

LONE STAR GROUNDWATER CONSERVATION DISTRICT

Resolution No. 09-008

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LONE STAR GROUNDWATER CONSERVATION DISTRICT AMENDING THE LONE STAR GROUNDWATER CONSERVATION DISTRICT RULES

SECTION 1. Rule 1.1 of the Lone Star Groundwater Conservation District Rules (“District Rules”) is amended to read as follows:

Insert the following definitions in their appropriate place using alphabetical order and renumber the remaining subsections accordingly:

“Impounded water” means groundwater produced from a well that is discharged into or otherwise held in a surface impoundment for subsequent withdrawal and use for irrigation or any other purpose.

“Miscellaneous impoundment losses” means the exfiltration losses or percolation losses of water through the bottom and sides of a surface impoundment, excluding evaporative losses.

“Surface impoundment” means an artificially dug or natural occurring hole, pond, lake, or other land surface depression, including without limitation an impounded stream or other watercourse, used for holding groundwater produced from a non-exempt well.

SECTION 2. Rule 2.3(a) of the District Rules is amended to read as follows:

(20) the withdrawal for subsequent use of impounded water without measuring and recording at all times all such withdrawn volumes using a properly installed, functioning and calibrated flow measurement device, or failure to comply with all calibration testing, installation, notification, and certification requirements [District Rules 13.2];

(21) the failure to file with the District a true and correct copy of the log required under District Rule 13.2(e) by March 1st of the calendar year in which it is due [District Rules 13.2(h)]

~~[(20)]~~(22) the incursion of any three Minor Violations of the District Rules within a period of three (3) consecutive years—for purposes of this subsection only, a minor violation is incurred when a person receives notice of such by the General Manager by any method listed in District Rule 2.4; and

~~[(21)]~~(23) any other act or omission not listed in this subsection that is determined by order or resolution of the Board to constitute a Major Violation.

SECTION 3. Section 13 of the District Rules is amended by amending the title of the section to read as follows:

WASTE PROHIBITED;
CONSERVATION STANDARDS FOR CERTAIN IMPOUNDMENTS

SECTION 4. Section 13 of the District Rules is amended by adding the following Rule 13.2 to read as follows:

Rule 13.2 Conservation Standards for Certain Impoundments and Practices

- (a) No groundwater produced from a well may be discharged into or otherwise held in any surface impoundment and subsequently used for irrigation or any other purpose, except as specifically authorized by this rule.
- (b) Groundwater produced from a non-exempt well may be held as impounded water only if, beginning not later than January 1, 2010, all volumes of water impounded and actually withdrawn from the surface impoundment for subsequent use are separately measured and recorded at all times using a properly installed, functioning and calibrated flow measurement device as otherwise prescribed by this rule.
- (c) Surface impoundments used or designed to hold groundwater produced within the District shall be constructed and at all times maintained such that the miscellaneous impoundment losses do not exceed 10 percent of the total volume of groundwater discharged annually into the surface impoundment.
- (d) Meters used to satisfy the flow measurement requirements of Subsection (b):
 - (1) shall conform to the American Water Works Association (“AWWA”) Standard M6, “Water Meters-Selection, Installation, Testing, and Maintenance,” as that standard may be revised by the AWWA from time to time;
 - (2) must be capable of being calibrated and maintaining calibration for no fewer than 90 contiguous days; and
 - (3) must be capable of reliable measurement within a margin of error not to exceed the standards specified in AWWA Standard M6.
- (e) Each permit holder authorized to produce groundwater that will be impounded and subsequently withdrawn for use shall, no less frequently than once each month or such other interval required in the terms of the applicable permit, inspect the meter required by this rule and record in a log the total volume registered on the meter at the time of the inspection.
- (f) Each meter required by Subsection (b) must be calibrated upon installation. The person who installs any meter required by this rule shall submit to the District a certificate of

calibration for each installed meter. Any meter that is not calibrated to achieve the accuracy standards specified in AWWA M6 cannot be used and must be replaced.

- (g) The calibration of each meter required under Subsection (b) shall be tested once every three (3) years. Before any such calibration testing, the permit holder shall notify the District verbally or in writing no fewer than 48 hours before the scheduled testing shall take place. District staff or any authorized representative of the District may be present to observe the calibration testing. If the calibration testing shows a variance greater than the variation allowed in AWWA M6, the District may require the permit holder to correct all monthly readings conducted since the most recent previous calibration to account for any inaccuracies in the readings.
- (h) A true and correct copy of the log required under Subsection (e) shall be submitted to the District with the water production report required by Rule 4.3 by the deadline set forth under Rule 4.3, along with a copy of the production log required under Rule 11.6.
- (i) The failure to submit to the District, in whole or in part, the information required to be maintained in Subsection (e) shall be considered by the District during any pertinent permit renewal or amendment process as evidence indicating the absence of the claimed subsequent use activity, and the permit amount requested may be reduced as a result.

SECTION 4. Recognizing the importance of implementing these reasonable conservation standards at a time when Montgomery County is experiencing increased pressures on limited water supplies, a trend that is only exacerbated by the current drought conditions plaguing Montgomery County and much of the State of Texas, the amendments to the District Rules that are contained in this Resolution shall become effective immediately upon adoption by the Lone Star Groundwater Conservation District Board of Directors.

AND IT IS SO ORDERED.

PASSED AND ADOPTED on this _____ day of _____, 2009.

LONE STAR GROUNDWATER CONSERVATION DISTRICT

By: _____
Richard J. Tramm, Board President

ATTEST:

Sam W. Baker, Board Secretary