

**THE PURPOSE OF THIS DOCUMENT IS TO PROVIDE [DETAIL ON TOPICS TO BE CONSIDERED, AND DISCUSSED AT RULES COMMITTEE MEETING JANUARY 20, 2022 AND UPON WHICH A PUBLIC HEARING WILL BE HELD FEBRUARY 15, 2022](#)**

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**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)]
2. 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.](#)
  - a. [If a well becomes a part of an operational permit for which monitoring equipment will be required for the well, the well will have the appropriate monitoring equipment installed and functional within sixty \(60\) days of the permit issuance.](#)
  - b. [A new well that is required to have monitoring equipment will have the appropriate monitoring equipment installed and functional when the new well becomes operational.](#)
  - c. [A permit applicant may apply for an extension of sixty \(60\) days or less for having monitoring equipment installed and functioning in one or more wells by a written request to the District general manager provides rationale justifying an extension. POSGCD will response to the request within 10 working days after POSGCD has receive the request.](#)
3. 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.
4. 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 15<sup>th</sup> 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.
5. 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.

6. 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 other wells or surface water gauges with instrumentation for measuring water levels that will be reported to the District.

- a. The District has the sole authority to approve or disapprove the substitution of an alternative monitoring location for water levels for a permitted well
- b. The District 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 associated with alternative monitoring location(s) will be incorporated into an operating permit(s).
- d. The District approval of an alternative monitoring location does not alter the District's authority to monitor water levels in the permitted well for which the District waived the monitoring and reporting requirements.

In seeking the application under this Section, Applicant is responsible for preparation of a plan. Prior to preparation of such plan, Applicant shall meet with the District to determine the details and/or documents for submission.

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.

**RULE 7.1. GENERAL PERMIT AND REGISTRATION PROVISIONS.**

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. Renewal terms shall be for five (5) years thereafter. 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

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or state law or the District's Rules 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]

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## SECTION 12. WELL LOCATION AND COMPLETION.

**RULE 12.1. RESPONSIBILITY.** Notwithstanding any other provision of these Rules, unless the Board grants a waiver, the location of all new wells, excluding a well that is exempt under Rule 7.10(1)(c) or Rule 7.10(2)(c) of these Rules, must be in compliance with the spacing requirements, as set forth in this Section and in Section 4 of these Rules. After an application for a drilling permit or certificate of registration has been granted, unless exempt, the well, if drilled, must be drilled at a location that is in compliance with the spacing requirements, as set forth in this Section and Section 4 of these Rules. If the well is commenced or drilled at a location that does not comply with this Rule 12.1, the Board, pursuant to *Chapter 36, Texas Water Code*, may enjoin the drilling or operation of such well or require a completed well to be closed in a manner compliant with all applicable regulations.

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All exempt wells to be drilled shall have a Certificate to Proceed with Drilling issued to the owner. It is the responsibility of the Owner to provide a copy of such Certificate to Proceed with Drilling to the driller. It is the responsibility of the Driller for ensuring that such Certificate to Proceed with Drilling has been issued prior to proceeding with drilling and to have a copy of such Certificate to Proceed with Drilling clearly posted on the drilling site at all times until the well is completed.

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As described in the Texas Water Well Drillers' Rules, all well drillers and persons having a well drilled, deepened, or otherwise altered, shall adhere to the provisions of the rules prescribing the location of wells and proper completion. [Amended June 12, 2012] [Amended July 12, 2016] [Amended May 3, 2017] [Amended May 3, 2017] [Amended July 2, 2019]

### 12.4 STANDARDS OF COMPLETION FOR WELLS.

8. To assist the District in obtaining water level measurements, all new well construction shall include installation of an access plug of at least ½ inch in diameter in the well seal.

Deleted: 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.

### RULE 16.4. ACTIONS BASED ON MONITORING RESULTS.

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.

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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.

6. Unreasonable Impacts: In order to evaluate the balance between production and conservation of groundwater resources, the District will consider the impacts from an aggregate of wells associated with one or more operating permits to be unreasonable if pumping from the aggregate wells, by themselves and without contribution from other pumping wells, cause any of the following:

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(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 one or more operating permits' property or along any part of the boundary of the operating permits' property

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(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 one or more operating permits' property or along any part of the boundary of the operating permits' property

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(e) The District has the authority to set the baseline value for a saturated thickness and an artesian pressure on a case by case basis for a baseline year that is not before 2010.

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7. 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]