

**THE PURPOSE OF THIS DOCUMENT IS TO PROVIDE STRUCTURE FOR TOPICS
TO BE CONSIDERATIONS AND DISCUSSED AT RULES COMMITTEE MEETING
DECEMBER 15, 2021**

RULE 1.1.1. DEFINITION OF TERMS.

This is a place holder in case we decide to place a definition of DFC Exceedence here, and to discuss definitions of Beneficial Use and Unreasonable Impacts.

RULE 1.1.2 OWNERSHIP INTEREST CONFLICT OR QUESTION

When the District receives documentation where two or more parties are unable to clearly demonstrate on the face of the documentation clarity of interests in the water rights and/or access thereto, the District shall notify such parties of such conflicting documentation, as follows:

1. The District shall provide copies of conflicting documentation to each party.
2. The parties shall be allowed six (6) months to engage in discussions on issues that are in conflict including but not limited to ownership and/or access to the water rights.
3. If resolution between the parties is achieved, then the District shall act upon resolution and include such resolution within their records.

Should no resolution be reached within six (6) months and no efforts through the judicial process be undertaken by either of the parties, the District, shall take no action.

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RULE 4.3. MONITORING REQUIREMENTS . [Added May 12, 2020]

1. 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. [Amended July 12, 2005,(former Rule 5.1.1)]

1. Each well that is part of an operating permit with an aggregate withdrawal of 5,000 AFY or more, shall have monitoring equipment reasonably required by the District and be capable for use as a monitoring well. If a well from that aggregate withdrawal of 5,000 AFY or more has a production capacity of less than 500 gpm, then the District may consider removing the requirement of monitoring equipment for that well. For operating permits with an aggregate withdrawal greater than 3,000 AFY but less than 5,000 AFY, the District will consider which wells shall have monitoring equipment reasonably required by the District and be capable for use as a monitoring well.

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2. The monitoring equipment reasonably required by the District shall include the capability to automatically measure water level, pumping rates, and cumulative production. [Amended July 13, 2021]

- a. The equipment for measuring water levels will consist of a transducer, a sonic water level, or equivalent technology capable of measuring within an accuracy of 0.1 ft. The water level measuring equipment shall interface with software capable of recording measurements at hourly intervals.

- b. The equipment for measuring discharge will consist of an inline totalizing water meter that satisfies Rules 11.2.2, 11.2.3, 11.2.4. The discharge measuring equipment will interface with software capable of recording measurements of cumulative flow at hourly intervals.
 - c. The District will have access to the monitoring equipment for the purpose of inspection. The District will give the permittee a notice for inspection not less than seven calendar days prior to the date of the inspection.
 3. The monitoring data will be reported to the District electronically.
 - a. Once every month, the monitoring data will be reported using a spreadsheet format, that has been approved by the District. The monthly submission will provide by the 15th of such month the required monitoring data collected for the previous month.
 - b. The notification of the submission will be emailed to the District. The email notification will contain a hypertext link to the data files. The District may change the method of notification and/or data submission if requested to do so by the permittee.
 - c. Each monthly submission shall be accompanied with a statement that the data has been checked using quality assurance protocols developed for the District submission and approved by the District. Any changes to previously submitted monthly data sets will be accompanied by a letter explaining the reason for the resubmission. [Amended July 13, 2021]
 - d. Timely submission of the monitoring data is required as a condition for renewal of the operating permit.
 4. The monitoring data will be collected at a frequency not less than a set of measurements every four hours at each well.
 - a. The measured water levels and discharge rates will be reported for the same times and the same time intervals for each well.
 - b. The beginning of collecting and reporting the measured data should begin as soon as monitoring equipment can be installed and tested and no later than one week prior to the start of production
 - c. The time interval between measurements of water levels and well discharges may be changed if production from a well changes significantly over time or if production from a well is temporarily halted.
 - d. If a permittee seeks to change the frequency of monitoring or the monitoring equipment at a well, the permittee needs to submit a written request to the District that states a reason for the desired change. The District will respond to the request within 30 calendar days.
 5. The monitoring equipment shall provide access to collect water samples from the discharge pipe at the well location.
 - a. The District may collect a water sample for the purpose of measuring water quality parameters such as Total Dissolved Solids concentrations, pH, major ions, and heavy

metals.

- b. The District will be responsible for all facets of the collection and analysis of such water samples, including collection, documentation of custody and change of custody, and the analysis itself.
- c. The District will notify the permittee at least seven calendar days in advance of a well sampling event and at such time will provide the permittee with a copy of the protocols to be used for collection and analysis of any water samples prior to such sampling.

7. The monitoring and reporting requirement of measured water levels in a permitted well may be waived by the District if the permit holder or applicant equips another well or surface water gauge with instrumentation for measuring water levels that will be reported to the District.

a. POSGCD has the sole authority to approve or disapprove the substitution of an alternative monitoring location for water levels for the permitted well

b. POSGCD has the sole authority to approve or disapprove the frequency of measuring and reporting the measured water levels from an alternative monitoring location.

c. The terms and conditions under an alternative monitoring location is approve will be incorporated into the operating permit.

d. POSGCD approval of an alternative monitoring location does not alter POSGCD authority to monitor water levels in the permitted well for which the District waived the monitoring and reporting requirements.

8. Wells producing from the Brazos or Little River Alluviums, or wells used for seasonal irrigation (or less than 180 days per year) are exempt from this rule 4.3.

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SECTION 5. PRODUCTION LIMITATIONS.

This is a placeholder in case discussion leads to inclusion of language in this section in support of other sections.

RULE 7.1. GENERAL PERMIT AND REGISTRATION PROVISIONS.

This is a placeholder to discuss length of terms of permits issued by the District.

9. The term of each operating permit issued by the District will be set by the Board. The term will generally be for a period not to exceed **forty years** from the date of issuance. The holder of an operating permit will be responsible for making application for review and renewal, as applicable, on approved forms that will be available at the district office. Such applications shall be submitted to the District 90 calendar days prior to the fifth anniversary of the issuance and each subsequent review, and the date of expiration of the operating permit. Each such operating permit will be subject to review every fifth year, and during any such review may be modified to conform with intervening changes in the management plan or state law. The Board may waive any five year review if no material change has been made to the

management plan, or if the changes made do not require modification of such permits.
[Amended May 12, 2020]

RULE 7.15. OPERATING PERMITS.

This is a placeholder in case discussion leads to inclusion of language in this section in support of other sections.

SECTION 10. GENERAL PROVISIONS.

RULE 10.1. CONJUNCTIVE USE. The District will collect data and information regarding conjunctive use, if any, proposed for each operating and each transport permit.

This is a placeholder to discuss rules which may encourage conjunctive use.

SECTION 12. WELL LOCATION AND COMPLETION.

This is a placeholder to discuss a possible amendment which would require completion of new wells to include an access plug of at least ½ inch in the well seal to assist the District in obtaining water level measurements.

SECTION 13. WASTE.

This is a placeholder to discuss possible amendments to this section.

RULE 13.1. WASTE.

1. Groundwater shall not be produced within, or used within or without the District, including but not limited to water withdrawn from any groundwater resource under the jurisdiction of the District, in such a manner as to constitute waste and/or not put to a beneficial use. [Amended July 13, 2021]
2. No person shall pollute or harmfully alter the character of the underground water reservoir of the District by means of salt water or other deleterious matter admitted from some other stratum or strata, or from the surface of the ground.
3. No person shall commit waste of groundwater as defined in Chapter 36, Texas Water Code. [Amended June 12, 2012] [Amended July 13, 2021]
4. An abandoned well shall be capped and maintained in a manner to prevent pollution, including the commingling of undesirable water and fresh water or the loss of water. [Amended June 12, 2012]
5. These provisions shall apply to the use of groundwater by all persons using the groundwater withdrawn from any groundwater resource under the jurisdiction of the District, whether in

privity of permit or contract, from withdrawal to distribution or ultimate use of such groundwater. To the extent a person is also using surface water, the provisions of this section do not limit the use of that source of water. [Added July 13, 2021]

6. Enforcement and violations of this Section shall be as set forth in Section 15 of these Rules and/or allowed under Chapter 36, Texas Water Code. [Added July 13, 2021]
7. In addition, the District may, after proper notice and hearing pursuant to Section 14, consider reduction of the permitted amounts upon any infraction(s). [Added July 13, 2021]

RULE 16.4. ACTIONS BASED ON MONITORING RESULTS.

This is a placeholder to discuss unreasonable impacts.

Monitoring and threshold levels will be used to initiate appropriate responses designed to help achieve the DFCs and PDLs, conserve and preserve groundwater availability and protect groundwater users. Three threshold levels are adopted to help guide these actions. Each threshold level provides for an increased level of response based on the change in production or water levels associated with a Management Zone. The threshold levels are: Level 1; Level 2; and Level 3. [Amended June 12, 2012] [Amended November 5, 2019]

1. Threshold Level 1. Threshold Level 1 will be reached, and additional studies will be undertaken to evaluate the nature and extent of curtailment in groundwater production that may be required to achieve the District's management objectives inclusive of achieving DFCs and PDLs. The studies will, at a minimum, suggest possible schedules for reducing groundwater production in the affected management zone(s). The Threshold Level 1 actions will be conducted at such time as: [Amended June 12, 2012] [Amended May 3, 2017] [Amended July 2, 2019]
 - a. Total estimated annual production is greater than 60% of the Modeled Available Groundwater (MAG) value listed in Section 8 of the Management Plan;
 - b. An average groundwater drawdown, calculated from monitored water levels for an aquifer, is greater than 50% of the average groundwater drawdown provided in Section 7 of the Management Plan as a DFC or PDL; [Amended November 5, 2019]
 - c. The average groundwater drawdown, calculated from monitored water levels, for a Shallow Management Zone is greater than 50% of the threshold value, for average drawdown in that Shallow Management Zone, listed in Section 7 of the Management Plan; or
 - d. Projected average water level drawdowns, calculated with a District approved methodology, indicate that a DFC or PDL listed in Section 7 of the Management Plan will be exceeded within 15 years.
2. Threshold Level 2. Threshold Level 2 will be reached, and a review of the Management

Plan, rules and regulations will be initiated, and pending the results of Threshold Level 1 studies, the District will notify well owners of possible plans for curtailing groundwater production. The Threshold Level 2 actions will be conducted at such time as: [Amended June 12, 2012] [Amended May 3, 2017] [Amended July 2, 2019]

- a. Total estimated annual production is greater than 70% of the Modeled Available Groundwater (MAG) value listed in Section 8 of the Management Plan; [Amended July 2, 2019]
 - b. Average groundwater drawdown, calculated from monitored water levels, for an aquifer is greater than 60% of the average groundwater drawdown listed in Section 7 of the Management Plan as the DFC for that aquifer; or
 - c. The average groundwater drawdown, calculated from monitored water levels, for a Shallow Management Zone, is greater than 60% of the threshold value for average drawdown listed in Section 7 of the Management Plan for that Shallow Management Zone;
3. Threshold Level 3. Threshold Level 3 will be reached, and the Board will consider and adopt amendments to the Management Plan, rules and regulations at such time as the average groundwater drawdown, calculated from monitored water levels, for an aquifer is greater than 75% of an average groundwater drawdown listed in Section 7 of the Management Plan as a DFC for that aquifer or PDL for the shallow portion of that aquifer. The District anticipates that one of the adopted amendments will include one or more strategies for the District's curtailment of groundwater production in the affected management zone(s) or adjacent zones causing the undesired effect. [Amended June 12, 2012] [Amended May 3, 2017] [Amended July 2, 2019] [Amended May 12, 2020]
 4. The threshold levels will be administered and applied separately to each Management Zone. As part of the evaluations and determinations, the District will consider the pumping- induced impacts to groundwater resources that occur between or among management zones. The evaluation will determine if pumping or production in one management zone is contributing to adverse impacts to groundwater conditions in another management zone. [Amended June 12, 2012] [Amended May 3, 2017]
 - a. If Threshold Level 1 is exceeded, the District will perform studies to provide information on aquifer properties, aquifer recharge, aquifer and surface water interactions, and aquifer pumping. To the extent possible, the studies shall distinguish between the causes and effects of pumping occurring within the District and outside of the District. The results may be used to improve the models, tools, and methodologies used to analyze data and predict future groundwater levels and availability. The District will contract with a professional hydrogeologist to (i) conduct studies and/or (ii) establish the parameters for the studies and review the results of studies. The results of all studies shall be made available to the public in a reasonable manner. The District will hold one or more public meetings and provide a minimum of 90 calendar days for the public to provide written comments in addition to the meeting(s). [Amended July 2, 2019]

[Amended May 12, 2020]

b. If Threshold Level 2 is exceeded, the District will re-evaluate the Management Plan and rules regarding management zones, recharge estimates, the collection and analysis of monitoring data, and proposed changes to DFCs for consideration in the joint planning process. As part of the re-evaluation, the District will hold one or more public meetings and provide a minimum of 90 calendar days for the public to provide written comments in addition to the meeting(s). [Amended May 12, 2020]

c. If Threshold Level 3 is exceeded, the District will conduct a public hearing to discuss the status of the aquifers and develop a Level 3 Response Action Work Plan focused on achieving the District's goals and objectives, including DFCs and PDLs. The work plan will be completed within 6 months after the first public hearing and will be made available to the public through the District's web site. [Amended November 5, 2019]

i. 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. [Amended July 12, 2005]

ii. The general manager, in consultation with the district professional hydrogeologist, will review and evaluate the permit applications pending, the permits issued and the records of the District, estimated 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 average drawdown based on monitored water levels an evaluation of the reasons for the drawdown will be included in the review. [Amended July 12, 2005] [Amended June 12, 2012]

iii. The general manager will promptly report to the Board that notices have been 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 (ii) and, if the plan will be implemented over a period of more than one month, during the evaluation, review, study and any 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 professional hydrogeologist will make a final report to the Board, together with their recommendation for action. [Amended July 2, 2019]

iv. If the general manager, in consultation with the district professional hydrogeologist, finds the evaluation, study, review and/or monitoring supports a recommendation that an adjustment of permitted production is recommended for a Management Zone or another Management Zone in which threshold level 3 was reached, the recommendation shall be consistent with the finding and

provide supporting documentation for the limitation. [Added July 12, 2005]
[Amended June 12, 2012]

- v. The general manager may, after consultation with the district professional hydrogeologist and in combination with or in addition to the above, recommend any action or combination of actions set forth in Rule 16.4. [Amended June 12, 2012] [Amended July 13, 2021]

5. Desired Future Condition Exceedance. A DFC exceedance will be reached when the condition expressed in the DFC occurs regardless of the year. Thus, if a drawdown-based DFC of 30 feet was set for 2070, then a drawdown of 31 feet in 2050 represents a DFC exceedance. If different DFCs were adopted for the same management zone but for different years, the District will use the DFC associated with the closest future year for evaluating DFC exceedance.

6. Unreasonable Impacts: The District will consider the impacts from an aggregate of wells associated with an operating permit to be unreasonable if pumping from the aggregate wells, by themselves and without contribution from other pumping wells, cause any of the following:

(a) Land subsidence that: threatens the structural integrity of existing pipelines, building, or other infrastructure; (b) causes land from being used for its potential use; or (c) creates a problem associated with flooding or poor drainage.

(b) Intrusion of surface water or groundwater from another aquifer into the aquifer, which is pumped by the aggregate wells, that degrades groundwater quality in the pumped aquifer so it would not be suitable for its intended use or its potential use;

(c) More than a 30-foot reduction and more than a 25% reduction in the saturated thickness of the aquifer being pumped by the aggregate wells at any well location outside of the operating permit property or along any part of the boundary of the operating permit property

(d) More than a 100-foot reduction and more than a 40% reduction in the pressure head above the top of the aquifer at any well location outside of the operating permit property or along any part of the boundary of the operating permit property

6. The terms, provisions and the actions provided for in this Rule 16.4 are in addition to and not in lieu of the terms, conditions and provisions of any other rule or provision of this Section 16. This rule does not limit the authority of the Board to act pursuant to any other rule. The Board shall have the discretion to take any action authorized by this Section 16. [Amended June 12, 2012]

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- Deleted: or an exceedance of a threshold related to a DFC per Rule 16.4.4. The determination of whether a DFC or a DFC-related Threshold 1, 2, or 3 exceedance has occurred will include an analysis by the district hydrogeologist of water levels measured in the District monitoring wells and approval by the District Board.
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RULE 16.6. ADJUSTING MAXIMUM PRODUCTION PERMITTED.

This is a placeholder to discuss unreasonable impacts.

The District shall adjust the maximum groundwater production permitted per acre and/or the permitted production under any permit issued by the District as follows: [Amended July 12, 2005] [Amended May 3, 2017]

1. If the water drawdown level within a Management Zone, or in any zone within the District in which the water drawdown level is impacted by production in such Management Zone, exceeds the water drawdown Threshold Level 3 in Rule 16.4, the maximum water production permitted per acre 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 developed by the District hydrogeologist and approved by the Board based on the evaluation and the evidence. The objective for the reduction is to prevent the exceedance of a Desired Future Condition, as defined herein in the Rules. The production in a Management Zone may be reduced to the extent that production in that Management Zone is impacting water drawdown levels in any Management Zone in the District. [Amended July 12, 2005] [Amended June 12, 2012] [Amended July 13, 2021]
2. The maximum allowable production of 2 acre feet of groundwater 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. [Amended July 12, 2005] [Renumbered July 2, 2019]

3.A new permit may require the maximum allowable production authorized under all permits issued by the District for that Management Zone to be further reduced to be consistent with the DFCs and/or PDLs in such Management Zone. The process shall be as follows:
 - (a) A new permit for groundwater production will be considered together with all the currently existing permitted production within that Management Zone for a period not to exceed 40 years from the date of such new permit.
 - (b) District staff, in consultation with the District's hydrogeologist, shall determine whether such total production is consistent with the DFCs and/or PDLs.
 - (c) If granting a new permit will cause the Management Zone's DFCs and/or PDLs of a Management Zone to be exceeded, the District's general manager and professional hydrogeologist will determine a new reduced maximum allowable production for the new permit and all currently existing permits together with a schedule for achieving the desired DFCs and PDLs of the Management Zone. [Amended May 12, 2020]
 - (d) Thereafter the Board will consider the schedule recommended by the District's general manager and professional hydrogeologist and act as it determines. [Amended July 12, 2005] [Amended June 12, 2012] [Subsection 3, a-d, Replaced July 2, 2019]
4. The Board may adjust permitted production within a Management Zone, based upon the results of a review, evaluation, study, and monitoring, and any evidence presented at a public hearing, if it finds the adjustment is appropriate. [Amended July 12, 2005] [Amended June 12, 2012]

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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:

1. If the maximum allowable production of 2 acre feet of groundwater per acre of contiguous land is reduced for one or more Management Zones, 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 16 as the maximum allowable production of water per acre of land for the Management Zone(s); [Amended June 12, 2012] [Amended May 12, 2020]
2. 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;
3. The volume of water authorized by permit to be produced in one or more Management Zones may be reduced by the Board, if it determines a reduction is necessary, based on studies and evaluations performed by the Board or as determined by the Board to have scientific merit. This reduction shall begin as soon after a decision by the Board that such reduction is reasonably required for the conservation and preservation of groundwater, or the protection of the aquifer or groundwater users, within such Management Zone(s). [Amended June 12, 2012] [Amended May 12, 2020]
4. If the Board, based on studies and evaluations performed or determined by the Board to have scientific merit, determines it is necessary to reduce the maximum allowable production per acre, or the permitted production for any Management Zone or Zones, to accomplish the desired future conditions, the protective drawdown limits, to preserve and conserve groundwater, to protect groundwater users within a Management Zone or Zones, or to implement reductions required under Rule 16.5, the Board shall establish a schedule for a reduction in the maximum allowable production or permitted production for the Management Zone or Zones. [Amended July 12, 2005] [Amended May 3, 2017] [Amended May 12, 2020]

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