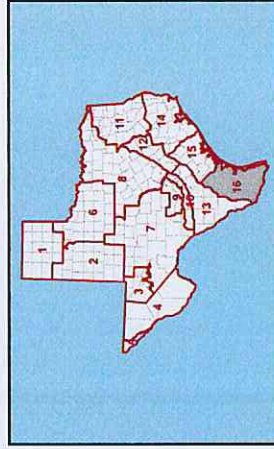


## MAP LEGEND

-  Groundwater Management Area 16
-  Counties
- Groundwater Conservation Districts**
-  Bee GCD
-  Brush Country GCD
-  Corpus Christi ASRCD
-  Duval County GCD
-  Kenedy County GCD
-  Live Oak UWCD
-  McMullen GCD
-  Red Sands GCD
-  San Patricio County GCD
-  Starr County GCD

**DISCLAIMER**  
 This map was prepared by the Texas Water Development Board. No claims are made to the accuracy or completeness of the information shown herein nor to its suitability for a particular use. The scale and location of all mapped data are approximate. Boundaries for groundwater conservation districts are approximate and may not accurately depict legal descriptions.

Updated 8/26/2015



# **Exhibit B**



RESOLUTION 02-2019

**A RESOLUTION AUTHORIZING PARTICIPATION  
WITH OTHER GROUNDWATER CONSERVATION DISTRICTS IN GMA-16  
TO JOINTLY PETITION THE TCEQ FOR AN INQUIRY  
INTO THE ACTIONS OF STARR COUNTY GCD**

**WHEREAS,** Bee Groundwater Conservation District is a member of Groundwater Management Area 16 (GMA-16);

**WHEREAS,** the District is an "affected person" under section 36.3011 (a) of the Texas Water Code with respect to GMA-16;

**WHEREAS,** an "affected person" may file a petition with the Texas Commission on Environmental Quality (TCEQ) requesting an inquiry of another groundwater conservation district (GCD) for the reasons provided under section 36.3011 (b) of the Texas Water Code;

**WHEREAS,** Starr County GCD is a member of GMA-16 and has failed to participate in joint planning process under Tex. Water Code § 36.108; to adopt the applicable desired future conditions adopted by the management area at a joint meeting; and to update its management plan before the second anniversary of the adoption of desired future conditions by the management area; and

**WHEREAS,** the District desires to join with other GMA-16 GCDS to file a Joint Petition of Inquiry into the actions of Starr County GCD; and

**WHEREAS,** the petition must include a certified statement from the "affected person" that describes the why the petitioner believes that a commission inquiry is necessary; and

**WHEREAS,** sections 36.056(a) and 36.057(f) provide that the Board of Directors (Board) may delegate to its general manager full authority to manage and operate the affairs of the District and the Board, by resolution, may authorize the general manager to execute documents on behalf of the District;

**WHEREAS,** the District desires for the general manager or \_\_\_\_\_ to execute a joint petition of inquiry, to certify the statements made in such a petition, to take all necessary action to effectuate the filing of such a petition; to participate in proceedings of a TCEQ-appointed review panel and any TCEQ hearings regarding the petition.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Bee Groundwater Conservation District:

1. The District authorizes a Joint Petition of Inquiry with other GMA-16 GCDs relating to the acts of Starr County GCD.



2. The Board delegates to the General Manager or \_\_\_\_\_ the authority to execute the petition on behalf of the District, to certify to the statements made in the petition, to file the petition jointly, to participate in the proceedings of a TCEQ-appointed review panel and a TCEQ hearing regarding the petition, and to take action necessary to accomplish the purpose of the petition.

In Favor 6

Opposed 0

PASSED AND APPROVED THIS 15 DAY OF May 2019.

Tryne W. Mengers  
Tryne Mengers, President

ATTEST:

Mark Sugarck  
Mark Sugarck, Secretary

Tryne W. Mengers  
Board President

Mark Sugarck  
Secretary/Treasurer

**CERTIFIED STATEMENT REQUIRED BY**  
**30 TEXAS ADMINISTRATIVE CODE 293.23(d)**

STATE OF TEXAS           §  
  §  
COUNTY OF BEE           §



BEFORE ME, a Notary Public for the State of Texas, personally appeared the person identified below on behalf of the Bee County Groundwater Conservation District, who after identifying himself and being duly sworn by me deposed and said that he has read the foregoing Petition for Inquiry, and in his capacity as General Manager for the Bee County Groundwater Conservation District, does hereby verify that the facts set forth therein are true and correct description of why a Texas Commission on Environmental Quality inquiry is necessary.

Lonnie Stewart  
Lonnie Stewart  
General Manager  
Bee County Groundwater  
Conservation District

SWORN TO AND SUBSCRIBED BEFORE ME on this 16 day of May, 2019.

Janelle Lorine Carpenter  
Notary Public, State of Texas



**RESOLUTION \_\_\_\_\_**

**A RESOLUTION AUTHORIZING PARTICIPATION  
WITH OTHER GROUNDWATER CONSERVATION DISTRICTS IN GMA-16  
TO JOINTLY PETITION THE TCEQ FOR AN INQUIRY  
INTO THE ACTIONS OF STARR COUNTY GCD**

**WHEREAS, Brush Country** Groundwater Conservation District is a member of Groundwater Management Area 16 (GMA-16);

**WHEREAS,** the District is an “affected person” under section 36.3011 (a) of the Texas Water Code with respect to GMA-16;

**WHEREAS,** an “affected person” may file a petition with the Texas Commission on Environmental Quality (TCEQ) requesting an inquiry of another groundwater conservation district (GCD) for the reasons provided under section 36.3011 (b) of the Texas Water Code;

**WHEREAS,** Starr County GCD is a member of GMA-16 and has failed to participate in joint planning process under Tex. Water Code § 36.108; to adopt the applicable desired future conditions adopted by the management area at a joint meeting; and to update its management plan before the second anniversary of the adoption of desired future conditions by the management area; and

**WHEREAS,** the District desires to join with other GMA-16 GCDS to file a Joint Petition of Inquiry into the actions of Starr County GCD; and

**WHEREAS,** the petition must include a certified statement from the “affected person” that describes the why the petitioner believes that a commission inquiry is necessary; and

**WHEREAS,** sections 36.056(a) and 36.057(f) provide that the Board of Directors (Board) may delegate to its general manager full authority to manage and operate the affairs of the District and the Board, by resolution, may authorize the general manager to execute documents on behalf of the District;

**WHEREAS,** the District desires for the general manager or \_\_\_\_\_ to execute a joint petition of inquiry, to certify the statements made in such a petition, to take all necessary action to effectuate the filing of such a petition; to participate in proceedings of a TCEQ-appointed review panel and any TCEQ hearings regarding the petition.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Brush Country Groundwater Conservation District:

1. The District authorizes a Joint Petition of Inquiry with other GMA-16 GCDs relating to the acts of Starr County GCD.




2. The Board delegates to the General Manager or David Kelly the authority to execute the petition on behalf of the District, to certify to the statements made in the petition, to file the petition jointly, to participate in the proceedings of a TCEQ-appointed review panel and a TCEQ hearing regarding the petition, and to take action necessary to accomplish the purpose of the petition.

In Favor 7

Opposed 0

**PASSED AND APPROVED THIS 28 DAY OF May 2019.**



David Kelly, President

ATTEST:



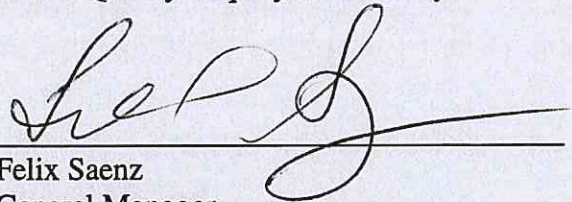
Maggie Castillo, Secretary



**CERTIFIED STATEMENT REQUIRED BY 30 TEXAS ADMINISTRATIVE CODE**  
**293.23(d)**

STATE OF TEXAS           §  
  §  
COUNTY OF BROOKS       §

BEFORE ME, a Notary Public for the State of Texas, personally appeared the person identified below on behalf of the Brush Country Groundwater Conservation District, who after identifying himself and being duly sworn by me deposed and said that he has read the foregoing Petition for Inquiry, and in his capacity as General Manager for the Brush Country Groundwater Conservation District, does hereby verify that the facts set forth therein are true and correct description of why a Texas Commission on Environmental Quality inquiry is necessary.



Felix Saenz  
General Manager  
Brush Country Groundwater  
Conservation District

SWORN TO AND SUBSCRIBED BEFORE ME on this 25 day of June, 2019.



Herlinda M. Castillo  
Notary Public, State of Texas



RESOLUTION 2-2019

**A RESOLUTION AUTHORIZING PARTICIPATION  
WITH OTHER GROUNDWATER CONSERVATION DISTRICTS IN GMA-16  
TO JOINTLY PETITION THE TCEQ FOR AN INQUIRY  
INTO THE ACTIONS OF STARR COUNTY GCD**

**WHEREAS,** Live Oak <sup>Underground water</sup> ~~Groundwater~~ Conservation District is a member of Groundwater Management Area 16 (GMA-16);

**WHEREAS,** the District is an "affected person" under section 36.3011 (a) of the Texas Water Code with respect to GMA-16;

**WHEREAS,** an "affected person" may file a petition with the Texas Commission on Environmental Quality (TCEQ) requesting an inquiry of another groundwater conservation district (GCD) for the reasons provided under section 36.3011 (b) of the Texas Water Code;

**WHEREAS,** Starr County GCD is a member of GMA-16 and has failed to participate in joint planning process under Tex. Water Code § 36.108; to adopt the applicable desired future conditions adopted by the management area at a joint meeting; and to update its management plan before the second anniversary of the adoption of desired future conditions by the management area; and

**WHEREAS,** the District desires to join with other GMA-16 GCDS to file a Joint Petition of Inquiry into the actions of Starr County GCD; and

**WHEREAS,** the petition must include a certified statement from the "affected person" that describes the why the petitioner believes that a commission inquiry is necessary; and

**WHEREAS,** sections 36.056(a) and 36.057(f) provide that the Board of Directors (Board) may delegate to its general manager full authority to manage and operate the affairs of the District and the Board, by resolution, may authorize the general manager to execute documents on behalf of the District;

**WHEREAS,** the District desires for the general manager or \_\_\_\_\_ to execute a joint petition of inquiry, to certify the statements made in such a petition, to take all necessary action to effectuate the filing of such a petition; to participate in proceedings of a TCEQ-appointed review panel and any TCEQ hearings regarding the petition.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Live Oak <sup>Underground water</sup> ~~Groundwater~~ Conservation District:

1. The District authorizes a Joint Petition of Inquiry with other GMA-16 GCDS relating to the acts of Starr County GCD.

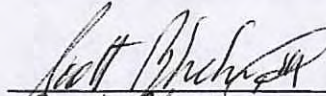


2. The Board delegates to the General Manager or \_\_\_\_\_ the authority to execute the petition on behalf of the District, to certify to the statements made in the petition, to file the petition jointly, to participate in the proceedings of a TCEQ-appointed review panel and a TCEQ hearing regarding the petition, and to take action necessary to accomplish the purpose of the petition.

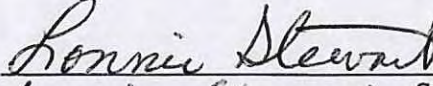
In Favor 3

Opposed 0

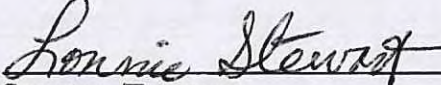
PASSED AND APPROVED THIS 13 DAY OF May 2019.

  
\_\_\_\_\_  
Scott Bledsoe, President

ATTEST:

  
\_\_\_\_\_  
Lonnie Stewart, Secretary

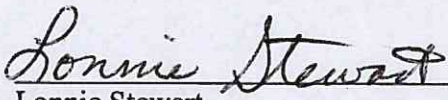
  
\_\_\_\_\_  
Board President

  
\_\_\_\_\_  
Secretary/Treasurer

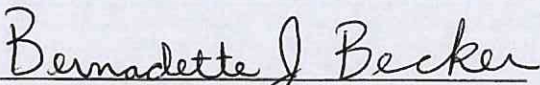
**CERTIFIED STATEMENT REQUIRED BY**  
**30 TEXAS ADMINISTRATIVE CODE 293.23(d)**

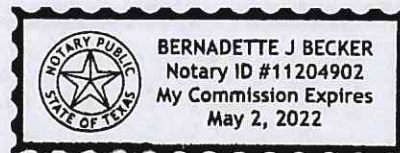
STATE OF TEXAS           §  
  §  
COUNTY OF LIVE OAK   §

BEFORE ME, a Notary Public for the State of Texas, personally appeared the person identified below on behalf of the Live Oak Underground Water Conservation District, who after identifying himself and being duly sworn by me deposed and said that he has read the foregoing Petition for Inquiry, and in his capacity as General Manager for the Live Oak Underground Water Conservation District, does hereby verify that the facts set forth therein are true and correct description of why a Texas Commission on Environmental Quality inquiry is necessary.

  
\_\_\_\_\_  
Lonnie Stewart  
General Manager  
Live Oak Underground Water  
Conservation District

SWORN TO AND SUBSCRIBED BEFORE ME on this 13 day of June, 2019.

  
\_\_\_\_\_  
Notary Public, State of Texas





RESOLUTION 02-2019

**A RESOLUTION AUTHORIZING PARTICIPATION  
WITH OTHER GROUNDWATER CONSERVATION DISTRICTS IN GMA-16  
TO JOINTLY PETITION THE TCEQ FOR AN INQUIRY  
INTO THE ACTIONS OF STARR COUNTY GCD**

**WHEREAS,** McMullen Groundwater Conservation District is a member of Groundwater Management Area 16 (GMA-16);

**WHEREAS,** the District is an "affected person" under section 36.3011 (a) of the Texas Water Code with respect to GMA-16;

**WHEREAS,** an "affected person" may file a petition with the Texas Commission on Environmental Quality (TCEQ) requesting an inquiry of another groundwater conservation district (GCD) for the reasons provided under section 36.3011 (b) of the Texas Water Code;

**WHEREAS,** Starr County GCD is a member of GMA-16 and has failed to participate in joint planning process under Tex. Water Code § 36.108; to adopt the applicable desired future conditions adopted by the management area at a joint meeting; and to update its management plan before the second anniversary of the adoption of desired future conditions by the management area; and

**WHEREAS,** the District desires to join with other GMA-16 GCDS to file a Joint Petition of Inquiry into the actions of Starr County GCD; and

**WHEREAS,** the petition must include a certified statement from the "affected person" that describes the why the petitioner believes that a commission inquiry is necessary; and

**WHEREAS,** sections 36.056(a) and 36.057(f) provide that the Board of Directors (Board) may delegate to its general manager full authority to manage and operate the affairs of the District and the Board, by resolution, may authorize the general manager to execute documents on behalf of the District;

**WHEREAS,** the District desires for the general manager or \_\_\_\_\_ to execute a joint petition of inquiry, to certify the statements made in such a petition, to take all necessary action to effectuate the filing of such a petition; to participate in proceedings of a TCEQ-appointed review panel and any TCEQ hearings regarding the petition.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the McMullen Groundwater Conservation District:

1. The District authorizes a Joint Petition of Inquiry with other GMA-16 GCDS relating to the acts of Starr County GCD.



2. The Board delegates to the General Manager or \_\_\_\_\_ the authority to execute the petition on behalf of the District, to certify to the statements made in the petition, to file the petition jointly, to participate in the proceedings of a TCEQ-appointed review panel and a TCEQ hearing regarding the petition, and to take action necessary to accomplish the purpose of the petition.

In Favor 4

Opposed 0

PASSED AND APPROVED THIS 23 DAY OF May 2019.

Harold Janbers, President

ATTEST:

David Longen  
David Longen, Secretary

P. Harold Janbers  
Board President

David Longen  
Secretary/Treasurer



**CERTIFIED STATEMENT REQUIRED BY**  
**30 TEXAS ADMINISTRATIVE CODE 293.23(d)**

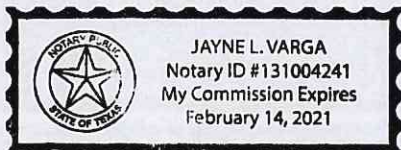
STATE OF TEXAS                   §  
  §  
COUNTY OF MCMULLEN       §

BEFORE ME, a Notary Public for the State of Texas, personally appeared the person identified below on behalf of the McMullen Groundwater Conservation District, who after identifying himself and being duly sworn by me deposed and said that he has read the foregoing Petition for Inquiry, and in his capacity as General Manager for the McMullen Groundwater Conservation District, does hereby verify that the facts set forth therein are true and correct description of why a Texas Commission on Environmental Quality inquiry is necessary.



\_\_\_\_\_  
Lonnie Stewart  
General Manager  
McMullen Groundwaer  
Conservation District

SWORN TO AND SUBSCRIBED BEFORE ME on this 23 day of May, 2019.



  
\_\_\_\_\_  
Notary Public, State of Texas



**RESOLUTION #2019-002**

**A RESOLUTION AUTHORIZING PARTICIPATION  
WITH OTHER GROUNDWATER CONSERVATION DISTRICTS IN GMA-16  
TO JOINTLY PETITION THE TCEQ FOR AN INQUIRY  
INTO THE ACTIONS OF STARR COUNTY GCD**

**WHEREAS**, the Kenedy County Groundwater Conservation District is a member of Groundwater Management Area 16 (GMA-16);

**WHEREAS**, the District is an “affected person” under section 36.3011 (a) of the Texas Water Code with respect to GMA-16;

**WHEREAS**, an “affected person” may file a petition with the Texas Commission on Environmental Quality (TCEQ) requesting an inquiry of another groundwater conservation district (GCD) for the reasons provided under section 36.3011 (b) of the Texas Water Code;

**WHEREAS**, Starr County GCD is a member of GMA-16 and has failed to participate in joint planning process under Tex. Water Code § 36.108; to adopt the applicable desired future conditions adopted by the management area at a joint meeting; and to update its management plan before the second anniversary of the adoption of desired future conditions by the management area; and

**WHEREAS**, the District desires to join with other GMA-16 GCDS to file a Joint Petition of Inquiry into the actions of Starr County GCD; and

**WHEREAS**, the petition must include a certified statement from the “affected person” that describes the why the petitioner believes that a commission inquiry is necessary; and

**WHEREAS**, sections 36.056(a) and 36.057(f) provide that the Board of Directors (Board) may delegate to its general manager full authority to manage and operate the affairs of the District and the Board, by resolution, may authorize the general manager to execute documents on behalf of the District;

**WHEREAS**, the District desires for the general manager to execute a joint petition of inquiry, to certify the statements made in such a petition, to take all necessary action to effectuate the filing of such a petition; to participate in proceedings of a TCEQ-appointed review panel and any TCEQ hearings regarding the petition.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Kenedy County Groundwater Conservation District:

1. The District authorizes a Joint Petition of Inquiry with other GMA-16 GCDS relating to the acts of Starr County GCD.

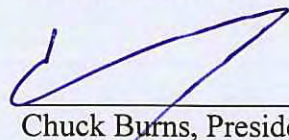


2. The Board delegates to the General Manager the authority to execute the petition on behalf of the District, to certify to the statements made in the petition, to file the petition jointly, to participate in the proceedings of a TCEQ-appointed review panel and a TCEQ hearing regarding the petition, and to take action necessary to accomplish the purpose of the petition.

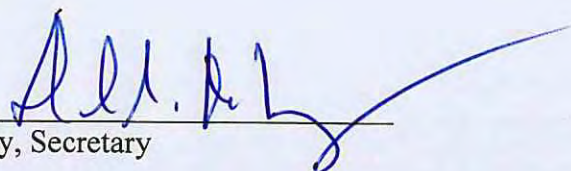
In Favor 4

Opposed 0

**PASSED AND APPROVED THIS 15th DAY OF MAY 2019.**

  
\_\_\_\_\_  
Chuck Burns, President

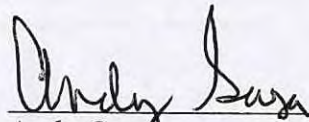
ATTEST:

  
\_\_\_\_\_  
Dave Delaney, Secretary

**CERTIFIED STATEMENT REQUIRED BY**  
**30 TEXAS ADMINISTRATIVE CODE 293.23(d)**

STATE OF TEXAS           §  
  §  
COUNTY OF KENEDY       §

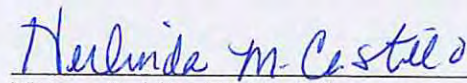
BEFORE ME, a Notary Public for the State of Texas, personally appeared the person identified below on behalf of the Kenedy County Groundwater Conservation District, who after identifying himself and being duly sworn by me deposed and said that he has read the foregoing Petition for Inquiry, and in his capacity as General Manager for the Kenedy County Groundwater Conservation District, does hereby verify that the facts set forth therein are true and correct description of why a Texas Commission on Environmental Quality inquiry is necessary.



\_\_\_\_\_  
Andy Garza  
General Manager  
Kenedy County Groundwater  
Conservation District

SWORN TO AND SUBSCRIBED BEFORE ME on this 25 day of June, 2019.



  
\_\_\_\_\_  
Notary Public, State of Texas



## RESOLUTION

### A RESOLUTION OF THE CORPUS CHRISTI AQUIFER STORAGE AND RECOVERY CONSERVATION DISTRICT AUTHORIZING PARTICIPATION WITH GROUNDWATER CONSERVATION DISTRICTS IN GMA-16 TO JOINTLY PETITION THE TCEQ FOR AN INQUIRY INTO THE ACTIONS OF STARR COUNTY GCD

**WHEREAS**, Corpus Christi Aquifer Storage and Recovery Conservation District (District) is a member of Groundwater Management Area 16 (GMA-16);

**WHEREAS**, the District is an "affected person" under section 36.3011 (a) of the Texas Water Code with respect to GMA-16;

**WHEREAS**, an "affected person" may file a petition with the Texas Commission on Environmental Quality (TCEQ) requesting an inquiry of another groundwater conservation district (GCD) for the reasons provided under section 36.3011 (b) of the Texas Water Code;

**WHEREAS**, Starr County GCD is a member of GMA-16 and has failed to participate in joint planning process under Tex. Water Code § 36.108; to adopt the applicable desired future conditions adopted by the management area at a joint meeting; and to update its management plan before the second anniversary of the adoption of desired future conditions by the management area; and

**WHEREAS**, the District desires to join with other GMA-16 GCDs to file a Joint Petition of Inquiry into the actions of Starr County GCD; and

**WHEREAS**, the petition must include a certified statement from the "affected person" that describes why the petitioner believes that a commission inquiry is necessary; and

**WHEREAS**, sections 36.056(a) and 36.057(f) provide that the Board of Directors (Board) may delegate to its general manager full authority to manage and operate the affairs of the District and the Board, by resolution, may authorize the general manager or other employee to execute documents on behalf of the District;

**WHEREAS**, the District desires for the Administrator to execute a joint petition of inquiry, to certify the statements made in such a petition, to take all necessary action to effectuate the filing of such a petition; to participate in proceedings of a TCEQ-appointed review panel and any TCEQ hearings regarding the petition.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Corpus Christi Aquifer Storage and Recovery Conservation District:

1. The District authorizes a Joint Petition of Inquiry with other GMA-16 GCDs relating to the acts of Starr County GCD.

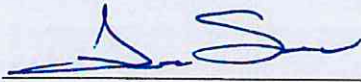


2. The Board delegates to the Administrator the authority to execute the petition on behalf of the District, to certify to the statements made in the petition, to file the petition jointly, to participate in the proceedings of a TCEQ-appointed review panel and a TCEQ hearing regarding the petition, and to take action necessary to accomplish the purpose of the petition.

In Favor 5

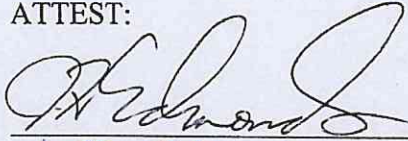
Opposed 0

PASSED AND APPROVED THIS 11 DAY OF July 2019.



Fred Segunda, President

ATTEST:

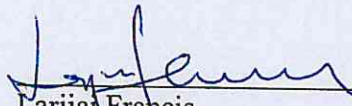


Jeff Edmonds, Secretary

**CERTIFIED STATEMENT REQUIRED BY**  
**30 TEXAS ADMINISTRATIVE CODE 293.23(d)**

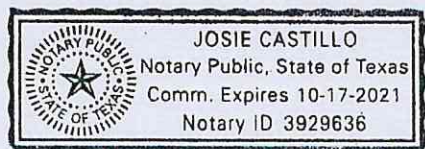
STATE OF TEXAS           §  
  §  
COUNTY OF NUECES      §

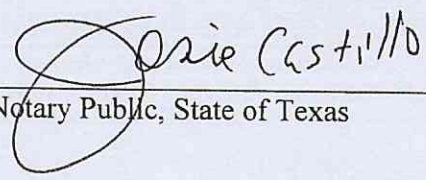
BEFORE ME, a Notary Public for the State of Texas, personally appeared the person identified below on behalf of the Corpus Christi Aquifer Storage and Recovery Conservation District, who after identifying himself and being duly sworn by me deposed and said that he has read the foregoing Petition for Inquiry, and in his capacity as Administrator for the Corpus Christi Aquifer Storage and Recovery Conservation District, does hereby verify that the facts set forth therein are true and correct description of why a Texas Commission on Environmental Quality inquiry is necessary.



Larijal Francis  
Administrator  
Corpus Christi Aquifer Storage and Recovery Conservation District

SWORN TO AND SUBSCRIBED BEFORE ME on this 11<sup>th</sup> day of July, 2019.



  
\_\_\_\_\_  
Notary Public, State of Texas



RESOLUTION 02-2019

**A RESOLUTION AUTHORIZING PARTICIPATION  
WITH OTHER GROUNDWATER CONSERVATION DISTRICTS IN GMA-16  
TO JOINTLY PETITION THE TCEQ FOR AN INQUIRY  
INTO THE ACTIONS OF STARR COUNTY GCD**

**WHEREAS**, Sun Patricio City Groundwater Conservation District is a member of Groundwater Management Area 16 (GMA-16);

**WHEREAS**, the District is an "affected person" under section 36.3011 (a) of the Texas Water Code with respect to GMA-16;

**WHEREAS**, an "affected person" may file a petition with the Texas Commission on Environmental Quality (TCEQ) requesting an inquiry of another groundwater conservation district (GCD) for the reasons provided under section 36.3011 (b) of the Texas Water Code;

**WHEREAS**, Starr County GCD is a member of GMA-16 and has failed to participate in joint planning process under Tex. Water Code § 36.108; to adopt the applicable desired future conditions adopted by the management area at a joint meeting; and to update its management plan before the second anniversary of the adoption of desired future conditions by the management area; and

**WHEREAS**, the District desires to join with other GMA-16 GCDS to file a Joint Petition of Inquiry into the actions of Starr County GCD; and

**WHEREAS**, the petition must include a certified statement from the "affected person" that describes the why the petitioner believes that a commission inquiry is necessary; and

**WHEREAS**, sections 36.056(a) and 36.057(f) provide that the Board of Directors (Board) may delegate to its general manager full authority to manage and operate the affairs of the District and the Board, by resolution, may authorize the general manager to execute documents on behalf of the District;

**WHEREAS**, the District desires for the general manager or Charles King to execute a joint petition of inquiry, to certify the statements made in such a petition, to take all necessary action to effectuate the filing of such a petition; to participate in proceedings of a TCEQ-appointed review panel and any TCEQ hearings regarding the petition.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Sun Patricio City Groundwater Conservation District:

1. The District authorizes a Joint Petition of Inquiry with other GMA-16 GCDS relating to the acts of Starr County GCD.



2. The Board delegates to the General Manager or Charles Ring the authority to execute the petition on behalf of the District, to certify to the statements made in the petition, to file the petition jointly, to participate in the proceedings of a TCEQ-appointed review panel and a TCEQ hearing regarding the petition, and to take action necessary to accomplish the purpose of the petition.

In Favor 6

Opposed 0

PASSED AND APPROVED THIS 16 DAY OF May 2019.

Charles Ring, President

ATTEST:

Matt Settiff, Secretary

[Signature]  
Board President

[Signature]  
Secretary/Treasurer

**CERTIFIED STATEMENT REQUIRED BY**  
**30 TEXAS ADMINISTRATIVE CODE 293.23(d)**

STATE OF TEXAS                   §  
   §  
COUNTY OF SAN PATRICIO   §

BEFORE ME, a Notary Public for the State of Texas, personally appeared the person identified below on behalf of the San Patricio County Groundwater Conservation District, who after identifying himself and being duly sworn by me deposed and said that he has read the foregoing Petition for Inquiry, and in his capacity as President of the Board of Directors for the San Patricio County Groundwater Conservation District, does hereby verify that the facts set forth therein are true and correct description of why a Texas Commission on Environmental Quality inquiry is necessary.

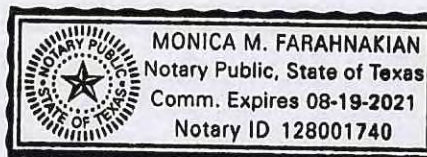


Charles Ring  
President, Board of Directors  
San Patricio County Groundwater  
Conservation District

SWORN TO AND SUBSCRIBED BEFORE ME on this 16 day of May, 2019.



Notary Public, State of Texas





**RESOLUTION \_\_\_\_\_**

**A RESOLUTION AUTHORIZING PARTICIPATION  
WITH OTHER GROUNDWATER CONSERVATION DISTRICTS IN GMA-16  
TO JOINTLY PETITION THE TCEQ FOR AN INQUIRY  
INTO THE ACTIONS OF STARR COUNTY GCD**

**WHEREAS**, Duval County Groundwater Conservation District is a member of Groundwater Management Area 16 (GMA-16);

**WHEREAS**, the District is an "affected person" under section 36.3011 (a) of the Texas Water Code with respect to GMA-16;

**WHEREAS**, an "affected person" may file a petition with the Texas Commission on Environmental Quality (TCEQ) requesting an inquiry of another groundwater conservation district (GCD) for the reasons provided under section 36.3011 (b) of the Texas Water Code;

**WHEREAS**, Starr County GCD is a member of GMA-16 and has failed to participate in joint planning process under Tex. Water Code § 36.108; to adopt the applicable desired future conditions adopted by the management area at a joint meeting; and to update its management plan before the second anniversary of the adoption of desired future conditions by the management area; and

**WHEREAS**, the District desires to join with other GMA-16 GCDS to file a Joint Petition of Inquiry into the actions of Starr County GCD; and

**WHEREAS**, the petition must include a certified statement from the "affected person" that describes the why the petitioner believes that a commission inquiry is necessary; and

**WHEREAS**, sections 36.056(a) and 36.057(f) provide that the Board of Directors (Board) may delegate to its general manager full authority to manage and operate the affairs of the District and the Board, by resolution, may authorize the general manager to execute documents on behalf of the District;

**WHEREAS**, the District desires for the interim general manager to execute a joint petition of inquiry, to certify the statements made in such a petition, to take all necessary action to effectuate the filing of such a petition; to participate in proceedings of a TCEQ-appointed review panel and any TCEQ hearings regarding the petition.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Duval County Groundwater Conservation District:

1. The District authorizes a Joint Petition of Inquiry with other GMA-16 GCDS relating to the acts of Starr County GCD.



2. The Board delegates to the Interim General Manager the authority to execute the petition on behalf of the District, to certify to the statements made in the petition, to file the petition jointly, to participate in the proceedings of a TCEQ-appointed review panel and a TCEQ hearing regarding the petition, and to take action necessary to accomplish the purpose of the petition.

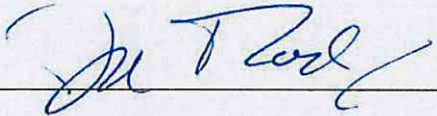
In Favor yes Opposed \_\_\_\_\_

PASSED AND APPROVED THIS 31<sup>st</sup> DAY OF July 2019.



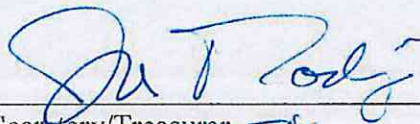
Atlee M. Paer, President

ATTEST:



\_\_\_\_\_, Secretary

  
Board President

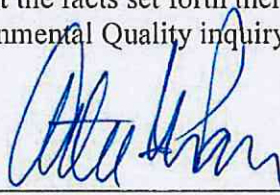
  
Secretary/Treasurer 501



**CERTIFIED STATEMENT REQUIRED BY**  
**30 TEXAS ADMINISTRATIVE CODE 293.23(d)**

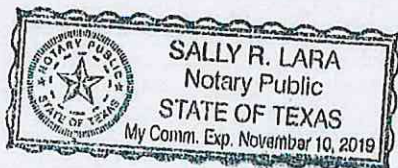
STATE OF TEXAS           §  
  §  
COUNTY OF DUVAL       §

BEFORE ME, a Notary Public for the State of Texas, personally appeared the person identified below on behalf of the Duval County Groundwater Conservation District, who after identifying himself and being duly sworn by me deposed and said that he has read the foregoing Petition for Inquiry, and in his capacity as Interim General Manager for the Duval County Groundwater Conservation District, does hereby verify that the facts set forth therein are true and correct description of why a Texas Commission on Environmental Quality inquiry is necessary.



\_\_\_\_\_  
Atlee M. Parr  
Interim General Manager  
Duval County Groundwater  
Conservation District

SWORN TO AND SUBSCRIBED BEFORE ME on this 1<sup>st</sup> day of August, 2019.



\_\_\_\_\_  
Notary Public, State of Texas

# **Exhibit C**



**GMA-16 Joint Planning Committee  
Brooks County Annex  
408 W. Travis St.  
Falfurrias, TX  
January 17, 2017**

**Minutes**

**1. Scotty Bledsoe(Live Oak) declared a quorum and called the meeting to order at 1:05 p.m. Attendees were self-introduced.**

**Members present: Kenedy County(Andy Garza), Brush Country(Felix Saenz, David Kelly, Bill Dugat), Red Sands (Armando Vela), McMullen(Lonnie Stewart), San Patricio (Charles Ring), Duval County(Louie Pena), Bee(Lonnie Stewart) and Corpus Christi ASR(Steve Ramos).**

**Guests present: See attached sign-in sheet**

**2. Andy Garza moved and Charles Ring seconded the motion to approve minutes of the November 15, 2016 meeting. Motion carried.**

**3. Lonnie Stewart gave the Treasurer's report. The current balance is \$6,968.50. A total of \$34,781.50 has been paid out. Stewart reported that a payment in the amount of \$4,000.00 would be made to David O'Rourke.**

**Louie Pena moved and Andy Garza seconded the motion to approve the Treasurer's report as presented. Motion carried.**

**4. As for the TWDB, Robert Bradley reported that the TWDB was receiving revised DFCs and explanatory reports at a steady rate.**

**5. David O'Rourke reviewed the latest draft copy of the Explanatory Report for GMA-16 which consists of 7 sections along with appendices, figures and tables. The Explanatory Report will now be**

**submitted to the TWDB for review of administrative completeness with David O'Rourke being the primary contact between the TWDB and GMA-16.**

**6. Lonnie Stewart moved and Andy Garza seconded the motion to adopt the proposed DFC for GMA-16 through a resolution. Motion carried. The resolution was signed by all members in attendance and will be forwarded along with the Explanatory Report to the TWDB. The member districts will adopt their DFC once the Explanatory Report is approved by the TWDB.**

**7. Scotty Bledsoe asked committee members if there were any additional comments that needed to be considered on the proposed DFC. Committee members have submitted letters to that effect.**

**8. J.D. Head thanked the committee, David O'Rourke and the TWDB for completion of the Explanatory Report and the work that the TWDB had done on the final GAM run.**

**9. Scotty Bledsoe stated that the next meeting will be held after the TWDB has declared the Explanatory Report as being administrative complete.**

**10. Future agenda items should be submitted to Lonnie Stewart or Andy Garza.**

**11. With no further business, Andy Garza moved and Lonnie Stewart seconded the motion to adjourn the meeting at 1:45 PM.**



**GMA-16 Joint Planning Committee  
Brooks County Annex  
408 W. Travis St.  
Falfurrias, TX  
June 27, 2017**

**Minutes**

**1. Scotty Bledsoe(Live Oak) declared a quorum and called the meeting to order at 1:05 p.m. Attendees were self-introduced.**

**Members present: Kenedy County(Andy Garza), Brush Country(Felix Saenz, Jesse Howell), Red Sands (Armando Vela), McMullen(Lonnie Stewart), San Patricio (Charles Ring), Duval County(Louie Pena), Bee(Lonnie Stewart) and Corpus Christi ASR(Steve Ramos).**

**Guests present: See attached sign-in sheet**

**2. Lonnie Stewart moved and Andy Garza seconded the motion to approve minutes of the January 17, 2017 meeting as presented. Motion carried.**

**3. Lonnie Stewart gave the Treasurer's report. The current balance is \$1,068.50. A total of \$40,681.50 has been paid out. Stewart reported that payments in the amount of \$5,900.00 had been made to David O'Rourke since the meeting in January, 2017.**

**Armando Vela moved and Andy Garza seconded the motion to approve the Treasurer's report as presented. Motion carried.**

**4. Representing the TWDB, Rima Petrossian reported that GMA-4 was the last to adopt a revised DFC. Ms. Petrossian suggested that GMA-16 conduct a survey to compare commonality of rules amongst the member districts because that issue will likely come up in the 2019 legislative session.**



**Petrossian reported that the TWDB currently is installing meteorological monitoring sites known collectively as Texmesonet in different parts of the state and would be asking GMA-16 for some assistance in this matter. Andy Garza stated that the Texas Agricultural Experiment Station had a weather station on a ranch between Falfurrias and Riviera, TX.**

**5. Scotty Bledsoe informed the group that it was time to elect and/or reelect officers for the next cycle of joint planning. Currently, the officers are as follows: Scotty Bledsoe, President; Lonnie Stewart, Vice-President; Andy Garza, Secretary and Tryne Menger, Treasurer.**

**After a brief discussion, Charles Ring moved and Louie Pena seconded the motion to keep the same slate of officers through acclamation. Motion carried.**

**6. Lonnie Stewart reported that GMA-16 will be needing a revised Interlocal Agreement to fund activities for the next joint planning cycle. Stewart stated that he would initiate the process and allow Bill Dugat, legal counsel for the Brush Country GCD, to review the agreement before distributing it to the member districts. There was consensus to use this approach.**

**7. Scotty Bledsoe informed the group that a consultant needed to be contracted for the next cycle. To accomplish this task, Bledsoe recommended that a committee, comprised of managers, be appointed to compile a Request for Qualifications and a Scope of Work for the next planning cycle.**

**Lonnie Stewart moved and Jesse Howell seconded the motion to appoint a committee comprised of managers to compile a Request for Qualifications and a Scope of Work. Motion carried.**

**8. Scotty Bledsoe informed the group that the results of MAG Run 17-025 had been distributed to the members of GMA-16. The revised modeled available groundwater needs to be incorporated into the management plans.**



**9. Andy Garza stated that he had placed this item on the agenda to remind the members that the DFC adopted by each district needs to be monitored by each district. Lonnie Stewart stated that a report on the results of the DFC monitoring from GMA-16 will be submitted to the TWDB once a year.**

**10. Lonnie Stewart reviewed the process that districts need to follow to adopt the revised DFC.**

**11. Lonnie Stewart reported that he had placed this item on the agenda to determine if the Starr County GCD needed to be reported to the TCEQ for failure to participate in the DFC process. Rima Petrossian, TWDB representative, stated that the Starr County GCD had an approved management plan that was good for 5 years and that TCEQ would have to initiate any negative action against that particular GCD.**

**12. Felix Saenz, general manager of the Brush Country GCD, reviewed a proposal from Steve Young, Intera hydrologist, that seeks to review the Rio Grande Flow and Transport Model and determine the effects of pumping large volumes of brackish groundwater on subsidence in the Lower Rio Grande Valley. Rima Petrossian reminded the group that the TWDB is funding a study that is looking at subsidence throughout the state. Lonnie Stewart stated that subsidence may be a factor when the DFC is revisited again in 2022.**

**13. No date was set for the next meeting.**

**14. Future agenda items should be submitted to Lonnie Stewart.**

**15. Charles Ring moved and Louie Pena seconded the motion to adjourn the meeting at 2:20 PM.**



**GMA-16 Joint Planning Committee  
Brooks County Annex  
408 W. Travis St.  
Falfurrias, TX  
April 24, 2018**

**Minutes**

**1. Scotty Bledsoe(Live Oak) declared a quorum and called the meeting to order at 1:05 p.m. Attendees were self-introduced.**

**Members present: Kenedy County(Andy Garza), Brush Country(Felix Saenz, David Kelly), Red Sands (Armando Vela), McMullen(Lonnie Stewart), San Patricio (Charles Ring), Duval County(Louie Pena), Bee(Lonnie Stewart) and Corpus Christi ASR(LJ Francis).**

**Guests present: See attached sign-in sheet**

**2. Lonnie Stewart moved and Charles Ring seconded the motion to approve minutes of the June 27, 2017 meeting as presented. Motion carried.**

**3. Lonnie Stewart gave the Treasurer's report. The current balance is \$1,068.50. A total of \$40,681.50 has been paid out. Stewart reported that an effort will be made to open a bank account under the name of GMA-16 Joint Planning Committee because an audit of the Bee GCD revealed some problems with running GMA-16 funds through Bee GCD's account.**

**Andy Garza moved and Louie Pena seconded the motion to approve the Treasurer's report as presented. Motion carried.**

**4. Representing the TWDB, Robert Bradley reported on the retirements of Dr. Robert Mace and Rima Petrossian and the hiring of John Dupnik to replace Robert Mace. Bradley also reported on the following: 1) subsidence report compiled by LRE has been submitted**



to the TWDB, 2) GCD management plans continue to be reviewed by the TWDB, 3) GCDs have to 2 years to incorporate revised DFCs into their management plans, 4) Texas Water Conference will be held in January, 2019 just prior to the legislative session and 5) Jerry Shi will be working on a revised GAM model for GMAs 15 and 16.

5. **Scotty Bledsoe reviewed the Interlocal Participation Agreement and the Cost Sharing Interlocal Participation Agreement which member districts must approve before the next DFC cycle can be initiated. Some deficiencies with the Cost Sharing agreement were noted by the committee. Section 3.05 states that the professional consultant cannot be engaged until each member district has paid the amounts provided in section 3.01, however, the Starr County GCD will likely not participate in cost sharing and the San Patricio GCD can only pay in installments as stated in section 3.01.**

As a remedy to the dilemma, Louie Pena moved and Lonnie Stewart seconded the motion to correct section 3.05 of the Cost Sharing agreement by stating that the professional consultant will be engaged when \$42,000 has been paid by the member districts. Motion carried.

6. **Scotty Bledsoe called on Andy Garza to review the status of the Scope of Work that will be used for the new DFC cycle. Garza stated the current format will be used with whatever revisions the members so desire. Recommended revisions to the Scope of Work will be discussed at the next GMA-16 meeting. Bledsoe stated that more than likely, the Scope of Work will not be distributed until after the 2019 legislative session.**

7. **Scotty Bledsoe informed the group that a consultant cannot be hired until the Scope of Work has been finalized and the funds have been provided by the member districts.**

8. **Steve Young, hydrologist with Intera, gave a presentation entitled "Interim Report: Review of Rio Grande Flow and Transport Model and Potential for Land Subsidence in South Texas". The purpose of the presentation was to 1) review and check MODFLOW-USG files,**



**2) check the MODFLOW-USG flow and transport predictions for water levels, hydraulic conductivity and total dissolved solids and 3) evaluate prediction of land subsidence.**

**9. As per the status of the Starr County GCD, Robert Bradley of the TWDB reported that the State Auditor's Office has selected the GCD for an audit, but, has had problems finding a contact for the GCD. Bradley stated that the Starr County GCD may be interested in dissolving itself. According to Bradley, the management plan for the GCD expires on July 25, 2019.**

**10. Scotty Bledsoe asked for comments from the districts and the public. Michael Keester, LRE hydrologist, stated that his company would be willing to discuss the results in the work that LRE conducted on subsidence for the TWDB. Charles Ring, San Patricio GCD director, opined that the amount that his district had to pay through the Cost Sharing agreement was disproportionate to the funding that is available to his district.**

**11. Scotty Bledsoe asked for a possible date for the next GMA-16 meeting. Members agreed to hold the next meeting at the same location on July 24, 2018.**

**12. LJ Francis, Corpus Christi ASR representative, recommended that an item regarding the possibility of acquiring state funds for the DFC process be placed on the next agenda.**

**13. Charles Ring moved and Andy Garza seconded the motion to adjourn the meeting at 3:00 PM.**



**GMA-16 Joint Planning Committee  
Brooks County Annex  
408 W. Travis St.  
Falfurrias, TX  
July 24, 2018**

**Minutes**

**1. Scotty Bledsoe(Live Oak) declared a quorum and called the meeting to order at 1:05 p.m. Attendees were self-introduced.**

**Members present: Kenedy County(Andy Garza), Brush Country(Felix Saenz, Bill Dugat), Red Sands (Armando Vela), McMullen(Lonnie Stewart), San Patricio (Charles Ring), Duval County(Louie Pena), Bee(Lonnie Stewart) and Corpus Christi ASR(LJ Francis).**

**Guests present: See attached sign-in sheet**

**2. Lonnie Stewart moved and Andy Garza seconded the motion to approve minutes of the April 24, 2018 meeting as presented. Motion carried.**

**3. Lonnie Stewart presented the Treasurer's report. The current balance is \$1,068.50. A total of \$40,681.50 has been paid out. Stewart reported that a checking account for GMA-16 will be opened through the Bee SWCD as soon as they have their next meeting.**

**Andy Garza moved and Louie Pena seconded the motion to approve the Treasurer's report as presented. Motion carried.**

**4. Representing the TWDB, Jean Perez reported that Natalie Ballew had been selected to fill Rima Petrossian's position. Perez noted that the Texas Water Conference will be held by the TWDB in January, 2019 in Austin, TX. Perez reported that the TWDB continues to stay busy in reviewing and approving groundwater management plans.**



**Dr. Jerry Shi, TWBD geoscientist, made a brief presentation on the progress being made on the new GAM model for GMA-15 and GMA-16. Shi reported that the conceptual report on model development should be available for public review in early 2019. Model should be completed sometime in 2020.**

**5. Andy Garza reminded the GMA-16 member districts on the importance of monitoring the adopted DFC for each district.**

**6. Scotty Bledsoe reminded the members action had been taken at the last meeting to revise section 3.05 of the Cost Sharing agreement and that the revision needed to be approved.**

**Lonnie Stewart moved and Louie Pena seconded the motion; the motion passed unanimously to approve the revision to section 3.05 of the Cost Sharing agreement.**

**7. Scotty Bledsoe reviewed the status of the scope of work for consultant that will be hired for the current DFC cycle. It was agreed that Scotty Bledsoe, Lonnie Stewart, LJ Francis and Andy Garza will develop a revised scope of work in the coming weeks.**

**8. Members agreed that a consultant cannot be considered until a scope of work has been developed and distributed.**

**9. Lonnie Stewart informed the group that TAGD had formed a committee to review the similarity of rules between GCDs. It was noted by Monica Jacobs that Senator Perry has stated that legislation on similar rules will be introduced during the 2019 Texas legislative session. Andy Garza reminded the group that at the groundwater forum hosted by TAGD in Beeville, TX in November, 2017, a panel discussion on similarity of rules in GMA-16 showed that there was much similarity in place between the GCDS.**

**10. L J Francis reported that the possibility of acquiring state funds for the DFC process was practically nonexistent.**



**11. Jean Perez, TWDB, informed the group that there was nothing to report on the status of the Starr County GCD which did not do well when audited by the State Auditor's office.**

**12. Monica Jacobs provided comments on the development of the new GAM model for GMA-15 and GMA-16. Ms. Jacobs stated that it was reassuring to hear that the public will be given an opportunity to provide comments as the model is developed.**

**13. The next GMA-16 meeting will be held on October 23, 2018 at the new Brush Country GCD office building.**

**14. Future agenda items should be submitted to Lonnie Stewart.**

**15. Meeting was adjourned at 3:05 PM.**

**GMA-16 Joint Planning Committee  
Brooks County Annex  
408 W. Travis St.  
Falfurrias, TX  
October 23, 2018**

**Minutes**

**1. Scotty Bledsoe(Live Oak) declared a quorum and called the meeting to order at 1:05 p.m. Attendees were self-introduced.**

**Members present: Kenedy County(Andy Garza), Brush Country(Felix Saenz, Bill Dugat, David Kelly), Red Sands (Armando Vela), McMullen(Lonnie Stewart), San Patricio (Charles Ring) and Bee(Lonnie Stewart).**

**Guests present: See attached sign-in sheet**

**2. Andy Garza moved and David Kelly seconded the motion to approve minutes of the July 24, 2018 meeting as presented. Motion carried.**

**3. Lonnie Stewart presented the Treasurer's report as per new GMA-16 account established by the Bee GCD. The current balance is \$20,568.50 plus an additional \$3,000.00 that has been deposited since the report was compiled. The Duval County GCD and the Kenedy County GCD have pledged to pay \$6,000.00 each before the end of 2018.**

**Charles Ring moved and Armando Vela seconded the motion to approve the Treasurer's report as presented. Motion carried.**

**4. Jean Perez, TWDB representative, reported that the Water For Texas Conference will be held on January 23-25, 2019 in Austin, TX. Perez noted that the Texas Water Conference will be held by the TWDB in January, 2019 in Austin, TX. Perez stated that a new hire to review**



**and approve GCD management plans will start in the near future. Charles Ring, San Patricio GCD, informed the committee that a mesonet weather station will be set up in his district.**

**5. All members present gave a brief overview of their district's management plan.**

**6. Andy Garza reported that the Red Sands GCD may be the only member that has not submitted an interlocal agreement.**

**7. Scotty Bledsoe, Lonnie Stewart and Andy Garza reported that a few minor changes had been made to the Scope of Work used for the last DFC cycle and the revised version was given to the members for their review. Andy Garza stated that a few dates needed to be confirmed before the document is distributed to various contractors.**

**Lonnie Stewart moved and Andy Garza seconded the motion; the motion passed unanimously to approve the Scope of Work as presented.**

**8. Lonnie Stewart moved and David Kelly seconded the motion; the motion passed unanimously to distribute the Scope of Work once the dates in the document are confirmed.**

**9. Lonnie Stewart informed the group that GMA-16 would use the template compiled by GMA-12 to compare similarity of rules. The template will be sent out to the membership, completed by the membership and mailed back to Stewart.**

**10. Scotty Bledsoe led the discussion on the inability of the Starr County GCD to participate in the joint planning process for the last several years. After considerable input from all the members present, it was agreed that each GCD will be asked to determine if a joint resolution/petition from GMA-16 to TCEQ is the approach to be taken.**

**11. Tomas Rodriguez, chairman of the Region M planning group, addressed the committee on the impacts that the declaration of the Yegua-Jackson as an irrelevant aquifer could have on the communities of Mirando City, Bruni and Oilton. Rodriguez stated that it would not**



**be possible to plan to include groundwater from the Yegua-Jackson as a source of water for the 3 communities mentioned above. Scotty Bledsoe indicated that GMA-16 would follow up on this matter.**

**Andy Garza informed the committee that the Kenedy County GCD had submitted data on water levels for the last 5 years to the TWDB for possible use in the calibration of the new GAM model that being developed by TWDB.**

**12. The GMA-16 meeting was tentatively scheduled for March 26, 2019 in Falfurrias, TX.**

**13. Future agenda items should be submitted to Lonnie Stewart.**

**14. Meeting was adjourned at 2:45 PM.**



# **Exhibit D**



An Audit Report on

# **Selected Groundwater Conservation Districts**

May 2018  
Report No. 18-030

State Auditor's Office reports are available on the Internet at <http://www.sao.texas.gov/>.





An Audit Report on

# Selected Groundwater Conservation Districts

SAO Report No. 18-030  
May 2018

## Overall Conclusion

Auditors selected five groundwater conservation districts (districts) and audited their (1) achievement of selected groundwater management plan goals and (2) compliance with selected statutory requirements for each district's fiscal year 2017. Of the five districts audited:

- Starr County Groundwater Conservation District was not actively engaged in the achievement of its management plan goals and ensuring compliance with statutory requirements. The district asserted that it did not have any revenues during fiscal year 2017, which prevented it from performing actions to achieve its management plan goals and comply with statutory requirements. As a result, the district achieved only one of its management plan goals and complied with one of the applicable Texas Water Code requirements.
- Terrell County Groundwater Conservation District did not achieve the majority of its management plan goals. However, it fully complied with all but one of the applicable Texas Water Code requirements.
- Duval County Groundwater Conservation District fully or partially achieved the majority of its management plan goals and fully complied with all applicable Texas Water Code requirements.
- The remaining two districts audited—Brush Country Groundwater Conservation District and Post Oak Savannah Groundwater Conservation District—fully achieved the majority or all, respectively, of their management plan goals and fully complied with all applicable Texas Water Code requirements.

### Background Information

Texas Water Code, Chapter 36, requires groundwater conservation districts (districts) to develop groundwater management plans that list the steps the districts will take to protect and manage groundwater.

Each district's groundwater management plan must contain goals that are applicable to each district as described in Texas Water Code, Section 36.1071. Districts develop one or more objectives to support each goal.

The Water Development Board reviews and approves districts' groundwater management plans, including the goals and objectives. The Commission on Environmental Quality has the authority to enforce districts' compliance with the statutory requirements outlined in Texas Water Code, Chapter 36.

As of December 2017, there were 100 confirmed districts. One additional district awaited confirmation by voters in local elections. See Appendix 4 for a map showing the five districts audited.

Failure to achieve management plan goals and comply with statutory requirements increases the risk that groundwater resources within the district will not be properly managed to protect, preserve, conserve, and recharge groundwater.

*This audit was conducted in accordance with Texas Water Code, Sections 36.061 and 36.302.*

*For more information regarding this report, please contact Courtney Ambres-Wade, Audit Manager, or Lisa Collier, First Assistant State Auditor, at (512) 936-9500.*



Table 1 presents a summary of the findings in this report and the related issue ratings. (See Appendix 2 for more information about the issue rating classifications and descriptions.)

Table 1

Summary of Chapters/Subchapters and Related Issue Ratings		
Chapter/ Subchapter	Title	Issue Rating <sup>a</sup>
1-A	Starr County Groundwater Conservation District Did Not Achieve Most of Its Management Plan Goals	Priority
1-B	Starr County Groundwater Conservation District Did Not Comply with the Majority of Statutory Requirements	Priority
2-A	Terrell County Groundwater Conservation District Did Not Achieve the Majority of Its Management Plan Goals	High
2-B	Terrell County Groundwater Conservation District Fully Complied with All but One of the Statutory Requirements	Low
3-A	Duval County Groundwater Conservation District Fully or Partially Achieved the Majority of Its Management Plan Goals	Medium
3-B	Duval County Groundwater Conservation District Fully Complied with All Statutory Requirements	Low
4-A	Brush Country Groundwater Conservation District Fully Achieved the Majority of Its Management Plan Goals	Low
4-B	Brush Country Groundwater Conservation District Fully Complied with All Statutory Requirements	Low
5-A	Post Oak Savannah Groundwater Conservation District Fully Achieved All of Its Management Plan Goals	Low
5-B	Post Oak Savannah Groundwater Conservation District Fully Complied with All Statutory Requirements	Low

<sup>a</sup> A subchapter is rated **Priority** if the issues identified present risks or effects that if not addressed could critically affect the audited entity's ability to effectively administer the program(s)/function(s) audited. Immediate action is required to address the noted concern and reduce risks to the audited entity.

A subchapter is rated **High** if the issues identified present risks or effects that if not addressed could substantially affect the audited entity's ability to effectively administer the program(s)/function(s) audited. Prompt action is essential to address the noted concern and reduce risks to the audited entity.

A subchapter is rated **Medium** if the issues identified present risks or effects that if not addressed could moderately affect the audited entity's ability to effectively administer program(s)/function(s) audited. Action is needed to address the noted concern and reduce risks to a more desirable level.

A subchapter is rated **Low** if the audit identified strengths that support the audited entity's ability to administer the program(s)/functions(s) audited or the issues identified do not present significant risks or effects that would negatively affect the audited entity's ability to effectively administer the program(s)/function(s) audited.

Auditors communicated other, less significant issues separately in writing to the districts.



## ***Summary of Management's Response***

At the end of certain chapters in this report, auditors made recommendations to address the issues identified during this audit. Terrell County, Brush Country, and Duval County Groundwater Conservation Districts agreed with the recommendations in this report. Starr County Groundwater Conservation District did not submit a management's response. There were no recommendations addressed to Post Oak Savannah Groundwater Conservation District.

## ***Audit Objectives and Scope***

The audit objectives were to determine whether selected districts complied with applicable statutes and to summarize information from districts' audited annual financial statements.

The scope of this audit covered five groundwater conservation districts. The audit scope covered each district's fiscal year 2017.<sup>1</sup> This audit did not include a review of the general controls over the districts' information technology environments, including access controls, change management processes, and password controls.

---

<sup>1</sup> The dates of each district's fiscal year varied among the five districts audited. Additionally, where documentation was not yet available for fiscal year 2017, auditors reviewed documentation for the district's fiscal year 2016.

# Contents

## Detailed Results

Chapter 1 Starr County Groundwater Conservation District Did Not Achieve Most of Its Management Plan Goals and Did Not Comply with the Majority of Statutory Requirements .....	1
Chapter 2 Terrell County Groundwater Conservation District Did Not Achieve the Majority of Its Management Plan Goals and Fully Complied with All But One of the Statutory Requirements .....	8
Chapter 3 Duval County Groundwater Conservation District Fully or Partially Achieved the Majority of Its Management Plan Goals and Fully Complied with All Statutory Requirements .....	17
Chapter 4 Brush Country Groundwater Conservation District Fully Achieved the Majority of Its Management Plan Goals and Fully Complied with All Statutory Requirements .....	25
Chapter 5 Post Oak Savannah Groundwater Conservation District Fully Achieved All of Its Management Plan Goals and Fully Complied with All Statutory Requirements .....	32

## Appendices

Appendix 1 Objectives, Scope, and Methodology .....	38
Appendix 2 Issue Rating Classifications and Descriptions .....	42
Appendix 3 State Agency Roles in Groundwater Management Process ....	43
Appendix 4 Map of Audited Groundwater Conservation Districts .....	45



Appendix 5

Related State Auditor's Office Work ..... 46

# Detailed Results

Chapter 1

## ***Starr County Groundwater Conservation District Did Not Achieve Most of Its Management Plan Goals and Did Not Comply with the Majority of Statutory Requirements***

---

Starr County Groundwater Conservation District (District) was not actively engaged during fiscal year 2017 in the achievement of management plan goals and compliance with applicable statutory requirements audited.

The District asserted in writing that it had determined that funding or subsidizing the District was not “economically viable or feasible,” for the citizens of Starr County; therefore, it did not have any revenues or expenditures during fiscal year 2017. The District further asserted that, as a result of not having any revenues, it was unable to carry out any actions to achieve its management plan goals and ensure compliance with statutory requirements. Finally, the District asserted that it is “not an active entity,” and it anticipates remaining inactive for the “foreseeable future.”

As a result of its lack of active engagement, the District did not achieve 6 (86 percent) of its 7 management plan goals and did not comply with 4 (80 percent) of the 5 applicable Texas Water Code requirements audited.

Failure to achieve its management plan goals or perform the actions required by statute increases the risk that groundwater resources within the District will not be properly managed to protect, preserve, conserve, and recharge groundwater.

Texas Water Code, Section 36.0015(b), states that groundwater conservation districts are the State’s preferred method of groundwater management, including the conservation, preservation, protection, recharging, and prevention of waste of groundwater (see text box).

### **Selected Financial Information for Fiscal Year 2017**

Starr County Groundwater Conservation District asserted that it had no revenues or expenditures during fiscal year 2017.

The District did not compile any financial statements or have an annual audit performed for its fiscal year 2017.

### **Purpose of Groundwater Conservation Districts**

To provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and to control subsidence caused by withdrawal of water from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution, groundwater conservation districts may be created as provided by this chapter.

Groundwater conservation districts created as provided by this chapter are the state's preferred method of groundwater management in order to protect property rights, balance the conservation and development of groundwater to meet the needs of this state, and use the best available science in the conservation and development of groundwater through rules developed, adopted, and promulgated by a district in accordance with the provisions of this chapter.

Source: Texas Water Code, Chapter 36.



## Starr County Groundwater Conservation District Did Not Achieve Most of Its Management Plan Goals

The District did not achieve 6 (86 percent) of the 7 applicable management plan goals during fiscal year 2017. Those six goals were:

- Providing the most efficient use of groundwater.
- Addressing conjunctive<sup>3</sup> surface water management issues.
- Addressing natural resource issues.
- Addressing drought conditions.
- Addressing conservation.
- Addressing the desired future conditions adopted.<sup>4</sup>

Chapter 1-A  
Rating:  
Priority <sup>2</sup>

The Water Development Board approved the District's current management plan on July 25, 2014, and that plan remains valid until July 25, 2019. That plan contains the goals listed above. The District asserted that it had not actively performed any activities toward achieving those six goals during fiscal year 2017. Failure to achieve management plan goals increases the risk of wasting groundwater resources, failing to conserve those resources, and not meeting desired future conditions.

For each applicable goal in its approved groundwater management plan, the District developed objectives and performance standards that described the activities the District must perform to achieve each goal. Table 2 on the next page provides additional information.

---

<sup>2</sup> Chapter 1-A is rated as Priority because the issues identified present risks or effects that if not addressed could critically affect the audited entity's ability to effectively administer the program(s)/function(s) audited. Immediate action is required to address the noted concern and reduce risks to the audited entity.

<sup>3</sup> Texas Water Code, Section 36.001(21), defines conjunctive use as the combined use of groundwater and surface water sources that optimizes the beneficial characteristics of each source.

<sup>4</sup> Texas Water Code, Section 36.108, requires groundwater conservation districts within the same groundwater management area to perform joint planning activities that include the adoption of desired future conditions for the groundwater management area. Texas Water Code, Section 36.001(30), defines desired future conditions as the desired conditions of the groundwater resources in a management area at one or more specified future times.



Table 2

Starr County Groundwater Conservation District Achievement of Groundwater Management Plan Objectives		
Goal and Objective Audited	Achieved?	Additional Information
<b>Goal 1: Providing the Most Efficient Use of Groundwater</b>		
<b>Objective/Plan of Implementation:</b> Provide guidance for the most efficient use, conservation, and long-term sustainability of the groundwater resources within the District. The District will establish a schedule of regular Board meetings and notification for the general public in order to invite comment and participation by the stakeholders of the District by the end of calendar year 2013. The District will also establish an annual training program for the Board members and any interested stakeholders within the District. The District's Board will develop and establish a protocol for the development of groundwater resources within the District by the end of calendar year 2013. An annual meeting will be established for review and discussion of programs, policies, and procedures in order to ensure compliance with those rules and procedures adopted by the District, Regional Water Planning Group (RWPG), and the State.	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.
<b>Goal 2: Controlling and Preventing Waste of Groundwater</b>		
<b>Objective/Plan of Implementation:</b> Provide control for the use, and prevent the waste, of groundwater resources within the District. The District has adopted a set of rules (Appendix I [in the District's groundwater management plan]) which outline permit fees, requirements, procedures, enforcement, and penalties pertaining to well drilling and use of the underlying water resources. The rules are available for viewing at <a href="http://www.co.starr.tx.us">http://www.co.starr.tx.us</a> .	Yes	It should be noted that, as of the time of this audit, the District's rules were not available on the referenced Web site. Therefore, auditors obtained a copy of the District's rules from the Water Development Board.
<b>Goal 3: Controlling and Preventing Subsidence<sup>a</sup></b>		
According to the District's management plan, this goal is not applicable due to a lack of subsidence concerns in the District.		
<b>Goal 4: Addressing Conjunctive Surface Water Management Issues</b>		
<b>Objective/Plan of Implementation:</b> The District will participate in the regional planning process by attending meetings of the RWPG. The attendance at any RWPG meeting will be noted in the annual report. The District will provide oversight, guidance for groundwater users and enforcement of the Desired Future Conditions (DFC) as adopted by Groundwater Management Area (GMA) 16. The District's Board will be an active Member of the GMA and attend all scheduled meetings in order to stay abreast of current developments and pertinent discussions within the GMA, the RWPG, and the State, within 30 days of adoption, of any new rules and/or procedures relating to groundwater conservation, development, enforcement, or changes to the Management Plan. Time will be allowed on the agenda for public comment and input regarding the District's Board's actions, policies, and procedures.	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.
<b>Goal 5: Addressing Natural Resources Issues</b>		
<b>Objective/Plan of Implementation:</b> The District will monitor water levels in the District boundaries on an annual basis by measuring the level of 10 water wells dispersed throughout the District on an annual basis. Well location, description, and measured water levels will be included in the Annual Report. The District will also track the location of any saltwater disposal wells permitted in the District and provide location, depth, and disposal rates for each well in the Annual Report.	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.



**Starr County Groundwater Conservation District**  
**Achievement of Groundwater Management Plan Objectives**

Goal and Objective Audited	Achieved?	Additional Information
These activities will serve to help the District address natural resource issues that may impact the use and availability of groundwater within the District.		
<b>Goal 6: Addressing Drought Conditions</b>		
<u>Objective/Plan of Implementation:</u> Identify and address the effects of drought conditions on groundwater resources within the District. The District will publish monthly update reports of the Palmer Drought Severity Index (PDSI) map and a rainfall map indicating year-to-date rainfall within the District that will include water conservation tips and recommendations. These updates will be posted for public review and comment, and a report will be made to the District's Board at the annual meeting. Statewide drought information and coping suggestions and tips are provided by the Texas Water Development Board on its Web site at <a href="https://waterdatafortexas.org/drought">https://waterdatafortexas.org/drought</a> .	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.
<b>Goal 7: Addressing Conservation</b> (Addressing conservation, recharge enhancement, rainwater harvesting, precipitation enhancement, or brush control, where appropriate and cost-effective.)		
<u>Objective/Plan of Implementation:</u> Conservation - The District's Board will publish a monthly water conservation tip or recommendation along with the monthly update to the PDSI update. These articles will be presented to the District's Board at the annual meeting.	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.
<u>Objective/Plan of Implementation:</u> Recharge enhancement - Aquifer recharge in the District is mostly accomplished by normal rainfall infiltration. No specific surface recharge formations have been identified in Starr County for either of the two affected aquifers. The District will publish a monthly tip or watch guide for possible surface sources of groundwater contamination and recommendations for the prevention and remediation of surface contamination, which may affect the District's groundwater resources.	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.
<u>Objective/Plan of Implementation:</u> Rainwater Harvesting - The District will publish, with the monthly conservation tip/recommendation and PDSI update, a current article regarding rainwater harvesting for garden watering and non-potable use. These articles will be presented to the District's Board at the annual meeting.	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.
<u>Objective/Plan of Implementation:</u> Brush Control - The District will be presented with and will publish at the annual meeting the Natural Resources Conservation Service recommendations for brush control within the District.	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.
<u>Objective/Plan of Implementation:</u> Precipitation enhancement is not a goal applicable to the District.	Not Applicable	
<b>Goal 8: Addressing the Desired Future Conditions Adopted</b>		
<u>Objective/Plan of Implementation:</u> The District will, by the end of the year 2014, establish and adopt a well monitoring plan that will serve to indicate whether or not the District is adhering to the Desired Future Conditions (DFC) adopted by the GMA. The well registration program proposed to be adopted by the end of the year 2013 will serve as the basis for the monitoring program. Well level measurements and water quality tests will be made on a randomly selected number of non-exempt wells with broad distribution throughout the District on an annual basis. A report of the findings will be	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.



Starr County Groundwater Conservation District Achievement of Groundwater Management Plan Objectives		
Goal and Objective Audited	Achieved?	Additional Information
published and made available to the District's Board and the stakeholders at the annual meeting. Any deviation from the adopted DFC will be reported to the District and the Water Development Board within 30 days of the report.		
<sup>a</sup> Texas Water Code, Section 36.001(10), defines subsidence as the lowering in elevation of the land surface caused by withdrawal of groundwater.		

Chapter 1-B

**Starr County Groundwater Conservation District Did Not Comply with the Majority of Statutory Requirements**

Texas Water Code, Chapter 36, specifies requirements for the manner in which groundwater conservation districts must operate. The District did not comply with 4 (80 percent) of the 5 applicable Texas Water Code requirements audited. Those four requirements were:

Chapter 1-B  
Rating:  
Priority <sup>5</sup>

- Holding regular board meetings in accordance with statute.
- Adopting written policies.
- Participating in joint planning meetings with other groundwater conservation districts within the same Groundwater Management Area.
- Obtaining bonds for its board members.

The District asserted that it did not perform any activities related to those four requirements during its fiscal year 2017 due to a lack of available funding. Failure to comply with applicable statutory requirements increases the risk that groundwater resources will not be sufficiently protected or conserved and desired future conditions will not be met.

Table 3 on the next page summarizes the District's compliance with the statutory requirements audited.

<sup>5</sup> Chapter 1-B is rated as Priority because the issues identified present risks or effects that if not addressed could critically affect the audited entity's ability to effectively administer the program(s)/function(s) audited. Immediate action is required to address the noted concern and reduce risks to the audited entity.



Table 3

Starr County Groundwater Conservation District's Compliance with Texas Water Code Requirements <sup>a</sup>		
Fiscal Year 2017		
Texas Water Code Requirement	Compliance	Additional Information
Board Meetings	Did Not Comply	The District did not have any meetings during fiscal year 2017.
District Rules	Fully Complied	The District complied with all requirements.
District Policies	Did Not Comply	The District had not formulated or adopted any policies.
Joint Planning	Did Not Comply	The District is a member of Groundwater Management Area (GMA) 16. However, it did not send any representatives to GMA 16 joint planning meetings during fiscal year 2017.
Annual Financial Audit	Not Applicable	The District asserted that it had no revenues or expenses. Therefore, the District is exempt from this requirement in accordance with Texas Water Code, Section 36.153(c). However, the District should consider submitting a financial dormancy affidavit to the executive director of the Commission on Environmental Quality rather than having a financial audit performed in accordance with Texas Water Code, Section 36.153(d).
Annual Budget	Not Applicable	The District asserted that it had no revenues or expenditures during fiscal year 2017. Therefore, this requirement was not applicable.
Employee Bonds	Not Applicable	The District did not have any employees or consultants responsible for handling District funds.
Board Member Bonds	Did Not Comply	The District had not obtained bonds for its board members as required.
Bank Depository and Expenditures	Not Applicable	The District asserted that it had no revenues or other district funds and had no expenditures during fiscal year 2017. Therefore, this requirement was not applicable.
<p><sup>a</sup> Texas Water Code, Chapter 36, statutory requirements:</p> <p><b>Board Meetings:</b> The board is required to provide notice of and conduct meetings at least quarterly. Districts are required to provide notice of meetings of the board (Texas Water Code, Section 36.063). A quorum is required to conduct business (Texas Water Code, Sections 36.064 and 36.053). The board also is required to keep complete records of its meetings and proceedings (Texas Water Code, Section 36.065).</p> <p><b>District Rules:</b> The board is required to adopt rules to implement Chapter 36 of the Texas Water Code (Texas Water Code, Sections 36.101 (b), 36.1071(f), 36.111 through 36.113, 36.1145, 36.201, and 36.454 (a) and (b)).</p> <p><b>District Policies:</b> The board is required to adopt written policies addressing specified areas (Texas Water Code, Section 36.061): policies for a code of ethics, travel expenditures, district investments, professional services, and management information, which includes policies on (1) budgeting and (2) establishing an audit or finance committee.</p> <p><b>Joint Planning:</b> The district is required to meet annually with any other districts in the groundwater management area in which it is located to set desired future conditions for aquifers in the area (Texas Water Code, Section 36.108).</p> <p><b>Annual Financial Audit:</b> The board is required to obtain an annual audit of the financial condition of the district (Texas Water Code, Section 36.153).</p> <p><b>Annual Budget:</b> The board is required to prepare and approve an annual budget including specified components (Texas Water Code, Section 36.154).</p> <p><b>Employee Bonds:</b> The district is required to obtain bonds in an amount determined by the board to be sufficient to safeguard the district for officers, employees, and consultants who collect, pay, or handle district funds (Texas Water Code, Section 36.057 (d)).</p> <p><b>Board Member Bonds:</b> Each director is required to execute a bond for \$10,000 payable to the district and conditioned on the faithful performance of that director's duties before beginning to perform the duties of office (Texas Water Code, Section 36.055(c)).</p> <p><b>Bank Depository and Expenditures:</b> The board is required to name one or more banks to serve as depository for the district's funds (Texas Water Code, Section 36.155) and obtain dual signatures on district disbursements, excluding federal reserve wire transfers or electronic fund transfer (Texas Water Code, Section 36.151). To receive fees of office and to receive reimbursement for expenses, each director shall file with the district a verified statement showing the number of days actually spent in the service of the district and a general description of the duties performed for each day of service (Texas Water Code, Section 36.060(c)).</p>		



## Recommendations

The Starr County Groundwater Conservation District should:

- Develop and implement processes to meet its management plan goals and comply with statutory requirements, or
- Coordinate with the Commission on Environmental Quality for guidance on determining appropriate actions to address the District's needs while also protecting its groundwater resources.



# **Exhibit E**

RESOLUTION TO ADOPT DESIRED FUTURE CONDITIONS  
FOR GROUNDWATER MANAGEMENT AREA 16 AQUIFERS

STATE OF TEXAS

RESOLUTION # 2017-01

GROUNDWATER MANAGEMENT AREA 16

WHEREAS, Texas Water Code 36.108 requires the Groundwater Conservation Districts located whole or in part in a Groundwater Management Area ("GMA") designated by the Texas Water Development Board to adopt desired future conditions for the relevant aquifers located within the management area;

WHEREAS, the Groundwater Conservation Districts located wholly or partially within Groundwater Management Area 16 ("GMA 16"), as designated by the Texas Water Development Board, as of the date of this resolution are as follows: Bee Groundwater Conservation District, Kenedy County Groundwater Conservation District, Brush Country Groundwater Conservation District, Duval County Groundwater Conservation District, Starr County Groundwater Conservation District, Corpus Christi Aquifer Storage and Recovery Conservation District, Live Oak Underground Water Conservation District, Red Sands Groundwater Conservation District, McMullen Groundwater Conservation District, and San Patricio County Groundwater Conservation District (collectively referred to as "Member Districts");

WHEREAS, the Board Presidents or their Designated Representatives of districts in GMA 16 have met at various meetings and conducted joint planning in accordance with Chapter 36.108, Texas Water Code since 2011 and;

WHEREAS, Section 36.108 of the Texas Water Code requires the Member Districts in GMA 16 to consider groundwater availability models and other data or information for the management area and vote on a proposal for adoption of DFC's for each relevant aquifer within GMA 16 by May 1, 2016, which GMA Member Districts accomplished on October 28, 2015, and;

WHEREAS, GMA 16, having given proper and timely notice, held an open meeting of the GMA 16 Member Districts on January 17, 2017 and;

WHEREAS, GMA 16 has solicited and considered public comment at specially called Public Meeting, including the meeting on January 17, 2017 and ;

WHEREAS, the GMA 16 Member Districts received and considered technical advice regarding local aquifers, hydrology, geology, recharge characteristics, local groundwater



demands and usage, population projections, ground and surface water inter-relationships, and other considerations that affect groundwater conditions and;

WHEREAS, in developing the proposed DFC's for the relevant aquifers within GMA 16, the Member Districts considered the nine statutory factors set forth in Section 36.108 (d) of the Texas Water Code and ;

WHEREAS, pursuant to Section .36.108(d-2) of the Texas Water Code the Member Districts also considered in the development of the proposed DFC's the balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in GMA 16 and;

WHEREAS, following public discussion and due consideration of the current and future needs and conditions of the aquifers in question, the current and projected groundwater demands, and the potential effects on springs, surface water, habitat, and water dependent species through the year 2060, GMA 16 Member Districts have analyzed drawdown estimations from numerous pumping scenarios using the Lower Gulf Coast Groundwater Availability Model and have voted on a motion made and seconded to adopt a Desired Future Condition (DFC) stated as follows:

Groundwater Management Area 16 adopts Desired Future Conditions for each county within the groundwater management area (county-specific DFC's) and adopts a Desired Future Condition for the counties in the groundwater management area (gma-specific DFC's). The Desired Future Condition for the counties in the groundwater management area shall not exceed an average drawdown of 62 feet for the Gulf Coast Aquifer System at December 2060. Desired Future Conditions for each county within the groundwater management area (county-specific DFC's) shall not exceed the values specified in Table A-1 at December 2060.

Table A-1: Desired Future Conditions for GMA 16 expressed as an Average Drawdown between January 2000 and December 2069.

Bee GCD: 76 feet of drawdown of the Gulf Coast Aquifer System;

Live Oak UWCD: 34 feet of drawdown of the Gulf Coast Aquifer System;

McMullen GCD: 9 feet of drawdown of the Gulf Coast Aquifer System;

Red Sands GCD: 40 feet of drawdown of the Gulf Coast Aquifer System;

Kenedy County GCD: 40 feet of drawdown of the Gulf Coast Aquifer System;



Brush Country GCD: 69 feet of drawdown of the Gulf Coast Aquifer System;  
Duval County GCD: 104 feet of drawdown of the Gulf Coast Aquifer System;  
San Patricio County GCD: 48 feet of drawdown of the Gulf Coast Aquifer System;  
Starr County GCD: 69 feet of drawdown of the Gulf Coast Aquifer System;  
Non-District Cameron: 70 feet of drawdown of the Gulf Coast Aquifer System;  
Non-District Hidalgo: 118 feet of drawdown of the Gulf Coast Aquifer System;  
Non-District Kleberg: 28 feet of drawdown of the Gulf Coast Aquifer System;  
Non-District Nueces: 21 feet of drawdown of the Gulf Coast Aquifer System;  
Non-District Webb: 113 feet of drawdown of the Gulf Coast Aquifer System;  
Non-District Willacy: 40 feet of drawdown of the Gulf Coast Aquifer System.

WHEREAS, the GMA 16 Member Districts evaluated and determined that the Yegua-Jackson Aquifer in Jim Hogg, Duval, Live Oak, and Starr Counties and the Carrizo-Wilcox Aquifer in Bee, Live Oak, and McMullen Counties are not relevant for planning purposes within GMA 16 and no DFC is required.

NOW THEREFORE BE IT RESOLVED, that the Groundwater Management Area 16 Member Districts do hereby document, record and confirm a Desired Future Condition stated above was adopted by all member districts present.

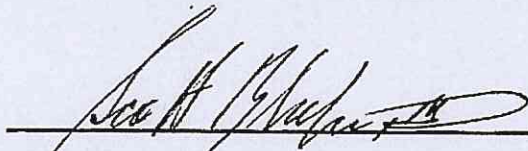
AND IT IS SO ORDERED.

PASSED AND ADOPTED on this 17<sup>th</sup> day of January 2017.

ATTEST:



Bee Groundwater Conservation District



Live Oak Underground Water Conservation District



*Lonnie Stewart*

---

McMullen Groundwater Conservation District

*Amanda Vela*

---

Red Sands Groundwater Conservation District

*Andy Saxe*

---

Kenedy County Groundwater Conservation District

*Jeff Hunter*

---

Corpus Christi Aquifer Storage and Recovery Conservation District

*D.J. Kelly*

---

Brush Country Groundwater Conservation District

*Russ Deo*

---

Duval County Groundwater Conservation District

*Melvin*

---

San Patricio County Groundwater Conservation District

---

Starr County Groundwater Conservation District

Jon Niermann, Chairman  
Emily Lindley, Commissioner  
Toby Baker, Executive Director



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 15, 2019

To: Persons on the attached mailing list (by mail and facsimile as indicated)

Re: TCEQ Docket No. 2019-1092-MIS: Petition for Inquiry filed by eight Groundwater Conservation Districts in Groundwater Management Area-16 seeking a review of Starr County Groundwater Conservation District

This letter is in response to the Petition for Inquiry filed on August 5, 2019, by eight Groundwater Conservation Districts in Groundwater Management Area 16 seeking a review of Starr County Groundwater Conservation District ("Petition"). The Petition was filed under the authority of Texas Water Code Section 36.3011. A complete copy of the Petition may be obtained from the Office of Chief Clerk, TCEQ, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087.

In accordance with Title 30, section 293.23 of the Texas Administrative Code, any Groundwater Conservation District that is within or adjacent to the Groundwater Management Area that is the subject matter of the Petition may file a response to the validity of the specific claims raised in the Petition. Any responding Groundwater Conservation District shall file its response with the Chief Clerk of the TCEQ within 35 days of the date that the Petition is filed.

The Office of General Counsel invites the Executive Director and the Office of Public Interest Counsel to file briefs in response to the Petition and any Groundwater Conservation District Responses. The Executive Director's and the Office of Public Interest Counsel's response briefs must be filed with the Chief Clerk's Office no later than 5:00 p.m. on Friday, September 20, 2019. All parties will be notified by subsequent letter of the Commission meeting during which the Commissioners will consider this matter.

The response briefs referenced in this letter may be filed electronically at <https://www.tceq.texas.gov/goto/efilings> or by filing an original and 7 copies with the Chief Clerk of the TCEQ. All parties must also mail a copy of the response briefs to all other persons on the attached mailing list on the same day the response briefs are submitted to the Office of Chief Clerk.



If you have any questions concerning this matter, please contact Todd Burkey, Assistant General Counsel, at (512) 239-2941.

Best Regards,  
  
Mary Smith  
General Counsel

Mailing List

**TCEQ Docket No. 2019-1092-MIS**  
**Petition for Inquiry filed by eight Groundwater Conservation Districts**  
**in Groundwater Management Area-16 seeking a review of**  
**Starr County Groundwater Conservation District**

**Mailing List**

Mr. Lonnie Stewart, General Manager  
Bee County Groundwater Conservation District  
P.O. Box 682  
Beeville, Texas 78104-0682

Mr. Felix Saenz General Manager  
Brush Country Groundwater Conservation  
District PO Box 136  
Falfurrias, Texas 78355

Mr. Lonnie Stewart, Manager  
Live Oak Underground Water Conservation  
District  
3460A Highway 281  
George West, Texas 78022

Mr. Lonnie Stewart, Manager  
McMullen Groundwater Conservation District  
P.O. Box 232  
Tilden, Texas 78072

Mr. Andy Garza, General Manager  
Kenedy County Groundwater Conservation  
District  
P.O. Box 212  
Sarita, Texas 78385

Mr. Larijai Francis, Administrator  
Corpus Christi ASR Conservation District  
P.O. Box 9277  
Corpus Christi, Texas 78469

Mr. Charles Ring, Board of Directors  
San Patricio County Groundwater Conservation  
District  
P.O. Box 531  
Sinton, Texas 78387

Mr. Atlee M. Parr, Interim General Manager  
Duval County Groundwater Conservation  
District  
P.O. Box 506  
Benavides, Texas 78341

Mr. Russell Labus, General Manager  
Evergreen Underground Water Conservation  
District  
110 Wyoming Blvd.  
Pleasanton, Texas 78064

Heather Sumpter, General Manager  
Goliad County Groundwater Conservation District  
P.O. Box 562  
Goliad, Texas 77963

Mr. Annando Vela, General Manager  
Red Sands Groundwater Conservation District  
P.O. Box 229  
Linn, Texas 78563

Billie Sue Dunnivan  
Refugio Groundwater Conservation District  
P.O. Box 116  
Refugio, Texas 78377

Mr. Baldemar Garza, Manager  
Starr County Groundwater Conservation District  
601 E. Main Street  
Rio Grande City, Texas 78582

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

Thomas E. Callan, Chairman  
Aransas County Groundwater Conservation  
District  
301 N. Live Oak  
Rockport, Texas 78382



Todd Galiga  
TCEQ Environmental Law Division MC 173  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-0600 FAX 512/239-0606

Vic McWherter  
TCEQ Office of Public Interest Counsel MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-6363 FAX 512/239-6377

Docket Clerk  
TCEQ Office of Chief Clerk MC 105  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-3300 FAX 512/239-3311



August 26, 2019

*Via e-filing*

Ms. Bridget Bohac  
Office of the Chief Clerk, MC 105  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin, TX 78711-3087

Re: Petition for Inquiry Starr County Groundwater Conservation District; TCEQ  
Docket No. 2019-1092-MIS

Dear Ms. Bohac:

Our firm represents one of the petitioners, Brush Country Groundwater Conservation District, in connection with the above-described TCEQ matter. Please include me on the mailing list at 3711 S. MoPac Expressway, Building 1, Suite 300, Austin, TX 78746.

Explanation of Notice

What follows is a report on evidence of mailing the Petition for Inquiry as required under 30 Tex. Admin. Code §293.23(e). As indicated in the affidavit of service accompanying the August 5, 2019 Petition for Inquiry, on August 5, 2019, the Petition for Inquiry (Petition) was mailed first class mail and certified mail, return receipt requested, to all the persons on the mailing list attached to the Petition, which are all the groundwater conservation districts within and adjacent to Groundwater Management Area 16. Return receipts for the August 5, 2019 mailings, copies of which are included as Exhibit A, were received from all on the mailing list except San Patricio County Groundwater Conservation District, Aransas County Groundwater Conservation District, and Starr County Groundwater Conservation District.

San Patricio County Groundwater Conservation District is a petitioner, as evidenced by the signature on the Petition of Charles Ring, the President of the Board of Directors of San Patricio County Groundwater Conservation District. As a petitioner, San Patricio County Groundwater Conservation District is aware of and in receipt of the Petition for Inquiry.

The copy of the Petition mailed to Aransas County Groundwater Conservation was returned on August 12, 2019 as “not deliverable as addressed - unable to forward.” The creation of Aransas County Groundwater Conservation District was not approved in its confirmation election and, in accordance with its enabling legislation, Aransas County Groundwater Conservation District is dissolved on September 1, 2019. No further attempt has been made to



provide the Aransas County Groundwater Conservation District with a copy of the Petition and it is recommended that it be removed from the mailing list.

On August 13, 2019, a copy of the Petition mailed to Starr County Groundwater Conservation District was returned as “attempted not known - unable to forward.” The address used for Starr County GCD was the address listed on the Texas Water Development Board’s website.<sup>1</sup> Since the mailing to Starr County GCD at this address was returned, the Petition for Inquiry was resent on August 15, 2019 to the directors at the address provided by the State Auditor’s office (SAO) in connection with the SAO’s 2018 Audit of Starr County GCD.<sup>2</sup> The SAO listed Baldemar Garza, Reyna Guerra, and Humberto Garza as contact persons for Starr County Groundwater Conservation District at 200 E. 2<sup>nd</sup> Street, Rio Grande City, TX 78582.

Additionally, copies of the Petition were sent on August 14, 2019 to two of the last-known Starr County GCD directors as follows

Reyna Guerra  
Administrative Assistant  
Starr County Judge’s Office  
100 N FM 3167, Suite 202  
Rio Grande City, TX 78582

Rose Benavidez  
Starr County Industrial Foundation  
700 East 3<sup>rd</sup> Street  
Rio Grande City, TX 78582

As reflected on Exhibit A, return receipts have been received for the mailings of the Petition to 200 E. 2nd Street, Rio Grande City, TX 78582. However, undersigned counsel was informed by the addressee at that location that the address was not the address of Starr County Groundwater Conservation District representatives Baldemar Garza, Reyna Guerra, and Humberto Vasquez and the envelopes containing the Petition were returned unopened as “attempted not known – unable to forward.”

As further reflected on Exhibit A, a return receipt has been received for the mailing of the Petition to Reyna Guerra at 100 North FM 3167, Suite 202, Rio Grande City, TX 78582. The return receipt has not yet been returned for the mailing of the Petition to Rose Benavidez at 700 East 3<sup>rd</sup> Street, Rio Grande City, TX 78582.

In a further attempt to provide the Petition to Starr County GCD, on August 26, 2019 the undersigned counsel emailed a copy of the Petition for Inquiry to current or former Starr County Groundwater Conservation District directors Reyna Guerra and Tom Koeneke at [rguerra@co.starr.tx.us](mailto:rguerra@co.starr.tx.us) and [tdk@ekrattorneys.com](mailto:tdk@ekrattorneys.com), respectively, and to Starr County Judge Eloy Vera at [Eloy.vera@co.starr.tx.us](mailto:Eloy.vera@co.starr.tx.us).<sup>3</sup>

---

<sup>1</sup> The link to the TWDB address list containing the Starr County Groundwater Conservation District address is: <http://www.tceq.texas.gov/assets/public/permitting/watersupply/groundwater/gcd/gcdcontactlist.pdf#page=8>

<sup>2</sup> Enclosed as Exhibit B is the SAO engagement letter with Starr County GCD showing the names and addresses.

<sup>3</sup> Enclosed as Exhibit C is a copy of the email.

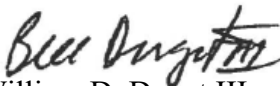
Ms. Bridget Bohac  
August 26, 2019  
Page 3

The difficulty in contacting/locating the directors of the Starr County Groundwater Conservation District illustrates why a Petition for Inquiry has been filed—the District is non-functional.

Finally, Exhibit D is a summary table of the evidence of mailing.

Please let me know if you need additional information.

Sincerely,

  
William D. Dugat III

WDD/dfb  
Enclosures

cc: Mailing List (revised)



## Return Receipt (Form 3811) Barcode



9590 9266 9904 2117 7801 94

## 1. Article Addressed to:

Mr. Lonnie Stewart, General Manager  
Bec County Groundwater Conservation District  
PO Box 682  
Beeville, TX 78104-0682

## 2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2117 7801 91

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

## A. Signature

X *Stephanie House*  Agent  
 Addressee

B. Received by (Printed Name)

*Stephanie House*

C. Date of Delivery

*8-8*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

## Reference Information

## 3. Service Type:

 Certified Mail 3724-00 Certified Mail Restricted Delivery

## Reference Information

B. Dugat

## Return Receipt (Form 3811) Barcode



9590 9266 9904 2117 7765 17

## 1. Article Addressed to:

Mr. Felix Saenz  
General Manager  
Brush Country Groundwater Conservation District  
PO Box 136  
Falfurrias, TX 78355

## 2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2117 7765 14

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X *Luis Saenz*  Agent  
 Addressee

B. Received by (Printed Name)

*Luis Saenz*

C. Date of Delivery

*08/07/19*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

## Reference Information

## 3. Service Type:

 Certified Mail 3724-00 Certified Mail Restricted Delivery

## Reference Information

B. Dugat

## Return Receipt (Form 3811) Barcode



9590 9266 9904 2117 7796 55

## 1. Article Addressed to:

Mr. Lonnie Stewart, Manager  
Live Oak Underground Water Conservation District  
3460A Highway 281  
George West, TX 78022

## 2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2117 7796 52

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X *Cheryl Wheeler*  Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

## Reference Information

## 3. Service Type:

 Certified Mail 3724-00 Certified Mail Restricted Delivery

## Reference Information

B. Dugat

Exhibit A



Return Receipt (Form 3811) Barcode



9590 9266 9904 2117 7796 62

A. Signature  Agent  
 Addressee  
 B. Received by (Printed Name) C. Date of Delivery  
 Tiffany Stewart  
 D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

1. Article Addressed to:

Mr. Lonnie Stewart, Manager  
 McMullen Groundwater Conservation District  
 PO Box 232  
 Tilden, TX 78072

3. Service Type:  
 Certified Mail 3724-00  
 Certified Mail Restricted Delivery

Reference Information  
 B. Dugat

2. Certified Mail (Form 3800) Article Number  
 9414 7266 9904 2117 7796 69

Return Receipt (Form 3811) Barcode



9590 9266 9904 2117 7796 48

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
 B. Received by (Printed Name) C. Date of Delivery  
 Andy Garza 8-7-19  
 D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

1. Article Addressed to:

Mr. Andy Garza, General Manager  
 Kenedy County Groundwater Conservation District  
 PO Box 212  
 Sarita, TX 78385

3. Service Type:  
 Certified Mail 3724-00  
 Certified Mail Restricted Delivery

Reference Information  
 B. Dugat

2. Certified Mail (Form 3800) Article Number  
 9414 7266 9904 2117 7796 45

Return Receipt (Form 3811) Barcode



9590 9266 9904 2117 7802 00

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
 B. Received by (Printed Name) C. Date of Delivery  
 Julie Medelina 8-7-19  
 D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

1. Article Addressed to:

Mr. Larjai Francis, Administrator  
 Corpus Christi ASR Conservation District  
 PO Box 9277  
 Corpus Christi, TX 78469

3. Service Type:  
 Certified Mail 3724-00  
 Certified Mail Restricted Delivery

Reference Information  
 B. Dugat

2. Certified Mail (Form 3800) Article Number  
 9414 7266 9904 2117 7802 07



Return Receipt (Form 3811) Barcode



9590 9266 9904 2117 7802 17

1. Article Addressed to:

Mr. Atlee M. Parr, Interim General Manager  
Duval County Groundwater Conservation District  
PO Box 506  
Benavides, TX 78341

A. Signature  Agent

X *Gabriela Viera*  Addressee

B. Received by (Printed Name)

C. Date of Delivery  
7/15/19

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

Reference Information

Service Type:  
 Certified Mail 3724-00  
 Certified Mail Restricted Delivery

Reference Information

B. Dugat

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2117 7802 14

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

Return Receipt (Form 3811) Barcode



9590 9266 9904 2117 7781 15

1. Article Addressed to:

Mr. Russell Labus, General Manager  
Evergreen Underground Water Conservation District  
110 Wyoming Blvd.  
Pleasanton, TX 78064

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent

X *Melina Lopez*  Addressee

B. Received by (Printed Name)

C. Date of Delivery  
8/2/19

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

Reference Information

Service Type:  
 Certified Mail 3724-00  
 Certified Mail Restricted Delivery

Reference Information

B. Dugat

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2117 7781 12

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

Return Receipt (Form 3811) Barcode



9590 9266 9904 2117 7781 22

1. Article Addressed to:

Heather Sumpter, General Manager  
Goliad County Groundwater Conservation District  
PO Box 562  
Goliad, TX 77963

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent

X *H Sumpter*  Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

Reference Information

Service Type:  
 Certified Mail 3724-00  
 Certified Mail Restricted Delivery

Reference Information

B. Dugat

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2117 7781 29

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt





Return Receipt (Form 3811) Barcode



9590 9266 9904 2117 7796 79

1. Article Addressed to:

Mr. Armando Vela, General Manager  
 Red Sands Groundwater Conservation District  
 PO Box 229  
 Linn, TX 78563

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2117 7796 76

PS Form 3811, Facsimile, July 2015

A. Signature  Agent  
 X *Armando Vela*  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

**Reference Information**

3. Service Type:  
 Certified Mail 3724-00  
 Certified Mail Restricted Delivery

**Reference Information**  
 B. Dugat

Domestic Return Receipt

Return Receipt (Form 3811) Barcode



9590 9266 9904 2117 7796 86

1. Article Addressed to:

Billie Sue Dunnivan  
 Refugio Groundwater Conservation District  
 PO Box 116  
 Refugio, TX 78377

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2117 7796 83

PS Form 3811, Facsimile, July 2015

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 X *Michael A. Brumides*  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*Michael A. Brumides* 8/7/19

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No


**Reference Information**

3. Service Type:  
 Certified Mail 3724-00  
 Certified Mail Restricted Delivery

**Reference Information**  
 B. Dugat

Domestic Return Receipt

Return Receipt (Form 3811) Barcode



9590 9266 9904 2117 7804 15

1. Article Addressed to:

Baldemar Garza, Board President  
 Starr County GCD  
 200 E. 2nd Street  
 Rio Grande City, TX 78582

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2117 7804 12

PS Form 3811, Facsimile, July 2015

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 X *Baldemar Garza*  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*Baldemar Garza* 8/22/19

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

**Reference Information**

3. Service Type:  
 Certified Mail 3724-00  
 Certified Mail Restricted Delivery

**Reference Information**  
 B. Dugat

Domestic Return Receipt





9590 9266 9904 2117 7765 00

1. Article Addressed to:

Mr. Ed Walker, General Manager  
Wintergarden Groundwater Conservation District  
PO Box 1433  
Carrizo Springs, TX 78834

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2117 7765 07

PS Form 3811, Facsimile, July 2015

A. Signature  Agent  
 Addressee  
*Debbie Farmer*

B. Received by (Printed Name) *Debbie Farmer* C. Date of Delivery *8/17/19*

D. Is delivery address different from item 1?  Yes  
 No  
 If YES, enter delivery address below:

Reference Information

3. Service Type:  
 Certified Mail 3724-00  
 Certified Mail Restricted Delivery

Reference Information  
B. Dugat

Return Receipt (Form 3811) Barcode



9590 9266 9904 2117 7803 85

1. Article Addressed to:

Reyna Guerra  
Administrative Assistant  
Starr County Judge's Office  
100 North FM 3167, Suite 202  
Rio Grande City, TX 78582

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2117 7803 82

PS Form 3811, Facsimile, July 2015

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
 Addressee  
*Debra Telle*

B. Received by (Printed Name) *DOIS REVENED* C. Date of Delivery *8/19/2019*

D. Is delivery address different from item 1?  Yes  
 No  
 If YES, enter delivery address below:

AUG 22 2019

Bickerstaff Heath  
Delgado Acosta LLP  
Reference Information

3. Service Type:  
 Certified Mail 3724-00  
 Certified Mail Restricted Delivery

Reference Information  
B. Dugat

Return Receipt (Form 3811) Barcode



9590 9266 9904 2117 7804 22

1. Article Addressed to:

Reyna Guerra, Secretary  
Starr County GCD  
200 E. 2nd Street  
Rio Grande City, TX 78582

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2117 7804 29

PS Form 3811, Facsimile, July 2015

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
 Addressee  
*Maddy*

B. Received by (Printed Name) *RECEIVED IN MAIL CENTER* C. Date of Delivery *8/19/19*

D. Is delivery address different from item 1?  Yes  
 No  
 If YES, enter delivery address below:

AUG 22 2019

Bickerstaff Heath  
Delgado Acosta LLP  
Reference Information

3. Service Type:  
 Certified Mail 3724-00  
 Certified Mail Restricted Delivery

Reference Information  
B. Dugat

Domestic Return Receipt



9590 9266 9904 2117 7804 08

1. Article Addressed to:

Humberto Vasquez  
Starr County GCD  
200 E. 2nd Street  
Rio Grande City, TX 78582

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2117 7804 05

A. Signature

X

B. Received by (Printed Name)

Agent

Addressee

C. Date of Delivery

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

RECEIVED IN  
MAIL CENTER

AUG 22 2019

Reference Information

Holgado Acosta LLP

3. Service Type

Certified Mail 3724-00

Certified Mail Restricted Delivery

Reference Information

B. Dugat



WALZ  
CERTIFIED  
MAILER®

FROM **WALZ**

**CERTIFIED MAIL® RECEIPT**

Domestic Mail Only

USPS® ARTICLE NUMBER

9590 9266 9904 2117 7797 06

Rio Grande City, TX 78582

Certified Mail Fee	\$
Return Receipt (Hardcopy)	\$
Return Receipt (Electronic)	\$
Certified Mail Restricted Delivery	\$ 3724-00
Postage	\$
Total Postage and Fees	\$

**Postmark  
Here**

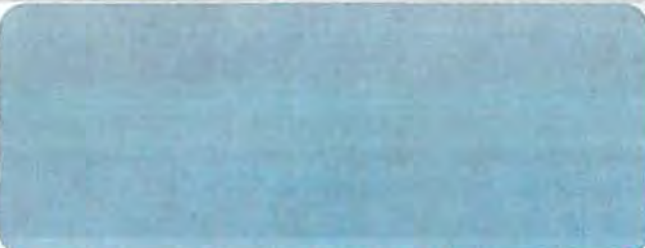
TEAR ALONG THIS LINE

<b>Sent to:</b>	0.46
	3.35
	2.75
	0.00
	6.56

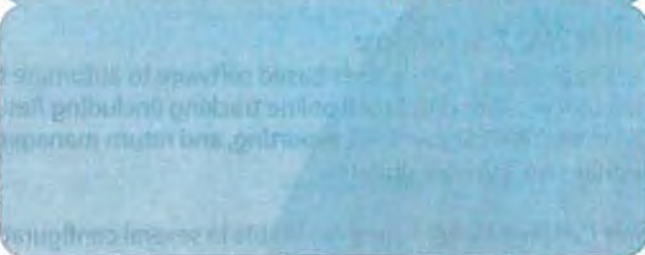
Reference Information

PS Form 3800, Facsimile, July 2015

Label #1



Label #2



Label #3

B. Dugat  
Bickerstaff Heath Delgado Acosta LLP  
3711 S. MoPac Expwy.  
Bldg. 1, Suite 300  
Austin, TX 78746

FOLD AND TEAR THIS WAY → OPTIONAL

Label #5 (OPTIONAL)

Mr. Baldemar Garza, Manager  
Starr County Groundwater Conservation District  
601 E. Main St.  
Rio Grande City, TX 78582

Label #6 - Return Receipt Barcode (Sender's Record)

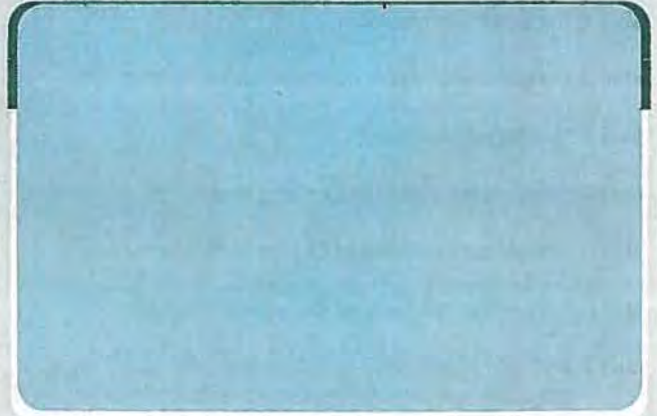


9590 9266 9904 2117 7797 09

FOLD AND TEAR THIS WAY →

Certified Article Number  
9590 9266 9904 2117 7797 06  
SENDER'S RECORD

Label #7 - Certified Mail Article Number





FROM  
**WALZ**  
CERTIFIED MAILER®

**WALZ**

Label #1



Label #2



Rose Benavidez  
Starr County Industrial Foundation  
700 East 3rd Street  
Rio Grande City, TX 78582

Label #3

Bill Dugat  
Bickerstaff Heath Delgado Acosta LLP  
3711 S. MoPac Expwy.  
Bldg. 1, Suite 300  
Austin, TX 78746

**CERTIFIED MAIL® RECEIPT**

Domestic Mail Only

USPS ARTICLE NUMBER

9414 7266 9904 2117 7803 99

Rio Grande City, TX 78582

Certified Mail Fee	\$
Return Receipt (Hardcopy)	\$
Return Receipt (Electronic)	\$
Certified Mail Restricted Delivery	\$ 3724-00
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

← TEAR ALONG THIS LINE

Sent to:	0.46
	3.35
	2.75
	0.00
	6.56

Reference Information

PS Form 3800, Facsimile, July 2015

FOLD AND TEAR THIS WAY → OPTIONAL

Label #5 (OPTIONAL)



Label #6 - Return Receipt Barcode (Sender's Record)



9590 9266 9904 2117 7803 92

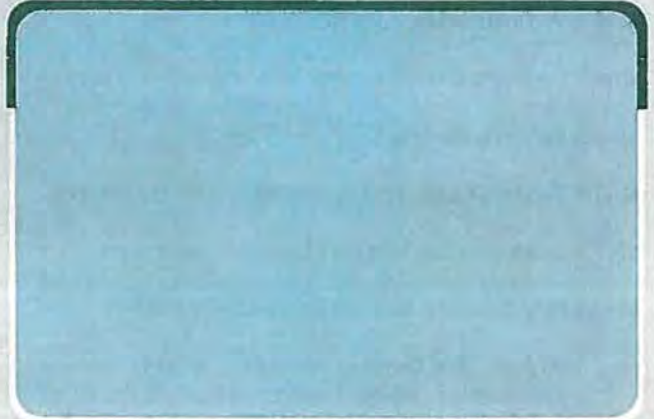
FOLD AND TEAR THIS WAY →

Certified Article Number

9414 7266 9904 2117 7803 99

SENDER'S RECORD

Label #7 - Certified Mail Article Number





WALZ  
CERTIFIED  
MAILER®

FROM **WALZ**

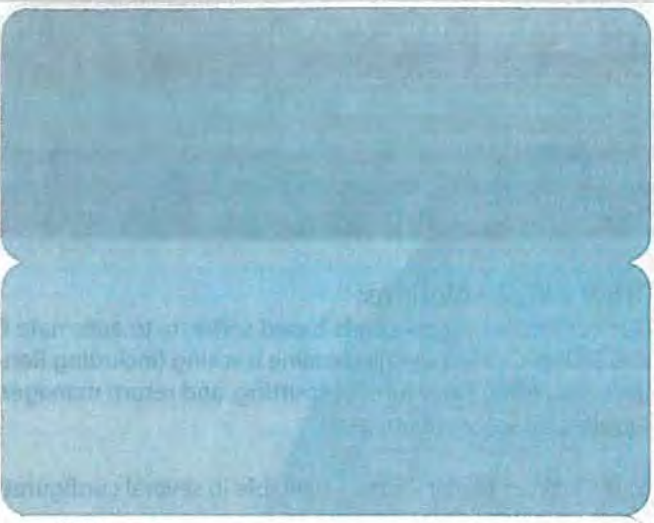
**CERTIFIED MAIL® RECEIPT**

Domestic Mail Only

Mr. Charles Ring, Board of Directors  
San Patricio Co. Groundwater Conservation District  
USPS ARTICLE NUMBER

9414 7266 9904 2117 7802 21

Label #1



Label #2

Label #3

B. Dugat  
Bickerstaff Heath Delgado Acosta LLP  
3711 S. MoPac Expwy.  
Bldg. 1, Suite 300  
Austin, TX 78746

TEAR ALONG THIS LINE

Sinton, TX 78387	
Certified Mail Fee	\$
Return Receipt (Hardcopy)	\$
Return Receipt (Electronic)	\$
Certified Mail Restricted Delivery	\$ 3724-00
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

<b>Sent to:</b>	0.46
	3.35
	2.75
	0.00
	6.56

**Reference Information**

PS Form 3800, Facsimile, July 2015

FOLD AND TEAR THIS WAY → OPTIONAL

Label #5 (OPTIONAL)

Mr. Charles Ring, Board of Directors  
San Patricio Co. Groundwater Conservation District  
PO Box 531  
Sinton, TX 78387

Label #6 - Return Receipt Barcode (Sender's Record)

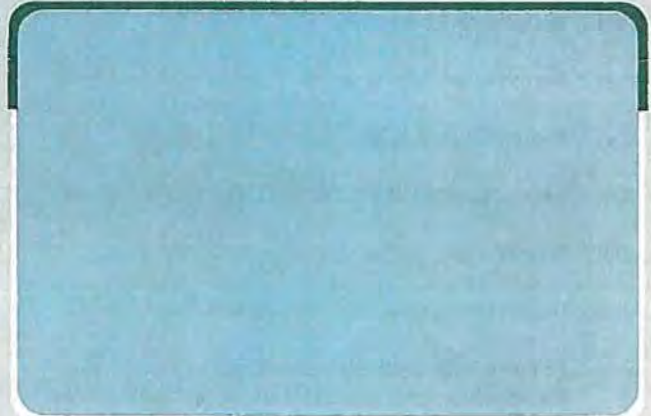


9590 9266 9904 2117 7802 24

FOLD AND TEAR THIS WAY →

Certified Article Number  
9414 7266 9904 2117 7802 21  
SENDER'S RECORD

Label #7 - Certified Mail Article Number





WALZ  
CERTIFIED  
MAILER®

FROM **WALZ**

Thomas E. Callan, Chairman  
Aransas County Groundwater Conservation District  
301 N. Live Oak  
Rockport, TX 78382

Label #1



Label #2

B. Dugat  
Bickerstaff Heath Delgado Acosta LLP  
3711 S. MoPac Expwy.  
Bldg. 1, Suite 300  
Austin, TX 78746

Label #3

### CERTIFIED MAIL® RECEIPT

Domestic Mail Only

Thomas E. Callan, Chairman

Aransas County Groundwater Conservation District

USPS ARTICLE NUMBER  
9590 9266 9904 2117 7801 84

Rockport, TX 78382

Certified Mail Fee \$  
Return Receipt (Hardcopy) \$  
Return Receipt (Electronic) \$  
Certified Mail Restricted Delivery \$ 3724-00  
Postage \$  
Total Postage and Fees \$

Postmark  
Here

TEAR ALONG THIS LINE

Sent to:

0.46  
3.35  
2.75  
0.00  
6.56

#### Reference Information

PS Form 3800, Facsimile, July 2015

FOLD AND TEAR THIS WAY → OPTIONAL

Label #5 (OPTIONAL)



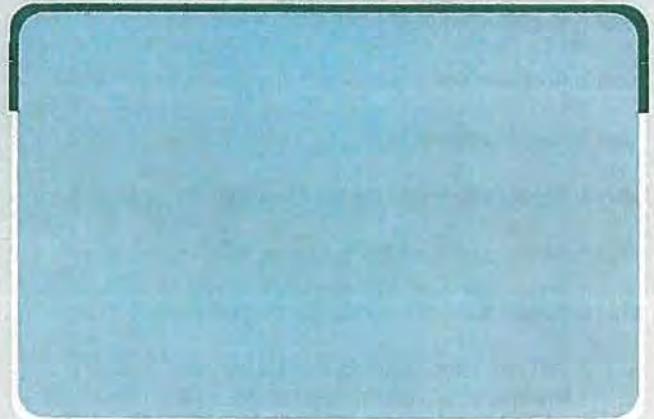
Label #6 - Return Receipt Barcode (Sender's Record)



9590 9266 9904 2117 7801 87

FOLD AND TEAR THIS WAY →

Label #7 - Certified Mail Article Number



Certified Article Number

9414 7266 9904 2117 7801 84

SENDER'S RECORD





January 31, 2018

Mr. Baldemar Garza, Board President  
Starr County Groundwater Conservation District  
200 E. 2nd Street  
Rio Grande City, TX 78582

Subject: Engagement Letter for an Audit of Selected Groundwater Conservation Districts

Dear Mr. Garza:

The State Auditor's Office will be auditing the Starr County Groundwater Conservation District (District). The audit objectives are to:

- Determine whether selected groundwater conservation districts are in compliance with applicable statutes
- Summarize information from the district's audited financial statements.

Our work will include the automated systems and processes that support the functions being audited. We will conduct the audit in accordance with generally accepted government auditing standards.

The audit is currently in the planning phase, and we are gathering information to help us understand the District's operations. To avoid duplicating audit efforts, we will coordinate our work with the District's Board president or other designee. The State Auditor's Office also has developed an engagement expectations memo to document what the District can expect from the State Auditor's Office and what the State Auditor's Office can expect from the District (see attachment). We will discuss that memo at the entrance conference. Audit fieldwork is tentatively scheduled from January 2018 through April 2018. We expect to release the audit report in May 2018.

In the interest of facilitating the audit, the State Auditor's Office plans to use a desktop screen-sharing tool to obtain and observe audit documentation in limited circumstances. The desktop screen-sharing tool is a secure communication tool that is housed and operated by the State Auditor's Office, and it does not involve third-party or "cloud" services. While the use of that tool is not required, if the District chooses to use that tool, your staff will not need to install executable programs because the desktop screen-sharing tool is entirely accessible through a standard Internet browser.

We will meet periodically with the District's management to discuss interim and final audit results. Before releasing the report, we will provide management with a confidential draft and will request formal written responses. Those responses should objectively address the

Mr. Baldemar Garza, Board President  
Starr County Groundwater Conservation District  
January 31, 2018  
Page 2

audit results and include a corrective action plan, if necessary. The responses should be written on District letterhead and submitted to the State Auditor's Office. Generally, District management will have 10 working days to provide responses. However, the response time may be fewer than 10 working days, based on the significance of any issues identified during the engagement. The published, public audit report will include management's formal responses.

Our office applies auditing standards, which emphasize that auditors should exercise professional skepticism and increased awareness to detect potential noncompliance, fraud, and abuse. As a result, our interviews will include specific questions to help us assess fraud risk at your entity. In addition, to help in our risk assessment and gaining an understanding of the District, our procedures will include a review of lawsuits filed against the District. We will request a list of filed lawsuits outstanding and those settled during a period to be determined. We will also request a representation letter signed by management at the end of this engagement that affirms management's responsibility for a number of key areas and affirms that the information provided to the audit team is complete and correct to the best of management's knowledge.

A copy of the most recent external quality control review report on the State Auditor's Office is available at <http://www.sao.texas.gov/About/PeerReviews/>. *Government Auditing Standards* require audit organizations to have an external review every three years. The most recent review found that the State Auditor's Office conducts audits in accordance with auditing standards.

If you have any questions, please contact Courtney Ambres-Wade (the audit manager overseeing the audit), Scott Armstrong (the project manager directing the audit on-site), or me at (512) 936-9500. Our office looks forward to working with District personnel over the next few months.

Sincerely,



Lisa R. Collier, CPA, CFE, CIDA  
First Assistant State Auditor

Attachment

cc: Ms. Reyna Guerra, Secretary of the Starr County Groundwater Conservation District  
Board of Directors  
Mr. Humberto Vasquez, Member of the Starr County Groundwater Conservation District  
Board of Directors



# ENGAGEMENT EXPECTATIONS BETWEEN THE STATE AUDITOR'S OFFICE (SAO) AND THE STARR COUNTY GROUNDWATER CONSERVATION DISTRICT

## Introduction

The SAO and the Starr County Groundwater Conservation District (District) shall develop an engagement expectations memo to establish what the District can expect from the SAO and what the SAO can expect from the District.

If the District has an internal audit function, the SAO will work with internal audit to coordinate the audit work unless District management specifically asks the SAO to do otherwise.

---

## The SAO's Commitment to the District

To achieve its mission to actively provide government leaders with useful information that improves accountability, the SAO is committed to the highest level of professional standards. The SAO will be professional, objective, fact-based, nonpartisan, nonideological, fair, and balanced in its approach.

The SAO performs its audits in accordance with generally accepted government auditing standards (GAGAS or the "Yellow Book" standards, which can be found at <http://www.gao.gov/assets/590/587281.pdf>).

---

## District's Rights

The District has the right to:

- Share its concerns about the audited area(s) so that the auditors may consider expanding the scope of work.
- Be briefed on the status of the audit.
- Receive notice of audit findings and recommendations prior to issuance of the audit report.
- Have management's views concerning findings, conclusions, and recommendations included in the audit report.

---

## **Types of Audits**

The work that the SAO performs is described in Texas Government Code, Chapter 321, and includes:

- Financial audits.
- Compliance audits.
- Economy and efficiency audits.
- Effectiveness audits.
- Special audits, investigations, and other projects approved by the Legislative Audit Committee.

---

## **Access to the District's Information**

The SAO must have unrestricted access to all personnel, records, files, internal audit working papers, and other confidential and nonconfidential information needed to conduct the audit. The SAO has the legal right to this access, as established in Texas Government Code, Sections 321.013(e) and 2262.154, and other law. Some of these records may include confidential and/or proprietary information.

With regard to these records:

- If records must be locked up while the SAO is on site, the District will provide a suitable, secure storage space for the records.
- The District will provide or facilitate access to the records the SAO requests in a timely manner. This may include notifying all District staff of the expectation that they be candid with auditors and offer full disclosure when responding to SAO information requests.

---

## **Communication Between the SAO and the District**

The SAO is committed to maintaining constructive and continuing communication with audited entities. The District agrees to place no restrictions on the communication between its staff and SAO auditors. To ensure there are no limitations on the scope of the engagement, the District agrees that its staff will not be required to provide detailed write-ups or accounts of their communications with SAO auditors to District management – as this could unintentionally result in restrictions on the communication.



Routine communication between District management and staff regarding the audit is expected.

If the SAO auditors become aware that District staff are being required to provide detailed write-ups or reports back to management, we will evaluate whether this activity creates a scope limitation and, if so, the audit report will be modified to include that determination.

Communication may include the following (not necessarily in this order):

- Before beginning any new audit, the SAO seeks to **obtain information** and data from the District. To obtain this information, the SAO will contact the president of the District's board regarding the audit's subject and objectives.
- Auditors do not anticipate working on site.
- The SAO may conduct **preliminary interviews** and obtain documentation to gain an understanding of the District's processes before the entrance conference. In addition, the SAO will conduct interviews with various personnel at the District throughout the audit.
- Management's designee will **notify staff** at the District about the potential for the SAO to contact them.
- If gaining **access to systems** at the District requires that SAO auditors follow special processes, management's designee will notify the SAO within two weeks of the date that the District is notified concerning the audit.
- The SAO will provide the district with an **engagement letter** informing the entity of the planned audit, its scope and objective(s), how the audit will be conducted, and the report(s) to be produced. The SAO will address the engagement letter to the District's board president and provide copies to the District's board secretary. This memorandum will be attached to the **engagement letter**.
- The SAO will hold an **entrance conference** with officials of the District at the start of an engagement to discuss (1) the reasons for the audit work; (2) information needs, including any special precautions necessary to protect data; (3) an estimate of how long the work will take, to the extent possible; and (4) the cost of the audit, if applicable.
- To ensure that auditing standards are met and that the audit scope is not limited, only invited employees of the District will **attend interviews** or walk-throughs that the SAO conducts unless the SAO project team agrees to another arrangement prior to the interview or walk-through.

- Audit issues are normally handled by **discussing potential issues** with the relevant staff and supervisors of the District. Issues that are not resolved are discussed at status update meetings.
  - The SAO will provide the District with **periodic updates** on the status of the audit and potential issues according to a schedule that is jointly determined by the SAO and the District.
    - SAO representatives attending these update meetings will include the audit manager, project manager, and team members as needed.
    - The District representative(s) attending these update meetings should include the head of the District (or designee), the internal auditor, and the head of the audited area. Other individuals may be designated as needed.
  - The SAO will offer to hold an **exit conference** with management to discuss the final audit results.
  - Six weeks after the report is released, the SAO will provide you with an automated survey to obtain feedback about the audit. Completing this survey is voluntary.
- 

### **Significant Changes**

The SAO's plan for conducting the audit may change because of information reviewed during the course of the audit, staff turnover, or other resource issues. The SAO will inform the District as soon as possible to communicate significant changes in:

- Project manager or other key team members.
  - Audit scope or objectives.
  - Project completion date.
- 

### **Draft Reports and District Comments**

The SAO will discuss the preliminary findings and recommendations with the District during the audit. At the conclusion of fieldwork, the SAO will send the District the report draft for management's responses to findings and recommendations.

The District will have the opportunity to provide responses within the required time frames. The typical allotted response time is two weeks. However, the response time may be less than two weeks, based on the significance of the issues identified.



The SAO will ask management of the District to sign a representation letter for all audit engagements. This letter clarifies the roles of auditors and management and confirms that management has provided SAO auditors with all relevant and complete data.

---

**Report Distribution**

Draft reports are considered audit working papers under the Public Information Act. As such, they are not intended for public distribution.

---

**Contacts**

Primary contacts for each entity are listed below.

**SAO:**

<u>Name</u>	<u>Title</u>
Courtney Ambres-Wade	Audit Manager
Scott Armstrong	Project Manager

**Starr County Groundwater Conservation District:**

<u>Name</u>	<u>Title</u>
Baldemar Garza	President of the District's Board of Directors
Reyna Guerra	Secretary of the District's Board of Directors
Humberto Vasquez	Member of the District's Board of Directors

## Bill Dugat

---

**From:** Bill Dugat  
**Sent:** Monday, August 26, 2019 12:14 PM  
**To:** 'rguerra@co.starr.tx.us'; 'tdk@ekrattorneys.com'; 'Eloy.vera@co.starr.tx.us'  
**Subject:** Starr County GCD  
**Attachments:** Petition for Inquiry (file-stamped) (01189910x7A30F).pdf

Please see the attached concerning Starr County GCD.

Bill Dugat | Attorney | Bickerstaff Heath Delgado Acosta LLP  
3711 S. Mo-Pac | Building One | Suite 300 | Austin, TX | 78746  
Phone 512.472.8021 | Fax 512.320.5638

[bdugat@bickerstaff.com](mailto:bdugat@bickerstaff.com) | [www.bickerstaff.com](http://www.bickerstaff.com)



Austin | El Paso | Houston



<b>Entity</b>	<b>Date Petition Mailed</b>	<b>Return Receipt Date</b>
Mr. Lonnie Stewart, General Manager Bee County Groundwater Conservation District PO Box 682 Beeville, TX 78104-0682	August 5, 2019	August 8, 2019
Mr. Felix Saenz General Manager Brush Country Groundwater Conservation District PO Box 136 Falfurrias, TX 78355	August 5, 2019	August 7, 2019
Mr. Lonnie Stewart, Manager Live Oak Underground Water Conservation District 3460A Highway 281 George West, TX 78022	August 5, 2019	August 9, 2019
Mr. Lonnie Stewart, Manager McMullen Groundwater Conservation District PO Box 232 Tilden, TX 78072	August 5, 2019	August 9, 2019
Mr. Andy Garza, General Manager Kenedy County Groundwater Conservation District PO Box 212 Sarita, TX 78385	August 5, 2019	August 7, 2019
Mr. Larijai Francis, Administrator Corpus Christi ASR Conservation District PO Box 9277 Corpus Christi, TX 78469	August 5, 2019	August 7, 2019
Mr. Charles Ring, Board of Directors San Patricio County Groundwater Conservation District PO Box 531 Sinton, TX 78387	August 5, 2019	Return Receipt not returned
Mr. Atlee M. Parr, Interim General Manager Duval County Groundwater Conservation District PO Box 506 Benavides, TX 78341	August 5, 2019	August 15, 2019

Mr. Russell Labus, General Manager Evergreen Underground Water Conservation District 110 Wyoming Blvd. Pleasanton, TX 78064	August 5, 2019	August 7, 2019
Heather Sumpter, General Manager Goliad County Groundwater Conservation District PO Box 562 Goliad, TX 77963	August 5, 2019	August 7, 2019
Mr. Armando Vela, General Manager Red Sands Groundwater Conservation District PO Box 229 Linn, TX 78563	August 5, 2019	August 9, 2019
Billie Sue Dunnivan Refugio Groundwater Conservation District PO Box 116 Refugio, TX 78377	August 5, 2019	August 7, 2019
Mr. Baldemar Garza, Manager Starr County Groundwater Conservation District 200 E. 2 <sup>nd</sup> Street Rio Grande City, TX 78582	August 15, 2019	August 19, 2019 However, unopened envelopes returned marked: “attempted – not known – unable to forward”
Mr. Baldemar Garza, Manager Starr County Groundwater Conservation District 601 E. Main St. Rio Grande City, TX 78582	August 5, 2019	Copy of mailed Petition returned marked: “attempted – not known - unable to forward”
Mr. Ed Walker, General Manager Wintergarden Groundwater Conservation District PO Box 1433 Carrizo Springs, TX 78834	August 5, 2019	August 7, 2019



Thomas E. Callan, Chairman Aransas County Groundwater Conservation District 301 N. Live Oak Rockport, TX 78382	August 5, 2019	Copy of mailed Petition returned marked: "attempted – not known - unable to forward"
Reyna Guerra Administrative Assistant Starr County Judge's Office 100 North FM 3167, Suite 202 Rio Grande City, TX 78582	August 14, 2019	August 19, 2019
Rose Benavidez Starr County Industrial Foundation 700 East 3 <sup>rd</sup> Street Rio Grande City, TX 78582	August 14, 2019	Return Receipt not returned
Reyna Guerra, Secretary Starr County GCD 200 E. 2 <sup>nd</sup> Street Rio Grande City, TX 78582	August 15, 2019	August 19, 2019 However, unopened envelopes returned marked: "attempted – not known – unable to forward"
Humberto Vasquez Starr County GCD 200 E. 2 <sup>nd</sup> Street Rio Grande City, TX 78582	August 15, 2019	August 19, 2019 However, unopened envelopes returned marked: "attempted – not known – unable to forward"
Reyna Guerra <a href="mailto:rguerra@co.starr.tx.us">rguerra@co.starr.tx.us</a>	E-mailed August 26, 2019	
Tom Koenke <a href="mailto:tdk@ekrattorneys.com">tdk@ekrattorneys.com</a>	E-mailed August 26, 2019	
Eloy Vera <a href="mailto:Eloy.vera@co.starr.tx.us">Eloy.vera@co.starr.tx.us</a>	E-mailed August 26, 2019	

**TCEQ DOCKET No. 2019-1092-MIS**

<b>PETITION FOR INQUIRY</b>	<b>§</b>	<b>BEFORE THE TEXAS</b>
	<b>§</b>	<b>COMMISSION ON</b>
<b>BY: Districts within</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>Groundwater Management</b>	<b>§</b>	
<b>Area 16</b>	<b>§</b>	

---

**EXECUTIVE DIRECTOR'S RESPONSE TO PETITION FOR INQUIRY**

---

**I. INTRODUCTION**

The Executive Director (ED) of the Texas Commission on Environmental Quality ("TCEQ" or "Commission") files this Response to Petition for Inquiry relating to joint groundwater management planning in Groundwater Management Area 16 (GMA 16) filed by the groundwater conservation districts (GCDs or districts) within GMA 16 which consists of Bee GCD, Brush County GCD, Live Oak County Underground Water Conservation District (UWCD), McMullen County GCD, Kenedy County GCD, Corpus Christi Aquifer Storage and Recovery Conservation District (ASRCD), San Patricio GCD, and Duval County GCD on August 5, 2019. Under title 30, Texas Administrative Code (TAC), Section (§) 293.23(g), the Commission may either dismiss the petition or appoint a review panel to conduct the inquiry and submit a report. The Petition alleges that Starr County GCD has failed to accomplish the following: (1) participate in the GMA 16 joint planning process under TEX. WATER CODE § 36.108; (2) to adopt the desired future conditions (DFCs) adopted by GMA 16 GCDs; and (3) to update its management plan within two years of GMA 16 adopting new DFCs. The ED recommends granting the petition because the issues raised in the petition are within the scope of TEX. WATER CODE § 36.3011(b) and are supported by the evidence submitted with the petition.

**II. PROCEDURAL BACKGROUND**

Lonnie Stewart on behalf of Bee GCD, Live Oak UWCD, and McMullen GCD; Felix Saenz on behalf of Brush County GCD; Andy Garza on behalf of Kenedy County GCD; Larijai Francis on behalf of Corpus Christi ASRCD; Charles Ring on behalf of San Patricio County GCD; and Atlee M. Parr on behalf of Duval County GCD (Petitioners) submitted the petition on August 5, 2019. On August 5, 2019, within the five days required by 30 TAC § 293.23(e), Petitioners provided copies of the petition to the ten



districts within GMA 16: Bee GCD, Brush County GCD, Corpus Christi ASRCD, Duval County GCD, Kenedy County GCD, Live Oak County UWCD, McMullen County GCD, Red Sands GCD, San Patricio GCD, and Starr County GCD. On August 26, 2019, within the 21 days required by the rules, Petitioners provided evidence that the petition had been provided to the subject GCDs. The ED concludes that the Petitioners have met the filing requirements of 30 TAC § 293.23(e). On August 15, 2019 the Office of General Counsel mailed a letter providing all affected parties in this matter information on how to file a response to the validity of the specific claims raised in the Petition, in accordance with 30 TAC § 293.23. The 35-day deadline to file a response to the Petition was on September 9, 2019, and no response was received.

### **III. LEGAL BACKGROUND**

Chapter 36 of the Texas Water Code governs the creation and administration of GCDs. GCDs are created to “provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater.” TEX. WATER CODE § 36.0015. GCDs are the state’s preferred method of groundwater management “through rules developed, adopted, and promulgated by a district in accordance with the provisions in this chapter.” *Id.* The political boundaries of a district “may include all or part of one or more counties, cities, districts, or other political subdivisions.” TEX. WATER CODE § 36.012(a).

#### **A. Management Plan**

One of the first statutory duties for a district is to develop a management plan. The management plan must address, among other things, the DFCs of the groundwater resources. TEX. WATER CODE §§ 36.1071(a)(8) & 36.1072(a-1). Failure to develop a management plan is cause for enforcement action by the Commission. TEX. WATER CODE § 36.301. Such management plan must be based on the best available data and include a management goal to address the DFC established under § 36.108. TEX. WATER CODE § 36.1071 (a)(8) & (b). A GCD must then adopt rules to implement its management plan. TEX. WATER CODE § 36.1071(f). In developing its management plan, the district must use the groundwater availability modeling information provided by the Texas Water Development Board (TWDB). TEX. WATER CODE § 36.1071(h). The management plans



are submitted to TWDB for approval. TEX. WATER CODE § 36.1072(a-1). At least once every five years the district must review and readopt the management plan with or without revisions. TEX. WATER CODE § 36.1072(e).

## **B. The Joint Planning & Desired Future Conditions**

The TWDB has designated GMAs covering all major and minor aquifers in the state, as required by TEX. WATER CODE § 35.004.<sup>1</sup> Districts within the same GMA must share their management plans with any other districts within the same GMA. TEX. WATER CODE § 36.108(b). District representatives in the GMA must meet annually to conduct joint planning and review management plans, accomplishments of the GMA, and proposals to adopt new or amend existing DFCs. TEX. WATER CODE § 36.108(c). The districts are also required to establish DFCs<sup>2</sup> of the aquifers within their GMA. TEX. WATER CODE § 36.108(d). Different DFCs may be established for “each aquifer, or geological strata located in whole or in part within the boundaries of the GMA; or each geographic area overlying an aquifer in whole or in part or subdivision of the aquifer within the boundaries of the GMA.” TEX. WATER CODE § 36.108(d-1) (1) and (2).

The proposed DFCs must provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the GMA. DFCs must be approved by a two-thirds vote of the district representatives for distribution to the GCDs in the GMA. After a 90-day public comment period, each GCD in the GMA shall hold a public hearing to consider the proposed DFCs and any public comments and then compile a summary of relevant comments received, any suggested revisions, and the basis for the revisions. TEX. WATER CODE § 36.108(d-2). The district representatives must reconvene to review the district summaries, consider suggested

---

<sup>1</sup> See [http://www.twdb.texas.gov/groundwater/management\\_areas/index.asp](http://www.twdb.texas.gov/groundwater/management_areas/index.asp)

<sup>2</sup> 31 TAC § 356.10(6): Desired future conditions- “The desired, quantified condition of groundwater resources (such as water levels, water quality, spring flows, or volumes) within a management area at one or more specified future times as defined by participating groundwater conservation districts within a groundwater management area as part of the joint planning process.” The specified time extends through at least the period that includes the current planning period for the development of regional water plans pursuant to § 16.053, Texas Water Code, or in perpetuity, as defined by participating groundwater conservation districts within a groundwater management area as part of the joint planning process. Desired future conditions have to be physically possible, individually and collectively, if different desired future conditions are stated for different geographic areas overlying an aquifer or subdivision of an aquifer. ([http://www.twdb.texas.gov/groundwater/management\\_areas/DFC.asp](http://www.twdb.texas.gov/groundwater/management_areas/DFC.asp))



revisions to the proposed DFCs and adopt, by a two-thirds vote, DFCs for the GMA. The DFCs must be approved by resolution no later than January 5, 2022. Subsequent DFCs must be proposed and finally adopted before the end of each successive five-year period after that date. The district representatives shall produce a DFC explanatory report for the GMA and submit the report and other related information to the TWDB. TEX. WATER CODE § 36.108(d-3). The GCDs in the GMA are required to adopt the DFC resolution and explanatory report after they receive notification from the TWDB that the DFC resolution and explanatory report are administratively complete. TEX. WATER CODE § 36.108(d-4).

### **C. Petition for Inquiry**

An affected person may file a petition for inquiry with the Commission. TEX. WATER CODE § 36.3011(b); 30 TAC § 293.23(b). An affected person with respect to a GMA includes a GCD or subsidence district in or adjacent to the GMA. TEX. WATER CODE § 36.3011(a)(2); 30 TAC § 293.23(a)(2). Petitioners have submitted sufficient evidence<sup>3</sup> to show that they are in the same GMA as Starr County GCD and are “affected persons”. An affected person, specifically, a district in or adjacent to the GMA, can petition the Commission for an inquiry for nine reasons, three of which are at issue in this case, (1) a district fails to participate in joint planning process under TEX. WATER CODE § 36.108; (2) a district fails to adopt the applicable DFCs adopted by the GMA at a joint meeting; and (3) a district fails to update its management plan before the second anniversary of the adoption of DFCs by the GMA. TEX. WATER CODE § 36.3011(b)(2), (4) and (5); 30 TAC § 293.23(b)(2), (4) and (5). The Petition must provide evidence that:

- (1) the district has failed to participate in the joint planning process under Section TEX. WATER CODE § 36.108;
- (2) the district has failed to adopt the applicable DFCs adopted by the GMA at a joint meeting; and
- (3) the district has failed to update its rules to implement the applicable DFCs before the first anniversary of the date it updated its management plan with the adopted DFCs.

---

<sup>3</sup> The GCDs within GMA 16 and their boundaries are shown in Exhibit A, submitted with the petition, which is also available at [http://www.twdb.texas.gov/groundwater/management\\_areas/maps/GMA\\_16GCD.pdf?d=4411](http://www.twdb.texas.gov/groundwater/management_areas/maps/GMA_16GCD.pdf?d=4411).



The petition must include supporting documentation for each of the three individual reasons, listed above, the affected person identifies in subsection (b) of this section demonstrating that a commission inquiry is necessary. 30 TAC § 293.23(c). Additionally, the petition must include a certified statement from the affected person that describes why the petitioner believes that a commission inquiry is necessary. 30 TAC § 293.23(d). Finally, the petitioner shall provide a copy of the filed petition to all GCDs within and adjacent to the GMA within five days of the date the petition was filed. Within 21 days of filing the petition, the petitioner shall file with the chief clerk of the commission an affidavit or other evidence, such as a return receipt for certified mail service, that a copy of the petition was mailed to each GCD within and adjacent to the petitioner's GMA. 30 TAC § 293.23(e). The districts within the GMA have 35 days from the date the petition was filed to respond. 30 TAC § 293.23(f).

Within 90 days of receiving the petition, the Commission shall either dismiss the petition or select a review panel. TEX. WATER CODE § 36.3011(c); 30 TAC § 293.23(g). If the Commission chooses to select a review panel, it shall appoint a chairman and four members. TEX. WATER CODE § 36.3011(d); 30 TAC § 293.23(g)(1) and (2). The review panel then has 120 days from the date of appointment to submit a report to the Commission. TEX. WATER CODE § 36.3011(e); 30 TAC § 293.23(h). The report shall include:

- (1) a summary of all evidence taken in any hearing on the petition;
- (2) a list of findings and recommended actions appropriate for the Commission to take and the reasons it finds those actions appropriate; and
- (3) any other information the panel considers appropriate.

TEX. WATER CODE § 36.3011(f); 30 TAC § 293.23(g)(4). Within 45 days of receiving the report, the ED or the Commission "shall take action to implement any or all of the panel's recommendations." TEX. WATER CODE § 36.3011(h); 30 TAC § 293.23(i).

The commission, after notice and hearing in accordance with Chapter 2001, Government Code, shall take action the commission considers appropriate, including:

- (1) issuing an order requiring the district to take certain actions or to refrain from taking certain actions;
- (2) dissolving the board in accordance with Sections 36.305 and 36.307 and calling an election for the purpose of electing a new board;
- (3) requesting the attorney general to bring suit for the appointment of a receiver to collect the assets and carry on the business of the GCD; or
- (4) dissolving the district in accordance with Sections 36.304, 36.305, and 36.308.



TEX. WATER CODE §36.303(a); 30 TAC § 293.22(e)(1-4) .

#### **IV. PETITION FOR INQUIRY**

##### **A. Failure to Participate in the Joint Planning Process**

The Petitioners stated that under TEX. WATER CODE § 36.108(c) district representatives are required to meet at least annually to conduct joint planning with the other districts in the GMA. Petitioners provided evidence, in the form of meeting minutes, that Starr County GCD did not attend any GMA 16 meetings from January 17, 2017 – October 23, 2018. Additionally, Petitioners provided as evidence an Audit Report from May 2018, of Starr County GCD, from the State Auditor's Office (SAO's May 2018 report) which concluded that Starr County GCD did not send any representatives to a GMA 16 joint planning meeting during the fiscal year 2017, and as a result, failed to achieve most of its management plan goals and did not comply with the majority of statutory requirements<sup>4</sup>.

##### **B. Failure to Adopt DFCs**

The Petitioners provided as evidence a January 17, 2017 Resolution to Adopt DFCs for the GMA 16 Aquifer. Petitioners also indicated in their petition that Starr County GCD, as of the date of the petition, has not adopted the January 17, 2017 DFCs. This is a violation of TEX. WATER CODE § 36.108(d-4) which states that after a district receives notification from the TWDB that the DFCs resolution and explanatory report under Subsection (d-3) are administratively complete, the district shall adopt the applicable DFCs in the resolution and report. Additionally, the evidence discussed in the SAO's May 2018 report states that Starr County GCD held no meetings in 2017 and could not have adopted the DFCs for the GMA 16 Aquifer.

##### **C. Failure to Update Management Plan before the second anniversary of the GMA adoption of DFCs**

---

<sup>4</sup> An Audit Report on Selected GCDs May 2018 SAO Report No. 18-030 available at <http://www.sao.texas.gov>. Also, the pertinent parts of the Audit Report are included in Attachment A.

The Petitioners, as previously mentioned, provided as evidence a January 17, 2017 Resolution to Adopt DFCs for the GMA 16 Aquifer. The Petitioners provided evidence that TWDB approved Starr County GCD's current management plan on July 25, 2014.<sup>5</sup> Petitioners stated that the Starr County GCD management plan has not been updated before January 17, 2019, which is the second anniversary of the GMA 16 adoption of the DFCs, discussed in the previous section. This statement is supported by the SAO's 2018 report, which states that Starr County GCD held no meetings in 2017. The five-year term for the Starr County GCD's management plan expired on July 25, 2019.

## V. REVIEW PANEL

Section 36.3011(d) of the Texas Water Code provides that "if the petition is not dismissed under Subsection (c), the commission shall appoint a review panel consisting of a chairman and four other members." A director or general manager of a district located outside the GMA that is the subject of the petition may be appointed to the review panel. TEX. WATER CODE § 36.3011(d).

### A. Review Panel Member Solicitation

From August 29, 2019 to September 13, 2019, the ED solicited nominations for volunteers to serve on a five-member review panel to consider the Petitioners petition of inquiry. Three persons volunteered. Beginning on September 17, 2019, the ED contacted seven additional GCD managers from outside of GMA 16 to attempt to solicit addition review panel members. By September 19, 2019, five additional persons agreed to make themselves available for a review panel if needed. A full list of review panel volunteers and others directly solicited by the ED is attached. Attachment B. The completed nomination forms are attached as Attachment C.

### B. Suggested Review Panel Members

---

<sup>5</sup> See *Id.* At page 2 and [www.twdb.texas.gov/groundwater/conservation\\_district/gedinfo3.asp](http://www.twdb.texas.gov/groundwater/conservation_district/gedinfo3.asp).



The ED recommends the following five potential review panel members and three alternates for the Commission consideration, and a disinterested staff person to serve as a nonvoting recording secretary:

- 1) GMA-8; **Dirk Aaron**, General Manager Clearwater UWCD
- 2) GMA-6; **Lynn Smith**, P.G., General Manager Mesquite GCD
- 3) GMA-14; **Zach Holland**, General Manager, Bluebonnet GCD
- 4) GMA-9; **Micah Voulgaris**, General Manager Cow Creek GCD
- 5) GMA-8; **Joe Cooper**, General Manager Middle Trinity GCD

Three alternates are also provided; they have voiced some travel concerns.

1. GMA-1; **Steve Walthour**, General Manager North Plains GCD
2. GMA-12 & 15; **David Van Dresar**, General Manager Fayette County GCD
3. GMA-8; **Drew Satterwhite**, General Manager North Texas GCD and Red River GCD

The disinterested staff nonvoting recording secretary proposed is Peggy Hunka, P.G. of the Water Availability Division (WAD).

The recommended review panel members have indicated to the ED that they do not own land or have any other holdings or interests in GMA 16 and they are willing to travel and serve at their own expense.

## VI. RECOMMENDATIONS

The ED recommends granting the Petition. Petitioners are affected persons in accordance with the Texas Administration Code and Texas Water Code. Petitioners provided sufficient evidence, in the form of meeting minutes, resolutions, and the SAO's May 2018 report, to show that Starr County GCD failed to accomplish the following: (1) participate in the GMA 16 joint planning process under TEX. WATER CODE § 36.108; (2) adopt the DFCs adopted by GMA 16 GCDs; and (3) update its management plan within two years of GMA 16 adopting new DFCs. In accordance with 30 TAC § 293.23(d), Petitioners included in their petition a certified statement, in the form of Resolution 02-2019, from the affected persons that describes why the Petitioners believe that a commission inquiry is necessary.

The ED recommends appointing the above-named persons as review panel members, as well as the named ED staff person as the disinterested, non-voting, record keeping secretary. Further, the ED recommends the Commission issue an order appointing the review panel to (1) review the petition, GCD responses, and any other existing evidence; (2) meet no fewer than two times in GMA 16 or in a statewide central

location to consider the matter and to develop a report; and (3) produce within 120 days a finalized report with a summary of evidence considered, list of findings, and recommended actions appropriate for the Commission to take under TEX. WATER CODE, § 36.303 and 30 TAC § 293.22.

Respectfully submitted,

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

Toby Baker,  
Executive Director

Robert Martinez, Director  
Environmental Law Division

By: 

Shea Pearson  
Staff Attorney  
Environmental Law Division  
State Bar No. 24086992  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
Phone (512) 239-0545  
Fax: (512) 239-626

REPRESENTING THE EXECUTIVE DIRECTOR OF  
THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY



**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of September 2019, the original of "Executive Director's Response to Petition for Inquiry" relating to joint groundwater management planning was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk and mailed to the individuals on the mailing list.



---

Shea Pearson, Staff Attorney  
Environmental Law Division

**MAILING LIST  
PETITION FOR INQUIRY INTO STARR COUNTY GCD  
DOCKET NO. 2019-1092-MIS**

**FOR THE PETITIONER:**

Mr. Lonnie Stewart, General Manager  
Bee GCD  
PO Box 682  
Beeville, Texas 78104-0682

Mr. Felix Saenz, General Manager  
Brush Country GCD  
PO Box 136  
Falfurrias, Texas 78355

Mr. Lonnie Stewart, Manager  
Live Oak UWCD  
3460A Highway 281  
George West, Texas 78022

Mr. Lonnie Stewart, Manager  
McMullen GCD  
PO Box 232  
Tilden, Texas 78072

Mr. Andy Garza, General Manager  
Kenedy County GCD  
PO Box 212  
Sarita, Texas 78385

Mr. Larijai Francis, Administrator  
Corpus Christi ASRCD  
PO Box 9277  
Corpus Christi, Texas 78469

Mr. Charles Ring, President  
San Patricio County GCD  
PO Box 531  
Sinton, Texas 78387

Mr. Atlee M. Parr, Interim General  
Manager  
Duval County GCD  
PO Box 506  
Benavides, Texas 78341

Mr. Russell Labus, General Manager  
Evergreen UWCD  
110 Wyoming Blvd  
Pleasanton, Texas 78064

Ms. Heather Sumpter, General Manager  
Goliad County GCD  
PO Box 562  
Goliad, Texas 77963

Mr. Armando Vela, General Manager  
Red Sands GCD  
PO Box 229  
Linn, Texas 78563

Mr. Tim Andruss, General Manager  
Refugio GCD  
PO Box 116  
Refugio, Texas 78377

Mr. Ed Walker, General Manager  
Wintergarden GCD  
PO Box 1433  
Carrizo Springs, Texas 78834

**FOR THE NAMED PARTY:**

Mr. Baldemar Garza, Manager  
Starr County GCD  
601 E. Main St  
Rio Grande City, Texas 78582



FOR PUBLIC INTEREST COUNSEL:

Vic McWherter, Attorney  
TCEQ  
Public Interest Counsel, MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-6363  
Fax: (512) 239-6377

FOR OFFICE OF PUBLIC ASSISTANCE:

TCEQ  
Office of Public Assistance, MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-4000  
Fax: (512) 239-4007

FOR THE CHIEF CLERK:

Docket Clerk  
TCEQ  
Office of Chief Clerk, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-3300  
Fax: (512) 239-3311

FOR TCEQ ENVIRONMENTAL LAW  
DIVISION

Todd Galiga  
TCEQ Environmental Law Division  
MC-173  
PO Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-0600  
Fax: (512) 239-0606

# ATTACHMENT A





An Audit Report on

# **Selected Groundwater Conservation Districts**

May 2018  
Report No. 18-030

State Auditor's Office reports are available on the Internet at <http://www.sao.texas.gov/>.



An Audit Report on  
**Selected Groundwater Conservation  
Districts**

SAO Report No. 18-030  
May 2018

## Overall Conclusion

Auditors selected five groundwater conservation districts (districts) and audited their (1) achievement of selected groundwater management plan goals and (2) compliance with selected statutory requirements for each district's fiscal year 2017. Of the five districts audited:

- Starr County Groundwater Conservation District was not actively engaged in the achievement of its management plan goals and ensuring compliance with statutory requirements. The district asserted that it did not have any revenues during fiscal year 2017, which prevented it from performing actions to achieve its management plan goals and comply with statutory requirements. As a result, the district achieved only one of its management plan goals and complied with one of the applicable Texas Water Code requirements.
- Terrell County Groundwater Conservation District did not achieve the majority of its management plan goals. However, it fully complied with all but one of the applicable Texas Water Code requirements.
- Duval County Groundwater Conservation District fully or partially achieved the majority of its management plan goals and fully complied with all applicable Texas Water Code requirements.
- The remaining two districts audited—Brush Country Groundwater Conservation District and Post Oak Savannah Groundwater Conservation District—fully achieved the majority or all, respectively, of their management plan goals and fully complied with all applicable Texas Water Code requirements.

### Background Information

Texas Water Code, Chapter 36, requires groundwater conservation districts (districts) to develop groundwater management plans that list the steps the districts will take to protect and manage groundwater.

Each district's groundwater management plan must contain goals that are applicable to each district as described in Texas Water Code, Section 36.1071. Districts develop one or more objectives to support each goal.

The Water Development Board reviews and approves districts' groundwater management plans, including the goals and objectives. The Commission on Environmental Quality has the authority to enforce districts' compliance with the statutory requirements outlined in Texas Water Code, Chapter 36.

As of December 2017, there were 100 confirmed districts. One additional district awaited confirmation by voters in local elections. See Appendix 4 for a map showing the five districts audited.

Failure to achieve management plan goals and comply with statutory requirements increases the risk that groundwater resources within the district will not be properly managed to protect, preserve, conserve, and recharge groundwater.

*This audit was conducted in accordance with Texas Water Code, Sections 36.061 and 36.302.*

*For more information regarding this report, please contact Courtney Ambres-Wade, Audit Manager, or Lisa Collier, First Assistant State Auditor, at (512) 936-9500.*



Table 1 presents a summary of the findings in this report and the related issue ratings. (See Appendix 2 for more information about the issue rating classifications and descriptions.)

Table 1

Summary of Chapters/Subchapters and Related Issue Ratings		
Chapter/ Subchapter	Title	Issue Rating <sup>a</sup>
1-A	Starr County Groundwater Conservation District Did Not Achieve Most of Its Management Plan Goals	Priority
1-B	Starr County Groundwater Conservation District Did Not Comply with the Majority of Statutory Requirements	Priority
2-A	Terrell County Groundwater Conservation District Did Not Achieve the Majority of Its Management Plan Goals	High
2-B	Terrell County Groundwater Conservation District Fully Complied with All but One of the Statutory Requirements	Low
3-A	Duval County Groundwater Conservation District Fully or Partially Achieved the Majority of Its Management Plan Goals	Medium
3-B	Duval County Groundwater Conservation District Fully Complied with All Statutory Requirements	Low
4-A	Brush Country Groundwater Conservation District Fully Achieved the Majority of Its Management Plan Goals	Low
4-B	Brush Country Groundwater Conservation District Fully Complied with All Statutory Requirements	Low
5-A	Post Oak Savannah Groundwater Conservation District Fully Achieved All of Its Management Plan Goals	Low
5-B	Post Oak Savannah Groundwater Conservation District Fully Complied with All Statutory Requirements	Low

<sup>a</sup> A subchapter is rated Priority if the issues identified present risks or effects that if not addressed could critically affect the audited entity's ability to effectively administer the program(s)/function(s) audited. Immediate action is required to address the noted concern and reduce risks to the audited entity.

A subchapter is rated High if the issues identified present risks or effects that if not addressed could substantially affect the audited entity's ability to effectively administer the program(s)/function(s) audited. Prompt action is essential to address the noted concern and reduce risks to the audited entity.

A subchapter is rated Medium if the issues identified present risks or effects that if not addressed could moderately affect the audited entity's ability to effectively administer program(s)/function(s) audited. Action is needed to address the noted concern and reduce risks to a more desirable level.

A subchapter is rated Low if the audit identified strengths that support the audited entity's ability to administer the program(s)/functions(s) audited or the issues identified do not present significant risks or effects that would negatively affect the audited entity's ability to effectively administer the program(s)/function(s) audited.

Auditors communicated other, less significant issues separately in writing to the districts.

## ***Summary of Management's Response***

At the end of certain chapters in this report, auditors made recommendations to address the issues identified during this audit. Terrell County, Brush Country, and Duval County Groundwater Conservation Districts agreed with the recommendations in this report. Starr County Groundwater Conservation District did not submit a management's response. There were no recommendations addressed to Post Oak Savannah Groundwater Conservation District.

## ***Audit Objectives and Scope***

The audit objectives were to determine whether selected districts complied with applicable statutes and to summarize information from districts' audited annual financial statements.

The scope of this audit covered five groundwater conservation districts. The audit scope covered each district's fiscal year 2017.<sup>1</sup> This audit did not include a review of the general controls over the districts' information technology environments, including access controls, change management processes, and password controls.

---

<sup>1</sup> The dates of each district's fiscal year varied among the five districts audited. Additionally, where documentation was not yet available for fiscal year 2017, auditors reviewed documentation for the district's fiscal year 2016.



# Contents

## ***Detailed Results***

---

Chapter 1	
Starr County Groundwater Conservation District Did Not Achieve Most of Its Management Plan Goals and Did Not Comply with the Majority of Statutory Requirements .....	1
Chapter 2	
Terrell County Groundwater Conservation District Did Not Achieve the Majority of Its Management Plan Goals and Fully Complied with All But One of the Statutory Requirements .....	8
Chapter 3	
Duval County Groundwater Conservation District Fully or Partially Achieved the Majority of Its Management Plan Goals and Fully Complied with All Statutory Requirements .....	17
Chapter 4	
Brush Country Groundwater Conservation District Fully Achieved the Majority of Its Management Plan Goals and Fully Complied with All Statutory Requirements .....	25
Chapter 5	
Post Oak Savannah Groundwater Conservation District Fully Achieved All of Its Management Plan Goals and Fully Complied with All Statutory Requirements .....	32

## ***Appendices***

---

Appendix 1	
Objectives, Scope, and Methodology .....	38
Appendix 2	
Issue Rating Classifications and Descriptions .....	42
Appendix 3	
State Agency Roles in Groundwater Management Process ....	43
Appendix 4	
Map of Audited Groundwater Conservation Districts .....	45

Appendix 5  
Related State Auditor's Office Work ..... 46



# Detailed Results

## Chapter 1

### ***Starr County Groundwater Conservation District Did Not Achieve Most of Its Management Plan Goals and Did Not Comply with the Majority of Statutory Requirements***

---

Starr County Groundwater Conservation District (District) was not actively engaged during fiscal year 2017 in the achievement of management plan goals and compliance with applicable statutory requirements audited.

The District asserted in writing that it had determined that funding or subsidizing the District was not “economically viable or feasible,” for the citizens of Starr County; therefore, it did not have any revenues or expenditures during fiscal year 2017. The District further asserted that, as a result of not having any revenues, it was unable to carry out any actions to achieve its management plan goals and ensure compliance with statutory requirements. Finally, the District asserted that it is “not an active entity,” and it anticipates remaining inactive for the “foreseeable future.”

As a result of its lack of active engagement, the District did not achieve 6 (86 percent) of its 7 management plan goals and did not comply with 4 (80 percent) of the 5 applicable Texas Water Code requirements audited.

Failure to achieve its management plan goals or perform the actions required by statute increases the risk that groundwater resources within the District will not be properly managed to protect, preserve, conserve, and recharge groundwater.

Texas Water Code, Section 36.0015(b), states that groundwater conservation districts are the State’s preferred method of groundwater management, including the conservation, preservation, protection, recharging, and prevention of waste of groundwater (see text box).

#### **Selected Financial Information for Fiscal Year 2017**

Starr County Groundwater Conservation District asserted that it had no revenues or expenditures during fiscal year 2017.

The District did not compile any financial statements or have an annual audit performed for its fiscal year 2017.

#### **Purpose of Groundwater Conservation Districts**

To provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and to control subsidence caused by withdrawal of water from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution, groundwater conservation districts may be created as provided by this chapter.

Groundwater conservation districts created as provided by this chapter are the state’s preferred method of groundwater management in order to protect property rights, balance the conservation and development of groundwater to meet the needs of this state, and use the best available science in the conservation and development of groundwater through rules developed, adopted, and promulgated by a district in accordance with the provisions of this chapter.

Source: Texas Water Code, Chapter 36.

Chapter 1-A

## Starr County Groundwater Conservation District Did Not Achieve Most of Its Management Plan Goals

The District did not achieve 6 (86 percent) of the 7 applicable management plan goals during fiscal year 2017. Those six goals were:

- Providing the most efficient use of groundwater.
- Addressing conjunctive<sup>3</sup> surface water management issues.
- Addressing natural resource issues.
- Addressing drought conditions.
- Addressing conservation.
- Addressing the desired future conditions adopted.<sup>4</sup>

Chapter 1-A  
Rating:  
Priority <sup>2</sup>

The Water Development Board approved the District's current management plan on July 25, 2014, and that plan remains valid until July 25, 2019. That plan contains the goals listed above. The District asserted that it had not actively performed any activities toward achieving those six goals during fiscal year 2017. Failure to achieve management plan goals increases the risk of wasting groundwater resources, failing to conserve those resources, and not meeting desired future conditions.

For each applicable goal in its approved groundwater management plan, the District developed objectives and performance standards that described the activities the District must perform to achieve each goal. Table 2 on the next page provides additional information.

---

<sup>2</sup> Chapter 1-A is rated as Priority because the issues identified present risks or effects that if not addressed could critically affect the audited entity's ability to effectively administer the program(s)/function(s) audited. Immediate action is required to address the noted concern and reduce risks to the audited entity.

<sup>3</sup> Texas Water Code, Section 36.001(21), defines conjunctive use as the combined use of groundwater and surface water sources that optimizes the beneficial characteristics of each source.

<sup>4</sup> Texas Water Code, Section 36.108, requires groundwater conservation districts within the same groundwater management area to perform joint planning activities that include the adoption of desired future conditions for the groundwater management area. Texas Water Code, Section 36.001(30), defines desired future conditions as the desired conditions of the groundwater resources in a management area at one or more specified future times.



Table 2

Starr County Groundwater Conservation District Achievement of Groundwater Management Plan Objectives		
Goal and Objective Audited	Achieved?	Additional Information
Goal 1: Providing the Most Efficient Use of Groundwater		
<u>Objective/Plan of Implementation:</u> Provide guidance for the most efficient use, conservation, and long-term sustainability of the groundwater resources within the District. The District will establish a schedule of regular Board meetings and notification for the general public in order to invite comment and participation by the stakeholders of the District by the end of calendar year 2013. The District will also establish an annual training program for the Board members and any interested stakeholders within the District. The District's Board will develop and establish a protocol for the development of groundwater resources within the District by the end of calendar year 2013. An annual meeting will be established for review and discussion of programs, policies, and procedures in order to ensure compliance with those rules and procedures adopted by the District, Regional Water Planning Group (RWPG), and the State.	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.
Goal 2: Controlling and Preventing Waste of Groundwater		
<u>Objective/Plan of Implementation:</u> Provide control for the use, and prevent the waste, of groundwater resources within the District. The District has adopted a set of rules (Appendix I [in the District's groundwater management plan]) which outline permit fees, requirements, procedures, enforcement, and penalties pertaining to well drilling and use of the underlying water resources. The rules are available for viewing at <a href="http://www.co.starr.tx.us">http://www.co.starr.tx.us</a> .	Yes	It should be noted that, as of the time of this audit, the District's rules were not available on the referenced Web site. Therefore, auditors obtained a copy of the District's rules from the Water Development Board.
Goal 3: Controlling and Preventing Subsidence <sup>a</sup>		
According to the District's management plan, this goal is not applicable due to a lack of subsidence concerns in the District.		
Goal 4: Addressing Conjunctive Surface Water Management Issues		
<u>Objective/Plan of Implementation:</u> The District will participate in the regional planning process by attending meetings of the RWPG. The attendance at any RWPG meeting will be noted in the annual report. The District will provide oversight, guidance for groundwater users and enforcement of the Desired Future Conditions (DFC) as adopted by Groundwater Management Area (GMA) 16. The District's Board will be an active Member of the GMA and attend all scheduled meetings in order to stay abreast of current developments and pertinent discussions within the GMA, the RWPG, and the State, within 30 days of adoption, of any new rules and/or procedures relating to groundwater conservation, development, enforcement, or changes to the Management Plan. Time will be allowed on the agenda for public comment and input regarding the District's Board's actions, policies, and procedures.	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.
Goal 5: Addressing Natural Resources Issues		
<u>Objective/Plan of Implementation:</u> The District will monitor water levels in the District boundaries on an annual basis by measuring the level of 10 water wells dispersed throughout the District on an annual basis. Well location, description, and measured water levels will be included in the Annual Report. The District will also track the location of any saltwater disposal wells permitted in the District and provide location, depth, and disposal rates for each well in the Annual Report.	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.



**Starr County Groundwater Conservation District**  
**Achievement of Groundwater Management Plan Objectives**

Goal and Objective Audited	Achieved?	Additional Information
These activities will serve to help the District address natural resource issues that may impact the use and availability of groundwater within the District.		
<b>Goal 6: Addressing Drought Conditions</b>		
<b>Objective/Plan of Implementation:</b> Identify and address the effects of drought conditions on groundwater resources within the District. The District will publish monthly update reports of the Palmer Drought Severity Index (PDSI) map and a rainfall map indicating year-to-date rainfall within the District that will include water conservation tips and recommendations. These updates will be posted for public review and comment, and a report will be made to the District's Board at the annual meeting. Statewide drought information and coping suggestions and tips are provided by the Texas Water Development Board on its Web site at <a href="https://waterdatafortexas.org/drought">https://waterdatafortexas.org/drought</a> .	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.
<b>Goal 7: Addressing Conservation</b> (Addressing conservation, recharge enhancement, rainwater harvesting, precipitation enhancement, or brush control, where appropriate and cost-effective.)		
<b>Objective/Plan of Implementation:</b> Conservation - The District's Board will publish a monthly water conservation tip or recommendation along with the monthly update to the PDSI update. These articles will be presented to the District's Board at the annual meeting.	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.
<b>Objective/Plan of Implementation:</b> Recharge enhancement - Aquifer recharge in the District is mostly accomplished by normal rainfall infiltration. No specific surface recharge formations have been identified in Starr County for either of the two affected aquifers. The District will publish a monthly tip or watch guide for possible surface sources of groundwater contamination and recommendations for the prevention and remediation of surface contamination, which may affect the District's groundwater resources.	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.
<b>Objective/Plan of Implementation:</b> Rainwater Harvesting - The District will publish, with the monthly conservation tip/recommendation and PDSI update, a current article regarding rainwater harvesting for garden watering and non-potable use. These articles will be presented to the District's Board at the annual meeting.	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.
<b>Objective/Plan of Implementation:</b> Brush Control - The District will be presented with and will publish at the annual meeting the Natural Resources Conservation Service recommendations for brush control within the District.	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.
<b>Objective/Plan of Implementation:</b> Precipitation enhancement is not a goal applicable to the District.	Not Applicable	
<b>Goal 8: Addressing the Desired Future Conditions Adopted</b>		
<b>Objective/Plan of Implementation:</b> The District will, by the end of the year 2014, establish and adopt a well monitoring plan that will serve to indicate whether or not the District is adhering to the Desired Future Conditions (DFC) adopted by the GMA. The well registration program proposed to be adopted by the end of the year 2013 will serve as the basis for the monitoring program. Well level measurements and water quality tests will be made on a randomly selected number of non-exempt wells with broad distribution throughout the District on an annual basis. A report of the findings will be	No	The District asserted that it did not perform any activities related to the achievement of this objective/plan of implementation during fiscal year 2017.



Starr County Groundwater Conservation District Achievement of Groundwater Management Plan Objectives		
Goal and Objective Audited	Achieved?	Additional Information
published and made available to the District's Board and the stakeholders at the annual meeting. Any deviation from the adopted DFC will be reported to the District and the Water Development Board within 30 days of the report.		
<sup>a</sup> Texas Water Code, Section 36.001(10), defines subsidence as the lowering in elevation of the land surface caused by withdrawal of groundwater.		

Chapter 1-B

**Starr County Groundwater Conservation District Did Not Comply with the Majority of Statutory Requirements**

Texas Water Code, Chapter 36, specifies requirements for the manner in which groundwater conservation districts must operate. The District did not comply with 4 (80 percent) of the 5 applicable Texas Water Code requirements audited. Those four requirements were:

Chapter 1-B  
Rating:  
Priority <sup>5</sup>

- Holding regular board meetings in accordance with statute.
- Adopting written policies.
- Participating in joint planning meetings with other groundwater conservation districts within the same Groundwater Management Area.
- Obtaining bonds for its board members.

The District asserted that it did not perform any activities related to those four requirements during its fiscal year 2017 due to a lack of available funding. Failure to comply with applicable statutory requirements increases the risk that groundwater resources will not be sufficiently protected or conserved and desired future conditions will not be met.

Table 3 on the next page summarizes the District's compliance with the statutory requirements audited.

<sup>5</sup> Chapter 1-B is rated as Priority because the issues identified present risks or effects that if not addressed could critically affect the audited entity's ability to effectively administer the program(s)/function(s) audited. Immediate action is required to address the noted concern and reduce risks to the audited entity.



Table 3

Starr County Groundwater Conservation District's Compliance with Texas Water Code Requirements <sup>a</sup>		
Fiscal Year 2017		
Texas Water Code Requirement	Compliance	Additional Information
Board Meetings	Did Not Comply	The District did not have any meetings during fiscal year 2017.
District Rules	Fully Complied	The District complied with all requirements.
District Policies	Did Not Comply	The District had not formulated or adopted any policies.
Joint Planning	Did Not Comply	The District is a member of Groundwater Management Area (GMA) 16. However, it did not send any representatives to GMA 16 joint planning meetings during fiscal year 2017.
Annual Financial Audit	Not Applicable	The District asserted that it had no revenues or expenses. Therefore, the District is exempt from this requirement in accordance with Texas Water Code, Section 36.153(c). However, the District should consider submitting a financial dormancy affidavit to the executive director of the Commission on Environmental Quality rather than having a financial audit performed in accordance with Texas Water Code, Section 36.153(d).
Annual Budget	Not Applicable	The District asserted that it had no revenues or expenditures during fiscal year 2017. Therefore, this requirement was not applicable.
Employee Bonds	Not Applicable	The District did not have any employees or consultants responsible for handling District funds.
Board Member Bonds	Did Not Comply	The District had not obtained bonds for its board members as required.
Bank Depository and Expenditures	Not Applicable	The District asserted that it had no revenues or other district funds and had no expenditures during fiscal year 2017. Therefore, this requirement was not applicable.

<sup>a</sup> Texas Water Code, Chapter 36, statutory requirements:

**Board Meetings:** The board is required to provide notice of and conduct meetings at least quarterly. Districts are required to provide notice of meetings of the board (Texas Water Code, Section 36.063). A quorum is required to conduct business (Texas Water Code, Sections 36.064 and 36.053). The board also is required to keep complete records of its meetings and proceedings (Texas Water Code, Section 36.065).

**District Rules:** The board is required to adopt rules to implement Chapter 36 of the Texas Water Code (Texas Water Code, Sections 36.101 (b), 36.1071(f), 36.111 through 36.113, 36.1145, 36.201, and 36.454 (a) and (b)).

**District Policies:** The board is required to adopt written policies addressing specified areas (Texas Water Code, Section 36.061): policies for a code of ethics, travel expenditures, district investments, professional services, and management information, which includes policies on (1) budgeting and (2) establishing an audit or finance committee.

**Joint Planning:** The district is required to meet annually with any other districts in the groundwater management area in which it is located to set desired future conditions for aquifers in the area (Texas Water Code, Section 36.108).

**Annual Financial Audit:** The board is required to obtain an annual audit of the financial condition of the district (Texas Water Code, Section 36.153).

**Annual Budget:** The board is required to prepare and approve an annual budget including specified components (Texas Water Code, Section 36.154).

**Employee Bonds:** The district is required to obtain bonds in an amount determined by the board to be sufficient to safeguard the district for officers, employees, and consultants who collect, pay, or handle district funds (Texas Water Code, Section 36.057 (d)).

**Board Member Bonds:** Each director is required to execute a bond for \$10,000 payable to the district and conditioned on the faithful performance of that director's duties before beginning to perform the duties of office (Texas Water Code, Section 36.055(c)).

**Bank Depository and Expenditures:** The board is required to name one or more banks to serve as depository for the district's funds (Texas Water Code, Section 36.155) and obtain dual signatures on district disbursements, excluding federal reserve wire transfers or electronic fund transfer (Texas Water Code, Section 36.151). To receive fees of office and to receive reimbursement for expenses, each director shall file with the district a verified statement showing the number of days actually spent in the service of the district and a general description of the duties performed for each day of service (Texas Water Code, Section 36.060(c)).



## Recommendations

The Starr County Groundwater Conservation District should:

- Develop and implement processes to meet its management plan goals and comply with statutory requirements, or
- Coordinate with the Commission on Environmental Quality for guidance on determining appropriate actions to address the District's needs while also protecting its groundwater resources.

# **ATTACHMENT B**



Mr. Zach Holland, General Manager

**Bluebonnet Groundwater Conservation District**

PO Box 269

Navasota, TX 77868

PHONE NO. (512) 269-7823

Mr. Greg Sengelmann, General Manager

**Gonzales County Underground Water Conservation District**

PO Box 1919

Gonzales, TX 78629

PHONE NO. (512) 269-0177

Mr. Mitchell Sodek, General Manager

**Central Texas Groundwater Conservation District**

PO Box 870

Burnet, TX 78611

PHONE NO. (512) 269-1112

Mr. Joe B. Cooper, General Manager

**Middle Trinity Groundwater Conservation District**

930 Wolfe Nursery Rd

Stephenville, TX 76401

PHONE NO. (817) 265-9170

Mr. Micah Voulgaris, General Manager

**Cow Creek Groundwater Conservation District**

PO Box 1557

Boerne, TX 78006

PHONE NO. (817) 269-0170

Mr. Drew Satterwhite, General Manager

**North Texas Groundwater Conservation District**

PO Box 508

Gainesville, TX 76241

PHONE NO. (817) 269-0170

Mr. David A. Van Dresar, General Manager

**Fayette County Groundwater Conservation District**

255 Svoboda Lane, Rm 115

La Grange, TX 78945

PHONE NO. (512) 269-0170

# ATTACHMENT C



**Review Panel Nomination Form for Groundwater Conservation District Directors or Managers**

Person being nominated

Your contact details

Name: Dirk Aaron	Name: Scott A. Brooks
Address/City/State: P.O Box 1989, Belton TX 76513	Address/City/State: 425 Mercy Ranch Road, Florence TX 76527
Nominee's Groundwater Management Area: GMA8	
Nominee's Groundwater Conservation District: Clearwater Underground Water Conservation District	
Title: CUWCD General Manager	Title: Director - Precinct 4
Tenure with District: 8 years	Affiliation: Clearwater UWCD Director
Phone: 254.933.0120 Fax: 254.933.8396	Phone:254.226.4000 Fax: NA
Email: <a href="mailto:daaron@cuwcd.org">daaron@cuwcd.org</a>	Email: <a href="mailto:sbrooks@cuwcd.org">sbrooks@cuwcd.org</a>

Is nominee willing to serve on a review panel in accordance with Texas Water Code, §36.3011 and Title 30, Texas Administrative Code, §293.23?      Yes       Don't know

Is nominee willing to serve as chairman of a review panel?      Yes       Don't know

Is nominee willing to travel and serve at own expense?      Yes       No

Does nominee own land or have any other holdings or interests in Groundwater Management Area 16?  
Yes       No

Does nominee own land or have any other holdings or interests adjacent to Groundwater Management Area 16?  
Yes       No

Does nominee own land or have any other holdings or interests in the Starr County Groundwater Conservation District?      Yes       No

Please make a brief statement of the nominee's background and qualifications to serve on a review panel:

Dirk has been the General Manager for Clearwater since 2011.  
Under Dirk's management, the District has implemented scientific-based management practices and has operated with fiscal efficiency, to the benefit of all residents within District boundaries.  
Dirk has also served at both the Vice-President and President of the Texas Alliance of Groundwater Districts for the last 4 years. Dirk was over the district when the SAO audited the district in 2013.  
The district passed 100% by achieving all Objectives Fully.  
[http://staging.cuwcd.org/pdf/audits/SAOAudit\\_Summary\\_02OCT13.pdf](http://staging.cuwcd.org/pdf/audits/SAOAudit_Summary_02OCT13.pdf)

Send nomination forms to:

Peggy Hunka, P.G., MC-147  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin TX 78711-3087  
Tel: 512-239-2789  
Fax: 512-239-4450

- or -

[peggy.hunka@tceq.texas.gov](mailto:peggy.hunka@tceq.texas.gov)  
(put "Nominations" in the subject line)

**Review Panel Nomination Form for Groundwater Conservation District Directors or Managers**

Person being nominated

Your contact details

Name: Steve Walthour	Name: Steve Walthour
Address/City/State: PO Box 795, Dumas Texas 79029	Address/City/State: 1219 Zauk, Dumas Texas 79029
Nominee's Groundwater Management Area: GMA - 1	
Nominee's Groundwater Conservation District: North Plains Groundwater Conservation District	
Title: General Manager	Title: General Manager
Tenure with District 12 years	Affiliation: North Plains GCD
Phone: 8069356401      Fax:806-935-6633	Phone:      Fax:
Email:swalthour@northplainsgcd.org	Email:

Is nominee willing to serve on a review panel in accordance with Texas Water Code, §36.3011 and Title 30, Texas Administrative Code, §293.23?      Yes       Don't know

Is nominee willing to serve as chairman of a review panel?      Yes       Don't know

Is nominee willing to travel and serve at own expense?      Yes       No  (If travel is to central Texas)

Does nominee own land or have any other holdings or interests in Groundwater Management Area 16?  
Yes       No

Does nominee own land or have any other holdings or interests adjacent to Groundwater Management Area 16?  
Yes       No

Does nominee own land or have any other holdings or interests in the Starr County Groundwater Conservation District?      Yes       No

Please make a brief statement of the nominee's background and qualifications to serve on a review panel:

Over 25 years' experience in all aspects in groundwater management, conservation, and science. Nominee has worked with multiple groundwater conservation districts in all aspects of groundwater management.

Send nomination forms to:

Peggy Hunka, P.G., MC-147  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin TX 78711-3087  
Tel: 512-239-2789  
Fax: 512-239-4450

- or -

peggy.hunka@tceq.texas.gov  
(put "Nominations" in the subject line)



**Review Panel Nomination Form for Groundwater Conservation District Directors or Managers**

Person being nominated

Your contact details

Name: Lynn Smith, P.G.	Name: Lynn Smith, P.G.
Address/City/State:: 1306 Amarillo Wellington, TX 79095	Address/City/State:1306 Amarillo Wellington, TX 79095
Nominee's Groundwater Management Area: GMA 6	
Nominee's Groundwater Conservation District: Mesquite GCD	
Title: General Manager	Title: General Manager
Tenure with District GM since July 2015	Affiliation: Mesquite GCD
Phone: 940-273-4230                      Fax:	Phone:940-273-4230                      Fax:
Email: manager@mesquitegcd.org	Email: manager@mesquitegcd.org

Is nominee willing to serve on a review panel in accordance with Texas Water Code, §36.3011 and Title 30, Texas Administrative Code, §293.23?            **Yes**

Is nominee willing to serve as chairman of a review panel?            **Yes but probably not the best qualified**

Is nominee willing to travel and serve at own expense?            **Yes, District will cover expenses**

Does nominee own land or have any other holdings or interests in Groundwater Management Area 16?  
**No**

Does nominee own land or have any other holdings or interests adjacent to Groundwater Management Area 16?  
**No**

Does nominee own land or have any other holdings or interests in the Starr County Groundwater Conservation District?            **No**

Please make a brief statement of the nominee's background and qualifications to serve on a review panel:

Mr. Smith has served as GM at Mesquite GCD since July of 2015. He has authored one Management Plan and four Annual Reports during his tenure. Prior to his time at MGCD, Mr. Smith worked in a senior position at Collier Consulting and worked with many GCD's, private clients, and regulatory agencies in the areas of groundwater, environmental contamination, and subsurface feature delineation. He joined Collier in 1998 after working a few years at Texas Parks & Wildlife Department.

Send nomination forms to:

Peggy Hunka, P.G., MC-147  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin TX 78711-3087  
Tel: 512-239-2789  
Fax: 512-239-4450

- or -

peggy.hunka@tceq.texas.gov  
(put "Nominations" in the subject line)

**Review Panel Nomination Form for Groundwater Conservation District Directors or Managers**

Person being nominated

Your contact details

Name: <b>DAVID A. VAN DRESAR</b>	Name:
Address/City/State: <b>255 SVOBODA LANE Room 115 LA GRANDE, TX 78945</b>	Address/City/State:
Nominee's Groundwater Management Area: <b>GMA 12 &amp; GMA 15</b>	<b>SAME</b>
Nominee's Groundwater Conservation District: <b>FAYETTE COUNTY</b>	
Title: <b>GENERAL MANAGER</b>	
Tenure with District <b>13 YEARS</b>	
Phone: <b>979-968-3135</b> Fax: <b>979-968-3194</b>	Phone: Fax:
Email: <b>david@fayettecountygroundwater.com</b>	Email:

Is nominee willing to serve on a review panel in accordance with Texas Water Code, §36.3011 and Title 30, Texas Administrative Code, §293.23?      Yes       Don't know

Is nominee willing to serve as chairman of a review panel?      Yes       Don't know

Is nominee willing to travel and serve at own expense?      Yes       No       **UNSURE. DEPENDS ON THE LENGTH OF STAY.**

Does nominee own land or have any other holdings or interests in Groundwater Management Area 16?  
Yes       No

Does nominee own land or have any other holdings or interests adjacent to Groundwater Management Area 16?  
Yes       No

Does nominee own land or have any other holdings or interests in the Starr County Groundwater Conservation District?      Yes       No

Please make a brief statement of the nominee's background and qualifications to serve on a review panel:

**I HAVE BEEN IN THE WATER INDUSTRY FOR OVER 30 YEARS. JOBS HAVE INCLUDED MUNICIPAL OPERATION, ENVIRONMENTAL ENFORCEMENT, UTILITY MANAGEMENT, LAW ENFORCEMENT, AND GROUNDWATER MANAGEMENT.**

Send nomination forms to:

Peggy Hunka, P.G., MC-147  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin TX 78711-3087  
Tel: 512-239-2789  
Fax: 512-239-4450

- or -

peggy.hunka@tceq.texas.gov  
(put "Nominations" in the subject line)



**Review Panel Nomination Form for Groundwater Conservation District Directors or Managers**

Person being nominated

Your contact details

Name: Drew Satterwhite	Name: Drew Satterwhite
Address/City/State: 5100 Airport Drive, Denison TX 75020	Address/City/State:
Nominee's Groundwater Management Area: 8	
Nominee's Groundwater Conservation District: North Texas Groundwater Conservation District & Red River Groundwater Conservation District	
Title: General Manager	Title:
Tenure with District 6 years	Affiliation:
Phone: 855-426-4433 Fax:903-786-8211	Phone: Fax:
Email: d.satterwhite@northtexasgcd.org	Email:

Is nominee willing to serve on a review panel in accordance with Texas Water Code, §36.3011 and Title 30, Texas Administrative Code, §293.23? Yes  Don't know

Is nominee willing to serve as chairman of a review panel? Yes  Don't know

Is nominee willing to travel and serve at own expense? Yes  No

**Would be willing to pay for travel expenses assuming the meetings are held in the Austin area. GMA 16 is a long/expensive trip from my office which would require overnight accommodations.**

Does nominee own land or have any other holdings or interests in Groundwater Management Area 16? Yes  No

Does nominee own land or have any other holdings or interests adjacent to Groundwater Management Area 16? Yes  No

Does nominee own land or have any other holdings or interests in the Starr County Groundwater Conservation District? Yes  No

Please make a brief statement of the nominee's background and qualifications to serve on a review panel:  
I am a licensed Professional Engineer in the State of Texas with local government experience ranging from Surface Water Supply, Wastewater Treatment and Groundwater Conservation Districts.

Send nomination forms to:

Peggy Hunka, P.G., MC-147  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin TX 78711-3087  
Tel: 512-239-2789  
Fax: 512-239-4450

- or -

peggy.hunka@tceq.texas.gov  
(put "Nominations" in the subject line)

## Review Panel Nomination Form for Groundwater Conservation District Directors or Managers

Person being nominated

Your contact details

Name: Joe B. Cooper III	Name: <u>SAME</u>
Address/City/State: 930 Wolfe Nursery Road, Stephenville, Texas 76401	Address/City/State:
Nominee's Groundwater Management Area: GMA 8	
Nominee's Groundwater Conservation District: Middle Trinity GCD	
Title: General Manager	
Tenure with District 17 years	
Phone: 254-485-5759      Fax: 254-965-6745	
Email: mtgcd1@centurylink.net	Email:

Is nominee willing to serve on a review panel in accordance with Texas Water Code, §36.3011 and Title 30, Texas Administrative Code, §293.23?      Yes       Don't know

Is nominee willing to serve as chairman of a review panel?      Yes       Don't know

Is nominee willing to travel and serve at own expense?      Yes       No

Does nominee own land or have any other holdings or interests in Groundwater Management Area 16?  
Yes       No

Does nominee own land or have any other holdings or interests adjacent to Groundwater Management Area 16?  
Yes       No

Does nominee own land or have any other holdings or interests in the Starr County Groundwater Conservation District?      Yes       No

Please make a brief statement of the nominee's background and qualifications to serve on a review panel:

*GCD MGR FOR 17+ YRS, CURRENT CHAIRMAN GMA8, CURRENT DIRECTOR OF TWRA, PAST PRESIDENT TAGD, CURRENT VOTING MEMBER OF BRAZOS G RWPC*

Send nomination forms to:

Peggy Hunka, P.G., MC-147  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin TX 78711-3087  
Tel: 512-239-2789  
Fax: 512-239-4450

- or -

peggy.hunka@tceq.texas.gov  
(put "Nominations" in the subject line)



## Review Panel Nomination Form for Groundwater Conservation District Directors or Managers

Person being nominated

Your contact details

Name: <i>M. Linda Valjeff</i>	Name:
Address/City/State: <i>P.O. Box 1557 Boomer, TX 78006</i>	Address/City/State:
Nominee's Groundwater Management Area: <i>GMA 9</i>	
Nominee's Groundwater Conservation District: <i>Red Creek GCD</i>	
Title: <i>General Manager</i>	Title:
Tenure with District: <i>16 years</i>	Affiliation:
Phone: <i>832 816 2504</i> Fax: <i>832 816 2607</i>	Phone: Fax:
Email: <i>manager@ceqcd.org</i>	Email:

Is nominee willing to serve on a review panel in accordance with Texas Water Code, §36.3011 and Title 30, Texas Administrative Code, §293.23?    Yes     Don't know

Is nominee willing to serve as chairman of a review panel?    Yes     Don't know

Is nominee willing to travel and serve at own expense?    Yes     No

Does nominee own land or have any other holdings or interests in Groundwater Management Area 16?  
Yes     No

Does nominee own land or have any other holdings or interests adjacent to Groundwater Management Area 16?  
Yes     No

Does nominee own land or have any other holdings or interests in the Starr County Groundwater Conservation District?    Yes     No

Please make a brief statement of the nominee's background and qualifications to serve on a review panel:

*General Manager of CEQCD, Designated Representative on GMA 9.*

Send nomination forms to:

Peggy Hunka, P.G., MC-147  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin TX 78711-3087  
Tel: 512-239-2789  
Fax: 512-239-4450

- or -

peggy.hunka@tceq.texas.gov  
(put "Nominations" in the subject line)

## Review Panel Nomination Form for Groundwater Conservation District Directors or Managers

Person being nominated

Your contact details

Name: Zach Holland	Name:
Address/City/State: P.O. Box 269 Navasota, TX 77868	Address/City/State:
Nominee's Groundwater Management Area: 14	
Nominee's Groundwater Conservation District: Bluebonnet Groundwater Conservation District	
Title: General Manager	Title:
Tenure with District 10 yrs.	Affiliation:
Phone: 936-825-7303      Fax: 936-825-7331	Phone:                      Fax:
Email: zholland@bluebonnetgroundwater.org	Email:

Is nominee willing to serve on a review panel in accordance with Texas Water Code, §36.3011 and Title 30, Texas Administrative Code, §293.23?      Yes       Don't know

Is nominee willing to serve as chairman of a review panel?      Yes       Don't know

Is nominee willing to travel and serve at own expense?      Yes       No

Does nominee own land or have any other holdings or interests in Groundwater Management Area 16?  
Yes       No

Does nominee own land or have any other holdings or interests adjacent to Groundwater Management Area 16?  
Yes       No

Does nominee own land or have any other holdings or interests in the Starr County Groundwater Conservation District?      Yes       No

Please make a brief statement of the nominee's background and qualifications to serve on a review panel:

Send nomination forms to:

Peggy Hunka, P.G., MC-147  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin TX 78711-3087  
Tel: 512-239-2789  
Fax: 512-239-4450

- or -

peggy.hunka@tceq.texas.gov  
(put "Nominations" in the subject line)



Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 4, 2019

To: Persons on the attached mailing list (by mail and email/facsimile as indicated)

Re: TCEQ Docket No. 2019-1092-MIS: Petition for Inquiry filed by eight Groundwater Conservation Districts in Groundwater Management Area-16 seeking a review of Starr County Groundwater Conservation District

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality on **October 23, 2019** at **9:30 a.m.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas.

The Commission will provide the parties with an opportunity for oral presentation on this matter. Before the commission meeting, the general counsel may allot time for oral presentations. Oral presentations and responses to questions shall be directed to the commission.

The General Counsel has directed the time for oral argument to allot **five (5) minutes** collectively for the eight Groundwater Conservation Districts in Groundwater Management Area-16 that filed the Petition, **five (5) minutes** for Starr County Groundwater Conservation District, **five (5) minutes** for the Executive Director; and **five (5) minutes** for the Office of Public Interest Counsel. The Petitioner Districts should apportion their **five (5) minutes** among themselves prior to the public meeting and contact Mehgan Taack, Office of the Chief Clerk at (512) 239-3300 by **5:00 p.m. on Friday, October 18, 2019**, to let her know how the time will be apportioned. The Petitioners may save part of its time for rebuttal, as they bear the burden of proof as the movants. Furthermore, if the Commissioners need additional information, they may ask questions of the parties after oral argument is completed.

Should you need any additional information, please contact Todd Burkey, Assistant General Counsel, at (512) 239-2941, or Mehgan Taack at the Texas Commission on Environmental Quality, Office of the Chief Clerk, (512) 239-3300.

Respectfully,

A handwritten signature in blue ink that reads "Mary Smith".

Mary Smith  
General Counsel

Mailing List

Mailing List  
Starr County Groundwater Conservation District  
TCEQ Docket No.2019-1092-MIS

Lonnie Stewart, General Manager  
Bee County Groundwater Conservation District  
P.O. Box 682  
Beeville, Texas 78104-0682  
361/358-2244  
[bgcd@yahoo.com](mailto:bgcd@yahoo.com)

Felix Saenz, Jr., General Manager  
Brush Country Groundwater Conservation District  
P.O. Box 136  
Falfurrias, Texas 78355  
361/325-5093  
[generalmanager@brushcountrygcd.com](mailto:generalmanager@brushcountrygcd.com)

Lonnie Stewart, Manager  
Live Oak Underground Water Conservation District  
3460A Highway 281  
George West, Texas 78022  
361/449-1151  
[louwcd@yahoo.com](mailto:louwcd@yahoo.com)

Lonnie Stewart, Manager  
McMullen Groundwater Conservation District  
P.O. Box 232  
Tilden, Texas 78072  
361/449-7017  
[mcmullengcd@yahoo.com](mailto:mcmullengcd@yahoo.com)

Andy Garza, General Manager  
Kenedy County Groundwater Conservation District  
P.O. Box 212  
Sarita, Texas 78385  
361/294-5336 FAX 361/294-5244  
[general\\_manager@kenedygcd.com](mailto:general_manager@kenedygcd.com)

Larijai Francis, Administrator  
Corpus Christi ASR Conservation District  
P.O. Box 9277  
Corpus Christi, Texas 78469  
361/826-1670

Charles Ring, Board of Directors  
San Patricio County Groundwater Conservation District  
P.O. Box 531  
Sinton, Texas 78387  
361/813-0899  
[mcraggie77@aol.com](mailto:mcraggie77@aol.com)

Atlee M. Parr, Interim General Manager  
Duval County Groundwater Conservation District  
P.O. Box 506  
Benavides, Texas 78341  
361/256-3589 FAX 361/256-3589  
[manager@duvalgcd.com](mailto:manager@duvalgcd.com)

Russell Labus, General Manager  
Evergreen Underground Water Conservation District  
110 Wyoming Blvd.  
Pleasanton, Texas 78064  
830/569-4186  
[russell.labus@evergreenuwcd.org](mailto:russell.labus@evergreenuwcd.org)

Heather Sumpter, General Manager  
Goliad County Groundwater Conservation District  
P.O. Box 562  
Goliad, Texas 77963  
361/645-1716 FAX 361/645-1772  
[gcgcd@goliadcogcd.org](mailto:gcgcd@goliadcogcd.org)

Annando Vela, General Manager  
Red Sands Groundwater Conservation District  
P.O. Box 229  
Linn, Texas 78563  
956/878-7228

Billie Sue Dunnivan  
Refugio Groundwater Conservation District  
P.O. Box 116  
Refugio, Texas 78377  
361/526-1483 FAX 361/526-1294  
[admin@rgcd.org](mailto:admin@rgcd.org)

Baldemar Garza, Manager  
Starr County Groundwater Conservation District  
601 E. Main Street  
Rio Grande City, Texas 78582  
956/487-2709 FAX 956/716-1650

Ed Walker, General Manager  
Wintergarden Groundwater Conservation District  
P.O. Box 1433  
Carrizo Springs, Texas 78834  
830/876-3801 FAX 830/876-3782



Thomas E. Callan, Chairman  
Aransas County Groundwater Conservation District  
301 N. Live Oak  
Rockport, Texas 78382

Todd Galiga  
TCEQ Environmental Law Division MC 173  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-0600 FAX 512/239-0606

Vic McWherter  
TCEQ Office of Public Interest Counsel MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-6363 FAX 512/239-6377

Docket Clerk  
TCEQ Office of Chief Clerk MC 105  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-3300 FAX 512/239-3311

Ryan Vise  
TCEQ External Relations Division MC 118  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-0010 FAX 512/239-5000

**TCEQ DOCKET NO. 2019-1092-MIS**

**PETITION FOR INQUIRY OF  
STARR COUNTY GROUNDWATER  
CONSERVATION DISTRICT**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**STARR COUNTY GROUNDWATER CONSERVATION DISTRICT'S  
NOTICE OF APPEARANCE OF COUNSEL**

Starr County Groundwater Conservation District (the "District") files this Notice of Appearance of Counsel and respectfully shows and requests as follows:

1. On October 11, 2019, the District engaged the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. to assist with this proceeding and to represent the District in a general counsel capacity going forward, with Mr. Michael A. Gershon to serve as lead counsel.

2. The contact information of the firm's legal counsel is as follows:

Michael A. Gershon  
J. Troupe Brewer  
Lloyd Gosselink Rochelle & Townsend, P.C.  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701  
Telephone: (512) 322-5800  
Facsimile: (512) 472-0532  
Email: mgershon@lglawfirm.com; tbrewer@lglawfirm.com

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, the District respectfully requests that all correspondence, pleadings, and all other documents in this proceeding be served upon the above-referenced legal counsel.



Respectfully submitted,

LLOYD GOSSELINK ROCHELLE  
& TOWNSEND, P.C.

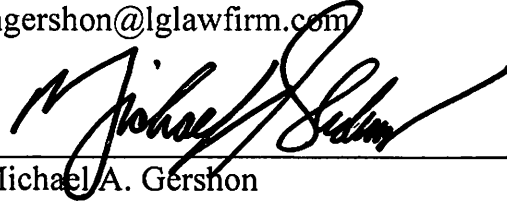
816 Congress Avenue, Suite 1900

Austin, Texas 78701

(512) 322-5800 phone

(512) 472-0532 fax

mgershon@lglawfirm.com

A handwritten signature in black ink, appearing to read "Michael A. Gershon", written over a horizontal line.

Michael A. Gershon

State Bar No. 24002134

J. Troupe Brewer

State Bar No. 24082728

ATTORNEYS FOR STARR COUNTY  
GROUNDWATER CONSERVATION  
DISTRICT

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of October, 2019, a true and correct copy of the foregoing document was filed with the Office of the Chief Clerk of the Texas Commission on Environmental Quality and served in accordance with the rules of the Texas Commission on Environmental Quality by email, hand delivery, first class mail, and/or facsimile, on the designated representatives of record listed on the attached mailing list.

  
\_\_\_\_\_  
Michael A. Gershon



**MAILING LIST  
PETITION FOR INQUIRY INTO STARR COUNTY GCD  
DOCKET NO. 2019-1092-MIS**

**FOR THE PETITIONER:**

Mr. William D. Dugat, III  
Bickerstaff Heath, *et al.*  
3711 S. MoPac Expy.  
Building 1, Suite 300  
Austin, Texas 78746

Mr. Lonnie Stewart, General Manager  
Bee GCD  
PO Box 682  
Beville, Texas 78104-0682

Mr. Felix Saenz, General Manager  
Brush Country GCD  
PO Box 136  
Falfurrias, Texas 78355

Mr. Lonnie Stewart, Manager  
Live Oak UWCD  
3460A Highway 281  
George West, Texas 78022

Mr. Lonnie Stewart, Manager  
McMullen GCD  
PO Box 232  
Tilden, Texas 78072

Mr. Andy Garza, General Manager  
Kenedy County GCD  
PO Box 212  
Sarita, Texas 78385

Mr. Larijai Francis, Administrator  
Corpus Christi ASRCD  
PO Box 9277  
Corpus Christi, Texas 78469

Mr. Charles Ring, President  
San Patricio County GCD  
PO Box 531  
Sinton, Texas 78387

Mr. Atlee M. Parr, Interim General  
Manager  
Duval County GCD  
PO Box 506  
Benavides, Texas 78341

Mr. Russell Labus, General Manager  
Evergreen UWCD  
110 Wyoming Blvd.  
Pleasanton, Texas 78064

Ms. Heather Sumpter, General Manager  
Goliad County GCD  
PO Box 562  
Goliad, Texas 77963

Mr. Armando Vela, General Manager  
Red Sands GCD  
PO Box 229  
Linn, Texas 78563

Mr. Tim Andruss, General Manager  
Refugio GCD  
PO Box 116  
Refugio, Texas 78377

Mr. Ed Walker, General Manager  
Wintergarden GCD  
PO Box 1433  
Carrizo Springs, Texas 78834

FOR PUBLIC INTEREST COUNSEL:

Mr. Sheldon P. Wayne  
Mr. Vic McWherter, Attorney  
TCEQ  
Public Interest Counsel, MC-103  
PO Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-6363  
Fax: (512) 239-6377

FOR OFFICE OF PUBLIC  
ASSISTANCE:

TCEQ  
Office of Public Assistance, MC-108  
PO Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-4000  
Fax: (512) 239-4007

FOR THE CHIEF CLERK:

Docket Clerk  
TCEQ  
Office of Chief Clerk, MC-105  
PO Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-3300  
Fax: (512) 239-3311

FOR TCEQ ENVIRONMENTAL LAW  
DIVISION:

Mr. Todd Galiga  
TCEQ Environmental Law Division  
MC-173  
PO Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-0600  
Fax: (512) 239-0606



**TCEQ DOCKET NO. 2019-1092-MIS**

**PETITION FOR INQUIRY OF  
STARR COUNTY GROUNDWATER  
CONSERVATION DISTRICT**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**STARR COUNTY GROUNDWATER CONSERVATION DISTRICT'S  
AGREED AND UNOPPOSED MOTION TO GRANT PETITION AND  
SELECT REVIEW PANEL**

TO THE HONORABLE COMMISSIONERS:

Starr County Groundwater Conservation District (the "District") files this agreed and unopposed motion and respectfully shows as follows:

**I. Petition Requests Relief to Initiate Review-Panel Inquiry Process Pursuant to Texas Water Code § 36.4011**

The petitioning groundwater conservation districts ("Petitioners") request that TCEQ conduct an inquiry pursuant to the review-panel inquiry process allowed in Chapter 36 of the Texas Water Code. Specifically, Texas Water Code § 36.4011(c) states:

[T]he [C]ommission shall review the petition and either: (1) dismiss the petition if the [C]ommission finds that the evidence is not adequate to show that any of the conditions alleged in the petition exist; or (2) select a review panel as provided in Subsection (d).

The Commission's October 23, 2019 Agenda Item 3 and Commission General Counsel's October 4, 2019 letter notice present an opportunity for the Petitioners, Executive Director, Office of Public Interest Counsel and District to make oral argument to inform the Commission whether or not to dismiss or grant the petition as set forth in § 36.0411(c) and Commission Rule 293.23, recognizing that the petitioning districts bear the burden of proof.

The District agrees and stipulates that conditions and circumstances have existed in the recent past since its creation by the Texas Legislature in 2005 that provide a basis for the Commission's grant of the relief in the petition to select a review panel authorized to conduct the inquiry and to prepare the written report provided for in TCEQ Rule 293.23. The District recognizes that review and action by TCEQ's Executive Director and then the Commission would follow the review panel's inquiry and submission of a report.

The District’s Board of Directors understands the importance of engaging with the petitioning districts through the Groundwater Management Area (“GMA”) five-year cycle of planning and development of Desired Future Conditions. The District’s Board also recognizes the importance of updating and adopting its management plan and developing and implementing processes to its management plan goals and to comply with other statutory requirements. It is apparent to the District’s current Board that regional and other local stakeholders, especially the petitioning districts, desire that the District devote the resources and take action to engage in GMA planning and establish a more robust local management program. It has become apparent since the filing of the petition this past summer that the District likely has the support of important regional and local stakeholders and local constituents for the District to turn the corner as a relatively dormant district to become a more active District—certainly a District that complies with statutory requirements. The District’s Board is committed to taking next steps to satisfy these requirements immediately and into the future and to working with the review panel over the next several months.

**II. CERTIFICATE OF CONFERENCE**

The District’s undersigned counsel certifies that he has conferred with legal counsel for the Executive Director and Office of Public Interest Counsel, who are unopposed to this motion; Petitioners’ representative GMA 16 Chairman Scott Bledsoe who has intended to make oral argument at the Commissioners’ agenda and who agrees to this motion; and attorney William Dugat, legal counsel for one of the petitioning districts, Brush Country Groundwater Conservation District, who indicated that Brush Country Groundwater Conservation District agrees to this motion.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, the District respectfully requests that the Commission take action to select a review panel authorized to conduct the inquiry and to prepare the written report provided for under the full authority in Title 30, Texas Administrative Code § 293.23.



Respectfully submitted,

LLOYD GOSSELINK ROCHELLE  
& TOWNSEND, P.C.  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701  
(512) 322-5800 phone  
(512) 472-0532 fax  
mgershon@lglawfirm.com

A handwritten signature in black ink, appearing to read "Michael A. Gershon". The signature is fluid and cursive, with a long horizontal stroke at the end.

---

Michael A. Gershon  
State Bar No. 24002134  
J. Troupe Brewer  
State Bar No. 24082728

ATTORNEYS FOR STARR COUNTY  
GROUNDWATER CONSERVATION  
DISTRICT

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day of October, 2019, a true and correct copy of the foregoing document was filed with the Office of the Chief Clerk of the Texas Commission on Environmental Quality and served in accordance with the rules of the Texas Commission on Environmental Quality by email, hand delivery, first class mail, and/or facsimile, on the designated representatives of record listed on the attached mailing list.

A handwritten signature in black ink, appearing to read "Michael A. Gershon". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

---

Michael A. Gershon



**MAILING LIST**  
**PETITION FOR INQUIRY INTO STARR COUNTY GCD**  
**DOCKET NO. 2019-1092-MIS**

**FOR THE PETITIONER:**

Mr. William D. Dugat, III  
Bickerstaff Heath, *et al.*  
3711 S. MoPac Expy.  
Building 1, Suite 300  
Austin, Texas 78746  
[bdugat@bickerstaff.com](mailto:bdugat@bickerstaff.com)

Mr. Lonnie Stewart, General Manager  
Bee GCD  
PO Box 682  
Beeville, Texas 78104-0682  
[louwcd@yahoo.com](mailto:louwcd@yahoo.com)

Mr. Felix Saenz, General Manager  
Brush Country GCD  
PO Box 136  
Falfurrias, Texas 78355

Mr. Lonnie Stewart, Manager  
Live Oak UWCD  
3460A Highway 281  
George West, Texas 78022

Mr. Lonnie Stewart, Manager  
McMullen GCD  
PO Box 232  
Tilden, Texas 78072

Mr. Andy Garza, General Manager  
Kenedy County GCD  
PO Box 212  
Sarita, Texas 78385

Mr. Larijai Francis, Administrator  
Corpus Christi ASRCD  
PO Box 9277  
Corpus Christi, Texas 78469

Mr. Charles Ring, President  
San Patricio County GCD  
PO Box 531  
Sinton, Texas 78387

Mr. Atlee M. Parr, Interim General  
Manager  
Duval County GCD  
PO Box 506  
Benavides, Texas 78341

Mr. Russell Labus, General Manager  
Evergreen UWCD  
110 Wyoming Blvd.  
Pleasanton, Texas 78064

Ms. Heather Sumpter, General Manager  
Goliad County GCD  
PO Box 562  
Goliad, Texas 77963

Mr. Armando Vela, General Manager  
Red Sands GCD  
PO Box 229  
Linn, Texas 78563

Mr. Tim Andruss, General Manager  
Refugio GCD  
PO Box 116  
Refugio, Texas 78377

Mr. Ed Walker, General Manager  
Wintergarden GCD  
PO Box 1433  
Carrizo Springs, Texas 78834

**FOR PUBLIC INTEREST COUNSEL:**

Mr. Sheldon P. Wayne  
Mr. Vic McWherter, Attorney  
TCEQ  
Public Interest Counsel, MC-103  
PO Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-6363  
Fax: (512) 239-6377  
[Sheldon.wayne@tceq.texas.gov](mailto:Sheldon.wayne@tceq.texas.gov)

**FOR OFFICE OF PUBLIC ASSISTANCE:**

TCEQ  
Office of Public Assistance, MC-108  
PO Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-4000  
Fax: (512) 239-4007

**FOR THE CHIEF CLERK:**

Docket Clerk  
TCEQ  
Office of Chief Clerk, MC-105  
PO Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-3300  
Fax: (512) 239-3311

**FOR TCEQ ENVIRONMENTAL LAW DIVISION:**

Mr. Todd Galiga  
TCEQ Environmental Law Division  
MC-173  
PO Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-0600  
Fax: (512) 239-0606



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN INTERIM ORDER** concerning the Petition for Inquiry filed by eight groundwater conservation districts in Groundwater Management Area 16 regarding Starr County Groundwater Conservation District; TCEQ Docket No. 2019-1092-MIS

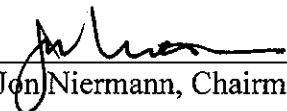
On October 23, 2019, the Texas Commission on Environmental Quality (“Commission”) considered during its open meeting the Petition for Inquiry filed by eight groundwater conservation districts (GCDs) in Groundwater Management Area 16 regarding Starr County Groundwater Conservation District. The Commission received the Petition from Bee County GCD, Brush Country GCD, Live Oak County Underground Water Conservation District, McMullen County GCD, Kenedy County GCD, Corpus Christi Aquifer Storage and Recovery Conservation District, San Patricio GCD, and Duval County GCD. The Petition was evaluated under the requirements in the applicable statutes and Commission rules, including TWC § 36.3011 and 30 TAC § 293.23. The Commission also considered the responses filed by the Executive Director and the Office of Public Interest Counsel; the Petitioners’ supplemental letter, and Starr County GCD’s agreed motion to grant the Petition and select a review panel.

After an evaluation of all relevant filings, the Commission determined to grant the Petition for Inquiry against Starr County Groundwater Conservation District. The Commission also determined to appoint a review panel consisting of Dirk Aaron as the chairman; Lynn Smith, Zach Holland, Micah Voulgaris, and Joe Cooper as the four other members; and Peggy Hunka, P.G., as the non-voting recording secretary for the review panel. The Commission directed that the review panel’s inquiry to consider and adopt a report be performed in accordance with TWC § 36.3011 and 30 TAC § 293.23.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

1. The Petition for Inquiry against Starr County Groundwater Conservation District is GRANTED;
2. A review panel is APPOINTED consisting of Dirk Aaron as the chairman; Lynn Smith, Zach Holland, Micah Voulgaris, and Joe Cooper as the four other members; and Peggy Hunka, P.G., as the non-voting recording secretary for the review panel;
3. The review panel's inquiry to consider and adopt a report is DIRECTED to be performed in accordance with TWC § 36.3011 and 30 TAC § 293.23; and
4. 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.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

  
\_\_\_\_\_  
Jon Niermann, Chairman

10/24/19  
\_\_\_\_\_  
Date Signed





December 5, 2019

Mr. Dirk Aaron, Chairman  
TCEQ Review Panel  
700 Kennedy Court  
Belton, Texas 76513

Re: TCEQ Docket No. 2019-1902-MIS;  
Review Panel Questions and Request for Documentation

Dear Mr. Aaron:

This letter responds to your attached email and questions from the Texas Commission on Environmental Quality ("TCEQ") Review Panel directed to the Starr County Groundwater Conservation District ("SCGCD" or "District"), which were received Friday, November 15, 2019. For convenient reference, our responses are provided in order of the requests, as follows:

- 1. Provide the minutes from the three most recent SCGCD Director meetings that occurred prior to August 1, 2019.**

**Response:** Please see attached.

- 2. Provide a breakdown of the most recent budget (or other similar documents) that shows the financial condition of the District and provide it for each year for five years prior to the most recent budget.**

**Response:** Historically, budgeted items have been handled by Starr County. More specifically, any expenses incurred by SCGCD have been paid by Starr County. Since formation, SCGCD has not collected any revenues, other than the grant/donations from Starr County. Although SCGCD has not engaged in a formal budget process, the District has coordinated closely with Starr County when the District anticipates expenses. The District is working with the County to secure the County's historical financials that reflect expenses incurred on District matters so that the District's Board can develop an annual budget for the current fiscal year in accordance with §§ 36.061 and 36.154 of the Texas Water Code.

- 3. Provide a list of all actual or contemplated enforcement actions by the District for the past five years where the civil penalty or contemplated civil penalty actually or would have exceeded \$1000.**

**Response:** Within the past five years SCGCD has not acted to impose any penalties exceeding \$1000. The District would like to point out that it has acted to adopt an enforcement penalty schedule and distribute this schedule to local well drillers (see attached September 17, 2013 correspondence).

- 4. Provide a list of the current SCGCD Directors names and the date of their most recent election to office.**

**Response:**<sup>1</sup>

Mr. Tom Koeneke - November 6, 2018

Ms. Reyna Guerra - November 6, 2018

Honorable Baldemar Garza, District Judge, 229<sup>th</sup> Judicial District - November 6, 2018

Ms. Rose Benavidez - November 6, 2018

Mr. Humberto Vasquez - November 6, 2018

- 5. Provide the name and address of the current SCGCD General Manager and any other staff member.**

**Response:** Gilbert Guerra, P.E. has been serving in a *de facto* capacity as General Manager. Mr. Guerra is a licensed engineer who works regularly with Starr County and the SCGCD. It is SCGCD's intention to formally name a General Manager who will maintain regular office hours at a SCGCD office. Mr. Guerra receives information c/o SCGCD at 100 N. FM 3167, Rio Grande City, Texas, 78582.

- 6. Provide a final copy of S.B. 1848 (the engrossed version of said legislation) passed by both the Senate and House in 2005.**

**Response:** Please see attached.

---

<sup>1</sup> SCGCD has recently become aware of the statutory requirements to stagger Director elections and is assessing what steps to take to ensure all Directors are properly elected and serving.



**7. Provide a copy of all testimony presented in both the House and Senate Natural Resource Committees during session related to S.B. 1848. Include all comments in support for/against the legislation related to, but not limited to, funding the District, alternative management solutions (potential mergers), and intention for local confirmation.**

**Response:** Please see the attached following documents:

- 1) Senate Natural Resources Committee witness list for April 19, 2005;
- 2) audio recording of the Senate Natural Resources Committee hearing on S.B. 1848 (tape one);
- 3) audio recording of the Senate Natural Resources Committee hearing on S.B. 1848 (tape two);
- 4) minutes of the April 19, 2005 Senate Natural Resources Committee hearing;
- 5) minutes of the May 16, 2005 House Natural Resources Committee hearing;
- 6) audio recording of the House Natural Resources Committee hearing on May 16, 2005 (tape one, side A);
- 7) audio recording of the House Natural Resources Committee hearing on May 16, 2005 (tape one, side B);
- 8) audio recording of the House Natural Resources Committee hearing on May 16, 2005 (tape two, side A); and
- 9) audio recording of the House Natural Resources Committee hearing on May 16, 2005 (tape two, side B).

No transcripts were made of either committee hearing.

**8. Provide all minutes of the Starr County Commissioners Court related to the proceedings necessary to appoint temporary directors.**

**Response:** Please see attached.

**9. Provide all minutes of all SCGCD temporary directors public meetings leading up to and canvassing of the confirmation elections held to confirm or deny creation of the district in accordance with the district's enabling and confirmation election.**

**Response:** It is understood by current SCGCD representatives that the confirmation election occurred over 12 years ago, on November 6, 2007. SCGCD's files do not include minutes from meetings held during and immediately after November 2007.

SCGCD's current Board is aware of the requirements of a document retention/destruction/disposition policy as set forth in the Texas Local Government Records Act in Chapter 201 of the Texas Local Government Code and § 36.065 of the Texas Water Code. Though it is possible that the documents may have been destroyed, SCGCD will continue to research this information, and will provide it if discovered.

**10. Provide a list of all elected and/or appointed directors' participation and attendance of all previous board meetings leading up to the petition of inquiry before the panel.**

**Response:** Board President Baldemar Garza, Secretary/Treasurer Reyna Guerra, and Directors Rose Benavides and Tom Koeneke participated in Board meetings prior to the petition.

**11. Provide copies of the ballot and election order by the Temporary Directors in accordance with election laws per Texas Government Code.**

**Response:** Same answer as No. 9 above.

**12. Provide copies of the local election results of the confirmation election including sample ballots used on that election day in May.**

**Response:** A copy of the local election results for SCGCD's confirmation election was not maintained with the District's records. SCGCD reached out to the Starr County Elections Office to obtain a copy and was advised that the Starr County Elections office does not maintain election records for longer than 28 (twenty-eight) months pursuant to § 66.058 of the Texas Election Code. SCGCD has been working with the Texas Secretary of State's office to obtain a copy of the requested election records for the District, and will provide these documents to the Review Panel if they are available and as soon as they are received from the Secretary of State's office.

**13. Provide all minutes and documents related to any and all election cancellation orders approved by any sitting Board of Directors of SCGCD.**

**Response:** Please see attached.

**14. Per S.B. 1848 enabling legislation, provide the Commission's process for Determination of Capability for service directive related to a proposed merger as required by section 13.251 water code. In that directive determination provide**



**an understanding for the Panel, should the Commission or local stakeholders request a potential merger, who and what type of organization is in place capable of said proposal?**

**Response:** Pursuant to § 8803.154 of the SCGCD’s enabling act and Chapter 13 of the Texas Water Code, procedurally the Public Utility Commission of Texas (“PUC”) would process a Texas Water Code § 13.251 petition in accordance with Chapter 13 and PUC’s rules and would ultimately evaluate and act on the petition “after considering the factors under Section 13.246(c).”

With respect to the request for a list of who and what type of organization is capable of a proposed merger, the Act is express that “the district may enter into a merger agreement with a water supply or sewer service corporation” (§ 8803.152(a)). Given that SCGCD’s boundaries are coextensive with Starr County’s boundaries (§ 8803.003), it is apparent that the following water supply corporations (“WSCs”) are located within Starr County:

El Sauz WSC (partial)  
El Tanque WSC  
Falcon Rural WSC (partial)  
Rio WSC  
San Isidro WSC  
Sharyland WSC (partial)  
Union WSC

**15. If the SCGCD enabling act has been codified by the Texas Legislature, provide said legislative action and supporting documents/sources.**

**Response:** It is apparent that SCGCD’s enabling act was codified into the Texas Special District Local Laws Code in 2005 by passage of S.B. 1848.

**16. Provide a copy of the Commission’s filed recommendation related to S.B. 1848 as required under SECTION 10(c) of said enabling act.**

**Response:** A copy of the requested TCEQ recommendation related to S.B. 1848 is not located in SCGCD’s records and it is uncertain whether SCGCD ever received this recommendation. SCGCD reached out to the TCEQ to obtain a copy and was advised by TCEQ staff that TCEQ did file this recommendation but has not retained a copy of this document in its records. TCEQ staff advised that a copy of the

recommendation was provided to the Legislative Budget Board (“LBB”) on May 5, 2005. The TCEQ’s comments are reflected in the LBB’s May 18, 2005 Water Development Policy Impact Statement for S.B. 1848 in Items 2 through 12. This LBB Water Development Policy Impact Statement is attached.

**17. Provide a copy of the working update draft of the current management plan and any/all communication currently underway with Texas Water Development Board (“TWDB”) staff for, referenced in the unopposed motion by SCGCD and their counsel submitted to TCEQ DOCKET NO. 2019-1092-MIS on October 22, 2019.**

**Response:** Please see attached.

**18. Copy of SCGCD’s certified management plan.**

**Response:** Attached please find a copy of SCGCD’s 2014 management plan, which was approved by TWDB.

**19. Quantifiable/measurable documentation of achievement of each management plan objective.**

**Response:** No written documents exist. SCGCD looks forward to reviewing its ongoing work toward achievement of management plan objectives with the Review Panel.

**20. Does SCGCD have taxing authority?**

**Response:** Yes, SCGCD has authority to impose a tax subject to a successful tax election under Chapter 36 of the Texas Water Code. At its confirmation and tax-approval election conducted on November 6, 2007, the District was authorized to levy an ad valorem tax at a rate not to exceed \$0.05 per \$100 of the assessed value of taxable property.

**21. Did SCGCD participate in the first round of joint planning?**

**Response:** Understanding that the first round of joint planning with GMA 16 took place from 2005-2010, and that SCGCD was confirmed in November 2007 and then began to organize in early 2008 during the middle of the first round of joint planning, SCGCD was not engaged in these first round of joint planning efforts.



**22. In the last two years, what communication, or attempted communication, has occurred between GMA 16 GCDs and SCGCD?**

**Response:** There were informal discussions that involved Directors Guerra and Koeneke who also believe there were email exchanges with GMA 16 representatives. The District continues to search for any such emails and will provide them immediately upon locating them.

**23. In your District Rules on the TWDB website, there seems to be a disconnect from your enabling legislation, H.B. 3651, Sept 1, 2001 and management plan Sept 2013. Please explain.**

**Response:** H.B. 3651 is not SCGCD's enabling legislation, but rather the enabling legislation of the Goliad County Groundwater Conservation District. The correct enabling legislation for SCGCD is S.B. 1848, effective June 17, 2005. SCGCD's most recent District Rules available on the TWDB website incorrectly cite H.B. 3651 as the District's enabling legislation.

At the time of SCGCD's confirmation, when drafting the District's initial management plan in coordination with the TWDB, it is apparent that SCGCD intended to model its initial set of rules after the rules of another established groundwater conservation district within the region. SCGCD apparently worked from Goliad County GCD's rules with the intention of updating those rules after receiving TWDB approval of its management plan. SCGCD's 2014 management plan and accompanying concept rules (i.e., the Goliad County GCD rules) were ultimately approved by the TWDB.

**24. Why did SCGCD fail to respond to the Petition for Inquiry before the 35-day deadline but instead waited until the Petition was placed on the TCEQ Commissioners Agenda for October 23, 2019 before responding?**

**Response:** SCGCD intended to respond and acted to engage legal counsel to assist with procedural and other legal matters as quickly as possible. SCGCD's Board met on Friday, October 11, 2019, and acted to engage the undersigned lawyer and law firm, which filed its Notice of Appearance in this matter the following Wednesday, October 16, 2019.

**25. Who initiated the meeting notice and what agenda was posted for October 11, 2019?**

**Response:** Attached please find a copy of the agenda for the SCGCD's October 11, 2019 regular Board meeting file-marked by the Starr County Clerk's office. The posting of this notice was initiated by Director Guerra.

**26. [24][sic] Why has SCGCD not participated in the joint planning process?**

**Response:** SCGCD's current Board has recently been briefed on Texas Water Code Chapter 36, Subchapter D (Powers and Duties), especially § 36.108 (Joint Planning in Management Area), and better understands the mandatory nature of joint planning. The current Board's "District representative" and "designee" are committed to participating in the current joint planning process, with full support of the remaining Directors.

**27. [25][sic] Why has SCGCD not adopted the current DFC?**

**Response:** SCGCD's current Board has come to the recent understanding that it must adopt DFCs, and of the importance of DFCs. Also, it is SCGCD's intent to adopt the current DFCs as soon as possible, in accordance with § 36.108(d-4) of the Texas Water Code.

**28. [26][sic] Why has SCGCD not updated its management plan with DFCs or at all?**

**Response:** SCGCD current Board has recently become aware of the statutory obligation and importance of a management plan and is in the process of updating its management plan with DFCs, in coordination with TWDB staff.

**29. [27][sic] Why is the scope of non-participation limited to January 2017 to October 20198 [sic]? [Did] SCGCD participate previously? What changed?**

**Response:** Current SCGCD representatives do not recall active participation within GMA 16, but desire to engage now and into the future.



**30. [28][sic] Were the DFCs adopted on January 17, 2017 provided to SCGCD?**

**Response:** As of today's response, SCGCD is continuing to review its files for a communication in early 2017 that includes the adopted DFCs. In the 12 business days it has had to respond, it has not searched but not found such a communication. However, the District will provide them to the Review Panel if they are available and as soon as they are found.

**31. [29][sic] Is there interest from SCGCD to take action to address deficiencies from inaction?**

**Response:** Yes, SCGCD is interested in addressing the alleged "deficiencies from inaction" referred to in the Petition.

**32. [30][sic] Does the current Board of Directors want to be part of the action plan?**

**Response:** SCGCD's Board has met and acted to take steps to implement an "action plan" that provides for the District's compliance with and fulfillment of its statutory mandate.

**33. [31][sic] Does SCGCD desire to be dissolved? Why or why not?**

**Response:** No, SCGCD's current Board does not desire that the District be dissolved. Over the past months the Board has met and Directors have talked to local stakeholders and come to the conclusion that there is value to local constituents in having a functional and local groundwater conservation district.

**34. [32][sic] Please define "participate in joint planning."**

**Response:** SCGCD understands that participation in joint planning involves meaningful engagement with other groundwater conservation districts located within GMA 16 on the following business:

- making the other GMA 16 districts aware of any revised management plan and forwarding them the revised management plan
- reviewing each GMA 16 district's management plan and comparing these plans to one another
- meeting at least annually with other GMA 16 districts to review each other's management plans, the accomplishments of the management area, and proposals

to adopt new or amend existing DFCs—considering the four factors in § 36.108(c)(1)-(4)

- meeting with other GMA 16 districts not later than May 1, 2021, and every five years thereafter, to (i) consider GMA 16-related groundwater availability models (“GAMs”) and relevant scientific and hydrogeological data and information for the management area and (ii) then propose for adoption DFCs for relevant aquifers within GMA 16
- during the GMA 16 meetings, undertaking a meaningful joint review/discussion of the above-described GAMs, data and information by considering the nine (9) factors set forth in § 36.108(d)(1)-(9)
- after considering and documenting the information and nine factors described above, working with the other districts to establish a DFC for each relevant aquifer, subdivision of an aquifer, or geologic strata located in whole or in part within the boundaries of GMA 16 or each geographic area overlying an aquifer in whole or in part or subdivision of an aquifer within the boundaries of the management area.

SCGCD is now aware that the joint work required above and elaborated on in § 36.108 requires a two-thirds vote of all the district representatives of the GMA 16 districts—which now is clear why having all districts fully engaged and voting is important to achieving the GMA’s statutory obligations. After SCGCD’s designated representative participates in proposing DFCs, SCGCD recognizes that it then will conduct its own public-comment-and-hearing process to take local input from within Starr County. Subsequent to this public comment period, SCGCD will provide a summary of relevant public comments that it received, any suggested revisions to the proposed DFCs, and the basis for the revisions for the other GMA 16 districts’ consideration on the timeline set by the GMA 16 districts for consideration at the next GMA 16 meeting.

At this next GMA 16 meeting, after reviewing each district’s summary and report and considering suggested revisions to the proposed DFCs, the designated representatives will vote to finally adopt DFCs by resolution. These designated representatives will then develop a DFC “explanatory report” and submit to TWDB and each GMA 16 district proof that notice was posted for the GMA 16 meeting, the resolution, and the explanatory report, which must include the information set forth in § 36.108(d-3).

Finally, after TWDB’s notification that the DFC resolution and explanatory report are administratively complete, each GMA 16 district must then act to adopt the DFCs in the resolution and explanatory report and that are applicable within the respective district.



At this point the “joint planning effort” for the current round of DFC-setting is complete, and the next round begins.

Starr County GCD appreciates the Review Panel’s interest in meaningful groundwater regulation and its efforts in this review process, and looks forward to hosting the Review Panel in early January 2020. On behalf of the District, we wish you all a special holiday. Between now and then, please do not hesitate to let us know of any other questions or requests.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Gershon". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael A. Gershon  
Legal Counsel for Starr County  
Groundwater Conservation District

Attachments (as indicated)

cc: Honorable Baldemar Garza  
Ms. Rose Benavides  
Ms. Reyna Guerra  
Mr. Tom Koenek  
Mr. Humberto Vasquez  
Gilbert Guerra, P.E.

Mr. Cole Ruiz *of the firm*  
Ms. Audrey Cooper *of the firm*

Exhibit 10 Excerpts from Public Meeting January 7, 2020 in Rio Grande City

**Mr. Cooper** “I know there were three allegations in the petition. You answered the third one: whether or not you had failed to update the management plan in a timely fashion. You agree with that one?”

**Ms. Benavidez** “Uh huh”

**Mr. Cooper** “One of the other allegations was you failed to participate in GMA 16 joint planning process.”

**Ms. Benavidez** “Correct”

**Mr. Cooper** “and the other, you failed to adopt the DFCs”

**Ms. Benavidez** “Correct”

**Mr. Voulgaris** “Describe how Starr County GCD has changed from not being “economically viable or feasible”, to one that will be for the foreseeable future.”

**Ms. Benavidez:** “to answer your question we are still trying to determine where that statement about us having no interest in it being economically viable in the future came from but to that end, I will tell you that there has been a significant shift in our relationship with the County of Starr. They have assisted us already financially a number of times to ensure we are meeting the goals necessary in employing our engineering service and ensuring that we find a way actually to go through this process with you” “ we want to make certain that actions we are taking now are moving in the direction of putting us in a place where we are economically viable. There is and I know, question 2 has to be asked, but there is a significant and blatant comment in error that we need to correct that this particular body does not have taxing authority. I think there is some confusion with some enabling legislation that was passed in 2009 that created the Starr County drainage district that had a .05 levy ability. So when this reporting was done it somehow tacked on the Starr County GCD so we do not have taxing authority per se without going to voters for that. What we are able to do and what we are already beginning to implement is becoming a capacity builder of permit fees for future wells and for renewals as they become available. So we want to be sure that that became clear to the committee. We know that is a challenge to us and we are already looking at different options whether they are pursuing grants if they are available, but more importantly setting up fee and permit structure once we have our management plan already updated and ready to move forward.”

**Mr. Aaron** “Thank you for clarifying that one concern we had – it is just out there and”

**Ms. Benavidez** “It is and it is understandable how potentially it could have been a confusion our enabling legislation was adopted in 2005 then a couple of sessions later the district for the drainage was created and that is what created the taxing authority. I think we provided notice of the election that did happen in May for the group when it went in it only gave us the authority to confirm the district.”



**Ms. Guerra** “I think Rose covered everything but I do want the review panel to be aware that our county strongly supports us. The Starr County Commissioners Court strongly supports and 2 of the commissioners - Commissioner Seanz and Commissioner Garza are present and they were present at the time when we asked them for assistance and for the importance of getting financial assist from the county because as Rose said we do not have any taxing we do not do any taxing for our district. It was a mistake - misinterpreted. We are the Starr County water district not the drainage district – I guess that is why there was that confusion. But we do feel you know that our county strongly will support us at any time need be.”

**Mr. Smith** “Do you anticipate becoming a taxing district in the future?”

**Mr. Koeneke** “Actually we have had discussions with the County Judge and we are anticipating trying to set up the right procedure to adopt perhaps a half cent tax per \$100 for the groundwater district. The judge explained to us that in the past this was done for the drainage district, the taxing rate for the county would not go up at all but rather a portion of it would be assigned to the groundwater conversation district and we are going to be working towards that goal.”

**Mr. Smith** – so you are saying the county taxing authority would be used for the district?

**Mr. Koeneke** “No Sir, we would have whatever procedure is necessary to have the half cent levy for the GCD, but with the view towards not raising taxes for Starr County residents, rather the amount they would otherwise pay would stay the same.”

TCEQ Action Decision Matrix

TCEQ Action Decision Matrix Summary of Matrices						
Option	Dirk Aaron	Lynn Smith	Micah Voulgaris	Joe Cooper	Zach Holland	Score
Issue order to take action	1	1	3	2	2	9
Dissolve board and elect new board	3	2	2	3	2	12
Recievership	4	4	4	4	3	19
Dissolve the district	2	3	1	1	1	8



TCEQ Action Decision Matrix

By Dirk Aaron

Step 1: These are the 4 Actions the panel can recommend to TCEQ

Step 2: Qualitative attributes that factor into the recommendation. (These are locked, if you want to add more contact Dan the Intern.)

Step 3: Assign relative weights to each attribute in row 9 (e.g. an 8 would be twice as important as a 4)

Step 4: Assign objective 0-100 scores for how the option satisfies each attribute (best to do this on an attribute-by-attribute basis)

Step 5: Options with the highest scores should be considered

Weights	8	4	2	1	3	18	
	44%	22%	11%	6%	17%	100%	
Option	Justice	Fairness	Optics	Easiest	Effectiveness	Score	Ranking
Issue order to take action (Compliance Agreement)	50	75	80	75	50	60	1
Dissolve board and elect new board	50	50	80	25	40	50	3
Receivership	20	20	10	10	0	15	4
Dissolve the district	50	75	30	75	75	59	2

**Ranking of Options with personal comments related to the concerns and/or barriers to success:**

**#1 Agreed Upon Order from the Commission (similar to a compliance agreement):**

Documentation submitted to the Panel that a viable action plan with hard deadlines will be offered to the Commission so that they can be a part of the Order. Per TWC 36.3011(e) the review panel may attempt to negotiate a settlement thus viable actions necessary should have actions agreed to by the SCGCD Board by Resolutions. Concerned that the district can get funding at a level that the district can meet the expectations of Chapter 36 and Joint Planning in GMA16. Testimony states potential tax confirmation election to approve @ .5 cent/\$100 evaluation property tax ( \$105,000 estimate of \$2.1 B tax base) . Per GCD recommendations report (December 2008) by TCEQ on page 7 "budget of \$250,000 per year is considered the lowest amount of revenue needed to finance a functional DCD".

**#2 Dissolve the district:**

\*If the district fails Under an Order from the Commission to meet agreed upon actions offered and supported by the Review Panel in the final report the district should be dissolved. (Last Chance). Remember the district has failed to meet the covenant of the Legislature and Leg. Bill Authors. Testimony to the panel did not concur with evidence from the SAO thus concern the longterm board members will again fail to meet the expectations of the rural landowners per testimony. Evidence shows TCEQ efforts to solve the failers of the district by a compliance agreement failed. No local concerned and/or affected landowners attended the public hearing sufficient to validate the will of the people. Concern that the district might not respect and/or complete an "Agreed Upon Order" from the Commission. Unwilling to fund the district at an adequate level to conduct the District in full accordance with Chapter 36 and the expectations of Joint Planning. Will of the voters is unknown other than no attendance at a level to receive public comments means District is not engaged with the citizens. Testimony states potential tax confirmation election to approve @ .5 cent/\$100 evaluation property tax ( \$105,000 estimate at 2.1 B appraised) Per GCD recommendations report (December 2008) by TCEQ on page 7 "budget of \$250,000 per year is considered the lowest amount of revenue needed to finance a functional GCD".

**#3 Dissolve the Board and Elect New Board Members:**

Hard to accomplish seeing no evidence of grassroots attendance and/or public comments necessary to ascertain citizen support and/or desire to manage and protect the resource. Hard to accomplish because seeing no evidence that viable candidates desiring to apply for a place on the board. Hard to accomplish due to the cost of the election with little to no interest by the voting population deems this solution as inadequate and improper use of tax dollars for a non-functioning district".

**#4 Receivership by the AG per the recommendation of the Commission:**

Not recommended because this option for the State of Texas Attorney General's office will be expensive and potentially litigious. Not recommended due to statewide optics that having the State taking over a political subdivision for the purpose of establishing and maintaining a district that has no funding or assets in place would be very inappropriate. Nothing in place to take over. Nothing to put under a receivership.

TCEQ Action Decision Matrix by Lynn Smith

Step 1: These are the 4 Actions the panel can recommend to TCEQ

Step 2: Qualitative attributes that factor into the recommendation. (These are locked, if you want to add more contact Dan the Intern.)

Step 3: Assign relative weights to each attribute in row 9 (e.g. an 8 would be twice as important as a 4)

Step 4: Assign objective 0-100 scores for how the option satisfies each attribute (best to do this on an attribute-by-attribute basis)

Step 5: Options with the highest scores should be considered

Weights	1	1	1	1	1	5
	20%	20%	20%	20%	20%	100%
Option	Justice	Fairness	Optics	Easiest	Effectiveness	Score
Issue order to take action (Compliance Agreement)	100	100	80	90	50	84
Dissolve board and elect new board	100	80	50	80	80	78
Receivership	20	25	10	10	0	13
Dissolve the district	80	10	0	0	0	18

Notes:

Compliance Agreement - **Pros:** Already a good model for that to go forward. SCGCD appears willing to pursue that path. GMA-16 would likely be satisfied if SCGCD met the CA deadlines and metrics. Panel members have the depth and experience to propose a thorough, attainable, and measurable CA beyond what has been proposed by others in the past. It is a supported option by the state representative for that area. Allows for ad valorem tax issues to be addressed which appears to be key to becoming a successful entity.; **Cons:** SCGCD has failed to meet previous CAs. SCGCD may try to delay action on this CA after the "out-of-towners" are gone. TCEQ may not have adequate tools to enforce a CA in a timely manner as evidenced previously.

Dissolve Board - **Pros:** Existing Board has failed repeatedly in the past and should not be expected to change leading to the need for a new Board to be installed. A new Board would likely be serious in meeting CA deadlines and metrics since that is entirely why they were elected. GMA-16 would likely be satisfied with the change, particularly when a CA is being addressed in concert with the new Board. It provides for the democratic process to be active and allows to the most local involvement. It is an option supported by the state representative for that area.; **Cons:** Panel may look heavy-handed in their recommendation to dissolve a Board when each of them work for a Board at home.

Receivership - **Pros:** Would force outside management to meet certain metrics and deadlines within the local GCD framework. GMA-16 concerns could be addressed by a receiver.; **Cons:** After receivership is finished, old Board likely returns to old ways. Likely to be very expensive to implement. Panel will look heavy-handed in their recommendation to assert outside control of a local GCD.

Dissolve District - **Pros:** Dissolving District does away with complicated tax and management issues. SCGCD has not been successful at CAs in the past and may be dealt with by dissolution.; **Cons:** Clearly not be supported by state legislators for that area. Potentially provides addition fuel to the argument for regionalization of groundwater management which is strongly opposed within my area. Does not address grievances with GMA-16. Panel will look heavy-handed in their recommendation to dissolve a local GCD. May cost all Texas GCDs political capital that would best be spent elsewhere.

Recommendation - Dissolve existing Board and call for a properly noticed election. Enforce a CA that is thorough, attainable, and measurable that addresses the GMA-16 grievances and the other issues of concern to the Panel.



TCEQ Action Decision Matrix						
Step 1: These are the 4 Actions the panel can recommend to TCEQ						
Step 2: Qualitative attributes that factor into the recommendation. (These are locked, if you want to add more contact Dan the Intern.)						
Step 3: Assign relative weights to each attribute in row 9 (e.g. an 8 would be twice as important as a 4)						
Step 4: Assign objective 0-100 scores for how the option satisfies each attribute (best to do this on an attribute-by-attribute basis)						
Step 5: Options with the highest scores should be considered						
Weights	2	2	1	1	1	7
	29%	29%	14%	14%	14%	100%
Option	Justice	Fairness	Optics	Cheapest	Easiest	Score
Issue order to take action (Compliance Agreement)	0	100	50	0	100	50
Dissolve board and elect new board	100	50	30	50	20	57
Receivership	25	25	10	50	0	23
Dissolve the district	100	75	0	100	70	74

**Summary of my recommendation for action:**

Based on the evidence reviewed and the attendance at the public meeting held in Rio Grande City on January 7<sup>th</sup>, 2020, it would be my recommendation to dissolve the Starr County GCD.

Of the four options presented to the panel, dissolving the District may seem like the harshest possibility, but it is probably the option that would provide the cleanest break from the current District’s troubles. A general lack of interest in having a functioning GCD seemed apparent from both the evidence and the public meeting.

The lack of funding and interest prevent the dissolution of just the current Board of Directors. It would be my fear that no one would run to fill the positions at a newly held (expensive) election.

Again, the lack of funding seems to also hamper any efforts to resolve the District’s issues via an agreed upon order from the commission.

Receivership by the AG also seems like a costly endeavor that would also require the District to have some type of funding.

# TCEQ Action Decision Matrix

by Joe Cooper

Step 1: These are the 4 Actions the panel can recommend to TCEQ

Step 2: Qualitative attributes that factor into the recommendation. (These are locked, if you want to add more contact Dan the Intern.)

Step 3: Assign relative weights to each attribute in row 9 (e.g. an 8 would be twice as important as a 4)

Step 4: Assign objective 0-100 scores for how the option satisfies each attribute (best to do this on an attribute-by-attribute basis)

Step 5: Options with the highest scores should be considered

Weights	8	4	2	1	3	18
	44%	22%	11%	6%	17%	100%

Option	Justice	Fairness	Optics	Easiest	Hardest	Score	Rank
Issue order to take action (Compliance Agreement)	50	40	80	75	60	54	2
Dissolve board and elect new board	50	50	25	75	30	45	3
Receivership	0	0	1	0	100	17	4
Dissolve the district	100	50	0	80	80	73	1

- 1) **Dissolve the District** This is the best option for taxpayers. An inordinant amount of taxpayers dollars has been spent in previous efforts to bring Starr County GCD into compliance with the law.  
 There is not sufficient evidence that the district is desired by the citizens as evidenced by the poor turnout at the noticed public hearing. Additionally, there is no evidence that the District will have sufficient funding to achieve success.
- 2) **TCEQ Issue Order to Take Action (similiar to a Compliance Agreement)**  
 It is not likely that the District will be able to meet the many tasks necessary to become a viable subdivision. Additionally, the TCEQ has not evidenced that it will be effective in monitoring the Districts achievement of the many tasks that would be a part of a compliance agreement. If the district failed to meet the requirements of a compliance plan, there is no assurance that TCEQ would take the appropriate regulatory measures.
- 3) **Dissolve the Board and Elect a New Board**  
 There is little evidence that there are any interested or qualified candidates for a new Board. A new board would still be tasked with achieving the elements of a compliance plan.
- 4) **Receivership**  
 This option would be costly and would entail the majority of the problems that are inherent in the other available options. Additionally, the district does not have any assets to be dealt with which is one of the catalysts for this being an option.



## TCEQ Action Decision Matrix by Zach Holland

Step 1: These are the 4 Actions the panel can recommend to TCEQ

Step 2: Qualitative attributes that factor into the recommendation. (These are locked, if you want to add more contact Dan the Intern.)

Step 3: Assign relative weights to each attribute in row 9 (e.g. an 8 would be twice as important as a 4)

Step 4: Assign objective 0-100 scores for how the option satisfies each attribute (best to do this on an attribute-by-attribute basis)

Step 5: Options with the highest scores should be considered

Weights	2	1	1.5	1	1	6.5
	31%	15%	23%	15%	15%	100%

Option	Justice	Fairness	Optics	Easiest	Effectiveness	Score	
Issue order to take action (Compliance Agreement)	75	50	50	50	75	62	
Dissolve board and elect new board	75	50	50	50	75	62	
Receivership	10	50	10	0	0	13	
Dissolve the district	100	50	0	100	75	65	

I find myself with virtually identical support for Dissolving the District, Dissolve Board and Elect New Board, and Issue Order to Take Action from my perspective and response to the evidence gathered and the testimony heard during the hearing. There are three unique and conflicting views of parties in this matter; GMA 16 GCDs, Starr County GCD, and Starr County Other. There is the basis for this petition for inquiry process being initiated; failure to participate in GMA 16, failure to adopt DFCs, and failure to update Management Plan with DFCs. Then there is the compounding evidence accumulated as a result of trying to identify reasoning from creation of the District of non-compliance with agreements and statute, refusal to timely participate with other entities, and testimony of no local conflicts brought up for the District to respond to. I must note due to Starr County GCD creation in 2007, the joint planning process enacted in 2005 should have been more than ample reason to participate and create an operational district. Furthermore, with the changes in 2011, participation in the joint planning process should have been increasingly magnified in vital importance to Starr County GCD officials as a second opportunity to become operational. These components, when considered in my thoughts, through the matrix create a path of winners and losers for the parties, TCEQ, and this panel to varying degrees. There is not a single scenario ideal for all those involved. The fact the first petition of inquiry to ever make it to this point involves a group of GCDs holding a fellow GCD, and TCEQ to a significant measure, accountable is remarkable and incredibly telling.

Every attribute requires one or more parties to compromise. The end goal for me is answering the question, can Starr County GCD as it currently exists participate fully in the GMA 16 process. Actions prior to the petition being filed are a clear and resounding no. Action between the filing to the present demonstrate a glimmer of hope, though with history against it, met with severe skepticism. With the hurdles and necessity for legislative action regarding enabling legislation, I am not convinced the win for everyone involved would be dissolving the district. This would allow the recent actions of Starr County GCD to be realized in creating from scratch the purpose and mission of the district and providing a clean slate for operating and functioning as a GCD. This would allow GMA 16 to move forward with the current joint planning cycle and work with Starr County GCD to implement and develop meaningful legislation and continued action to build the knowledge and science base through inclusion of Starr County. This would allow TCEQ to incorporate more efficient and beneficial triggers and standards for involvement as the oversight agency of GCDs. However, the downfall to this action also falls on TCEQ if they can't act swiftly and immediately. Any prolonged delay or extension of the immediate action dilutes the process, fails groundwater management oversight, and harms GMA 16, Starr County GCD, and GCDs across the State. To further assist all parties, a hybrid approach prescribed in statute allowing the review panel "to negotiate a settlement or resolve the dispute by any lawful means" in crafting an order to take action would be more appropriate. I also must note, is a hybrid approach not the most GCD way of regulation as the state's preferred method of groundwater management? Could we incorporate any more meaningful and poignant solution to reflect upon the GCD structure than the flexibility and fluidity prescribed in Chapter 36? In honoring the newly found interest and action taken by Starr County GCD, I believe an agreement to action between GMA 16, Starr County GCD and Starr County Other can be reached to specifically outline strict and defined deadlines to achieve GMA participation, DFC adoption, and Management Plan adoption with the added benefit of establishing an operational district. However, the agreement shall include action by TCEQ to dissolve Starr County GCD if the agreement is broken in any manner unless otherwise agreed to by all parties. It is my hope that Starr County GCD will present an action plan and agreement with GMA 16 and Starr County Other to shape an explicit order to have Starr County GCD fully participatory in GMA 16 joint planning activities by the end of 2020 and if the order is broken for any reason not settled prior to the deadlines within the order, TCEQ takes immediate action to dissolve the district.

Based on the hearing and the lack of participation, dissolving the board and electing a new board would be useless as there does not seem to be interest in the GCD in general. The current board can either participate and take the required action, following through on their commitments and oath to the district or shoulder the reason for shuttering the district. There are ample resources available to establish an operational district if you choose to seek them out.

Receivership would be the most baseless and meaningless option to this situation as there is nothing in place to receive.



**From:** Dirk Aaron <daaron@cuwcd.org>  
**Sent:** Monday, January 20, 2020 10:04 AM  
**To:** Mike Gershon  
**Cc:** Intern; Peggy Hunka; Lynn Smith (manager@mesquitegcd.org); manager@ccgcd.org; Zach Holland; Joe Cooper (mtgcd1@centurylink.net); 'Bee County GCD'; Andy Garza (general\_manager@kenedygcd.com); generalmanager@brushcountrygcd.com; 'Duval'; estaban2@cctexas.com; 'McMullen'; Scott Bledsoe; bdugat@bickerstaff.com; Lonnie Stewart; Cole Ruiz; 'Audrey Cooper'; Kelly Mills; Shea Pearson  
**Subject:** Per TWC 36.3011(e) Review Panel's Offer to develop a Negotiated Settlement  
**Importance:** High

Dear Mr. Gershon,

Thanks for taking time to discuss the Review Panel's desire to pursue a "Negotiated Settlement" pursuant to TWC 36.3011(e).

This email is to formalize our discussion this morning and your client's subsequent efforts necessary to our being able to incorporate an agreement into our preliminary draft report on February 13<sup>th</sup> at the upcoming public hearing.

Please share our offered path forward, with prescribed elements of the agreement, that the panel feels necessary before we can memorialize them in our report. We also want to point out the following reasons and justifications for this offered path forward.

- 1) Per TWC Chapter 36.3011(e), we as a seated panel, have the authority to attempt a negotiated settlement such as requesting a formal document submitted by both Starr County GCD and Star County Commissioners Court to the panel.

(e) Not later than the 120th day after appointment, the review panel shall review the petition and any evidence relevant to the petition and, in a public meeting, consider and adopt a report to be submitted to the commission. The commission may direct the review panel to conduct public hearings at a location in the management area to take evidence on the petition. **The review panel may attempt to negotiate a settlement or resolve the dispute by any lawful means.**

- 2) We note: the Petitioners' cover letter states in the final paragraph on page 5, explicitly asking that the review panel and TCEQ order Starr County GCD to participate in joint planning, adopt DFC's and update their management plan. The final sentence states "*In the Order, TCEQ should indicate that the violation of the order (TWC 36.303(1)) will result in commission action to dissolve the board and call and election*".

The GMA-16 GCDs request the TCEQ order Starr County GCD to participate in joint planning, adopt DFCs, and update its management plan. In the order, TCEQ should indicate that violation of the order will result in commission action to dissolve the board and call for an election.

Respectfully submitted,

The review panel stands firm per our offer to deliberate on a such a "Negotiated Agreement" if the Starr County GCD and Starr County Commissioner's Court are willing to provide hard deadlines (deemed achievable by your clients) for the purpose of the Commission [(per TWC 36.303(1))] issuing in an order (with the offered remedies/deadlines) requiring that the district take certain actions to become compliant.

The proposed negotiated agreement should contain the following elements with your client's self-imposed deadlines:

- SCGCD's documentation of the two newly appointed directors, (names and precinct they represent),
- SCGCD's approved election (calendar) schedule per all positions for Nov 2020 and Nov 2022 general elections,
- Starr County precinct map for 2020 election (Board Members per One at-large and Four per County Commissioner Precincts),
- SCGCD's minutes of all board meetings after October 24, 2019 thus documenting any agreements and actions related to becoming operational,
- SCGCD approved bylaws and associated resolution,
- SCGCD approved policies and associated resolutions adopted (*including but not limited to those required by Texas Water Code § 36.061*),
- SCGCD formal copies of training certificates for each director on the open meetings act <https://www.texasattorneygeneral.gov/open-government/open-meetings-act-training>
- SCGCD formal copies of training certificates for directors and staff concerning the public information act. <https://www.texasattorneygeneral.gov/open-government/governmental-bodies/pia-and-oma-training-resources>
- SCGCD draft management plan with current correspondence with TWDB staffer, Stephen Allen [Stephen.Allen@twdb.texas.gov](mailto:Stephen.Allen@twdb.texas.gov)
- SCGCD draft of proposed amendments to district rules correcting disparities with your enabling legislation. Planned date for proper public hearing by SCGCD for formal adoption.
- SCGCD provides said evidence that each Director appointed is qualified to serve in his/her precinct. (address of home and corresponding with eligibility of County Precinct served.
- SCGCD provides documentation from Starr County Judge Vera regarding the County Commissioners Court's intent (*with corresponding resolution and/or minutes and/or Interlocal Agreement*) making arrangements with the District for:
  - office space,
  - phone,
  - fax and other office-related needs,
  - staff resources,
  - funding as appropriate for startup and cost share for GMA16 participation in Round 3,
  - proposed budget amounts and support from the Commissioners Court,
  - Proposed funding sources (fees and/or property tax) and corresponding proposed MOU related to taxing authority and amount (we reference per board testimony on January 7<sup>th</sup> that a governmental property tax swap offsetting \$.005/\$100 valuation is in the works).
- Final SCGCD Board Resolutions affirming:
  - actions regarding GMA16 participation,
  - actions affirming GMA16 financial participation in round 3 (*DFC development and all achievable deadlines of above criteria discussed*),
  - actions affirming the district is developing a budget to be effective next fiscal year in support of being operational,

We, the panel, would then deliberate on the above elements and support documents, with a desire to incorporate that information and binding resolutions with specificity into our final report to the commission.

We await your clients submittals and affirmation that a negotiated agreement can be attained in this narrow window of time.



Regards,

Dirk Aaron  
General Manager  
Clearwater Underground Water Conservation District  
[daaron@cuwcd.org](mailto:daaron@cuwcd.org)  
<http://www.cuwcd.org>  
254-933-0120 office  
254-534-4047 cell  
254-933-8396 fax



\*\*\*\*ATTENTION TO PUBLIC OFFICIALS AND OFFICIALS WITH OTHER INSTITUTIONS SUBJECT TO THE OPEN MEETINGS ACT \*\*\*\*  
A "REPLY TO ALL" OF THIS EMAIL COULD LEAD TO VIOLATIONS OF THE TEXAS OPEN MEETINGS ACT. PLEASE REPLY ONLY TO LEGAL COUNSEL.

*This message contains confidential information and is intended only for the named individual or individuals. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. The sender expressly reserves all privileges and confidentiality which might otherwise be waived as a result of an erroneous or misdirected transmission. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version.*



January 29, 2020

Honorable Dirk Aaron, Chairman  
Honorable Joe B. Cooper  
Honorable Zach Holland  
Honorable Lynn Smith, P.G.  
Honorable Micah Voulgaris  
Peggy Hunka, P.G. *ex officio*  
Texas Commission on Environmental Quality Review Panel  
c/o Clearwater Underground Water Conservation District  
700 Kennedy Court  
Belton, Texas 76513

Re: Starr County GCD; TCEQ Docket No. 2019-1092-MIS

Dear Chairman Aaron and Members of the Review Panel:

This letter follows up on communications over the past several days regarding scheduling and notice for the February 13<sup>th</sup> public meeting and the Texas Commission on Environmental Quality ("TCEQ") Review Panel's interest in pursuing a negotiated settlement under Texas Water Code § 36.3011(e).

With respect to notice, as requested by the Review Panel and TCEQ staff, Starr County Groundwater Conservation District (the "District") arranged for notice in today's *Starr County Town Crier* this Wednesday, January 29<sup>th</sup>. Please expect to receive the affidavit of publication and tear sheet for this notice from our office as soon as we receive it from the *Starr County Town Crier*, which we expect this week.

In response to the Review Panel's correspondence under § 36.3011(e) of the Texas Water Code, the District *is* interested in pursuing resolution. The District proposes the following actions with associated deadlines for each of the 13 (thirteen) requests detailed in the Review Panel's January 20<sup>th</sup> correspondence, in the order presented, as follows:

- (1) Review Panel Request: District to provide appropriate documentation when it appoints Directors to fill two vacancies on the Board.



District's Response: The District has met this requirement. On December 23, 2019, the District's Board decided to solicit public interest in the two vacancies on the Board in addition to its prior outreach. On Monday, January 27<sup>th</sup>, the District's Board met in a properly noticed meeting to review candidates and took action to appoint the following two Directors:

- (i) Mr. Raul Villareal to fill the Precinct 4 vacancy left when District Board President Baldemar Garza was elected District Judge of the 229<sup>th</sup> Judicial District; and
- (ii) Mr. Noel Benavidez to fill the Precinct 2 vacancy left by Mr. Humberto Vasquez's resignation.

The new Directors were sworn and completed their oaths of office and statements of officers. Please see the attached the documents:

- (i) oaths of office (Secretary of State Form 2204) for all five (5) sitting Directors;
  - (ii) statements of officers (Secretary of State Form 2201) for all five (5) sitting Directors; and
  - (iii) updated TCEQ Districts Registration Form (TCEQ Form 0179-Rev 01/2020), which has been updated to reflect information regarding the two new Directors and which will be submitted to TCEQ this week.
- (2) Review Panel Request: District to provide an election calendar and schedule for all Director positions for the November 2020 and November 2022 general elections.

District's Response and Proposal: The District agrees to meet this requirement. Each of the five (5) Director positions are subject to the following elections:

- (i) November 2020: Precincts 2 and 3; and
- (ii) November 2022: Precincts 1 and 4, and the At-large position.

Many local government entities with elected boards such as the District comply with the election laws and rely on the election calendar published by the Texas Secretary of State. The District commits to meeting all legal requirements as well as the action items on the deadlines set forth on the Secretary of State's calendar, available at <https://www.sos.state.tx.us/elections> and outlined for convenient reference as follows:

**Tuesday, November 3, 2020 - Uniform Election Date**

<b>Required action by District</b>	<b>Deadline</b>
Post notice of candidate filing deadline.	Immediately upon activation of District's first-ever webpage
Deadline to Post Notice of Candidate Filing Deadline (Local Political Subdivisions Only)	Thursday, June 18, 2020 for local political subdivisions that have a first day to file for their candidates
First Day to Apply for Ballot by Mail	Wednesday, January 1, 2020* *First day to file does not move because of New Year's Day holiday. An "Annual ABBM" or FPCA for a January or February 2020 election may be filed earlier, but not earlier than the 60th day before the date of the January or February election.
First Day to File for a Place on the General Election Ballot (Local Political Subdivisions Only)	Saturday, July 18, 2020
Last Day to Order General Election or Special Election on a Measure	Monday, August 17, 2020
Last Day to File for a Place on the General Election Ballot (Local Political Subdivisions Only)	Monday, August 17, 2020 at 5:00 p.m.
Last Day to File a Declaration of Write-in Candidacy (Local Political Subdivisions Only)	Friday, August 21, 2020



Required action by District	Deadline
Last date to cancel an election if it is not contested	To be determined – we must wait until the Secretary of State’s office publishes their full election law calendar for November 2020. That calendar will include the window during which we could cancel the election if uncontested; the dates are slightly different each year and a specific date is not given in the Texas Election Code.
Last Day to Register to Vote	Monday, October 5, 2020
First Day of Early Voting by Personal Appearance	Monday, October 19, 2020
Last Day to Apply for Ballot by Mail (Received, not Postmarked)	Friday, October 23, 2020
Last Day of Early Voting by Personal Appearance	Friday, October 30, 2020
Last day to Receive Ballot by Mail	Tuesday, November 3, 2020 (Election Day) at 7:00 p.m. if carrier envelope is not postmarked, or Wednesday, November 4, 2020 (next business day after Election Day) at 5:00 p.m. if carrier envelope is postmarked by 7:00 p.m. at the location of the election on Election Day (unless overseas or military voter deadlines apply)

The District proposes to comply with the Secretary of State’s election schedules for 2020 (when updated) and for 2022 (as soon as it becomes available), and other applicable law relying on advice from the District’s legal counsel at Lloyd Gosselink Rochelle & Townsend, P.C.

- (3) Review Panel Request: District to provide official Starr County precinct map.

District's Response and Proposal: Please see the attached precinct map. The District is aware of the decennial census and potential for modification to the precinct boundaries, which could affect the precincts for the 2022 election. The District will ensure that all Directors meet the Director eligibility requirements established in the Texas Election and Water Codes and the District's enabling act.

- (4) Review Panel Request: District to provide its minutes of all Board meetings held after October 24, 2019, thereby memorializing any agreements and actions related to becoming operational.

District's Response and Proposal: The District held meetings in October prior to October 24, 2019, December 11 and 23, 2019, and January 7, 2020. Please see the attached minutes for the following Board meetings, as requested:

- (i) December 11 and 23, 2019; and
- (ii) January 7, 2020.

The District is willing to make its future approved minutes available upon request.

- (5) Review Panel Request: District to provide its current bylaws and associated resolution.

District's Response: Please see the attached current bylaws. Section 36.057(f) of the Texas Water Code provides that the District's Board *may* adopt bylaws, but does not require that the Board do so by resolution. The Board adopted the current bylaws by motion as reflected in the attached minutes of its December 23, 2019 Board meeting.

- (6) Review Panel Request: District to provide policies and associated resolutions (including but not limited to those required by Texas Water Code § 36.061).

District's Response: Please see the attached policies and associated resolutions memorializing adoption of the respective policy:

- (i) District's ethics, travel, professional services and management policies and associated Board resolution;

- (ii) District's investment policy and associated Board resolution; and
- (iii) District's policy governing records retention and associated Board resolution.

- (7) Review Panel Request: District to provide copies of certificates for each Director reflecting compliance with Texas Open Meetings Act training.

District's Response and Proposal: Please see the attached certificates for Directors Reyna Guerra, Tom Koeneke, and Rose Benavidez. The District will provide certificates for the remaining Directors within 60 (sixty) calendar days.

- (8) Review Panel Request: District to provide copies of the certificate for the Public Information Officer reflecting compliance with Texas Public Information Act training.

District's Response: On January 27, 2020, the Public Information Officer position changed from Director Baldemar Garza to Director Reyna Guerra. Director Reyna has completed this requirement. Please see her attached certificate of compliance.

- (9) Review Panel Request: District to provide copies of its draft management plan with most recent correspondence with its contact at Texas Water Development Board ("TWDB"), Stephen Allen, P.G.

District's Response and Proposal: Please see the attached draft management plan and correspondence seeking preliminary review and comment from TWDB hydrogeologist Stephen Allen, P.G. on January 18, 2020. The attached draft management plan includes the information provided by TWDB's Stephen Allen to the District's consulting engineer in mid- to late 2019. On January 27, 2020, the District's Board approved this attached version of the management plan for public hearing in accordance with Texas Water Code § 36.1071(a) and the District's rules, which require 20 (twenty) days' notice in the newspaper and posting with the County Clerk and at the District's office. On January 27<sup>th</sup>, the Board expressed its intent to set this hearing on March 25, 2020. Following this notice and hearing, the District will coordinate with surface water management entities on a regional basis to finalize its plan in accordance with § 36.1071(a). The Board plans to act to approve the plan after seeking public input during the public hearing and from the above-referenced surface water management entities, and will then submit it to TWDB for approval.



- (10) Review Panel Request: District to provide copies of its proposed amendments to District rules that correct disparities regarding the District's enabling legislation and to propose a date for a rulemaking hearing and subsequent adoption of rules amendments.

District's Response and Proposal: On January 27, 2020, the Board acted to delegate authority to its Vice President/attorney Tom Koeneke to work with the District's legal counsel at Lloyd Gosselink Rochelle & Townsend, P.C. to propose edits to the District's rules, including but not limited to addressing the disparities referenced in the Review Panel's correspondence. On January 27<sup>th</sup> the Board also acted to express intent to set a rulemaking hearing on the same date as its public hearing on its management plan, preliminarily set for March 25, 2020.

- (11) Review Panel Request: District to provide evidence that each sitting Director is qualified to serve in his/her respective precinct.

District's Response and Proposal: Please see the attached Texas Secretary of State voter registration records for Directors Rose Benavidez, Noel Benavidez, Reyna Guerra, Tom Koeneke, and Raul Villareal, which evidence that each Director is registered to vote in their respective precinct as required by Texas Election Code § 141.001 and Texas Special District Local Laws Code § 8803.053. Additionally, the District will provide documents from the Starr County Appraisal District and/or Deed Records that evidence each Director's residence within 60 (sixty) calendar days.

- (12) Review Panel Request: Documentation to be provided from Starr County Judge Eloy Vera regarding the County Commissioners Court's intent (with corresponding resolution, minutes and/or interlocal agreement) making arrangements with the District for office space, phone, fax and other office-related needs, staff resources, funding as appropriate for startup and cost share for GMA 16 participation in Round 3, proposed budget amounts and support from the Commissioners Court, proposed funding sources (fees and/or property tax), and corresponding proposed agreement related to taxing authority and amount (referencing January 7, 2020 testimony that an ad valorem tax offset could occur up to \$0.05/\$100.00 valuation).

District's Response and Proposal: On January 27, 2020, the District's Board acted to approve the attached interlocal agreement with Starr County and delegate authority to Directors Rose Benavidez and Tom Koeneke to negotiate and finalize this agreement with the County. This interlocal agreement addresses

each item in the Review Panel's request. It is the District's understanding that the Review Panel will receive separate correspondence directly from Starr County Judge Vera.

- (13) Review Panel Request: District to provide Board resolutions affirming actions regarding GMA 16 participation, GMA 16 financial participation in the current (round 3) of regional planning, and development of a budget to be effective next fiscal year in support of being operational.

District's Response and Proposal: Please see the attached minutes of the District's December 23, 2020 Board meeting, which recognize two designated District Board Member representatives who are to attend GMA 16 meetings and otherwise be engaged with GMA 16 business. On January 28, 2020, Director Tom Koeneke attended the GMA 16 meeting in Falfurrias. The District's attached draft interlocal agreement with Starr County is intended to address the referenced budget and funding requirements. On September 13, 2019, the District's Board adopted the current Desired Future Conditions ("DFCs") applicable to the District (specif., the DFCs approved in 2017 during "round 2" of regional planning) as required by Texas Water Code § 36.108(d-4). Please see the attached minutes of the District's September 13, 2019 Board meeting.

We appreciate the Review Panel's outreach on Monday, January 20, 2020, to propose a negotiated settlement as provided for in § 36.3011(e) of the Texas Water Code. We are hopeful that you find that the minutes, resolutions, and other attached documents indicate the District's commitment to becoming a fully functioning District that can serve its constituents and engage at a local, regional and state level with its other stakeholders.

Thank you for your hard work and time. We look forward to next steps on a negotiated resolution. Please do not hesitate to contact us at any time to review this correspondence or any other issue.

Respectfully submitted,



Michael A. Gershon  
Attorney for SCGCD

- Encl: (1) Oaths of office for District's Directors;  
(2) Statements of Officers for District's Directors;  
(3) TCEQ Districts Registration Form (TCEQ Form 0179-Rev 01/2020);  
(4) Starr County precinct map;  
(5) District's December 11, 2019 Board minutes;  
(6) District's December 23, 2019 Board minutes;  
(7) District's January 7, 2020 Board minutes;  
(8) District's bylaws;  
(9) District's ethics, travel, professional services and management policies and associated Board resolution;  
(10) District's investment policy and associated Board resolution;  
(11) District's policy governing records retention and associated Board resolution;  
(12) Texas Open Meetings Act training certificates for District's Directors Benavidez, Guerra, and Koeneke;  
(13) Texas Public Information Act training certificate for District's Director Guerra;  
(14) Draft management plan and correspondence with TWDB's staff;  
(15) Texas Secretary of State voter registration records for District's Directors Rose Benavidez, Noel Benavidez, Reyna Guerra, Tom Koeneke, and Raul Villareal;  
(16) Interlocal agreement approved by the District's Board and proposed to Starr County; and  
(17) District's September 13, 2019 Board minutes.

cc w/encl.: Lt. Col. Dan Eckstrom  
TCEQ Review Panel Liaison

Members of the Board of Directors  
Starr County Groundwater Conservation District

C. Cole Ruiz, Esq. *of the firm*  
Ms. Audrey A. Cooper *of the firm*



Form #2204 Rev 9/2017

This space reserved for office use

Submit to:  
SECRETARY OF STATE  
Government Filings Section  
P O Box 12887  
Austin, TX 78711-2887  
512-463-6334  
FAX 512-463-5569  
Filing Fee: None



FILED  
AT 13:47 O'CLOCK P.M.

JAN 29 2020

HUMBERTO BERT GONZALEZ, JR., COUNTY CLERK STARR CO. TX  
BY: [Signature] DEPUTY

OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,  
I, Reyna Guerra, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Director of Starr County Groundwater Conservation District of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

[Signature]  
Signature of Officer

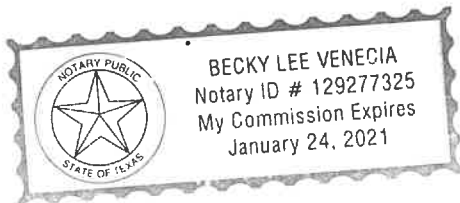
Certification of Person Authorized to Administer Oath

State of Texas

County of Starr

Sworn to and subscribed before me on this 27th day of January, 2020.

(Affix Notary Seal,  
only if oath  
administered by a  
notary.)



Becky L Venecia

Signature of Notary Public or  
Signature of Other Person Authorized to Administer An  
Oath

Becky L. Venecia  
Printed or Typed Name

Form #2201 Rev. 09/2017  
 Submit to:  
**SECRETARY OF STATE**  
 Government Filings  
 Section P O Box 12887  
 Austin, TX 78711-2887  
 512-463-6334  
 512-463-5569 - Fax  
 Filing Fee: None



FILED  
 AT 13:47 O'CLOCK P.M.

JAN 29 2020

STATEMENT OF OFFICER BY: *[Signature]*  
 HUMBERTO BERT GONZALEZ, JR., COUNTY CLERK STARR CO. TX  
 DEPUTY

**Statement**

I, Reyna Guerra, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: Director, Starr County Groundwater Conservation District

**Execution**

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: January 27, 2020

*[Signature]*  
 Signature of Officer

Submit to:  
SECRETARY OF STATE  
Government Filings Section  
P O Box 12887  
Austin, TX 78711-2887  
512-463-6334  
FAX 512-463-5569  
Filing Fee: None



FILED  
AT 1:47 O'CLOCK P.M.

JAN 29 2020

HUMBERTO BERT GONZALEZ, JR., COUNTY CLERK STARR CO. TX  
BY: *[Signature]* DEPUTY

OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,  
I, Thomas Koeneke, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Director of Starr County Groundwater Conservation District of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

*Thomas D Koeneke*

Signature of Officer

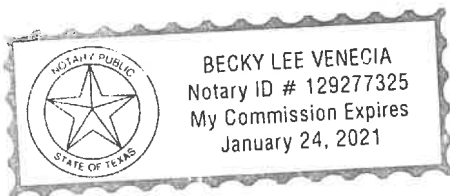
Certification of Person Authorized to Administer Oath

State of Texas

County of Starr

Sworn to and subscribed before me on this 27th day of January, 2020.

(Affix Notary Seal, only if oath administered by a notary.)



*Becky L Venecia*

Signature of Notary Public or  
Signature of Other Person Authorized to Administer An  
Oath

Becky L. Venecia  
Printed or Typed Name



Form #2201 Rev. 09/2017

Submit to:  
SECRETARY OF STATE  
Government Filings  
Section P O Box 12887  
Austin, TX 78711-2887  
512-463-6334  
512-463-5569 - Fax  
Filing Fee: None



FILED  
AT 1:21 P.M. CLOCK

JAN 29 2020

HUMBERTO BERT GONZALEZ JR., COUNTY CLERK STARR CO. TX  
BY: *[Signature]* DEPUTY

STATEMENT OF OFFICER

Statement

I, Thomas Koeneke, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: Director, Starr County Groundwater Conservation District

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: 1/27/2020

*Thomas Koeneke*  
Signature of Officer

Form #2204 Rev 9/2017

This space reserved for office use

Submit to:  
SECRETARY OF STATE  
Government Filings Section  
P O Box 12887  
Austin, TX 78711-2887  
512-463-6334  
FAX 512-463-5569  
Filing Fee: None



FILED  
AT 1:47 O'CLOCK P.M.

JAN 29 2020

HUMBERTO BERT GONZALEZ, JR., COUNTY CLERK STARR CO. TX  
BY: *[Signature]* DEPUTY

OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,  
I, Rose Benavidez, do solemnly swear (or affirm), that I will faithfully  
execute the duties of the office of Director of Starr County Groundwater Conservation District of  
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws  
of the United States and of this State, so help me God.

*[Signature]*

Signature of Officer

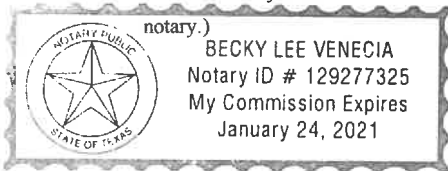
Certification of Person Authorized to Administer Oath

State of Texas

County of Starr

Sworn to and subscribed before me on this 27th day of January, 20 20.

(Affix Notary Seal,  
only if oath  
administered by a  
notary.)



*Becky L. Venecia*

Signature of Notary Public or  
Signature of Other Person Authorized to Administer An  
Oath

**Becky L. Venecia**

Printed or Typed Name

Form #2201 Rev. 09/2017

Submit to:

SECRETARY OF STATE

Government Filings

Section P O Box 12887

Austin, TX 78711-2887

512-463-6334

512-463-5569 - Fax

Filing Fee: None



FILED AT 12:48 O'CLOCK

JAN 29 2020

STATEMENT OF OFFICER

HUMBERTO BERT GONZALEZ, JR., COUNTY CLERK STATE NO. 17  
BY: *[Signature]* DEPUTY

**Statement**

I, Rose Benavidez, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: Director, Starr County Groundwater Conservation District

**Execution**

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: January 27, 2020

*[Signature]*  
\_\_\_\_\_  
Signature of Officer



Submit to:  
**SECRETARY OF STATE**  
Government Filings Section  
P O Box 12887  
Austin, TX 78711-2887  
512-463-6334  
FAX 512-463-5569  
Filing Fee: None



**OATH OF OFFICE**

FILED  
AT 12:47 O'CLOCK P.M.

JAN 29 2020

HUMBERTO BERT GONZALEZ, JR., COUNTY CLERK STARR CO. TX  
BY: [Signature] DEPUTY

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,  
I, Noel Benavides, do solemnly swear (or affirm), that I will faithfully  
execute the duties of the office of Director of Starr County Groundwater Conservation District of  
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws  
of the United States and of this State, so help me God.

[Signature]

Signature of Officer

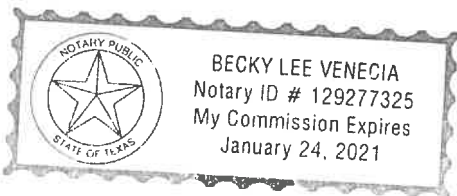
**Certification of Person Authorized to Administer Oath**

State of Texas

County of Starr

Sworn to and subscribed before me on this 27 day of January, 2020.

(Affix Notary Seal,  
only if oath  
administered by a  
notary.)



[Signature]

Signature of Notary Public or  
Signature of Other Person Authorized to Administer An  
Oath

Becky L. Venecia

Printed or Typed Name

Form #2201 Rev. 09/2017  
 Submit to:  
**SECRETARY OF STATE**  
 Government Filings  
 Section P O Box 12887  
 Austin, TX 78711-2887  
 512-463-6334  
 512-463-5569 - Fax  
 Filing Fee: None



FILED  
 AT 3:40 O'CLOCK P.M.

JAN 29 2020

**STATEMENT OF OFFICER**

HUBERTO BERT GONZALEZ, JR., COUNTY CLERK STARR CO. TX  
 BY *[Signature]* DEPUTY

**Statement**

I, Noel Benavides, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God. -

Title of Position to Which Elected/Appointed: Director of Starr County Groundwater Conservation District

**Execution**

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: January 27, 2020

*[Signature]*  
 \_\_\_\_\_  
 Signature of Officer

Form #2201 Rev. 09/2017

Submit to:  
SECRETARY OF STATE  
Government Filings  
Section P O Box 12887  
Austin, TX 78711-2887  
512-463-6334  
512-463-5569 - Fax  
Filing Fee: None



STATEMENT OF OFFICER

FILED  
AT 3:27 O'CLOCK P.M.

JAN 29 2020

HUBERTO BERT GONZALEZ, JR. COUNTY CLERK STARR CO. TX  
BY: *[Signature]* DEPUTY

Statement

I, Raul Villarreal, Jr., do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: \_\_\_\_\_

Director of Starr County Groundwater Conservation District

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: January 27, 2020

*[Signature]*  
\_\_\_\_\_  
Signature of Officer



Submit to:  
**SECRETARY OF STATE**  
Government Filings Section  
P O Box 12887  
Austin, TX 78711-2887  
512-463-6334  
FAX 512-463-5569  
Filing Fee: None



**OATH OF OFFICE**

FILED  
AT 13:47 O'CLOCK P.M.

JAN 29 2020

HUMBERTO BERT GONZALEZ, JR., COUNTY CLERK STARR CO. TX  
BY: *[Signature]* DEPUTY

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,  
I, Raul Villarreal, Jr., do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Director of Starr County Groundwater Conservation Dist. of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

*[Signature of Raul Villarreal, Jr.]*  
\_\_\_\_\_  
Signature of Officer

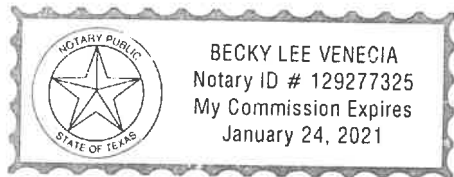
**Certification of Person Authorized to Administer Oath**

State of Texas

County of Starr

Sworn to and subscribed before me on this 27th day of January, 2020.

(Affix Notary Seal,  
only if oath  
administered by a  
notary.)



*[Signature of Becky L. Venecia]*  
\_\_\_\_\_  
Signature of Notary Public or  
Signature of Other Person Authorized to Administer An  
Oath

Becky L. Venecia  
\_\_\_\_\_  
Printed or Typed Name



# District Registration Form

Legal Name of District or Authority: Starr County Groundwater Conservation District

100 N. FM 3167, Ste#202

Rio Grande City, Texas 78582

**District's Mailing Address**

**City, State**

**Zip Code**

956-716-4800

rguerra@co.starr.tx.usm

**District's Telephone Number (AC)**

**E-mail**

**Web Address**

## A. BOARD MEMBERS (as applicable):

TITLE	FULL NAME OF DIRECTOR (First, Middle, Last)	FULL MAILING ADDRESS <u>According to U.S. Post Office Standards</u>	Business Phone	Fax Number	Home Phone	Elected(E), Appointed (A), or Elected by Precinct (P)	Term Begins (MM/DD/YYYY)	Term Ends (MM/DD/YYYY)
President or Chairman	Reyna Guerra	1824 Quito Ave. Rio Grande City, Texas 78582	956-716-4800	956-352-6573	956-735-2742	P	11/09/2018	11/09/2022
Vice-President	Thomas Koeneke	998 Cowboy Rd. San Isidro, Texas 78588	956-802-4745	956-352-6573	956-802-4745	E	11/09/2018	11/09/2022
Secretary Treasurer	Rose Benavidez	613 S FM 2360, La Grulla, TX 78548	956-487-2709	956-352-6573	956-735-8311	P	11/16/2016	11/16/2020
Director	Raul Villarreal, Jr.	157 Delmita rd., Delmita, Texas 78536	956-655-3925	956-352-6573	956-655-3925	A	11/09/2018	11/09/2022
Director	Noel Benavides, Sr.	1402 N. Garcia St. Roma, Texas 78584	956-844-9219	956-352-6573	956-849-1541	A	11/16/2016	11/16/2020

## B. CONSULTANTS AND REPRESENTATIVES (as applicable):

POSITION	FULL NAME OF INDIVIDUAL	NAME OF FIRM OR ORGANIZATION	FULL MAILING ADDRESS <u>According to U.S. Post Office Standards</u>	Business Phone	Fax Number
General Manager	N/A				
Operator	N/A				
Attorney	Michael A. Gershon, Esq.	Lloyd Gosselink Rochelle & Townsend, P.C.	816 Congress Avenue, Suite 1900, Austin, TX 78701	512-322-5872	512-472-0532
Engineer	Gilbert Guerra, P.E.	Rio Delta Engineering	309 North Corpus Street, Rio Grande City, TX 78582	956-263-1041	956-263-1112
Bookkeeper	N/A				
Financial Advisor	N/A				
Tax Collector	N/A				
Agent for Notice	Michael A. Gershon, Esq.	Lloyd Gosselink Rochelle & Townsend, P.C.	816 Congress Avenue, Suite 1900, Austin, TX 78701	512-322-5872	512-472-0532

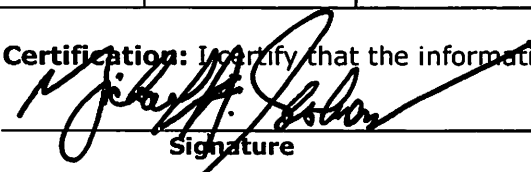
\*All information provided herein is subject to the Public Information Act and will be made available on our web site ([www.tceq.texas.gov](http://www.tceq.texas.gov))

# District Registration Form (continued)

## A. BOARD MEMBERS (continued):

TITLE	FULL NAME OF DIRECTOR (First, Middle, Last)	FULL MAILING ADDRESS <small>According to U.S. Post Office Standards</small>	Business Phone	Fax Number	Home Phone	Elected(E), Appointed (A), or Elected by Precinct (P)	Term Begins (MM/DD/YYYY)	Term Ends (MM/DD/YYYY)

**Certification:** I certify that the information contained herein is correct and complete to the best of my knowledge.



Michael A. Gershon, General Counsel

**(512) 322-5872**

**January 29, 2020**

Signature

Printed Name and Title

(Area Code) Daytime Telephone

Date Signed

If you have questions on how to fill out this form, please contact us at (512) 239 - 4691. Individuals are entitled to request and review their personal information the Agency gathers on its forms. They may also have errors in their information corrected. To review such information, contact us at (512) 239 - 3282.

Texas Statutes can be viewed at: <https://statutes.capitol.texas.gov/>

**Submit completed form using the Submit button (if using electronic signature), via fax to 512-239-6190, or mail to:**

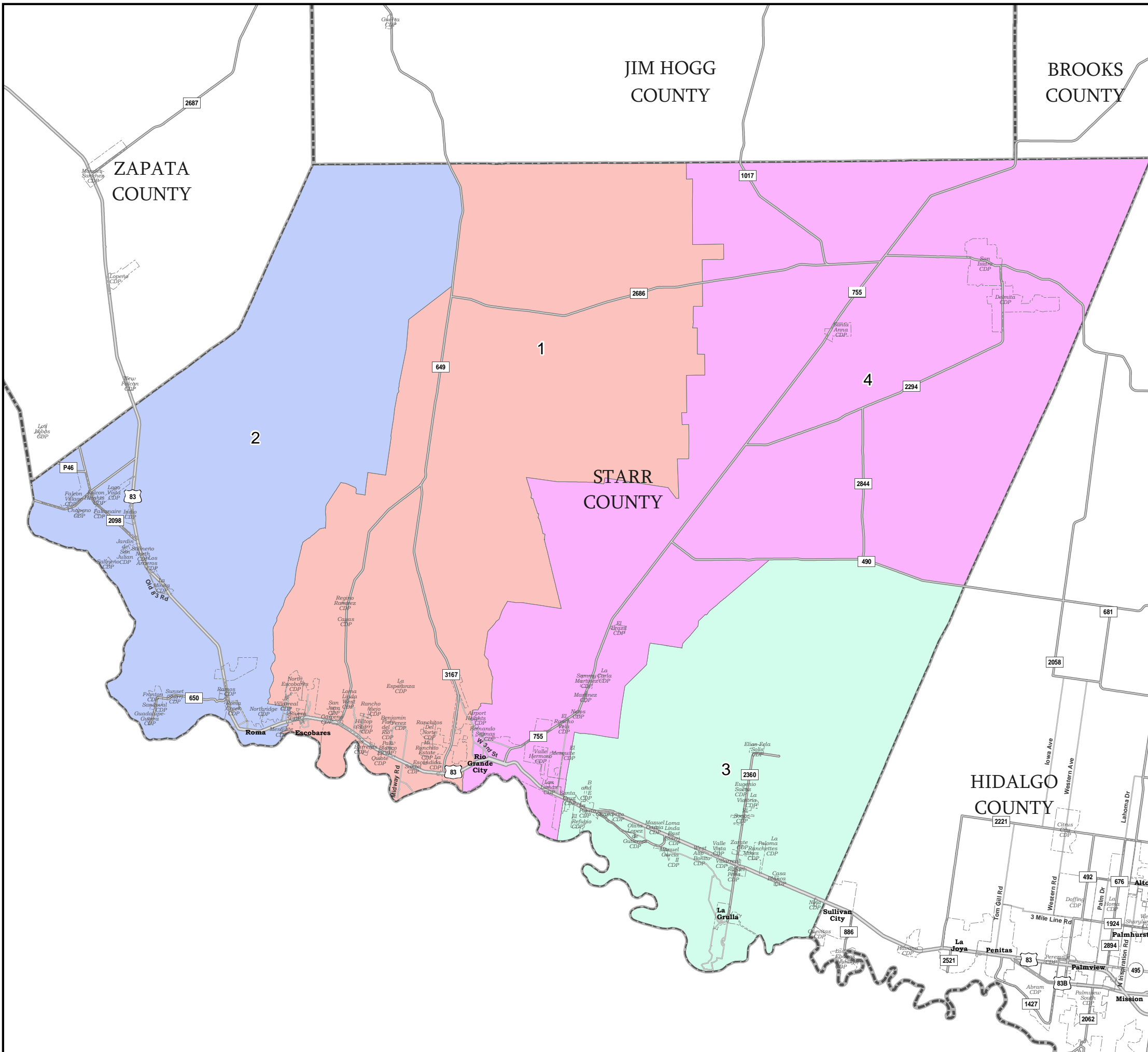
DISTRICTS SECTION, MC-152  
TCEQ  
PO BOX 13087  
Austin, Texas 78711-3087



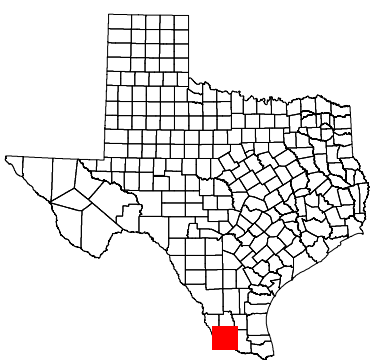


# STARR COUNTY

## County Commissioner Precincts



-  **Cities**
-  *Census Designated Places (CDPs)*
-  **COUNTIES**
-  **County Commissioner Precincts**



Boundaries other than for legislative, congressional, or State Board of Education districts are for informational purposes only and may be approximate.

2010 Census  
Source: Starr County Elections

**BOARD OF DIRECTORS OF THE  
STARR COUNTY GROUNDWATER  
CONSERVATION DISTRICT**

**MINUTES**

**FOR MEETING HELD December 11, 2019**

- 1. Meeting was called to order by Baldemar Garza, Board Chair**
- 2. Members present: Baldemar Garza, Thomas Koenke, , Reyna Guerra and Rose Benavidez . Absent, Humberto Vasquez . Non-members by Teleconference: Mike Gershon, Attorney**
- 3. Approval of Minutes: Motion to approve by Thomas Koenke and seconded by Reyna Guerra**
- 4. Financial Report: N/A**
- 5. Reports**
- 6. New Business:**
  - 6.1 N/A, Discussion with counsel by teleconference to continue working with engineer in ref. to management plan preparation status. Discussed with counsel about rules, policies, bylaws etc..**
  - 6.2 N/A**
  - 6.3 Acceptance of resignation letter from Humberto Vasquez. Tom Koenke Made motion to accept resignation letter, seconded by Rose Benavidez.**
  - 6.4 Discussion with legal counsel on responses to TCEQ review panel about having necessary documents/responses for hearing set to be held January 7, 2020 and to accept attorney fees of \$4,093.48 to be paid through the end October 31, 2019 for services rendered. Tom Koenke made motion to approve and seconded by Rose Benavidez.**
- 7. Other Business: Board discussed potential nominees from precincts to serve as board members.**
- 8. Adjourn: Motion to adjourn by Thomas Koenke and 2<sup>nd</sup> by Rose Benavidez**

**BOARD OF DIRECTORS OF THE  
STARR COUNTY GROUNDWATER  
CONSERVATION DISTRICT**

**MINUTES**

**FOR MEETING HELD January 7, 2020**

- 1. Meeting was called to order at 12:45 p.m. by Thomas Koenke, Interim Board Chair, Members present: Reyna Guerra and Rose Benavidez . Non-members: Mike Gershon, Attorney, Cole Ruiz, Attorney, Gilbert Guerra, Consulting Engineer.**
- 2. No Public Comments.**
- 3. No Action: Discussed waiting for Review Panel's/Letter**
- 4. No Action: Discussed waiting for responses from Review Panel, then after that we'd decide when to post for next meeting.**
- 5. New Business: No Action, Discussed appointment of new board members for next agenda, requiring resumes from each candidate for the precincts #2 and #4. Discussed and recognized forms that need to be in place, discussed management plan, discussed minutes and resolutions, and also discussed Election Calendar.**
- 6. Adjournment: Motion to adjourn by Reyna Guerra and seconded by Rose Benavidez**



**BOARD OF DIRECTORS OF THE  
STARR COUNTY GROUNDWATER  
CONSERVATION DISTRICT**

**MINUTES  
FOR MEETING HELD DECEMBER 23, 2019**

1. Meeting was called to order and quorum recognized at 10:15 a.m. by Baldemar Garza, Board Chair. Board Members present: Baldemar Garza, Thomas Koenke, Reyna Guerra and Rose Benavidez. Also in attendance by teleconference: Mike Gershon, Lloyd Gosselink, P.C. (District's legal counsel).
2. No Public Comments.
3. Approval of Minutes: Motion to approve minutes of meeting held December 11, 2019 was made by Thomas Koenke and seconded by Rose Benavidez. Motion carried.
4. Items 4A-4D: Board discussed these items and following up with County Judge for guidance and assistance. No action taken.

Motion by Tom Koenke and seconded by Rose Benavidez to enter in to executive session under 550.071 for consultation with legal counsel. Motion carried.

Board convened into Executive Session at 10:40 a.m. and concluded at 11:11 a.m. No action was taken during Executive Session.

Board resumed open session at 11:11 a.m.

4.1 Board discussed draft bylaws. Motion to approve District Bylaws was made by Tom Koenke and seconded by Rose Benavidez. Motion carried.

4.2 Board discussed appointing a member from the Pct#2 area to fill the current vacancy. The current members shared some considerations for potential applicants. The group agreed to speak to Mr. Lucio Gonzalez and Mr. Noel Benavides about their interests to serve. The Board discussed requesting resumes and supporting documentation from potential candidates. No action taken.

4.3 Board discussed developing an MOU with the County of Starr regarding office space and any other resources available to the District including direct

phone line and development of new website. Intent is to follow up with Judge Vera.

4.4 and 4.5 These two agenda items (regarding draft Management Plan and Rules) were discussed by the Board and it was agreed that Thomas Koeneke would serve as the liaison with TWDB and legal counsel to move forward the process that includes the management plan updates and District rules amendments.

4.6 Board discussed the adoption of a District record management policy. Motion was made by Tom Koeneke and seconded by Rose Benavidez to adopt the District Record Management Policy and related State Library and Archives Commission schedule, and authorize signing related Board resolution. Motion carried.

4.7 Board discussed adopting a District investment policy. Motion was made by Rose Benavidez and seconded by Tom Koeneke to adopt the District Investment Policy and authorize signing related Board resolution. Motion carried.

4.8 Board discussed adopting ethics, travel, professional services and management policies. Motion was made by Rose Benavidez and seconded by Tom Koeneke to adopt the Code of Ethics, Travel, Professional Services and Management Policies and authorize signing related Board resolution. Motion carried.

4.9 Board discussed requesting a formal engagement letter from Rio Delta Engineering to document the services being provided to the SCGCD. No action was necessary, but Board will follow up.

4.10 Board discussed necessary trainings. Motion by Rose Benavidez and seconded by Tom Koeneke to direct each Board Member to complete and provide proof of completing Texas Open Meeting Act and the Texas Public Information Act trainings. Motion carried.

4.11 The Board discussed the need to have representation at regional meetings—both Groundwater Management Area 16 and Rio Grande (Region M) Regional Water Planning Group. Motion was made by Tom Koeneke and seconded by Rose Benavidez to appoint Reyna Guerra as the SCGCD Presiding Officer's designee/representative for GMA 16 and Tom Koeneke as an alternate designee/representative. The Board also appointed Tom Koeneke as the SCGCD Representative on the Rio Grande (Region M)

Regional Water Planning Group and Reyna Guerra as the alternate. Motion carried.

4.12 The Board discussed preparing supporting documentation and ensuring the attendance of each Board Member at the TCEQ Review Panel proceeding to be held January 7, 2020. No action taken.

4.13 Board discussed scheduling the next Board meeting. Board will meet on January 7, 2020, after TCEQ Review Panel proceeding.

4.14 Agenda items for the next meeting will be submitted in accordance with bylaws. No action taken.

4.15 With no further action necessary a motion to adjourn was made by Tom Koenke and seconded by Rose Benavidez. Motion carried.

- - - -



BYLAWS  
OF THE  
STARR COUNTY GROUNDWATER  
CONSERVATION DISTRICT

Effective date: December 23, 2019

## TABLE OF CONTENTS

I.	PURPOSE.....	1
II.	OFFICE.....	1
III.	BOARD OF DIRECTORS .....	1
IV.	MEETINGS .....	1
V.	ELECTIONS.....	2
VI.	OFFICERS.....	2
VII.	COMMITTEES.....	2
VIII.	EMPLOYEES .....	2
IX.	FINANCIAL.....	3
X.	POLICIES .....	3
XI.	POWERS AND DUTIES .....	4
XII.	OFFICIAL SEAL.....	4
XIII.	RECORDS MANAGEMENT .....	4
XIV.	INDEMNITY.....	4
XV.	AMENDMENTS .....	4

- I. **PURPOSE.** The purpose of these bylaws is to provide for the conduct of the affairs of the Starr County Groundwater Conservation District as contemplated by the District's enabling act, Texas Special District Local Laws Code Chapter 8833; Texas Water Code Section 36.057(f); and all other applicable law.
- II. **OFFICE.** The location of the District's office shall be located within the District's boundaries and may be changed from time to time by action of the Board. Meetings, hearings and workshops open to the public may be conducted in places other than the office as allowed by law and at the discretion of the District and will be subject to the appropriate notice required by law.
- III. **BOARD OF DIRECTORS.** The property and business of the District shall be managed and controlled by the Board of Directors (Board) consisting of one Director elected from each of four (4) single-member County Commissioners' precincts determined by the Starr County Commissioners Court, and one at-large Director elected by the voters of the entire District. Directors shall, pursuant Texas Local Government Code Chapters 171 and 176, disclose any conflict of interest with any matter pending before the Board, execute and file the appropriate disclosure affidavit and statement, and refrain from participation in any discussion or decision relating to any such matter. Directors shall comply with the requirements for open meetings and public information training as provided by Texas Government Code Sections 551.005 and 552.012. Directors may receive reimbursement for reasonable expenses incurred while engaging in activities on behalf of the District in accordance with the District's reimbursement policy. The District's Board has authority but chooses not to exercise the District's authority for Directors to receive fees of office in an amount not to exceed \$250 a day for each day the Director actually spends performing the duties of a Director and in an amount not to exceed \$9,000 a year.
- IV. **MEETINGS.** The Board may hold a regular meeting every month, provided the President determines there is sufficient business to justify the meeting, and shall hold at least one meeting during each quarter. The Board shall hold a special meeting when called by the President or at the request of at least two Directors.
  - A. Notice to the Directors of each meeting shall be required.
  - B. A majority of Directors is a quorum for convening a meeting and a concurrence of a majority of the entire Board is required to take formal action, including passage of motions, resolutions, and other business.
  - C. Directors will follow the procedures of Robert's Rules of Order in conducting the Board's business.
  - D. Posting of notice of all meetings, workshops and hearings that must be open to the public will be accomplished as required by Texas Government Code Chapter 551 (Texas Open Meetings Act) or as otherwise required by law.



- V. ELECTIONS. The District shall call and hold elections on the uniform election date as required by the District's enabling act and meet the four-year staggered term requirements for Directors for each of Director Precincts 1-4 and the at-large position.

The Board shall conduct the election in accordance with the Texas Election Code and Texas Water Code Chapter 36. As soon as practicable after a Director is elected or appointed, the Director shall make the sworn statement prescribed by the Constitution, take the oath of office, and execute a bond, as required by Texas Water Code Section 36.055. The District shall file the sworn statement, oath, and bond as prescribed by law.

- VI. OFFICERS. The officers of the Board shall consist of President, Vice President, Secretary and Treasurer. The positions of Secretary and Treasurer can be combined at the discretion of the Board. At the first meeting of the Board following a Directors election, after the canvass of the returns and declaring the results of the election, the Board shall elect from among their number, the officers herein above specified, who shall hold office for a term of two years, or until the next Directors election, whichever comes earlier. Action on officer positions can be taken as needed at the discretion of the Board.

A. The President shall be the Chief Executive Officer of the District and shall preside at all meetings and hearings of the Board as provided for in the Texas Water Code and be engaged in the management of the business of the District.

B. The Vice President shall be vested with all the powers and shall perform all the duties of the President in the absence of the President. The Vice President shall perform such other duties as may be prescribed by the Board of Directors.

C. The Secretary shall exercise general supervision and direction over the General Manager in the matter of keeping the minutes of the District. The Secretary shall attest contracts, bonds and other documents upon which attestation is necessary or desirable, as the Board shall direct.

D. The Treasurer shall exercise general supervision and direction over the General Manager and District's professionals in the matter of bookkeeping, budgeting, financial audits, and keeping the District's financial records.

- VII. COMMITTEES. The President may establish committees and appoint Directors and/or other persons for advisory committees for formulation of recommendations to the Board or for such other purposes as the President may designate, and shall select a person to serve as Chair of each committee. A meeting of a committee where less than a quorum of Directors is present is not subject to the provisions of the Open Meetings Act.

- VIII. EMPLOYEES. The Board may employ and set the compensation package of the General Manager.

- A. The Board may delegate any of its powers and duties to the General Manager.
  - B. The General Manager, with the approval of the Board, may employ employees of the Board and set their compensation packages.
- IX. FINANCIAL. Funds shall be maintained in a depository bank or banks determined by a resolution of the Board and in a manner compliant with the Texas Government Code Chapters 2256 and 2257 (Public Funds Investment Act and Public Funds Collateral Act). The Board's officers and General Manager shall be authorized to access any safe deposit box, and sign or otherwise authorize transactions pertaining to certificates of deposits, checks, and any other transactions involving the District's accounts. Only one authorized signature shall be required by the District for any single transaction in the amount of \$5,000.00 or less. Transactions exceeding \$5,000.00 shall require two authorized signatures. The District's fiscal year shall begin October 1 and end the following September 30 of each year.
- X. POLICIES. Subject to the laws governing the District, the Board shall adopt the following policies in writing:
- A. a code of ethics for Directors as well as other District officers, employees, or any other persons engaged in handling of investments for the District;
  - B. personnel policies and procedures;
  - C. a policy relating to travel expenditures;
  - D. a policy relating to District investments of public funds which ensures that:
    - 1. purchases and sales of investments are initiated by authorized individuals, conform to investment objectives and regulations, and are properly documented and approved; and
    - 2. periodic review is made of District investments to evaluate investment performance and security;
  - E. a policy for selection and evaluation of professional services contracted for or otherwise used by the District; and
  - F. policies that ensure better use of management information, including:
    - 1. budget for use in planning and controlling costs;
    - 2. a records retention policy;
    - 3. an audit or finance committee of the Board; and

- G. uniform reporting requirements that use “Audits of State and Local Government Units” as a guide on audit working papers and that uses “Governmental Accounting and Financial Reporting Standards.”

The District’s Board may adopt other policies, which in its discretion, enhance the District’s operations and operational controls and provide more accountability.

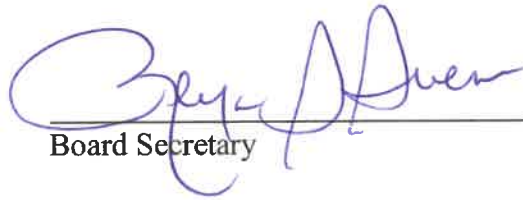
- XI. **POWERS AND DUTIES.** The Board shall exercise its authority and duties pursuant to Texas Water Code Section 36.057 and other applicable law.
- XII. **OFFICIAL SEAL.** The Board, by resolution, may adopt an official seal for the District to be used on official documents of the District.
- XIII. **Records Management.** The Board shall designate one of its Directors or its senior-most employee as the District’s Chief Administrative Officer who, in accordance with the Texas Public Information Act, shall also serve as the Public Information Officer responsible for compliance with the Texas Public Information Act and regulations of the Texas State Library and Archives Commission and Attorney General, and implementation of the District’s records retention policy. If desirable, the Board may designate a Public Information Coordinator to assume certain duties and obligations as allowed by the Texas Public Information Act.
- XIV. **INDEMNITY.** The Board shall assume the legal defense of, compromise, settle, and pay any claim or cause of action asserted against any Director, officer, or employee, past or present, by reason of his or her having served as such Director, officer, or employee past or present, or arising out of the alleged performance of, or alleged failure to perform, his or her duties; and, shall pay or reimburse any such Director, officer, or employee, past or present, for any judgment rendered against him or her by reason of his or her having been such Director, officer or employee, or arising out of the performance, or failure to perform, of his or her duties, unless the Board determines that such Director, officer, or employee, past or present, shall have been guilty of willful misconduct in respect to the matter in which such claim is asserted or judgment recovered. If any action, payment or reimbursement herein provided is covered by insurance or bond protection then in force, then to the extent which such insurance or bond gives the protection above provided, the Board will cover the cost of such matters which are not covered by such insurance or bond which may be in excess of such insurance or bond protection. The Board will periodically undertake a risk management assessment to decide what insurance, risk-pool or other coverage may be appropriate and may or may not decide to cover any legal fees, costs, or expenses incurred by a Director, officer or employee that is not covered by insurance or a risk pool defense.
- XV. **AMENDMENTS.** The bylaws of the District may be amended, added to or repealed by a vote of a majority of the entire Board at any meeting of the Board, providing notice of the proposed change, amendment, or repeal is given in the notice of the meeting.



The above bylaws were adopted by the Starr County Groundwater Conservation District's Board at a properly noticed meeting held on the 23<sup>rd</sup> day of December, 2019.

APPROVED:

 12-23-19  
Board Vice President

 12-23-19  
Board Secretary

## STARR COUNTY GROUNDWATER CONSERVATION DISTRICT

### CODE OF ETHICS AND TRAVEL, PROFESSIONAL SERVICES AND MANAGEMENT POLICIES

These Code of Ethics and Travel, Professional Services and Management Policies (the "Code of Ethics") are adopted by the Board of Directors of Starr County Groundwater Conservation District (the "District") pursuant to Section 36.061 of the Texas Water Code.

#### ARTICLE I DEFINITIONS

Unless the context requires otherwise, the following terms and phrases used in the Code of Ethics and the Policies shall mean the following:

- (a) The term "Board" shall mean the Board of Directors of the Starr County Groundwater Conservation District.
- (b) The term "Director" shall mean a person appointed or elected to serve on the Board of Directors of the District.
- (c) The term "District" shall mean the Starr County Groundwater Conservation District, a political subdivision of the State of Texas, created under authority of Article XVI, § 59 of the Texas Constitution and Chapter 8803 of the Texas Special Districts Local Laws Code (Chapter 451, Acts of the 79<sup>th</sup> Legislature (2005), as amended), and Chapter 36 of the Texas Water Code.
- (d) The term "District Officials" shall mean District Directors, officers, employees, and persons and business entities handling investments for the District.
- (e) The term "Employee" shall mean any person employed by the District, but does not include independent contractors or professionals hired by the District as outside consultants.

#### ARTICLE II CODE OF ETHICS

##### Section 2.01. Purpose.

This Code of Ethics has been adopted by the District for the following purposes:

- (1) to assure compliance with Section 36.061 of the Texas Water Code and other state and federal laws affecting the operations of the District;
- (2) to encourage high ethical standards of official conduct by District Officials; and
- (3) to establish guidelines for such ethical standards of conduct.

Section 2.02. Policy.

It is the policy of the District that District Officials shall conduct themselves in a manner consistent with sound business and ethical practices; that the public interest shall always be considered in conducting District business; that impropriety or the appearance of impropriety shall be avoided to ensure and maintain public confidence in the District; and that the Board shall control and manage the affairs of the District lawfully, fairly, impartially, and without discrimination.

Section 2.03. Standards of Conduct.

A. A District Official may not solicit, accept, or agree to accept any gift from a person or business entity the District Official knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of the District Official's discretion, or any matter before the Board for any decision, opinion, recommendation, vote, or other exercise of discretion in carrying out his official acts for the District as prohibited by law. This does not prohibit a Director from receiving a salary or other compensation for service on the Board from a political subdivision for which he or she serves or is employed. A District Official will comply with all reporting requirements provided in Chapter 176 of the Texas Local Government Code, which addresses the relationships between governmental officials and business entities or persons who conduct business with governmental bodies.

B. A District Official shall not intentionally or knowingly offer, confer, or agree to confer on another, or solicit, accept, or agree to accept from another, any benefit as consideration when to do so is prohibited by law. This does not prohibit a Director from voting on a contract, purchase, claim, permit application, or transaction for a political subdivision or other entity for which the Director is employed or serves.

C. A District Official shall not solicit, accept or agree to accept an honorarium as prohibited by law. As of the date of the adoption of this Code of Ethics, Section 36.07, Texas Penal Code, a copy of which is attached as Appendix "A", provides the circumstances in which a District Official may not accept an honorarium.

Section 2.04. Nepotism.

The Board shall comply with Government Code Chapter 573 – Degrees of Relationship; Nepotism Prohibitions.



Section 2.05. Lobbying.

Should the Texas Ethics Commission by rule require any District Officials directly communicating with legislative or executive branch officials to register as lobbyists, District Officials shall comply with such rule. See Texas Government Code, Section 305.0051 a copy of which is attached as Appendix "B".

The District shall not reimburse from District funds the expenses of any person in excess of \$50.00 for direct communications with a member of the legislative or executive branch unless the person being compensated resides in the district of the member with whom the person communicates or files a written statement with the Secretary of State. This provision does not apply to registered lobbyists, a full-time employee of the District or an elected or appointed District official. See Texas Government Code, Section 305.026, Appendix "C".

ARTICLE III  
TRAVEL EXPENDITURES POLICY

Section 3.01. Purpose.

The Board wishes to establish an equitable and reasonable policy for travel expenditures and for the reimbursement of expenses to District Officials for expenses incurred while conducting business or performing official duties or assignments of the Board.

Section 3.02. Conference Registration Expenses.

Registration expenses for all Board-authorized conferences, seminars and other educational gatherings ("Conferences") shall be reimbursed in full to District Officials.

Section 3.03. Lodging and Meal Reimbursements.

Lodging and meal expenses may be reimbursed by the District only to the extent that they are determined to be reasonable and necessary under guidelines issued by the Texas Ethics Commission, incurred while conducting business or performing official duties or assignments of the District, documented by receipt or other proof of the actual expense, and accompanied by the verified statement required by Section 3.04.

If at any point the Texas Ethics Commissions guidelines are not in effect, the costs of a hotel room at Conferences, not exceeding the official Conference rate, shall be reimbursed, including cost of the room the night before the commencement of the Conference and the night of the final meeting day of the Conference. Other reasonable and necessary expenses will be allowed, subject to approval by the Board and the Texas Ethics Commission's guidelines.

Section 3.04. Transportation.

Transportation costs to and from Board-approved District business and/or Conferences shall be reimbursed at the per mile rate allowed for vehicles by the Internal Revenue Service, or for the lowest available airfare for the District Official only. Reasonable costs of transportation to and from the airport shall be reimbursed for the District Official only, or the cost of car rental shall be reimbursed, provided that mileage costs charged to the District shall include only mileage related to travel for District and Conference functions. Costs of parking at the hotel or Conference shall be reimbursed, including the day before and the morning after same. Reasonable costs of parking at the airport for the days of the Conference also may be reimbursed.

Section 3.05. Verified Statement of Expenditures.

Any District Official desiring reimbursement for travel expenditures shall present a verified statement thereof to the Board, together with all-supporting receipts and invoices. These expenses shall be submitted to the District's Board Treasurer and/or bookkeeper, and a check for payment of same shall be approved by the Board at the next regularly scheduled Board meeting.

ARTICLE IV  
PROFESSIONAL SERVICES POLICY

Section 4.01. Purpose.

This Professional Services policy has been adopted to provide for the selection, monitoring, review and evaluation of the District's professional services contracts. Consultants retained by the District to provide professional services include, but are not limited to, legal, engineering, management, bookkeeping, auditing, and tax collecting. Selection of such consultants shall be based upon their qualifications and experience and in compliance with the procedures established in Section 36.057 of the Texas Water Code and the Professional Services Procurement Act, Subchapter A, Chapter 2254, Texas Government Code.

Section 4.02. Periodic Review.

The performance of the consultants providing professional services to the District shall be regularly monitored and reviewed by the Board, and the Board may appoint a professional services committee to provide such monitoring and review to the Board.

ARTICLE V  
MANAGEMENT POLICY

Section 5.01. Purpose.

The Board desires to adopt a policy to ensure a better use of management information, including the use of budgets in planning and controlling costs, the establishment of a functioning

audit committee, and the use of uniform reporting requirements. The District provides for the management of the District in accordance with Chapter 36, Texas Water Code.

Section 5.02. Accounting Records.

District accounting records shall be prepared on a timely basis and maintained in an orderly basis, in conformity with generally accepted accounting principles and the requirements of the State Auditor. Such records shall be available for public inspection during regular business hours at the District's office in accordance with the Texas Public Information Act.

Section 5.03. Audit Requirements.

A. The Board, at the end of each fiscal year, shall have prepared an audit of its affairs by an independent certified public accountant or a firm of independent certified public accountants, which audit shall be open to public inspection. Such auditors shall have no personal interest directly or indirectly in the fiscal affairs of the District and shall be experienced and qualified in the accounting and auditing of public bodies. The audit shall be performed in accordance with generally accepted auditing standards and shall satisfy all requirements imposed by Chapter 36, Texas Water Code.

B. Courtesy copies of the District's annual audit report may be filed with the Texas Commission on Environmental Quality together with an annual filing affidavit and the Texas Water Development Board.

C. If the District does not have sufficient revenues or activity so that it meets the requirements of the Audit Laws for financially dormant or inactive districts, it may prepare and submit an annual financial dormancy affidavit or annual financial report described in the Audit Laws.

Section 5.04. Budget

Prior to the commencement of the fiscal year, the Board shall adopt a budget for use in planning and controlling District costs. Such budget shall take into consideration all District revenues and all projected District obligations and expenditures. The budget may be amended at any time.



The Board officially finds, determines and declares that these Code of Ethics and Policies were reviewed, carefully considered, and adopted at a regular meeting of the Board, and that a sufficient written notice of the date, hour, place and subject of this meeting was posted as required by the Texas Open Meetings Act, Texas Government Code, Chapter 551, as amended, and that this meeting had been open to the public as required by law at all times during which these Code of Ethics and Policies were discussed, considered and acted upon. The Board further ratifies, approves and confirms such written notice and the contents and posting thereof.

Adopted on this 23<sup>rd</sup> day of December, 2019.

  
Board Vice President

  
Board Secretary

LIST OF APPENDICES

Appendix "A" - Texas Penal Code § 36.07

Appendix "B" - Texas Government Code § 305.0051

Appendix "C" - Texas Government Code § 305.026

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
STARR COUNTY GROUNDWATER CONSERVATION DISTRICT  
ADOPTING CODE OF ETHICS AND TRAVEL EXPENDITURES, PROFESSIONAL  
SERVICES, AND MANAGEMENT POLICIES**

THE STATE OF TEXAS

§  
§  
§

STARR COUNTY GROUNDWATER CONSERVATION DISTRICT

**WHEREAS**, the Starr County Groundwater Conservation District (“District”) was created by Chapter 8803 of the Texas Special District Local Laws Code (Chapter 451, Acts of the 79th Legislature (2005), as amended) (“Enabling Act”) and under the authority of Section 59, Article XVI of the Texas Constitution and Chapter 36 of the Texas Water Code;

**WHEREAS**, Section 8803.101 of the Enabling Act grants the District with the rights, powers, privileges, functions, and duties provided by the general law of Texas, including Chapter 36 of the Texas Water Code;

**WHEREAS**, Section 36.061 of the Texas Water Code requires a groundwater conservation district to adopt a Code of Ethics, as well as policies regarding Travel Expenditures for District Officials, Professional Services, and Management; and

**WHEREAS**, the Board now finds that the adoption of a Code of Ethics and Travel Expenditure, Professional Services, and Management Policies for the District is necessary and required under Chapter 36 of the Texas Water Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF STARR COUNTY GROUNDWATER CONSERVATION DISTRICT THAT:**

1. The above recitals are true and correct.
2. The Board of Directors for the District hereby adopts the attached Code of Ethics and Travel Expenditure, Professional Services, and Management Policies for the District.
3. The Code of Ethics, Travel Expenditure, Professional Services, and Management Policies attached as Exhibit “A” shall continue in effect until modified by the Board of Directors.
4. The Board of Directors hereby authorizes its Board Vice President and Secretary, staff, and legal counsel to take any and all action necessary to implement the terms of this Resolution.



**AND IT IS SO ORDERED.**

**PASSED AND ADOPTED** on this 23<sup>rd</sup> day of December, 2019.

**STARR COUNTY GROUNDWATER CONSERVATION DISTRICT**

By: Thomas Kamechu 12-23-19  
Board Vice President

ATTEST:

[Signature] 12-23-19  
Board Secretary

**STARR COUNTY  
GROUNDWATER CONSERVATION DISTRICT  
INVESTMENT POLICY**

**I. POLICY**

It is the policy of the Starr County Groundwater Conservation District (District), through the District's Board of Directors (Board), that after allowing for the anticipated cash flow requirements of the District and giving due consideration to the safety and risk of investment, all available funds shall be invested in conformance with these legal and administrative guidelines seeking to optimize interest earnings.

Effective cash management is recognized as essential to good fiscal management. Investment interest is a source of revenue to District funds. The District's investment portfolio shall be designed and managed in a manner designed to optimize this revenue source, to be responsive to public trust, and to be in compliance with legal requirements and limitations.

Investments shall be made with the primary objectives of:

- \* Safety and preservation of principal;
- \* Maintenance of sufficient liquidity to meet operating needs;
- \* Public trust from prudent investment activities; and
- \* Optimization of interest earnings on the portfolio.

**II. DEFINITIONS**

Unless the context requires otherwise, the following terms and phrases used in this Policy shall mean the following:

- (a) The term "Authorized Investment" shall mean any security which the District is authorized to invest under Chapter 2256, Texas Government Code.
- (b) The term "Board" shall mean the Board of Directors of the Starr County Groundwater Conservation District.
- (c) The term "Collateral" shall mean:
  - (1) Government securities or obligations issued by the State of Texas, its agencies or political subdivisions, and approved by the Attorney General of Texas payable from taxes or revenues or a combination thereof and approved by the investment committee; or

- (2) Direct obligations of the United States of America backed by the full faith and credit of the government; or
  - (3) Any other obligations or securities authorized to be collateral securing the funds of groundwater districts under the laws of the State of Texas and approved by the investment committee.
- (d) The term “Director” shall mean a person appointed to serve on the Board of Directors of the District.
  - (e) The term “District” shall mean the Starr County Groundwater Conservation District, a political subdivision of the State of Texas, created under authority of Article XVI, § 59 of the Texas Constitution and Chapter 36 of the Texas Water Code, and by Chapter 8803 of the Texas Special Districts Local Laws Code (Chapter 451, Acts of the 79<sup>th</sup> Legislature (2005), as amended).
  - (f) The term “District Officials” shall mean the Investment Officer, District Directors, officers, employees, and persons and business entities handling investments for the District.
  - (g) The term “Employee” shall mean any person employed by the District, but does not include independent contractors or professionals hired by the District as outside consultants.
  - (h) The term “Funds” means public funds in the custody of the District and that:
    - (1) Are not required by law to be deposited in the state treasury; and
    - (2) That the District has the authority to invest.
  - (i) The term “Public Funds Investment Act” shall mean Chapter 2256, Texas Government Code, as amended from time to time.
  - (j) The term “Investment Officer(s)” means the Director(s) or Employee(s) of the District appointed from time to time by the Board to invest and reinvest the funds of the District.
  - (k) The term “Market Value” means the current face or par value of an investment multiplied by the net selling price of the security as quoted by a recognized market pricing source quoted on the valuation date.



### **III. PURPOSE**

The purpose of this Investment Policy is to comply with Chapter 36, Water Code, and Chapters 2256 and 2257, Government Code, (“Public Funds Investment Act” and “Public Funds Collateral Act,” respectively), which requires each district to adopt a written investment policy regarding the investment of its funds and regarding those funds under its control. This Investment Policy addresses the methods, procedures and practices that must be exercised to ensure effective and judicious fiscal management of the District’s funds.

### **IV. SCOPE**

This Investment Policy shall govern the investment of all financial assets and funds of the District. These funds include the following:

- General Fund
- Special Revenue Funds
- Capital Projects Funds
- Enterprise Funds
- Trust and Agency Funds, to the extent not required by law or existing contract to be kept segregated and managed separately
- Debt Service Funds, including reserves and sinking funds, to the extent not required by law or existing contract to be kept segregated and managed separately
- Any new fund created by the District, unless specifically exempted from this Policy by the Board or by law.

Investment income will be allocated to the various funds based on their respective participation.

This Investment Policy shall apply to all transactions involving the financial assets and related activity for all the foregoing funds. This policy does not apply to the assets administered for the benefit of the District by outside agencies under deferred compensation programs.

### **V. INVESTMENT OBJECTIVES**

The District shall manage and invest its cash with four primary objectives, listed in order of priority: safety, liquidity, yield, and public trust. The safety of the principal invested always remains the primary objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with state and local law.

The District shall maintain a comprehensive cash management program, which includes collection of account receivables, vendor payments in accordance with invoice terms, and prudent investment of available cash. Cash management is defined as the process of

managing monies in order to insure maximum cash availability and maximum earnings on short-term investment of idle cash. Safety of principal and liquidity are the foremost objectives of this Investment Policy.

### **Safety**

Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit and interest rate risk.

- Credit Risk and Concentration of Credit Risk – The District will minimize credit risk, the risk of loss due to the failure of the issuer or backer of the investment, and concentration of credit risk, the risk of loss attributed to the magnitude of investment in a single issuer, by:
  - limiting investments to the safest types of investments;
  - pre-qualifying the financial institutions and broker or dealers with which the District will do business; and
  - diversifying the investment portfolio so that potential losses on individual investments will be minimized.
  
- Interest Rate Risk – the District will manage the risk that the interest earnings and the market value of investments in the portfolio will fall due to changes in general interest rates by limiting the maximum weighted average maturity of the investment portfolio to 365 days. The District will, in addition:
  - structure the investment portfolio so that investments mature to meet cash requirements for ongoing operations, thereby avoiding the need to liquidate investments prior to maturity;
  - invest operating funds primarily in certificates of deposit, shorter-term securities, money market mutual funds, or local government investment pools functioning as money market mutual funds; and
  - diversify maturities and staggering purchase dates to minimize the impact of market movements over time.

### **Liquidity**

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that investments mature concurrent with cash needs to meet anticipated demands. Because all possible cash demands cannot be anticipated, a portion of the portfolio will be invested in shares of money market mutual funds or local government investment pools that offer same-day liquidity. In addition, a portion of the portfolio will consist of securities with active secondary or resale markets.

### **Public Trust**

All participants in the District's investment process shall seek to act responsibly as custodians of the public trust. Investment officers must avoid any transaction that might impair public confidence in the District's ability to govern effectively.

### **Yield (Optimization of Interest Earnings)**

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above.

## **VI. RESPONSIBILITY AND CONTROL**

### **Delegation of Authority**

In accordance with Chapter 36.1561, Water Code, and the Public Funds Investment Act, the Board shall designate one or more District Officials to be responsible for the investment of its funds and serve as the District's Chief Investment Officer. The Investment Officer is authorized to execute investment transactions on behalf of the District. No person may engage in an investment transaction or the management of District funds except as provided under the terms of this Investment Policy as approved by the Board. The investment authority granted to the investing officer is effective until rescinded by the Board or immediately upon the Investment Officer's employment termination.

### **Quality and Capability of Investment**

The District shall provide periodic training in investments for the designated Investment Officers and other investment personnel through courses and seminars offered by professional organizations, associations, and other independent sources in order to ensure the quality and capability of investment management in compliance with the Public Funds Investment Act.

### **Training Requirement**

The Investment Officer of the District shall attend a training session of at least six hours of instruction relating to investment responsibilities under the Public Funds Investment Act (Chapter 2256, Government Code), not later than the first anniversary of the date the officer takes office or assumes the officer's duties. The Investment Officer shall attend at least four hours of additional investment training on or before the second anniversary of the last training session the officer attended. The investment training session shall be provided by an independent source approved by the Board. For purposes of this policy, an "independent source" from which investment training shall be obtained shall include a professional organization, an institution of higher education or any other sponsor other than a business



organization with whom the District may engage in an investment transaction. The following organizations are specifically authorized as independent sources for training:

- Texas Alliance of Groundwater Districts
- Texas Water Conservation Association
- Association of Water Board Directors
- University of North Texas, Center for Public Management
- William P. Hobby Center for Public Service at Texas State University

Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with Chapters 2256 and 2257, Government Code.

### **Internal Controls**

The District's Board and/or staff is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the District's Board and/or staff shall establish a process for annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

- control of collusion
- separation of transactions authority from accounting and record keeping
- custodial safekeeping
- avoid physical delivery of securities
- clear delegation of authority to subordinate staff members
- written confirmation for telephone (voice) transactions for investments and wire transfers
- development of a wire transfer agreement with the depository bank or third party custodian

### **Prudence**

The standard of prudence to be applied by the Investment Officer shall be the "prudent investor" rule:

"Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for

investment, considering the probable safety of their capital as well as the probable income to be derived.”

In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- the investment of all funds, or funds under the District’s control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
- whether the investment decision was consistent with the written approved investment policy of the District.

### **Indemnification**

The Investment Officer may not be held personally responsible for a specific investment’s credit risk or market price changes as long as the officer acted in accordance with written procedures and exercised due diligence, provided that the officer reports these deviations immediately and the appropriate action is taken to control adverse developments.

### **Ethics and Conflicts of Interest**

Officers and employees involved in the investment process shall refrain from personal business activity that would conflict with the proper execution and management of the investment program, or that would impair their ability to make impartial decisions. Employees and Investment Officers shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial or investment positions that could be related to the performance of the investment portfolio.

An Investment Officer of the District who has a personal business relationship with an organization seeking to sell an investment to the District shall file a statement disclosing that personal business interest. An Investment Officer who is related within the second degree by affinity or consanguinity as determined by Chapter 573, Texas Government Code, to an individual seeking to sell an investment to the District shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the District Board. The Investment Officer(s) and the District Officials shall comply with the reporting requirements established by Chapter 176 of the Texas Local Government Code.

## **VII. SUITABLE AND AUTHORIZED INVESTMENTS**

### **Portfolio Management**

The District has a “buy and hold” portfolio strategy. Maturity dates are matched with cash flow requirements and investments are purchased with the intent to be held until maturity. However, investments may be liquidated prior to maturity for the following reasons:

- an investment with declining credit may be liquidated early to minimize loss of principal; and
- cash flow needs of the District require that the investment be liquidated.

### **Authorized Investments**

District funds governed by this policy may be invested in the instruments described below, all of which are authorized by Chapter 2256 of the Government Code (Public Funds Investment Act):

1. obligations of the United States of America, its agencies and instrumentalities;
2. certificates of deposit issued by a depository institution that has its main office or a branch office in Texas. The certificate of deposit must be guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. Any funds held in excess of the amount insured shall be secured by obligations in a manner and amount as provided by law;
3. certificates of deposit obtained through a depository institution or broker that has its main office or a branch office in Texas and that contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Public Funds Investment Act;
4. obligations of the State of Texas or its respective agencies or instrumentalities;
5. money market mutual funds that: 1) are registered and regulated by the Securities and Exchange Commission, 2) have a dollar weighted average stated maturity of 90 days or less, 3) seek to maintain a net asset value of \$1.00 per share, and 4) are rated AAA by at least one nationally recognized rating service;
6. local government investment pools, which 1) meet the requirements of Chapter 2256.016 of the Public Funds Investment Act, 2) are rated no lower than AAA or an equivalent rating by at least one nationally recognized rating service, and 3) are authorized by Board resolution; and



7. a local government investment pool created to function as a money market mutual fund if the pool 1) marks its portfolio to the market daily and, 2) to the extent reasonably possible, stabilizes at \$1.00 net asset value.

Investment of District funds in any instrument or security not authorized for investment under the Act is prohibited. All prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating. The Investment Officer shall periodically review the credit quality rating of instruments in the District's portfolio using published resources from at least one nationally recognized rating service.

### **Prohibited Investments**

The following are prohibited investments:

1. obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
2. obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
3. collateralized mortgage obligations that have a final stated maturity date of greater than 10 years;
4. collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index;
5. investments in companies engaged in business with the governments of Sudan and Iran or with a foreign terrorist organization designated as such by the United States secretary of state (the District may rely on a company's response to a notice or communication made under this paragraph without conducting any further investigation, research, or inquiry);
6. securities of a business identified by the state comptroller as a "scrutinized business" on a list provided at least annually to the District unless acquired pursuant to an exception under Chapter 2270, Government Code; and
7. any investment that does not meet a required minimum rating under this policy for the duration the investment does not have the minimum rating.

### **Action and Reports on Prohibited Investments**

An entity shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating. Except as provided by Chapter 2270, Government Code, relating to the prohibition on certain investments, the

District is not required to liquidate investments that were authorized investments at the time of purchase.

Not later than the 30th day after the date the District receives the list of scrutinized businesses from the Texas Comptroller, the District shall notify the Comptroller of the listed companies in which the District owns direct or indirect holdings, if any.

Not later than December 31 of each year, the District shall comply with the following statutory requirements, as applicable:

1. file a publicly available report regarding its investments with the presiding officer of each House of the Texas Legislature and the Texas Attorney General in compliance with Section 2270.0252(1), Government Code; and
2. file a report with the United States Presidential special envoy to Sudan in compliance with Section 2270.0252(2), Government Code.

## **VIII. INVESTMENT PARAMETERS**

### **Maximum Maturities**

It is the District's policy to concentrate its investment portfolio in shorter-term securities in order to limit principal risk caused by changes in interest rates.

The District attempts to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the District will not directly invest in securities maturing more than one (1) year from the date of purchase; however, the above described obligations, certificates, or agreements may be collateralized using longer dated investments. The composite portfolio will have a weighted average maturity of 180 days or less. This dollar-weighted average maturity will be calculated using the stated final maturity dates of each security.

### **Diversification**

The District recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification that shall be achieved by the following general guidelines:

- limiting investments to avoid overconcentration in investments from a specific issuer or business sector;
- limiting investments that have higher credit risks (example: commercial paper);
- investing in investments with varying maturities; and
- continuously investing a portion of the portfolio in readily available funds such as local government investment pools (LGIPs), money market funds or overnight

repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

The following maximum limits, by instrument, are established for the District's total portfolio:

1. U.S. Treasury Securities ..... 100%
2. Agencies and Instrumentalities ..... 85%
3. Certificates of Deposit ..... 100%
4. Money Market Mutual Funds ..... 50%
5. Authorized Pools ..... 75%

## **IX. SELECTION OF BANKS AND DEALERS**

### **Depository**

The Board shall name one or more banks to serve as depository for the District's funds. District funds, other than those transmitted to a bank for payment of bonds issued by the District, shall be deposited as received with the bank and shall remain on deposit, but this does not limit the power of the Board to place a portion of the District's funds on time deposit or to purchase Certificates of Deposit. To the extent that funds in the depository are not insured by the Federal Deposit Insurance Corporation (FDIC), they shall be secured in the manner provided by law for the security of funds by the Public Funds Collateral Act, Chapter 2257, Government Code.

### **Authorized Brokers/Dealers**

The District shall annually review, revise, and adopt a list of qualified brokers or dealers and financial institutions authorized to engage in securities transactions with the District. Those firms that request to become qualified bidders for securities transactions will be required to provide: 1) a completed broker or dealer questionnaire that provides information regarding creditworthiness, experience and reputation; and 2) a certification stating the firm received, read and understood the District's investment policy and agrees to comply with that policy 3) a statement that the firm does not boycott Israel and will not boycott Israel during the term of the contract if a firm (other than a sole proprietorship) wants to enter into a contract with the District, the firm has ten (10) or more full-time employees, and the contract has a value of \$100,000 or more that is to be paid wholly or partly from public fund of the District. Authorized firms may include primary dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (Uniform Net Capital Rule), and qualified depositories. All investment providers, including financial institutions, banks, money market mutual funds, and local government investment pools, must sign a certification acknowledging that the organization has received and reviewed the District's investment policy and that reasonable procedures and controls have been implemented to preclude investment transactions that are not authorized by the District's policy, and that the firm does not boycott Israel and will not boycott Israel during the term of the contract if a



firm (other than a sole proprietorship) wants to enter into a contract with the District, the firm has ten (10) or more full-time employees and the contract has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the District. A form of the certification is attached to this Investment Policy.

### **Delivery vs. Payment**

Securities shall be purchased using the “delivery vs. payment” method with the exception of investment pools and mutual funds. Funds will be released after notification that the purchased security has been received.

## **X. CUSTODIAL CREDIT RISK MANAGEMENT**

### **Safekeeping and Custodian Agreements**

The District shall contract with a bank or banks for the safekeeping of securities either owned by the District as part of its investment portfolio or held as collateral to secure demand or time deposits. Securities owned by the District shall be held in the District’s name as evidenced by safekeeping receipts of the institution holding the securities.

Collateral for deposits will be held by a third party custodian designated by the District and pledged to the District as evidenced by safekeeping receipts of the institution with which the collateral is deposited. Original safekeeping receipts shall be obtained. Collateral may be held by the depository bank’s trust department, a Federal Reserve bank or branch of a Federal Reserve bank, a Federal Home Loan Bank, or a third party bank approved by the District.

### **Collateral Policy**

Consistent with the requirements of the Public Funds Collateral Act, it is the policy of the District to require full collateralization of all District investments and funds on deposit with a depository bank, other than investments, which are obligations of the U.S. government and its agencies and instrumentalities. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 102% of market value of principal and accrued interest on the deposits or investments less an amount insured by the FDIC. At its discretion, the District may require a higher level of collateralization for certain investment securities. Securities pledged as collateral shall be held by an independent third party with which the District has a current custodial agreement. The General Manager is responsible for entering into collateralization agreements with third party custodians in compliance with this Policy. The agreements are to specify the acceptable investment securities for collateral, including provisions relating to possession of the collateral, the substitution or release of investment securities, ownership of securities, and the method of valuation of securities. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the District and retained. Collateral shall be

reviewed at least quarterly to assure that the market value of the pledged securities is adequate.

### **Collateral Defined**

The District shall accept only the following types of collateral:

- obligations of the United States or its agencies and instrumentalities.
- direct obligations of the state of Texas or its agencies and instrumentalities.
- collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States.
- obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized rating firm not less than A or its equivalent with a remaining maturity of ten (10) years or less.
- a surety bond issued by an insurance company rated as to investment quality by a nationally recognized rating firm not less than A.
- a letter of credit issued to the District by the Federal Home Loan Bank.

### **Subject to Audit**

All collateral shall be subject to inspection and audit by District's designated Board members, District staff or the District's independent auditors.

## **XI. PERFORMANCE**

### **Performance Standards**

The District's investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio shall be designed with the objective of obtaining a rate of return through budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow requirements of the District.

## **XII. REPORTING**

### **Methods**

The Investment Officer shall prepare and sign off on a written investment report on a quarterly basis that summarizes investment strategies employed in the most recent reporting period and describes the portfolio in terms of investment securities, maturities, and shall explain the total investment return for the reporting period.

The investment report shall include a summary statement of investment activity. This summary will be prepared in a manner that will allow the District to ascertain whether investment activities during the reporting period have conformed to the Investment Policy. The report will be provided to the Board. The report will include the following:

- the investment position of the entity as of the date of the report
- a listing of individual securities held at the end of the reporting period
- a summary statement of each pooled fund group that includes the beginning market value for the reporting period, ending market value for the period, and fully accrued interest for the reporting period
- the book and market value of each separately invested asset at the end of the reporting period by type of asset and fund type invested
- additions and changes to the market value during the period
- average weighted yield to maturity of portfolio as compared to applicable benchmark
- listing of investments by maturity date
- the percentage of the total portfolio that each type of investment represents
- statement of compliance of the District's investment portfolio with state law and the investment strategy and policy approved by the Board

An independent auditor will perform a formal annual review of the investment reports with the results reported to the Board.

### **Marking to Market**

Market value of all securities in the portfolio will be determined on a quarterly basis. These values will be obtained from a reputable and independent source and disclosed to the governing body quarterly in a written report.



### **XIII. INVESTMENT POLICY ADOPTION**

The District's investment policy shall be adopted by resolution of the Board. It is the District's intent to comply with state laws and regulations. The District's investments policies shall be subject to revisions consistent with changing laws, regulations, and needs of the District. The Board shall review the policy annually and approve any changes or modifications.

**CERTIFICATION FORM**

I hereby certify that I have received and reviewed the investment policy of the Starr County Groundwater Conservation District ("District") and have implemented reasonable procedures and controls designed to preclude imprudent investment activities arising out of investment transactions conducted between this firm and the District. Transactions between this firm and the District will be directed towards protecting the District from credit or market risk.

All the sales personnel of this firm dealing with the District's account have been informed and will be routinely informed of the District's investment horizons, limitations, strategy and risk constraints, whenever we are so informed.

This firm pledges due diligence in informing the District through its duly appointed Investment Officer of foreseeable risks associated with financial transactions connected to this institution.

\_\_\_\_\_  
(Firm/Institution)

\_\_\_\_\_  
(Signature of Registered Principal)

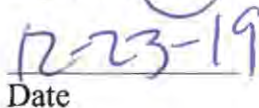
\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

Received by Starr County Groundwater Conservation District Investment Officer:

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
STARR COUNTY GROUNDWATER CONSERVATION DISTRICT  
ADOPTING INVESTMENT POLICY**

THE STATE OF TEXAS

§  
§  
§

STARR COUNTY GROUNDWATER CONSERVATION DISTRICT

**WHEREAS**, the Starr County Groundwater Conservation District (“District”) was created by Chapter 8803 of the Texas Special District Local Laws Code (Chapter 451, Acts of the 79th Legislature (2005), as amended) (“Enabling Act”) and under the authority of Section 59, Article XVI of the Texas Constitution and Chapter 36 of the Texas Water Code;

**WHEREAS**, Section 8803.101 of the Enabling Act grants the District with the rights, powers, privileges, functions, and duties provided by the general law of Texas, including Chapter 36 of the Texas Water Code;

**WHEREAS**, Section 36.061 of the Texas Water Code requires a groundwater conservation district to adopt a policy relating to District investments; and

**WHEREAS**, the Board now finds that the adoption of an Investment Policy for the District is necessary and required under Chapter 36 of the Texas Water Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF STARR COUNTY GROUNDWATER CONSERVATION DISTRICT THAT:

1. The above recitals are true and correct.
2. The Board of Directors for the District hereby adopts the Investment Policy for the District.
3. The attached Investment Policy attached as Exhibit “A” shall continue in effect until modified by the Board of Directors.
4. The Board of Directors hereby designates its Board Treasurer as Chief Investment Officer for the District.
5. The Board of Directors hereby authorizes and directs its Board Treasurer, District Staff, and legal counsel to take any and all action necessary to implement the terms of this Resolution.



**AND IT IS SO ORDERED.**

**PASSED AND ADOPTED** on this 23<sup>rd</sup> day of December, 2019.

**STARR COUNTY GROUNDWATER CONSERVATION DISTRICT**

By:   
Board Vice President

ATTEST:

  
Board Secretary

**STARR COUNTY GROUNDWATER CONSERVATION DISTRICT**  
**RECORDS MANAGEMENT POLICY**

THE STATE OF TEXAS

§  
§  
§

STARR COUNTY GROUNDWATER CONSERVATION DISTRICT

**WHEREAS**, the Starr County Groundwater Conservation District (“District”) was created by Chapter 8803 of the Texas Special District Local Laws Code (Chapter 451, Acts of the 79th Legislature (2005), as amended)(“Enabling Act”) and under the authority of Section 59, Article XVI of the Texas Constitution and Chapter 36 of the Texas Water Code;

**WHEREAS**, Title 6, Subtitle C, Local Government Code (Local Government Records Act), provides that each local government must establish an active and continuing records management program; and

**WHEREAS**, the Starr County Groundwater Conservation District now desires to adopt a plan for that purpose and to prescribe policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF STARR COUNTY GROUNDWATER CONSERVATION DISTRICT THAT:

**SECTION 1. DEFINITION OF RECORDS OF THE STARR COUNTY GROUNDWATER CONSERVATION DISTRICT.** All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the Starr County Groundwater Conservation District or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the Starr County Groundwater Conservation District and shall be created, maintained, and disposed of in accordance with the provisions of this ordinance or procedures authorized by it and in no other manner.

**SECTION 2. RECORDS DECLARED PUBLIC PROPERTY.** All records as defined in Section 1 of this plan are hereby declared to be the property of the Starr County Groundwater Conservation District. No official or employee of the Starr County Groundwater Conservation District has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

**SECTION 3. POLICY.** It is hereby declared to be the policy of the Starr County Groundwater Conservation District to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all records of this office through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Local Government Records Act and accepted records management practice.

**SECTION 4. RECORDS MANAGEMENT OFFICER.** The District's Board Secretary will serve as records management officer for the Starr County Groundwater Conservation District as provided by law and will ensure that the maintenance, destruction, electronic storage, or other disposition of the records of this office are carried out in accordance with the requirements of the Local Government Records Act.

**SECTION 5. RECORDS CONTROL SCHEDULE.** Appropriate records control schedules issued by the Texas State Library and Archives Commission shall be adopted by the records management officer for use in Starr County Groundwater Conservation District, as provided by law. Any destruction of records of the Starr County Groundwater Conservation District will be in accordance with these schedules and the Local Government Records Act.

**AND IT IS SO ORDERED.**

**PASSED AND ADOPTED** on this 23<sup>rd</sup> day of December, 2019.

**STARR COUNTY GROUNDWATER CONSERVATION DISTRICT**

By:   
Board Vice President

ATTEST:

  
Board Secretary





## LOCAL SCHEDULE GR (Revised Fifth Edition)

### RETENTION SCHEDULE FOR RECORDS COMMON TO ALL LOCAL GOVERNMENTS

This schedule establishes mandatory minimum retention periods for records that are usually found in all local governments, regardless of type. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period that is less than that established for the record in this schedule. Original paper records may be disposed of prior to the expiration of their minimum retention periods if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under those chapters. Actual disposal of such records by a local government is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under it, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Public Information Act (Government Code, Chapter 552).

## INTRODUCTION

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the Commission. If applicable, the wording of the records series will match that of any federal or state law, rule of court, or regulation, and citation to law, rule, or regulation will be provided in the Remarks section.

Retention periods listed in this schedule apply to records in any medium. If records are stored electronically, they must remain available and accessible until the retention period assigned by this schedule, along with any hardware or software required to access or read them. Electronic records may include electronic mail (e-mail), websites, electronic publications, or any other machine-readable format. Paper or microfilm copies may be retained in lieu of electronic records.

The use of social media applications may create public records. Any content (messages, posts, photographs, videos, etc.) created or received using a social media application may be considered records and should be managed appropriately. The retention of social media records is based on content and function. Local governments will need to consult the relevant records retention schedule for the minimum retention periods.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period, applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

A local government record whose retention period has expired may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is initiated; its destruction shall not occur until the completion of the action and the resolution of all issues that arise from it.

A local government record whose retention period expires during any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record may not be destroyed until the completion of the action and the resolution of all issues that arise from it.

If a record described in this schedule is maintained in a bound volume of a type in which pages were not meant to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is **less than permanent** may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is **permanent** in this schedule, authority to dispose of the damaged record must be obtained from the Director and Librarian of the Texas State Library and Archives Commission. A Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described.

### Use of Asterisk (\*)

The use of an asterisk in this edition of Local Schedule GR indicates that the record is either new to this edition, the retention period for the record has been changed, or amendments have been made to the description of or remarks concerning the record. An asterisk is not used to indicate minor amendments to grammar or punctuation.

#### ABBREVIATIONS USED IN THIS SCHEDULE

AV - As long as administratively valuable  
FE - Fiscal year end  
TAC - Texas Administrative Code  
US - Until superseded  
LA - Life of asset  
CE - Calendar year end

## Table of Contents

<b>Part 1: Administrative Records</b> _____	page 4
Section 1-1: Records of Governing Bodies _____	page 4
Section 1-2: General Records _____	page 7
<b>Part 2: Financial Records</b> _____	page 19
Section 2-1: Fiscal Administration and Reporting Records _____	page 22
Section 2-2: Accounting Records _____	page 26
<b>Part 3: Personnel and Payroll Records</b> _____	page 30
Section 3-1: Personnel Records _____	page 31
Section 3-2: Payroll Records _____	page 45
<b>Part 4: Support Services Records</b> _____	page 52
Section 4-1: Purchasing Records _____	page 52
Section 4-2: Facility, Vehicle, and Equipment Management Records _____	page 53
Section 4-3: Communication Records _____	page 58
Section 4-4: Workplace Safety Records _____	page 59
<b>Part 5: Information Technology Records</b> _____	page 61
Section 5-1: Records of Automated Applications _____	page 62
Section 5-2: Computer Operations and Technical Support Records _____	page 64



## PART 1: ADMINISTRATIVE RECORDS

### SECTION 1-1: RECORDS OF GOVERNING BODIES

**Retention Note:** SCOPE OF SECTION - The retention periods established in this section also apply to the records of subsidiary boards, bureaus, commissions, or committees established by the governing body of a local government that have rulemaking or quasi-judicial authority over any activity or program of the government or that were established by ordinance, order, or resolution for the purposes of advising the governing body or a subsidiary body on policy. Consequently, the use of the term “governing body” in a records description includes the corresponding records of those subsidiary bodies.

Record Number	Record Title	Record Description	Retention Period	Remarks
<b>GR1000-01</b>	<b>AGENDAS</b>			
<b>GR1000-01a</b>	<b>AGENDAS</b>	Open meetings.  1) If the minutes describe each matter considered by the governing body and reference to an agenda <b>is not</b> required.  2) If the minutes <b>do not</b> describe each matter considered by the governing body and reference to an agenda <b>is</b> required.	2 years.  PERMANENT.	
<b>GR1000-01b</b>	<b>AGENDAS</b>	Certified agendas of closed meetings.	2 years.	By law - Government Code, Section 551.104(a).
<b>GR1000-02</b>	<b>DEDICATIONS</b>		PERMANENT.	
<b>*GR1000-03</b>	<b>MINUTES</b>			<b>Retention Note:</b> The use of the term “audiovisual recordings” in (c)-(f) means any medium on which audio or a combination of audio and video is recorded.
<b>GR1000-03a</b>	<b>MINUTES</b>	Written minutes.	PERMANENT.	
<b>GR1000-03b</b>	<b>MINUTES</b>	Notes taken during meetings from which written minutes are prepared.	90 days after approval of minutes by the governing body.	
<b>*GR1000-03c</b>	<b>MINUTES</b>	Audiovisual recordings of open meetings, except as described in (d), for which written minutes <b>are not</b> prepared.	PERMANENT.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-03d	MINUTES	Audiovisual recordings of workshop sessions of governing bodies in which votes are not made and written minutes <b>are not</b> required by law to be taken.	2 years.	
*GR1000-03e	MINUTES	Audiovisual recordings of open meetings for which written minutes <b>are</b> prepared.	90 days after approval of minutes by the governing body.	
*GR1000-03f	MINUTES	Certified audiovisual recordings of closed meetings.	2 years.	By law - Government Code, Section 551.104(a).

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-03g	MINUTES	Supporting documentation - One copy of each document <b>of any type</b> submitted to a meeting of a governing body for consideration, approval, or other action; <b>if</b> such action is reflected in the minutes of the meeting.	2 years.	<p><b>Retention Notes:</b> a) The retention periods for many of the documents submitted to a governing body for action are established elsewhere in this or other commission schedules and are often longer than the 2-year retention period for supporting documentation set here. The 2-year retention requirement does not override a longer retention requirement set elsewhere, but rather is meant to ensure that <b>all</b> documents presented for action by a governing body are retained at least two years. This schedule does not require that supporting documentation be maintained together, but the retention by the clerk or secretary to the governing body of one set of the documents submitted at each meeting (often called "council packets" in municipalities) for two years would ensure satisfaction of the minimum retention requirement. Clerks or secretaries to governing bodies should exercise caution in disposing of supporting documentation to avoid destruction of the record copy of a document for which they are custodian before the expiration of its retention period.</p> <p>b) Review before disposal; some supporting documentation, not already required to be maintained <b>PERMANENTLY</b> elsewhere in this or other commission schedules, may merit <b>PERMANENT</b> retention for historical reasons.</p>
GR1000-04	OPEN MEETING NOTICES		2 years.	



Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-05	ORDINANCES, ORDERS, AND RESOLUTIONS		PERMANENT.	<b>Retention Note:</b> Includes ordinances, orders, or resolutions that have been repealed, revoked, or amended.
GR1000-06	PETITIONS	Petitions from the public to the governing body or subsidiary boards or commissions of a local government.	Final action on the petition + 2 years.	<b>Retention Notes:</b> a) Does not include petitions noted elsewhere in this or other commission schedules or any petition presented to a commissioners court that state law requires a county clerk to record. See Local Schedule CC (Records of County Clerks).  b) "Final action" includes a decision to take no further action on a petition.
GR1000-07	PROCLAMATIONS		2 years.	
*GR1000-08	SPEECHES, PAPERS, AND PRESENTATIONS– ELECTED OFFICIALS	Notes or text of speeches, papers, presentations or reports delivered in conjunction with government work by elected officials.	End of term in office or termination of service in that position.	<b>Retention Notes:</b> a) For speeches, papers, and presentations of other local government staff see GR1000-51.  b) Review before disposal; some records may merit <b>PERMANENT</b> retention for historical reasons.
*GR1000-09	PUBLIC COMMENT FORMS	Public comment forms, citizen comment forms, registration cards, or other similar documents filled out by members of the public wishing to speak at an open meeting.	2 years.	<b>Retention Note:</b> If all information from the public comment form is documented in written minutes of the meeting, the public comment form need only be retained for the retention period listed in GR1000-03b.

**SECTION 1-2: GENERAL RECORDS**

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-20	ACCIDENT REPORTS	Reports of accidents to persons on local government property or in any other situation in which a local government could be party to a lawsuit.		<b>Retention Note:</b> For reports of work-related injuries and illnesses to employees see GR1050-32.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-20a	ACCIDENT REPORTS	Reports of accidents to adults.	3 years from date of report if no claim is filed; 3 years after settlement or denial of the claim if a claim is filed, whichever applicable.	
GR1000-20b	ACCIDENT REPORTS	Reports of accidents to minors.	Date minor reaches majority age + 3 years, if no claim filed; 3 years after settlement or denial of claim if a claim is filed, whichever applicable.	
*GR1000-21	AFFIDAVITS OF PUBLICATION	Affidavits of Publication, including any accompanying clipping proofs or tear sheets.		
*GR1000-21a	AFFIDAVITS OF PUBLICATION	Publication of municipal ordinances.	PERMANENT.	<b>Retention Note:</b> It is an exception to the permanent retention period that affidavits of publication and associated documentation for ordinances that are codified or re-codified may be disposed of after the effective date of the new code.
*GR1000-21b	AFFIDAVITS OF PUBLICATION	Election notices.		By law – Election Code, Sections 4.005(d) and 66.058(a).
		1) In an election involving a federal office.	Election day + 22 months.	
		2) In an election <b>not</b> involving a federal office.	Election day + 6 months.	
GR1000-21c	AFFIDAVITS OF PUBLICATION	All other published legal notices.	2 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-22	<b>ANNEXATION, DISANNEXATION, ABOLITION, AND OTHER JURISDICTIONAL RECORDS</b>	Records relating to the annexation or disannexation of territory to or from a local government, to its abolition, or to other actions which affect its territorial jurisdiction or service area, including reports, correspondence, records of public hearings, agreements, and similar records.	PERMANENT.	<b>Retention Note:</b> A contract or agreement relating to territorial jurisdiction or the delivery of services between two or more governments (e.g., between a city and a county for fire services in an unincorporated area) must be kept for the retention period in item number GR1000-25.
*GR1000-23	<b>CHARTERS</b>	Charters, Articles of Incorporation, Orders of Incorporation, Orders of Change, or other similar documents used to establish or modify the administration of a local government.	PERMANENT.	
*GR1000-24	<b>COMPLAINTS</b>	Complaints received from the public by a governing body or any officer or employee of a local government relating to government employees, policies, etc.	Resolution or dismissal of complaint + 2 years.	<b>Retention Notes:</b> a) The 2-year retention period applies only to complaints of a general nature that do not fall into a different category of complaint noted in this or other commission schedules. For example, complaints from the public about potential fire hazards are scheduled in Local Schedule PS (Records of Public Safety Agencies) and have a longer retention period.  b) For complaints received from local government employees see GR1050-20.
*GR1000-25	<b>CONTRACTS, LEASES, AND AGREEMENTS</b>	Contracts, leases, and agreements, including reports, correspondence, performance bonds, certificates of liability, and similar records relating to their negotiation, administration, renewal, or termination, <b>except</b> construction contracts (see item number GR1075-16).	4 years after the expiration or termination of the instrument according to its terms.	<b>Retention Note:</b> Review before disposal; some records of this type may merit <b>PERMANENT</b> retention for historical reasons.



Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-26	CORRESPONDENCE, INTERNAL MEMORANDA, AND SUBJECT FILES			<p><b>Retention Note:</b> The minimum retention period for correspondence or internal memoranda in categories (a) and (b) directly linked to another record series or group listed in this or other commission schedules is that assigned to the other group or series. For example, a letter from an external auditor regarding an audit of a local government’s financial records should be retained for the retention period given under item number GR1025-01(e); a letter concerning a workers compensation claim should be retained for the period given under item number GR1050-32, etc. The retention periods that follow are for correspondence and internal memoranda that do not readily fall within other record groups.</p>
GR1000-26a	CORRESPONDENCE, INTERNAL MEMORANDA, AND SUBJECT FILES	<p>Administrative – Incoming/outgoing and internal correspondence pertaining to the formulation, planning, implementation, modification, or redefinition of the programs, services, or projects of a local government and the administrative regulations, policies, and procedures that govern them. May also include subject files, which are collections of correspondence, memos and printed materials on various individuals, activities, and topics.</p>	4 years.	<p><b>Retention Note:</b> Review before disposal; some correspondence of this type may merit <b>PERMANENT</b> retention for historical reasons.</p>
*GR1000-26b	CORRESPONDENCE, INTERNAL MEMORANDA, AND SUBJECT FILES	<p>General – Incoming/outgoing and internal correspondence pertaining to the regular operation of the policies, programs, services, or projects of a local government. May also include subject files, which are collections of correspondence, memos and printed materials on various individuals, activities, and topics.</p>	2 years.	<p><b>Retention Note:</b> Records management officers should use caution before disposal of these records to ensure the records should not be classified under administrative correspondence (GR100-26a).</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-26c	CORRESPONDENCE, INTERNAL MEMORANDA, AND SUBJECT FILES	Routine - Correspondence and internal memoranda such as letters of transmittal, requests for publications, internal meeting notices, and similar routine matters. May also include subject files, which are collections of correspondence, memos and printed materials on various individuals, activities, and topics.	AV.	
*GR1000-27	DEEDS	Deeds, title opinions, abstracts and certificates of title, title insurance, documentation concerning alteration or transfer of title, and similar records evidencing public ownership of real property.	PERMANENT.	
GR1000-28	EASEMENTS	Documentation relating to easements and rights-of-way for public works or other local government purposes, including releases.	PERMANENT.	
*GR1000-29	INSURANCE POLICIES	Liability, theft, fire, health, life, automobile, and other policies for local government property and personnel including supporting documentation relevant to the implementation, modification, renewal, or replacement of policies.	4 years after expiration or termination of the policy according to its terms and all rights granted under it.	
GR1000-30	LEGAL OPINIONS	Formal legal opinions rendered by counsel or the Attorney General for a local government, including any written requests for opinions, concerning the governance and administration of a local government.	PERMANENT.	<p><b>Retention Note:</b> For retention of opinions rendered for a Public Information Act Request see GR1000-34.</p> <p>For retention of informal legal opinions and other correspondence provided by counsel see GR1000-26a.</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-31	LITIGATION CASE FILES		AV after decision of a local government not to file a lawsuit or decision that a lawsuit will not be filed against it; dismissal of a lawsuit for want of prosecution or on motion of the plaintiff; or final decision of a court (or of a court on appeal, if applicable) in a lawsuit.	<b>Retention Notes:</b> a) Includes all cases to which a local government is a party unless the case file is of a type noted elsewhere in this or other commission schedules.  b) Review before disposal; some case files may merit <b>PERMANENT</b> retention for historical reasons.
*GR1000-32	MINUTES (STAFF)	Minutes of internal staff meetings.	AV.	<b>Retention Note:</b> For minutes of governing bodies of local governments see GR1000-03.
GR1000-33	PUBLIC RELATIONS RECORDS	News, press releases, or any public relations files maintained or issued by an agency. Includes print, electronic, audio, and audiovisual records.	2 years.	<b>Retention Note:</b> Review before disposal; some records may merit <b>PERMANENT</b> retention for historical reasons.
GR1000-34	PUBLIC INFORMATION ACT REQUESTS	Includes all correspondence and documentation relating to requests for records under the Public Information Act (Chapter 552, Government Code).		
*GR1000-34a	PUBLIC INFORMATION ACT REQUESTS	Non-exempted records and withdrawn requests.	Date request for records fulfilled or withdrawn + 1 year.	
*GR1000-34b	PUBLIC INFORMATION ACT REQUESTS	Exempted records.	Date of notification that records requested are exempt from disclosure + 2 years.	
*GR1000-35	ORGANIZATIONAL CHARTS		US.	<b>Retention Note:</b> Review before disposal; some records may merit <b>PERMANENT</b> retention for historical reasons.



Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-36	PERMITS AND LICENSES	Records documenting the application for and the issuance of permits and licenses (including certificates of liability and other required documentation) by a local government for sales, solicitation, facility usage, and similar activities. <b>Does not include</b> permits and licenses issued for the construction of or alterations to real property, for those relating to health and sanitation, or for those issued by police or fire departments listed in other commission schedules.	Expiration, cancellation, revocation, or denial + 2 years.	
GR1000-37	PHOTOGRAPHS, IMAGES, RECORDINGS, AND OTHER NON-TEXTUAL MEDIA	Photographs, photographic scrapbooks, slides, sound recordings, videotapes, posters, and other non-textual media that document the history and activities of a local government or any of its departments, programs, or projects <b>except</b> such records noted elsewhere in this or other commission schedules.	AV.	<b>Retention Note:</b> Review before disposal, some records may merit <b>PERMANENT</b> retention for historical reasons. Local governments should consult with local historical or genealogical societies to assist with the appraisal. <b>Be certain that photographs and other non-textual media do not fall within other records series. For example, mug shots and photographs of fire damage are listed in Local Schedule PS (Records of Public Safety Agencies) under police and fire department records respectively.</b>
GR1000-38	POLICY AND PROCEDURE DOCUMENTATION	Executive orders, directives, manuals, and similar documents that establish and define the policies, procedures, rules, and regulations governing the operations or activities of a local government as a whole or any of its departments, programs, services, or projects.	US, expired, or discontinued + 5 years.	<b>Retention Note:</b> Review before disposal; some records may merit <b>PERMANENT</b> or long-term retention for historical or legal reasons.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-39	PUBLICATIONS	Pamphlets, reports, studies, proposals, and similar material printed by or for a local government or any of its departments, subdivisions, or programs and distributed to or intended for distribution to the public on request and departmental or program newsletters designed for internal distribution.	One copy of each PERMANENT.	<b>Retention Note:</b> The following categories of printed material, whether distributed publicly or internally, are exempted from the retention period and may be disposed of at option; (a) educational matter provided by charitable or public awareness organizations (e.g., United Way, American Heart Association); and (b) public service leaflets or flyers whose contents are of a general nature and not specific to the government distributing them, beyond the inclusion of an address, telephone number, office hours, and similar information (e.g., a flyer detailing water conservation tips sent to customers of a municipal water utility; a pamphlet explaining the appraisal review board process sent to taxpayers by an appraisal district).
GR1000-40	RECORDS MANAGEMENT RECORDS			
GR1000-40a	RECORDS MANAGEMENT RECORDS	Records control schedules (including all successive versions of and amendments to schedules).	US.	<b>Retention Note:</b> Original is retained by the State and Local Records Management Division, Texas State Library and Archives Commission.
*GR1000-40b	RECORDS MANAGEMENT RECORDS	Records documenting the disposition of records under records control schedules, including requests submitted to the Texas State Library and Archives Commission for authorization to destroy unscheduled records or the originals of permanent records that have been microfilmed.	PERMANENT.	
GR1000-40c	RECORDS MANAGEMENT RECORDS	Lists or inventories of the active and inactive records created or received by a local government.	US, expired, or discontinued.	

<b>Record Number</b>	<b>Record Title</b>	<b>Record Description</b>	<b>Retention Period</b>	<b>Remarks</b>
<b>*GR1000-40d</b>	<b>RECORDS MANAGEMENT RECORDS</b>	Plans and similar documents establishing the policies and procedures under which a records management program operates.	US, expired, or discontinued + 5 years.	
<b>*GR1000-40e</b>	<b>RECORDS MANAGEMENT RECORDS</b>	Records transmittal forms or similar records documenting transfer of records to or from a records storage facility.	Date of disposition or return of records from storage, whichever sooner, +2 years.	
<b>GR1000-41</b>	<b>REPORTS AND STUDIES (NON-FISCAL)</b>			



Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-41a	<b>REPORTS AND STUDIES (NON-FISCAL)</b>	Annual, sub-annual, or irregularly prepared reports, performance audits, or planning studies submitted to the governing body or chief administrative officer of a local government or by the local government to a state agency, as may be required by law or regulation, on the non-fiscal performance of a department, program, or project or for planning purposes, including those prepared by consultants under contract with a local government, <b>except</b> documents of similar types noted in this or other commission schedules.		
		(1) Annual reports.	PERMANENT.	
		(2) Special reports or studies prepared by order or request of the governing body or considered by the governing body (as reflected in its minutes) or ordered or requested by a state agency or a court.	PERMANENT.	
		(3) Special reports or studies prepared by order or request of the chief administrative officer.	5 years.	<b>Retention Note:</b> Review before disposal; some records may merit <b>PERMANENT</b> retention for historical reasons.
		(4) Monthly, bimonthly, quarterly, or semi-annual reports.	3 years.	
		(5) Working papers and raw data used to create any report for (1) and (2) above.	3 years.	
		(6) Working papers and raw data used to create any report for (3) and (4) above.	1 year.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-41b	REPORTS AND STUDIES (NON-FISCAL)	Activity reports compiled on a daily or other periodic basis pertaining to workload measures, time studies, number of public contacts, etc., <b>except</b> reports of similar types noted in this or other commission schedules.	1 year.	
*GR1000-42	WAIVERS OF LIABILITY	Waivers of liability, including statements signed by volunteers acknowledging non-entitlement to benefits, agreeing to abide by local government policies, etc.	3 years from date of cessation of activity for which the waiver was signed.	<b>Retention Note:</b> If an accident occurs to any person covered by a signed waiver of liability, it must be retained for the same period as accident reports. See item number GR1000-20 in this schedule.
GR1000-43	CONFLICTS DISCLOSURE STATEMENTS AND CONFLICT OF INTEREST QUESTIONNAIRES	Conflicts disclosure statements and conflict of interest questionnaires submitted by local government officers or vendors and other persons for filing with a local government in accordance with the requirements of Chapter 176, Local Government Code.	Date of filing + 3 years.	
GR1000-44	LOCAL GOVERNMENT OFFICERS, LISTS OF	Lists of local government officers prepared and made available to the public by the local government officer with whom conflicts disclosure statements and conflict of interest questionnaires are filed in accordance with the requirements of Chapter 176, Local Government Code.	US + 1 year.	
GR1000-45	CALENDARS, APPOINTMENT AND ITINERARY RECORDS	Calendars, appointment books or programs, and scheduling or itinerary records, purchased with local government funds or maintained by staff during business hours that document appointments, itineraries and other activities of agency officials or employees.	CE + 1 year.	<b>Retention Note:</b> A record of this type purchased with personal funds, but used by a public official or employee to document his or her work activities may be a local government record and subject to this retention period. See Open Records Decision 635 issued in December 1995 by the Texas Attorney General.
GR1000-46	INSURANCE CLAIMS	Claims related to liability, theft, fire, health, life, automobile, and other insurance policies.	Settlement or denial of claim + 3 years.	
GR1000-47	CUSTOMER SURVEYS	Surveys returned by the customers or clients of a local government, and the statistical data maintained rating a government's performance.	Issuance of report on results of the survey + 3 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-50	<b>TRANSITORY INFORMATION</b>	<p>Records of temporary usefulness that are not an integral part of a records series of a local government, that are not regularly filed within a local government’s recordkeeping system, and that are required only for a limited period of time for the completion of an action by an official or employee of the local government or in the preparation of an ongoing records series.</p> <p>Transitory records are not essential to the fulfillment of statutory obligations or to the documentation of government functions. Some examples of transitory information, which can be in any medium (voice mail, fax, email, hard copy, etc.) are drafts and working papers; routine messages; telephone message notifications; internal meeting notices; routing slips; incoming letters or memoranda of transmittal that add nothing of substance to enclosures; and similar routine information used for communication, but not for the documentation, of a specific government transaction.</p>	AV.	<p><b>Retention Note:</b> Records management officers should use caution in assigning this record series to records of a local government to make certain they are not part of another records series listed in this schedule or, for records series unique to an agency, are not part of a records series that documents the fulfillment of the statutory obligations of the agency or the documentation of its functions.</p> <p>The disposal of transitory information need not be documented through destruction authorizations or in records disposition logs, but local governments should establish procedures governing disposal of these records.</p>
*GR1000-51	<b>SPEECHES, PAPERS, AND PRESENTATIONS</b>	Notes or text of speeches, papers, presentations, or reports delivered in conjunction with government work by staff of a local government.	End of event, US, or discontinued + 2 years.	<p><b>Retention Notes:</b> a) For speeches, papers, and presentations of elected officials see GR1000-08.</p> <p>b) For materials developed for in-house training of staff see GR1050-28c.</p>
*GR1000-52	<b>SUBPOENAS</b>	Subpoenas for production of evidence produced for litigation in which the local government <b>is not</b> a party.	AV after fulfilled.	<p><b>Retention Notes:</b> a) For subpoenas received for litigation in which the local government is a party see GR1000-31.</p> <p>b) For subpoenas requesting personally identifiable information of students see SD3225-02 (for school districts) or JC3775-02 (for junior colleges).</p>



Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-53	RELEASE OF RECORDS DOCUMENTS	Records that document the release of records or information through any method other than a Public Information Act request or subpoena (including employment verification).	Date records produced + 1 year.	<p><b>Retention Notes:</b> a) For records released under the Public Information Act see GR1000-34.</p> <p>b) For records produced for a subpoena where the local government is <b>not</b> a party, see GR1000-52.</p> <p>c) For records produced for a subpoena where the local government <b>is</b> a party, see GR1000-31.</p>
*GR1000-54	COMMITTEE RECORDS	Records of committees, councils, boards, or commissions which are not subject to the Texas Open Meetings Act. Records may include, but are not limited to, member lists, officer election records, agendas, meeting minutes, and related documentation and correspondence.	2 years.	<p><b>Retention Notes:</b> a) For records of committees, councils, boards, or commissions which are subject to the Texas Open Meetings Act see Section 1-1 of this schedule.</p> <p>b) Review before disposal; some records may merit <b>PERMANENT</b> retention for historical reasons.</p>
*GR1000-55	LOBBYIST REGISTRATION DOCUMENTATION	Forms, reports, or other similar documents submitted to local governments documenting lobbying activities as required by local regulations.	Date of filing + 3 years.	

## PART 2: FINANCIAL RECORDS

**Retention Notes:** a) AUDIT REQUIREMENTS - Most local governments are required by state law to conduct annual or biennial audits of their records and accounts. These audit requirements were taken into account in setting the retention periods in this schedule. The following retention rules also apply:

- 1) In any local government for which there is no statutory audit requirement and audits are conducted irregularly or in a local government in which a statutorily required audit is delayed, any record in this schedule whose retention period dates from the end of a fiscal year (FE) must be retained for the retention period stated or one year after audit, whichever later.

2) With regard to any special fund of a local government or elective county office for which there is no statutory audit requirement and the fund is not audited, any records listed under item numbers GR1025-26, GR1025-27, GR1025-28, and GR1025-30 associated with receipts and disbursements from or to the fund must be retained for FE + 10 years.

b) GRANT OR LOAN RECORDS - Subsections (1)-(3) apply to any local government, except school districts, receiving federal, state, or private grants; subsection (4) applies to school districts only. If a grant or loan requires a longer retention period than those stated in this schedule, the associated records must be retained for the full retention period required by the terms of the grant or loan.

1) Direct Federal Grants - This subsection applies to grants received by a local government **directly** from a federal grantor agency.

i) Federal grantor agencies require that grant-related records be retained for audit purposes for 3 years from the filing of required expenditure reports.

ii) In addition to item number GR1025-08(a)-(b), financial and programmatic records of grant-funded projects, including copies or documentation of relevant accounting, banking, purchasing, and payroll records, and other documents and working papers associated with the financial and programmatic administration of the grant funds or used to prepare reports or forms required by federal law or regulation must be retained for the following periods:

(A) For grants continued or renewed annually or at other intervals except quarterly that are not part of a multi-year funding cycle - 3 years from the date of submission of the annual or other periodic expenditure report.

B) For grants continued or renewed annually or at other intervals except quarterly that are a part of a multi-year funding cycle – 3 years from the date of submission of the annual or other periodic expenditure report for the final reporting period of the grant cycle.

C) For grants continued or renewed quarterly - 3 years from the date of submission of the expenditure report for the last quarter of the federal fiscal year.

D) For grants for which the requirement of a final expenditure report has been waived - 3 years from the date the report would have been due.

E) For all other grants – 3 years from the date of submission of the final expenditure report.

iii) The retention periods for the following types of records are exceptions to the periods noted above:

A) Records of non-expendable property or equipment acquired with grant funds - 3 years from the date of transfer, replacement, sale, or junking of the item.

B) Cost allocation plans and indirect cost records - 3 years from date of submission or, for plans prepared and retained by the grantee, from the close of the fiscal year covered by the plan.

C) Income records - 3 years from the end of the fiscal year in which the income is used.

iv) If any litigation or audit commences before the expiration of the 3-year period, the records must be retained until all litigation or audit findings are resolved or until the end of the regular 3-year period, whichever is later.

v) If records are transferred to the grantor agency at its request, copies of the records need not be retained.

2) Indirect Federal Grants - This subsection applies to federal grants received as subgrants from state agencies or other local governments (e.g., regional councils of government).

The expenditure reports are submitted to the federal agency by the state or local subgrantor agency after all subgrantees have submitted reports to the subgrantor. Consequently, records under item number GR1025-08(a)-(b) and records described in section (b) (1) must be retained by local government subgrantees for FE + 5 years. Local governments should consult with the state or local subgrantor agency to determine if there are additional or special requirements associated with a particular grant.

The local government must retain copies of reports or records submitted to the subgrantor agency for the periods indicated.

3) State and Private Grants - This schedule extends the 3-year federal retention requirement described in section (b)(1) to state (excluding federal subgrants) and private grant records unless the state or private grantor agency has established different retention requirements, in which case those requirements shall prevail. It is an exception to the extension of federal grant requirements to state and private grants that for state or private grants renewed quarterly as described in section (b) (1) (ii) (B), the 3-year retention requirement runs from the date of submission of the expenditure report for the last quarter of the state fiscal year for state grants and from the last quarter of the local government's fiscal year for private grants.

4) Grant Records and School Districts (including Educational Service Centers) - See Local Schedule SD (Records of Public School Districts). Because of the difficulty of effectively separating financial data that evidence the expenditure of federal funds from those that document the expenditure of local or state-allocated funds, a 5-year retention period has been adopted for most financial records of school districts. The use of the term "school district" in this schedule includes educational service centers, charter schools, county departments of education, and educational cooperatives.



## SECTION 2-1: FISCAL ADMINISTRATION AND REPORTING RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1025-01	FISCAL AUDIT RECORDS	Records of fiscal audits conducted by internal or external auditors.		<b>Caution:</b> See note (a) at the beginning of Part 2 of this schedule.
*GR1025-01a	FISCAL AUDIT RECORDS	Annual, biennial, or other periodic audit of any department, fund, account, or activity of a local government.	PERMANENT.	
*GR1025-01b	FISCAL AUDIT RECORDS	Annual, biennial, or other periodic audit of a department, program, fund, or account if included in a cumulative audit under (a).	2 years.	
*GR1025-01c	FISCAL AUDIT RECORDS	Annual, biennial, or other periodic audit of a department, program, fund, or account if not included in a cumulative audit under (a).	PERMANENT.	
*GR1025-01d	FISCAL AUDIT RECORDS	Special audits ordered by a governing body, a court or grand jury, or mandated by administrative rules of a state or federal agency.	PERMANENT.	
*GR1025-01e	FISCAL AUDIT RECORDS	Working papers, summaries, and similar records created for the purposes of conducting an audit.	3 years after all questions arising from the audit have been resolved.	
GR1025-02	BANK SECURITY RECORDS	Records documenting the pledging of bonds or securities by banks serving as depositories for public funds including depository contracts, security pledges and statements, surety bonds, and similar records.	4 years after termination, expiration, or release of contractual obligations.	
GR1025-03	BOND RECORDS			<b>Retention Note:</b> For investment transaction records of bonds see item number GR1025-09b.
GR1025-03a	BOND RECORDS	Bond administrative records consisting of preliminary studies, proposals and prospectuses, authorizations and certifications for issuance or cancellation, and related policy correspondence.	PERMANENT.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1025-03b	BOND RECORDS	Bond certificates and redeemed coupons.	1 year after payment.	By law - Government Code, Section 1302.003 for counties (see statute for procedural instructions for destruction) and by authority of this schedule for all other local governments.
GR1025-03c	BOND RECORDS	Bond registers.	PERMANENT.	
GR1025-03d	BOND RECORDS	Records relating to the exchange, conversion, or replacement of bonds by bondholders.	1 year if information is contained in a bond register; <b>PERMANENT</b> if information is <b>not</b> contained in a bond register.	
GR1025-04	BUDGETS AND BUDGET DOCUMENTATION			
GR1025-04a	BUDGETS AND BUDGET DOCUMENTATION	Annual budgets (including amendments).	PERMANENT.	
GR1025-04b	BUDGETS AND BUDGET DOCUMENTATION	Special budgets (includes budgets for capital improvement projects, grant-funded projects, or other projects prepared on a special or emergency basis and not included in an annual budget).	PERMANENT.	
*GR1025-04c	BUDGETS AND BUDGET DOCUMENTATION	Working papers created exclusively for the preparation of budgets, including budget requests, justification statements, and similar documents.	3 years.	
GR1025-04d	BUDGETS AND BUDGET DOCUMENTATION	Encumbrance and expenditure reports (status reports showing expenditures and encumbrances against a budget).	2 years.	
GR1025-04e	BUDGETS AND BUDGET DOCUMENTATION	Budget change documentation, including line item or contingency/reserve fund transfers and supplemental budget requests.	2 years.	
GR1025-05	CAPITAL ASSETS RECORDS	Documentation relating to the capital and fixed assets of a local government.		

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1025-05a	CAPITAL ASSETS RECORDS	Equipment or property history cards or similar records containing data on initial cost, including disposal authorizations when disposed of.	FE of date of disposal + 5 years for school districts; FE of date of disposal + 3 years for other governments.	<b>Retention Note:</b> Review before disposal; property history cards documenting the original construction and additions to or renovations of structures may merit <b>PERMANENT</b> retention for historical reasons.
GR1025-05b	CAPITAL ASSETS RECORDS	Equipment or property cost and depreciation schedules or summaries used for capital outlay budgeting or other financial or budget control purposes.	FE + 5 years for school districts; FE + 3 years for other governments.	
GR1025-05c	CAPITAL ASSETS RECORDS	Equipment or property inventories (including sequential number property logs).	US + 3 years.	
GR1025-05d	CAPITAL ASSETS RECORDS	Property sale, auction, or disposal records of government-owned equipment or property.	1 year.	By law - Local Government Code, Section 263.155(b) for counties and by authority of this schedule for all other local governments.  <b>Retention Note:</b> Property sale or auction records do not include records arising from the sale or auction of property foreclosed or seized by a taxing unit for failure to pay property taxes or for the sale or auction of property seized by law enforcement officers. For such records use Local Schedule TX (Records of Property Taxation) or Local Schedule PS (Records of Public Safety Agencies) respectively.
*GR1025-06	FEDERAL REVENUE SHARING RECORDS	Records concerning the use of federal revenue sharing funds by a local government, including revenue and expenditure summaries; status, budget, and audit reports; and other reports or documentation required by federal law or regulation.	AV.	Obsolete record.



Record Number	Record Title	Record Description	Retention Period	Remarks
GR1025-07	FINANCIAL REPORTS	Annual, sub-annual, or irregularly prepared financial reports or statements on the accounts, funds, or projects of a local government created either for internal use or for submission to state agencies as may be required by law or regulation, <b>except</b> reports of similar types noted in this or other commission schedules.		
GR1025-07a	FINANCIAL REPORTS	Monthly, bimonthly, quarterly, or semi-annual reports.	FE + 3 years.	
GR1025-07b	FINANCIAL REPORTS	Annual reports.	PERMANENT.	
GR1025-07c	FINANCIAL REPORTS	Long range fiscal planning reports.	PERMANENT.	
GR1025-07d	FINANCIAL REPORTS	Capital improvement reports.	PERMANENT.	
GR1025-08	GRANT DEVELOPMENT AND ADMINISTRATIVE RECORDS			<b>Retention Note:</b> If grant is for construction of a local government owned facility or part of the infrastructure, follow retention for GR1075-16.
GR1025-08a	GRANT DEVELOPMENT AND ADMINISTRATIVE RECORDS	Successful grant applications and proposals and any documentation that modifies the terms of a grant.	FE + 5 years for school districts; FE + 3 years for other governments.	<b>Retention Note:</b> See note (b) at beginning of Part 2 of this schedule.
GR1025-08b	GRANT DEVELOPMENT AND ADMINISTRATIVE RECORDS	Financial, performance, and compliance reports submitted to grantor or sub-grantor agencies.	FE + 5 years for school districts; FE + 3 years for other governments.	<b>Retention Note:</b> See note (b) at beginning of Part 2 of this schedule.
GR1025-08c	GRANT DEVELOPMENT AND ADMINISTRATIVE RECORDS	Reports, planning memoranda, studies, correspondence, and similar records created for and used in the development of successful grant proposals.	3 years.	
GR1025-08d	GRANT DEVELOPMENT AND ADMINISTRATIVE RECORDS	Any records of the type noted in (a) or (b) relating to unsuccessful grant proposals.	AV.	
GR1025-09	INVESTMENT TRANSACTION RECORDS			

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1025-09a	INVESTMENT TRANSACTION RECORDS	Documentation relating to the investment of public funds (e.g., certificates of deposit) that evidences the investment of funds, the performance or return of investments, the cancellation or withdrawal of investments, and similar activity.	FE + 5 years.	
GR1025-09b	INVESTMENT TRANSACTION RECORDS	Documentation related to the calculation of arbitrage rebate amounts, if any, on proceeds from the sale of tax-exempt bonds.	Retirement of the last obligation of the bond issue + 6 years.	
GR1025-10	CHARGE SCHEDULES/ PRICE LISTS	Schedules of prices charged by a local government for services to the public or other governments, including any documentation used to determine the charges.	US + 3 years.	

**SECTION 2-2: ACCOUNTING RECORDS**

**Retention Note:** ACCOUNTING RECORDS OF MOTOR VEHICLE AND BOAT LICENSING AND REGISTRATION - For accounting and banking records relating to motor vehicle licensing not noted in this part, use Part 3 of Local Schedule TX.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1025-25	ACCOUNTING POLICIES AND PROCEDURES DOCUMENTATION	Policy and procedure directives and similar records documenting accounting methodology.	US, expired, or discontinued + 5 years.	
GR1025-26	ACCOUNTS PAYABLE AND DISBURSEMENT RECORDS			
*GR1025-26a	ACCOUNTS PAYABLE AND DISBURSEMENT RECORDS	Claims, invoices, statements, copies of checks and purchase orders, expenditure authorizations, and similar records that serve to document disbursements, including those documenting claims for and reimbursement to employees for travel and other employment-related expenses.	FE of date of final payment + 5 years for school districts; FE of date of final payment + 3 years for other governments.	<b>Retention Note:</b> Accounts payable and disbursement records for bond-funded projects must be maintained according to the retention period listed in GR1025-26d.

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1025-26b	ACCOUNTS PAYABLE AND DISBURSEMENT RECORDS	Accounts payable records sufficient to document the purchase costs of capital equipment or other fixed assets.	FE of date of disposal + 5 years for school districts; FE of date of disposal + 3 years for other governments.	
*GR1025-26c	ACCOUNTS PAYABLE AND DISBURSEMENT RECORDS	Reports accompanying the transmittal of funds to federal, state, or other local government agencies (e.g., sales tax to the State Comptroller of Public Accounts); to retirement systems, or to other entities if the funds are collected, in whole or in part, on behalf of other agencies or individuals (e.g., retirement deductions of employees).	FE of period covered by report + 3 years.	<b>Retention Note:</b> For reports accompanying the transmittal of federal and state payroll and unemployment taxes see item number GR1050-53(b).
GR1025-26d	ACCOUNTS PAYABLE AND DISBURSEMENT RECORDS	Accounts payable records for bond-funded projects.	FE of date of last bond payment + 5 years for school districts; FE of date of last bond payment + 3 years for other governments.	
GR1025-27	ACCOUNTS RECEIVABLE RECORDS			<b>Retention Note:</b> For accounts receivable records associated with the collection of property taxes, all local governments, including school districts, should use Local Schedule TX (Records of Property Taxation).
*GR1025-27a	ACCOUNTS RECEIVABLE RECORDS	Bill copies or stubs, statements, billing registers, account cards, deposit warrants, cash receipts, credit card receipts, receipt books, cash transfers, daily cash reports, cash drawer reconciliations, and similar records (such as returned checks and associated fees) that serve to document money owed to or received by a local government and its collection or receipt.	FE of date of receipt + 5 years for school districts; FE of date of receipt + 3 years for other governments.	
GR1025-27b	ACCOUNTS RECEIVABLE RECORDS	Accounts receivable records documenting the receipt of any monies by any local government that are remittable to the State Comptroller of Public Accounts (e.g., court costs in criminal cases, sales tax).	Remittance due date + 5 years.	



Record Number	Record Title	Record Description	Retention Period	Remarks
GR1025-27c	ACCOUNTS RECEIVABLE RECORDS	Account card or similar records documenting payments to a local government in which the government holds a property lien until the debt is satisfied (e.g., liens arising from demolition, lot cleaning), including original liens and lien releases.	FE of date of final payment and release of lien + 3 years.	
GR1025-27d	ACCOUNTS RECEIVABLE RECORDS	Account card or similar records relating to the receipt of cash deposits as sureties for the delivery of services (e.g., water and wastewater).	FE of termination of service or refund of deposit + 3 years.	
*GR1025-27e	ACCOUNTS RECEIVABLE RECORDS	Records of accounts deemed uncollectable, including write-off authorizations.	FE of write-off date + 5 years for school districts; FE of write-off date + 3 years for other governments.	
*GR1025-28	BANKING RECORDS	Bank statements, credit card statements, canceled checks, check registers, deposit slips, debit and credit notices, reconciliations, notices of interest earned, monetary transport records (including armored car pickup logs) etc.	FE + 5 years.	
GR1025-29	COST ALLOCATION AND DISTRIBUTION RECORDS	Records created to document the allocation of costs among accounts and funds of a local government, including records relating to chargebacks and other interdepartmental or interfund accounting transactions.	FE + 5 years for school districts; FE + 3 years for other governments.	<b>Retention Note:</b> If any of the records in this group are used as ledger and journal entry documentation, they must be retained for FE + 5 years (see item number GR1025-30) by all local governments.
GR1025-30	LEDGERS, JOURNALS, AND ENTRY DOCUMENTATION			<b>Retention Note:</b> Be certain to verify before the disposal of any ledger or journal under this item number that the ledger or journal does not serve to document financial activities that require a longer retention period (e.g. investment documentation of proceeds of tax exempt bonds under item number GR1025-09).

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1025-30a	LEDGERS, JOURNALS, AND ENTRY DOCUMENTATION	General ledger showing receipts and expenditures from all accounts and funds of a local government.		
		(1) For fiscal years for which an annual financial audit report (see item number GR1025-01) exists.	FE + 5 years.	<b>Retention Note:</b> Review before disposal; some ledgers may merit <b>PERMANENT</b> retention for historical reasons.
		(2) For fiscal years for which an annual financial audit report (see item number GR1025-01) <b>does not</b> exist.	PERMANENT.	
GR1025-30b	LEDGERS, JOURNALS, AND ENTRY DOCUMENTATION	Subsidiary ledgers.	FE + 5 years.	<b>Retention Note:</b> Review before disposal; some ledgers may merit <b>PERMANENT</b> retention for historical reasons.
GR1025-30c	LEDGERS, JOURNALS, AND ENTRY DOCUMENTATION	Receipt, disbursement, general, or subsidiary journals.	FE + 5 years.	<b>Retention Note:</b> Review before disposal; some journals may merit <b>PERMANENT</b> retention for historical reasons.
GR1025-30d	LEDGERS, JOURNALS, AND ENTRY DOCUMENTATION	Journal vouchers and entries or similar posting control forms (including supporting documentation such as correspondence and auditor adjustments that evidence journal entries and amendments).	FE + 5 years.	<b>Retention Note:</b> If bill stubs (see item number GR1025-27a) are used as entry documentation for account journals, they must be retained by all local governments for FE + 5 years rather than the FE + 3 year retention period for accounts receivable records.
GR1025-30e	LEDGERS, JOURNALS, AND ENTRY DOCUMENTATION	Perpetual care fund registers of government-owned cemeteries.	PERMANENT.	By law - Health and Safety Code, Section 713.005(a).
GR1025-31	TRANSACTION SUMMARIES	Periodic summaries or reports of accounting transactions or activity by department, budget code, program, account, fund, or type of activity, including trial balances, <b>unless</b> the summary is of a type noted elsewhere in this part.		
GR1025-31a	TRANSACTION SUMMARIES	Daily.	30 days.	
GR1025-31b	TRANSACTION SUMMARIES	Weekly.	90 days.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1025-31c	TRANSACTION SUMMARIES	Monthly, bimonthly, quarterly, or semi-annual.	2 years.	
GR1025-31d	TRANSACTION SUMMARIES	Annual.	FE + 5 years for school districts; FE + 3 years for other governments.	<b>Retention Note:</b> If an annual trial balance is not maintained, then the least frequent sub-yearly trial balance must be retained for FE + 5 years by school districts and FE + 3 years by all other local governments.
GR1025-32	UNCLAIMED PROPERTY DOCUMENTATION	Any form of record sufficient to verify information on unclaimed property previously reported to the State Treasurer showing the name and last known address of the apparent owner of reportable unclaimed property, a brief description of the property, and the balance of each unclaimed account, if appropriate.	Date on which property is reportable + 10 years.	By law - Property Code, Section 74.103(b).

### PART 3: PERSONNEL AND PAYROLL RECORDS

**Retention Notes: a) FEDERAL RETENTION REQUIREMENTS** - Federal retention periods for personnel and payroll records arise principally from the administration of the Civil Rights Act of 1964, Title VII; the Age Discrimination and Employment Act of 1967; the Equal Pay Act; the Fair Labor Standards Act; the Federal Insurance Contribution Act; and the Federal Unemployment Tax Act. Various federal agencies or departments of agencies administer these acts and, because retention periods are set to enable each agency to carry out its particular oversight authority, different retention periods are often established for the same record. In compiling Schedule GR, the longest applicable federal retention period is cited as authority for the retention period indicated. A federal regulation is not cited if a state law or regulation requires a longer retention period. A federal retention period is also not cited if a Texas statute of limitations makes a longer retention period advisable. For example, the federal retention requirement for employment contracts [see item number GR1050-15(a)] is given as 3 years from the last effective date of the contract in 26 CFR 516.5, but suits in Texas may be brought by either party to such a contract within four years of the occurrence of an alleged breach; therefore a retention period of 4 years from the last effective date of the contract is set in this schedule. All retention periods in this part apply, by authority of this schedule, to all local governments, although some of them may be otherwise exempt from the federal requirement cited. This provision does not require the creation by exempted local governments of any special documentation demonstrating compliance with federal regulations that may be required of non-exempted governments.

**b) PERSONNEL FILES** - The individual employee personnel file is not scheduled as a unit in this section; documents normally placed in such files are scheduled separately.



**c) TERMINATED EMPLOYEES** - Notwithstanding any retention periods in this part, all personnel records existing on the date of termination of an involuntarily terminated employee must be retained for 2 years from the date of termination [29 CFR 1602.31, 1602.40, and 1602.49].

**d) JTPA AND CETA EMPLOYEES** - Any records maintained on applicants for or holders of positions paid in whole or in part from Comprehensive Employees’ Training Act (CETA) funds or affirmative action apprenticeship program funds administered by the U. S. Department of Labor must be retained for 5 years from the date of enrollment in the program [29 CFR 30.8(e)]. This 5-year retention period is extended by authority of this schedule to comparable records on applicants for or holders of positions paid in whole or in part from Job Training Partnership Act (JTPA) funds.

**e) DEFINITION OF EMPLOYEE** - For the purposes of this part, the term “employee” also includes elected or appointed officials of a local government who are paid wages or a salary from any funds of the local government and anyone voluntarily working or not receiving payment or compensation for working.

**f) PERSONNEL RECORDS IN SHERIFF'S DEPARTMENTS IN CERTAIN COUNTIES** - The Local Government Code, Section 157.904, provides that sheriff's departments in counties with a population of 3.3 million or more shall maintain “a permanent personnel file on each department employee.” The precise contents of a personnel file are not specified, but three groups of records are expressly mentioned. Consequently, any record in item numbers GR1050-03, GR1050-07, and GR1050-21, all of which are records of a type mentioned in the statute, must be retained permanently. The sheriffs and their legal counsel should determine what other records may be includable in a permanent personnel file in sheriffs’ departments subject to the law.

**SECTION 3-1: PERSONNEL RECORDS**

Record Number	Record Title	Record Description	Retention Period	Remarks
<b>GR1050-01</b>	<b>AFFIRMATIVE ACTION PLANS</b>			
<b>GR1050-01a</b>	<b>AFFIRMATIVE ACTION PLANS</b>	Reports, analyses, and statistical data compiled from source documentation used to develop, implement, and monitor affirmative action plans.	5 years.	By regulation - 29 CFR 30.8(e).
<b>GR1050-01b</b>	<b>AFFIRMATIVE ACTION PLANS</b>	Affirmative action plans.	US + 5 years.	By regulation - 29 CFR 30.8(e).
<b>GR1050-02</b>	<b>APTITUDE AND SKILLS TEST RECORDS</b>	Records relating to aptitude or skills tests <b>required</b> of job applicants or of current personnel to qualify for promotion or transfer, including civil service examinations.		
<b>GR1050-02a</b>	<b>APTITUDE AND SKILLS TEST RECORDS</b>	Validation studies.	Life of test + 2 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-02b	APTITUDE AND SKILLS TEST RECORDS	Tests.	US + 2 years.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.  <b>Retention Note:</b> One copy of each different test (different in terms of either questions or administration procedures) should be retained for the period indicated.
*GR1050-02c	APTITUDE AND SKILLS TEST RECORDS	Test papers or results of persons taking tests.	Date of creation or personnel action involved, whichever later, + 2 years.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.
GR1050-02d	APTITUDE AND SKILLS TEST RECORDS	Records, <b>other</b> than those noted (a)-(c), relating to the planning and administration of tests.	3 years.	
*GR1050-03	AWARDS AND COMMENDATIONS	Individual award, honor, or commendation bestowed on an employee.	Date of separation + 5 years.	<b>Retention Notes:</b> a) For administrative records of awarding committees, see item number GR1050-09.  b) Refer to Retention Note (f) on page 1 of this schedule for awards bestowed on certain Sheriff's office employees.
GR1050-04	CERTIFICATES AND LICENSES	Certificates, licenses, or permits required of employees to qualify for or remain eligible to hold a position requiring certification or licensing.	US or separation of employee + 5 years.	<b>Retention Note:</b> If the submission of copies of certificates, licenses, or permits is required of all applicants for a position, those of applicants not hired must be retained for 2 years under item number GR1050-14.
GR1050-05	CONFLICT OF INTEREST AFFIDAVITS		5 years after leaving position for which the affidavit was filed.	
GR1050-06	COUNSELING PROGRAM RECORDS			

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1050-06a	<b>COUNSELING PROGRAM RECORDS</b>	Reports of interviews, analyses, and similar records relating to the counseling of an employee for work-related, personal, or substance abuse problems, including any warnings associated with the counseling. Usually maintained at the supervisory level or by human resources departments.	3 years after termination of counseling.	<b>Retention Note:</b> For records retained by professional therapists; refer to Local Schedule HR for patient records.
GR1050-06b	<b>COUNSELING PROGRAM RECORDS</b>	Records relating to the planning, coordination, implementation, direction, and evaluation of an employee counseling program.	3 years.	
*GR1050-07	<b>DISCIPLINARY AND ADVERSE ACTION RECORDS</b>	Records created by civil service boards or by personnel or supervisory officers in considering, or reconsidering on appeal, an adverse action (e.g., demotion, probation, termination, suspension, leave without pay) against an employee, including, as applicable, witness and employee statements, interview reports, exhibits, reports of findings, and decisions and judgments.		<b>Retention Note:</b> Refer to Retention Note (f) on page 1 of this schedule for disciplinary records of certain Sheriff's office employees.
		(1) All employees of sheriff's departments in counties with a population of 3.3 million or more.	PERMANENT.	By law – Local Government Code, Section 157.904.
		(2) Police and fire department personnel in municipalities with a population of 10,000 or more that have established civil service boards under Local Government Code, Chapter 143.	PERMANENT.	By law – Local Government Code, Section 143.011(c).
		(3) All other local government employees.	2 years after case closed or action taken, as applicable.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.
GR1050-08	<b>EMPLOYEE PENSION AND BENEFITS RECORDS</b>			For records of pension and deferred compensation deductions from payroll see GR1050-52(b).



Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1050-08a	EMPLOYEE PENSION AND BENEFITS RECORDS	Employee benefit plans such as pension; life, health, and disability insurance; seniority and merit systems; and deferred compensation plans, including amendments.	Termination of plan + 1 year.	By regulation - 29 CFR 1627.3(b)(2).  <b>Retention Note:</b> If the plan or system is not in writing, a memorandum fully outlining the terms of the plan or system and the manner in which it has been communicated to affected employees, together with notations relating to any revisions, must be retained for the same period as written plans.
*GR1050-08b	EMPLOYEE PENSION AND BENEFITS RECORDS	<p>Enrollment forms providing personal identifying data, beneficiary information, option selection, acknowledgement forms, and similar information.</p> <p>(1) If the official record is maintained by the retirement system of which the local government is a member or by the service provider.</p> <p>(2) If the official record is maintained by the local government.</p> <p>(A) Pension and deferred compensation.</p> <p>(B) Life, health, accidental death, and disability insurance.</p> <p>(C) Any benefit other than those noted in (A) or (B).</p>	<p>AV.</p> <p>Date of separation + 75 years.</p> <p>Termination of coverage + 4 years.</p> <p>US or separation + 2 years, as applicable.</p>	<p><b>Retention Note:</b> Documents that serve as payroll deduction authorizations must be maintained for the retention period prescribed for item number GR1050-50.</p>
GR1050-08c	EMPLOYEE PENSION AND BENEFITS RECORDS	Annual reports from a pension system or fund.	PERMANENT.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1050-09	EMPLOYEE RECOGNITION RECORDS	Award committee reports, selection criteria, nominations, and similar administrative records of employee award or incentive programs.	2 years.	<b>Retention Note:</b> For records of an award/commendation given to an individual employee, see item number GR1050-03.
GR1050-10	EMPLOYEE SECURITY RECORDS			
GR1050-10a	EMPLOYEE SECURITY RECORDS	Records created to control and monitor the issuance of keys, identification cards, passes, or similar instruments of identification and access.	US, date of expiration, or date of separation + 2 years, as applicable.	
GR1050-10b	EMPLOYEE SECURITY RECORDS	Records relating to the issuance of parking permits.	US.	
GR1050-11	EMPLOYEE SELECTION RECORDS	Notes of interviews with candidates; audio and videotapes of job interviews; applicant rosters; eligibility lists; test ranking sheets; justification statements for violating eligibility or ranking sequence; and previous injury checks; offers of employment letters; and similar records documenting the filling of a vacant position.	2 years from the creation (or receipt) of the record or the personnel action involved, whichever later.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.  <b>Retention Note:</b> See GR1050-36 for background and criminal history checks.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-12	EMPLOYEE SERVICE RECORDS	Summary employment history record for each employee maintained on one or more forms, containing the following <b>minimum</b> information: name; sex; date of birth; social security number; positions held with dates of hire, promotion, transfer, or demotion; dates of leaves of absence or suspension that affect computation of length of service; wage or salary rate for each position held, including step or merit increases within grades; most recent public access option form; and date of separation.	Date of separation + 75 years.	<p>For other information on employees that must also be retained either as part of this record or in another form, see item numbers GR1050-52(b) and GR1050-54(a).</p> <p><b>Retention Notes:</b> a) This schedule does not require the creation of an employee service record of the type described, but the creation of the record is strongly recommended to allow frequent disposal of documents from which information has been summarized. If an employee service record is not maintained, documents (e.g., employment applications, personnel action forms) containing the prescribed information must be retained date of separation + 75 years. More than one document providing the same element of required information need not be retained.</p> <p>b) The Teacher Service Record (Texas Education Agency Form FIN-115 or its equivalent), containing information required by statute or regulation, shall be considered an employee service record of the type described and must be retained date of separation + 75 years.</p> <p>c) Salary or wage data on an employee service record may be indicated by grade and step numbers if all corresponding wage rate tables (see item number GR1050-59) applicable to a person's employment history are retained date of separation + 75 years.</p>



Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-13	EMPLOYMENT ADVERTISEMENTS OR ANNOUNCEMENTS	Advertisements or postings relating to job openings, promotions, training programs, or overtime opportunities, including jobs orders submitted to employment agencies.	2 years.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.
GR1050-14	EMPLOYMENT APPLICATIONS			
GR1050-14a	EMPLOYMENT APPLICATIONS	Applications, transcripts, letters of reference, and similar documents whose submission by candidates for vacant positions (both hired and not hired) or for promotion, transfer, or training opportunity (both selected and not selected) is required on the application form, by application procedures, or in the employment advertisement.	2 years from the creation (or receipt) of the record or the personnel action involved, whichever later.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.
GR1050-14b	EMPLOYMENT APPLICATIONS	Samples of publications, artwork, or other products of prior achievement not returned to applicants.	AV.	
GR1050-14c	EMPLOYMENT APPLICATIONS	Transcripts of persons <b>hired</b> if state or federal law or regulation mandates a level of education needed to qualify for employment (e.g., school district professional and paraprofessional personnel). See also item number GR1050-28(a).	Date of separation + 5 years.	<b>Retention Note:</b> If applicant screening or hiring decisions are based on resumés, with only successful or interviewed candidates completing employment applications, then resumés of persons not hired must be kept for the same period as employment applications. If resumés are supplemental to employment application forms, they need only be retained as long as administratively valuable.
GR1050-15	EMPLOYMENT CONTRACT/COLLECTIVE BARGAINING RECORDS			
GR1050-15a	EMPLOYMENT CONTRACT/COLLECTIVE BARGAINING RECORDS	Contracts and agreements, including collective bargaining agreements, between a local government and an employee or a group of employees, including written acceptances of such contracts.	Last effective date of contract + 4 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-15b	EMPLOYMENT CONTRACT/COLLECTIVE BARGAINING RECORDS	Records relating to the negotiation of collective bargaining agreements or similar group contracts, including reports; correspondence; mediation or arbitration agreements; the proceedings, findings, and awards of arbitration boards; and similar records.	Last effective date of contract + 4 years or, if no agreement or contract results, 4 years.	
GR1050-16	EQUAL EMPLOYMENT OPPORTUNITY RECORDS AND REPORTS			
GR1050-16a	EQUAL EMPLOYMENT OPPORTUNITY RECORDS AND REPORTS	Reports, analyses, or statistical data compiled from source documentation used to complete EEO reports.	3 years.	By regulation - 29 CFR 1602.30, 1602.39, and 1602.48.
GR1050-16b	EQUAL EMPLOYMENT OPPORTUNITY RECORDS AND REPORTS	EEO-1, EEO-4, EEO-5, and EEO-6 reports.	3 years.	By regulation - 29 CFR 1602.32, 1602.41, and 1602.50.
GR1050-16c	EQUAL EMPLOYMENT OPPORTUNITY RECORDS AND REPORTS	Case files relating to discrimination complaints, including complaints, legal and investigative documents, exhibits, related correspondence, withdrawal notices, and decisions or judgments.	Resolution of case + 3 years.	
GR1050-17	EQUAL PAY RECORDS	Reports, studies, aggregated or summarized data, and similar documentation compiled to monitor and demonstrate compliance with the Equal Pay Act.	2 years.	By regulation - 29 CFR 1620.32(c).
GR1050-18	FIDELITY BONDS		Effective life of bond + 5 years.	<b>Retention Note:</b> Does not include the Official Bond Record maintained by county clerks, which must be retained <b>PERMANENTLY</b> .
GR1050-19	FINGERPRINT CARDS		Date of separation + 5 years.	<b>Retention Note:</b> If fingerprint cards are created for all applicants for a position, those of persons not hired must be retained 2 years under item number GR1050-14.
*GR1050-20	GRIEVANCE RECORDS	Records relating to the review of employee grievances against personnel policies, working conditions, etc.	Final decision on the grievance + 2 years.	<b>Retention Note:</b> Do not confuse these records with those involving EEO complaints [see item number GR1050-16(c)].

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1050-21	JOB EVALUATIONS	Job evaluations, performance appraisals, or other similar documents used to evaluate the performance of employees.	US + 2 years or date of separation + 2 years, whichever sooner.	By regulation – 29 CFR 1620.32(c).  <b>Retention Notes:</b> a) Refer to SD3575-05 pertaining to evaluations on school teachers.  b) Refer to Retention Note (f) on page 1 of this schedule for evaluations of certain Sheriff’s office employees.
GR1050-22	MEDICAL AND EXPOSURE REPORTS			
*GR1050-22a	MEDICAL AND EXPOSURE REPORTS	Health, physical or psychological examination reports or certificates of all job applicants if physical or psychological condition is a factor in hiring decisions, including the promotion, transfer, or selection for training of current personnel.	2 years from the date of creation or personnel action involved, whichever is later.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.
GR1050-22b	MEDICAL AND EXPOSURE REPORTS	Health or physical examination reports or certificates of employees for whom periodic monitoring of health or fitness is required.  (1) For employees exposed in the course of their work to toxic substances, harmful physical agents, or bloodborne pathogens.  (2) For all other employees.	Date of separation + 30 years.  US + 2 years.	By regulation - 29 CFR 1910.1020(d)(1)(i)-(iii).
GR1050-22c	MEDICAL AND EXPOSURE REPORTS	Environmental, biological, and material safety monitoring reports concerning toxic substances and harmful physical agents in the workplace, including analyses derived from such reports.	30 years.	By regulation - 29 CFR 1910.1020(d)(1)(ii). See Local Schedule PW 5450-01 for Asbestos Management Records.



Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1050-22d	<b>MEDICAL AND EXPOSURE REPORTS</b>	<p>Records of controlled substances and alcohol use and testing.</p> <p>(1) Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater; records of driver verified positive controlled substances test results; documentation of refusals to take required alcohol and/or controlled substances tests; driver evaluation and referrals; calibration documentation; records related to the administration of the alcohol and controlled substances testing programs; copy of each annual calendar year summary required by 49 CFR 382.403.</p> <p>(2) Records related to the alcohol and controlled substances collection process.</p> <p>(3) Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02.</p>	<p>5 years.</p> <p>2 years.</p> <p>1 year.</p>	<p>By regulation – 49 CFR 382.403.</p>
*GR1050-23	<b>OATHS OF OFFICE</b>	<p>Any oaths or affirmations required of local government employees or officers. Includes the Statement of Elected Officer (Secretary of State Form 2201).</p>	<p>US + 5 years or 5 years after leaving position for which oath required, whichever is applicable.</p>	
*GR1050-24	<b>PERSONNEL ACTION OR INFORMATION NOTICES</b>	<p>Documents used by personnel officers to create or change information in the personnel records of individual employees concerning hiring, termination, transfer, pay grade, position or job title, leaves of absence, name changes, and similar personnel actions <b>except</b> those noted elsewhere in this part.</p>	<p>2 years from the date of creation or the personnel action involved, whichever is later.</p>	<p>By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-25	PERSONNEL STUDIES AND SURVEYS	Studies, statistical reports, surveys, cost analyses and projections, and similar records, <b>except</b> those noted elsewhere in this part, on any aspect of the personnel management or administration of a local government.	3 years.	<b>Retention Note:</b> Review before disposal; some documents may merit <b>PERMANENT</b> retention for historical reasons.
GR1050-26	POSITION DESCRIPTION, CLASSIFICATION, AND STAFF MONITORING RECORDS			
GR1050-26a	POSITION DESCRIPTION, CLASSIFICATION, AND STAFF MONITORING RECORDS	Job descriptions, including any associated task or skill statements. Also includes documentation concerning the development and analysis of job descriptions and classification systems, including survey, review and audit reports; classification standards and guidelines; selection criteria; determination of classification appeals; etc.	US or position abolished + 4 years.	By regulation - 40 TAC 815.106(i).
GR1050-26b	POSITION DESCRIPTION, CLASSIFICATION, AND STAFF MONITORING RECORDS	Position staffing and vacancy reports.	US.	
GR1050-26c	POSITION DESCRIPTION, CLASSIFICATION, AND STAFF MONITORING RECORDS	Personnel requisitions.	2 years.	
*GR1050-27	REDUCTION IN FORCE PLANS	Reduction in force plans and any related documentation.	US, or if implemented, 2 years from date of last reduction in force action under the plan.	
GR1050-28	TRAINING AND EDUCATIONAL ACHIEVEMENT RECORDS			For other records relating to aptitude or skills tests <b>required</b> of job applicants or of current personnel to qualify for promotion or transfer see item number GR1050-02.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-28a	<b>TRAINING AND EDUCATIONAL ACHIEVEMENT RECORDS</b>	Certificates of completion, transcripts, test scores, or similar records documenting the training, testing, or continuing education achievements of an employee if such training or testing is required for the position held or if the educational or skill attainment or enhancement affects or could affect career advancement in the local government or, in the case of licensed or certified personnel (e.g., school professionals, firefighters, police officers, health care professionals), in other governments or the private sector.	Date of separation + 5 years.	<b>Retention Note:</b> If information concerning training or testing (e.g., test scores) is transferred to an Employee Service Record (item number GR1050-12), the document from which the information is taken need be retained for only 2 years.
GR1050-28b	<b>TRAINING AND EDUCATIONAL ACHIEVEMENT RECORDS</b>	Records documenting the planning, development, implementation, administration and evaluation of in-house training programs.	2 years.	
GR1050-28c	<b>TRAINING AND EDUCATIONAL ACHIEVEMENT RECORDS</b>	Training manuals, syllabuses, course outlines, and similar training aids used in in-house training programs.	US, expired, or discontinued + 2 years.	
GR1050-28d	<b>TRAINING AND EDUCATIONAL ACHIEVEMENT RECORDS</b>	Skill or achievement measurement records of a training group or class as a whole (e.g., rosters with scores).	2 years.	<b>Retention Note:</b> If the only information documenting the in-house training of an employee of the types described in (a) is contained in the measurement records of a group or class as a whole, the group records must be retained for the date of separation + 5 years for all employees included in the group records.
GR1050-29	<b>UNEMPLOYMENT COMPENSATION CLAIMS RECORDS</b>	Unemployment claims, pertinent correspondence, and similar records documenting unemployment compensation cases.	After closed + 5 years.	



Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1050-30	VERIFICATIONS OF EMPLOYMENT ELIGIBILITY ( Form I-9)		3 years from hire or 1 year after separation, whichever later.	By regulation - 8 CFR 274a.2(b)(2)(i)(A) and (c)(2)  <b>Retention Note:</b> If a former employee is rehired and a Form I-9 is still on file for the employee, the 3-year retention period dates from date of first hire.
GR1050-31	WORK SCHEDULES	Work, duty, shift, crew, case schedules, rosters, or assignments <b>except</b> work schedules includable in item number GR1050-56.	1 year.	
*GR1050-32	WORKERS COMPENSATION CLAIM RECORDS	Records of accidents to or job-related illnesses of employees.		<b>Retention Note:</b> Refer to GR1050-22b(1) for any medical or exposure records created or collected.
*GR1050-32a	WORKERS COMPENSATION CLAIM RECORDS	Initial and supplemental incident forms, reports, or logs.	CE + 5 years.	By regulation - 29 CFR 1904.33. <b>Retention Note:</b> If a claim is filed as a result of the accident or illness any forms or reports related to the incident must be retained under GR1050-32b.
*GR1050-32b	WORKERS COMPENSATION CLAIM RECORDS	Records of workers compensation claims filed by employees, including any reports or investigations used to determine eligibility.		
		(1) If the local government is self-insured.	CE of closure of claim + 50 years.	
		(2) If the local government is not self-insured.	CE + 5 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-33	FINANCIAL DISCLOSURE STATEMENTS	Financial disclosure statements of officers and/or employees of a local government required by Local Government Code Section 145.007(c) or 159.007(c).	Date of separation + 2 years.	By law – Local Government Code, Section 145.007(c); 159.007(c).  <b>Retention Notes:</b> a) For campaign contribution and expenditure statements see item number EL3125-01 in Local Schedule EL (Records of Elections and Voter Registration).  b) See item number EL3125-04 for financial disclosure statements of local government candidates.
GR1050-34	PUBLIC ACCESS OPTION FORMS	Form completed and signed by employee or official, or former employee or official, electing to keep home address, home telephone number, social security number, and family information open or confidential under the Public Information Act, Government Code 552.024.	US.	<b>Retention Note:</b> The last public access option form completed by an employee prior to termination of employment must be retained as part of the Employee Service Record (see record number GR1050-12 in this schedule).
GR1050-35	EMPLOYEE EXIT INTERVIEWS	Records of interviews and other supporting documentation conducted at time of employee termination.	Date of separation + 2 years.	
GR1050-36	CRIMINAL HISTORY CHECKS	Used for condition of or in conjunction with employment application.	End of employee's probationary period or after immediate purpose has been fulfilled, as applicable.	By law - Government Code, Chapter 411 Subchapter F for certain education institutions and fire departments, and by authority of this schedule for all other local governments.  <b>Retention Note:</b> A local government that is authorized to obtain criminal history recorded information from the Texas Department of Public Safety must refer to Subchapter F, Chapter 411, Government Code for appropriate retention and use of this information.
*GR1050-37	EMPLOYEE ACKNOWLEDGEMENT FORMS	Employee acknowledgement forms or other documentation that show proof of receipt and awareness of local government policies and procedures.	US or date of separation +2 years, as applicable.	<b>Retention Note:</b> See item number GR1050-08b for acknowledgement forms of pension and deferred compensation policies and procedures.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-38	UNSOLICITED RÉSUMÉS	Unsolicited résumés received by local governments not used in the employment selection process.	AV.	<b>Retention Note:</b> See item number GR1050-14 for résumés, whether solicited or unsolicited, that are used in any way in the employment selection process.
GR1050-39	VOLUNTEER SERVICE FILES	Information about individual volunteers and duties they perform.	US or date of separation + 3 years.	
*GR1050-40	APPLICATIONS FOR PERMANENT EMPLOYMENT CERTIFICATION (ETA Form 9089)	Includes applications and supporting documentation, including employment applications, summaries of recruitment efforts, job postings, newspaper advertisements, job orders with the Texas Workforce Commission, and correspondence with the U.S. Department of Labor and attorneys.	Date of filing of application + 5 years.	
*GR1050-41	OUTSIDE/SECONDARY EMPLOYMENT AUTHORIZATIONS	Personnel forms requesting permission to perform at a job outside of the local government.	Date of separation or until superseded + 2 years, as applicable.	
*GR1050-42	LICENSE AND DRIVING RECORD CHECKS		US or date of separation.	<b>Retention Note:</b> See item number SD3500-03c for driving record checks of school bus drivers.
*GR1050-43	LABOR STATISTICS REPORTS	Reports providing statistical information on labor force.	3 years.	
*GR1050-44	AMERICANS WITH DISABILITIES ACT (ADA) DOCUMENTATION	Self evaluations and plans documenting compliance with the requirements of the Americans with Disabilities Act.	3 years.	By regulation - 28 CFR 35.105(c).

### SECTION 3-2: PAYROLL RECORDS

**Retention Note:** OTHER ACCOUNTING RECORDS - This section supplements Section 2-2 and schedules financial and accounting records found in most local governments specific to the disbursement of payroll. If a payroll-related record is not scheduled in this section, use Section 2-2 for the comparable record; e.g., payroll fund reconciliations should be retained for FE + 5 years under the retention for Banking Records (see item number GR1025-28).



Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-50	DEDUCTION AUTHORIZATIONS	Documentation used to start, modify, or stop all voluntary or required deductions from payroll, including orders of garnishment or other court-ordered attachments.	4 years after separation or 4 years after amendment, expiration, or termination of authorization, whichever sooner.	
GR1050-51	DIRECT DEPOSIT APPLICATIONS/ AUTHORIZATIONS		US or date of separation, as applicable.	
GR1050-52	EARNINGS AND DEDUCTION RECORDS			
GR1050-52a	EARNINGS AND DEDUCTION RECORDS	A record containing the following payroll information on each employee: name, last known address and social security number, amount of wages paid to the employee for each payroll period, including all deductions, and date of payment.	Retention of any one of the following records for 5 years by school districts or 4 years by other local governments will satisfy the retention requirement:  1) Individual employee earnings card or record that shows earnings and deductions for each pay period.  2) Master payroll register which shows earnings and deductions for each pay period.	By regulation - 20 CFR 404.1225(b) (3) and 40 TAC 815.106(i).

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-52b	<b>EARNINGS AND DEDUCTION RECORDS</b>	A record containing the following minimum pension and deferred compensation information on each employee: name, date of birth, social security number, and amount of pension and deferred compensation deductions.	<p>The retention of any one of the following for date of separation + 75 years will satisfy the retention requirement:</p> <p>1) Individual employee earnings card or record as in (a)(1).</p> <p>2) Employee Service Record (see item number GR1050-12) if it contains the prescribed pension and deferred compensation deduction data.</p> <p>3) Master payroll register, or the final year-to-date register of each calendar year, <b>if</b> the register shows <b>all</b> persons employed during the year from whose wages, pension, and deferred compensation deductions were made.</p>	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-52b (continued)	EARNINGS AND DEDUCTION RECORDS		<p>4) Pension and deferred compensation deduction register, or the final year-to-date pension deduction register of each calendar year, if the register lists <b>all</b> persons employed during the year from whose wages pension and deferred compensation deductions were made.</p> <p>5) Copies of annual or other periodic statements furnished to each employee detailing the deductions and contributions to a pension or deferred compensation plan during the past year or period.</p>	
GR1050-52c	EARNINGS AND DEDUCTION RECORDS	Master payroll register, including year-to-date registers, <b>if not used</b> to satisfy either of the retention requirements set in (a) or (b).	FE + 5 years for school districts; FE + 3 years for other governments.	



Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-52d	EARNINGS AND DEDUCTION RECORDS	Subsidiary payroll registers, <b>if not used</b> to satisfy either of the retention requirements set in (a) or (b).  (1) If data contained in the subsidiary payroll register <b>is not</b> contained in the master payroll register.  (2) If data contained in the subsidiary payroll register <b>is</b> contained in the master payroll register.	FE + 5 years for school districts; FE + 3 years for other governments.  AV.	
GR1050-52e	EARNINGS AND DEDUCTION RECORDS	Copies of annual or other periodic statements furnished to each employee detailing the deductions and contributions to a pension or deferred compensation plan during the past year or period, <b>if not used</b> to satisfy the retention requirement set in (b).	2 years.	
GR1050-52f	EARNINGS AND DEDUCTION RECORDS	Payroll adjustment records, including transaction registers, authorizations, and similar records authorizing and detailing adjustments to payroll records because of overpayment, underpayment, etc.	FE + 5 years for school districts; FE + 3 years for other governments.	
GR1050-53	FEDERAL AND STATE TAX FORMS AND REPORTS			
GR1050-53a	FEDERAL AND STATE TAX FORMS AND REPORTS	Forms used to determine withholding from wages and salaries for payroll tax purposes (W-4 Forms).	4 years after separation or 4 years after form amended, whichever sooner.	By regulation - 20 CFR 404.1225(b) (3), 26 CFR 31.6001-1(e) (2) for federal forms and by authority of this schedule for any state forms.
GR1050-53b	FEDERAL AND STATE TAX FORMS AND REPORTS	Forms and reports used to report the collection, distribution, deposit, and transmittal of payroll or unemployment taxes (W-2, 1099).	4 years after tax due date or date tax paid, whichever later.	By regulation - 20 CFR 404.1225(b) (3), 26 CFR 31.6001-1(e) (2) for federal forms and by authority of this schedule for state forms.
GR1050-54	LEAVE RECORDS			

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-54a	LEAVE RECORDS	A record containing a record of the unused accumulated sick leave of each employee if (1) all or a percentage of accumulated sick leave is used to calculate length of service and/or (2) accumulated sick leave is creditable to an employee if rehired.	<p>The retention of any one of the following for date of separation + 75 years will satisfy the retention requirement:</p> <p>1) Individual employee earnings card or record as described in item number GR1050-52a if it also contains accumulated sick leave data.</p> <p>2) Employee Service Record (see item number GR1050-12) if it contains the accumulated sick leave data prescribed.</p> <p>3) Copy of the final time summary or leave status report, as noted in (d), of each separated employee.</p>	
GR1050-54b	LEAVE RECORDS	Requests and authorizations for vacation, compensatory, sick, Family and Medical Leave Act (FMLA), and other types of authorized leave, and supporting documentation.	FE + 5 years for school districts; FE + 3 years for other governments.	By regulation – 29 CFR 825.500.
GR1050-54c	LEAVE RECORDS	Leave or hours-to-date registers.	FE + 5 years for school districts; FE + 3 years for other governments.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-54d	LEAVE RECORDS	Copies of periodic time summary or leave status reports furnished to each employee containing information on vacation, sick, compensatory, or other leave earned and used, including the final report of separated employees <b>if they are not used</b> to satisfy the retention requirement set in (a).	2 years.	
GR1050-55	PAYROLL ACTION OR INFORMATION NOTICES	Documents used by payroll officers to create or change information in the payroll records of individual employees <b>except</b> deduction authorizations (see item number GR1050-50) and federal tax forms [see item number GR1050-53(a)].		
*GR1050-55a	PAYROLL ACTION OR INFORMATION NOTICES	Documents concerning hiring, termination, transfer, pay grade, position or job title, name changes, etc.	2 years from the date of creation or personnel action involved, whichever is later.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.  <b>Retention Note:</b> Refer to GR1050-12 in this schedule as some information must be kept in Employee Service Record.
GR1050-55b	PAYROLL ACTION OR INFORMATION NOTICES	Documents concerning adjustments to payroll and leave status.	FE + 3 years.	<b>Retention Note:</b> Refer to GR1050-12 in this schedule as some information must be kept in Employee Service Record.
GR1050-56	TIME AND ATTENDANCE REPORTS	Time cards or sheets, including work schedules and documentation evidencing adherence to or deviation from normal hours for those employees working on fixed schedules.	4 years.	By regulation - 40 TAC 815.106(i).
GR1050-57	TIME CHANGE RECORDS	Requests and authorizations for overtime, time trading, and other actions that affect normal work time <b>except</b> leave requests [see item number GR1050-54(c)].	2 years.	
GR1050-58	REIMBURSABLE ACTIVITIES, REQUESTS AND AUTHORIZATIONS TO ENGAGE IN	Requests and authorizations for travel; participation in educational programs, workshops, or college classes; or for other <i>bona fide</i> work-related activities in which the expenses of an employee are defrayed or reimbursed.	FE + 5 years for school districts; FE + 3 years for other governments.	



Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-59	WAGE AND SALARY RATE TABLES			
GR1050-59a	WAGE AND SALARY RATE TABLES	If wage or salary rate for each position listed on an Employee Service Record (see item number GR1050-12) is expressed in dollars.	2 years after last effective date.	By regulation - 29 CFR 516.6(a)(2).
GR1050-59b	WAGE AND SALARY RATE TABLES	If wage or salary rate for each position listed on an Employee Service Record (see item number GR1050-12) is indicated by grade or step number only.	Date of separation + 75 years.	

### PART 4: SUPPORT SERVICES RECORDS

#### SECTION 4-1: PURCHASING RECORDS

**Retention Notes:** RELATIONSHIP WITH ACCOUNTS PAYABLE RECORDS - In a local government in which purchasing and accounts payable records (see item number GR1025-26) are maintained by the same individual or department, duplicate copies of a record need not be created and/or retained to satisfy the retention requirements of this section if the record is used in documenting both the ordering and procurement of and payment for goods and services. In such instances, retention requirements for accounts payable records prevail over those noted in this section.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1075-01	BIDS AND BID DOCUMENTATION			
GR1075-01a	BIDS AND BID DOCUMENTATION	Successful bids and requests for proposals, including invitations to bid, bid bonds and affidavits, bid sheets, and similar supporting documentation.	FE of award + 5 years for school districts; FE + 3 years for other governments.	<b>Retention Note:</b> If a formal written contract is the result of a successful bid or request for proposal, the successful bid or request for proposal and its supporting documentation must be retained for the same period as the contract. See item number GR1000-25.
GR1075-01b	BIDS AND BID DOCUMENTATION	Unsuccessful bids.	2 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1075-01c	BIDS AND BID DOCUMENTATION	Requests for informal bid estimates, quotes, or responses from providers for the procurement of goods or services for which state law or local policy does not require the formal letting of bids.	1 year.	
GR1075-01d	BIDS AND BID DOCUMENTATION	Requests for information (RFI) preliminary to the procurement of goods or services by direct purchase or bid.	AV after date of direct purchase, issuance of request for bids, or decision not to proceed with the procurement, as applicable.	
*GR1075-02	PARTS AND SUPPLIES INVENTORY RECORDS	Inventories of parts and supplies.	1 year.	
GR1075-03	PURCHASE ORDER AND RECEIPT RECORDS			
GR1075-03a	PURCHASE ORDER AND RECEIPT RECORDS	Purchase orders, requisitions, and receiving reports.	FE + 5 years for school districts; FE + 3 years for other governments.	
GR1075-03b	PURCHASE ORDER AND RECEIPT RECORDS	Purchasing log, register, or similar record providing a chronological record of purchase orders issued, orders received, and similar data on procurement status.	FE + 3 years.	
GR1075-03c	PURCHASE ORDER AND RECEIPT RECORDS	Packing slips and order acknowledgments.	AV.	
GR1075-03d	PURCHASE ORDER AND RECEIPT RECORDS	Vendor and commodity lists.	US.	
GR1075-04	W-9 FORM - REQUEST FOR TAXPAYER IDENTIFICATION NUMBER (TIN) AND CERTIFICATION	W-9 IRS Form used to request a taxpayer identification number (TIN) for reporting information to IRS. This includes W-9 forms received by local governments from vendors.	Date account is opened or date instrument purchased + 3 years.	By regulation - 26 CFR 31.3406(h)-3(g).

**SECTION 4-2: FACILITY, VEHICLE, AND EQUIPMENT MANAGEMENT RECORDS**

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1075-15	ACCIDENT AND DAMAGE REPORTS (PROPERTY)	Reports of accidents or damage to facilities, vehicles, or equipment <b>if</b> no personal injury is involved.	3 years.	<b>Retention Note:</b> For accident reports involving personal injury see item numbers GR1000-20 and GR1050-32.
GR1075-16	CONSTRUCTION PROJECT RECORDS			
*GR1075-16a	CONSTRUCTION PROJECT RECORDS	Records concerning the planning, design, construction, conversion, or modernization of local government-owned facilities, structures, infrastructure (i.e. electrical lines, underground water lines), and systems, including feasibility, screening, and implementation studies; topographical and soil surveys and reports; architectural and engineering drawings, elevations, profiles, blueprints, and as-builts; inspection and investigative reports; laboratory test reports; environmental impact statements; construction contracts and bonds; correspondence; and similar documentation <b>except as described in (b), (c) or (d).</b>	LA + 10 years.	<p><b>Retention Notes: a) Review before disposal; some records may merit PERMANENT retention for historical reasons.</b></p> <p><b>b) If a structure, facility, or system is sold or transferred to another person or entity, the local government must retain the original records relating to its construction to fulfill retention requirements. Copies of the records may be given to the person or entity to which the structure, facility, or system is sold or transferred.</b></p> <p>c) Records of the types described relating to places eligible for or already listed as historic by national, state, or local organizations or authorities must be retained <b>PERMANENTLY.</b></p>



Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1075-16b	<b>CONSTRUCTION PROJECT RECORDS</b>	Records of the types described in GR1075-16a relating to the construction of prefabricated storage sheds, bus shelters, parking lot kiosks, non-structural recreational facilities such as baseball diamonds and tennis courts, and similar structures and facilities.	Completion of the project + 10 years.	<p><b>Retention Notes:</b> a) Review before disposal; some records may merit <b>PERMANENT</b> retention for historical reasons. Records relating to construction of some of the described structures will have historical value if they are closely associated with a major structure as described in GR1075-16a. For example, records relating to the construction of gazebos, fountains, walls, or statuary located on the grounds of a county courthouse are part of the landscape of the courthouse and its grounds and should be retained <b>PERMANENTLY</b>.</p> <p>b) Records of the types described relating to places eligible for or already listed as historic by national, state, or local organizations or authorities must be retained <b>PERMANENTLY</b>.</p> <p>c) If the construction of a structure described in GR1075-16b includes infrastructure (i.e. electrical lines, underground water lines, etc.), records of the infrastructure must be maintained <b>Life of Asset + 10 years</b>.</p>
*GR1075-16c	<b>CONSTRUCTION PROJECT RECORDS</b>	Records relating to construction projects described in GR1075-16a and GR1075-16b, that are transitory or of ephemeral relevance, and are not required for maintaining, modifying, and repurposing the building or structure. Records may include, but are not limited to, records of architectural and engineering draft design plans and specifications that precede the signed and sealed versions, , delivery tickets for expendable products, daily work reports, etc.	5 years.	<p><b>Retention Note:</b> Records of the types described relating to places eligible for or already listed as historic by national, state, or local organizations or authorities must be retained <b>PERMANENTLY</b>.</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1075-16d	CONSTRUCTION PROJECT RECORDS	Line Locate Requests, Call Before You Dig records, or other similar records documenting requests for information regarding locations of the underground cable or utility lines.	Completion of project requiring the locate request + 2 years.	<b>Retention note:</b> If damage to utility lines becomes subject to litigation, the locate records must be retained in accordance with GR1000-31 (Litigation Case Files).
GR1075-17	LOST AND STOLEN PROPERTY REPORTS		FE + 3 years.	
GR1075-18	MAINTENANCE, REPAIR, AND INSPECTION RECORDS	Records documenting the maintenance, repair, and inspection of facilities, vehicles, and equipment.		<b>Retention Note:</b> This record group schedules records of maintenance and repair to general-purpose vehicles, office equipment, and office facilities. For retention requirements for the maintenance and repair of specialized vehicles (e.g., police cars, fire trucks, school buses), equipment (e.g., airport runway beacons, traffic lights), or facilities (e.g., wastewater treatment plants) see other commission schedules.
GR1075-18a	MAINTENANCE, REPAIR, AND INSPECTION RECORDS	Vehicles and equipment.  (1) Routine inspection records.  (2) Maintenance and repair records.	1 year.  Life of asset.	<b>Retention Note:</b> If a vehicle is salvaged as the result of an accident, the maintenance and repair records for the vehicle must be retained for date of salvage + 1 year.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1075-18b	MAINTENANCE, REPAIR, AND INSPECTION RECORDS	Facilities.  (1) Routine cleaning, janitorial, and inspection work.  (2) All other facility maintenance, repair and inspection records (including those relating to plumbing, electrical, fire suppression, and other infrastructural systems).	1 year.  5 years.	<b>Retention Note:</b> Records of the types described relating to government-owned structures or places eligible for or already listed as historic by national, state, or local organizations or authorities must be retained <b>PERMANENTLY</b> .
*GR1075-19	SERVICE REQUESTS/WORK ORDERS	Requests or work order for repairs or maintenance to facilities, vehicles, or equipment.	2 years.	<b>Retention Note:</b> If work orders serve as the only form of record documenting repairs to vehicles or equipment [see item number GR1075-18(a)] they must be retained for the life of the vehicle or equipment.
GR1075-20	USAGE REPORTS	Reports of usage of facilities, vehicles, and equipment.		
*GR1075-20a	USAGE REPORTS	Any type of usage report (e.g., mileage, fuel consumption, copies run) <b>if</b> such reports are the basis for allocating costs, for determining payment under rental or lease agreements, etc.	FE + 5 years for school districts; FE + 3 years for other governments.	
*GR1075-20b	USAGE REPORTS	Reservation logs or similar records relating to the use of facilities such as meeting rooms, auditoriums, etc. by the public or other governmental agencies.	2 years.	
*GR1075-20c	USAGE REPORTS	Usage reports compiled for purposes other than those noted in (a) or (b).	1 year.	
GR1075-21	VEHICLE OR EQUIPMENT ASSIGNMENT RECORDS	Assignment logs, authorizations, and similar records relating to the assignment and use of government-owned vehicles or equipment by employees.	After return or reassignment + 2 years.	
GR1075-22	VISITOR CONTROL REGISTERS	Logs, registers, or similar records documenting visitors to limited access or restricted areas.	3 years.	<b>Retention Note:</b> If the visitor control register is needed as part of an investigation it should be retained with the investigation case file PS4125-05.

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1075-23	VEHICLE AND EQUIPMENT WARRANTIES	Warranties for vehicles and equipment.	Expiration of warranty + 1 year.	
GR1075-24	VEHICLE TITLES AND REGISTRATIONS	Vehicle titles and registrations of government- owned vehicles.	LA.	
GR1075-25	SURVEILLANCE VIDEOS	Video surveillance for, but not limited to, security of property and persons.	AV.	<b>Retention Note:</b> If the surveillance video is needed as part of an investigation it should be retained with the investigation case file PS4125-05.
*GR1075-26	EQUIPMENT MANUALS	Equipment manuals, owner’s manuals, instructional manuals, or other similar documentation for government owned equipment, <b>except</b> for equipment manuals noted elsewhere in this schedule or other schedules adopted by the commission.	LA.	

**SECTION 4-3: COMMUNICATIONS RECORDS**

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1075-40	POSTAL AND DELIVERY SERVICE RECORDS			
GR1075-40a	POSTAL AND DELIVERY SERVICE RECORDS	Meter and permit usage records.	1 year.	
GR1075-40b	POSTAL AND DELIVERY SERVICE RECORDS	Registered, certified, insured, and special delivery mail receipts and similar records of transmittal by express or delivery companies.	1 year.	
GR1075-41	TELEPHONE LOGS OR ACTIVITY REPORTS	Registers or logs of telephone calls and fax transmissions made and similar activity reports.		
GR1075-41a	TELEPHONE LOGS OR ACTIVITY REPORTS	If the log, report, or similar record is used for cost allocation purposes.	FE + 5 years for school districts; FE + 3 years for other governments.	
GR1075-41b	TELEPHONE LOGS OR ACTIVITY REPORTS	If the log, report, or similar record is used for internal control purposes other than cost allocation.	1 year.	



Record Number	Record Title	Record Description	Retention Period	Remarks
GR1075-41c	[WITHDRAWN –SEE GR1075-43]			
*GR1075-42	E-RATE RECORDS	E-Rate is the Schools and Libraries Program of the Universal Service Fund that provides discounts to schools and libraries for telecommunications and Internet access. E-Rate is administered by the Universal Service Administrative Company (USAC) under the direction of the Federal Communication Commission (FCC).  All records related to the application for, receipt, and delivery of discounted telecommunications and other supported services.	FE + 10 years.	By regulation - 47 CFR 54.516.
*GR1075-43	DIRECTORY INFORMATION	Mailing addresses, telephone or fax numbers, or email addresses, or other contact information maintained by a local government on its employees or persons it serves.	US, expired, or discontinued.	

**SECTION 4-4: WORKPLACE SAFETY RECORDS**

Record Number	Record Title	Record Description	Retention Period	Remarks
GR5750-01	BLOODBORNE PATHOGEN TRAINING RECORDS	Records of training given to employees with exposure to bloodborne pathogens showing the dates of training sessions, contents or summaries of the sessions, names and job titles of those who received training, and names and qualifications of instructors.	3 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR5750-02	FACILITY CHEMICAL LISTS	Copies of tier two forms containing information of hazardous chemicals present in local government facilities submitted to the fire chief of the fire department having jurisdiction over the facilities and to the Texas Department of State Health Services as required by Health and Safety Code, Section 506.006.	30 years.	
GR5750-03	HAZARD COMMUNICATION PLANS	Plans describing how criteria of the Hazard Communications Act (Chapter 502, Health and Safety Code) with regard to the education and training of employees will be met.	US + 5 years.	By law - Health and Safety Code, Section 502.009(g).
GR5750-04	HAZARDOUS MATERIALS TRAINING RECORDS	Records of training given to employees in a hazard communications program showing the date of each training session, subjects covered during the session, rosters of employees who attended, and the names of instructors.	5 years.	By law - Health and Safety Code, Section 502.009(g).
GR5750-05	MATERIAL SAFETY DATA SHEETS (MSDS)	Material safety data sheets (MSDS) supplied to local government employers by manufacturers or distributors of hazardous chemicals.	AV after receipt of updated sheet or the hazardous chemical is no longer present in the local government, as applicable.	
GR5750-06	WORKPLACE CHEMICAL LISTS	Lists of hazardous chemicals, including superseded lists, compiled and maintained by local governments in accordance with the Health and Safety Code, Section 502.005.	30 years.	By law - Health and Safety Code, Section 502.005(d).  <b>Retention Note:</b> State law (Health and Safety Code, Section 502.005(d)) provides that if a local government is dissolved (e.g., a municipality through disincorporation), it shall send the workplace chemical lists in its possession to the director of the Texas Department of State Health Services.

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR5750-07	DISASTER PREPAREDNESS AND RECOVERY PLANS	Disaster preparedness, continuity of operations, business continuity, or other plans used to prepare for or respond to emergencies or disasters.	US.	

### PART 5: INFORMATION TECHNOLOGY RECORDS

**Retention Notes:** (a) This part establishes retention periods for records essential to the creation, maintenance, and use of electronic records (information recorded in a form for computer processing including data, graphics, digital images, multi-media records, etc.) and records related to computer operations/technical support not covered elsewhere in this schedule. Records in this part may be maintained on whatever medium is appropriate including electronic (on-line, magnetic tape, optical disk, CD-ROM, etc.), paper, and microform.

(b) Other types of records may be maintained electronically that are listed elsewhere in this schedule, such as administrative, fiscal, personnel, and support services records, or in other specialized schedules adopted by the Texas State Library and Archives Commission, such as Local Schedule PS (Records of Public Safety Agencies), Local Schedule HR (Records of Public Health Agencies), etc. The retention period for those electronic records will be as specified under the appropriate records series item number according to the function of the information. For example, if an electronic system were used to maintain encumbrance and expenditure reports, the retention period for these electronic records would be 2 years as specified in item number 1025-04(d). Retention requirements apply to records maintained on all types of electronic systems including mainframe, minicomputer, microcomputer, local-area-network based systems, etc.

(c) Administrative rules of the Texas State Library and Archives Commission (13 TAC 7.71-7.79) require that retention procedures for electronic records with an approved retention of 10 years or more must include provisions for scheduling the disposition of the electronic records as well as related software, documentation, and indexes; and for regular recopying, reformatting, and other necessary maintenance or conversion activities to ensure the retention and stability of electronic records until the expiration of their retention periods.

(d) If automated information is copied to paper or microform to create the official record, the electronic files do not have to be maintained for the full retention period of the record. The added value of electronic files for facilitating retrieval, making queries, providing for automated audit trails, etc., should be carefully reviewed prior to destruction of the electronic files even though there is an official record in another medium.

## SECTION 5-1: RECORDS OF AUTOMATED APPLICATIONS

Record Number	Record Title	Record Description	Retention Period	Remarks
GR5800-01	AUDIT TRAIL RECORDS	Files needed for electronic data audits such as files or reports showing transactions accepted, rejected, suspended, and/or processed; history files/tapes; records of on-line updates to application files or security logs.	Until audit requirements met.	
GR5800-02	FINDING AIDS, INDEXES, AND TRACKING SYSTEMS	Automated indexes, lists, registers, and other finding aids used to provide access to the hard copy and electronic records.	Until the related hard copy or electronic records have been destroyed.	
GR5800-03	HARDWARE DOCUMENTATION	Records documenting operational and maintenance requirements of computer hardware such as operating manuals, hardware/operating system requirements, hardware configurations, and equipment control systems.	Until electronic records are transferred to and made usable in a new hardware environment, or there are no electronic records being retained to meet an approved retention period that require the hardware to be retrieved and read.	<b>Retention Note:</b> If the retention period of electronic records is extended to meet requirements of an audit, litigation, Public Information Act request, etc., any hardware documentation required to retrieve and read the records must also be retained for the same period.
*GR5800-04	INFORMATION SYSTEM/DATABASE RECORDS	Relatively long-lived computer files, including databases, containing organized and consistent sets of complete and accurate electronic records.	Until electronic records are transferred to and made usable in a new system environment, or the files have met a retention period established in this or other commission schedule, whichever sooner.	<b>Retention Notes:</b> a) The need to retain "snapshots" of some continuing information systems or databases should be carefully evaluated. For example, if a Geographic Information System has only current mapping information, historical versions of zoning changes would need to be maintained for long-term legal and historical value.  b) Records managers should ensure that snapshots which support records on this or other commission schedules are retained for the full retention period of the records they support.



Record Number	Record Title	Record Description	Retention Period	Remarks
*GR5800-05	<b>PROCESSING RECORDS</b>	Electronic files used to produce or modify an information system or database, including, but not limited to, work files, maintenance and test files, print files, and intermediate input/output records.	Until electronic records are transferred to and made usable in a new system environment, or the files have met a retention period established in this or other commission schedule, whichever sooner.	<b>Retention Note:</b> Routine or benchmark files used to test system performance and files which facilitate processing of a particular job or system run, but which do not add to, delete from, or substantially modify information in an information system or database need be retained only as long as administratively valuable.
*GR5800-06	<b>SOFTWARE PROGRAMS</b>	Automated software applications and operating system files including job control language, etc.	Until electronic records are transferred to and made usable in a new software environment, or there are no electronic records being retained to meet an approved retention period that require the software to be retrieved and read.	<b>Retention Note:</b> If the retention period of electronic records is extended to meet requirements of an audit, litigation, Public Information Act request, etc. any software program required to retrieve and read the records must also be retained for the same period.

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR5800-08	<b>TECHNICAL DOCUMENTATION</b>	Records adequate to specify all technical characteristics necessary for reading or processing of electronic records and their timely, authorized disposition. Includes documentation describing how a system operates and which is necessary for using the system such as user guides, system or sub-system definitions, system specifications, input and output specifications, and system flow charts; program descriptions and documentation such as program flowcharts, program maintenance logs, change notices, and other records that document modifications to computer programs; and data documentation necessary to access, retrieve, manipulate and interpret data in an automated system such as a data element dictionary, file layout, code book or table, and other records that explain the meaning, purpose, structure, logical relationships, and origin of the data elements.	Until electronic records are transferred to and made usable in a new hardware or software environment with new documentation, or there are no electronic records being retained to meet an approved retention period that require the documentation to be retrieved and read.	<b>Retention Note:</b> If the retention period of electronic records is extended to meet requirements of an audit, litigation, open records action, etc. any technical documentation required to retrieve and read the records must also be retained for the same period.
*GR5800-09	<b>AUTOMATED PROGRAM LISTING / SOURCE CODE</b>	Automated program code and builds which generate the machine-language instructions used to operate software programs.	Until superseded or software program no longer used, whichever sooner.	

**SECTION 5-2: COMPUTER OPERATIONS AND TECHNICAL SUPPORT RECORDS**

**Retention Note:** Not all of the following types of records will be created with all electronic systems. A local government should determine which records are needed according to the type of computer operation in use (mainframe, individual personal computers, networked personal computers, etc.). The records in this section may be maintained electronically (on-line, magnetic tape, optical disk, etc.) or on another medium such as paper or microform provided the approved retention period is met.

Record Number	Record Title	Record Description	Retention Period	Remarks
<b>*GR5825-01</b>	<b>SYSTEM SECURITY RECORDS</b>		.	
<b>*GR5825-01a</b>	<b>SYSTEM SECURITY RECORDS</b>	Records created for security purposes to control or monitor individual access to a system and its data, including but not limited to user account records, security login information, and password files.	US, date of expiration, or date of separation + 2 years, as applicable.	
<b>*GR5825-01b</b>	<b>SYSTEM SECURITY RECORDS</b>	Records used to control and monitor the security of a system and its data, including vulnerability scans, intrusion tests, malicious code detection tests, threat and risk assessments, technical security reviews, patch management logs, intrusion detection logs, firewall logs, and related records. Records documenting incidents and investigations involving unauthorized attempted entry, probes and/or attacks on information systems or networks.	AV.	
<b>GR5825-02</b>	<b>BATCH DATA ENTRY CONTROL RECORDS</b>	Forms and logs used to reconcile batches submitted for processing against batches received and processed.	AV after reconciliation confirmed.	
<b>GR5825-03</b>	<b>CHARGEBACK RECORDS TO DATA PROCESSING SERVICES USERS</b>	Records used to document, calculate costs, and bill program units for computer usage and data processing services. These records are also used for cost recovery, budgeting, or administrative purposes.	FE + 5 for school districts; FE + 3 years for other local governments.	
<b>GR5825-04</b>	<b>COMPUTER JOB SCHEDULES AND REPORTS</b>	Schedules or similar records showing computer jobs to be run and other reports by computer operators or programmers of work performed.	90 days.	
<b>GR5825-06</b>	<b>DATA PROCESSING PLANNING RECORDS</b>	Reports, studies, analyses, projections, and similar records concerning the creation, development, or modification of data processing systems and services.	5 years.	<b>Retention Note:</b> Review before disposal; some records of this type may merit <b>PERMANENT</b> retention for historical reasons.
<b>*GR5825-07</b>	<b>[WITHDRAWN – SEE GR5750-07]</b>			

Record Number	Record Title	Record Description	Retention Period	Remarks
GR5825-08	<b>ELECTRONIC MEDIA LIBRARY SYSTEM RECORDS</b>	Records used to control the location, maintenance, and disposition of media in an electronic media library <b>except</b> for records destruction documentation that is maintained permanently (see item number GR1000-40).	Until related records or media are destroyed or withdrawn from the library.	
*GR5825-09	<b>DATA ENTRY DOCUMENTS</b>	Records or forms designed and used solely for data input and control <b>except</b> for data entry documents noted elsewhere in this schedule or other schedules adopted by the commission.	Until all data has been entered into the system and, if required, verified.	
GR5825-10	<b>NETWORK CIRCUITS INVENTORIES</b>	Records containing information on network circuits used by the government including circuit number, vendor, type of connection, terminal series, software, contact person, and other relevant information about the circuit.	US.	
GR5825-11	<b>NETWORK IMPLEMENTATION RECORDS</b>	Records used to implement a computer network including reports, diagrams of network, and wiring schematics.	US.	
*GR5825-12	<b>OPERATING SYSTEM AND HARDWARE CONVERSION PLANS</b>	Records relating to the replacement of equipment or computer operating systems not included elsewhere in this schedule.	2 years after completion of conversion.	
GR5825-13	<b>OUTPUT RECORDS FOR COMPUTER PRODUCTION</b>	Reports showing transactions that were accepted, rejected, suspended, and/or processed.	AV.	
*GR5825-14	<b>QUALITY ASSURANCE RECORDS</b>	Information verifying the quality of system, hardware, or software operations including records of errors or failures and the loss of data resulting from such failures, documentation of abnormal termination and of error free processing, checks of changes put into production, transaction histories, and other records needed as an audit trail to evaluate data accuracy.	Until no longer needed as an audit trail.	



Record Number	Record Title	Record Description	Retention Period	Remarks
GR5825-15	PROJECT RECORDS	Records created and used in the development, redesign, or modification of automated systems or applications.		<b>Retention Note:</b> Does not include purchasing records for computer software or hardware such as individual personal computers, which are covered in Part 4 of this schedule.
GR5825-15a	PROJECT RECORDS	Project management records, design documentation, feasibility studies, justifications, user requirements, etc.	3 years after completion of project.	
GR5825-15b	PROJECT RECORDS	Routine status reports, memos, and correspondence.	AV.	
*GR5825-16	SYSTEM ACTIVITY MONITORING RECORDS	Records or logs that monitor and report levels and patterns of individual and organizational usage of system hardware, software application, and internet resources, including but not limited to log in files, system usage files, application usage files, data entry logs, print spool logs, and records of individual computer usage. May also include levels of storage and network/bandwidth traffic and other documentation related to activities for monitoring and ensuring optimal efficiency of system resource use.	AV.	
*GR5825-17	[WITHDRAWN – SEE GR1050-28]			
GR5825-18	INTERNET COOKIES	Data resident on hard drives that make use of user-specific information transmitted by the Web server onto the user's computer so that the information might be available for later access by itself or other servers.	AV.	<b>Retention Note:</b> The disposal of Internet cookies need not be documented through destruction authorizations (GR1000-40(b)), but governments should establish procedures governing disposal of these records as part of its records management plan (GR1000-40(d)).
GR5825-19	HISTORY FILES – WEB SITES	A record of the documents visited during an Internet session that allows users to access previously visited pages more quickly or to generate a record of a user's progress.	AV.	<b>Retention Note:</b> The disposal of Internet history files need not be documented through destruction authorizations (GR1000-40(b)), but governments should establish procedures governing disposal of these records as part of its records management plan (GR1000-40(d)).

Record Number	Record Title	Record Description	Retention Period	Remarks
GR5825-20	SOFTWARE REGISTRATIONS, WARRANTIES, AND LICENSE AGREEMENTS		LA + 3 years.	

Comments or complaints regarding the programs and services of the Texas State Library and Archives Commission can be addressed to the Director and Librarian, PO Box 12927, Austin, TX 78711-2927  
512-463-5460 or 512-463-5436 Fax

**Copies of this publication are available in alternative format upon request.**



**SLRM**  
STATE AND LOCAL  
RECORDS  
MANAGEMENT

# Declaration of Compliance

with the Records Scheduling Requirement of the Local Government Records Act  
Submitted pursuant to Local Government Code §203.041(a)(2)

## Section 1 SUBMISSION OF DATA

- Government: Starr County Groundwater Conservation District
- Address: 100 N. FM 3167  
City: Rio Grande City ZIP code: 78582
- Telephone: (956) 716-4800 4. Email (optional): \_\_\_\_\_

## Section 2 LOCAL GOVERNMENT CERTIFICATION

As records management officer for the local government or elective county office named, I hereby declare, that in lieu of filing records control schedules, we have adopted records control schedules that comply with minimum requirements established on records retention schedules issued by the Texas State Library and Archives Commission (as checked below) for use in our records management program. In doing so, I also certify that the administrative rules for electronic records, adopted by the commission under Local Government Code §205.003(a) will be followed for records subject to the rules. I understand that:

- the validity of this declaration is contingent on its acceptance for filing by the commission;
- if we have previously filed documentation with the commission in which we declared our intent to retain all records permanently, we must attach amended documentation to this declaration before it can be accepted for filing;
- the records retention schedules adopted by this declaration may be amended by filing for approval a supplemental Records Control Schedule Amendment (SLR 520) on which are listed proposed retention periods for records that do not appear on schedules issued by the commission (as checked below);
- if a supplemental Records Control Schedule Amendment is not filed, we must file a Request for Authorization to Destroy Unscheduled Records (SLR 501) in order to destroy records that do not appear on schedules issued by the commission (as checked below); and
- the commission will provide us with access to subsequent editions of any schedules issued by the commission.

### 1. I hereby declare that our records control schedules will comply with the following schedules issued by the commission:

- |   |  |
|---|--|
| <input type="checkbox"/> Schedule CC (Records of County Clerks)                     | <input type="checkbox"/> Schedule LC (Records of Justice and Municipal Courts) |
| <input type="checkbox"/> Schedule DC (Records of District Clerks)                   | <input type="checkbox"/> Schedule PS (Records of Public Safety Agencies)       |
| <input type="checkbox"/> Schedule EL (Records of Elections and Voter Registration)  | <input type="checkbox"/> Schedule PW (Records of Public Works and Services)    |
| <input checked="" type="checkbox"/> Schedule GR (Records Common to All Governments) | <input type="checkbox"/> Schedule SD (Records of Public School Districts)      |
| <input type="checkbox"/> Schedule HR (Records of Public Health Agencies)            | <input type="checkbox"/> Schedule TX (Records of Property Taxation)            |
| <input type="checkbox"/> Schedule JC (Records of Public Junior Colleges)            | <input type="checkbox"/> Schedule UT (Records of Utility Services)             |

### 2. If any records control schedules or amendments have been filed with the commission, I also hereby declare that those schedules or amendments:

- are superseded by this declaration.
- are not superseded by this declaration. I understand that, in the event of a conflict between the previously filed records control schedules or amendments and the schedules adopted by this declaration, the longer retention period shall apply.

Name and Title: Reyna Guerra, Board Secretary, Records Management Officer

Signature:  Date: 01-24-2020

## Section 3 TEXAS STATE LIBRARY ACCEPTANCE (to be completed by Texas State Library)

This Declaration of Compliance has been accepted for filing pursuant to Local Government Code §203.043(a). A record appearing on a schedule issued by the commission (as checked above) may be disposed of at the expiration of its retention period without additional notice to the Director and Librarian, subject to the provisions of Local Government Code §203.041(d).

Name and Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Rose Benavidez**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 25th day of October, 2010.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 10-135101M



# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Thomas David Koenke**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 20th day of January, 2020.



*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 20-279597M

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Reyna G. Guerra**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 6th day of June, 2012.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 12-156404M

# CERTIFICATE *of* COURSE COMPLETION

## Public Information Act

I, **Reyna G. Guerra**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 29th day of January, 2020.



*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 20-280280P

## Audrey Cooper

---

**From:** Mike Gershon  
**Sent:** Saturday, January 18, 2020 6:51 PM  
**To:** 'stephen.allen@twdb.texas.gov'  
**Cc:** Gilbert Guerra (riodelta2004@yahoo.com); Cole Ruiz; Audrey Cooper  
**Subject:** Groundwater Management Plan -- Starr County GCD (draft)  
**Attachments:** Starr County Management Plan - 2019 draft.DOCX

Stephen,

Please find attached Starr County GCD's draft plan, which reflects the updated and required data and other substantive edits to the previously approved plan.

We look forward to your feedback. If you have any questions, comments, or requests, please do not hesitate to contact me or my colleague, Cole Ruiz, or the District's engineer, Gilbert Guerra.

Thanks in advance for your work on this important matter.

Mike Gershon  
Attorneys for Starr County GCD



**MICHAEL A. GERSHON**

Principal  
512.322.5872 Direct  
512.750.9628 Cell  
Lloyd Gosselink Rochelle & Townsend, P.C.  
816 Congress Ave., Suite 1900, Austin, TX 78701  
www.lglawfirm.com | 512-322-5800  
[News](#) | [vCard](#) | [LinkedIn](#) | [Bio](#)

\*\*\*\*ATTENTION TO PUBLIC OFFICIALS AND OFFICIALS WITH OTHER INSTITUTIONS SUBJECT TO THE OPEN MEETINGS ACT \*\*\*\*

A "REPLY TO ALL" OF THIS EMAIL COULD LEAD TO VIOLATIONS OF THE TEXAS OPEN MEETINGS ACT. PLEASE REPLY ONLY TO LEGAL COUNSEL.

CONFIDENTIALITY NOTICE:

This email (and all attachments) is confidential, legally privileged, and covered by the Electronic Communications Privacy Act. Unauthorized use or dissemination is prohibited. If you have received this message in error please delete it immediately. For more detailed information click <http://www.lglawfirm.com/email-disclaimer/>.

NOT AN E-SIGNATURE:

No portion of this email is an "electronic signature" and neither the author nor any client thereof will be bound by this e-mail unless expressly designated as such as provided in more detail at [www.lglawfirm.com/electronic-signature-disclaimer/](http://www.lglawfirm.com/electronic-signature-disclaimer/).



# STARR COUNTY GROUNDWATER CONSERVATION DISTRICT

## MANAGEMENT PLAN

---

### Contact information:

#### Starr County GCD Legal Counsel:

Michael A. Gershon ([mgershon@lglawfirm.com](mailto:mgershon@lglawfirm.com))

C. Cole Ruiz ([cruiz@lglawfirm.com](mailto:cruiz@lglawfirm.com))

Lloyd Gosselink Rochelle & Townsend, P.C.

816 Congress Ave., Suite 1900

Austin, TX 78701

(512) 322-5800 (phone)

#### Starr County Engineers:

Gilbert Guerra, P.E. ([riodelta2004@yahoo.com](mailto:riodelta2004@yahoo.com))

Rio Delta Engineering

309 North Corpus Street

Rio Grande City, TX 78582

(956) 263-1041 (phone)

16607 Blanco Road, Suite 1403

San Antonio, TX 78232

(210) 462-1365 (phone)

---

Effective \_\_\_\_\_, 2020

## **DISTRICT MISSION**

Starr County Groundwater Conservation District (the “District”) will strive to develop, promote, and implement groundwater conservation and management strategies to protect groundwater resources for the benefit of the citizens, economy, and environment of the District and to engage at a regional and state level with other groundwater conservation districts and stakeholders to carry out the District’s statutory mandate.

## **TIME PERIOD FOR THIS PLAN**

This plan becomes effective upon adoption by the District’s Board of Directors and approval by the Texas Water Development Board (“TWDB”). This plan replaces the existing plan adopted by the District’s Board of Directors, which was approved by TWDB on July 25, 2014. This management plan will remain in effect for a period of five (5) years from the date of TWDB’s approval unless an amended plan is approved by TWDB.

## **STATEMENT OF GUIDING PRINCIPLES**

The Texas Constitution, Article XVI, Section 59 (“Conservation and development of natural resources; conservation and reclamation districts”) declares that the preservation, development and conservation of all natural resources within the state, including groundwater, are public rights and duties that may be managed by conservation and reclamation districts as deemed appropriate by the Texas Legislature. By statutory enactment of the Texas Legislature and declaration of the Texas Supreme Court, groundwater management by groundwater conservation districts is the preferred method of groundwater management. The District recognizes its duty to protect private property rights in groundwater while at the same time using the best available science to balance groundwater development with groundwater conservation and preservation. The District will achieve these purposes by performing duties set forth in the general law of the state, Chapter 36 of the Texas Water Code, and the District’s enabling legislation, including implementation of this management plan.

## **GENERAL DESCRIPTION OF THE DISTRICT**

### **History and Governance**

The District was created by Act of the 79<sup>th</sup> Legislature, Chapter 451, 2005 Regular Session, as amended and codified in Chapter 8803 of the Texas Special District Local Laws Code. The District was confirmed by the citizens of Starr County through an election on May 12, 2007.

Starr County GCD is governed by a publicly elected five-member Board of Directors. One director serves at-large, and one director is elected to represent each Starr County Commissioner’s precinct. Board members serve staggered four-year terms. The District moved from a May uniform election date to a November uniform election date of each even-numbered year to coincide with the elections of Starr County and other political subdivisions in the interest of greater voter turnout and coordination of the election with these other political subdivisions.

## Location and Extent

The District’s boundaries are coterminous with the boundaries of Starr County and are located within Regional Water Planning Group “M” (Rio Grande) and Groundwater Management Area (GMA) 16. Starr County is an area of land covering 1,229 square miles located in South Texas along the border with Mexico. The county is bound on the east by Hidalgo County, on the south by the Rio Grande River, on the west by Zapata County, and on the north by Jim Hogg and Brooks Counties. Rio Grande City is the county seat, which is located in the southern portion of the county. There are four incorporated cities in Starr County: Roma, Escobares, La Grulla, and Rio Grande City. The rest of the County is composed of small rural communities such as Falcon Heights, Salineno, Fronton, Rosita, El Sauz, San Isidro, and La Victoria. The large majority of the population of Starr County resides in the communities located along U.S. Highway 83, mainly in the areas bounded by Roma in the West, and by Alto Bonito in the East. The 2016 Regional Water Plan projects that the population of Starr County will increase by 57.5% by the year 2070.

2016 Regional Water Plan Starr County Population Projections for 2020 - 2070						
Year	2020	2030	2040	2050	2060	2070
Population	70,803	80,085	88,633	97,107	104,687	111,555

## Groundwater Resources of Starr County

The known groundwater resources within the District include the Gulf Coast and Yegua-Jackson aquifers.

The Gulf Coast Aquifer is categorized by TWDB as a major aquifer that extends north and south along the Texas Gulf Coast from the Louisiana border to the Rio Grande River and inland for a distance of 90 to 100 miles. This aquifer covers approximately 41,879 square miles within the Texas Gulf Coast Region and underlies approximately 80% of the District. The District lies at the extreme southwest boundary of the Gulf Coast Aquifer. According to TWDB Report 380, water quality in the southern reaches of the aquifer is characterized by total dissolved solids ranging from 1,000 to more than 10,000 milligrams per liter, compared to levels of less than 500 milligrams per liter in the northern reaches of the Gulf Coast Aquifer.

The Yegua-Jackson Aquifer is categorized by TWDB as a minor aquifer that also runs north and south from the Texas/Louisiana border to the Rio Grande River. The Yegua-Jackson runs along the inside edge of the Gulf Coast Aquifer but is only about 35 miles wide and covers only about 10,904 square miles. This aquifer is located within the southwestern part of the District and underlies the approximate 20% of land within the District under which the Gulf Coast Aquifer is not prevalent. This aquifer is characterized by low yielding sands with saturated thickness averaging 170 feet.

In the last round of joint planning pursuant to Section 36.108 of the Texas Water Code, the districts within Groundwater Management Area 16 declared the Gulf Coast Aquifer to be relevant and the Yegua Jackson Aquifer to be nonrelevant for establishment of desired future conditions.

Management Plan Requirement	Aquifer	Results (in acre-feet per year)
Estimated annual amount of recharge from precipitation to the District	Gulf Coast Aquifer	4,119
	Yegua-Jackson Aquifer	0
Estimated annual volume of water that discharges from the aquifer to springs and any surface water body including lakes, streams, and rivers.	Gulf Coast Aquifer	167
	Yegua-Jackson Aquifer	679
Estimated annual volume of flow into the district within each aquifer in the district	Gulf Coast Aquifer	1,241
	Yegua-Jackson Aquifer	1,150
Estimated annual volume of flow out of the District within each aquifer in the district	Gulf Coast Aquifer	5,046
	Yegua-Jackson Aquifer	248
Estimated net annual volume of flow between each aquifer in the district	From Gulf Cost Aquifer System (Catahoula Formation) to Yegua-Jackson Aquifer	210
	From Yegua-Jackson downdip portion to Yegua-Jackson Aquifer	148 <sup>1</sup>

Source: TWDB, GAM Run Report 18-016.

## Surface Water Resources of Starr County

The Rio Grande River and its tributaries constitute the primary surface water resources within Starr County.

## ESTIMATE OF MODELED AVAILABLE GROUNDWATER BASED ON DESIRED FUTURE CONDITIONS

Section 36.001 of the Texas Water Code defines modeled available groundwater as the amount of water that TWDB's Executive Administrator determines may be produced on an average annual basis to achieve an aquifer's desired future condition established by groundwater conservation

<sup>1</sup> Flow calculated from the groundwater availability model for the Yegua-Jackson Aquifer.



districts within each groundwater management area under Section 36.108. This management plan is based upon the desired future conditions established by GMA 16 Resolution No. 2017-01 adopted January 17, 2017, as reflected in TWDB GAM Run Report 17-025 (May 19, 2017).

The desired future conditions adopted by Groundwater Management Area 16 represent the quantified, measurable conditions of the groundwater resources of the District over the 50-year planning period. Section 36.001(30) defines a “desired future condition” of an aquifer as a quantitative description, adopted in accordance with Section 36.108, of the desired condition of the groundwater resources in a management area at one or more specified future times. The desired future conditions provided below demonstrate the maximum amount of water level declines that the District must not exceed over the 50-year planning period.

**DESIRED FUTURE CONDITIONS ESTABLISHED FOR THE DISTRICT**

Aquifer	Amount average drawdown should not exceed after 50 years (in feet)
Gulf Coast Aquifer	69
Yegua-Jackson Aquifer	N/A <sup>2</sup>

Source: TWDB, GAM Run Report 17-025.

**MODELED AVAILABLE GROUNDWATER ESTIMATES BASED ON DISTRICT DESIRED FUTURE CONDITIONS**

Aquifer	Modeled Available Groundwater Totals for each decade in the planning period 2010-2060 (in acre-ft. per year)					
	2010	2020	2030	2040	2050	2060
Gulf Coast Aquifer <sup>3</sup>	2,742	3,722	4,701	5,681	6,659	7,639
Total	2,742	3,722	4,701	5,681	6,659	7,639

Source: TWDB, Groundwater Availability Model (GAM) Runs 17-025 (MAG) and 18-016.

**Historical Groundwater use in Starr County**

<sup>2</sup> The Yegua-Jackson Aquifer was declared nonrelevant for joint planning purposes within GMA 16; consequently, desired future conditions were not adopted for this aquifer.

<sup>3</sup> TWDB’s GAM Run Report 17-025.

In the past, annual groundwater usage in the District has varied from a high of 2,750 acre-feet to a low of 1,256 acre-feet. These estimates are based upon historical water use data obtained from the 2017 State Water Plan datasets. Annual usage for 2001 through 2016 is as follows:

**STARR COUNTY**

All values are in acre-feet

Year	Source	Municipal	Manufacturing	Mining	Steam Electric	Irrigation	Livestock	Total
2016	GW	321	74	1	0	4	856	1,256
	SW	8,576	0	0	0	8,687	285	17,548
2015	GW	384	74	2	0	3	846	1,309
	SW	8,202	0	0	0	4,558	282	13,042
2014	GW	622	74	9	0	1	821	1,527
	SW	9,034	0	2	0	3,784	274	13,094
2013	GW	805	74	41	0	20	821	1,761
	SW	9,184	0	10	0	12,418	273	21,885
2012	GW	1,277	86	47	0	0	694	2,104
	SW	9,177	9	7	0	13,000	231	22,424
2011	GW	1,371	86	189	0	0	1,104	2,750
	SW	9,418	9	181	0	23,875	367	33,850
2010	GW	1,235	86	221	0	0	1,032	2,574
	SW	7,717	10	211	0	15,000	344	23,282
2009	GW	1,124	86	233	0	0	655	2,098
	SW	7,645	9	223	0	17,504	218	25,599
2008	GW	1,025	98	245	0	0	793	2,161
	SW	6,613	9	234	0	17,387	265	24,508
2007	GW	1,273	89	0	0	0	818	2,180
	SW	6,896	9	0	0	14,060	273	21,238
2006	GW	1,461	86	0	0	0	794	2,341
	SW	7,328	10	0	0	9,756	265	17,359
2005	GW	1,380	147	0	0	0	756	2,283
	SW	6,864	11	0	0	7,358	252	14,485
2004	GW	1,289	147	0	0	417	76	1,929
	SW	6,427	10	0	0	6,308	1,081	13,826
2003	GW	1,301	147	0	0	278	75	1,801
	SW	6,197	9	0	0	6,611	1,066	13,883
2002	GW	1,270	242	0	0	471	64	2,047
	SW	5,815	9	0	0	15,216	907	21,947
2001	GW	1,005	242	0	0	372	67	1,686
	SW	5,313	11	0	0	12,664	964	18,952

Source: Estimated Historical Water Use and 2017 State Water Plan Dataset: Starr County Groundwater Conservation District.

**Projected Surface Water Supply within the District**

All values are in acre-feet.

<b>RWPG</b>	<b>WUG</b>	<b>Basin</b>	<b>Source Name</b>	<b>2020</b>	<b>2030</b>	<b>2040</b>	<b>2050</b>	<b>2060</b>	<b>2070</b>
<b>M</b>	Aqua SUD	Rio Grande	Amistad-Falcon Lake/Reservoir System	28	25	23	23	21	20
<b>M</b>	County-Other Starr	Nueces-Rio Grande	Amistad-Falcon Lake/Reservoir System	35	35	35	35	35	35
<b>M</b>	County-Other Starr	Rio Grande	Amistad-Falcon Lake/Reservoir System	769	769	769	769	769	769
<b>M</b>	Escobares	Rio Grande	Amistad-Falcon Lake/Reservoir System	169	184	203	221	238	253
<b>M</b>	Irrigation, Starr	Rio Grande	Amistad-Falcon Lake/Reservoir System	8,509	8,481	8,453	8,425	8,397	8,369
<b>M</b>	La Grulla	Rio Grande	Amistad-Falcon Lake/Reservoir System	552	552	552	552	552	552
<b>M</b>	Livestock, Starr	Rio Grande	Amistad-Falcon Lake/Reservoir System	65	65	65	65	65	65
<b>M</b>	Manufacturing Starr	Rio Grande	Amistad-Falcon Lake/Reservoir System	14	14	14	14	14	14
<b>M</b>	Mining, Starr	Nueces-Rio Grande	Amistad-Falcon Lake/Reservoir System	82	82	82	82	82	82
<b>M</b>	Mining, Starr	Rio Grande	Amistad-Falcon Lake/Reservoir System	278	277	277	276	275	275
<b>M</b>	Rio Grande City	Rio Grande	Amistad-Falcon Lake/Reservoir System	3,703	3,703	3,703	3,703	3,703	3,703
<b>M</b>	Rio WSC	Rio Grande	Amistad-Falcon Lake/Reservoir System	330	330	330	330	330	330
<b>M</b>	Roma	Rio Grande	Amistad-Falcon Lake/Reservoir System	1,989	1,974	1,955	1,937	1,920	1,905
<b>M</b>	Union WSC	Rio Grande	Amistad-Falcon Lake/Reservoir System	446	446	446	446	446	446
<b>Sum of Projected Surface Water Supplies (acre-feet)</b>				<b>16,969</b>	<b>16,937</b>	<b>16,907</b>	<b>16,878</b>	<b>16,847</b>	<b>16,818</b>

Source: Estimated Historical Water Use and 2017 State Water Plan Dataset: Starr County Groundwater Conservation District.

### **Projected Total Demand for Water within the District**

All values are in acre-feet.

<b>RWPG</b>	<b>WUG</b>	<b>WUG Basin</b>	<b>2020</b>	<b>2030</b>	<b>2040</b>	<b>2050</b>	<b>2060</b>	<b>2070</b>
<b>M</b>	Aqua SUD	Rio Grande	32	35	38	42	45	48
<b>M</b>	County-Other Starr	Nueces-Rio Grande	155	169	182	197	211	225
<b>M</b>	County-Other Star	Rio Grande	3,485	3,787	4,077	4,410	4,743	5,051
<b>M</b>	Escobares	Rio Grande	169	184	203	221	238	253
<b>M</b>	Irrigation, Starr	Rio Grande	13,483	11,085	8,646	6,192	3,714	3,714
<b>M</b>	La Grulla	Rio Grande	337	373	406	441	475	506
<b>M</b>	Livestock, Starr	Nueces-Rio Grande	153	153	153	153	153	153
<b>M</b>	Livestock, Starr	Rio Grande	865	865	865	865	865	865
<b>M</b>	Manufacturing, Starr	Rio Grande	14	15	16	17	18	19
<b>M</b>	Mining, Starr	Nueces- Rio Grande	131	160	178	197	221	251
<b>M</b>	Mining, Starr	Rio Grande	440	537	597	661	740	840
<b>M</b>	Rio Grande City	Rio Grande	3,839	4,262	4,660	5,075	5,464	5,820
<b>M</b>	Rio WSC	Rio Grande	396	435	473	513	551	587
<b>M</b>	Roma	Rio Grande	1,357	1,476	1,590	1,719	1,849	1,968
<b>M</b>	Union WSC	Rio Grande	827	910	991	1,076	1,156	1,231
<b>Sum of Projected Water Demands (acre-feet)</b>			<b>25,683</b>	<b>24,446</b>	<b>23,075</b>	<b>21,779</b>	<b>20,443</b>	<b>21,531</b>

Source: Estimated Historical Water Use and 2017 State Water Plan Dataset: Starr County Groundwater Conservation District.

## Projected Water Supply Needs

All values are in acre-feet.

<b>RWPG</b>	<b>WUG</b>	<b>WUG Basin</b>	<b>2020</b>	<b>2030</b>	<b>2040</b>	<b>2050</b>	<b>2060</b>	<b>2070</b>
<b>M</b>	Aqua SUD	Rio Grande	-4	-10	-15	-19	-24	-28
<b>M</b>	County-Other Starr	Nueces-Rio Grande	-113	-127	-140	-155	-169	-183
<b>M</b>	County-Other Star	Rio Grande	-2,589	-2,891	-3,181	-3,514	-3,847	-4,155
<b>M</b>	Escobares	Rio Grande	0	0	0	0	0	0
<b>M</b>	Irrigation, Starr	Rio Grande	-4,654	-2,284	127	2,553	5,003	4,975
<b>M</b>	La Grulla	Rio Grande	215	179	146	111	77	46
<b>M</b>	Livestock, Starr	Nueces-Rio Grande	87	87	87	87	87	87
<b>M</b>	Livestock, Starr	Rio Grande	0	0	0	0	0	0
<b>M</b>	Manufacturing, Starr	Rio Grande	0	-1	-2	-3	-4	-5
<b>M</b>	Mining, Starr	Nueces-Rio Grande	-49	-78	-96	-115	-139	-169
<b>M</b>	Mining, Starr	Rio Grande	38	-60	-120	-185	-265	-365
<b>M</b>	Rio Grande City	Rio Grande	-136	-559	-957	-1,372	-1,761	-2,117
<b>M</b>	Rio WSC	Rio Grande	-66	-105	-143	-183	-221	-257
<b>M</b>	Roma	Rio Grande	632	498	365	218	71	-63
<b>M</b>	Union WSC	Rio Grande	-381	-464	-545	-630	-710	-785
<b>Sum of Projected Water Supply Needs (acre-feet)</b>			<b>-7,992</b>	<b>-6,579</b>	<b>-5,199</b>	<b>-6,176</b>	<b>-7,140</b>	<b>-8,127</b>

Source: Estimated Historical Water Use and 2017 State Water Plan Dataset: Starr County Groundwater Conservation District.



## **Water Management Strategies**

(Insert data from 2017 State Water Plan here)

## **Management of Groundwater Supplies**

The District will manage the supply of groundwater within the District in order to conserve the resource while seeking to maintain the economic viability of all the resource user groups, public and private. The District will work to develop a network of monitoring wells in order to assess current conditions and monitor changing conditions of the aquifers within the District. The District's Board will routinely review these conditions and make the information gathered from its monitoring efforts available to the public.

## **Actions, Procedures, Performance and Avoidance for Plan Implementation**

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

The District will implement rules that govern the spacing, drilling and withdrawal of groundwater from groundwater wells in a manner consistent with this management plan and in furtherance of achieving the District's statutory mandate.

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

The District's Board of Directors will ensure accountability of the District to implement this plan by routine briefings by its staff and/or consultants, no less than twice annually, and by taking action as necessary to commit resources and direct its staff and/or consultants to carry out the tasks required to implement this plan.

The District's Board will consider and adopt an annual report that reflects the District's performance in achieving its management goals and objectives. The report will include the number of instances each activity was engaged in during the year, referenced to the expenditure of time and other resources so that the effectiveness and efficiency of each activity may be evaluated. The annual report will be maintained on file at the District's office.

# GOALS, MANAGEMENT OBJECTIVES AND PERFORMANCE STANDARDS

## Definitions:

- Conjunctive use—The combined use of groundwater and surface water sources that optimizes the beneficial characteristics of each source, such as water banking, aquifer storage and recovery, enhanced recharge, and joint management.
- Most efficient use of groundwater—Practices, techniques, and technologies that a district determines will provide the least consumption of groundwater for each type of use balanced with the benefits of using groundwater.
- Natural resources issues—Issues related to environmental and other concerns that may be affected by a district’s groundwater management plan and rules, such as impacts on endangered species, soils, oil and gas production, mining, air and water quality degradation, agriculture, and plant and animal life.
- Recharge enhancement—Increased recharge accomplished by the modification of the land surface, streams, or lakes to increase seepage or infiltration rates or by the direct injection of water into the subsurface through wells.

## Goal

- 1.0 Providing the most efficient use of groundwater.

### Management Objective

- 1.1 The District will educate its Board, staff, and constituents about best management practices in the efficient use of groundwater for irrigation, public water supply, industrial and other beneficial purposes that are prevalent in the District.

### Performance Standards

- 1.2 Within the first two years following approval by TWDB of this plan, the District will identify its nonexempt groundwater users and research best management practices for the efficient use of groundwater by the identified nonexempt users.
- 1.3 In each of the second, third, fourth and fifth years following TWDB’s approval of this plan, the District will hold at least one informational meeting for nonexempt groundwater users regarding best management practices for the efficient use of groundwater.

## Goal

### 2.0 Controlling and preventing waste of groundwater.

#### Management Objectives

- 2.1 The District will educate its Board, staff, and constituents about best management practices in avoiding the waste of groundwater, and will develop a procedural mechanism that allows for effectively controlling and preventing waste of groundwater.

#### Performance Standards

- 2.1 Within the first year following approval by TWDB of this plan, solicit and consider public comment during a rulemaking conducted under Section 36.101 of the Texas Water Code regarding prevention of waste of groundwater.
- 2.2 Within the first year following approval by TWDB of this plan, adopt and implement rules that address and prohibit the waste of groundwater and provide a procedural approach for the District to become aware of instances of waste by implementing Sections 36.001(8), 36.102 and other sections of the Texas Water Code that prohibit the waste of groundwater and provide for various enforcement and other legal remedies to prevent waste.
- 2.3 In each of the second, third, fourth and fifth years following TWDB's approval of this plan, the District will hold at least one informational meeting for nonexempt groundwater users regarding best management practices for avoiding the waste of groundwater—this meeting may be held in conjunction with the meeting to be held under Performance Standard 1.3.

## Goal

### 3.0 Controlling and preventing subsidence.

This goal is not applicable to the District.

The District has reviewed TWDB's subsidence risk report for applicability to the District, Identification of the Vulnerability of the Major and Minor Aquifers of Texas to Subsidence with Regard to Groundwater Pumping (TWDB Contract Number 1648302062, by LRE Water, et al.)(March 21, 2017), including Figure 4.23, which illustrates confined zones and a risk assessment for the region underlying the Gulf Coast and Yegua-Jackson aquifers. Subsidence, while manifesting as a major problem in certain, limited areas overlying these aquifers, has not been a problem within the District, and does not foreseeably present an issue within the District that needs to be addressed at this time.

## Goal

4.0 Addressing conjunctive surface water management issues.

Management Objective

4.1 Each year, the District will participate in the regional planning process by engaging with the Region M Regional Water Planning Group to convey information about groundwater availability and groundwater use within the District and to explore conjunctive use and the development of surface water supplies to meet the needs of water user groups in the District.

Performance Standard

4.2 Each year, the District will communicate in writing with the administrator and/or lead consultant for the Region M Regional Water Planning Group about the substantive information described in Section 4.1.

4.3 A District representative will attend at least one Region M Regional Water Planning Group meeting annually, if any such meetings are noticed and held, and shall brief the District's Board about the meeting.

Goal

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

Management Objective

5.1 Each year the District will measure aquifer levels of at least 10 (ten) water wells drilled into the Gulf Coast Aquifer that are dispersed throughout the District.

Performance Standard

5.2 Well location, description, and measured water levels will be included in the Board minutes and an annual report to the District's Board.



## Goal

6.0 Addressing drought conditions.

### Management Objective

6.1 Identify and address any effect(s) of drought conditions on groundwater levels and groundwater use within the District.

### Performance Standard

6.2 At least four times per year the Board agenda will include an item to allow for a report of the Palmer Drought Severity Index, recent rainfall, and public input on any impacts to water well production, including data from <https://www.waterdatafortexas.org/drought>.

6.3 The updates on drought conditions and recent rainfall will be posted for public review and comment and included in an annual summary in an annual report to the District's Board.

## Goal

7.0 Addressing water conservation, recharge enhancement, rainwater harvesting, precipitation enhancement, and brush control, where appropriate and cost effective.

### Management Objective

7.1 Educate the public about strategies that may be employed by constituents of the District to achieve one or more these conservation-related goals.

### Performance Standard

7.2 Publish at least one article per year in the *Town Crier* that provides tips that promote the enhancement of groundwater resources by conservation, recharge enhancement, precipitation enhancement and/or brush control.

7.3 Make a presentation each year in either an elementary, middle and/or high school located within the District on the topic of water conservation.

## Goal

8.0 Addressing desired future conditions.

### Management Objectives

- 8.1 The District will develop and adopt a monitoring well plan to enhance the District's understanding of baseline aquifer levels in the Gulf Coast Aquifer within the District and to monitor changes in these aquifer levels.
- 8.2 The District will take public comment during a rulemaking and develop and implement a regulatory approach to achieve the desired future conditions of the Gulf Coast Aquifer.

### Performance Standards

- 8.3 Within the first two years following approval of this plan by TWDB, the District will work with a professional engineer (P.E.) or professional geoscientist (P.G.) to identify an appropriate representation of existing and/or new wells to be measured to establish a baseline aquifer level and changes in aquifer levels for purposes of achieving desired future conditions.
- 8.4 Within the first three years following approval of this plan by TWDB, the District will approach well owners within the District about volunteering access to their wells as monitoring wells.
- 8.5 Within the first four years following approval of this plan by TWDB, the District will adopt a monitoring well plan that provides for measuring and recording aquifer levels in those wells identified in Section 8.4 in a manner that supports the District's efforts to achieve desired future conditions.
- 8.6 The District will adopt rules that support the District's achievement of desired future conditions based on the best available science collected and evaluated based in part on the District's monitoring well plan.

\* \* \* \*

Voter Information	Previous Name, Address & Status	Voter Participation History	Audit History	View Corres.
Ref./Canc. History	Voter Election Ballot Style	Duplicate History		

<b>Voter Name:</b>	REYNA GUERRA	<b>Residence Address</b>	1824 QUITO AVENUE RIO GRANDE CITY TX 78582	<b>Major Districts</b>	
<b>UID:</b>	1005962799	<b>Mailing Address</b>	1824 QUITO AVE RIO GRANDE CITY TX 78582 UNITED STATES OF AMERICA	<b>USREP</b>	28
<b>Valid From Date:</b>	01/01/2020	<b>Change/Audit Date:</b>	11/26/2019	<b>STSEN</b>	21
<b>Current Status:</b>	ACTIVE	<b>County:</b>	STARR	<b>STREP</b>	31
<b>Status Reason:</b>		<b>Original Voter:</b>		<b>COMM</b>	1
<b>Status Change Date:</b>	09/24/2012	<b>Voter Attributes</b>		<b>JP</b>	1
<b>Date of Birth:</b>	01/05/1964	<b>Restrict Public Access:</b>		<b>SBE</b>	3
<b>Gender:</b>	FEMALE	<b>Interested in Serving as an Election Worker:</b>	YES	<b>Minor Districts</b>	
<b>TDL/State ID:</b>	00346416	<b>Website Suppression:</b>	NO	<b>City</b>	RIO
<b>Source Code:</b>	80 - Walk-In	<b>Spanish Mailing:</b>	YES	<b>College</b>	COLG
<b>SSN (Full OR Last 4 Digits):</b>		<b>Voter Disability Exemption:</b>	NO	<b>Countywide</b>	CTY
<b>ID Required:</b>	NO			<b>District Attorney</b>	DA
<b>Registration Date:</b>	09/24/2012			<b>Hospital</b>	SCMH
<b>EDR:</b>	04/22/1984			<b>School</b>	RGCCISD
<b>Legacy ID:</b>	17771			<b>Precinct</b>	
				<b>Precinct:</b>	10

<b>Voter Information</b>	Previous Name, Address & Status	Voter Participation History	Audit History	View Corres.
Rej./Canc. History	Voter Election Ballot Style	Duplicate History		

<b>Voter Name:</b>	THOMAS KOENEKE	<b>Residence Address</b>	998 COWBOY ROAD SAN ISIDRO TX 78588	<b>Major Districts</b>	
<b>UID:</b>	1204488539	<b>Mailing Address</b>	P O BOX 50 SAN ISIDRO TX 78588 UNITED STATES OF AMERICA	<b>USREP</b>	28
<b>Valid From Date:</b>	01/01/2020	<b>Change/Audit Date:</b>	11/26/2019	<b>STSEN</b>	21
<b>Current Status:</b>	ACTIVE	<b>County:</b>	STARR	<b>STREP</b>	31
<b>Status Reason:</b>		<b>Original Voter:</b>		<b>COMM</b>	4
<b>Status Change Date:</b>	08/27/2014	<b>Voter Attributes</b>		<b>JP</b>	5
<b>Date of Birth:</b>	04/08/1951	<b>Restrict Public Access:</b>		<b>SBE</b>	3
<b>Gender:</b>	MALE	<b>Interested in Serving as an Election Worker:</b>	NO	<b>Minor Districts</b>	
<b>TDL/State ID:</b>	09490540	<b>Website Suppression:</b>	NO	<b>City</b>	CO
<b>Source Code:</b>	17 - Mail-In	<b>Spanish Mailing:</b>	NO	<b>College</b>	COLG
<b>SSN (Full OR Last 4 Digits):</b>	523724889	<b>Voter Disability Exemption:</b>	NO	<b>Countywide</b>	CTY
<b>ID Required:</b>	NO			<b>District Attorney</b>	DA
<b>Registration Date:</b>	08/27/2014			<b>Hospital</b>	SCMH
<b>EDR:</b>	09/26/2014			<b>School</b>	SIISD
<b>Legacy ID:</b>				<b>Precinct</b>	
				<b>Precinct:</b>	4



Voter Information	Previous Name, Address & Status	Voter Participation History	Audit History	View Corres.
Rej./Canc. History	Voter Election Ballot Style	Duplicate History		

<b>Voter Name:</b>	ROSARIO BENAVIDEZ	<b>Residence Address</b>	613 SOUTH FM 2360 LA GRULLA TX 78548	<b>Major Districts</b>	
<b>VUID:</b>	1006008887	<b>Mailing Address</b>	P O BOX 1117 GRULLA TX 78548 UNITED STATES OF AMERICA	<b>USREP</b>	28
<b>Valid From Date:</b>	01/01/2020	<b>Change/Audit Date:</b>	11/26/2019	<b>STSEN</b>	21
<b>Current Status:</b>	ACTIVE	<b>County:</b>	STARR	<b>STREP</b>	31
<b>Status Reason:</b>		<b>Original Voter:</b>		<b>COMM</b>	3
<b>Status Change Date:</b>	04/04/2012	<b>Voter Attributes</b>		<b>JP</b>	3
<b>Date of Birth:</b>	10/10/1972	<b>Restrict Public Access:</b>	NO	<b>SBE</b>	3
<b>Gender:</b>	FEMALE	<b>Interested in Serving as an Election Worker:</b>	NO	<b>Minor Districts</b>	
<b>TDL/State ID:</b>	15407283	<b>Website Suppression:</b>	NO	<b>City</b>	LA GRULLA
<b>Source Code:</b>	99 - Clerical Correction	<b>Spanish Mailing:</b>	YES	<b>College</b>	COLG
<b>SSN (Full OR Last 4 Digits):</b>	456336551	<b>Voter Disability Exemption:</b>	NO	<b>Countywide</b>	CTY
<b>ID Required:</b>	NO			<b>District Attorney</b>	DA
<b>Registration Date:</b>	04/04/2012			<b>Hospital</b>	SCMH
<b>EDR:</b>	04/13/1992			<b>School</b>	RGCCISD
<b>Legacy ID:</b>				<b>Precinct</b>	
				<b>Precinct:</b>	9

**Inquiry - View Voter Registration**

Voter Information	Previous Name, Address & Status	Voter Participation History
Audit History	View Corres.	Rej./Canc. History
Duplicate History	Voter Election Ballot Style	

<b>Voter Name:</b>	NOEL P BENAVIDES	<b>Residence Address</b>	1402 NORTH GARCIA STREET ROMA TX 78584	<b>Major Districts</b>	
			P O BOX 217 ROMA TX 78584	<b>USREP</b>	28
<b>VOID:</b>	1006115995	<b>Mailing Address</b>	UNITED STATES OF AMERICA	<b>STSEN</b>	21
				<b>STREP</b>	31
<b>Valid From Date:</b>	01/01/2020	<b>Change/Audit Date:</b>	11/26/2019	<b>COMM</b>	2
<b>Current Status:</b>	ACTIVE	<b>County:</b>	STARR	<b>JP</b>	2
<b>Status Reason:</b>		<b>Original Voter:</b>		<b>SBE</b>	3
<b>Status Change Date:</b>	01/02/1997	<b>Voter Attributes</b>		<b>Minor Districts</b>	
<b>Date of Birth:</b>	08/27/1942	<b>Restrict Public Access:</b>		<b>City</b>	ROMA
<b>Gender:</b>	MALE	<b>Interested in Serving as an Election Worker:</b>	NO	<b>College</b>	COLG
<b>TDL/State ID:</b>		<b>Website Suppression:</b>	NO	<b>Countywide</b>	CTY
<b>Source Code:</b>	17 - Mail-In	<b>Spanish Mailing:</b>	YES	<b>District Attorney</b>	DA
<b>SSN (Full OR Last 4 Digits):</b>	465620598	<b>Voter Disability Exemption:</b>	NO	<b>Hospital</b>	SCMH
<b>ID Required:</b>	NO			<b>School</b>	RISD
<b>Registration Date:</b>	01/31/1976			<b>Precinct</b>	
<b>EDR:</b>	03/01/1976			<b>Precinct:</b>	6
<b>Legacy ID:</b>	4469				

Previous

**Inquiry - View Voter Registration**

Voter Information	Previous Name, Address & Status	Voter Participation History
Audit History	View Corres.	Ref./Canc. History
Duplicate History		Voter Election Ballot Style

<b>Voter Name:</b>	RAUL VILLARREAL JR	<b>Residence Address</b>	157 DELMITA ROAD DELMITA TX 78536	<b>Major Districts</b>	
<b>VUID:</b>	1014109201	<b>Mailing Address</b>	PO BOX 92 92 DELMITA TX 78536	<b>USREP</b>	28
<b>Valid From Date:</b>	01/01/2020	<b>Change/Audit Date:</b>	11/26/2019	<b>STSEN</b>	21
<b>Current Status:</b>	ACTIVE	<b>County:</b>	STARR	<b>STREP</b>	31
<b>Status Reason:</b>		<b>Original Voter:</b>		<b>COMM</b>	4
<b>Status Change Date:</b>	01/12/2010	<b>Voter Attributes</b>		<b>JP</b>	5
<b>Date of Birth:</b>	09/18/1981	<b>Restrict Public Access:</b>	NO	<b>SBE</b>	3
<b>Gender:</b>	MALE	<b>Interested in Serving as an Election Worker:</b>	NO	<b>Minor Districts</b>	
<b>TDL/State ID:</b>	18553100	<b>Website Suppression:</b>	NO	<b>City</b>	CO
<b>Source Code:</b>	64 - Department of Public Safety	<b>Spanish Mailing:</b>	YES	<b>College</b>	COLG
<b>SSN (Full OR Last 4 Digits):</b>	461833635	<b>Voter Disability Exemption:</b>	NO	<b>Countywide</b>	CTY
<b>ID Required:</b>	NO			<b>District Attorney</b>	DA
<b>Registration Date:</b>	09/02/2015			<b>Hospital</b>	SCMH
<b>EDR:</b>	04/04/2002			<b>School</b>	SIISD
<b>Legacy ID:</b>				<b>Precinct:</b>	4

User Name	Date/Time	Memo
NPENA	12/09/2009	GENERAL COMMENT VOTER REGISTRATION CERTIFICATE WAS RETURNED BY THE POSTAL

**<< PROPOSED; APPROVED BY STARR COUNTY GCD BOARD >>**

**INTERLOCAL COOPERATION AGREEMENT  
BETWEEN  
STARR COUNTY, TEXAS  
AND  
STARR COUNTY GROUNDWATER CONSERVATION DISTRICT**

This Interlocal Cooperation Agreement (this “Agreement”) is entered to be effective as of \_\_\_\_\_, 2020 (the “Effective Date”), by and between Starr County (“County” or “Starr County”) and the Starr County Groundwater Conservation District (“Starr County GCD” or “District”)(collectively, the “Parties”), for the purposes and mutual benefits to be derived by the Parties as described herein.

**I.  
RECITALS**

**WHEREAS**, Starr County is a corporate and political body created and operating pursuant to Article IX, Section 1, and Article XI, Section 1 of the Constitution of Texas; Texas Local Government Code Chapter 70; and the applicable, general laws of the State of Texas;

**WHEREAS**, Starr County GCD is a corporate and political body and groundwater conservation district, created and operating pursuant to Article XVI, Section 59 of the Constitution of Texas; Texas Water Code Chapter 36; its enabling act, Texas Special District Local Laws Code Chapter 8803; and the applicable, general laws of the State of Texas; and confirmed by the voters of Starr County in November 2007;

**WHEREAS**, the Parties recognize the importance of sound management of the groundwater resources located within Starr County, in furtherance of the support and protection of the local economy, environment, and public health;

**WHEREAS**, the Parties find it to their mutual advantage and to the benefit of their public constituents to coordinate their respective duties related to groundwater management and management of development and other activities affected by and affecting groundwater resources within the county, and desire to enter into this Agreement to effectuate a plan of coordinated efforts; and

**WHEREAS**, it is understood that the relationship between Starr County and Starr County GCD at all times shall remain solely that of contractually obligated Parties, and not be deemed a partnership or a joint venture. This Agreement contemplates the exchange of a variety of consideration to support the contract, including monies, services, and other



**<< PROPOSED; APPROVED BY STARR COUNTY GCD BOARD >>**

agreements which serve to benefit the respective recipient party.

**NOW THEREFORE**, in consideration of the mutual promises, obligations, and benefits to be derived by the Parties pursuant to this Agreement, and ten dollars, and other good and valuable consideration, the receipt and sufficiency of which is hereby expressly acknowledged by the Parties, each party evidences agreement as follows:

**II.**  
**AGREEMENTS**

**Section 1. Authorization and Purpose.**

1.1 Each party represents and warrants to the other that each is fully authorized and empowered by applicable law, including the Interlocal Cooperation Act, Texas Government Code Chapter 791, to enter into this Agreement as a mutually beneficial and binding legal obligation.

1.2 The Parties enter into this Agreement to benefit from the cost efficiencies and economies of scale resulting from coordination of their respective statutory duties and sharing public resources that benefit the overlapping constituency of the Parties.

**Section 2. Term.**

2.1 The term of this Agreement shall be for a period of two (2) years and \_\_\_ months, beginning on this Agreement's Effective Date and ending on September 30, 2022, which coincides with the end of the fiscal year for both Parties [\[confirm\]](#).

2.2 The Parties may, by mutual consent, extend the term of this Agreement for 5 (five) additional 2 (two) year terms.

**Section 3. Consideration.**

3.1 In exchange for the benefits conferred by the District, the County hereby agrees to perform the following:

- (a) Office space: Starr County will provide space for Starr County GCD at the County Courthouse Annex at 100 N. F.M. 3167 or, at the County's discretion, any other County office building. This space will

**<< PROPOSED; APPROVED BY STARR COUNTY GCD BOARD >>**

be sufficient for the following purposes:

- (i) for at least one individual to work at a desk with a computer and phone that is sufficient for conducting business typical of a groundwater conservation district general manager, including one or two additional guest chairs for meeting informally with constituents and other stakeholders;
  - (ii) for storage of the District's documents and other public information;
  - (iii) for the District's staff to conduct meetings with larger groups of people, such as in a conference room; and
  - (iv) for the District's Board of Directors to conduct public meetings, workshops and hearings in accordance with the Texas Open Meetings Act and Texas Water Code.
- (b) Office equipment and supplies: Starr County will provide a telephone, computer, facsimile and other related equipment and supplies that are sufficient for conducting business typical of a groundwater conservation district general manager.
- (c) Webpage: Starr County authorizes its webpage manager to add substantive content on a webpage dedicated to information about Starr County GCD. This webpage may be part of and linked to the County's current webpage at [www.co.starr.tx.us](http://www.co.starr.tx.us).
- (d) Staff: Starr County will make available a County employee to serve as the District's General Manager and will train and assign duties to this employee that are appropriate to satisfying the responsibilities of the General Manager of the District. The County Judge will coordinate with Starr County GCD's Board President to ensure that there is a sufficiently defined scope of work and responsibilities for this employee. All compensation and benefits of this employee will be paid by the County. As part of the cooperative management and oversight of this employee, the Parties agree to develop a protocol for this employee to seek preapproval of expenses that relate to District

**<< PROPOSED; APPROVED BY STARR COUNTY GCD BOARD >>**

business, including but not limited to travel expense.

- (e) Funding: Separate from the resources provided under subsections (a)-(d) above, Starr County is committed to funding start-up/organizational expenses of Starr County GCD on an immediate basis. Starr County considers the expenses associated with the current round of joint planning by the districts in Groundwater Management Area 16 to be included in the District's start-up/organizational expenses. The amount of funding will depend upon Starr County GCD's demonstration to the County of the need for funding, which need will ultimately be decided at the sole discretion of the County and subject to adequate availability of County funds. During tax and fiscal years 2020-2022, the County will work with Starr County GCD on a long-term funding plan, including providing County support for an election to authorize Starr County GCD to assess and collect an ad valorem tax.

3.2 In exchange for the benefits conferred by Starr County, Starr County GCD hereby agrees to perform the following:

- (a) Starr County GCD will administer to the needs of the citizens of Starr County in accordance with the statutory duties set forth in Starr County GCD's enabling act, Texas Water Code Chapter 36 and other applicable law.
- (b) Starr County GCD's Board of Directors will provide a status report to the Starr County Commissioners Court at least quarterly. This status report will identify the key activities of the District undertaken during the past three months and will provide a forecast for funding needs for future quarters.

**Section 4. Addresses and Notice.**

4.1 Service of all notices under this agreement shall be sufficient if given personally to the party involved at its respective contact information set forth below, or at such other contact information as such party may provide in writing from time to time:

<< **PROPOSED; APPROVED BY STARR COUNTY GCD BOARD** >>

**IF TO STARR COUNTY, to:**

Starr County Commissioners Court  
Attention: County Judge  
Starr County Courthouse Annex  
100 N. FM 3167  
Rio Grande City, Texas 78582

**IF TO THE DISTRICT, to:**

Starr County Groundwater Conservation District  
Attention: Board President and General Manager  
Starr County Courthouse Annex  
100 N. FM 3167  
Rio Grande City, Texas 78582

**Section 5. Severability.**

5.1 The provisions of this Agreement are severable, and if any provision or part of this Agreement shall ever be held to be invalid or unlawful for any reason, the remainder of this Agreement shall not be affected. In the event that a portion declared invalid shall frustrate any of the core purposes of this Agreement, the entire Agreement shall be declared invalid.

*{The remainder of this page intentionally left blank. Signature page follows.}*



**<< PROPOSED; APPROVED BY STARR COUNTY GCD BOARD >>**

**IN WITNESS WHEREOF**, the Parties hereto, acting, under the authority of their respective governing bodies, have caused this Agreement to be duly executed in multiple counterparts, each of which shall constitute an original, effective on the \_\_\_ day of \_\_\_\_\_, 2020.

AGREED UPON AND APPROVED BY:

STARR COUNTY, TEXAS *acting by and through its Commissioners Court*

Attest:

\_\_\_\_\_  
Eloy Vera, County Judge

Date: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STARR COUNTY GROUNDWATER CONSERVATION DISTRICT

Attest:

\_\_\_\_\_  
President, Board of Directors

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Secretary, Board of Directors

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**BOARD OF DIRECTORS OF THE  
STARR COUNTY GROUNDWATER  
CONSERVATION DISTRICT**

**MINUTES  
FOR MEETING HELD September 13, 2019**

- 1. Meeting was called to order by Mr. Baldemar Garza, Board Chair.**
- 2. Members present: Thomas Koenke, Baldemar Garza, Reyna Guerra, and Rose Benavidez. Absent, Humberto Vasquez. Non-members present: By Teleconference Gilbert Guerra, Engineer, Eloy Vera, Starr County Judge.**
- 3. Approval of Minutes: Motion to approve by Tom Koenke and seconded by Rose Benavidez.**
- 4. Financial Report: N/A**
- 5. New Business:**
  - .01 Board approved to adopt Groundwater Management Area 16 (GMA16) Applicable Desired Future Conditions. Motion by Tom Koenke and 2<sup>nd</sup> by Rose Benavidez.**
  - .02 Motion by Rose Benavidez and 2<sup>nd</sup> by Reyna Guerra to update and modify Starr County Groundwater Management Plan within 90 days.**
- 6. Old Business: None**
- 7. Other Business: Gilbert Guerra will contact TCEQ Representative and Board requested to meet again on October 4, 2019 at 10:00 a.m.**
- 8. Adjourn: Motion to adjourn by Rose Benavidez and 2<sup>nd</sup> by Tom Koenke**

**Texas Water Development Board  
Groundwater Conservation District Management  
Plan Review and Approval Tracking**

**Reviewers Recommending the Plan for Approval**

- 1) Stephen Allen Date July 9, 2014  
Stephen Allen, P.G., Geoscientist, Groundwater Technical Assistance
- 2) David Thorkildsen Date 7/9/2014  
David Thorkildsen, P.G., Geologist, Groundwater Technical Assistance
- 3) Nathan van Oort Date 7/9/2014  
Nathan van Oort, Earth Science Specialist, Groundwater Technical Assistance

**Recommended for Approval**

- 1) Rima Petrossian Date 7/18/2014  
Rima Petrossian, Ph.D., P.G., Manager, Groundwater Technical Assistance
- 2) Larry French Date 7-23-14  
Larry French, P.G., Director, Groundwater Resources Division
- 3) Robert Mace Date 7/23/14  
Robert Mace, Ph.D., P.G., Deputy Executive Administrator, Water Science & Conservation

**Approval**

The groundwater conservation district management plan document submitted by:

**Starr County Groundwater Conservation District**

for approval, as administratively complete under the requirements of 31 TAC Ch. 356, has been found by me, to be in fulfillment of said requirements.

Kevin Patteson Date 7/6/14  
Kevin Patteson, Executive Administrator, Texas Water Development Board

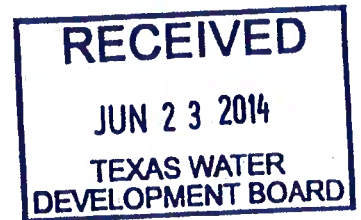
# Starr County Groundwater Conservation District

## Management Plan

Adopted October 10, 2013

Re-Adopted 6-12-14

  
Chairman





# Texas Water Development Board

**Subject:** Management Plan Approval for Starr County GCD      **Date:** July 21, 2014

**Due Date:**

**Comments:** Staff recommends that the SCGCD management plan be approved as administratively complete.

Route to: ✓	Staff	Initial	Date	Comments
	C. Seaton			
	L. Graber			
	J. White			
5	K. Patteson	<i>KB</i>	<i>7/6/14</i>	
	J. Stinson			
4	Barna/Nichols	<i>BN</i>	<i>7/24/14</i>	<i>7/24</i>
	L. Trobman			
3	R. Mace	<i>RM</i>	<i>7/23/14</i>	
2	L. French	<i>LF</i>	<i>7.23.14</i>	
1	Petrossian	<i>RP</i>	<i>7/22/2014</i>	
	J. Walker			
	L. Glenn			
	J. Harrison			
	Finance			
	A. Landry			
	L. Wade			
	A. Gutierrez			

**Comments:**

**Return to:** Gayla Ray, 559.A. 936-0817

# Texas Water Development Board

Groundwater Conservation District Management Plan Checklist, effective December 6, 2012

District name: **Starr County GCD**

Date plan received: **06-23-2014**

Reviewing staff: **Stephen Allen, DT, NV**

Date plan reviewed: **07-09-2014**

A management plan shall contain, unless explained as not applicable, the following elements, 31 TAC §356.52(a):

	Citation of rule	Citation of statute	Present in plan and administratively complete	Source of data	Evidence that best available data was used	Notes
Is a paper hard copy of the plan available?	31 TAC §356.52(a)(1)		Yes			
Is an electronic copy of the plan available?	31 TAC §356.52(a)(2)		Yes			
1. Is an estimate of the modeled available groundwater in the District based on the desired future condition established under Section 36.108 included?	31 TAC §356.52(a)(5)(A)	TWC §36.1071(e)(3)(A)	Yes	GR 10-047 MAG	Yes	p. 4, Appendix H
2. Is an estimate of the amount of groundwater being used within the District on an annual basis for at least the most recent five years included?	31 TAC §356.52(a)(5)(B), §356.10(2)	TWC §36.1071(e)(3)(B)	Yes	TWDB WUS	Yes	p. 3, Appendix G
For sections 3-5 below, each district must use the groundwater availability modeling information provided by the TWDB in conjunction with available site-specific information provided by the district when developing the required estimates, 31 TAC §356.52(c):						
3. Is an estimate of the annual amount of recharge, from precipitation, if any, to the groundwater resources within the District included?	31 TAC §356.52(a)(5)(C)	TWC §36.1071(e)(3)(C)	Yes	GR 10-011	Yes	p. 4, Appendix D
4. For each aquifer in the district, is an estimate of the annual volume of water that discharges from the aquifer, to springs and any surface water bodies, including lakes, streams and rivers, included?	31 TAC §356.52(a)(5)(D)	TWC §36.1071(e)(3)(D)	Yes	GR 10-011	Yes	p. 4, Appendix D
5. Is an estimate of the annual volume of flow						
a) into the District within each aquifer,			Yes	GR 10-011	Yes	p. 4, Appendix D
b) out of the District within each aquifer,	31 TAC §356.52(a)(5)(E)	TWC §36.1071(e)(3)(E)	Yes	GR 10-011	Yes	p. 4, Appendix D
c) and between aquifers in the District,			Yes	GR 10-011	Yes	p. 4, Appendix D
if a groundwater availability model is available, included?						
6. Is an estimate of the projected surface water supply within the District according to the most recently adopted state water plan included?	31 TAC §356.52(a)(5)(F)	TWC §36.1071(e)(3)(F)	Yes	2012 SWP	Yes	p. 3-4, Appendix G
7. Is an estimate of the projected total demand for water within the District according to the most recently adopted state water plan included?	31 TAC §356.52(a)(5)(G)	TWC §36.1071(e)(3)(G)	Yes	2012 SWP	Yes	p. 3, Appendix G
8. Did the District consider and include the water supply needs from the adopted state water plan?		TWC §36.1071(e)(4)	Yes	2012 SWP	Yes	p. 5, Appendix G
9. Did the District consider and include the water management strategies from the adopted state water plan?		TWC §36.1071(e)(4)	Yes	2012 SWP	Yes	Appendix G
10. Did the district include details of how it will manage groundwater supplies in the district	31 TAC §356.52(a)(4)		Yes			p. 5-6
11. Are the actions, procedures, performance, and avoidance necessary to effectuate the management plan, including specifications and proposed rules, all specified in as much detail as possible, included in the plan?		TWC §36.1071(e)(2)	Yes			p. 5-6, rules in App I
12. Was evidence that the plan was adopted, after notice and hearing, included? Evidence includes the posted agenda, meeting minutes, and copies of the notice printed in the newspaper(s) and/or copies of certified receipts from the county courthouse(s).	31 TAC §356.52(a)(3)	TWC §36.1071(a)	Yes			meeting notice posted 06-05-2014
13. Was evidence that, following notice and hearing, the District coordinated in the development of its management plan with regional surface water management entities?	31 TAC §356.51	TWC §36.1071(a)	Yes			Attached email to surface water entities issuing a copy of final plan.
14. Has any available site-specific information been provided by the district to the executive administrator for review and comment before being used in the management plan when developing the estimates required in subsections 31 TAC §356.52(a)(5)(C), (D), and (E)?	31 TAC §356.52(c)	TWC §36.1071(h)	na			

Mark an affirmative response with YES

Mark a negative response with NO

Mark a non-applicable checklist item with N/A

Management goals required to be addressed unless declared not applicable	Management goal (time-based and quantifiable) 31 TAC §356.51	Methodology for tracking progress 31 TAC §356.52(a)(4)	Management objective(s) (specific and time-based statements of future outcomes) 31 TAC §356.52(a)(2)	Performance standard(s) (measures used to evaluate the effectiveness of district activities) 31 TAC §356.52(a)(3)	Notes
Providing the most efficient use of groundwater 31 TAC 356.52(a)(1)(A); TWC §36.1071(a)(1)	15) yes	16) yes, p. 5	17) yes	18) yes	p. 5
Controlling and preventing waste of groundwater 31 TAC 356.52(a)(1)(B); TWC §36.1071(a)(2)	19) yes	20) yes, p. 5	21) yes	22) yes	p. 5
Controlling and preventing subsidence 31 TAC 356.52(a)(1)(C); TWC §36.1071(a)(3)	23) NA	24) NA	25) NA	26) NA	p. 5-6
Addressing conjunctive surface water management issues 31 TAC 356.52(a)(1)(D); TWC §36.1071(a)(4)	27) yes	28) yes, p. 6	29) yes	30) yes	p. 6
Addressing natural resource issues that impact the use and availability of groundwater and which are impacted by the use of groundwater 31 TAC 356.52(a)(1)(E); TWC §36.1071(a)(5)	31) yes	32) yes, p. 6	33) yes	34) yes	p. 6
Addressing drought conditions 31 TAC 356.52(a)(1)(F); TWC §36.1071(a)(6)	35) yes	36) yes, p. 6	37) yes	38) yes	p. 6
Addressing	39)	40)	41)	42)	
a) conservation,	39a) yes	40a) yes, p. 6	41a) yes	42a) yes	p. 6-7
b) recharge enhancement,	39b) na	40b) na	41b) na	42b) na	p. 7
c) rainwater harvesting,	39c) yes	40c) yes, p. 7	41c) yes	42c) yes	p. 7
d) precipitation enhancement, and	39d) na	40d) na	41d) na	42d) na	p. 7
e) brush control	39e) yes	40e) yes, p. 7	41e) yes	42e) yes	p. 7
where appropriate and cost effective 31 TAC 356.52(a)(1)(G); TWC §36.1071(a)(7)					
Addressing the desired future conditions established under TWC §36.108. 31 TAC 356.52(a)(1)(H); TWC §36.1071(a)(8)	43) yes	44) yes, p. 7	45) yes	46) yes	p. 7
Does the plan identify the performance standards and management objectives for effecting the plan? 31 TAC §356.52(a)(2)&(3); TWC §36.1071(e)(1)			47) yes	48) yes	

Mark required elements that are present in the plan with YES  
Mark any required elements that are missing from the plan with  
Mark plan elements that have been indicated as not applicable to the district with N/A



# Texas Water Development Board

## Groundwater Conservation District Management Plan Checklist, effective December 6, 2012

Official review     Prereview

District name: **Starr County GCD**

Date plan received: **6/23/2014**

Reviewing staff: **David Thorkildsen**

Date plan reviewed: **7/9/2014**

A management plan shall contain, unless explained as not applicable, the following elements, 31 TAC §356.52(a):

	Citation of rule	Citation of statute	Present in plan and administratively complete	Source of data	Evidence that best available data was used	Notes
Is a paper hard copy of the plan available?	31 TAC §356.53(a)(1)		Yes			
Is an electronic copy of the plan available?	31 TAC §356.53(a)(2)		Yes			
1. Is an estimate of the modeled available groundwater in the District based on the desired future condition established under Section 36.108 included?	31 TAC §356.52(a)(5)(A)	TWC §36.1071(e)(3)(A)	Yes	GAM Run 10-047 MAG	Yes	p. 4-5, App. H (Gulf Coast), Slivers of Carrizo-Wicox and Yegus-Jackson not relevant
2. Is an estimate of the amount of groundwater being used within the District on an annual basis for at least the most recent five years included?	31 TAC §356.52(a)(5)(B); §356.10(2)	TWC §36.1071(e)(3)(B)	Yes	TWDB WUS	Yes	p. 3, App. G
For sections 3-5 below, each district must use the groundwater availability modeling information provided by the TWDB in conjunction with available site-specific information provided by the district when developing the required estimates, 31 TAC §356.52(c):						
3. Is an estimate of the annual amount of recharge, from precipitation, if any, to the groundwater resources within the District included?	31 TAC §356.52(a)(5)(C)	TWC §36.1071(e)(3)(C)	Yes	GAM Run 10-011	Yes	p. 4, App. D
4. For each aquifer in the district, is an estimate of the annual volume of water that discharges from the aquifer to springs and any surface water bodies, including lakes, streams and rivers, included?	31 TAC §356.52(a)(5)(D)	TWC §36.1071(e)(3)(D)	Yes	GAM Run 10-011	Yes	p. 4, App. D
5. Is an estimate of the annual volume of flow						
a) into the District within each aquifer,			Yes	GAM Run 10-011	Yes	p. 4, App. D
b) out of the District within each aquifer,	31 TAC §356.52(a)(5)(E)	TWC §36.1071(e)(3)(E)	Yes	GAM Run 10-011	Yes	p. 4, App. D
c) and between aquifers in the District,			Yes	GAM Run 10-011	Yes	p. 4, App. D
If a groundwater availability model is available, included?						
6. Is an estimate of the projected surface water supply within the District according to the most recently adopted state water plan included?	31 TAC §356.52(a)(5)(F)	TWC §36.1071(e)(3)(F)	Yes	2012 SWP	Yes	p. 3-4, App. G
7. Is an estimate of the projected total demand for water within the District according to the most recently adopted state water plan included?	31 TAC §356.52(a)(5)(G)	TWC §36.1071(e)(3)(G)	Yes	2012 SWP	Yes	p. 3, App. G
8. Did the District consider and include the water supply needs from the adopted state water plan?		TWC §36.1071(e)(4)	Yes	2012 SWP	Yes	p. 5, App. G
9. Did the District consider and include the water management strategies from the adopted state water plan?		TWC §36.1071(e)(4)	Yes	2012 SWP	Yes	p. App. G
10. Did the district include details of how it will manage groundwater supplies in the district	31 TAC §356.52(a)(4)		Yes			p. 5-6
11. Are the actions, procedures, performance, and avoidance necessary to effectuate the management plan, including specifications and proposed rules, all specified in as much detail as possible, included in the plan?		TWC §36.1071(e)(2)	Yes			p. Copy of rules in App. I, web link on p. 5 (Goal 2)
12. Was evidence that the plan was adopted, after notice and hearing, included? Evidence includes the posted agenda, meeting minutes, and copies of the notice printed in the newspaper(s) and/or copies of certified receipts from the county courthouse(s).	31 TAC §356.53(a)(3)	TWC §36.1071(a)	Yes			p. Attached
13. Was evidence that, following notice and hearing, the District coordinated in the development of its management plan with regional surface water management entities?	31 TAC §356.51	TWC §36.1071(a)	Yes			p. Letter attached
14. Has any available site-specific information been provided by the district to the executive administrator for review and comment before being used in the management plan when developing the estimates required in subsections 31 TAC §356.52(a)(5)(C)(D), and (E)?	31 TAC §356.52(c)	TWC §36.1071(n)	NA			p.

Mark an affirmative response with YES  
 Mark a negative response with NO  
 Mark a non-applicable checklist item with N/A



Management goals required to be addressed unless declared not applicable	Management goal (time-based and quantifiable) 31 TAC §356.51	Methodology for tracking progress 31TAC §356.52(a)(4)	Management objective(s) (specific and time-based statements of future outcomes) 31 TAC §356.52 (a)(2)	Performance standard(a) (measures used to evaluate the effectiveness of district activities) 31 TAC §356.52 (a)(3)	Notes
Providing the most efficient use of groundwater 31 TAC 356.52(a)(1)(A); TWC §36.1071(a)(1)	15) Yes	16) Yes - Annual training program and review mtgs.	17) Yes	18) Yes	p. 5
Controlling and preventing waste of groundwater 31 TAC 356.52(a)(1)(B); TWC §36.1071(a)(2)	19) Yes	20) Yes - Establish permit/registration process for new wells per district rules	21) Yes	Yes	p. 5
Controlling and preventing subsidence 31 TAC 356.52(a)(1)(C); TWC §36.1071(a)(3)	23) NA	24) NA	25) NA	26) NA	p. 5-6
Addressing conjunctive surface water management issues 31 TAC 356.52(a)(1)(D); TWC §36.1071(a)(4)	27) Yes	28) Yes - Board Mbr will attend all RWPG mtgs and prepare a report for GMA/RWPG/State of any rule changes	29) Yes	30) Yes	p. 6
Addressing natural resource issues that impact the use and availability of groundwater and which are impacted by the use of groundwater 31 TAC 356.52(a)(1)(E); TWC §36.1071(a)(5)	31) Yes	32) Yes - Monitor WLs, track salt water disposal wells	33) Yes	34) Yes	p. 6
Addressing drought conditions 31 TAC 356.52(a)(1)(F); TWC §36.1071(a)(6)	35) Yes	36) Yes - Publish monthly PSDI rpts and rainfall maps. Link to TWDB drought site	37) Yes	38) Yes	p. 6
Addressing  a) conservation,  b) recharge enhancement,  c) rainwater harvesting,  d) precipitation enhancement, and  e) brush control  where appropriate and cost effective 31 TAC 356.52(a)(1)(G); TWC §36.1071(a)(7)	39)	40)	41)	42)	
	39a) Yes	40a) Yes - Publish monthly tips and present to GCD board mbrs annually	41a) Yes	42a) Yes	p. 6-7
	39b) NA	40b) NA	41b) NA	42b) NA	p. 7
	39c) Yes	40c) Yes - Publish monthly tip/recommendations	41c) Yes	42c) Yes	p. 6-7
	39d) NA	40d) NA	41d) NA	42d) NA	p. 7
	39e) Yes	40e) Yes - Annual NRCS recommendations	41e) Yes	42e) Yes	p. 7
Addressing the desired future conditions established under TWC §36.108. 31 TAC 356.52(a)(1)(H); TWC §36.1071(a)(8)	43) Yes	44) Yes - Well registration and monitoring	45) Yes	46) Yes	p. 6 (Goal 5), 7
Does the plan identify the performance standards and management objectives for effecting the plan? 31 TAC §356.52(a)(2)&(3); TWC §36.1071(e)(1)			47) Yes	48) Yes	

Mark required elements that are present in the plan with YES  
Mark any required elements that are missing from the plan with NO  
Mark plan elements that have been indicated as not applicable to the district with N/A

# Texas Water Development Board

## Groundwater Conservation District Management Plan Checklist, effective December 6, 2012

District name: **Starr County GCD**

Official

Prereview

Date plan received: **6/23/2014**

Reviewing staff: **Nathan van Oort**

Date plan reviewed: **7/09/2014**

A management plan shall contain, unless explained as not applicable, the following elements, 31 TAC §356.52(a):

	Citation of rule	Citation of statute	Present in plan and administratively complete	Source of data	Evidence that best available data was used	Notes
Is a paper hard copy of the plan available?	31 TAC §356.52(a)(1)		yes			
Is an electronic copy of the plan available?	31 TAC §356.52(a)(2)		yes			
1. Is an estimate of the modeled available groundwater in the District based on the desired future condition established under Section 38.108 included?	31 TAC §356.52(a)(5)(A)	TWC §36.1071(a)(3)(A)	yes	GR-10-047 MAG	yes	p. 4, App. H
2. Is an estimate of the amount of groundwater being used within the District on an annual basis for at least the most recent five years included?	31 TAC §356.52(a)(5)(B); §356.10(2)	TWC §36.1071(a)(3)(B)	yes	TWDB WUS	yes	P. 3, App G
<b>For sections 3-5 below, each district must use the groundwater availability modeling information provided by the TWDB in conjunction with available site-specific information provided by the district when developing the required estimates, 31 TAC §356.52(c):</b>						
3. Is an estimate of the annual amount of recharge from precipitation, if any, to the groundwater resources within the District included?	31 TAC §356.52(a)(5)(C)	TWC §36.1071(a)(3)(C)	yes	GR-10-011	yes	p.4, App D
4. For each aquifer in the district, is an estimate of the annual volume of water that discharges from the aquifer to springs and any surface water bodies, including lakes, streams and rivers, included?	31 TAC §356.52(a)(5)(D)	TWC §36.1071(a)(3)(D)	yes	GR-10-011	yes	p.4, App D
5. Is an estimate of the annual volume of flow  a) into the District within each aquifer,  b) out of the District within each aquifer,  c) and between aquifers in the District,	31 TAC §356.52(a)(5)(E)	TWC §36.1071(a)(3)(E)	yes	GR-10-011	yes	p.4, App D
			yes	GR-10-011	yes	p.4, App D
			yes	GR-10-011	yes	p.4, App D
6. Is an estimate of the projected surface water supply within the District according to the most recently adopted state water plan included?	31 TAC §356.52(a)(5)(F)	TWC §36.1071(a)(3)(F)	yes	2012 SWP	yes	p. 3-4, App G
7. Is an estimate of the projected total demand for water within the District according to the most recently adopted state water plan included?	31 TAC §356.52(a)(5)(G)	TWC §36.1071(a)(3)(G)	yes	2012 SWP	yes	p. 3, App G
8. Did the District consider and include the water supply needs from the adopted state water plan?		TWC §36.1071(e)(4)	yes	2012 SWP	yes	p. 5, App G
9. Did the District consider and include the water management strategies from the adopted state water plan?		TWC §36.1071(e)(4)	yes	2012 SWP	yes	App G
10. Did the district include details of how it will manage groundwater supplies in the district?	31 TAC §356.52(a)(4)		yes			p. 5-6
11. Are the actions, procedures, performance, and avoidance necessary to effectuate the management plan, including specifications and proposed rules, all specified in as much detail as possible, included in the plan?		TWC §36.1071(a)(2)	yes			p. 5, rules in App 1
12. Was evidence that the plan was adopted, after notice and hearing, included? Evidence includes the posted agenda, meeting minutes, and copies of the notice printed in the newspaper(s) and/or copies of certified receipts from the county courthouse(s).	31 TAC §356.52(a)(3)	TWC §36.1071(a)	yes			Attached, meeting notice on 6/05/2014
13. Was evidence that, following notice and hearing, the District coordinated in the development of its management plan with regional surface water management entities?	31 TAC §356.51	TWC §36.1071(a)	yes			Attached email
14. Has any available site-specific information been provided by the district to the executive administrator for review and comment before being used in the management plan when developing the estimates required in subsections 31 TAC §356.52(a)(5)(C), (D), and (E)?	31 TAC §356.52(c)	TWC §36.1071(h)	NA			


Mark an affirmative response with YES



Mark a negative response with NO


Mark a non-applicable checklist item with N/A

Management goals required to be addressed unless declared not applicable	Management goal (time-based and quantifiable) 31 TAC §356.51	Methodology for tracking progress 31TAC §356.52(a)(4)	Management objective(s) (specific and time-based statements of future outcomes) 31 TAC §356.52 (a)(2)	Performance standard(s) (measures used to evaluate the effectiveness of district activities) 31 TAC §356.52 (a)(3)	Notes
Providing the most efficient use of groundwater 31 TAC 356.52(a)(1)(A); TWC §36.1071(a)(1)	15) yes	16) yes p.5	17) yes	18) yes	p. 5
Controlling and preventing waste of groundwater 31 TAC 356.52(a)(1)(B); TWC §36.1071(a)(2)	19) yes	20) yes p.5	21) yes	22) yes	p. 5
Controlling and preventing subsidence 31 TAC 356.52(a)(1)(C); TWC §36.1071(a)(3)	23) NA	24) NA	25) NA	26) NA	p. 5-6
Addressing conjunctive surface water management issues 31 TAC 356.52(a)(1)(D); TWC §36.1071(a)(4)	27) yes	28) yes p.6	29) yes	30) yes	p. 6
Addressing natural resource issues that impact the use and availability of groundwater and which are impacted by the use of groundwater 31 TAC 356.52(a)(1)(E); TWC §36.1071(a)(5)	31) yes	32) yes p.6	33) yes	34) yes	p. 6
Addressing drought conditions 31 TAC 356.52(a)(1)(F); TWC §36.1071(a)(6)	35) yes	36) yes p.6	37) yes	38) yes	p. 6
Addressing	39)	40)	41)	42)	
a) conservation,	39a) yes	40a) yes p.6	41a) yes	42a) yes	p. 6-7
b) recharge enhancement,	39b) NA	40b) NA	41b) NA	42b) NA	p. 7
c) rainwater harvesting,	39c) yes	40c) yes p.7	41c) yes	42c) yes	p. 7
d) precipitation enhancement, and	39d) NA	40d) NA	41d) NA	42d) NA	p. 7
e) brush control	39e) yes	40e) yes p.7	41e) yes	42e) yes	p. 7
where appropriate and cost effective 31 TAC 356.52(a)(1)(G); TWC §36.1071(a)(7)					
Addressing the desired future conditions established under TWC §36.108. 31 TAC 356.52(a)(1)(H); TWC §36.1071(a)(8)	43) yes	44) yes p.7	45) yes	46) yes	p. 7
Does the plan identify the performance standards and management objectives for effecting the plan? 31 TAC §356.52(a)(2)&(3); TWC §36.1071(a)(1)			47) yes	48) yes	
<p>Mark required elements that are present in the plan with YES</p> <p>Mark any required elements that are missing from the plan with NO</p> <p>Mark plan elements that have been indicated as not applicable to the district with N/A</p>					

**MEMO**

**To:** Kevin Patteson, Executive Administrator 

**Through** Robert Mace, Deputy Executive Administrator   
Larry French, Groundwater Resources Division Director 

**From:** Rima Petrossian 

**Date:** 7/21/2014

**Re:** Management Plan Approval for Starr County Groundwater Conservation District

---

Staff recommends that the Starr County Groundwater Conservation District (SCGCD) management plan be approved as administratively complete.

SCGCD is due for the Executive Administrator's approval by Friday, August 22, 2014.



# Starr County Groundwater Conservation District

## Management Plan

Adopted October 10, 2013

Re-Adopted

6-12-14



Chairman

## Table of Contents

I.	Starr County Groundwater Conservation District Mission	Pg 2
II.	Starr County GCD Information	Pg 2-3
III.	Starr County GCD Water Supplies	Pg 3-4
IV.	Starr County GCD Groundwater Availability	Pg 4-5
V.	Starr County GCD Projected Water Supply Needs	Pg 5
VI.	Starr County GCD Goals, Objectives, and Implementation	Pg 5-6
VII.	Starr County GCD Conservation, Recharge Enhancement, Rainwater Harvesting, and Brush Control	Pg 6-7
VIII.	Desired Future Conditions	Pg 7
IX.	Appendices	Pg 7-8

# Starr County Groundwater Conservation District Management Plan

## I. Starr County Groundwater Conservation District Mission-

Starr County Groundwater Conservation District (Starr County GCD) was formed on January 6, 2007. The mission of the district is to provide administrative guidance for, and oversight of, groundwater use and development within the district so as to conserve and utilize the underlying groundwater resources for the general public's greatest benefit now, and for the future.

## II. Starr County GCD Information-

### A. Geographic Location and Desired Future Conditions(DFC)-

Starr County GCD consists wholly of Starr County. The District is bounded by Zapata, Jim Hogg, Brooks, Hidalgo County, and the Rio Grande River. Starr GCD lies within Water User Group Region "M" and Groundwater Management Area (GMA) 16. Desired Future Conditions (DFC) were adopted by GMA on August 30, 2010. The DFC were consistent with scenario 10 of GAM Run 9-008. The submittal packages for the DFC can be found at :

[http://www.twdb.state.tx.us/groundwater/docs/DFC/GMA16\\_DFC\\_Adopted\\_2010-0830.pdf](http://www.twdb.state.tx.us/groundwater/docs/DFC/GMA16_DFC_Adopted_2010-0830.pdf)  
(see Appendix "F")

### B. Board of Directors-

Starr County GCD is governed by a 5-member Board of Directors. The current Board was appointed at the inception of the District and were unopposed at the last County Elections held November 6, 2012. The next Board elections are scheduled be held to coincide with the next County elections. Members serve 2-year terms.

The current membership of the Board is as follows:

Baldemar Garza, Chairman  
Humberto Vasquez, Vice-Chairman  
Reyna Guerra, Secretary  
Aurora Garza, Treasurer  
Rose Benavidez, Member  
(see Appendix "B")

### C. Demographics-

#### 1. Land Use-

Starr County is made up of mostly rural agrarian areas dedicated to cattle ranching. Some areas along the river are farmed for row crops and are irrigated with pumped river water.

#### 2. Incorporated Areas-

# Starr County Groundwater Conservation District Management Plan

There are four incorporated cities in Starr County. They are Roma, Escobares, Rio Grande City, and La Grulla. The rest of the County is made up of small rural communities such as Falcon Heights, Salineno, Ramireno, Fronton, Rosita, El Garceno, El Sauz, San Isidro, La Gloria, Delmita, La Casita, Garciasville, Alto Bonito, and La Victoria. The large majority of the population of Starr County resides in the communities located along the US HWY 83 corridor, mainly in the areas bounded by Roma on the West, and by Alto Bonito on the East. The 2011 Regional Water Plan (Fig. II C-1). projects that the population of Starr County will slightly more than double by the year 2060, an increase of about 105%.

2011 Regional Water Plan  
County Population Projections for 2010 – 2060

<u>County</u>	<u>2010</u>	<u>2020</u>	<u>2030</u>	<u>2040</u>	<u>2050</u>	<u>2060</u>
Starr	69,379	83,583	98,262	113,102	127,802	141,961

Fig. II C-1

### 3. Water Service and Historical Water Use-

With the exception of La Gloria and San Isidro, most Starr County residents are provided water service by various city-owned utilities and water supply corporations that deliver treated surface water pumped from the Rio Grande River. San Isidro and La Gloria are provided water service by private well water. Some rural households in the northwest areas of the county may also be using well water for their potable water needs. The 2012 TWDB State Water Plan lists an estimate of historical water use for Starr GCD as 23,184 ac-ft of surface water and 2,574 ac-ft of groundwater in 2010. More current data was not available for the Plan. (see Appendix “G”)

### 4. Starr County GCD Water Demand –

Water demand for Starr County, according to the 2012 State Water Plan is currently about 47,110 ac-ft. The plan projects an increase in demand of about 21% between the years 2010 and 2060. These numbers represent an increased demand for municipal water of about 90% and a decrease in the demand for irrigation water due to conversion of irrigable lands to residential use. The smaller relative increase in demand represents the expectation of the adoption and implementation of water conservation measures during this time period. (see Appendix “G”)

## III. Starr County GCD Water Supplies-

### A. Surface Water Supplies-

Currently, water demand is met by drawing water from the Rio Grande River and treating it by conventional methods. This has been the most efficient and



# Starr County Groundwater Conservation District Management Plan

economically feasible method of providing potable water for the population of the Starr County GCD area. The 2012 Water Plan projects that existing surface water available for Starr County will decrease from a level of about 22,727 ac-ft which were available in 2010 to a level of about 21,996 ac-ft in 2060, a decrease of about 3%. (see Appendix "G")

## B. Groundwater-

### 1. Gulf Coast Aquifer-

The Gulf Coast Aquifer is a major aquifer that extends North and South along the Texas Gulf Coast from the Louisiana border to the Rio Grande River and inland for a distance of 90 to 100 miles. This aquifer covers approximately 41,879 square miles of Texas Gulf Coast. About 80% of Starr County GCD, the northeastern portion, is underlain by this aquifer. (see Appendix D, GAM Run 10-011)

### 2. Yegua-Jackson Aquifer-

The Yegua-Jackson Aquifer is a minor aquifer that also runs North and South from the Texas/Louisiana border to the Rio Grande. The Yegua-Jackson runs along the inside edge of the Gulf Coast Aquifer but is only about 35 miles wide and covers only about 10,904 square miles. The remaining southwestern 20% of the Starr County GCD is underlain by this aquifer. (see Appendix D, GAM Run 10-011)

## IV. Starr County GCD Groundwater Availability and TWDB Modeled Available Groundwater-

### A. Gulf Coast Aquifer-

Starr County GCD lies at the extreme southwest boundary of the Gulf Coast Aquifer. In this portion of the aquifer water availability is low. The Texas Water Development Board's Report 380 states that water quality at the southern reaches of the aquifer are not the best, with levels of total dissolved solids ranging from 1000 to more than 10,000 milligrams per liter, compared to levels of less than 500 milligrams per liter in the northern reaches of the aquifer. The sand thickness of the aquifer ranges from 700 feet at the southern end to about 1,300 feet at the northern reaches of the aquifer. Well yields range from 300 to 3000 gallons per minute. The northern range of the aquifer has the better yield and water quality. Both characteristics diminish greatly towards the southern reaches of the aquifer where the Starr County GCD is located. TWDB GAM Run 10-047 MAG indicate that available groundwater will remain steady in both the Nueces-Rio Grande and Rio Grande basins thru 2060, with levels of 3,079 and 4,447 ac-ft respectively.

(see Appendix "H", Gam Run 10-047 MAG)

# Starr County Groundwater Conservation District Management Plan

## B. Yegua-Jackson Aquifer-

The southwestern 20% of the area encompassed by the Starr County GCD is underlain by the Yegua-Jackson Aquifer. This aquifer is characterized by low yielding sands with saturated thickness averaging 170 feet. Well yields range from 30 to 300 gallons per minute and the water quality ranges from 50 to 10,000 milligrams per liter. The quality and of the water, like the Gulf Coast Aquifer, is better at the northern end of the aquifer and diminishes as you travel towards the southern end where the Starr County GCD is located.  
(see Appendix "D")

## V. Starr County GCD Projected Water Supply Needs -

The 2012 TWDB State Water Plan indicates that in 2010 there existed a 14,617 ac-ft need in Starr County GCD. The plan indicates an increasing need that projects to 25,396 ac-ft in 2060, an increase of approximately 74%  
(see Appendix "G")

## VI. Starr County GCD Goals, Objectives, and Implementation-

The goals, objectives, and plan of implementation of Starr County GCD are as follows:

### 1. **Providing the Most Efficient Use of Groundwater-**

Provide guidance for the most efficient use, conservation, and long term sustainability of the groundwater resources within the GCD. The Starr GCD will establish a schedule of regular Board meetings and notification for the general public in order to invite comment and participation by the stakeholders of the GCD by the end of calendar year 2013. The GCD will also establish an annual training program for the Board members and any interested stakeholders within the GCD. The GCD Board will develop and establish a protocol for the development of groundwater resources within the GCD by the end of calendar year 2013. An annual meeting will be established for review and discussion of programs, policies and procedures in order to ensure compliance with those rules and procedures adopted by the GMA, Regional Water Planning Group (RWPG), and the State.

### 2. **Controlling and Preventing Waste of Groundwater-**

Provide control for the use, and prevent the waste, of groundwater resources within the GCD. The GCD has adopted a set of rules (Appendix I.) which outline permit fees, requirements, procedures, enforcement, and penalties pertaining to well drilling and use of the underlying water resources. The rules are available for viewing at <http://www.co.starr.tx.us>

### 3. **Controlling and Preventing Subsidence-**

# Starr County Groundwater Conservation District Management Plan

Subsidence, while a major problem in other areas overlying the Gulf Coast Aquifer, is not a problem within the Starr County GCD and is not an issue that needs to be addressed at this time.

**4. Addressing Conjunctive Surface Water Management Issues-**

The District will participate in the regional planning process by attending meetings of the RWPG. The attendance at any RWPG meeting will be noted in the annual report. The District will provide oversight, guidance for groundwater users and enforcement of the Desired Future Conditions(DFC) as adopted by Groundwater Management Area (GMA) 16 . The Starr GCD Board will be an active Member of the GMA and attend all scheduled meetings in order to stay abreast of current developments and pertinent discussions within the GMA, the RWPG, and the State. A report will be made to the GMA, the RWPG, and the State, within 30 days of adoption, of any new rules and/or procedures relating to groundwater conservation, development, enforcement, or changes to the Management Plan. Time will be allowed on the agenda for public comment and input regarding the GCD Board's actions, policies, and procedures.

**5. Addressing Natural Resource Issues-**

Starr GCD will monitor water levels in the district boundaries on an annual basis by measuring the level of ten(10) water wells dispersed throughout the district on an annual basis. Well location, description, and measured water levels will be included in the Annual Report. The GCD will also track the location of any saltwater disposal wells permitted in the District and provide location, depth, and disposal rates for each well in the Annual Report. These activities will serve to help the GCD address natural resource issues that may impact the use and availability of groundwater within the GCD.

**6. Addressing Drought Conditions-**

Identify and address the effects of drought conditions on groundwater resources within the GCD. The GCD will publish monthly update reports of the Palmer Drought Severity Index(PDSI) map and a rainfall map indicating year-to-date rainfall within the GCD that will include water conservation tips and recommendations. These updates will be posted for public review and comment, and a report will be made to the GCD Board at the annual meeting. Statewide drought information and coping suggestions and tips are provided by the Texas Water Development Board on their web site. The link is <http://www.twdb.texas.gov/data/drought/>

**VII. Starr County GCD Conservation, Recharge Enhancement, Rainwater Harvesting, and Brush Control-**

1. Conservation- The GCD Board will publish a monthly water conservation tip or recommendation along with the monthly update to the PDSI update. These

# Starr County Groundwater Conservation District Management Plan

articles will be presented to the GCD Board at the annual meeting.

2. Recharge enhancement- Aquifer recharge in the Starr GCD is mostly accomplished by normal rainfall infiltration. No specific surface recharge formations have been identified in Starr County for either of the two affected aquifers. Starr GCD will publish a monthly tip or watch guide for possible surface sources of groundwater contamination, and recommendations for the prevention and remediation of surface contamination which may affect our groundwater resources.
3. Rainwater Harvesting- The Starr GCD will publish, with the monthly conservation tip/recommendations and PDSI update, a current article regarding rainwater harvesting for garden watering and non-potable use. These articles will be presented to the GCD Board at the annual meeting.
4. Brush Control- The Starr GCD will be presented with and will publish at the annual meeting the NRCS recommendations for brush control within the Starr GCD.
5. Precipitation enhancement is not a goal applicable to Starr GCD

More information and suggestions are available in the Texas Water Development Board's Best Management Guide, viewable at <http://www.savetexaswater.org/bmp/>

## VIII. Desired Future Conditions:

The Starr GCD will, by the end of the year 2014 establish and adopt a well monitoring plan that will serve to indicate whether or not the District is adhering to the FDC adopted by the GMA. The well registration program proposed to be adopted by end of the year 2013 will serve as the basis for the monitoring program. Well level measurements and water quality tests will be made on a randomly selected number of non-exempt wells with broad distribution throughout the GCD on an annual basis. A report of the findings will be published and made available to the GCD Board and the stakeholders at the annual meeting. Any deviation from the adopted FDC will be reported to the GMA and the TWDB within thirty(30) days of the report.

## IX. Appendices:

- A. Notice of Starr County GCD Board of Trustees Election
- B. Order Declaring Unopposed Candidates Elected
- C. Notice of Public Hearing , February 19, 2013
- D. GAM Run 10-011, Mohammad Masud Hassan, P.E.



# Starr County Groundwater Conservation District Management Plan

- E. Notice of the Adoption of Desired Future Conditions(DFC) by GMA 16
- F. Resolution by GMA 16 adopting DFC
- G. Estimated Historical Water Use and 2012 State Water Plan Data Sets
- H. GAM Run 10-047 MAG, Cynthia K. Ridgeway, P.G.
- I. Rules for Starr GCD

Prescribed by Secretary of State  
Sections 4.004, 83.010, 85.004, 85.007, Texas Election Code  
3/2009 \

**NOTICE OF STARR COUNTY GROUNDWATER DISTRICT BOARD OF TRUSTEES ELECTION**  
(AVISO DE AGUAS SUBTERRÁNEAS DE DISTRITO DEL CONDADO DE STARR JUNTA DIRECTIVA DE LA ELECCIÓN)

To the registered voters of the County of STARR, Texas:

(A los votantes registrados del Condado de STARR, Texas)

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., November 6, 2012, for voting in a general election to elect (presidential electors, if applicable), Members of Congress, Members of the Legislature, and state, district, county and precinct officers.

(Notifíquese por la presente, que las casillas electorales citadas abajo se abrirán desde las 7:00 a.m. hasta las 7:00 p.m. el 6 de noviembre de 2012 para votar en la Elección General para elegir (electores presidenciales, si es aplicable), Miembros del Congreso, Miembros de la Legislatura, y oficiales del estado, distrito, condado y del precinto.)

**On Election Day, voters must vote in their precinct where registered to vote.**

(El Día de Elección, los votantes deberán votar en su precinto donde están inscritos para votar.)

Location of Election Day Polling Places Include Name of Building and Address (Ubicación de las casillas electorales el Día de Elección) (Incluir Nombre del Edificio y Dirección)	Precinct Number(s) (Número de precinto)
Roque Guerra School Bldg., 1600 W. Main St., Rio Grande City	1
North Grammar School Bldg., 1400 N Lopez St., Rio Grande City	2
JP Office, 5095 Old Hwy 83 Escobares, Roma	3
San Isidro School Bldg., 5 School Dr., San Isidro	4
Catholic Church Parish Hall, 1155 N FM 649, El Sauz	5
Roma Community Center, 502 Sixth St., Roma	6
Salineno Community Center, 68 Salineno Rd., Salineno	7
(Old) La Union School Bldg., 6667 FM 1430, Garciasville	8
(Old) La Grulla Elementary Bldg., 337 Pvt. Leopoldo Longoria St., La Grulla	9
Alvarez Community Center, Food Pantry, 4192 W. US Hwy 83, La Rosita	10

**For early voting, a voter may vote at any of the locations listed below:**

(Para Votación Adelantada, los votantes podrán votar en cualquiera de las ubicaciones nombradas abajo.)

Locations for Early Voting Polling Places Include Name of Building and Address (Ubicación de las casillas electorales de votación adelantada) (Incluir Nombre del Edificio y Dirección)	Days and Hours of Operation Días y Horas Hábiles
Starr County Courthouse, Commissioner's Court, 401 N. Britton Ave., Rio Grande City	OCT. 22 – NOV. 2, 2012 8:00AM – 5:00 PM
Roma Community Center, 502 Sixth St., Roma	OCT. 22 – NOV. 2, 2012 8:00AM – 5:00 PM
Alvarez Community Center, Food Pantry, 4192 W. US Hwy 83, La Rosita	OCT. 22 – NOV. 2, 2012 8:00AM – 5:00 PM
Cenizo PK. Building, 70 Old Casita Rd., La Casita	OCT. 22 – NOV. 2, 2012 8:00AM – 5:00 PM
(Old) La Grulla Elementary Bldg., 337 Pvt. Leopoldo Longoria St., La Grulla	OCT. 22 – NOV. 2, 2012 8:00AM – 5:00 PM
Ringgold Elem. Bldg. 1, Fort Ringgold, Rio Grande City, Tx. 78582	OCT. 22 – NOV. 2, 2012 8:00AM – 5:00 PM
*ALL EARLY VOTING SITES WILL BE OPEN FOR ADDITIONAL DAYS.	*OCT. 27, 2012 – SAT. 7:00AM – 7:00PM *OCT. 28, 2012 – SUN. 12:00PM – 4:00PM

Applications for ballot by mail shall be mailed to:  
(Las solicitudes para boletas de votación adelantada por correo deberán enviarse a:)


REYNA GUERRA  
(Name of Early Voting Clerk)  
(Nombre del Secretario de la Votación Adelantada)

100 N. 3167, SUITE 202  
(Address) (Dirección)

RIO GRANDE CITY, TX. 78582  
(City) (Ciudad) (Zip Code) (Código Postal)

Applications for ballots by mail must be received no later than the close of business on: OCT. 30 2012  
(Las solicitudes para boletas de votación adelantada por correo deberán recibirse para el fin de las horas de negocio el: 30<sup>TH</sup>  
DE OCT DEL AÑO 2012)

Issued this the 13<sup>th</sup> day of August, 20 12.  
(Emitida este día \_\_\_\_\_ de \_\_\_\_\_, 20 \_\_\_\_\_.)

  
\_\_\_\_\_  
Signature of Chair (Firma del Presidente)

AUG 13 2012

DENNIS D. BONZALEZ, COUNTY CLERK STARR CO. TX

BY: *[Signature]*

Starr County Groundwater District

**Order Declaring Unopposed Candidates Elected**

Whereas, the board of the Starr County Groundwater District has received a pursuant to Texas Election Code 20052, certifying that Starr County Groundwater District has unopposed candidates on the ballot for the Tuesday November 06, 2012 election to be held for the position of Starr County Groundwater District board trustee were unopposed candidates on the ballot for the Tuesday November 06, 2012 election to be held for the positions of the Board of Trustee Members:

- Baldemar Garza, Chair
- Humberto Vasquez, Vice Chair
- Reyna Guerra, Secretary
- Aurora Garza, Treasurer
- Rose Benavidez, Member

**Whereas**, no at-large proposition or opposed at-large race is to appear on the ballot of the November 06, 2012 election to be held for the positions of Starr County Groundwater District board trustee.

**Whereas**, no at-large proposition or opposed at-large race is to appear on the ballot of the November 06, 2012 election to be held for the position of Starr County Groundwater District board trustee.

- Baldemar Garza, Chair
- Humberto Vasquez, Vice Chair
- Reyna Guerra, Secretary
- Aurora Garza, Treasurer
- Rose Benavidez, Member

**NOW, THEREFORE, IT IS ORDERED BY THE BOARD OF TRUSTEES OF THE STARR COUNTY GROUND WATER DISTRICT:**

**Section 1:** That, pursuant to Texas Election Code 2.053, Board Members Below shall hereby be declared elected to the position of Members of the Starr County Groundwater District.

- Baldemar Garza, Chair
- Humberto Vasquez, Vice Chair
- Reyna Guerra, Secretary
- Aurora Garza, Treasurer
- Rose Benavidez, Member



**Section 2:** That by virtue of the declaration of election herein made in Section 1, the election which had previously been ordered by the Starr County Groundwater District to be held on Tuesday November 06, 2012.

**Section 3:** That a copy of this signed order shall be posted on Election Day, at each polling place that would have been used in the Tuesday November 06, 2012.

ADOPTED this 13<sup>th</sup> day of August, 2012

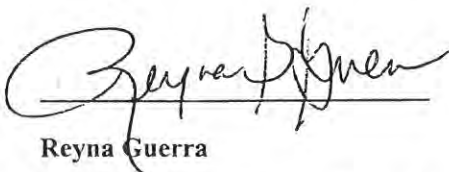
**Starr County Groundwater District**



**Baldemar Garza**

**Chairman, Starr County Groundwater District**

**ATTEST:**



**Reyna Guerra**

**Secretary, Starr County Groundwater District**

Appendix "C"

AT 2:23 <sup>POSTED</sup> O'CLOCK P M

FEB 15 2013

DENNIS D. BONZALEZ COUNTY CLERK STARR CO. TX  
BY: [Signature] DEPUTY

February 15, 2013

## Public Hearing

A Public Hearing will be held on Tuesday February 19, 2013 at 10:00 a.m. at the Starr County Courthouse Annex. This Public Hearing is to discuss outline for the proposed Water Management Plan for the Starr County Groundwater Conservation District.

[Signature]  
Reyna G. Guerra, Board Secretary

# Public Hearing

## MEETING SIGN-IN SHEET

**Project:** Starr County Groundwater Conservation District

**Meeting Date:** February 19, 2013

**Facilitator:**

**Place/Room:**

Name	Title	Company	Phone	Fax	E-Mail
Reyna Guerra	Board Secretary	Starr	716-4800		rguerra@co-starr.tx
Ann May	Board Treasure	Starr	849-3260		
Rose Benavidez	President	Starr County Industrial	487-2709		rbenavidez@starrcounty.org
Nilda Elizondo	Mktng.	" "	"		nilda.elizondo@starrcounty.org
Gilbert Guerra	Eng.	Rio Delta Eng <del>Starr</del>	380-5152		riodelta2004@yahoo.com
Jucio A. Gonzalez	GRAD. ENG.	RIO DELTA ENG	380-5152		riodelta2004@yahoo
Sandra Urbano		Judge's office			

# GAM Run 10-011

by **Mohammad Masud Hassan P.E.**  
Texas Water Development Board  
Groundwater Availability Modeling Section  
(512) 463-3337  
June 2, 2010



Mohammad Masud Hassan is a Hydrologist in the Groundwater Availability Modeling Section and is responsible for the work performed. The seal appearing on this document was authorized by Mohammad Masud Hassan, P.E.95699 on June 2, 2010.



## EXECUTIVE SUMMARY:

Texas State Water Code, Section 36.1071, Subsection (h), states that, in developing its groundwater management plan, a groundwater conservation district shall use groundwater availability modeling information provided by the Executive Administrator of the Texas Water Development Board in conjunction with any available site-specific information provided by the district for review and comment to the Executive Administrator. Information derived from groundwater availability models that shall be included in the groundwater management plan includes:

- (1) the annual amount of recharge from precipitation to the groundwater resources within the district, if any;
- (2) for each aquifer within the district, the annual volume of water that discharges from the aquifer to springs and any surface water bodies, including lakes, streams, and rivers; and
- (3) the annual volume of flow into and out of the district within each aquifer and between aquifers in the district.

The purpose of this model run is to provide information to the Starr County Ground Water Conservation District for its groundwater management plan based on the district boundaries. The groundwater management plan for Starr County Ground Water Conservation District is due for approval by the Executive Administrator of the Texas Water Development Board before November 6, 2010. Starr County Ground Water Conservation District falls within one existing major aquifer, the south section of the Gulf Coast Aquifer, and another minor aquifer, Yegua-Jackson Aquifer.

This report discusses the method, assumptions, and results from model runs using the groundwater availability models for the southern portion of the Gulf Coast Aquifer and the Yegua-Jackson Aquifer. Tables 1 through 2 summarize the groundwater availability model data required by statute for Starr County Ground Water Conservation District's groundwater management plan. Figures 1 through 2 show the areas of the model from which the values in tables were extracted.

## METHODS:

We ran the groundwater availability model for the southern portion of the Gulf Coast Aquifer and (1) extracted the water budget for each year of the transient calibration period, 1981 through 1999, and (2) averaged the annual water budget values for recharge, surface water outflow, inflow to the district, outflow from the district, net inter-aquifer flow (upper), and net inter-aquifer flow (lower) for the portions of the southern section of the Gulf Coast Aquifer located within the district.

We ran the groundwater availability model for Yegua-Jackson Aquifer and (1) extracted water budgets for each year of the 1980 through 1997 transient calibration period and (2) averaged the annual water budget values for recharge, surface water outflow, inflow to the district, outflow from the district for the portions of the western section of the Yegua-Jackson Aquifer located within the district.

## PARAMETERS AND ASSUMPTIONS:

### *Gulf Coast Aquifer*

- We used version 2.01 of the groundwater availability model for the southern portion of the Gulf Coast Aquifer. See Chowdhury and others (2003) for assumptions and limitations of the model.
- The southern section of the Gulf Coast Aquifer model includes four layers representing:
  1. the Chicot Aquifer (Layer 1),

2. the Evangeline Aquifer (Layer 2),
  3. the Burkeville Confining System (Layer 3), and
  4. the Jasper Aquifer (Layer 4),
- Information was extracted and summarized for layers 1 to 4 and reported for the Gulf Coast Aquifer located within the district.
  - The mean absolute error (a measure of the difference between simulated and actual water levels during model calibration) for the aquifers in the model for the calibration and verification time period of 1980 through 1990 is 14 feet. It is 15 feet for the calibration and verification time period of 1990 through 2000. The root mean squared error (RMS) is 17 feet for 1980-1990 and 18 feet for 1990-2000 (Ali and others, 2003).
  - We used Processing MODFLOW for Windows (PMWIN) (Version 5.3.0, W. H. Chiang & W. Kinzelbach 1991-2001) as the interface to process model output.

### *Yegua-Jackson Aquifer*

- We used version 1.01 of the groundwater availability model for the Yegua-Jackson Aquifer. See Kelley and others (2010) for assumptions and limitations of the model.
- The Yegua-Jackson Aquifer model includes five layers representing:
  1. outcrop section for the Yegua-Jackson Aquifer and younger overlying units,
  2. the upper portion of the Jackson Group,
  3. the lower portion of the Jackson Group,
  4. the upper portion of the Yegua Group, and
  5. the lower portion of the Yegua Group.
- Information was extracted and summarized for portions of layer 1 that represent the Yegua-Jackson as well as layers 2 to 5 for the portions of the aquifer located within the district.
- The mean absolute error (a measure of the difference between simulated and actual water levels during model calibration) for the aquifers in the model (Jackson Group and Yegua Group) for the transient calibration period (1980 through 1997) ranged from approximately 31 to 23 feet. The root mean squared error was about ten percent (or less) of the maximum change in water levels across the model (Deeds and others, 2010).
- The recharge used for the model run represents average recharge as described in Deeds and others (2010).
- We used Groundwater Vistas Version 5 (Environmental Simulations, Inc. 2007) as the interface to process model output.
- The model results presented in this report were extracted from all areas of the model representing the units comprising the Yegua-Jackson Aquifer. For this reason, the reported values may reflect water of quality ranging from fresh to brackish and saline. This is especially true for the subcrop portions of the aquifer in the western section of the district.

## RESULTS:

A groundwater budget summarizes the amount of water entering and leaving the aquifers according to the groundwater availability models. Selected components were extracted from the groundwater budget for the aquifers located within the district and averaged over the duration of the calibration and verification portion of each model run: 1981 through 1999 for the southern section of the Gulf Coast Aquifer and 1980 through 1997 for the Yegua-Jackson Aquifer. The components of the modified budget shown in Tables 1 through 2 include:

- Precipitation recharge—This is the distributed recharge sourced from precipitation falling on the outcrop areas of the aquifers (where the aquifer is exposed at land surface) within the district.
- Surface water outflow—This is the total water exiting the aquifer (outflow) to surface water features such as streams, reservoirs, and drains (springs).
- Flow into and out of district—This component describes lateral flow within the aquifer between the district and adjacent counties.
- Flow between aquifers (Only Trinity Aquifer)—This describes the vertical flow, or leakage, between aquifers or confining units. This flow is controlled by the relative water levels in each aquifer or confining unit and aquifer properties of each aquifer or confining unit that define the amount of leakage that occurs. “Inflow” to an aquifer from an overlying or underlying aquifer will always equal the “Outflow” from the other aquifer.

The information needed for the district’s management plan is summarized in tables 1 through 2. It is important to note that sub-regional water budgets are not exact. This is due to the size of the model cells and the approach used to extract data from the model. To avoid double accounting, a model cell that straddles a political boundary, such as district or county boundaries, is assigned to one side of the boundary based on the location of the centroid of the model cell. For example, if a cell contains two counties, the cell is assigned to the county where the centroid of the cell is located (see figures 1 to 2).

Table 1: Gulf Coast Aquifer's summarized information required for the Starr County Ground Water Conservation District's groundwater management plan. All values are reported in acre-feet per year. All numbers are rounded to the nearest 1 acre-foot. Reported flow estimates include both fresh and brackish waters present in the aquifers.

Management Plan requirement	Aquifer	Results
Estimated annual amount of recharge from precipitation to the district	Gulf Coast Aquifer	4,132
Estimated annual volume of water that discharges from the aquifer to springs and any surface water body including lakes, streams, and rivers	Gulf Coast Aquifer	168
Estimated annual volume of flow into the district within each aquifer in the district	Gulf Coast Aquifer	1,301
Estimated annual volume of flow out of the district within each aquifer in the district	Gulf Coast Aquifer	5,241
Estimated net annual volume of flow between each aquifer in the district	Not Applicable	Not Applicable

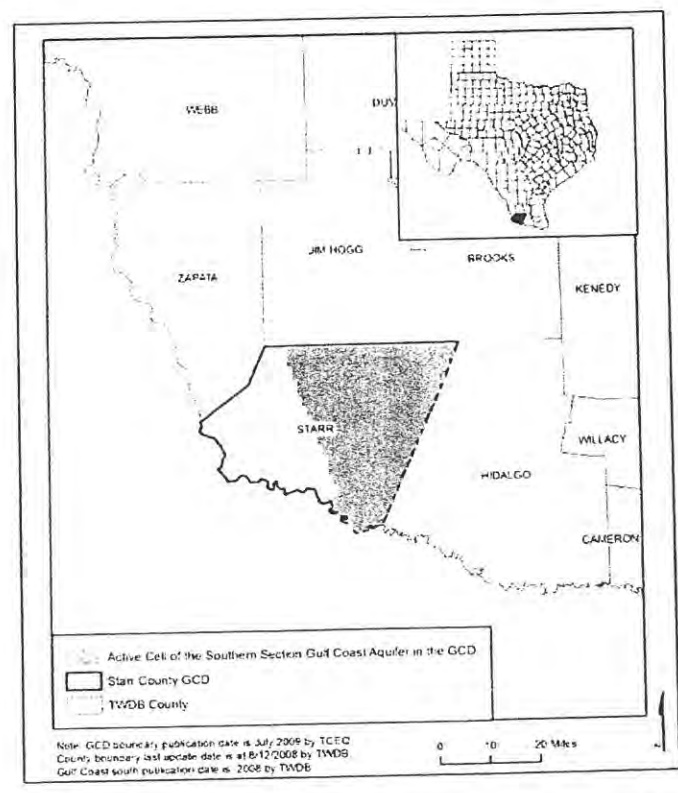


Figure 1: Area of the groundwater availability model for the Gulf Coast Aquifer from which the information in Table 1 was extracted (the aquifer extent within the Starr County Ground Water Conservation District boundary).



Table 2: Yegua-Jackson Aquifer's summarized information required for the Starr County Ground Water Conservation District's groundwater management plan. All values are reported in acre-feet per year. All numbers are rounded to the nearest 1 acre-foot. Reported flow estimates include both fresh and brackish waters present in the aquifers.

Management Plan requirement	Aquifer	Results
Estimated annual amount of recharge from precipitation to the district	Yegua-Jackson Aquifer	0
Estimated annual volume of water that discharges from the aquifer to springs and any surface water body including lakes, streams, and rivers	Yegua-Jackson Aquifer	705
Estimated annual volume of flow into the district within each aquifer in the district	Yegua-Jackson Aquifer	2,076
Estimated annual volume of flow out of the district within each aquifer in the district	Yegua-Jackson Aquifer	657
Estimated net annual volume of flow between each aquifer in the district	Not Applicable	Not Applicable

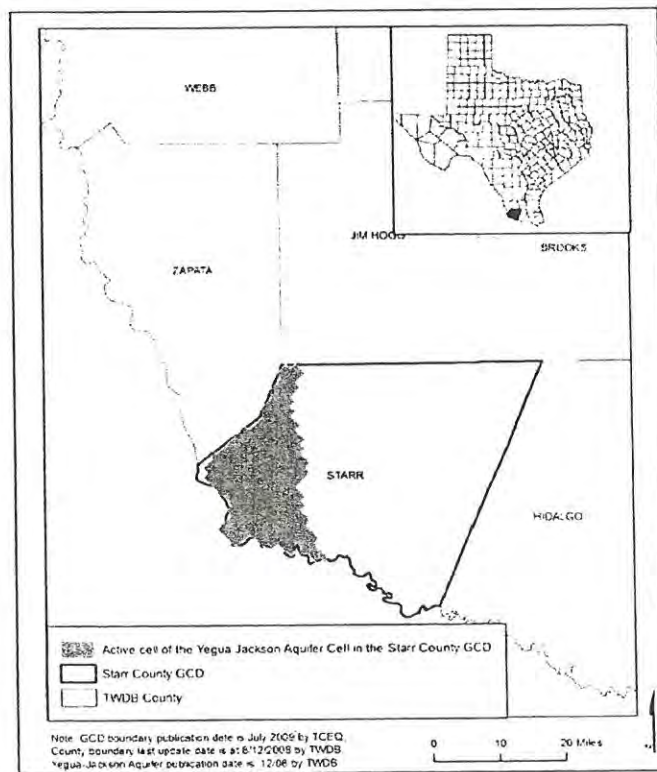


Figure 2: Area of the groundwater availability model for the Yegua-Jackson Aquifer from which the information in Table 2 was extracted (the aquifer extent within the Starr County Ground Water Conservation District boundary).

## REFERENCES:

- Chowdhury, Ali H. and Mace Robert, 2003, A Groundwater Availability Model of the Gulf Coast Aquifer in the Lower Rio Grande Valley, Texas: Numerical Simulations through 2050: a report by the Texas Water Development Board, 176 p., [http://www.twdb.state.tx.us/gam/glfc\\_s/Glfc\\_s\\_Oct2003Report.pdf](http://www.twdb.state.tx.us/gam/glfc_s/Glfc_s_Oct2003Report.pdf)
- Deeds, N.E., Yan, T., Singh, A., Jones, T.L., Kelley, V.A., Knox, P.R., Young, S.C., 2010, Groundwater availability model for the Yegua-Jackson Aquifer: Final report prepared for the Texas Water Development Board by INTERA, Inc., 582p., <http://www.twdb.state.tx.us/gam/ygjk/ygjk.htm>
- Environmental Simulations, Inc., 2007, Guide to Using Groundwater Vistas Version 5, 381 p.
- Chiang, W., and Kinzelbach, W., 2001, Groundwater Modeling with PMWIN, 346 p.
- LBG-Guyton Associates, 2003, Brackish Groundwater Manual for Texas Regional Water Planning Groups: contract report to the Texas Water Development Board, 188 p., [http://www.twdb.state.tx.us/RWPG/rpgm\\_rpts/2001483395.pdf](http://www.twdb.state.tx.us/RWPG/rpgm_rpts/2001483395.pdf).

SEP 02 2010

TWDB

May 30, 2010

Mr. J. Kevin Ward, Executive Administrator  
Texas Water Development Board  
PO Box 13231  
Austin, TX 78711-3231

Dear Mr. Ward,

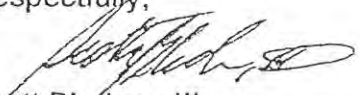
As Administrator Groundwater Management Area 16, I am pleased to inform you that the District Committee Members of GMA 16 have formally adopted a Desired Future Condition for the Gulf Coast Aquifer.

After evaluating numerous Groundwater Availability Modeling scenarios, the Committee Members of GMA 16 present voted unanimously to adopt GAM Run 09-008, scenario 10, which predicts an average drawdown of 94 feet for the Gulf Coast Aquifer within the boundaries of GMA 16.

Please find enclosed a record of the meeting notice postings, minutes of the meetings, and Resolution R 2010-001 with signatures of the District Committee Members present, and record of their vote.

If there is any additional information required, I can be contacted at: Live Oak UWCD, 3450A HWY 281, George West, TX, 78022.

Respectfully,



Scott Bledsoe III  
President, Live Oak UWCD  
Coordinator of GMA 16

RESOLUTION R2010-001 TO ADOPT DESIRED FUTURE CONDITIONS  
FOR AQUIFER(S) IN GROUNDWATER MANAGEMENT AREA 16

THE STATE OF TEXAS

GROUNDWATER MANAGEMENT AREA 16

GROUNDWATER CONSERVATION DISTRICTS

**WHEREAS**, Texas Water Code 36.108 requires the groundwater conservation districts located in whole or in part in a groundwater management area ("GMA") designated by the Texas Water Development Board to adopt desired future conditions for the relevant aquifers located within the management area;

**WHEREAS**, the groundwater conservation districts located wholly or partially within Groundwater Management Area 16 ("GMA 16"), as designated by the Texas Water Development Board, as of the date of this resolution are as follows: Bee GCD, Brush County GCD, Live Oak UWCD, McMullen GCD, Kenedy County GCD, Corpus Christi Aquifer Storage and Recovery Conservation District, San Patricio County GCD, Starr County GCD, Duval County GCD, and Red Sands GCD (collectively hereinafter "the GMA 16 Districts");

**WHEREAS**, the GMA 16 Districts are each governmental agencies and bodies politic operating under Chapter 36, Water Code;

**WHEREAS**, the GMA 16 Districts desire to fulfill the requirements of Texas Water Code 36.108 through mutual cooperation and joint planning efforts;

**WHEREAS**, the GMA 16 Districts have held numerous public meetings at which they have engaged in joint planning efforts to promote more comprehensive management of the aquifers located in whole or in part in Groundwater Management Area 16;

**WHEREAS**, the GMA 16 Districts recognize that GMA 16 includes a geographically and hydrologically diverse area with a variety of land uses and a diverse mix of water users;

**WHEREAS**, the GMA 16 Districts have considered the relevant aquifers, subdivisions thereof, and geologic strata located in whole or in part within the boundaries of GMA 16, and have further considered the hydrogeologic characteristics of the same, as well as the various uses and users of groundwater produced from such aquifers, subdivisions, and strata;

**WHEREAS**, the GMA 16 Districts held a meeting, which was open to the public and public comment was received, on August 30, 2010 at 1:00 PM in the Blue Room of Sam Fore Hall at Texas A&M University- Kingsville located at 700 University Blvd., Kingsville, TX 78363;

**WHEREAS**, notice of said August 30, 2010, meeting was properly given by each and all of the GMA 16 Districts in accordance with Chapter 36, Water Code, and Chapter 551, Government Code, and a true and correct copy of each of the notices has been attached hereto in Appendix A and is incorporated herein for all purposes;



**WHEREAS**, it is the intent and purpose of the GMA 16 Districts by adoption of this resolution to fulfill the requirements of Texas Water Code 36.108, including establishing "desired future conditions for the relevant aquifers" within GMA 16 for the specific aquifer(s) and desired future conditions described below;

**WHEREAS**, Texas Water Code 36.108 requires adoption of desired future conditions for only the "relevant aquifers" located within the management area and because the Carrizo-Wilcox, and the Yegua-Jackson aquifer slivers are not used for non-exempt wells and are not anticipated to be used for non-exempt wells during the planning horizon, GMA 16 considers the aquifers to not be relevant for purposes of GMA 16 joint planning at this time;

**WHEREAS**, GMA 16 Districts agree to continue to work on the desired future conditions for the aquifer(s) set forth below and the Groundwater Availability Model ("GAM") created by the Texas Water Development Board for GMA 16 in the near future after the adoption of the desired future conditions for the aquifer(s) below and the September 1, 2010 statutory deadline;

**WHEREAS**, in establishing these desired future conditions for the aquifer(s) set forth below, the GMA 16 Districts have considered all of the criteria required by Chapter 36 of the Texas Water Code and other information including groundwater availability model runs prepared by the TWDB;

**WHEREAS**, in establishing these desired future conditions for the aquifer(s) set forth below, the GMA 16 Districts have considered the uses and conditions of the aquifer(s) in different geographic areas within GMA 16 and what the effects and impacts of adopting such desired future conditions will have upon the condition of the aquifer(s) and the uses and users of groundwater from the aquifer(s) both now and in the future;

**WHEREAS**, after considering such anticipated effects and impacts these desired future conditions will have on the aquifer(s), uses, and users of groundwater, and considering all of the other criteria required by Chapter 36 of the Texas Water Code, including without limitation the groundwater resource management duties and responsibilities of the GMA Districts individually and collectively, the GMA 16 Districts have adopted the desired future conditions for the aquifer(s) set forth below;

**WHEREAS**; In reference to GAM run 09-008, the committee has considered several scenarios during deliberation; and

**WHEREAS**, at said August 30, 2010, meeting, after a motion was duly made and seconded that the GMA 16 Districts adopt this resolution establishing desired future conditions for the Gulf Coast aquifer and declining to adopt a desired future condition for the aquifer slivers, the motion prevailed by the following vote:

9 Ayes, 0 Nays, 1 Absent, and 0 present not voting

A List of the votes by District is enclosed in Appendix B.

**NOW, THEREFORE, BE IT RESOLVED BY THE AUTHORIZED VOTING REPRESENTATIVES OF THE GMA 16 DISTRICTS AS FOLLOWS:**

- 1 The above recitals are true and correct.
- 2 The authorized voting representatives of the GMA 16 Districts hereby establish a desired future condition of the Gulf Coast aquifer of a GMA-wide average drawdown of approximately 94 feet through 2060 consistent with scenario 10 of GAM run 09-008 by the vote reflected in the above recitals.
- 3 The authorized voting representatives of the GMA 16 Districts hereby decline to establish a desired future condition of the Carrizo-Wilcox, and the Yegua-Jackson aquifer slivers, finding them to not be relevant for purposes of GMA 16 joint planning at this time by the vote reflected in the above recitals.
- 4 The GMA 16 Districts and their agents and representatives, individually and collectively, are further authorized to take any and all actions necessary to implement this resolution.
- 5 The desired future conditions of the aquifer adopted by the GMA 16 Districts and attached hereto shall be effective immediately and shall continue in effect until amended, superseded, or repealed.

AND IT IS SO ORDERED.

PASSED AND ADOPTED on this 30th day of August, 2010.

Lonnie Stewart  
Bee GCD

George E. Jam  
Brush Country GCD

[Signature]  
Corpus Christi Aquifer Storage & Recovery Conservation District

[Signature]  
Duval GCD

Stanton Crocker, General Manager  
Kenedy County GCD

Lonnie Stewart  
McMullen GCD

Scott [Signature]  
Live Oak UWCD

Armando Vela  
Red Sands GCD

Sean [Signature]  
San Patricio County GCD

[Signature]  
Starr GCD

# Estimated Historical Water Use And 2012 State Water Plan Datasets: Starr County Groundwater Conservation District

by Stephen Allen  
Texas Water Development Board  
Groundwater Resources Division  
Groundwater Technical Assistance Section  
stephen.allen@twdb.texas.gov  
(512) 463-7317  
March 11, 2013

## **GROUNDWATER MANAGEMENT PLAN DATA:**

This package of water data reports (part 1 of a 2-part package of information) is being provided to groundwater conservation districts to help them meet the requirements for approval of their five-year groundwater management plan. Each report in the package addresses a specific numbered requirement in the Texas Water Development Board's groundwater management plan checklist. The checklist can be viewed and downloaded from this web address:

<http://www.twdb.state.tx.us/groundwater/doc/GCD/GMPchecklist0113.pdf>

The five reports included in part 1 are:

1. Estimated Historical Water Use (checklist Item 2)  
from the TWDB Historical Water Use Survey (WUS)
2. Projected Surface Water Supplies (checklist Item 6)
3. Projected Water Demands (checklist Item 7)
4. Projected Water Supply Needs (checklist Item 8)
5. Projected Water Management Strategies (checklist Item 9)  
reports 2-5 are from the 2012 State Water Plan (SWP)

Part 2 of the 2-part package is the groundwater availability model (GAM) report. The District should have received, or will receive, this report from the Groundwater Availability Modeling Section. Questions about the GAM can be directed to Dr. Shirley Wade, shirley.wade@twdb.texas.gov, (512) 936-0883.

**DISCLAIMER:**

The data presented in this report represents the most updated Historical Water Use and 2012 State Water Planning data available as of 3/11/2013. Although it does not happen frequently, neither of these datasets are static and are subject to change pending the availability of more accurate data (Historical Water Use data) or an amendment to the 2012 State Water Plan (2012 State Water Planning data). District personnel must review these datasets and correct any discrepancies in order to ensure approval of their groundwater management plan.

The Historical Water Use dataset can be verified at this web address:

<http://www.twdb.texas.gov/waterplanning/waterusesurvey/estimates/>

The 2012 State Water Planning dataset can be verified by contacting Wendy Barron (wendy.barron@twdb.texas.gov or 512-936-0886).

For additional questions regarding this data, please contact Stephen Allen (stephen.allen@twdb.texas.gov or 512-463-7317) or Rima Petrossian (rima.petrossian@twdb.texas.gov or 512-936-2420).



# Estimated Historical Water Use

## TWDB Historical Water Use Survey (WUS) Data

Groundwater and surface water historical use estimates are currently unavailable for calendar years 2005, 2011 and 2012. TWDB staff anticipates the calculation and posting of these estimates at a later date.

### STARR COUNTY

All values are in acre-feet/year

Year	Source	Municipal	Manufacturing	Steam Electric	Irrigation	Mining	Livestock	Total
1974	GW	782	4	0	0	39	1,290	2,115
	SW	2,171	0	0	26,155	0	142	28,468
1980	GW	163	0	0	0	368	146	677
	SW	4,147	0	0	30,855	0	1,322	36,324
1984	GW	819	0	0	500	291	148	1,758
	SW	5,152	0	0	27,968	24	1,338	34,482
1985	GW	705	0	0	597	282	151	1,735
	SW	5,306	0	0	22,221	550	1,367	29,444
1986	GW	1,130	0	0	0	0	136	1,266
	SW	5,271	0	0	33,222	0	1,232	39,725
1987	GW	1,123	0	0	0	392	121	1,636
	SW	4,781	0	0	34,944	487	1,095	41,307
1988	GW	1,023	0	0	0	382	126	1,531
	SW	4,953	0	0	50,596	444	1,144	57,137
1989	GW	681	0	0	500	125	131	1,437
	SW	5,414	0	0	44,961	414	1,188	51,977
1990	GW	827	0	0	434	125	129	1,515
	SW	5,299	0	0	45,000	414	1,171	51,884
1991	GW	855	0	0	6,597	234	133	7,819
	SW	5,586	0	0	36,456	744	1,195	43,981
1992	GW	686	0	0	2,850	234	122	3,892
	SW	5,827	0	0	27,000	744	1,098	34,669
1993	GW	502	0	0	362	234	125	1,223
	SW	6,539	0	0	37,755	744	1,129	46,167
1994	GW	711	0	0	300	235	106	1,352
	SW	7,132	0	0	45,054	744	947	53,877
1995	GW	698	0	0	473	235	127	1,533
	SW	7,042	0	0	49,253	744	1,143	58,182
1996	GW	721	0	0	434	239	173	1,567
	SW	7,261	0	0	45,240	744	1,552	54,797
1997	GW	603	0	0	456	239	95	1,393

*Estimated Historical Water Use and 2012 State Water Plan Dataset:*

*Starr County Groundwater Conservation District*

*March 11, 2013*

*Page 3 of 9*

# Estimated Historical Water Use

## TWDB Historical Water Use Survey (WUS) Data

Groundwater and surface water historical use estimates are currently unavailable for calendar years 2005, 2011 and 2012. TWDB staff anticipates the calculation and posting of these estimates at a later date.

Year	Source	Municipal	Manufacturing	Steam Electric	Irrigation	Mining	Livestock	Total
1997	SW	8,423	0	0	47,534	744	857	57,558
1998	GW	466	0	0	873	239	104	1,682
	SW	8,806	0	0	45,046	744	939	55,535
1999	GW	605	0	0	628	239	119	1,591
	SW	8,632	0	0	32,379	744	1,067	42,822
2000	GW	625	0	0	285	459	112	1,481
	SW	8,464	0	0	10,081	744	1,005	20,294
2001	GW	377	0	0	372	291	67	1,107
	SW	5,919	0	0	12,664	1,198	964	20,745
2002	GW	413	0	0	471	291	64	1,239
	SW	6,965	0	0	15,216	1,198	907	24,286
2003	GW	390	0	0	278	0	75	743
	SW	6,225	0	0	6,611	0	1,066	13,902
2004	GW	423	0	0	417	33	76	949
	SW	7,212	0	0	6,308	135	1,081	14,736
2006	GW	1,413	0	0	0	86	794	2,293
	SW	7,449	10	0	9,756	0	265	17,480
2007	GW	398	3	0	0	86	818	1,305
	SW	6,979	9	0	14,060	0	273	21,321
2008	GW	1,025	12	0	0	86	793	1,916
	SW	6,759	9	0	17,387	0	265	24,420
2009	GW	1,124	12	0	0	307	655	2,098
	SW	7,645	9	0	17,504	223	218	25,599
2010	GW	1,235	12	0	0	295	1,032	2,574
	SW	7,620	9	0	15,000	211	344	23,184

# Projected Surface Water Supplies TWDB 2012 State Water Plan Data

All values are in acre-feet/year

<b>STARR COUNTY</b>				2010	2020	2030	2040	2050	2060
RWPG	WUG	WUG Basin	Source Name						
M	COUNTY-OTHER	NUECES-RIO GRANDE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM	30	30	30	30	30	30
M	COUNTY-OTHER	RIO GRANDE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM	751	751	751	751	751	751
M	IRRIGATION	RIO GRANDE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM	15,773	15,616	15,470	15,324	15,178	15,043
M	LA GRULLA	RIO GRANDE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM	522	522	522	522	522	522
M	LIVESTOCK	NUECES-RIO GRANDE	LIVESTOCK LOCAL SUPPLY	0	0	0	0	0	0
M	LIVESTOCK	RIO GRANDE	LIVESTOCK LOCAL SUPPLY	0	0	0	0	0	0
M	MINING	NUECES-RIO GRANDE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM	11	11	11	11	11	11
M	MINING	RIO GRANDE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM	9	9	9	9	9	8
M	RIO GRANDE CITY	RIO GRANDE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM	2,479	2,479	2,479	2,479	2,479	2,479
M	RIO WSC	RIO GRANDE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM	310	310	310	310	310	310
M	ROMA CITY	RIO GRANDE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM	2,842	2,842	2,842	2,842	2,842	2,842
<b>Sum of Projected Surface Water Supplies (acre-feet/year)</b>				<b>22,727</b>	<b>22,570</b>	<b>22,424</b>	<b>22,278</b>	<b>22,132</b>	<b>21,996</b>

# Projected Water Demands

## TWDB 2012 State Water Plan Data

Please note that the demand numbers presented here include the plumbing code savings found in the Regional and State Water Plans.

### STARR COUNTY

All values are in acre-feet/year

RWPG	WUG	WUG Basin	2010	2020	2030	2040	2050	2060
M	COUNTY-OTHER	NUECES-RIO GRANDE	242	298	355	414	472	530
M	MINING	NUECES-RIO GRANDE	770	793	803	813	823	835
M	LIVESTOCK	NUECES-RIO GRANDE	246	246	246	246	246	246
M	LA GRULLA	RIO GRANDE	867	919	976	1,038	1,104	1,175
M	RIO GRANDE CITY	RIO GRANDE	2,962	3,234	3,545	3,840	4,171	4,513
M	ROMA CITY	RIO GRANDE	2,946	3,333	3,737	4,156	4,585	5,017
M	COUNTY-OTHER	RIO GRANDE	5,986	7,365	8,786	10,249	11,669	13,101
M	MINING	RIO GRANDE	545	562	570	577	584	591
M	IRRIGATION	RIO GRANDE	31,191	30,108	29,070	29,070	29,070	29,070
M	LIVESTOCK	RIO GRANDE	871	871	871	871	871	871
M	RIO WSC	RIO GRANDE	484	624	772	913	1,063	1,206
<b>Sum of Projected Water Demands (acre-feet/year)</b>			<b>47,110</b>	<b>48,353</b>	<b>49,731</b>	<b>52,187</b>	<b>54,658</b>	<b>57,155</b>

*Estimated Historical Water Use and 2012 State Water Plan Dataset:*

*Starr County Groundwater Conservation District*

*March 11, 2013*

*Page 6 of 9*



# Projected Water Supply Needs TWDB 2012 State Water Plan Data

Negative values (in red) reflect a projected water supply need, positive values a surplus.

## STARR COUNTY

All values are in acre-feet/year

RWPG	WUG	WUG Basin	2010	2020	2030	2040	2050	2060
M	COUNTY-OTHER	NUECES-RIO GRANDE	66	138	211	275	309	251
M	COUNTY-OTHER	RIO GRANDE	-4,688	-6,120	-7,634	-9,177	-10,698	-12,206
M	IRRIGATION	RIO GRANDE	-8,823	-7,897	-7,005	-7,151	-7,297	-7,432
M	LA GRULLA	RIO GRANDE	-345	-397	-454	-516	-582	-653
M	LIVESTOCK	NUECES-RIO GRANDE	0	0	0	0	0	0
M	LIVESTOCK	RIO GRANDE	0	0	0	0	0	0
M	MINING	NUECES-RIO GRANDE	11	11	11	11	11	11
M	MINING	RIO GRANDE	9	9	9	9	9	8
M	RIO GRANDE CITY	RIO GRANDE	-483	-755	-1,066	-1,361	-1,692	-2,034
M	RIO WSC	RIO GRANDE	-174	-314	-462	-603	-753	-896
M	ROMA CITY	RIO GRANDE	-104	-491	-895	-1,314	-1,743	-2,175
<b>Sum of Projected Water Supply Needs (acre-feet/year)</b>			<b>-14,617</b>	<b>-15,974</b>	<b>-17,516</b>	<b>-20,122</b>	<b>-22,765</b>	<b>-25,396</b>

# Projected Water Management Strategies

## TWDB 2012 State Water Plan Data

### STARR COUNTY

WUG, Basin (RWPG)

All values are in acre-feet/year

Water Management Strategy	Source Name [Origin]	2010	2020	2030	2040	2050	2060
<b>COUNTY-OTHER, RIO GRANDE (M)</b>							
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	3,041	2,786	4,553	5,334	6,512	7,886
ADVANCED WATER CONSERVATION	CONSERVATION [STARR]	67	139	212	286	360	430
EXPAND EXISTING GROUNDWATER WELLS	GULF COAST AQUIFER [STARR]	1,580	2,521	2,436	2,387	2,340	2,281
EXPAND EXISTING GROUNDWATER WELLS	YEGUA-JACKSON AQUIFER [STARR]	0	674	433	1,170	1,486	1,609
<b>IRRIGATION, RIO GRANDE (M)</b>							
ON- FARM WATER CONSERVATION	CONSERVATION [STARR]	46	313	797	1,493	2,396	3,505
<b>LA GRULLA, RIO GRANDE (M)</b>							
ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	32	45	54	56	88	102
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	243	252	259	270	279	304
ADVANCED WATER CONSERVATION	CONSERVATION [STARR]	20	25	30	35	56	64
EXPAND EXISTING GROUNDWATER WELLS	GULF COAST AQUIFER [STARR]	50	75	112	155	159	183
<b>RIO GRANDE CITY, RIO GRANDE (M)</b>							
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	5	14	24	50	84	141
ADVANCED WATER CONSERVATION	CONSERVATION [STARR]	23	35	48	78	120	155
BRACKISH WATER DESALINATION	OTHER AQUIFER [STARR]	560	1,120	1,120	1,123	1,314	1,498
EXPAND EXISTING GROUNDWATER WELLS	GULF COAST AQUIFER [STARR]	0	10	50	50	87	115
NON-POTABLE REUSE	DIRECT REUSE [STARR]	0	10	50	60	87	125
<b>RIO WSC, RIO GRANDE (M)</b>							
ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	9	16	23	30	38	45
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	166	298	439	573	715	851

Estimated Historical Water Use and 2012 State Water Plan Dataset:

Starr County Groundwater Conservation District

March 11, 2013

Page 8 of 9

# Projected Water Management Strategies

## TWDB 2012 State Water Plan Data

**WUG, Basin (RWPG)**

All values are in acre-feet/year

Water Management Strategy	Source Name [Origin]	2010	2020	2030	2040	2050	2060
ADVANCED WATER CONSERVATION	CONSERVATION [STARR]	6	13	20	27	34	41
<b>ROMA CITY, RIO GRANDE (M)</b>							
ACQUISITION OF WATER RIGHTS THROUGH CONTRACT	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	0	20	36	51	75	88
ACQUISITION OF WATER RIGHTS THROUGH PURCHASE	AMISTAD-FALCON LAKE/RESERVOIR SYSTEM [RESERVOIR]	65	410	784	1,183	1,564	1,967
ADVANCED WATER CONSERVATION	CONSERVATION [STARR]	39	61	75	80	104	120
<b>Sum of Projected Water Management Strategies (acre-feet/year)</b>		<b>5,952</b>	<b>8,837</b>	<b>11,555</b>	<b>14,491</b>	<b>17,898</b>	<b>21,510</b>





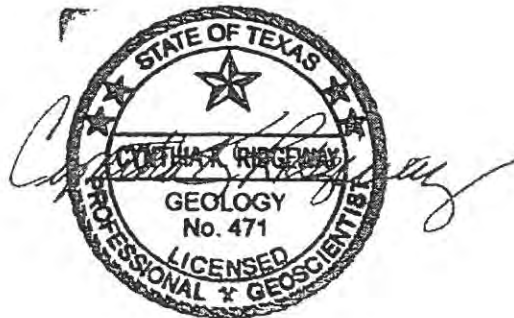
---

# GAM RUN 10-047 MAG: GROUNDWATER MANAGEMENT AREA 16 MODEL RUNS TO ESTIMATE DRAWDOWNS UNDER ASSUMED FUTURE PUMPING FOR THE GULF COAST AQUIFER

by Mohammad Masud Hassan, P.E.  
Texas Water Development Board  
Groundwater Availability Modeling Section

Edited and finalized by Marius Jigmond to reflect statutory changes  
effective September 1, 2011  
(512) 463-8499

December 8, 2011



*Cynthia K. Ridgeway, the Manager of the Groundwater Availability Modeling Section and Interim Director of the Groundwater Resources Division, is responsible for oversight of work performed by employees under her direct supervision. The seal appearing on this document was authorized by Cynthia K. Ridgeway, P.G. 471 on December 8, 2011.*

*This page is intentionally blank.*

---

# **GAM RUN 10-047 MAG: GROUNDWATER MANAGEMENT AREA 16 MODEL RUNS TO ESTIMATE DRAWDOWNS UNDER ASSUMED FUTURE PUMPING FOR THE GULF COAST AQUIFER**

by Mohammad Masud Hassan, P.E.  
Texas Water Development Board  
Groundwater Availability Modeling Section

Edited and finalized by Marius Jigmond to reflect statutory changes  
effective September 1, 2011  
(512) 463-8499

December 8, 2011

## ***EXECUTIVE SUMMARY:***

The modeled available groundwater for the Gulf Coast Aquifer as a result of the desired future condition adopted by the members of Groundwater Management Area 16 is approximately 358,100 acre-feet per year. This is summarized by county, regional water planning area, and river basin as shown in Table 1 for use in the regional water planning process. Modeled available groundwater is summarized by county, regional water planning area, river basin, and groundwater conservation district in tables 2 through 5. The estimates were extracted from Groundwater Availability Modeling (GAM) Run 09-008, Scenario 10, which Groundwater Management Area 16 used as the basis for developing their desired future condition for the Gulf Coast Aquifer.

## ***REQUESTOR:***

Mr. Scott Bledsoe III of Live Oak Underground Water Conservation District on behalf of Groundwater Management Area 1

## ***DESCRIPTION OF REQUEST:***

In a letter dated May 30, 2010 and received September 2, 2010, Mr. Scott Bledsoe provided the Texas Water Development Board (TWDB) with the desired future condition of the Gulf Coast Aquifer adopted by the members of Groundwater Management Area (GMA) 16. The desired future condition for the

Gulf Coast Aquifer in Groundwater Management Area 16, as shown in Resolution No. R2010-001, is as follows:

“[...]

*The authorized voting representatives of the [Groundwater Management Area] 16 Districts hereby establish a desired future condition of the Gulf Coast [Aquifer] of a [Groundwater Management Area]-wide average drawdown of approximately 94 feet through 2060 consistent with scenario 10 of GAM [Run] 09-008 by the vote reflected in the above recitals.*

*The authorized voting representatives of the [Groundwater Management Area] 16 Districts hereby decline to establish a desired future condition of the Carrizo-Wilcox, and the Yegua-Jackson aquifer slivers, finding them to not be relevant for purposes of [Groundwater Management Area] 16 joint planning at this time by the vote reflected in the above recitals.*

[...]”

In response to receiving the adopted desired future condition, the Texas Water Development Board has estimated the modeled available groundwater for the Gulf Coast Aquifer within Groundwater Management Area 16.

## **METHODS:**

The Texas Water Development Board previously completed several predictive groundwater availability model simulations of the Gulf Coast Aquifer to assist the members of Groundwater Management Area 16 in developing a desired future condition. The location of Groundwater Management Area 16, the Gulf Coast Aquifer, and the groundwater availability model cells that represent the aquifer are shown in Figure 1. As described in Resolution No. R2010-001, the management area considered Scenario 10 of Groundwater Availability Modeling (GAM) Run 09-008 when developing a desired future condition for the Gulf Coast Aquifer (Hutchison, 2010). Since the above desired future condition is met in Scenario 10 of GAM Run 09-008, the modeled available groundwater for Groundwater Management Area 16 presented here was taken directly from this simulation. This was then divided by county, regional water planning area, river basin, and groundwater conservation district (Figure 2).

## **PARAMETERS AND ASSUMPTIONS:**

The parameters and assumptions for the model run using the groundwater availability model for the Gulf Coast Aquifer are described below:

- We used the Groundwater Management Area 16 numerical groundwater flow model, version 1.0 for these predictive simulations (Hutchison and others, 2011).



- The groundwater flow model encompasses the footprint of Groundwater Management Area 16 and its underlying aquifer systems. The Groundwater Management Area 16 model includes portions of the Gulf Coast, Yegua-Jackson, Queen City, Sparta, and Carrizo-Wilcox aquifer systems. Layers 1 through 4 represent the Gulf Coast Aquifer System which is comprised of the Chicot Aquifer, Evangeline Aquifer, Burkeville Confining System, and Jasper Aquifer in descending order. Layer 5 is a bulk representation of the Yegua-Jackson Aquifer System, and Layer 6 is a bulk representation of the Queen-City, Sparta, and Carrizo-Wilcox aquifers (Hutchison and others, 2011).
- Please refer to GAM Run 09-008 (Hutchison, 2011) for the model parameters, assumptions, and methods used for the predictive simulation.

### ***Modeled Available Groundwater and Permitting***

As defined in Chapter 36 of the Texas Water Code, “modeled available groundwater” is the estimated average amount of water that may be produced annually to achieve a desired future condition. This is distinct from “managed available groundwater,” shown in the draft version of this report dated June 7, 2011, which was a permitting value and accounted for the estimated use of the aquifer exempt from permitting. This change was made to reflect changes in statute by the 82<sup>nd</sup> Texas Legislature, effective September 1, 2011.

Groundwater conservation districts are required to consider modeled available groundwater, along with several other factors, when issuing permits in order to manage groundwater production to achieve the desired future condition(s). The other factors districts must consider include annual precipitation and production patterns, the estimated amount of pumping exempt from permitting, existing permits, and a reasonable estimate of actual groundwater production under existing permits. The estimated amount of pumping exempt from permitting, which the Texas Water Development Board is now required to develop after soliciting input from applicable groundwater conservation districts, will be provided in a separate report.

### ***RESULTS:***

The modeled available groundwater for the Gulf Coast Aquifer in Groundwater Management Area 16 consistent with the above desired future condition is approximately 358,100 acre-feet per year. This has been divided by county, regional water planning area, and river basin for each decade between 2010 and 2060 for use in the regional water planning process (Table 1). The modeled available groundwater for the Gulf Coast Aquifer is also summarized by county, regional water planning area, river basin, and groundwater conservation district as shown in tables 2 through 5. In Table 5, the modeled

available groundwater both excluding and including areas outside of a groundwater conservation district is shown.

## LIMITATIONS:

The groundwater model used in completing this analysis is the best available scientific tool that can be used to meet the stated objective(s). To the extent that this analysis will be used for planning purposes and/or regulatory purposes related to pumping in the past and into the future, it is important to recognize the assumptions and limitations associated with the use of the results. In reviewing the use of models in environmental regulatory decision making, the National Research Council (2007) noted:

*"Models will always be constrained by computational limitations, assumptions, and knowledge gaps. They can best be viewed as tools to help inform decisions rather than as machines to generate truth or make decisions. Scientific advances will never make it possible to build a perfect model that accounts for every aspect of reality or to prove that a given model is correct in all respects for a particular regulatory application. These characteristics make evaluation of a regulatory model more complex than solely a comparison of measurement data with model results."*

A key aspect of using the groundwater model to evaluate the impacts of future pumping is the need to make assumptions about the location in the aquifer where future pumping will occur. In this case, as noted, pumping in each county is evenly distributed. This assumption was necessary, in part, due to the generally large increases in pumping as compared to historic pumping. There is a fair degree of uncertainty in many of these estimates due to the large increases in pumping in areas that had not historically been stressed. As actual pumping changes in the future, it will be necessary to evaluate the amount of that pumping as well as its location in the context of the assumptions associated with this analysis. Evaluating the amount and location of future pumping is as important as evaluating the changes in groundwater levels, spring flows, and other metrics that describe the impacts of that pumping. This analysis does not assess the possible impacts of pumping such as reduced water quality or land surface subsidence.

In addition, certain assumptions have been made regarding future precipitation, recharge, and streamflow in evaluating the impacts of future pumping. Those assumptions also need to be considered and compared to actual future data.

Given these limitations, users of this information are cautioned that the results should not be considered a definitive, permanent prediction of the changes in groundwater storage, streamflow and spring flow. Because the application of the groundwater model was designed to address regional scale questions, the

results are most effective on a regional scale. The TWDB makes no warranties or representations relating to the actual conditions of any aquifer at a particular location or at a particular time.

It is important for groundwater conservation districts to monitor future groundwater pumping and overall conditions of the aquifer. Because of the limitations of the groundwater model and the assumptions in this analysis, it is important that the groundwater conservation districts work with the TWDB to refine this analysis in the future given the reality of how the aquifer responds to the actual amount and location of pumping now and in the future.

### **REFERENCES:**

- Harbaugh, A.W., Banta, E.R., Hill, M.C., and McDonald, M.G., 2000, MODFLOW-2000, The U.S. Geological Survey modular ground-water model-user guide to modularization concepts and the ground-water flow process: U.S. Geological Survey Open-File Report 00-92, 121 p.
- Hutchison, W.R., Hill, M.E., Anaya, R., Hasan, M.M., Oliver, W., Jigmond, M., Wade, S., and Aschenbach, E., 2011. Groundwater Management Area 16 Groundwater Flow Model: Texas Water Development Board.
- Hutchison, W.R., 2011. Draft GAM Run 09-08: Groundwater Management Area 16 Model Runs to Estimate Drawdowns under Assumed Future Pumping for the Gulf Coast Aquifer, June 10, 2011, 45p.
- National Research Council, 2007. Models in Environmental Regulatory Decision Making. Committee on Models in the Regulatory Decision Process, National Academies Press, Washington D.C., 287 p.
- Wilson, J.D. and Naff, R.L., 2004, The U.S. Geological Survey modular ground-water model-GMG linear equation solver package documentation: U.S. Geological Survey Open-File Report 2004-1261, 47 p.















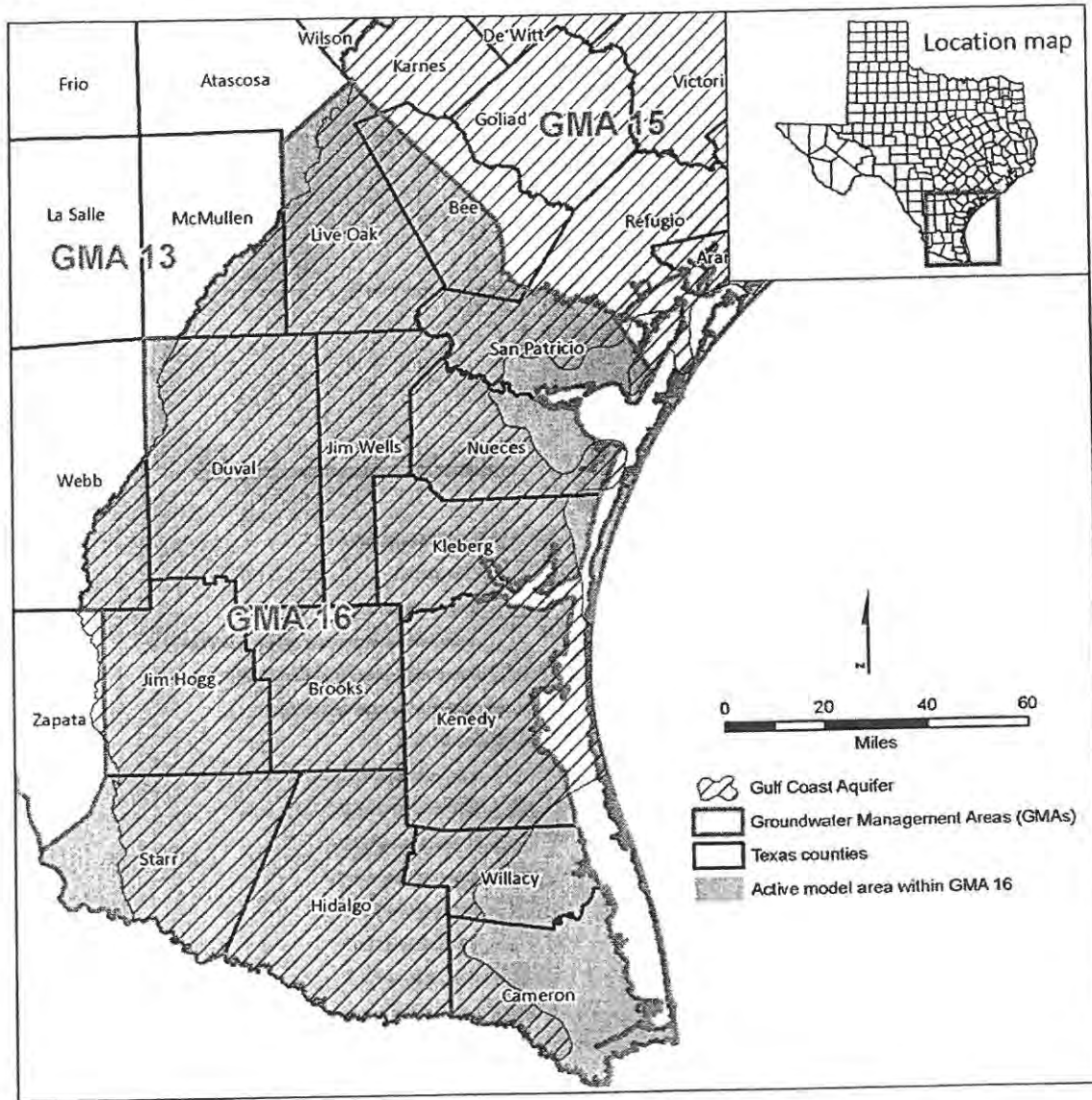


FIGURE 1: MAP SHOWING THE AREAS COVERED BY THE GROUNDWATER MODEL FOR GROUNDWATER MANAGEMENT AREA 16 WHICH INCLUDES THE GULF COAST AQUIFER.

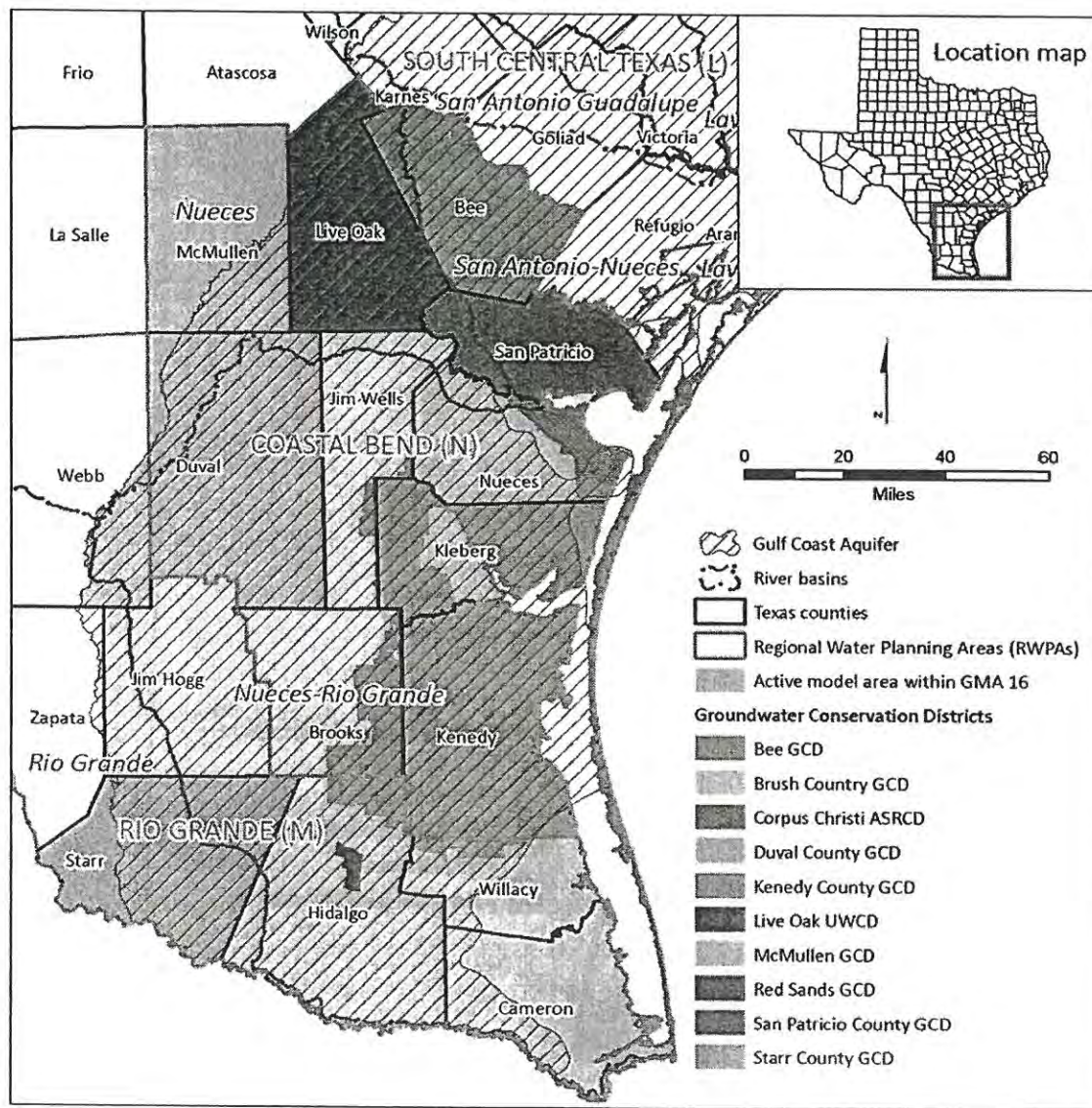


FIGURE 2: MAP SHOWING REGIONAL WATER PLANNING AREAS (RWPAS), GROUNDWATER CONSERVATION DISTRICTS (GCDs), COUNTIES, AND RIVER BASINS IN GROUNDWATER MANAGEMENT AREA 16.

Appendix "I"

STARR COUNTY GROUNDWATER CONSERVATION DISTRICT RULES

Table of Contents

RULE 1 DEFINITIONS

RULE 2 PURPOSE OF RULES

2.1 Use and Effect of Rules

2.2 Amending of Rules

2.3 Headings and Captions

2.4 Severability

2.5 General Rules

2.6 Change of Ownership or Use

RULE 3 BOARD

3.1 Purpose of Board

3.2 Board Structure, Officers

3.3 Meetings

3.4 Committees

RULE 4 WASTE

RULE 5 DISTRICT STAFF

5.1 General Manager

RULE 6 DISTRICT

6.1 Minutes and Records of the District

RULE 7 OTHER DISTRICT ACTIONS AND DUTIES

7.1 District Management Plan

RULE 8 TRANSFER OF GROUNDWATER OUT OF THE DISTRICT

8.1 Permit Required

8.2 Applicability

### 8.3Application



8.4HearingandPermitIssuance

RULE9TRANSPORTATIONOFWATER

RULE10ENFORCEMENTOFRULES

RULE11REGISTRATION/PERMITS

11.1RegistrationofNewWells

11.2RequirementofDriller’sLog,Casing,andPumpData

11.3TimeDuringwhichaDrillingPermitorRegistrationShallRemainValid

RULE12PERMITS

12.1HistoricGroundwaterUse

12.2GeneralPermittingPoliciesandProceduresforNon-exemptWells

12.3OperatingPermitRequired

12.4OperatingPermitProvisions

12.5OperatingPermitLimitations

12.6ProductionLimitations

12.7WellSpacingRequirements

12.8ExclusionsandExemptions

12.9Mitigation

12.10GeothermalLoops

RULE13REWORKINGANDREPLACINGAWELL

13.1Procedures

RULE14WELLLOCATIONANDCOMPLETION

14.1Responsibility

14.2LocationofDomesticWells

14.3StandardsforWaterWellsDrillersandWaterWellPumpInstallers

RULE15WASTEANDBENEFICIALUSE

15.1WasteMeansAnyOneorMoreoftheFollowing

15.2WastePrevention

15.3UsesforaBeneficialPurpose

RULE16FEES

RULE17reservedforfutureuse

RULE18HEARING

18.1TypesofHearing

18.2Notice

18.3GeneralProcedures

18.4UncontestedPermitHearingsProcedures

18.5ContestedPermitHearingsProcedures

18.6ConclusionofthePermitHearing

18.7Rule-MakingHearingsProcedures

18.8FinalDecision;Appeal

RULE19INVESTIGATIONSANDENFORCEMENT

19.1NoticeandAccesstoProperty

19.2ConductofInvestigation

19.3SealingofWells

RULE20APPENDIX

A- WaterWellRegistration/TransferofOwnershipForms

B- DrillingPermit

C- OperatingPermit

D- LettertoWellDrillersAboutPenalties

E.-TransportPermitApplication

F- DroughtContingencyPlan

G-SectionMapofStarr County

Starr County Groundwater  
Conservation District

RULES OF STARR COUNTY GROUNDWATER CONSERVATION DISTRICT IN TEXAS ARE HEREBY PUBLISHED, AS OF September

---

In accordance with Section 59 of Article XVI of the Texas Constitution, H.B. No. 3651 effective September 01, 2001, and Chapter 36 of the Texas Water Code, as amended, the following rules are hereby ratified and adopted as the rules of the Starr County Groundwater Conservation District, in Texas, by its Board.

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 groundwater laws of the State and the rules of this district. To the end that these objectives be attained, these rules shall be so construed.

These rules may be used as guides in the exercise of discretion, where discretion is vested. However, under no circumstances, and in no particular case shall they, or any of them, be construed as a limitation or restriction upon the exercise of any discretion, where such 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

- A. The "Board" shall mean the Board of Directors of the Starr County Groundwater Conservation District, in Texas, consisting of duly appointed and henceforth elected members, as provided in Chapter 36, Texas Water Code, as amended and HB 3651.
- B. "District" shall mean the Starr County Groundwater Conservation District in Texas, created under Section 59, Article XVI Texas Constitution, maintaining its principal office in Starr County, Texas. Where applications, reports and other papers are required to be filed with or sent to "the District," this means the District office in Starr County, Texas.
- C. "Permitted well" shall mean a well subject to the District's drilling permit requirements, which includes any artificial excavation constructed to produce, or which produces, more than 25,000 gallons of water per day.
- D. "Registered well" shall mean and include any artificial excavation to produce, or that is producing, water for any purpose that is not subject to the District's drilling permit requirements.
- E. "Monitoring well" shall mean a well installed to measure some property, usually water levels, and quality, of the groundwater or aquifer, which it enters that does not produce groundwater for the purpose of water supply.
- F. "Director" means a member of the Board. To be eligible to serve as a temporary, initial, or regular director of the district, a person must be a resident of Starr County and must be at least 18 years of age. Each director must qualify to serve as director in the manner provided by Section 36.055 of the Texas Water Code.
- G. "Exploratory hole" shall mean any hole drilled to a depth greater than the top of any stratum containing groundwater, as "groundwater" as is defined in Chapter 36, Texas Water Code, as amended, for the purpose of securing geological or other information, which may be obtained by penetrating the earth with a drill bit, and includes what is commonly referred to in the industry as "water well test holes", "slim hole test" or "seismograph test holes" and the like.
- H. "Water" for the purposes of these rules is synonymous with groundwater or underground water.

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

J. "Person" shall mean any individual, partnership, firm, state agency, political subdivision, corporation, or other legal entity.

K. The word "waste" as used herein shall include, but is not limited to; those defined by the Legislature in Chapter 36, Texas Water Code, latest amendment. Waste includes:

1. Withdrawal of groundwater from a groundwater reservoir at a rate, and in an amount that causes, or threatens to cause, intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes; or, that threatens to deplete the historic supply.

2. The flowing or producing of wells from a groundwater reservoir if, the water produced is not used for a beneficial purpose;

3. Escape of groundwater from a groundwater reservoir to any other reservoir that does not contain groundwater;

4. Pollution or harmful alteration of groundwater in a groundwater reservoir by salt water, other deleterious matter admitted from another stratum, or from the surface of the ground; or, release of deleterious material into a drinking water supply aquifer.

5. Willfully or negligently causing, suffering, or permitting groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well; or unless such discharge is authorized by permit, rule or order by the Commission under Chapter 26; or

6. Groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well, unless the occupant of the land receiving the discharge has granted permission.

L. An "authorized well site" shall be:

1. The location of a proposed well identified by GPS coordinates on an application duly filed, until such application is denied, or

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

M. "General Manager" is the General Manager of the Starr County Groundwater Conservation District. The General Manager may be a member of the board.

N. "Acre-foot" means the amount of water necessary to cover one acre of land one foot deep, or 325,851 gallons of water.

O. "Agricultural crop" means food or fiber commodities grown for resale or commercial purposes that provide food, clothing, or animal feed.

P. "Drilling Permit" means a permit for water well issued or to be issued by the District allowing a water well to be drilled.

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



R. "Landowner" means the person who bears ownership of the land surface.

S. "New Well Application" means an application for a permit or registration for a water well that has not yet been drilled.

T. "Open Meeting Law" means Chapter 551, Texas Government Code.

U. "Operating Permit" means a permit issued by the District for a water well that is capable of pumping more than 25,000 gallons per day, allowing groundwater to be withdrawn from a water well for a designated period and at a maximum rate.

V. "Public Information Act" means Chapter 552, Texas Government Code.

W. "Rules" means the rules of the District compiled in this document and as may be supplemented or amended from time to time.

X. "Water meter" means a water flow-measuring device that can accurately record the amount of groundwater produced during a measured time.

Y. "Well" means any facility, device, or method used to withdraw groundwater from the groundwater supply within the District.

Z. "District act" means an act relating to the creation, administration, powers, duties, operation and financing of the Starr County Groundwater Conservation District (H.B. 3651 effective September 1, 2001).

AA. "Existing well" means any well in the district that was drilled or properly completed on or before the adoption of the Starr County Groundwater Conservation District Management Plan, September 17, 2013.

#### RULE 2 PURPOSE OF RULES

These rules are adopted to achieve the provisions of the District Act and accomplish its purposes.

These rules are intended to provide for the conservation, preservation, protection, and recharge of groundwater and aquifers within Starr County.

#### RULE 2.1 USE AND EFFECT OF RULES

The District uses these rules as guides in the exercise of the powers conferred by law and in the accomplishment of the purposes of the District Act. They may not be construed as a limitation or restriction on the exercise of any discretion nor be construed to deprive the District or Board of the exercise of any powers, duties or jurisdiction conferred by law, nor be construed to limit or restrict the amount and character of data or information that may be required to be collected for the proper administration of the District Act.

#### RULE 2.2 AMENDING OF RULES

The Board may, following notice and hearing, amend these rules or adopt new rules from time to time.

#### RULE 2.3 HEADINGS AND CAPTIONS

The section and other headings and captions contained in these rules are for reference purposes only. They do not affect the meaning or interpretation of these rules in any way.

## RULE2.4SEVERABILITY

If any one or more of the provisions contained in these rules are for any reason held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability may not affect any other rules or provisions of these rules, and these rules must be construed as if such invalid, illegal or unenforceable rules or provision had never been contained in these rules.

## RULE2.5GENERALRULES

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

B. Time Limit: Applications, requests, or other papers or documents required or permitted to be filed under these rules, or by law, must be received for filing at the Board's office at Starr County, Texas, within the time limits, if any, for such filing. The date of receipt and not the date of posting is determinative.

C. Show Cause Orders and Complaints: The Board, either on its own motion, or upon receipt of sufficient written protest or complaint, may at any time, after due notice to all interested parties, cite any person operating within the District to appear before it in a public hearing and require him to show cause why a suit should not be initiated against him in a district court, for failure to comply with the orders or rules of the Board or the relevant statutes of the State or for failure to abide by the terms and provisions of the permit of operating authority itself. The matter of evidence, and all other matters of procedure at any such hearing, will be conducted in accordance with these rules of procedure and practice.

D. All Starr County wells and well owners shall comply with all applicable rules, orders, regulations, requirements, resolutions, policies, directives, standards, guidelines, or any other regulatory measures implemented by the District.

## RULE2.6CHANGE OF OWNERSHIP OR USE

A. A Permittee may apply for a transfer of ownership of any permit or registration 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. Any permittee requesting a change from the purpose or place of use stated in a permit or registration shall apply to the Board for continuation of the permit for the proposed changed use at the same or reduced rate of production. The application for change of use shall be in the same form, and governed by the same standards, as the original water permit application. The Board may request any additional relevant information the District considers necessary, to analyze the request for the amendment.

## SECTION3BOARD

### RULE3.1PURPOSE OF BOARD

The Board was created to determine policy and regulate the withdrawal of groundwater within the boundaries of the District for conserving, preserving, protecting, and recharging the groundwater within the district, and to exercise its rights, powers, and duties in a way that will accomplish the purposes of the District Act effectively and expeditiously. The Board's responsibilities include, but are not limited to adoption and enforcement of reasonable rules and other orders.

### RULE3.2BOARDSTRUCTURE,OFFICERS

The Board consists of seven members qualified as required by the District Act. The Board will elect one of its members to serve as President, to preside over Board meetings and proceedings; one to serve as Vice President to preside in the absence of the President; and one to serve as Secretary/Treasurer to keep a true and complete account of all meetings and proceedings of the Board. The Board may elect officers annually, but must elect officers at the first meeting following the November election for directors of each even numbered year. Except for temporary or initial director of the District, a director serves a four-year term. Beginning in the second year following the confirmation election, an election shall be held on the first uniform election date in November every two years to select the appropriate number of directors to the board. At the first election, directors for places 2, 4, and 6 shall be elected, and at the next election, directors for places 1, 3, 5, and 7 shall be elected.

### RULE3.3MEETINGS

The Board will hold regular meetings as the Board may establish from time to time. At the request of the President, or by written request of at least three members, the Board may hold special meetings. All Board meetings will be held according to the Texas Open Meetings Law.

### RULE3.4COMMITTEES

The President may establish committees for formulation of policy recommendations to the Board, and appoint the chair and membership of the committees. Committee members serve at the pleasure of the President.

### RULE4

Reserved for future use

### RULE5DISTRICTSTAFF RULE5.1

#### GENERALMANAGER

The Board may employ a person to manage the District, and title this person General Manager. The General Manager will have no power, duty, or responsibility other than gathering information and performing Water District functions as determined by the Board. The Board will determine the compensation and review the position of General Manager each year during the preparation of the budget for the next fiscal year or at the time of the change of General Manager is appropriate. The General Manager, with approval of the Board, may employ all persons necessary for the proper handling of business and operation of the District and their compensation will be set by the Board. The General Manager will be responsible for performing District functions as determined by the Board.

### RULE6DISTRICT

#### RULE6.1MINUTESANDRECORDSOFTHEDISTRICT

All documents, reports, records, and minutes of the District are available for public inspection, and copying. Upon written application by any person, the District will furnish copies of its public records. A copying charge will be established by the District.

## RULE 7 OTHER DISTRICT ACTIONS AND DUTIES

### RULE 7.1 DISTRICT MANAGEMENT PLAN

The District Management Plan specifies the acts, procedures, performance, and avoidance necessary to prevent waste of groundwater, provide for the protection, preservation and conservation of groundwater and prevent the adverse drawdown of the water table of the Gulf Coast Aquifer. The District shall use the Rules of the District to implement the Management Plan. The Board will review the Management Plan at least every tenth year. If the Board considers a new plan necessary or desirable, based on evidence presented at hearing, a new plan will be adopted. A plan, once adopted, remains in effect until the adoption of a new plan.

## RULE 8 TRANSFER OF GROUNDWATER OUT OF THE DISTRICT

### RULE 8.1 PERMIT REQUIRED

Groundwater produced from within the District may not be transported outside the District's boundaries unless the board has issued the well owner a transport permit.

### RULE 8.2 APPLICABILITY

A groundwater transport permit is not required for transportation if the groundwater is to be used on property that straddles the district boundary line.

All in County utilities meeting the following requirements may be exempt from the requirement for a groundwater transport permit:

1. 95% of the total monthly volume of the water utility must be supplied within the district boundaries;
2. The monthly volume of water transported out of the district shall not exceed 5% of the utility's corresponding monthly demand.

### RULE 8.3 APPLICATION

An application for a transport permit must be filed in the District office and must include the following information:

1. The name and mailing address of the owner and/or operator of the transportation facility.
2. A statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose.
3. A water-conservation plan and a drought contingency plan.
4. The legal description of the location of the well(s) and transportation facilities.
5. Proof of notification of all landowners adjacent to the property where the well or wells are located and all well owners within one-half mile of any of the proposed production wells.
6. A technical description of the transport facilities.
7. The permit number of the well or wells used to produce water to be transported.
8. The name and address of the water right owners(s).



9. The time schedule for construction and/or operation of the facility.
10. Any additional information required by the Board to process the permit.

RULE 8.4 HEARING AND PERMIT ISSUANCE

- A. Applications for transport permits are subject to the hearing procedures provided by these rules.
- B. In determining whether to issue a permit to transfer groundwater out of the District, the Board shall consider:
  1. Availability of water in the District and in the proposed receiving area; during the period for which the water supply is requested;
  2. Availability of feasible and practicable alternative supplies to the applicant;
  3. The amount and purposes of use for which water is needed in the proposed receiving area;
  4. The projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District;
  5. The indirect costs and economic and social impacts associated with the proposed transfer of water from the District;
  6. The establishing of an export fee;
  7. The approved regional and state water plan, and the certified District Management Plan;
  8. Other facts and considerations considered necessary by the District's Board for protection of the public health and welfare and conservation and management of natural resources in the District.
  9. The amount of groundwater required for future economic development within the boundaries of Starr County Groundwater Conservation District.
- C. Under no circumstances shall a transport permit be issued for an amount of groundwater that jeopardizes future economic development within the boundaries of Starr County Groundwater Conservation District.
- D. The transport permit shall specify the amount of water that may be transferred out of the District and the period for which the water may be transferred, in accordance with Section 36.122 of the Texas Water Code.
- E. Permit conditions. The transport permit, in addition to the application information and considerations, shall include the following terms and conditions:
  1. The date that the permit is to expire if no transportation facility is constructed;
  2. A requirement that the water will be put to a beneficial use at all times;
  3. Conditions and restrictions, if any, placed on the rate and amount of water transported;
  4. The period for which the groundwater production is permitted;
  5. The export fee negotiated between the District and the producer/transporter.
- F. The District shall impose a reasonable application fee and export fee for transport permits. Such fees shall comply with the requirements in Section 36.122(e).

G. The term for a transport permit shall be three years if construction of a conveyance system has not been initiated prior to permit issuance. If construction of a conveyance system is begun before the expiration of the permit, the term will be extended to a 30 year term from initial permit issuance. If construction of a conveyance system has been initiated prior to permit issuance, the term of the transport permit shall be 30 years.

H. The District may, every three years, review the amount of water that may be transferred out of the District under a permit and may limit the amount of water that may be transferred out of the District under permit and may limit the amount of water which may be transferred, after a consideration of the factors set forth in Rule 8 B & C and all relevant current data for conservation of groundwater resources in the District. At any time during the term of a transport permit, the District may revise or amend the permit if the use of water unreasonably affects existing groundwater and surface water resources or existing Permit Holders.

#### RULE 9—TRANSPORTATION OF WATER A.

Registration required.

1. Every person who produces water from permitted wells located, within the District, when all or any part of such water is transported for use, or for intended use, off the property from which the water is produced, but within District, must register the production under this Rule, unless the production is covered by a permit under Section 8. The term "property from which water is produced," as used in this subsection, shall be construed to mean water rights owned by an entity within a continuous perimeter boundary situated within the District. Transportation of water requiring registration under this Rule includes transportation by pipeline, vehicle, channel, ditch, watercourse or other natural or artificial facilities, or any combination of such facilities.

B. Registration application:

1. The registration provided for herein must be filed with the District, in the form or forms promulgated by the District hereunder, and such registration must be obtained from the District, prior to the proposed transporting of water, all in accordance with the provisions of this Rule.

2. An application for the transportation of water for which a registration is required under this Rule must:

- a. be in writing;
- b. contain the name, post-office address and place of residence or principal office of the applicant;
- c. identify the actual or anticipated number, location, pump size and production capacity of the wells from which the water to be transported is produced or to be produced;
- d. describe as specifically as feasible the anticipated proposed transportation facilities;
- e. state the nature and purposes of the proposed use and the anticipated amount of water to be used for each purpose;
- f. state the anticipated time within which any proposed construction or alteration is to begin;
- g. state the presently anticipated duration required for the proposed use of the water;
- h. provide information showing the anticipated effect of the proposed transportation on the quantity and quality of water available for future use, both inside and outside the District;
- i. identify any other presently-owned sources of water, the availability of which is both technically feasible and economically reasonable for the entity, that could be reasonably used for the stated purposes, including quality and quantity of such alternate sources;

j. identify any other liquids, the availability of which is both technically feasible and economically reasonable for the entity, that could be reasonably substituted for the fresh ground water and possible sources of such liquid, including quantity and quality;

k. provide information showing what water conservation measures the entity has adopted, what water conservation goals the entity has established, and what measures and time frames are necessary to achieve the entity's established water conservation goals; and

l. if the water is to be resold to others, provide a description of the entity's service area, entity's metering and leak detection and repair program for its water storage, delivery and distribution system, entity's drought or emergency water management plan, and information on each customer's water demands, including population and customer data, water use data, water supply system data, wastewater data, water conservation measures and goals, and the means for implementation and enforcement.

3. The application must be accompanied by a map or plat drawn on a scale that adequately details the proposed project, showing substantially:

- a. the location of the existing or proposed well(s);
- b. the location of the existing or proposed meter(s) for compliance to section (k) of this Rule;
- c. the location of the existing proposed water transporting facilities; and
- d. the location of the proposed or increased use or uses.

4. The General Manager shall determine whether the application, maps, and other materials comply with the requirements of this rule and may require amendment of the application, maps, other.

5. Official Fire Departments in the district are exempt from this rule. An annual report of estimated groundwater usage is beneficial to assist the District in water management.

#### RULE 10 ENFORCEMENT OF RULES

A. All Rules duly adopted, promulgated, and published by this District shall be enforced as provided for under Chapter 36, Texas Water Code and subsequent changes thereto.

B. If it appears that, a person has violated, is violating; or is threatening to violate any provision of the District Rules the Board of Directors may institute and conduct a suit in the name of the District for enforcement of Rules through the provisions of Chapter 36.102 Texas Water Code.

C. Violation of any District Rule shall be subject to a civil penalty not to exceed \$10,000 per day per violation and each day of a continuing violation constitutes a separate violation. SCGCD will use the following guidelines in implementing official action concerning violations of SCGCD Rules and operating permits:

1. Official letter from SCGCD
2. Hearing at regular Board meeting
3. Revocation of permit or ability to use well
4. Apply Rule 10 civil penalties as decided by Board

D. The District may enforce this chapter, and its Rules, by injunction, mandatory injunction, or other appropriate remedy, in a court of competent jurisdiction.

E. The Board may set reasonable civil penalties for breach of any Rule of the District which penalty shall not exceed the jurisdiction of a justice court, as provided by Section 27.031, Government Code.



F. A penalty under this section is in addition to any other penalty provided by the law of this state and may be enforced by complaints filed in a court of competent jurisdiction in Starr County, Texas.

G. 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.

H. In the event that the violator of a District Rule refuses to pay a monetary fine or comply with other provisions of the fine imposed by the District, the District may deny the violator of future privileges provided by the District Rules until the conditions of the fine have been remedied.

## RULE 11 REGISTRATION/PERMITS RULE

### 11.1 REGISTRATION OF NEW WELLS

A. It is a violation of these Rules for a well owner, well operator, or water well driller to drill any well without the water well registration form being filed with and approved by the District. This includes the GPS location determined by a representative of the District.

B. All new wells must be registered by the well owner, well operator, or water well driller prior to being drilled. The District staff will review the registration and make a preliminary determination on whether the well meets the exclusions or exemptions provided in Rule 12.8. Providing the preliminary determination is ruled the well is excluded or exempt, the registrant may begin drilling immediately upon receiving the approved registration. After an exempt well is completed and in operation, information required under Rule 11.2 must be provided to the District within 30 calendar days.

### RULE 11.2 REQUIREMENT OF DRILLER'S LOG, CASING, AND PUMP DATA

Complete records shall be kept, and reports thereof made to the District, concerning the drilling, equipping and completion of all wells drilled. Such records shall include an accurate driller's log, any electric logs that have been made, and any additional data concerning the description of the well, its discharge, and its equipment as may be required by the Board. Such reports shall be filed with the District Board at its office in Goliad, Texas, within 30 days after completion of the well.

### RULE 11.3 TIME DURING WHICH A DRILLING PERMIT OR REGISTRATION SHALL REMAIN VALID

Except as provided in the Rules, any drilling permit or registration granted shall expire if the work is not completed within 60 days from the date of approval by the Board. It shall thereafter be void. The Board, for good cause, may extend the life of such permit for an additional 60 days if an application for such extension shall have been made to the Board during the first 60-day period. When it is made known to the Board that a proposed project will take more time to complete, the Board, upon receiving written application, may grant such time, as is reasonably necessary to complete such project. Well locating fees are not refundable.

### RULE 11.4 REGISTRATION OF GRANDFATHERED WELLS

A. Registration of wells that are grandfathered under Rule 12.8(g) is voluntary. The Board recommends that all Grandfathered wells be registered so that these wells can be protected and that their Grandfathered status can be guaranteed.

B. If a well that qualifies to be grandfathered is not registered by Feb. 6, 2004, the owner must show proof of ownership of a well or wells, prior to this date, to receive Grandfathered status after that date for the purpose of establishing historical use. Proof can be well drillers logs, a drilling receipt, third party confirmation of existence of wells, or dated document showing ownership and existence of wells prior to February 6, 2003.

C. All Grandfathered wells are subject to verification by the Board.



RULE 12.1 HISTORIC GROUNDWATER USE

A. A historic use well is a well that is “grandfathered” under the provisions of Rule 12.8(g), is registered under the provisions of Rule 11.4, and continues to be used for the same purpose(s) and quantity for which it was used prior to receiving grandfathered status. A historic use well applies only to wells that are producing groundwater for use within the District. A historic use well maintains an exempt status as long as it meets these requirements.

B. The District will review all registered grandfathered wells that exist on the date that this rule is adopted to identify those wells that are capable of producing more than 25,000 gallons per day. The District will verify the well data with the owner and after verification will issue a Historic Use Allocation Certificate (HUAC). The purpose of a HUAC is to assist the District in accurately determining the amount of groundwater being used (allocated) in the District. In determining the amount of groundwater used, drought conditions need to be considered. Allocation of available groundwater is most critical during drought conditions.

C. The HUAC shall include the number of the grandfathered well registration, the name of the landowner, and the description of the tract of land on which the well or well system is located.

D. The HUAC shall include the following information to the extent that the information is available to the user through the exercise of reasonable and diligent efforts:

1. The use(s) of the water for which the well was drilled.
2. Annual average estimated groundwater production history of the well.
3. The maximum annual production of the well or well system, and in what year(s).

E. The HUAC is issued to the property owner and heirs for the use(s) designated. The HUAC is transferable to a new property owner only if the use(s) is (are) the same as that of the previous owner.

F. There is no known historic long term export of groundwater from the District. A HUAC is intended for in District use of groundwater only and is not applicable to any export of groundwater from the District. Any identification in the future of historic use of groundwater that is not covered under this rule will be addressed by the Board in a fair and equitable manner.

G. Historic use wells that have not been registered at the time of adoption of this rule must follow the procedure outlined in Rule 11.4(b) to establish grandfathered status before being eligible to receive a HUAC.

H. Registration for a HUAC is voluntary. The sign up period to issue a HUAC for wells that are registered at the time this rule is adopted is until December 31, 2007. The sign up period for a HUAC for additional grandfathered wells established under Rule 12.1(g) is six (6) months or December 31, 2007.

I. Change in use of a HUAC well and/or increased use over its production history invalidates the HUAC and subjects this groundwater use to permitting.

**HISTORIC USE GROUNDWATER ALLOCATION CERTIFICATE # \_\_\_\_\_**  
**STARR COUNTY GROUNDWATER CONSERVATION DISTRICT**  
100 N. FM 3167, Rio Grande City, TX 78582  
(956) 716-4800 FAX: (956) 487-8709

**INSTRUCTIONS:**

Complete one form for each grandfathered well covered by a SCGCD Water Well Registration which is capable of pumping more than 25,000 gallons per day.

1. **Well no.** \_\_\_\_\_
2. **Name and Address of Well Owner:**  
\_\_\_\_\_  
\_\_\_\_\_
3. **Description of the Tract of Land:**  
\_\_\_\_\_  
\_\_\_\_\_
4. **Historic Use of Water was for:**  
 Domestic/Public     Industrial     Irrigation     Other (Explain)  
**Irrigation Users: Type of Crop** \_\_\_\_\_  
**Acres Irrigated** \_\_\_\_\_
5. **Groundwater Withdrawal: (Historic)**  
a. **Annual Average Estimated Groundwater Use** \_\_\_\_\_  
b. **Maximum Annual Production of Well or Well System** \_\_\_\_\_  
**Year(s)** \_\_\_\_\_
6. **How did you determine the amount of water used?**  
 Meter     Acres Irrigated     Storage Tank  
 Number of Livestock Watered  
 Other

\_\_\_\_\_  
Additional comments may be attached.

THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY ABILITY.

**Date:** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Telephone No.** \_\_\_\_\_

SCGCD Approval \_\_\_\_\_ **Date:** \_\_\_\_\_

## RULE 12.2 GENERAL PERMITTING POLICIES AND PROCEDURES

A. Drilling Permit Requirement - The well owner, well operator, or any other person acting on behalf of the well owner, must file a completed well registration for a water well drilling permit before a well may be drilled. No person shall hereafter begin to drill a well, or perforate an existing well, or increase the size of a well, or a pump therein, so that the well could reasonably be expected to produce in excess of 25,000 gallons of water per day, without having first applied to the District and received a permit to do so, unless the drilling and operation of the well is exempt by law or by these Rules. An applicant may commence the drilling of a well when his application has been approved and a permit issued by the District Board of Directors. A permit issued by the District Board of Directors shall not be a guaranty of the availability of water.

1. An application for a well drilling permit is subject to spacing and production limitations.

2. Even though exempt by law from permitting under Chapter 36.117 of the Texas Water Code and amendments thereto all new wells must be registered with the District on a form provided by the District prior to the drilling of the well. See Appendix. All such wells shall be equipped and maintained in accordance with these Rules as to drilling, installation of casing, completion, pipe and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir. The District will designate the registration number for each exempt well located within the District Boundaries.

B. Operating Permit Requirement - Within 30 days after a well is drilled, the well owner or well operator must file a completed operating permit application, if not previously issued, prior to operating the well. The operating permit must be approved by the Board of Directors and remain permitted until an operating permit is no longer required for the well/well system. See Appendix.

C. Permit Applications - Each Original application for a water well drilling permit, operating permit, and permit renewal requires a separate application. Application forms will be provided by the District and furnished to the applicant upon request. The application for a permit must be in writing and sworn. See Appendix.

D. Notice of Permit Hearing - Once the District has received a completed original application for a water well drilling permit and/or operating permit, the General Manager, or Board will issue written notice indicating a date and time for a hearing on the application in accordance with these rules. The District may schedule as many applications at one hearing as deemed necessary.

E. Decision and Issuance of Permit. In deciding whether or not to issue a permit, and in setting the terms of the permit, the Board must consider the District Rules and whether:

1. The application conforms to the requirements prescribed by Chapter 36 and is accompanied by the prescribed fee;
2. The proposed use of water unreasonably affects existing groundwater and surface water resources or existing permit holders;
3. The proposed use of water is dedicated to any beneficial use;
4. The proposed use of water is consistent with the District's certified Water Management Plan;
5. The applicant has agreed to avoid waste and achieve water conservation; and
6. The applicant has agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure.

F. Operating Permits. On approval of an application, the District shall issue an Operating Permit to the applicant. The permittee's right to produce shall be limited to the extent and purposes stated in the permit. The permit shall be valid for a period of 3 years, at which time the permit may be renewed. Operating permits are site specific, and a permitted groundwater production allowance is restricted to production from the permitted well. A permit shall not be transferable except as provide in Rule 12.4.

G. Effect of Acceptance of Permit. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of an agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions contained in the permit.

H. An operating permit shall be considered for renewal if the permittee has been in compliance with the conditions of the permit and the District rules. After review of the permit and any public input related to the permitted well, the Board, at a regularly scheduled meeting may grant a three year permit renewal. A permit renewal can be granted only for the original or reduced pumping allocation. After review of public input, the Board may choose to subject the operating permit renewal to a public hearing. A new operating permit fee would not be applicable.

I. The Board may issue a drilling permit and operating permit at the same hearing. The Board reserves the right to defer a decision on the operating permit until after the well has been drilled and well data has been provided. The operating permit fee is payable at the time the operating permit application is filed. If the well is not drilled and the operating fee was paid prior to drilling, the operating fee will be refunded. If the well is drilled and the operating fee was paid prior to drilling, the operating fee will be refunded only if the drilling operation was unsuccessful and the hole is properly plugged.

#### RULE 12.3 OPERATING PERMIT REQUIRED

Within 30 days of completion of drilling a new non-exempt well, the owner or operator of the well shall file with the District, on forms provided by the District, an application for a Water Well Operating Permit. The application shall reference the drilling permit number assigned to that well by the District. The operating permit must be approved by the Board of Directors after public hearing and remain permitted until an operating permit is no longer required for the well/well system. See Appendix 20C.

#### RULE 12.4 OPERATING PERMIT PROVISIONS

All permits are granted subject to these rules, orders of the Board, and the laws of the State of Texas. In addition to any special provisions or other requirements incorporated into the permit, each permit issued must contain the following standard permit provision:

A. This permit is granted in accordance with the provisions of the Rules of the District, and acceptance of this permit constitutes an acknowledgment and agreement that the permittee will comply with the Rules of the District.

B. This permit confers only the right to operate the permit under the provisions of Rule 12.6. To protect the permit holder from the illegal use by a new landowner, within 10 days after the date of sale, the operating permit holder must notify the District in writing the name and contact information of the new owner. Any person who becomes the owner of a currently permitted well must, within 20 calendar days from the date of the change in ownership, file a transfer of ownership application to affect a transfer of the permit.

C. Production from non-exempt wells except those covered under Rule 12.4 (E) shall be reported annually by the operator on a form provided by the District. If reports are not returned on time, penalties as described in Rule 10 of the GCGCD Rules will be applied and renewal of permit may be denied.

D. The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner.

E. Production from all non-exempt wells for water sales in or outside of the District must be metered by the owner or operator using a device or method that is within plus or minus 2% of accuracy. Measured or estimated water use shall be reported to the District monthly. Water use may be verified by District. Water sales may be verified by the District.



F. The well site must be accessible to District representatives for inspection, and the permittee agrees to cooperate fully in any reasonable inspection of the well and well site by the District representatives.

G. The application pursuant to which this permit has been issued is incorporated in this permit, and this permit is granted based on and contingent upon the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of the permit.

H. Violation of this permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawal, is punishable by civil penalties as provided by the District Rules.

#### RULE 12.5 OPERATING PERMIT LIMITATIONS

A. Maximum Authorized Withdrawal. It is a violation of these rules to pump any amount of water over the authorized permit amount.

B. Operating Permit Required. It is a violation of these rules to pump a well while awaiting approval by the Board of Directors.

#### RULE 12.6 PRODUCTION LIMITATIONS

A. To fulfill its obligation for conservation and protection of groundwater for all in County users, Starr County Groundwater Conservation District shall maintain rules to manage the Gulf Coast Aquifer on a sustainable basis, such that groundwater available for use equals the estimated recharge to the aquifer; To that end Starr County Groundwater Conservation District shall work with other Groundwater Conservation Districts in the management area to achieve that common goal.

B. Individual permits shall specify allowable pumping rates subject to curtailed rates in the event that monitored water levels drop below levels designated in the permit. The maximum allowable drawdown is 10 feet at the permit boundary.

C. Subject to pumping limits imposed due to water level decline, in no event may a well or well system be operated such that the total annual production exceeds ½ (one half) acre foot of water per acre, per year, owned or operated, within the same section.

D. A well or well system may only be permitted to be drilled and equipped for the production of a cumulative total of ten (10) gallons per minute (GPM) per contiguous acre owned or operated.

E. Due to the complexity and variable nature of the Gulf Coast Aquifer in Starr County, the maximum allowable well size is based on the location in the county. Refer to the section map in the appendix dividing the county into 3 sections: the north zone, the central zone (San Antonio River Basin), and the south zone.

#### **Pumping limits for each zone:**

**North zone (Evangeline Aquifer)** – 400 gallons per minute and the well is a minimum of 300' deep

**Central zone (Evangeline Aquifer)** – 600 gallons per minute and the well is a minimum of 500' deep

**South zone (Evangeline Aquifer)** – 800 gallons per minute and the well is a minimum of 700' deep

**South zone (Chicot Aquifer)** – 400 gallons per minute

These values are for single well systems and may be reduced for multiple well applications based on water quality and drawdown data. Wells screened in multiple aquifers can be permitted for greater capacities as determined by the Board at the operating permit hearing and approval.

F. In-County utilities that supply water to the public may use part of the acreage within their service area to meet the production acreage requirement if the well is located or to be located within their service area.

### RULE 12.7 WELL SPACING REQUIREMENTS

- A. For exempt domestic wells incapable of producing more than 25,000 GPD, a new well may not be drilled within 135 feet from the property line or water rights line of any adjoining landowner or the boundary line of a water rights owner. The minimum distance from the property line shall always be a minimum of 50 feet for those whose applications do not meet the 135 foot rule.
- B. Minimum distance from any existing or proposed septic system whether on owner's property or adjacent property, must meet county standards.
- C. The spacing for permitted wells is established by the permitted flow in GPM and the cumulative rate established in Rule 12.6. The minimum distance from the property line of any non-participating adjoining landowners is one-half the minimum well spacing distance. Example: Multiple wells producing 500 GPM,  $500 \text{ GPM} = 807 \text{ acre feet per year} = 1,614 \text{ acres owned, leased per well}$ ;  $500 \text{ GPM divided by } 10 \text{ GPM per contiguous acre} = 50 \text{ acres per well spacing} = 1,476 \text{ feet between wells}$ .
- D. All subdivisions platted after Jan. 1, 2003 shall meet district well spacing rules.
- E. In determining the minimum distance from the property line for a new well, the District may grant a variance to the standard rules provided that the minimum water rights acreage requirement is met. The District shall apply reasonable judgment in applying this rule when the shape of the property or other obstacles would create a hardship to the well owner to meet the standard rules. The minimum distance of 50' from the property line referred to in 12.7(A) shall apply.

### RULE 12.8 EXCLUSIONS AND EXEMPTIONS

The permit requirements in Rule 12.2 do not apply to:

- A. A well drilled or equipped such that it is incapable of producing more than 25,000 gallons of groundwater per day for domestic use such as for drinking water, cooking, and washing; provided that the minimum acreage is 1.7 acres.
- B. A well used for providing water for livestock or poultry on a tract of land larger than ten (10) acres that is either drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day;
- C. A well used solely for domestic use on a tract of land less than 1.7 acres provided that the maximum pumping capability is adjusted on the basis of 10 gallons per minute per acre, i.e. a tract of 1.1 acres has a maximum pumping capacity of 11 gallons per minute and the minimum spacing requirements are met.
- D. Irrigating a garden or orchard, if the produce of the garden or orchard is to be consumed by the individual, family or household;
- E. The drilling of the water well used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas provided that the person holding the permit is responsible for drilling and operation the water well and the well is located on the same lease of field associated with the drilling rig. (See Appendix 20.F) This exemption does not apply to the use of groundwater for the purpose of fracturing an oil or gas well or for the use of groundwater in any application during the production of an oil or gas well. Groundwater use for fracturing an oil or gas well or groundwater used in any way for the production of an oil or gas well is subject to the permitting rules of the District.
- F. The drilling of a water well authorized under a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, or for production from such a well to the extent the withdrawal is required for mining activities regardless of any subsequent use of the water;
- G. All wells drilled prior to adoption of the management plan approved September 11, 2013 shall be "grandfathered", provided that the use of water is within the District.
- H. Water produced by an exempt well may not be sold.
- I. Rule 12.8 shall be in compliance with Chapter 36, State Water Code 36.117

## RULE 12.9 MITIGATION

In order to ensure no significant effects on existing groundwater and/or surface water resources, the District shall require the completion of an evaluation sheet for potential mitigation. The purpose of this evaluation is to determine the possible effects of the application upon the registered or permitted well owners that could be potentially affected by the application. This evaluation must address the eight issues listed below.

This evaluation sheet is to accompany and be part of the drilling permit application hearing by the Board. Based on the provided data such as location of the well(s) in the District, proposed depth and completion zones, permitted acreage, proximity to adjacent landowners and natural features such as springs, the Board will determine for each application any applicable mitigation requirements. The evaluation shall include, but not be limited to the following:

1. The actions and procedures to be taken by the holder of the drilling and production permit in the event that pumping causes the water level in a registered or permitted well to drop to an unacceptable level as defined in the permit.
2. The actions and procedures to be taken by the holder of the drilling and production permit in the event that the pumping from the permitted well causes the water to become objectionable or renders the water unusable to the registered or permitted well owner as defined in the permit.
3. The actions and procedures to be taken by the holder of the drilling and production permit in the event that pumping causes the well casing or equipment to be damaged so that the recorded quality or quantity of water cannot be produced by the registered or permitted well owner.
4. The actions and procedures to be taken by the holder of the drilling and production permit in the event that pumping causes springs or artesian wells used for beneficial purpose to stop flowing.
5. The plan shall also include measures to be taken in cases where the reduction of artesian pressure causes an emergency to arise, which may threaten human or animal health, safety, or welfare.
6. The plan shall also contain a specifically enumerated time schedule for the execution of the mitigation plan as agreed to by the producer and the Board.
7. In the issuance of an operating permit, the Board may require of the operating permit holder the establishment of an escrow fund to protect existing users as required by Texas Water Code Chapter 36.113 and Chapter 36.1131. This escrow fund is to be deposited with the District. The administration and disbursement of this escrow fund is at the sole discretion of the Board.
8. The actions and procedures to be taken in the event that groundwater engagement contaminates a user's drinking water supply.

## RULE 12.10 GEOTHERMAL LOOPS

A. Definition: Closed Loop Geothermal Well, TDLR Chapter 76.10 (10), "A vertical closed system well used to circulate water, and other fluids or gases through the earth as a heat source or heat sink".

1. Application and fee must be submitted to the Starr County Groundwater Conservation District (SCGCD) office before drilling may begin. The District will charge a one-time administrative fee of \$200 for the drilling application for the borehole and /or a series of boreholes. A drilling log shall be filed with the State of Texas and SCGCD. A file will be maintained in the SCGCD district offices of the drilling and equipping.
2. The closed loop geothermal system shall be designed and installed by an accredited installer. The design shall be submitted to SCGCD prior to approving the application. The installer shall notify the district prior to installation.
3. A licensed water well driller shall drill the boreholes. The driller shall notify the district prior to drilling.
4. A SCGCD representative shall be allowed on the property to inspect the drilling of the borehole, installation and sealing of the closed loop piping.
5. Construction of the borehole will follow TDLR regulation described in Technical Standards Chapter 76.1000 (b) (5) of the TDLR rules. "The annular space of a closed loop geothermal well used to circulate water or other fluids shall be backfilled to the total depth with impervious Bentonite or similar material..."
6. Spacing: Any borehole shall be located a minimum horizontal distance of fifty (50) feet from any watertight sewage and liquid-waste collection facility, and a minimum horizontal distance of 100 feet from the nearest property line.

B. Definition: Open Loop Geothermal Well – Groundwater drawn from an aquifer through one well, passed through the heat pump's heat exchanger, and discharged to the same aquifer through a second well at a distance from the first.

1. An open loop geothermal heat sink system into the Chicot or Evangeline Aquifers is prohibited.
2. Groundwater is not to be used to pump into a surface pond for the purpose of serving as a cooling pond. There are limited groundwater supplies and evaporation from a surface cooling water application is categorized as a waste of groundwater.



RULE13REWORKINGANDREPLACINGAWELL

RULE13.1PROCEDURES

- A. An existing well may be reworked, re-drilled, or re-equipped in a manner that will not change the existing well status.
- B. A permit must be applied for and the Board will consider approving the permit, if a party wishes to increase the rate of production of an existing well to the point of increasing the size of the column pipe and gpm by reworking, re-equipping such well.
- C. A permit must be applied for and granted by the Board if a party wishes to replace an existing permitted well with a replacement well.
- D. A replacement well, in order to be considered such, must be drilled within 30 feet of the existing well and shall not be drilled nearer the property line than 50 feet provided the original well was "grandfathered" by registration prior to February 6, 2004. The District may allow a greater distance of 30 feet from the existing well if there is good cause such as providing better safety or providing a greater distance from a potential pollution source. A well drill after February 6, 2004 cannot be considered as a replacement well if the well to be replaced was not registered prior to February 6, 2004. In this case, the newly drilled well will be classified as a new well. For a well to be considered a replacement well, the well that is replaced must be plugged or capped and not be used. . A replacement well must be registered whether it is permitted or not.

RULE14WELLLOCATIONANDCOMPLETION

RULE14.1RESPONSIBILITY

After an application for a well permit has been granted, the well, if drilled, must be drilled within 30 feet of the location specified in the permit, meet other spacing requirements and not elsewhere. If the well should be commenced or drilled at a different location, the drilling or operation of such well may be enjoined by the Board pursuant to Chapter 36, Texas Water Code. As described in the Texas Water Well Drillers' Rules, all well drillers, and persons having a well drilled, deepened, or otherwise altered shall adhere to the provisions of the rule prescribing the location of wells and proper completion.

RULE14.2LOCATIONOFDOMESTICWELLS

- A. A well must be located the minimum horizontal distance from any sewage facility or waste collection facility in compliance with regulations specified by Starr County, SCGCD and Texas Department of Licensing and Regulation rules. S CGCD uses TDLR distance of 50' from a watertight sewage facility and liquid waste collection facility. The minimum distance required from the septic system drain field or spray area will be 100'.
- B. A well must be located a minimum horizontal distance of 150 feet from any contamination, such as existing or proposed livestock or poultry yards, privies.
- C. A well must be located at a site not generally subject to flooding; provided, however, that if a well must be placed in a flood prone area, it must be completed with a watertight sanitary well seal and steel casing extending a minimum of 24 inches above the know flood level.
- D. No well may be located within five-hundred (500) feet of a sewage treatment plant, solid waste disposal site, or land irrigated by sewage plant effluent, or within three-hundred (300) feet of a sewage wet well, sewage pumping station, or a drainage ditch that contains industrial waste discharges or wastes from sewage treatment systems.



RULE 14.3 STANDARDS FOR WATER WELL DRILLERS AND WATER WELL PUMP INSTALLERS

All water wells drilled or re-completed for others in the District must be performed by a licensed driller in accordance with Chapter 340 TCEQ. All water wells drilled and water well pumps installed must be in accordance with Chapter 238 TCEQ.

RULE 15 WASTE AND BENEFICIAL USE

RULE 15.1 WASTE

- A. Underground water shall not be produced within, or used within or outside the District in such a manner as to constitute waste as defined in Rule 1K.
- B. Pumping groundwater into a surface earthen tank that does not hold water is considered waste.
- C. The use of groundwater when alternative water supplies are available may be considered waste.
- D. The use of groundwater for cooling when alternative methods are available may be considered waste.
- E. Any person producing or using groundwater shall use every possible precaution in accordance with reasonable methods to stop and prevent waste of such water.

RULE 15.2 USE FOR A BENEFICIAL PURPOSE

- A. Agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational, or pleasure purposes. The use of groundwater to pump into a surface pond is allowed for a beneficial use but is limited to maximum ½ acre pool. The pond can be of larger dimension.
- B. Exploring for, producing, handling, or treating oil, gas, sulfur, or other minerals.
- C. Any other purpose that is useful and beneficial to the user.
- D. Beneficial use of groundwater is subject to meeting conditions defined in Rule 1 “Waste”.
- E. Beneficial use is subject to the provisions of Rule 12.9 “Mitigation”.
- F. Beneficial use is limited to the provisions of Rule 12.6 “Production Limitations”.
- G. When groundwater is considered for a beneficial purpose other than for drinking water, alternative water supplies should be utilized first.
- H. When groundwater is used for a beneficial purpose, recovery and reuse in the area of withdrawal should be implemented when feasible.

RULE16FEES

Registration of Grandfathered Wells, Replacement Wells and Wells existing prior to 01-01-2014.		No charge
Registration of New Exempt Wells and Wells for Oil and Gas Exploration-Drilling permit for nonexempt well (applied to operating permit if applicable). Registration fees for “after the fact” registrations are double the regular registration fee.		As set by Board
Operating Permit of a Non Exempt Well with a capacity up to:	100 gpm	\$ 100.00
	200 gpm	\$ 200.00
	300 gpm	\$ 300.00
	400 gpm	\$ 400.00
	500 gpm	\$ 500.00
	600 gpm	\$ 600.00
	700 gpm	\$ 700.00
	800 gpm	\$ 800.00

RULE17-reservedforfutureuse

RULE18HEARINGS

RULE18.1TYPESOFHEARINGS

The District conducts two general types of hearing: **hearings involving permit matters**, in which the rights, duties, or privileges of a party are determined after an opportunity for an adjudicative hearing, and **rulemaking hearings** involving matters of general applicability that implement, interpret, or prescribe the law or District policy, or that describe the procedure or practice requirements of the District.

RULE18.2NOTICEOFHEARINGS

A. Rule Making Hearings shall be noticed and conducted according to Chapter 36.101 of the Texas Water Code and any future revisions to Code.

B. Permit Hearings: Permit Applications, Amendments, and Revocations: The District may hold hearings on original permit applications, applications for permit renewals or amendments and permit revocations or suspensions. Notice of permit hearings will be given in accordance with Chapter 36.401 – 419 of the Texas Water Code and any future revisions to Code.

### RULE 18.3 GENERAL PROCEDURES

Presiding Officer: In hearings before the Board, the President of the Board or a Board member selected by the President of the Board shall be the presiding officer.

A. Authority of Presiding Officer: The presiding officer may conduct the hearing or other proceeding in the manner the presiding officer deems most appropriate for that particular proceeding. The presiding officer has the authority to:

1. Set hearing dates, other than the initial hearing date for permit matters set in accordance with Rule 18.1;
2. Convene the hearing at the time and place specified in the notice for public hearing;
3. Establish the jurisdiction of the District concerning the subject matter under consideration;
4. Rule on motions and on the admissibility of evidence and amendments to pleadings;
5. Designate and align parties and establish the order for presentation of evidence;
6. Administer oaths to all persons presenting testimony;
7. Examine witnesses;
8. Issue subpoenas when required to compel the attendance of witnesses or the production of papers and documents;
9. Compel discovery under these Rules;
10. Ensure that information and testimony are introduced as conveniently and expeditiously as possible, without prejudicing the rights of any party to the proceeding;
11. Conduct public hearings in an orderly manner, in accordance with these Rules;
12. Recess any hearing from time to time and place to place;
13. Reopen the record of a hearing for additional evidence, when necessary to make the record more complete; and
14. Exercise any other appropriate powers necessary or convenient, to effectively carry out the responsibilities of presiding officer.

B. Registration Forms: Each individual, attending a hearing or other proceeding of the District, must submit a form providing the person's name and address, whether the person plans to testify; and any other information becomes relevant to the hearing or other proceeding.

C. Appearance: Representative Capacity: Any interested person may appear in person, or may be represented by counsel, engineer, or other representative, provided the representative is fully authorized to speak and act for the principal. Such person or representative may present evidence, exhibits, or testimony, or make an oral presentation in accordance with the procedures applicable to the particular proceeding. A person appearing in a representative capacity may be required to prove proper authority.

D. Alignment of Parties: Number of Representatives Heard: Participants in a proceeding may be aligned according to the nature of the proceeding and their relationship to it. The presiding officer may require the participants of an aligned class to select one or more persons to represent them in the proceeding, or on any particular matter or ruling, and may limit the number of representatives heard, but must allow at least one representative of an aligned class to be heard in the proceeding, or on any particular matter or ruling.

E. Appearance by Applicant or Movant: The applicant, movant or party requesting the hearing, or a representative, should be present at the hearing. Failure to appear may be grounds for withholding consideration of a matter and dismissal without prejudice, or may require the rescheduling or continuance of the hearing, if the presiding officer deems it necessary in order to fully develop the record.

F. Reporting: Hearings and other proceedings will be recorded on audiocassette tape or, at the discretion of the presiding officer, may be recorded by a certified shorthand reporter. The District does not prepare transcriptions of hearings recorded on audiocassette tape on District equipment for the public, but will arrange for a party at interest to have access to the recording. Subject to availability of space, any party at interest may, at its own expense, arrange for a reporter to transcribe or record the hearing. The cost of reporting or transcribing a permit hearing may be assessed in accordance with Rule 18.5(b). If a proceeding, other than a permit hearing, is recorded by a reporter and a copy of the transcript of testimony is ordered by any person, the testimony will be transcribed and the original transcript filed with the papers of the proceeding at the expense of the person requesting the transcript of testimony. Copies of the transcript of testimony of any hearing, or other proceeding thus reported, may be purchased from the reporter.

G. Continuance: The presiding officer may continue hearings from time to time and from place to place without the necessity of publishing, serving, mailing or otherwise issuing a new notice. If a hearing or other proceeding is continued and a time and place for the hearing to reconvene are not publicly announced at the hearing by the presiding officer before it is recessed, a notice of any further setting of the hearing or other proceeding must be delivered, at a reasonable time, to all parties and any other person the presiding officer deems appropriate, but it is not necessary to post at the county courthouses or publish a newspaper notice of the new setting.

H. Filing of Documents; Time Limit: Applications, motions, exceptions, communications, requests, briefs, or other papers and documents required to be filed under these Rules, or by law, must be received in hand at the District's office within the time limit, if any, set by these Rules, or by the presiding officer for filing. Mailing within the time period is insufficient, if the submissions are not actually received by the District within the time limit.

I. Affidavit: Whenever the making of an affidavit by a party to a hearing or other proceeding is necessary, it may be made by the party or the party's representative or counsel. This Rule does not dispense with the necessity of an affidavit being made by a party, when expressly required by statute.

J. Broadening the Issues: No person will be allowed to appear in any hearing or other proceeding that, in the opinion of the presiding officer, is for the sole purpose of unduly broadening the issues to be considered in the hearing or other proceeding.

K. Conduct and Decorum: Every person, party, representative, witness, and other participant in a proceeding must conform to ethical standards of conduct and will exhibit courtesy and respect for all other participants. No person may engage in any activity during a proceeding that interferes with the orderly conduct of District business. If, in the judgment of the presiding officer, a person is acting in violation of this provision, the presiding officer will first warn the person to refrain from engaging in such conduct. Upon further violation by the same person, the presiding officer may exclude that person from the proceeding for such time and under such conditions, as the presiding officer deems necessary.

#### 18.4 UNCONTESTED PERMIT HEARINGS PROCEDURES

A. Informal Hearings: Permit hearings may be conducted informally when, in the judgment of the presiding officer, the conduct of a proceeding under informal procedures will result in a savings of time or cost to the parties, lead to a negotiated or agreed settlement of facts or issues in controversy, not prejudice the rights of any party, and is not objected to by any party.

B. Agreement of Parties: If all parties reach a negotiated or agreed settlement, that settles the facts or issues in controversy, the proceeding will be considered an uncontested case and the presiding officer will summarize the evidence, including findings of fact and conclusions of law based on the existing record and any other evidence submitted by the parties at the hearing.



C. Decision to Proceed as Uncontested or Contested Case: If the parties do not reach a negotiated or agreed settlement of the facts and issues in controversy, or if any party contests a staff recommendation, and the presiding officer determines these issues will require extensive discovery proceedings or hearings, the presiding officer may declare the case to be contested and convene a pre-hearing conference as set forth in Rule 18.5. The presiding officer may also recommend issuance of a temporary permit, for a period not to exceed 4 months, with any special provisions the presiding officer deems necessary, for the purpose of completing the contested case process. Any case not declared a contested case under this provision would be an uncontested case.

#### 18.5 CONTESTED PERMIT HEARINGS PROCEDURES

A. Pre-hearing Conference: A pre-hearing conference may be held to consider any matter that may expedite the hearing or otherwise facilitate the hearing process.

1. Matters that may be considered at a prehearing conference include, but are not limited to:

- a. designation of parties;
- b. formulation and simplification of issues;
- c. necessity or desirability of amending applications or other pleadings;
- d. possibility of making admissions or stipulations;
- e. scheduling discovery;
- f. identification of and specification of the number of witnesses;
- g. filing and exchange of prepared testimony and exhibits; and
- h. procedure at the hearing

2. Notice: A pre-hearing conference may be held at a date, time and place stated in the notice given in accordance with Rule 18.2 or at the date, time, and place for hearing stated in the notice of public hearing, and may be continued from time to time and place to place, at the discretion of the presiding officer.

3. Conference Action: Action taken at a pre-hearing conference may be reduced to writing and made a part of the record, or may be stated on the record at the close of the conference.

B. Assessing Reporting and Transcription Costs: Upon the timely request of any party, or at the discretion of the presiding officer, the presiding officer may assess reporting and transcription costs to one or more of the parties. The presiding officer will consider the following factors in assessing reporting and transcription costs:

1. The party who requested the transcript;
2. The financial ability of the party to pay the costs;
3. The extent to which the party participated in the hearing;
4. The relative benefits to the various parties of having a transcript;
5. The budgetary constraints of a governmental entity participating in the proceedings;

6. Any other factor that is relevant to a just and reasonable assessment of costs.

In any proceeding where the assessment of reporting or transcription costs is an issue, the presiding officer will provide the parties an opportunity to present evidence and argument on the issue. A recommendation regarding the assessment of costs will be included in the presiding officer's report to the Board.

C. Designation of Parties: Parties to a hearing may be designated on the first day of hearing, or at such other time as the presiding officer determines. The General Manager and any person specifically named in a matter are automatically designated parties. Persons other than the General Manager or a person specifically named must, in order to be admitted as a party, appear at the proceeding in person or by representative, and seek to be designated by demonstrating a justiciable interest in the matter. After parties are designated, no other person may be admitted as a party unless, in the judgment of the presiding officer, there is good cause and the hearing will not be unreasonably delayed.

D. Rights of Designated Parties: Subject to the direction and orders of the presiding officer, parties have the right to conduct discovery, present a direct case, cross-examine witnesses, make oral and written arguments, obtain copies of all documents filed in the proceeding, receive copies of all notices issued by the District concerning the proceeding, and otherwise fully participate in the proceeding.

E. Persons Not Designated Parties: At the discretion of the presiding officer, persons not designated as parties to a proceeding may submit comments or statements, orally or in writing. Comments or statements submitted by non-parties may be included in the record, but may not be considered by the presiding officer as evidence.

F. Furnishing Copies of Pleadings: after parties have been designated, the author must provide a copy of every pleading, request, motion, or reply filed in the proceeding to every other party or the party's representative. A certification of this fact must accompany the original instrument when filed with the District. Failure to provide copies may be grounds for withholding consideration of the pleading or the matters set forth therein.

G. Agreements to be in Writing: No agreement between parties or their representatives affecting any pending matter will be considered by the presiding officer unless it is in writing, signed, and filed as part of the record, or unless it is announced at the hearing and entered of record.

H. Discovery: Discovery will be conducted upon such terms and conditions, and at such times and places, as directed by the presiding officer. Unless specifically modified by these Rules or by order of the presiding officer, discovery will be governed by, and subject to the limitations set forth in, the Texas Rules of Civil Procedure. In addition to the forms of discovery authorized under the Texas Rules of Civil Procedure, the parties may exchange informal requests for information, either by agreement or by order of the presiding officer.

I. Ex Parte Communications: Neither the Presiding Officer nor the Board may communicate, directly or indirectly, in connection with any issue of fact or law with any agency, person, party, or their representatives, except on notice and opportunity for all parties to participate. This provision does not prevent communications with District staff not directly involved in the hearing in order to utilize the special skills and knowledge of the District in evaluating the evidence and does not apply to proceedings other than a contested permit hearing.

J. Compelling Testimony; and Swearing Witnesses: The presiding officer may compel any person to testify who is necessary, helpful, or appropriate to the hearing. The presiding officer shall administer the oath in a manner calculated to impress the witness with the importance and solemnity of the promise to adhere to the truth.

K. Evidence: Except as modified by these Rules, the Texas Rules of Civil Evidence govern the admissibility and introduction of evidence; however, evidence not admissible under the Texas Rules of Civil Evidence may be admitted if it is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. In addition, evidence may be stipulated by agreement of all parties.

L. Written Testimony: When a proceeding will be expedited and the interests of the parties not substantially prejudiced, testimony may be received in written form. The written testimony of a witness, in either narrative or question and answer

form, may be admitted into evidence upon the witness being sworn and identifying the testimony as a true and accurate record of what the testimony would be if given orally. The witness will be subject to clarifying questions and to cross-examination, and the prepared testimony will be subject to objection.

M. Requirements for Exhibits: Exhibits of a documentary character must be of a size that will not unduly encumber the files and records of the District. All exhibits must be numbered and, except for maps and drawings, may not exceed 8-1/2 by 11 inches in size.

N. Abstracts of Documents: When documents are numerous, the presiding officer may receive in evidence only those that are representative and may require the abstracting of relevant data from the documents and the presentation of the abstracts in the form of an exhibit. Parties have the right to examine the documents from which the abstracts are made.

O. Introduction and Copies of Exhibits: Each exhibit offered shall be tendered for identification and placed in the record. Copies must be furnished to the presiding officer and to each of the parties, unless the presiding officer rules otherwise.

P. Excluding Exhibits: In the event an exhibit has been identified, objected to, and excluded, it may be withdrawn by the offering party. If withdrawn, the exhibit will be returned and the offering party waives all objections to the exclusion of the exhibit. If not withdrawn, the exhibit shall be included in the record for the purpose of preserving the objection to excluding the exhibit.

Q. Official Notice: The presiding officer may take official notice of all facts judicially cognizable. In addition, official notice may be taken of generally recognized facts within the area of the District's specialized knowledge.

R. Documents in District Files: Extrinsic evidence of authenticity is not required as a condition precedent to admissibility of documents maintained in the files and records of the District.

S. Oral Argument: At the discretion of the presiding officer, oral arguments may be heard at the conclusion of the presentation of evidence. Reasonable time limits may be prescribed. The presiding officer may require or accept written briefs in lieu of, or in addition to, oral arguments. When the matter is presented to the Board for final decision, the Board may hear further oral arguments.

## 18.6 CONCLUSION OF THE PERMIT HEARING A.

### Hearings before the Board

1. Closing the Record: At the conclusion of the presentation of evidence and any oral argument the presiding officer may either close the record or keep it open and allow the submission of additional evidence, exhibits, briefs, or proposed findings and conclusions from one or more of the parties. No additional evidence, exhibits, briefs, or proposed findings and conclusions may be filed unless permitted or requested by the presiding officer.

2. Time for Board Action on Certain Permit Matters: In the case of hearings before the Board involving original permit applications, or applications for permit renewals or amendments, the Board must act by issuing a written order, within 35 calendar days after the close of the hearing record.

### B. Hearings before a Hearing Examiner:

The board may refer contested case hearings to a hearing examiner. If a hearing examiner conducts the hearing, a brief written summary of the hearing and recommendation of the action shall be prepared by the hearing examiner and provided to the Board for its consideration and decision. A copy of the hearing examiner's report shall be provided to all parties. The hearing shall be considered to have concluded when the parties have had an opportunity to present their written or oral comments on the hearing officer's report to the Board and upon the close of the hearing record.



## 18.7 RULE-MAKING HEARINGS PROCEDURES

A. General Procedures: The presiding officer will conduct the rulemaking hearing in the manner the presiding officer deems most appropriate to obtain all relevant information pertaining to the subject of the hearing as conveniently, inexpensively, and expeditiously as possible.

B. Submission of Documents: Any interested person may submit written statements, protests or comments, briefs, affidavits, exhibits, technical reports, or other documents relating to the subject of the hearing. Such documents must be submitted no later than the time of the hearing, as stated in the notice of hearing given in accordance with Rule 18.2; provided, however, that the presiding officer may grant additional time for the submission of documents.

C. Oral Presentations: Any person desiring to testify on the subject of the hearing must so indicate on the registration form provided at the hearing. The presiding officer will establish the order of testimony and may limit the number of times a person may speak, the time for oral presentations, and the time for raising questions. In addition, the presiding officer may limit or exclude cumulative, irrelevant, or unduly repetitious presentations.

D. Conclusion of the Hearing; Closing the Record; Presiding Officer's Report: At the conclusion of the testimony, and after the receipt of all documents, the presiding officer may either close the record, or keep it open to allow the submission of additional information. If the hearing is before the Board, the Board shall adopt the rule, reject the rule, or reopen the matter for further consideration.

## 18.8 FINAL DECISION; APPEAL

A. Board Action: After the record is closed and the matter is submitted to the Board, the Board may then take the matter under advisement, continue it from day to day, reopen or rest the matter, refuse the action sought or grant the same in whole or part, or take any other appropriate action. The Board action takes effect at the conclusion of the meeting and is not affected by a motion for rehearing.

B. Requests for Rehearing: Any decision of the Board on a matter may be appealed by requesting a rehearing before the Board within 20 calendar days of the Board's decision. Such a rehearing request must be filed at the District Office, in writing, and must state clear and concise grounds for the request. Such a rehearing request is mandatory, with respect to any decision or action of the Board, before any appeal to State District Court. The Board's decision is final, if no request for rehearing is made within the specified time, or upon the Board's denial of the request for rehearing, or upon rendering a decision after rehearing. If the rehearing request is granted by the Board, the date of the rehearing will be within 45 calendar days thereafter, unless otherwise agreed to by the parties to the proceeding. The failure of the Board to grant or deny the request for rehearing, within 90 calendar days of submission, will be deemed to be a denial of the request by operation of law.

## RULE 19 INVESTIGATIONS AND ENFORCEMENT

### RULE 19.1 NOTICES AND ACCESS TO PROPERTY

Board members and District agents and employees are entitled to access to all property within the District to carry out technical and other investigations necessary to the implementation of the District Rules. Prior to entering upon property for the purpose of conducting an investigation, the person seeking access must give notice in writing or in person or by telephone to the owner, lessee, or operator, agent, or employee of the well owner or lessee, as determined by information contained in the application or other information on file with the District. Notice is not required if prior permission is granted to enter without notice. Inhibiting or prohibiting access to any Board Member or District agents or employees who are attempting to conduct an investigation under the District Rules constitutes a violation and subjects the person who is inhibiting or prohibiting access, as well as any other person who authorizes or allows such action, to the penalties set forth in the Texas Water Code Chapter 36.102.



### RULE 19.2 CONDUCT OF INVESTIGATION

Investigations or inspections that require entrance upon property must be conducted at reasonable times, and must be consistent with the establishment's rules and regulations concerning safety, internal security, and fire protection. The persons conducting such investigations must identify themselves and present credentials upon request of the owners, lessee, operator, or person in charge of the well.

### RULE 19.3 SEALING OF WELLS

Following due process, the District may, upon orders from the judge of the courts, seal wells that are prohibited from withdrawing groundwater within the District by the District Rules to ensure that a well is not operated in violation of the District Rules. A well may be sealed when:

1. No application has been made for a permit to drill a new water well which is not excluded or exempted; or
2. No application has been made for an operating permit to withdraw groundwater from an existing well that is not excluded or exempted from the requirement that a permit be obtained in order to lawfully withdraw groundwater; or
3. The Board has denied, canceled or revoked a drilling permit or an operating permit.

The well may be sealed by physical means, and tagged to indicate that the well has been sealed by the District, and other appropriate action may be taken as necessary to preclude operation of the well or to identify unauthorized operation of the well. Tampering with, altering, damaging, or removing the seal of a sealed well, or in any other way violating the integrity of the seal, or pumping of groundwater from a well that has been sealed constitutes a violation of these rules and subjects the person performing that action, as well as any well owner or primary operator who authorizes or allows that action, to such penalties as provided by the District Rules.

**Appendix A**  
**STARR COUNTY GROUNDWATER CONSERVATION DISTRICT**  
**(SCGCD)**

**100 N FM 3167**  
**Rio Grande City, Texas 78582**  
**956-716-4800**  
**FAX: 956-487-8709**

**EXISTING AND NEW WATER WELL REGISTRATION**

Instructions: Complete all questions to the best of your knowledge.  
After January 1, 2014, all new wells are to have a copy of the Drillers well report attached to this registration upon completion and returned to office.

OWNER \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ DATE \_\_\_\_\_

This well is located on the property of: \_\_\_\_\_

Number of contiguous acres of water rights owned at well site \_\_\_\_\_

This well is \_\_\_\_\_ miles \_\_\_\_\_ of Goliad on road number \_\_\_\_\_

Use of well \_\_\_\_\_ Domestic, \_\_\_\_\_ Livestock, \_\_\_\_\_ Irrigation, \_\_\_\_\_ Public Supply,  
\_\_\_\_\_ Industrial, \_\_\_\_\_ Monitor, \_\_\_\_\_ Oil & Gas Exploration  
\_\_\_\_\_ Oil & Gas Production (Requires Permit) \_\_\_\_\_ API# \_\_\_\_\_ Other (specify)

Name of Driller \_\_\_\_\_ Grid# \_\_\_\_\_ Date Drilled \_\_\_\_\_

Registration Expiration Date: \_\_\_\_\_

Casing Size \_\_\_\_\_ in.: Type of Pump \_\_\_\_\_ GPM \_\_\_\_\_ HP \_\_\_\_\_

Remarks \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\*DISTRICT USE ONLY\*\*\*\*\*

Well Registration no. \_\_\_\_\_ Exempt \_\_\_\_\_ Non-exempt \_\_\_\_\_

Water Well Drilling Permit# \_\_\_\_\_ Water Well Operating Permit # \_\_\_\_\_

Latitude \_\_\_\_\_ North Longitude \_\_\_\_\_ West

Static Water Level \_\_\_\_\_ ft. Date measured \_\_\_\_\_ Tester \_\_\_\_\_

Total Dissolved Solids \_\_\_\_\_ PPM: Date Tested \_\_\_\_\_ Tester \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

Signature of person inspecting this well.

## SCGCD WELL REGISTRATION GUIDELINES

General Note: All wells drilled for others must be by licensed drillers.

### GRANDFATHERED WELL

- A well drilled prior to January 1, 2014 provided that the use of water is within the District.
- Registration is voluntary and is to be done by January 1, 2014. After January 1, 2014, proof of ownership prior to January, 2014 is required to receive grandfathered status.

### REPLACEMENT WELL

- Cannot change the existing well use or capacity.
- A replacement well for an existing well must be drilled within 30 feet of the existing well but not nearer than the property line than 50 feet provided that the original well was grandfathered.
- Replacement of an existing permitted well requires a new permit.

### EXEMPT WELL

- Must be registered prior to drilling of the new well.
- A well for domestic use incapable of producing more than 25,000 gallons per day.
- A well on 10 acres or more used to water livestock or poultry and incapable of producing more than 25,000 gallons per day.
- A well to be used solely to supply water for a rig that is actively engaged in oil or gas exploration.
- A new exempt well must be 135 feet from the property line.
- See Rule 14.2 for well location in relation to sewage systems and other contamination.

### NON-EXEMPT WELL

- Must have a drilling permit followed by an operating permit.
- Well spacing is based on permitted flow.
- Maximum well production is dependent on zone location of well within County.

**Oil and Gas Transfer of Well To Landowner**

This form to be filled out by Oil Company when well is transferred to landowner and returned to SCGCD within 30 days of transfer.

**Oil Company Name:** \_\_\_\_\_

**Address :** \_\_\_\_\_  
\_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**Date of Transfer:** \_\_\_\_\_

**Landowners Name:** \_\_\_\_\_

**Address of Landowner:** \_\_\_\_\_  
\_\_\_\_\_

**Telephone Number of Landowner:** \_\_\_\_\_

**Physical Location of Well:**

**Company/Person Contacting SCGCD for Original Well Registration:**

\_\_\_\_\_

**Road Name where well is located** \_\_\_\_\_

**SCGCD Well Registration Number:** \_\_\_\_\_

**API#** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



**Application for Amended Waterwell Permit or Registration (Transfer of Ownership)**

Starr County Groundwater Conservation District

100 N. FM 3167

Rio Grande City, Texas 78582

956-716-4800

956-487-8709– fax

Instructions: Submit this form for each individual well. Send an application for each well to be permitted or registered to the above address as soon as possible to stay within the 10 or 20 day deadline allotted to transfer ownership.

Rule 2.6 of the SCGCD Rules allows for the transfer of ownership a ministerial act upon filing the required information. But if a change of usage is requested, the request may require Board action.

Rule 12.4.B states the time allowed to affect a transfer of a permitted well after you buy or sell property in Starr County.

SCGCD Well # or Permit #
Current Permittee or Owner(print)
New Owner (print)
Mailing Address
Physical Address if Different
Telephone #:                      State:                      Zip Code:
Date of Ownership Change:
I CERTIFY THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY ABILITY.
Applicant/Agent Name: (print)
Please enter your email address:
Date application filed with District:
Applicants Signature:
Comments:

**STARR COUNTY GROUNDWATER CONSERVATION DISTRICT**  
**100 N. FM 3167**  
**Rio Grande City, TX 78582**  
**NOTICE TO PURCHASER**

TO PURCHASER SHOWN BELOW:

The real property described below, which you are about to purchase, is located in the STARR COUNTY GROUNDWATER CONSERVATION DISTRICT, STARR County, Texas. The District has taxing authority separate from any other taxing authority, and may, subject to voter approval, issue an unlimited amount of bonds. As of this date, the most recent rate of taxes levied by the district on real property located in the District is \_\_\_\_ on each \$100 assessed valuation. The total amount of bonds that has been approved by the voters and which have been or may, at this date, be issued is \_\_\_\_. The purpose of the Starr County Groundwater Conservation District, as required by the Texas Water Code, Chapter 36, is to provide for conserving, preserving, and protecting the groundwater and prevention of waste of the groundwater resources, over which it has jurisdictional authority, for the benefit of the people that the District serves. The legal description of the property ("A") which you are acquiring is as follows:

See Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

Seller's Printed Name \_\_\_\_\_  
Seller's Signature \_\_\_\_\_  
Seller's Printed Name \_\_\_\_\_  
Seller's Signature \_\_\_\_\_  
Seller's Mailing Address \_\_\_\_\_  
Seller's Physical Address in Goliad County, if different from Mailing address \_\_\_\_\_

The undersigned purchaser hereby acknowledges receipt of the forgoing notice prior to closing of the purchase of the real property described in such notice. The purchaser is to contact the Starr County Groundwater Conservation District at 956-716-4800 or 100 N. FM 3167, Rio Grande City, TX 78582 within 30 days after closing to transfer or register the water wells on this property.

Purchaser's Printed Name \_\_\_\_\_  
Purchaser's Signature \_\_\_\_\_  
Purchaser's Printed Name \_\_\_\_\_  
Purchaser's Signature \_\_\_\_\_  
Purchaser's Mailing Address \_\_\_\_\_

Date: \_\_\_\_\_

After execution of this document please return a copy to SCGCD, 100 N. FM 3167, Rio Grande City, Texas or fax to 956-487-8709.

Appendix B  
Starr County Groundwater Conservation District Application for  
Water Well Drilling Permit

Date of Application: \_\_\_\_\_

Instructions: Complete all questions. Please print or type. An incomplete application is grounds for refusal. Read Rule 12 of SCGCD Rules before completing.

Place an "X" in the appropriate space.

Drill New       Equip New       Rework       Re-equip       Alter

I. Owner \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Operator \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Well Location: Latitude \_\_\_\_\_ North Longitude \_\_\_\_\_ West

Use Non-Parallel Lines) this well is located \_\_\_\_\_ feet from the \_\_\_\_ (direction) property line, and \_\_\_\_\_ feet from the \_\_\_\_ (direction) property line, and \_\_\_\_\_ feet \_\_\_\_ (direction) from road number \_\_\_\_\_

I. Name of Driller \_\_\_\_\_ Texas Water Well Drillers License No. \_\_\_\_\_

Proposed Depth of Well \_\_\_\_\_ Aquifer \_\_\_\_\_

Date Drilling Scheduled to Begin \_\_\_\_\_ Proposed Pump size to be installed in HP \_\_\_\_\_

Maximum Rate of Production in GPM \_\_\_\_\_

Number of contiguous acres owned by landowner or water right holder upon which the well is to be located \_\_\_\_\_

List other wells producing from same strata located on such property as to well number and distance from proposed well location \_\_\_\_\_

List all surrounding landowners whose property adjoins your property with addresses and telephone numbers \_\_\_\_\_

Comments : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I agree that this well will be drilled within thirty (30) feet of the location specified, and that I will furnish the District the complete Well Registration form and Driller's Log (well report provided by driller), and any mechanical log that might be made, within 60 days of completion of this well. I agree to abide by the rules of the Starr County Groundwater Conservation District, The District Management Plan, and orders of the Board of Directors. Furthermore, I agree not to produce this well without a valid operating permit, and not to exceed the production allowance of the Operating Permit. All the information provided in and with this application is true and correct to the best of my knowledge.

Failure to comply with the rules, management plan and orders of the Board of Directors is subject to penalties established by the Board of Directors of the SCGCD and rule 10 of the Starr County Groundwater Conservation District Rules and Chapter 36 of the Texas Water Code.

Signature of Water Rights Holder

Date: \_\_\_\_\_

Percentage of water rights owned: \_\_\_\_\_

Signature of Landowner, if different

Date: \_\_\_\_\_

\*\*\*\*\*District Use Only\*\*\*\*\*

Deposit Received \_\_\_\_\_ Check \_\_\_\_\_ Check No. \_\_\_\_\_ Cash \_\_\_\_\_

Permit Number \_\_\_\_\_ Valid Until \_\_\_\_\_ Field Inspection \_\_\_\_\_ Mapped \_\_\_\_\_

S.C.G.C.D. Well No. \_\_\_\_\_

Confirmation of contact with adjoining landowners:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This permit is approved, subject to the rules of the Starr County Groundwater Conservation District

Signature of SCGCD personnel and Title



Appendix C  
Starr Groundwater Conservation District Water  
(SCGCD)  
100 N FM 3167  
Well Operating Permit

INSTRUCTIONS: Complete all questions. Please type or print. An incomplete permit is grounds for denial of permit.

I. Date of Application: \_\_\_\_\_

Owner \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Operator \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Aquifer \_\_\_\_\_ Total Depth \_\_\_\_\_ ft. Screened or Perforated Interval \_\_\_\_\_ ft.

Pump will be set at \_\_\_\_\_ depth

Head pressure (if known) \_\_\_\_\_ lbs.

Well Location: Latitude \_\_\_\_\_ North Longitude \_\_\_\_\_ West

Total GPM Capable of Being Produced by this Pump \_\_\_\_\_

Normal Rate of Production \_\_\_\_\_ GPM

Make and Model of Pump \_\_\_\_\_

Horse Power \_\_\_\_\_

Percent of efficiency of pump \_\_\_\_\_

Proposed Well Use: \_\_\_\_\_ Domestic \_\_\_\_\_ Irrigation \_\_\_\_\_ Public supply \_\_\_\_\_ Livestock  
\_\_\_\_\_ Industrial \_\_\_\_\_ Injection \_\_\_\_\_ Oil and Gas Production \_\_\_\_\_ Other (Please Specify Below)

Comments and special provisions of permit:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Names, addresses and telephone numbers of adjoining landowners:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

II. ANNUAL PRODUCTION (Subject to Pumping limits due to water level decline)

a. Number of contiguous acres owned or leased on which water is to be produced: \_\_\_\_\_ acres

b. Volume of water per acre, per year requested: \_\_\_\_\_ acre-feet or \_\_\_\_\_ gallons

c. Total annual production (a x b): \_\_\_\_\_ acre-feet or \_\_\_\_\_ gallons

III. The permitting process will include a review of the permit as defined in Adopted Rules of SCGCD

I have read and agree to abide by these rules.

Landowner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Water Rights Holder Signature \_\_\_\_\_ (\_\_\_\_)Date: \_\_\_\_\_

IV. I have received and understand the SCGCD Drought Contingency Plan and how it applies to nonexempt wells in Starr County.

Landowner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Water Rights Holder Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Percentage of water rights held: \_\_\_\_\_

V. The above information is true to the best of my knowledge and I understand that signing this application does not mean approval of this operating permit.

Landowner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

VI. PRODUCTION TERMS AND AGREEMENT: I agree to abide by the terms of the District Rules, the District Management Plan, and orders of the Board of Directors. I agree to report to the District, on or before the 31st day of January of each year, the total volume of water produced in the prior year, and not to exceed the stated annual rate of production. Furthermore, I agree to abide by the terms of this permit, and understand that failure to do so will result in civil penalties and/or revocation of this permit. I understand that if this property is sold, I have 10 days to notify the District of the sale and name and contact information for the new owner (Rule 12.4 B).

I also understand that it is my responsibility to notify the District of any change of address from the one on the application. If the District tries to contact me by mail and is unsuccessful because of change, it will be as though contact has been made and any action the District takes may proceed.

Failure to comply with the rules, management plan and orders of the Board of Directors is subject to penalties established by the Board of Directors of the SCGCD and rule 10 of the Starr County Groundwater Conservation District Rules and Chapter 36 of the Texas Water Code.

Landowner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Water Rights Holder Signature: \_\_\_\_\_ Date: \_\_\_\_\_

VII. MITIGATION: If your permit qualifies for implementation of Rule 12.9 of the GCGCD Rules, a mitigation plan will be submitted that addresses all the issues outlined in that rule (current adoption).

\*\*\*\*\*DISTRICT USE ONLY\*\*\*\*\*

Deposit Received Date: \_\_\_\_\_ Check # \_\_\_\_\_ Cash \_\_\_\_\_ Amount \_\_\_\_\_  
This permit is Approved For: \_\_\_\_\_ acre-feet or \_\_\_\_\_ gallons of  
water per year  
(Subject to Pumping limits due to water level decline)

Field Inspection \_\_\_\_\_ Mapped \_\_\_\_\_

Date Received \_\_\_\_\_

This permit is accepted, subject to the rules of the Goliad County Groundwater Conservation District

Permit Number \_\_\_\_\_ This permit shall remain valid until \_\_\_\_\_

S.C.G.C.D. Well No. \_\_\_\_\_ Date : \_\_\_\_\_

Additional comments or provisions:

\_\_\_\_\_  
\_\_\_\_\_

Confirmation of contact with adjoining landowners:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Director - Title \_\_\_\_\_

MITIGATION RULE 12.9 WORKSHEET  
TO BE ATTACHED AND MADE A PART OF THE PERMIT  
DRILLING PERMIT NUMBER  
OPERATING PERMIT NUMBER

Permit applicant \_\_\_\_\_

Groundwater Use \_\_\_\_\_

Permit pumping request \_\_\_\_\_ gpm

Permit pumping request \_\_\_\_\_ acre feet per year

Permit acreage \_\_\_\_\_

Well location minimum distance from property line \_\_\_\_\_

Minimum depth of well \_\_\_\_\_

Proposed location gps \_\_\_\_\_ N \_\_\_\_\_ W (Rule 11.1)

Further evaluation required, Yes \_\_\_; No \_\_\_\_\_

1. Affect on water level on adjoining properties. Rule 12.6B provides for a maximum drawdown at the permit boundary line of 10 feet. For export of water out of county Rule 8 is applicable.

List known wells and approximate location on adjoining properties

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant lists any wells on applicant property that can be used to monitor water level

\_\_\_\_\_

List wells on adjacent properties that can be used to monitor water level

\_\_\_\_\_

Applicant/SCGCD Board action

\_\_\_\_\_

2. Affect of water quality on adjoining properties wells listed in item 1.

Applicant/SCGCD Board action \_\_\_\_\_

\_\_\_\_\_

3. Mechanical damage to adjoining properties wells.

SCGCD Board to use data from items 1 and 2 to determine requirements \_\_\_\_\_

\_\_\_\_\_

4. Effect on springs or artesian wells.

List all known springs and artesian wells on adjoining properties and applicant property

\_\_\_\_\_

\_\_\_\_\_



5. Reduction of artesian pressure effects.

Applicant/SCGCD Board action \_\_\_\_\_

\_\_\_\_\_

6. Time schedule for implementation of requirements in items 1-5

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Establishment of an escrow fund.

SCGCD Board action \_\_\_\_\_

\_\_\_\_\_

8. Contamination of groundwater by applicant.

SCGCD Board action \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signatures:

Applicant \_\_\_\_\_ Date: \_\_\_\_\_

SCGCD \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

STARR COUNTY GROUNDWATER CONSERVATION DISTRICT  
100 N. FM 3167,  
RIO GRANDE CITY, TEXAS 78582

September 17, 2013

To: Certified water well drillers  
Subject: Compliance with County Groundwater Conservation District (SCGCD)  
Rules

In order for SCGCD to achieve its mission and to strive to assure long-term availability of adequate good quality groundwater for and surrounding Counties, in compliance with SCGCD rules by water well drillers is imperative.

The rules of SCGCD became effective September 17, 2013. SCGCD has received excellent cooperation from most water well drillers. The first rule is that all water wells must be registered prior to drilling. This includes water wells for oil & gas exploration (drilling). This gives the District an opportunity to check location and to get the necessary data to manage groundwater in Starr County.

Rule 10 covers the enforcement of rules and sets a civil penalty not to exceed \$10,000 per violation.

At the September 17, 2013 meeting, the Board approved specific penalties for water well drillers that are out of compliance as follows:

First offense- \$1,000 fine and notification to State.

Second offense- \$5,000 fine and notification to State.

Third offense- \$10,000 fine, notification to State and loss of privilege to drill water wells in Starr County.

This penalty schedule goes in affect with receipt of this notice by certified mail, return receipt requested, to the water well drillers.

Sincerely,  
Reyna G. Guerra, Secretary  
SCGCD

APPENDIX E

STARR COUNTY GROUNDWATER CONSERVATION DISTRICT

100 N. FM 3167 Rio Grande City, TEXAS 78582

Phone -956-716-4800 fax - 956-487-8709

Board of Directors:
Baldemar Garza - Chair
Humberto Vasquez - Vice-Chair
Reyna G. Guerra - Secretary
Aurora Garza - Treasurer
Rose Benavidez - Member

DATE \_\_\_\_\_

TRANSPORT PERMIT APPLICATION

Instructions: Please type or print legibly. This application is to be used for authorization to transport water produced from a non-exempt well off the property from which the water is produced, for use within the District. Rule 9 of the District Rules govern the issuance of transportation permits. Rule 12.2 - 12.9 of the District Rules governs the issuance of permits for wells. In addition to this permit, the well or wells producing water to be transported under this permit must have valid operating permits issued in accordance with the provisions of Rules 9&12 of the District Rules.

1. Applicant

The applicant for this authorization is the well: (check all that are applicable)

\_\_\_\_\_ Owner \_\_\_\_\_ Operator \_\_\_\_\_ Property Owner

2. Application Purpose

Application is hereby made to the Starr County Groundwater Conservation District for authorization to transport a quantity of water produced from a groundwater well located with the District for use outside of the District. Rule 9 (a) (1) of the SCGCD Rules states "Every person who produces water from permitted wells located, within the District, when all or any part of such water is transported for use, or for intended use, off the property from which the water is produced, but within the District, must register the production under this Rule, unless the production is covered by a permit under Rule 8. The term 'property from which water is produced', as used in this subsection, shall be construed to mean water rights owned by an entity within a continuous perimeter boundary situated within the district. Transportation of water requiring registration under this Rule includes transportation by pipeline, vehicle, channel, ditch, watercourse or other natural or artificial facilities, or any combination of such facilities."

3. Applicant information

Applicant: \_\_\_\_\_

Contact Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

(If different from applicant or if applicant is a business, corporation, governmental entity, estate, trust, etc.)

Contact Telephone Number: \_\_\_\_\_

Contact Fax Number: \_\_\_\_\_

Contact E-mail Address: \_\_\_\_\_

Water Rights Owner Information if different from applicant:

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail address: \_\_\_\_\_

**4. Proposed Use of Water Produced**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach a statement of the nature and the purpose of the proposed use or uses and the amount of the transported water to be used for each purpose if more space is required.

**5. Well Information**

Submit this information for each well to be used to produce water to be transported under this permit to a destination outside the District for use outside the boundaries of the District.

Starr County Groundwater Conservation District well number; \_\_\_\_\_

Location of Well: Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Latitude: \_\_\_\_\_ North Longitude: \_\_\_\_\_ West

Status of well as of application date:

\_\_\_\_\_ Operating Well (Date drilled \_\_\_\_\_)

\_\_\_\_\_ Well Completed but not operating (Date Drilled \_\_\_\_\_)

\_\_\_\_\_ Well Drilling permit and Well Operating Permit awaiting approval

Annual permitted production of well is \_\_\_\_\_ gallons.

Time schedule for completion of construction and/or operation of facility:

\_\_\_\_\_  
\_\_\_\_\_

Pump Size and Capacity: \_\_\_\_\_

Make and Model of Pump: \_\_\_\_\_

Anticipated duration required for the proposed use of the water: \_\_\_\_\_

\_\_\_\_\_ If water is to be used for injection water within Goliad County, Please attach quality testing results as per District policy.

This information for additional wells is to be submitted, in the above format, as an attachment to this application.

**6. Quantity transported**

Authorization to transport the following quantity of water annually for use outside the District is requested:

\_\_\_\_\_ Gallons

A transportation permit is issued for a period of time in accordance with Texas Water Code, Section 36.122(h) (2) and (i). A technical description of the facilities to be used for transportation of water and a time schedule for any construction thereof must be attached so that the district may determine the transportation permit term. A log provided by the District of all water sales must be filed monthly with the District.

**7. Receiving location**

Describe the location or locations that will receive water transported out of the District under this permit. Please include a description of the entity's service area, metering and leak detection and repair program for its water storage, delivery and distribution system, drought or emergency water management plan and information on each customer's water demand, water conservation measure and goals, and the means for implementation and enforcement.

\_\_\_\_\_  
\_\_\_\_\_

If additional space is needed, please attach additional sheets as necessary to fully document the recipient location for water transported out of the district under this permit.



**8. Water Availability**

Discuss the availability of feasible and practicable alternative water supplies for the use given above. Attach a separate sheet if more space is required.

---

---

---

---

Could any other liquids which are both technically feasible and economically reasonable for you to substitute for the fresh groundwater be used for this purpose? \_\_\_\_\_ If yes, describe the possible sources of such liquid, including quantity and quality.

---

---

**9. Projected Aquifer Effects**

Discuss the projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or existing permit holder or other groundwater users within the District. Attach a separate sheet if more space is required.

---

---

---

---

**10. Documentation, Attachments and Fees**

The following documentation, attachments and fee payments must accompany this application when it is submitted for consideration by the District.

- a. Plat or map showing location of the property and location on property of \_\_\_\_\_ well(s) for which application is submitted showing location of existing or proposed well(s), location of the existing or proposed meter(s) for compliance to section d. of this item, the location of the existing proposed water transporting facilities and the location of the proposed or increased use or uses.
- b. If the owner and /or the operator of well(s) are different from the property \_\_\_\_\_ owner, provide written documentation from the property owner authorizing construction and operation of well(s).
- c. The applicant's water conservation plan and if any subsequent user of the water is a municipality or entity providing retail water services, the water conservation plan of that municipality or entity shall also be provided. In lieu of a water conservation plan, a declaration that the applicant and/or a subsequent user if any subsequent user is a municipality or entity providing retail water services will comply with the District Management Plan as stated below.
- d. The applicant's Drought Contingency Plan and a copy of any subsequent user's Drought Contingency Plan or a declaration that the applicant or a subsequent user will comply with District rules, policies and Board actions in drought conditions as stated below.
- e. Copies of any contracts between the applicant and any users if they are someone other than the applicant.

**11. Certification**

I, the undersigned applicant, hereby agree and certify that:

- a. in using the well(s), I will avoid waste, achieve water conservation, protect groundwater quality and the water produced from the well(s) will be for a beneficial use;
- b. I will comply with all District and State well plugging and capping Guidelines in effect at the time of well closure;
- c. I agree to abide by the terms of the District Rules, the District Management Plan and orders of the District board of Directors currently in effect and as they may be modified, changed and amended from time to time;
- c. I hereby certify that the information contained herein is true and correct to the best of my knowledge and belief.

Signature\*: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

STATE OF TEXAS COUNTY OF \_\_\_\_\_

\*If the applicant is an individual, the application may be signed by that individual or his duly appointed agent. If signed by an agent, the agent must include or attach evidence documenting his or her authority to represent the applicant.

If the applicant is a partnership, the applicant's name should be followed by the words "a Partnership", the application must be signed by at least one of the general partners who are authorized to bind all of the partners, and a copy of the partnership agreement shall be attached to this application.

If the applicant is a corporation or governmental entity, the application must be signed by a duly authorized official of the applicant. A copy of the resolution or other documentation evidencing authorization to make the application shall be attached to this application.

If the application is made of an estate, trust or guardianship the application shall be signed by the duly appointed guardian, trustee, or representative, and a copy of an instrument evidencing the existence of the entity must be attached to the application.

**For District Use Only**

**Date of hearing:** \_\_\_\_\_ **Date approved:** \_\_\_\_\_

**Conditions:**

**Expiration Date of Permit for construction:** \_\_\_\_\_

**Explanation of beneficial use:** \_\_\_\_\_

**Rate and amount of water transported:** \_\_\_\_\_

**Expiration date of production permit:** \_\_\_\_\_

General Manager shall determine whether the application, maps, and other materials comply with the requirements of the District rules and may require amendment of the application, maps, etc.

**Signature of District Representative and Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

APPENDIX F  
STARR COUNTY GROUNDWATER  
CONSERVATION DISTRICT  
DROUGHT CONTINGENCY PLAN  
Adopted September 17, 2013

In order to conserve, preserve and protect the groundwater resources of Starr County during drought conditions, the Board of Directors of the Starr County Groundwater Conservation District has established the following Drought contingency Plan.

**SECTION I: DEFINITION OF TERMS**

For the purposes of this Plan, the following definitions shall apply in the use of groundwater:

**Aesthetic water use:** water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

**Agricultural water use:** as defined under Chapter 36.001(20), (21), Texas Water Code, latest amendment.

**Commercial and institutional water use:** water use which is integral to the operations of commercial and non-profit establishments and governmental entities including but not limited to retail establishments, hotels and motels, restaurants, and office buildings.

**Conservation:** those practices, techniques, and technologies that 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 so that a supply is conserved and made available for future or alternative uses.

**Domestic water use:** water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, cleaning a residence, business, industry, or institution.

**Drought:** A meteorological period of serious moisture (precipitation) deficiency and a resultant reduction in spring flow, stream flow, and groundwater level drop generally accompanied by an increase in demand.

**Drought Indices:** those indicators selected for the purposes of this plan to initiate (trigger) drought stages.

**Exempt well:** A domestic or livestock well equipped to produce less than 25,000 gallons of groundwater per day.

**Industrial water use:** the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

**Landscape irrigation use:** water used for the irrigation and maintenance of landscaped area whether publicly or privately owned, including residential and commercial lawns, gardens, athletic fields, golf courses, parks, cemeteries, rights-of-way and medians

**Non-essential water use:** water uses that are non-essential, nor required for the protection of public health, safety, and welfare, including:

1. irrigation of landscape areas, including parks, athletic fields, cemeteries and golf courses, except as otherwise provided by this Plan;
2. use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
3. use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas except for the protection of public health, safety and welfare;
4. use of water to wash down buildings or structures for purposes other than immediate fire protection or for the protection of public health, safety and welfare;
5. use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
6. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such a leak(s); and
7. use of water from hydrants for construction purposes or any other purposes other than fighting fires.

**Non-Exempt well:** a well capable of producing greater than 25,000 gallons of groundwater per day,

**Permitted well:** see Non-exempt well as defined herein.

**Public Water System:** as defined under 30 TAC Subchapter D Paragraph 290.38(41), latest revision.

**Registered Well:** See Exempt well as defined herein.



**Trigger Conditions:** Conditions that occur that will determine if a drought condition exists, such as lack of rainfall for a certain period of time, The Palmer Drought Index indicates that the area is suffering from drought conditions, SCGCD monitor wells regarding static levels, etc.

**Waste of Water:** the use of groundwater for non-essential purposes as defined herein when Drought Stages 2-4 are in effect except as specifically allowed by this Plan.

## **SECTION II: PLANNING ACTIONS**

The General Manager of the District will meet with county personnel in Starr County and the Water Supply Corporations to review those entities drought contingency plans to insure compatibility with the District Plan. This review should be conducted on an annual basis, or the time period may be extended to no more than three years. The District will work with the above entities in revising drought contingency plans as the need occurs. The District's Plan will be reviewed on an annual basis to insure that it meets the needs of the District. Additions, deletions and/or corrections will be presented to the Board by the General Manager and will be acted upon at the following General Meeting of the Board.

## **SECTION III: TRIGGERING CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT STAGES**

The District Board or the Board's designee shall monitor the defined drought trigger indices and shall determine when conditions warrant initiation or termination of each stage of the Plan. The Plan consists of four levels of drought and groundwater production restrictions as defined herein. The palmer Drought Severity Index, <http://www.txwin.net/monitoring/meteorological/Drought/pdsi.htm>, which is an index based on regional meteorological and hydrological data such as rainfall, temperature and soil moisture content along with the District's water level monitoring program will be used as the primary triggering criteria for the initiation and termination of this plan.

## **SECTION IV: EVENT ACTIONS**

After review by the Board of Directors of presented materials, and upon determining such drought conditions exist, the General Manager of the District will be charged with the following:

- A. Within 48 hours of the Board decision that a drought condition exist, the General Manager will notify each community within the District that the Board has declared a drought condition and that each water supply entity should initiate its drought contingency plan.
- B. The General Manager will contact the local media within the district and advise them that a drought condition exist and that they (the media) should expect to receive educational notices and articles concerning the need to conserve the groundwater supply within the District.
- C. The General Manager will provide articles to the newspapers within the District regarding the need to conserve groundwater and/or tips for groundwater conservation until such time as the Board declares that the drought period has ended.
- D. The General Manager and Board will investigate any wasted or unauthorized use of groundwater and will report back to the Board to determine if action is needed to prevent the continuation of the waste or unauthorized use of said water.

## **SECTION V: DROUGHT STAGE RESPONSE**

The President of the Board, or his/her designee, shall monitor the defined drought trigger indices and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification by the District of the initiation or termination of drought stages shall be by means of notice posted in a newspaper of general circulation and by direct mailing and/or emails to owners/ operators of non-exempt wells.

- (a) Restrictions on Exempt Wells – The Plan may place production restrictions on Exempt (Registered) wells. The district encourages voluntary compliance during each drought stage through compliance with the restrictions defined within the various stages as outlined in this Plan. Such voluntary compliance will contribute to the achievement of the desired level of conservation and reduce the impact of drought conditions and restrictions. However, nothing in this section excludes the district from exercising authority under District Rules Waste of Water.
- (b) Restriction on Non-exempt Wells – The District has the authority to monitor and manage the production from all Non-exempt (Permitted) wells. These include non-exempt wells used as Public



Water Supply (PWS) wells to provide for domestic use and all such wells used to support agricultural, industrial, commercial, institutional and other non-domestic uses. This Plan may place restrictions on the production from such wells as a function of drought stage.

### **DROUGHT SEVERITY LEVELS**

#### **PALMER DROUGHT SEVERITY INDEX (PDSI)**

Mild Drought: -1 or less

Moderate Drought: -2 or less

Severe Drought: -3 or less

Extreme Drought: -4 or less

#### **DROUGHT STAGES:**

Stage 1 Mild Drought

Stage 2 Moderate Drought

Stage 3 Severe Drought

Stage 4 Extreme Drought

#### **Stage 1 – Mild Drought Conditions**

All Exempt and non-exempt well owners/operators and users of groundwater will be encouraged to voluntarily restrict the use of water. In the case of public water supply wells, owner/operators will be asked to initiate their drought management plans. News articles will be submitted as outlined in Section V of this document to inform the general public and exempt well owners that the district has declared a Stage 1 Drought for the County and asking for voluntary conservation.

#### **Stage 2 – Moderate Drought conditions**

All Non-exempt well owner/operators and public supply users of groundwater shall be notified through news articles that the District has gone to Stage 2 of the District's plan and are asked to reduce total monthly pumpage by ten percent (10%) and practice conservation measures. News articles will be submitted as outlined in Section V of this document to inform the general public, public supply entities, and exempt well owners that the district has gone to Stage 2 of the plan and ask people to restrict unnecessary pumping and practice conservation measures.

#### **Stage 3 – Severe Drought conditions**

All non-exempt well owners/ operators and users of groundwater shall be notified in writing that the District has gone to Stage 3 of the District's plan and are asked to reduce total monthly pumpage by twenty percent (20%) and practice conservation measures. News articles will be submitted as outlined in Section V of this document to inform the general public, public supply entities and exempt well owners that the District has gone to Stage 3 of the plan and ask people to restrict unnecessary pumping and practice conservation measures.

#### **Stage 4 – Extreme Drought Conditions**

All non-exempt well owner/operators and public supply users of groundwater shall be notified in writing that the District has gone to Stage 4 of the District's plan and will be asked to reduce total monthly pumpage by thirty percent (30%) and practice conservation measures. News articles will be submitted as outlined in Section V of this document to inform the general public, public supply entities and exempt well owners that the District has gone to Stage 4 of the plan and ask people to restrict unnecessary pumping and practice conservation measures. The District will advise that the District has the authority under its rules to seek administrative penalties against individuals for wasting water.

### **SECTION VI: TERMINATION NOTIFICATION**

Termination of the drought measures when the Board determines that the trigger conditions which initiated the drought conditions have subsided. The public will be notified of the termination in the same manner they were informed of the initiation.



copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

Passed the Senate on May 3, 2005: Yeas 31, Nays 0; passed the House on May 20, 2005: Yeas 139, Nays 0, two present not voting.

Approved June 17, 2005.

Effective June 17, 2005.

---

## CHAPTER 451

### S.B. No. 1848

#### AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Starr County Groundwater Conservation District.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. DEFINITIONS. In this Act:

- (1) "Board" means the board of directors of the district.
- (2) "District" means the Starr County Groundwater Conservation District.

SECTION 2. CREATION. A groundwater conservation district, to be known as the Starr County Groundwater Conservation District, is created in Starr County, subject to approval at a confirmation election under Section 7 of this Act.

SECTION 3. FINDINGS OF BENEFIT. (a) The district is created to serve a public use and benefit.

(b) The district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(c) All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution.

SECTION 4. CONTINUING PROVISIONS OF DISTRICT. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8803 to read as follows:

#### CHAPTER 8803. STARR COUNTY GROUNDWATER CONSERVATION DISTRICT

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8803.001. DEFINITIONS. In this chapter:

- (1) "Board" means the board of directors of the district.
- (2) "District" means the Starr County Groundwater Conservation District.

(3) "Municipally owned utility" has the meaning assigned by Section 13.002, Water Code.

(4) "Regional water authority" means the Rio Grande Regional Water Authority.

(5) "Water supply or sewer service corporation" has the meaning assigned by Section 13.002, Water Code.

Sec. 8803.002. **NATURE OF DISTRICT.** The district is:

(1) a conservation and reclamation district in Starr County created under Section 59, Article XVI, Texas Constitution; and

(2) a groundwater conservation district.

Sec. 8803.003. **DISTRICT BOUNDARIES.** The boundaries of the district are coextensive with the boundaries of Starr County.

[Sections 8803.004–8803.050 reserved for expansion]

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8803.051. **BOARD.** The board consists of five directors.

Sec. 8803.052. **TERMS.** Directors serve staggered four-year terms.

Sec. 8803.053. **METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS.** (a) The directors of the district shall be elected according to the commissioners precinct method as provided by this section.

(b) One director shall be elected by the voters of the entire district, and one director shall be elected from each county commissioners precinct by the voters of that precinct.

(c) Except as provided by Subsection (e), to be eligible to be a candidate for or to serve as director at large, a person must be a registered voter in the district. To be eligible to be a candidate for or to serve as director from a county commissioners precinct, a person must be a registered voter of that precinct.

(d) A person shall indicate on the application for a place on the ballot:

(1) the precinct that the person seeks to represent; or

(2) that the person seeks to represent the district at large.

(e) When the boundaries of the county commissioners precincts are redrawn after each federal decennial census to reflect population changes, a director in office on the effective date of the change, or a director elected or appointed before the effective date of the change whose term of office begins on or after the effective date of the change, shall serve in the precinct to which elected or appointed even though the change in boundaries places the person's residence outside the precinct for which the person was elected or appointed.

Sec. 8803.054. **ELECTION DATE FOR DIRECTORS.** The district shall hold an election to elect the appropriate number of directors on the uniform election date prescribed by Section 41.001, Election Code, in May of each even-numbered year.

[Sections 8803.055–8803.100 reserved for expansion]

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 8803.101. **GENERAL POWERS AND DUTIES.** The district has all the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8803.102. **COURT-APPOINTED RECEIVER.** The district may serve as the court-appointed receiver in a matter determined by a court concerning the disposition of assets of any other district authorized by Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution, a municipally owned utility, or a water supply or sewer service corporation.



*Sec. 8803.103. POWER TO CONTRACT WITH MUNICIPALITIES. The district may enter into a contract with a municipality to assume the functions of the municipality's municipally owned utility. A contract under this section may include provisions for the district's:*

- (1) assumption of the debts, liabilities, and obligations of the municipally owned utility;*
- (2) ownership or use of the assets and facilities of the municipally owned utility; and*
- (3) performance of the functions and services previously provided by the municipally owned utility.*

*Sec. 8803.104. RELATION TO OTHER WATER-RELATED ENTITIES. (a) To the extent that a rule of the district conflicts with a rule of the regional water authority, the rule of the authority controls.*

*(b) To the extent that a rule of the district conflicts with an action of a municipally owned utility or water supply or sewer service corporation whose certificated area is located wholly or partly in the district's territory, the action of the utility or corporation controls.*

*(c) Notwithstanding Subsections (a) and (b), to the extent that a rule of the district concerning groundwater conflicts with a rule of the regional water authority or with an action of a municipally owned utility or water supply or sewer service corporation whose certificated area is located wholly or partly in the district's territory, the rule of the district controls.*

*[Sections 8803.105–8803.150 reserved for expansion]*

#### **SUBCHAPTER D. MERGER WITH WATER SUPPLY OR SEWER SERVICE CORPORATION**

*Sec. 8803.151. DEFINITIONS. In this subchapter:*

- (1) "Commission" means the Texas Commission on Environmental Quality.*
- (2) "Directors" means the board of directors of a water supply or sewer service corporation.*

*Sec. 8803.152. AUTHORITY FOR AGREEMENT FOR MERGER; PROVISIONS. (a) Subject to Sections 8803.153, 8803.154, and 8803.155, the district may enter into a merger agreement with a water supply or sewer service corporation.*

*(b) The merger agreement must include provisions for:*

- (1) the district's assumption of the debts, liabilities, and obligations of the water supply or sewer service corporation;*
- (2) the district's assumption of the ownership of the corporation's assets and facilities;*
- (3) the assignment to the district of the certificate of public convenience and necessity obtained by the corporation under Subchapter G, Chapter 13, Water Code, and any right obtained under the certificate;*
- (4) the district's performance of the functions and services previously provided by the corporation; and*
- (5) the dissolution of the corporation.*

*Sec. 8803.153. BOARD, DIRECTORS, AND MEMBERS APPROVAL OF MERGER AGREEMENT. Before an election to confirm a proposed merger agreement described by Section 8803.152 may be held, the board, the directors, and, if the water supply or sewer service corporation has members with voting rights, the members of the corporation must each approve the proposed merger agreement in accordance with the laws, rules, charter, bylaws, and procedures applicable to the district and the corporation.*

*Sec. 8803.154. COMMISSION DETERMINATION OF DISTRICT CAPABILITY FOR SERVICE. Before an election to confirm a proposed merger agreement described by Section 8803.152 may be held, the commission must determine that the district is capable of rendering adequate and continuous service as required by Section 13.251, Water Code.*

Sec. 8803.155. *ELECTION TO CONFIRM MERGER AGREEMENT.* (a) Before a proposed merger agreement described by Section 8803.152 may take effect, the board shall hold an election to confirm the agreement.

(b) The election must be held on the first authorized uniform election date after the board, the directors, and, if required, the members of the water supply or sewer service corporation approve the proposed merger agreement that allows sufficient time for the board to comply with all applicable provisions of the Election Code.

Sec. 8803.156. *BALLOTS FOR ELECTION.* The ballot for an election under Section 8803.155 shall read as follows:

*“By voting YES on this ballot, you are voting in favor of the proposed merger agreement between the (name of water supply or sewer service corporation) and the Starr County Groundwater Conservation District under which the corporation’s debts, liabilities, obligations, assets, and facilities are to be transferred to the district, the district is to perform the functions and services previously provided by the corporation, and the corporation is to be dissolved. By voting NO on this ballot, you are voting against the proposed merger agreement.”*

Sec. 8803.157. *ELECTION RESULTS FOR MERGER WITH WATER SUPPLY OR SEWER SERVICE CORPORATION.* (a) If a majority of the voters voting in an election under Section 8803.155 both in the certificated area of the water supply or sewer service corporation and in the territory of the district outside the certificated area vote in favor of the ballot proposition, the proposed merger agreement takes effect.

(b) If a majority of the voters voting in an election under Section 8803.155 either in the certificated area of the water supply or sewer service corporation or in the territory of the district outside the certificated area do not vote in favor of the ballot proposition:

(1) the proposed merger agreement does not take effect; and

(2) the board may not hold a subsequent election to confirm a proposed merger agreement between the same water supply or sewer service corporation and the district before the first anniversary of the election date.

Sec. 8803.158. *FILING REQUIREMENT.* If a proposed merger agreement is confirmed at an election under Section 8803.155, not later than the 15th day after the date of the election the board shall file with the commission and in the deed records of Starr County a copy of:

(1) the merger agreement;

(2) the resolutions or other actions taken by the board, the directors, and, if required, the members of the water supply or sewer service corporation approving the merger agreement under Section 8803.153; and

(3) the election results.

SECTION 5. *APPOINTMENT OF TEMPORARY DIRECTORS.* (a) Not later than the 45th day after the effective date of this Act:

(1) the Starr County Commissioners Court shall appoint one temporary director from each of the four commissioners precincts in the county to represent the precinct in which the temporary director resides; and

(2) the county judge of Starr County shall appoint one temporary director who resides in the district to represent the district at large.

(b) If there is a vacancy on the temporary board of directors of the district, the remaining temporary directors shall appoint a person to fill the vacancy in a manner that meets the representational requirements of this section.

(c) Temporary directors serve until temporary directors become initial directors as provided by Section 8 of this Act or this Act expires under Section 11, whichever occurs earlier.

SECTION 6. *ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS.* As soon as practicable after all the temporary directors have qualified under Section 36.055, Water Code, a majority of the temporary directors shall convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. If no location can be agreed upon, the organizational meeting shall be at the Starr County Courthouse.

**SECTION 7. CONFIRMATION ELECTION.** (a) The temporary directors shall hold an election to confirm the creation of the district.

(b) Subsection (a), Section 41.001, Election Code, does not apply to a confirmation election held as provided by this section.

(c) Except as provided by this section, a confirmation election must be conducted as provided by Subsections (b) through (i), Section 36.017, Water Code, and the Election Code.

(d) If the establishment of the district is not confirmed at an election held under this section before September 1, 2007, the district is dissolved, except that:

- (1) any debts incurred shall be paid;
- (2) any assets that remain after the payment of debts shall be transferred to Starr County; and
- (3) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred.

**SECTION 8. INITIAL DIRECTORS.** If creation of the district is confirmed at an election held under Section 7 of this Act, the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 9 of this Act.

**SECTION 9. ELECTION OF PERMANENT DIRECTORS.** (a) The initial directors for county precincts 2 and 3 serve until the first regularly scheduled election of directors under Subsection (b) of this section, and the initial directors for county precincts 1 and 4 and the initial director representing the district at large serve until the second regularly scheduled election of directors.

(b) On the uniform election date prescribed by Section 41.001, Election Code, in May of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of two directors to replace the initial directors for county precincts 2 and 3.

**SECTION 10. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.** (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

**SECTION 11. CONTINGENT EXPIRATION DATE; DEBTS.** (a) If the creation of the district is not confirmed at a confirmation election held under Section 7 of this Act before September 1, 2007, this Act expires on that date.

(b) The expiration of this Act does not affect the liability of the district to pay any debt incurred or the transfer of any assets remaining to Starr County as required by Subsection (d), Section 7 of this Act.

**SECTION 12. EFFECTIVE DATE.** This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

Passed the Senate on May 3, 2005: Yeas 31, Nays 0; passed the House on May 20, 2005: Yeas 139, Nays 0, two present not voting.

Approved June 17, 2005.

Effective June 17, 2005.

# Question #8



SPECIAL COMMISSIONER'S COURT MEETING  
MONDAY  
AUGUST 29, 2005  
10:00 A.M.

PRESENT: ELOY VERA; COUNTY JUDGE, JAIME M. ALVAREZ; CO. COMMISSIONER PCT. #1, RAUL PENNA, JR.; CO. COMMISSIONER PCT. #2, ELOY GARZA CO. COMMISSIONER PCT. #3, ABSENT ABEL N. GONZALEZ JR. #4

Others: Dennis Gonzalez, Rosalinda G. Guerra, Victor Canales, Carmen A. Pena, Heriberto Silva,

COUNTY JUDGE ELOY VERA CALLED COMMISSIONER'S COURT TO ORDER AT 10:00 A.M

Motion by Eloy Garza and seconded by Jaime Alvarez to approve claims as presented by the County Auditor.  
Motion carried

Motion by Eloy Garza and seconded by Jaime Alvarez to table items # 3 and # 4 for the end of the meeting.  
Motion carried

Motion by Eloy Garza and seconded by Raul Pena on matter of approving a discount for the 2005 taxes (3%, 2%, or 1%)  
Motion carried

Motion by Raul Pena and seconded by Jaime Alvarez to amend the budget of Rosalinda G. Guerra, CPA, County Auditor within her dept.  
Motion carried

Motion by Raul Pena and seconded by Jaime Alvarez to amend the budget of Carmen A. Pena RTA Tax-Assessor & Collector within her dept.  
Motion carried

Motion by Raul Pena and seconded by Jaime Alvarez to amend the budget of Jaime M. Alvarez, Co. Commissioner Pct. #1 The Nutrition Program Pct. #1 within his dept.  
Motion carried

Motion by Raul Pena and seconded by Jaime Alvarez to amend the budget of Ramon de la Cruz Justice of the Peace Pct. #1 within in his dept.  
Motion carried

*See Pg. 0119  
for Starr Co<sup>n</sup>. Groundwater Conservation Dist  
Board member list . . . .*

Motion by Raul Pena and seconded by Jaime Alvarez to amend the budget of Abel N. Gonzalez, Jr., Co. Commissioner Pct. #4 within his dept.  
Motion carried

Motion by Eloy Garza and seconded by Jaime Alvarez to ratify the request signed by Heriberto Silva, District Atty. to the County Auditor requesting that she open a new account for the Boarder Area Narcotics Task Force and close out the account of the Combined Governmental Drug Enforment and Special Crimes Task Force.  
Motion carried\

Motion by Eloy Garza and seconded by Raul Pena on matter of establishing a policy that constables may not appoint reserve officers without prior approval by the Starr County Commissioners Court.  
Motion carried

Motion by Eloy Garza and seconded by Raul Pena on matter of increasing travel per diem per day to \$85.00 for lodging, \$36.00 for meals and .40 per miles traveled effective October 1, 2005.  
Motion carried

Motion by Jaime Alvarez and seconded by Eloy Garza on placing the Operation of the Starr County International Bridge under the Commissioner's Court supervision. Amend to state that the Bridge shall no longer Shift collectors, and that the supervisor will report to Judge Vera for the County Commissioners Court. Jaime Alvarez / Eloy Garza | Raul Pena / Judge Vera Nay  
Motion dies

Motion by Eloy Garza and seconded by Jaime Alvarez to accept donation from Peoples Energy in the amount of \$500.00, such donation to be deposited in the Gen. Fund Starr Co. Fire Dept. Pct. #4, Budget Line Item-Capital Outlay (Account #5-100-0714-5020-000).  
Motion carried

Motion by Jaime Alvarez and seconded by Eloy Garza on creating a position with the title of Bridge Manager for the Starr County International Bridge to start with the 2005-2006 budget as of Oct. 1, 2005. Jaime Alvarez / Eloy Garza | Raul Pena / Eloy Vera Nay  
Motion dies

Motion by Jaime Alvarez and seconded by Eloy Garza on proposal submitted by Perdue, Brandon, Fielder, Collins & Mott L.L.P. for Legal Services on Delinquent Property Taxes and a contract for three years. Jaime Alvarez / Eloy Garza | Raul Pena / Eloy Vera Nay  
Motion dies

0118

Motion by Jaime Alvarez and seconded by Eloy Garza to table item # 18 to abolish and or eliminate the Election Administrator position and its staff. Election duties to be resumed by Tax-Assessor and the County Clerk. RP abstained  
Motion carried

Motion by Eloy Garza and seconded Jaime Alvarez to amend the budget of Cornelio Alvarez, Jr., Co. Constable Pct. #1 within his dept.  
Motion carried

Motion by Jaime Alvarez and seconded by Eloy Garza to approve the application for refund to Ricardo Galvan in the amount of \$1,256.59 on lot 17 Ranchitos Del Norte S/D Unite I Property Account No. 0053323.  
Motion carried

Motion by Eloy Garza and seconded by Jaime Alvarez on matter of approving permit on a pipeline right of way across Sendero Road to Metano Energy, LP...  
Len Custer  
Motion carried

Motion by Eloy Garza and seconded by Jaime Alvarez on matter of approving permission for the construction and improvements to Military Road & Leonor St. so as to provide access to the New La Grulla Elementary, Jorge D. Perez, P.E.  
Motion carried

Motion by Raul Pena and seconded by Jaime Alvarez on matter of approving Road Crossing Permit, to Kerr-McGee Onshore, Reilly Heirs, Porcion 97. Crossing is Approximately 3,781 feet from to the end of the payment of Fm 2360  
– James L. Nye  
Motion carried

Motion by Raul Pena and seconded by Eloy Garza to amend the budget of Elisa Beas, Fed. & State Program Coordinator within her dept.  
Motion carried

Motion by Raul Pena and seconded by Eloy Garza to amend the budget of Eloy Garza, County Comm. Pct. #3 within his dept.  
Motion carried

Motion by Raul Pena and seconded by Eloy Garza to amend the budget of Eloy Garza, County Comm. Pct. #3 for the Fire Department Pct. #3 within his dept.  
Motion carried

Motion by Raul Pena and seconded by Eloy Garza to amend the budget of Tomas Cantu, Manager, Starr Co. Gas/Landfill within his dept.  
Motion carried

Motion by Raul Pena and seconded by Jaime Alvarez on Final Approval on Riverbend Subdivision Phase II. Eloy Garza Judge protomed. Judge Vera had no participation.

Motion carried

Motion by Eloy Garza and seconded by Jaime Alvarez on request from Co. Commissioner Eloy Garza and Co. Commissioner Jaime M. Alvarez, to amend the Departmental Budget of the Starr County Election Administrator to the 381<sup>st</sup> District Court – Court Appointed Attorneys.

Motion carried

Motion by Jaime Alvarez and Eloy Garza on matter of approving the Supplement Lease Agreement with GSA for the Port of Entry Building rental.

Motion carried

Motion by Jaime Alvarez and seconded by Eloy Garza to ratify the following purchase orders nos.:

44658 – Wal-Mart Store

44885 – Anderson Equipment Co.

Motion carried

Motion by Raul Pena and seconded by Eloy Garza on matter of appointing five (5) members to the Starr County Groundwater Conservation District, Eloy Vera, Starr Co. Judge

1. Reyna Guerra
2. Humberto Vasquez
3. Rose Benavidez
4. Lana Garza
5. Baldemar Garza

Board adjourned to Executive Session at 10:55 a.m. on pursuant to section 551.074 of the Vernon's Annotated Revised Statutes of the State of Texas, notice is given of Executive Meeting of the Starr County Commissioner Court for the purpose of discussing personnel matters. Board continued regular session at 11:00 a.m.

Motion by Eloy Garza and seconded by Jaime Alvarez not to approve desirability of a tax-increase for 2005. Motion and second withdrawn.

Motion by Eloy Garza and seconded Jaime Alvarez to approve desirability of proposing a tax-increase for 2005.

Motion carried

Motion by Jaime Alvarez and seconded by Eloy Garza to set dates for required hearings and publications as provided by tax-assessor.



December 5, 2019

Mr. Dirk Aaron, Chairman  
TCEQ Review Panel  
700 Kennedy Court  
Belton, Texas 76513

Re: TCEQ Docket No. 2019-1902-MIS;  
Review Panel Questions and Request for Documentation

Dear Mr. Aaron:

This letter responds to your attached email and questions from the Texas Commission on Environmental Quality ("TCEQ") Review Panel directed to the Starr County Groundwater Conservation District ("SCGCD" or "District"), which were received Friday, November 15, 2019. For convenient reference, our responses are provided in order of the requests, as follows:

**1. Provide the minutes from the three most recent SCGCD Director meetings that occurred prior to August 1, 2019.**

**Response:** Please see attached.

**2. Provide a breakdown of the most recent budget (or other similar documents) that shows the financial condition of the District and provide it for each year for five years prior to the most recent budget.**

**Response:** Historically, budgeted items have been handled by Starr County. More specifically, any expenses incurred by SCGCD have been paid by Starr County. Since formation, SCGCD has not collected any revenues, other than the grant/donations from Starr County. Although SCGCD has not engaged in a formal budget process, the District has coordinated closely with Starr County when the District anticipates expenses. The District is working with the County to secure the County's historical financials that reflect expenses incurred on District matters so that the District's Board can develop an annual budget for the current fiscal year in accordance with §§ 36.061 and 36.154 of the Texas Water Code.

# Question #1

**BOARD OF DIRECTORS OF THE  
STARR COUNTY GROUNDWATER  
CONSERVATION DISTRICT**

**MINUTES**

**FOR MEETING HELD October 16, 2014**

- 1. Meeting was called to order by Mr. Baldemar Garza, Board Chair.**
- 2. Members present: Thomas Koeneke, Baldemar Garza, Reyna Guerra, and Rose Benavidez. Non-members present: Gilbert Guerra, Engineer, Eloy Vera, Starr County Judge.**
- 3. Approval of Minutes: Motion to approve by Rose Benavidez and seconded by Reyna Guerra.**
- 4. Financial Report: N/A**
- 5. New Business:**
  - .01 Board agreed to oppose proposal by GMA 16 on Bar W to withdraw 25,000 gallons from wells in San Patricio County and drawdown effects on water levels in Starr County. Motion by Tom Koeneke, 2<sup>nd</sup> by Reyna Guerra**
  - .02 Position of SCGWDB on Bar W plan.... board agreed to be report to GMA 16. No Action**
  - .03 Board discussed to implement actions mandated in Management Plan.**
  - .04 Board discussed funding issues and suggested to request County to assist. Motion by Tom Koeneke and 2<sup>nd</sup> by Rose Benavidez**
  - .05 Consideration to join Texas Association of Groundwater District was discussed. No Action**
- 6. Old Business: None**
- 7. Board Activity Report: None**
- 8. Other Business: Board requested to meet again on November 12, 2014 at 11:30 a.m.**
- 9. Adjourn: Motion to adjourn by Reyna Guerra and 2<sup>nd</sup> by Rose Benavidez**

**BOARD OF DIRECTORS OF THE  
STARR COUNTY GROUNDWATER  
CONSERVATION DISTRICT**

**MINUTES  
FOR MEETING HELD June 12, 2014**

- 1. Meeting was called to order by Mr. Humberto Vasquez, Vice-Chair, Baldemar Garza, Chair, absent.**
- 2. Members present: Humberto Vasquez, Reyna Guerra, and Rose Benavidez. Non-members present: Becky Lee Venecia, Sandra Urbano, Helen Gonzalez, and , Thomas Koeneke.**
- 3. Approval of Minutes: Motion to approve by Rose Benavidez and seconded by Reyna Guerra.**
- 4. New Business:**
  - a. Public Hearing attendance (total of seven)**
  - b. Discussion and action was taken on re- adopting Starr County Groundwater Conservation District Management Plan. Motion to approve by Rose Benavidez seconded by Reyna Guerra.**
  - c. Letter of resignation from Aurora Garza was presented to Board.**
  - d. Motion to approve by Reyna Guerra and seconded by Rose Benavidez on appointment of new board member, Thomas Koeneke to SCGCDB**
- 5. Adjourn: Motion to adjourn by Reyna Guerra seconded by Rose Benavidez.**



**BOARD OF DIRECTORS OF THE  
STARR COUNTY GROUNDWATER  
CONSERVATION DISTRICT**

**MINUTES  
FOR MEETING HELD October 10, 2013**

- 1. Meeting was called to order by Reyna Guerra, Mr. Baldemar Garza absent.**
- 2. Members present: Reyna Guerra, Aurora Garza, and Rose Benavidez. and Reyna Guerra. Non-members present: Becky Lee Venecia, Gilbert Guerra, Engineer, Rafael Montalvo, and Yaritza Reyna, Absent: Humberto Vasquez and Baldemar Garza**
- 3. New Business:**
  - a. Discussion and action on adopting Starr County Groundwater Conservation District Management Plan.  
Motion to approve by Aurora Garza,  
seconded by Rose Benavidez.**
  - b. Discussion on having workshop with Texas Water Development Board. Set date for November 7, 2013.**
- 4. Adjourn: Motion to adjourn by Aurora Garza, seconded by Rose Benavidez**

AT 3:58 **POSTED** O'CLOCK P M

Oct 09 2014

October 9, 2014

DENNIS E. GONZALEZ, COUNTY CLERK STARR CO. TX  
BY: [Signature] DEPUTY

**BOARD OF DIRECTORS OF THE  
STARR COUNTY GROUNDWATER  
CONSERVATION DISTRICT**

**PUBLIC NOTICE MEETING**

Notice is hereby given that on **Thursday October 16, 2014**, the Board of Directors of the Starr County Groundwater Conservation District will hold a regular meeting at **11:30 a.m.** at the **Starr County Courthouse Annex Conference Room**, located at **100 N. FM 3167 in, Rio Grande City, Texas.**

BOARD OF DIRECTORS MAY CHOOSE TO MEET IN A CLOSED MEETING (EXECUTIVE SESSION) AS PERMITTED BY THE TEXAS OPEN MEETINGS ACT ON ANY ITEM OF THIS AGENDA AS DEEMED APPROPRIATE INCLUDING, BUT NOT LIMITED TO CONSULTATION WITH ATTORNEY, DELIBERATIONS ABOUT REAL PROPERTY, DELIBERATIONS ABOUT GIFTS AND DONATIONS AND PERSONNEL MATTERS.

**AGENDA**

- 1. Calling meeting to order.**
- 2. Determination that quorum has been established.**
- 3. Approval of minutes of previous meeting.**
- 4. Financial Report.**
- 5. New Business**
  - .01 Action contemplated by GMA 16 on Bar W proposal to withdraw up to 25,000,000 gallons of water from wells in San Patricio County and drawdown effects on water levels in Starr County.**
  - .02 Position of Starr Groundwater District on Bar W plan; need to Report result to GMA 16 .**
  - .03 Need to implement actions mandated in Management Plan.**
  - .04 Funding issues as they relate to actions mandated in Management Plan.**
  - .05 Consideration of joining Texas Association of Groundwater Districts.**
- 6. Old Business**
- 7. Board Activity Report**
- 8. Other Business**
- 9. Adjourn**

AT 9:14 **POSTED** O'CLOCK 11 **A** M

JUN 0 5 2014

June 5, 2014

DENNIS GONZALEZ, COUNTY CLERK STARR CO. TX  
BY:  DEPUTY

**BOARD OF DIRECTORS OF THE  
STARR COUNTY GROUNDWATER  
CONSERVATION DISTRICT**

**PUBLIC NOTICE MEETING**

Notice is hereby given that on **Thursday June 12, 2014**, the Board of Directors of the Starr County Groundwater Conservation District will hold a regular meeting at **10:30 a.m.** at the **Starr County Courthouse Annex Conference Room**, located at **100 N. FM 3167 in, Rio Grande City, Texas.**

BOARD OF DIRECTORS MAY CHOOSE TO MEET IN A CLOSED MEETING (EXECUTIVE SESSION) AS PERMITTED BY THE TEXAS OPEN MEETINGS ACT ON ANY ITEM OF THIS AGENDA AS DEEMED APPROPRIATE INCLUDING, BUT NOT LIMITED TO CONSULTATION WITH ATTORNEY, DELIBERATIONS ABOUT REAL PROPERTY, DELIBERATIONS ABOUT GIFTS AND DONATIONS AND PERSONNEL MATTERS.

**AGENDA**

1. **Calling meeting to order.**
2. **Determination that quorum has been established.**
3. **Approval of minutes of previous meeting.**
4. **Financial Report.**
5. **New Business**
  - .01 **Discussion and possible action to re-adopt Management Plan/Rules for the Starr County Groundwater Conservation District**
  - .02 **Discussion and possible action to accept resignation of board member Aurora Garza.**
  - .03 **Discussion and possible action to appoint Mr. Thomas Koeneke as member of the Starr County Groundwater Conservation District.**
6. **Old Business**
7. **Board Activity Report**
8. **Other Business**
9. **Adjourn**

AT 9:10 **POSTED**  
O'CLOCK AM

OCT 07 2013

DENNIS D. GONZALEZ, COUNTY CLERK STARR CO. TX  
BY: Alisa D. [Signature] DEPUTY

October 7, 2013

**BOARD OF DIRECTORS OF THE  
STARR COUNTY GROUNDWATER  
CONSERVATION DISTRICT**

**PUBLIC NOTICE MEETING**

Notice is hereby given that on **Thursday October 10, 2013**, the Board of Directors of the Starr County Groundwater Conservation District will hold a regular meeting at **3:30 p.m.** at the **Starr County Courthouse Annex Conference Room**, located at **100 N. FM 3167 in, Rio Grande City, Texas.**

BOARD OF DIRECTORS MAY CHOOSE TO MEET IN A CLOSED MEETING (EXECUTIVE SESSION) AS PERMITTED BY THE TEXAS OPEN MEETINGS ACT ON ANY ITEM OF THIS AGENDA AS DEEMED APPROPRIATE INCLUDING, BUT NOT LIMITED TO CONSULTATION WITH ATTORNEY, DELIBERATIONS ABOUT REAL PROPERTY, DELIBERATIONS ABOUT GIFTS AND DONATIONS AND PERSONNEL MATTERS.

**AGENDA**

1. **Calling meeting to order.**
2. **Determination that quorum has been established.**
3. **Approval of minutes of previous meeting.**
4. **Financial Report.**
5. **New Business**
  - .01 **Discussion and possible action to adopt Management Plan/Rules for the Starr County Groundwater Conservation District**
6. **Old Business**
7. **Board Activity Report**
8. **Other Business**
9. **Adjourn**



Appendix "I"

STARR COUNTY GROUNDWATER CONSERVATION DISTRICT RULES

Table of Contents

RULE 1 DEFINITIONS

RULE 2 PURPOSE OF RULES

2.1 Use and Effect of Rules

2.2 Amending of Rules

2.3 Headings and Captions

2.4 Severability

2.5 General Rules

2.6 Change of Ownership or Use

RULE 3 BOARD

3.1 Purpose of Board

3.2 Board Structure, Officers

3.3 Meetings

3.4 Committees

RULE 4 WASTE

RULE 5 DISTRICT STAFF

5.1 General Manager

RULE 6 DISTRICT

6.1 Minutes and Records of the District

RULE 7 OTHER DISTRICT ACTIONS AND DUTIES

7.1 District Management Plan

RULE 8 TRANSFER OF GROUNDWATER OUT OF THE DISTRICT

8.1 Permit Required

8.2 Applicability

### 8.3 Application

8.4HearingandPermitIssuance

RULE9TRANSPORTATIONOFWATER

RULE10ENFORCEMENTOFRULES

RULE11REGISTRATION/PERMITS

11.1RegistrationofNewWells

11.2RequirementofDriller'sLog,Casing,andPumpData

11.3TimeDuringwhichaDrillingPermitRegistrationShallRemainValid

RULE12PERMITS

12.1HistoricGroundwaterUse

12.2GeneralPermittingPoliciesandProceduresforNon-exemptWells

12.3OperatingPermitRequired

12.4OperatingPermitProvisions

12.5OperatingPermitLimitations

12.6ProductionLimitations

12.7WellSpacingRequirements

12.8ExclusionsandExemptions

12.9Mitigation

12.10GeothermalLoops

RULE13REWORKINGANDREPLACINGAWELL

13.1Procedures

RULE14WELLLOCATIONANDCOMPLETION

14.1Responsibility

14.2LocationofDomesticWells

14.3StandardsforWaterWellsDrillersandWaterWellPumpInstallers

RULE15WASTEANDBENEFICIALUSE

15.1WasteMeansAnyOneorMoreoftheFollowing

15.2WastePrevention

15.3UsesforaBeneficialPurpose

RULE16FEES

RULE17reservedforfutureuse

RULE18HEARING

18.1TypesofHearing

18.2Notice

18.3GeneralProcedures

18.4UncontestedPermitHearingsProcedures

18.5ContestedPermitHearingsProcedures

18.6ConclusionofthePermitHearing

18.7Rule-MakingHearingsProcedures

18.8FinalDecision;Appeal

RULE19INVESTIGATIONSANDENFORCEMENT

19.1NoticeandAccesstoProperty

19.2ConductofInvestigation

19.3SealingofWells

RULE20APPENDIX

A- WaterWellRegistration/TransferofOwnershipForms

B- DrillingPermit

C- OperatingPermit

D- LettertoWellDrillersAboutPenalties

E.-TransportPermitApplication

F- DroughtContingencyPlan

G-SectionMapofStarr County



Starr County Groundwater  
Conservation District

RULES OF STARR COUNTY GROUNDWATER CONSERVATION DISTRICT IN TEXAS ARE HEREBY PUBLISHED, AS OF September

---

In accordance with Section 59 of Article XVI of the Texas Constitution, H.B. No. 3651 effective September 01, 2001, and Chapter 36 of the Texas Water Code, as amended, the following rules are hereby ratified and adopted as the rules of the Starr County Groundwater Conservation District, in Texas, by its Board.

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 groundwater laws of the State and the rules of this district. To the end that these objectives be attained, these rules shall be so construed.

These rules may be used as guides in the exercise of discretion, where discretion is vested. However, under no circumstances, and in no particular case shall they, or any of them, be construed as a limitation or restriction upon the exercise of any discretion, where such 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

- A. The "Board" shall mean the Board of Directors of the Starr County Groundwater Conservation District, in Texas, consisting of duly appointed and henceforth elected members, as provided in Chapter 36, Texas Water Code, as amended and HB 3651.
- B. "District" shall mean the Starr County Groundwater Conservation District in Texas, created under Section 59, Article XVI Texas Constitution, maintaining its principal office in Starr County, Texas. Where applications, reports and other papers are required to be filed with or sent to "the District," this means the District office in Starr County, Texas.
- C. "Permitted well" shall mean a well subject to the District's drilling permit requirements, which includes any artificial excavation constructed to produce, or which produces, more than 25,000 gallons of water per day.
- D. "Registered well" shall mean and include any artificial excavation to produce, or that is producing, water for any purpose that is not subject to the District's drilling permit requirements.
- E. "Monitoring well" shall mean a well installed to measure some property, usually water levels, and quality, of the groundwater or aquifer, which it enters that does not produce groundwater for the purpose of water supply.
- F. "Director" means a member of the Board. To be eligible to serve as a temporary, initial, or regular director of the district, a person must be a resident of Starr County and must be at least 18 years of age. Each director must qualify to serve as director in the manner provided by Section 36.055 of the Texas Water Code.
- G. "Exploratory hole" shall mean any hole drilled to a depth greater than the top of any stratum containing groundwater, as "groundwater" as is defined in Chapter 36, Texas Water Code, as amended, for the purpose of securing geological or other information, which may be obtained by penetrating the earth with a drill bit, and includes what is commonly referred to in the industry as "water well test holes", "slim hole test" or "seismograph test holes" and the like.
- H. "Water" for the purposes of these rules is synonymous with groundwater or underground water.

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

J. "Person" shall mean any individual, partnership, firm, state agency, political subdivision, corporation, or other legal entity.

K. The word "waste" as used herein shall include, but is not limited to; those defined by the Legislature in Chapter 36, Texas Water Code, latest amendment. Waste includes:

1. Withdrawal of groundwater from a groundwater reservoir at a rate, and in an amount that causes, or threatens to cause, intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes; or, that threatens to deplete the historic supply.

2. The flowing or producing of wells from a groundwater reservoir if, the water produced is not used for a beneficial purpose;

3. Escape of groundwater from a groundwater reservoir to any other reservoir that does not contain groundwater;

4. Pollution or harmful alteration of groundwater in a groundwater reservoir by salt water, other deleterious matter admitted from another stratum, or from the surface of the ground; or, release of deleterious material into a drinking water supply aquifer.

5. Willfully or negligently causing, suffering, or permitting groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well; or unless such discharge is authorized by permit, rule or order by the Commission under Chapter 26; or

6. Groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well, unless the occupant of the land receiving the discharge has granted permission.

L. An "authorized well site" shall be:

1. The location of a proposed well identified by GPS coordinates on an application duly filed, until such application is denied, or

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

M. "General Manager" is the General Manager of the Starr County Groundwater Conservation District. The General Manager may be a member of the board.

N. "Acre-foot" means the amount of water necessary to cover one acre of land one foot deep, or 325,851 gallons of water.

O. "Agricultural crop" means food or fiber commodities grown for resale or commercial purposes that provide food, clothing, or animal feed.

P. "Drilling Permit" means a permit for water well issued or to be issued by the District allowing a water well to be drilled.

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

- R. "Landowner" means the person who bears ownership of the land surface.
- S. "New Well Application" means an application for a permit or registration for a water well that has not yet been drilled.
- T. "Open Meeting Law" means Chapter 551, Texas Government Code.
- U. "Operating Permit" means a permit issued by the District for a water well that is capable of pumping more than 25,000 gallons per day, allowing groundwater to be withdrawn from a water well for a designated period and at a maximum rate.
- V. "Public Information Act" means Chapter 552, Texas Government Code.
- W. "Rules" means the rules of the District compiled in this document and as may be supplemented or amended from time to time.
- X. "Water meter" means a water flow-measuring device that can accurately record the amount of groundwater produced during a measured time.
- Y. "Well" means any facility, device, or method used to withdraw groundwater from the groundwater supply within the District.
- Z. "District act" means an act relating to the creation, administration, powers, duties, operation and financing of the Starr County Groundwater Conservation District (H.B. 3651 effective September 1, 2001).
- AA. "Existing well" means any well in the district that was drilled or properly completed on or before the adoption of the Starr County Groundwater Conservation District Management Plan, September 17, 2013.

RULE 2 PURPOSE OF RULES

These rules are adopted to achieve the provisions of the District Act and accomplish its purposes.

These rules are intended to provide for the conservation, preservation, protection, and recharge of groundwater and aquifers within Starr County.

RULE 2.1 USE AND EFFECT OF RULES

The District uses these rules as guides in the exercise of the powers conferred by law and in the accomplishment of the purposes of the District Act. They may not be construed as a limitation or restriction on the exercise of any discretion nor be construed to deprive the District or Board of the exercise of any powers, duties or jurisdiction conferred by law, nor be construed to limit or restrict the amount and character of data or information that may be required to be collected for the proper administration of the District Act.

RULE 2.2 AMENDING OF RULES

The Board may, following notice and hearing, amend these rules or adopt new rules from time to time.

RULE 2.3 HEADINGS AND CAPTIONS

The section and other headings and captions contained in these rules are for reference purposes only. They do not affect the meaning or interpretation of these rules in any way.

#### RULE2.4SEVERABILITY

If any one or more of the provisions contained in these rules are for any reason held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability may not affect any other rules or provisions of these rules, and these rules must be construed as if such invalid, illegal or unenforceable rules or provision had never been contained in these rules.

#### RULE2.5GENERALRULES

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

B. Time Limit: Applications, requests, or other papers or documents required or permitted to be filed under these rules, or by law, must be received for filing at the Board's office at Starr County, Texas, within the time limits, if any, for such filing. The date of receipt and not the date of posting is determinative.

C. Show Cause Orders and Complaints: The Board, either on its own motion, or upon receipt of sufficient written protest or complaint, may at any time, after due notice to all interested parties, cite any person operating within the District to appear before it in a public hearing and require him to show cause why a suit should not be initiated against him in a district court, for failure to comply with the orders or rules of the Board or the relevant statutes of the State or for failure to abide by the terms and provisions of the permit of operating authority itself. The matter of evidence, and all other matters of procedure at any such hearing, will be conducted in accordance with these rules of procedure and practice.

D. All Starr County wells and well owners shall comply with all applicable rules, orders, regulations, requirements, resolutions, policies, directives, standards, guidelines, or any other regulatory measures implemented by the District.

#### RULE2.6CHANGEFOFOWNERSHIPORUSE

A. A Permittee may apply for a transfer of ownership of any permit or registration 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. Any permittee requesting a change from the purpose or place of use stated in a permit or registration shall apply to the Board for continuation of the permit for the proposed changed use at the same or reduced rate of production. The application for change of use shall be in the same form, and governed by the same standards, as the original water permit application. The Board may request any additional relevant information the District considers necessary, to analyze the request for the amendment.

#### SECTION3BOARD

#### RULE3.1PURPOSEOFBOARD

The Board was created to determine policy and regulate the withdrawal of groundwater within the boundaries of the District for conserving, preserving, protecting, and recharging the groundwater within the district, and to exercise its rights, powers, and duties in a way that will accomplish the purposes of the District Act effectively and expeditiously. The Board's responsibilities include, but are not limited to adoption and enforcement of reasonable rules and other orders.



### RULE3.2BOARDSTRUCTURE,OFFICERS

The Board consists of seven members qualified as required by the District Act. The Board will elect one of its members to serve as President, to preside over Board meetings and proceedings; one to serve as Vice President to preside in the absence of the President; and one to serve as Secretary/Treasurer to keep a true and complete account of all meetings and proceedings of the Board. The Board may elect officers annually, but must elect officers at the first meeting following the November election for directors of each even numbered year. Except for temporary or initial director of the District, a director serves a four-year term. Beginning in the second year following the confirmation election, an election shall be held on the first uniform election date in November every two years to select the appropriate number of directors to the board. At the first election, directors for places 2, 4, and 6 shall be elected, and at the next election, directors for places 1, 3, 5, and 7 shall be elected.

### RULE3.3MEETINGS

The Board will hold regular meetings as the Board may establish from time to time. At the request of the President, or by written request of at least three members, the Board may hold special meetings. All Board meetings will be held according to the Texas Open Meetings Law.

### RULE3.4COMMITTEES

The President may establish committees for formulation of policy recommendations to the Board, and appoint the chair and membership of the committees. Committee members serve at the pleasure of the President.

### RULE4

Reserved for future use

### RULE5DISTRICTSTAFF RULE5.1

#### GENERALMANAGER

The Board may employ a person to manage the District, and title this person General Manager. The General Manager will have no power, duty, or responsibility other than gathering information and performing Water District functions as determined by the Board. The Board will determine the compensation and review the position of General Manager each year during the preparation of the budget for the next fiscal year or at the time of the change of General Manager is appropriate. The General Manager, with approval of the Board, may employ all persons necessary for the proper handling of business and operation of the District and their compensation will be set by the Board. The General Manager will be responsible for performing District functions as determined by the Board.

### RULE6DISTRICT

#### RULE6.1MINUTESANDRECORDSOFTHEDISTRICT

All documents, reports, records, and minutes of the District are available for public inspection, and copying. Upon written application by any person, the District will furnish copies of its public records. A copying charge will be established by the District.

RULE7OTHERDISTRICTACTIONSANDDUTIES

RULE7.1DISTRICTMANAGEMENTPLAN

The District Management Plan specifies the acts, procedures, performance, and avoidance necessary to prevent waste of groundwater, provide for the protection, preservation and conservation of groundwater and prevent the adverse drawdown of the water table of the Gulf Coast Aquifer. The District shall use the Rules of the District to implement the Management Plan. The Board will review the Management Plan at least every tenth year. If the Board considers a new plan necessary or desirable, based on evidence presented at hearing, a new plan will be adopted. A plan, once adopted, remains in effect until the adoption of a new plan.

RULE8TRANSFEROFGROUNDWATEROUTOFTHEDISTRICT

RULE8.1PERMITREQUIRED

Groundwater produced from within the District may not be transported outside the District's boundaries unless the board has issued the well owner a transport permit.

RULE8.2APPLICABILITY

A groundwater transport permit is not required for transportation if the groundwater is to be used on property that straddles the district boundary line.

All in County utilities meeting the following requirements may be exempt from the requirement for a groundwater transport permit:

1. 95% of the total monthly volume of the water utility must be supplied within the district boundaries;
2. The monthly volume of water transported out of the district shall not exceed 5% of the utility's corresponding monthly demand.

RULE8.3APPLICATION

An application for a transport permit must be filed in the District office and must include the following information:

1. The name and mailing address of the owner and/or operator of the transportation facility.
2. A statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose.
3. A water-conservation plan and a drought contingency plan.
4. The legal description of the location of the well(s) and transportation facilities.
5. Proof of notification of all landowners adjacent to the property where the well or wells are located and all well owners within one-half mile of any of the proposed production wells.
6. A technical description of the transport facilities.
7. The permit number of the well or wells used to produce water to be transported.
8. The name and address of the water right owners(s).

9. The time schedule for construction and/or operation of the facility.
10. Any additional information required by the Board to process the permit.

RULE 8.4 HEARING AND PERMIT ISSUANCE

A. Applications for transport permits are subject to the hearing procedures provided by these rules.

B. In determining whether to issue a permit to transfer groundwater out of the District, the Board shall consider;

1. Availability of water in the District and in the proposed receiving area; during the period for which the water supply is requested;

2. Availability of feasible and practicable alternative supplies to the applicant;

3. The amount and purposes of use for which water is needed in the proposed receiving area;

4. The projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District;

5. The indirect costs and economic and social impacts associated with the proposed transfer of water from the District;

6. The establishing of an export fee;

7. The approved regional and state water plan, and the certified District Management Plan;

8. Other facts and considerations considered necessary by the District's Board for protection of the public health and welfare and conservation and management of natural resources in the District.

9. The amount of groundwater required for future economic development within the boundaries of Starr County Groundwater Conservation District.

C. Under no circumstances shall a transport permit be issued for an amount of groundwater that jeopardizes future economic development within the boundaries of Starr County Groundwater Conservation District.

D. The transport permit shall specify the amount of water that may be transferred out of the District and the period for which the water may be transferred, in accordance with Section 36.122 of the Texas Water Code.

E. Permit conditions. The transport permit, in addition to the application information and considerations, shall include the following terms and conditions:

1. The date that the permit is to expire if no transportation facility is constructed;

2. A requirement that the water will be put to a beneficial use at all times;

3. Conditions and restrictions, if any, placed on the rate and amount of water transported;

4. The period for which the groundwater production is permitted;

5. The export fee negotiated between the District and the producer/transporter.

F. The District shall impose a reasonable application fee and export fee for transport permits. Such fees shall comply with the requirements in Section 36.122(e).



G. The term for a transport permit shall be three years if construction of a conveyance system has not been initiated prior to permit issuance. If construction of a conveyance system is begun before the expiration of the permit, the term will be extended to a 30 year term from initial permit issuance. If construction of a conveyance system has been initiated prior to permit issuance, the term of the transport permit shall be 30 years.

H. The District may, every three years, review the amount of water that may be transferred out of the District under a permit and may limit the amount of water that may be transferred out of the District under permit and may limit the amount of water which may be transferred, after a consideration of the factors set forth in Rule 8 B & C and all relevant current data for conservation of groundwater resources in the District. At any time during the term of a transport permit, the District may revise or amend the permit if the use of water unreasonably affects existing groundwater and surface water resources or existing Permit Holders.

#### RULE9-TRANSPORTATIONOFWATER A.

Registration required.

1. Every person who produces water from permitted wells located, within the District, when all or any part of such water is transported for use, or for intended use, off the property from which the water is produced, but within District, must register the production under this Rule, unless the production is covered by a permit under Section 8. The term "property from which water is produced," as used in this subsection, shall be construed to mean water rights owned by an entity within a continuous perimeter boundary situated within the District. Transportation of water requiring registration under this Rule includes transportation by pipeline, vehicle, channel, ditch, watercourse or other natural or artificial facilities, or any combination of such facilities.

B. Registration application:

1. The registration provided for herein must be filed with the District, in the form or forms promulgated by the District hereunder, and such registration must be obtained from the District, prior to the proposed transporting of water, all in accordance with the provisions of this Rule.

2. An application for the transportation of water for which a registration is required under this Rule must:

- a. be in writing;
- b. contain the name, post-office address and place of residence or principal office of the applicant;
- c. identify the actual or anticipated number, location, pump size and production capacity of the wells from which the water to be transported is produced or to be produced;
- d. describe as specifically as feasible the anticipated proposed transportation facilities;
- e. state the nature and purposes of the proposed use and the anticipated amount of water to be used for each purpose;
- f. state the anticipated time within which any proposed construction or alteration is to begin;
- g. state the presently anticipated duration required for the proposed use of the water;
- h. provide information showing the anticipated effect of the proposed transportation on the quantity and quality of water available for future use, both inside and outside the District;
- i. identify any other presently-owned sources of water, the availability of which is both technically feasible and economically reasonable for the entity, that could be reasonably used for the stated purposes, including quality and quantity of such alternate sources;



j. identify any other liquids, the availability of which is both technically feasible and economically reasonable for the entity, that could be reasonably substituted for the fresh ground water and possible sources of such liquid, including quantity and quality;

k. provide information showing what water conservation measures the entity has adopted, what water conservation goals the entity has established, and what measures and time frames are necessary to achieve the entity's established water conservation goals; and

l. if the water is to be resold to others, provide a description of the entity's service area, entity's metering and leak detection and repair program for its water storage, delivery and distribution system, entity's drought or emergency water management plan, and information on each customer's water demands, including population and customer data, water use data, water supply system data, wastewater data, water conservation measures and goals, and the means for implementation and enforcement.

3. The application must be accompanied by a map or plat drawn on a scale that adequately details the proposed project, showing substantially:

- a. the location of the existing or proposed well(s);
- b. the location of the existing or proposed meter(s) for compliance to section (k) of this Rule;
- c. the location of the existing proposed water transporting facilities; and
- d. the location of the proposed or increased use or uses.

4. The General Manager shall determine whether the application, maps, and other materials comply with the requirements of this rule and may require amendment of the application, maps, other.

5. Official Fire Departments in the district are exempt from this rule. An annual report of estimated groundwater usage is beneficial to assist the District in water management.

#### RULE 10 ENFORCEMENT OF RULES

A. All Rules duly adopted, promulgated, and published by this District shall be enforced as provided for under Chapter 36, Texas Water Code and subsequent changes thereto.

B. If it appears that, a person has violated, is violating; or is threatening to violate any provision of the District Rules the Board of Directors may institute and conduct a suit in the name of the District for enforcement of Rules through the provisions of Chapter 36.102 Texas Water Code.

C. Violation of any District Rule shall be subject to a civil penalty not to exceed \$10,000 per day per violation and each day of a continuing violation constitutes a separate violation. SCGCD will use the following guidelines in implementing official action concerning violations of SCGCD Rules and operating permits:

1. Official letter from SCGCD
2. Hearing at regular Board meeting
3. Revocation of permit or ability to use well
4. Apply Rule 10 civil penalties as decided by Board

D. The District may enforce this chapter, and its Rules, by injunction, mandatory injunction, or other appropriate remedy, in a court of competent jurisdiction.

E. The Board may set reasonable civil penalties for breach of any Rule of the District which penalty shall not exceed the jurisdiction of a justice court, as provided by Section 27.031, Government Code.

F. A penalty under this section is in addition to any other penalty provided by the law of this state and may be enforced by complaints filed in a court of competent jurisdiction in Starr County, Texas.

G. 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.

H. In the event that the violator of a District Rule refuses to pay a monetary fine or comply with other provisions of the fine imposed by the District, the District may deny the violator of future privileges provided by the District Rules until the conditions of the fine have been remedied.

## RULE 11 REGISTRATION/PERMITS RULE

### 11.1 REGISTRATION OF NEW WELLS

A. It is a violation of these Rules for a well owner, well operator, or water well driller to drill any well without the water well registration form being filed with and approved by the District. This includes the GPS location determined by a representative of the District.

B. All new wells must be registered by the well owner, well operator, or water well driller prior to being drilled. The District staff will review the registration and make a preliminary determination on whether the well meets the exclusions or exemptions provided in Rule 12.8. Providing the preliminary determination is ruled the well is excluded or exempt, the registrant may begin drilling immediately upon receiving the approved registration. After an exempt well is completed and in operation, information required under Rule 11.2 must be provided to the District within 30 calendar days.

### RULE 11.2 REQUIREMENT OF DRILLER'S LOG, CASING, AND PUMP DATA

Complete records shall be kept, and reports thereof made to the District, concerning the drilling, equipping and completion of all wells drilled. Such records shall include an accurate driller's log, any electric logs that have been made, and any additional data concerning the description of the well, its discharge, and its equipment as may be required by the Board. Such reports shall be filed with the District Board at its office in Goliad, Texas, within 30 days after completion of the well.

### RULE 11.3 TIME DURING WHICH A DRILLING PERMIT OR REGISTRATION SHALL REMAIN INVALID

Except as provided in the Rules, any drilling permit or registration granted shall expire if the work is not completed within 60 days from the date of approval by the Board. It shall thereafter be void. The Board, for good cause, may extend the life of such permit for an additional 60 days if an application for such extension shall have been made to the Board during the first 60-day period. When it is made known to the Board that a proposed project will take more time to complete, the Board, upon receiving written application, may grant such time, as is reasonably necessary to complete such project. Well locating fees are not refundable.

### RULE 11.4 REGISTRATION OF GRANDFATHERED WELLS

A. Registration of wells that are grandfathered under Rule 12.8(g) is voluntary. The Board recommends that all Grandfathered wells be registered so that these wells can be protected and that their Grandfathered status can be guaranteed.

B. If a well that qualifies to be grandfathered is not registered by Feb. 6, 2004, the owner must show proof of ownership of a well or wells, prior to this date, to receive Grandfathered status after that date for the purpose of establishing historical use. Proof can be well drillers logs, a drilling receipt, third party confirmation of existence of wells, or dated document showing ownership and existence of wells prior to February 6, 2003.

C. All Grandfathered wells are subject to verification by the Board.

## RULE 12.1 HISTORIC GROUNDWATER USE

A. A historic use well is a well that is "grandfathered" under the provisions of Rule 12.8(g), is registered under the provisions of Rule 11.4, and continues to be used for the same purpose(s) and quantity for which it was used prior to receiving grandfathered status. A historic use well applies only to wells that are producing groundwater for use within the District. A historic use well maintains an exempt status as long as it meets these requirements.

B. The District will review all registered grandfathered wells that exist on the date that this rule is adopted to identify those wells that are capable of producing more than 25,000 gallons per day. The District will verify the well data with the owner and after verification will issue a Historic Use Allocation Certificate (HUAC). The purpose of a HUAC is to assist the District in accurately determining the amount of groundwater being used (allocated) in the District. In determining the amount of groundwater used, drought conditions need to be considered. Allocation of available groundwater is most critical during drought conditions.

C. The HUAC shall include the number of the grandfathered well registration, the name of the landowner, and the description of the tract of land on which the well or well system is located.

D. The HUAC shall include the following information to the extent that the information is available to the user through the exercise of reasonable and diligent efforts:

1. The use(s) of the water for which the well was drilled.
2. Annual average estimated groundwater production history of the well.
3. The maximum annual production of the well or well system, and in what year(s).

E. The HUAC is issued to the property owner and heirs for the use(s) designated. The HUAC is transferable to a new property owner only if the use(s) is (are) the same as that of the previous owner.

F. There is no known historic long term export of groundwater from the District. A HUAC is intended for in District use of groundwater only and is not applicable to any export of groundwater from the District. Any identification in the future of historic use of groundwater that is not covered under this rule will be addressed by the Board in a fair and equitable manner.

G. Historic use wells that have not been registered at the time of adoption of this rule must follow the procedure outlined in Rule 11.4(b) to establish grandfathered status before being eligible to receive a HUAC.

H. Registration for a HUAC is voluntary. The sign up period to issue a HUAC for wells that are registered at the time this rule is adopted is until December 31, 2007. The sign up period for a HUAC for additional grandfathered wells established under Rule 12.1(g) is six (6) months or December 31, 2007.

I. Change in use of a HUAC well and/or increased use over its production history invalidates the HUAC and subjects this groundwater use to permitting.

**HISTORIC USE GROUNDWATER ALLOCATION CERTIFICATE # \_\_\_\_\_**  
**STARR COUNTY GROUNDWATER CONSERVATION DISTRICT**  
100 N. FM 3167, Rio Grande City, TX 78582  
(956) 716-4800 FAX: (956) 487-8709

**INSTRUCTIONS:**

Complete one form for each grandfathered well covered by a SCGCD Water Well Registration which is capable of pumping more than 25,000 gallons per day.

1. Well no. \_\_\_\_\_
2. Name and Address of Well Owner:  
\_\_\_\_\_  
\_\_\_\_\_
3. Description of the Tract of Land:  
\_\_\_\_\_  
\_\_\_\_\_
4. Historic Use of Water was for:  
 Domestic/Public    Industrial    Irrigation    Other (Explain)  
Irrigation Users: Type of Crop \_\_\_\_\_  
Acres Irrigated \_\_\_\_\_
5. Groundwater Withdrawal: (Historic)  
a. Annual Average Estimated Groundwater Use \_\_\_\_\_  
b. Maximum Annual Production of Well or Well System \_\_\_\_\_  
Year(s) \_\_\_\_\_
6. How did you determine the amount of water used?  
 Meter    Acres Irrigated    Storage Tank  
 Number of Livestock Watered  
 Other

\_\_\_\_\_  
Additional comments may be attached.

THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY ABILITY.

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name: \_\_\_\_\_

Telephone No. \_\_\_\_\_

SCGCD Approval \_\_\_\_\_ Date: \_\_\_\_\_



## RULE 12.2 GENERAL PERMITTING POLICIES AND PROCEDURES

A. **Drilling Permit Requirement** - The well owner, well operator, or any other person acting on behalf of the well owner, must file a completed well registration for a water well drilling permit before a well may be drilled. No person shall hereafter begin to drill a well, or perforate an existing well, or increase the size of a well, or a pump therein, so that the well could reasonably be expected to produce in excess of 25,000 gallons of water per day, without having first applied to the District and received a permit to do so, unless the drilling and operation of the well is exempt by law or by these Rules. An applicant may commence the drilling of a well when his application has been approved and a permit issued by the District Board of Directors. A permit issued by the District Board of Directors shall not be a guaranty of the availability of water.

1. An application for a well drilling permit is subject to spacing and production limitations.

2. Even though exempt by law from permitting under Chapter 36.117 of the Texas Water Code and amendments thereto all new wells must be registered with the District on a form provided by the District prior to the drilling of the well. See Appendix. All such wells shall be equipped and maintained in accordance with these Rules as to drilling, installation of casing, completion, pipe and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir. The District will designate the registration number for each exempt well located within the District Boundaries.

B. **Operating Permit Requirement** - Within 30 days after a well is drilled, the well owner or well operator must file a completed operating permit application, if not previously issued, prior to operating the well. The operating permit must be approved by the Board of Directors and remain permitted until an operating permit is no longer required for the well/well system. See Appendix.

C. **Permit Applications** - Each Original application for a water well drilling permit, operating permit, and permit renewal requires a separate application. Application forms will be provided by the District and furnished to the applicant upon request. The application for a permit must be in writing and sworn. See Appendix.

D. **Notice of Permit Hearing** - Once the District has received a completed original application for a water well drilling permit and/or operating permit, the General Manager, or Board will issue written notice indicating a date and time for a hearing on the application in accordance with these rules. The District may schedule as many applications at one hearing as deemed necessary.

E. **Decision and Issuance of Permit**. In deciding whether or not to issue a permit, and in setting the terms of the permit, the Board must consider the District Rules and whether:

1. The application conforms to the requirements prescribed by Chapter 36 and is accompanied by the prescribed fee;
2. The proposed use of water unreasonably affects existing groundwater and surface water resources or existing permit holders;
3. The proposed use of water is dedicated to any beneficial use;
4. The proposed use of water is consistent with the District's certified Water Management Plan;
5. The applicant has agreed to avoid waste and achieve water conservation; and
6. The applicant has agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure.

F. Operating Permits. On approval of an application, the District shall issue an Operating Permit to the applicant. The permittee's right to produce shall be limited to the extent and purposes stated in the permit. The permit shall be valid for a period of 3 years, at which time the permit may be renewed. Operating permits are site specific, and a permitted groundwater production allowance is restricted to production from the permitted well. A permit shall not be transferable except as provide in Rule 12.4.

G. Effect of Acceptance of Permit. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of an agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions contained in the permit.

H. An operating permit shall be considered for renewal if the permittee has been in compliance with the conditions of the permit and the District rules. After review of the permit and any public input related to the permitted well, the Board, at a regularly scheduled meeting may grant a three year permit renewal. A permit renewal can be granted only for the original or reduced pumping allocation. After review of public input, the Board may choose to subject the operating permit renewal to a public hearing. A new operating permit fee would not be applicable.

I. The Board may issue a drilling permit and operating permit at the same hearing. The Board reserves the right to defer a decision on the operating permit until after the well has been drilled and well data has been provided. The operating permit fee is payable at the time the operating permit application is filed. If the well is not drilled and the operating fee was paid prior to drilling, the operating fee will be refunded. If the well is drilled and the operating fee was paid prior to drilling, the operating fee will be refunded only if the drilling operation was unsuccessful and the hole is properly plugged.

#### RULE 12.3 OPERATING PERMIT REQUIRED

Within 30 days of completion of drilling a new non-exempt well, the owner or operator of the well shall file with the District, on forms provided by the District, an application for a Water Well Operating Permit. The application shall reference the drilling permit number assigned to that well by the District. The operating permit must be approved by the Board of Directors after public hearing and remain permitted until an operating permit is no longer required for the well/well system. See Appendix 20C.

#### RULE 12.4 OPERATING PERMIT PROVISIONS

All permits are granted subject to these rules, orders of the Board, and the laws of the State of Texas. In addition to any special provisions or other requirements incorporated into the permit, each permit issued must contain the following standard permit provision:

A. This permit is granted in accordance with the provisions of the Rules of the District, and acceptance of this permit constitutes an acknowledgment and agreement that the permittee will comply with the Rules of the District.

B. This permit confers only the right to operate the permit under the provisions of Rule 12.6. To protect the permit holder from the illegal use by a new landowner, within 10 days after the date of sale, the operating permit holder must notify the District in writing the name and contact information of the new owner. Any person who becomes the owner of a currently permitted well must, within 20 calendar days from the date of the change in ownership, file a transfer of ownership application to affect a transfer of the permit.

C. Production from non-exempt wells except those covered under Rule 12.4 (E) shall be reported annually by the operator on a form provided by the District. If reports are not returned on time, penalties as described in Rule 10 of the GCGCD Rules will be applied and renewal of permit may be denied.

D. The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner.

E. Production from all non-exempt wells for water sales in or outside of the District must be metered by the owner or operator using a device or method that is within plus or minus 2% of accuracy. Measured or estimated water use shall be reported to the District monthly. Water use may be verified by District. Water sales may be verified by the District.

F. The well site must be accessible to District representatives for inspection, and the permittee agrees to cooperate fully in any reasonable inspection of the well and well site by the District representatives.

G. The application pursuant to which this permit has been issued is incorporated in this permit, and this permit is granted based on and contingent upon the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of the permit.

H. Violation of this permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawal, is punishable by civil penalties as provided by the District Rules.

#### RULE 12.5 OPERATING PERMIT LIMITATIONS

A. Maximum Authorized Withdrawal. It is a violation of these rules to pump any amount of water over the authorized permit amount.

B. Operating Permit Required. It is a violation of these rules to pump a well while awaiting approval by the Board of Directors.

#### RULE 12.6 PRODUCTION LIMITATIONS

A. To fulfill its obligation for conservation and protection of groundwater for all in County users, Starr County Groundwater Conservation District shall maintain rules to manage the Gulf Coast Aquifer on a sustainable basis, such that groundwater available for use equals the estimated recharge to the aquifer: To that end Starr County Groundwater Conservation District shall work with other Groundwater Conservation Districts in the management area to achieve that common goal.

B. Individual permits shall specify allowable pumping rates subject to curtailed rates in the event that monitored water levels drop below levels designated in the permit. The maximum allowable drawdown is 10 feet at the permit boundary.

C. Subject to pumping limits imposed due to water level decline, in no event may a well or well system be operated such that the total annual production exceeds ½ (one half) acre foot of water per acre, per year, owned or operated, within the same section.

D. A well or well system may only be permitted to be drilled and equipped for the production of a cumulative total of ten (10) gallons per minute (GPM) per contiguous acre owned or operated.

E. Due to the complexity and variable nature of the Gulf Coast Aquifer in Starr County, the maximum allowable well size is based on the location in the county. Refer to the section map in the appendix dividing the county into 3 sections: the north zone, the central zone (San Antonio River Basin), and the south zone.

#### **Pumping limits for each zone:**

**North zone (Evangeline Aquifer)** – 400 gallons per minute and the well is a minimum of 300' deep

**Central zone (Evangeline Aquifer)** – 600 gallons per minute and the well is a minimum of 500' deep

**South zone (Evangeline Aquifer)** – 800 gallons per minute and the well is a minimum of 700' deep

**South zone (Chicot Aquifer)** – 400 gallons per minute

These values are for single well systems and may be reduced for multiple well applications based on water quality and drawdown data. Wells screened in multiple aquifers can be permitted for greater capacities as determined by the Board at the operating permit hearing and approval.

F. In-County utilities that supply water to the public may use part of the acreage within their service area to meet the production acreage requirement if the well is located or to be located within their service area.



#### RULE 12.7 WELL SPACING REQUIREMENTS

A. For exempt domestic wells incapable of producing more than 25,000 GPD, a new well may not be drilled within 135 feet from the property line or water rights line of any adjoining landowner or the boundary line of a water rights owner. The minimum distance from the property line shall always be a minimum of 50 feet for those whose applications do not meet the 135 foot rule.

B. Minimum distance from any existing or proposed septic system whether on owner's property or adjacent property, must meet county standards.

C. The spacing for permitted wells is established by the permitted flow in GPM and the cumulative rate established in Rule 12.6. The minimum distance from the property line of any non-participating adjoining landowners is one-half the minimum well spacing distance. Example: Multiple wells producing 500 GPM,  $500 \text{ GPM} = 807 \text{ acre feet per year} = 1,614 \text{ acres owned, leased per well}$ ;  $500 \text{ GPM divided by } 10 \text{ GPM per contiguous acre} = 50 \text{ acres per well spacing} = 1,476 \text{ feet between wells}$ .

D. All subdivisions platted after Jan. 1, 2003 shall meet district well spacing rules.

E. In determining the minimum distance from the property line for a new well, the District may grant a variance to the standard rules provided that the minimum water rights acreage requirement is met. The District shall apply reasonable judgment in applying this rule when the shape of the property or other obstacles would create a hardship to the well owner to meet the standard rules. The minimum distance of 50' from the property line referred to in 12.7(A) shall apply.

#### RULE 12.8 EXCLUSIONS AND EXEMPTIONS

The permit requirements in Rule 12.2 do not apply to:

A. A well drilled or equipped such that it is incapable of producing more than 25,000 gallons of groundwater per day for domestic use such as for drinking water, cooking, and washing; provided that the minimum acreage is 1.7 acres.

B. A well used for providing water for livestock or poultry on a tract of land larger than ten (10) acres that is either drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day;

C. A well used solely for domestic use on a tract of land less than 1.7 acres provided that the maximum pumping capability is adjusted on the basis of 10 gallons per minute per acre, i.e. a tract of 1.1 acres has a maximum pumping capacity of 11 gallons per minute and the minimum spacing requirements are met.

D. Irrigating a garden or orchard, if the produce of the garden or orchard is to be consumed by the individual, family or household;

E. The drilling of the water well used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas provided that the person holding the permit is responsible for drilling and operation the water well and the well is located on the same lease of field associated with the drilling rig. (See Appendix 20.F) This exemption does not apply to the use of groundwater for the purpose of fracturing an oil or gas well or for the use of groundwater in any application during the production of an oil or gas well. Groundwater use for fracturing an oil or gas well or groundwater used in any way for the production of an oil or gas well is subject to the permitting rules of the District.

F. The drilling of a water well authorized under a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, or for production from such a well to the extent the withdrawal is required for mining activities regardless of any subsequent use of the water;

G. All wells drilled prior to adoption of the management plan approved September 11, 2013 shall be "grandfathered", provided that the use of water is within the District.

H. Water produced by an exempt well may not be sold.

I. Rule 12.8 shall be in compliance with Chapter 36, State Water Code 36.117



## RULE 12.9 MITIGATION

In order to ensure no significant effects on existing groundwater and/or surface water resources, the District shall require the completion of an evaluation sheet for potential mitigation. The purpose of this evaluation is to determine the possible effects of the application upon the registered or permitted well owners that could be potentially affected by the application. This evaluation must address the eight issues listed below.

This evaluation sheet is to accompany and be part of the drilling permit application hearing by the Board. Based on the provided data such as location of the well(s) in the District, proposed depth and completion zones, permitted acreage, proximity to adjacent landowners and natural features such as springs, the Board will determine for each application any applicable mitigation requirements. The evaluation shall include, but not be limited to the following:

1. The actions and procedures to be taken by the holder of the drilling and production permit in the event that pumping causes the water level in a registered or permitted well to drop to an unacceptable level as defined in the permit.
2. The actions and procedures to be taken by the holder of the drilling and production permit in the event that the pumping from the permitted well causes the water to become objectionable or renders the water unusable to the registered or permitted well owner as defined in the permit.
3. The actions and procedures to be taken by the holder of the drilling and production permit in the event that pumping causes the well casing or equipment to be damaged so that the recorded quality or quantity of water cannot be produced by the registered or permitted well owner.
4. The actions and procedures to be taken by the holder of the drilling and production permit in the event that pumping causes springs or artesian wells used for beneficial purpose to stop flowing.
5. The plan shall also include measures to be taken in cases where the reduction of artesian pressure causes an emergency to arise, which may threaten human or animal health, safety, or welfare.
6. The plan shall also contain a specifically enumerated time schedule for the execution of the mitigation plan as agreed to by the producer and the Board.
7. In the issuance of an operating permit, the Board may require of the operating permit holder the establishment of an escrow fund to protect existing users as required by Texas Water Code Chapter 36.113 and Chapter 36.1131. This escrow fund is to be deposited with the District. The administration and disbursement of this escrow fund is at the sole discretion of the Board.
8. The actions and procedures to be taken in the event that groundwater engagement contaminates a user's drinking water supply.

## RULE 12.10 GEOTHERMAL LOOPS

A. Definition: Closed Loop Geothermal Well, TDLR Chapter 76.10 (10), "A vertical closed system well used to circulate water, and other fluids or gases through the earth as a heat source or heat sink".

1. Application and fee must be submitted to the Starr County Groundwater Conservation District (SCGCD) office before drilling may begin. The District will charge a one-time administrative fee of \$200 for the drilling application for the borehole and /or a series of boreholes. A drilling log shall be filed with the State of Texas and SCGCD. A file will be maintained in the SCGCD district offices of the drilling and equipping.

2. The closed loop geothermal system shall be designed and installed by an accredited installer. The design shall be submitted to SCGCD prior to approving the application. The installer shall notify the district prior to installation.

3. A license water well driller shall drill the boreholes. The driller shall notify the district prior to drilling.

4. A SCGCD representative shall be allowed on the property to inspect the drilling of the borehole, installation and sealing of the closed loop piping.

5. Construction of the borehole will follow TDLR regulation described in Technical Standards Chapter 76.1000 (b) (5) of the TDLR rules. "The annular space of a closed loop geothermal well used to circulate water or other fluids shall be backfilled to the total depth with impervious Bentonite or similar material..."

6. Spacing: Any borehole shall be located a minimum horizontal distance of fifty (50) feet from any watertight sewage and liquid-waste collection facility, and a minimum horizontal distance of 100 feet from the nearest property line.

B. Definition: Open Loop Geothermal Well – Groundwater drawn from an aquifer through one well, passed through the heat pump's heat exchanger, and discharged to the same aquifer through a second well at a distance from the first.

1. An open loop geothermal heat sink system into the Chicot or Evangeline Aquifers is prohibited.

2. Groundwater is not to be used to pump into a surface pond for the purpose of serving as a cooling pond. There are limited groundwater supplies and evaporation from a surface cooling water application is categorized as a waste of groundwater.

RULE13REWORKINGANDREPLACINGAWELL

RULE13.1PROCEDURES

- A. An existing well may be reworked, re-drilled, or re-equipped in a manner that will not change the existing well status.
- B. A permit must be applied for and the Board will consider approving the permit, if a party wishes to increase the rate of production of an existing well to the point of increasing the size of the column pipe and gpm by reworking, re-equipping such well.
- C. A permit must be applied for and granted by the Board if a party wishes to replace an existing permitted well with a replacement well.
- D. A replacement well, in order to be considered such, must be drilled within 30 feet of the existing well and shall not be drilled nearer the property line than 50 feet provided the original well was "grandfathered" by registration prior to February 6, 2004. The District may allow a greater distance of 30 feet from the existing well if there is good cause such as providing better safety or providing a greater distance from a potential pollution source. A well drill after February 6, 2004 cannot be considered as a replacement well if the well to be replaced was not registered prior to February 6, 2004. In this case, the newly drilled well will be classified as a new well. For a well to be considered a replacement well, the well that is replaced must be plugged or capped and not be used. . A replacement well must be registered whether it is permitted or not.

RULE14WELLLOCATIONANDCOMPLETION

RULE14.1RESPONSIBILITY

After an application for a well permit has been granted, the well, if drilled, must be drilled within 30 feet of the location specified in the permit, meet other spacing requirements and not elsewhere. If the well should be commenced or drilled at a different location, the drilling or operation of such well may be enjoined by the Board pursuant to Chapter 36, Texas Water Code. As described in the Texas Water Well Drillers' Rules, all well drillers, and persons having a well drilled, deepened, or otherwise altered shall adhere to the provisions of the rule prescribing the location of wells and proper completion.

RULE14.2LOCATIONOFDOMESTICWELLS

- A. A well must be located the minimum horizontal distance from any sewage facility or waste collection facility in compliance with regulations specified by Starr County, SCGCD and Texas Department of Licensing and Regulation rules. S CGCD uses TDLR distance of 50' from a watertight sewage facility and liquid waste collection facility. The minimum distance required from the septic system drain field or spray area will be 100'.
- B. A well must be located a minimum horizontal distance of 150 feet from any contamination, such as existing or proposed livestock or poultry yards, privies.
- C. A well must be located at a site not generally subject to flooding; provided, however, that if a well must be placed in a flood prone area, it must be completed with a watertight sanitary well seal and steel casing extending a minimum of 24 inches above the know flood level.
- D. No well may be located within five-hundred (500) feet of a sewage treatment plant, solid waste disposal site, or land irrigated by sewage plant effluent, or within three-hundred (300) feet of a sewage wet well, sewage pumping station, or a drainage ditch that contains industrial waste discharges or wastes from sewage treatment systems.

## RULE 14.3 STANDARDS FOR WATER WELL DRILLERS AND WATER WELL PUMP INSTALLERS

All water wells drilled or re-completed for others in the District must be performed by a licensed driller in accordance with Chapter 340 TCEQ. All water wells drilled and water well pumps installed must be in accordance with Chapter 238 TCEQ.

## RULE 15 WASTE AND BENEFICIAL USE

### RULE 15.1 WASTE

- A. Underground water shall not be produced within, or used within or outside the District in such a manner as to constitute waste as defined in Rule 1K.
- B. Pumping groundwater into a surface earthen tank that does not hold water is considered waste.
- C. The use of groundwater when alternative water supplies are available may be considered waste.
- D. The use of groundwater for cooling when alternative methods are available may be considered waste.
- E. Any person producing or using groundwater shall use every possible precaution in accordance with reasonable methods to stop and prevent waste of such water.

### RULE 15.2 USE FOR A BENEFICIAL PURPOSE

- A. Agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational, or pleasure purposes. The use of groundwater to pump into a surface pond is allowed for a beneficial use but is limited to maximum ½ acre pool. The pond can be of larger dimension.
- B. Exploring for, producing, handling, or treating oil, gas, sulfur, or other minerals.
- C. Any other purpose that is useful and beneficial to the user.
- D. Beneficial use of groundwater is subject to meeting conditions defined in Rule 1 “Waste”.
- E. Beneficial use is subject to the provisions of Rule 12.9 “Mitigation”.
- F. Beneficial use is limited to the provisions of Rule 12.6 “Production Limitations”.
- G. When groundwater is considered for a beneficial purpose other than for drinking water, alternative water supplies should be utilized first.
- H. When groundwater is used for a beneficial purpose, recovery and reuse in the area of withdrawal should be implemented when feasible.

RULE16FEES

Registration of Grandfathered Wells, Replacement Wells and Wells existing prior to 01-01-2014.		No charge
Registration of New Exempt Wells and Wells for Oil and Gas Exploration-Drilling permit for nonexempt well (applied to operating permit if applicable). Registration fees for "after the fact" registrations are double the regular registration fee.		As set by Board
Operating Permit of a Non Exempt Well with a capacity up to:	100 gpm	\$ 100.00
	200 gpm	\$ 200.00
	300 gpm	\$ 300.00
	400 gpm	\$ 400.00
	500 gpm	\$ 500.00
	600 gpm	\$ 600.00
	700 gpm	\$ 700.00
	800 gpm	\$ 800.00

RULE17 -reservedforfutureuse

RULE18HEARINGS

RULE18.1TYPESOFHEARINGS

The District conducts two general types of hearing: **hearings involving permit matters**, in which the rights, duties, or privileges of a party are determined after an opportunity for an adjudicative hearing, and **rulemaking hearings** involving matters of general applicability that implement, interpret, or prescribe the law or District policy, or that describe the procedure or practice requirements of the District.

RULE18.2NOTICEOFHEARINGS

A. Rule Making Hearings shall be noticed and conducted according to Chapter 36.101 of the Texas Water Code and any future revisions to Code.

B. Permit Hearings: Permit Applications, Amendments, and Revocations: The District may hold hearings on original permit applications, applications for permit renewals or amendments and permit revocations or suspensions. Notice of permit hearings will be given in accordance with Chapter 36.401 – 419 of the Texas Water Code and any future revisions to Code.



### RULE 18.3 GENERAL PROCEDURES

Presiding Officer: In hearings before the Board, the President of the Board or a Board member selected by the President of the Board shall be the presiding officer.

A. Authority of Presiding Officer: The presiding officer may conduct the hearing or other proceeding in the manner the presiding officer deems most appropriate for that particular proceeding. The presiding officer has the authority to:

1. Set hearing dates, other than the initial hearing date for permit matters set in accordance with Rule 18.1;
2. Convene the hearing at the time and place specified in the notice for public hearing;
3. Establish the jurisdiction of the District concerning the subject matter under consideration;
4. Rule on motions and on the admissibility of evidence and amendments to pleadings;
5. Designate and align parties and establish the order for presentation of evidence;
6. Administer oaths to all persons presenting testimony;
7. Examine witnesses;
8. Issue subpoenas when required to compel the attendance of witnesses or the production of papers and documents;
9. Compel discovery under these Rules;
10. Ensure that information and testimony are introduced as conveniently and expeditiously as possible, without prejudicing the rights of any party to the proceeding;
11. Conduct public hearings in an orderly manner, in accordance with these Rules;
12. Recess any hearing from time to time and place to place;
13. Reopen the record of a hearing for additional evidence, when necessary to make the record more complete; and
14. Exercise any other appropriate powers necessary or convenient, to effectively carry out the responsibilities of presiding officer.

B. Registration Forms: Each individual, attending a hearing or other proceeding of the District, must submit a form providing the person's name and address, whether the person plans to testify; and any other information becomes relevant to the hearing or other proceeding.

C. Appearance: Representative Capacity: Any interested person may appear in person, or may be represented by counsel, engineer, or other representative, provided the representative is fully authorized to speak and act for the principal. Such person or representative may present evidence, exhibits, or testimony, or make an oral presentation in accordance with the procedures applicable to the particular proceeding. A person appearing in a representative capacity may be required to prove proper authority.

D. Alignment of Parties: Number of Representatives Heard: Participants in a proceeding may be aligned according to the nature of the proceeding and their relationship to it. The presiding officer may require the participants of an aligned class to select one or more persons to represent them in the proceeding, or on any particular matter or ruling, and may limit the number of representatives heard, but must allow at least one representative of an aligned class to be heard in the proceeding, or on any particular matter or ruling.

E. Appearance by Applicant or Movant: The applicant, movant or party requesting the hearing, or a representative, should be present at the hearing. Failure to appear may be grounds for withholding consideration of a matter and dismissal without prejudice, or may require the rescheduling or continuance of the hearing, if the presiding officer deems it necessary in order to fully develop the record.

F. Reporting: Hearings and other proceedings will be recorded on audiocassette tape or, at the discretion of the presiding officer, may be recorded by a certified shorthand reporter. The District does not prepare transcriptions of hearings recorded on audiocassette tape on District equipment for the public, but will arrange for a party at interest to have access to the recording. Subject to availability of space, any party at interest may, at its own expense, arrange for a reporter to transcribe or record the hearing. The cost of reporting or transcribing a permit hearing may be assessed in accordance with Rule 18.5(b). If a proceeding, other than a permit hearing, is recorded by a reporter and a copy of the transcript of testimony is ordered by any person, the testimony will be transcribed and the original transcript filed with the papers of the proceeding at the expense of the person requesting the transcript of testimony. Copies of the transcript of testimony of any hearing, or other proceeding thus reported, may be purchased from the reporter.

G. Continuance: The presiding officer may continue hearings from time to time and from place to place without the necessity of publishing, serving, mailing or otherwise issuing a new notice. If a hearing or other proceeding is continued and a time and place for the hearing to reconvene are not publicly announced at the hearing by the presiding officer before it is recessed, a notice of any further setting of the hearing or other proceeding must be delivered, at a reasonable time, to all parties and any other person the presiding officer deems appropriate, but it is not necessary to post at the county courthouses or publish a newspaper notice of the new setting.

H. Filing of Documents; Time Limit: Applications, motions, exceptions, communications, requests, briefs, or other papers and documents required to be filed under these Rules, or by law, must be received in hand at the District's office within the time limit, if any, set by these Rules, or by the presiding officer for filing. Mailing within the time period is insufficient, if the submissions are not actually received by the District within the time limit.

I. Affidavit: Whenever the making of an affidavit by a party to a hearing or other proceeding is necessary, it may be made by the party or the party's representative or counsel. This Rule does not dispense with the necessity of an affidavit being made by a party, when expressly required by statute.

J. Broadening the Issues: No person will be allowed to appear in any hearing or other proceeding that, in the opinion of the presiding officer, is for the sole purpose of unduly broadening the issues to be considered in the hearing or other proceeding.

K. Conduct and Decorum: Every person, party, representative, witness, and other participant in a proceeding must conform to ethical standards of conduct and will exhibit courtesy and respect for all other participants. No person may engage in any activity during a proceeding that interferes with the orderly conduct of District business. If, in the judgment of the presiding officer, a person is acting in violation of this provision, the presiding officer will first warn the person to refrain from engaging in such conduct. Upon further violation by the same person, the presiding officer may exclude that person from the proceeding for such time and under such conditions, as the presiding officer deems necessary.

#### 18.4 UNCONTESTED PERMIT HEARINGS PROCEDURES

A. Informal Hearings: Permit hearings may be conducted informally when, in the judgment of the presiding officer, the conduct of a proceeding under informal procedures will result in a savings of time or cost to the parties, lead to a negotiated or agreed settlement of facts or issues in controversy, not prejudice the rights of any party, and is not objected to by any party.

B. Agreement of Parties: If all parties reach a negotiated or agreed settlement, that settles the facts or issues in controversy, the proceeding will be considered an uncontested case and the presiding officer will summarize the evidence, including findings of fact and conclusions of law based on the existing record and any other evidence submitted by the parties at the hearing.

C. Decision to Proceed as Uncontested or Contested Case: If the parties do not reach a negotiated or agreed settlement of the facts and issues in controversy, or if any party contests a staff recommendation, and the presiding officer determines these issues will require extensive discovery proceedings or hearings, the presiding officer may declare the case to be contested and convene a pre-hearing conference as set forth in Rule 18.5. The presiding officer may also recommend issuance of a temporary permit, for a period not to exceed 4 months, with any special provisions the presiding officer deems necessary, for the purpose of completing the contested case process. Any case not declared a contested case under this provision would be an uncontested case.

#### 18.5 CONTESTED PERMIT HEARINGS PROCEDURES

A. Pre-hearing Conference: A pre-hearing conference may be held to consider any matter that may expedite the hearing or otherwise facilitate the hearing process.

1. Matters that may be considered at a prehearing conference include, but are not limited to:

- a. designation of parties;
- b. formulation and simplification of issues;
- c. necessity or desirability of amending applications or other pleadings;
- d. possibility of making admissions or stipulations;
- e. scheduling discovery;
- f. identification of and specification of the number of witnesses;
- g. filing and exchange of prepared testimony and exhibits; and
- h. procedure at the hearing

2. Notice: A pre-hearing conference may be held at a date, time and place stated in the notice given in accordance with Rule 18.2 or at the date, time, and place for hearing stated in the notice of public hearing, and may be continued from time to time and place to place, at the discretion of the presiding officer.

3. Conference Action: Action taken at a pre-hearing conference may be reduced to writing and made a part of the record, or may be stated on the record at the close of the conference.

B. Assessing Reporting and Transcription Costs: Upon the timely request of any party, or at the discretion of the presiding officer, the presiding officer may assess reporting and transcription costs to one or more of the parties. The presiding officer will consider the following factors in assessing reporting and transcription costs:

1. The party who requested the transcript;
2. The financial ability of the party to pay the costs;
3. The extent to which the party participated in the hearing;
4. The relative benefits to the various parties of having a transcript;
5. The budgetary constraints of a governmental entity participating in the proceedings;

6. Any other factor that is relevant to a just and reasonable assessment of costs.

In any proceeding where the assessment of reporting or transcription costs is an issue, the presiding officer will provide the parties an opportunity to present evidence and argument on the issue. A recommendation regarding the assessment of costs will be included in the presiding officer's report to the Board.

C. Designation of Parties: Parties to a hearing may be designated on the first day of hearing, or at such other time as the presiding officer determines. The General Manager and any person specifically named in a matter are automatically designated parties. Persons other than the General Manager or a person specifically named must, in order to be admitted as a party, appear at the proceeding in person or by representative, and seek to be designated by demonstrating a justiciable interest in the matter. After parties are designated, no other person may be admitted as a party unless, in the judgment of the presiding officer, there is good cause and the hearing will not be unreasonably delayed.

D. Rights of Designated Parties: Subject to the direction and orders of the presiding officer, parties have the right to conduct discovery, present a direct case, cross-examine witnesses, make oral and written arguments, obtain copies of all documents filed in the proceeding, receive copies of all notices issued by the District concerning the proceeding, and otherwise fully participate in the proceeding.

E. Persons Not Designated Parties: At the discretion of the presiding officer, persons not designated as parties to a proceeding may submit comments or statements, orally or in writing. Comments or statements submitted by non-parties may be included in the record, but may not be considered by the presiding officer as evidence.

F. Furnishing Copies of Pleadings: after parties have been designated, the author must provide a copy of every pleading, request, motion, or reply filed in the proceeding to every other party or the party's representative. A certification of this fact must accompany the original instrument when filed with the District. Failure to provide copies may be grounds for withholding consideration of the pleading or the matters set forth therein.

G. Agreements to be in Writing: No agreement between parties or their representatives affecting any pending matter will be considered by the presiding officer unless it is in writing, signed, and filed as part of the record, or unless it is announced at the hearing and entered of record.

H. Discovery: Discovery will be conducted upon such terms and conditions, and at such times and places, as directed by the presiding officer. Unless specifically modified by these Rules or by order of the presiding officer, discovery will be governed by, and subject to the limitations set forth in, the Texas Rules of Civil Procedure. In addition to the forms of discovery authorized under the Texas Rules of Civil Procedure, the parties may exchange informal requests for information, either by agreement or by order of the presiding officer.

I. Ex Parte Communications: Neither the Presiding Officer nor the Board may communicate, directly or indirectly, in connection with any issue of fact or law with any agency, person, party, or their representatives, except on notice and opportunity for all parties to participate. This provision does not prevent communications with District staff not directly involved in the hearing in order to utilize the special skills and knowledge of the District in evaluating the evidence and does not apply to proceedings other than a contested permit hearing.

J. Compelling Testimony; and Swearing Witnesses: The presiding officer may compel any person to testify who is necessary, helpful, or appropriate to the hearing. The presiding officer shall administer the oath in a manner calculated to impress the witness with the importance and solemnity of the promise to adhere to the truth.

K. Evidence: Except as modified by these Rules, the Texas Rules of Civil Evidence govern the admissibility and introduction of evidence; however, evidence not admissible under the Texas Rules of Civil Evidence may be admitted if it is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. In addition, evidence may be stipulated by agreement of all parties.

L. Written Testimony: When a proceeding will be expedited and the interests of the parties not substantially prejudiced, testimony may be received in written form. The written testimony of a witness, in either narrative or question and answer



form, may be admitted into evidence upon the witness being sworn and identifying the testimony as a true and accurate record of what the testimony would be if given orally. The witness will be subject to clarifying questions and to cross-examination, and the prepared testimony will be subject to objection.

M. Requirements for Exhibits: Exhibits of a documentary character must be of a size that will not unduly encumber the files and records of the District. All exhibits must be numbered and, except for maps and drawings, may not exceed 8-1/2 by 11 inches in size.

N. Abstracts of Documents: When documents are numerous, the presiding officer may receive in evidence only those that are representative and may require the abstracting of relevant data from the documents and the presentation of the abstracts in the form of an exhibit. Parties have the right to examine the documents from which the abstracts are made.

O. Introduction and Copies of Exhibits: Each exhibit offered shall be tendered for identification and placed in the record. Copies must be furnished to the presiding officer and to each of the parties, unless the presiding officer rules otherwise.

P. Excluding Exhibits: In the event an exhibit has been identified, objected to, and excluded, it may be withdrawn by the offering party. If withdrawn, the exhibit will be returned and the offering party waives all objections to the exclusion of the exhibit. If not withdrawn, the exhibit shall be included in the record for the purpose of preserving the objection to excluding the exhibit.

Q. Official Notice: The presiding officer may take official notice of all facts judicially cognizable. In addition, official notice may be taken of generally recognized facts within the area of the District's specialized knowledge.

R. Documents in District Files: Extrinsic evidence of authenticity is not required as a condition precedent to admissibility of documents maintained in the files and records of the District.

S. Oral Argument: At the discretion of the presiding officer, oral arguments may be heard at the conclusion of the presentation of evidence. Reasonable time limits may be prescribed. The presiding officer may require or accept written briefs in lieu of, or in addition to, oral arguments. When the matter is presented to the Board for final decision, the Board may hear further oral arguments.

## 18.6 CONCLUSION OF THE PERMIT HEARING A.

### Hearings before the Board

1. Closing the Record: At the conclusion of the presentation of evidence and any oral argument the presiding officer may either close the record or keep it open and allow the submission of additional evidence, exhibits, briefs, or proposed findings and conclusions from one or more of the parties. No additional evidence, exhibits, briefs, or proposed findings and conclusions may be filed unless permitted or requested by the presiding officer.

2. Time for Board Action on Certain Permit Matters: In the case of hearings before the Board involving original permit applications, or applications for permit renewals or amendments, the Board must act by issuing a written order, within 35 calendar days after the close of the hearing record.

### B. Hearings before a Hearing Examiner:

The board may refer contested case hearings to a hearing examiner. If a hearing examiner conducts the hearing, a brief written summary of the hearing and recommendation of the action shall be prepared by the hearing examiner and provided to the Board for its consideration and decision. A copy of the hearing examiner's report shall be provided to all parties. The hearing shall be considered to have concluded when the parties have had an opportunity to present their written or oral comments on the hearing officer's report to the Board and upon the close of the hearing record.

## 18.7 RULE-MAKING HEARINGS PROCEDURES

A. General Procedures: The presiding officer will conduct the rulemaking hearing in the manner the presiding officer deems most appropriate to obtain all relevant information pertaining to the subject of the hearing as conveniently, inexpensively, and expeditiously as possible.

B. Submission of Documents: Any interested person may submit written statements, protests or comments, briefs, affidavits, exhibits, technical reports, or other documents relating to the subject of the hearing. Such documents must be submitted no later than the time of the hearing, as stated in the notice of hearing given in accordance with Rule 18.2; provided, however, that the presiding officer may grant additional time for the submission of documents.

C. Oral Presentations: Any person desiring to testify on the subject of the hearing must so indicate on the registration form provided at the hearing. The presiding officer will establish the order of testimony and may limit the number of times a person may speak, the time for oral presentations, and the time for raising questions. In addition, the presiding officer may limit or exclude cumulative, irrelevant, or unduly repetitious presentations.

D. Conclusion of the Hearing; Closing the Record; Presiding Officer's Report: At the conclusion of the testimony, and after the receipt of all documents, the presiding officer may either close the record, or keep it open to allow the submission of additional information. If the hearing is before the Board, the Board shall adopt the rule, reject the rule, or reopen the matter for further consideration.

## 18.8 FINAL DECISION; APPEAL

A. Board Action: After the record is closed and the matter is submitted to the Board, the Board may then take the matter under advisement, continue it from day to day, reopen or rest the matter, refuse the action sought or grant the same in whole or part, or take any other appropriate action. The Board action takes effect at the conclusion of the meeting and is not affected by a motion for rehearing.

B. Requests for Rehearing: Any decision of the Board on a matter may be appealed by requesting a rehearing before the Board within 20 calendar days of the Board's decision. Such a rehearing request must be filed at the District Office, in writing, and must state clear and concise grounds for the request. Such a rehearing request is mandatory, with respect to any decision or action of the Board, before any appeal to State District Court. The Board's decision is final, if no request for rehearing is made within the specified time, or upon the Board's denial of the request for rehearing, or upon rendering a decision after rehearing. If the rehearing request is granted by the Board, the date of the rehearing will be within 45 calendar days thereafter, unless otherwise agreed to by the parties to the proceeding. The failure of the Board to grant or deny the request for rehearing, within 90 calendar days of submission, will be deemed to be a denial of the request by operation of law.

## RULE 19 INVESTIGATIONS AND ENFORCEMENT

### RULE 19.1 NOTICES AND ACCESS TO PROPERTY

Board members and District agents and employees are entitled to access to all property within the District to carry out technical and other investigations necessary to the implementation of the District Rules. Prior to entering upon property for the purpose of conducting an investigation, the person seeking access must give notice in writing or in person or by telephone to the owner, lessee, or operator, agent, or employee of the well owner or lessee, as determined by information contained in the application or other information on file with the District. Notice is not required if prior permission is granted to enter without notice. Inhibiting or prohibiting access to any Board Member or District agents or employees who are attempting to conduct an investigation under the District Rules constitutes a violation and subjects the person who is inhibiting or prohibiting access, as well as any other person who authorizes or allows such action, to the penalties set forth in the Texas Water Code Chapter 36.102.

### RULE 19.2 CONDUCT OF INVESTIGATION

Investigations or inspections that require entrance upon property must be conducted at reasonable times, and must be consistent with the establishment's rules and regulations concerning safety, internal security, and fire protection. The persons conducting such investigations must identify themselves and present credentials upon request of the owners, lessee, operator, or person in charge of the well.

### RULE 19.3 SEALING OF WELLS

Following due process, the District may, upon orders from the judge of the courts, seal wells that are prohibited from withdrawing groundwater within the District by the District Rules to ensure that a well is not operated in violation of the District Rules. A well may be sealed when:

1. No application has been made for a permit to drill a new water well which is not excluded or exempted; or
2. No application has been made for an operating permit to withdraw groundwater from an existing well that is not excluded or exempted from the requirement that a permit be obtained in order to lawfully withdraw groundwater; or
3. The Board has denied, canceled or revoked a drilling permit or an operating permit.

The well may be sealed by physical means, and tagged to indicate that the well has been sealed by the District, and other appropriate action may be taken as necessary to preclude operation of the well or to identify unauthorized operation of the well. Tampering with, altering, damaging, or removing the seal of a sealed well, or in any other way violating the integrity of the seal, or pumping of groundwater from a well that has been sealed constitutes a violation of these rules and subjects the person performing that action, as well as any well owner or primary operator who authorizes or allows that action, to such penalties as provided by the District Rules.

**Appendix A**  
**STARR COUNTY GROUNDWATER CONSERVATION DISTRICT**  
**(SCGCD)**

**100 N FM 3167**  
**Rio Grande City, Texas 78582**  
**956-716-4800**  
**FAX: 956-487-8709**

**EXISTING AND NEW WATER WELL REGISTRATION**

Instructions: Complete all questions to the best of your knowledge.  
After January 1, 2014, all new wells are to have a copy of the Drillers well report attached to this registration upon completion and returned to office.

OWNER \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ DATE \_\_\_\_\_

This well is located on the property of: \_\_\_\_\_

Number of contiguous acres of water rights owned at well site \_\_\_\_\_

This well is \_\_\_\_\_ miles \_\_\_\_\_ of Goliad on road number \_\_\_\_\_

Use of well \_\_\_\_\_ Domestic, \_\_\_\_\_ Livestock, \_\_\_\_\_ Irrigation, \_\_\_\_\_ Public Supply,  
\_\_\_\_\_ Industrial, \_\_\_\_\_ Monitor, \_\_\_\_\_ Oil & Gas Exploration  
\_\_\_\_\_ Oil & Gas Production (Requires Permit) \_\_\_\_\_ API# \_\_\_\_\_ Other (specify)

Name of Driller \_\_\_\_\_ Grid# \_\_\_\_\_ Date Drilled \_\_\_\_\_

Registration Expiration Date: \_\_\_\_\_

Casing Size \_\_\_\_\_ in.: Type of Pump \_\_\_\_\_ GPM \_\_\_\_\_ HP \_\_\_\_\_

Remarks \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\*DISTRICT USE ONLY\*\*\*\*\*

Well Registration no. \_\_\_\_\_ Exempt \_\_\_\_\_ Non-exempt \_\_\_\_\_

Water Well Drilling Permit# \_\_\_\_\_ Water Well Operating Permit # \_\_\_\_\_

Latitude \_\_\_\_\_ North Longitude \_\_\_\_\_ West

Static Water Level \_\_\_\_\_ ft. Date measured \_\_\_\_\_ Tester \_\_\_\_\_

Total Dissolved Solids \_\_\_\_\_ PPM: Date Tested \_\_\_\_\_ Tester \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

Signature of person inspecting this well.



## SCGCD WELL REGISTRATION GUIDELINES

General Note: All wells drilled for others must be by licensed drillers.

### GRANDFATHERED WELL

- A well drilled prior to January 1, 2014 provided that the use of water is within the District.
- Registration is voluntary and is to be done by January 1, 2014. After January 1, 2014, proof of ownership prior to January, 2014 is required to receive grandfathered status.

### REPLACEMENT WELL

- Cannot change the existing well use or capacity.
- A replacement well for an existing well must be drilled within 30 feet of the existing well but not nearer than the property line than 50 feet provided that the original well was grandfathered.
- Replacement of an existing permitted well requires a new permit.

### EXEMPT WELL

- Must be registered prior to drilling of the new well.
- A well for domestic use incapable of producing more than 25,000 gallons per day.
- A well on 10 acres or more used to water livestock or poultry and incapable of producing more than 25,000 gallons per day.
- A well to be used solely to supply water for a rig that is actively engaged in oil or gas exploration.
- A new exempt well must be 135 feet from the property line.
- See Rule 14.2 for well location in relation to sewage systems and other contamination.

### NON-EXEMPT WELL

- Must have a drilling permit followed by an operating permit.
- Well spacing is based on permitted flow.
- Maximum well production is dependent on zone location of well within County.

**Oil and Gas Transfer of Well To Landowner**

This form to be filled out by Oil Company when well is transferred to landowner and returned to SCGCD within 30 days of transfer.

**Oil Company Name:** \_\_\_\_\_

**Address :** \_\_\_\_\_  
\_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**Date of Transfer:** \_\_\_\_\_

**Landowners Name:** \_\_\_\_\_

**Address of Landowner:** \_\_\_\_\_  
\_\_\_\_\_

**Telephone Number of Landowner:** \_\_\_\_\_

**Physical Location of Well:**

**Company/Person Contacting SCGCD for Original Well Registration:**

\_\_\_\_\_

**Road Name where well is located** \_\_\_\_\_

**SCGCD Well Registration Number:** \_\_\_\_\_

**API#** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Application for Amended Waterwell Permit or Registration (Transfer of Ownership)**

Starr County Groundwater Conservation District

100 N. FM 3167

Rio Grande City, Texas 78582

956-716-4800

956-487-8709– fax

Instructions: Submit this form for each individual well. Send an application for each well to be permitted or registered to the above address as soon as possible to stay within the 10 or 20 day deadline allotted to transfer ownership.

Rule 2.6 of the SCGCD Rules allows for the transfer of ownership a ministerial act upon filing the required information. But if a change of usage is requested, the request may require Board action.

Rule 12.4.B states the time allowed to affect a transfer of a permitted well after you buy or sell property in Starr County.

SCGCD Well # or Permit #
Current Permittee or Owner(print)
New Owner (print)
Mailing Address
Physical Address if Different
Telephone #:                      State:                      Zip Code:
Date of Ownership Change:
I CERTIFY THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY ABILITY.
Applicant/Agent Name: (print)
Please enter your email address:
Date application filed with District:
Applicants Signature:
Comments:

**STARR COUNTY GROUNDWATER CONSERVATION DISTRICT**  
**100 N. FM 3167**  
**Rio Grande City, TX 78582**  
**NOTICE TO PURCHASER**

TO PURCHASER SHOWN BELOW:

The real property described below, which you are about to purchase, is located in the STARR COUNTY GROUNDWATER CONSERVATION DISTRICT, STARR County, Texas. The District has taxing authority separate from any other taxing authority, and may, subject to voter approval, issue an unlimited amount of bonds. As of this date, the most recent rate of taxes levied by the district on real property located in the District is \_\_\_\_ on each \$100 assessed valuation. The total amount of bonds that has been approved by the voters and which have been or may, at this date, be issued is \_\_\_\_\_. The purpose of the Starr County Groundwater Conservation District, as required by the Texas Water Code, Chapter 36, is to provide for conserving, preserving, and protecting the groundwater and prevention of waste of the groundwater resources, over which it has jurisdictional authority, for the benefit of the people that the District serves. The legal description of the property ("A") which you are acquiring is as follows:

See Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

Seller's Printed Name  
Seller's Signature  
Seller's Printed Name  
Seller's Signature  
Seller's Mailing Address  
Seller's Physical Address in Goliad County, if different from Mailing address

The undersigned purchaser hereby acknowledges receipt of the forgoing notice prior to closing of the purchase of the real property described in such notice. The purchaser is to contact the Starr County Groundwater Conservation District at 956-716-4800 or 100 N. FM 3167, Rio Grande City, TX 78582 within 30 days after closing to transfer or register the water wells on this property.

Purchaser's Printed Name  
Purchaser's Signature  
Purchaser's Printed Name  
Purchaser's Signature  
Purchaser's Mailing Address

Date: \_\_\_\_\_

After execution of this document please return a copy to SCGCD, 100 N. FM 3167, Rio Grande City, Texas or fax to 956-487-8709.



Appendix B  
Starr County Groundwater Conservation District Application for  
Water Well Drilling Permit

Date of Application: \_\_\_\_\_

Instructions: Complete all questions. Please print or type. An incomplete application is grounds for refusal. Read Rule 12 of SCGCD Rules before completing.

Place an "X" in the appropriate space.

Drill New       Equip New       Rework       Re-equip       Alter

Owner \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Operator \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Well Location: Latitude \_\_\_\_\_ North Longitude \_\_\_\_\_ West

Use Non-Parallel Lines) this well is located \_\_\_\_\_ feet from the \_\_\_\_\_ (direction) property line, and \_\_\_\_\_ feet from the \_\_\_\_\_ (direction) property line, and \_\_\_\_\_ feet \_\_\_\_\_ (direction) from road number \_\_\_\_\_

I. Name of Driller \_\_\_\_\_ Texas Water Well Drillers License No. \_\_\_\_\_

Proposed Depth of Well \_\_\_\_\_ Aquifer \_\_\_\_\_

Date Drilling Scheduled to Begin \_\_\_\_\_ Proposed Pump size to be installed in HP \_\_\_\_\_

Maximum Rate of Production in GPM \_\_\_\_\_

Number of contiguous acres owned by landowner or water right holder upon which the well is to be located \_\_\_\_\_

List other wells producing from same strata located on such property as to well number and distance from proposed well location \_\_\_\_\_

List all surrounding landowners whose property adjoins your property with addresses and telephone numbers \_\_\_\_\_

Comments : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I agree that this well will be drilled within thirty (30) feet of the location specified, and that I will furnish the District the complete Well Registration form and Driller's Log (well report provided by driller), and any mechanical log that might be made, within 60 days of completion of this well. I agree to abide by the rules of the Starr County Groundwater Conservation District, The District Management Plan, and orders of the Board of Directors. Furthermore, I agree not to produce this well without a valid operating permit, and not to exceed the production allowance of the Operating Permit. All the information provided in and with this application is true and correct to the best of my knowledge.

Failure to comply with the rules, management plan and orders of the Board of Directors is subject to penalties established by the Board of Directors of the SCGCD and rule 10 of the Starr County Groundwater Conservation District Rules and Chapter 36 of the Texas Water Code.

Signature of Water Rights Holder \_\_\_\_\_ Date: \_\_\_\_\_

Percentage of water rights owned: \_\_\_\_\_

Signature of Landowner, if different \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\*\*\*District Use Only\*\*\*\*\*

Deposit Received \_\_\_\_\_ Check \_\_\_\_\_ Check No. \_\_\_\_\_ Cash \_\_\_\_\_

Permit Number \_\_\_\_\_ Valid Until \_\_\_\_\_ Field Inspection \_\_\_\_\_ Mapped \_\_\_\_\_

S.C.G.C.D. Well No. \_\_\_\_\_

Confirmation of contact with adjoining landowners:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This permit is approved, subject to the rules of the Starr County Groundwater Conservation District

\_\_\_\_\_ Signature of SCGCD personnel and Title

Appendix C  
Starr Groundwater Conservation District Water  
(SCGCD)  
100 N FM 3167  
Well Operating Permit

INSTRUCTIONS: Complete all questions. Please type or print. An incomplete permit is grounds for denial of permit.

I. Date of Application: \_\_\_\_\_

Owner \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Operator \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Aquifer \_\_\_\_\_ Total Depth \_\_\_\_\_ ft. Screened or Perforated Interval \_\_\_\_\_ ft.

Pump will be set at \_\_\_\_\_ depth

head pressure (if known) \_\_\_\_\_ lbs.

Well Location: Latitude \_\_\_\_\_ North Longitude \_\_\_\_\_ West

Total GPM Capable of Being Produced by this Pump \_\_\_\_\_

Normal Rate of Production \_\_\_\_\_ GPM

Make and Model of Pump \_\_\_\_\_

Horse Power \_\_\_\_\_

Percent of efficiency of pump \_\_\_\_\_

Proposed Well Use: \_\_\_\_\_ Domestic \_\_\_\_\_ Irrigation \_\_\_\_\_ Public supply \_\_\_\_\_ Livestock  
\_\_\_\_\_ Industrial \_\_\_\_\_ Injection \_\_\_\_\_ Oil and Gas Production \_\_\_\_\_ Other (Please Specify Below)

Comments and special provisions of permit:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Names, addresses and telephone numbers of adjoining landowners:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

II. ANNUAL PRODUCTION (Subject to Pumping limits due to water level decline)

a. Number of contiguous acres owned or leased on which water is to be produced: \_\_\_\_\_ acres

b. Volume of water per acre, per year requested: \_\_\_\_\_ acre-feet or \_\_\_\_\_ gallons

c. Total annual production (a x b): \_\_\_\_\_ acre-feet or \_\_\_\_\_ gallons

III. The permitting process will include a review of the permit as defined in Adopted Rules of SCGCD

I have read and agree to abide by these rules.

Landowner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Water Rights Holder Signature \_\_\_\_\_ ( ) Date: \_\_\_\_\_

IV. I have received and understand the SCGCD Drought Contingency Plan and how it applies to nonexempt wells in Starr County.

Landowner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Water Rights Holder Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Percentage of water rights held: \_\_\_\_\_

V. The above information is true to the best of my knowledge and I understand that signing this application does not mean approval of this operating permit.

Landowner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

VI. PRODUCTION TERMS AND AGREEMENT: I agree to abide by the terms of the District Rules, the District Management Plan, and orders of the Board of Directors. I agree to report to the District, on or before the 31st day of January of each year, the total volume of water produced in the prior year, and not to exceed the stated annual rate of production. Furthermore, I agree to abide by the terms of this permit, and understand that failure to do so will result in civil penalties and/or revocation of this permit. I understand that if this property is sold, I have 10 days to notify the District of the sale and name and contact information for the new owner (Rule 12.4 B).

I also understand that it is my responsibility to notify the District of any change of address from the one on the application. If the District tries to contact me by mail and is unsuccessful because of change, it will be as though contact has been made and any action the District takes may proceed.

Failure to comply with the rules, management plan and orders of the Board of Directors is subject to penalties established by the Board of Directors of the SCGCD and rule 10 of the Starr County Groundwater Conservation District Rules and Chapter 36 of the Texas Water Code.

Landowner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Water Rights Holder Signature: \_\_\_\_\_ Date: \_\_\_\_\_

VII. MITIGATION: If your permit qualifies for implementation of Rule 12.9 of the GCGCD Rules, a mitigation plan will be submitted that addresses all the issues outlined in that rule (current adoption).



\*\*\*\*\*DISTRICT USE ONLY\*\*\*\*\*

Deposit Received Date: \_\_\_\_\_ Check # \_\_\_\_\_ Cash \_\_\_\_\_ Amount \_\_\_\_\_  
This permit is Approved For: \_\_\_\_\_ acre-feet or \_\_\_\_\_ gallons of  
water per year  
(Subject to Pumping limits due to water level decline)

Field Inspection \_\_\_\_\_ Mapped \_\_\_\_\_

Date Received \_\_\_\_\_

This permit is accepted, subject to the rules of the Goliad County Groundwater Conservation District

Permit Number \_\_\_\_\_ This permit shall remain valid until \_\_\_\_\_

S.C.G.C.D. Well No. \_\_\_\_\_ Date : \_\_\_\_\_

Additional comments or provisions:  
\_\_\_\_\_  
\_\_\_\_\_

Confirmation of contact with adjoining landowners:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Director - Title \_\_\_\_\_

MITIGATION RULE 12.9 WORKSHEET  
TO BE ATTACHED AND MADE A PART OF THE PERMIT  
DRILLING PERMIT NUMBER  
OPERATING PERMIT NUMBER

Permit applicant \_\_\_\_\_

Groundwater Use \_\_\_\_\_

Permit pumping request \_\_\_\_\_ gpm

Permit pumping request \_\_\_\_\_ acre feet per year

Permit acreage \_\_\_\_\_

Well location minimum distance from property line \_\_\_\_\_

Minimum depth of well \_\_\_\_\_

Proposed location gps \_\_\_\_\_ N \_\_\_\_\_ W (Rule 11.1)

Further evaluation required, Yes \_\_\_; No \_\_\_\_\_

1. Affect on water level on adjoining properties. Rule 12.6B provides for a maximum drawdown at the permit boundary line of 10 feet. For export of water out of county Rule 8 is applicable.

List known wells and approximate location on adjoining properties

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant lists any wells on applicant property that can be used to monitor water level

\_\_\_\_\_

List wells on adjacent properties that can be used to monitor water level

\_\_\_\_\_

Applicant/SCGCD Board action

\_\_\_\_\_

2. Affect of water quality on adjoining properties wells listed in item 1.

Applicant/SCGCD Board action \_\_\_\_\_

\_\_\_\_\_

3. Mechanical damage to adjoining properties wells.

SCGCD Board to use data from items 1 and 2 to determine requirements \_\_\_\_\_

\_\_\_\_\_

4. Effect on springs or artesian wells.

List all known springs and artesian wells on adjoining properties and applicant property

\_\_\_\_\_

\_\_\_\_\_

5. Reduction of artesian pressure effects.

Applicant/SCGCD Board action \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Time schedule for implementation of requirements in items 1-5

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Establishment of an escrow fund.

SCGCD Board action \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Contamination of groundwater by applicant.

SCGCD Board action \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signatures:

Applicant \_\_\_\_\_ Date: \_\_\_\_\_  
SCGCD \_\_\_\_\_ Date: \_\_\_\_\_

STARR COUNTY GROUNDWATER CONSERVATION DISTRICT  
100 N. FM 3167,  
RIO GRANDE CITY, TEXAS 78582

September 17, 2013

To: Certified water well drillers  
Subject: Compliance with County Groundwater Conservation District (SCGCD)  
Rules

In order for SCGCD to achieve its mission and to strive to assure long-term availability of adequate good quality groundwater for and surrounding Counties, in compliance with SCGCD rules by water well drillers is imperative.

The rules of SCGCD became effective September 17, 2013. SCGCD has received excellent cooperation from most water well drillers. The first rule is that all water wells must be registered prior to drilling. This includes water wells for oil & gas exploration (drilling). This gives the District an opportunity to check location and to get the necessary data to manage groundwater in Starr County.

Rule 10 covers the enforcement of rules and sets a civil penalty not to exceed \$10,000 per violation.

At the September 17, 2013 meeting, the Board approved specific penalties for water well drillers that are out of compliance as follows:

First offense- \$1,000 fine and notification to State.

Second offense- \$5,000 fine and notification to State.

Third offense- \$10,000 fine, notification to State and loss of privilege to drill water wells in Starr County.

This penalty schedule goes in affect with receipt of this notice by certified mail, return receipt requested, to the water well drillers.

Sincerely,  
Reyna G. Guerra, Secretary  
SCGCD



APPENDIX E

STARR COUNTY GROUNDWATER CONSERVATION DISTRICT

100 N. FM 3167 Rio Grande City, TEXAS 78582

Phone -956-716-4800 fax - 956-487-8709

Board of Directors:
Baldemar Garza - Chair
Humberto Vasquez - Vice-Chair
Reyna G. Guerra - Secretary
Aurora Garza - Treasurer
Rose Benavidez - Member

DATE \_\_\_\_\_

TRANSPORT PERMIT APPLICATION

Instructions: Please type or print legibly. This application is to be used for authorization to transport water produced from a non-exempt well off the property from which the water is produced, for use within the District. Rule 9 of the District Rules govern the issuance of transportation permits. Rule 12.2 - 12.9 of the District Rules governs the issuance of permits for wells. In addition to this permit, the well or wells producing water to be transported under this permit must have valid operating permits issued in accordance with the provisions of Rules 9&12 of the District Rules.

1. Applicant

The applicant for this authorization is the well: (check all that are applicable)

\_\_\_\_\_ Owner \_\_\_\_\_ Operator \_\_\_\_\_ Property Owner

2. Application Purpose

Application is hereby made to the Starr County Groundwater Conservation District for authorization to transport a quantity of water produced from a groundwater well located with the District for use outside of the District. Rule 9 (a) (1) of the SCGCD Rules states "Every person who produces water from permitted wells located, within the District, when all or any part of such water is transported for use, or for intended use, off the property from which the water is produced, but within the District, must register the production under this Rule, unless the production is covered by a permit under Rule 8. The term 'property from which water is produced', as used in this subsection, shall be construed to mean water rights owned by an entity within a continuous perimeter boundary situated within the district. Transportation of water requiring registration under this Rule includes transportation by pipeline, vehicle, channel, ditch, watercourse or other natural or artificial facilities, or any combination of such facilities."

3. Applicant information

Applicant: \_\_\_\_\_

Contact Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

(If different from applicant or if applicant is a business, corporation, governmental entity, estate, trust, etc.)

Contact Telephone Number: \_\_\_\_\_

Contact Fax Number: \_\_\_\_\_

Contact E-mail Address: \_\_\_\_\_

Water Rights Owner Information if different from applicant:

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail address: \_\_\_\_\_

**4. Proposed Use of Water Produced**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach a statement of the nature and the purpose of the proposed use or uses and the amount of the transported water to be used for each purpose if more space is required.

**5. Well Information**

Submit this information for each well to be used to produce water to be transported under this permit to a destination outside the District for use outside the boundaries of the District.

Starr County Groundwater Conservation District well number; \_\_\_\_\_

Location of Well: Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Latitude: \_\_\_\_\_ North Longitude: \_\_\_\_\_ West

Status of well as of application date:

\_\_\_\_\_ Operating Well (Date drilled \_\_\_\_\_)

\_\_\_\_\_ Well Completed but not operating (Date Drilled \_\_\_\_\_)

\_\_\_\_\_ Well Drilling permit and Well Operating Permit awaiting approval

Annual permitted production of well is \_\_\_\_\_ gallons.

Time schedule for completion of construction and/or operation of facility:

\_\_\_\_\_  
\_\_\_\_\_

Pump Size and Capacity: \_\_\_\_\_

Make and Model of Pump: \_\_\_\_\_

Anticipated duration required for the proposed use of the water: \_\_\_\_\_

\_\_\_\_\_ If water is to be used for injection water within Goliad County, Please attach quality testing results as per District policy.

This information for additional wells is to be submitted, in the above format, as an attachment to this application.

**6. Quantity transported**

Authorization to transport the following quantity of water annually for use outside the District is requested:

\_\_\_\_\_ Gallons

A transportation permit is issued for a period of time in accordance with Texas Water Code, Section 36.122(h) (2) and (i). A technical description of the facilities to be used for transportation of water and a time schedule for any construction thereof must be attached so that the district may determine the transportation permit term. A log provided by the District of all water sales must be filed monthly with the District.

**7. Receiving location**

Describe the location or locations that will receive water transported out of the District under this permit. Please include a description of the entity's service area, metering and leak detection and repair program for its water storage, delivery and distribution system, drought or emergency water management plan and information on each customer's water demand, water conservation measure and goals, and the means for implementation and enforcement.

\_\_\_\_\_  
\_\_\_\_\_

If additional space is needed, please attach additional sheets as necessary to fully document the recipient location for water transported out of the district under this permit.

**8. Water Availability**

Discuss the availability of feasible and practicable alternative water supplies for the use given above. Attach a separate sheet if more space is required.

---

---

---

---

Could any other liquids which are both technically feasible and economically reasonable for you to substitute for the fresh groundwater be used for this purpose? \_\_\_\_\_ If yes, describe the possible sources of such liquid, including quantity and quality. \_\_\_\_\_

**9. Projected Aquifer Effects**

Discuss the projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or existing permit holder or other groundwater users within the District. Attach a separate sheet if more space is required.

---

---

---

---

**10. Documentation, Attachments and Fees**

The following documentation, attachments and fee payments must accompany this application when it is submitted for consideration by the District.

- a. Plat or map showing location of the property and location on property of \_\_\_\_\_ well(s) for which application is submitted showing location of existing or proposed well(s), location of the existing or proposed meter(s) for compliance to section d. of this item, the location of the existing proposed water transporting facilities and the location of the proposed or increased use or uses.
- b. If the owner and /or the operator of well(s) are different from the property \_\_\_\_\_ owner, provide written documentation from the property owner authorizing construction and operation of well(s).
- c. The applicant's water conservation plan and if any subsequent user of the water is a municipality or entity providing retail water services, the water conservation plan of that municipality or entity shall also be provided. In lieu of a water conservation plan, a declaration that the applicant and/or a subsequent user if any subsequent user is a municipality or entity providing retail water services will comply with the District Management Plan as stated below.
- d. The applicant's Drought Contingency Plan and a copy of any subsequent user's Drought Contingency Plan or a declaration that the applicant or a subsequent user will comply with District rules, policies and Board actions in drought conditions as stated below.
- e. Copies of any contracts between the applicant and any users if they are someone other than the applicant.

11. **Certification**

I, the undersigned applicant, hereby agree and certify that:

- a. in using the well(s), I will avoid waste, achieve water conservation, protect groundwater quality and the water produced from the well(s) will be for a beneficial use;
- b. I will comply with all District and State well plugging and capping Guidelines in effect at the time of well closure;
- c. I agree to abide by the terms of the District Rules, the District Management Plan and orders of the District board of Directors currently in effect and as they may be modified, changed and amended from time to time;
- c. I hereby certify that the information contained herein is true and correct to the best of my knowledge and belief.

Signature\*: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

STATE OF TEXAS COUNTY OF \_\_\_\_\_

\*If the applicant is an individual, the application may be signed by that individual or his duly appointed agent. If signed by an agent, the agent must include or attach evidence documenting his or her authority to represent the applicant.

If the applicant is a partnership, the applicant's name should be followed by the words "a Partnership", the application must be signed by at least one of the general partners who are authorized to bind all of the partners, and a copy of the partnership agreement shall be attached to this application.

If the applicant is a corporation or governmental entity, the application must be signed by a duly authorized official of the applicant. A copy of the resolution or other documentation evidencing authorization to make the application shall be attached to this application.

If the application is made of an estate, trust or guardianship the application shall be signed by the duly appointed guardian, trustee, or representative, and a copy of an instrument evidencing the existence of the entity must be attached to the application.

**For District Use Only**

**Date of hearing:** \_\_\_\_\_ **Date approved:** \_\_\_\_\_

**Conditions:**

**Expiration Date of Permit for construction:** \_\_\_\_\_

**Explanation of beneficial use:** \_\_\_\_\_

**Rate and amount of water transported:** \_\_\_\_\_

**Expiration date of production permit:** \_\_\_\_\_

General Manager shall determine whether the application, maps, and other materials comply with the requirements of the District rules and may require amendment of the application, maps, etc.

**Signature of District Representative and Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_



APPENDIX F  
STARR COUNTY GROUNDWATER  
CONSERVATION DISTRICT  
DROUGHT CONTINGENCY PLAN  
Adopted September 17, 2013

In order to conserve, preserve and protect the groundwater resources of Starr County during drought conditions, the Board of Directors of the Starr County Groundwater Conservation District has established the following Drought contingency Plan.

**SECTION I: DEFINITION OF TERMS**

For the purposes of this Plan, the following definitions shall apply in the use of groundwater:

**Aesthetic water use:** water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

**Agricultural water use:** as defined under Chapter 36.001(20), (21), Texas Water Code, latest amendment.

**Commercial and institutional water use:** water use which is integral to the operations of commercial and non-profit establishments and governmental entities including but not limited to retail establishments, hotels and motels, restaurants, and office buildings.

**Conservation:** those practices, techniques, and technologies that 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 so that a supply is conserved and made available for future or alternative uses.

**Domestic water use:** water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, cleaning a residence, business, industry, or institution.

**Drought:** A meteorological period of serious moisture (precipitation) deficiency and a resultant reduction in spring flow, stream flow, and groundwater level drop generally accompanied by an increase in demand.

**Drought Indices:** those indicators selected for the purposes of this plan to initiate (trigger) drought stages.

**Exempt well:** A domestic or livestock well equipped to produce less than 25,000 gallons of groundwater per day.

**Industrial water use:** the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

**Landscape irrigation use:** water used for the irrigation and maintenance of landscaped area whether publicly or privately owned, including residential and commercial lawns, gardens, athletic fields, golf courses, parks, cemeteries, rights-of-way and medians

**Non-essential water use:** water uses that are non-essential, nor required for the protection of public health, safety, and welfare, including:

1. irrigation of landscape areas, including parks, athletic fields, cemeteries and golf courses, except as otherwise provided by this Plan;
2. use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
3. use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas except for the protection of public health, safety and welfare;
4. use of water to wash down buildings or structures for purposes other than immediate fire protection or for the protection of public health, safety and welfare;
5. use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
6. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such a leak(s); and
7. use of water from hydrants for construction purposes or any other purposes other than fighting fires.

**Non-Exempt well:** a well capable of producing greater than 25,000 gallons of groundwater per day,

**Permitted well:** see Non-exempt well as defined herein.

**Public Water System:** as defined under 30 TAC Subchapter D Paragraph 290.38(41), latest revision.

**Registered Well:** See Exempt well as defined herein.

**Trigger Conditions:** Conditions that occur that will determine if a drought condition exists, such as lack of rainfall for a certain period of time, The Palmer Drought Index indicates that the area is suffering from drought conditions, SCGCD monitor wells regarding static levels, etc.

**Waste of Water:** the use of groundwater for non-essential purposes as defined herein when Drought Stages 2-4 are in effect except as specifically allowed by this Plan.

## **SECTION II: PLANNING ACTIONS**

The General Manager of the District will meet with county personnel in Starr County and the Water Supply Corporations to review those entities drought contingency plans to insure compatibility with the District Plan. This review should be conducted on an annual basis, or the time period may be extended to no more than three years. The District will work with the above entities in revising drought contingency plans as the need occurs. The District's Plan will be reviewed on an annual basis to insure that it meets the needs of the District. Additions, deletions and/or corrections will be presented to the Board by the General Manager and will be acted upon at the following General Meeting of the Board.

## **SECTION III: TRIGGERING CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT STAGES**

The District Board or the Board's designee shall monitor the defined drought trigger indices and shall determine when conditions warrant initiation or termination of each stage of the Plan. The Plan consists of four levels of drought and groundwater production restrictions as defined herein. The palmer Drought Severity Index, <http://www.txwin.net/monitoring/meteorological/Drought/pdsi.htm>, which is an index based on regional meteorological and hydrological data such as rainfall, temperature and soil moisture content along with the District's water level monitoring program will be used as the primary triggering criteria for the initiation and termination of this plan.

## **SECTION IV: EVENT ACTIONS**

After review by the Board of Directors of presented materials, and upon determining such drought conditions exist, the General Manager of the District will be charged with the following:

- A. Within 48 hours of the Board decision that a drought condition exist, the General Manager will notify each community within the District that the Board has declared a drought condition and that each water supply entity should initiate its drought contingency plan.
- B. The General Manager will contact the local media within the district and advise them that a drought condition exist and that they (the media) should expect to receive educational notices and articles concerning the need to conserve the groundwater supply within the District.
- C. The General Manager will provide articles to the newspapers within the District regarding the need to conserve groundwater and/or tips for groundwater conservation until such time as the Board declares that the drought period has ended.
- D. The General Manager and Board will investigate any wasted or unauthorized use of groundwater and will report back to the Board to determine if action is needed to prevent the continuation of the waste or unauthorized use of said water.

## **SECTION V: DROUGHT STAGE RESPONSE**

The President of the Board, or his/her designee, shall monitor the defined drought trigger indices and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification by the District of the initiation or termination of drought stages shall be by means of notice posted in a newspaper of general circulation and by direct mailing and/or emails to owners/ operators of non-exempt wells.

- (a) Restrictions on Exempt Wells – The Plan may place production restrictions on Exempt (Registered) wells. The district encourages voluntary compliance during each drought stage through compliance with the restrictions defined within the various stages as outlined in this Plan. Such voluntary compliance will contribute to the achievement of the desired level of conservation and reduce the impact of drought conditions and restrictions. However, nothing in this section excludes the district from exercising authority under District Rules Waste of Water.
- (b) Restriction on Non-exempt Wells – The District has the authority to monitor and manage the production from all Non-exempt (Permitted) wells. These include non-exempt wells used as Public

Water Supply (PWS) wells to provide for domestic use and all such wells used to support agricultural, industrial, commercial, institutional and other non-domestic uses. This Plan may place restrictions on the production from such wells as a function of drought stage.

### **DROUGHT SEVERITY LEVELS**

#### **PALMER DROUGHT SEVERITY INDEX (PDSI)**

Mild Drought: -1 or less

Moderate Drought: -2 or less

Severe Drought: -3 or less

Extreme Drought: -4 or less

#### **DROUGHT STAGES:**

Stage 1 Mild Drought

Stage 2 Moderate Drought

Stage 3 Severe Drought

Stage 4 Extreme Drought

#### **Stage 1 – Mild Drought Conditions**

All Exempt and non-exempt well owners/operators and users of groundwater will be encouraged to voluntarily restrict the use of water. In the case of public water supply wells, owner/operators will be asked to initiate their drought management plans. News articles will be submitted as outlined in Section V of this document to inform the general public and exempt well owners that the district has declared a Stage 1 Drought for the County and asking for voluntary conservation.

#### **Stage 2 – Moderate Drought conditions**

All Non-exempt well owner/operators and public supply users of groundwater shall be notified through news articles that the District has gone to Stage 2 of the District's plan and are asked to reduce total monthly pumpage by ten percent (10%) and practice conservation measures. News articles will be submitted as outlined in Section V of this document to inform the general public, public supply entities, and exempt well owners that the district has gone to Stage 2 of the plan and ask people to restrict unnecessary pumping and practice conservation measures.

#### **Stage 3 – Severe Drought conditions**

All non-exempt well owners/ operators and users of groundwater shall be notified in writing that the District has gone to Stage 3 of the District's plan and are asked to reduce total monthly pumpage by twenty percent (20%) and practice conservation measures. News articles will be submitted as outlined in Section V of this document to inform the general public, public supply entities and exempt well owners that the District has gone to Stage 3 of the plan and ask people to restrict unnecessary pumping and practice conservation measures.

#### **Stage 4 – Extreme Drought Conditions**

All non-exempt well owner/operators and public supply users of groundwater shall be notified in writing that the District has gone to Stage 4 of the District's plan and will be asked to reduce total monthly pumpage by thirty percent (30%) and practice conservation measures. News articles will be submitted as outlined in Section V of this document to inform the general public, public supply entities and exempt well owners that the District has gone to Stage 4 of the plan and ask people to restrict unnecessary pumping and practice conservation measures. The District will advise that the District has the authority under its rules to seek administrative penalties against individuals for wasting water.

### **SECTION VI: TERMINATION NOTIFICATION**

Termination of the drought measures when the Board determines that the trigger conditions which initiated the drought conditions have subsided. The public will be notified of the termination in the same manner they were informed of the initiation.





Eloy Vera  
Starr County Judge

Starr County Courthouse Annex  
100 N. FM 3167, Ste. #202  
Rio Grande City, Texas 78582

Office Phone (956) 716-4800  
Fax (956) 352-6573

**January 27, 2020**

**Mr. Dirk Aaron, Chairman  
Texas Commission on Environmental Quality Review Panel  
c/o Clearwater Underground Water Conservation District  
700 Kennedy Court  
Belton, Texas 76513**

**Re: TCEQ Review Panel Inquiry of Starr County Groundwater Conservation District;  
TCEQ Docket No. 2019-1092-MIS**

**Dear Chairman Aaron:**

**I am pleased to share with you that, in my capacity as Starr County Judge, I write this letter in support of the Starr County Groundwater Conservation District. The groundwater resources of Starr County are important to our citizens, and something I have been personally familiar with for many years. I believe in the merits of groundwater management through local representation of the people most interested and affected. I worked closely with Representative Guillen in support of the Texas Legislature's formation of our District.**

**I appreciate your Review Panel's work. Although I was physically unable to attend the public meeting, I understand that my colleagues Commissioners Eloy Garza and Ruben Saenz attended in support of the District and that Mr. Tom Koeneke related my support to the Panel.**

**Our Commissioner's Court is aware of the Review Panel's ongoing inquiry. I will be working with the Court on an interlocal agreement with the District and defined commitment to delegate resources, including office space and equipment, staff support, and a webpage, and funding of start-up/organizational expenses, all on an immediate basis. Over the course of the next tax and fiscal years, I will be working with the Court and District on a long-term funding plan, including support of District authority to impose an ad valorem tax. We will coordinate with the District to memorialize these commitments.**

**If I can assist your Review Panel efforts further, please do not hesitate to contact me.**

**Sincerely,**

A handwritten signature in blue ink, appearing to read "Eloy Vera", is written over a faint, larger signature.

**Eloy Vera  
County Judge**



Mr. Dirk Aaron, Chairman  
TCEQ Review Panel  
January 27, 2020  
Page 2

**cc: Members of the Commissioners Court  
Starr County**

**Members of the Board of Directors  
Starr County Groundwater Conservation District**

Exhibit 20 Pertinent Statute

TWC 36.3011. COMMISSION INQUIRY AND ACTION REGARDING DISTRICT DUTIES.

(a) In this section, "affected person" means, with respect to a management area:

1. an owner of land in the management area;
2. a groundwater conservation district or subsidence district in or adjacent to the management area;
3. a regional water planning group with a water management strategy in the management area;
4. a person who holds or is applying for a permit from a district in the management area;
5. a person with a legally defined interest in groundwater in the management area; or
6. any other person defined as affected by commission rule.

(b) An affected person may file a petition with the commission requesting an inquiry for any of the following reasons:

1. a district fails to submit its management plan to the executive administrator;
2. a district fails to participate in the joint planning process under Section 36.108;
3. a district fails to adopt rules;
4. a district fails to adopt the applicable desired future conditions adopted by the management area at a joint meeting;
5. a district fails to update its management plan before the second anniversary of the adoption of desired future conditions by the management area;
6. a district fails to update its rules to implement the applicable desired future conditions before the first anniversary of the date it updated its management plan with the adopted desired future conditions;
7. the rules adopted by a district are not designed to achieve the adopted desired future conditions;
8. the groundwater in the management area is not adequately protected by the rules adopted by a district; or
9. the groundwater in the management area is not adequately protected due to the failure of a district to enforce substantial compliance with its rules.

(c) Not later than the 90th day after the date the petition is filed, the commission shall review the petition and either:

1. dismiss the petition if the commission finds that the evidence is not adequate to show that any of the conditions alleged in the petition exist; or
2. select a review panel as provided in Subsection (d).

(d) If the petition is not dismissed under Subsection (c), the commission shall appoint a review panel consisting of a chairperson and four other members. A director or general manager of a district located outside the management area that is the subject of the petition may be appointed to the review panel. The commission may not appoint more than two members of the review panel from any one district. The commission also shall appoint a disinterested person to serve as a nonvoting recording secretary for the review panel. The recording secretary may be an employee of the commission. The recording secretary shall record and document the proceedings of the panel.

(e) Not later than the 120th day after appointment, the review panel shall review the petition and any evidence relevant to the petition and, in a public meeting, consider and adopt a report to be submitted to the commission. The commission may direct the review panel to conduct public hearings at a location in the management area to take evidence on the petition. The review panel may attempt to negotiate a settlement or resolve the dispute by any lawful means.

(f) In its report, the review panel shall include:

1. a summary of all evidence taken in any hearing on the petition;
2. a list of findings and recommended actions appropriate for the commission to take and the reasons it finds those actions appropriate; and
3. any other information the panel considers appropriate.

(g) The review panel shall submit its report to the commission.

(h) Not later than the 45th day after receiving the review panel's report under this section, the executive director or the commission shall take action to implement any or all of the panel's recommendations. The commission may take any action against a district it considers necessary in accordance with Section 36.303 if the commission finds that:

1. the district has failed to submit its management plan to the executive administrator;
2. the district has failed to participate in the joint planning process under Section 36.108;
3. the district has failed to adopt rules;
4. the district has failed to adopt the applicable desired future conditions adopted by the management area at a joint meeting;
5. the district has failed to update its management plan before the second anniversary of the adoption of desired future conditions by the management area;
6. the district has failed to update its rules to implement the applicable desired future conditions before the first anniversary of the date it updated its management plan with the adopted desired future conditions;
7. the rules adopted by the district are not designed to achieve the desired future conditions adopted by the management area during the joint planning process;
8. the groundwater in the management area is not adequately protected by the rules adopted by the district; or
9. the groundwater in the management area is not adequately protected because of the district's failure to enforce substantial compliance with its rules.

30 TAC §293.23 sets forth the procedures for commission review of a petition filed by an affected person requesting an inquiry into a GCDs activities regarding management planning or rules. An affected person may file a petition with the commission to request an inquiry for any of the following reasons:

1. a district fails to submit its management plan to the executive administrator of the Texas Water Development Board; a district fails to participate in the joint planning process under TWC, §36.108;
2. a district fails to adopt rules;
3. a district fails to adopt the applicable desired future conditions adopted by the management area at a joint meeting;

4. a district fails to update its management plan before the second anniversary of the adoption of desired future conditions by the management area;
5. a district fails to update its rules to implement the applicable desired future conditions before the first anniversary of the date the district updated its management plan with the adopted desired future conditions;
6. the rules adopted by a district are not designed to achieve the adopted desired future conditions;
7. the groundwater in the management area is not adequately protected by the rules adopted by a district; or
8. the groundwater in the management area is not adequately protected due to the failure of a district to enforce substantial compliance with its rules.

30 TAC §293.22 sets forth the procedures for the process of any GCD who fails to:

1. adopt a management plan in accordance with TWC§ 36.1071 and TWC §36.1072 and submit the plan for review and approval to the executive administrator of TWDB within three years of either the effective date of creation of the district or the date the district was confirmed by election, if an election was required.
2. receive within 60 days of submittal, written approval from the executive administrator of the TWDB for a management plan, an amended management plan, or a readopted management plan as provided by TWC§ 36.1072 and TWC§ 36.1073.
3. readopt and resubmit the management plan for review and approval to the executive administrator of the TWDB at least once every five years after the date of the most recent management plan approval.
4. be actively engaged and operational in achieving the objectives of its groundwater management plan base on the State Auditor’s Office (SAO) review of the district’s performance as provided by TWC§ 36.302.
5. adopt, implement, or enforce district management plans and rules to protect groundwater as evidenced in a report prepared by a commission-appointed Review Panel as provided by TWC§ 36.3011 and 30TAC§ 293.23 relating to a “Petition Requesting Commission Inquiry”.



<b>Document Name</b>	<b>From</b>
01 Starr Co Enabling Legislation.pdf	TCEQ
2005 Starr County GCD SB_1848_Ch_451 79R.pdf	TCEQ
2007 Starr Co GCD HB_2072_CH_1895 80R.pdf	TCEQ
2013 8803 SPECIAL DISTRICT LOCAL LAWS CODE STARR COUNTY GCD.pdf	TCEQ
2013 Starr Co GCD HB_1600_CH_170.pdf	TCEQ
2013 Starr Co GCD SB_567_CH_171.pdf	TCEQ
7075812 1.pdf	Starr Co GCD
20191115 TCEQ Procedural Questions and responses Final	TCEQ
Affidavit of Publication - Starr Cty Town Crier - Spanish.pdf	Starr Co GCD
Affidavit of Publication - Starr Cty Town Crier.pdf	Starr Co GCD
Audrey Cooper - House Natural Resources Committee - 05-16-2005 - 1 side A.mp3	Starr Co GCD
Audrey Cooper - House Natural Resources Committee - 05-16-2005 - Tape 1 Side B.mp3	Starr Co GCD
Audrey Cooper - House Natural Resources Committee - 05-16-2005 - Tape 1 Side A.mp3	Starr Co GCD
Audrey Cooper - House Natural Resources Committee - 05-16-2005 - Tape 2 Side A.mp3	Starr Co GCD
Audrey Cooper - House Natural Resources Committee - 05-16-2005 - Tape 2 Side A.mp3	Starr Co GCD
Audrey Cooper - Question 1 - Minutes and Agendas.pdf	Starr Co GCD
Audrey Cooper - Question 1.pdf	Starr Co GCD
Audrey Cooper - Question 6. pdf	Starr Co GCD
Audrey Cooper - Question 7 - Documents. pdf	Starr Co GCD
Audrey Cooper - Question 8. pdf	Starr Co GCD
Audrey Cooper - Question 13. pdf	Starr Co GCD
Audrey Cooper - Question 16. pdf	Starr Co GCD
Audrey Cooper - Question 17. pdf	Starr Co GCD
Audrey Cooper - Question 18. pdf	Starr Co GCD
Audrey Cooper - Question 20. pdf	Starr Co GCD
Audrey Cooper - Question 25. pdf	Starr Co GCD
Audrey Cooper - Senate Natural Resources Committee - 04-19-2005 Hearing on SB 1848 - Tape One.mp3	Starr Co GCD
Audrey Cooper - Senate Natural Resources Committee -04-19-2005 Hearing on SB 1848 - Tape Two.mp3	Starr Co GCD
OPIC TCEQ Responses to Procedural Questions from Review Panel 20NOV19.pdf	TCEQ
reviw panel GMA-16 responses.pdf	GMA 16
SCGCD's Response to TCEQ Review Panels Requests.pdf	Starr Co GCD
Service List of Notice to Starr County Public Officials.pdf	TCEQ
TCEQ Service List.pdf	TCEQ
Copy of Approved management plan 2014.pdf	TCEQ

Document Name	From
2019 08 05 Petition for inquiry.pdf	TCEQ
2019 08 15 General Counsel Briefing on Petition ltr.pdf	TCEQ
2019 08 26 Letter to Chief Clerk regarding Petition for Inquiry.pdf	TCEQ
2019 09 20 Eds Response to Petitiion for Inquiry.pdf	TCEQ
2019 09 20 StarrCountyGWCD OPICREsponsetoPetitionforInquiry.pdf	TCEQ
2019 10 04 Starr CountyGCDPetforInquiry.agendaset.ltr.pdf	TCEQ
2019 10 16 Starr County GCD Notice of Appearance.pdf	TCEQ
2019 10 24 InterimOrder 2019-1092-MIS.pdf	TCEQ
2019 11 08 current records on file re Petition of Inquiry Starr Co.pdf	TCEQ
2019 20 28 OGCD sevice letter for order.pdf	TCEQ
List of Parties to the Petition.pdf	TCEQ
Texas Administrative Code Rules.docx	TCEQ
Texas Water Code Cahpter 36.3011 36.303.docx	TCEQ
Starr Co Election results.pdf	TCEQ
Followup Questions - Holland and response.docx	TCEQ
2019 Dec 17 Phone conference minutes.pdf	TCEQ
2019 Nov 21 Phone conference minutes.docx	TCEQ
2019 Nov 8 Phone conference minutes.docx	TCEQ
080717 Starr Co GCD District Registration Form	TCEQ
120629 Starr Co GCD District Registration Form	TCEQ
DT_Starr County GCD-GCD_SU_20160127_District Registration Form	TCEQ
130910 Starr Co Fup CA letter	TCEQ
140129 Starr Co GCD Denial Ltr	TCEQ
Chapter 49 Districts	TCEQ
2011 to 2014 Chronology of Correspondence (1).docx	
Star County GCD Metrics.xlsx	GMA 16
Starr GCD Response to Tony White.pdf	TCEQ
MOAwTCEQ_Dec 12_2019 (002).docx	TCEQ
1101111 Starr Co Signed Compliance Agreement Form.pdf	TCEQ
110401 Starr Co Late Ltr.pdf	TCEQ
120320 Starr Co GCD Referral to Legal.pdf	TCEQ
120410 Starr County Transmittal letter and return reciepts.pdf	TCEQ
120711 Starr County Attorney Correspondence.pdf	TCEQ
120726 Starr Signed CA transmittal.pdf	TCEQ
121029 Starr Co Enforcement letter.pdf	TCEQ
121130 Signed CA and Cover letter.pdf	TCEQ
130410 District req for extension.pdf	TCEQ
140109 TWDB Starr Denial Ltr.pdf	TCEQ
140129 Starr Co GCD Denial Ltr.pdf	TCEQ

<b>Document Name</b>	<b>From</b>
2019-1092-MIS-Executive Directors Response.pdf	TCEQ
Panel Appointment Order 2019-1092-MIS(1).pdf	TCEQ
TCEQ answers to follow-up panel questions 23DEC19.pdf	TCEQ
TCEQ notice to petitioners 2019-1092-MIS-Set 4OCT19.pdf	TCEQ
Starr County 2019-2020 budget.pdf	Starr Co unty Website
OPIC response to 2019-1092-MIS-PICR.pdf	TCEQ
stephen allen - 2013-1010 Adopted_Management_Plan.pdf	TCEQ
stephen allen - 2014-0725 Approved_Final_Plan.pdf	TCEQ
APRIL 2007.pdf	Starr County Crier
MAY 2007.pdf	Starr County Crier
OCTOBER_2007.pdf	Starr County Crier
NOVEMBER_2007.pdf	Starr County Crier
Confirmation Election Notice in Starr County Crier APRIL 2007 pg 48.pdf	Starr County Crier
SKM_C250i20012913230.pdf	Starr County Judge
Starr County GCD reply to TCEQ Review Panel under Tex Water Code Sec. 36.3011(e)(1).pdf	Starr County GCD
GMA 16 Cost Sharing Agreement Final_4_27_18.docx.	GMA 16
INTERLOCAL PARTICIPATION AGREEMENT FINAL 04_27_18.DOCX	GMA 16