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January 2015  
SFR-053/09

# Priority Groundwater Management Areas and Groundwater Conservation Districts

Report to the 84th Texas Legislature



# **Priority Groundwater Management Areas and Groundwater Conservation Districts, Report to the 84<sup>th</sup> Texas Legislature**

Prepared by  
Texas Commission on Environmental Quality  
Texas Water Development Board

SFR-053/09  
January 2015

# Texas Commission on Environmental Quality

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# Executive Summary

This report provides information to the legislative leadership on activities undertaken during the preceding two years relating to the study and designation of priority groundwater management areas (PGMAs), the creation of groundwater conservation districts (GCDs), and the operation of GCDs. This report was prepared by the Texas Commission on Environmental Quality (TCEQ or Commission) and the Texas Water Development Board (TWDB) to fulfill the requirements of Texas Water Code (TWC), Section 35.018.

The report describes state agency efforts to implement the groundwater management provisions of Chapters 35 and 36 of the TWC. The report:

- summarizes the Acts of the 83<sup>rd</sup> Legislature, Regular Session, 2013, that generally and specifically affect the state's GCDs;
- describes elections held for the confirmation of recently created groundwater conservation districts and the additions of territory into existing districts;
- provides information on the implementation of the state's PGMA program and discusses state and local actions that have occurred in the designated PGMAs;
- provides information on GCD adoption of management plans and TWDB administrative approval of management plans;
- presents information on groundwater management areas (GMAs) and the joint planning requirements in the GMAs; and
- describes State Auditor's Office (SAO) management plan implementation reviews and TCEQ performance review actions related to GCD management plan adoption or implementation.

**Acts of 83<sup>rd</sup> Legislature and Groundwater Conservation Districts.** Two Acts of the 83<sup>rd</sup> Legislature amended groundwater management general law; two Acts created, subject to confirmation elections, new GCDs; and nine Acts amended specific GCDs' authority. The changes to the general law are related to fees of office for GCD board members enacted by House Bill (HB) 1563 and the time frame for adoption of desired future conditions enacted by Senate Bill (SB) 1282.

SB 890 created, subject to a confirmation election, the Reeves County Groundwater Conservation District in Reeves County. The temporary directors have been appointed but they have not scheduled a confirmation election to date. SB 1840 created, subject to a confirmation election, the Deep East Texas Groundwater Conservation District in Sabine, San Augustine, and Shelby Counties. The temporary directors were appointed and scheduled and held a confirmation election on November 5, 2013. The voters did not pass the confirmation of the Deep East Texas GCD in the three counties or in the City of Center. The Calhoun County Groundwater Conservation District, in Calhoun County, was previously created by the Texas Legislature. The temporary directors scheduled and held a confirmation election and creation of the Calhoun County GCD was approved by the voters on November 4, 2014.

**Landowner Actions.** The Kenedy County GCD and Red Sands GCD, acting on landowner petitions, added 53,745 acres and 6,753 acres, respectively. On November 4, 2014, the voters in the Anderson County Underground Water Conservation District chose to consolidate with the Neches and Trinity Valleys GCD. In March 2014, the board of directors of the Fox Crossing Water District in Mills County recommended by unanimous resolution the complete and immediate dissolution of the District.

**Priority Groundwater Management Areas.** During the 2014-2015 biennium, the TCEQ Executive Director tracked legislative and local efforts to establish new GCDs in the Hill Country PGMA. The Executive Director pursued, but ultimately withdrew administrative efforts to add parts of two counties to two separate GCDs in the Hill Country PGMA.

TCEQ action is also authorized and required for two other PGMAs. On December 10, 2014, the TCEQ approved an order recommending the PGMA portion of Briscoe County be added to the High Plains Underground Water Conservation District No. 1 (HPWD). The HPWD board of directors will determine before mid-April 2015 if the Briscoe PGMA is to be added. The Executive Director is soliciting public comments through January 30, 2015 on a draft report that recommends the addition of the PGMA portions of Upton and Midland counties to the Glasscock GCD.

**District Management Plans and Joint Planning.** During the 2013-2014 biennium, three GCDs submitted their initial management plans and each was approved by the TWDB Executive Administrator. In addition, the TWDB received 51 plans from established GCDs for re-approval. The Executive Administrator determined that 50 of the plans were administratively complete and found one plan to be incomplete. Over the next 2015-2016 reporting period, 26 re-approval GCD management plans are due.

During the 2013-2014 biennium, TWDB made two GMA boundary changes on behalf of the Brazos Valley GCD and Guadalupe County GCD. The two districts are now solely in GMA 12 and GMA 13, respectively, as authorized in the TWDB rules.

A total of 75 desired future conditions (DFCs) were adopted during the first round of joint GCD planning that was completed in September 2010. The DFC for the Edwards Aquifer, San Antonio Segment within the boundaries of the Edwards Aquifer Authority is legislatively mandated. By the end of August 2014, TWDB staff provided support at over 80 groundwater management area meetings as the second round of joint planning progresses.

The TWDB calculated total estimated recoverable storage (TERS) volumes for relevant aquifers by groundwater management area, as required by TWC, §36.108(d)(3). Fifteen TERS reports and one supplemental TERS report were completed for groundwater management areas between March 2013 and June 2014. By June 2014, districts in all GMAs had received TERS reports covering the major and minor aquifers in their areas.

TWDB has finalized and delivered to the GCDs and regional water planning groups the estimates of modeled available groundwater for all submitted DFCs

from the first round that were due September 1, 2010. TWDB issued a total of 76 reports for aquifers with groundwater availability models and for aquifers without groundwater models, used alternative assessment methods.

**District Management Plan Performance Review.** Four GCDs were out of compliance with statutory management plan adoption, readoption, or submittal deadlines in January 2013. The Brush Country GCD achieved compliance with only minor TCEQ intervention, the Santa Rita Underground Water Conservation District (UWCD) and Starr County GCD achieved compliance after entering and implementing TCEQ compliance agreements, and the Anderson County UWCD entered but failed to implement a TCEQ compliance agreement.

In 2013, nine GCDs missed management plan readoption and submittal deadlines. Seven of the GCDs, Bee GCD, Blanco-Pedernales GCD, Corpus Christi ASR&CD, Crockett County GCD, Hudspeth County UWCD No. 1, Mesa UWCD, and South Plains UWCD timely achieved compliance without TCEQ intervention. Two of the nine GCDs entered compliance agreements with TCEQ. One, Culberson County GCD has since achieved compliance, and the other, Glasscock GCD, is moving forward to implement its compliance agreement.

In 2014 four GCDs missed their management plan readoption and submittal deadlines. The Refugio GCD and Garza County UWCD timely achieved compliance without TCEQ intervention and the Brewster County GCD and Coastal Bend GCD are moving toward compliance with minimal TCEQ intervention.

The SAO reviewed 35 GCDs in fiscal years 2014 and 2015, but did not find any to be not operational. No TCEQ actions were required based on the SAO reviews and findings.

**Recommendation. The TCEQ recommends that additional statutory changes to facilitate the designation of PGMAs and the creation and operation of GCDs are not needed at this time.** Local and legislative actions, or TCEQ administrative actions, to establish groundwater conservation districts are still required in all or part of six counties in four PGMAs.



# Acts of the 83<sup>rd</sup> Legislature Affecting Groundwater Conservation Districts

The Acts of the 83<sup>rd</sup> Legislature, 2013, affecting groundwater conservation districts (GCDs) are described in this chapter. These Acts include both special legislation creating new or amending existing GCDs, and legislation that affects the general law authority and therefore all GCDs. Elections to confirm GCD creation, landowner petitions and other actions to join existing GCDs, and GCD dissolution and consolidation are also discussed.

## ***Changes to Texas Water Code, Chapter 36***

Two Acts passed by the 83<sup>rd</sup> Legislature made changes to the Texas Water Code (TWC), Chapter 36. These changes were related to fees of office for GCD board members and the time frame for adoption of desired future conditions. The Acts are identified by House Bill (HB) number or Senate Bill (SB) number and by the Chapter number for the 83<sup>rd</sup> Legislature, Regular Session Laws unless noted otherwise.

**HB 1563 (Chapter 931)** amends TWC, §36.060 to provide that a director of a GCD is entitled to receive fees of office of not more than \$250 a day for each day spent performing director duties. The statute previously provided a cap of \$150 per day. The statute provides that the fees of office may not exceed \$9,000 a year, and the annual cap was not changed by the Act. [Effective September 1, 2013]

**SB 1282 (Chapter 785)** amends TWC, §36.108 to provide that a proposal for the adoption of desired future conditions for the relevant aquifer within a management area is not required before May 1, 2016. The Act does not prevent GCDs in a management area from voting on a proposal for the adoption of desired future conditions for the relevant aquifers within their management area before May 1, 2016. [Effective September 1, 2013]

## ***Groundwater Conservation Districts (GCDs)***

Three new GCDs have been created but two remain unconfirmed by the voters as of the publication of this report. Two of them were created by Acts of the 83<sup>rd</sup> Legislature, 2013. Several other GCDs were amended by Acts of the 83<sup>rd</sup> Legislature. In addition, two GCDs added territory or otherwise reported boundary amendments, one GCD dissolved itself, and two GCDs consolidated in 2013 – 2014. The locations of the state's GCDs are shown on Figure 1.

### **New GCDs**

**SB 890 (Chapter 457)** creates, subject to a confirmation election, the **Reeves County Groundwater Conservation District** in Reeves County with the powers and duties of TWC, Chapter 36 related to the general law for GCDs. Unlike general law GCDs, the Act provides that the Commissioners Court of Reeves County shall, within 45 days of the effective date of the Act, appoint seven temporary directors with three representing agricultural interests, three

representing municipal water interests, and one representing rural domestic water supply interests. The temporary directors are required to hold a District confirmation election, and Reeves County is authorized to pay for the election. If the voters confirm creation of the District, the temporary directors will become the initial directors and will draw lots to determine which three directors will serve two-year terms, and which four directors will serve four-year terms. The initial director terms will expire on December 1, two and four years after the date of the confirmation election. As the initial director terms expire, the Commissioners Court of Reeves County will appoint permanent directors to serve four-year terms. If the voters do not confirm creation of the District, the temporary directors are authorized to hold subsequent confirmation elections after a one-year period, and will serve terms ending four years after the effective date of the Act. The Commissioners Court of Reeves County would appoint successor temporary directors. The District would be dissolved on December 31, 2018, if it is not confirmed by this date, and the initial directors would serve until all incurred debts are paid and assets transferred to Reeves County. The Act provides that directors may not receive fees of office but may be reimbursed for reasonable expenses incurred while engaged in board activities.

Unlike general law GCDs, the District may not exercise the power of eminent domain and may regulate a municipal supply well that serves a municipal population of 121,000 or less if the rights to use the groundwater are owned by a political subdivision that is not a municipality or are owned by a municipality that has a population of 115,000 or less that purchased, owned, or held rights to the groundwater before the District's creation. The District may not levy a tax that exceeds \$0.03 per \$100 assessed valuation and may not exceed bond or note indebtedness of \$250,000. The District is not subject to certain Tax Code provisions, but is subject to Notice of Tax Hearing provisions in TWC, Chapter 49. [Special Districts Local Laws Code, Chapter 8876; Effective June 14, 2013]

The temporary directors of the District have not scheduled a confirmation election date as of the publication of this report.

**SB 1840 (Chapter 496)** creates, subject to a confirmation election, the **Deep East Texas Groundwater Conservation District** (District) in Sabine, San Augustine, and Shelby Counties with the powers and duties of Water Code, Chapter 36 related to the general law for GCDs. Unlike general law GCDs, the Act provides that the three county judges will appoint seven temporary directors within 90 days of the effective date of the Act. Each county judge will appoint two temporary directors that are residents of the county, and the three county judges will appoint one temporary director from the District at large. The temporary directors must hold an organizational meeting as soon as practicable after appointment, and must schedule and hold an election to confirm creation of the District before September 1, 2015. Creation of the District must be confirmed by the voters of each county for the county to be included in the District. If the creation of the District is confirmed in two or more counties, the District is created. If the creation of the District is confirmed in only one county, the commissioners court of that county must hold two public hearings on the matter and, within 60 days of the confirmation election, vote on whether to confirm creation of the District or not. The District would be dissolved on September 1, 2015, if it is not confirmed by this date and the temporary directors would serve

until all incurred debts are paid and assets transferred to each county in proportion to the county's contributions. A separate voting district for the City of Center in Shelby County must be established for the District's confirmation election and a majority vote in the City of Center would add the city to the District.

If creation of the District is confirmed, the temporary directors from the included counties will become initial permanent directors. If the District has fewer than three counties, the county judges in the District will appoint the at large initial permanent director. If the District has only one county, the county judge may also appoint two initial permanent directors to represent the county. The three, five, or seven initial permanent directors will draw lots to serve terms ending December 31, 2015, and December 31, 2017. Subsequent permanent directors will be appointed by the county judge or judges, and serve four-year terms. Vacancies on the board would be filled by the county judge or judges. The Act provides that directors may not receive fees of office but may be reimbursed for reasonable expenses incurred while engaged in board activities.

The Act provides that a commissioners court of an adjacent county may, by resolution, petition the District for the county to be added, and for the county to be added if voters of the county approve a proposition to be added. The Act provides that any District resolution requesting legislation to amend the District's authority be first provided to the commissioners court of the counties in the District. Under the TWC, general law GCD directors are elected by the single-precinct method, vacancies are filled by the board, and directors may receive fees of office not to exceed \$150 a day or \$9,000 a year.

Unlike general law GCDs, the District may not exercise the power of eminent domain, purchase groundwater rights for any purpose, or produce groundwater for the purpose of sale. The District may not require a meter to be placed on a well that is incapable of producing more than 25,000 gallons per day. The District may not levy a tax that exceeds \$0.05 per \$100 assessed valuation. Consistent with TWC, Chapter 36, the District, by rule, may permit and regulate the transfer of groundwater out of the District. The District must refund permit application fees if the permit relates to a well that is incapable of producing more than 25,000 gallons per day, or the permit has complied with the applicable law and District rules. [Special District Local Laws Code, Chapter 8873; Effective June 14, 2013]

The commissioners courts of the respective counties appointed temporary directors and the temporary directors scheduled and held a confirmation election on November 5, 2013. The voters did not pass the confirmation of the District by tally of 125 for; 1,219 against in Sabine County, 206 for; 1,639 against in San Augustine County and 119 for; 2,573 against in Shelby County. The confirmation of the District was also defeated in the City of Center whose election for the Special Election was separate from the County by a tally of 39 for; 289 against. According to SDLLC, Chapter 8873.003, the Act will expire on September 1, 2015 if the District is not confirmed by voters.

**SB 1835 (Chapter 819)** extended the deadline for the temporary directors of the **Calhoun County Groundwater Conservation District** to schedule and hold an election to confirm the creation of the District. The Act extended the deadline for confirmation of the District from September 1, 2012, to December 31, 2016. The Act provides that the confirmation election ballot may also include a proposition to vote for or against a tax at a rate not to exceed \$0.02 per \$100 assessed valuation or a fee to pay for maintenance and operating costs. The Act provides that this proposition may also be offered at a separate election. The Act validates and confirms the actions of the Commissioners Court of Calhoun County relating to the appointment of temporary directors and actions of the District that have been taken that are not in litigation or have been held invalid by a final court judgment. [Amends Special District Local Laws Code, Chapter 8860; Effective June 14, 2013]

The temporary directors of the Calhoun County Groundwater Conservation District scheduled and held a confirmation election on November 4, 2014. By a tally of 2,048 for; 1,693 against, creation of the District and authority to assess an ad valorem tax not to exceed \$0.01 per \$100 assessed valuation to pay for operation and maintenance expenses was approved.

## **Legislative Amendments for Specific GCDs**

Nine other Acts of the 83<sup>rd</sup> Legislature made changes to authorities and responsibilities of existing groundwater conservation districts. These Acts amended the enabling legislation of eight GCDs that were changed in some manner.

**HB 839 (Chapter 174)** authorizes the board of directors of the **Duval County Groundwater Conservation District** in Duval County to change the name of the District by resolution and to appoint one or more advisory committees to assist with District matters. The Act provides that the board shall notify the county if the name of the District is changed. The Act provides that a person who serves on an advisory committee is not entitled to compensation for the service and repeals a provision that limited director fees of office compensation. [Amends Special Districts Local Laws Code, Chapter 8808.054; Effective May 25, 2013]

**HB 3903 (Chapter 1118)** amends the enabling statute for the **Hays Trinity Groundwater Conservation District** to change the terms of office for directors from two to four years, to change the director election date from the uniform election date in May to the uniform election date in November of each even-numbered year, and to set the terms for directors elected in November 2012 and November 2013. The Act provides that a landowner must obtain District approval before starting construction of a new well completed after September 1, 2013. The Act clarifies that a well that is incapable of producing more than 25,000 gallons of water per day for domestic use by a single private residential household may not be regulated, permitted, or metered by the District. The Act clarifies that the District may not charge or collect a well construction fee for wells used for conventional farming and ranching activities. The Act provides that the owner of a non-exempted well must obtain a permit and pay any required fees before using groundwater withdrawn from the well. The Act changes the District's well construction permit fee to a new well construction fee and

increases the fee cap from \$300 to \$1,000. The Act provides that the District charge and collect a permit renewal application fee not to exceed \$400. The Act increases the District's water utility service fee cap from \$300 to \$1,000. The Act includes continuing language for wells under construction, and applications for renewal permits, on the effective date of the Act. [Amends Special District Local Laws Code, Chapter 8843; Effective September 1, 2013]

**SB 168 (Chapter 512)** amends the existing statute of the **Central Texas Groundwater Conservation District** to change the directors' election date from the May uniform election date to the November uniform election date of even-numbered years. The Act amends director terms of office that expired on June 1 to instead expire after the November elections have been tallied and the newly elected directors have been qualified and taken the constitutional oath. The Act sets new terms of office for the current directors whose terms expire in May 2014 and May 2016. [Amends Special District Local Laws Code, Chapter 8810; Effective September 1, 2013]

**SB 1012 (Chapter 467)** recodifies the enabling special laws for the **McMullen Groundwater Conservation District** into Special District Local Laws Code, Chapter 8874. The Act makes no substantive changes to the District or its authority and clarifies that director elections will be in November of odd-numbered years. The Act repeals the existing statutes pertaining to the District. [Amends Chapter 1331, Acts of the 76<sup>th</sup> Legislature, Regular Session, 1999; Effective September 1, 2013]

**SB 1031 (Chapter 1187)** amends the enabling statute of the **Harris-Galveston Subsidence District**. The Act adds a definition for regional water supplier. The Act adds requirements for the District's board to contract with a person to serve as an investment officer, and for the investment officer to complete at least six hours of investment responsibility training within one year of the effective date and to complete at least four hours of additional investment training each two-year period after the first year. The Act provides that regional water suppliers be provided written notice of a hearing other than a hearing on a permit application, and clarifies that each county clerk is provided notice of hearing for posting purposes. The Act provides that the board may issue permits to drill new wells and may, by rule, provide exemptions from permit requirements. The Act provides that the district shall grant a permit to drill and operate a new well inside a platted subdivision if water service from a retail public utility, as defined by the Water Code, is not available to the lot where the well is to be located. The Act provides that a well owner whose well is aggregated with other wells permitted and managed by a regional water supplier report monthly and annual groundwater withdrawals and purpose of use to the supplier. The Act provides that regional water suppliers provide an annual withdrawal and use report with the District for all wells owned, managed, or permitted by that supplier. The Act makes other non-substantive changes to clarify existing statutory language. [Amends Special District Local Laws Code, Chapter 8801; Effective June 14, 2013]

**SB 1241 (Chapter 783)** amends existing statute regarding the **Edwards Aquifer Authority's** regulation of water wells. The Act provides that a well serving, rather than a well within or serving, a subdivision requiring platting does not qualify for an exempt use. The Act provides that a well drilled on or before

June 1, 2013, is exempt from the requirement to obtain a withdrawal permit provided that the well is not capable of producing more than 1,250 gallons of water a day or is metered and does not produce more than 1.4 acre-feet of water in a calendar year. [Amends Chapter 626, Acts of the 73<sup>rd</sup> Legislature, Regular Session, 1993; Effective September 1, 2013]

**SB 1811 (Chapter 200)** amends the enabling statute for the **Fort Bend Subsidence District**. The Act provides definitions for agricultural crop, florist item, nursery grower, nursery product, regional water supplier, water conservation, and well owner. The Act provides that TWC, Chapters 36 & 49 do not apply to the District. The Act provides that the District's presiding officers are the chair and vice chair instead of the president and vice president, requires the District's secretary to ensure the records and books are properly kept and attest to the chair's signature on all documents, and authorizes the District's board to authorize another director, the general manager, or any employee or contractor to execute documents on behalf of the District and to certify the authenticity of District records. The Act authorizes the District's board to contract with a person to serve as an investment officer, and for the investment officer to complete at least six hours of investment responsibility training within one year of the effective date and to complete at least four hours of additional investment training each two-year period after the first year. The Act provides a training deadline and a training waiver for the District's present investment officer. The Act provides that regional water suppliers be provided written notice of a hearing other than a hearing on a permit application, and clarifies the county clerk is provided notice of hearing for posting purposes. The Act provides that the board may issue permits to drill new wells and may, by rule, provide exemptions from permit requirements. The Act provides that the District shall grant a permit to drill and operate a new well inside a platted subdivision if water service from a retail public utility, as defined by the TWC, is not available to the lot where the well is to be located. The Act provides that a well owner whose well is aggregated with other wells permitted and managed by a regional water supplier report monthly and annual groundwater withdrawals and purpose of use to the supplier. The Act provides that regional water suppliers provide an annual withdrawal and use report with the District for all wells owned, managed, or permitted by that supplier. The Act makes other non-substantive changes to clarify existing statutory language. [Amends Special District Local Laws Code, Chapter 8834; Effective May 25, 2013]

**SB 1825 (Chapter 201)** amends the enabling statute for the **Fort Bend Subsidence District** and adds two new directors to the present 13-member board. The Act provides that the North Fort Bend Water Authority appoint the two new members as soon as practicable. The Act provides that the District's 15 directors serve staggered terms, nine with terms expiring January 1 of off-numbered years, and six with terms expiring on January 1 of even-numbered years. [Amends Special District Local Laws Code, Chapter 8834; Effective May 25, 2013]

**SB 1876 (Chapter 501)** amends the enabling statute of the **Pecan Valley Groundwater Conservation District** to change the directors' election date from the May uniform election date to the November uniform election date of even-numbered years. The Act amends director terms of office set to expire in

May to instead expire after the November elections have been tallied and the newly elected directors have been qualified. The Act sets new terms of office for the current directors whose terms expire in May 2015 and May 2017. The Act validates District actions taken before the effective date of the Act. The validation of District actions does not apply to matters that, on the effective date of the Act, have been or could be held invalid by a final court judgment. [Chapter 1343, Acts of the 77th Legislature, Regular Session, 2001; Effective June 14, 2013]

## **Nonsubstantive Revision of Statute**

The Texas Legislative Council (TLC) is required by Government Code, §323.007 to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, employing a numbering system and format that will accommodate later expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law, if practicable—all toward promoting the stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law.

**SB 1026 (Chapter 112)** adds chapters to the Special District Local Laws Code, with each chapter representing the local law or laws governing a particular special district. Section 1.05 of the Act amends Subtitle H, Title 6, Special District Local Laws Code, by adding the following chapters for the following GCDs:

- Chapter 8847. Pineywoods Groundwater Conservation District
- Chapter 8853. Kenedy County Groundwater Conservation District
- Chapter 8858. Kimble County Groundwater Conservation District
- Chapter 8861. Menard County Underground Water District
- Chapter 8862. Middle Trinity Groundwater Conservation District
- Chapter 8863. Neches and Trinity Valleys Groundwater Conservation District
- Chapter 8864. Pecan Valley Groundwater Conservation District
- Chapter 8865. Post Oak Savannah Groundwater Conservation District
- Chapter 8866. Mid-East Texas Groundwater Conservation District
- Chapter 8867. Rolling Plains Groundwater Conservation District
- Chapter 8868. Southeast Texas Groundwater Conservation District
- Chapter 8869. Wes-Tex Groundwater Conservation District
- Chapter 8870. Trinity Glen Rose Groundwater Conservation District

## **Landowners Actions to Add Territory to Existing GCDs**

In October 2012, the **Kenedy County Groundwater Conservation District** acted on a landowner petition and added about 6,753 acres in Kleberg and Nueces counties to the District.

In September 2014, the **Red Sands Groundwater Conservation District** reported to TCEQ that the District had, in response to Hidalgo County landowner petitions, added 53,745 acres of land in December 2010 and March 2011.

## **Consolidation of Two GCDs**

On June 27, 2014, the board of directors of the **Anderson County Underground Water Conservation District** resolved to consolidate with the **Neches and Trinity Valleys Groundwater Conservation District** in accordance with TWC, §§36.351 and 36.352. In accordance with Special District Local Laws Code, Chapter 8863, the Neches and Trinity Valleys GCD board of directors conducted a hearing on the consolidation, and by August 8, 2014 resolution, voted to approve the consolidation and schedule a November 4, 2014, consolidation election in the boundaries of the Anderson County UWCD. As a result of the election tally of 259 for; 199 against, the two districts were consolidated.

## **Dissolution of One GCD**

The **Fox Crossing Water District** in Mills County has broad authority under TWC, Chapters 36, 49, and 54 (Chapter 779, Acts of the 69<sup>th</sup> Legislature, Regular Session, 1985). At their February 11, 2014, meeting, the board of directors of the District recommended by unanimous resolution the complete and immediate dissolution of the District. The board of directors held a public hearing on the dissolution resolution on February 27, 2014. At their meeting on March 17, 2014, the board of directors unanimously ordered the District to be dissolved effective March 17, 2014, in accordance with the District's TWC, §§54.734-54.737 authority.

## **Petition to Amend Commission Order**

The **Gonzales County Underground Water Conservation District** petitioned TCEQ to expand its existing management authority to include the Yegua-Jackson aquifer within its territorial boundaries in accordance with 30 TAC §293.21 on February 13, 2013.

The District was created by order of the Texas Natural Resource Conservation Commission on November 19, 1993, in the area then delineated as Management Area 3 of the Carrizo-Wilcox aquifer in Gonzales County. The order gave the District the authority to manage the Carrizo, Wilcox, Queen City, and Sparta aquifers. By a 2007 annexation, the southeastern portion of Caldwell County was added to the District.

The Executive Director found the petition to be administratively complete on March 28, 2013. The District posted notice of the petition and public meeting in Caldwell and Gonzales counties on April 19, 2013. The District published notice

of the petition and public meeting on April 25 and May 2, 2013 in the *Post Register*, a newspaper regularly or generally circulated in Caldwell County, and on April 26 and May 3, 2013 in the *Gonzales Inquirer*, a newspaper regularly or generally circulated in Gonzales County. The District held a public meeting on June 6, 2013 in the City of Gonzales, and one comment supporting the District's petition was received. The Commission issued the order granting the petition and amending the District's authority on September 4, 2013, effective immediately.

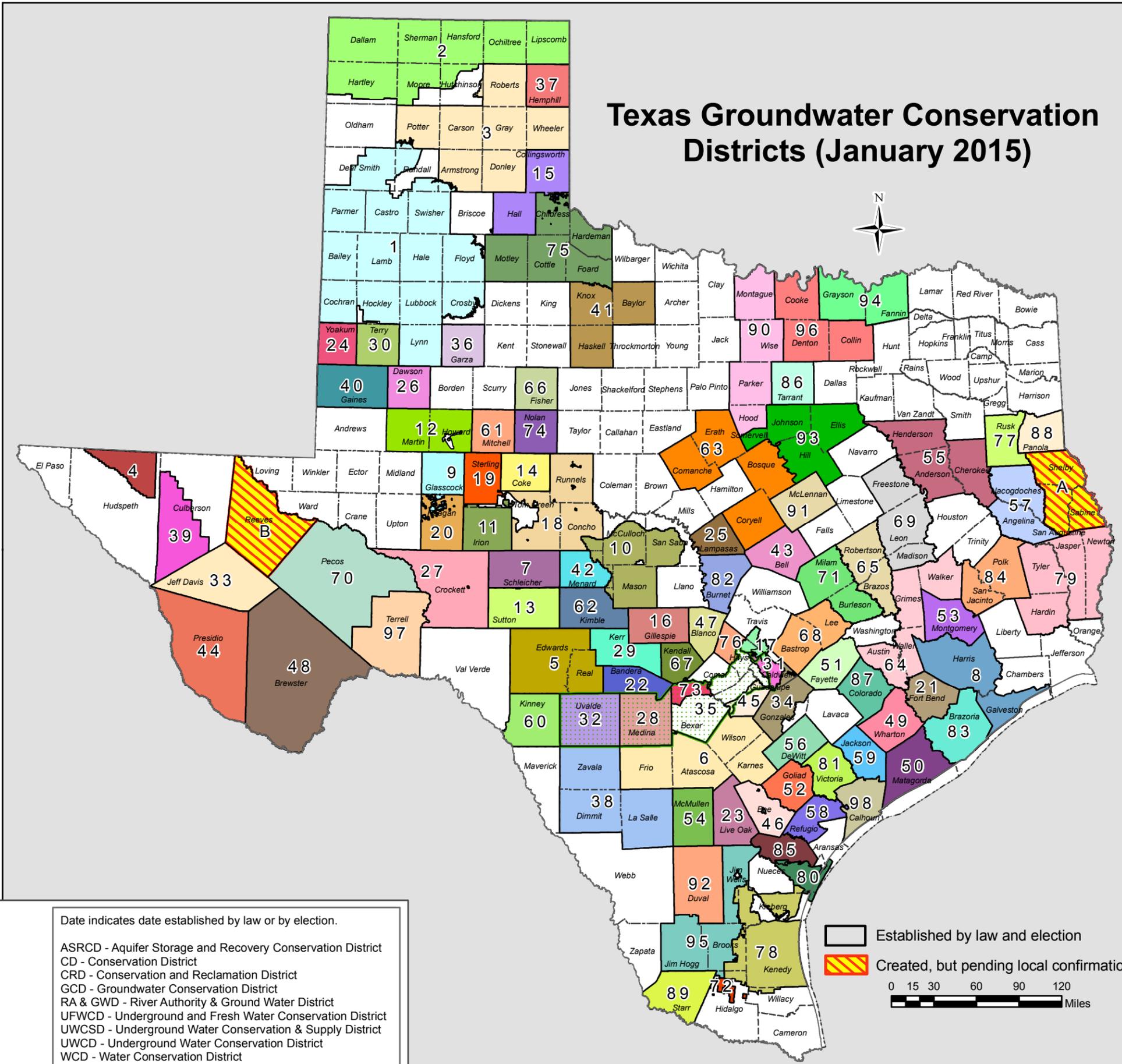


Figure 1. Texas Groundwater Conservation Districts

### Groundwater Conservation Districts

- |   |   |
|---|---|
| 1 High Plains UWCD No.1 - 9/29/1951               | 52 Goliad County GCD - 11/6/2001            |
| 2 North Plains GCD - 1/2/1955                     | 53 Lone Star GCD - 11/6/2001                |
| 3 Panhandle GCD - 1/21/1956                       | 54 McMullen GCD - 11/6/2001                 |
| 4 Hudspeth County UWCD No. 1 - 10/5/1957          | 55 Neches & Trinity Valleys GCD - 11/6/2001 |
| 5 Real-Edwards C and R District - 5/30/1959       | 56 Pecan Valley GCD - 11/6/2001             |
| 6 Evergreen UWCD - 8/30/1965                      | 57 Pineywoods GCD - 11/6/2001               |
| 7 Plateau UWC and Supply District - 3/4/1974      | 58 Refugio GCD - 11/6/2001                  |
| 8 Harris-Galveston Subsidence District- 4/23/1975 | 59 Texana GCD - 11/6/2001                   |
| 9 Glasscock GCD - 8/22/1981                       | 60 Kinney County GCD - 1/12/2002            |
| 10 Hickory UWCD No. 1 - 8/14/1982                 | 61 Lone Wolf GCD - 2/2/2002                 |
| 11 Irion County WCD - 8/2/1985                    | 62 Kimble County GCD - 5/3/2002             |
| 12 Permian Basin UWCD - 9/21/1985                 | 63 Middle Trinity GCD - 5/4/2002            |
| 13 Sutton County UWCD - 4/5/1986                  | 64 Bluebonnet GCD - 11/5/2002               |
| 14 Coke County UWCD - 11/4/1986                   | 65 Brazos Valley GCD - 11/5/2002            |
| 15 Mesquite GCD - 11/4/1986                       | 66 Clear Fork GCD - 11/5/2002               |
| 16 Hill Country UWCD - 8/8/1987                   | 67 Cow Creek GCD - 11/5/2002                |
| 17 Barton Springs/Edwards Aquifer CD - 8/13/1987  | 68 Lost Pines GCD - 11/5/2002               |
| 18 Lipan-Kickapoo WCD - 11/3/1987                 | 69 Mid-East Texas GCD - 11/5/2002           |
| 19 Sterling County UWCD - 11/3/1987               | 70 Middle Pecos GCD - 11/5/2002             |
| 20 Santa Rita UWCD - 8/19/1989                    | 71 Post Oak Savannah GCD - 11/5/2002        |
| 21 Fort Bend Subsidence District - 8/28/1989      | 72 Red Sands GCD - 11/5/2002                |
| 22 Bandera County RA & GWD - 11/7/1989            | 73 Trinity Glen Rose GCD - 11/5/2002        |
| 23 Live Oak UWCD - 11/7/1989                      | 74 Wes-Tex GCD - 11/5/2002                  |
| 24 Sandy Land UWCD - 11/7/1989                    | 75 Gateway GCD - 5/3/2003                   |
| 25 Saratoga UWCD - 11/7/1989                      | 76 Hays Trinity GCD - 5/3/2003              |
| 26 Mesa UWCD - 1/20/1990                          | 77 Rusk County GCD - 6/5/2004               |
| 27 Crockett County GCD - 1/26/1991                | 78 Kenedy County GCD - 11/2/2004            |
| 28 Medina County GCD - 8/26/1991                  | 79 Southeast Texas GCD - 11/2/2004          |
| 29 Headwaters UWCD - 11/5/1991                    | 80 Corpus Christi ASRCD - 6/17/2005         |
| 30 South Plains UWCD - 2/8/1992                   | 81 Victoria County GCD - 8/5/2005           |
| 31 Plum Creek CD - 5/1/1993                       | 82 Central Texas GCD - 9/24/2005            |
| 32 Uvalde County UWCD - 9/1/1993                  | 83 Brazoria County GCD - 11/8/2005          |
| 33 Jeff Davis County UWCD - 11/2/1993             | 84 Lower Trinity GCD - 11/7/2006            |
| 34 Gonzales County UWCD - 11/2/1994               | 85 San Patricio County GCD - 5/12/2007      |
| 35 Edwards Aquifer Authority - 7/28/1996          | 86 Northern Trinity GCD - 5/15/2007         |
| 36 Garza County UWCD - 11/5/1996                  | 87 Colorado County GCD - 11/6/2007          |
| 37 Hemphill County UWCD - 11/4/1997               | 88 Panola County GCD - 11/6/2007            |
| 38 Wintergarden GCD - 1/17/1998                   | 89 Starr County GCD - 11/6/2007             |
| 39 Culberson County GCD - 5/2/1998                | 90 Upper Trinity GCD - 11/6/2007            |
| 40 Llano Estacado UWCD - 11/3/1998                | 91 Southern Trinity GCD - 6/19/2009         |
| 41 Rolling Plains GCD - 1/26/1999                 | 92 Duval County GCD - 7/25/2009             |
| 42 Menard County UWCD - 8/14/1999                 | 93 Prairielands GCD - 9/1/2009              |
| 43 Clearwater UWCD - 8/21/1999                    | 94 Red River GCD - 9/1/2009                 |
| 44 Presidio County UWCD - 8/31/1999               | 95 Brush Country GCD - 11/3/2009            |
| 45 Guadalupe County GCD - 11/14/1999              | 96 North Texas GCD - 12/1/2009              |
| 46 Bee GCD - 1/20/2001                            | 97 Terrell County GCD - 11/6/2012           |
| 47 Blanco-Pedernales GCD - 1/23/2001              | 98 Calhoun County GCD - 11/4/2014           |
| 48 Brewster County GCD - 11/6/2001                |   |
| 49 Coastal Bend GCD - 11/6/2001                   |   |
| 50 Coastal Plains GCD - 11/6/2001                 |   |
| 51 Fayette County GCD - 11/6/2001                 |   |

A - Deep East Texas GCD  
 B - Reeves County GCD



### Texas Commission on Environmental Quality



This map was prepared by the TCEQ for display purposes only. No claims are made to the accuracy or completeness of the information shown herein nor is this map suitable for any other use. The scale and location of mapped data are approximate. The groundwater conservation district boundaries are not land survey data and may not accurately depict legal descriptions. For more information about this map, please contact TCEQ - Water Availability Division Groundwater Planning & Assessment Team at (512) 239-4691.

Date indicates date established by law or by election.

- ASRCD - Aquifer Storage and Recovery Conservation District
- CD - Conservation District
- CRD - Conservation and Reclamation District
- GCD - Groundwater Conservation District
- RA & GWD - River Authority & Ground Water District
- UFWCD - Underground and Fresh Water Conservation District
- UWCD - Underground Water Conservation & Supply District
- UWCD - Underground Water Conservation District
- WCD - Water Conservation District
- WD - Water District

Established by law and election  
 Created, but pending local confirmation

0 15 30 60 90 120 Miles



# Priority Groundwater Management Areas

This chapter provides an overview of PGMA program activities that were conducted in 2013 and 2014. The chapter also describes the status of GCD creation action in designated PGMA and other present and pending PGMA activities. To date, seven PGMA have been designated covering all or part of 35 counties (Figure 2). Local and legislative actions or TCEQ administrative actions to establish GCDs are still required in four PGMA.

## ***Program Planning***

The TCEQ and TWDB staff met in January 2013 to discuss ongoing PGMA activities and the evaluation of regional water planning and joint GCD planning data to identify potential PGMA study areas. The TCEQ staff evaluated this data for 82 counties and parts of 22 other counties that are not within the boundaries of a GCD. The TCEQ staff compared groundwater use data for 2009, 2010 and 2011 to the modeled available groundwater (MAG) values for the aquifers in those counties. This data comparison identified that:

- total groundwater use exceeded total aquifer MAG amounts in 20 counties and part of one other county,
- total groundwater use exceeded at least one aquifer MAG amount in 22 counties and part of four other counties, and
- total groundwater use was less than aquifer MAG amounts in 57 counties and parts of 17 other counties.

The TCEQ Executive Director met with the TWDB Executive Administrator in December 2013 and December 2014. They discussed the completion and delivery of the PGMA/GCD Report to 84<sup>th</sup> Legislature; the need to track 84<sup>th</sup> session legislation relating to PGMA and creation of GCDs in PGMA; the continued coordination, planning and prioritization for potential new PGMA studies; and the need for continued GCD creation action in the designated PGMA.

## ***Status and TCEQ Actions 2013 – 2014***

During 2013 and 2014, the TCEQ Executive Director (ED) tracked legislative and local efforts to establish new GCDs in the Hill Country PGMA. The ED pursued, but ultimately withdrew administrative efforts to add parts of two counties to two separate GCDs in the Hill Country PGMA. The ED's recommendation to add the PGMA portion of Briscoe County to the High Plains Underground Water Conservation District No. 1 (High Plains Water District or HPWD) went through the contested case hearing process at the State Office of Administrative Hearings (SOAH) and on December 10, 2014, the TCEQ approved an order recommending the Briscoe PGMA be added to the HPWD. The ED is soliciting public comments through January 30, 2015 on a draft report that recommends the addition of the PGMA portions of Upton and Midland counties to the Glasscock GCD.

## Hill Country PGMA

Administrative efforts to establish GCDs for western Comal County and southwestern Travis County were initiated by the ED in July 2010 and the matter was referred to SOAH for the contested case hearing in October 2010. The hearing was in abatement from July 2011 until July 2013, predominantly to allow for and to encourage local and legislative actions to address groundwater management in the Hill Country PGMA. During the 83<sup>rd</sup> Legislature, Regular Session, 2013, two bills were filed to address GCD creation in western Comal and southwestern Travis counties.

- HB 2640 was filed in March 2013, to add Special District Local Laws Code, Chapter 8871, Western Travis County Groundwater Conservation District. The bill set forth standards, procedures, requirements, and criteria for the creation, purpose, and approval of the district; temporary provisions of the district, including the appointment of temporary directors; size, composition, election, and terms of the board of directors; powers and duties of the district; and, initial boundaries of the district. The bill was engrossed by the House and was referred to and left pending in the Senate Administration Committee when the session ended.
- HB 3924 was filed in April 2013, to add Special District Local Laws Code, Chapter 8875, Comal Trinity Groundwater Conservation District. The bill set forth standards, procedures, requirements, and criteria for the creation, purpose, and approval of the district; size, composition, election, and terms of the board of directors, including the appointment of temporary directors; powers and duties of the district, including the prohibition from excising the power of eminent domain; and, general financial provisions and authority to impose a tax and to issue bonds and obligations for the district. The bill was engrossed by the House and was referred to and left pending in the Senate Natural Resource Committee when the session ended.

By July 1, 2013, the SOAH judges had ordered the ED to file a status report and a motion to extend the period of abatement, withdraw the ED's petition, or set a hearing on merits. On June 27, 2013, the ED filed a motion with SOAH to schedule a third preliminary hearing in this matter. The motion requested that a preliminary hearing be convened to determine which parties were still interested in the matter, explore the possibility of aligning the parties into groups, and set a procedural schedule.

The SOAH judges convened the third preliminary hearing on August 2, 2013, at the Hays County Government Center in San Marcos to consider party alignment and set a procedural schedule. About 35 parties participated in the preliminary hearing. The judges granted a request to defer alignment of the parties, denied a motion to abate the matter for another two-year period, and set a procedural schedule concluding with a May 5, 2014, hearing on the merits.

The SOAH judges ordered the 100+ parties to file position statements by October 1, 2013. Twenty position statements, including the ED's, were filed with SOAH. None of the other parties fully supported the ED's recommendations and over 80 parties remained silent.

The position statements are summarized as follows.

- Seven parties had position statements that favored a regional groundwater management approach such as a new Comal, Hays and Travis PGMA area GCD, or an even larger incorporation of Trinity aquifer GCDs.
- Two parties had position statements that favored Comal boundaries outside of the PGMA, that is, an entire Comal County GCD for authority to manage the outcrop (PGMA area) and downdip portions of the Trinity aquifer.
- One party's position statement favored either creating a Comal PGMA territory GCD or adding this territory to the Hays-Trinity GCD.
- One party's position statement favored adding the Travis PGMA territory to the Hays-Trinity GCD.
- One party's position statement opposed any changes to or alterations of the Hays-Trinity GCD.
- One party's position statement favored a GCD for the Travis County PGMA territory.
- One party's position statement supported adding the Travis PGMA territory to the Barton Springs/Edwards Aquifer Conservation District, but only with certain stipulations that are outside of the TCEQ's statutory authority.
- Two position statements, one from three individual parties and one from two cities, were opposed to the ED's recommendation and did not state a position on the other alternatives.
- Two parties filed position statements that were neutral on the ED's recommendation and neutral or did not state a position on other alternatives.
- One position statement for three individuals opposed any or all action by TCEQ.

The ED filed a request with the SOAH judges on January 7, 2014, to withdraw the petition for Commission action in the Comal County and Travis Country portions of the Hill Country PGMA, cancel the hearing on merits, and remand the petition back to the TCEQ. On January 14, 15, and 21, parties filed responses, some in support and some in opposition to the request. On January 21, 2014, the ED filed a reply with SOAH. The administrative law judges granted the ED's request on January 27, 2014.

In the January 7, 2014 request, the ED acknowledged that efforts are being made to resolve the issues legislatively or locally that may obviate the need for the ED's petition or may result in many of the current parties no longer having an interest.

The ED noted that, given the complexity of the case, further evaluation would be beneficial, and determined that the best course of action was to withdraw the petition and subsequently refile a new petition if local or legislative efforts are ultimately unsuccessful.

## **Briscoe, Hale, Swisher County PGMA**

The portion of Briscoe County within this PGMA has not created a new nor joined an existing GCD. In January 2013, the ED released a draft report that recommended adding the PGMA portion of Briscoe County to the High Plains Water District was the most feasible, practicable, and economic groundwater management option for TCEQ to exercise. Stakeholder comments were accepted on this report until June 30, 2013. None were received.

On October 8, 2013, *The Executive Director's Report for Briscoe, Hale, Swisher County Priority Groundwater Management Area – Western Briscoe County* was filed with the TCEQ. The report identifies the western portion of Briscoe County in the Briscoe, Hale, and Swisher County PGMA that is not currently part of a GCD. The report recommends that the area be added to the High Plains Water District as the most feasible, practicable, and economic means to achieve groundwater management in the Briscoe, Hale, and Swisher County PGMA.

The matter was referred to SOAH to conduct a contested case hearing. Following mailed and published notice, a preliminary hearing was held by SOAH in Silverton, Texas on December 3, 2013. The hearing on the merits was conducted by SOAH in Silverton, Texas on April 8, 2014. The SOAH administrative law judge filed his proposal for decision with TCEQ on July 11, 2014, and recommended that the Commission adopt the ED's recommendations.

On December 10, 2014, the TCEQ considered the administrative law judge's proposal for decision and approved an order recommending the Briscoe PGMA be added to the HPWD. Within 120 days, the HPWD board of directors will determine if the Briscoe PGMA is to be added. If they decide not to add the Briscoe PGMA, subsequent TCEQ action will be required.

## **Reagan, Upton, Midland County PGMA**

Within this PGMA, the portions in Upton and Midland counties have not created new nor joined an existing GCD. In January 2013, the ED released a report to solicit stakeholder comments on five different options to establish groundwater management in the PGMA portions of Upton and Midland counties. The options include creating one or more new GCDs and the addition of all or part of the PGMA to one or more adjacent GCDs. The stakeholder comment period ended on June 30, 2013, with only one comment being submitted.

In October 2014, *The Executive Director's Draft Report for Reagan, Upton, and Midland County Priority Groundwater Management Area – Northeastern Upton and Southeastern Midland Counties* was completed and distributed to stakeholders for consideration and public comment. The TCEQ draft report evaluates the five options for groundwater management and recommends the option to add northeastern Upton County and southeastern Midland County to Glasscock GCD as the most feasible, practicable, and economic means to achieve

groundwater management in the Reagan, Upton, and Midland PGMA. The public comment period ends January 30, 2015.

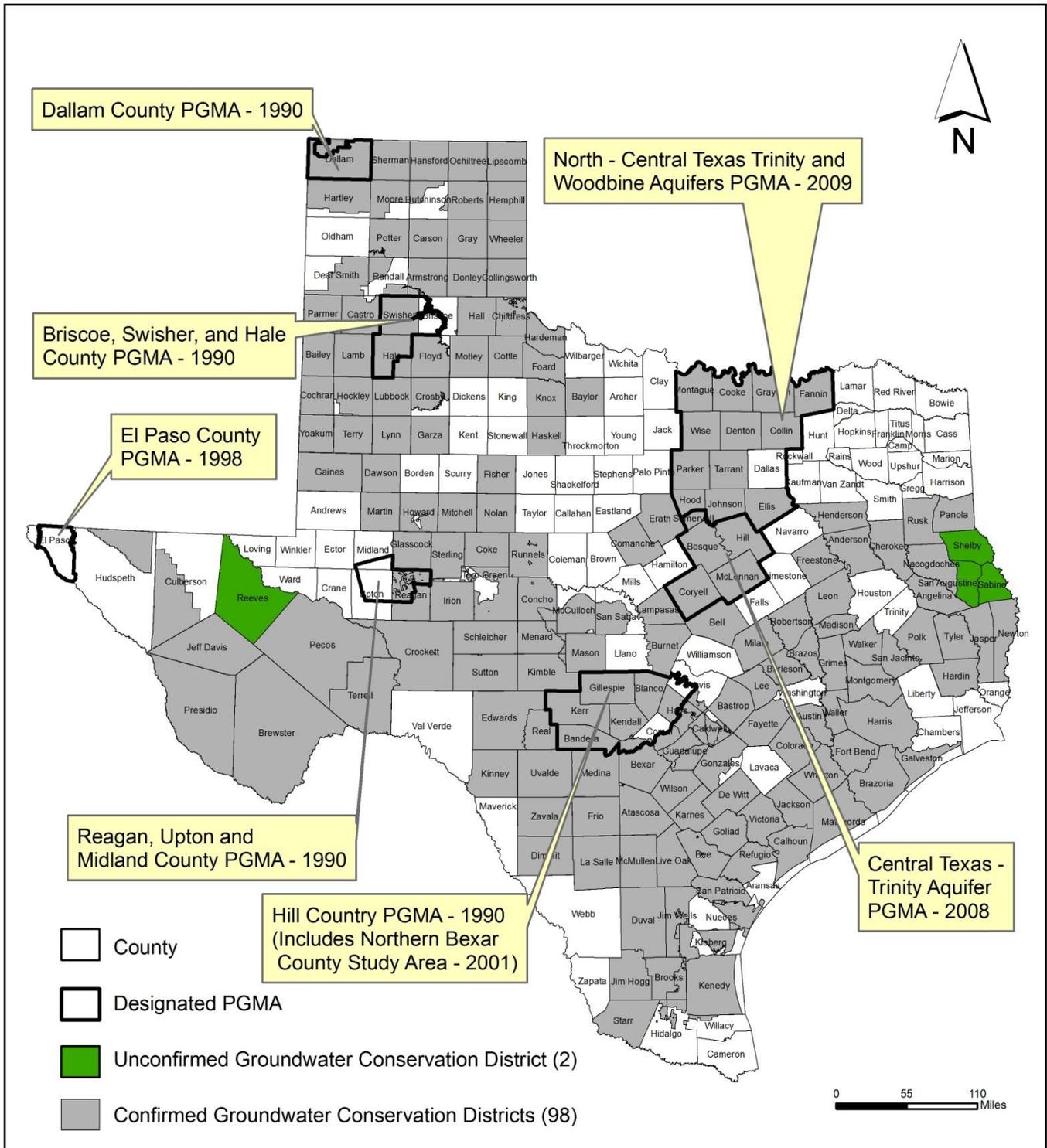
The ED will track legislative and local actions to establish a GCD for the Upton and Midland PGMA during the 84<sup>th</sup> Legislature. If legislative or local actions do not establish a GCD for the PGMA, the ED will file a report and recommendation with the Commission to continue TCEQ administrative actions to establish a GCD in accordance with TWC, §35.008 and 30 TAC §293.19(b).

## **North-Central Texas Trinity and Woodbine Aquifers PGMA**

The 13-county North-Central Texas Trinity and Woodbine Aquifers PGMA was designated by TCEQ in February 2009 and subsequently through local and legislative efforts, all of the counties except for Dallas County have been included in a GCD. Effective July 19, 2011, TWC, §36.0151 provides that the TCEQ may not, before September 1, 2015, create a GCD in a PGMA county with a population greater than 2.3 million in which the annual amount of surface water used is more than 50 times the annual amount of groundwater produced. This provision applies only to Dallas County. TCEQ action regarding Dallas County may be required in accordance with TWC, §§35.012 and 35.013 and 30 TAC §293.19(a) if a GCD is not established through local or legislative efforts before September 1, 2015.

The TWC, §36.0151 also authorizes TCEQ to charge an annual fee not to exceed \$500 to such a county for the purpose of studying compliance and groundwater consumption in that county. To date, TCEQ has relied on the data contained in the State Water Plan for this information and has not had a need to exercise this authority.

**Figure 2. Priority Groundwater Management Areas**



# District Management Plans and Joint Planning Activities

This chapter gives an overview of groundwater conservation district management planning and joint planning activities that occurred in 2013 and 2014. It describes the adoption and approval of GCD management plans, changes to groundwater management area boundaries, joint planning by GCDs and the development of total estimated recoverable storage, and development of modeled available groundwater values for planning and permitting purposes.

## ***Adoption and Approval of District Management Plans 2013 – 2014***

As of November 1, 2014, there were 96 confirmed districts subject to groundwater management plan requirements, and three unconfirmed districts. During the 2013 – 2014 biennium, three confirmed districts (Brush Country GCD, Starr County GCD, and Terrell County GCD) submitted initial management plans to the TWDB which were approved (Table 1). Fifty-two districts submitted plans for re-approval. Of these 52, two were due during the 2011 – 2012 biennium, 41 during the 2013 – 2014 biennium, and nine during the 2015 – 2016 biennium. TWDB’s Executive Administrator approved 51 of these but found the Glasscock GCD plan to be deficient (Table 2). That district will be required to make revisions and resubmit their plan.

During the 2013 – 2014 biennium, four groundwater management plan amendments were submitted to and approved by the TWDB Executive Administrator (Table 3).

Groundwater management plans due during the 2015-2016 biennium are shown in Table 4.

**Table 1. Management Plan Approvals, 2013-2014 Biennium**  
(November 1, 2012 – October 31, 2014)

<b>Initially-approved Management Plans</b>		
<b>District Name</b>	<b>Plan Due Date</b>	<b>Approval Date</b>
Brush Country GCD	11/03/2012	04/08/2013
Starr County GCD	11/06/2010	07/25/2014
Terrell County GCD	11/06/2015	11/21/2013
<b>Re-approved Management Plans</b>		
<b>District Name</b>	<b>Plan Due Date</b>	<b>Re-approval Date</b>
Bandera County RA & GWD	06/21/2015	05/28/2013
Barton Springs Edwards Aquifer CD	09/15/2013	01/07/2013
Bee GCD	09/25/2013	09/19/2013
Blanco-Pedernales GCD	01/07/2014	01/08/2014

Table 1. (Cont.)

<b>Re-approved Management Plans</b>		
<b>District Name</b>	<b>Plan Due Date</b>	<b>Re-approval Date</b>
Bluebonnet GCD	04/07/2015	12/02/2013
Brazoria County GCD	02/13/2014	02/20/2013
Coke Co. UWCD	12/04/2013	08/30/2013
Colorado County GCD	12/17/2014	11/03/2014
Corpus Christi ASRCD	10/16/2013	04/12/2014
Crockett County GCD	09/05/2013	12/17/2013
Culberson County GCD	01/29/2013	02/12/2014
Fayette Co. GCD	01/07/2014	12/02/2013
Garza County UWCD	07/07/2014	09/08/2014
Goliad County GCD	11/14/2013	07/29/2013
Gonzales County UWCD	05/14/2014	02/18/2014
Guadalupe County GCD	01/16/2013	01/23/2013
Headwaters GCD	12/04/2013	02/13/2013
Hickory UWCD No. 1	04/29/2014	02/27/2014
High Plains UWCD No. 1	04/07/2015	09/25/2014
Hill Country UWCD	09/25/2013	07/29/2013
Hudspeth County UWCD	01/08/2013	07/05/2013
Irion Co. WCD	10/17/2013	08/26/2013
Jeff Davis Co. UWCD	12/16/2013	12/02/2013
Kimble Co. GCD	08/10/2014	07/11/2014
Kinney County GCD	06/19/2013	07/02/2013
Lipan-Kickapoo WCD	09/25/2013	06/24/2013
Lone Star GCD	03/25/2014	12/17/2013
Lone Wolf GCD	11/04/2014	10/16/2014
Lost Pines GCD	10/25/2015	11/07/2012
Lower Trinity GCD	01/13/2015	09/30/2014
McMullen GCD	09/25/2013	08/09/2013
Mesa UWCD	02/13/2014	03/10/2014
Mesquite GCD	05/11/2014	03/25/2014
Mid-East Texas GCD	09/29/2014	08/04/2014
Neches and Trinity Valleys GCD	10/ 14/2014	08/06/2014
North Plains GCD	07/14/2013	07/29/2013
Panola County GCD	03/09/2014	05/15/2013
Pecan Valley GCD	04/03/2014	05/07/2014
Pineywoods GCD	02/06/2014	12/03/2013
Plateau UWC & SD	04/24/2014	03/05/2014
Plum Creek CD	01/29/2013	01/07/2013
Post Oak Savannah GCD	07/24/2011	12/17/2012
Real-Edwards C & RD	08/10/2014	05/30/2014
Refugio GCD	03/25/2014	08/25/2014

Table 1. (Cont.)

<b>Re-approved Management Plans</b>		
<b>District Name</b>	<b>Plan Due Date</b>	<b>Re-approval Date</b>
Sandy Land UWCD	07/13/2014	06/06/2014
Santa Rita UWCD	08/12/2012	05/03/2013
Saratoga UWCD	11/30/2014	10/16/2014
South Plains UWCD	11/10/2013	01/13/2014
Sterling County UWCD	01/20/2016	08/26/2013
Sutton County UWCD	02/18/2014	12/20/2013
Victoria County GCD	12/04/2013	10/15/2013

**Table 2. Management Plans Due But Not Approved**  
(November 1, 2012 – October 31, 2014)

<b>District Name</b>	<b>Plan Due Date</b>	<b>Plan</b>
Anderson County UWCD	10/05/2014	plan not received
Brewster County GCD	06/11/2014	plan not received
Glasscock GCD	12/04/2013	final plan deficient

Note: Anderson County UWCD was incorporated into the Neches & Trinity Valleys GCD on November 14, 2014.

**Table 3. Management Plan Amendment Approvals, 2013-2014 Biennium**  
(November 1, 2012 – October 31, 2014)

<b>District Name</b>	<b>Plan Due Date</b>	<b>Approval Date</b>
Llano Estacado UWCD	n/a	12/05/2012
Mesa UWCD	n/a	11/08/2012
Pineywoods GCD	n/a	01/23/2013
South Plains UWCD	n/a	12/05/2012

**Table 4. Management Plans Due in 2015-2016 Reporting Period**  
(November 1, 2014 – October 31, 2016)

<b>District Name</b>	<b>Plan Due Date</b>	<b>Plan</b>
Brazos Valley GCD	06/07/2015	Re-approval
Clear Fork GCD	10/25/2015	Re-approval
Clearwater UWCD	04/13/2016	Re-approval
Coastal Bend GCD	11/04/2014	Re-approval
Coastal Plains GCD	12/11/2014	Re-approval
Cow Creek GCD	01/12/2015	Re-approval
Edwards Aquifer Authority	01/05/2016	Re-approval
Evergreen UWCD	05/02/2016	Re-approval
Gateway GCD	02/25/2016	Re-approval
Hays Trinity GCD	05/23/2016	Re-approval
Live Oak UWCD	11/10/2015	Re-approval

Table 4. (Cont.)

<b>District Name</b>	<b>Plan Due Date</b>	<b>Plan</b>
Llano Estacado UWCD	08/10/2015	Re-approval
Northern Trinity GCD	07/09/2015	Re-approval
Presidio County UWCD	01/12/2015	Re-approval
Rolling Plains GCD	11/29/2015	Re-approval
Rusk County GCD	12/14/2015	Re-approval
Southern Trinity GCD	07/07/2015	Re-approval
Texana GCD	02/25/2016	Re-approval
Trinity Glen Rose GCD	12/14/2015	Re-approval
Upper Trinity GCD	10/27/2015	Re-approval
Uvalde County UWCD	10/03/2016	Re-approval
Wes-Tex GCD	04/07/2015	Re-approval

## ***Groundwater Management Areas***

A groundwater management area is an area delineated by the TWDB that is most suitable for the management of groundwater resources. The primary purpose for the delineation of groundwater management areas is to facilitate joint planning by GCDs that manage the same aquifer.

In 2002, the TWDB adopted boundaries for 16 groundwater management areas that cover the entire state (Figure 6). The boundaries of the groundwater management areas were primarily delineated using the boundaries of the major aquifers of Texas. In areas with multiple major aquifers, the TWDB generally placed a preference on the shallowest aquifer. The TWDB divided several of the major aquifers into multiple groundwater management areas. These divisions were based on variations in hydrogeologic characteristics, current water-use patterns, and coincided with natural features where possible. Where possible, the TWDB aligned boundaries with county and existing GCD boundaries.

Groundwater management areas 10 and 13, on behalf of the Guadalupe County GCD, requested a boundary change to make the boundary co-extensive with its GCD boundary. This action removed the district from GMA 10 and made it lie solely within GMA 13. This boundary change became final through administrative action, changing the GMA data files, as authorized in 31 TAC §356.21.

Groundwater management areas 12 and 14, on behalf of the Brazos Valley GCD, requested a boundary change to make the boundary co-extensive with its GCD boundary. This action removed the district from GMA 14 and made it lie solely within GMA 12. This boundary change became final through administrative action, changing the GMA data files, as authorized in 31 TAC §356.21.

## Joint Planning Activities

Districts in each GMA are required to meet at least once annually; from September 1, 2012, to August 31, 2014, there have been 80 GMA meetings, and 4 other related meetings. Table 5 shows the number of meetings for each groundwater management area. The number of meetings increased from 50 meetings during the 2011–2012 biennium. Meeting frequency increased over the last biennium due to being at the midpoint of second round of joint planning and because of new requirements to assess desired future conditions (DFCs) by the GCDs. A DFC is the desired, quantified condition of groundwater resources (such as water levels, 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. One of these new requirements includes an explanatory report, detailing their process for identification, assessment, and adoption of DFCs.

TWDB staff has supported the joint planning process by outlining the overall process for developing DFCs and modeled available groundwater. TWDB staff attended groundwater management area meetings, presented information, and answered questions from the GMA member districts.

The major joint planning task within a GMA is to adopt DFCs. During the round of the groundwater joint planning process that concluded in 2010, 75 DFCs were adopted and one was legislatively mandated (Edwards Aquifer, San Antonio Segment within the boundaries of the Edwards Aquifer Authority). Table 6 lists the first round DFCs by type of aquifer conditions that were identified. Fifty-five DFCs were based on drawdown, two on springflow, and thirteen on volume of groundwater remaining in an aquifer. Two combination DFCs were submitted, the first one was drawdown and volume remaining in an aquifer, and second a combination of drawdown and springflow. One DFC required maintaining a minimum groundwater elevation in an index well and the last required that free-flowing artesian wells maintain a minimum annual discharge



## Total Estimated Recoverable Storage

TWDB staff also calculated total estimated recoverable storage (TERS) volumes for relevant aquifers by groundwater management area, as required by TWC, §36.108(d)(3). These volumes represent the estimated amount of groundwater within an aquifer that accounts for recovery scenarios that range between 25 percent and 75 percent of the porosity-adjusted aquifer volume. Fifteen TERS reports and one supplemental TERS report were completed for groundwater management areas between March 2013 and June 2014. By June 2014, districts in all GMAs had received TERS reports covering the major and minor aquifers in their areas. One other individual aquifer TERS report is complete and another three TERS reports for other aquifers were in progress at the end of 2014 and are scheduled to be completed in early 2015.

To view total estimated recoverable storage reports, please visit the TWDB website at <[www.twdb.texas.gov/groundwater/management\\_areas/TERS.asp](http://www.twdb.texas.gov/groundwater/management_areas/TERS.asp)>.

**Table 5. Number of Meetings Held for Joint Planning in Groundwater Management Areas (September 1, 2012 – August 31, 2014)**

GMA	Joint Planning Meetings	Other related meetings
1	7	1
3	-	1
4	2	
5	-	-
6	2	
7	5	
8	4	1
9	8	
10	12	
11	1	
12	4	1
13	8	
14	6	
15	9	
16	10	
Total	80	4

Note: There are no groundwater conservation districts within Groundwater Management Area 5 and there is only one confirmed groundwater conservation district within Groundwater Management Area 3.

**Table 6. Desired Future Condition Type listed by Groundwater Management Area**

DFC Type	Groundwater Management Area																Subtotal
	1	2	3	4	5	5	7	8	9	10	11	12	13	14	15	16	
Drawdown	1	1	4	10		1	7	4	2	6	1	8	3	5	1	1	55
Springflow							1			1							2
Volume	2	1				1	1	4						4			13
Minimum groundwater elevation										1							1
Combination of drawdown and volume						2											2
Combination of drawdown and springflow							1										1
Minimum discharge from artesian wells										1							1
<b>Total</b>																	75

## Modeled Available Groundwater

TWC, §36.108 requires groundwater conservation districts to submit the adopted DFCs of the aquifers to the TWDB. TWC, §36.108(d-5) amended original due dates for all DFC proposals that were voted on by September 1, 2013. This extended the date to May 1, 2016 for requiring districts to propose for the adoption of desired future conditions for the relevant aquifers within a management area. The previous requirement required GCDs within each groundwater management area to adopt DFCs for relevant aquifers within their associated groundwater management areas by September 1, 2010, and propose DFCs for adoption every five years after adoption.

TWDB has finalized and delivered to the GCDs and regional water planning groups the estimates of modeled available groundwater for all submitted DFCs from the first round that were due September 1, 2010. TWDB staff issued 41 reports for aquifers with groundwater availability models, and 35 reports for aquifers without groundwater models, using alternative assessment methods.

To view DFCs or modeled available groundwater reports, please visit the TWDB website at <[www.twdb.texas.gov/groundwater/management\\_areas](http://www.twdb.texas.gov/groundwater/management_areas)>, select the groundwater management area of interest, then query the table at the bottom of the web page.

# District Management Plan Performance Review

This chapter describes 2013 and 2014 noncompliance issues related to GCD management plans that were initiated by the Executive Director (ED) of the TCEQ, reported by the State Auditor's Office, or petitioned to the TCEQ.

## ***Performance Review***

In accordance with the TWC, §§36.301 – 36.303, the TCEQ is responsible for GCD performance review and action if:

- a GCD management plan is not adopted, readopted, or submitted to the Executive Administrator of the TWDB within statutory deadlines;
- the Executive Administrator of the TWDB denies approval of a submitted management plan and the GCD does not address and obtain management plan approval within statutory deadlines or has exhausted all appeals of the denial;
- the State Auditor determines that a GCD is not operational; or
- a review panel has submitted a report and recommendation to TCEQ in response to a petition for inquiry of a GCD.

The TCEQ rules that pertain to GCD management plan performance review actions are contained in 30 TAC §293.22.

## ***Management Plan Deadlines***

On January 1, 2013, four GCDs were out of compliance with statutory management plan adoption, readoption, or submittal deadlines. Since that time one of the four, Brush Country GCDs, was able to achieve compliance with only minor TCEQ intervention. Two of the four GCDs, Santa Rita UWCD and Starr County GCD, achieved compliance after entering and implementing TCEQ compliance agreements. The fourth GCD, Anderson County UWCD, entered but failed to implement a TCEQ compliance agreement.

After the terms of the compliance agreement had ended, the board of directors of the Anderson County UWCD, by June 27, 2014 resolution, petitioned the Neches and Trinity Valleys GCD for consolidation in accordance with TWC, Chapter 36. In accordance with Special District Local Laws Code, Chapter 8863, the Neches and Trinity Valleys GCD board of directors conducted a hearing on the consolidation, and by August 8, 2014 resolution, voted to approve the consolidation and schedule a November 4, 2014, consolidation election in the boundaries of the Anderson County UWCD. As a result of the election tally of 259 for; 199 against, the two districts were consolidated.

In addition, 13 GCDs had management compliance issues in 2013 and 2014. In 2013, nine GCDs missed management plan readoption and submittal deadlines. Seven of the GCDs, Bee GCD, Blanco-Pedernales GCD, Corpus Christi ASR&CD, Crockett County GCD, Hudspeth County UWCD No. 1, Mesa UWCD, and South Plains UWCD timely achieved compliance without TCEQ intervention. Two of the nine GCDs entered compliance agreements with TCEQ. One, Culberson County GCD has since achieved compliance, and the other, Glasscock GCD, is moving forward to implement its compliance agreement.

In 2014, four GCDs missed their management plan readoption and submittal deadlines. The Refugio GCD and Garza County UWCD timely achieved compliance without TCEQ intervention, and the other two, Brewster County GCD and Coastal Bend GCD, are moving toward compliance with minimal TCEQ intervention.

## ***State Auditor's Reviews***

The SAO reviewed 23 GCDs in fiscal year 2014 and issued a report of findings (State Auditor's Office, 2013; *An Audit Report on Selected Groundwater Conservation Districts*, State Auditor's Office Report No. 14-004, October 2013). According to the report, eight of the 23 GCDs fully achieved all four of the specific groundwater management plan goals audited, ten of the 23 GCDs fully or partially achieved all four of the specific groundwater management plan goals audited, and five of the 23 GCDs did not achieve one or more of the four specific groundwater management plan goals audited. Fourteen of the 23 GCDs audited were in full or partial compliance with eight or more of the ten Texas Water Code statutory requirements tested and seven of those GCDs fully complied with all ten of the tested requirements. Based on the SAO report findings, TCEQ actions were not required.

The SAO reviewed 12 GCDs in fiscal year 2015 and issued a report of findings (State Auditor's Office, 2014; *An Audit Report on Selected Groundwater Conservation Districts*, State Auditor's Office Report No. 15-005, October 2014). According to the report, three of the 12 GCDs fully achieved all four of the specific groundwater management plan goals audited, seven of the 12 GCDs fully or partially achieved at least three of the four specific groundwater management plan goals audited, and two of the 12 GCDs did not achieve one or more of the four specific groundwater management plan goals audited. Four of the 12 GCDs audited were in full or partial compliance with eight or more of the ten Texas Water Code statutory requirements tested and two of those GCDs fully complied with all ten of the tested requirements. The report notes that all of the audited GCDs have agreed to implement the SAO recommendations that are outlined in the report. No TCEQ actions were required based on the SAO report findings.

## ***Petitions for Inquiry***

The TCEQ did not receive any petitions requesting an inquiry into a GCD's activities in 2013 or 2014. The TCEQ rules that pertain to petitions requesting Commission inquiry are contained in 30 TAC §293.23.

# Recommendations

Texas Water Code, Section 35.018, provides that this report include recommendations for changes to Chapters 35 and 36 that will facilitate the creation of PGMAs and the creation and operation of GCDs. **The TCEQ recommends that additional statutory changes to facilitate the designation of PGMAs and the creation and operation of GCDs are not needed at this time.**

The TCEQ recognizes and acknowledges that crafting local groundwater management solutions for non-GCD areas in the PGMAs is generally preferred by citizens over state agency administrative mandates to create a new or join an existing GCD. Local and legislative actions or TCEQ administrative actions to establish groundwater conservation districts are still required in all or part of six counties in four PGMAs.

- Western Briscoe County in the Briscoe, Hale, Swisher County PGMA
- Southeast Midland County and Northeast Upton County in the Reagan, Upton, Midland County PGMA
- Northwest Comal County and Southwest Travis County in the Hill Country PGMA
- Dallas County in the North Central Texas – Trinity & Woodbine Aquifers PGMA

On December 10, 2014, the TCEQ considered the administrative law judge’s proposal for decision and approved an order recommending the Briscoe PGMA be added to the HPWD. Within 120 days, the HPWD board of directors will determine if the Briscoe PGMA is to be added. If they decide not to add the Briscoe PGMA, subsequent TCEQ action will be required.

The Executive Director is soliciting public comments through January 30, 2015, on a draft report that recommends the addition of the PGMA portions of Upton and Midland counties to the Glasscock GCD.

TCEQ administrative actions will continue after the conclusion of the 84th Legislature to establish GCDs in the four PGMAs as required.

