

RESOLUTION NO. 2024-3

RESOLUTION REGARDING INTERPRETATION OF DISTRICT RULES RELATED TO SURFACE IMPOUNDMENTS

WHEREAS, the Hill Country Underground Water Conservation District is located within the Hill County Priority Groundwater Management Area;

WHEREAS, Sec. 36.113(d)(5), Water Code, provides that when considering issuing a permit to produce groundwater, groundwater conservation districts located within the Hill Country Priority Groundwater Management Area may consider whether a proposed use of water from a well is wholly or partly to provide water to a pond, lake, or reservoir to enhance the appearance of the landscape;

WHEREAS, Sec 36.001(8)(E), Water Code, provides that groundwater waste is defined as willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the commission under Chapter 26, Water Code;

WHEREAS, the District Rules, Preamble for Exempt, Non-Exempt, and Historic (Grandfathered) Wells states that the District considers the supply of groundwater to any surface reservoir or impoundment to a volume of greater than 50,000 gallons as a waste and therefore not allowed;

WHEREAS, the District Rules define groundwater waste to include supplying groundwater to any surface reservoir or impoundment to a volume of greater than 50,000 gallons except as provided in District Rules;

WHEREAS, the District Rules listing Major Violations include pumping groundwater into surface impoundments in excess of 50,000 gallons;

WHEREAS, harmonizing the provisions of the Water Code and the District Rules require further interpretation by the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HILL COUNTRY UNDERGROUND WATER CONSERVATION DISTRICT THAT:

1. Groundwater may be used to fill and maintain a surface water impoundment with a capacity of 50,000 gallons or less.
2. Groundwater may not be used to fill or maintain a surface water impoundment to a capacity of greater than 50,000 gallons.
3. If groundwater is utilized for any portion of an impoundment with a capacity greater than 50,000 gallons, it may only be filled and maintained up to a maximum of 50,000 gallons.
4. Using groundwater to fill or maintain a surface water impoundment to a capacity of greater than 50,000 gallons is a Major Violation of the District Rules.
5. The General Manager shall utilize this interpretation in all future permit application decisions, permit renewal application decisions, and enforcement actions.

AND IT IS SO ORDERED.

PASSED AND ADOPTED ON THIS THE 17TH DAY OF JUNE 2024.

HILL COUNTRY UNDERGROUND WATER
CONSERVATION DISTRICT

BY: Taylor Virdell
Taylor Virdell
Chairman of the Board

ATTEST:

Brad Kott
Brad Kott
Secretary of the Board