

The Fountainhead

Texas
Ground
Water
Association

Affiliate of the
National Ground
Water Assn.



58th Annual Convention Draws Big Crowd to Lubbock

President Mike Pyburn (left) presented the traditional cowboy hat to Larry Lyons, president of the National Ground Water Association, at the 2005 TGWA Convention in Lubbock in January. Larry, who has been active in NGWA for 25 years, addressed the TGWA's 58th Annual Convention and Trade Show in Lubbock. More convention photos on pages 6 & 7.

79th Legislative Session Weighs Omnibus Water Bill

State lawmakers were weighing an omnibus water bill, an electrician license exemption for well pumps and an abandoned well program as the 79th Session of the Legislature entered its final days.

Regardless of whether these bills pass, the issues remain relevant for TGWA.

The omnibus water bill, SB3, would make comprehensive changes to water resources management. The bill was in the House Natural Resources Committee after having passed the Senate as this newsletter went to print.

Article 1, Environmental Flows, establishes a new process for the set-aside of unappropriated surface water for the environment. The set-asides would be established by the TCEQ through rule-making for various ecosystems (e.g., Galveston Bay and related watersheds) with more input from stakeholders and an appointed scientific body. An element of adaptive management is also introduced into the process for new permits which would allow certain adjustments to the set-asides in the future. TWCA has been

very active in developing this article and supports this approach.

Article 2, titled Conjunctive Management Water Policy, includes most of the recommendations of the interim task force on water conservation, establishes groundwater management area councils to provide more consistent management by districts within the same management area, addresses the management of groundwater based on historic use, establishes a groundwater district over state-owned land, facilitates amendments of regional water plans, and provides incentives for conjunctive use.

Article 3, Financing of Water Projects, originally included various fees to finance water projects and various water management activities, but the fees were stripped from the bill in committee.

Article 4, Special District Creation, is a placeholder for the creation of groundwater districts. Article 5 makes significant changes to the enabling legislation of the Edwards Aquifer Authority.

Another bill, HB 1317, would provide an exemption for well pumps from Chapter 1305 of the Occupations Code, regarding the licensing of electricians. HB 1317 makes it clear that the installation, maintenance, alteration or repair of well pumps and equipment in accordance with Chapter 1902, Occupations Code, does not require an electrician's license.

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The Fountainhead

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| Bill Klemt - 2008 | * Newly elected |

Letter from the C&D President



Jim Taylor

Groundwater issues are in the legislative spotlight as historically happens when the Legislature nears the end of its biennial session. The TGWA must have a voice in those issues that affect our livelihoods. Here are some of my top priorities for ensuring that our voice is heard.

Water rights - We want any efforts to modify the Rule of Capture to preserve private property rights and local control. The 100-year-old rule should only be altered if we have

confidence - backed by science - that the alternative will be better.

We are closely watching Senate Bill 3, which reached the House after passing the Senate as this newsletter went to print. The Senate version of the bill would establish groundwater management area councils with powers to make findings and recommendations on whether high-capacity wells are interfering with a petitioner's well. Well owners who reject council findings and recommendations must seek relief in the courts.

These 16 groundwater management area councils (GMACS) would be created across the state to ensure "consistent management of groundwater by Districts over a shared groundwater management area."

Electrician's License Exemption - We fully support legislative efforts to exempt well drillers from the requirement to have an electrician's license for drilling water wells. A bill sponsored by Rep. Joe Driver, R-Garland, would provide such an exemption and was scheduled for debate on the House floor as this newsletter went to print.

The legislative exemption is needed urgently because a new TDLR rule requiring the electrician's license is scheduled to take effect on Sept. 1. That rule came out of the last session of the Legislature.

The time and expense involved in getting an electrician's license would over-burden operators and could drive some out of business. We need out from under this onerous law.

Texas Water Day - We applaud our affiliate organization TWCA for organizing Texas Water Day in a bid to make the state's water needs a higher priority with federal lawmakers. On April 13 more than 100 representatives of Texas' water

Please see President, Page 8

TDLR Adopts New Rule to Streamline Investigations into Abandoned Wells

The Texas Department of Licensing and Regulation has adopted a new rule aimed at strengthening coordination among government entities in investigating complaints about abandoned and/or deteriorated wells.

Rule 76.1011 of the Texas Administrative Code took effect on February 1 and is intended to streamline information sharing between TDLR, the Texas Commission on Environmental Quality and Groundwater Conservation Districts. TDLR entered into a Memorandum of Understanding with TCEQ and GCDs to coordinate their efforts in a bid to improve landowner compliance with abandoned and/or deteriorated wells regulations.

Repeal of the old rule and drafting of the new rule were required by Senate Bill 279 of the 78th Texas Legislature. TDLR drafted and distributed the rule internally and externally and received no comments on it.

Here are provisions of the new rule.

TDLR Responsibilities

- (1) Investigate abandoned and/or deteriorated well complaints, including referrals received from the TCEQ regional field offices, unless the complaint is being investigated by a GCD in coordination with TDLR staff.
- (2) Enforce compliance with §1901.255 related to persons possessing abandoned and/or deteriorated wells.
- (3) Coordinate investigation and enforcement efforts with appropriate GCD for any complaints regarding wells located within the boundaries of a GCD.
- (4) When abandoned and/or deteriorated wells are observed while conducting field investigations inside the boundaries of a GCD, a reasonable effort to obtain the landowners' name, mailing address, and latitude and longitude of the well shall be made, and such information shall be referred to the General Manager of the appropriate GCD for investigation and possible enforcement action to assure compliance with §1901.255 related to persons possessing abandoned and/or deteriorated wells.
- (5) When an abandoned and/or deteriorated well complaint is received, TDLR will determine if the well is located within a GCD boundaries and provide a referral to the General Manager of the appropriate GCD for investigation and possible enforcement action to assure compliance with §1901.255 related to persons possessing abandoned and/or deteriorated wells.

- (6) Provide training and technical assistance to GCD staff and TCEQ Field Operations staff on field recognition of an abandoned and/or deteriorated well.
- (7) Annually report to TCEQ the status of all complaints provided to the TDLR under this Memorandum of Understanding and the number of wells closed as a result of TCEQ abandoned and/or deteriorated well complaint referrals.

TCEQ Responsibilities

- (1) When suspected abandoned and/or deteriorated wells are observed by Field Operations staff while conducting field investigations, information to allow for identification of the well, which may include: the landowners' name, physical address, and latitude and longitude of the well; shall be referred to the TDLR Compliance Division, Water Well Driller/Pump Installer Section. TCEQ field operation staff shall make a reasonable effort to obtain information needed for the identification of any abandoned and/or deteriorated well.
- (2) Provide updated list of GCDs as they are confirmed, including boundaries and the name and address of district contacts such as the General Manager.

GCD Responsibilities

- (1) When a GCD receives a referral from the TDLR of an abandoned and/or deteriorated well, the GCD shall respond within 14 calendar days informing the TDLR as to whether the GCD will investigate the referral.
- (2) After the GCD has been notified by the TDLR or becomes aware of an abandoned and/or deteriorated well, the GCD may:
 - (A) Investigate the complaint of an abandoned and/or deteriorated well within the boundaries of the GCD; and
 - (B) Enforce compliance with Texas Occupations Code, §1901.255 related to landowners that have an abandoned and/or deteriorated well located on their property.
- (3) A GCD that performs an investigation related to an abandoned and/or deteriorated well referred to the GCD by TDLR shall notify the TDLR regarding the disposition of the investigation.
- (4) Any GCD enforcement under Texas Occupations Code, §§1901.255 and 1901.256, may be coordinated with the TDLR.

Please see Rule, Page 9

New Leadership at TGWA

The TGWA recognized several individuals for their outstanding service to the Association and its membership. Charlie Waller, Billy Green and John Pyburn, all past presidents and long-time members of the Board of Directors, chose not to seek re-election - opening the way for new leadership on the C&D Board. We express our sincere appreciation to these three exemplary individuals and gratefully thank them.

In addition, the Association recognized individuals from the M&S Division who had completed their tenure as Directors of the Board and chose not to seek re-election. Those were Toni Cuvo, Steve Herndon and Doug Dearing. Steve and Doug are past presidents of

the M&S Division and we extend our sincere appreciation to these three individuals.

Elected to the C&D Division Board were Patrick Casarez, Dale Felder, Mike Young and Ken Grant. Elected to the M&S Board were Joe Dobry, Ronnie Hensley and Jimmy Vela. Congratulations to these individuals.

The Association also recognized Kevin McCray, CAE/Executive Director, National Ground Water Association (NGWA), for his participation in the TGWA's meeting and his efforts on behalf of the NGWA representing all the affiliate states and their activities.

TGWA 2005 Convention Awards

Presented January 27, 2005 in Lubbock

Jerry Browning

In appreciation for service to the Texas Ground Water Association while serving on the C&D Board of Directors of the TGWA 2002 - 2005

Billy Green

In appreciation for service to the Texas Ground Water Association while serving on the C&D Board of Directors of the TGWA 2002 - 2005

John A. Pyburn

In appreciation for service to the Texas Ground Water Association while serving on the C&D Board of Directors of the TGWA 2002 - 2005

Jim Bob Neely

In appreciation for service to the Texas Ground Water Association while serving on the C&D Board of Directors of the TGWA 2002 - 2005

Steven Bond

For excellent leadership and outstanding service as President of the Ground Water Science Division of the Texas Ground Water Association 2004

Mike Floyd

For excellent leadership and outstanding service as President of the Manufacturers and Suppliers Division of the Texas Ground Water Association 2004

Mike Pyburn

For excellent leadership and outstanding service as President of the Texas Ground Water Association 2004

Julie Pyburn

For excellent leadership and outstanding service as President of the Ladies' Auxiliary of the Texas Ground Water Association 2004

Bill Klemt

In appreciation for service to the Texas Ground Water Association while serving on the GWS Board of Directors of the TGWA 2002 - 2005

Steve Musick

In appreciation for service to the Texas Ground Water Association while serving on the GWS Board of Directors of the TGWA 2002 - 2005

John Waugh

In appreciation for service to the Texas Ground Water Association while serving on the GWS Board of Directors of the TGWA 2002 - 2005

Toni Cuvo

In appreciation for service to the Texas Ground Water Association while serving on the M&S Board of Directors of the TGWA 2002 - 2005

Doug Dearing

In appreciation for service to the Texas Ground Water Association while serving on the M&S Board of Directors of the TGWA 2002 - 2005

Steve Herndon

In appreciation for service to the Texas Ground Water Association while serving on the M&S Board of Directors of the TGWA 2002 - 2005

Robert Lasater

For excellent leadership and outstanding service as Secretary-Treasurer of the M&S Division of the Texas Ground Water Association 2004

Gary Oliver

For excellent leadership and outstanding service as Vice President of the M&S Division of the Texas Ground Water Association 2004

Jerry Browning

For excellent leadership and outstanding service as Secretary-Treasurer of the C&D Division of the Texas Ground Water Association 2004

Randy Roberts

For excellent leadership and outstanding service as Vice President of the C&D Division of the Texas Ground Water Association 2004

James R. "Jim" Taylor

For excellent leadership and outstanding service as President-elect of the C&D Division of the Texas Ground Water Association 2004

C. Alan Berkebile

Honorary Life Membership for outstanding and Dedicated service to the ground water industry of Texas and the TGWA

Bill Stoner

Honorary Life Membership for outstanding and Dedicated service to the ground water industry of Texas and the TGWA

Tom Sterzing

Honorary Life Membership for outstanding and Dedicated service to the ground water industry of Texas and the TGWA

Larry A. Lyons

Recognized by The Texas Ground Water Association for his dedication and service to the Texas Ground Water Association and its membership as President of The National Ground Water Association And participation in the 2005 TGWA Convention and Trade Show

Joe Dobry

Manufacturer and Supplier of the Year Wesley young award for outstanding service and contributions to the Texas Ground Water Association and the Texas water well industry

Betty Pyburn

LaVoyce Gaulden Outstanding Woman Award in recognition for outstanding service to the Texas Ground Water Association Ladies Auxiliary and The Texas Ground Water Association

Pete Brian

Contractor of the Year Owen f. Jensen award for outstanding service and contributions to the Texas Ground Water Association and the Texas water well industry

Kevin McCray

Recognized by The Texas Ground Water Association for his outstanding dedication, Contributions and service In the protection, development and utilization of ground water resources and the water well industry in the state of Texas

Charlie Waller

In appreciation for service to the Texas Ground Water Association while serving on the C&D Board of Directors of the TGWA 2002 - 2005

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58th Annual Big Crowd

The Texas Ground Water Association's 58th Annual Convention and Trade Show drew a big crowd to the Lubbock Memorial Civic Center on January 26-27, 2005. The event featured seminars, business meetings, exhibits, activities for spouses, a golf tournament, an auction to benefit the association's scholarship program and continuing education courses for water well drillers and pump installers.



Outgoing President Mike Pyburn (left) smiles as he hands over the reins to Incoming President James R. "Jim" Taylor, who is taking the job seriously.



Betty Pyburn (left) receiving the Lavoyce Gauden Outstanding Woman Award from her daughter-in-law Julie Pyburn at the 2005 TGWA Convention.



Bill Stoner (left) with his Honorary Life Membership Award, together with President Mike Pyburn.



M&S Person of the Year (Caption should read: "Former TGWA President Mike Pyburn (left) presents M&S Person of the Year (Wesley Young) Award to Joe Dobry.

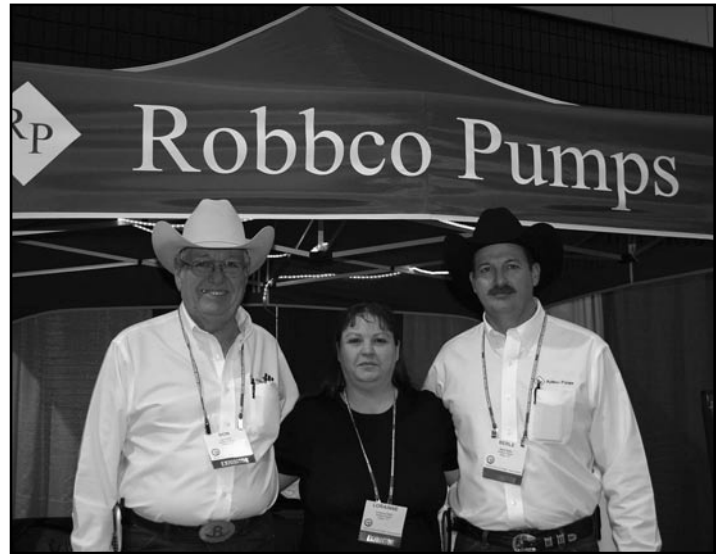


Contractor of Year (Caption should read: "Pete Brien (left) receives Owen F. Jensen (Contractor of the Year) Award from M&S President Mike Floyd.

Convention Draws to Lubbock



Tom Sterzing (left) shows off his Honorary Life Membership Award given at the 2005 Convention, together with Mike Floyd, President of the Manufacturers & Suppliers Division.



Dr. C. Alan Berkebille (left) with his Honorary Life Membership Award, together with Steven Bond, President of the Ground Water Sciences Division.



President / *From Page 2*

industry and government met with the state's U.S. Senators and Congressmen to explain the urgent need for funding.

Population growth and ageing infrastructure have fueled the need for money.

Three of the nation's 20 biggest cities – Houston, Dallas and San Antonio– participated in the delegation to drive home that message.

Getting face time with key lawmakers is crucial if Texas is to win its fair share of government funds. Now is the time for the state's water interests to set aside their differences and speak with one voice. . We hope Texas Water Day will become an annual event.

I look forward to hearing from you on these and other issues. Please e-mail me at jrt4way@amaonline.com or call 806.250.2241.

You can also contact Travis Russell, chairman of the Legislative Committee at trussell@russelldrilling.com or 936.569.8909.

Jim Taylor,
President of TGWA

Leg / *From Page 1*

TWCA has actively sought this exemption. Electrical work performed on a building, structure, or equipment in agricultural use is also exempted.

HB 1317 was headed for the Senate after having passed the House as this newsletter went to print.

A third bill, HB 2432, would create a program for the plugging of abandoned or deteriorated water wells. The bill was headed for House debate as this newsletter went to print.

Chapter 1901 of the Occupations Code would be amended to create a program for plugging abandoned or deteriorated water wells when the landowner or responsible party can not be located or is incapable of doing so.

The program would be funded by a fee, as determined by TDLR, for each new well drilled. The TDLR would divide the State into five geographic regions and an account would be established for each region to ensure that funds are primarily used for plugging in that area.

Barton Springs/Edwards Aquifer Conservation District Hires GM

The Barton Springs/Edwards Aquifer Conservation District has hired Kirk Holland, a hydrogeologist and environmental scientist, as general manager and chief operating officer. He starts work in mid-May.

Holland was selected by the District's Board of Directors for his ability to address the technical, managerial and institutional challenges of protecting, conserving and enhancing the Barton Springs segment of the Edwards aquifer, said Board President Bob Larsen. The District covers parts of three counties south of the Colorado River and faces growing pressures on its groundwater and surface water resources.

Holland has worked as an Austin-based independent management consultant and business advisor to technical and professional services firms for the past six years. Before that he was associated with Austin's Radian International LLC (now part of URS Corporation) for

more than 24 years, and was a corporate Vice President for 15 years.

"It is critical that the aquifer's water quality and yields are maintained under variable conditions, while usage of that resource is optimized as an important, cost-effective water supply, both now and for the future," Holland said.

The Barton Springs/Edwards Aquifer Conservation District was created by the 70th Texas Legislature in 1987 and directed to "conserve, protect and enhance the groundwater resources of the Barton Springs segment of the aquifer." The District includes parts of Caldwell, Hays and Travis counties.

Dana Christine Wilson, administrative program manager, has served as Interim General Manager for the District since June 2004.

Rule / From Page 3

- (5) A GCD may communicate with the TDLR regarding any phase of the investigation or enforcement action.
- (e) Referral and Investigation Requirements.
- (1) For the purposes of this Memorandum of Understanding, a "referral" shall constitute information gathered, compiled, and forwarded to the TDLR. Written referrals via email or letter shall utilize the appropriate form, provided by TDLR, and document information on the abandoned and/or deteriorated well, which may include:
 - (A) The name of landowner possessing the abandoned and/or deteriorated well,
 - (B) The physical address of said landowner,
 - (C) The latitude and longitude of the abandoned and/or deteriorated well, and
 - (D) If possible, a photograph of the well.
 - (2) Following the receipt of a referral from TCEQ, the TDLR will begin landowner notification procedures or follow up investigation or, if the well is inside the boundaries of a GCD, provide a referral to the General Manager of the corresponding GCD for investigation and possible enforcement action to assure compliance with §1901.255 related to persons possessing abandoned and/or deteriorated wells.
 - (3) Referrals to TDLR should be sent to: Water Well Driller/Pump Installer Section, Compliance Division, TDLR; Phone: 512/463-7880; Fax: 512/463-8616; Email: waterwell@license.state.tx.us



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Joseph Roybal
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Bill Stoner
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Hewitt Fredebaugh
Fredebaugh Well Drilling, Grand River, OH

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Todd Campbell
Henry Boysen Company, Hainesville, IL

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WELCOME, NEW TGWA MEMBERS

January, 2005

Arnold Husky
High Plains Underground Water
Conservation District #1
2930 Avenue Q
Lubbock, TX 79405

Jay Yoon
BESTMA U. S. A., Inc.
5735 226th Street
Bayside, NY 11364

Billy Frank Walker
Walker Drilling Co.
1110 Ennis
Plainview, TX 79072

Arthur J. Hopkins
Clean Well Solutions, Inc.
3001 Gregg Lane
Manor, TX 78653

Robert M. Randall
K-Ran Drilling, Inc.
5230 Hester Rd.
Amarillo, TX 79124

February, 2005

Pat Duane
GBS
6300 West Loop South
#340
Bellaire, TX 77401

Tony Biggs
BWXT Pantex, LLC
Bldg. T9061, P.O. Box 30020
Amarillo, TX 79120

March, 2005

Gregg Myatt
M & M Pump & Supply, Inc.
3640 Foster Rd.
Levelland, TX 79336

Wade Webster
Pinnergy, Inc.
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- Individual manufacturer, supplier or manufacturer's rep \$60
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- Individual student membership (must be enrolled in school, college or university) \$10
- Individual registered driller or technician (Must be an employee of a company member) \$30
- Individual associate (any person not qualified under any of the above categories) \$30

* Company - Includes drilling and/or pump contracting firm or manufacturer or supplier company or corporation and two additional individuals of that company.

** Includes two additional science division members of that company.

2nd Member

3rd Member

Mailing Address

Mailing Address

Second and third members of a company membership may receive all mailings at an address other than the company, if desired.