

SUGGESTED RULE MODIFICATIONS

RULE 1.1. DEFINITION OF TERMS. (Additions)

“Authorized Agent” - a person authorized by the well owner or landowner to serve as their legal representative in matters related to the permitting process, activities and regulations of the District.

“Contiguous”: when used in these rules applies to land and associated groundwater rights as follows:

- a. (i) the land and associated groundwater rights are located within the District; (ii) are owned or controlled by the well owner or operator; (iii) are on one or more tracts that are adjacent each to the other and are located within a continuous common boundary, except as provided in (c) below, with the land on which the well is located; and (iv) are associated with the same aquifer as that for which production is to be permitted for the well; or [Amended February 20, 2014]
- b. A waiver or variance is obtained under Rule 5.3; or
- c. The land and groundwater rights that are owned or controlled by the well owner or operator are separated only by a road, highway, railroad or other right-of-way, or river from the other land and water rights within the District that are owned or controlled by the well owner or operator.

“Defined Service Area” means the retail utility service area defined in any certificate of convenience and necessity issued under Chapter 13, Texas Water Code; or for a municipality or a special or municipal utility district the term also includes the retail water utility service area authorized under applicable provisions of law.

“Local Water Utility” means a non-profit water supply corporation, a general law or home-rule city, a special utility district, a municipal utility district or any other person included in the definition of “retail public utility” under Section 13.002, Texas Water Code, whose defined service area, or a portion thereof, lies within the boundaries of the District.

Rule 5.1.6 (Moved to definitions)

~~6—As used in this Rule 5.1, land and water rights are “contiguous” when:~~

- ~~a.—The land and the water rights: (i) are located within the District; (ii) are owned or controlled by the well owner or operator; (iii) are on one or more tracts that are adjacent each to the other and are located within a continuous common boundary, except as provided in (c) below, with the land on which the well is located; (iv) are associated with the same aquifer as that for which production is to be permitted for the well; and (v) the water quality of the aquifer underlying the well site and that part of the aquifer underlying the contiguous land is substantially the same; or [Amended February 20, 2014]~~

- ~~b. A waiver or variance is obtained under Rule 5.3; or~~
- ~~e. The land and water rights that are owned or controlled by the well owner or operator are separated only by a road, highway, railroad or other right of way, or river from the other land and water rights within the District that are owned or controlled by the well owner or operator.~~

Rule 5.5.1&2 (Moved to definitions)

- ~~1. For purposes of this Rule 5.5, "local water utility" means a non-profit water supply corporation, a general law or home rule city, a special utility district, a municipal utility district or any other person included in the definition of "retail public utility" under Section 13.002, Texas Water Code, whose defined service area, or a portion thereof, lies within the boundaries of the District.~~
- ~~2. For purposes of this Rule 5.5 and Rule 8.1.2, "defined service area" means the retail utility service area defined in any certificate of convenience and necessity issued under Chapter 13, Texas Water Code; or for a municipality or a special or municipal utility district the term also includes the retail water utility service area authorized under applicable provisions of law.~~

RULE 4.1. REQUIRED SPACING.

4. (Add title for Table 1)

Table 1: Spacing Requirements for Yegua-Jackson, Trinity, Sparta and Queen City Aquifer

Production Capacity		Minimum Spacing Per GPM of Production Capacity	
More than	Equal to or less than	From any Well	From Property Line
NA	50 gpm	2 feet	1 foot
50 gpm	100 gpm	3 feet	1.5 feet
100 gpm	150 gpm	4 feet	2 feet
150 gpm	200 gpm	5 feet	2.5 feet
200 gpm	NA	7 feet	3 feet

RULE 4.3. MONITORING REQUIREMENTS .

2 (c) (Typo Fix)

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 **respond** to the request within 10 working days after POSGCD has receive the request. [Amended February 15, 2022]

4.3.8

On or before January 15 of every year, Monitoring plans shall be updated. If no updates have occurred, a signed letter, by the permittee or authorized agent, shall be submitted to the District declaring that no changes had been made.

4.3.9

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. [Amended February 15, 2022](Former 4.3.7).

RULE 5.1. MAXIMUM ALLOWABLE **PERMITTED PRODUCTION.**

- 2 Excluding wells operated pursuant to an historic use permit, in no event may: (a) a non-exempt well or well system be operated such that the total annual **permitted** production exceeds 2 acre feet of water per contiguous acre owned or controlled by the landowner, well owner, or well operator, as applicable; (b) acreage that is not contiguous to land for which a production permit is issued

RULE 5.3. WAIVER AND VARIANCES.

Non-contiguous land owned or controlled by the applicant shall be deemed to be within a continuous perimeter boundary of the land on which the well is located if the applicant obtains a waiver from the owners of the water rights located between the well site and the noncontiguous land. In such event, if such non-contiguous land otherwise satisfies the ~~definition of contiguous, requirements of Rule 5.1.6(a)~~ it shall be deemed to be contiguous for the purposes of this Section 5. The waiver will be on a form provided by the District.

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. All operating permits will be reviewed every five (5) years beginning January 1, 2025, and every five (5) years thereafter, as outlined in Rule 16.7.1. Operating permits for wells completed in the Brazos River Alluvium are not subject to the five (5) year reviews as outlined in Rule 16.7.1. 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. During any such review, operating permits may be modified to conform with intervening changes in the regulations, management plan or state law or to accommodate aquifer conditions. [Amended May 12, 2020]

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RULE 7.4. APPLICATION REQUIREMENTS FOR ALL PERMITS.

(Rule 7.4.3 Change) ~~The application for a permit shall be in writing and sworn to.~~ All applications shall be in writing and sworn to by the applicant or the applicant's authorized agent. The applicant must provide a signed letter to the District designating the authorized agent to act on the applicant's behalf.

Rule 7.4.9. General Manager shall make the determination of administrative completeness within 90 calendar days after receipt of the application. If determined to be administratively incomplete, the General Manager shall notify the applicant of the missing documents or information by certified mail, return receipt requested.

(Rule 7.4.10 Addition)

10. Applications that remain incomplete 30 calendar days after notification, will expire.

RULE 7.7. PERMITS ISSUED BY THE DISTRICT

1. All permits issued by the District shall state the following:

- (a) the name of the person to whom the permit is issued;
- (b) the date the permit is issued;
- (c) the date the permit is to expire;
- (d) the conditions and restrictions, if any, placed on the location of the well, instantaneous rate, production capacity, and annual amount of withdrawal of groundwater; [Amended July 13, 2021]
- (e) any other conditions or restrictions the District prescribes;
- (f) the beneficial use for which the water will be produced, e.g., industrial, municipal, irrigation, etc.; and [Added August 12, 2014] the aquifer or formation to be produced for each well
- (g) any other information the District determines reasonably useful and beneficial.

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RULE 7.10.1.a EXEMPT WELL STATUS

iv. The drilling and production of a rig supply well to supply water solely for a rig or equipment that is actively engaged in drilling a production well, shall meet the following requirements to be exempt from public hearings; (i) meets all applicable spacing requirements as noted in District Rule 4.1; (ii) the rig supply well is located on the property on which the drilling rig is located, or within the boundaries of the property in which the drilling rig is located; (iii) the rig supply well is used with a rig that is actively engaged in drilling a

production well ; (iv) the water is produced solely for the purpose of providing water that is necessary for the actual drilling of the production well; (v) plugged within 90 days after completion of the well; or (vi) converted into a District monitoring well.

RULE 7.12. DRILLING PERMITS.

7. The drilling permit will be issued for an aquifer, formation and estimated depth.

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~~7.8.~~ The District intends to assign permitted wells to an aquifer and Management Zone based on the well specification information obtained from the permit application for the well, evaluation of geophysical logs, the TWDB Groundwater Availability Model (GAM), and/or from the well log State well Report that is submitted to the District or the Texas Department of Licensing and Regulation at the time of the well's completion. [Added June 12, 2012]~~The top and bottom elevation associated with the formation at proposed well location will be based on the District evaluation of geophysical logs and the TWDB Groundwater Availability Model (GAM).~~

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9. All non-exempt wells are required to provide the District with a digital and hardcopy of a geophysical log for the borehole within 60 calendar ~~10 calendar~~ days after completion of the well setting the well screen. The geophysical log will include measurement of resistivity/induction, spontaneous potential, and natural gamma.

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~~8.10.~~ The requirements of Rule 7.12(9), above, do not apply to wells screened in the Brazos River Alluvium, or other alluvial formations within the District.

Rule 7.13.1 (Change)

No person may drill a new non-exempt well without first obtaining a drilling permit from the District. A new exempt well as described in Rule 7.10(1) must obtain a certificate to proceed with drilling ~~drilling permit~~ and be registered.

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Rule 8.5 (add)

1. Pursuant to Rule 8.1.2, groundwater that is produced from an exempt well, as described in Rule 7.10.1(a), to be used on property that straddles the District boundary line and that is owned by the owner or operator of the well(s) that produce the water, does not need a transport permit under this rule.
2. The owner of an exempt well is not excused from the requirements to obtain a transport permit and paying groundwater transport fees if the groundwater produced from the exempt well is transported outside of the District. [Amended April 8, 2008]
3. Groundwater that is discharged within the District pursuant to a permit issued by the Railroad Commission or the TCEQ is not considered to have been transported from the District unless the discharge is part of an overall water transfer for use outside the

District.

RULE 12.2. LOCATION OF WELLS

1. A well drilled within the District must adhere to residential lot sizing rules as established by Title 30 Part 1 TAC Rule §285.4 and or any other applicable county or local ordinance

56. The distances given for separation of wells from potential contamination listed in Rule 12.2.2 and Rule 12.2.4 may be decreased to a minimum of fifty (50) feet, and/or any well granted exemption of spacing from property line, as defined in Rule 4.2(5), may encroach up to 5 feet from adjacent property line, provided wells shall have an annular space that is at least three (3) inches larger in diameter than the casing and the annular space shall be filled with positive displacement technique or tremie pressure filled using cement slurry, bentonite grout, and/or bentonite, as follows: [Added June 12, 2012] [Amended July 2, 2019]

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12.4 STANDARDS OF COMPLETION FOR WELLS. (Add)

Water well drillers must record all completion methods and information for each well, and file a completed well report (TDLR Form #001WWD) with the Texas Department of Licensing and Regulation. The well report may be filed with TDLR online, and a hard copy of the well report shall be filed with the District. In addition, water well drillers shall complete and submit a Driller's Completion Form, **within 60 days**, as provided by the District. Domestic, industrial, injection, and irrigation wells must be completed in accordance with the following specifications and in compliance, as applicable, with local county and city ordinances, rules, regulations and policies: [Amended June 12, 2012] [Amended July 2, 2019]

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 **Protective Drawdown Limits** (PDLs), conserve and preserve groundwater availability and protect groundwater users.

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1. Threshold Level 1. Threshold Level 1 will be reached, and additional studies will be undertaken to evaluate **one or more of the following: the accuracy of the analysis, possible causes for the threshold exceedance, impacts on the potential use of the aquifer, and 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. If the studies indicate that curtailment may be required, 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]

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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 when if the Board~~ District decides to develop 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]

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~~ the studies shall be made available to the public in a reasonable manner during one or more public meetings within ~~The District will hold one or more public meetings and provide a minimum of 90 calendar days after the completion of the studies. 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. ~~The findings of the re-evaluation shall be made available to the public in a reasonable manner during one or more public meetings within 90 calendar days after the completion of the analysis., 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]

6. Unreasonable Impacts: In order to ~~evaluate help achieve a~~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

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contribution from other pumping wells, cause any of the following:

~~f. The owner of a permit may request a waiver from unreasonable impacts by obtaining a waiver from the owner of the land in which the unreasonable impacts occur. Waiver will be on forms provided by the District, which will include published results of the most recent unreasonable impacts study. (May also require waiver to GWAP eligibility)~~

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~~g. The waiver from unreasonable impacts, once signed by the landowner, shall be placed on the appropriate Board meeting agenda and shall be heard before the Board. The Board may grant or deny the waiver.~~

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RULE 16.5 FIVE (5) YEAR REVIEWS

Pursuant to Rule 7.1.9, all operating permits shall be reviewed beginning January 1, 2025, and every five (5) years thereafter. The purpose of the five (5) year review is to determine whether to adjust permitted production in a management area/zone in order to accomplish management goals of the District. Maximum allowable production of water authorized by a permit may be limited, adjusted and reduced during any such review.

1. The following criteria will be considered in evaluating adjustments to permitted production:

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(a) Compliance with District rules, including reporting of monitoring data and water use reports;

(b) Permitted production is considered in the State Water Plan;

(c) Permitted production is a part of a conjunctive use project that involves water supplies other than fresh groundwater with a TDS value less than 1,000 mg/L;

(d) Permittee has received an Aquifer Storage & Recovery permit from TCEQ as a mechanism for reducing pumping impacts to groundwater resources;

(e) Permittee has received a Managed Aquifer Recharge permit from TCEQ as a mechanism for reducing pumping impacts to groundwater resources;

(f) A current assessment, using the most recent groundwater pumping scenarios identified by the District, of:

a. the production on regional impacts, such as DFCs and PDLs since its start-up date and through the end of its current permit;

b. An assessment of the production on local scale impacts including unreasonable impacts as defined by District rules along the perimeter of the property boundary;

c. An assessment of the adequacy of the District well monitoring program to accurately determine drawdown associated with production from the well or well field for the purpose of evaluating DFCs, PDLs, and unreasonable impacts;

d. A comparison of the MAG, current production, project production, and permitted production for the management areas/zone(s) impacted by the permitted production;

(g) Permittee has a water conservation plan filed with the District that includes:

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- a. An assessment of permittee's project(s) Best Management Practices with identification of thresholds of beneficial use to be achieved and safeguards to minimize water losses;
 - b. Actions to minimize unreasonable impacts to existing wells, and identifies actions to implement the curtailment of groundwater production if District threshold levels 2 or 3 are reached;
- (h) Permittee has a voluntary mitigation program, approved by the District, to address unreasonable impacts identified by assessments in item (g) of this Rule 16.57.1.

2. The maximum allowable production of water authorized by a permit may be limited, adjusted and reduced is addressed by 16.6 and 16.7; The terms, provisions and the actions provided for in this Rule 16.5 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.

RULE 16.6. REDUCTIONS REQUIRED BY REGULATORY ACTION.

RULE 16.76. ADJUSTING MAXIMUM PRODUCTION PERMITTED. 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]

- 2. The maximum allowable **permitted** 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]

RULE 16.87. 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 **permitted** 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]

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