

# NOTICE OF PUBLIC HEARING ON PROPOSED RULES

The Medina County Groundwater Conservation District (“District”) will conduct a public hearing concerning the District’s possible adoption of various amendments to its rules. The purpose of the hearing is to provide interested members of the public the opportunity to appear and provide oral or written comments to the District related to the proposed rules.

## **1.0 Date, Time, and Place of Public Hearing.**

The date, time and place of the public hearing are as follows:

Date: Tuesday, March 16, 2010

Time: 5:30 p.m.

Location: Hondo Community Center 1014 18<sup>th</sup> Street Hondo, TX

## **2.0 Brief Explanation of the Subject of the Proposed Rulemaking**

The District is proposing to adopt substantial amendments to its rules. Among other things, the proposed rules, if adopted, would:

1. Add defined terms to the District’s rules, including “irrigation use,” “Leona Gravel Aquifer,” “Lower Subdivision of the Trinity Aquifer,” and “meter”;
2. Amend provisions of the District’s rules to establish that the maximum allowable production for wells capable of withdrawing water from the Leona Gravel Aquifer are to be based on the number of acres irrigated (as opposed to the number of contiguous acres owned or controlled by the well owner);
3. Add provisions to the District’s rules requiring that holders of existing Leona Gravel operating permits apply to convert their permits to assure that the maximum authorized annual withdrawal amount set forth in that permit is based on beneficial use and governing board action on such applications;
4. Add provisions to the District’s rules requiring that applicants for operating permits include with their applications: (1) information identifying the number of acres irrigated and showing the location of such acres, or a declaration of the maximum amount of water to be beneficially used without waste; (2) a description of the place of use; and (3) for wells capable of withdrawing water from the Lower Subdivision of the Trinity Aquifer, a geophysical log;
5. Add a new chapter on meters that would require the owner or operator of a non-exempt well to install a meter, register it, take and record meter readings, and submit an annual groundwater use report to the District; and

6. Add a provision specifying that water may be withdrawn from a well that has been issued a well drilling permit where the well is also the subject of a technically complete application for an operating permit and specifying the amount that may be withdrawn from the well in such circumstances.

Because the proposed amendments to the rules are lengthy, an exhaustive analysis of all the proposed rules is not attempted here. All interested persons are encouraged to review the proposed rules for themselves by obtaining a copy from the District, as provided below.

### **3.0 Procedures for Submitting Comments on the Proposed Rules**

#### **3.1 Oral Comments**

Any person may appear at the public hearing on the proposed rules. Any person making an appearance must indicate their desire to make oral comments on the registration form provided by the District at the public hearing. A person must disclose any affiliation on the registration form and, if applicable, the authority to speak for a person represented. Any other person attending the public hearing will be considered by the District to be an observer not desiring to make comment on the proposed rules. The District will not consider any comments of an observer in any future action taken on the proposed rules.

All persons should indicate on the registration form whether their comments are generally directed to all of the proposed rules or whether they are directed at specific rules. If directed at a specific provision of the rules, the relevant portion should be identified on the registration form. If it becomes apparent during the oral comments that what were indicated to be merely general comments are, in fact, specific comments, the presiding officer at the hearing may ask the person to specifically identify the provision to which the oral comments are directed.

The presiding officer will establish the order of oral comments of persons at the hearing. As appropriate, the presiding officer may limit:

1. the number of times a person may speak;
2. the time period for oral comments;
3. cumulative, irrelevant, or unduly repetitious comments;
4. general comments that are so vague, undeveloped, or immaterial as to be impracticable for the District to ascertain the intent or purpose of the person making the general oral comments and that are otherwise unhelpful to the District in analyzing the proposed rules;
5. the time period for asking or responding to questions; and
6. other matters that come to the attention of the presiding officer as requiring limitation.

**Please note that although the District will consider oral comments, it will not prepare written responses to oral comments for review and consideration by the Board of Directors of the District when it deliberates on whether to adopt the proposed rules as final.**

### **3.2 Written Comments**

The District encourages all interested parties to submit written comments regarding the proposed rules. Written comments on the proposed rules must be filed with the District by no later than March 19, 2010. Written comments may be filed as follows:

1. by hand delivery to the District's general manager at the District's offices, 1613 Avenue K, Suite 105, Hondo, Texas, during regular business hours by March 19, 2010;
2. by mail to the District at 1613 Avenue K, Suite 105, Hondo, Texas 78861; or
3. by hand delivery to the presiding officer at the public hearing.

Written comments should be typed or legibly written. Written comments should indicate whether the comments are general and directed at all of the proposed rules, or whether they are directed at specific provisions. If directed at specific provisions, the number of the proposed rule should be identified and followed by the comments on the specifically identified provision.

### **4.0 Procedures for Obtaining the Proposed Rules**

Copies of the proposed rules may be obtained from the District as follows:

1. by calling 830-741-3162, and requesting a copy from the District office; or
2. by visiting the offices of the District at 1613 Avenue K, Suite 105, Hondo, Texas, Hondo, Texas.
3. From the District's website - <http://www.medinagwcd.org>

### **5.0 Opportunity to Appear and Comment at Board Meeting at Which the Proposed Rules May be Adopted as Final**

The meeting of the District's Board of Directors at which the proposed rules will be considered for adoption as final will be an open meeting on Wednesday, March 24th at 11:00 a.m. in Suite 101 B of the Gallo Professional Building located at 1613 Ave. K and, at that meeting, the public will be allowed to make comments on the proposed rules, subject to whatever reasonable limits as to the number, frequency and length of comments the District is empowered to impose pursuant to the Texas Open Meetings Act, TEX. GOV'T CODE ANN. ch. 551.

**ISSUED THIS 17th DAY OF FEBRUARY, 2010.**

Luana Buckner  
General Manager,  
Medina County Groundwater Conservation District