



# Heartbeat of the Hickory

## District Activities

### Changes in Hickory UWCD Rules

At the February 12, 2009, Board Meeting, the District adopted a new set of rules. A public hearing was held July 17, 2008, but only two citizens attended. A complete set of rules can be found on our website: <http://www.hickoryuwcd.org>

There are some major changes in this new set of rules. For example, any permit or group of permits requesting new or additional production of greater than 500 acre feet per year on a contiguous tract shall include and evaluation by a licensed engineer or geologist. The District may deny in part or whole any permit application which would cause water table declines exceeding a 7 foot drawdown over three years.

Permitted wells no longer have renewal dates, but amounts can be reduced where declines in the water table have been shown to have impaired existing use proportionately among all such permit holders within the affected area of the aquifer.

Water use reports for permitted wells are still due March 15 of each year, but now fines may be instituted. Failure to timely file the annual report will subject the permittee to a civil penalty of \$100/day for the first 30 days of delinquency, \$500/day for every day after 30 days, and other sanctions.

These are just a few of the many changes. Again, a complete set of these rules is available on our website or upon request.



#### Directors

- Owen Parks.....President
- Bill Sloan.....Vice-President
- Bert Striegler.....Secretary
- Wendell Moody.....Director
- Larry Lehmborg.....Director

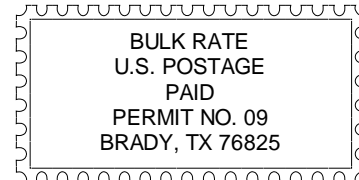
#### Staff

- David Huie.....Manager
- Caroline Runge.....Consulting Manager
- Angelina B. Deans.....Assistant Manager
- Ronnie Moore.....Lab/Field Tech
- Traci Fields.....Secretary

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*Civilization has been a permanent dialogue between human beings and water.*  
— Paolo Lugari

## Legislative Update

HB 43 filed by Representative Corte related to the permitting requirements of groundwater conservation districts, including permits to transfer water. As the bill is currently written, there should be no major changes in the Texas Water Code. This bill was left pending in committee March 17.

HJR 74 and SJR 25 (enabling legislation HB 1816, HB 1818 and HB 4299) proposes a constitutional amendment to authorize the legislature by general law to exempt from ad valorem taxes the portion of the assessed value of property attributable to the implementation on the property of a water conservation initiative, desalination project, or brush control initiative. HJR was referred to the House Ways and Means Committee on March 4. The SJR was referred to the Senate Ways and Means on February 17.

SB 1190 filed by Senators Duncan, Averitt and Seliger relates to the enforcement of rules by a groundwater district. This bill basically adds the phrase against any person after possible enforcement actions. HB 2063 by Representative Calle-gari is an identical House bill.

SB 1714 by Senator Hegar relates the evidence of beneficial use when permitting groundwater. While Chapter 36, Water Code, defines "use for a beneficial purpose" to include any other purpose that is useful and beneficial to the user, it does not clarify what evidence may be used to support a proposed beneficial use. As proposed, S.B. 1714 defines "evidence of beneficial use" and prohibits a groundwater district from granting a permit unless the applicant has provided evidence of beneficial use. This bill was left pending in committee April 2.

S.B. 2006 authored by Senator Hegar authorizes a groundwater conservation district, when permitting under an adopted availability or managed available groundwater limit, to consider whether the in-district water supply needs can be met, as adopted in the State and Regional Water Plan. This bill was also left pending in committee April 2.

Senator Hegar also filed S.B. 2008 which authorizes a groundwater conservation district, when permitting under an adopted availability or managed available groundwater limit, to consider the water produced by wells exempt from groundwater district permits. On April 2, this bill was left pending in committee.

SB 2120 by Senator Seliger would allow the Texas Water Development Board (TWDB) to establish a training program for members of boards of directors and general managers of groundwater conservation districts that includes education in the provisions of Chapter 36, the principles of hydrogeology, permitting procedure, conservation practices, conflicts of interest, methods of conducting public hearings, directors' fiscal oversight, and board management and accountability. This legislation also touches on aspects of a district's water management plan. A committee substitute is a possibility. On March 31, the bill was referred to the Natural Resources Committee and scheduled for public hearing on April 9. Representative Smithee's HB 4656 is the identical companion bill.

For more information on Legislative activities and to follow these or any other bills, visit <http://www.capitol.state.tx.us>.

## Drilling a New Well

The following is a simplified explanation of the registration and permit procedure.

Prior to drilling a well, you or your driller needs to submit an "Intent to Drill" form. At this point the District will approve or disapprove the intent.

There are basically two categories of wells with which we deal: Exempt and Non-Exempt. Exempt wells are those used solely for domestic use or for providing water for livestock or poultry on a tract of land larger than 10 acres that is drilled, completed or equipped in such a way that it produces less than 25,000 gallons a day. The District also exempts domestic wells on a lot ten acres or less if there is one well per lot and the well is used to supply groundwater to no more than four households. A member of each household shall be the owner of the well, a person related to the owner or a member of the owner's household within the second degree by consanguinity (relationship by blood or by a common ancestor), or an employee of the owner.

The Intent to Drill for an exempt well is generally approved immediately. The well owner must then furnish the District with a completed and signed registration form as well as a copy of the driller's log.

Non-exempt wells produce more than 25,000 gallons a day. These are typically for irrigation, commercial, industrial, or municipal use. Prior to the start of drilling a non-exempt well, a permit application must be filed with the District and approved. Permit applications are reviewed for approval by the District Board of Directors. If a permit is contested or is inconsistent with District Rules, a contested hearing is scheduled. Otherwise, the Board can issue a permit at the regular meeting if the permit is approved. Again, a copy of the driller's log must be furnished to the District upon completion of the well.

For a complete set of rules and a more in-depth explanation, visit our website: [www.hickoryuwcd.org](http://www.hickoryuwcd.org)

