

# Texas Natural Resource Conservation Commission

INTEROFFICE MEMORANDUM

To: Commissioners Date: March 2, 2001

Thru: LaDonna Castañuela  
Chief Clerk

From: Randolph Wood, Deputy Director  
Office of Policy and Regulatory Development

Subject: Docket No. 2001-0196-PET. Consideration of a petition for rulemaking filed by Save Our Springs of North East Texas on behalf of 57 landowners of Wood County requesting that the commission designate a groundwater management area in northeast Texas to include all of Wood County. (Kelly Mills) (Rule Log No. 2001-012-PET-WT)

## Who Submitted the Petition:

On February 8, 2001, Mary Sahs, Sahs & Associates P.C., submitted a petition (Attachment A) for Save Our Springs of North East Texas, Inc. on behalf of 57 landowners in Wood County.

## What the Petition Requests:

The petition requests that the commission designate a groundwater management area to include all of Wood County and that the groundwater management area be designated with the objective of providing the most suitable area for the management of all groundwater resources by a groundwater conservation district.

A groundwater management area is a formal designation and delineation of an aquifer or a segment of an aquifer that has ascertainable boundaries; will not be appreciably affected by the withdrawal of groundwater from any other aquifer or segment of an aquifer; and is suitable for management by a groundwater conservation district.

## Recommended Action and Justification:

The Executive Director (ED) recommends that the petition be granted, and staff initiate a rulemaking under Chapter 294, relating to Underground Water Management Areas, to decide if a groundwater management area should be designated, and if so, to determine the most suitable boundaries. The ED finds that the petition is in compliance with Texas Water Code (TWC), §35.005, and Texas Administrative Code, §294.22, which provide for the landowner petition process for the designation of a groundwater management area.

Because of the regional nature of the groundwater resources that occur in Wood and the surrounding counties, the ED will recommend the boundaries for the delineation and designation of the area in the proposed rule.

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The Carrizo-Wilcox aquifer is the primary groundwater resource in the petitioning area. This aquifer is identified as a “major” aquifer (i.e., it supplies large quantities of water to a large area of the state) by the Texas Water Development Board (TWDB). The Queen City and Sparta aquifers are also important groundwater resources in the petitioning area and are identified by the TWDB as “minor” aquifers (i.e., they supply large quantities of water in small areas of the state or small quantities of water in large areas of the state).

The Carrizo-Wilcox, Queen City, and Sparta aquifers are regional aquifers. They extend from the Arkansas and Louisiana borders into south Texas. The Carrizo-Wilcox aquifer extends to the Rio Grande and the Queen City and Sparta aquifers extend into Frio and La Salle counties. Both the Carrizo-Wilcox and Queen City aquifers underlie Wood and surrounding counties and the Sparta aquifer is regionally associated with the other two aquifers. The Commission, or its predecessors, have designated four regional groundwater management areas for the Carrizo-Wilcox aquifer, all of which are south of the Trinity River.

**Applicable Law:**

Texas Water Code, §5.103 gives the agency the authority to adopt any rules necessary to carry out its powers and duties and requires the agency to adopt its rules in the manner provided by Texas Government Code, Chapter 2001.

Texas Water Code, §35.004, Designation of Management Areas, states that the Commission on its own motion, or in response to receiving a petition, may designate a groundwater management area.

Texas Water Code, §35.004 provides that to the extent feasible, groundwater management areas shall coincide with the boundaries of a groundwater reservoir (aquifer) or subdivision of an aquifer. The commission may also consider other factors such as the boundaries of political subdivisions to delineate and designate groundwater management areas to provide for the most suitable area to accomplish groundwater management.

Texas Government Code, §2001.021, Petition for Adoption of Rules, states that an interested person can petition the agency to request the adoption of a rule.

**Affected Public:**

A groundwater management area is only an identified area and as such does not provide any entity with groundwater management authority. However, the petitioners are aware that all or part of the land in a groundwater management area can later be added to a groundwater conservation district or become a new groundwater conservation district through a separate petition process under TWC, Chapter 36.

Water stakeholders and units of local government will most likely have a high interest in Commission rulemaking. The petition includes resolutions supporting Commission designation of

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a groundwater management area from the Wood County Commissioners Court, City of Hawkins, City of Winnsboro, Hawkins Area Chamber of Commerce, and the Upshur County Commissioners Court.

The Commission received similar resolutions supporting the Commission designation of a groundwater management area for the Carrizo-Wilcox aquifer in the area from the Wood Soil and Water Conservation District (S&WCD) No. 444 (Attachment B), the Upshur-Gregg S&WCD No. 417 (Upshur and Gregg counties; Attachment C), and the Sulphur-Cypress S&WCD No. 419 (Camp, Franklin, Morris, and Titus counties; Attachment D).

The Texas Natural Resource Conservation Commission, TWDB, and the Texas Agricultural Extension Service staff have provided, upon request, educational programs over the past year in Wood and other nearby counties and area legislators have contacted TNRCC staff with an interest in groundwater management issues.

**Affected Agency Programs:**

The Office of Environmental Policy, Analysis and Assessment, Technical Analysis Division will be responsible for the technical evaluation and development of the rule. The Division is also responsible for groundwater conservation district creation petitions submitted to the Commission.

**Agency Contacts:**

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cc: 7 copies to the Chief Clerk for distribution

ATTACHMENT A.

FEBRUARY 8, 2001 PETITION OF SAVE OUR SPRINGS OF NORTH EAST TEXAS, INC.

ATTACHMENT B.

RESOLUTION OF THE WOOD SOIL & WATER CONSERVATION DISTRICT NO. 444

ATTACHMENT C.

RESOLUTION OF THE UPSHUR-GREGG SOIL & WATER CONSERVATION DISTRICT NO. 417

ATTACHMENT D.

RESOLUTION OF THE SULPHUR-CYPRESS SOIL & WATER CONSERVATION DISTRICT NO.  
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