

**Item #7 – Revisions to Draft Curtailment Rule 7.2 & 7.3**

Following is the red-lined draft for proposed Rule 7.2 & 7.3 containing revisions that the District staff was asked to make following discussion during the October 8, 2015 Board meeting. The old wording for Rule 7.2 has now been removed from the draft as it has been incorporated into the current version.

**Proposed Rule** modifying and incorporating former Rule 7.2 which can be viewed in the current District Rules:

**RULE 7.2. ACTIONS BASED ON AQUIFER RESPONSE TO PUMPING.**

- (a) The District shall use its well monitoring program to assess aquifer levels in the District and the effects caused by groundwater production to enforce the District's adopted Desired Future Conditions of the aquifers and to conserve and preserve groundwater availability and protect groundwater users and groundwater ownership and rights and protect property rights of landowners and groundwater users.
- (b) The District shall adopt threshold average aquifer drawdown amounts that will be used to initiate groundwater management responses that will be implemented to enforce the District's adopted Desired Future Conditions of the aquifers and to conserve and preserve groundwater availability and protect groundwater users and groundwater ownership and rights and protect property rights of landowners and groundwater users.
- (c) **Standard Actions to Enforce DFCs.** Prior to approaching the initial adopted DFC Threshold, the District shall follow the below-listed actions to monitor aquifer levels; regulate, educate, and promote water conservation; and enforce the Desired Future Conditions of the aquifers:
- (1) monitor groundwater production reports, with random meter checks;
  - (2) permit and register wells according to District Rules;
  - (3) Monitor groundwater production in adjoining GCDs coordinating responses as needed;
  - (4) Promote and require conservation and administer conservation credit program;
  - (5) prepare an annual report on groundwater production and aquifer water-level trends and changes; and
  - (6) develop and implement a scientifically valid procedure to determine and monitor long term aquifer drawdown trends developing responses as needed.
- (d) The District shall initially adopt three threshold average aquifer drawdown amounts/levels to act as triggers to provide for increased levels of District regulatory responses based on the change in three (3) consecutive years average aquifer drawdown amounts/levels across the District for an aquifer. The District shall monitor how rapidly each threshold is achieved and amend or add new thresholds as better hydrological assessment data becomes available. The initial DFC threshold levels are: Level 1, Level 2, and Level 3. Each level will be based on an average of three (3) consecutive years immediately prior to reaching the trigger.
- (d)
- (1) **DFC Threshold Level 1.** If Threshold Level 1 is reached, additional study and monitoring may be undertaken as appropriate at such time as the average aquifer drawdown on a District-wide basis or within a designated Management Zone, calculated with a District-approved methodology for an aquifer, is greater than **65 percent** of the average aquifer drawdown amounts adopted as a DFC for that aquifer



in Section 5 of the Management Plan. The following District actions shall occur to enforce the Desired Future Conditions of the aquifers and to conserve and preserve groundwater availability and protect property rights of landowners and groundwater users:

- (A) Adopt a Study Area(s) for an Aquifer(s). Based on the best available science, the District may designate Study Areas for areasportions of an aquifer inwithin the District that are experiencing significant drawdowns of the aquifer levels, which may be caused by concentrated groundwater pumping, and develop additional hydrological data and analysis of the causes of the drawdown and hydrological trends developing and make recommendations for appropriate action.
  - (B) Monitor aquifer water levels.
  - (C) Monitor groundwater production in adjoining GCDs.
  - (D) Prepare an annual report on groundwater production and aquifer water-level and drawdown changes.
  - (E) Monitor groundwater production reports, with mandatory, if judged necessary by the District, meter checks on all permitted wells in the study area(s).
  - (F) Promote and require conservation and administer conservation credit program.
  - ~~(G) Amend rules, if needed, requiring increased spacing and/or acreage requirements for new permits/amendments.~~
  - ~~(H)~~(G) If DFC Threshold Level 1 is exceeded, the district may perform studies to provide additional information on the hydrogeology in the area. The results may be used to improve the Groundwater Availability Models and other methodologies used to analyze monitoring and pumping data and predict future aquifer response and groundwater availability.
- (2) **DFC Threshold Level 2**. If DFC Threshold Level 2 is reached, a District review of the Management Plan, Rules and Regulations may be initiated at such time as the average aquifer drawdown over the district or within a designated Management Zone calculated with a district approved methodology for an aquifer is greater than **80 percent** of the average aquifer drawdown amounts adopted as a DFC for that aquifer in Section 5 of the Management Plan. The following District actions shall occur to enforce the Desired Future Conditions of the aquifers and to conserve and preserve groundwater availability and protect groundwater users and groundwater ownership and rightsand protect property rights of landowners and groundwater users:
- (A) Consider Adoption of Depletion Management Zone(s) for the Aquifer(s). Based on the best available science, the District may designate Depletion Management Zones in areas of the District that are experiencing significant drawdowns of the aquifer levels, which may be caused by concentrated groundwater pumping. Within designated Depletion Management Zones, the District may adopt differentappropriate production limitations to alleviate the substantial stress on the aquifer(s). Management strategies within the designated Depletion Management Zones may include, but are not limited to, a reduction in groundwater production of existing and future permits and increased well spacing requirements.
  - (B) Monitor aquifer water levels.



- (C) Promote/require conservation and administer conservation credit program.
- (D) Monitor groundwater production reports, with mandatory meter checks on all permitted wells in management zone.
- (E) Monitor groundwater production in adjoining GCDs.
- (F) Prepare annual report on groundwater production and rate of aquifer water-level changes.
- (G) Evaluate need for curtailment of groundwater production as average water-level decline reaches 80 percent of DFC or is trending to exceed DFC.
- (H) *If Threshold Level 2 is exceeded, the district shall reevaluate the monitoring program, pumping inventory and response of the aquifers to pumping, both inside and outside the district. Revisions to the DFCs could be considered as part of the Joint Planning Process of the Groundwater Management Area 12. The District shall conduct a public hearing to discuss the status of the aquifer or aquifers and develop a response plan focused on achieving the district's goals and objectives, including not exceeding the DFCs. The response plan should be completed within 6 months after the first public hearing and should be available to the public through the District's website.*

(3) **DFC Threshold Level 3.** If DFC Threshold Level 3 is reached, the Board shall consider amendments to the Management Plan, Rules and Regulations at such time as the average aquifer drawdown over the District for an aquifer, calculated with a district approved methodology, is greater than **90 percent** of the average aquifer drawdown amounts adopted as a DFC for that aquifer in Section 5 of the Management Plan. The following District actions shall occur to enforce the Desired Future Conditions of the aquifers and to conserve and preserve groundwater availability and protect groundwater users and groundwater ownership and rights ~~and protect property rights of landowners and groundwater users:~~

- (A) Consider Adoption of Depletion Management Zone(s) for the Aquifer(s). Based on the best available science, the District may designate Depletion Management Zones in areas of the District that are experiencing significant drawdowns of the aquifer levels, which may be caused by concentrated groundwater pumping. Within designated Depletion Management Zones, the District may adopt different specific production limitations to alleviate the substantial stress on the aquifer(s). Management strategies within the designated Depletion Management Zones may include, but are not limited to, a reduction in groundwater production of existing and future permits and increased well spacing requirements.
- (B) Monitor aquifer water levels.
- (C) Promote/require conservation and administer conservation credit program.
- (D) Monitor groundwater production reports, with mandatory meter checks on all permitted wells in management zone.
- (E) Monitor groundwater production in adjoining GCDs.
- (F) Prepare annual report on groundwater production and rate of aquifer water-level changes.

- (G) Curtailment of groundwater production as average aquifer drawdown amounts reach 90 percent of DFC or it's trending to exceed DFC. The District shall curtail groundwater production under DFC Threshold Level 3 as follows:
- i. All groundwater production shall be reduced at the same time.
  - ii. Groundwater production shall be reduced based on a pro rata formula to be determined by the Board by the time the DFC Threshold Level 3 is reached.
  - iii. The pro rata formula will be applied to groundwater production on a different ratio, based on whether the permit is a historic or non-historic production permit. For example, historic permits may be curtailed by X% of production and existing non-historic permits curtailed by 2(X)% of production.
  - 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.
  - ~~iv.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.
  - ~~v.vii.~~ Groundwater production from registered exempt wells cannot be reduced by the Board, per existing law at the time of the adoption of this rule (\_\_\_\_\_, 2015).
  - ~~vi.~~ viii. Permitting New Wells after Curtailment. New wells will be permitted pursuant to District Rules, including but not limited Sections 6 and 7. The permit amount will be immediately reduced by the total amount of curtailments that have already occurred within non-historic permits. Upon completion and equipping of the well, the permit holder has one (1) year to provide evidence of beneficial use, which will then become the basis for the curtailment amount, pursuant (G)(iv) above.
  - ~~vii.~~ ix. If Threshold Level 3 is exceeded, the District shall conduct a public hearing to discuss the status of the aquifer or aquifers and develop a response plan focused on achieving the district's goals and objectives, including not exceeding the DFCs. The response plan should be completed within 6 months after the first public hearing and should be available to the public through the district's website.

Groundwater reductions that result from entering DFC Threshold Level 3 may be reinstated if aquifer levels rise and the average drawdown amount is less than 90% of the adopted DFC.



**RULE 7.3 DISTRICT RULES VOID**

In the event political subdivisions are not bound by District rules or do not follow our rules, pursuant to a court ruling, then the District's Rules are void and not applicable to the private sector.