

District Rule 15 is added to read as follows:

RULE 15. Management Zone

Section 15.1 Jacob's Well Groundwater Management Zone (JWGMZ)

(15.1.1) The Jacob's Well Groundwater Management Zone (JWGMZ) is hereby created to encompass a specific geographic area overlying the Trinity Aquifer surrounding Jacob's Well and located wholly within the boundaries of the District. A map of JWGMZ is attached hereto as exhibit one (1).

(15.1.2) Any existing Tier 2 or Tier 3 non-exempt use well within the JWGMZ drilled prior to November 1, 2019 must comply with all standard operating permit requirements plus the following additional requirements:

- 1) Each existing non-exempt use well owner must record and report the amount of groundwater produced each calendar month. During a curtailment period, groundwater production reports must be submitted to the District within 5 business days after the end of the month being reported.
- 2) Each operating permit must include a Monthly Baseline Production Amount for groundwater production within the JWGMZ.
- 3) A well located within the JWGMZ may not be aggregated under a single permit with any other well or well field located outside the JWGMZ. The Board may allocate a Monthly Baseline Production Amount based on aggregate pumping amounts reported for any well located inside JWGMZ that was operated in aggregate with one or more wells outside JWGMZ during 2017.
- 4) An operating permit to produce groundwater from the Upper Trinity aquifer or the Middle Trinity aquifer may not be amended to increase the annual production total if the amendment application is filed after the effective date of this rule.

(15.1.3) Any new non-exempt use well within the JWGMZ drilled on or after January 1, 2020, must comply with all standard operating permit requirements plus the following additional requirements:

- 1) A new Tier 2 or Tier 3 well may not be drilled or completed to produce groundwater from the Middle Trinity Aquifer (Lower Glen Rose, Hensel, and Cow Creek formations). New non-exempt wells may be drilled and completed into the Lower Trinity Aquifer (Sligo and Hosston formations). The Board may grant a waiver to this provision if enforcement of this rule on a specific property will result in an arbitrary taking of property or in the practical closing and

elimination of a lawful business, occupation, or activity without sufficient corresponding benefit or advantage to the public.

- 2) Any non-exempt use well shall be constructed with casing and grouting installed from the surface to the top of the production zone and its water bearing strata.

(15.1.4) A Tier 1 permit may be amended up to a total permit amount not to exceed 2 acre feet per year. Any exempt use well within the JWGMZ must remain an exempt use well and may not be converted to a non-exempt use.

(15.1.5) Replacement Wells. A current operating permit holder or a well owner required to plug an abandoned or deteriorated well within JWGMZ may drill a replacement well within 50 feet of the plugged well. The replacement well must be completed into the same production zone and may only use the groundwater withdrawn for the same purpose of use and the same maximum annual production limit. This replacement well must be completed with casing and grouting the annular space from the surface to the top of the production zone and its water bearing strata.

Section 15.2 Drought Curtailments

(15.2.1) Drought curtailments are mandatory for all permit holders within the JWGMZ. The District will post the then current drought curtailment percentage applicable to that month on the first business day each month that a drought curtailment applies. The amount of groundwater authorized to be withdrawn during that month may not exceed the baseline amount as adjusted by the applicable drought curtailment amount.

(15.2.2) Monthly Baseline Production Amount. Each permit shall include a Monthly Baseline Production Amount based on the average actual amount of groundwater produced and put to a beneficial use for each calendar month from January 2017 through December 2019. The Monthly Baseline Production Amount only applies during a curtailment period. A permittee may amend the Monthly Baseline Production Amount by filing an amendment application with the District. The Monthly Baseline Production Amount may be amended if the Board determines any of the following:

- 1) The total groundwater demand has increased through the addition of New Water Utility Service Connections;
- 2) The total groundwater demand has increased through expansion or growth;
or
- 3) The permittee implemented water conservation measures during calendar years 2017 through 2019 that resulted in 10% or greater demand reduction.

(15.2.3) Monthly Baseline Production Amount for Permits Issued After 2016. Notwithstanding the Monthly Baseline Production Amount established pursuant to Rule 15.2.2, for permits issued after December 31, 2016, the Monthly Baseline Production Amount is the amount of groundwater production as authorized in the permit. After three calendar years of production, the District shall review the actual amount of groundwater produced and put to a beneficial use and consider modifying the Monthly Baseline Production Amount.

(15.2.4) Drought curtailment shall be based on a 10-Day running average of the USGS flow meter at Jacob’s Well. During a curtailment period, groundwater production may not exceed the Monthly Baseline Production Amount adjusted by the following reduction percentages:

- 6 CFS or less 10 Percent
- 5 CFS or less 20 Percent
- 3 CFS or less 30 Percent

[\(15.2.5\) Each permittee shall prepare a Drought Curtailment Implementation Plan detailing how the required production curtailments will be achieved. Drought Curtailment Implementation Plans must be presented to the District no later than one \(1\) calendar year following adoption of this rule. During that time period, the District may not take any enforcement action nor assess any Penalty Fees for failure to meet the requirements of the Drought Cutback Chart or exceeding the adjusted Monthly Baseline Production Amount during any drought curtailment period.](#)

END OF RULE 15