

HAYS COUNTY TRINITY AQUIFER MANAGEMENT ZONE



Barton Springs
Edwards Aquifer
CONSERVATION DISTRICT

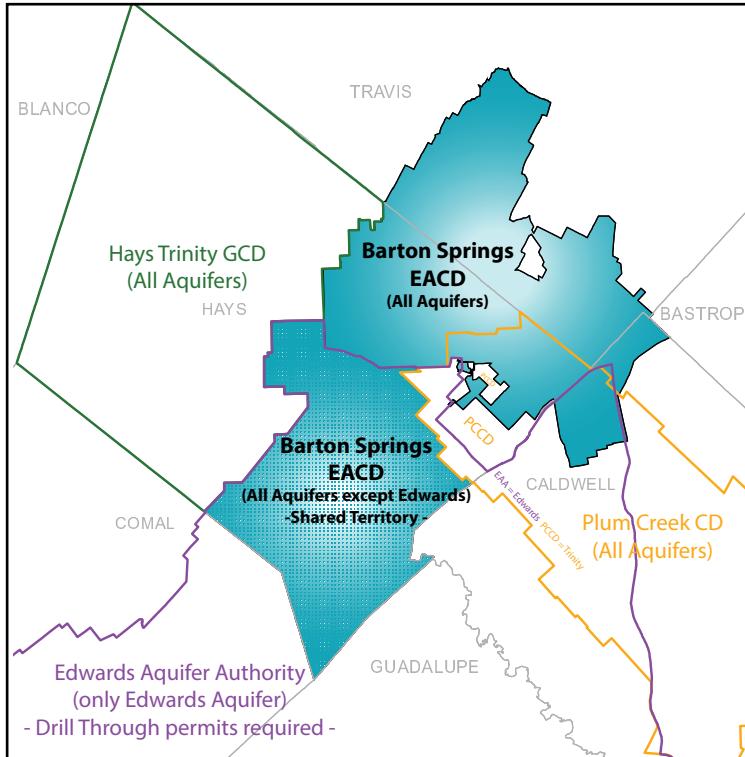


Figure 1: The District's territory including the expanded annexation area created by HB3405 and the adjacent groundwater conservation districts and their respective jurisdiction over aquifers.

WHY ANNEXATION?

June 19, 2015 marked the effective date of HB3405, which brings the previously unregulated Trinity Aquifer portion of Hays County under management of a groundwater conservation district—the preferred method of groundwater management in Texas.

Representative Jason Isaac and Senator Donna Campbell responded to requests from residents of the unregulated portion of Hays County to pass legislation to protect groundwater resources, manage pumping, and coordinate conservation in this developing area.

The new legislation tasks the Barton Springs/Edwards Aquifer Conservation District (District) with managing all non-Edwards groundwater withdrawals (primarily Trinity Aquifer wells) in central, southern, and eastern Hays County. The Edwards Aquifer Authority shares jurisdiction in the same area, however, their authority is limited by statute only to Edwards Aquifer wells and requests for drill-through permits for wells that penetrate the overlying Edwards Aquifer.

WHAT IS THE DISTRICT?

The District was established by the Texas Legislature in 1987 (similarly motivated by stakeholder input) to conserve, protect, and enhance all groundwater resources in its jurisdictional area. After the recent annexation, this area encompasses approximately 417 square miles in Caldwell, Hays, and Travis Counties. Portions of the area adjoin and overlap the Edwards Aquifer Authority and the Plum Creek Conservation District; overlapping jurisdictions and which district has primary authority are clarified in HB3405 (Fig. 1).

A five-member board of directors, elected for staggered four-year terms, is the governing body of the District and ensures the District's work is consistent with the statutory mission, District rules, and management plan. Current Directors will finish their terms and a redistricting process, beginning at the end of this year, will determine new boundaries for the precincts at the next election.

WHAT NEXT?

Through HB3405, all Trinity wells in the annexed area will need to be registered, and a subset of those wells (other than domestic or livestock) will need to apply for permits. Once wells are registered and permitted (if applicable), the District will be able to notify well owners in the event of a spill, provide guidance on maintenance, coordinate conservation during drought, and manage pumping.

Well owners that need permits have a three month grace period (expires Sept. 19, 2015) to file for a temporary permit and initiate the standard permitting process. [See Registration and Permitting sections on p. 3].

REGISTRATION QUICK LINK

WELL REGISTRATION IS EASY (AND REQUIRED).

- 1) Fill out online form (~5 minutes).
- 2) Receive registration confirmation in the mail in a few weeks.
- 3) Help protect groundwater resources by using water wisely.



BENEFITS OF A GROUNDWATER CONSERVATION DISTRICT

Since 1904, the legal framework for administering groundwater rights in Texas has been the common law "Rule of Capture." Under this law an owner of land may drill a well to seek groundwater and withdraw any groundwater that may be encountered, basically without limitation as to amount, place, or purpose of use without incurring any liability to the owner of an adjacent well. For many decades, the Rule of Capture was considered inviolate, and the only change made in this law during that time was to ensure that the water produced was put to some beneficial use and not wasted.

Although the Rule of Capture remains in effect, in the 1950s the Texas legislature began authorizing the establishment of local groundwater conservation districts, or GCDs. GCDs are the state's preferred method of groundwater management, and they are specifically authorized to modify how the Rule of Capture is to be applied within their boundaries, as part of a comprehensive, approved groundwater management plan. GCDs may limit aquifer withdrawals under rules governed by Texas Water Code Chapter 36 and by their enabling legislation, in order to conserve, preserve, and protect groundwater or groundwater recharge, and to prevent waste of the groundwater resource or groundwater reservoirs in their jurisdiction.

The District aims to equitably and effectively manage and protect groundwater resources for all groundwater users within its boundary. We serve the groundwater community by monitoring groundwater levels and water quality, managing the shared groundwater resource, coordinating water conservation efforts during drought, and researching aquifer dynamics.

In the annexation area, the Edwards Aquifer Authority continues to manage pumping and drill through well construction standards for the Edwards Aquifer. The District is charged with managing all other aquifers in the area (Fig. 2). All wells within the District are required to be registered by the District and comply with District well construction standards. Beyond that, permitting requirements are based on whether a well is determined to be exempt or nonexempt [See Permitting section on p. 3].

The Desired Future Condition (DFC, set through a collaborative planning

BENEFITS OF A REGISTERED WELL

No fee, no meter -- Existing exempt domestic and livestock wells do not have any other requirements beyond well registration.

Protect your well -- Registered well owners within 1/2 a mile of a proposed nonexempt well will be notified and may be monitored for unreasonable interference during aquifer tests.

Receive notices -- Registered well owners will be notified in the event of a spill, water quality issue, or water level decline due to drought or an adjacent pumping center.

Participate in District programs -- The District hosts an annual water well checkup, scholarship contests, and various educational events.

process) serves as the regulatory goal and focus of groundwater management activities. The Texas Water Development Board scientifically translates the DFC into a Modeled Available Groundwater (MAG) estimate for each aquifer, which serves as a factor in permitting decisions. Permit requests are subject to MAG availability, aquifer tests to avoid unreasonable interference with nearby wells, and reasonable demand estimates. Registered wells will be used to aid in establishing a monitoring network to measure responses during aquifer tests for permits and drought conditions.

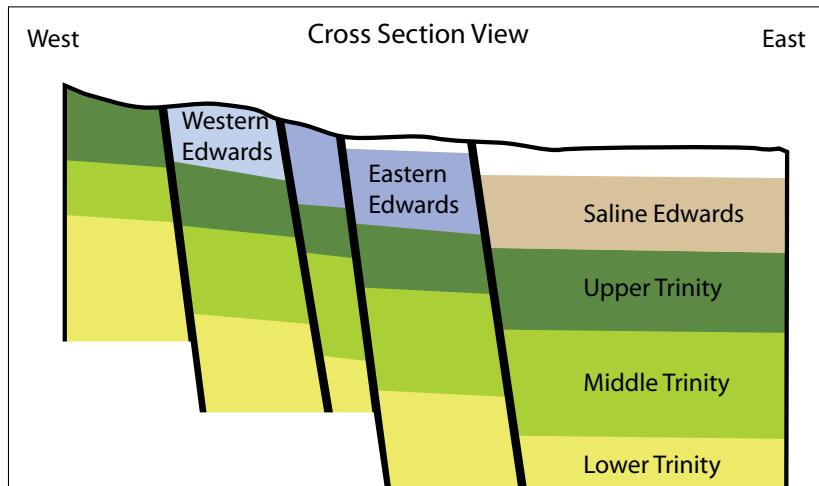


Figure 2: Profile of aquifers used to define management zones within the District.

REGISTRATION

All non-Edwards wells in annexation area

No fee

Wells located in the Hays County shared territory are required to be registered with the District. There are no fees associated with well registration, and in most cases submitting a registration form takes 5 minutes or less. In the event of a hazardous spill, water quality issue, or water level decline due to drought or an adjacent pumping center, the District needs accurate contact information, well construction information, and location information for nearby wells.

Exempt wells are generally defined as low capacity wells used for domestic and/or livestock needs. Exempt wells are not required to have a permit, but they have requirements

to be registered with the District, meet well construction standards, and have limitations on pumping capacity. A well may maintain its exempt status provided the well use stays the same, the well meets pumping capacity standards, or the well is not otherwise redefined such that the well is no longer exempt.



PERMITTING

If a well does not meet the exempt status criteria then it is considered a nonexempt well for which a permit is required to authorize groundwater withdrawals from the aquifers managed by the District.

Existing Wells (Temporary Permit Grace Period)

HB3405 is now effective and provides existing well owners an opportunity to receive a Temporary Permit that provides an interim authorization to drill or operate during the timeframe in which a Regular Permit is being processed.

Well owners with existing nonexempt wells have until September 19, 2015 to submit an application for a Temporary Permit and begin the process for a Regular Permit.

The Temporary Permit and associated production fees (based on the authorized temporary permit volume) will be issued/calculated within 30 days provided the application is approved as complete. The regular permit with final volume is finalized within 180 days after the Temporary Permit application is received. If a well owner doesn't submit a permit application during the Temporary Permit grace period, then they must pursue a permit through the District's standard permitting process and could face additional fees and penalties for operating without a permit.

New Wells (Standard Permitting Process)

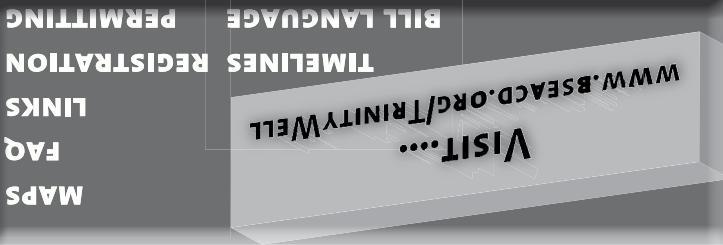
Permitting for new nonexempt wells varies according to location, aquifer management zone, and water use type. Generally, all nonexempt wells are required to have a meter installed and meter readings are to be submitted to the District.

**Non-Edwards wells in annexation area
Existing wells other than domestic or livestock use
Permit fee and \$0.17 per 1,000 gallon annual production fee**



General Permit by Rule authorizes both the drilling and groundwater production through an abbreviated permitting process with no requirement for public hearing and notice. General Permit authorizations are available for Limited Production Permits (LPPs), Nonexempt Monitoring Wells, and Test Wells. LPPs are solely for domestic and livestock needs of residents located on lots less than 10 acres and where there are no other water utility service available. LPP production must not exceed 500,000 gallons per year, wells must be equipped with a meter, and meter readings must be reported annually.

Individual Production Permits account for all other authorized groundwater production from nonexempt wells in the District. These permits have detailed application requirements, are subject to public notice with a possible hearing. Well owners with an Individual Production Permit pay annual production fees, are subject to drought curtailments, and are required to have both a User Conservation Plan (UCP) and a User Drought Conservation Plan (UDCP) on file with the District.



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CONSERVATION DISTRICT

Barton Springs
Edwards Aquifer



HAYS COUNTY TRINITY AQUIFER NEW GROUNDWATER MANAGEMENT ZONE

T O W N * H A L L

August 2015 from 6 - 8 pm
Location to Be Determined

ARE YOU IN A GROUNDWATER CONSERVATION DISTRICT NOW?

FIND OUT!

REP. ISAAC * SEN. CAMPBELL * COMM. CONLEY * BSEACD DIRECTORS AND STAFF



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