

February 11, 2008

PRESS RELEASE – Boerne, Texas

The Board of the Cow Creek Groundwater Conservation District voted to approve a temporary moratorium on activities related to the issuance of operating permits for wells constructed after May 17, 2005. Under District Rules, such wells are considered “new wells.” The temporary moratorium does not apply to exempt domestic and livestock wells.

The temporary moratorium, which expires on August 9, 2008, addresses operating permits for new wells. It prohibits the acceptance of applications for and the issuance of such permits. Further it prohibits pending applications for such permits from being deemed administratively complete by District staff.

District staff reported that when groundwater pumping from existing wells and from domestic and livestock wells is considered, current water availability estimates may be met or exceeded. Under District Rules “existing wells” are those constructed before May 17, 2005.

The staff assured the Board that the District has not yet seen substantial mining of the aquifers or large areas of depletion. The temporary moratorium is designed to help the District properly manage the groundwater resources so that these conditions do not occur.

The temporary moratorium will provide time to allow the District to issue permits for existing wells and to work with regional water planners and complete technical studies to provide more accurate groundwater availability estimates. Once these steps are completed, the District will once again consider permits for new wells.

By April 11, 2008, each owner of a well constructed before May 17, 2005 must submit an application for an operating permit. This requirement does not apply to exempt domestic and livestock wells. If a well owner fails to meet this deadline they face potential penalties. Additionally, the application will be considered with new well applications, which could result in a permit that does not authorize the same level of pumping as is currently being used.

For further information, please contact:

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Cow Creek Groundwater
Conservation District
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ORDER NO. 2008-003

COW CREEK GROUNDWATER §
CONSERVATION DISTRICT §

**ORDER: RELATING TO THE TEMPORARY MORATORIUM ON THE
ACCEPTANCE OF APPLICATIONS FOR AN OPERATING PERMIT FOR
NEW WELLS, THE ISSUANCE OF DRILLING PERMITS FOR NEW WELLS
THAT REQUIRE AN OPERATING PERMIT, AND DEEMING CERTAIN
PENDING APPLICATIONS ADMINISTRATIVELY
COMPLETE**

At its February 11th, 2008 Board meeting, the Cow Creek Groundwater Conservation District (the District) Board of Directors, considered the adoption of a temporary moratorium on the acceptance of applications for an operating permit for a new well, the issuance of drilling permits for new wells that require an operating permit and deeming certain permit applications administratively complete:

WHEREAS, The District was created under Section 59, Article XVI of the Texas Constitution, SB 2, 77th Leg. R.S. Article 3 Part 1, and;

WHEREAS, The Act grants the District “all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Texas Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution,” and;

WHEREAS, Under 36.0015 of the Texas Water Code the District was created to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, and prevent waste of groundwater and under 36.101, it has the power to make and enforce rules to accomplish these duties, and;

WHEREAS, groundwater is a limited resource within the District and under State law and the District Rules, it must balance the allocation of water among all competing beneficial uses, including domestic, municipal, agricultural, and industrial, while ensuring adequate groundwater to maintain spring flow, riparian rights, and wildlife needs, and;

WHEREAS, it is the policy of the District that in regulating or limiting groundwater production, the District shall preserve historic use to the greatest extent practical and consistent with its certified Groundwater Management Plan, and;

WHEREAS, the District's certified Groundwater Management Plan states that "Until further studies can provide more accurate estimates of average annual recharge, management strategies for the Trinity aquifer will rely on the 3,935 acre feet per year of Trinity groundwater and the 905 acre feet per year of the Edwards-Trinity (Plateau) groundwater that was estimated as available for production by the Region L plan," and;

WHEREAS, the District has permitted 3,637 acre feet per year of Trinity Groundwater, and;

WHEREAS, there are a substantial number of existing water wells located in the District that still require an operating permit to produce groundwater in addition to the 3,637 acre feet already permitted, and;

WHEREAS, there are a significant number of domestic and livestock wells located in the District producing additional groundwater that is not included in the 3,637 acre feet of groundwater that has been permitted, and;

WHEREAS, the current total pumpage in the District, which has been used by Groundwater Management Area 9 for joint planning purposes, is estimated to be between 6,500 and 7,000 acre feet per year, and;

WHEREAS, the current groundwater withdrawals in the District exceed the sustainable yield established by the Region L Water Planning Group for Kendall County, and adopted by the District in its certified Groundwater Management Plan;

WHEREAS, the District has not seen substantial mining of the aquifers or large areas of depletion, and;

WHEREAS, the District is currently in the process of developing Desired Future Conditions (DFC) for the aquifers located within the District as part of the Groundwater Management Area joint planning required under Texas Water Code Chapter 36, and;

WHEREAS, the Texas Water Development Board will calculate the Managed Available Groundwater (MAG) for the District based on the DFC and the District will be required to permit up to that amount, to the extent possible, and;

WHEREAS, the District Rules define an existing well as "a well located within the District that was drilled and properly completed on or before May 17, 2005", and;

WHEREAS, the District Rules define a new well as "a well that is drilled or properly completed after May 17, 2005 or an existing well that has been substantially altered after May 17, 2005", and;

WHEREAS, issuing a temporary moratorium on the acceptance of applications for an operating permit for a new well, the issuance of drilling permits for new wells that require an operating permit and deeming certain permit applications administratively complete will enable the District to issue permits for existing water wells that require an operating permit, set a DFC of the aquifers located in Kendall County, and enable the District to complete additional technical studies to provide more accurate and consistent groundwater availability estimates;

THEREFORE, be it ordered by the Board of Directors of the Cow Creek Groundwater Conservation District, that:

1) A temporary moratorium is hereby established and declared for a period of one hundred and eighty (180) days prohibiting:

a) the filing with the District of an application for a permit to drill or operate a new well within the District that requires an operating permit;

b) the acceptance by any officer or employee of the District of any application for a permit to drill or operate a new well within the District that requires an operating permit;

c) the issuance by the District of a permit to drill or to operate a new well that requires an operating permit;

d) the further processing by the District of any non-administratively complete operating permit applications for new wells;

2) This moratorium shall not be applicable to exempt domestic and livestock wells as defined in District Rule 2.

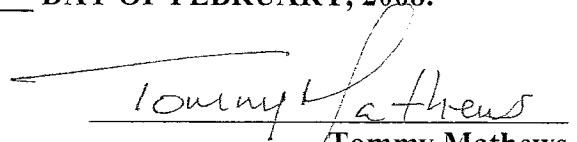
3) In cases of public health and safety, the replacement of an existing well authorized by an operating permit may be allowed at the discretion of the District's General Manager.

4) The General Manager is directed to enforce this order and not allow any person or entity to file an application prohibited by this order, not to receive such an application, nor to deem as administratively complete an application, as prohibited by this Order.

5) This Order shall be in force and effect from and after its passage on the date shown below.

6) It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

SIGNED AND ENTERED THIS 11th DAY OF FEBRUARY, 2008.



Tommy Mathews
President
Cow Creek Groundwater
Conservation District

Attested by:



ORDER NO. 2008-004

COW CREEK GROUNDWATER §
CONSERVATION DISTRICT GENERAL §
KENDALL COUNTY, TEXAS §

**ORDER RELATED TO THE SETTING OF A DEADLINE FOR THE
ACCEPTANCE OF APPLICATIONS FOR AN OPERATING PERMIT FOR
EXISTING WELLS**

At its February 11th, 2008 Regular Meeting, the Cow Creek Groundwater Conservation Districts Board of Directors considered setting a deadline of April 11th, 2008 for owners of existing wells that require an operating permit to submit an application:

WHEREAS, owners of existing wells that require an operating permit have been required to obtain an operating permit since May 17th, 2005, and;

WHEREAS, the District has issued a moratorium on the acceptance of operating permit applications for new wells, and;

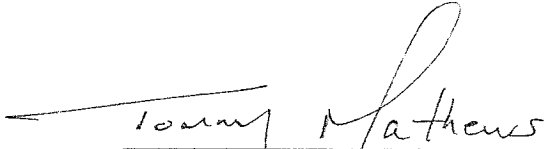
WHEREAS, the District Rules define an existing well as “a well located within the District that was drilled and properly completed on or before May 17, 2005”, and;

WHEREAS, the District Rules define a new well as “a well that is drilled or properly completed after May 17, 2005 or an existing well that has been substantially altered after May 17, 2005”, and;

WHEREAS, the District has a limited amount of groundwater available to permit and there are a substantial amount of existing wells that still require an operating permit;

THEREFORE, BE IT ORDERED THAT, any well owner of an existing well that requires an operating permit that has not submitted an administratively complete application for an operating permit by April 11th, 2008 will be considered in violation of this order and District Rules.

SIGNED AND ENTERED THIS 11th DAY OF FEBRUARY, 2008.



Tommy Mathews
President

**Cow Creek Groundwater
Conservation District**

Attested by:

Willie M. A. Funk