



IRION COUNTY WATER CONSERVATION DISTRICT

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September 11, 2013

Veronica Larson
Oil and Gas Division

RE: Comments on Proposed Rules

I commend the RRC for updating the rules and incorporating long standing practices for Statewide Rule 9, 13 and 46. I would like to submit the following comments:

3.9(c)1 -I agree with the suggested language for the protection of usable quality water and underground sources of drinking water.

3.9(d) Filing of application - (E) requires a map of oil wells within a one-quarter and one-half mile radius for protection of existing O&G wells. I would suggest that all public and private water wells also be included ensuring the applicant and RRC are aware of groundwater production in the area.

3.9(e) Notice and opportunity for hearing - It is good that groundwater conservation districts will be notified as they may have additional information. It was stated during the Midland Workshop that a groundwater conservation district could have additional information on well fields and other factors that might have bearing on a proposed SWD. I monitor the newspaper for notices, the county bulletin board for W-14 and H-1 forms and the RRC web site for proposed SWD within both the Irion County WCD and Sterling Co UWCD. I look at the location, depth of surface casing, and proposed cement for both the surface casing and long string. This direct notification will make my job easier and possibly avoid a delaying protest with communication between the applicant and the groundwater district. Case in point: with the O&G now using the Dockum Aquifer (also referred to as Santa Rosa) I am also requiring surface casing protection for this aquifer.

3.9(e)(3) Notice by publication - I would suggest that a newspaper of general circulation be defined. Case in point: Notice was published in the Big Lake (Regan Co.) local paper for a SWD in Irion County and it was claimed that the paper had general circulation. The paper is not readily available in either Barnhart township nor the City of Mertzon, the two "cities" in Irion County. I found this well on the RRC web site. I would think that to qualify as a paper with general circulation it would be one that is published daily and readily available in the county where the SWD will be located.

3.9(e)(3)(C) I understand the procedure of needing proof on newspaper publication prior to submitting an application however, there needs to be a standard form with enough information to determine if there might be concerns from a groundwater district prospective. Currently there is only a general location (_ miles (direction) from (City)) requirement, sometimes an existing well # or proposed well # is provided but that is not enough information. If the applicant is converting an existing well, the well# isn't enough information to go to the RRC web site and look at completion records. For a new well I have to wait until the application is filed with the clerk or received in Austin and posted on the web site.

I am not sure how to exactly ensure that adequate information is in the notice and keep it to a manageable size. There is no need to have a half page ad with the form that very few would actually read in the legal

notices and it would be expensive. I would appreciate having more relevant information in the notice addressed. Additional information should include; phone number of applicant in addition to the address (many times there is a consultant doing the actual paperwork that has ready information on the application), a Lat/Long of the well (___ miles direction from city covers a lot of area) and the means of obtaining completion information on wells being converted.

3.9(e)(5) Protest applications - Granting a permit only 15 days after notice has been given may not provide enough time for affected persons or local governments to respond. If the notice arrives at an inopportune time, the affected person or local government personnel may not have ample time to review the application prior to the permit being issued when there was a legitimate reason for protesting. I would suggest that the time period be extended to at least 30 days.

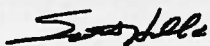
The above comments also apply to the appropriate sections of 3.46.

Another concern not addressed in the rules is the fact that there are no current spacing requirement for a SWD. This has really hit the township of Barnhart in Irion County. There are two commercial SWD (permit number 13296 and track number 36415) permitted that are located just outside the original platted Barnhart township and would be within the city limits if it was incorporated. One (track number 36415) is also located right next to the cemetery. Another (track number 37965) is located in the flood plain next to Spring Creek 1.5 miles above the 7 Springs which feed Spring Creek. The well located next to Spring Creek also has an entrance to US HWY 67 that, in my opinion, is very hazardous.

I understand that the RRC does not have jurisdiction over roads, traffic, property values, zoning, noise, odors or esthetics. However, some consideration should be taken of these factors when considering the application. A SWD in a city or township, in a flood plain or affecting traffic safety does not promote a positive image of the O&G industry. At the very least there should be some spacing or setback, from cities, townships, property lines, public supply wells, and private water wells. I would think that a mile from a city or township and one-half mile from all existing water wells (especially public supply wells) and flood plain would be appropriate.

I appreciate the opportunity to comment on the proposed rules. If there are any questions on my comments or if you need further information, please contact me at 325 835-2015 or icwcd@airmail.net.

Sincerely,



Scott Holland
General Manager