



BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

Rules Committee Meeting

Zoom Virtual Meeting

July 15, 2020

3:00 p.m.



**Agenda
Open Meeting**

**BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT
Rules Committee Meeting
Virtual Zoom Meeting
Wednesday, July 15, 2020
3:00 p.m.**

Due to recent concerns regarding COVID-19, this meeting will be held virtually.

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+13462487799 US (Houston)

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The Meeting ID # is:

930 3987 8791

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(1) Work Session of the Rules Committee including discussion by the committee members, other directors present, and staff for:

Annual review of the District Rules as per the District Management Plan Objective 2B:

Evaluation of District rules, and determination of whether any amendments to the rules are necessary to prevent waste of groundwater.

Signed this 10th day of July, 2020

Alan M. Day
General Manager

The Board of Directors may meet in closed session, pursuant to the Texas Open Meetings Act, Texas Government Code §§ 551.071-551.076, to:

- (1) consult with attorney ;
- (2) deliberate regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person;
- (3) deliberate a negotiated contract for a prospective gift or donation to the District if deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person;
- (4) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a Board member or District employee;
- (5) to receive information from employees or question employees, but not deliberate public business or agency policy that affects public business; and
- (6) to deliberate the deployment or specific occasions for implementation of security personnel or devices.

The Board may also meet in open session on these matters as required by the Texas Open Meetings Act, Texas Government Code § 551.102.

**** Agenda items may be taken out of order at the discretion of the Board Chairman**

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.

Rule 1.1 Definitions

Current Language

- (10) “De-watering Well” means a well used to remove water from a construction site or excavation, or to relieve hydrostatic uplift on permanent structures.
- (11) "Discharge" means the amount of water that leaves an aquifer by natural or artificial means. (10) “District” means the Brazos Valley Groundwater Conservation District.
- (12) “District Act” means the Act of May 26, 2001, 77th Leg., R.S., ch. 1307, 2001 Tex. Gen. Laws(HB 1784).
- (13) “District Office” means the office of the District as established by resolution of the Board.
- (14) “Drilling Permit” means a permit for a water well issued or to be issued by the District allowing a water well to be drilled.

Rule 1.1 Definitions

Corrected Version

- (10) “De-watering Well” means a well used to remove water from a construction site or excavation, or to relieve hydrostatic uplift on permanent structures.
- (11) “Discharge” means the amount of water that leaves an aquifer by natural or artificial means.
- (~~120~~) “District” means the Brazos Valley Groundwater Conservation District.
- (~~132~~) “District Act” means the Act of May 26, 2001, 77th Leg., R.S., ch. 1307, 2001 Tex. Gen. Laws(HB 1784).
- (~~143~~) “District Office” means the office of the District as established by resolution of the Board.

Rule 7.2 Actions Based of Aquifer Response to Pumping

Current Language

- iv. Reductions to groundwater production will be based on actual production amounts and will be based on the maximum production from a well or aggregate of wells that has been put to beneficial use in any permitted year.
- v. Singled permitted wells will be reduced based on the production from the single well. Wells permitted in aggregate will be reduced in aggregate.
- vi. The groundwater production reduction formula may be increased or decreased by the Board, based on the aquifer response to achieve the District's adopted DFCs.

Corrected Version

- iv. Reductions to groundwater production will be based on actual production amounts and will be based on the maximum production from a well or aggregate of wells that has been put to beneficial use in any permitted year.
- v. Single~~d~~-permitted wells will be reduced based on the production from the single well. Wells permitted in aggregate will be reduced in aggregate.
- vi. The groundwater production reduction formula may be increased or decreased by the Board, based on the aquifer response to achieve the District's adopted DFCs.

Rule 11.1 - Reworking or Replacing a Well - Procedures

Current Language

- (d) A replacement well must be completed in the same aquifer as the well it replaces, and shall not be drilled, equipped, or completed so as to increase the rate of production of water from the well it replaces. A replacement well must not be located closer to any other well or authorized well site unless the new location complies with the minimum the spacing requirements of Rule 5.1; otherwise, the well shall be considered a new well for which an application must be made.

Corrected Version

- (d) A replacement well must be completed in the same aquifer as the well it replaces, and shall not be drilled, equipped, or completed so as to increase the rate of production of water from the well it replaces. A replacement well must not be located closer to any other well or authorized well site unless the new location complies with the minimum the spacing requirements of Rule ~~5~~6.1; otherwise, the well shall be considered a new well for which an application must be made.

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.

- Rule 8.6 has not changed since adopted in 2004
- Aggregate permitting process needs to be clarified to match the District permitting process for aggregate wells
- One application allows for multiple permits
- No changes to the current rule but clarification of the process
- All permits are assigned a production rate (maximum gpm)
- A single well cannot exceed the maximum pumping rate (gpm)
- Rate of production cannot be aggregated (gpm)
- All permits are assigned an annual production (ac-ft/yr) based on Rule 7.1 (footprint of the well)
- Annual production (ac-ft/yr) from wells in a well system can be aggregated
- Clarify that each permit within the application is subject to permit application fee

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 it's 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 operating permits 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.