

## **Item 7 – Proposed Draft Rules Amendments**

### Rules Committee

Jan Roe – Chair  
Mark Carrabba  
Pete Brien

As prescribed in the District Management Plan, the Rules Committee annually reviews the District's rules "to determine whether any amendments are necessary to decrease the amount of waste within the District." The committee met on July 15, 2020 to review and discuss possible amendments to the rules.

Following is the committee recommendation to the Board proposing corrections and amendments to the current BVGCD Rules.

- **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** – The rule needs to be more accurately worded to clarify how the aggregation of annual production is done. The proposed wording also clarifies the expectations of annual production from aggregated wells. This is a clarification of the rule not a change.
- **Rule 8.9 PERMIT AMENDMENTS** – Rule 8.9(d) 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. The General Manager would be allowed to correct misidentification of the screened aquifer on permits and then report the aquifer permit correction to the Board at its next meeting. The proposed amendment would not affect the validity of the permit in any way.

## 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, 77<sup>th</sup> 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, 77<sup>th</sup> 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.
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## 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 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 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.~~

### **Current Proposed Language**

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

### **Barfknecht Proposed Revision**

If granted by the District, each individual well will be issued an individual operating permit that authorizes an annual production amount pursuant to the applicable provisions of Rule 7.1

## 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. **The General Manager may correct misidentification of the screened aquifer on permits and report the aquifer permit correction to the Board at its next meeting.** 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.