

POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT SUMMARY OF RULES & MANAGEMENT STRATEGIES

Drilling, Registration & Permitting

- Water wells incapable of producing more than 25,000 GPD (17.36 GPM) for domestic or livestock uses are exempt from permitting and fees but must obtain registration prior to drilling.
- Drilling permits required for all non-exempt wells.
- Drilling permits are valid for 1 year with 6-month extension available.
- All pre-existing wells are subject to registration.
- Maximum withdrawal allowed presently is 2-acre feet, per contiguous acre controlled, per year.
- Non-exempt well drilling & operating permits are subject to hearing process & approval by Board.
- Operating Permits describe the amount and rate of withdrawal of water as well as the location and usage.
- Non-exempt wells require notification to all property owners within .5 miles for a single non-exempt well or within one mile of the proposed well locations for a well field with multiple non-exempt wells.
- Production Permits are issued not to exceed 40 years with a review every 5 years.
- Groundwater Transport Permit required for water exported outside the District. A hearing, notification process, and Board approval is required.
- Transport Permits have thirty-year terms if construction of conveyance system initiated within 3 years.
- Agriculture use wells are exempt from notice and hearing requirements and fees.
- Historic use permits (for maximum annual use prior to 2004) good for life of well.

Well spacing requirements

- Wells must be at least 50 ft. from property boundary or another existing well.
- In the Simsboro formation the spacing of a new well shall be as provided in (a) or (b), at the election of the owner exercised when the application for a new well permit is filed:
 - (a) one foot per gallon per minute of production capacity from any well existing in that formation and one-half foot per gallon per minute from the property line of each adjoining landowner; or
 - (b) based on engineering studies and drawdown criteria derived from GAM simulations of:
 1. no more than 8% drawdown of hydraulic head at the property boundary;
 2. no more than 25% drawdown of hydraulic head anywhere within the property; and
 3. minimum of one monitoring well for each 2,000 acre/feet/year of permitted production
- A new well to be completed in the Carrizo, Calvert Bluff or Hooper formations shall be spaced a distance of two feet per one gallon per minute production capacity from any well existing in the same formation, and one foot per gallon per minute from the property line of each owner of abutting land that is not owned or controlled by the owner of the new well.
- For a new well that will pump from the Yegua-Jackson, Trinity, Sparta or the Queen City aquifer, spacing shall be determined based on production capacity according to the table in section 4.1.4 of the Rules.
- Little River and Brazos River Alluvium wells are exempt from spacing requirements.

District Fees

- Current Production Fee - \$.018 per 1,000 gallons permitted
- Export Fee - \$.12 per 1,000 gallons permitted

Management Strategies

- Divide District into 6 management zones based on aquifer properties and characteristics.
- Provide protection for existing users and landowners' property rights.
- Set predetermined threshold levels of aquifer impact based on existing user's wells.
- Evaluate aquifer impacts through District Monitoring Well Program.
- Take appropriate action to protect and maintain appropriate aquifer water levels to protect both current and future producers.
- Work within GMA process to develop DFCs and management strategies beneficial to all stakeholders.
- Work within District to develop Protective Drawdown Limits (PDLs) to provide long term protection of wells in the shallow parts of the aquifers.
- Adopted rules for Unreasonable Impacts in 2022, and 5-Year Reviews in 2023.

RULE 16.5. FIVE (5) YEAR REVIEWS (Added April 11, 2023)

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:
 - (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:
 - 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 16.5.1.
 - (i) Permittee has and is producing under a historic use permit pursuant to District Rule 7.14.
 - (j) Permittee is a local water utility as defined in these Rules and is permitted thereunder to provide water in a defined service area.
 - (k) Permittee, as a local water utility and pursuant to a requested conservation plan filed with the District, is or is willing to obtain water through local sources which shall reduce the burden placed on permittee's localized pumping.
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. [Added April 11, 2023]

Post Oak Savannah GCD Brief History

2000- Article in Rockdale paper estimates <35,000 acres already leased for groundwater transport
Concerns: Property rights, 90% Milam & 100% Burleson depends on groundwater, future growth, insufficient science and court cases, Unknown future projects in & outside of District, Reasonable management

2001- Creation with 77th Legislature

2002- Confirmation Election by 2/3 in both counties

2003- Resolution for Local water Utilities- allowed each to claim amount of water to meet predicted needs over 40 year period (in addition to allowance for Historic Use Permits)

October 2003- First applications for production and transport filed by Layne Water Development of Texas (LWDT)

December 2003 Resolution to assess fees based on permitted amounts

May 2004- First Management Plan and Rules Adopted (Divided District into management zones)

Sept 2004- First Production and Transport permits issued to LWDT for 15,488 A/F/Y

June 2005- Complete studies and adopt limits for impacts in deep and shallow management zones of each aquifer; Amend Management Plan and Rules

2005- GMA/DFC Process becomes law (HB1763)

December 2005- LWDT Production and Transport permits amended to 30,993 A/F/Y

2006- First Groundwater Conservation Grants awarded to Local Water Utilities (Annual.\$17.6 M to date)

Dec. 2007- ALCOA issued 15,000 A/F/Y Historic Use for on-site Industrial Use (orig. applied for 73,000)

2007- LWDT becomes Blue Water Systems, LLP (BWS)

Jan 2009- BWS amends production and transport permits to 70,993 A/F/Y

Sept 2010- Adoption of first round of DFCs

Nov. 2012- ALCOA issued 25,000 A/F/Y permit for on-site Industrial Use

2013- Codified as Chapter 8865 Special Districts

Sep 2014- BWS bifurcates permits into two permits: one @ 50,993 A/F/Y, one @ 20,000 A/F/Y

Jan 2017- BWS transfers ownership of 50,993 to Abengoa/Vista Ridge (Later to Vista Ridge)

Jan. 2018- POSGCD adopts Groundwater Well Assistance Program (GWAP) (Assists landowners in exchange for access to wells for continued water level measurements to improve science)

2019- Groundwater Availability Model GAM Updated (Approx. \$850K total, POSGCD pays appr \$325K)

2019- Aquifer Conservancy Program (Currently approaching 50,000 Acres enrolled)

Feb. 2020- Vista Ridge amends permit to 55,835 A/F/Y

2020- GAM Updated in District again (approx. \$250K)

Aug. 2021- ALCOA amends 25,000 A/F/Y permit to Municipal Use and issued transport permit

Dec. 2021- ALCOA sells Milam County properties to Sandow Lakes Ranch, LLC (SLR)

2022- Awarded Bureau of Reclamation Grant \$200K to match POSGCD \$350K to build a better GAM