AN ORDER OF THE
BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT'S
REGARDING PROPOSED RULES

WHEREAS, the Brazos Valley Groundwater Conservation District ("District") is charged by the Texas Legislature with providing for the conservation, preservation, protection, and prevention of waste of groundwater, and of groundwater resources under §36.0015, Texas Water Code;

WHEREAS, the District consists of Brazos and Robertson counties;

WHEREAS, the District is authorized to make and enforce fair and impartial rules to manage groundwater resources to conserve and protect the aquifers in the area under §36.101, Tex. Water Code;

WHEREAS, the District is required under §36.113, Texas Water Code, to issue permits for the drilling, equipping, operating, or completing of non-exempt wells or for substantially altering the size of wells or well pumps;

WHEREAS, under §36.113(e), Texas Water Code, the District may impose more restrictive permit conditions on new permit applications and permit amendment applications to increase use by historic users if the limitations: (1) apply to all subsequent new permit applications and permit amendment applications to increase use by historic users, regardless of type or location of use; (2) bear a reasonable relationship to the existing district management plan; and (3) are reasonably necessary to protect existing use;

WHEREAS, under §36.116, Texas Water Code, in order to minimize as far as practicable, the drawdown of the water table or the reduction of artesian pressure, to control subsidence, to prevent interference between wells, to prevent degradation of water quality, or to prevent waste, the District is authorized to regulate the spacing of water wells and the production of groundwater;

WHEREAS, under §36.116(b), Texas Water Code, in promulgating any rules limiting groundwater production, the District may preserve historic or existing use to the maximum extent practicable consistent with the District's management plan;

WHEREAS, under §§36.101, 36.1071, 36.108 and 36.3011, Texas Water Code, the District is required to adopt rules that are designed to achieve the adopted desired future conditions;

WHEREAS, under §36.111, Texas Water Code, the District is authorized to require permit holders to meter their wells using reasonable and appropriate reporting methods and frequency and require that records be kept and reports be made of the drilling, equipping, and completing of water wells and of the production and use of groundwater;

WHEREAS, under §36.122, Texas Water Code, the District may promulgate rules requiring a person to obtain a permit for the transfer of groundwater out of the District;

WHEREAS, under §36.102, Texas Water Code, the District may enforce Chapter 36 of the Texas Water Code and District Rules against any person by injunction, mandatory injunction, or

other appropriate remedy in a court of competent jurisdiction. The Board by rule may set reasonable civil penalties against any person for breach of any rule of the District not to exceed $25,000 per day per violation, and each day of a continuing violation constitutes a separate violation. If the District prevails in any suit to enforce its rules, the District may seek and the court shall grant against any person, in the same action, recovery for attorney's fees, costs for expert witnesses, and other costs incurred by the District before the court;

WHEREAS, the District finds it is in the public interest and is within the District's duty to conserve, preserve, protect, and prevent the waste of groundwater to require the future transport of groundwater out of the District to be subject to a permit and permit amendment application process that includes hydrologic review and notice and hearing to the public, as authorized by Chapter 36 of the Texas Water Code;

WHEREAS, the District finds it is in the public interest and is within the District's duty to conserve, preserve, protect, prevent the waste of groundwater, to protect historic and existing use and property rights, and to adopt rules that monitor and enforce the adopted desired future conditions, as authorized by Chapter 36 of the Texas Water Code; and

WHEREAS, the District finds it is in the public interest and is within the District's duty to conserve, preserve, protect, and prevent the waste of groundwater to issue a temporary moratorium for no more than thirty (30) days for accepting new applications for operating permits and transport permits and amendments to existing operating and transport permits during the proposed public comment and hearing process, as the Groundwater Availability Model's demonstrate that the current groundwater production permitted by the District will exceed the adopted desired future conditions adopted under Section 36.108, Texas Water Code.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF THE BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT THAT:

(1) the District shall hold a public hearing on proposed rules on July 15, 2026 that includes proposed rules amendments regarding the enforcement of the adopted desired future conditions, transport permit requirements, and well spacing; and

(2) the District shall not accept new operating or transport permit applications or permit amendments applications until after the July 15, 2026 public hearing and Board meeting in which the District publicly discusses and acts on new rules.

PASSED AND APPROVED this the 9th day of July 2026

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

Jayson Barfknecht

Jayson Barfknecht, President

Jeff Kennedy, Secretary