

Panel Discussion: Annexation Request Aquifer Conservation Alliance



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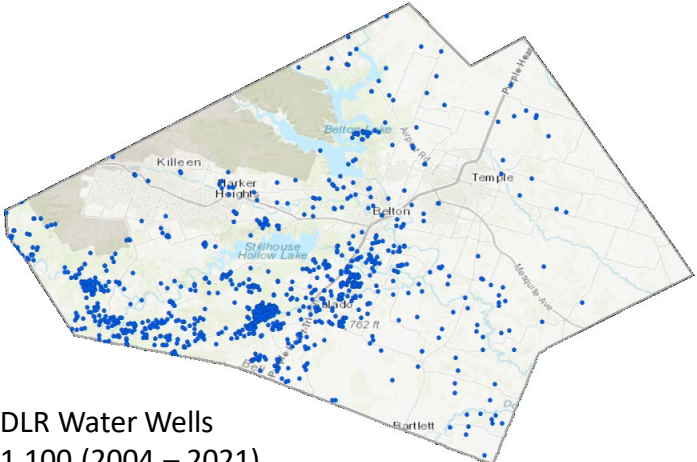


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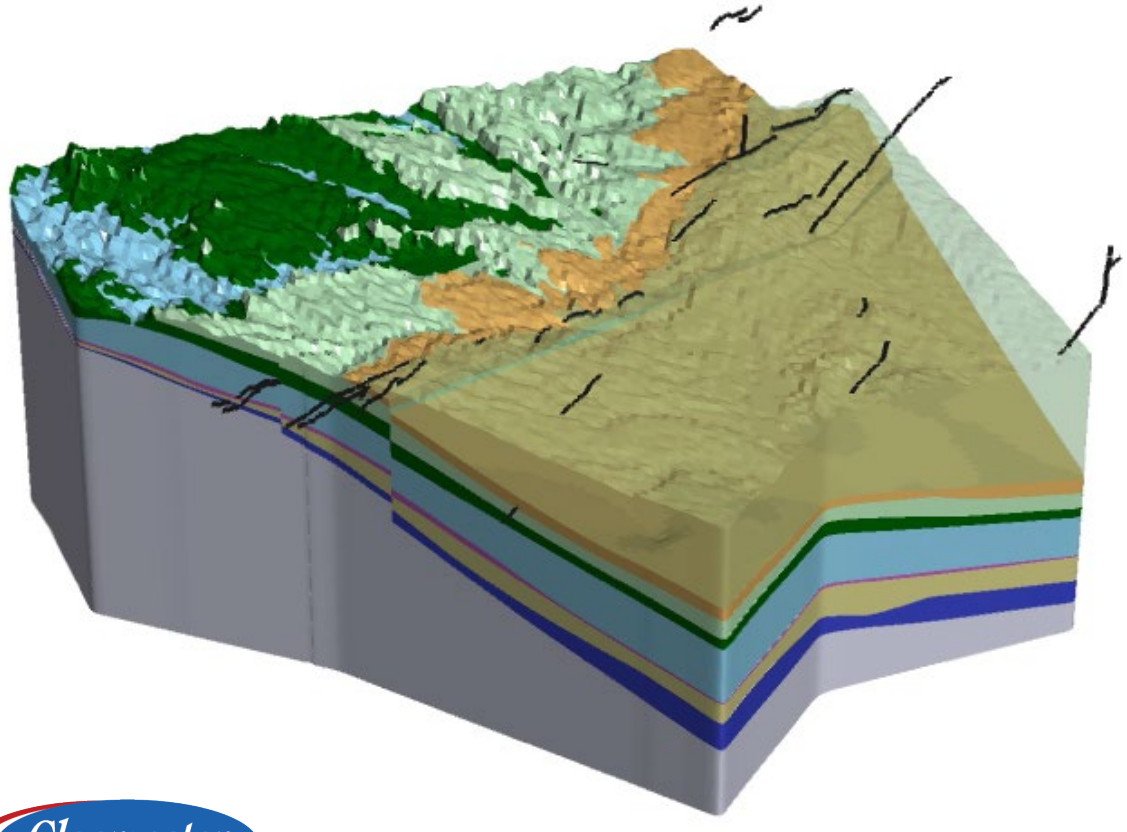


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Lloyd Gosselink Attorney
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WORKING TOWARDS THE BEST AVAILABLE SCIENCE

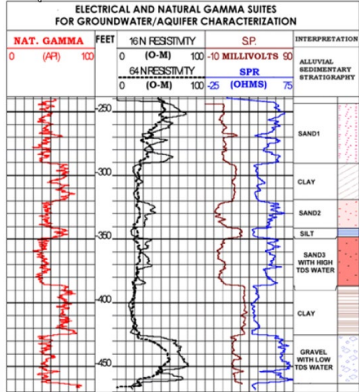


TDLR Water Wells
~1,100 (2004 – 2021)



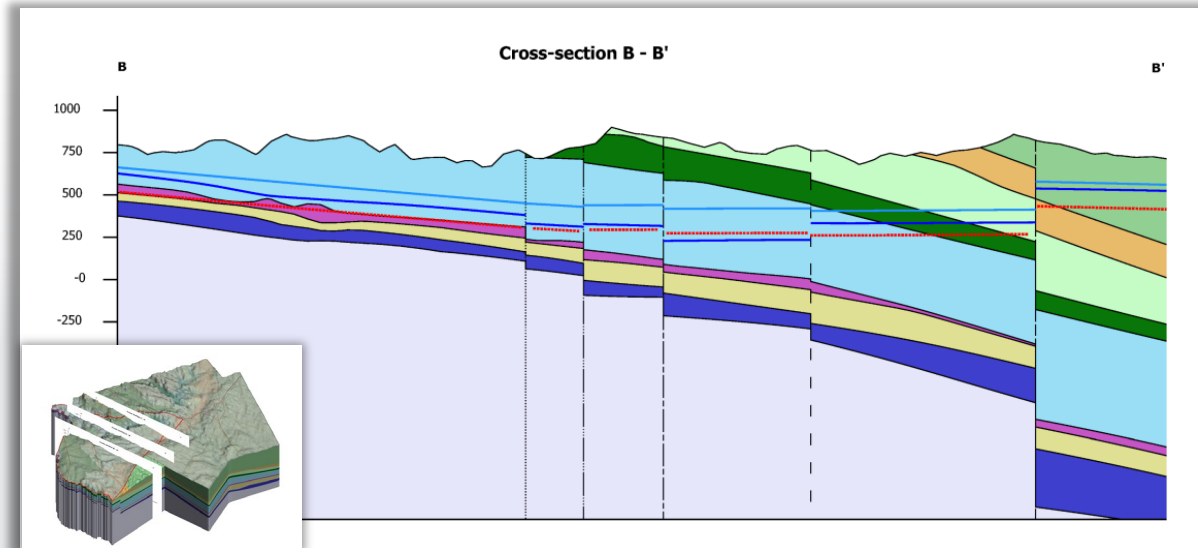
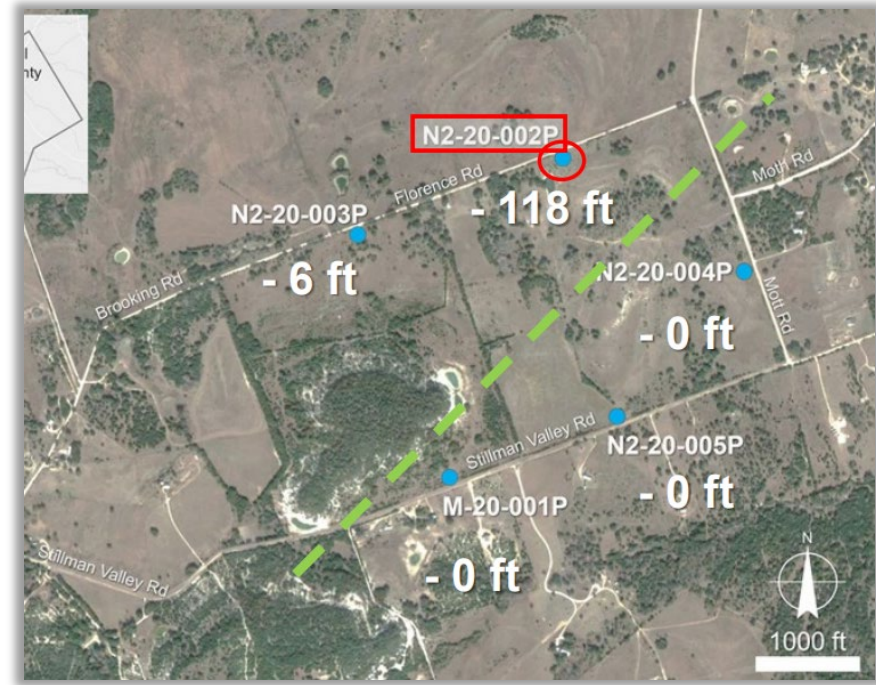
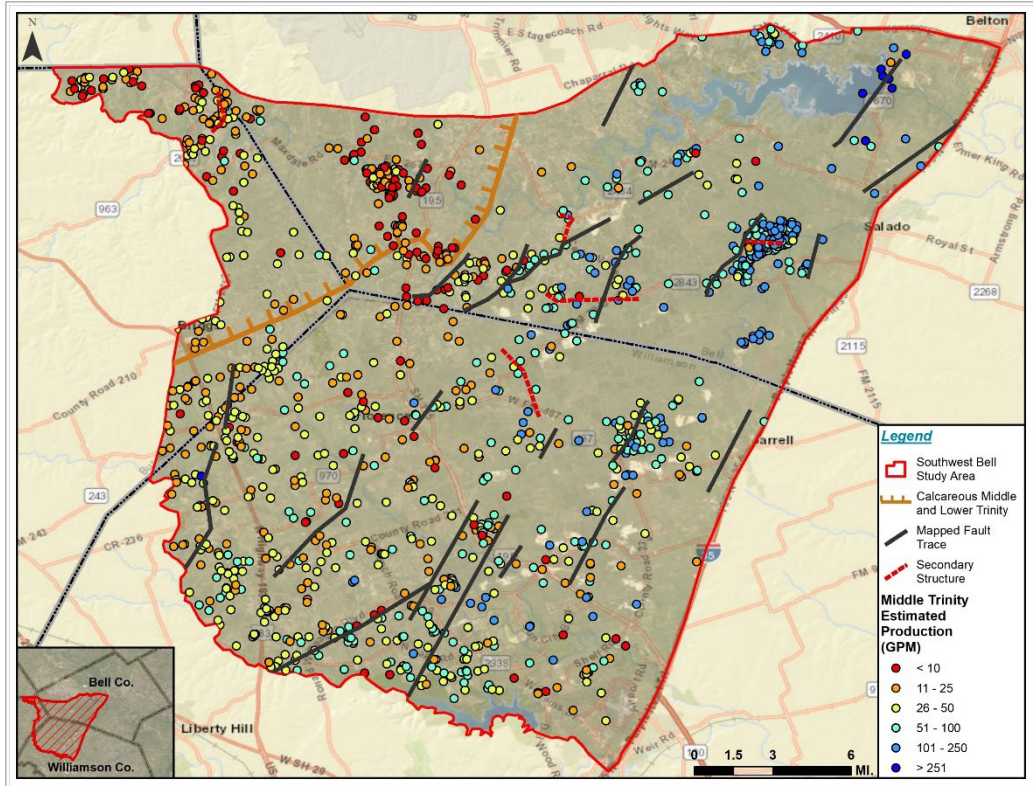
Lithology:
DESCRIPTION & COLOR OF FORMATION MATERIAL

Top (ft.)	Bottom (ft.)	Description
0	3	overburden
3	21	tan lime
21	180	grey lime
180	670	grey and tan lime and grey shale
670	710	tan and grey sandstone
710	720	tan sandstone and green sandy shale
720	755	water sand and gravel
755	760	grey sandstone

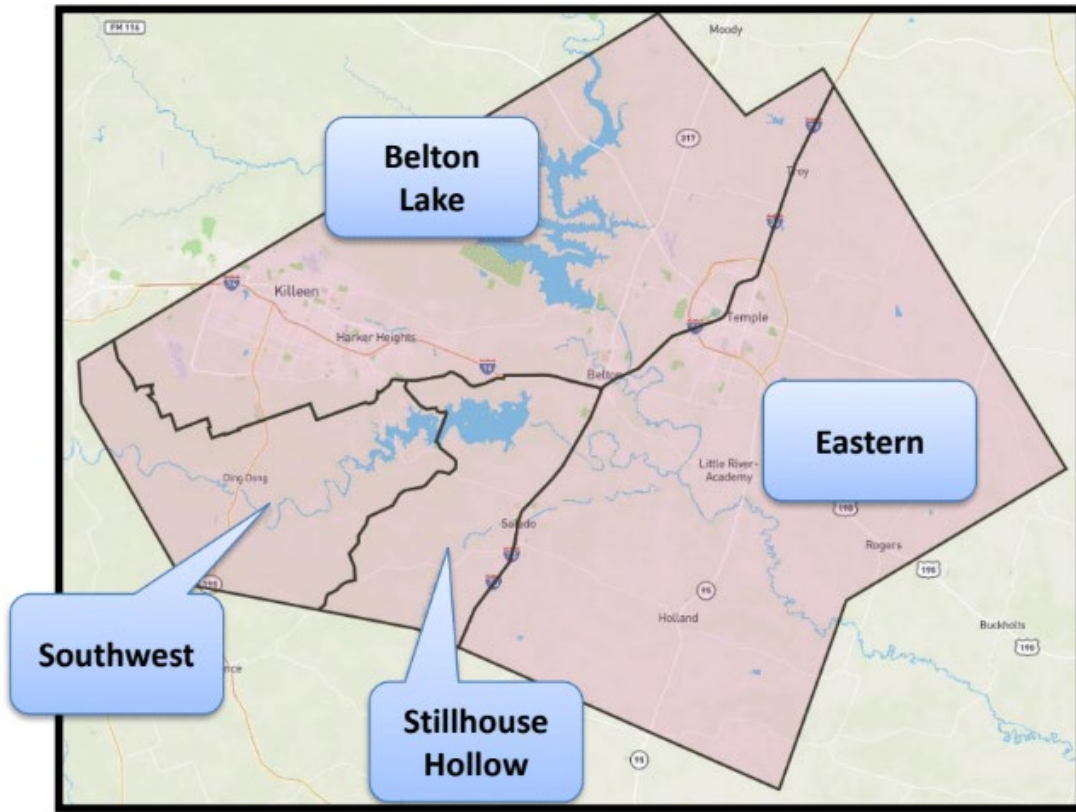


Depth to Formation (ft)*	Formation Thickness (ft)*	Formation (Geologic Unit)
0	217.755	Edwards and Comanche Peak Limestone
217.755	137.904	Walnut
355.659	466.399	Glen Rose
822.058	50.202	Hensell and Cow Creek Limestone
872.260	177.123	Pearsall and Hammett Shale
1049.383	113.075	Hosston
1162.458		Undifferentiated

What is the Science showing us?



Groundwater management strategies *Management Zones*



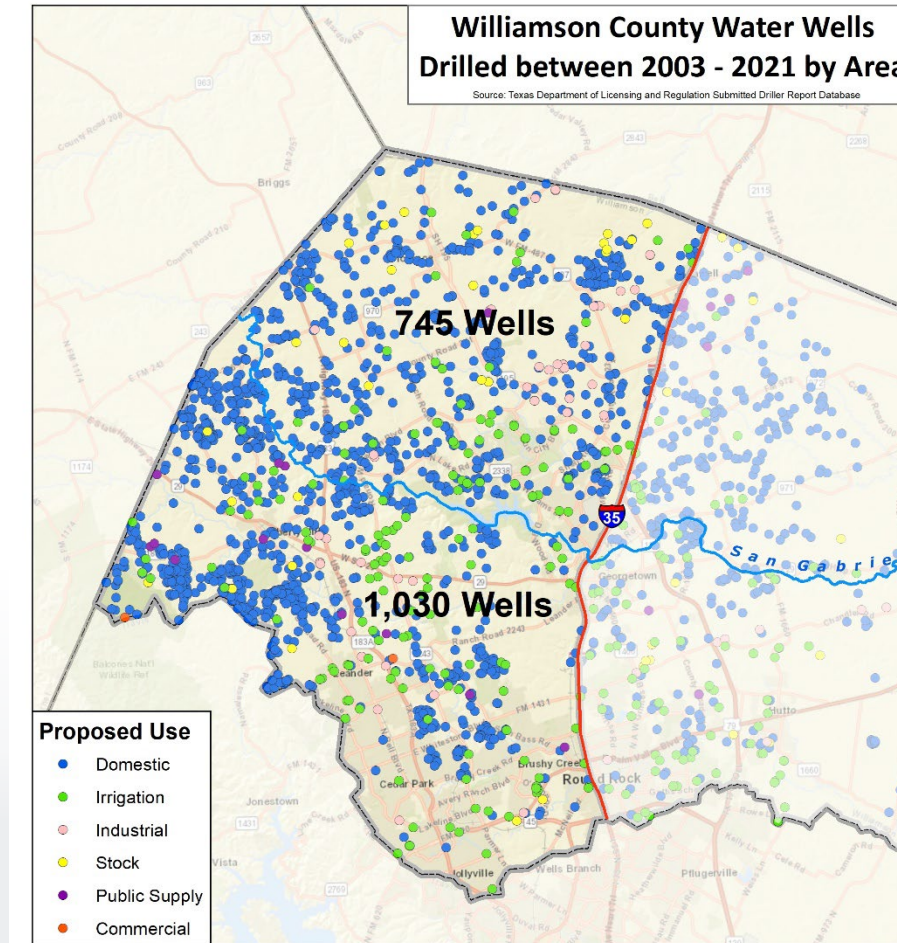
Management Zones	Min Well Spacing * Min Tract Size	Min Well Spacing * Min Tract Size	Min Well Spacing * Min Tract Size	Min Well Spacing * Min Tract Size	Min Well Spacing * Min Tract Size	Min Well Spacing * Min Tract Size	Min Well Spacing * Min Tract Size
Column Pipe **Size	1 ¼-inch	1 ½-inch	2-inch	>2-4 inch	>4-6 inch	>6-8 inch	>8 inch
Southwest	150 ft 2-acres	330 ft 5-acres	⊗	⊗	⊗	⊗	⊗
Stillhouse Hollow	150 ft 2-acres	330 ft 5-acres	660 ft 10-acres	1320 ft 20-acres	1980 ft 30-acres	⊗	⊗
Belton Lake	150 ft 2-acres	330 ft 5-acres	660 ft 10-acres	1320 ft 20-acres	1980 ft 30-acres	5280 ft 40-acres	5280 ft 40 acres
Eastern IH35	150 ft 2-acres	330 ft 5-acres	660 ft 10-acres	660 ft 20 acres	1320 ft 30-acres	2640 ft 40-acres	5280 ft 50 acres

Groundwater Conservation Districts

protecting Investment backed expectations

Ch 36 Texas Water Code Sec.
36.0015

- ...to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs...
- ...are the state's preferred method of groundwater management in order to protect property rights, balance the conservation and development of groundwater...



ACA was created to build the strategy



Action of the Legislature - Formed through special legislation, which is usually introduced by a local senator or representative

Petition to TCEQ by property owners - Local landowners may petition the Texas Commission on Environmental Quality (TCEQ) to form a groundwater conservation district.

Initiation by the TCEQ - If local landowners do not take action to create a groundwater conservation district in a priority groundwater management area, the TCEQ can create one.

Addition of territory to an existing district - A group of landowners can petition an existing GCD's board of directors to be annexed into that district. The annexation must be approved by the directors, public hearings must be held and the addition must be confirmed by voters.

Our goal is to establish a GCD



- Ensure future developments have water
- Protect landowners' existing investments
- Help the county promote healthy growth
- Support local conservation programs
- Bring peace to our community



Why we chose Clearwater UWCD

- Decision making is driven by science
- Operational in months not years
- 20 years of demonstrated success
- Fiscally Conservative
 - 1/8 of 1% of Williamson County's annual budget
 - \$10-15 per landowner per year

An effective GCD needs a strong board – Aquifers do not follow county lines.
- Col (ret) Terry Wilson

GCD Creation Options

- Legislative
- TCEQ Petition
- Priority Groundwater Management Area (PGMA) Designation
- Annexation into Existing GCD

GCD Creation Options

➤ Legislative Creation Process

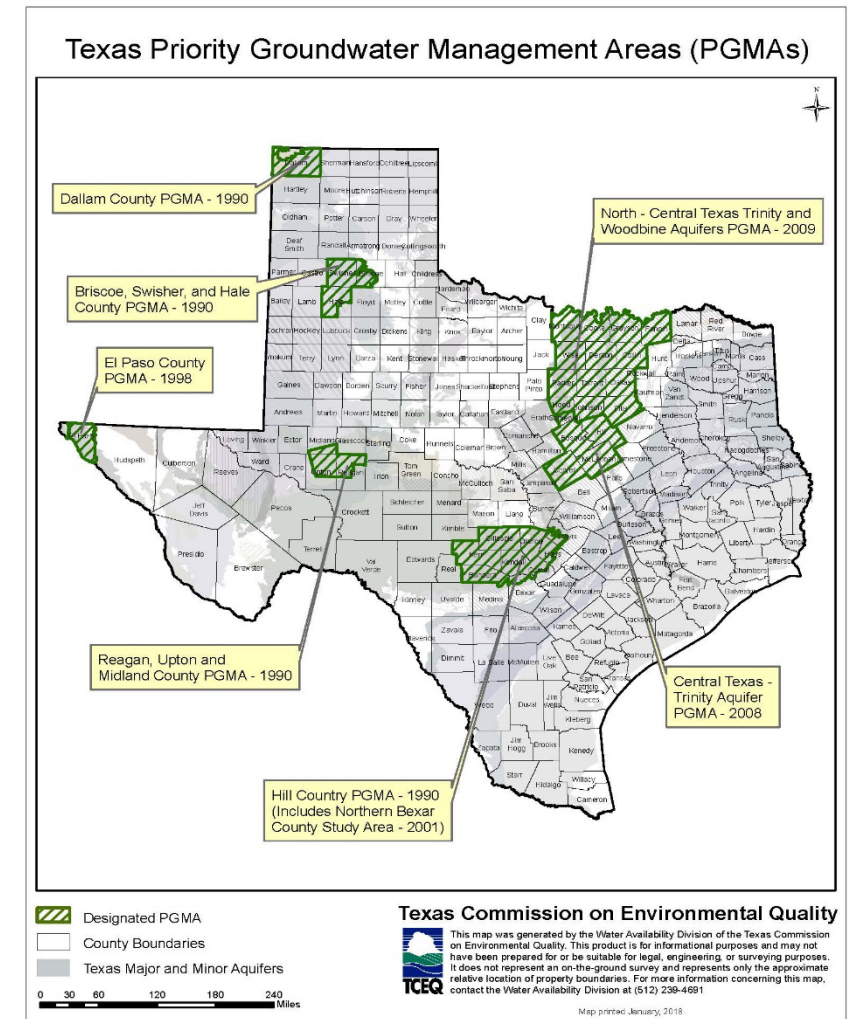
- Passage of bill by the Texas Legislature

➤ TCEQ Petition

- Texas Water Code Sections 36.013 - 36.015
- TCEQ Commissioners make decision on whether to create GCD
- Confirmation election required

PGMA Designation Process

- First requires designation of a PGMA under Chapter 35 of Texas Water Code
 - TCEQ designates PGMA
 - Example: Southwestern Travis County GCD
- Confirmation election required in territory to be annexed



Annexation into Existing GCD

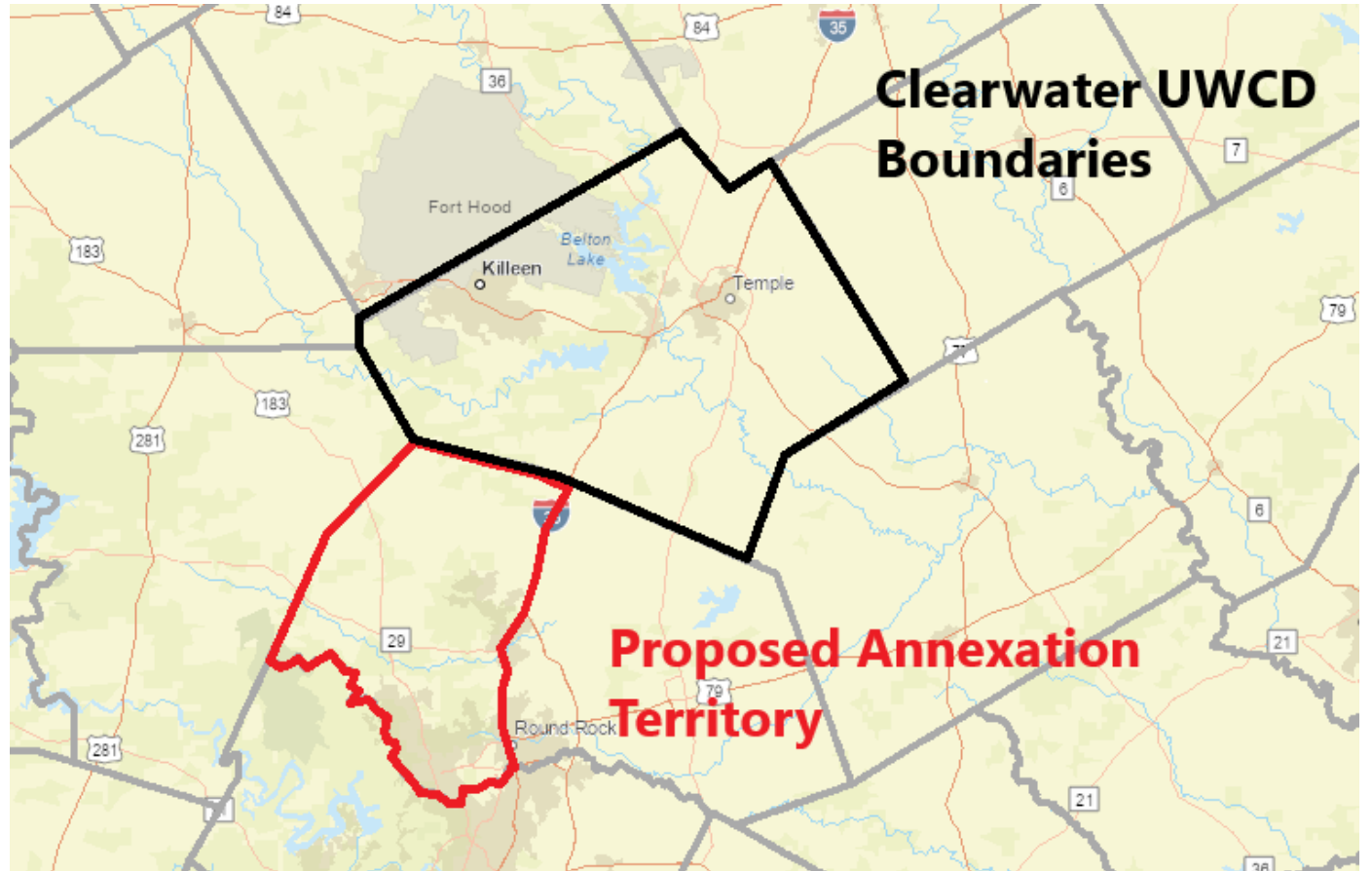
- Governed by Subchapter J of Chapter 36, Texas Water Code
- Petition requirements depend on area
 - Texas Water Code Section 36.325
 - e.g., at least 50 landowners in territory to be annexed
- Hearings are held within existing GCD and area proposed for annexation
- After hearings, GCD adds territory by resolution if it finds that “addition of the land would benefit the district and the territory to be added”
- Confirmation election required in area to be annexed

TWC § 36.325 Annexation Petition Requirements

- Petition must be signed by:
 - A majority of the landowners in the proposed territory to be annexed,
 - At least 50 landowners if the number of landowners is more than 50, **OR**
 - the commissioners court of the county in which the area is located **if** the area is identified as a priority groundwater management area or includes the entire county.
- Petition must describe the land by legal description or by metes and bounds or by lot and block number if there is a recorded plat of the area to be included.

Clearwater UWCD's Legal Obligations

- After receiving a petition to annex territory, the Board must:
 - Order at least two public hearings, and set the time and for both: one in Bell County, and one in the proposed annexation territory.
 - If after the hearings, the Board believes the proposed annexation would benefit the District, the Board ***may*** add the territory by resolution.
 - If the Board adds the territory by resolution, it must call for a ratification election.



Ratification Election

- Annexation is not final until ratified by a majority vote *of the voters in the territory to be added*. An election in the existing District accept the addition of the land is not required.
- Ballot must indicate the property tax rate proposed for the territory.
- Elections may only be held on uniform election dates. The next uniform election date is first Tuesday, May 6, 2023.
- The amount of the tax included in the proposition shall be the **maximum amount that the district is authorized** to levy (5 cents per \$100 valuation).
- The Board's current tax rate is ~0.27 cents per \$100 valuation.

Clearwater UWCD's Annexation Timeline

- November 2022:** Receive Annexation Petition from Landowners in the proposed annexation area.
- December 14, 2022:** Board reviews the petition and sets 2 public hearings as required by Ch. 36.
- January 2023:** Board holds 1 public hearing in Bell County, and 1 public hearing in the proposed annexation territory.
At its next meeting, Board adopts annexation resolution and calls for an election to ratify the resolution.
- February 17, 2023:** State deadline to call for an election.
- May 6, 2023** Election Day

Questions for our Panel



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