

Alan Day

From: Alan Day
Sent: Wednesday, July 8, 2020 5:19 PM
To: Alan Day
Cc: 'cynthia lopez (clopez@brazosvalleygcd.org)'; 'monique norman (norman.law@earthlink.net)'
Subject: Review of District Rules
Attachments: RULE 8.6 - Draft.pdf; RULE 8.9(d) - Draft.pdf

All,

Following a meticulous scrutiny of the District Rules, I have attached a red-lined version of my suggested corrections and proposed amendments.

I have listed five (5) things to be addressed. Three (3) are typographical/formatting errors for correction. I offer two proposed amendments to the rules for your consideration.

- **Rule 1.1 DEFINITIONS** – The definitions are incorrectly numbered beginning at #12. This is simply a correction, not a rule change.
- **Rule 7.2. ACTIONS BASED ON AQUIFER RESPONSE TO PUMPING** – At 7.2(d)(3)(G)(v), the phrase “singled permitted” needs to be corrected to “single-permitted”. This is simply a correction, not a rule change.
- **SECTION 11 REWORKING AND REPLACING A WELL ; Rule 11.1. PROCEDURES** – At 11.1(e) there is a typographical error making an inaccurate reference. Reference to “Rule 5.1” should be corrected to reference “Rule 6.1” which relates to spacing. This is simply a correction, not a rule change.
- **Rule 8.6 AGGREGATION OF WITHDRAWAL** – This rule needs to be more accurately worded to clarify how the aggregation of annual production is done. The current wording also needs to more closely mirror wording found in Rule 8.4. The proposed wording also clarifies the expectations of annual production from aggregated wells.
- **Rule 8.9 PERMIT AMENDMENTS** – I am suggesting that Rule 8.9(d) be amended adding “the misidentification of the screened aquifer” to the list of items that can be corrected on a permit by the General Manager without board approval. Because the District does not use Modeled Available Groundwater as a cap on permitting within an aquifer, this permit correction provides better protection of the permitted well (properly identified aquifer) and has no effect on the validity of the permit itself.

Attached are comparison versions of the rule amendments. If you have any questions, give me a call.

Have a great day!

Alan

RULE 8.6. AGGREGATION OF WITHDRAWAL

Current Wording

In issuing an operating permit, the authorized withdrawal for a given well may be aggregated with the authorized withdrawal from other permitted wells within the same aquifer that are designated by the District, at the discretion of the District. Applicable spacing requirements and production allowances will be considered in determining whether or not to allow aggregation of withdrawal. For the purpose of categorizing wells by the amount of groundwater production, where wells are permitted with an aggregate withdrawal, the total authorized withdrawal will be assigned to the wells in aggregate, rather than only allocating to each well its pro rata share of production. This will allow a well owner, with a number of water wells that supply a single well system, to apply for an operating permit for the well system without being required to apply for a separate operating permit for each individual well.

Proposed Wording

RULE 8.6. AGGREGATION OF ~~WITHDRAWAL~~ ANNUAL PRODUCTION

In issuing an operating permit, the authorized ~~withdrawal~~ annual production for a given well may be aggregated with the authorized ~~withdrawal~~ annual production from other permitted wells within the same aquifer that are designated by the District, at the discretion of the District. Applicable spacing requirements and production allowances will be considered in determining whether or not to allow aggregation of ~~withdrawal~~. ~~For the purpose of categorizing wells by the amount of groundwater production, where wells are permitted with an aggregate withdrawal, the total authorized withdrawal will be assigned to the wells in aggregate, rather than only allocating to each well its pro rata share of production. This will allow a well owner, with a number of water wells that supply a single well system, to apply for an operating permit for the well system without being required to apply for a separate operating permit for each individual well~~ annual production. A well owner with a number of water wells that supply a single well system may apply for an operating permit for the well system without being required to submit separate operating permit applications for each individual well. If granted by the District each individual well will be issued an individual operating permit that authorizes an annual production amount pursuant to Rule 7.1 which will cross-reference the other operating permits to which it will be aggregated. The approved operating permits' wells may be produced in aggregate for only the annual acre-feet/year limit for the wells. Application fees apply to each requested aggregated well.

RULE 8.9. PERMIT AMENDMENTS

Current Wording

- (d) Amendments to Permits to Correct Mistakes or Update Format. The General Manager may reissue a permit or registration to correct errors or omissions in the permit. No changes may be made to a permit by the General Manager under this subsection that is inconsistent with Board action on a permit. The errors that may be corrected may include incorrect GPS coordinates, typographical errors, and improper permit issuance dates or format. The General Manager may also update non-historic operating permits to comply with the most recently adopted permit form, providing that no substantive changes are made to the permit's substantive content and that the issuance date remains the same as the date it was acted on by the Board.

Proposed Wording

- (d) Amendments to Permits to Correct Mistakes or Update Format. The General Manager may reissue a permit or registration to correct errors or omissions in the permit. No changes may be made to a permit by the General Manager under this subsection that is inconsistent with Board action on a permit. The errors that may be corrected may include incorrect GPS coordinates, typographical errors, ~~and~~ improper permit issuance dates or format, and misidentification of the screened aquifer. The General Manager may also update non-historic operating permits to comply with the most recently adopted permit form, providing that no substantive changes are made to the permit's substantive content and that the issuance date remains the same as the date it was acted on by the Board.