

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER Granting The Petition For Addition Of Dallam County Priority Groundwater Management Area To The North Plains Groundwater Conservation District; TCEQ Docket No. 2008-1940-WR

On July 25, 2012, the Texas Commission on Environmental Quality ("Commission") met in regular session at its offices in Austin, Texas, with notice of the meeting issued in compliance with the Open Meetings Act, TEX. GOV'T CODE §§ 551.001 - 551.146 and the Administrative Procedure Act, TEX. GOV'T CODE §§ 2001.001 - 2001.902, to consider the petition submitted by the Executive Director ("ED") pursuant to Senate Bill No. 313 ("SB 313"), enacted by the 82nd Regular Texas Legislature, relating to priority groundwater management areas ("PGMA"). After having considered the petition, the Commission finds that the petition has merit and should be granted. The Commission further makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On February 17, 2010, the commission issued an order recommending that the unincorporated areas of the Dallam County PGMA be added to the North Plains Groundwater Conservation District (NPGCD), and directed the NPGCD to vote to add the areas then call and hold an election within each area according to Tex. Water Code § 35.013.
2. As part of its February 17, 2010 Order, the Commission found that having the unincorporated areas of the Dallam County PGMA be added to the North Plains Groundwater Conservation District is superior to the creation of a new district and that management through the North Plains Groundwater Conservation District would be the best management option for the areas.

3. The areas identified as A, B, and C in the 2012 addendum (the Addendum) to the 2008 Groundwater Conservation District Recommendation for Dallam County Priority Groundwater Management Area are within the Dallam County PGMA.
4. Areas A, B, and C remain unincorporated within a groundwater conservation district.
5. SB 313 provides that, not later than September 1, 2012, Commission shall create a district or add territory to an existing district for any territory for which the commission has issued an order recommending creation of a district or addition of territory to an existing district under Section 35.008, Water Code, before the effective date of this Act, unless the commission determines that the territory is not suitable under Subsection (i), Section 35.013, Water Code.
6. The Addendum recommends that the commission add the unincorporated areas to North Plains Groundwater Conservation District.
7. The Commission's February 17, 2010, order was issued before June 17, 2011, when SB 313 became effective.

CONCLUSIONS OF LAW

1. The Commission's obligation under SB 313 is mandatory.
2. The requirements of Tex. Water Code §§ 35.013(a) through (b-1) have been completed.
3. All of the land and property proposed may properly be included within the proposed District.
4. All statutory and regulatory requirements for adding Areas A, B, and C of the Dallam County PGMA to the NPGCD have been fulfilled in accordance with Tex. Water Code §§ 35.008, .013, and .015 and 30 Tex. Admin. Code § 293.19.

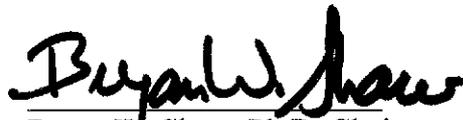
NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, THAT:

1. The petition filed by the Executive Director for the addition of the Areas to the North Plains Groundwater Conservation District is hereby GRANTED.
2. All territory within Dallam County PGMA not previously incorporated within a groundwater conservation district is hereby added to North Plains Groundwater Conservation District.
3. The North Plains Groundwater Conservation District shall proceed in accordance with Tex. Water Code §§ 35.013(c) – (g -1).

4. The Areas shall be subject to all of the rights, duties, powers, privileges, authority, and functions conferred and imposed by the Commission and the general laws of the State of Texas relating to Groundwater Conservation Districts, subject to the requirements of the Commission and general laws of the State of Texas relating to the exercise of such powers.
5. The Chief Clerk of the Commission shall forward a copy of this Order to all affected persons.
6. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date: **AUG 07 2012**

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ENVIRONMENTAL QUALITY


Bryan W. Shaw, Ph.D. Chairman