

**From:** Ronald G Fieseler [mailto:manager@blancogw.org]  
**Sent:** Thursday, December 12, 2019 2:32 PM  
**To:** staff3@haysgroundwater.com  
**Subject:** Comments on Proposed Rule 15

Directors of the HTGCD,

Rules are difficult to write in ways that are fair, simple, reasonable, and enforceable. When proposing any new rule, I believe it is important to play "devil's advocate" and look at the proposed rule with an eye toward how the proposed rule might be either misapplied or applied in a manner detrimental to the District, have gaping loopholes, or how the rule might even result in unintended consequences.

My first reading of the HTGCD Proposed Rule 15.2 resulted in one quick observation that I wanted to share with the HTGCD while it was fresh on my mind.

If I understand the proposed rules correctly, Rule 15.2 seems to anticipate, and is apparently designed to regulate and manage, those permitted well owners who have a type of usage that allows them to reduce normal usage or implement various conservation measures in order to achieve drought reduction goals.

I speak to proposed Rule **(15.2.1) Drought curtailments are mandatory for all permit holders within the JWGMZ.**

My question is: How will Rule 15.2 affect a hypothetical permit holder who uses groundwater in some well-organized, water-efficient business model where the monthly water usage has little variation and is at near maximum efficiency?

As an example using daily usage for simplicity, what would be the effect of Rule 15 on say...a barber shop with a non-exempt permitted well...who uses 50-60 gallons per day and has a consistent 12-14 customers per day? Would he be forced to reduce usage by 10%, 20%, or 30% in accordance with Rule 15.2? If so, this would mean Rule 15.2 will reduce his revenue stream by approximately the same percentage, which will have a tremendous financial impact on this small, water-efficient well owner and his family. The barber could, I suppose, refuse to rinse the lather off the customer's face, or reduce the number of toilet flushes, but clearly, very little can be done to reduce his usage in any reasonable manner. And the end result will be a savings of 5-18 gallons per day...literally a drop in the bucket compared to a larger volume user, and even less when looked at from an aquifer-wide perspective.

A related issue is, of course, enforcement. If the barber is incapable of reducing pumping by 5, 8, 11, or 18 gallons per day, will the district apply enforcement? To what extent will enforcement of such minor pumping violations benefit either the district or the aquifer? Will enforcement be applied to the barber in the same manner enforcement is used against high-volume violators?

This example may seem absurd and is clearly on the low demand side of usage, but permittees usually fall somewhere along a bell curve. I am sure that similar examples can be found or postulated on other portions of the bell curve.

And never forget that many permittees will very likely pump less groundwater than the average exempt well owner...who is not required to reduce pumping by any percentage.

I recommend a careful review of proposed Rule 15 using the "devil's advocate" approach. "The devil is in the details." This same philosophy applies to any proposed "fixes" or "improvements" to proposed rules which the Board may find necessary or appropriate.

Thank you for the opportunity to provide comments. If I have misunderstood or misinterpreted Proposed Rule 15.2, I offer my apologies.

Ronald G. Fieseler, PG  
General Manager  
Blanco Pedernales Groundwater Conservation District