

January 14, 2026

Via email: spcgcd@yahoo.com
San Patricio County Groundwater Conservation District
P.O. Box 531
Sinton, Texas 78387
Attn: Mr. Lonnie Stewart

Re: Comments on Proposed Rules

Dear Mr. Stewart:

Please accept these written comments submitted on behalf of City of Sinton and the St. Paul Water Supply Corporation on the proposed amendment to the Rules of San Patricio County Groundwater Conservation District (“District”) that are currently posted on the District’s website (“Proposed Rules”).

Applicability of Rule Amendments Generally

Any action by the District adopting amendments to the District’s Rules should be memorialized by a written statement – for example, a Resolution and Order – which expressly states that the amendments apply to any application determined to be administratively complete following the adoption of those amendments.

Applicability of Amendments to Rule 5 to Types of Permits

The District has proposed that language be added to District Rule 5 (entitled *Permit Required*). The District should include language clarifying which types of permits (e.g., Drilling Permits, Production Permits, Transportation Permits) such additional language, and/or District Rule 5 generally, applies to.

Submission of False or Misleading Information in Connection with Permit Applications

The District has proposed adding language to Rule 8 (Permit Terms and Renewal) regarding the *Revocation of Historic Use Status* as follows:

- d. Historic Use Status
- ...
- (4) Revocation of Historic Use Status

Historic user status may be revoked by the Board for violation of any terms or conditions of the certificate, obtaining the certificate by misrepresentation or failure to disclose relevant facts, or failure to comply

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with any applicable rules, regulations, fee schedule, special provisions, requirements, or orders of the District.

We support the concepts embodied in the above language. We also urge the District to broaden the applicability of these concepts so that they apply to any and all permits. This can be accomplished various ways, including by replacing the above language with a similar provision as new subsection (e) of Rule 8 as follows:

e. Revocation of Permit or Historic Use Status

Any permit or historic use status may be revoked due to a violation of any term or condition of the permit or certificate of historic use status, failure to comply with any applicable rules, regulations, fee schedule, special provisions, requirements, or orders of the District, or if the permit or certificate was obtained by or through misrepresentation, the submittal of false or misleading information, or failure to disclose relevant facts,

Production Permit Renewals that may:

- (1) Substantially Affect the Availability of Groundwater in the District;**
- (2) Have a Substantial Negative Effect on Aquifer Conditions or Cause Aquifer Depletion; or (3) Have a**
- Substantially Negative Impact on Existing Permit Holders or Others**

It is likely that the renewal of permits that were issued years ago with no place of use and/or with no specific type of use stated, and that have not been used in whole or in part, will: substantially affect the availability of water in the District; have a substantially negative effect on aquifer conditions or cause excessive aquifer depletion; or have a substantially negative impact on existing permit holders, registered exempt-use well owners, or other groundwater users within the District. Accordingly, we urge the addition of the indicated language to District Rule 8 (Permit Terms and Renewal) and District Rule 9 (Permit Amendments):

Rule 8 PERMIT TERMS AND RENEWAL

...

b. Production Permits.

Production permits shall be valid for a period not to exceed five (5) years, at which time the permit may be renewed. The General Manager or Board representative may renew a production permit for the same amount of withdrawal, point of withdrawal, place of use, and purpose of use without hearing or notice except that upon renewal, production permits shall be subject to any new criteria or pumping limitations established by these rules.

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A change in purpose of use or place of use of groundwater during the term of a production permit issued by the district may not be made unless the district has first approved a permit amendment allowing such a change.

A production permit may not be renewed if the General Manager or Board finds that the production amount set forth in the permit has not been fully or substantially used, and that such renewal may:

- (1) substantially affect the availability of water in the district;
- (2) have a substantially negative effect on aquifer conditions or cause excessive aquifer depletion; or
- (3) have a substantially negative impact on existing permit holders, registered exempt-use well owners, or other groundwater users within the district.

If the General Manager or Board finds that any of the above-stated conditions exist, the permittee must apply for a new or amended production permit.

Rule 9 PERMIT AMENDMENTS

Permits may be amended by filing an amendment application with the board. Amendments shall be granted or denied following the same procedure and requirements of an original application.

A permittee may not change the purpose of use or place of use of groundwater during the term of a production permit issued by the district unless the district has first approved a permit amendment allowing such a change.

Requirement to Consider Factors Set Forth in § 36.113(d), Water Code, when Determining Whether to Grant or Deny an Application for a Production Permit or an Amendment to a Production Permit

As a point of clarification, the language indicated below should be added to Rule 5 (Permit Required) and Rule 9 (Permit Amendments).

Rule 5 PERMIT REQUIRED

...

The District shall determine whether the application, maps, and other materials comply with the requirements of these rules, the District Management Plan, the State Water Plan, and state law. The District may require amendment of the

application, maps, or other materials to achieve necessary compliance. The District shall determine if the application is administratively complete.

Before granting a permit, the Board shall consider the factors set forth in § 36.113(d), Water Code.

Rule 9 PERMIT AMENDMENTS

...

Before granting a permit amendment, the Board shall consider the factors set forth in § 36.113(d), Water Code.

Meaning of *Contiguous Acreage* Within Definition of Service Area

With respect to the definition of term *Service Area* in Rule 1 (Definitions): The District should clarify whether it is surface area or water rights that counts toward “contiguous acreage” in the definition of the term *Service Area*.

More Detail on Required Information Showing the Effect of Proposed Production

With respect to proposed new language in paragraph (8) of Rule 5 (Permit Required) – setting forth the required contents of a permit application which requires “information showing the effect of the proposed production on the quantity and quality of water available within the District” – the District should specify, in more detail, the type of information required.

Clarification of Requirement that an Applicant Identify any Other Liquids that Could be Substituted for Fresh Groundwater

Proposed new language in paragraph (10) of Rule 5 (Permit Required) – setting forth the required contents of a permit application, which requires the applicant to “identify any other liquids that could be substituted for the fresh groundwater and possible sources of such liquid including quantity and quality” – should be clarified. For example, is it the District’s intent to require the District to identify any potentially viable alternatives to the production of groundwater that were or could be considered?

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Very truly yours,

KEMP SMITH LLP

By: 
Andrew S. "Drew" Miller

cc: Greg Ellis (greg@gmellis.law)