RESOLUTION AND ORDER NO. 232

OF THE BOARD OF DIRECTORS OF THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT ADOPTING HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT RULES, RULE 1 RULE 1 (INTRODUCTION), RULE 2 (DEFINITIONS), RULE 3 (WELL CONSTRUCTION, OPERATING PERMITS AND WATER UTILITY CONNECTIONS), RULE 4 (WELL CONSTRUCTION, REPORTS AND SPACING), RULE 5 (HEARINGS), RULE 10 (ENFORCEMENT), RULE 11 (AQUIFER TEST/WELL PERFORMANCE TEST AND REPORT), RULE 12 (REPORTING), RULE 13 (DROUGHT MANAGEMENT), RULE 14 (VARIANCES), AND RULE 15 (MANAGEMENT ZONE)

WHEREAS, the Hays Trinity Groundwater Conservation District ("HTGCD" or "the District") is a political subdivision of the State of Texas, created by Act of May 28, 1999, 76th Leg., R.S., ch. 1331, 1999 Tex. Gen. Laws 4536, §§ 1-18 and by Act of May 27, 2001, 77th Leg., R.S., ch. 966, 2001 Tex. Gen. Laws 1991, 2027, §§ 3.0301-3.0313, codified at Texas Special District Local Laws Code ch. 8843 ("HTGCD Act");

WHEREAS, HTGCD has as its purpose the conservation, preservation, protection, recharging, and prevention of waste of groundwater and groundwater reservoirs or their subdivisions, including the Trinity Aquifer, within its jurisdiction in Hays County, consistent with the objectives of Section 59, Article XVI, Texas Constitution, Chapter 36 of the Texas Water Code, and Chapter 8843, Special District Local Laws Code. Tex. Water Code Ann. § 36.0015(b); HTGCD Act § 8843.101;

WHEREAS, groundwater conservation districts "are the state's preferred method of groundwater management in order to protect property rights, balance the conservation and development of groundwater to meet the needs of this state, and use the best available science in the conservation and development of groundwater." Tex. Water Code Ann. § 36.0015(b);

WHEREAS, the District has "all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to

groundwater conservation districts created under Section 59, Article XVI, Texas Constitution." HTGCD Act § 8843.101;

WHEREAS, the District is authorized to "make and enforce rules, including rules limiting groundwater production based on tract size or the spacing of wells, to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater and to carry out the powers and duties provided by this chapter." Tex. Water Code Ann. § 36.101(a);

WHEREAS, in adopting a rule under Chapter 36 of the Texas Water Code, a district is required to "(1) consider all groundwater uses and needs; (2) develop rules that are fair and impartial; (3) consider the groundwater ownership and rights described by Section 36.002; (4) consider the public interest in conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and in controlling subsidence caused by withdrawal of groundwater from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution; (5) consider the goals developed as part of the district's management plan under Section 36.1071; and (6) not discriminate between land that is irrigated for production and land that was irrigated for production and enrolled or participating in a federal conservation program." Tex. Water Code Ann. § 36.101(a);

WHEREAS, when it adopts rules, the District must comply with the applicable procedural rulemaking requirements of Chapter 36 and the District's rules. Tex. Water Code Ann. § 36.101; District Rule 5;

WHEREAS, pursuant to Tex. Water Code Ann. § 36.101 and Sections 5.1 and 5.2 of the

District's Rules, the District provided notice of the rulemaking hearing held with respect to the Proposed Rules ("PRs"), by 20 days before the hearing: posting the notice in a place readily accessible to the public at the District's office; providing the notice to the Hays County Clerk; publishing the notice in the *Wimberley View* and *Dripping Springs Century News*, newspapers of general circulation in the District; providing the notice by mail, facsimile, or electronic mail to those persons who have requested notice; and making available a copy of the proposed rules at the District's office during the District's business hours and on the District's website;

WHEREAS, pursuant to § 36.101, Tex. Water Code Ann., and Sections 5.1 and 5.2 of the District's Rules, the District held a public rulemaking hearing at which the public was allowed to make comments on the PRs and the hearing was conducted in accordance with the Texas Open Meetings Act, Tex. Gov't Code Ann. §§ 551.001-551.146;

WHEREAS, the District has considered all comments submitted prior to the adoption of this order;

WHEREAS, the District has prepared Final Rules ("FRs"), as set out in Exhibit A, which are attached hereto and incorporated for all purposes, which incorporate board amendments made to the proposed rules, as set out in Exhibit B, following public comment; and

WHEREAS, the board has reviewed the FRs and finds that they are consistent with the District's statutory authority and should be adopted.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT THAT:

Section 1. The recitals set out above are found to be true and correct and they are hereby adopted by the Board and are made a part of this Resolution and Order for all purposes.

Section 2. The FRs, which are attached to this Resolution and Order as Exhibit A, are hereby adopted as Final Rules by the Board.

Section 3. The FRs become effective immediately.

PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT THIS 6TH DAY OF FEBRUARY, 2025.

Bruce A Moulton

Bruce Moulton, President

ATTEST:

David P Smith

David Smith
Secretary/Treasurer

APPROVED AS TO FORM:

Deborah Trejo, Counsel

EXHIBIT A

HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT RULEMAKING

Title: **HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT RULES**
Rule 1 (Introduction)
Rule 2 (Definitions)
Rule 3 (Well Construction, Operating Permits and Water Utility Connections)
Rule 4 (Well Construction, Reports and Spacing)
Rule 5 (Hearings)
Rule 10 (Enforcement)
Rule 11 (Aquifer Test/Well Performance Test and Report)
Rule 12 (Reporting)
Rule 13 (Drought Management)
Rule 14 (Variances)
Rule 15 (Management Zone)

Rule Type: Final Rules (FRs) (redlined)

Date(s) of Public Hearing: February 6, 2025

GLOBAL EDITORIAL CHANGES TO DISTRICT RULES	
Edit	**Example**
Uniform capitalization where appropriate	
Grammar and typos	
Renumber affected sections and subsections accordingly.	
Replace “appropriate” with “applicable”	

RULE 1. INTRODUCTION

Section 1.7 Procedure, Conduct and Decorum at Meetings of the Board of Directors

(1.7.3) Public participation. This rule applies to public participation not addressed more specifically by another rule. Written comments may be submitted on any issue at any time, however, w~~. W~~ritten comments on posted Board agenda items must be submitted by 4:00 pm of the business day immediately prior to the Board meeting. Members of the public in attendance at a Board meeting are limited to observation unless the Board requests that a member of the public address the Board or unless the person who wishes to address the Board submits a completed Public Participation Form before the beginning of the meeting. The Public Participation Form must list each agenda item the person wishes to address or any item the person would like the Board to

consider adding to a future agenda. A sample of the Public Participation Form is attached hereto as **Exhibit 1**.

RULE 2. DEFINITIONS

DOMESTIC SHARED WELL – One new or existing well on private property that serves no more than four single-family dwellings on the same property or adjoining properties, ~~the groundwater is~~ used exclusively for domestic use on the property, and the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons per day (17.36 GPM).

DOMESTIC USE OR PURPOSE – The private use of groundwater by an individual or a household, not provided by a third party, for the daily needs of a household, ~~including a home-based business,~~ including water for use inside the home; for irrigation of lawns, or of a family garden or orchard that produces fruits or vegetables for consumption within the residence and not for sale; for watering of domestic animals; for swimming pools associated with a single residence; for stock-watering ponds of less than ¼-acre extent with an average depth of less than 3-feet, that are lined with bentonite, geomembrane, or an equivalent sealing material as adjudged by the District. Domestic use does not include water used by, or to support, activities for which consideration is given or received or for which the product of the activity is sold. Domestic use does not include use by or for a third party, including a public water system.

EXPORTING GROUNDWATER – T~~Bulk t~~ransport ~~by truck, ditch, canal, pipeline or similar conveyance~~ of groundwater from a well or spring inside the boundaries of the District to any point outside the boundaries of the District.

MUNICIPAL USE – The use of water, within or outside of a municipality and its environs, whether supplied by a person, or a third party, including a municipality, other political subdivision, a utility, or other entity for domestic, recreational, commercial, industrial, institutional, wholesale, or other uses.

USGS – United States Geological Survey.

RULE 3. WELL CONSTRUCTION, OPERATING PERMITS AND WATER UTILITY CONNECTIONS

Section 3.1 General Provisions

(3.1.2) All wells constructed within the District shall be subject to District rules, and to all applicable permit terms and conditions~~including the drilling, equipping, capping, plugging, completion, or alteration of wells or pumps, and the District's definition of waste~~.

Section 3.2 Existing Wells

(3.2.1) All owners of wells are required to submit a completed well registration form. A well construction ~~notification~~ fee will not be required prior to drilling, completing or equipping wells drilled prior to September 1, 2001.

EXHIBIT A

Section 3.3 Drilling Permits for New Wells

(3.3.1) …

(d) The owner and/or operator of any of the following types of water wells is required to provide a well construction notification to the District in accordance with Section 3.4 but is exempt from the duty to obtain a drilling permit prior to drilling, completing, or equipping the well: …

(3) a well or proposed well drilled solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas provided that the person holding the permit is responsible for drilling and operating the water well and the water well is located on the same lease or field associated with the drilling rig is exempt from the requirement to obtain a drilling permit, or for a production or injection well drilled for oil, gas, sulphur, uranium, or brine, or for core tests, or for injection of gas, saltwater, or other fluids, under permits issued by the Railroad Commission of Texas; …

Section 3.5 New Operating Permits

(3.5.6) The District's General Manager has the authority to approve, approve with conditions, deny or refer to the Board a permit application for an amount less than or equal to six (6) acre-feet per year. If the applicant is not in agreement with General Manager's action, the applicant may request that the operating permit application be scheduled to be heard by the Board of Directors. ~~Applications seeking more than 6 acre-feet of groundwater per year must be scheduled for a public hearing before the Board of Directors. An application that requires a public hearing shall be scheduled for a public hearing within 60 days after the date the operating permit application is deemed administratively complete.~~

(3.5.7) Once the permit application has been deemed administratively complete, the District shall notify the applicant by electronic mail, post a copy of the application on the District's website, and send an email to the distribution list announcing that the application has been received and is posted on the District's website. ~~The 10-Day public notice shall be published in a newspaper of local distribution to include the application information and the 10-Day deadline date for submitting public comments to the District. The applicant is responsible for the cost of the published notice.~~ Written comments received by the deadline date will be considered in staff recommendations. The District shall also conduct technical review of the application.

(3.5.8) Copies of the permit application information and any written staff recommendations shall be available at the District office and on the District's website prior to the meeting.

(3.5.9) ~~Notice and~~ Hearings on~~f~~ a~~A~~pplications shall be in accordance with Rule 5.

. . .

(3.5.11) An operating permit shall specify:

A. the business name;

B. name of the owner and, if applicable, the operator, and any~~or~~ authorized representative;

C. the maximum authorized groundwater production from the well (in gallons per year or acre-feet per year);

D. the District's well construction notification number;

E. the authorized purpose of use permitted;

F. the authorized place of use permitted;

G. issued date, renewal date and expiration date;

H. operating permit term; operating permits issued by the District are valid for a period of one~~, two or three~~ years~~s~~; and

I. any special permit conditions.

Section 3.6 Transportation Outside District Boundaries; Export Permit Required

(3.6.1) No groundwater withdrawn in the District may be exported to a place of use outside of the District's boundaries without an export permit from the District.

Section 3.7 Renewal of an Operating Permit

(3.7.1) Permits will be renewed for the same annual production amount, ownership, term, place of use, purpose of use, points of withdrawal, and rate of withdrawal, and~~ and term~~ if an application to renew and the required permit renewal fee is received within 4 months of permit expiration and not earlier than~~by~~ October 1st of the year the permit expires. A permit amendment application in accordance with Section 3.8~~along with the renewal fee~~ is required if requesting an amendment ~~change~~ to the permit. ~~Renewal fees shall coincide with requested amended production amount and or permit term.~~

(3.7.2) The District may charge and collect a permit renewal application fee not to exceed $400 in accordance with Section 8843.1515.

(3.7.3) Renewal applications complying with the requirements of this section shall be ~~automatically~~ approved except when the applicant: (a) is delinquent in paying a fee required by the D~~d~~istrict; (b) is subject to a pending enforcement action for a substantive violation of a D~~d~~istrict permit, order, or rule that has not been settled by agreement with the D~~d~~istrict or a final adjudication; or (c) has not paid a civil penalty or has otherwise failed to comply with an order resulting from a final adjudication of a violation of a D~~d~~istrict permit, order, or rule. If an applicant

is subject to a pending enforcement action for a substantive violation of a District permit, order, or rule that has not been settled by agreement with the District or a final adjudication, but the applicant has submitted a renewal application complying with the requirements of this section, the permit shall remain in effect until the final settlement or adjudication on the matter of the substantive violation, at which time the renewal application shall be considered and approved if the application complies with the requirements of this section at that time. Renewal applications shall be denied by the District if an applicant is delinquent in paying a fee required by the District or has not paid a civil penalty or has otherwise failed to comply with an order resulting from a final adjudication of a violation of a District permit, order, or rule.

(3.7.4) If the permit amendment process results in the denial of an amendment, the permit as it existed shall be renewed, unless Subsection (a), (b) or (c) of this section applies to the applicant.

~~**(3.7.4)** Neither the permit holder nor the public may request a contested case hearing concerning an operating permit renewal. An amendment application may be completed in accordance with Rule 5.5.~~

Section 3.8 Permit Amendment and Revocation

(3.8.4) Change in Ownership: Any change in well ownership shall be reported ~~by permit amendment~~ to the District by the permit holder and an application to amend the permit ~~and a notice of transfer of ownership~~ shall be filed with the District within 60 days of the change. An operating permit may be transferred to a new well owner if the ~~District~~ General Manager determines that the ~~use of the~~ permit ~~well~~otherwise will remain~~s~~ the same and ~~the well~~the permit is in compliance with all District r~~R~~ules and permit conditions. The ~~District~~ General Manager may refer the requested amendment~~transfer~~ to the Board if the ~~District~~ General Manager cannot, for any reason~~;~~ determine if the permit's ownership may be transferred.

Section 3.10 Water Utility Connection Categories and Fees

(3.10.1) There are two categories of water utility connections:

A. Community Water Connections - are for long-term supply. Though not an exhaustive list, the most common community water connections:
    1) Apartment Complex
    2) Duplex
    3) Home/Townhome
    4) One (1) well supplying to more than four (4) residences
    5) RV Park Slips

B. Non-Community Water Connections - Short Term, not designed nor intended for long-term living. Though not an exhaustive list, the most common non-community water connections:
    1) Hotel / Motel
    2) Bed and Breakfast
    3) Small Businesses: gas station, convenience stores, restaurants

4) Dental / Medical Office
5) School
6) Hospital
7) Bulk water supply
8) On-site fire tanks
9) Commercial swimming pools

(3.10.2) Service Connection Fees: The District shall levy and collect a service connection fee for each new water utility service connection, ~~and~~ including each new connection, meter, or tap ~~will be charged a Service Connection Fee~~. The District shall adopt fees for each water utility service connection and each new connection, meter, or tap by resolution and order.

(3.10.4) Service Connection Fees for Non-Community water systems will be assessed per connection or building serviced by the well unless the system utilizes submeters in which case Service Connection Fees will be assessed for each meter.

Section 3.11 ~~Operating Permit Exemptions~~ Wells Exempt from Operating Permit Requirements

RULE 4. WELL CONSTRUCTION, REPORTS and SPACING

Section 4.3 Well Location and Spacing

(4.3.2) Spacing Requirements for Wells Related to Setback Distances from Property Lines and Potential Sources of Pollution.

~~(4.3.4)~~ ~~Spacing between Wells and Property Lines for All New Wells~~ Spacing between Wells and Property Lines for All New Wells:

Projected Pumping Capability of Proposed Well, in Daily Average Gallons per Minute and Acre-Feet per Year	Minimum Horizontal Distance Between Proposed Well and Existing Wells[1]	Minimum Horizontal Distance Between Proposed Well and Adjacent Property Lines[2]
<17.36 GPM	150 feet	100 feet[3]
1 to <25 ac-ft/yr (17.36 GPM to <40 GPM)	300 feet	150 feet
25 to <100 ac-ft/yr (40 to <161 GPM)	750 feet	375 feet
100 to <150 ac-ft/yr (161 to <240 GPM)	1,200 feet	600 feet
≥150 ac-ft/yr (≥240 GPM)	1,500 feet	750 feet

[1] Any person seeking to drill a new well may provide, and the District may consider, site-specific geological or hydrogeological information that supports the use of an alternative Minimum

Horizontal Distance between the proposed well and registered wells in the same Aquifer Management Zone. The District may authorize the use of an alternative Minimum Horizontal Distance between the proposed well and registered wells in the same Aquifer Management Zone, provided the site-specific geological or hydrogeological information supports a finding that the proposed well location and use will not create any unreasonable impacts. If no such site-specific geological or hydrogeological information is provided, or if the site-specific geological or hydrogeological information does not support a finding that the well's location and use will not create any unreasonable impacts, the Minimum Horizontal Distance requirements apply.

[2] The distance indicated may include one-half of the width of a right of way of a utility, roadway, or other conveyance that forms part of the well's property line, provided it is not subject to groundwater development, but prospective wells must be no less than 10 feet from that property line itself.

[3] The Minimum Horizontal Distance between a proposed well and recorded property line may be reduced to 50 feet, provided:

(1) the District approves the proposed well location,

(2) the proposed well location complies with District rules and applicable Texas regulations, and

(3) the top 100 feet of annular space of the proposed well is pressure cemented. The well owner is required to obtain authorization to reduce the Minimum Horizontal Distance from a property line to 50 feet, otherwise the Minimum Horizontal Distance from the property line shall be 100 feet. Where tract size prohibits compliance with the Minimum Horizontal Distance of 50 feet, the Alternative Siting Methods prescribed by the Texas Department of Licensing and Regulation under 16 TAC § 76.100(b)(2) shall apply.

All new water wells shall be located a minimum horizontal distance of:

~~A. Fifty (50) feet from a property line,~~

~~B.~~A. O~~O~~ne hundred and fifty (150) feet from any existing or proposed concentrated source of potential contamination (such as livestock or poultry facilities);

~~C.~~B. Fifty (50) feet from a septic tank;~~,~~ and

~~D.~~ One hundred (100) feet from any septic system drain fields, or wastewater irrigation systems.

~~E.~~C.

~~F. All new wells shall be located no closer than ten feet from existing wells~~

~~G. If the well does not meet the minimum spacing requirements, the annular space grouting requirement shall increase to one-hundred (100) feet below ground level.…~~

RULE 5. HEARINGS

Section 5.1 Hearings ~~for Matters Other Than Emergency Rules and Operating Permits~~before the District

(5.1.1) ~~Once the District has developed a proposal involving its Desired Future Conditions, Management Plan, or Rules the District will decide at which Board meeting the proposal will be considered for action. The Board meeting at which the proposal is considered under this Rule shall be considered the public hearing on the proposal and fulfills the requirement, if any, for a public hearing. Nothing in this rule requires any matter be set for a public hearing that is not otherwise required by law. See District Rule on Notice Requirements for a Public Hearing.~~Anyone may attend a hearing before the District and make oral comments at the time designated for comments, in accordance with the District's requirements.

(5.1.2) Written comments concerning the subject matter of a hearing~~proposal~~, if received by ~~the~~ any deadline ~~date~~ published in ~~the~~ a public notice, shall be distributed to the Board for their review.

(5.1.3) ~~Anyone interested in the proposal may attend the hearing and make oral comments at the time designated for comments.~~

~~(5.1.4)~~ The District ~~shall~~ may make an audio or video recording of the hearing.

~~(5.1.5)~~ ~~The Board shall issue a written order or resolution reflecting its decision on hearing items.~~

(5.1.4~~6~~) ~~The effective date of the written order or resolution shall be the date on which the Board acts on the proposal. The order or resolution shall include a statement that the proposal becomes effective and final on that date. Any appeal authorized by Texas Water Code Chapter 36, Subchapter H shall run from the effective date, because it is the date on which all administrative appeals to the District are final.~~Nothing in this rule requires any matter to be set for a public hearing that is not otherwise required by law.

Section 5.2~~1~~ Hearings on~~for~~ Desired Future Conditions, Management Plan or Rules Adoption ~~Matters Other Than Emergency Rules and Operating Permits~~

(5.2~~1~~.1) Once the District has developed a proposal involving its d~~D~~esired f~~F~~uture c~~C~~onditions, m~~M~~anagement p~~P~~lan, or r~~R~~ules the District will decide at which Board meeting the proposal will be considered for action. The Board meeting at which the proposal is considered under this r~~R~~ule shall be considered the public hearing on the proposal and fulfills the requirement, if any, for a public hearing. ~~Nothing in this rule requires any matter be set for a public hearing that is not otherwise required by law. See District Rule on Notice Requirements for a Public Hearing.~~

~~(5.1.2)~~ ~~Written comments concerning the proposal, if received by the deadline date published in the public notice, shall be distributed to the Board for their review.~~

~~(5.1.3)~~ ~~Anyone interested in the proposal may attend the hearing and make oral comments at the time designated for comments.~~

(5.2~~1~~.2~~4~~) The District may~~shall~~ make an audio or video recording of the hearing.

(5.2~~1~~.3~~5~~) The Board shall issue a written order or resolution reflecting its decision on hearing items.

(5.2~~1~~.4~~6~~) The effective date of the written order or resolution shall be the date on which the Board acts on the proposal. ~~The order or resolution shall include a statement that the proposal becomes effective and final on that date. Any appeal authorized by Texas Water Code Chapter 36, Subchapter~~

~~H shall run from the effective date, because it is the date on which all administrative appeals to the District are final.~~

Section 5.3~~2~~ Notice Requirements for a Public Hearing on Desired Future Conditions, Management Plan or Rules Adoption

Section 5.4 Notice of Public Hearing on an Operating Permit Application

(5.4.1) Following a determination of administrative completeness and technical review of an application for more than six acre-feet per year, the District shall publish notice of the General Manager's recommendations on an operating permit application, a summary of the application, the date of a public hearing on the application, and the deadline for an affected party to submit a request for contested case hearing to the District, not less than 20 days before the date of the hearing. The notice shall be published on the District's website, with the Hays County Clerk's Office, in a newspaper of local distribution and to persons who have requested notification.

(5.4.2) The Board shall schedule a hearing on an operating permit application not later than 60 days after the date that the application is determined to be administratively complete:

A. for more than six acre-feet per year for which no requests for a contested case hearing have been filed; or

B. for more than six acre-feet per year for which a request for contested case hearing has been filed where the Board needs to determine whether a contested case hearing will be conducted.

(5.4.3~~2~~) Anyone interested in the ~~operating permit~~ application may submit written comments about the application to the District. Comments may be forwarded to the Board and to the applicant.

(5.4.4~~3~~) Anyone interested in the application may attend the meeting and make oral comments at the time designated for comments.

(5.4.5~~4~~) The applicant, under oath, may~~shall~~ present to the Board on the~~ir~~ permit application ~~request~~.

(5.4.6~~5~~) If the permit is not contested or the contested request has been withdrawn, the Board shall proceed ~~with~~ to take action on the permit application.

~~**(5.4.6)** If the application is contested the Board shall close the hearing and schedule a preliminary hearing to determine standing.~~

(5.4.7) During the public hearing, the Board shall consider the application and any evidence presented. Any interested person may present oral or written testimony. Following the hearing, if the application is uncontested or a contested case hearing has already been conducted on the application, the Board may:

A. approve the permit application, including with conditions;

B. partially approve and partially deny the permit application, including with conditions; or

C. deny the application.

EXHIBIT A

Section 5.5 Contesting Operating Permit and Amendment Applications, in General

(5.5.1) The applicant or another~~A~~ person with a personal justiciable interest in an application under Section 5.5.2, may protest or provide support in a contested case hearing for the General Manager's recommendation on an application for a new operating permit or application to amend an operating permit to increase the annual production amount or rate of withdrawal, or to change the term, place of use, purpose of use, or points of withdrawal, ~~amendment application~~ by ~~:~~ s~~S~~ubmitting a timely filed formal contested case letter ~~via certified mail addressed~~ to the District's US Post Office Box by the deadline ~~date~~ posted in the notice. The request for a contested case hearing~~letter~~ shall include the protestant's name, address, phone number, email address, map/plat detailing location of well, ~~and~~ reason for contesting, and whether the protestant is requesting that the District contract with the State Office of Administrative Hearings to conduct the contested case hearing. Protestants~~ors~~ shall have a minimum of ~~twenty (~~20~~)~~ calendar days starting from the date of the posted notice in a local newspaper to file a protest.~~; and~~

~~The contested case letter shall be presented to the Board by the protestant or by their representative at the public hearing.~~

~~A. The Board must determine if the protestant has standing and has raised justiciable issues during a preliminary hearing to move forward to an evidentiary hearing.~~

(5.5.2) To be considered to have standing, a person must have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest within the District's regulatory authority and affected by the permit or permit amendment application, not including persons who have an interest common to members of the public. A person is presumed to have a justiciable interest if the person owns a ~~registered~~ well ~~within the boundaries of the District~~ that is located:

1) within ¼ mile from the applicant's well if the application is requesting 200 acre-feet or less annually; or
2) within ½ mile from the applicant's well if the application is requesting more than 200 acre-feet annually.

(5.5.3) If any requests for contested case hearing on an application are timely filed, the Board shall conduct a preliminary hearing to determine whether any parties requesting a contested case hearing have standing and to determine how any contested case hearing shall be conducted, including referring the application to a hearing examiner or the State Office of Administrative Hearings ("SOAH") to conduct the contested case hearing, if applicable.

(5.5.4) If the Board determines that any protestant has standing, the Board shall declare the application contested.

A. The Board may require that the applicant, other protesting~~opposing~~ parties, and the General Manager attempt to reach agreement on~~resolve~~ the application ~~amongst themselves~~ and report back to the District within thirty (30) days: or
B. Except for matters referred to SOAH, t~~T~~he Board may act as the hearing

examiner and conduct the eEvidentiary hHearing or direct the parties to schedule an eEvidentiary hHearing with a hearing examiner. The additional cost to the Board to conduct a hearing on the matter, ~~of the~~ or of a hearing examiner, shall be split equally between the applicant and any protestants. ~~The District may not incur any hearing examiner costs. The District will provide a list of acceptable hearing examiners to the parties.~~ An evidentiary hearing shall be scheduled ~~or heard~~ within 60 days.

C. Upon request of the applicant or ~~of~~any ~~the~~ protestant, the Board ~~may~~ shall refer the application to be heard by ~~delegate to the State Office of Administrative Hearings ("~~SOAH~~") the authority to conduct hearings designated by the Board~~.

D. If the Board refers a contested case hearing to SOAH, then the applicable rules of practice and procedure of SOAH (1 Tex. Admin. Code Ch. 155) govern any contested case hearing of the District, as supplemented by this subchapter.

E. If the Board refers a contested case hearing to SOAH, the administrative law judge who conducts the contested case hearing shall serve as the hearing examiner and consider applicable District rules and policies in conducting the hearing. ~~However, the District may not supervise the administrative law judge.~~

~~F. If the Board refers a contested case hearing to SOAH, the District may not attempt to influence the findings of facts or the administrative law judge's application of the law in a contested case hearing except by proper evidence and legal argument.~~

~~G.~~F. ~~If requested by the applicant or other party to a contested case, the District shall contract with the State Office of Administrative Hearings to conduct the hearing. The party must file such a request not later than the fourteenth (14) day before the date the evidentiary hearing is scheduled to begin.~~ The Board order granting ~~the~~ a contested case hearing before SOAH may designate a location for the hearing inside the boundaries of the District or in Travis County at a location designated by SOAH. The party requesting the hearing before ~~the~~ SOAH shall pay all costs associated with the contract for the hearing and shall pay all transcript costs and shall, five business days before the hearing begins, deposit with the District an amount sufficient to pay the contract amount. At the conclusion of the hearing, the District shall refund any excess money to the paying party.

~~H.~~G. Except for matters referred to SOAH, t~~T~~he hearing examiner shall:

1) Submit a report to the Board not later than the thirtieth (30) day after the date of the conclusion of the evidentiary hearing, and
2) Provide a copy to ~~the applicant and~~ each party to the hearing.

~~I.~~H. The report shall include:

1) A summary of the subject matter of the hearing,
2) A summary of the evidence received; and
3) The hearing examiner's recommendation for Board action on the subject matter of the hearing.

(5.5.5) The applicant and other parties to ~~the~~ a contested case hearing may submit ~~to the Board~~ written exceptions to the report to the hearing examiner or to SOAH on the proposal for decision within thirty~~en~~ (3~~1~~0) days of issuance of the report or proposal for decision. SOAH shall rule on

written exceptions within 30 days of receipt and submit any amended proposal for decision to the Board within 45 days of its initial issuance of the proposal for decision.

(5.5.6) The hHearing eExaminer may grant an extension on an amended application to continue producing groundwater for the same purposes and in the same annual amount while the contested case is proceeding. The Hearing Examiner may grant an increase in annual production levels if requested by the applicant following notice to all parties and a hearing. The Hearing Examiner may grant an applicant permission to proceed to drill a new well, at the applicant's own risk, if requested by the applicant following notice to all parties and a hearing. If the application is not granted, or if the Board grants a permit but does not allow the well to be drilled in that location, the applicant shall, within ninety (90) days, plug the well.

(5.5.7) If tThe applicant has not already filed a request for contested case hearing and the application is before the Board for final action as an uncontested matter, and the Board votes to issue the permit with special conditions that were not part of the application as finally submitted, or the General Manager's recommendations or proposed permit, or denies the permit, the applicant may contest the Board's action on the permit by submitting a request formal a contested case hearingletter via certified mail to the District's US Post Office Box within ten twenty days after the Board's voteaction. **Upon receipt of the contested case letter the application shall be declared contested and follow the contested case procedures.**

Section 5.5 Contesting Operating Permit and Amendment Applications, in General

Section 5.6 Additional Contested Case Hearing Procedures for Operating Permit and Amendment Applications

Section 5.7 Hearings on Enforcement Actions

(5.7.1) Notice of Alleged Violations (N.O.A.V.) shall go before the Board of Directors as a contested case hearing item if the District receives a timely filed written contested case letter via certified mail to the District's US Post Office Box from a respondent who has received an N.O.A.V.

(5.7.2) To be considered timely filed:

the certified letter must be received by the District office by the deadline date stated on the N.O.A.V; and

Contested case letters shall be presented to the Board by the respondent or by their representative at the hearing.

(5.7.3) Permit holders who contest an N.O.A.V. concerning District Rule 10.1.3 (E or H) shall provide supporting evidence pertaining to their dispute to the District office prior to the Board Hearing.

(5.7.4) If the respondent contests the N.O.A.V. by timely filing a contested case letter, they shall be considered to have standing. The District Staff shall post notice of a contested case hearing concerning the N.O.A.V. at the next available Board hearing.

~~**(5.7.5)** Following the contested case hearing concerning a NOAV, the Board shall make a decision on the proper resolution of the enforcement matter. If the Board determines that the person has committed a violation or is threatening to commit a violation, the Board may, among other things:~~

~~recommend and/or authorize acceptance of a settlement amount in lieu of litigation; or~~

~~file suit in a court of competent jurisdiction to seek civil penalties, injunctive relief, attorney's fees and costs, as necessary and appropriate to resolve the matter.~~

RULE 10. ENFORCEMENT

Section 10.1 Enforcement

(10.1.2.1) At the District's discretion, s~~S~~ettlement of an NOAV for violating the withdrawal limitations in a permit may include, but is not limited to:

a. payment of the settlement amount;

b. negotiation of a settlement amount based on evidence of ~~receipts proving~~ repairs to a water system negatively impacted by a "force majeure"; and

c. negotiation of a settlement amount based on evidence ~~receipts proving~~of installation of improved water conservation or management systems that result in a permanent reduction from a permittee's historic groundwater withdrawal amounts.

. . .

(10.1.4) Settlement Schedule: The District shall adopt by resolution and order a non-binding settlement schedule to assist with its discretionary resolution of~~ve~~ enforcement actions for the violation of these rules.

RULE 11. AQUIFER TEST / WELL PERFORMANCE TEST AND REPORT

Section 11.1 Aquifer Test Categories & Project Process

For Tier 2 and Tier 3 operating permit applications (tier classification is provided below), a well-performance test or aquifer test shall be conducted if the well has never been tested or if the most recent test is more than 3 years old. An accompanying test report shall be provided ~~in order~~ for the application to be considered administratively complete. This rule provides the specific requirements for these tests and accompanying reports.

. . .

(11.1.2) A well-performance test shall be required:

A. For new operating permit applications requesting an annual production amount at Tier 2; or

B. For permit amendment applications requesting a production amount within Tier 2, if the permit amendment represents an increase of 50% or more of the permit amount, or if the aggregate total of all permit amendments during the previous three (3) years equals or exceeds 50% of the permit amount; or
C. If the most recent well performance test was not designed to meet or exceed the requested amendment amount.

Test results shall be submitted to the District as part of the permit application. The performance test and report shall follow the guidelines of the District's "StatementCertification of Groundwater Availability." Additional requirements are within Rule 11 including but not limited to: water quality analysis, well construction diagram, cuttings samples and a geophysical log which shall be provided to the District in both paper copy and electronic format.

(11.1.3) An aquifer test shall be required:

A. For new operating permit applications requesting an annual production amount greater than 6 acre-feet per year; or
B. For permit amendment applications requesting an annual production amount at Tier 3, unless there was an aquifer test for the requested amount within the prior three years; or
C. For permit amendment applications requesting an annual production amount increase of 50% where the current approved permit annual production amount is between 6 and 20 acre-feet; or
D. For permit amendment applications requesting an annual production amount increase of 20% where the current approved permit annual production amount is greater than 20 acre-feet; or
E. If the most recent aquifer test was not designed to meet or exceed the requested total permit amount.

Test results shall be submitted to the District as part of the permit application. The test and report shall be performed as provided in the entirety of Rule 11. The Water Availability Study Investigation required by Hays County under its subdivision ordinance does not fulfill the requirement for Tier 2 and Tier 3 of this Rule.

(11.1.4) Project Process:

A. Well Construction: All permit applications shall submit a well construction notification form and application for a drilling permit in accordance with Sections 3.3 and 3.4 for each well to be permitted.

B. Applications requiring a Tier 3 aquifer test or a Tier 2 pump well performance test shall submit to the District for review, not later than 3 business days before beginning construction, a written document detailing the test design to the District for review. This document must include: the planned location and producing sub-aquifer of all test wells and observation wells, well casing intervals, completion methods, pump depth setting, pumping rate, and recovery method for the groundwater

discharged during the test. Groundwater discharged during the test should be routed to storage tanks or to other water systems. If the groundwater must be discharged to surface drainages, it should be routed so that it does not recharge into the tested aquifer in the vicinity of the pumping or monitor wells during the test. Discharge onto adjoining properties is prohibited unless allowed by the adjoining landowner(s), and evidence of such authorization must be included in the test design. District technical staff will review the work plan and may recommend changes to ensure it meets the requirements laid out in Rule 11.

C. After receiving a Notice to Proceed from the District, the applicant may proceed with drilling the test well and collecting data for the test and report.

D. If the applicant finds the test results favorable and wishes to proceed with the project, the applicant shall complete and submit the Permit Application including the Test Report Results to the District. The District may carry out an independent analysis of the test report results.

E. Once the District receives all the required documents and deems them administratively complete, the permit application shall go before the Board of Directors.

. . .

(11.1.6) Aquifer test reports shall be organized according to this Rule and shall include all of the information required. ~~Information Guidelines and Charts are located in the "Regulatory" section under Quick Links on the District website.~~

Section 11.4 Projected Water Demand Estimate

(11.4.1) Projected water demand shall be documented as part of the report as follows:

A. Residential water demand estimate. The residential water demand estimate shall account for indoor and outdoor demand at full build- out on an annual basis. Indoor and outdoor demand shall be estimated by:

1) the number of proposed housing units at full build-out;

2) an~~the~~ average of 2.63 people~~number of persons~~ per housing unit ~~(which shall be estimated at 1 person per bedroom plus 1 additional person)~~;

3) assume a per day per person usage rate of less than 10~~1~~0 gallons; and provide the total expected residential water demand per year for the entire proposed project (acre-feet per year).

Section 11.5 Regional Groundwater Resource Setting

(11.5.1) Describe the regional geologic and hydrogeologic setting for the project. This Rule outlines the major regional topics that shall be summarized in the report and Rule Section 11.6 details site specific criteria that shall be described and discussed when submitting an aquifer test report or a well performance test report. At a minimum, consider and discuss the following topics from a regional perspective:

A. Aquifer identification. Identify and describe the ~~hydrogeological unit the~~ target aquifer and/or subaquifer for the project (e.g. Upper, Middle, Lower Trinity or Paleozoic etc.). Also identify and describe the specific target hydrostratigraphic units, such as the Lower Glen Rose member, Hensel member etc., from which the wells will be ~~are~~ producing.
Good references for descriptions of District aquifers include Ashworth, J.B. (1983), Texas Water Development Board (TWDB) Report 273; Bluntzer, R.L. (1992) TWDB Report 339; Wierman and others (2010), Hydrogeologic atlas of the Hill Country Trinity Aquifer, Blanco, Hays and Travis Counties, Central Texas; TWDB's Trinity (southern portion) Aquifer Groundwater Availability Model; and other publications.~~Texas Water Development Board Report 339, 'Evaluation of the Ground-Water Resources of the Paleozoic and Cretaceous Aquifers in the Hill Country of Central Texas', August 1992, Robert L. Bluntzer, and; Texas Department of Water Resources, Report 273, 'Ground-water Availability of the Lower Cretaceous Formations in the Hill Country of South Central Texas', January 1983, John B. Ashworth, and; more recent Texas Water Development Board GAM and other publications~~

B. Geologic and groundwater information. The following regional geologic and groundwater information shall be considered when planning and designing the aquifer test or the well performance test. At a minimum, the topics below shall be described and discussed, based on a literature review, as to how they may have influenced the test, the availability and quality of groundwater.

1) The regional stratigraphy of the geologic units in the vicinity of the project. Include a generalized regional stratigraphic column. This column shall include the names of the geologic units, their range of thickness, their lithology, a brief description of the hydrostratigraphic units, and general water quality descriptions (e.g. TDS, predominant anions, etc.);
2) The lithology of the geologic strata;
3) The regional geologic structure and the presence or absence of faulting;
4) The regional characteristics of the aquifer(s) and their hydraulic relationships to adjoining units (e.g. is the aquifer confined, leaky or unconfined, which units are the confining units, is there karst porosity, regional anisotropy to the aquifer etc.); and
~~5)~~ The regional recharge system of the aquifer(s), and movement and discharge of groundwater from the aquifer(s) as described in the literature~~; and~~
~~6)~~5) ~~The regional quality of water in the aquifer(s)~~.

Section 11.6 Site-Specific Groundwater Data / Aquifer Test and Well Performance Test

Design

(11.6.1) This rule details the site-specific data and analyse~~i~~s that must be included ~~is required~~ in the aquifer test report and in the well performance test report. Site data that is found to be anomalous or exceptional from what is expected based on the regional data shall be discussed in regard~~s~~ to its implications upon the aquifer test results and permit application.

(11.6.2) Existing well inventory. All known existing, abandoned, and inoperative wells within the proposed project shall be identified, located, and mapped by on-site surveys and shown on a project site plan. Existing wells within ½-mile of the test well shall be shown on a map built using the latest available topographic data from either The National Map (USGS) or the United States topographic datasets. The scale of the map should be such that all required data are visible within a single frame ~~7 ½ minute quadrangle base map if the site plan is not of adequate scale to include them~~. Wells outside the project boundary may be located by a 'drive-by' survey of the neighborhood, a review of District well records (GIS and paper files), State Well Reports, and a review of District aerial photography. A 'well inventory' table shall be included in the report that provides the following data if known: the State well number, longitude, latitude and ground elevation for each existing well and whether those coordinates were estimated or surveyed, total depth, open hole or screened interval, probable hydrogeological unit(s) the well is open to, and the current use of the well. The well construction information shall be determined from the State Well Reports, inspection of the well, conversation with the owner or stated as "unknown." Copies of existing State Well Reports shall be included in the report.

(11.6.3) Adjoining property owners. Provide a table and figure showing all~~the~~ adjoining property owners within ½-mile of the test well. The table shall include: the Hays County property Tax ID number, name and address of the owners. Adjoining property owners include those separated from the subject property by a road or right of way. The figure shall generally show the location of the test well(s) and property boundaries, of the adjoining property owners. This data may be obtained from the Hays ~~County~~ Central Appraisal District or Hays County Development Services Mapping Department.

(11.6.4) Aquifer testing. An aquifer test shall be conducted to measure the hydraulic parameters of the aquifer(s) underlying the proposed project. The aquifer test shall provide sufficient information to allow evaluation of each aquifer that is being considered as a source of water supply for the proposed project. All wells shall be constructed pursuant to Texas Department of Licensing and Regulation (TDLR) administrative rules, Chapter 76 regulating Water Well Drillers and Pump Installers, and when applicable, the specifications of the Texas Commission on Environmental Quality under 30 TAC, Chapter 290 and any other local or regional regulations that apply. An aquifer test conducted under this section utilizing established methods shall include, but not be limited to, the following:

…

E. Well construction diagrams. Create a well construction diagram for each pumping and observation well on an 8 ½'' x 11" or larger, depending on the level of detail, sheet of paper that details: GPS location and elevation of well casing, project name, borehole diameters and depth intervals; total depth of borehole;

casing diameters, wall thickness, type (steel, PVC,~~pvc~~ etc.) and depth intervals; screen diameter, wall thickness, type, slot sizes and depth intervals; filter pack interval, volume and material; type and depth of packers; volume, interval and type of annular space fill material; surface completion detail including casing sizes and elevations above ground or cement pad; pump size and setting depth of intakes; and static water-level. . . .

H. Lithologic and geophysical logs. The test and observation well(s) shall be lithologically and geophysically logged to map and characterize the geologic unit(s) and the aquifer(s) in which the aquifer test(s) is to be performed. A cut of all samples and digital copies of all geophysical logs are to be submitted to the District within 60 days.

. . .

3) Geophysical logs shall be run which provide qualitative information on aquifer characteristics and groundwater quality. When hole conditions permit, the geophysical logs shall include but not be limited to, an electrical log with shallow and deep-investigative curves (e.g., 16-inch short normal/64-inch long normal resistivity curves or induction log) with a spontaneous potential curve, natural gamma, and caliper. As a minimum requirement for cased holes, a gamma ray log shall be run and the logging program discussed with the District. A paper copy and a digital recording (LAS and WC file formats are acceptable) of the geophysical logs shall be included in the aquifer test report. The hydrogeologic characteristics of the borehole as indicated by the geophysical logs, drilling performance, and lithology shall be discussed. Any pertinent literature or regional information shall be noted.

I. Well development and performance estimation. The test and observation well(s) shall be developed prior to conducting the aquifer test to repair damage done to the aquifer(s) during the drilling operation. Development shall e~~i~~nsure that the hydraulic properties of the aquifer(s) are restored as much as practical to their natural state.

1) Well development procedures applied to the well(s) may vary depending on the drilling method used and the extent of the damage done to the aquifer(s).

2) During well development, the test well shall be pumped or air-lifted for a minimum of 4 hours to determin~~estimat~~e the effect of development on ~~specific capacity of~~ the well's estimated yield~~, the maximum anticipated drawdown, the maximum productive discharge rate of the well, drawdown, and to determine the appropriate distance to locate an observation well(s) in order to obtain useful data~~.

3) Water pumped out of the well during well development may not be

allowed to locally recharge the aquifer and influence well performance results. The report shall describe measures taken to achieve this objective.

. . .

L. Duration of aquifer test and recovery. The duration of the aquifer test depends on the amount of annual production requested in the application or amendment, and local and geologic conditions. The pumping rate during the test shall meet or exceed the proposed maximum pumping rate required for the project at its peak demand at full build-out. Water pumped during the test may not be allowed to influence the test results by locally recharging the aquifer.

. . .

4) Water-level recovery data shall be obtained to verify the accuracy of the data obtained during the pumping portion of the test. Recovery measurements shall be initiated immediately at the conclusion of the pumping portion of the aquifer test and shall be recorded with the same frequency as those taken during the pumping portion of the aquifer test. The District strongly recommends that pressure transducers with a data acquisition system be used to record water levels in the pumping and closest monitoring wells during the recovery phase of the test due to their ability to collect rapid early time data. Time-recovery measurements shall continue for 14 days or until the water levels have recovered to ~~pre- pumping levels or~~ at least ~~to~~ 90% of the pre-pumping ~~that~~ level, whichever occurs earlier.

M. Use of existing wells and aquifer test data.

1) An existing well may be utilized as an observation well under this Rule if sufficient information is available for that well to demonstrate that it meets the requirements of this Rule. Acceptable information for meeting this requirement includes state well reports and/or downhole surveys (geophysical logs and video camera footage).

. . .

(11.6.5) Well performance testing (Tier 2 permit applications). A well performance test shall be conducted to estimate the transmissivity of the aquifer(s) underlying the proposed project. The well performance test shall provide sufficient information to allow evaluation of each aquifer that is being considered as a source of water supply for the proposed project. The test well shall be constructed pursuant to Texas Department of Licensing and Regulation (TDLR) administrative rules, Chapter 76 regulating Water Well Drillers and Pump Installers, and when applicable, the specifications of the Texas Commission on Environmental Quality under 30 TAC, Chapter 290 and any other local or regional regulations that apply. A well performance test conducted under this section utilizing established methods shall include, but not be limited to, the following:

A. Test well. At least one test well (i.e., pumping well) shall be required to conduct adequate well performance testing under this section. The location of the test well shall be shown on the site plan submitted as part of the operating

permit application.

B. Well construction table. Produce a well construction table that lists coordinates, elevation, total depth, depth of casing, screened interval, static water level, depth of packers, annular seal types and intervals and other pertinent well construction information.

C. Well construction diagram. Create a well construction diagram for the pumping well on an 8 ½'' x 11" sheet of paper that details: GPS location and elevation of well casing, project name, borehole diameters and depth intervals; total depth of borehole; casing diameters, wall thickness, type (steel, PVC, etc.) and depth intervals; screen diameter, wall thickness, type, slot sizes and depth intervals; filter pack interval, volume and material; type and depth of packers; volume, interval and type of annular space fill material; surface completion detail including casing sizes and elevations above ground or cement pad; pump size and setting depth of intakes; and static water-level.

D. For previously drilled wells that will be tested under this rule, and where the information required by 11.6.5 C above is not known, create a diagram that includes available information; for example: GPS location and elevation, static water-level, total depth of well, casing type and diameter, and surface completion.

E. Location of wells. The test well shall be shown on the project plan and shall be located by latitude and longitude.

F. Lithologic and geophysical logs. The test well shall be lithologically and geophysically logged to map and characterize the geologic unit(s) and the aquifer(s) in which the well performance test is to be done. A package containing all cuttings samples and digital copies of all geophysical logs are to be submitted to the District within 60 days of the end of well completion.

1) Drill cuttings shall be collected at 10-foot intervals throughout the depth of the borehole. All samples shall be properly bagged and labeled and submitted to the District.

2) A lithologic log based on the drill cuttings shall be prepared showing the depth of the strata, thickness, lithological descriptions (including but not limited to: rock and grain type, grain size, rounding, sphericity, color, staining, observed porosity, mineralogy, cementing and fossil content if observed), occurrence of water bearing strata, and any other special notes that are relevant to the drilling and evaluation process and to the understanding of subsurface conditions. Provide an interpretive site-specific stratigraphic column based on published literature, interpretation of geophysical logs and drill cuttings of the boreholes.

3) Geophysical logs shall be run which provide qualitative information on aquifer characteristics and groundwater quality. When hole conditions permit, the geophysical logs shall include but not be limited to, an electrical log with shallow and deep-investigative curves (e.g., 16-inch short normal/64-inch long normal resistivity curves or induction log) with a spontaneous potential curve, natural gamma, and caliper. As a minimum requirement for cased holes, a gamma ray log shall be run and the logging program discussed with the District. A paper copy and a digital recording (LAS and WCL file formats are acceptable) of the geophysical logs shall be included in the aquifer test report. The hydrogeologic characteristics of the borehole as indicated by the geophysical logs, drilling performance, and lithology shall be discussed. Any pertinent literature or regional information shall be noted.

G. Well development and performance estimation. The test well shall be developed prior to conducting the well performance test to repair damage done to the aquifer(s) during the drilling operation. Development shall ensure that the hydraulic properties of the aquifer(s) are restored as much as practical to their natural state.

1) Well development procedures applied to the well may vary depending on the drilling method used and the extent of the damage done to the aquifer(s).

2) During well development, the test well shall be pumped or air-lifted for a minimum of 4 hours to gauge the effect of development on the well's estimated yield.

3) Water pumped out of the well during well development may not be allowed to locally recharge the aquifer and influence well performance results. The report shall describe measures taken to achieve this objective.

H. Protection of groundwater. All reasonably necessary precautions shall be taken during construction of test well to ensure that surface contaminants do not reach the subsurface environment and that undesirable groundwater (water that is injurious to human health and the environment or water that can cause pollution to land or other waters) if encountered, is sealed off and confined to the zone(s) of origin. Such precautions may include those of TDLR Water Well Drillers and Pump Installers Administrative Rules, sections 76.701 and 76.1001 through 76.1011.

I. Pre-test background water-level data. Water Level data from the test well shall be collected on an hourly basis for a minimum of 12 hours prior to initiating testing to determine if the water-level has recovered from well development and if it is being influenced by any local or regional influence or trends. Aquifer testing may not commence until water levels (after well development) have stabilized.

J. Duration of aquifer test and recovery. The duration of the well performance test depends on the local hydrogeological conditions and is discussed below. The pumping rate during the test shall meet or exceed the proposed maximum pumping rate required for the project at its peak demand at full build-out. Water pumped during the test may not be allowed to influence the test results by locally recharging the aquifer.

1) For new Tier 2 permit applications or amendments requesting less than or equal to 6 acre-feet per year, a uniform-rate well performance test shall be conducted for a minimum of a 12-hour duration. For permit applications and amendments to existing Tier 2 permits requesting more than 6 acre-feet per year, see section (11.6.4). Testing shall continue long enough to observe a straight-line trend on a plot of water level versus the logarithm of time pumped. If necessary, the duration of the test shall be extended beyond the above minimum limits until the straight-line trend is observed. The plot of water level versus the logarithm of time pumped in the pumping well shall be included in the well performance test report.

2) If it is impractical to continue the test until a straight-line trend of water level versus the logarithm of time pumped is observed beyond 12 hours, the test shall continue at least until a consistent pumping-level trend is observed. In such instances, failure to observe the straight-line trend shall be recorded and the possible causes and implications of this discussed in the report.

3) The frequency of water level measurements during the well performance test shall be such that adequate definition of the time-drawdown curve is made available. As much information as possible shall be obtained in the first ten minutes of testing (i.e., pumping). The District strongly recommends that pressure transducers with a data acquisition system be used to record water levels in the pumping well due to their ability to collect rapid early time data. Water Level data shall be presented in table format in the report. If water levels are collected electronically, an electronic copy of the data file shall be submitted to the District with the final report.

4) Water-level recovery data shall be obtained to verify the accuracy of the data obtained during the pumping portion of the test. Recovery measurements shall be initiated immediately at the conclusion of the pumping portion of the aquifer test and shall be recorded with the same frequency as those taken during the pumping portion of the aquifer test. The District strongly recommends that pressure transducers with a data acquisition system be used to record water levels in the pumping and closest monitoring wells during the recovery phase of the test due to their ability to collect rapid early time data. Time-recovery measurements shall continue for 14 days or until the water levels have recovered to at least 90% of the pre-pumping level, whichever occurs earlier.

K. Use of existing wells and aquifer test data.

1) An existing well may be utilized as a test well under this Rule if sufficient information is available for that well to demonstrate that it meets the requirements of this Rule. Acceptable information to meet this requirement includes state well reports and/or downhole surveys (geophysical logs and video camera footage).

2) The District may accept the results of a previous well performance test in lieu of a new test if:

a) the previous test was performed on a well located within a 1,000-foot radius of the newly proposed well location;
b) the previous test fully meets all the requirements of this section;
c) the previous test was conducted in the same geologic formation and hydro-stratigraphic unit of an aquifer which is being considered as a source of water supply for the proposed project based upon subsurface data such as well cuttings, geophysical log data, and water level data;
d) the previous test was conducted at the same or higher discharge rates, and;
e) aquifer conditions (e.g., water levels, gradients, etc.) during the previous test were approximately the same as they are presently.

L. Need for additional well performance testing. The District may determine if additional well performance tests are needed to adequately demonstrate groundwater availability. To determine if additional information is needed, the District shall consider the assumptions, the site-specific information derived from the well performance test, the size of the proposed project, and the proposed method of water delivery.

Section 11.7 Determination of Groundwater Quality

(11.7.1) Water quality analysis. Water samples shall be collected for chemical laboratory analysis during the aquifer test or well performance test. Samples should be collected after Temperature, Conductivity, and pH values can be considered "stable" as defined by section (11.7.1 C) below. SIdeally samples mustshould be collected toward the end of the pumping phase of the test. Samples shall be collected from each aquifer being considered for water supply for the proposed project.

~~A. For proposed subdivisions where the anticipated method of water delivery is from an expansion of an existing public water supply system or a new public water supply system, the samples shall be submitted for bacterial and chemical analysis as required by 30 Texas Administrative Code, Chapter 290, Subchapter F (relating to Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements For Public Water Supply Systems).~~

~~B.~~A. Water samples collected under Section 11.7 shall be analyzed for the following:

1) calcium;
2) magnesium;
3) manganese;
4) iron;
5) potassium;
6) chloride;
7) sodium;
8) fluoride;
9) silica
10) sulfate
11) nitrate (as nitrogen)
12) bicarbonate
13) carbonate
14) conductivity;
15) pH;
16) total hardness;
17) total dissolved solids;
18) lead;
19) arsenic;
20) mercury;
21) phosphorus;
22) strontium; and
~~21)~~23) the presence or absence of coliform and e. coli bacteria.

The report shall include a table of these values from the water sample analysis with a comparison, where applicable, to drinking water Primary ~~Maximum Contaminant Level (PMCL)~~ and Secondary Standards~~Maximum Contaminant Level (SMCL)~~ as established by the United States Environmental Protection Agency (US EPA).

Once the bacteriological sampling mandated by TCEQ (30 Texas Administrative Code Chapter 290, Subchapter F) is completed, the applicant is required to promptly provide the test results to the District.

~~C.~~B. Temperature, turbidity~~Conductivity~~, and pH ~~values~~ shall be measured and recorded in the field during the pumping phase of the test until stable for two hours of pumping. The District strongly encourages the use of automated collection and logging of water quality field parameters during the test. Conductivity values should be considered stable when they are within plus or minus 10%. pH values should be considered stable when they are within plus or minus 0.1 standard pH units. Interpretation of the implications of changes in these values over time as pumping progresses shall be discussed in the report.

~~D.~~C. Qualitative descriptions of water. Every 4 hours during the aquifer test the discharging water shall be described based on clarity, color and smell.

Interpretation of the implications of changes in these values over time as pumping progresses shall be discussed in the report. If automated data logging was employed, a table and chart showing hourly measurements for each parameter and a brief discussion should be provided to satisfy this requirement.

Section 11.8 Determination of Groundwater Availability for Tier 2 and Tier 3 Permit Applications

. . .

(11.8.2) Determination of aquifer parameters. The time-drawdown and time-recovery data obtained during the aquifer test shall be used to determine aquifer parameters utilizing the non-equilibrium equations developed by Theis and Cooper-Jacob, or acceptable modifications thereof. Describe and discuss the assumptions of the analytical method used and the applicability of those assumptions to the reality and uncertainties of the site conditions and the specific hydrostratigraphic unit tested. The following aquifer parameters shall be determined and the basis of the determinations discussed:

A. rate of yield and drawdown;
B. specific capacity;
C. transmissivity;
D. coefficient of storage, if applicable;
E. hydraulic conductivity;
F. recharge or barrier boundaries, if any are present;
G. thickness of the aquifer(s); and
H. assumed aquifer condition (unconfined, confined, leaky).

Include a table that shows this data by well, calculation method, and the portion of the data (e.g. early or late time) used in the analysis.

(11.8.3) Determination of groundwater availability. Using the information and data identified and determined in subsection 11.8.2. of this section, the following calculations shall be made.

A. Time-drawdown. The amount of drawdown at the pumped well(s) and at the boundaries of the proposed property shall be determined for the time frames identified under subsection (11.8.1) of this section. If a range of aquifer properties is determined from the pumping test, multiple analyses shall be performed using the highest and lowest values.

B. Distance-drawdown. The distance(s) from the pumped well(s) to the outer edges of the cone(s)-of-depression shall be determined for the time frames identified under subsection 11.8.1 of this section. If a range of aquifer properties is determined from the pumping test, multiple analyses shall be performed using the highest and lowest values. Contoured water table drawdown figures shall be produced for each analysis reported.

C. Well interference for Tier 3 permit applications only. For multiple wells in a

proposed project, calculations shall be made to:

1) determine how pumpage from multiple wells will affect drawdown in individual wells for the time frames identified under subsection 11.8.1 of this section; and
2) Determine a recommended minimum spacing limit between individual wells and well yields from the wells that will allow for the continued use of the wells for the time frames identified under subsection 11.8.1 of this section.
3) Aquifer modeling runs, using a verified and documented analytical model. Include a project drawdown modeling run that has boundary conditions around the project that reflect maximum allowable density under the rules the adjoining property was platted under. If the adjoining property is not currently subdivided, and could be subdivided under existing Hays County rules, then use the County's On-Site Sewage Facility (OSSF) Minimum Lot Sizing Table 10.1 to determine the lot size allowed. The District will a~~A~~ssume that the lots will be served by an OSSF allowable under the applicable Hays County rules~~a 'public waste water' system and private wells for each lot~~. This maximum lot density shall extend out at least 4- lots deep around the perimeter of the property, where the project is bordered by raw developable land. The water use for each hypothetical bordering lot shall be 250 gallons per day. If the project adjoins an existing project, then projected pumping from the adjoining project at full build- out shall be considered in the model.
4) Using aquifer properties and proposed pumping rates for the full project build- out, provide cumulative drawdown calculations for selected radial distances up to one half mile of the proposed project boundaries, or a distance where measurable drawdown effects at known wells identified in the well inventory may be expected or to a distance where the drawdown is negligible.
5) Perform modeling runs assuming no recharge.

(11.8.4) Determination of groundwater quality. The water quality analysis required under Rule 11.7 (relating to Determination of Groundwater Quality) shall be compared to the EPA's primary and secondary public drinking water standards and the findings documented in table format.

Section 11.9 Groundwater Availability and Usability Statements and Certification

(11.9.1) Groundwater availability and usability statements. Based on the information developed under Rule 11.8 (relating to Determination of Groundwater Availability), the following information shall be provided:

A. the estimated drawdown of the aquifer at the pumped well(s) over a ten-year period and over a thirty-year period;

B. the estimated drawdown of the aquifer at the project boundary over a ten-year period and over a thirty-year period;

C. the estimated distance from the pumped well(s) to the outer edges of the

cone(s)- of-depression over a ten-year period and over a thirty-year period;

D. the recommended minimum spacing limit between wells and the recommended well yield; and

E. the sufficiency of available groundwater quantity to meet the intended use of the project.

(11.9.2) Groundwater availability determination conditions. The assumptions and uncertainties that are inherent in the determination of groundwater availability shall be clearly identified. These conditions shall be identified to adequately define the basis for the availability and usability statements. These bases shall include, but are not limited to, uncontrollable and unknown factors such as:

A. Future pumpage from the aquifer or from interconnected aquifers from area wells outside of the project area or any other factor that cannot be predicted that will affect the storage of water in the aquifer;

B. long-term impacts to the aquifer based on climatic variations; and

C. future impacts to usable groundwater due to unforeseen or unpredictable contamination.

D. Certification. Based on best professional judgment, current groundwater conditions, and the information developed and presented as required by Rule 11, the licensed professional geoscientist or licensed professional engineer certifies by signature, seal, and date that adequate groundwater is available from the underlying aquifer(s) to supply the estimated demand of the proposed project and is sufficient quality for the intended uses.

RULE 12. REPORTING

Section 12.1 Reporting Requirements

(12.1.1) All holders of ~~s part of the~~an o~~O~~perating p~~P~~ermit~~, permittees~~ shall submit quarterly reports to the District and as provided in Rule 13 during drought, monthly reports to the District, and as provided by Rule 15 for the Jacob's Well Groundwater Management Zone, if applicable. ~~The~~ R~~quarterly r~~eports may be submitted on-line, instructions are available on the District website. These reports are due by the 10th of the month following the end of each calendar quarter or month, as applicable. The report shall document information as agreed to in the operating permit.

RULE 13. DROUGHT MANAGEMENT

Section 13.1 Drought Conditions & Provisions

(13.1.1) The District shall designate the various drought conditions and implement the applicable provisions of this rule upon determination that such implementation may be necessary for the conservation, preservation, protection and recharge of the groundwater within the District boundaries. The District shall post drought declarations on the District's website.

(13.1.2) District-wide drought declarations apply throughout the District, including in the Jacob's Well Groundwater Management Zone. If drought restrictions are triggered for the JCGMZ, those drought restrictions supersede District-wide restrictions.

Section 13.2 Drought Triggers

(13.2.1) The District's drought triggers are based upon the discharge flow rates provided by the USGS for the Pedernales River at Johnson City (USGS 08153500) and Blanco River at Wimberley (USGS 08171000). The District also references the Palmer Drought Severity Index as a possible drought trigger, in accordance with Ssubsection 13.32.12 ~~(C)~~. ~~To see the latest drought trigger indicators, District Drought Stage Chart, or Drought Stage History, visit the District's website.~~

(13.2.3) The General Manager ~~shall~~ may declare a drought and any drought stage level changes at the time that the criteria for the drought or drought stage level change~~when they~~ occurs. The declaration shall provide the date that the drought stage commences~~.~~ or ends. T~~and provide a written Order for t~~he Board may also declare a drought or any drought stage level change at a~~to approve and sign at the next available~~ Board meeting following the time that the criteria for the drought or drought stage level change occurs. Once a drought or drought stage level change has occurred~~been initiated~~, all permit holders shall be notified of the current drought status and its effective date.

(13.2.4) Except as otherwise provided for p~~P~~ermit holders within the Jacob's Well Groundwater Management Zone, permit holders are required to reduce groundwater production from the permitted groundwater withdrawal amount ~~as~~ indicated on their individual Drought Production Cutback Chart in accordance with the applicable percent of curtailment for the month.

Section 13.3 Drought Stages

(13.3.1) District drought management consists of four drought stages. When streamflow drops below a drought trigger (shown in the table below), or the PDSI reaches the indicated level, a daily counter begins. If the counter for either of the drought indicators reaches 30 days, the General Manager may~~will~~ declare the applicabl~~ropriat~~e drought stage. When streamflow increases above a drought trigger and the PDSI reaches the next less severe drought severity level or indicates no drought for the entirety of a period of 60 days, the General Manager will declare the lesser drought stage or no drought.

Section 13.3 Drought Stage

(13.3.2) The curtailment ~~goals~~ percentages represent reductions from the annual authorized withdrawal amount. The curtailment ~~goal~~ percentage for each of the four drought stages:

A.	Stage 1: Conservation	10%
B.	Stage 2: Alarm	20%
C.	Stage 3: Critical	30%
D.	Stage 4: Emergency	40%

(13.3.3) The following additional restrictions apply during each indicated stage:

A. During Stage 2 (Alarm), Stage 3 (Critical), or Stage 4 (Emergency) conditions, groundwater withdrawn for a non-exempt use may not be used to fill or refill ponds.

B. During Stage 3 (Critical) or Stage 4 (Emergency) conditions, the District will not accept any application for a new operating permit or any amendment to increase production under an existing operating permit. The Board may grant a variance to this rule if an existing condition in the District imminently threatening the health, safety, or welfare of the public will be significantly lessened by a proposed new well.

C. During Stage 3 (Critical) or Stage 4 (Emergency) conditions, no new well may be constructed other than wells drilled to replace existing permitted wells or wells for exempt uses. The Board may grant a variance to this rule if an existing condition in the District imminently threatening the health, safety, or welfare of the public will be significantly lessened by a proposed new well.

Section 13.4 Reporting Requirements during Drought

All permittees holding operating permits shall submit monthly production reports to the District during declared droughts within 10 business days of the end of the month reported.

RULE 14. VARIANCES

Section 14.1 Variances

(14.1.2) The Board of Directors may grant variances for the following:

1) Well Performance Tests, Tier 2;
~~2)~~ Aquifer Tests, Tier 3;
~~3)~~2) ~~Active Resolutions that specify an allowance for a variance; or~~
3) Installation of an access tube for the purpose of reporting water level measurements;
4) The prohibition on new well construction under Rule 13.3.3; or
~~4)~~5) The prohibition on new Tier 2 or Tier 3 wells under Rule 15.1.3.

RULE 15. MANAGEMENT ZONE

RULE 15. JACOB'S WELL GROUNDWATER MANAGEMENT ZONE

(15.1.2) Any existing Tier 2 or Tier 3 non-exempt use well within the JWGMZ drilled prior to March 5, 2020, and all other permitted wells thereafter, 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 within 10 business days of the end of the month reported. ~~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.~~

(15.2.1) Drought curtailments are mandatory for non-exempt use wells within the JWGMZ, which must comply with any applicable drought curtailments required under Rule 13 and with drought curtailments required under this rule. If a drought has been declared for the JWGMZ in accordance with the requirements of Rule 13 and this rule,~~. T~~ the District will post the ~~then current~~ drought curtailment percentage applicable for~~to~~ that month on the ~~first business day of each month that a drought curtailment applies~~District's website. The amount of groundwater authorized to be withdrawn during that month may not exceed the baseline permitted groundwater withdrawal amount, as adjusted by the applicable drought curtailment amount based on the number of days during the month that any drought stage is in effect. Monthly Baseline Production Amounts may be averaged only during contiguous months of a specific drought stage.

(15.2.4) The General Manager will declare the applicable d~~D~~rought curtailment percentages~~shall be~~ within the JWGMZ based on a 10-d~~D~~ay running average of the flow rates measured at the USGS flow meter at Jacob's Well as follows:~~.~~

A. ~~During a curtailment period, g~~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

B. During a drought stage, groundwater withdrawn for a non-exempt use may not be used to fill or refill ponds.

EXHIBIT B

AMENDMENT NO. 1
Regular Board Meeting, February 6, 2025

HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT RULEMAKING

Rules: **Rule 1 (Introduction)**
Rule 2 (Definitions)
Rule 3 (Well Construction, Operating Permits and Water Utility Connections)
Rule 4 (Well Construction, Reports and Spacing)
Rule 5 (Hearings)
Rule 10 (Enforcement)
Rule 11 (Aquifer Test/Well Performance Test and Report)
Rule 12 (Reporting)
Rule 13 (Drought Management)
Rule 14 (Variances)
Rule 15 (Management Zone)

Rule Type: **Amendment to Proposed Rules (PRs) (redlined)**

Prepared By: Deborah C. Trejo, Counsel

Approved By: Charlie Flatten, General Manager

Date: February 6, 2025

GLOBAL EDITORIAL CHANGES TO DISTRICT RULES	
Edit	**Example**
Uniform capitalization where appropriate	
Grammar and typos	
Renumber affected sections and subsections accordingly.	
Replace “appropriate” with “applicable”	

DOMESTIC SHARED WELL – One new or existing well on private property that serves no more than four single-family dwellings on the same property or adjoining properties, ~~the groundwater is~~ used exclusively for domestic use on the property, and the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons per day (17.36 GPM).

Section 3.7 Renewal of an Operating Permit

(3.7.1) Permits will be renewed for the same annual production amount, ownership, term, place of use, purpose of use, points of withdrawal, and rate of withdrawal, and ~~and term~~ if an application to renew and the required permit renewal fee is received within 4 months of permit expiration and not earlier than~~by~~ October 1st of the year the permit expires. A permit amendment application in accordance with Section 3.8~~along with the renewal fee~~ is required if requesting an amendment ~~change~~ to the permit. ~~Renewal fees shall coincide with requested amended production amount and or permit term.~~

(3.7.2) The District may charge and collect a permit renewal application fee not to exceed $400 in accordance with Section 8843.1515.

(3.7.3) Renewal applications complying with the requirements of this section shall be ~~automatically~~ approved except when the applicant: (a) is delinquent in paying a fee required by the D~~d~~istrict; (b) is subject to a pending enforcement action for a substantive violation of a D~~d~~istrict permit, order, or rule that has not been settled by agreement with the D~~d~~istrict or a final adjudication; or (c) has not paid a civil penalty or has otherwise failed to comply with an order resulting from a final adjudication of a violation of a D~~d~~istrict permit, order, or rule. If an applicant is subject to a pending enforcement action for a substantive violation of a District permit, order, or rule that has not been settled by agreement with the District or a final adjudication, but the applicant has submitted a renewal application complying with the requirements of this section, the permit shall remain in effect until the final settlement or adjudication on the matter of the substantive violation, at which time the renewal application shall be considered and approved if the application complies with the requirements of this section at that time. Renewal applications shall be denied by the District if an applicant is delinquent in paying a fee required by the District or has not paid a civil penalty or has otherwise failed to comply with an order resulting from a final adjudication of a violation of a District permit, order, or rule.

(3.7.4) If the permit amendment process results in the denial of an amendment, the permit as it existed shall be renewed, unless Subsection (a), (b) or (c) of this section applies to the applicant.
~~**(3.7.4)** Neither the permit holder nor the public may request a contested case hearing concerning an operating permit renewal. An amendment application may be completed in accordance with Rule 5.5.~~

Section 5.5 Contesting Operating Permit and Amendment Applications, in General

(5.5.4) If the Board determines that any protestant has standing, the Board shall declare the application contested.

~~J.~~I. The Board may require that the applicant, other protesting~~opposing~~ parties, and the General Manager attempt to reach agreement on~~resolve~~ the application ~~amongst themselves~~ and report back to the District within thirty (30) days: or

. . .

C. Upon request of the applicant or ~~of~~any ~~the~~ protestant, the Board ~~may~~ shall refer the application to be heard by ~~delegate to the State Office of Administrative Hearings (~~"SOAH"~~) the authority to conduct hearings designated by the Board~~.

(10.1.2.1) At the District's discretion, sSettlement of an NOAV for violating the withdrawal limitations in a permit may include, but is not limited to:

c. negotiation of a settlement amount based on evidence ~~receipts proving~~of installation of improved water conservation or management systems that result in a permanent reduction of a permittee's historic groundwater withdrawal amounts.

(11.6.5) M. Use of existing wells and aquifer test data.

2) The District may accept the results of a previous well performance test in lieu of a new test if:

a) the previous test was performed on a well located within a 1,000-foot radius of the newly proposed well location;

(11.8.3) . . .

B. Distance-drawdown. The distance(s) from the pumped well(s) to the outer edges of the cone(s)-of-depression shall be determined for the time frames identified under subsection 11.8.1 of this section. If a range of aquifer properties is determined from the pumping test, multiple analyses shall be performed using the highest and lowest values. Contoured water table drawdown figures shall be produced for each analysis reported.

(13.2.1) The District's drought triggers are based upon the discharge flow rates provided by the USGS for the Pedernales River at Johnson City (USGS 08153500) and Blanco River at Wimberley (USGS 08171000). The District also references the Palmer Drought Severity Index as a possible drought trigger, in accordance with Ssubsection 13.3~~2~~.1~~2 (C)~~. ~~To see the latest drought trigger indicators, District Drought Stage Chart, or Drought Stage History, visit the District's website.~~

(13.2.3) The General Manager ~~shall~~ may declare a drought and any drought stage level changes at the time that the criteria for the drought or drought stage level change~~when they~~ occurs. The declaration shall provide the date that the drought stage commences or ends. T~~and provide a written Order for t~~he Board may also declare a drought or any drought stage level change at a~~to approve and sign at the next available~~ Board meeting following the time that the criteria for the drought or drought stage level change occurs. Once a drought or drought stage level change has occurred~~been initiated~~, all permit holders shall be notified of the current drought status and its effective date.

(13.2.4) Except as otherwise provided for p~~P~~ermit holders within the Jacob's Well Groundwater Management Zone, permit holders are required to reduce groundwater production from the groundwater withdrawal amount ~~as~~ indicated on their individual Drought Production Cutback Chart in accordance with the applicable percent of curtailment for the month.

Section 13.3 Drought Stages

(13.3.1) District drought management consists of four drought stages. When streamflow drops below a drought trigger (shown in the table below), or the PDSI reaches the indicated level, a daily

counter begins. If the counter for either of the drought indicators reaches 30 days, the General Manager may~~will~~ declare the applicabl~~ropriat~~e drought stage. When streamflow increases above a drought trigger and the PDSI reaches the next less severe drought severity level, or indicates no drought for the entirety of a period of 60 days, the General Manager will declare the lesser drought stage or no drought.

Section 13.4 Reporting Requirements during Drought

All permittees holding operating permits shall submit monthly production reports to the District during declared droughts within 10 business days after the end of the month being reported.

RULE 15. JACOB'S WELL GROUNDWATER MANAGEMENT ZONE

(15.1.2) Any existing Tier 2 or Tier 3 non-exempt use well within the JWGMZ drilled prior to March 5, 2020, and all other permitted wells thereafter, must comply with all standard operating permit requirements plus the following additional requirements:

2) Each existing non-exempt use well owner must record and report the amount of groundwater produced each calendar month within 10 business days after the end of the month being reported.~~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.~~

(15.2.1) Drought curtailments are mandatory for non-exempt use wells within the JWGMZ, which must comply with any applicable drought curtailments required under Rule 13 and with drought curtailments required under this rule. If a drought has been declared for the JWGMZ in accordance with the requirements of Rule 13 and this rule,~~T~~ the District will post the ~~then current~~ drought curtailment percentage applicable ~~to~~ for that month on the ~~first business day of each month that a drought curtailment applies~~District's website. The amount of groundwater authorized to be withdrawn during that month may not exceed the baseline permitted groundwater withdrawal amount, as adjusted by the applicable drought curtailment amount based on the number of days during the month that any drought stage is in effect. Monthly Baseline Production Amounts may be averaged only during contiguous months of a specific drought stage.

EXHIBIT B

AMENDMENT NO. 2
Regular Board Meeting, February 6, 2025

HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT RULEMAKING

Rules: **Rule 1 (Introduction)**
Rule 2 (Definitions)
Rule 3 (Well Construction, Operating Permits and Water Utility Connections)
Rule 4 (Well Construction, Reports and Spacing)
Rule 5 (Hearings)
Rule 10 (Enforcement)
Rule 11 (Aquifer Test/Well Performance Test and Report)
Rule 12 (Reporting)
Rule 13 (Drought Management)
Rule 14 (Variances)
Rule 15 (Management Zone)

Rule Type: **Amendment to Proposed Rules (PRs) (redlined)**

Prepared By: Deborah C. Trejo, Counsel

Approved By: Charlie Flatten, General Manager

Date: February 6, 2025

(3.5.6) The District's General Manager has the authority to approve, approve with conditions, deny or refer to the Board a permit application for an amount less than or equal to six (6) acre-feet per year. If the applicant is not in agreement with General Manager's action, the applicant may request that the operating permit application be scheduled to be heard by the Board of Directors. ~~Applications seeking more than 6 acre-feet of groundwater per year must be scheduled for a public hearing before the Board of Directors. An application that requires a public hearing shall be scheduled for a public hearing within 60 days after the date the operating permit application is deemed administratively complete.~~