

6. Permitted wells that are not ~~pumped or otherwise~~ produced for 180 consecutive days, or more, in ~~each~~ any calendar year, that are less than 80 feet in depth, and that are producing from the Brazos River Alluvium or the Little River Alluvium are exempt from spacing requirements.

SECTION 5. PRODUCTION LIMITATIONS.

RULE 5.1. MAXIMUM ALLOWABLE PRODUCTION.

1. A ~~new~~ non-exempt well or well system may not be drilled and equipped for the production of a cumulative total of more than 10 gallons per minute (GPM) per contiguous acre owned or controlled by the well owner or operator, and each well having a production capacity of 1000 gpm, or more, shall have monitoring equipment reasonably required by the District and be capable for use as a monitoring well.
2. **Excluding wells operated pursuant to a historic use permit**, in no event may a ~~new~~ non-exempt well or well system be operated such that the total annual production exceeds 2 acre feet of water per contiguous acre owned or controlled by the landowner, well owner, or well operator, as applicable. **If the production of water for a Management Zone reaches the level at which reductions in the permitted production is made under Section 16, the maximum amount of groundwater that is authorized by the permit within the Management Zone shall be reduced by the percentage amount that the permitted production are reduced under Section 16, unless the Board finds the reduced production will likely be for a limited period.**
3. A ~~existing~~ non-exempt well or well system for which an historic use permit has been issued shall be operated such that the total annual production will not exceed the amount authorized under the **historic use permit and any additional permits issued in compliance with these Rules**. Between the effective date of these rules and the date that a final historic use permit has been issued to a well owner for an existing non-exempt well or well system, the well owner or operator shall not withdraw during any calendar year an amount of groundwater greater than the maximum amount produced in any one calendar year during the historic period as shown in the application for the historic use permit.
4. **A well or well system may not be operated such that the total annual production exceeds the maximum production for which the well or well system is permitted.**
5. **A well or well system may not be operated such that the total annual production exceeds the permitted amount, less any reduction required under Section 16.**

RULE 7.10. EXEMPT WELL STATUS.

1. Wells exempted by local rule:

- a. A well that was in use prior to the effective date of these rules, that is used solely for domestic use, and that was drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater per day is an exempt well.
- b. A well that, after the effective date of these rule is drilled in full compliance with these rules, that is used solely for domestic use and that is completed, equipped and maintained so that it is incapable of producing more than 25,000 gallons of groundwater per day, shall be an exempt well from and after the completion.
- c. Deleted the following: A well that is in the Brazos River Alluvium or the Little River Alluvium formation is exempt from the spacing requirements.

SECTION 16 MANAGEMENT OF WATER AVAILABILITY AND PRODUCTION

RULE 16.1. MANAGEMENT ZONES. Groundwater availability will be conserved, preserved and protected by well spacing, permit and/or limiting water drawdown levels within six Management Zones. Individual aquifers or groupings of aquifers in the District will be separate Management Zones as provided in the Management Plan, and these Rules as follows: the Trinity Zone, the Alluvium Zone (Brazos and Little Rivers), the Shallow Carrizo-Wilcox Zone (Simsboro), the Deep Carrizo-Wilcox Zone, the Deep Simsboro Zone, and the Queen City-Sparta-Yegua Zone.

RULE 16.2. GENERAL. All permits issued by the District that authorize the production of water shall be subject to the terms, conditions and provisions of this Section. All other terms, conditions and provisions of these Rules shall be and remain in full force and effect. Any conflict between this Section and any other Rule will be resolved by the Board upon a written request being made.

RULE 16.3. MONITORING OF WATER AVAILABILITY. The District will monitor ~~total~~ permitted production, ~~total~~ actual production and the water levels for each of the individual Management Zones. If permitted production, ~~actual production~~ or the water level within a Management Zone reaches the volume of water available for production or the water drawdown level set forth for the Management Zone in the chart provided in Rule 16.4, **or if actual production reaches 80% of the groundwater available for production,** the District will promptly give notice, conduct further review and evaluate the records, water drawdown levels, water availability and Management Zone as provided in Rule 16.4. The District will take action as provided in this Section, based on water availability, ~~the total~~ permitted production, ~~the total~~ actual production, the water level, and the review, evaluation and monitoring. The District may reduce both the maximum acre feet of water per acre of land for which the District may issue a permit and/or the volume of water authorized to be produced under any permit issued by the District **for the Management Zone,** as a result of the water availability, actual production, permitted production, or water level drawdown within a Management Zone.

RULE 16.4. ACTIONS ON AQUIFER OR PRODUCTION LEVELS. If permitted production, ~~actual production,~~ and/or water level drawdown **level** within a Management Zone reaches the water availability or water drawdown level established for that Management Zone in the following chart, **or if actual production reaches 80% of groundwater availability for the zone,** the General

Manager will give notice of that event to all permit holders within the Management Zone and proceed as provided in this Rule.

Chart No. 1

Management Zone¹	Estimated Groundwater Availability (ac-ft/yr)¹	Maximum Annual Production²	Groundwater Drawdown Trigger Level (feet below 2005 Baseline Levels)³
Trinity	300	2 acre-ft/acre	NA
Brazos River and Little River Alluvium	9,400	2 acre-ft/acre	NA
Shallow Carrizo-Wilcox	33,750	2 acre-ft/acre	50
Deep Simsboro	60,000	2 acre-ft/acre	280
Deep Carrizo-Wilcox	30,750	2 acre-ft/acre	175
Queen City-Sparta-Yegua	14,500	2 acre-ft/acre	NA

- (a) The notice will include the cause for the notice, the fact that an additional review, evaluation and study is being made, and that a reduction of the maximum allowable production per acre and/or the permitted production may be approved following the review and evaluation.
- (b) The General Manager and District Hydrologist will review and evaluate the permit applications pending, the permits issued and the records of the District, any estimates of total production by exempt wells, and increase the frequency or locations of water drawdown monitoring within the Management Zone. If the notice is due to the drawdown of water exceeding the corresponding ~~number~~ **water level** in Chart 1, an evaluation of the reasons for the drawdown will be included in the review. Review is not required for any reduction of drawdown levels or production required by Rule 16.5.
- (c) The General Manager will promptly report to the Board that notices have been, or are being, given and the event that required the notice to be given. The General Manager will advise the Board of the plan for review and evaluation recommended under (b) and, if the plan will be implemented over a period of more than one month, during the evaluation, review, study and any

¹ Refer to Groundwater Management Plan for description of the Management Zones and basis for groundwater availability estimates.

² Refer to Rule 4.1 for well spacing requirements.

³ Measured at District monitoring wells.

additional monitoring period, the General Manager will keep the Board advised of the progress of the review and evaluation. Upon completion of the review, evaluation and any additional monitoring, the General Manager and District Hydrologist will make a final report to the Board, together with their recommendation for action.

(d) If the General Manager and District Hydrologist find the evaluation, study, review and/or monitoring supports a recommendation that an adjustment of permitted production is not recommended for the entire Management Zone, but is recommended for a part or portion of the Management Zone, the recommendation shall be consistent with that finding and provide supporting documentation for the limitation.

(e) The recommendations made by the General Manager and District Hydrologist shall be based upon the review, evaluation, study and/or monitoring, and may include a recommendation that evaluation and monitoring be extended, or that permitted production and/or maximum allowable production be maintained or reduced, or that maximum allowable groundwater production within the Management Zone be increased.

RULE 16.5. REDUCTIONS REQUIRED BY REGULATORY ACTION. Notwithstanding any other term or provision of these Rules, the Board may proportionately reduce the maximum amount of water that may be permitted per acre and volume of water authorized to be produced under any permit issued by the Board, and may adjust the water drawdown level established in Chart No. 1, as required by state law or by a regional plan or an area or regional agreement mandated by state law and which, by authority of state law, requires water availability or production to be limited or regulated based on water availability within a geographic area that includes land in more than one groundwater water conservation district. In the event permitted production or water level drawdown will be reduced by reason of any such state law or regulation, the District will give notices as provided in Rule 16.4, hold one or more public hearings on the resulting limitations, and, to the extent permitted by state law, or the regional plan or agreement, implement any such reductions in a manner and over a period consistent with this Section 16.

RULE 16.6. REDUCING ADJUSTING MAXIMUM PRODUCTION PERMITTED. The maximum groundwater production permitted per acre, the permitted production under any permit issued by the District, and the water drawdown level for a **District Management Zone** may be adjusted as follows:

(a) If the water drawdown level within a Management Zone, or in an adjacent zone in which the water drawdown level is impacted by production in such Management Zone, exceeds the water drawdown level provided for the zone in Chart No. 1, unless the General Manager and District Hydrologist recommend a different course of action based on a review, evaluation, study and/or increased monitoring, or unless the Board decides otherwise, upon the General Manager and District Hydrologist giving the final report provided for in Rule 16.4(c), the maximum water production permitted per acre **under Rule 5.1.2 for the Management Zone** and the water authorized to be produced under any permit issued by the District for that zone will be reduced. The required reduction will be determined by the Board based on the evaluation and the evidence received by the Board at a public hearing. The production in one Management Zone may be reduced to the extent that production is impacting water drawdown levels in an adjacent

zone.

- (b) If the permitted production for a Management Zone reaches the corresponding water availability number for that zone, as provided in Chart No. 1, additional monitoring, review, study and/or evaluation will be initiated. Based on such additional monitoring and evaluation (**including actual production**), and changes in the water drawdown level, the Board may increase ~~the water availability estimate for that Management Zone~~, retain **or reduce** the water availability estimate, or reduce the maximum allowable production of 2 acre feet of water per acre of land ~~provided in Rule 5.1.2 for that Management Zone~~ and/or the volume of water authorized to be produced under any permit issued by the District ~~by an equal amount~~. The results and recommendations reported by the General Manager and the District Hydrologist based on the monitoring, review and evaluation, and evidence presented at a public hearing held for that purpose, shall be considered by the Board. In making such decision, the Board will give weight to the actual production within the Management Zone and projected production increases from permits issued or permit applications pending.
- (c) If the actual production of water within a Management Zone increases to eighty percent of the corresponding water availability number for that zone as provided in Chart No. 1, additional review, evaluation and monitoring will be initiated, and the Board may maintain, ~~or~~ increase **or reduce** the water availability estimates, or reduce the maximum allowable production of ~~2 acre feet of water per acre of land, provided in Rule 5.1.2 authorized for the Management Zone~~, and/or the volume of water authorized to be produced under any permit issued by the District. The results and recommendations reported by the General Manager and the District Hydrologist based on the review, evaluation and monitoring, and any evidence presented at a public hearing held for that purpose, shall be considered by the Board. Any reduction shall generally be sufficient to reduce the volume of water for which production permits have been issued by an amount to limit the permitted production to the water availability number specified in Chart No. 1 or such number as revised by the Board. The Board shall consider any evidence presented to show the availability of more groundwater in the Management Zone than is provided for in Chart No. 1. **If the maximum allowable groundwater production per acre is reduced for a Management Zone**, thereafter, as additional permits are issued, if the water availability has not been increased by the Board, the total amount of production authorized by each permit issued by the District will be proportionately reduced by an amount sufficient to off-set the additional permits for groundwater production and the maximum allowable production ~~provided in Rule 5.1.2 will be reduced by an equal amount~~.
- (d) The maximum allowable production of 2 acre feet per acre of land, provided in Rule 5.1.2, may be reduced, **and the maximum allowable production may be established or reduced** for any one, or more than one, Management Zone(s).
- (e) Production authorized under permits issued by the District **for any Management Zone** may be reduced on a schedule to, when considered together with future permits for which the authorized production per acre will be at the lower maximum allowable production per acre, generally over a period not to exceed 40 years, reduce groundwater production by an amount required to return the water level in the Management Zone to the water drawdown level set forth in Chart 1.

(f) The Board may adjust permitted production within any part or portion of a Management Zone, based upon the review, evaluation, study and monitoring, and any evidence presented at a public hearing, if it finds the adjustment is appropriate for a part or portion but not all of the Management Zone.

(g) The Board may increase or reduce the water availability estimate for any Management Zone based on the results of the review, evaluation, study and monitoring, and any evidence presented at a public hearing; provided that increases of the estimated groundwater availability will not increase the maximum allowable production per acre for a Management Zone or the permitted production authorized under any permit.

RULE 16.7. PERMIT LIMITATIONS AND REDUCTIONS. The maximum allowable production of water authorized by a permit may be limited, adjusted and reduced as follows:

- (a) if the maximum allowable production of 2 acre feet per acre of water of contiguous land is reduced for a Management Zone, or if any such reduced maximum of allowable production is thereafter reduced again, a new permit may not be issued for the production of more water than is established under this Section as the maximum allowable production of water per acre of land for the Management Zone;
- (b) excluding production authorized by a historic use permit, and production authorized by wells exempt under Rule 7.10(1), the production of water authorized by any permit issued by the District for the production of water is subject to limitation, adjustment and reduction;
- (c) the volume of water authorized by permit to be produced in a Management Zone may be reduced by two percent per year with the reduction beginning twelve months after a decision by the Board that such reduction is reasonably required for the conservation and preservation of groundwater, or the protection of groundwater users, within the Management Zone; and
- (d) if the Board finds it is necessary to reduce the maximum allowable production per acre or the permitted production **for any Management Zone**, more quickly than is provided in (c), to preserve and conserve groundwater or protect groundwater users within a Management Zone, or to implement reductions required under Rule 16.5, the Board shall establish a schedule for a phased reduction in the maximum allowable production or permitted production for the zone.

RULE 16.8. EXCEPTIONS. The following are exceptions to the rules set forth in this Section 16 for the limitation and reduction of production:

- (a) production authorized for wells exempt pursuant to Rule 7.10(1) will not be included in calculating water availability within a Management Zone;
- (b) after a reduction of **the maximum allowable** permitted production **per acre** in a Management Zone, the maximum allowable production per acre of land for which a permit may be issued in the Management Zone shall not exceed the maximum allowable production per acre ~~provided in Rule 5.1.2~~ as modified or reduced under this Section 16;

- (c) within the Trinity Zone groundwater availability will be preserved and conserved, and groundwater users will be protected, by well spacing and the maximum allowable production per acre provided in Rule 5.1.2; and
- (d) the Queen City-Sparta-Yequa Zone is a recharge based zone with relatively low to moderate yield domestic and small municipal wells, and, in lieu of limiting water drawdown levels in this zone, during droughts permitted production may be temporarily reduced to protect groundwater users.

DON'T WE NEED TO ADD ANOTHER AQUIFER HERE, WITH SIMILAR OR BETTER WORDING AS (d) ABOVE.

RULE 16.9. NOTICE AND HEARINGS. A limitation, adjustment or reduction of the maximum allowable production of water per acre, or the volume of water authorized to be produced under permits issued by the District, may be adopted by the Board at anytime after written notice is given to the permit holders as provided in Rule 16.4, and a public hearing held for which notice is given in compliance with state law. At minimum, the public hearing notice shall be given by publication, in one or more newspapers of general circulation in Milam County and Burleson County, Texas, not less than ten days prior to the date of the hearing.

RULE 16.10. REHEARING. The owner or the operator of a well or well field for which permitted production is being reduced pursuant to this Section may request a rehearing on a decision by the Board to reduce permitted production by more than ten percent in any five year period, or to make a reduction that exceeds two percent in any one year period. Except as otherwise specifically provided herein any such motion for rehearing must be in writing, state the nature of material additional evidence to be presented, and filed in the district office within thirty days after the date of the Board decision that is being appealed. Such rehearing request will not stay or abate the required reduction or production while the request is pending.