

PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

December 20, 2021

MINUTES OF PUBLIC HEARING ON AMENDMENTS TO THE DISTRICT RULES

The Board of Directors of the Prairielands Groundwater Conservation District (“District”) met in special session, open to the public, at 208 Kimberly Dr, Cleburne, TX, within the boundaries of the District on December 20, 2021.

President Charles Beseda presided and called to order the Public Hearing on Amendments to the District Rules at 9:03 a.m.

The roll was called of the members of the Board of Directors, to wit:

Charles Beseda
John Curtis
Randy Kirk
Paul Tischler

Maurice Osborn
Brad Daniels
Marty McPherson
Barney McClure

All members of the Board were present. Also, in attendance at said meeting were Kathy Turner Jones, General Manager; Brian Sledge, General Counsel; District staff; and members of the public. *Copies of the public sign-in sheets are attached as Exhibit “A” to the December 20, 2021 Regular Board Meeting minutes.*

President Beseda called on the District’s legal counsel, Brian Sledge, to explain the proposed amendments to the District Rules.

PRESENTATION BY DISTRICT’ LEGAL COUNSEL, SLEDGELAW GROUP, PLLC ON PROPOSED AMENDMENTS TO THE DISTRICT’S RULES

Mr. Sledge stated the notice of this public hearing on amendments to the District Rules and the proposed amendments themselves had been published, posted, and made available to the public as required by Chapter 36 of the Texas Water Code and as required in the District Rules no less than 20 days before the public hearing. *Copies of the published and posted public notices are attached as Exhibit “A” hereto.* He acknowledged there were written comments received and confirmed there would be an opportunity for verbal comments from the public or following the presentation of proposed amendments.

Mr. Sledge explained the proposed amendments to the District Rules. The first amendment discussed would require any well equipped with a variable frequency drive capable

of being set in a manner that would allow the well to operate at a production capacity higher than authorized by the District to be equipped with a flow restrictor that restricts the production capacity of the well to the authorized amount to prevent the unauthorized production of groundwater.

The next amendment Mr. Sledge discussed would change the deadline to drill, equip, complete or substantially alter a well from one hundred twenty (120) days to one hundred eighty (180) days from the date of approval of the well registration or permit to provide a more reasonable period of time for well owners or drillers to ensure that a well is drilled, equipped, completed, or substantially altered in compliance with the Rules.

Mr. Sledge also stated there were proposed amendments to eliminate temporary transitional rules provisions that have expired, and to change the meter reading and water production report due dates from the 15th day to the 10th day of each month. He also discussed the proposed amendment to allow semiannual meter reading and water production reporting for small well owners that are not public water systems that produce no more than 10,000,000 gallons annually, which had previously been adopted by the Board by resolution.

The next amendment presented by Mr. Sledge was to eliminate the consideration of a geographic weighted centroid in order to calculate the minimum spacing of a new well, and he mentioned this was due to the well spacing requirements from property lines and other existing wells, including other wells of the same well owner, in the District Rules being sufficient enough to ensure protection of wells, in addition to some problems encountered using the centroid approach on oddly shaped properties. Also, Mr. Sledge discussed another amendment that would establish minimum spacing requirements between new small-capacity wells and existing wells, and allow the General Manager to approve certain exceptions to the minimum well spacing requirements for smaller wells.

Mr. Sledge continued with another proposed amendment which would clarify provisions for the drilling of a test well, provide needed guidance for applicants desiring to drill a test well, provide applicants with better information upon which to continue the application process, and ensure that test wells are drilled, completed, or plugged in a manner that is protective of groundwater resources and in accordance with the Rules.

He also stated another amendment was being proposed to increase the required minimum tract size for a single domestic well serving two or more households to minimize the impacts on other wells and ensure that there are two acres of groundwater rights to provide water for each household served, which is consistent with the intent of the current minimum tract size requirements in the Rules.

Mr. Sledge discussed amendments which would clarify requirements regarding well screening and completion based on the information provided in the approved application for a well registration helps well owners avoid potential violations of the Rules relating to well completion and screening requirements based upon differences encountered in the hydrogeology

when drilling and completing the well and holds well owners and drillers alike responsible for compliance with the Rules.

Another amendment he discussed would clarify the calculation of contiguous controlled acreage for Operating Permits for retail public utilities based on the type of certificate of convenience and necessity (CCN) held by the retail public utility to determine a utility's contiguous controlled acreage more accurately, and thus establish the appropriate maximum production amount for an Operating Permit.

He discussed the amendment to the provisions in the Rules relating to compliance orders regarding the definition of an "economically feasible alternative water source" to potential applicants for a compliance order to ensure that the capital costs of both the alternative water source and the proposed well are considered. Other amendments would establish a minimum threshold for eligibility for the monthly water use fee payment option and protect owners of smaller wells from incurring a five (5) percent surcharge on monthly fee payments.

Another amendment presented by Mr. Sledge would allow the General Manager to enter into settlements that are consistent with the Enforcement Policy and Penalty Schedule adopted by the Board for Rules violations to prevent delaying the resolution of enforcement matters by requiring Board action to settle such matters.

Mr. Sledge concluded the presentation of proposed amendments by discussing the amendment that would establish permitting requirements and increased fees for average system water loss by retail public utilities in an excess of 25 percent or more in water loss over a period of five years. Additionally, there are minor typographical, formatting, and non-substantive or clarifying corrections to be made to the District Rules.

PUBLIC COMMENT ON PROPOSED AMENDMENTS TO DISTRICT RULES
Copies of written comments are attached hereto as Exhibit "B".

President Beseda announced that the Board would now receive public comment on the proposed rules amendments and asked if anyone present would like to make verbal comments. The following persons provided verbal comments on the proposed rules amendments:

Chris Smith, Smith and Jolin, LLP, representing Chaparral Steel Midlothian, LP.;
Aaron Collier, Collier Consulting, representing himself and AquaTexas;
Darryl Waldock, representing AquaTexas; and
Buck Benson, representing Martin Marietta/TXI.

President Beseda asked if any other person wanted to offer public comment on the proposed rules amendments. There being none, President Beseda announced, "At this time, 9:41 a.m., the Board will recess into a Closed Executive Session to consult with legal counsel on items on today's agenda under Government Code Section 551.071 for consultation concerning attorney-client matters. No action will be taken in closed session. At the conclusion of the closed session, the Board will reconvene in open session with the public."

At 11:33 a.m. President Beseda announced the meeting was reconvening into an open session and was open to the public.

DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ADOPTING RESOLUTION #21-011 APPROVING AMENDMENTS TO THE DISTRICT'S RULES FOR GROUNDWATER WELLS IN ELLIS, HILL, JOHNSON, AND SOMERVELL COUNTIES, TEXAS, IN THE FORM ORIGINALLY PUBLISHED OR WITH CHANGES BASED UPON COMMENTS RECEIVED. *Copy of Resolution #21-011 attached hereto as Exhibit "C"*

President Beseda recognized Mr. Sledge to go over recommended changes to the proposed rules amendments based on comments received. Mr. Sledge stated based on comments received, he and District staff recommended changes to the Board on the proposed rules amendments, and wanted to take a few minutes to provide explanations to the members of the public who had provided written or verbal comments since the limited number of comments received made it practical to do so.

Mr. Sledge recommended that the proposed rule regarding VFDs include a provision at the end of Rule 3.7 that allows well owners to seek approval from the Board for an alternative method to demonstrate compliance with District Rules. He also recommended clarifying the language regarding new wells and existing wells.

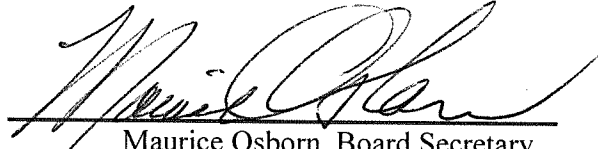
Mr. Sledge discussed a recommendation to remove the provision in District Rule 3.15 regarding water production reports including a description of system loss and instead require the end-of-year water production report to include the newly required Water Loss Audit. He added the District Rules will clarify that the Water Loss Audit required by the District will be the same as the one required by the Texas Water Development Board. Additionally, Mr. Sledge recommended removing the requirement under Rule 3.15 requiring monthly water production reports to be submitted on the 10th day of each month instead of the 15th day to prevent undue hardship on certain well owners, and to make conforming changes. Mr. Sledge then discussed language in Rule 4.3(c) and 5.3 and recommended clarification to how contiguous controlled acreage be calculated with facilities-only and facilities-plus-200 feet CCNs.

Mr. Sledge then went on to address comments received on why a permanent transfer is allowed under a Historic Use Permit but only a temporary transfer is available under an Operating Permit, because the production authorization under an Operating Permit is determined by the amount of contiguous acreage around the well, while it is determined based on the historic amount and purpose of use for the historic activity under a Historic Use Permit, but noted that some minor changes are proposed to clarify that the proposed amendments do not impact the ability of a well owner to transfer an Operating Permit associated with a well when ownership of the well and acreage changes. He also addressed other comments received for which no changes to the proposed amendments were recommended. Mr. Sledge concluded by stating these are the only substantive changes to the proposed amendments that are being recommended to the Board following comments received, in addition to the clarifying and other nonsubstantive changes discussed with the Board.

Director Kirk made a motion to approve Resolution #21-011, as amended to reflect the changes at the hearing, approving amendments to the District Rules for groundwater wells in Ellis, Hill, Johnson, and Somervell counties, Texas, with the changes proposed by Mr. Sledge in response to comments received. Director McClure seconded the motion. The motion passed unanimously.

There being no further discussion, Director McPherson made a motion to adjourn the public hearing. Director Kirk seconded the motion. The motion passed unanimously, and the public hearing to adopt amendments to the District Rules was adjourned at 11:49 a.m.

PASSED, APPROVED, AND ADOPTED THIS 18th DAY OF JANUARY 2022.



Maurice Osborn, Board Secretary

Exhibit "A"FILED FOR RECORD
KRYSTAL VALDEZ
ELLIS COUNTY CLERK**PRAIRIELANDS GROUNDWATER
CONSERVATION DISTRICT****NOTICE OF PUBLIC HEARING
December 20, 2021**

NOTICE IS HEREBY GIVEN to all interested persons in Ellis, Hill, Johnson, and Somervell Counties, Texas:

That the Board of Directors ("Board") of the Prairielands Groundwater Conservation District ("District") will hold a public hearing, accept public comment, and may act to adopt amendments to the District Rules regulating water wells within the boundaries of the District, including Ellis, Hill, Johnson, and Somervell Counties, Texas. The Board adopted permanent District Rules on December 17, 2018, and has subsequently amended them. The current proposed amendments to the District Rules address a number of issues, including without limitation the following: 1) requiring any well that is equipped with a variable frequency drive that is capable of being set in a manner that would allow the well to operate at a production capacity higher than authorized by the District to be equipped with a flow restrictor that mechanically restricts the production capacity of the well at the wellhead to the authorized amount; 2) changing the deadline to drill, equip, complete or substantially alter a well from one hundred twenty (120) days to one hundred eighty (180) days from the date of approval of the well registration or permit; 3) eliminating temporary transitional rules provisions that have expired; 4) changing the meter reading and Water Production Report due dates from the 15th day to the 10th day of each month; 5) allowing semiannual meter reading and water production reporting for small well owners that are not public water systems and that produce no more than 10,000,000 gallons annually; 6) eliminating the use of a geographic weighted centroid to calculate the minimum spacing distances from property lines and from existing wells; 7) allowing the General Manager to approve exceptions to the minimum well spacing requirements in certain instances; 8) establishing minimum spacing requirements between new small-capacity wells and existing wells, and clarifying spacing requirements for new large-capacity wells from existing wells on the same property; 9) clarifying provisions for the drilling of a test well; 10) increasing the required minimum tract size for a single domestic well serving two or more households; 11) establishing certain requirements for pump installers and well owners relating to equipping a well; 12) clarifying requirements regarding well screening and completion based on the information provided in the approved application for a registration or permit; 13) clarifying the calculation of contiguous controlled acreage for Operating Permits for retail public utilities based on the type of certificate of convenience and necessity (CCN) held by the retail public utility; 14) amending the provisions in the District rules relating to compliance orders; 15) establishing a minimum threshold and other limitations for eligibility for the monthly water use fee payment option; 16) amending the General Manager's authority to enter into settlements for rules violations; 17) establishing permitting requirements and increased fees for average system

water loss by public water systems above certain percentages to prevent waste and promote water conservation; and 18) other non-substantive clarifying and conforming changes.

This hearing will be held on Monday, December 20, 2021, beginning at 9:00 a.m., at the District office located at 208 Kimberly Dr, Cleburne, Texas 76031. Any person who desires to appear at the hearing and present comment or other information on the proposed adoption of amendments to the District Rules may do so in person, by legal representative, or both. Comments may be presented verbally or in written form. Limits may be placed on the amount of time that each person is allowed to present verbal comments. Persons interested in submitting written comments on the proposed amendments may do so by email to kjones@prairielandsgcd.org or by mail or in person to 208 Kimberly Dr, Cleburne, Texas 76031. The Board may act to adopt the amendments to the rules as proposed or with additional changes based upon comments received and discussion at the hearing. The hearing posted in this notice may be recessed from day to day or continued where appropriate.

The public hearing is available to all persons regardless of disability. If you require special assistance to attend the hearing, please contact the Prairielands Groundwater Conservation District at (817) 556-2299 at least 24 hours in advance of the hearing.

A copy of the proposed amendments to the District Rules may be requested by email at kjones@prairielandsgcd.org, is available for reviewing or downloading at www.prairielandsgcd.org, and may be reviewed, inspected, or obtained in person at the District office located at 208 Kimberly Dr, Cleburne, Texas 76031. For more information, contact the District's General Manager, Kathy Turner Jones, at (817) 556-2299.



**PRAIRIELANDS GROUNDWATER
CONSERVATION DISTRICT**

FILED
NICOLE TANNER, COUNTY CLERK
HILL COUNTY, TEXAS

2021 NOV 30 PM 4:01

**NOTICE OF PUBLIC HEARING
December 20, 2021**

NOTICE IS HEREBY GIVEN to all interested persons in Ellis, Hill, Johnson, and Somervell Counties, Texas:

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**PRAIRIELANDS GROUNDWATER
CONSERVATION DISTRICT**

**NOTICE OF PUBLIC HEARING
December 20, 2021**

POSTED

A.M. 2:20 P.M.

NOV 30 2021

Becky Ivey, County Clerk
Johnson County Texas
By [Signature] Deputy

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POSTED
DATE 11-30-21
A.M. 2:04 P.M.
BY Michelle Reynolds Deputy

PRAIRIELANDS GROUNDWATER
CONSERVATION DISTRICT

FILED
MICHELLE REYNOLDS
COUNTY CLERK
SOMERVELL CO., TEXAS

2021 NOV 30 PM 1:59

DEPUTY

BY KC

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Open Meeting Information

Agency Name: **Prairielands Groundwater Conservation District**
Date of Meeting: 12/20/2021
Time of Meeting: 09:00 AM (Local Time)
Board: Prairielands Groundwater Conservation District
Committee: Board of Directors
Status: Accepted
Street Location: 208 Kimberly Dr.
City Location: Cleburne
Meeting State: TX
TRD: 2021007193
Submit Date: 11/30/2021
Emergency Mtg: No
Additional Information Obtained From: District staff at (817)556-2299
From: PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

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[HOME](#) |
 [TEXAS REGISTER](#) |
 [TEXAS ADMINISTRATIVE CODE](#) |
 [OPEN MEETINGS](#)

Kaylin Garcia

From: Annette Kinney
Sent: Tuesday, November 30, 2021 2:01 PM
To: Kaylin Garcia
Subject: FW: S.O.S. Acknowledgment of Receipt

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: TexReg@sos.texas.gov <TexReg@sos.texas.gov>
Sent: Tuesday, November 30, 2021 1:55 PM
To: Annette Kinney <annette@prairielandsgcd.org>
Subject: S.O.S. Acknowledgment of Receipt

Acknowledgment of Receipt

Agency: Prairielands Groundwater Conservation District

Liaison: Annette Kinney

The Office of the Secretary of State has posted

notice of the following meeting:

Board: Prairielands Groundwater Conservation District

Committee: Board of Directors

Date: 12/20/2021 09:00 AM "TRD# 2021007193"

Notice posted: 11/30/21 01:54 PM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z_TRD=2021007193](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2021007193)

AFFP

TO BE Published in the Waxahac

Sinclair Newby
Prairielands Groundwater
P.O. Box 3128
205 S Caddo St
Cleburne, TX 76033

Affidavit of Publication

STATE OF TEXAS
COUNTY OF ELLIS

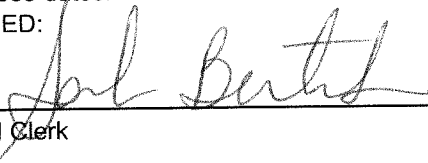
I, said Legal Clerk, being duly sworn, says:

That I am the Legal Clerk of the Waxahachie Daily Light, a daily newspaper of general circulation, printed and published in Waxahachie, Ellis County, Texas; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

November 28, 2021

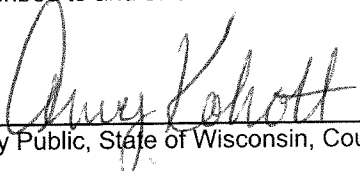
That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Legal Clerk

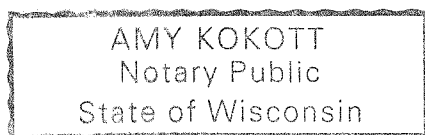
Subscribed to and sworn to me this 28th day of November 2021.



Notary Public, State of Wisconsin, County of Brown

My commission expires: 6/30/2025

00036230 00136075 817-556-2305



TO BE Published in the Waxahachie Daily Light on November 28, 2021:
PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT
NOTICE OF PUBLIC HEARING
December 20, 2021

NOTICE IS HEREBY GIVEN to all interested persons in Ellis, Hill, Johnson, and Somervell Counties, Texas:

That the Board of Directors ("Board") of the Prairielands Groundwater Conservation District ("District") will hold a public hearing, accept public comment, and may act to adopt amendments to the District Rules regulating water wells within the boundaries of the District, including Ellis, Hill, Johnson, and Somervell Counties, Texas. The Board adopted permanent District Rules on December 17, 2018, and has subsequently amended them. The current proposed amendments to the District Rules address a number of issues, including without limitation the following: 1) requiring any well that is equipped with a variable frequency drive that is capable of being set in a manner that would allow the well to operate at a production capacity higher than authorized by the District to be equipped with a flow restrictor that mechanically restricts the production capacity of the well at the wellhead to the authorized amount; 2) changing the deadline to drill, equip, complete or substantially alter a well from one hundred twenty (120) days to one hundred eighty (180) days from the date of approval of the well registration or permit; 3) eliminating temporary transitional rules provisions that have expired; 4) changing the meter reading and Water Production Report due dates from the 15th day to the 10th day of each month; 5) allowing semiannual meter reading and water production reporting for small well owners that are not public water systems and that produce no more than 10,000,000 gallons annually; 6) eliminating the use of a geographic weighted centroid to calculate the minimum spacing distances from property lines and from existing wells; 7) allowing the General Manager to approve exceptions to the minimum well spacing requirements in certain instances; 8) establishing minimum spacing requirements between new small-capacity wells and existing wells, and clarifying spacing requirements for new large-capacity wells from existing wells on the same property; 9) clarifying provisions for the drilling of a test well; 10) increasing the required minimum tract size for a single domestic well serving two or more households; 11) establishing certain requirements for pump installers and well owners relating to equipping a well; 12) clarifying requirements regarding well screening and completion based on the information provided in the approved application for a registration or permit; 13) clarifying the calculation of contiguous controlled acreage for Operating Permits for retail public utilities based on the type of certificate of convenience and necessity (CCN) held by the retail public utility; 14) amending the provisions in the District rules relating to compliance orders; 15) establishing a minimum threshold and other limitations for eligibility for the monthly water use fee payment option; 16) amending the General Manager's authority to enter into settlements for rules violations; 17) establishing permitting requirements and increased fees for average system water loss by public water systems above certain percentages to prevent waste and promote water conservation; and 18) other non-substantive clarifying and conforming changes.

This hearing will be held on Monday, December 20, 2021, beginning at 9:00 a.m., at the District office located at 208 Kimberly Dr, Cleburne, Texas 76031. Any person who desires to appear at the hearing and present comment or other information on the proposed adoption of amendments to the District Rules may do so in person, by legal representative, or both. Comments may be presented verbally or in written form. Limits may be placed on the amount of time that each person is allowed to present verbal comments. Persons interested in submitting written comments on the proposed amendments may do so by email to kjones@prairielandsgcd.org or by mail or in person to 208 Kimberly Dr, Cleburne, Texas 76031. The Board may act to adopt the amendments to the rules as proposed or with additional changes based upon comments received and discussion at the hearing. The hearing posted in this notice may be recessed from day to day

or continued where appropriate.

The public hearing is available to all persons regardless of disability. If you require special assistance to attend the hearing, please contact the Prairielands Groundwater Conservation District at (817) 556-2299 at least 24 hours in advance of the hearing.

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the Water Supply Corporation of the
will make on Brandon Irene Water
ly service system and payment of the
br fees by the developer for providing
water supply service capacity.
supply service capacity for failure to
improvements to Brandon Irene Water
are necessary to provide the water
design approved by Brandon Irene Wa-
by the developer of the water
following the inspection.
All costs of associated with the design
service extension.

corporation's tariff and a map showing
at the offices of 7416 State Highway
policy and service area map are also
Commission of the State of Texas

LEGAL NOTICE OF PUBLIC ONLINE SALE

Pursuant to Chapter 59
of the Texas Property Code,
Hillsboro Grain Storage, at
locations 101 Market Square,
Hillsboro, TX, 700 Abbott
Ave, Hillsboro, TX, and 207
Church St, Hillsboro, TX will
hold an online auction (stora-
getreasures.com) of property to
satisfy a landlords lien.

The online auction will end
on Tuesday, December 14,
2021 at www.storagetreasures.com

Deposit for clean-up and
immediate removal required.

Seller reserves the right to
refuse any bid and to withdraw
any property from sale.

Property being sold includes
contents of units for: Fua Jahn-
ke, Ray Clayburn, Myndi Jor-
dan, Jorge Esquivel, Deveon
Mayberry, and Juanita Davis.

(Items include household
goods)

HUGE INSIDE SALE: De-
cember 2-4, lots and lots of
miscellaneous. Furniture, dish-
es, toys, clothes, appliances,
tires. 610 Cho Street (at the
corner of Cho and Alexander
Streets, across from the inter-
mediate school). Thursday,
December 2, from 9 to 2, Fri-
day, from 9 to 2 and Saturday,
from 8 to 4. Half price from 2
to 4 on Saturday. Don't miss
this one!

INDOOR MOVING SALE:
400 East Franklin in Hills-
boro two blocks from town.
Friday from 8 a.m. to 5 p.m.
and Saturday from 8 a.m. to 1
p.m.. Thirty year collection of:
furniture, dishes, Christmas,
tools, lawn furniture, what-
nots, books and much more.

PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

NOTICE OF PUBLIC HEARING

December 20, 2021

NOTICE IS HEREBY GIVEN to all interested persons in
Ellis, Hill, Johnson, and Somervell Counties, Texas:

That the Board of Directors ("Board") of the Prairielands
Groundwater Conservation District ("District") will hold a
public hearing, accept public comment, and may act to adopt
amendments to the District Rules regulating water wells within
the boundaries of the District, including Ellis, Hill, Johnson,
and Somervell Counties, Texas. The Board adopted permanent
District Rules on December 17, 2018, and has subsequently
amended them. The current proposed amendments to the
District Rules address a number of issues, including without
limitation the following: 1) requiring any well that is equipped
with a variable frequency drive that is capable of being set in
a manner that would allow the well to operate at a production
capacity higher than authorized by the District to be equipped
with a flow restrictor that mechanically restricts the produc-
tion capacity of the well at the wellhead to the authorized
amount; 2) changing the deadline to drill, equip, complete or
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transitional rules provisions that have expired; 4) changing the
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meter reading and water production reporting for small well
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spacing distances from property lines and from existing wells;
7) allowing the General Manager to approve exceptions to
the minimum well spacing requirements in certain instances;
8) establishing minimum spacing requirements between new
small-capacity wells and existing wells, and clarifying spacing
requirements for new large-capacity wells from existing wells
on the same property; 9) clarifying provisions for the drilling
of a test well; 10) increasing the required minimum tract size
for a single domestic well serving two or more households; 11)
establishing certain requirements for pump installers and well
owners relating to equipping a well; 12) clarifying requirements
regarding well screening and completion based on the informa-
tion provided in the approved application for a registration or
permit; 13) clarifying the calculation of contiguous controlled
acreage for Operating Permits for retail public utilities based
on the type of certificate of convenience and necessity (CCN)
held by the retail public utility; 14) amending the provisions in
the District rules relating to compliance orders; 15) establish-
ing a minimum threshold and other limitations for eligibility
for the monthly water use fee payment option; 16) amending
the General Manager's authority to enter into settlements for
rules violations; 17) establishing permitting requirements
and increased fees for average system water loss by public
water systems above certain percentages to prevent waste and
promote water conservation; and 18) other non-substantive
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both. Comments may be presented verbally or in written form.
Limits may be placed on the amount of time that each person
is allowed to present verbal comments. Persons interested in
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may do so by email to kjones@prairielandsgcd.org or by mail
or in person to 208 Kimberly Dr, Cleburne, Texas 76031. The
Board may act to adopt the amendments to the rules as proposed
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disability. If you require special assistance to attend the hear-
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Manager, Kathy Turner Jones, at (817) 556-2299.

**PRAIRIELANDS GROUNDWATER
CONSERVATION DISTRICT
NOTICE OF PUBLIC HEARING
DECEMBER 20, 2021**

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EMPLOYMENT

Help Wanted-Full Time

AUTO TECHNICIANS needed for long established business in Abilene, Texas. General repair of cars and trucks. Benefits include health care, paid vacations, and retirement plan. Experience is a must. Please e-mail via1958@hotmail.com or call 325-673-1242

MOTOR VEHICLES

Automobiles

FOR SALE

1993 Nissan Pick-up
Needs work \$1700
254-897-9420

2017.5 Nissan Altima
10Kmi Like new.\$17,500
2001 Toyota Camry good
shape 125kmi mech sound
\$4000 254-897-1827

Trucks/Vans

1996 FORD F150 with 57938
miles on it and 5.0L engine,
garage kept, more info at
pedrin13@tdyemail.com ,
asking \$1833, 936-442-4871

BUSINESS/SERVICES**MERCHANDISE****FARM & RANCH****REAL ESTATE****RENTALS**Mobile Homes For Rent
(Unfurnished)

2 & 3 BR MH's
Close to Power
Plant, RV spaces
available, Call
817-578-7033

Legal Notices

APPLICATION HAS BEEN made with the Texas Alcoholic Beverage Commission for a Mixed Beverage by Roser Properties, LLC dba Snyder's Tavern to be located at 205 SW Barnard St, Glen Rose, Somervell County, Texas. Officers of said Owners are Pamela Streeter, Managing Member

APPLICATION HAS BEEN made With the Texas Alcoholic Beverage Commission for a Mixed Beverage Permit by Somervell County DBA Squaw Valley Golf Course to be located at 2439 E Highway 67, Glen Rose, Somervell County Texas. Officers of Somervell County are Jeffery O. Hansen - President, Stephen T. Heppler - Vice President & Veronica C. Welch - Secretary/Treasurer

PRAIRIELANDS GROUND-WATER CONSERVATION DISTRICT**NOTICE OF PUBLIC HEARING**

December 20, 2021

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Legal Notices

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REQUEST FOR PROPOSAL

BY ORDER of the Commissioner's Court of Somervell County, Texas, sealed proposals will be received for the following:

1. Real Estate Agent for County Owned Properties

A copy of the proposal specifications may be obtained at the

Exhibit "B"

CHRISTOPHER D. SMITH
DIRECT LINE: 512-659-6912
EMAIL: CHRIS.SMITH@SMITHJOLIN.COM



SMITH JOLIN LLP
700 LAVACA STREET, STE. 1400
AUSTIN, TEXAS 78701

December 17, 2021

Kathy Turner Jones, General Manager
Prairielands Groundwater Conservation District
205 South Caddo Street
Cleburne, Texas 76033
Via Email: kjones@prairielandsgcd.org

Re: Chaparral Steel Comment on Proposed Rule Amendments

Dear Ms. Jones:

I write on behalf of Chaparral Steel Midlothian, LP regarding the proposed rule amendments that will be considered by the District on December 20, 2021. Chaparral has significant concerns regarding proposed Rule 3.7(b).

Chaparral's wells are not currently equipped with variable frequency drives (VFDs), but the company has plans to install a VFD on its Well #1 in 2022, and anticipates possibly needing to install a VFD on its Well #3 in the future. Chaparral's goal in equipping Well #1 with the VFD is to enable greater operational flexibility and specifically to allow for pumping at intermediate rates below the well's permitted 500 gpm maximum production capacity. Being able to vary the amperage to the pump motor to exactly what is needed by the plant well system at specific times creates efficiency and is expected to reduce the total amount of electricity needed for pumping. In addition, the VFD is expected to improve reliability by reducing wear and tear on the pump and motor associated with excessive on and off cycling.

From a groundwater conservation standpoint, VFDs are extremely valuable. The ability to pump at intermediate production rates, rather than the all-or-nothing pumping that is required without a VFD, promotes lower pumping rates and reduces impacts due to high rates of withdrawal. Further, because of the high motor wear and tear associated with repeated cycling pumps on and off, operators of wells without VFDs often prefer to keep pumping at their maximum permitted capacity simply to protect their pump and motor. The flexibility afforded by a VFD to pump only what is needed without cycling the pump conserves groundwater and reduces electricity usage and associated impacts of electrical

generation, including greenhouse gas emissions. As drafted proposed Rule 3.7(b) may discourage the use of VFDs and inadvertently negate these benefits.

We understand that the goal of proposed Rule 3.7(b) is to provide a mechanism for District inspectors to confirm whether a well equipped with a VFD is in compliance. Chaparral agrees that this is an important goal. But we are concerned that the mechanical devices listed in the proposed rule are inefficient (restriction orifice plates) or unavailable (dole valves).

Restriction orifice plates are inefficient.

Restriction orifice plates reduce flow by adding a pressure drop that must be overcome. The pump and motor must be able to provide the required pressure for the downstream system, plus the pressure drop associated with the pipe length and valves, ***plus this new pressure drop from the restriction orifice plate.*** In practice, this means that, at all production rates, a well with a restriction orifice plate will require greater pump pressure and more electricity for the motor than the same well without a restriction orifice plate.

Further, restriction orifice plates do not inherently limit water flow rates in systems with variable pressure. Higher pumping pressure could overcome any intended water flow rate limit established by the restriction orifice plate. In order to have a restriction orifice plate be a practical limitation, District inspectors would have to somehow confirm the maximum upstream pumping pressure each time they inspect a well. Without that information, any limitation using a restriction orifice plate is likely to be illusory.

Large dole flow regulators may not be commercially available.

Based on our initial research, dole flow regulators do not appear to have the same drawbacks as restriction orifice plates. Specifically, dole flow regulators deliver a constant volume of water flow over a wide pressure drop range using flexible orifices. Thus, at low flow rates dole flow regulators do not have the parasitic pressure drop of restriction orifice plates.

Chaparral's concern with dole flow regulators is one of commercial availability. While we have identified dole flow regulators for small flows, we have not been able to identify any dole flow regulators that would limit flows at the maximum production rates for Chaparral's wells (500 gpm and 600 gpm). If the District has information on the commercial availability of large dole flow regulators, please let us know.

The District should consider an alternative compliance demonstration through record keeping.

Given the inefficiency of restrictor orifice plates and the potential lack of commercial availability of large hole flow regulators, the District should allow operators of wells with VFDs the option to demonstrate compliance with maximum production capacity limits through recordkeeping.

Modern water meters are capable of transmitting real-time meter data to a database, where the data are electronically stored and can be analyzed. Chaparral is currently using a cloud-based system to manage its well system. Well operators with these types of meters could demonstrate compliance with maximum production rates through the data they collect and maintain.

Chaparral proposes a 24-hour average to demonstrate compliance with the gallons per minute flow rate limit. This averaging period provides sufficient protection for the aquifer and smooths the inherent variability in the data. It also results in manageable data volumes (one gpm flow rate per day) for inspectors to review. Possible language authorizing this alternative compliance demonstration is offered below, and could be included either as a subpart to Rule 3.7(b) or included as a subpart to Rule 8 concerning metering:

As an alternative to compliance under Rule 3.7(b), the operator of a well equipped with a variable frequency drive may demonstrate compliance with the well's maximum production capacity by taking and recording meter readings no less than once an hour. Compliance with the maximum production capacity for the well shall be demonstrated based on a 24-hour average flow rate (gpm) for each day. The operator shall retain data used to demonstrate compliance under this section in electronic format or in hard copy, and must produce such data to the officers, staff, or agents of the district during reasonable business hours in response to a request by the district. The requirements of this section are in addition to the requirements of Rule 8.5 (Water Meter Readings) and are subject to Rule 8.4 (Removal of Meter for Repairs).

Chaparral believes that including the language above, or similar language, would provide needed flexibility, would promote the use of VFDs, and would give District inspectors the data they need to determine whether a well is in compliance.

The company is happy to answer any questions you have on this concept and we look forward to a continued cooperative relationship with the District.

Very truly yours,

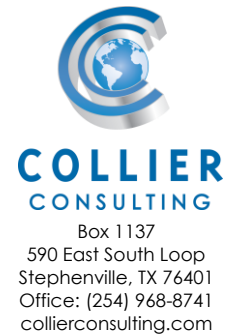
A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke.

Chris Smith

cc: Dale Harman (dale.harman@gerdau.com)
Brian Sledge (bsledge@sledgelaw.com)

December 20, 2021

Prairielands GCD
Attn: Kathy Turner Jones
208 Kimberly Dr.
Cleburne, TX 76031



**RE: Notice of Hearing to Adopt Amendments to District Rules –
December 20, 2021**

Dear Ms. Turner Jones and Members of the Board,

Collier Consulting (CCINC) appreciates the opportunity to provide comment and questions regarding the proposed amendments to the Prairielands Groundwater Conservation District rules. After careful review of the proposed amendments, CCINC representing both itself and our client Aqua Texas, would like the District to consider the following comments:

1. **Rule 3.7 (b) [p. 35]** – At the beginning of the rule it states that any “new well” with a VFD will be required to equip a flow restrictor, but then at the end of the paragraph it states that any well that has a VFD prior to January 1, 2022 has until June 1, 2022 to comply with the rule. Please clarify the intent of this rule.
2. **Rule 3.14 (k) [p. 48]** –
 - a. A PWS is allowed to either temporarily or permanently transfer a HUP, but is only allowed to temporarily transfer an Operating Permit. Is there a reason that the GCD is not allowing a PWS to permanently transfer an Operating Permit?
 - b. In siting a new well, the only consideration from the District will be in the well spacing and not the groundwater production allotment?
 - c. Is the form that is mentioned in this section been created yet? We could not find an example. We would like to know what information will be requested of the PWS in this process.
 - d. What does the GCD define as an interconnect? Will a temporary and/or emergency interconnect suffice?
 - e. Can a series of systems that have interconnects with each other utilize this rule and simply act as a “pass through” to the system(s) that are deficient?
3. **Rule 3.15 (b) [p. 50]** – We are curious as to the rationale of this amendment? Why the proposed change from the 15th of each month to the 10th? This would cause an undue hardship on systems like Aqua Texas. Depending on when a final reading is taken, Aqua may not receive the production reports until the 8th of the month, making it almost impossible for them to comply with this proposed amendment.
4. **Rule 4.3 (d)(2) [p. 56]** – We would ask the District to consider alternative storativity and transmissivity values in well spacing calculations on a case-by-case basis and not define the distance from which the calculation was extrapolated. We believe that as long as the alternative values are more pertinent to the well location in question, rather than the value that has been extrapolated in the GAM, then these values should be considered.

Will the District be able to provide to future applicants the distance to the nearest value that was used in the GAM for these variables?

5. **Rule 4.7 (h) [p. 65]** – We would ask the District to explain the rationale for this rule. Why would the District not approve a spacing exception between two wells owned by the applicant?
6. **Rule 5.8 [p. 75-76]** – Many water providers, including Aqua Texas, perform water audits that include water losses that are in addition to those defined by the District. How does the District propose this should be handled?
7. **Section 5 Regulation of Pumping [p. 67]** – This is currently not up for consideration, but during the review of these rules and recent projects in the GCD, we have noted that the current allocation of 50,000 gallons per acre per year is inadequate for the purpose of retail public water utilities and many other uses. We would ask that the District reconsider this allocation and consider several lines of evidence that show that this current allocation should be increased significantly (ex. disparity of well spacing vs. allocation, other surrounding Districts allocations, disparity between exempt allocation (25,000 gallons per day per 2 acres) and nonexempt allocation (50,000 gallons per year per acre).

We appreciate the opportunity to present these comments for your consideration. Please contact us at 254-968-8741 if you have any questions.

Sincerely,



Aaron Collier, P.G.
Vice President

Exhibit "C"

RESOLUTION NO #21-011

PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT RESOLUTION TO ADOPT AMENDMENTS TO THE DISTRICT RULES

THE STATE OF TEXAS

§

PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

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§

WHEREAS, the Prairielands Groundwater Conservation District (the “District”) was created as a groundwater conservation district by the 81st Texas Legislature under the authority of article XVI, Section 59, of the Texas Constitution, and in accordance with Chapter 36 of the Texas Water Code by the Act of May 31, 2009, 81st Leg., R.S., ch. 1208, 2009 Tex. Gen. Laws 3859, codified as Chapter 8855 of the Texas Special District Local Laws Code (the “District Act”);

WHEREAS, the District is a governmental agency and a body politic and corporate;

WHEREAS, the Board of Directors (the “Board”) adopted permanent rules (“Rules”) during a properly called and noticed public meeting on December 17, 2018, in accordance with Sections 36.101 and 36.1071(f) of the Texas Water Code, which authorize the District to make and enforce rules;

WHEREAS, the Board subsequently adopted amendments to the Rules during a properly called and noticed public hearings on October 21, 2019, and November 16, 2020, and such Rules will continue to be amended by the Board from time to time as necessary or appropriate after proper notice and public hearing;

WHEREAS, the District proposes the following amendments to the Rules: 1) requiring any well that is equipped with a variable frequency drive that is capable of being set in a manner that would allow the well to operate at a production capacity higher than authorized by the District to be equipped with a flow restrictor that mechanically restricts the production capacity of the well at the wellhead to the authorized amount; 2) changing the deadline to drill, equip, complete or substantially alter a well from one hundred twenty (120) days to one hundred eighty (180) days from the date of approval of the well registration or permit; 3) eliminating temporary transitional rules provisions that have expired; 4) changing the meter reading and Water Production Report due dates from the 15th day to the 10th day of each month; 5) allowing semiannual meter reading and water production reporting for small well owners that are not public water systems and that produce no more than 10,000,000 gallons annually; 6) eliminating the use of a geographic weighted centroid to calculate the minimum spacing distances from property lines and from existing wells; 7) allowing the General Manager to approve exceptions to the minimum well spacing requirements in certain instances; 8) establishing minimum spacing requirements between new small-capacity wells and existing wells; 9) clarifying provisions for the drilling of a test well; 10) increasing the

required minimum tract size for a single domestic well serving two or more households; 11) establishing certain requirements for pump installers and well owners relating to equipping a well; 12) clarifying requirements regarding well screening and completion based on the information provided in the approved application for a registration or permit; 13) clarifying the calculation of contiguous controlled acreage for Operating Permits for retail public utilities based on the type of certificate of convenience and necessity (CCN) held by the retail public utility; 14) amending the provisions in the District rules relating to compliance orders, including clarifying the definition of an economically feasible alternative water source to include an assessment of capital costs; 15) establishing a minimum threshold and other limitations for eligibility for the monthly water use fee payment option; 16) amending the General Manager's authority to enter into settlements for rules violations; 17) establishing permitting requirements and increased fees for average system water loss by public water systems above certain percentages to prevent waste and promote water conservation; and 18) other non-substantive clarifying and conforming changes.

WHEREAS, after proper publication of the proposed amendments to the Rules and public notice of a hearing on the consideration of the same in accordance with the requirements of Sections 36.101(d) and (e) of the Texas Water Code, the Board held a rulemaking public hearing on December 20, 2021, where the Board received and considered all oral and written comments received from the public and from the directors, staff, and professional consultants of the District on the proposed amendments to the District Rules;

WHEREAS, after taking up and considering the proposed amendments to the Rules, the Board adopted the same during the public hearing of the Board on December 20, 2021;

WHEREAS, the Board finds that requiring that any well equipped with a variable frequency drive capable of being set in a manner that would allow the well to operate at a production capacity higher than authorized by the District to be equipped with a flow restrictor that restricts the production capacity of the well to the authorized amount prevents the unauthorized production of groundwater in violation of the Rules;

WHEREAS, the Board finds that changing the deadline to drill, equip, complete or substantially alter a well from one hundred twenty (120) days to one hundred eighty (180) days from the date of approval of the well registration or permit provides a more reasonable period of time for well owners or drillers to ensure that a well is drilled, equipped, completed, or substantially altered in compliance with the Rules;

WHEREAS, the Board finds that eliminating temporary transitional rules provisions that have expired eliminates confusion relating to dates and deadlines and serves to streamline the Rules;

WHEREAS, the Board finds that changing the meter reading and Water Production Report due dates from the 15th day to the 10th day of each month is reasonable to coincide with the day of the month that water use fees are due;

WHEREAS, the Board finds that it is reasonable to allow semiannual meter reading and

water production reporting for small well owners that are not public water systems and that produce no more than 10,000,000 gallons annually, eliminating the burden on such well owners to read meters and report water production monthly;

WHEREAS, the Board finds that the well spacing methodology specified in District Rule 4.3(d) is sufficient to prevent interference between wells and minimize drawdown in the applicable layer of the aquifer, including minimum distances between proposed wells from property lines and from existing wells or approved well sites, including without limitation any existing wells or well sites owned by the owner of the proposed well, and that the District should no longer consider a geographic weighted centroid to calculate the minimum spacing;

WHEREAS, the Board finds that allowing the General Manager to approve exceptions to the minimum well spacing requirements for smaller wells provides for more efficient processing of well registration and permitting applications while ensuring other wells are protected;

WHEREAS, the Board finds that establishing minimum spacing requirements between new small-capacity wells and existing wells and clarifying spacing requirements for new large-capacity wells from existing wells on the same property limits the impact of new wells on the available drawdown in the layer of the aquifer where the wells are screened;

WHEREAS, the Board finds that clarifying provisions for the drilling of a test well provides needed guidance for applicants desiring to drill a test well, provides applicants with better information upon which to continue the application process, and ensures that test wells are drilled, completed, or plugged in a manner that is protective of groundwater resources and in accordance with the Rules;

WHEREAS, the Board finds that increasing the required minimum tract size for a single domestic well serving two or more households helps to minimize the impacts on other wells and will ensure that there are two acres of groundwater rights to provide water for each household served, which is consistent with the intent of the current minimum tract size requirements in the Rules;

WHEREAS, the Board finds that establishing certain requirements for pump installers and well owners relating to equipping a well increases accountability for the proper completion, screening, equipping, and operation of a well in a manner consistent with the requirements of the well registration application or approved well registration or permit and in compliance with the Rules;

WHEREAS, the Board finds that clarifying requirements regarding well screening and completion based on the information provided in the approved application for a well registration helps well owners avoid potential violations of the Rules relating to well completion and screening requirements based upon differences encountered in the hydrogeology when actually drilling and completing the well, and holds well owners and drillers alike responsible for compliance with the Rules;

WHEREAS, the Board finds that clarifying the calculation of contiguous controlled acreage for Operating Permits for retail public utilities based on the type of certificate of convenience and necessity (CCN) held by the retail public utility serves to more accurately determine a utility's contiguous controlled acreage, and thus establish the appropriate maximum production amount for an Operating Permit;

WHEREAS, the Board finds that amending the provisions in the Rules relating to compliance orders provides clarity regarding the definition of an "economically feasible alternative water source" to potential applicants for a compliance order to ensure that the capital costs of both the alternative water source and the proposed well are considered;

WHEREAS, the Board finds that establishing a minimum threshold for eligibility for the monthly water use fee payment option allows for more efficient processing of water use fee payments by the District and protects owners of smaller wells from incurring a five (5) percent surcharge on monthly fee payments;

WHEREAS, the Board finds that amending the General Manager's authority to enter into settlements that are consistent with the Enforcement Policy and Penalty Schedule adopted by the Board for Rules violations is a practical change that prevents unnecessarily delaying the resolution of enforcement matters by requiring Board action to settle such matters;

WHEREAS, the Board finds that establishing permitting requirements and increased fees for average system water loss by retail public utilities above certain percentages is necessary to prevent waste, promote water conservation, and incentivize retail public utilities to identify and resolve system water losses;

WHEREAS, the Board finds that making minor typographical, formatting, and non-substantive or clarifying corrections to the Rules makes the Rules more user-friendly, lessens the possibility for confusion, misinterpretation, or misapplication of the Rules, and improves the efficiency of District processes;

WHEREAS, the Board finds that the proposed amendments to the Rules, attached hereto as "Attachment A," are each and all merited and necessary to support the District's efforts in managing the groundwater resources within the boundaries of the District in a manner consistent with the requirements of Chapter 36, Water Code, and the District Act, and that each proposed amendment to the Rules is supportable under the laws of the State of Texas; and

WHEREAS, the Board finds that all provisions of the Rules as amended are duly authorized by the powers and duties granted to the District under the District Act and Texas Water Code Chapter 36.

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

1. The above recitals are true and correct;
2. The Board of Directors hereby approves and adopts the proposed amendments to the District Rules;
3. The District Rules as amended and included with this resolution as "Attachment A" are the Rules of the Prairielands Groundwater Conservation District, adopted pursuant to the requirements of Section 36.101 of the Texas Water Code.
4. The attached amendments to the District Rules take effect January 1, 2022.
5. The District's Board, its officers, District staff, and legal counsel are further authorized to take any and all actions necessary to implement this resolution;
6. The District's General Manager and legal counsel are further authorized to make any typographical corrections, formatting, conforming, and other nonsubstantive changes to the District Rules as amended by the adoption of this resolution.

AND IT IS SO ORDERED

PASSED AND ADOPTED this 20th day of December, 2021.

PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

By: Charles Beseda
Charles Beseda, President

ATTEST:

I, Maurice Osborn, certify that I am Secretary/Treasurer of the Prairielands Groundwater Conservation District organized and existing under the laws of the State of Texas, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the District duly and properly called and held on December 20, 2021. Said resolution appears in the minutes of this meeting and has not been rescinded or modified.

Maurice Osborn
Maurice Osborn, Secretary

