

RULES OF THE TEXANA GROUNDWATER CONSERVATION DISTRICT

ADOPTED: ~~January 19, 2023~~

EFFECTIVE:

DRAFT

PROLOGUE

INTRODUCTION

The rules of the Texana Groundwater Conservation District were originally adopted on January 13, 2011.

The rules of the Texana Groundwater Conservation District were originally in effect as of February 25, 2011.

The rules of the Texana Groundwater Conservation District were revised on May ~~21, 2015~~ 21, 2015.

The rules of the Texana Groundwater Conservation District were revised on January 19, 2023.

The rules of the Texana Groundwater Conservation District were modified and re-adopted on _____.

In accordance with Section 59 of Article XVI of the Texas Constitution, Chapter 8857, Special ~~District Districts and~~ Local Laws Code, and Chapter 36 of the Texas Water Code, the following rules are hereby ratified and adopted as the ~~rules~~ Rules of ~~this~~ the Texana Groundwater Conservation District by its ~~Board~~ board of directors. Each rule as worded herein has been in effect since the date of passage and as may be hereafter amended.

The rules, regulations, and modes of procedure herein contained are and have been adopted to simplify procedures, avoid delays, and facilitate the administration of the water laws of the ~~State~~ state of Texas and the polices of the district. ~~The~~ rules of ~~this District~~. ~~These~~ ~~rules~~ the district shall be construed in such a manner as to attain these objectives.

~~These~~ The rules of the district may be used as guides in the exercise of discretion, where discretion is vested. However, under no circumstances and in no particular case may ~~these~~ the rules of the district be construed as a limitation or restriction upon the exercise of powers, duties, and jurisdiction conferred by law. ~~These~~ The rules of the district will not limit or restrict the amount and accuracy of data or information that may be required for the proper administration of the law.

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SECTION 1: DEFINITIONS AND CONCEPTS

RULE 1.1: DEFINITIONS OF TERMS

In the administration of its duties, the Texana Groundwater Conservation District follows the definitions of terms set forth in ~~The District Act~~the district act, Chapter 36 of the Texas Water Code, Chapter 76 of Title 16 of the Texas Administrative Code, and the definitions as follow:

ACRE-FOOT means the amount of water necessary to cover one acre of land one foot deep; ~~or and is equal to~~ 325,851 U.S. gallons of water.

ADMINISTRATIVELY COMPLETE means the condition of an application when all information required and requested has been provided to the ~~District~~district, including the information specified in the rules of the district or reasonably related to an issue that the district by law is authorized to consider.

~~AGGREGATE AUTHORIZED GROUNDWATER PRODUCTION AMOUNT means the amount of groundwater authorized to be withdrawn from two or more wells of a well field or well system.~~

~~APPLICANT means the person, who possessing sufficient legal authority to obligate the associated owners of groundwater resources, the associated owners of land, and the associated well owners to the regulations, requirements, and conditions of permits and district waivers resulting from the approval of an application, submits an application to the district.~~

APPLICATION means the completed forms and associated information supporting a request ~~or for~~ authorization from the ~~District~~district related to the regulation of the groundwater resources within the ~~District~~district, including the information specified in the rules of the district or reasonably related to an issue that the district by law is authorized to consider.

AQUIFER CONDITION PARAMETERS means ~~the portions~~quantitative physical characteristics of the Gulf Coast, ~~Chicot, Evangeline, or Jasper~~ Aquifer ~~located in the District or any other System required, by the district, to be monitored as a condition of a production permit.~~

AQUIFER CONDITION TIER 1 PARAMETERS means the following measurements:
1. water bearing geologic formation level of a well as feet below the ground surface,
2. specific conductivity of a well as $\mu\text{S}/\text{cm}$, and
3. temperature as $^{\circ}\text{C}$.

AQUIFER CONDITION TIER 2 PARAMETERS means the following measurements:
1. water level of a well as feet below the ground surface;
2. temperature as $^{\circ}\text{C}$;
3. total dissolved solids, M2540C;

4. elements / metals, ICPMS (0.45u filtered and acid preserved): SW6020A;
5. specific conductivity, M2510 B;
6. alkalinity, M2320 B;
7. pH, M45000-H+ B;
8. anions, IC method, Water E300;
9. Silica, USEPA method 370.1.

AQUIFER CONDITION TIER 3 PARAMETERS means the following measurements: alkalinity, ammonia, arsenic, barium, bicarbonate, bromide, cadmium, chromium, carbonate, calcium, chloride, dissolved oxygen, fluoride, iron, iodide, lead, magnesium, mercury, molybdenum, nitrate, nitrate, oxidation reduction potential, potassium, selenium, silver, sodium, sulfate, sulfite, total dissolved solids, total hardness, total phosphorus, total organic carbon, total suspended solids, turbidity, and uranium.

ARTESIAN WELL means a well drilled through impermeable strata to reach water capable of rising to the surface by internal hydrostatic pressure.

AUTHORIZED AGENT means the person, who possessing sufficient legal authority to obligate certain owners of groundwater resources, certain owners of land, certain well owners, or certain authorized operators to the regulations, requirements, and conditions of permits and district waivers issued by the district, represents and acts for those other persons regarding matters within the jurisdiction of the district.

AUTHORIZED ANNULAR SPACE SEALANT means a material that will:

1. ~~Create~~create a seal against the borehole wall preventing the leaking of fluids into the borehole,
2. ~~Create~~create a seal against the well casing preventing the development of liquid flow paths along the outside of the casing, and
3. ~~Fills~~fills and sets up to fill the voids between the outside of the casing and the borehole wall having ~~a~~ structural integrity and porosity that prevents the migration of fluids through the sealant. Authorized materials include: neat cement grout, bentonite-cement grout, high-solids bentonite grout, bentonite slurry, and properly hydrated bentonite chips/pellets/granules.

~~AUTHORIZED DRILLING AREA means that area identified on a drilling permit within which a well may be drilled provided that all other spacing requirements for which a waiver has not been granted are met.~~

AUTHORIZED GROUNDWATER PRODUCTION means the non-exempt use of a well, a well field, or well system resulting in the flowing of or extraction of groundwater from a well, a well field, or a well system as authorized by the district under a production permit.

AUTHORIZED GROUNDWATER PRODUCTION AMOUNT means the quantity of groundwater that the District, in units of acre-foot per year, authorized to be produced from a well, a well field, or a well system by the district under a production permit.

AUTHORIZED GROUNDWATER PRODUCTION PURPOSE means the beneficial use for which groundwater produced from a well, a well field, or a well system may be put as authorized by the district under a production permit.

AUTHORIZED GROUNDWATER PRODUCTION RATE means the quantity of groundwater, in units of gallons permit or gallons per day, authorized to be produced from a well, a well field, or a well system by the district under a production permit.

AUTHORIZED GROUNDWATER TRANSFER AMOUNT means the quantity of groundwater in units of acre-foot per year, that the district has authorized to be transferred out of the district under a transfer permit.

AUTHORIZED GROUNDWATER TRANSFER LOCATION means location that the district has authorized to be produced from a non-exempt use wellgroundwater to be transferred by permit.

AUTHORIZED GROUNDWATER TRANSFER PERIOD means the period of time that the district has authorized groundwater to be transferred by permit.

AUTHORIZED GROUNDWATER TRANSFER PURPOSE means the beneficial use to which groundwater transferred outside of the district under a transfer permit issued by the district is authorized to be put.

AUTHORIZED OPERATOR means any person authorized by the Districtdistrict by permit to operate a well, well field, ~~or well system,~~ or groundwater transfer facility.

AUTHORIZED WELL SITE means:

- ~~1. The location of a proposed well on an application duly filed with the District until such application is denied; or~~
- ~~2. The location of a proposed well on a valid permit; or~~
- ~~3. A well which produces in excess of 28,800 gallons (20 GPM) of water per day and which was in existence at the time the District was created or at the time the area was annexed into the District and is not considered to be an abandoned well or deteriorated well; or~~
- ~~4. A well drilled after the District was created or after an area was annexed into the District that has a properly completed well registration on file in the District office and such well has not been “abandoned” by the authorized operator.~~

AVERAGE AQUIFER CONDITION means the average of aquifer condition parameters calculated from measurements collected in association with an aquifer monitoring plan, approved by the district, collected during a particular period of time from a well or wells.

BENEFICIAL USE means:

1. ~~The~~the use of groundwater for agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational, or pleasure purposes;

2. ~~The~~the use of groundwater for exploring for, producing, handling, or treating oil, gas, ~~sulphur~~sulfur, or other minerals; or
3. ~~The~~the use of groundwater for any other purpose that is useful and does not constitute waste of groundwater.

~~BOARD~~ means ~~the Board of Directors of the Texana Groundwater Conservation District.~~

~~COMMISSION OF DIRECTORS~~ means the ~~Texas Commission on Environmental Quality~~governing body of the district.

~~CONSERVATION~~ means ~~those water saving practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.~~

CONTIGUOUS OWNERSHIP OF LAND means a unit of ownership of land held by a single person, entity, or undivided interests in the unit of land surrounding a single location without interrupting ownership.

CONTIGUOUS OWNERSHIP OF GROUNDWATER RESOURCES means a unit of ownership of groundwater resources held by an individual person, entity, or undivided interests in a unit of groundwater resources surrounding a single location without interrupting ownership.

DEAF PERSON means a person who has a hearing impairment that inhibits the person's comprehension of the proceedings or communication with others.

DEDICATED AQUIFER MONITORING WELL means a well that is designed, constructed, and used solely for the purposes of monitoring aquifer conditions.

DEEP-SALINE NON-HISTORIC USE means the non-exempt use of a well, a well field, or well system, which is not validated by the district as historic use, resulting in the flowing of or extraction of groundwater from a deep-saline special groundwater management zone from a well, a well field, or a well system as authorized by the district under a production permit.

DEEP-SALINE SPECIAL GROUNDWATER MANAGEMENT ZONE means a special groundwater management zone designated by the district comprised of a water-bearing stratum containing saline groundwater existing at least one thousand three hundred feet (1,300 feet) below ground surface.

DEEP-SALINE SPECIAL GROUNDWATER MANAGEMENT ZONES designated by the district include:

DEEP-SALINE WELL means a well that is a non-grandfathered non-exempt-use well with well screening isolated in a deep-saline special groundwater management zone.

DEEP-SALINE WELL FIELD means a set of wells that are or would be classified as a non-grandfathered non-exempt-use wells with well screening isolated in a deep-saline special

groundwater management zone located on a contiguous tract of land owned or controlled by the owners of the wells.

DESIRABLE GROUNDWATER means groundwater that is not injurious to vegetation, animals, land, or would not cause or contribute to contamination of land or water.

DETERIORATED WELL means a well that, because of its condition, will cause or is likely to cause pollution of any water in this state, including groundwater.

DISTRICT means the Texana Groundwater Conservation District.

DISTRICT ACT means Chapter ~~8857~~8854, Special District Local Laws Code and the non-conflicting provisions of Chapter 36, Water Code.

DISTRICT OFFICE means the office of the ~~District~~district as established by action of the ~~Board~~board of directors.

DISTRICT WAIVER means the modification, reduction, of elimination of a rule, requirement, or condition of the rules of the district or of a permit issued by the district that is granted by the board of directors upon a finding of good cause.

DOMESTIC means those activities related to the maintenance of a ~~single~~-household.

DORMANT WELL means a non-exempt-use well ~~which~~that is not a deteriorated well or abandoned well ~~that~~which the authorized operator has notified the ~~District~~district, by submitting an application requesting the well be classified as a dormant well, that the well will not be operated for the foreseeable future and the authorized operator has agreed to notify the District-district will be notified, by submitting an application requesting the well be classified as an active well prior to ~~the~~any operation of the well.

~~DRILLING PERMIT means an authorization issued by the District for a water well to be drilled.~~

EVIDENCE OF HISTORIC USE means evidence that is material and relevant to a determination of the amount of groundwater produced for beneficial use from a grandfathered well, grandfathered well field, or grandfathered well system for a non-exempt use without waste of groundwater during the historic use validation period.

EXEMPT USE means the use or operation of a well, ~~well field, or well system;~~ or set of wells for exempt-use purposes.

~~For the sole purpose of~~

EXEMPT-USE PURPOSES means:

1. producing groundwater ~~to be used~~ for domestic use purposes;
 1. ~~For the sole purpose of providing groundwater for personal recreation from a well that is completed, or equipped so that it is incapable of producing more than 35,000 gallons of groundwater per day;~~

2. ~~For the sole purpose of providing~~ groundwater for livestock, or poultry watering purposes;
3. ~~For the sole purpose of providing~~producing groundwater for firefighting; purposes;
2. ~~For the sole purpose of providing a heat source or heat sink to a freshwater closed loop geothermal well; or~~
4. ~~For the sole purpose of providing access to monitor~~producing groundwater resources for groundwater monitoring purposes in a volume that does not ~~consume more than exceed~~ five thousand gallons (5,000 gallons) of water per year; or
5. otherwise exempt under Section 36.117, Water Code.

EXEMPT-USE WELL means a well ~~utilized to produce groundwater to be~~ used solely for exempt ~~use purposes or a well otherwise exempt under the provisions of Section 36.117 of the Texas Water Code~~ use purposes.

FEE means a charge imposed by the ~~District~~district pursuant to Texas Water Code Chapter 36.

FEE TYPES include:

1. ADMINISTRATIVE FEE means a fee assessed by the ~~District~~district on an applicant for the submittal of an application ~~on an applicant.~~
2. PRODUCTION FEE means a fee ~~assess~~assessed by the ~~District~~district on authorized operators based on the volume of groundwater produced from a non-exempt-use well.
3. ~~TRANSPORT~~TRANSFER FEE means a fee ~~assess~~assessed by the ~~District~~district on authorized operators based on the volume of groundwater ~~transported~~transferred out of the boundary of the ~~District~~district.

GENERAL MANAGER means the person employed by the ~~District~~district assigned the responsibility of managing the ~~District~~district office and completing duties, actions, and tasks as directed by the ~~Board~~board of directors.

~~GRANDFATHER~~ means to:

1. ~~Exclude a grandfathered well from well spacing requirements so long as the purpose of use remains unchanged;~~
2. ~~Exclude a non-exempt well drilled before the original adoption of these rules on January 13, 2011, from water use fees;~~
3. ~~Allow a grandfathered well used for non-exempt-use purposes prior to the original adoption of these rules on January 13, 2011, to obtain a production permit authorizing the operation of the well for validated historic uses;~~
4. ~~Allow a non-exempt well drilled before the original adoption of these rules on January 13, 2011, to operate under production permits authorizing the operation of the well for validated historic uses without requiring a periodic renewal of these permits.~~

GEOGRAPHIC COORDINATE means the latitude and longitude of a location described in measurements of World Geodetic System, WGS 1984 EPSG 4326.

GOOD CAUSE means a reasonable and rational justification for the board of directors to take an action to accomplish and achieve its management goals and objects related to preserving, conserving, recharging, and protecting groundwater resources, controlling subsidence and preventing waste of groundwater within the district.

~~GRANDFATHERED STATUS means the classification assigned, by the District, of the purpose of use for which a well, well field, or well system as either grandfathered or non-grandfathered.~~

EXEMPT-USE

~~GRANDFATHERED~~WELL means a well that existed at the date of the original adoption of the rules of the ~~District~~district used during and after the historic use period solely for exempt-use purposes.

GRANDFATHERED NON-EXEMPT-USE WELL means a well that existed at the date of the original adoption of the rules of the district used for non-exempt-use purposes during the historic use period.

GRANDFATHERED NON-EXEMPT-USE WELL FIELD means a well field that existed, in its entirety, at the date of the original adoption of the rules of the ~~District~~district used for non-exempt-use purposes during the historic use period.

GRANDFATHERED NON-EXEMPT-USE WELL SYSTEM means a well system that existed, in its entirety, at the date of the original adoption of the rules of the ~~District~~district used for non-exempt-use purposes during the historic use period.

~~GROUNDWATER means water percolating below the surface of the earth.~~

GRANDFATHERED STATUS means the classification, assigned by the district, of the purpose of use for a well, a well field, or a well system as a grandfathered well, a grandfathered well field, a grandfathered well system, a non-grandfathered well, a non-grandfathered well field, or a non-grandfathered well system.

GRANDFATHERED WELL means a well that existed at the date of the original adoption of the rules of the district and the present pattern of operation of the well is the same as the historic use of the well.

GRANDFATHERED WELL FIELD means a well field that existed, in its entirety, at the date of the original adoption of the rules of the district and the present pattern of operation of the well field is the same as the historic use of the well field.

GRANDFATHERED WELL SYSTEM means a well system that existed, in its entirety, at the date of the original adoption of the rules of the district and the present pattern of operation of the well system is the same as the historic use of the well system.

GROUNDWATER PRODUCTION means the operation of a well, a well field, or a well system that results in the extraction of groundwater from a well.

HEARING BODY GROUNDWATER RESOURCES means the ~~Board, any committee~~ water percolating below the surface of the ~~Board,~~ earth.

GROUNDWATER QUALITY CLASSIFICATIONS include:

1. FRESH GROUNDWATER means groundwater with a total dissolved solids concentration less than one thousand milligrams per liter (1,000 mg/L).
2. SALINE GROUNDWATER means groundwater with a total dissolved solids concentration 1) equal to or a hearing examiner at any hearing held under the authority greater than one thousand milligrams per liter (1,000 mg/L) and 2) equal to or less than ten thousand milligrams per liter (10,000 mg/L).
 - 2.1. SLIGHTLY SALINE GROUNDWATER means groundwater with a total dissolved solids concentration 1) equal to or greater than one thousand milligrams per liter (1,000 mg/L) and 2) equal to or less than three thousand milligrams per liter (3,000 mg/L).
 - 2.2. MODERATELY SALINE GROUNDWATER means groundwater with a total dissolved solids concentration 1) greater than three thousand milligrams per liter (3,000 mg/L) and 2) equal to or less than ten thousand milligrams per liter (10,000 mg/L).
 - 2.3. EXTEREMLY SALINE GROUNDWATER means groundwater with a total dissolved solids concentration greater than ten thousand milligrams per liter (10,000 mg/L).

GULF COAST AQUIFER SYSTEM means the water-bearing strata and geologic formations of the ~~District Act~~ Chicot Aquifer, Evangeline Aquifer, Jasper Aquifer, or any other water-bearing geologic formation within the boundary of the district.

HEARING EXAMINER means a person appointed by the ~~Board~~ board of ~~Directors~~ directors to conduct a hearing or other proceeding.

HIGH-CAPACITY NON-HISTORIC USE means the production of groundwater for non-exempt use that is:

1. produced from one or more wells located on one or more tracts of contiguous groundwater ownership associated with a permit request for a production permit for non-historic use with:
 - 1.1. the cumulative authorized groundwater production rate being greater than or equal to five hundred gallons per minute (500 GPM), excluding the authorized groundwater production rates associated with historic use or deep-saline non-exempt use; or
 - 1.2. the cumulative authorized groundwater production amount being greater than or equal to two hundred and fifty acre-foot per year (250 acre-foot per year), excluding the authorized groundwater production amounts associated with historic use or deep-saline non-exempt use.

HIGH-CAPACITY NON-HISTORIC-USE PRODUCTION PERMIT means a production permit issued by the district associated with an application requesting authorization to produce groundwater that qualifies as high-capacity non-exempt use.

HISTORIC USE means the specific pattern of ~~utilization~~operation of a well that has not been plugged, a well field, or a well system ~~that occurred~~ during the historic use validation period including the annual quantity of groundwater produced from ~~a~~the well, ~~the~~the well field, or ~~the~~the well system and the specific purposes of use of the produced groundwater for which evidence of the specific pattern of operation of a well, a well field, or a well system during the historic use validation period exists.

HISTORIC USE VALIDATION PERIOD means the time period before the date of the original adoption of the rules of the ~~District~~district.

HISTORIC USE VALIDATION PERMIT means a production permit issued by the district associated with an application requesting validation and protection of historic use.

HISTORIC USE VALIDATION YEAR means the calendar year during the historic use validation period for which validation of historic use is being sought for a grandfathered well, a grandfathered well field, or a grandfathered well system.

INITIAL AVERAGE AQUIFER CONDITIONS means the average aquifer condition calculated from measurements collected in association with an aquifer monitoring plan, approved by the district, before groundwater is produced under a production permit.

LANDOWNER means the person who ~~bears ownership of~~ has legal title to the land surface of a tract of land within the district.

~~LANDOWNER AGENT~~LICENSED WELL DRILLER means a person ~~authorized~~licensed or registered by the ~~landowner~~Texas Department of Licensing and Regulation under Title 16, Texas Administrative Code, Chapter 76, Water Well Drillers and Pump Installers Rules to serve as their legal representative in matters related to perform drilling work.

MANAGEMENT PLAN OF THE DISTRICT means the activities and regulations of foundational document developed, amended, approved, and adopted by the board of directors of the Texana Groundwater Conservation District in accordance with Section 36.1071 of the Texas Water Code.

~~MODIFY~~NON-EXEMPT USE means ~~to alter the physical use or mechanical characteristics~~operation of a well, ~~its equipment, or production capabilities.~~ This does not include repair~~set~~ of wells for non-exempt-use purposes.

NON-EXEMPT-USE PURPOSES means producing or using groundwater resources for any purpose other than those defined as exempt-use purposes.

NON-EXEMPT-USE WELL means a well equipment, well houses or enclosures, that used for non-exempt-use purposes.

NON-EXEMPT-USE WELL FIELD means the collection of wells located on a contiguous tract of land owned or ~~replacement with comparable equipment~~ controlled by a person or set of persons used collectively for non-exempt-use purposes.

~~NON-GRANDFATHERED WELL~~ means a NON-EXEMPT-USE WELL SYSTEM means the collection of wells located on multiple tracts of contiguous land owned or controlled by a person or set of persons used collectively for non-exempt-use purposes, which is connected by a transmission or distribution system.

NON-GRANDFATHERED EXEMPT-USE WELL means an exempt-use well that is not a grandfathered well or a replacement well of a grandfathered well.

NON-GRANDFATHERED NON-EXEMPT-USE WELL means a non-exempt-use well that is not a grandfathered well or a replacement well of a grandfathered well.

NON-GRANDFATHERED NON-EXEMPT-USE WELL FIELD means a non-exempt-use well field that is not a grandfathered well field.

NON-GRANDFATHERED NON-EXEMPT-USE WELL SYSTEM means a non-exempt-use well system that is not a grandfathered well system.

NON-~~EXEMPT USE~~GRANDFATHERED WELL means a well that is not a grandfathered well or a replacement well of a grandfathered well.

NON-GRANDFATHERED WELL FIELD means a well field that is not a grandfathered well field.

NON-GRANDFATHERED ~~an exempt use well~~ WELL SYSTEM means a well system that is not a grandfathered well system.

NON-HISTORIC USE means the specific pattern of operation of a well, a well field, or a well system that did not occur during the historic use validation period including the annual quantity of groundwater produced from the well, the well field, or the well system and the specific purposes of use of the produced groundwater.

OPEN MEETINGS LAW means Chapter 551, Texas Government Code.

ORIGINAL EXEMPT-USE GRANDFATHERED ~~EXEMPT-USE~~ WELL means a well that 1) existed ~~before~~ on the original date the ~~Rules~~ rules of the ~~District~~ district were adopted, 2) satisfied the ~~original~~ definition of an ~~Exempt-Use Well~~ exempt use well as defined in the version of the rules of the district adopted on December 14, 2015, and 3) an administratively complete application to register the well or well log had been ~~obtained by or~~ submitted to or obtained by the ~~District~~ district prior to the date ~~these Rules of the District~~ the version of the rules of the district adopted on December 14, 2015, were ~~adopted~~ superseded.

ORIGINAL ~~EXEMPT-USE NON-GRANDFATHERED NON-EXEMPT-USE~~ WELL means a well that 1) ~~existed before~~was drilled after the original date the ~~Rules~~rules of the ~~District~~district were adopted, 2) satisfied the ~~original~~ definition of ~~a Non-Exempt-Use Well~~an exempt use well as defined in the version of the rules of the district adopted on December 14, 2015, and 3) an administratively complete application to register the well or well log had been submitted to or obtained by the ~~District~~district prior to the date ~~these Rules of the District~~the version of the rules of the district adopted on December 14, 2015, were ~~adopted~~superseded.

~~ORIGINAL NON-GRANDFATHERED EXEMPT-USE WELL~~ means ~~a well that 1) was drilled after the original date the Rules of the District were adopted, 2) existed prior to the adoption of these rules, 3) satisfied the original definition of an Exempt-Use Well and 4) an administratively complete application to register the well or well log had been obtained by or submitted to the District prior to the date these Rules of the District were adopted.~~

~~ORIGINAL NON-GRANDFATHERED NON-EXEMPT-USE WELL~~ means ~~a well that 1) was drilled after the original date the Rules of the District were adopted, 2) existed prior to the adoption of these rules, 3) satisfied the original definition of an Non-Exempt-Use Well and, 4) an administratively complete application to register the had been submitted to the District prior to the date these Rules of the District were adopted.~~

OWNER OF GROUNDWATER RESOURCES means the person or set of persons who owns and controls a defined unit of groundwater resources within the boundaries of the district.

OWNERSHIP OF GROUNDWATER RESOURCES means the possession and control of groundwater water located within a defined three-dimensional boundary within the district.

OWNERSHIP OF LAND means the possession and control of land surface located within a defined boundary within the district.

PERMIT means a document issued by the district conditionally authorizing a person to perform certain actions within the jurisdiction of the district.

PERMIT AMENDMENT means a modification of ~~an unexpired~~a valid permit previously issued by the ~~District~~district.

PERSON means a natural person, partnerships of two or more persons having a joint or common interest, corporation, ~~individual,~~ organization, government, or governmental subdivision or agency, business trust, estate, trust, partnership, association, ~~or~~ any other legal entity, or the combination of multiple persons to form an entity to which the rules and regulations of the district may apply.

PERSONAL RECREATION means those activities related to the recreation of an individual or a household.

PETITION TO AMEND THE RULES OF THE DISTRICT means a request to add, revise, or eliminate specific requirements or limitations established by the board of directors within the rules of the district.

PLUGGING means the activity of altering a well to prevent the production of groundwater from the production casing or the movement of water or other fluids, including injurious water, between water bearing strata intersected by the well borehole, resulting in an absolute sealing of the well bore.

PLUGGED WELL means a well that has been altered to prevent the production of groundwater from the production casing or the movement of water or other fluids, including injurious water, between water bearing strata intersected by the well borehole, resulting and to result in an absolute sealing of the well bore.

PRESIDING OFFICER means the President, Vice-President, Secretary, or other Board member director of the district presiding at any hearing or other proceeding or a hearing examiner conducting any hearing or other proceeding of the district.

PRODUCED GROUNDWATER means water that has been pumped, flowed, or extracted from a well.

PRODUCTION AREA means the spatial boundary and extent of the area within the boundary of ownership or control of groundwater resources associated with a production permit that:

1. encompasses the location of the subject well, subject well field, or subject well system; and encompasses sufficient area to satisfy the associated groundwater production limitations under which the permit was issued by the district if the production permit authorizes non-historic use; or
2. encompasses the location of the subject well, subject well field, or subject well system; and encompasses the portion of the ownership or control of groundwater resources associated with the validated historic use of the permit if the production permit authorizes historic use.

PRODUCTION CAPACITY means the rate at which a well, a well field, or a well system can produce groundwater.

PRODUCTION PERMIT means the authorization issued by the district to use a well, a well field, or a well system for non-exempt use that specifies the authorized groundwater production purpose, the authorized groundwater production rate, the authorized groundwater production amount, and any special conditions for a designated period of time.

PRODUCTION ZONE means the water-bearing stratum or strata that a well is completed in and from which groundwater is released into the water well.

PROTECTION OF HISTORIC USE means authorizing the continued operation of a grandfathered well, a grandfathered well field, or a grandfathered well system in a manner

consistent with the validated historic use of the grandfathered well, the grandfathered well field, or the grandfathered well system.

PUBLIC WATER SUPPLY ENTITY means any natural person, partnerships of two or more persons having a joint or common interest, corporation, organization, government, or governmental subdivision or agency, business trust, estate, trust, partnership, association, any other legal entity, or the combination of multiple persons to form an entity that provides water service to another person.

PURPOSE OF USE means the reason for utilizing a well, a well field, or a well system to produce groundwater resources or to access groundwater resources for specific beneficial uses.

PURPOSE OF BENEFICIAL USE TYPES include:

1. AGRICULTURAL USE means production or use of groundwater for activities involving agriculture as defined in Texas Water Code Section 36.001, including but not limited to:
 - 1.1. aquaculture;
 - 1.2. irrigation to cultivate the soil to produce crops;
 - 1.3. the practice of floriculture, viticulture, silviculture, and horticulture, including nursery grower operations;
 - 1.4. raising, feeding, or keeping animals for breeding or production of food or fiber or other products with a tangible value;
 - 1.5. planting cover crops;
 - 1.6. wildlife management; or
 - 1.7. raising or keeping equine animals.
2. DOMESTIC USE means the production or use of groundwater for domestic purposes for an individual or a household including groundwater used:
 - 2.1. for drinking, washing, or culinary purposes;
 - 2.2. for irrigating lawns, a family garden, or a family orchard;
 - 2.3. for watering domestic animals; and
 - 2.4. for personal recreation including aquatic and wildlife enjoyment; but
 - 2.5. domestic use does not include water used to support activities for which consideration is given or received or for which the product of the activity is sold or used by or for a public water system.
3. INDUSTRIAL USE means the production or use of groundwater integral to the production of primary goods or services provided by industrial or manufacturing facilities and used primarily in the building, production, manufacturing, or alteration of a product or goods, or the use of groundwater to wash, cleanse, cool, or heat such goods or products, and the use of water in the generation of electricity by means other than hydroelectric, including the use of water for cooling purposes, and the uses associated with plant personnel, fire protection at the facility, and in maintaining associated property and facilities including mitigation and habitat areas but does not include agricultural use.
4. INJECTION USE means the use of a well for the following purposes:
 - 4.1. to return water used for heating or cooling;
 - 4.2. to inject water previously used for cooling;
 - 4.3. to drain surface fluid into a subsurface formation;

- 4.4. to recharge the water in an aquifer;
- 4.5. to inject water into a freshwater aquifer to prevent the intrusion of salt water into the freshwater;
- 4.6. to inject a mixture of water and sand, mill tailings, or other solids into subsurface mines;
- 4.7. to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of water; or
- 4.8. used to circulate water, other fluids, or gases through the earth as a heat source or heat sink.
- 5. MONITORING USE means to use a well for the purpose of measuring one or more properties of the groundwater resources or aquifer it penetrates, provided the well does not produce more than five thousand gallons (5,000 gallons) of groundwater per year.
- 6. MUNICIPAL USE means the production and use of groundwater for a public water system for residential, commercial, or public and institutional uses, including the application of potable water for irrigation of golf courses, parks and recreational uses but does include water for industrial uses when the industrial user is receiving potable water from the municipality.
- 7. REMEDIATION USE means the production or use of groundwater to either extract or inject materials for the purpose of remediating or removing a subsurface contaminant.
- 8. OIL, GAS, AND MINERALS USE means the use of groundwater for exploring for, producing, handling, or treating oil, gas, sulphur, or other minerals; or
- 9. OTHER USE means any other purpose that is useful and beneficial to the user.

RECHARGE means the process of replenishment of groundwater by infiltration of water from sources such as precipitation, streams, rivers, and reservoirs.

REGISTRATION means the process through which the district assigns an identification number, grandfathered status, and use exemption status to a well.

REGISTERED WELL means a well registered by the district in accordance with the rules of the district.

REPLACEMENT WELL means a well drilled for the purposes of replacing a ~~LIMITATION~~ registered well that is deteriorated provided the new well is drilled within one hundred yards (100 yards) of and constructed in a manner consistent with the construction of the well being replaced including the production zones and the production capacity.

RULES OF THE DISTRICT mean the rules compiled in this document and as may be supplemented or amended from time to time by the district.

SPECIAL GROUNDWATER MANAGEMENT AREA ZONE means a geographic area, aquifer, subdivision of an aquifer, or geologic strata within the district in which conditions in or use of an aquifer differ substantially from other geographic areas or for which different rules may be adopted for better management of the groundwater resources in accordance with Section 36.116(d) of the Texas Water Code.

SPECIAL WELL CONSTRUCTION AREA means a special groundwater management zone for which well construction requirements are established to prevent negative impacts such as groundwater contamination and commingling of undesirable water with desirable water through well boreholes and well casing.

STANDARD-CAPACITY NON-HISTORIC USE means the production of groundwater for non-exempt use that is:

1. produced from with one or more wells located on one or more tracts of contiguous groundwater ownership associated with a permit request for a production permit for non-historic use with:
 - 1.1. the cumulative authorized groundwater production rate being less than five hundred gallons per minute (500 GPM), excluding the authorized groundwater production rates associated with historic use or deep-saline non-exempt use; or
 - 1.2. the cumulative authorized groundwater production amount being less than two hundred and fifty acre-foot per year (250 acre-foot), excluding the authorized groundwater production amounts associated with historic use or deep-saline non-exempt use.

STANDARD-CAPACITY NON-HISTORIC-USE PRODUCTION PERMIT means ~~the a production permit issued by the district associated with an application requesting authorization issued by the District under which an authorized operator may to produce a specific amount of groundwater from that qualifies as standard-capacity non-exempt historic use well for a designated purpose of use for a designated period of time.~~

PRODUCTION ZONE SUBJECT TRACT OF CONTIGUOUS OWNERSHIP OF LAND means the ~~water bearing stratum tract or strata tracts of land ownership that a well is completed in from which groundwater is released into~~ 1) are spatially connected and 2) owned by any of the water well.

~~PUBLIC INFORMATION ACT~~ means ~~Chapter 552, Texas Government Code.~~

~~PURPOSE OF USE~~ means ~~the beneficial purpose to which produced groundwater is used or the beneficial purpose to which the produced groundwater will be used.~~

~~PURPOSE OF USE~~ Types include:

- ~~1.7.1.1. AGRICULTURAL USE means any use of groundwater for activities involving agriculture as defined in Texas Water Code Section 36.001, including but not limited to aquaculture; irrigation to cultivate the soil to produce crops; the practice of floriculture, viticulture, silviculture, and horticulture, including nursery grower operations; raising, feeding, or keeping animals for breeding or production of food or fiber or other products with a tangible value; owners of land planting cover crops, wildlife management, or raising or keeping equine animals.~~

~~DOMESTIC USE~~ means ~~the use of groundwater for domestic purposes by an individual or a household. Such use may include water used:~~

1. ~~For drinking, washing, or culinary purposes;~~

2. For irrigation of lawns, or of a family garden and/or family orchard; and
3. For watering of domestic animals.

Domestic use does not include water used 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 public water system.

~~INDUSTRIAL USE means the use of groundwater integral to the production of primary goods or services provided by industrial or manufacturing facilities and used primarily in the building, production, manufacturing, or alteration of a product or goods, or a well used to wash, cleanse, cool, or heat such goods or products. Industrial use includes the use of water in the generation of electricity by means other than hydroelectric, including the use of water for cooling purposes, uses associated with plant personnel, fire protection at the facility, and in maintaining associated property and facilities including mitigation and habitat areas. Industrial use does not include agricultural use.~~

~~INJECTION USE means the use of groundwater for the following purposes:~~

- ~~1. An air conditioning return flow well used to return water used for heating or cooling in a heat pump to the aquifer that supplied the water;~~
- ~~1.8.1.1. A cooling water return flow well used to inject water previously used for cooling;~~
- ~~1.9.1.1. A drainage well used to drain surface fluid into a subsurface formation;~~
- ~~2. A recharge well used to replenish the water in an aquifer;~~
- ~~1.10.1.1. A saltwater intrusion barrier well used to inject water into a freshwater aquifer to prevent the intrusion of salt water into the freshwater;~~
- ~~1.11.1.1. A sand backfill well used to inject a mixture of water and sand, mill tailings, or other solids into subsurface mines;~~
- ~~1.12.1.1. A subsidence control well used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of water; or~~
- ~~1.13.1.1. A closed system geothermal well used to circulate water, other fluids, or gases through the earth as a heat source or heat sink.~~

~~MONITORING USE means to use a well for the purpose to measure some property of the groundwater or aquifer it penetrates, and the well does not produce more than 5,000 gallons of groundwater per year.~~

~~MUNICIPAL USE means the use of groundwater for a public water system for residential, commercial, or public and institutional uses, including the application of potable water for irrigation of golf courses, parks and recreational uses; it does include water for industrial uses when the industrial user is receiving potable water from the municipality.~~

~~REMEDATION USE means to use groundwater to either extract or inject materials for the purpose of remediating or removing a subsurface contaminant.~~

~~RECHARGE means the process of replenishment of groundwater by infiltration of water from sources such as precipitation, streams, rivers, and reservoirs.~~

~~REGISTRATION means the process through which the District assigns an identification number, grandfathered status, and use exemption status to a well.~~

~~REGISTERED WELL means a well registered by the District in accordance with the District Rules.~~

~~REPLACEMENT WELL means a well drilled for the purposes of replacing a well which was plugged provided the replacement well is drilled within 100 yards of a registered well location and the drilling activities for the replacement well commence within 10 years of the plugging activities of the plugged well.~~

~~RULES means the rules of the District compiled in this document and as may be supplemented or amended from time to time.~~

~~SEAL means an official seal, tag, or label placed on a well or its equipment, or the act of placing the tag or label, to indicate that further production of groundwater, or operation of the well, or continuing with other activities regulated by the District is not authorized by the District, shall be in violation of District Rules, and may subject the well owner or authorized operator to civil suit or penalties.~~

~~SPECIAL PROVISIONS means conditions or requirements added to a permit, which may be more or less restrictive than the rules as a result of circumstances unique to a particular situation.~~

~~SUBJECT OPERATION means the operation, proposed or existing, of wells, well fields, or well systems of which are the subject of an application for a permit, application for an amendment, or application for a particular permit issued by the district, or a particular district waiver or variance issued by the district.~~

~~SUBJECT TRACT OF CONTIGUOUS OWNERSHIP OF GROUNDWATER RESOURCES means the tract or tracts of groundwater ownership that 1) are spatially connected and 2) owned by any of the owners of groundwater resources associated with a particular application, a particular permit issued by the district, or a particular district waiver issued by the district.~~

~~SUBJECT WELL means the a specific well, proposed or existing, of associated with an application for related to a permit, application of an amendment, or application for a district waiver or variance the subject of a permit or district waiver issued by the district.~~

~~SUBJECT WELL FIELD means the a specific well field and related wells, proposed or existing, of associated with an application for related to a permit, application of an amendment, or application for a district waiver or variance the subject of a permit or district waiver issued by the district.~~

SUBJECT WELL SYSTEM means the specific well system and related wells, proposed or existing, ~~of associated with an application for related to a permit, application of an amendment, or application for a district~~ waiver or ~~variance~~ the subject of a permit or district waiver issued by the district.

TEXAS ~~RULE~~RULES OF CIVIL PROCEDURE AND TEXAS RULES OF ~~CIVIL~~ EVIDENCE means the civil procedure and evidence rules as amended and in effect at the time of the action or proceeding. ~~Except as modified by the rules of the District, the rights, duties, and responsibilities of the presiding officer acting under the Texas Rules of Civil Procedure or the Texas Rules of Evidence are the same as a court acting under those rules.~~

~~TRANSPORT~~TRANSFER OF GROUNDWATER means ~~pumping, transferring, or moving the transporting of~~ groundwater out of the ~~District~~district.

~~TRANSPORT~~TRANSFER PERMIT means an authorization issued by the ~~District~~district allowing the transfer ~~or transporting of~~ groundwater produced under a production permit out of the ~~District~~district to a location for a designated period of time.

UNDESIRABLE GROUNDWATER means groundwater that is injurious to vegetation, animals, land, or would cause or contribute to contamination of land or water.

UNWANTED LOSS OF GROUNDWATER means the loss of groundwater from a water-bearing strata to another water-bearing strata determined to be unwanted or wasteful by the district.

USE EXEMPTION STATUS means the classification assigned, by the ~~District~~district, of the purpose of use for which a well, well field, or well system as either exempt use or non-exempt use.

VALID PRODUCTION PERMIT means a production permit that has not been terminated by the district, suspended by the district, surrendered by the one or all of the associated owners of groundwater resources, or voided by the actions of the authorized operator.

WASTE OF GROUNDWATER means:

1. The withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes.
2. The use of that amount of ~~water~~groundwater in excess of that which is economically reasonable for an authorized purpose when reasonable intelligence and reasonable diligence are used in applying the water to that purpose constitutes waste.
3. The flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose.
4. The escape of groundwater from one groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater.
5. The pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground.

6. Willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the Commission under Chapter 26 "Water Quality Control".
7. Groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge.
8. For water produced from an artesian well, "waste" also has the meaning assigned by Section 11.205 of the Texas Water Code.

WATER-BEARING STRATA means a geologic formation from which groundwater ~~canis or~~ could be produced from a water well.

~~WATER METER means a flow-measuring device that can accurately record the amount of groundwater produced from a well.~~

WELL means any facility, device, or method used to produce or access groundwater from any groundwater ~~supply reservoir or water-bearing strata~~ that ~~is has~~ not ~~been~~ plugged ~~well~~.

WELL FIELD means the collection of ~~non-exempt use~~ wells located on a contiguous tract of land ~~or on tracts of noncontiguous land, without intervening private ownership or private control,~~ owned or controlled by a person, ~~and~~ or set of persons operated collectively to produce groundwater ~~for one or more non-exempt use purposes.~~

WELL LOCKOUT SEAL means an official seal, tag, or label placed on a well or its equipment, or the act of placing the tag or label, to indicate that further production of groundwater, or operation of the well, or continuing with other activities regulated by the district is not authorized by the district, shall be in violation of rules of the district, and may subject the owner of groundwater resources, authorized agent, or authorized operator to civil suit or penalties.

WELL OWNER means the person or persons who owns the ~~land upon which a subject~~ well ~~is located~~ of an application, certificate, or permit.

WELL FIELD OWNER AGENT means ~~athe~~ person ~~authorized by~~ or persons who owns the ~~subject well owner to serve as their legal representative in matters related to the activities and regulations~~ field of an application, certificate, or permit.

WELL SYSTEM OWNER means the District ~~person or persons who owns the subject well system of an application, certificate, or permit.~~

WELL SYSTEM means the collection of ~~non-exempt use~~ wells located on ~~noncontiguous~~ multiple tracts of contiguous land, ~~with intervening private ownership or private control,~~ owned or controlled by a person, or set of persons operated collectively to

produce groundwater ~~for non-exempt use purpose, and which is~~ connected by a transmission or distribution system.

WELL WITH HISTORICALLY LOW PRODUCTION means a non-exempt-use well operated under a valid production permit with an authorized annual production rate equal to or less than two acre-foot (2 acre-foot) per year for which the volume of groundwater produced annually has either remained stable or declined for the five-year period preceding the submittal of the application requesting the well be designated as a well with historically low production.

RULE 1.2: POSSIBLE CLASSIFICATIONS OF WELLS

- ~~1. GRANDFATHERED EXEMPT USE WELL refers to a well that is, or would be, classified as a grandfathered well and classified as an exempt use well by the District.~~
- ~~2. GRANDFATHERED NON-EXEMPT USE WELL refers to a well that is, or would be, classified as a grandfathered well and classified as a non-exempt use well by the District.~~
- ~~3. GRANDFATHERED NON-EXEMPT USE WELL FIELD refers to a well field comprised of wells that are, or would be, classified as grandfathered wells and classified as a non-exempt use wells by the District.~~

~~GRANDFATHERED NON-EXEMPT USE WELL SYSTEM refers to a well system comprised of wells that are, or would be, classified as grandfathered wells and classified as a non-exempt use wells by the District.~~

~~GENERAL POLICIES REGARDING THE NON-GRANDFATHERED EXEMPT USE WELL refers to a well that is, or would be, classified as a non-grandfathered well and classified as an exempt use well by the District.~~

- ~~4. NON-GRANDFATHERED NON-EXEMPT USE WELL refers to a well that is, or would be, classified as a non-grandfathered well and classified as a non-exempt use well by the District.~~
- ~~5. NON-GRANDFATHERED NON-EXEMPT USE WELL FIELD refers to a well field comprised of wells of which at least one well is, or would be, classified as a non-grandfathered well and classified as a non-exempt use well by the District.~~
- ~~6. NON-GRANDFATHERED NON-EXEMPT USE WELL SYSTEM refers to a well system comprised of wells of which at least one well is, or would be, classified as a non-grandfathered well and classified as a non-exempt use well by the District.~~
- ~~7. ORIGINAL GRANDFATHERED EXEMPT USE WELL.~~
- ~~8. ORIGINAL NON-GRANDFATHERED NON-EXEMPT USE WELL.~~
- ~~9. ORIGINAL NON-GRANDFATHERED EXEMPT USE WELL.~~
- ~~10. ORIGINAL NON-GRANDFATHERED NON-EXEMPT USE WELL.~~

RULE 1.3: PURPOSE OF RULES OF THE DISTRICT

These

1. The board of directors shall adopt rules ~~are adopted~~ pursuant to the authority of Section 36.101, Texas Water Code, for the purpose of conserving, preserving, protecting, and recharging groundwater in the district, ~~and these rules are adopted under the district's~~

~~statutory authority in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater, and to protect the rights of owners of interests in groundwater resources.~~

- ~~1. In fulfilling the stated purpose of these rules, the board will~~The district shall endeavor to maintain the aquifersgroundwater resources in the boundary of the district on a sustainable basis-
2. ~~For (i.e., the purposesregulation of these rules, “sustainability” is defined as the development and use of groundwater in a manner that can be maintained in perpetuity) in fulfilling the stated purpose of the rules of the district.~~

~~RULE 1.4: USE AND EFFECT OF RULES~~

3. The ~~District uses these~~district shall use the rules of the district as guides in the exercise of the powers conferred by law and in the accomplishment of the purposes of the ~~District Act~~district act.
4. ~~The No person shall construe the rules may not be construedof the district~~ as a limitation or restriction on the exercise of any discretion ~~nor be construedor~~ to deprive the ~~District~~district or ~~Board~~board of directors of the exercise of any powers, duties or jurisdiction conferred by law, nor be construed to limit or restrict the amount and character of data or information that may be required to be collected for the proper administration of the ~~District Act~~district act.
 1. ~~A permit from the District does not allow the drillingThe board of wells within the incorporated limits of an incorporated municipality in violation of the ordinances of that municipality.~~
 2. ~~A reference to “the District” is a reference to the Texana Groundwater Conservation District as an organization.~~
5. ~~The Board of Directors of the District~~directors may delegate authority, responsibility, or requirement of “the ~~District~~”rules of the district to other persons by separate policy.

~~RULE 1.5: AMENDING OF RULES~~

6. The ~~Board~~board of directors may, following notice and hearing, amend ~~these~~the rules of the district or adopt new rules from time to time.

~~RULE 1.6: HEADINGS AND CAPTIONS~~

7. ~~The~~All persons shall use section and other headings and captions contained in ~~these~~the rules ~~are~~of the district for reference purposes only.
8. ~~The~~No person shall consider section and other headings and captions ~~do not affect~~within the rules of the district as affecting the meaning or interpretation of ~~these~~the rules of the district in any way.

~~RULE 1.7: CONSTRUCTION~~

9. ~~A~~All persons shall consider a reference to a title, chapter or section within the rules of the district without further identification ~~is~~as a reference to a title, chapter or section of the Texas Water Code or ~~these~~the rules of the district.
10. ~~Construction~~All persons shall consider the construction of words and phrases ~~are~~within the rules of the district as governed by the Code Construction Act, Subchapter B, Chapter 311, Government Code.

RULE 1.8: METHODS OF SERVICE UNDER THE RULES

11. ~~Except as otherwise expressly provided in these rules, All persons may serve or deliver~~ any notice or documents ~~required by these rules to be served or delivered may be delivered~~ in connection with the rules of the district to the recipient, or the recipient's authorized representative, in person, by agent, by courier receipted delivery, by certified mail sent to the recipient's last known address, by telephonic document transfer to the recipient's current telecopier number, or by electronic mail to the recipient's current electronic email address except as otherwise expressly provided in the rules of the district.
12. ~~Service by mail is~~ All persons shall consider service in connection with the rules of the district by mail complete upon deposit in a post office or other official depository of the United States Postal Service.
13. ~~Service~~ All persons shall consider service in connection with the rules of the district by telephonic document transfer ~~is~~ complete upon transfer, except that any transfer occurring after 5:00 p.m. will be deemed complete on the following business day.
- ~~13.1. will be deemed complete on the following business day.~~
14. ~~If service or delivery is by mail, and the~~ The recipient has the of a notice or document served or delivered by mail associated with a right, or is required, requirement to do some act ~~within a prescribed time after service, in connection with the rules of the district shall have~~ three days will be (3-days) added to the prescribed period ~~of time.~~
15. ~~Where~~ All persons shall consider service by in connection with the rules of the district complete upon notice published in a newspaper with general circulation within the boundary of the District when one or more other methods has been attempted and failed, the service is complete upon notice publication in a general circulated newspaper in Jackson County.

RULE 1.9: SEVERABILITY

16. ~~If~~ All persons shall construe the rules of the district as if any one or more of the provisions contained in these the rules are for any reason of the district held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability may are not contained within the rules of the district and do not affect any other ~~rules or~~ provisions within the rules of the district.

SECTION ~~these~~2: POLICIES RELATED TO DRILLING, REWORKING, REPLACING, AND PLUGGING WELLS

RULE 2.1: DRILLING WELLS

1. A person may drill a well without authorization from the district.
2. A person drilling a well shall provide written notice of intent to drill a well to the district at least two hours (2 hours) before and not more than seven days (7 days) before commencing well drilling activities.
3. A person drilling a well shall provide written notice of intent to drill a well to the district using a form prescribed by the district that includes:
 - 3.1. the name and address of the person drilling the well;
 - 3.1.1. well driller license number if the person drilling the well is a licensed well driller;
 - 3.2. the name and address of the person that will own the subject well;
 - 3.3. the geographic coordinate of the subject well;
 - 3.4. the date the well drilling activities will commence;
 - 3.5. a statement certifying that the person drilling the well notified the person that will own the subject well was notified of the of the existence of regulations established by the district related to:
 - 3.5.1. well spacing;
 - 3.5.2. limitations for producing groundwater for non-exempt-use purposes;
 - 3.5.3. registration of non-grandfathered and replacement wells; and
 - 3.5.4. permitting of groundwater production for non-exempt-use purposes;
 - 3.6. the dated signature of the person drilling the well.
4. A person drilling a well shall adhere to the well spacing requirements of the rules, ~~and these~~ of the district when locating the well.
5. A person drilling, deepening, or otherwise altering a well shall adhere with the well completion requirements of the rules of the district when locating the well to be drilled.
6. A person drilling a well shall satisfy all applicable requirements of the Texas Commission on Environmental Quality and the Texas Department of Licensing and Regulation related to the construction and completion of a well.
7. A person drilling a well shall construct and complete the well in accordance with the well completion standards set forth under the requirements promulgated by the Texas Department of Licensing and Regulation under Title 16, Texas Administrative Code, Chapter 76, Water Well Drillers and Pump Installers Rules.
8. No person drilling a well shall locate a well closer than fifty feet (50 feet) to any potential source of contamination.
9. No person shall locate a potential source of contamination closer than fifty feet (50 feet) to any well.
10. A person drilling a well shall submit a complete and accurate well drilling report to the district within ninety days (90 days) of concluding well drilling activities associated with the well.

11. A person drilling a deep-saline well shall submit, within 2 months of well completion, a geophysical log for the well that includes temperature, spontaneous potential, and shallow and deep resistivity surveys from the land surface to the bottom of the well.

RULE 2.2: WELL SPACING REQUIREMENTS OF WELLS

1. The district shall regulate the spacing of non-grandfathered wells and replacement wells in order to:
 - 1.1. prevent or limit the drawdown of the water table or the reduction in artesian pressure,
 - 1.2. prevent or limit interference between wells,
 - 1.3. prevent or limit the degradation of water quality, or
 - 1.4. prevent waste of groundwater.
2. A person drilling or having drilled a non-grandfathered well or a replacement well for a non-grandfathered well that is not a deep-saline well shall locate the non-grandfathered well in a position that is offset from the boundary of the subject tracts of contiguous ownership of land by at least one foot (1 foot) of separation per one gallon per minute of production capacity of the non-grandfathered well.
3. A person shall not produce groundwater from a well for non-historic uses, except wells operated solely to produce groundwater under a production permit for deep-saline non-historic use, at a rate exceeding a ratio of one gallon per minute per foot (1 GPM / 1 foot) of separation between the well and the nearest point along the boundary of ownership of land containing the well.
4. A person drilling or having drilled a non-grandfathered well or replacement well for a non-grandfathered well may locate the well in a position that encroaches upon spacing requirements from the property of any landowner or any owner of groundwater resources from whom a written waiver of the spacing requirements is obtained provided the waiver contains:
 - 4.1. the printed name and signature of the landowner and the owner of groundwater resources or the authorized agent of the landowner and the owner of groundwater resources, and
 - 4.2. states that the landowner and the owner of groundwater resources have no objection to the proposed position of the non-grandfathered well or the replacement well for a non-grandfathered well.
5. A person drilling or having drilled a non-grandfathered well or a replacement well for a non-grandfathered well on a lot of a platted subdivision shall locate the non-grandfathered well in a position that is offset from the perimeter of the subdivision by, at least, one foot (1 foot) of separation per one gallon per minute of production capacity of the non-grandfathered well.
6. A person drilling or having drilled a non-grandfathered well or a replacement well for a non-grandfathered well on a lot of a platted subdivision with an area defined as the "Authorized Drilling Area" shall locate the well in the authorized drilling area.
7. A person drilling or having drilled a replacement well for a grandfathered well may locate the replacement well in a position that does not encroach upon the spacing requirements

from the property of any landowner or any owner of groundwater resources to a greater degree than the well being replaced.

8. The board of directors may waive, vary, or establish special conditions related to spacing requirements for a well provided good cause is found by the board of directors for doing so.
9. The board of directors may establish special conditions or limit the rate of groundwater production of a well if a district waiver related to spacing requirements of the well is granted to minimize any potential injury to other landowners, owner of groundwater resources, or groundwater.

RULE 2.3: WELL SPACING REQUIREMENTS OF DEEP-SALINE WELLS

1. A person drilling or having drilled a deep-saline well shall locate the deep-saline well in a position that is offset from the boundary of the subject tracts of contiguous ownership of land by, at least, one-half foot (1/2 foot) of separation per one gallon per minute of production capacity of the deep-saline well.
2. A person drilling or having drilled a deep-saline well shall locate the deep-saline well in a position that is offset from the boundary of the subject tracts of contiguous ownership of groundwater resources, by at least, one-half foot (1/2 foot) of separation per one gallon per minute of production capacity of the deep-saline well.

RULE 2.4: STANDARDS FOR CONSTRUCTING WELLS

1. A person drilling a well shall construct the well using methods and materials to minimize the potential for contamination, degradation, or commingling of waters of different chemical quality.
2. A person drilling a well shall construct the well in accordance with the well construction specifications established by the State of Texas, County of Jackson, and relevant city ordinance.
3. A person drilling a well shall construct the well so that undesirable groundwater is not allowed to commingle with desirable groundwater through the well casing or annular space of the well.
4. A person drilling a well shall construct the well so that any groundwater resources allowed to commingle through the annulus space between the casing and borehole wall does not degrade or diminish the quality of any groundwater resources in any other water-bearing strata.
5. A person drilling a well shall construct the well so that the casing is centered in annular space for the portion of the borehole that will be sealed prior to emplacing the authorized annular space sealant.
6. A person drilling a well shall construct the well so that the authorized annular space sealant is emplaced to produce an annular seal that is absent of significant voids.
7. A person drilling a well shall not use the bentonite slurry or any other material used in the actual drilling of the well to seal the annular space between the borehole wall and the casing.

8. A person drilling or repairing a well shall place a seal on the casing that will prevent pollutants from entering the well.
9. A person drilling a deep-saline well shall not install the well screen of a the well above a depth of one thousand two hundred feet (1,200 feet) below the land surface.
10. A person drilling or having drilled a well may apply for a district waiver of the well completion requirements of the rules of the district , in accordance with the waiver procedures of the rules of the district.
11. The board of directors may designate special well construction areas, by order of the board of directors, for the purposes of establishing construction standards designed to prevent groundwater contamination or commingling of undesirable groundwater and desirable groundwater by non-grandfathered wells and replacement wells in locations and zones where undesirable groundwater overlays or is adjacent to desirable groundwater.

RULE 2.5: COMMINGLING OF UNDESIRABLE WATER WITH DESIRABLE GROUNDWATER

1. The owner of a well shall have the continuing responsibility of ensuring a well does not allow commingling of undesirable groundwater and desirable groundwater or the unwanted loss of groundwater through the wellbore to other porous strata.
2. The board of directors may require and direct an owner of a well to take steps to prevent the commingling of undesirable groundwater and desirable groundwater or the unwanted loss of groundwater.
3. The owner of a well allowing the commingling of undesirable groundwater and desirable groundwater or the unwanted loss of groundwater shall, within sixty days (60 days) of receiving notice from the district that the board of directors found the well is allowing the commingling of undesirable groundwater and desirable groundwater or the unwanted loss of groundwater, either:
 - 3.1. cement the casing of the well in a manner that will permanently seal the annular space and casing and prevent the commingling of undesirable groundwater and desirable groundwater or the unwanted loss of groundwater, or
 - 3.2. repair the well in a manner that will prevent the commingling of undesirable groundwater and desirable groundwater or the unwanted loss of groundwater through the annular space or casing of the well.

RULE ~~construed as if~~ 2.6: REPLACING WELLS

1. The owner of a deteriorated well shall repair or plug the deteriorated well in accordance with rules and regulations of the state of Texas.
- ~~1.2.~~ The owner of a non-exempt-use well may replace the non-exempt-use well with a replacement well, in accordance with the rules of the district and without authorization from the district, if such invalid, illegal or unenforceable rules or provision had never been contained in these rules.

replacement will not violate or cause a violation of any conditions of the associated production permits under which the non-exempt-use well is operated.

RULE 2.7: PLUGGING WELLS

1. The owner of a well may plug the well without authorization from district if such plugging will not violate or cause a violation of any conditions of any associated production permits.
2. The district may plug the casing and seal the annular space of a non-grandfathered well or replacement well that was not constructed and completed in accordance with the well completion standards set forth under the requirements promulgated by the Texas Department of Licensing and Regulation under Title 16, Texas Administrative Code, Chapter 76, Water Well Drillers and Pump Installers Rules.
3. The district may require the person that drilled a non-grandfathered well or replacement well that was not constructed and completed in accordance with the well completion standards set forth under the requirements promulgated by the Texas Department of Licensing and Regulation under Title 16, Texas Administrative Code, Chapter 76, Water Well Drillers and Pump Installers Rules to reimburse the district for all costs incurred by the district to plug the well.
4. The owner of a deteriorated well shall plug the deteriorated well within sixty days (60 days) of receiving notice from the district that the well is deteriorated.
5. The owner of a deteriorated well may repair the condition of a deteriorated well to eliminate the probability the well will cause or is likely to cause pollution of any water in the state, including groundwater in lieu of plugging the well.
6. A person plugging a deteriorated well, a well allowing the commingling of undesirable groundwater and desirable groundwater, or a well allowing the unwanted loss of groundwater shall provide written notice of intent to plug a well to the district, at least two (2) hours before and not more than seven days (7 days) before commencing the plugging activities associated with the well, using a form prescribed by the district that includes the name and address of the person plugging the well, the well driller license number if the person plugging the well is a licensed well driller, the name and address of the person that owns the subject well, the geographic coordinate of the subject well, the date the well plugging activities will commence, a statement certifying that the person plugging the subject well notified the person that owns the subject well of the of the existence of regulations established by the district, the dated signature of the person plugging the subject well, and the dated signature of the person that owns the subject well.
7. A person plugging a well shall submit a complete and accurate well plugging report to the district within ninety days (90 days) of concluding the well plugging activities associated with the well or within one hundred and twenty days (120 days) of commencing plugging activities, whichever condition occurs first.
8. The well owner of a properly located and constructed replacement well of a plugged well used for non-exempt use associated with valid production permits shall, within ninety days (90 days) of concluding the well construction activities, submit an application to

amend the valid production permits to associate the authorized groundwater production of the plugged well to the replacement well.

9. The well owner of a plugged well associated with valid production permits or district waivers surrenders the valid production permits and district waivers if the well owner fails to complete the construction of the replacement well within ten years (10 years) of the initiation of the plugging process.
10. The district shall not issue production permits associated with plugged wells.

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SECTION 2:3: POLICIES RELATED TO REGISTRATION OF WELLS, WATER WELLS, WELL FIELDS, AND WELL SYSTEMS

RULE 23.1: GENERAL POLICIES RELATED TO REGISTRATION OF WELLS, WELL FIELDS, AND WELL SYSTEMS

1. The ~~District~~district shall ~~create and~~ maintain a registry of wells within the boundary of the ~~District~~district.
2. ~~All~~The owner of a grandfathered exempt-use ~~well~~well within the boundary of the ~~District~~district may ~~be registered on a voluntary basis by~~apply for the ~~authorized operator, registration of the grandfathered exempt-use well owner, or,~~
 1. ~~The well owner or authorized agent.~~
3. ~~All of a~~ grandfathered non-exempt-use wells, grandfathered well fields, and grandfathered-use well systems within the boundary of the ~~District~~ shall ~~be registered with the District by the~~district shall apply for the registration of the grandfathered non-exempt-use well prior to operating the subject well for non-exempt use.
 2. ~~The well owner or authorized operator, well owner, or well owner agent.~~
4. ~~All non- of a~~ grandfathered wells and replacement wells drilled~~non-exempt-use well field~~ within the boundary of the ~~District~~ shall ~~be registered with the District by the~~district shall submit an application for the registration of the grandfathered non-exempt-use well field prior to operating the subject well field for non-exempt use.
 3. ~~The well owner or authorized operator, well owner, or well owner agent within 60 days of the completion of the non-grandfathered well by application accompanied by the well driller's log.~~
 4. ~~All wells registered with the District shall be classified by the District according to of a grandfathered status and use exemption status.~~
- 2.5. ~~A~~non-exempt-use well system within the boundary of the district shall submit an application for the registration of ~~a non-the~~ grandfathered ~~non-exempt-use well capable of producing 720,000 gallons per day shall include the following information:~~system prior to operating the subject well system for non-exempt use.
 - a. ~~The location of all wells within 1,500 feet of the well being registered;~~
 - b. ~~The location, screened intervals, and total depth of wells to be used to monitor the impacts of the well being registered;~~
6. ~~The Aquifer identification, stratigraphy~~The well owner or authorized agent of a non-grandfathered well within the boundary of the district shall submit an application for the registration of the non-grandfathered well accompanied by the well drilling log within ninety days (90 days) of concluding the well construction activities.
 - e. ~~The well owner or authorized agent of geologic formations, lithologya non-grandfathered well within the boundary of the geologic strata, geologic structure, characteristics of the aquifer and their hydraulic relationships, recharge to the aquifer, and movement and discharge of groundwater from aquifer, and the ambient quality of water in the aquifer.~~
- 3.7. ~~Administratively~~district shall submit an ~~administratively~~ complete applications~~application~~ for the registration of ~~grandfathered non-exempt-use wells, grandfathered well fields, and grandfathered well systems shall be submitted by the~~

~~authorized operator, well owner, or well owner agent to the District to be eligible for historic use validation, the non-grandfathered well within ninety days (90 days) of obtaining ownership of the well.~~

8. ~~The district shall assign a use exemption status classification and a grandfathered status classification to all wells registered with the district.~~

5. ~~The District/district may register any well, well field, or well system within the District that is required to be registered under these rules.~~

4.9. ~~The District may register, on its own initiative, any well, well field, or well system within the District/district that is subject to an investigation by the District of potential violations of the rules of the district or an enforcement proceeding established under the rules of the district.~~

RULE ~~2.2:3.2~~: APPLICATION REQUIREMENTS RELATED TO THE REGISTRATION APPLICATIONS FOR OF A WELL

1. ~~An~~The applicant for an application for the registration of a well shall ~~be submitted on forms provided by the District.~~

2. ~~Registration applications for grandfathered wells shall contain estimates of the daily production capacity and the date the well was drilled.~~

1. ~~In order to be classified as a grandfathered well, submit~~ the registration request on the form prescribed by the district.

1.2. ~~The applicant for an application for the registration of a well shall~~ statespecify that the subject well existed at the date of the original adoption of the rules of the ~~District/district~~ in order to be classified as a grandfathered well by the district.

2.3. ~~In order to be classified as an exempt use well, the registration application~~The applicant for an application for the registration of a well shall statespecify that the use of the subject well qualifies as an exempt-use well as defined in ~~these~~the rules of the district in order to be classified as an exempt-use well by the district.

3. ~~An~~The applicant for an application for the registration of a well shall include the following information and any other information the ~~General Manager~~general manager may determine to be of need to ~~be considered administratively complete:~~

3.4. ~~The exact location of the well, as provided in the application including evaluate the geographic coordinate, the distance to the nearest public road, the distance to the nearest property line, or other descriptions of the well location;~~request relative to the rules of the district:

4.1. ~~The~~the name and address of the applicant;

4.2. ~~the~~the name and address of the person that owns the subject well;

4.3. ~~the~~the geographic coordinate of the subject well;

4.4. ~~the~~the date the subject well was constructed;

3.1.4.5. ~~the~~the purpose of use of the groundwater produced groundwater from the subject well;

4.6. ~~The~~the maximum production rate of the subject well expressed in gallons-per-minute;

- ~~3.2.4.7.~~ the name and address of the individual or entity, if any, authorized to serve as gallons per minute the legal agent of the well owner regarding all matters related to physical access of the subject water well;
- ~~a. The date the well was drilled;~~
- ~~3.3.4.8.~~ The name and address of the individual or entity, if any, authorized to serve as the legal agent of the well owner regarding all matters related to submittal of reports associated with the subject water well;
- ~~4.9.~~ A the name and address of the individual or entity, if any, authorized to serve as the legal agent of the well owner regarding all matters related to permitting matters associated with the subject water well;
- ~~4.10.~~ a statement certifying, under penalty of law, that the well owner possesses the legal authority to produce groundwater resources from the subject well.
- ~~3.4.4.11.~~ a statement certifying, under penalty of law, that the information reported on and attached to the report application was prepared under the direction or supervision of the authorized operator applicant and is, to the best of the knowledge and belief of the authorized operator applicant, true, accurate and complete; and
- ~~3.5.4.12.~~ Aa statement certifying, under penalty of law, that the authorized operator will operate the well subject well shall be operated in accordance with the rules of the District district and regulations of the State of Texas.; and
- ~~4.13.~~ The the dated signature of the applicant.
- ~~4.5.~~ The applicant for an application for the registration of a non-grandfathered well owner, well owner agent, or authorized operator of the subject well associated with an application for a high-capacity non-historic-use production permit shall provide the location, construction details, screened intervals, and total depth of dedicated aquifer monitoring wells to be used to monitor the impacts of the non-grandfathered well that is being registered.

RULE 2.3.3: APPLICATION REQUIREMENTS RELATED TO THE REGISTRATION APPLICATIONS FOR OF A WELL FIELDSFIELD

1. ~~A~~The applicant for an application for the registration of a well field shall ~~be submitted~~submit the registration request on forms provided the form prescribed by the District district.
2. ~~A~~The applicant for an application for the registration of a well field shall ~~be accompanied by a~~submit registration ~~requests for the associated non-exempt-use wells with the~~ application for ~~each well in the~~the registration of the subject well field.
3. ~~A~~The applicant for an application for the registration of a well field shall include the following information and any other information the ~~General Manager~~general manager may determine to be of need to ~~be considered administratively complete~~evaluate the request relative to the rules of the district:
 - ~~3.1.~~ The the name and address of the applicant;
 - ~~3.1.3.2.~~ the name and address of the person that owns the subject well field owner;
 - ~~a.~~ The exact location and exact extent of the well field;
 - ~~3.3.~~ The the geographic coordinate of each of the subject wells;
 - ~~3.2.3.4.~~ the date the subject well field was established;

- ~~3.3.3.5. The date and description of each expansionthe purpose of use of the produced groundwater from the subject well field;~~
- ~~3.6. Documentation demonstrating the ownership or controlthe maximum production rate of the contiguous tract of land on which the subject well field expressed in gallons-per-minute;~~
- ~~3.7. a statement certifying, under penalty of law, that the well field owner possesses the legal authority to produce groundwater resources from the subject well field.~~
- ~~3.8. a statement certifying, under penalty of law, that the information reported on and attached to the application was prepared under the direction or supervision of the applicant and is, to the best of the knowledge and belief of the applicant, true, accurate and complete;~~
- ~~3.9. a statement certifying, under penalty of law, that the subject well field shall be operated in accordance with the rules of the district and regulations of the State of Texas; and~~
- ~~3.10. the dated signature of the applicant.~~
- ~~4. The applicant for an application for the registration of a non-grandfathered well field associated with an application for a high-capacity non-historic-use production permit shall provide the location, construction details, screened intervals, and total depth of dedicated aquifer monitoring wells to be used to monitor the impacts of the non-grandfathered well field that is being registered.~~

RULE 3.4: APPLICATION REQUIREMENTS RELATED TO THE REGISTRATION OF A WELL SYSTEM

- ~~1. The applicant for an application for the registration of a well system shall submit the registration request on the form prescribed by the district.~~
- ~~2. The applicant for an application for the registration of a well system shall submit registration requests for the associated non-exempt-use wells with the application for the registration of the subject well system.~~
- ~~3. The applicant for an application for the registration of a well system shall include the following information and any other information the general manager may determine to be of need to evaluate the request relative to the rules of the district:

 - ~~3.1. the name and address of the applicant;~~
 - ~~3.2. the name and address of the person that owns the subject well system;~~
 - ~~3.3. the geographic coordinate of each of the subject wells;~~
 - ~~3.4. the date the subject well system was established;~~
 - ~~3.5. the purpose of use of the produced groundwater from the subject well system;~~
 - ~~3.6. the maximum production rate of the subject well system expressed in gallons-per-minute;~~
 - ~~3.7. a statement certifying, under penalty of law, that the well system owner possesses the legal authority to produce groundwater resources from the subject well system;~~
 - ~~3.8. a statement certifying, under penalty of law, that the information reported on and attached to the application was prepared under the direction or supervision of the applicant and is, to the best of the knowledge and belief of the applicant, true, accurate and complete;~~~~

3.9. a statement certifying, under penalty of law, that the subject well system shall be operated in accordance with the rules of the district and regulations of the State of Texas; and

3.10. _____ the dated signature of the applicant.

4. The applicant for an application for the registration of a non-grandfathered well system associated with an application for a high-capacity non-historic-use production permit shall provide the location, construction details, screened intervals, and total depth of dedicated aquifer monitoring wells to be used to monitor the impacts of the non-grandfathered well system that is being registered.

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SECTION 4: POLICIES RELATED TO PERMITTING

RULE 4.1: GENERAL POLICIES RELATED TO PERMITS

1. The district shall only grant permits that are consistent with the mission of the district to conserve, preserve and protect the groundwater resources within the boundary of the district.
2. The district shall only grant permits that are consistent with the desired future conditions of the district as established under Chapter 36 of the Texas Water Code and documented in the Management Plan of the district.
3. The district shall only grant permits that are consistent with the Management Plan of the district, orders of the board of directors, and the laws of the State of Texas.
4. The district shall grant permits with conditions, restrictions, limitations, and requirements determined to be necessary by the district to conserve, preserve and protect the groundwater resources within the boundary of the district.
5. The district shall grant permits in accordance with and subject to the rules of the district, the Management Plan of the district, orders of the board of directors, and the laws of the State of Texas.
6. The district shall grant permits with conditions, restrictions, limitations, and requirements determined to be necessary by the district to achieve the desired future conditions of the district as established under Chapter 36 of the Texas Water Code and documented in the Management Plan of the district.
7. The district may modify or amend the restrictions, conditions, and requirements of a permit pursuant to the provisions of the rules of the district.
8. The board of directors may order the immediately suspension of activities authorized by a permit or district waiver issued by the district if the board of directors finds that false information has been supplied regarding the permit or related district waiver by the applicant, the authorized agent, the authorized operator, or owner of groundwater resources.
9. The board of directors may revoke a permit or district waiver if it finds that false information has been supplied regarding the permit or district waiver by the applicant, the authorized agent, the authorized operator, or owner of groundwater resources.
10. The district expressly prohibits the activities authorized by a permit or district waiver upon termination, expiration, violation, or revocation of the permit or district waiver by the board of directors.
11. No person shall be required to obtain a permit to drill a well from the district.
12. No person shall consider a permit issued by the district as granting authority to a person to drill wells within the incorporated limits of an incorporated municipality in violation of the ordinances of that municipality.
13. The district shall grant production permits for the sole purpose of conferring the authority to operate a well, a well field, or a well system for beneficial use under the provisions of the rules of the district.
14. The district shall require groundwater produced under a production permit to originate from non-exempt-use wells located; within the production area of the production permit.

15. The district shall grant production permits and limit the authorized groundwater production amounts of wells, well fields, and well systems operated for non-exempt use in order to conserve, preserve and protect the groundwater resources within the boundary of the district.
16. The district may issue production permits that include conditions related to aggregating the authorized groundwater production amounts of the non-exempt-use wells of a well field or well system.
17. No person shall operate a well, a well field, or a well system in a manner that constitutes waste of groundwater.
18. No person shall operate a well to produce groundwater to be used for any purpose other than those uses defined as exempt use prior to obtaining a production permit from the district unless the subject well satisfies the definition of an original exempt-use grandfathered well or an original exempt-use non-grandfathered well.
19. No person shall operate a non-exempt-use well unless the groundwater production is monitored in a manner to satisfy the reporting requirements of the rules of the district.
20. The applicant for an application related to a production permit shall make the subject well, subject well field, or subject well system accessible to the representatives of the district for inspection and agrees to cooperate fully in any reasonable inspection of the subject well, subject well field, or subject well system by the representatives of the district.
21. Any special terms and conditions of a production permit or related district waiver shall prevail whenever those special permit terms and conditions are found to be inconsistent with other permit provisions of the rules of the district.
22. Violations of the terms, conditions, requirements, or special provisions of a permit or related district waiver, including producing amounts of groundwater in excess of authorized groundwater production amount, are punishable by civil penalties as provided by the rules of the district and state statutes and the revocation of the associated production permit.
23. The board of directors may amend a permit or related district waiver to reflect any necessary changes to the restrictions, conditions, and requirements of the permit resulting from the failure of the well owner to construct a replacement well for any of the associated non-exempt-use wells that was plugged or abandoned.
24. All associated permits and related district waivers are void and terminated upon operation or use of the non-exempt-use well, the non-exempt-use well field, or the non-exempt-use well system for any purpose of use other than the authorized groundwater production purpose.
25. The district shall grant transfer permits for the sole purpose of conferring the authority to transfer produced groundwater under production permits issued by the district under the provisions of the rules of the district.
26. The district shall grant transfer permits and limit the authorized groundwater transfer amount in order to conserve, preserve and protect the groundwater resources within the boundary of the district.
27. No person shall transfer produced groundwater out of the district prior to obtaining a transfer permit from the district if a permit is required according to the rules of the district.

28. The applicant for an application related to a transfer permit shall make the transfer facilities accessible to the representatives of the district for inspection and agrees to cooperate fully in any reasonable inspection of the transfer facilities by the representatives of the district.
29. The district shall continue to require satisfaction of and enforce any special terms and conditions of a production permit, a transfer permit, or any related district waivers whenever those special permit terms and conditions are found to be inconsistent with other permit provisions of the rules of the district.
30. The district may suspend, revoke, or terminate a permit for violations of the terms, conditions, requirements, or special provisions of a permit or related district waiver.
31. The district may impose on a person that is found, by the board of directors, to have violated the terms, conditions, requirements, or special provisions of a permit or related district waiver civil penalties as provided by the rules of the district and state statutes and the revocation of the associated transfer permit

RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS

1. The authorized operator of a permit shall report to the district any monitoring data required under the permit within thirty days (30 days) of the close of the relevant reporting period unless specified otherwise within the rules of the district or the permit.
2. The owner of groundwater resources produced from a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well for the preceding calendar year to the district.
3. The well owner, authorized agent, or the authorized operator of a production permit shall measure the volume of produced groundwater from each of the subject wells using a device or method that is accurate within ten percent (10%) of the actual volume produced.
4. The owner of groundwater resources produced from a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well that is accurate within ten percent (10%) of the actual volume of groundwater produced by the non-exempt use during the calendar year.
5. The owner of groundwater resources produced from a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well for the previous calendar year (January 1 to December 31) during January of the current calendar year.
6. The owner of groundwater resources produced from a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well using a form provided by the district.
7. The owner of groundwater resources produced from a non-exempt-use well shall include the following information when reporting the volume of groundwater produced from a non-exempt-use well:
 - 7.1. the well registration number assigned by the district;
 - 7.2. the production permit identification number;
 - 7.3. the reporting period;
 - 7.4. the volume of groundwater produced during the reporting period in acre-foot;

~~7.5. the method used to determine the volumes of groundwater produced during the reporting period;~~

~~1.1.7.6. a statement certifying, under penalty of law, that the information reported on and attached to the report was prepared under the direction or supervision of the authorized operator/well owner and is, to the best of the knowledge and belief of the authorized operator/well owner, true, accurate and complete; and~~

~~b. A statement certifying, under penalty of law, that the authorized operator will operate the well in accordance with the rules of the District and regulations of the State of Texas.~~

~~7.7. The printed name of the person submitting the report; and~~

~~7.8. the dated signature of the person submitting the report.~~

~~8. The well owner, well of a non-exempt-use well may request that the district designate the non-exempt-use well as a dormant well.~~

~~e. The owner agent, or authorized operator of the subject well field.~~

~~RULE 2.4: REGISTRATION APPLICATIONS FOR WELL SYSTEMS~~

~~1. An application for the registration of a well system shall be submitted on forms provided by the District.~~

~~2. An application for the registration of a well system shall be accompanied by registration applications for a well for each well participating in the well system.~~

~~3. An application for the registration of a well system shall include the following information and any other information the General Manager may determine to be of need to be considered administratively complete:~~

~~a. The name and address of the well system owner;~~

~~b. The exact location of each well participating in the well system and exact extent of the well system;~~

~~c. The date the well system was established;~~

~~d. The date and description of each expansion of the well system;~~

~~e. Documentation demonstrating the ownership or control of the tracts of land on which the well system is located;~~

~~f. A statement certifying, under penalty of law, that the information reported on and attached to the report was prepared under the direction or supervision of the authorized operator and is, to the best of the knowledge and belief of the authorized operator, true, accurate and complete; and~~

~~g. A statement certifying, under penalty of law, that the authorized operator will operate the well in accordance with the rules of the District and regulations of the State of Texas.~~

~~RULE 2.5: REGISTRATION APPLICATION FEES~~

~~1. The District shall not assess fees for filing and processing of registration applications associated with grandfathered wells, grandfathered well fields, or grandfathered well systems.~~

~~2. The District shall assess fees for the filing and processing of registration applications associated with non-grandfathered wells, non-grandfathered well fields, or non-grandfathered well systems in accordance with the District's fee schedule as established by resolution of the Board.~~

~~RULE 2.6: REPORTING REQUIREMENT OF NON-EXEMPT USE WELLS~~

- ~~1. Authorized operators shall report of groundwater production resources produced from each non-exempt use well, each well of a non-exempt use well field, and each well of a non-exempt a non-exempt-use well system to the District on an annual basis.~~
 - ~~2. Authorized operators shall report groundwater production that is accurate within 10% of the actual shall be exempt from reporting the volume of groundwater produced during the year.~~
 - ~~3. The reporting period for groundwater production reporting for from a non-exempt-use wells, well if the non-exempt-use well fields, and non-exempt use well systems is January 1 to December 31 of each year.~~
 - ~~4. Groundwater production shall be reported to the District no later than thirty days after the end of the reporting period.~~
 - ~~5. Groundwater production shall be reported using forms provided by the District.~~
 - ~~6. Groundwater production reports shall include the following information:
 - ~~a. The well registration number assigned by the District;~~
 - ~~b. The production permit identification number;~~
 - ~~c. The aggregate production permit number, if applicable;~~
 - ~~d. The reporting period;~~
 - ~~e. The volume of groundwater produced during the reporting period in acre-feet; and~~
 - ~~f. A statement certifying, under penalty of law, that the information reported on and attached to the report was prepared under the direction or supervision of the authorized operator and is, to the best of the knowledge and belief of the authorized operator, true, accurate and complete.~~~~
- ~~2.9. A non-exempt use well identified designated as being a dormant well by the authorized operator district for more than twelve months (12 months shall be exempt from groundwater production reporting requirements) until such time as the well no longer satisfies the definition of a dormant well.~~
- ~~10. An entity holding The well owner of a non-exempt-use well may request that the district designate the non-exempt-use well as a well with historically low production.~~
 - ~~11. The owner of groundwater resources produced from a non-exempt-use well shall be exempt from reporting the volume of groundwater produced from a non-exempt-use well if the non-exempt-use well has been designated as a well with historically low production by the district for more than twelve months (12 months) until such time as the well no longer satisfies the definition of a well with historically low production.~~
 - ~~12. The district shall remove the designation of a non-exempt-use well as a well with historically low production after five years (5 years).~~
 - ~~13. The well owner of the non-exempt-use well may request the renewal of the designation as a well with historically low production.~~
- ~~3.14. A person producing groundwater resources from a well under a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, that authorized the drilling production of groundwater resources from a well shall report monthly to the District district the following:~~
- ~~3.14.1. The the total amount of groundwater produced water withdrawn during the month;~~

- ~~3.2.14.2. The quantity of groundwater produced that was water necessary for mining activity purposes activities; and~~
- ~~3.3.14.3. The quantity of groundwater produced that was necessary water withdrawn for other purposes.~~

RULE 4.3: GENERAL PROCEDURES RELATED TO PERMITTING

- ~~1. An applicant for a permit shall submit the permitting request on the form prescribed by the district.~~
- ~~2. The general manager shall designate an application related to a permit as administratively complete when all necessary information to fully consider the application has been submitted to the district by the applicant.~~
- ~~3. The general manager shall contest an application related a permit that does not satisfy the regulations and requirements established by the rules of the district.~~
- ~~4. The general manager may schedule a hearing and action on as many applications related to permits at one meeting as deemed practical and appropriate.~~
- ~~5. The board of directors may refer any application related to a permit requesting protection of historic use to a hearing examiner for a hearing.~~
- ~~6. The application for a permit is incorporated into the permit approved by the district.~~
- ~~7. The district issues, approves, and grants a permit on the basis of and contingent upon the accuracy of the information supplied in the associated application.~~
- ~~8. Acceptance of a permit by the applicant, the authorized agent, the authorized operator, or the owner of groundwater resources constitutes acknowledgement and acceptance of the conditions, limitations, and restrictions of the permit and the rules of the district.~~
- ~~9. A decision regarding the permit is final if the applicant, the authorized agent, the authorized operator, or the owner of groundwater resources fail to file a request for rehearing within twenty days (20 days) of the decision.~~
- ~~10. An application shall be automatically withdrawn from the district if the applicant fails to provide any information requested by the general manager needed to fully consider the application relative to the rules of the district within 60 days of the request being sent to the applicant.~~

RULE 4.4: GENERAL PROCEDURES RELATED TO RENEWAL AND AMENDMENT OF PERMITS

- ~~1. The district shall not renew a permit that has expired before an administratively complete application requesting the renewal of the permit has been submitted to the district.~~
- ~~2. The district shall not renew a permit associated with a proposed well.~~
- ~~3. The well owner, authorized agent, or the authorized operator of a permit shall submit an administratively complete application requesting the renewal of the permit prior to the permit expiration date.~~
- ~~4. The general manager may authorize an authorized operator of a permit for which an administratively complete application requesting the renewal of the permit has been~~

submitted to the district to continue authorized activities of the permit under the conditions of the permit, subject to any changes necessary under the rules of the district, or the Management Plan of the district, for the period of time during which the application requesting the renewal of the permit is the subject of a contested case hearing.

5. The district shall, without a hearing, consider an application to renew a permit submitted to the district provided that:
 - 5.1. the application, if required by the district, is submitted in a timely manner and accompanied by any required fees in accordance with rules of the district; and
 - 5.2. the authorized operator is not requesting an amendment to the permit in conjunction with the request to renew the permit.
6. The district shall not renew a permit if the owner of groundwater resources or authorized operator:
 - 6.1. is delinquent in paying a fee required by the district;
 - 6.2. is subject to a pending enforcement action for a substantive violation of a permit, order, or rule of the district that has not been settled by agreement with the district or a final adjudication; or
 - 6.3. 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 permit, order, or rule of the district.
7. The district shall consider a permit that the district did not renew because the applicant or authorized operator of the is subject to a pending enforcement action for a substantive violation of a permit, order, or rule of the district, which has not been settled by agreement with the district or a final adjudication, to be in effect until the final settlement or adjudication on the matter of the substantive violation.
8. The district shall consider a request to renew a permit, as it existed prior to the initiation of an amendment process, without penalty if the amendment process results in a denial of the amendment unless the applicant or authorized operator of the permit:
 - 8.1. is delinquent in paying a fee required by the district;
 - 8.2. is subject to a pending enforcement action for a substantive violation of a permit, order, or rule of the district that has not been settled by agreement with the district or a final adjudication; or
 - 8.3. 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 permit, order, or rule of the district.
9. The well owner, well field owner, or well system owner of a non-exempt-use well, a non-exempt-use well field, or a non-exempt-use well system shall submit to the district an application to amend any registrations or permits within ninety days (90 days) of acquiring the non-exempt-use well, the non-exempt-use well field, or the non-exempt-use well system.
10. The board of directors shall consider administratively complete applications to amend a permit or waiver requested by the well owner, authorized agent, or the authorized operator of a permit or waiver that involve the substantive provisions of the related permit or waiver such as production rates, production amounts, purposes of use, or conditions of the permit.
11. The general manager may process and issue amendments to permits and waivers associated with administratively complete applications to amend a permit requested by the well owner, authorized agent, or the authorized operator of a permit that are solely

administrative in nature that do not involve the substantive provisions of the related permits or waivers such as production rates, production amounts, purposes of use, or conditions of the permit.

12. The district shall consider the permit associated with an application requesting an amendment to the permit as being in effect as the permit existed before the submittal of the administratively complete application requesting an amendment to the permit until the later of:

12.1. the conclusion of the permit amendment or renewal process, as applicable; or

12.2. final settlement or adjudication on the matter of whether the change to the permit requires a permit amendment.

13. The district may initiate the process for amending a permit in connection with the renewal of a permit.

14. The district shall consider the permit associated with an amendment process initiated by the district as being in effect as the permit existed before the district initiated the amendment process until the conclusion of the permit amendment process.

RULE 4.4.1: APPLICATION REQUIREMENTS RELATED TO PERMIT RENEWAL REQUESTS

1. The applicant for an application for the renewal of a production permit or transfer permit shall include the following information and any other information the general manager may determine to be of need to evaluate the request relative to the rules of the district:

1.1. the name and mailing address of the applicant;

1.2. the permit identification number of the subject permit;

1.3. the well identification numbers of the associated water wells;

1.4. a negative or affirmative response to questions regarding the present facts and circumstances relevant to the original application for and subsequent approval of the subject permit;

1.5. a statement certifying, under penalty of law, that the information reported on and attached to the application was prepared under the direction or supervision of the applicant and is, to the best of the knowledge and belief of the applicant, true, accurate and complete; and

1.6. the dated signature of the applicant.

RULE 4.4.2: APPLICATION REQUIREMENTS RELATED TO PERMIT AMENDMENT REQUESTS

1. The applicant for an application for the amendment of a production permit or transfer permit shall include the following information and any other information the general manager may determine to be of need to evaluate the request relative to the rules of the district:

1.1. the name and mailing address of the applicant;

1.2. the permit identification number of the subject permit;

- 1.3. the well identification numbers of the associated water wells;
- 1.4. a description of the request amendment;
- 1.5. a statement certifying, under penalty of law, that the information reported on and attached to the application was prepared under the direction or supervision of the applicant and is, to the best of the knowledge and belief of the applicant, true, accurate and complete; and
- 1.6. the dated signature of the applicant.

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SECTION 5: POLICIES RELATED TO HISTORIC USE OF GROUNDWATER

RULE 5.1: 3- GENERAL POLICIES RELATED TO PROTECTION OF HISTORIC USE PERMITTING

1. No person shall produce groundwater from a grandfathered well, grandfathered well field, or grandfathered well system without obtaining and maintaining ownership or control of the groundwater resources from the subject well, well field, or well system.
2. The district shall allow well owners to apply for production permits protecting the continued operation of grandfathered wells, grandfathered well fields, and grandfathered well systems used for non-exempt-use prior to the adoption of the rules of the district.
3. The district shall provide for the protection of historic use of grandfathered non-exempt-use wells, grandfathered non-exempt-use well fields, and grandfathered non-exempt-use well systems through the validation the evidence of historic use and issuing production permits for the protection of historic use authorizing the continued operation of grandfathered non-exempt-use wells, grandfathered non-exempt-use well fields, and grandfathered non-exempt-use well systems based on validated evidence of historic use.
4. The district shall limit the amount of groundwater validated as historic use to the volume of produced groundwater by a grandfathered non-exempt-use well, a grandfathered non-exempt-use well field, or a grandfathered non-exempt-use well system produced for a particular purpose of use in a particular calendar year in the historic use validation period.
5. The district shall grant production permits for the protection of historic use with conditions related to aggregating the authorized groundwater production amounts of the non-exempt-use wells of a grandfathered well field or a grandfathered well system that are consistent with the validated pattern of operation of the grandfathered well field or the grandfathered well system during the historic use validation period.
6. The district shall not grant production permits for the protection of historic use with an aggregate authorized groundwater production amount of a grandfathered well field or a grandfathered well system exceeding the validated sum of all groundwater produced from the subject wells operated during the validation year.
7. The well owner, well field owner, or well system owner of a grandfathered non-exempt-use well, a grandfathered non-exempt-use well field, or a grandfathered non-exempt-use well system shall maintain the ownership or control of groundwater rights associated with the groundwater resources from which the subject grandfathered non-exempt-use well, subject grandfathered non-exempt-use well field, or subject grandfathered non-exempt-use well system historically produced groundwater.

RULE 35.1: VALIDATION.1: GROUNDWATER PRODUCTION LIMITATIONS OF HISTORIC USE OF A GRANDFATHERED NON-EXEMPT-USE WELLS

1. The board of directors shall not issue a historic use validation permit for a grandfathered non-exempt-use well that is inconsistent with the validated historic use of the grandfathered non-exempt-use well.
2. The board of directors shall limit the authorized groundwater production amount and authorized groundwater production purpose of a historic use validation permit for a grandfathered non-exempt-use well to that amount and purpose of use validated, by the district, as historic use of the grandfathered non-exempt-use well.

RULE 5.1.2: GROUNDWATER PRODUCTION LIMITATIONS OF GRANDFATHERED WELL, WELL FIELD, OR WELL SYSTEM FIELDS

1. The District board of directors shall provide for the protection of issue a historic use by validation permit for a grandfathered non-exempt-use wells, grandfathered well fields, and grandfathered well systems by validating evidence of field that is consistent with the validated historic use through of the scrutiny grandfathered non-exempt-use well field.
2. The board of directors shall limit the evidence authorized groundwater production amount and authorized groundwater production purpose of a historic use validation permit for a grandfathered non-exempt-use well field to that amount and purpose of use validated, by the district, as historic use of the grandfathered non-exempt-use well field.
3. The board of directors shall limit the authorized groundwater production amount and authorized groundwater production purpose of a historic use validation permit for a grandfathered non-exempt-use well field to that amount and purpose of use validated, by the district, as historic use of the associated grandfathered non-exempt-use wells that exist on the date the associated application for the protection of historic use of a grandfathered well field was designated as administratively complete by the district.

RULE 5.1.3: GROUNDWATER PRODUCTION LIMITATIONS OF GRANDFATHERED WELL SYSTEMS

1. The board of directors shall issue a historic use validation permit for a grandfathered non-exempt-use well system that is consistent with the validated historic use of the grandfathered non-exempt-use well system.
2. The board of directors shall limit the authorized groundwater production amount and authorized groundwater production purpose of historic use validation permit for a grandfathered non-exempt-use well system to that amount and purpose of use validated, by the district, as historic use of the grandfathered non-exempt-use well system.
3. The board of directors shall limit the authorized groundwater production amount and authorized groundwater production purpose of a historic use validation permit for a grandfathered non-exempt-use well system to that amount and purpose of use validated, by the district, as historic use of the associated grandfathered non-exempt-use wells that

exist on the date the associated application for a production permit for the protection of historic use of a grandfathered well system was designated as administratively complete by the district.

RULE 5.2: GENERAL PROCEDURES RELATED TO PROTECTION OF HISTORIC USE PERMITTING

1. The board of directors, representatives of the district, and other interested parties ~~and~~ issuing permits authorizing the continued operation of the grandfathered non-exempt use wells, grandfathered well fields, and grandfathered well systems based on validated evidence may scrutinize the evidence of historic use associated with an application for a production permit for the protection of historic use during the associated public hearing to assess the validity and reliability related to the permitting request.
2. The ~~Board~~board of directors, on its own initiative, may ~~cause to be issued a~~issue production ~~permit~~permits for ~~a the protection of historic use for~~ grandfathered non-exempt-use well, ~~a grandfathered non-exempt-use well field, or a~~fields, and grandfathered ~~non-exempt-use well systems~~systems within the ~~District~~district for which the well ~~owner~~owners or ~~well owner agent has~~authorized agents have not submitted ~~an~~ administratively complete ~~application for validation of historic use or~~applications for ~~wells not otherwise properly permitted~~production permits for the protection of historic use provided that such wells were not drilled, equipped and operated in such a manner as to violate any other rules and regulations of the ~~District~~. ~~To the extent available, the authorized operator shall provide all of the information required in these rules and as may otherwise be requested by the District.~~district.
3. The ~~District~~well owners or authorized agents of grandfathered non-exempt-use wells, grandfathered non-exempt-use well fields, and grandfathered non-exempt-use well systems shall ~~limit~~provide all available information requested by the district regarding the historic use of subject wells, subject well fields, or subject well systems associated with production permit for historic use.
4. The general manager shall review and determine the administrative completeness of an application for a production permit for the protection of historic use within sixty days (60 days) of date of receipt of application for a production permit for the protection of historic use.
5. The general manager shall review the supplemental information requested by the general manager and received by the district associated with an application for a production permit for the protection of historic use within sixty days (60 days) of the date of receipt of the supplemental information.
6. The general manager shall issue and post written notice indicating a date and time for a hearing regarding an application for a production permit for protection of historic use within thirty days (30 days) of determining the application for a production permit for protection of historic use is administratively complete.

7. The applicant of an application for a production permit for the protection of historic use shall attend the meetings at which the board of directors conducts hearings or considers action related to the application for a production permit for the protection of historic use.
8. The board of directors shall consider applications for a production permit for the protection of historic use that are designated as administratively complete, after providing public notice of the permit hearing for not less than ten days (10 days).
9. The district shall specify the operational requirements and special conditions of production permits for the protection of historic use including:
 - 9.1. the identification number assigned by the district for the production permit;
 - 9.2. the identification number assigned by the district for the associated application for a production permit for the protection of historic use;
 - 9.3. the subject non-grandfathered wells, non-grandfathered well fields and non-grandfathered well systems;
 - 2.1.9.4. the authorized groundwater production amount ~~and purpose of use of a grandfathered non-exempt use well to that amount and purpose of use validated, by the District, as historic use of the well;~~
 - 2.2.9.5. The District shall limit the authorized groundwater production amount ~~and purpose of use of a grandfathered well field to that amount and purpose of use validated, by the District, as historic use for the well field purpose;~~
 - 9.6. The District shall limit the owners of groundwater resources;
 - 9.7. the authorized groundwater production amount ~~operator; and purpose of use~~
 - 9.8. the reporting requirements.

RULE 5.2.1: APPLICATION REQUIREMENTS RELATED TO PROTECTION OF HISTORIC USE OF A GRANDFATHERED WELL

1. The applicant for an application for the protection of historic use of a grandfathered well system shall include the following information and any other information the general manager may determine to be of need to evaluate the request relative to the rules of the district:
 - 1.1. the name and address of the applicant;
 - 1.1.1.2. the name and address of the person that ~~amount and purpose of use validated, by the District, as historic use for the~~ owns the subject well system.;
 - 1.3. The District shall limit the validated historic use ~~geographic coordinate of the subject well;~~
 1. a grandfathered statement confirming the subject well was used in a manner that qualifies as non-exempt use well to:
 - 1.2.1.4. the maximum annual volume of groundwater produced by the well during the historic use validation period ~~and;~~
 - 1.3.1.5. for the purpose of use ~~specification of the groundwater during the~~ historic use period ~~validation year;~~
2. The District shall limit the validated historic use of a grandfathered well field to:
 - 1.4.1.6. the maximum annual ~~the specification of the~~ volume of groundwater resources produced in acre-foot by the subject well field ~~during the historic use period and validation year;~~

- ~~a. for the specification of the purpose of use of the groundwater resources produced by the subject well during the historic use period.~~
- ~~1.5.1.7. The maximum annual volume of groundwater to be validated by the District for a grandfathered well field shall not exceed the aggregate volume of groundwater produced by each grandfathered non-exempt use well of the grandfathered well field during the year for which validation of the well field is being requested year;~~
- ~~3. The District shall limit the validated historic use of a grandfathered well system to:~~
- ~~a. the maximum annual volume of groundwater produced by the well system during the year for which validation of the well system is being requested and~~
 - ~~b. for the purpose of use of the groundwater during the historic use period.~~
- ~~4. The maximum annual volume of groundwater to be validated by the District for a grandfathered well system shall not exceed the aggregate volume of groundwater produced by each grandfathered non-exempt use well of the grandfathered well system during the year for which validation of the well system is being requested.~~
- ~~5. An application for the validation of historic use of a grandfathered well, grandfathered well field, or grandfathered well system shall be submitted on forms provided by the District.~~
- ~~6. An application for the validation of historic use of a grandfathered non-exempt use well shall include the following information and any other information the General Manager may determine to be of need to be considered administratively complete:~~
- ~~a. The name and address of the well owner;~~
 - ~~b. The exact location of the grandfathered non-exempt use well including a geographic coordinate, street address, and nearest intersection;~~
 - ~~c. The well registration number;~~
 - ~~d. The well registration application identification;~~
 - ~~e. A statement confirming the use of the grandfathered well in a manner that qualifies as non-exempt use during the historic period;~~
 - ~~f. Specification of the year during the historic use validation period for which historic use is being validated (validation year);~~
 - ~~g. Specification of the amount of groundwater produced in acre-feet by the grandfathered well during the validation year;~~
 - ~~h. Specification of the purpose of use of the groundwater produced by the grandfathered non-exempt use well during the validation year;~~
- ~~1.6.1.8. A description of the evidence of historic use supplied with the application to be used by the district to validate the historic use of the grandfathered non-exempt uses subject well;~~
- ~~1.9. A statement certifying, under penalty of law, that the well owner possesses the legal authority to produce groundwater resources from the subject well.~~
- ~~1.7.1.10. a statement certifying, under penalty of law, that the information submitted reported on and attached to the application was prepared under the direction or supervision of the authorized operator applicant and is, to the best of the knowledge and belief of the authorized operator applicant, true, accurate and complete;~~

- ~~1.8.1.11. Aa statement certifying, under penalty of law, that the authorized operator will operate the subject well shall be operated in accordance with the rules of the District and regulations of the State of Texas; and~~
- ~~1.12. An the dated signature of the applicant; and~~
- ~~1.9.1.13. an affidavit confirming that the evidence of historic use submitted to support the validation of the historic use of the grandfathered non-exempt use subject well is; to the best of the knowledge and belief of the person providing the evidence, of historic use true; and correct; and that all available information concerning groundwater production of the subject well during the historic use validation period year has been provided to the Texana Groundwater Conservation District.~~

RULE ~~An~~ 5.2.2: APPLICATION REQUIREMENTS RELATED TO PROTECTION OF HISTORIC USE OF A GRANDFATHERED WELL FIELD

1. The applicant for an application for the validation protection of historic use of a grandfathered well field shall include the following information and any other information the General Manager general manager may determine to be of need to be considered administratively complete evaluate the request relative to the rules of the district:
 - ~~1.1. The the name and address of the applicant;~~
 - ~~1.1.1.2. the name and address of the person that owns the subject well field owner;~~
 - ~~i. The exact location of each grandfathered non-exempt use well in the well field including a geographic coordinate, street address, and nearest intersection;~~
 - ~~1.2.1.3. The well registration number of each of each grandfathered non-exempt use well in the well field subject wells;~~
 - ~~j. The well registration application identification of each grandfathered non-exempt use well in the well field;~~
 - ~~1.4. Aa statement confirming the use of each grandfathered well in the subject well field was used in a manner that qualifies as non-exempt use during the historic use validation period;~~
 - ~~1.5. the specification of the historic use validation year;~~
 - ~~1.6. the specification of the volume of groundwater resources produced in acre-foot by the subject well field during the historic use validation year;~~
 - ~~1.7. the specification of the purpose of use of the groundwater resources produced by the subject well field during the historic use validation year;~~
 - ~~1.8. a description of the evidence of historic use supplied with the application to be used by the district to validate the historic use of the subject well field;~~
 - ~~1.9. a statement certifying, under penalty of law, that the well owner possesses the legal authority to produce groundwater resources from the subject well field.~~
 - ~~1.10. a statement certifying, under penalty of law, that the information reported on and attached to the application was prepared under the direction or supervision of the applicant and is, to the best of the knowledge and belief of the applicant, true, accurate and complete;~~

- 1.11. a statement certifying, under penalty of law, that the subject well field shall be operated in accordance with the rules of the district and regulations of the State of Texas;
- 1.12. the dated signature of the applicant; and
- 1.13. an affidavit confirming that the evidence of historic use submitted to support the validation of the historic use of the subject well field is to the best of the knowledge and belief of the person providing the evidence of historic use true and correct and that all available information concerning groundwater production of the subject well field during the historic use validation year has been provided to the district.

RULE 5.2.3: APPLICATION REQUIREMENTS RELATED TO PROTECTION OF HISTORIC USE OF A GRANDFATHERED WELL SYSTEM

- 1. The applicant for an application for the protection of historic use of a grandfathered well system shall include the following information and any other information the general manager may determine to be of need to evaluate the request relative to the rules of the district:
 - 1.1. the name and address of the applicant;
 - 1.2. the name and address of the person that owns the subject well system;
 - 1.3. the geographic coordinate of each of the subject wells;
 - 1.4. a statement confirming the subject well system was used in a manner that qualifies as non-exempt use during the historic use validation period;
 - 1.5. the specification of the historic use validation year;
 - ~~1.1.1.6. the specification of the volume of groundwater resources produced in acre-foot by the subject well system during the historic use validation period; year;~~
 - ~~k. Specification of the year the specification of the purpose of use of the groundwater resources produced by the subject well system during the historic use validation period for which historic use of the well field is being validated;~~
 - ~~l. Specification of the aggregate amount of groundwater produced in acre-feet by the grandfathered well field during the validation year;~~
 - ~~m. Specification of the purpose of use of the groundwater produced by the grandfathered well field during the validation year;~~
 - ~~n. A description of the evidence supplied with the application to be used to validate the historic use of the grandfathered well field;~~
 - ~~o. A statement certifying, under penalty of law, that the information submitted and attached to the application was prepared under the direction or supervision of the authorized operator and is, to the best of the knowledge and belief of the authorized operator, true, accurate and complete;~~
 - ~~p. A statement certifying, under penalty of law, that the authorized operator will operate the grandfathered well field in accordance with the rules of the District and regulations of the State of Texas; and~~
 - ~~q. An affidavit confirming that the evidence submitted to support the validation of the historic use of the grandfathered well field is, to the best of the~~

~~knowledge and belief of the person providing the evidence, true, correct, and that all available information concerning groundwater production during the historic use validation period has been provided to the Texana Groundwater Conservation District.~~

~~7. An application for the validation of historic use of a grandfathered well system shall include the following information and any other information the General Manager may determine to be of need to be considered administratively complete:~~

- ~~a. The name and address of the well system owner;~~
- ~~b. The exact location of each grandfathered non-exempt use well in the well system including a geographic coordinate, street address, and nearest intersection;~~
- ~~c. The well registration number of each grandfathered non-exempt use well in the well system;~~
- ~~d. The well registration application identification of each grandfathered non-exempt use well in the well system;~~
- ~~e. A statement confirming the use of each grandfathered well in the well system in a manner that qualifies as non-exempt use during the historic use validation period;~~
- ~~f. Specification of the year during the historic use validation period for which historic use of the well system is being validated;~~
- ~~g. Specification of the aggregate amount of groundwater produced in acre-feet by the grandfathered well system during the validation year;~~

~~1.2.1.7. Specification of the purpose of use of the groundwater produced by the grandfathered well system during the validation year;~~

~~1.3.1.8. A description of the evidence of historic use supplied with the application to be used by the district to validate the historic use of the grandfathered subject well system;~~

~~1.9. A statement certifying, under penalty of law, that the well owner possesses the legal authority to produce groundwater resources from the subject well system.~~

~~1.4.1.10. a statement certifying, under penalty of law, that the information submitted reported on and attached to the application was prepared under the direction or supervision of the authorized operator applicant and is, to the best of the knowledge and belief of the authorized operator applicant, true, accurate and complete;~~

~~1.5.1.11. A statement certifying, under penalty of law, that the authorized operator will operate the grandfathered subject well system shall be operated in accordance with the rules of the District district and regulations of the State of Texas; ~~and~~~~

~~1.12. An the dated signature of the applicant; and~~

~~1.6.1.13. an affidavit confirming that the evidence of historic use submitted to support the validation of the historic use of the grandfathered subject well system is, to the best of the knowledge and belief of the person providing the evidence, of historic use true, and correct and that all available information concerning groundwater production of the subject well system during the historic use validation period year has been provided to the Texana Groundwater Conservation District district.~~

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SECTION 4: PERMITS **6: POLICIES RELATED TO NON-HISTORIC USE OF GROUNDWATER**

RULE 46.1: GENERAL POLICIES RELATED TO NON-HISTORIC-USE PERMITTING POLICIES AND PROCEDURES

- ~~1. All permits are granted subject to these rules, the district management plan, orders of the Board, and the laws of the State of Texas.~~
- ~~2. A production permit confers only the authority to operate a well, well field, or well system under the provisions of these rules.~~
- ~~3. The conditions of a production permit may be modified or amended pursuant to the provisions of these rules.~~
- ~~4. A transport permit confers only the authority to transport groundwater produced under production permits issued by the District under the provisions of these rules.~~
- ~~5. The conditions of a transport permit may be modified or amended pursuant to the provisions of these rules.~~
1. ~~A production permit with conditions related to the aggregation of authorized groundwater production for a grandfathered well field or a grandfathered well system that is amended by incorporating the authorized groundwater production amount of~~ from a non-grandfathered well, non-exempt use grandfathered well field, or wells shall be considered a non-grandfathered well field or non-grandfathered well system without obtaining and maintaining ownership or control of the groundwater resources from the subject to the rules related to non-grandfathered non-exempt use wells, non-grandfathered well, well fields, and non-grandfathered field, or well systems system.
- ~~6. The activities district shall consider a request to aggregate the authorized by a permit issued by the District are expressly prohibited upon termination, expiration, violation, or revocation of the permit by the District.~~
2. ~~An groundwater production amounts validated for any grandfathered non-exempt-use well with authorized operator invalidates and renders all associated permits void and terminated upon operation of a non-exempt use well, groundwater production for any non-grandfathered non-exempt-use well as a permitting request for non-historic use associated with a non-grandfathered non-exempt-use well field, or a non-grandfathered non-exempt-use well system for a purpose of use other than those purpose of uses authorized by the related production permit or permits unless the appropriate amendments have been approved by the Board.~~
3. ~~A well owner, well owner agent, or authorized operator~~ An applicant permanently changes the grandfathered status of a grandfathered well, a grandfathered well, field, or a grandfathered well system to non-grandfathered well, a non-grandfathered well field, or a non-grandfathered well system if the purpose of use applicant requests, and the district grants, a production permit for non-historic use or a permit amendment to a production permit for non-historic use in which the authorized groundwater production purpose is changed from the historic purpose of use validated by the district for the grandfathered well, the grandfathered well field, or the grandfathered well system.
- ~~7. Each application for a drilling permit, production permit, transport permit, production permit renewal, transport permit renewal, or permit amendment~~

- ~~requires a separate application.~~
- ~~4. The well owner, well field owner, or well system owner of a non-grandfathered non-exempt-use well, a non-grandfathered non-exempt-use well field, or a non-grandfathered non-exempt-use well system shall maintain the ownership or control of groundwater rights associated with the subject tracts of contiguous ownership of groundwater resources sufficient to produce the authorized groundwater production amount specified in the production permit for non-historic use.~~
 - ~~4.5. An incorporated municipality may, as an applicant for a production permit for non-historic use, may request that the district consider all contiguous land within its corporate limits that is located within the District district and not associated with other production permits to be under its control for the purposes of evaluating the spacing and requirements, production limitations, and application performance conditions of the District district.~~
 - ~~5.6. A public water supply entity may, as an applicant for a production permit for non-historic use, may request that the district consider all contiguous land within the boundary of its certificate of convenience and necessity (CCN) that is located within the District district and not associated with other production permits to be under its control for the purposes of evaluating the spacing and requirements, production limitations, and application performance conditions of the District district.~~
 - ~~8. Applications for a permit shall be submitted on the form designed by the District and contain the information requested by the application form.~~
 - ~~9. Applications for a production permit shall be submitted by the owner of groundwater resources or the legal agent of the owner of groundwater resources at the location of the subject well of the requested production permit.~~
 - ~~10. Production permit applications for non-grandfathered wells shall be accompanied by well registration applications for any unregistered well that currently exist on the same tract of land or adjoining tracts of land owned by the applicant.~~
 - ~~11. Applications must be executed under oath.~~
 - ~~12. The tract or tracts of land associated with an application for a permit shall be accessible to District representatives for inspection and the landowner or authorized operator agrees to cooperate fully in any reasonable inspection of the well and well site by the District representatives.~~
 - ~~7. The District The district shall amend a production permits for non-historic use issued by the district if a well owner, well field owner, or well system owner of a non-grandfathered non-exempt-use well, a non-grandfathered non-exempt-use well field, or a non-grandfathered non-exempt-use well system fails to maintain the ownership or control of groundwater rights associated with the subject tracts of contiguous ownership of groundwater resources sufficient to produce the authorized groundwater production amount specified in the production permit for non-historic use associated with the non-grandfathered non-exempt-use well, the non-grandfathered non-exempt-use well field, or the non-grandfathered non-exempt-use well system.~~
 - ~~8. The district may amend a production permit for non-historic use issued by the district associated with production areas based on contiguous land within the corporate limit of an incorporated municipality or contiguous land within the boundary of a certificate of convenience and necessity (CCN) of a public water supply entity in conjunction with issuing production permits with production areas that intersect or overlap the corporate~~

limit of an incorporated municipality or the certificate of convenience and necessity (CCN) of a public water supply entity.

9. The applicant for an application related to a production permit for non-historic use shall submit applications to register any wells not registered with the district within the subject tracts of contiguous ownership of groundwater resources.
10. The applicant for an application related to a production permit for non-historic use may be required to provide groundwater management information including a water conservation plan and drought management plan.

RULE 6.1.1: GROUNDWATER PRODUCTION LIMITATIONS OF NON-GRANDFATHERED NON-EXEMPT-USE WELLS

1. The district shall limit the authorized groundwater production amount of a production permit for non-historic use of a non-exempt-use well to an amount that does not exceed one hundred gallons per minute (100 GPM) per contiguous acre controlled by the owners of groundwater resources of the subject tracts of contiguous ownership of groundwater resources associated with the application for a production permit for non-historic use of a non-exempt-use well.
2. The district shall limit the authorized groundwater production amount of a production permit for non-historic use of a non-exempt-use well, excluding production permit for deep-saline non-historic use, to an amount that does not exceed one-half acre-foot (1/2 acre-foot) per year per contiguous acre owned or controlled by the owners of groundwater resources of the subject tracts of contiguous ownership of groundwater resources associated with the application for a production permit for non-historic use of a non-exempt-use well.
3. The district shall limit the authorized groundwater production rate of a production permit for non-historic use of a non-exempt-use well, except wells operated solely to produce groundwater under a production permit for deep-saline non-historic use, to a rate not exceeding a ratio of one gallon per minute per foot (1 GPM / 1 foot) of separation between the well and the nearest point along the boundary of ownership of land containing the well.
4. The district shall limit the authorized groundwater production amount of a production permit for non-historic use of a non-exempt-use well to the degree the board of directors determines to be necessary to ensure the groundwater production from the subject well will not likely cause excessive water level declines within the district, excessive water quality changes of groundwater resources within the district, or significantly contribute to subsidence within the district.
5. The district shall establish special conditions related to authorized groundwater production of a production permit for non-historic use of a non-exempt-use well as determined to be necessary by the board of directors to ensure the groundwater production from the subject well will not likely cause excessive water level declines within the district, excessive water quality changes of groundwater resources within the district, or significantly contribute to subsidence within the district.

RULE 6.1.2: GROUNDWATER PRODUCTION LIMITATIONS OF NON-GRANDFATHERED NON-EXEMPT-USE WELLS FIELDS

1. The district shall limit the authorized groundwater production amount of a production permit for non-historic use of a non-exempt-use well field to an amount that does not exceed one hundred gallons per minute (100 GPM) per contiguous acre controlled by the owners of groundwater resources of the subject tracts of contiguous ownership of groundwater resources associated with the application for a production permit for non-historic use of a non-exempt-use well field.
2. The district shall limit the authorized groundwater production amount of a production permit for non-historic use of a non-exempt-use well field, excluding production permit for deep-saline non-historic use, to an amount that does not exceed one-half acre-foot (1/2 acre-foot) per year per contiguous acre owned or controlled by the owners of groundwater resources of the subject tracts of contiguous ownership of groundwater resources associated with the application for a production permit for non-historic use of a non-exempt-use well field.
3. The district shall limit the authorized groundwater production rate of a production permit for non-historic use for each well of a non-exempt-use well field, except wells operated solely to produce groundwater under a production permit for deep-saline non-historic use, to a rate not exceeding a ratio of one gallon per minute per foot (1 GPM / 1 foot) of separation between the well and the nearest point along the boundary of ownership of land containing the well.
4. The district shall limit the authorized groundwater production amount of a production permit for non-historic use of a non-exempt-use well field to the degree the board of directors determines to be necessary to ensure the groundwater production from the subject wells of the non-exempt-use well field will not likely cause excessive water level declines within the district, excessive water quality changes of groundwater resources within the district, or significantly contribute to subsidence within the district.
5. The district shall establish special conditions related to authorized groundwater production of a production permit for non-historic use of a non-exempt-use well field as determined to be necessary by the board of directors to ensure the groundwater production from the subject wells of the non-exempt-use well field will not likely cause excessive water level declines within the district, excessive water quality changes of groundwater resources within the district, or significantly contribute to subsidence within the district.

RULE 6.1.3: GROUNDWATER PRODUCTION LIMITATIONS OF NON-GRANDFATHERED NON-EXEMPT-USE WELL SYSTEMS

1. The district shall limit the authorized groundwater production amount of a production permit for non-historic use of a non-exempt-use well system to an amount that does not exceed one hundred gallons per minute (100 GPM) per contiguous acre controlled by the owners of groundwater resources of the subject tracts of contiguous ownership of groundwater resources associated with the application for a production permit for non-historic use of a non-exempt-use well field.

2. The district shall limit the authorized groundwater production amount of a production permit for non-historic use of a non-exempt-use well system to an amount that does not exceed one-half acre-foot (1/2 acre-foot) per year per contiguous acre owned or controlled by the owners of groundwater resources of the subject tracts of contiguous ownership of groundwater resources associated with the application for a production permit for non-historic use of a non-exempt-use well system.
3. The district shall limit the authorized groundwater production rate of a production permit for non-historic use for each well of a non-exempt-use well system, except wells operated solely to produce groundwater under a production permit for deep-saline non-historic use, to a rate not exceeding a ratio of one gallon per minute per foot (1 GPM / 1 foot) of separation between the well of the well system and the nearest point along the boundary of ownership of land containing the well.
4. The district shall limit the authorized groundwater production amount of each well within a non-exempt-use well system production permit for non-historic use to an amount that does not exceed three-quarters acre-foot (3/4 acre-foot) per year per contiguous acre owned or controlled by the owners of groundwater resources of the subject tracts of contiguous ownership of groundwater resources associated with the application for a production permit for non-historic use of a non-exempt-use well system surrounding the well.
5. The district shall limit the authorized groundwater production amount of a production permit for non-historic use of a non-exempt-use well system to the degree the board of directors determines to be necessary to ensure the groundwater production from the subject wells of the non-exempt-use well system will not likely cause excessive water level declines within the district, excessive water quality changes of groundwater resources within the district, or significantly contribute to subsidence within the district.

RULE 6.2: GENERAL PROCEDURES RELATED TO NON-HISTORIC USE PERMITTING

1. The general manager shall review and determine the administrative completeness of an application for a production permit for standard-capacity non-historic use within thirty days (30 days) of date of receipt of the application for a production permit for non-historic use.
2. The general manager shall review the supplemental information requested by the general manager and received by the district associated with an application for a production permit for non-historic use within thirty days (30 days) of date of receipt of the supplemental information.
3. The general manager shall issue and post written notice indicating a date and time for a hearing ~~on an application for a permit or~~ regarding an application for a production permit for non-historic use within thirty days (30 days) of determining that an application for a production permit for non-historic use is administratively complete, if required by the rules of the district.
4. The general manager may issue and post written notice indicating the proposed date of permit issuance for a production permit for standard-capacity non-historic use, if such

issuance is authorized by the rules of the district, after the application is determined by the general manager to be administratively complete.

5. The board of directors shall consider applications requesting a production permit for high-capacity non-historic use that are designated as administratively complete, after providing public notice of the permit hearing for not less than ten days (10 days).
6. The board of directors shall consider applications requesting a deep-saline production permit that are designated as administratively complete, after providing public notice of the permit hearing for not less than ten days (10 days).
7. The general manager may consider and may issue production permits and production permit amendments associated with applications requesting a production permit for standard-capacity non-historic use, after providing public notice of the proposed permit issuance for not less than ten days (10 days), that:
 - 7.1. are designated administratively complete;
 - 7.2. satisfy the regulations and requirements established by the rules of the district; and
 - 7.3. are not contested by any party.
8. The general manager shall not issue production permits or production permit amendments associated with applications requesting a production permit for standard-capacity non-historic use that are contested by any party.
9. The general manager may authorize a well owner to perform an aquifer test, as described in the aquifer test plan with a pumping period not to exceed twenty days (20 days), for the purposes of investigating:
 - 9.1. the production zone including type of aquifer, position and extent of aquicludes, aquitards, and hydrogeologic boundaries;
 - 9.2. the radius of influence and the radius of separation of the subject well and observation wells, the cone of depression, the static water level, and the drawdown curve;
 - 9.3. the drawdown-time relationship of the subject well;
 - 9.4. drawdown-distance relationship of the subject well; and
 - 9.5. the hydraulic properties and derived parameters of the production zone of the subject well.
10. The board of directors shall consider applications requesting a production permit for standard-capacity non-historic use, after providing public notice of the proposed permit issuance for not less than ten days (10 days), that:
 - 10.1. are designated administratively complete and are contested by any party; or
 - 10.2. have not been considered by the general manager resulting in the issuance of a production permit for standard-capacity non-historic use as requested by the applicant of an application for a production permit for standard-capacity non-historic use.
11. The district shall specify the operational requirements and special conditions of production permits for non-historic use including:
 - 11.1. the identification number assigned by the district for the production permit for non-historic use;
 - 11.2. the identification number assigned by the district for the associated application for a production permit for non-historic use;

- 11.3. the identification number assigned by the district for the subject non-grandfathered wells, non-grandfathered well fields and non-grandfathered well systems;
 - 11.4. the authorized groundwater production amount;
 - 11.5. the authorized groundwater production purpose;
 - 11.6. the owners of groundwater resources;
 - 11.7. the authorized operator;
 - 11.8. the monitoring requirements;
 - 11.9. the reporting requirements;
 - 11.10. the special conditions established by the board of directors;
 - 11.11. the permit issuance date; and
 - 11.12. the permit expiration date.
12. A permit shall be automatically terminated if the construction of the proposed well is not completed within 365 days of the date the production permit was issued by the district.

RULE 6.2.1: APPLICATION REQUIREMENTS RELATED TO PRODUCTION PERMIT REQUESTS FOR NON-HISTORIC USE FOR A NON-EXEMPT-USE WELL

1. The applicant for an application for a production permit for non-historic use of a non-exempt-use well shall include the following information and any other information the general manager may determine to be of need to evaluate the request relative to the rules of the district:
 - 1.1. the name and address of the applicant;
 - 1.2. the name and address of the person that owns the subject well;
 - 1.3. the geographic coordinate of the subject well;
 - 1.4. the name and address of the landowner of the subject tracts of contiguous ownership of land;
 - 1.5. documentation demonstrating ownership of the subject tracts of contiguous ownership of land;
 - 1.6. the name and address of the owner of groundwater resources of subject tracts of contiguous ownership of groundwater resources;
 - 1.7. documentation demonstrating ownership of the subject tracts of contiguous ownership of groundwater resources;
 - 1.8. the specification of the requested authorized groundwater production amount for the subject well in gallons per minute and acre-foot per year;
 - 1.9. the specification of the requested authorized groundwater production purpose for the subject well;
 - 1.10. the specification of the spatial extent including the total acreage of the boundary of the subject tracts of contiguous ownership of land;
 - 1.11. the specification of the spatial extent including the total acreage of the boundary of the subject tracts of contiguous ownership of groundwater resources intersecting the subject tracts of contiguous ownership of land;
 - 1.12. the documentation of any district waiver being requested in association with the application;

- 1.13. a statement certifying, under penalty of law, that the well owner possesses the legal authority to produce groundwater from the subject tracts of contiguous ownership of groundwater resources;
- 1.14. a scaled map of:
 - 1.14.1. the subject well;
 - 1.14.2. the boundary of the subject tracts of contiguous ownership of land;
 - 1.14.3. the boundary of the subject tracts of contiguous ownership of groundwater resources;
 - 1.14.4. the boundaries of any production areas associated with other valid production permits overlapping the boundary of the subject tracts of contiguous ownership of groundwater resources;
 - 1.14.5. the nearest public roads; and
 - 1.14.6. the locations of any existing water wells within the boundary of the subject tracts of contiguous ownership of groundwater resources;
- 1.15. a statement certifying, under penalty of law, that the information reported on and attached to the application was prepared under the direction or supervision of the applicant and is, to the best of the knowledge and belief of the applicant, true, accurate and complete;
- ~~1.16.~~ a statement certifying, under penalty of law, that the subject well shall be operated in accordance with these rules after the application is determined by the District to be administratively complete. the rules of the district and regulations of the State of Texas; and
- ~~13. The District may schedule a hearing and action on as many applications for a permit at one hearing as deemed necessary and appropriate.~~
- 1.17. The applicant of a permit application the dated signature of the applicant.

RULE 6.2.2: APPLICATION REQUIREMENTS RELATED TO NON-HISTORIC USE PRODUCTION PERMITS FOR NON-EXEMPT-USE WELL FIELDS

- 1. The applicant for an application for a production permit for standard-capacity non-historic use of a non-exempt-use well field shall include the following information and any other information the general manager may determine to be of need to evaluate the request relative to the rules of the district:
 - 1.1. the name and address of the applicant;
 - 1.2. the name and address of the person that owns the subject well field;
 - 1.3. the geographic coordinate of the subject wells;
 - 1.4. The name and address of the landowner of the subject tracts of contiguous ownership of land;
 - 1.5. The name and address of the owner of groundwater resources of subject tracts of contiguous ownership of groundwater resources;
 - 1.6. the specification of the requested aggregate authorized groundwater production amount for the subject well field in gallons per minute and acre-foot per year;
 - 1.7. the specification of the requested authorized groundwater production purpose for the subject well field;

- 1.8. the specification of the spatial extent including the total acreage of the boundary of the subject tracts of contiguous ownership of land;
- 1.9. the specification of the spatial extent including the total acreage of the boundary of the subject tracts of contiguous ownership of groundwater resources intersecting the subject tracts of contiguous ownership of land;
- 1.10. the documentation of any district waiver being requested in association with the application;
- 1.11. a statement certifying, under penalty of law, that the well field owner possesses the legal authority to produce groundwater from the subject tracts of contiguous ownership of groundwater resources;
- 1.12. a scaled map of:
 - 1.12.1. the subject wells of the subject well field;
 - 1.12.2. the boundary of the subject tracts of contiguous ownership of land;
 - 1.12.3. the boundary of the subject tracts of contiguous ownership of groundwater resources;
 - 1.12.4. the boundaries of any production areas overlapping the boundary of the subject tracts of contiguous ownership of groundwater resources;
 - 1.12.5. the nearest public roads; and
 - 1.12.6. the locations of any existing water wells within the boundary of the subject tracts of contiguous ownership of groundwater resources;
- 1.13. a statement certifying, under penalty of law, that the information reported on and attached to the application was prepared under the direction or supervision of the applicant and is, to the best of the knowledge and belief of the applicant, true, accurate and complete;
- 1.14. a statement certifying, under penalty of law, that the subject well field shall be operated in accordance with the rules of the district and regulations of the State of Texas; and
- 1.15. the dated signature of the applicant.

RULE 6.2.3: APPLICATION REQUIREMENTS RELATED TO NON-HISTORIC USE PRODUCTION PERMITS FOR NON-EXEMPT-USE WELL SYSTEMS

1. The applicant for an application for a production permit for standard-capacity non-historic use of a non-exempt-use well system shall include the following information and any other information the general manager may determine to be of need to evaluate the request relative to the rules of the district:
 - 1.1. the name and address of the applicant;
 - 1.2. the name and address of the person that owns the subject well system;
 - 1.3. the geographic coordinate of the subject wells;
 - 1.4. The name and address of the landowners of the subject tracts of contiguous ownership of land;
 - 1.5. The name and address of the owner of groundwater resources of subject tracts of contiguous ownership of groundwater resources;
 - 1.6. the specification of the requested aggregate authorized groundwater production amount for the subject well system in gallons per minute and acre-foot per year;

- 1.7. the specification of the requested authorized groundwater production purpose for the subject well system;
- 1.8. the specification of the spatial extent including the total acreage of the boundaries of the subject tracts of contiguous ownership of land;
- 1.9. the specification of the spatial extent including the total acreage of the boundaries of the subject tracts of contiguous ownership of groundwater resources intersecting the subject tracts of contiguous ownership of land;
- 1.10. the documentation of any district waiver being requested in association with the application;
- 1.11. a statement certifying, under penalty of law, that the well system owner possesses the legal authority to produce groundwater from the subject tracts of contiguous ownership of groundwater resources;
- 1.12. a scaled map of:
 - 1.12.1. the subject wells of the subject well system;
 - 1.12.2. the boundaries of the subject tracts of contiguous ownership of land;
 - 1.12.3. the boundaries of the subject tracts of contiguous ownership of groundwater resources;
 - 1.12.4. the boundaries of any production areas overlapping the boundary of the subject tracts of contiguous ownership of groundwater resources;
 - 1.12.5. the nearest public roads; and
 - 1.12.6. the locations of any existing water wells within the boundaries of the subject tracts of contiguous ownership of groundwater resources;
- 1.13. a statement certifying, under penalty of law, that the information reported on and attached to the application was prepared under the direction or supervision of the applicant and is, to the best of the knowledge and belief of the applicant, true, accurate and complete;
- 1.14. a statement certifying, under penalty of law, that the subject well system shall be operated in accordance with the rules of the district and regulations of the State of Texas; and
- 1.15. the dated signature of the applicant.

RULE 6.3: SPECIAL POLICIES RELATED TO HIGH-CAPACITY NON-HISTORIC USE PERMITTING

1. The district shall condition production permits for high-capacity non-historic use with the following performance conditions:
 - 1.1. the operation of the subject well, subject well field, or subject well system shall not cause drawdown of the water table or artesian pressure in the associated production zones of the Gulf Coast Aquifer System greater than five feet (5 feet) at the boundary of the subject tracts of contiguous ownership of groundwater resources on which the subject wells will be located.
 - 1.2. the operation of the subject well, subject well field, or subject well system shall not cause or contribute to the intrusion of saline groundwater or saltwater into zones or water-bearing strata of fresh groundwater or areas by causing the interface between saline groundwater or saltwater and freshwater to migrate inland or upward.

- 1.3. the operation of the subject well, subject well field, or subject well system shall not cause the water flow gradients to be altered between the Gulf Coast Aquifer System and those portions of the Guadalupe River or San Antonio River water bodies located within the district.
- 1.4. the operation of the subject well, the subject well field, or the subject well system shall not adversely affect groundwater quality at the boundary of the subject tracts of contiguous ownership of groundwater resources on which the subject wells are or will be located as follows:

 - 1.4.1. result in an increase of total dissolved solids concentration beyond one thousand five hundred milligrams per liter (1,500 mg/L) if the initial total dissolved solids concentration calculated at the boundary is below one thousand three hundred milligrams per liter (1,300 mg/L); or
 - 1.4.2. result in an increase of total dissolved solids concentration above one thousand seven hundred milligrams per liter (1,700 mg/L) if the initial total dissolved solids concentration calculated at the boundary is below one thousand five hundred milligrams per liter (1,500 mg/L); or
 - 1.4.3. result in an increase of total dissolved solids concentration above two thousand milligrams per liter (2,000 mg/L) if the initial total dissolved solids concentration calculated at the boundary is below one thousand seven hundred milligrams per liter (1,700 mg/L); or
 - 1.4.4. result in an increase of total dissolved solids concentration above two thousand five hundred milligrams per liter (2,500 mg/L) if the initial total dissolved solids concentration calculated at the boundary is below two thousand milligrams per liter (2,000 mg/L); or
 - 1.4.5. result in an increase of total dissolved solids concentration above three thousand milligrams per liter (3,000 mg/L) if the initial total dissolved solids concentration calculated at the boundary is below two thousand five hundred milligrams per liter (2,500 mg/L).
- 1.5. the proposed operation of the subject well, subject well field, or subject well system shall not cause land subsidence measured within the boundary of the subject tracts of contiguous ownership of groundwater resources in excess of one foot (1 foot).
2. The district shall require the well owner, authorized agent, or the authorized operator of a production permit for high-capacity non-historic use to monitor aquifer conditions for impacts associated with groundwater production authorized under a production permit for high-capacity non-historic use.
3. The district shall specify monitoring requirements for a production permit for high-capacity non-historic use including requirements related to installation and use of dedicated aquifer monitoring wells.
4. The district shall specify performance criteria and performance standards for a production permit for high-capacity non-historic use including the requirements related to water level impacts and water quality impacts.
5. The district shall consider the failure to collect less than sixty percent (60%) of any required aquifer measurements, during a reporting period, by the well owner, authorized agent, or the authorized operator of a production permit for high-capacity non-historic use as a failure to achieve the performance conditions of the production permit for high-capacity non-historic use.

6. The district may require the well owner, authorized agent, or the authorized operator of a production permit for high-capacity non-historic use to curtail or reduce the volume of groundwater resources produced from the non-exempt-use wells located on the subject tracts of contiguous ownership of groundwater resources associated with the production permit for high-capacity non-historic use in response to a failure to achieve the performance conditions of the production permit for high-capacity non-historic use.
7. The general manager shall review and determine the administrative completeness of an application for a production permit for high-capacity non-historic use within sixty days (60 days) of date of receipt of the application for a production permit for non-historic use.
- ~~1.8.~~ The applicant of an application for a production permit for high-capacity non-historic use shall attend the ~~hearings and~~ meetings at which the ~~Board~~board of directors conducts hearings or considers action related to the ~~permit~~ application for a production permit for high-capacity non-historic use.

RULE 6.3.1: APPLICATION REQUIREMENTS RELATED TO HIGH-CAPACITY NON-HISTORIC-USE PRODUCTION PERMIT REQUESTS

1. ~~The District shall designate applicant for an application for a production permit administratively complete when all information available to the applicant which has been determined to be necessary to fully consider for high-capacity non-historic use shall submit the following information with the application for a permit is submitted to the District.~~ production permit for high-capacity non-historic use in addition to the required information associated with an application for a production permit for standard-capacity non-historic use:
 - ~~1.1.~~ Permits authorizing the name and address of the applicant;
 - ~~1.1.1.2.~~ the description of the production of groundwater for non-exempt uses are zones of the subject to Board approval wells including:
 - ~~14.~~ Permits authorizing the production of groundwater for non-exempt uses shall be executed by the authorized operator and notarized by a public notary prior to production of groundwater under the production permit.
 - ~~15.~~ The application pursuant to which a permit has been issued is incorporated in the permit, and the permit is granted on the basis of and is contingent upon the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of the permit.
 - ~~16.~~ Whenever special permit terms and conditions are inconsistent with other permit provisions or these rules, the special terms and conditions will prevail.
 - ~~17.~~ Violation of the permit terms, conditions, requirements, or special provisions, including producing amounts of groundwater in excess of authorized groundwater production, is punishable by civil penalties as provided by these rules and the revocation of the permit.
 - ~~18.~~ Providing the landowner, landowner agent, or authorized operator can show good cause, and the Board finds good cause, the District may waive or modify an application requirement of the District.

~~RULE 4.2: PERMITTING POLICIES AND PROCEDURES RELATED TO DRILLING WELLS~~

- ~~1. Non-grandfathered wells are subject to the spacing requirements set forth in these rules at the time the well was drilled.~~
- ~~2. A person drilling a well shall submit written documentation, signed by the person drilling the well and the well owner, to provide notice of intent to drill a well to the District, on a form prescribed by the District, that includes a statement certifying that the person drilling the well notified the person that will own the well of the existence of regulations established by the District relating to the well spacing, well production limitations, well registrations, and production permitting requirements for non-exempt wells.~~
- ~~3. A person drilling a well shall provide the District with written notice of intent to drill a well at least two hours and not more than seven days before commencing drilling activities.~~

~~RULE 4.3: PERMITTING POLICIES AND PROCEDURES RELATED TO PRODUCTION PERMITS~~

- ~~1. The operation of a non-exempt use well, non-exempt use well field, or non-exempt use well system shall be conducted in a non-wasteful manner.~~
- ~~2. A person shall not operate a non-exempt use well prior to obtaining, from the District, a production permit authorizing the operation of the non-grandfathered non-exempt use well.~~
- ~~3. An authorized operator of a non-exempt use well, well field, or well system shall submit to the District an application to amend any drilling permits, production permits, and transport permits within ninety days of acquiring said permits by the transfer of the land or groundwater rights associated with the said drilling permits, production permits, and transport permits.
 - ~~1.2.1. An authorized operator shall not operate a non-exempt use well unless groundwater the depths to the top and bottom of the production zones;~~
 - ~~1.2.2. the thickness of the production zones;~~~~
- ~~1.3. an aquifer test analysis report for a pumping test documenting:
 - ~~1.3.1. a conceptual description and diagram of the subject wells and observation wells including the well screening;~~
 - ~~1.3.2. a conceptual description and diagram of the production zones including type of aquifer, position and extent of aquicludes, aquitards, and hydrogeologic boundaries;~~
 - ~~1.3.3. a description and diagram of the radius of influence, the radius of separation of the subject wells and observation wells, the cones of depression, the static water levels, and the drawdown curves;~~
 - ~~1.3.4. a description and diagram of the drawdown-time relationships;~~
 - ~~1.3.5. a description and diagram of the drawdown-distance relationships;~~
 - ~~1.3.6. the hydraulic properties and derived parameters of the production zones;~~
 - ~~1.3.7. a description of the methods, assumptions, equations, and data used to calculate the hydraulic properties and derived parameters of production zones;~~~~
- ~~4. diagrams of, and a description of the method used to develop, 5-foot contours of predicted water levels of the production zone of the subject wells and any water-~~

- bearing strata that exist between the top of the production is monitored in a manner to satisfy zone of the groundwater production reporting requirements of these rules.
- ~~5. Production permits for non-grandfathered well fields and non-grandfathered well systems shall specify monitoring requirements including the designation of at least two monitoring subject wells.~~
 - ~~6. Production permits for non-grandfathered well fields and non-grandfathered well systems shall specify performance conditions related to water level decline.~~
 - ~~7. Groundwater production under a production permit of a non-grandfathered well field and non-grandfathered well system shall be reduced or cease until and the ground surface in relation to the conditions related water level decline are satisfied based on water levels observed from the monitoring subject wells designated on, to the outer edge of the production permit.~~
 - ~~8. The applicant for a production permit may be required to provide groundwater management information including a water conservation plan, drought management plan, and determination of groundwater availability.~~
 - ~~9. An application for a production permit for a non-grandfathered well with a proposed groundwater production capacity of 720,000 gallons per day or more, an application for a production permit for a non-grandfathered well field with a proposed aggregate capacity of 720,000 gallons per day or more, or an application for a production permit for a non-grandfathered well system with a proposed aggregate capacity of 720,000 gallons per day or more shall contain the following information:
 - ~~a. Determination of groundwater availability;~~
 - ~~b. Rate of yield and drawdown;~~
 - ~~c. Specific capacity;~~
 - ~~d. Efficiency of the well;~~
 - ~~e. Transmissivity;~~
 - ~~f. Coefficient of storage;~~
 - ~~g. Hydraulic conductivity;~~
 - ~~h. Recharge or barrier boundaries, if any are present; and~~
 - ~~i. Thickness of the aquifer.~~~~
- ~~1.2.1.4. Time-drawdown Calculation. The amount of drawdown predicted at the non-exempt use well or wells to be permitted cone-of-depression, and at the boundary of the tract subject tracts of contiguous property owned or controlled by the landowner on which the well or wells to be permitted will be located ownership of groundwater resources for the time frames intervals of five years, ten years, and thirty years: of proposed operation;~~
- ~~j. Distance-drawdown Calculation. The distance(s) from the non-exempt use well or wells to be permitted to the nearest location where drawdown is predicted to be five feet and the outer edges of the cone(s) of depression shall be determined for the time frames of five years, ten years, and thirty years.~~
 - ~~k. Well interference Calculation. For multiple wells in a well field, calculations shall be made to determine how groundwater production from multiple wells will affect drawdown in other wells for the time frames of five years, ten years, and thirty years.~~

~~1.3.1.5. Applications for production permits for a non-grandfathered well with a proposed groundwater production capacity of 720,000 gallons per day or more, production permits for a non-grandfathered well field with a proposed aggregate capacity of 720,000 gallons per day or more, or production permits for a non-grandfathered well system with a proposed aggregate capacity of 720,000 gallons per day or more shall contain the information demonstrating achievement of the following performance conditions to a reasonable scientific certainty:~~

~~1.5.1. Performance Condition 1. The the proposed operation of the subject well, subject well field, or subject well system shall not cause drawdown of the water table or artesian pressure in the aquifer associated production zones of the Gulf Coast Aquifer System greater than five feet (5 feet) at the boundary of the tractsubject tracts of contiguous property owned or controlled by the landownerownership of groundwater resources on which the proposed wellsubject wells will be located. The evaluation of calculated drawdown shall be based upon a minimum of two years~~

~~l. the proposed operation of simulated continuous pumping. Upon request by the Board, the applicant shall use a model accepted by the Board for indicating the compliance with this condition.~~

~~1.5.2. Performance Condition 2. The proposedsubject well, subject well field, or subject well system shall not cause or contribute to the intrusion of saline groundwater or saltwater into freshwater aquiferszones or water-bearing strata of fresh groundwater or areas by causing the interface between saline groundwater or saltwater and freshwater to migrate inland or upward. Upon request by~~

~~m. the proposed operation of the Board, the applicant shall use a model accepted by the Board for indicating the compliance with this condition.~~

~~1.5.3. Performance Condition 3. The proposedsubject well, subject well field, or subject well system shall not cause the water flow gradients to be altered between the aquifers within the DistrictGulf Coast Aquifer System and those portions of the Guadalupe River and San Antonio River water bodies designated by the District to be altered during drought conditions. Demonstrations of such shall describe the relationship of water level declines in the aquifer within tract of contiguous property owned or controlled by the landowner on which the proposed well will be located relative to surface elevations and the relationshiplocated within the district.~~

~~n. the proposed operation of any such declines to the continued viability of seeps and springs.~~

~~e. Performance Condition 4. The proposedsubject well, subject well field, or well system shall not adversely affect surface water and groundwater exchanges. Demonstrations of such shall describe the relationship of water levels to surface water bodies.~~

~~1.3.1.1.5.4. Performance Condition 5. The proposed well, well field, orsubject well system shall not adversely affect groundwater quality at the boundary of the tract of contiguous property owned or controlled by the landowner on which the proposed well will be located. Demonstrations of such shall describe the relationship between groundwater production from the proposed~~

~~well and total dissolved solid (TDS) levels. The applicant must demonstrate that the impact of the proposed groundwater production will not subject tracts of contiguous ownership of groundwater resources on which the subject wells will be located as follows:~~

~~1.3.1.1.1.5.4.1. Result in an increase of TDS total dissolved solids concentration beyond one thousand five hundred milligrams per liter (1,500 mg/l at the boundary of the associated area of control) if the historical average TDS initial total dissolved solids concentration calculated ~~for~~ at the well site boundary is below one thousand three hundred milligrams per liter (1,300 mg/l;L); or~~

~~1.3.1.2.1.5.4.2. Result in an increase of TDS total dissolved solids concentration above one thousand seven hundred milligrams per liter (1,700 mg/l at the boundary of the associated area of control) if the historical average TDS initial total dissolved solids concentration calculated ~~for~~ at the well site boundary is below one thousand five hundred milligrams per liter (1,500 mg/l;L); or~~

~~1.3.1.3.1.5.4.3. Result in an increase of TDS total dissolved solids concentration above two thousand milligrams per liter (2,000 mg/l at the boundary of the associated area of control) if the historical average TDS initial total dissolved solids concentration calculated ~~for~~ at the well site boundary is below one thousand seven hundred milligrams per liter (1,700 mg/l;L); or~~

~~1.3.1.4.1.5.4.4. Result in an increase of TDS total dissolved solids concentration above two thousand five hundred milligrams per liter (2,500 mg/l at the boundary of the associated area of control) if the historical average TDS initial total dissolved solids concentration calculated ~~for~~ at the well site boundary is below two thousand milligrams per liter (2,000 mg/l;L); or~~

~~1.3.1.5.1.5.4.5. Result in an increase of TDS total dissolved solids concentration above three thousand milligrams per liter (3,000 mg/l at the boundary of the associated area of control) if the historical average TDS initial total dissolved solids concentration calculated ~~for~~ at the well site boundary is below two thousand five hundred milligrams per liter (2,500 mg/l;L).~~

~~40. The District shall condition production permits for non-grandfathered non-exempt use wells, non-grandfathered well fields, and non-grandfathered well systems in order to comply with the Desired Future Conditions as established under Chapter 36 of the Texas Water Code and documented in the District management plan.~~

~~1.6. The District a statement certifying, under penalty of law, that the information reported on and attached to the application was prepared under the direction or supervision of the applicant and is, to the best of the knowledge and belief of the applicant, true, accurate and complete;~~

~~1.7. a statement certifying, under penalty of law, that the subject well, well field, or well system shall be operated in accordance with the rules of the district and regulations of the State of Texas; and~~

~~1.8. the dated signature of the applicant.~~

RULE 6.3.2: SPECIAL MONITORING AND REPORTING REQUIREMENTS RELATED TO PERMITTING HIGH-CAPACITY NON-HISTORIC USE

1. The well owner, authorized agent, or the authorized operator of a production permit for high-capacity non-historic use shall construct and maintain a monitoring well network comprised of at least three dedicated aquifer monitoring wells designed to accurately monitor impacts associated with production of groundwater under subject production permit positioned within the perimeter of the subject tracts of contiguous ownership of groundwater resources and bounding the subject well, subject well field, or subject well system.
2. The well owner, authorized agent, or the authorized operator of a production permit for high-capacity non-historic use shall construct and maintain a permanent survey monument for vertical control within two hundred feet (200 feet) of the center of groundwater production of the production permit for high-capacity non-historic use if the authorized groundwater production amount is equal to or greater than two thousand acre-foot (2,000 acre-foot) of groundwater per year.
3. The well owner, authorized agent, or the authorized operator of a production permit for high-capacity non-historic use shall make provisions for and grant access to the district to for the purpose of installing and operating a mobile subsidence monitoring station on the well site at the survey monument if the authorized groundwater production amount is equal to or greater than two thousand acre-foot (2,000 acre-foot) of groundwater per year.
4. The well owner, authorized agent, or the authorized operator of a production permit for high-capacity non-historic use shall design and implement an aquifer monitoring plan, approved by the district, which includes the following:
 - 4.1. a description of the production area with a map depicting all non-exempt-use wells and dedicated aquifer monitoring wells within the production area;
 - 4.2. provisions to monitor and report production volumes, as daily totals, from the subject wells associated with the production permit for high-capacity non-historic use;
 - 4.3. provisions to establish initial average aquifer conditions for aquifer condition tier 1 parameters and aquifer condition tier 2 parameters for the subject wells and the dedicated aquifer monitoring wells associated with the production permit for high-capacity non-historic use;
 - 4.4. provisions to measure and report aquifer condition tier 1 parameters, the aquifer condition tier 2 parameters, and aquifer condition tier 3 parameters for the subject wells and the dedicated aquifer monitoring wells associated with the production permit for high-capacity non-historic use in accordance with the rules of the district and the special conditions of the production permit for high-capacity non-historic use; and
 - 4.5. provisions to evaluate and report the average aquifer condition and the rolling average of the measurements of aquifer condition parameters to the initial average aquifer conditions.
5. The well owner, authorized agent, or the authorized operator of a production permit for high-capacity non-historic use shall measure and record from the dedicated aquifer

monitoring wells associated with the production permit for high-capacity non-historic use the aquifer condition tier 1 parameters on an hourly basis, the aquifer condition tier 2 parameters on a weekly basis, and aquifer condition tier 3 parameters once, during a period of not less than thirty days (30 days) prior to operating the subject wells, subject well field, or subject well system.

6. The well owner, authorized agent, or the authorized operator of a production permit for high-capacity non-historic use shall calculate, record and report to the district, as the initial average aquifer conditions of the production permit for high-capacity non-historic use, the average aquifer condition based on the data collected from the dedicated aquifer monitoring wells associated with the production permit for high-capacity non-historic use during the period of not less than ten days (10 days) prior to operating the subject wells, subject well field, or subject well system that the aquifer condition parameters were monitored.
7. The well owner, authorized agent, or the authorized operator of a production permit for high-capacity non-historic use shall measure, record and report to the district the volume of groundwater produced on a daily-basis from each of the subject wells of the production permit for high-capacity non-historic use on a monthly basis.
8. The well owner, authorized agent, or the authorized operator of a production permit for high-capacity non-historic use shall measure and record from the dedicated aquifer monitoring wells associated with the production permit for high-capacity non-historic use the aquifer condition parameters continuously from the end of the period during with the data was collected to calculate the initial average aquifer conditions until the expiration of the production permit for high-capacity non-historic use.
9. The well owner, authorized agent, or the authorized operator of a production permit for high-capacity non-historic use shall develop and submit quarterly reports to the district, within thirty days (30 days) of the end of the reporting period, which includes sections addressing:
 - 9.1. aquifer monitoring data and groundwater production data collected during the preceding 3-month reporting period;
 - 9.2. technical issues, if any, regarding aquifer monitoring or groundwater production monitoring experienced during the reporting period;
 - 9.3. statistical calculations of aquifer conditions calculated from aquifer monitoring data collected during the reporting period including the rolling average of the aquifer condition parameters;
 - 9.4. comparison of reporting period aquifer conditions to initial aquifer conditions;
 - 9.5. evaluation of achievement of performance standards of the production permit for high-capacity non-historic use; and
 - 9.6. corrective actions including production curtailment, if any, to be completed to achieve compliance with of performance standards of the production permit for high-capacity non-historic use not achieved during the reporting period performance standards of the production permit for high-capacity non-historic use not anticipated to be achieved during subsequent reporting periods.

RULE 6.3.3: SPECIAL OPERATIONAL REQUIREMENTS RELATED TO PERMITTING HIGH-CAPACITY NON-HISTORIC USE

1. The well owner, authorized agent, or the authorized operator of a production permit for high-capacity non-historic use, in response to a failure to achieve the performance conditions of the production permit for high-capacity non-historic use, shall:
 - 1.1. reduce the volume of groundwater resources produced from the non-exempt-use wells located on the subject tracts of contiguous ownership of groundwater resources associated with the production permit for high-capacity non-historic use during the current and subsequent reporting periods to fifty percent (50%) of the volume of groundwater resources produced from the non-exempt-use wells located on the subject tracts of contiguous ownership of groundwater resources associated with the production permit for high-capacity non-historic use during the previous reporting period until the performance conditions are achieved for two consecutive reporting periods.
2. The well owner, authorized agent, or the authorized operator of a production permit for high-capacity non-historic use, in response to achieving the performance conditions of the production permit for high-capacity non-historic use for two consecutive reporting periods following a failure to achieve the performance conditions of the production permit for high-capacity non-historic use, may:
 - 2.1. increase the volume of groundwater resources produced from the non-exempt-use wells located on the subject tracts of contiguous ownership of groundwater resources associated with the production permit for high-capacity non-historic use during the current reporting period, upon the renewed and continued achievement of the performance conditions, by fifty percent (50%) of the volume of groundwater resources produced from the non-exempt-use wells located on the subject tracts of contiguous ownership of groundwater resources associated with the production permit for high-capacity non-historic use during the most recent reporting period with authorized groundwater production until the volume of groundwater resources eligible to be produced is equal to the authorized groundwater production amount.

RULE 6.4: SPECIAL POLICIES RELATED TO DEEP-SALINE NON-HISTORIC USE PERMITTING

1. The district shall require the well owner, authorized agent, or the authorized operator of a production permits for deep-saline non-historic use to monitor aquifer conditions for impacts associated with groundwater production authorized under a production permit for deep-saline non-historic use.
2. The district shall condition production permits for ~~deep-saline non-grandfathered non-exempt~~ historic use with the following performance conditions:
 - 2.1. the proposed operation of the subject well or subject well field shall not cause or contribute to the intrusion of saline groundwater or saltwater into zones or water-bearing strata of fresh groundwater or areas by causing the interface between saline groundwater or saltwater and freshwater to migrate inland or upward;

- 2.2. the average of the daily average specific conductivity calculated for the subject well or subject well field, calculated for any reporting period, shall not exceed fifteen thousand microsiemens per centimeter (15,000 μ S/cm) during any reporting period;
- 2.3. the average total dissolved solids for the subject well or subject well field, calculated for any reporting period, shall not exceed ten thousand milligrams per liter (10,000 mg/L) during any reporting period;
- 2.4. the modeled drawdown caused by the operation of the subject well or subject well field, calculated for any reporting period, shall not exceed ten feet (10 feet) at any registered well outside the production area relative to the initial average aquifer conditions established under the production permit for deep-saline non-historic use;
- 2.5. the maximum of the daily average drawdown calculated for any dedicated aquifer monitoring wells, screened in a water-bearing strata of fresh groundwater, calculated for any reporting period, shall not exceed thirty feet (30 feet) relative to the initial average aquifer conditions established under the production permit for deep-saline non-grandfathered well fields, and historic use;
- 2.6. the average of the daily average drawdown calculated for any dedicated aquifer monitoring wells screened in a water-bearing strata of fresh groundwater, calculated for any reporting period, shall not exceed twenty feet (20 feet) relative to the initial average aquifer conditions established under the production permit for deep-saline non-grandfathered well systems in order to preserve, conserve historic use;
- 2.7. the maximum of the daily average specific conductivity calculated for any dedicated aquifer monitoring wells screened in a water-bearing strata of fresh groundwater, calculated for any reporting period, shall not exceed two thousand three hundred microsiemens per centimeter (2,300 μ S/cm);
- 2.8. the average of the daily average specific conductivity calculated for any dedicated aquifer monitoring wells screened in a water-bearing strata of fresh groundwater, calculated for any reporting period, shall not exceed one thousand five hundred and protect the availability fifty microsiemens per centimeter (1,550 μ S/cm);
- 2.9. the maximum of the daily average specific conductivity calculated for any dedicated aquifer monitoring wells screened in a water-bearing strata of saline groundwater, calculated for any reporting period, shall not exceed the initial average aquifer conditions established under the production permit for deep-saline non-historic use by more than fifty percent (50%);
- 2.10. the average of the daily average specific conductivity calculated for any dedicated aquifer monitoring wells screened in a water-bearing strata of saline groundwater, calculated for any reporting period, shall not exceed the initial average aquifer conditions established under the production permit for deep-saline non-historic use by more than twenty five percent (25%); and quality of the aquifers
- ~~1.1-2.11.~~ land subsidence measured within the boundary of the District-subject tracts of contiguous ownership of groundwater resources shall not exceed one foot (1 foot).
3. The district shall require the well owner, authorized agent, or the authorized operator of a production permit for deep-saline non-historic use to monitor aquifer conditions for impacts associated with groundwater production authorized under a production permit for deep-saline non-historic use.

4. The district shall specify monitoring requirements for a production permit for deep-saline non-historic use including requirements related to installation and use of dedicated aquifer monitoring wells.
5. The district shall specify performance criteria and performance standards for a production permit for deep-saline non-historic use including the requirements related to water level impacts and water quality impacts.
6. The district shall consider the failure to collect less than sixty percent (60%) of any required aquifer measurements by the well owner, authorized agent, or the authorized operator of a production permit for deep-saline non-historic use as a failure to achieve the performance conditions of the production permit for deep-saline non-historic use.
7. The district may require the well owner, authorized agent, or the authorized operator of a production permit for deep-saline non-historic use to curtail or reduce the volume of groundwater resources produced from the non-exempt-use wells located on the subject tracts of contiguous ownership of groundwater resources associated with the production permit for deep-saline non-historic use in response to a failure to achieve the performance conditions of the production permit for deep-saline non-historic use.
8. The general manager shall review and determine the administrative completeness of an application for a production permit for deep-saline non-historic use within ninety days (90 days) of date of receipt of the application for a production permit for non-historic use.
9. The applicant of an application for a production permit for deep-saline non-historic use shall attend the meetings at which the board of directors conducts hearings or considers action related to the application for a production permit for deep-saline non-historic use.

RULE 6.4.1: GROUNDWATER PRODUCTION LIMITATIONS RELATED TO DEEP-SALINE SPECIAL GROUNDWATER MANAGEMENT ZONES

RULE 6.4.2: APPLICATION REQUIREMENTS RELATED TO DEEP-SALINE PRODUCTION PERMIT REQUESTS

1. The applicant for an application for a production permit for deep-saline non-historic use shall submit the following information with the application for a production permit for deep-saline non-historic use in addition to the required information associated with an application for a production permit for standard-capacity non-historic use:
 - 1.1. the name and address of the applicant;
 - 1.2. the description of the production zones of the subject wells including:
 - 1.2.1. the depths to the top and bottom of the production zones;
 - 1.2.2. the thickness of the production zones;
 - 1.3. the identification of the specific deep-saline special groundwater management zone from which the subject wells would produce groundwater resources;
 - 1.4. the cumulative production volume from the subject wells proposed for the first five-year period of the production permit for deep-saline non-historic use;
 - 1.5. the maximum proposed production rate of the subject wells in gallons per minute and acre-foot per year;

- 1.6. the distance between the nearest registered water well and each of the subject wells;
- 1.7. identification of any wells with 1) a total depth of eight hundred feet (800 feet) or 2) a screen below eight hundred feet (800 feet) located within two thousand six hundred and forty feet (2,640 feet) of any of the subject wells; and
- 1.8. the dated signature of the applicant.

RULE 6.4.3: SPECIAL MONITORING AND REPORTING REQUIREMENTS RELATED TO PERMITTING DEEP-SALINE NON-HISTORIC USE

1. The well owner, authorized agent, or the authorized operator of a production permit for deep-saline non-historic use shall construct and maintain a dedicated aquifer monitoring well within three hundred feet (300 feet) of each deep-saline well with a continuous 50-foot screen isolated in the deepest zone with fresh groundwater.
2. The well owner, authorized agent, or the authorized operator of a production permit for deep-saline non-historic use shall construct and maintain a dedicated aquifer monitoring well within one hundred feet (100 feet) of the boundary of the subject tract of contiguous ownership of groundwater resources, closest to the greatest level of predicted drawdown, with continuous 100-foot screens intersecting the major sand units of the deep-saline special groundwater management zone associated with the production permit for deep-saline non-historic use if the authorized groundwater production amount is equal to or greater than two thousand acre-foot (2,000 acre-foot) of groundwater per year.
3. The well owner, authorized agent, or the authorized operator of a production permit for deep-saline non-historic use shall construct and maintain a permanent survey monument for vertical control within two hundred feet (200 feet) of the center of groundwater production of the production permit for deep-saline non-historic use if the authorized groundwater production amount is equal to or greater than two thousand acre-foot (2,000 acre-foot) of groundwater per year;
4. The well owner, authorized agent, or the authorized operator of a production permit for deep-saline non-historic use shall make provisions for and grant access to the district to for the purpose of installing and operating a mobile subsidence monitoring station on the well site at the survey monument if the authorized groundwater production amount is equal to or greater than two thousand acre-foot (2,000 acre-foot) of groundwater per year.
5. The well owner, authorized agent, or the authorized operator of a production permit for deep-saline non-historic use shall design and implement an aquifer monitoring plan, approved by the district, which includes the following:
 - 5.1. a description of the production area with a map depicting all non-exempt-use wells and dedicated aquifer monitoring wells within the production area;
 - 5.2. provisions to monitor and report production volumes, as daily totals, from the subject wells associated with the production permit for deep-saline non-historic use;
 - 5.3. provisions to establish initial average aquifer conditions for aquifer condition tier 1 parameters and aquifer condition tier 2 parameters for the subject wells and the dedicated aquifer monitoring wells associated with the production permit for deep-saline non-historic use;

- 5.4. provisions to measure and report hourly measurements of aquifer condition tier 1 parameters, semi-annual measurements of aquifer condition tier 2 parameters, and annual measurements of aquifer condition tier 3 parameters for the subject wells and the dedicated aquifer monitoring wells associated with the production permit for deep-saline non-historic use in accordance with the rules of the district and the special conditions of the production permit for deep-saline non-historic use.
- 5.5. a list of equipment and specifications to be used to collect aquifer monitoring data including field protocols for sample collection and preservation; and
- 5.6. methodologies and protocols for the following:
 - 5.6.1. calibrating and installing aquifer monitoring equipment;
 - 5.6.2. collecting and storing aquifer monitoring data;
 - 5.6.3. controlling and assuring data quality;
 - 5.6.4. post-process aquifer monitoring data;
 - 5.6.5. statistical processing of aquifer monitoring data; and
 - 5.6.6. modeling impacts of groundwater production from the deep-saline wells outside the boundary of the production area.
- 6. The well owner, authorized agent, or the authorized operator of a production permit for deep-saline non-historic use shall develop and submit quarterly reports to the district, within thirty days (30 days) of the end of the reporting period, which includes sections addressing:
 - 6.1. aquifer monitoring data and groundwater production data collected during the preceding 3-month reporting period;
 - 6.2. technical issues, if any, regarding aquifer monitoring or groundwater production monitoring experienced during the reporting period;
 - 6.3. statistical calculations of aquifer conditions calculated from aquifer monitoring data collected during the reporting period;
 - 6.4. comparison of reporting period aquifer conditions to initial aquifer conditions;
 - 6.5. evaluation of achievement of performance standards of the production permit for deep-saline non-historic use; and
 - 6.6. corrective actions including production curtailment, if any, to be completed to achieve compliance with of performance standards of the production permit for deep-saline non-historic use not achieved during the reporting period performance standards of the production permit for deep-saline non-historic use not anticipated to be achieved during subsequent reporting periods.

RULE 6.4.4: SPECIAL OPERATIONAL REQUIREMENTS RELATED TO PERMITTING DEEP-SALINE NON-HISTORIC USE

- 1. The well owner, authorized agent, or the authorized operator of a production permit for deep-saline non-historic use shall develop and conduct an aquifer test in accordance with an aquifer test plan approved by the district.
- 2. The well owner, authorized agent, or the authorized operator of a production permit for deep-saline non-historic use shall submit, within two months after completing the subject wells and before commencing operation of the subject wells under the production permit for deep-saline non-historic use, an aquifer test analysis report documenting:

- 2.1. a conceptual description and diagram of the subject wells and observation wells including the well screening;
 - 2.2. a conceptual description and diagram of the production zones including type of aquifer, position and extent of aquicludes, aquitards, and hydrogeologic boundaries;
 - 2.3. a description and diagram of the radius of influence, the radius of separation of the subject wells and observation wells, the cones of depression, the static water levels, and the drawdown curves;
 - 2.4. a description and diagram of the drawdown-time relationships;
 - 2.5. a description and diagram of the drawdown-distance relationships;
 - 2.6. the hydraulic properties and derived parameters of the production zones;
 - 2.7. the methods, assumptions, equations, and data used to calculate the hydraulic properties and derived parameters of production zones; and
 - 2.8. diagrams of, and a description of the method used to develop, 5-foot contours of predicted water levels of the production zone of the subject wells and any water-bearing strata that exist between the top of the production zone of the subject wells and the ground surface in relation to the subject wells, to the outer edge of the cone-of-depression, and the boundary of the subject tracts of contiguous ownership of groundwater resources for the time intervals of five years, ten years, and thirty years of proposed operation.
3. The well owner, authorized agent, or the authorized operator of a production permit for deep-saline non-historic use, in response to failures to achieve the performance conditions of the production permit for deep-saline non-historic use shall:
 - 3.1. adjust volumes of groundwater resources produced and the production schedules of the subject well or subject well field to prevent the daily average drawdown calculated for any dedicated aquifer monitoring wells screened in a water-bearing strata of fresh groundwater from exceeding twenty feet (20 feet) relative to initial average aquifer conditions established under the production permit for deep-saline non-historic use during the subsequent reporting period if the daily average drawdown calculated for any dedicated aquifer monitoring wells screened in a water-bearing strata of fresh groundwater exceeds fifteen feet (15 feet) relative to relative to initial average aquifer conditions established under the production permit for deep-saline non-historic use during the preceding reporting period;
 - 3.2. reduce the volume of groundwater resources produced from the non-exempt-use wells located on the subject tracts of contiguous ownership of groundwater resources associated with the production permit for deep-saline non-historic use to ninety percent (90%) of the production volume during the subsequent reporting period if performance conditions are not achieved during a reporting period;
 - 3.3. reduce the volume of groundwater resources produced from the non-exempt-use wells located on the subject tracts of contiguous ownership of groundwater resources associated with the production permit for deep-saline non-historic use to fifty percent (50%) of the volume of groundwater resources produced from the non-exempt-use wells located on the subject tracts of contiguous ownership of groundwater resources associated with the production permit for deep-saline non-historic use during the subsequent reporting period if performance conditions are not achieved for two consecutive reporting periods;

- 3.4. reduce the volume of groundwater resources produced from the non-exempt-use wells located on the subject tracts of contiguous ownership of groundwater resources associated with the production permit for deep-saline non-historic use to twenty five percent (25%) of the volume of groundwater resources produced from the non-exempt-use wells located on the subject tracts of contiguous ownership of groundwater resources associated with the production permit for deep-saline non-historic use during the subsequent reporting period if performance conditions are not achieved for three consecutive reporting periods; and
- 3.5. reduce the volume of groundwater resources produced from the non-exempt-use wells located on the subject tracts of contiguous ownership of groundwater resources associated with the production permit for deep-saline non-historic use to the lesser of two hundred gallons per minute (200 GPM), eighty acre-foot (80 acre-foot), or ten percent (10%) of the of the volume of groundwater resources produced from the non-exempt-use wells located on the subject tracts of contiguous ownership of groundwater resources associated with the production permit for deep-saline non-historic use during the subsequent reporting period if performance conditions are not achieved for four consecutive reporting periods.
- 4. The well owner, authorized agent, or the authorized operator of a production permit for deep-saline non-historic use, in response to a achieving the performance conditions of the production permit for deep-saline non-historic use for two consecutive reporting periods following a failure to achieve the performance conditions of the production permit for deep-saline non-historic use, may:
 - 4.1. increase the volume of groundwater resources produced from the non-exempt-use wells located on the subject tracts of contiguous ownership of groundwater resources associated with the production permit for deep-saline non-historic use during the current reporting period, upon the renewed and continued achievement of the performance conditions, to fifty percent (50%) of the volume of groundwater resources produced from the non-exempt-use wells located on the subject tracts of contiguous ownership of groundwater resources associated with the production permit for deep-saline non-historic use during the most recent reporting period with authorized groundwater production until the volume of groundwater resources eligible to be produced is equal to the authorized groundwater production amount.

SECTION 7: POLICIES RELATED GROUNDWATER TRANSFER

RULE 7.1: GENERAL POLICIES RELATED PERMITTING TRANSFER

1. A person shall not be required to obtain a transfer permit for:
 - 1.1. the transfer of less than ten acre-foot (10 acre-foot) of produced groundwater per year,
 - 1.2. the transfer of produced groundwater that is part of a manufactured product manufactured within the district,
 - 1.3. the transfer of groundwater produced from and put to use solely on real property that presently and historically straddles the boundary of the district as of the date of the original adoption of the rules of the district,
 - 1.4. the transfer of groundwater produced from real property within the boundary of the district and put to use solely within a certificate of convenience and necessity (CCN) that presently and historically straddled the boundary of the district as of the date of the original adoption of the rules of the district, or
 - 1.5. the transfer of groundwater produced from and put to use to hydrotest pipeline provided at least fifty percent (50%) of the pipeline to be tested exists within the boundary of the district and the pipeline presently and historically straddled the boundary of the district as of the date of the original adoption of the rules of the district.
2. The board of directors shall consider the following information when deciding to grant or deny a transfer permit:
 - 2.1. the availability of water in the district and in the proposed receiving area during the period for which the water supply is requested;
 - 2.2. the projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the district; and
 - 2.3. the approved regional water plan and approved district management plan.

- ~~11. RULE 7.2: Production permits for a non-grandfathered well with a proposed groundwater production capacity of 720,000 gallons per day or more, production permits for a non-grandfathered well field with a proposed aggregate capacity of 720,000 gallons per day or more, or production permits for a non-grandfathered well system with a proposed aggregate capacity of 720,000 gallons per day or more shall contain the following performance conditions:~~
- ~~a. Performance Condition 1. The operation of the well, well field, or well system shall not cause drawdown of the water table or artesian pressure in the aquifer greater than five feet at the boundary of the tract of contiguous property owned or controlled by the landowner on which the proposed well will be located.~~
 - ~~b. Performance Condition 2. The well, well field, or well system shall not cause or contribute to the intrusion of saltwater into freshwater aquifers by causing the interface between saltwater and freshwater to migrate inland or upward.~~
 - ~~c. Performance Condition 3. The well, well field, or well system shall not cause~~

~~the water flow gradients between the aquifers within the District and water bodies designated by the District to be altered during drought conditions.~~

~~d. Performance Condition 4. The well, well field, or well system shall not adversely affect surface water and groundwater exchanges.~~

~~e. Performance Condition 5. The well, well field, or well system shall not adversely affect groundwater quality at the boundary of the tract of contiguous property owned or controlled by the landowner on which the proposed well will be located. The impact of groundwater production under the permit shall not:~~

~~i. Result in an increase of TDS concentration beyond 1,500 mg/l at the boundary of the associated area of control if the historical average TDS concentration calculated for the well site at the time of permitting by the District is below 1,300 mg/l; or~~

~~ii. Result in an increase of TDS concentration above 1,700 mg/l at the boundary of the associated area of control if the historical average TDS concentration calculated for the well site at the time of permitting by the District is below 1,500 mg/l; or~~

~~iii. Result in an increase of TDS concentration above 2,000 mg/l at the boundary of the associated area of control if the historical average TDS concentration calculated for the well site at the time of permitting by the District is below 1,700 mg/l; or~~

~~iv. Result in an increase of TDS concentration above 2,500 mg/l at the boundary of the associated area of control if the historical average TDS concentration calculated for the well site at the time of permitting by the District is below 2,000 mg/l; or~~

~~v. Result in an increase of TDS concentration above 3,000 mg/l at the boundary of the associated area of control if the historical average TDS concentration calculated for the well site at the time of permitting by the District is below 2,500 mg/l.~~

~~12. Production permits issued by the District for non-grandfathered wells, non-grandfathered well fields, and non-grandfathered well systems shall be valid for a term set by the District which shall not exceed five years from the date of issuance.~~

~~13. Production permits shall specify the following:~~

The permit GENERAL PROCEDURES RELATED TRANSFER PERMITTING

1. The general manager shall review and determine the administrative completeness of an application for a transfer permit within thirty days (30 days) of the date of receipt of the application for a transfer permit.

2. The general manager shall review the supplemental information requested by the general manager and received by the district associated with an application for a transfer permit within thirty days (30 days) of date of receipt of the supplemental information.

3. The general manager shall designate an application for a transfer permit as administratively complete when all necessary information to fully consider the application has been submitted to the district by the applicant.

4. The general manager shall issue and post written notice, within thirty days (30 days) of determining an application for a transfer permit is administratively complete, indicating a date and time for a hearing regarding the application for a transfer permit.
5. The applicant of an application for a transfer permit shall attend the meetings at which the board of directors conducts hearings or considers action related to the application for a transfer permit.
6. The board of directors shall consider applications requesting a transfer permit that are designated as administratively complete, after providing public notice of the permit hearing for not less than ten days (10 days).
7. The district shall specify the operational requirements and special conditions of transfer permits including:
 - 1.1.7.1. the identification number assigned by the district for the transfer permit;
 - a. The well registrationthe identification number or numbers of the associated well or wells;
 - 1.2.7.2. The volume of groundwater that may be produced fromassigned by the associated well, well field, or well systemdistrict for the subject production permit;
 - 7.3. Thethe authorized groundwater transfer amount;
 - 7.4. the authorized groundwater transfer purpose;
 - 7.5. the authorized operator of the transfer permit;
 - 7.6. the authorized groundwater transfer location;
 - 7.7. the monitoring requirements;
 - 7.8. the reporting requirements;
 - 7.9. the special conditions established by the board of directors;
 - 7.10. the permit issuance date; and
 - 7.11. the permit expiration date.
- 2.8. The district shall specify monitoring requirements for a transfer permit including the requirements related to installation and use of use;meters to record the volumes of groundwater transferred.

- b. **RULE 7.3:** The date the production permit was issued;
- c. The term of the production permit;

GENERAL MONITORING AND REPORTING REQUIREMENT RELATED TO TRANSFER PERMITS

- d. The authorized operator of the associated well, well field, or well system; and
 - e. The special conditions, if any, established for the a transfer permit by the Board.
14. Authorized operators shall submit applications to renew production permits for non-grandfathered non-exempt use wells, non-grandfathered well fields, and non-grandfathered well systems no later than ninety days prior to the datemeasure the volume of produced groundwater transferred out of the district under the transfer permit expiration.

- ~~1. Groundwater production from all non-exempt use wells must be measured by the authorized operator using a device or method that is accurate within ten percent (10%) of the actual production and reported to the District volume produced.~~
 - ~~15. Authorized operators of non-grandfathered non-exempt use wells, non-grandfathered well fields, and non-grandfathered well systems authorized to produce 720,000 gallons of groundwater per day or more shall provide monthly water level measurements from at least of two monitoring wells completed in the same aquifer or aquifers located at a distance not greater than 700 feet and less than 100 feet from the non-grandfathered non-exempt use wells, non-grandfathered well fields, and non-grandfathered well systems.~~
 - ~~16. Authorized operators of non-grandfathered non-exempt use wells, non-grandfathered well fields, and non-grandfathered well systems authorized to produce 720,000 gallons of groundwater per day or more shall provide annual measurements of the following water quality parameters: Alkalinity, Ammonia, Arsenic, Calcium, Chloride, Coliform, Conductivity, Iron, Lead, Magnesium, Mercury, Molybdenum, Nitrate, Nitrite, pH, Potassium, Selenium, Sodium, Sulfate, Sulfite, Temperature, Total Dissolved Solids, Total Hardness, Total Phosphorus, Total Organic Carbon, Total Suspended Solids, Turbidity, Uranium.~~
 - ~~17. Water level and water quality measurements collected to satisfy production permit conditions shall be submitted to the District by the authorized operator no later than March 31 of the following year.~~
 - ~~18. Groundwater production authorized by the District for non-exempt use wells of a well field or well system may be aggregated in accordance with these rules.~~
 - ~~19. Permits issued by the District are conditioned by the provisions of these rules in addition to any special provisions or other requirements incorporated into the permit by the Board.~~
- ~~2. A production permit for which a production permit amendment or change is requested by the The authorized operator of a transfer permit shall report the volume of groundwater transferred out of the district under the transfer permit to the district on an annual basis.~~
- ~~3. The authorized operator of a transfer permit shall report the volume of groundwater transferred out of the district that is accurate within ten percent (10%) of the actual volume of groundwater transferred during the calendar year.~~
- ~~4. The authorized operator of a transfer permit shall report the volume of groundwater transferred out of the district for the previous calendar year during January of the subsequent calendar year.~~
- ~~5. The authorized operator of a transfer permit shall report the volume of groundwater transferred out of the district using a form developed by the district.~~
 - ~~20. The authorized operator remains in effect as it existed before the initiation of the production permit amendment process until the later of:
 - ~~a. the conclusion of the production of a transfer permit amendment or renewal process, as applicable; or~~
 - ~~b. final settlement or adjudication on the matter of whether the change to the production permit requires a production permit amendment.~~~~
 - ~~21. The District may initiate the production permit amendment process to a production permit in connection with the renewal of a production permit or otherwise.~~

~~22. A production permit for which the District initiates the production permit amendment process shall remain in effect as it existed prior to the initiation of the production permit amendment process until the conclusion of the production permit amendment process.~~

~~RULE 4.4: AGGREGATION OF WELL PRODUCTION~~

- ~~1. The District may issue a production permit for well fields and well systems that includes conditions related to the aggregation of authorized groundwater production.~~
- ~~2. A production permit with conditions related to the aggregation of authorized groundwater production for a well field or well system shall identify the specific wells authorized to produce groundwater under the production permit.~~
- ~~3. The District shall issue a production permit with aggregated authorized production conditions for grandfathered well fields and grandfathered well systems that are consistent with the pattern of operation of the grandfathered well field or the grandfathered well system during the historic use validation period.~~
- ~~4. The aggregate authorized groundwater production amount of a production permit for a grandfathered well field or a grandfathered well system shall not exceed the sum of all groundwater produced from the grandfathered non-exempt use wells of grandfathered well field or a grandfathered well system operated during the validation year. The aggregate authorized groundwater production amount of a production permit for a non-grandfathered well field or a non-grandfathered well system shall not exceed the sum of the groundwater production that the wells of the field or system would be eligible for individually under these rules.~~
- ~~5. The District shall issue a production permit with aggregate authorized production conditions for non-grandfathered well fields that authorizes the authorized operator to produce the aggregated authorized production from any non-exempt use well of the non-grandfathered well field.~~
- ~~6. The District shall issue a production permit with aggregate authorized production conditions for non-grandfathered well systems that authorizes the authorized operator to produce from a single non-exempt use well up to 150% of the annual authorized groundwater production amount of that specific non-exempt use well of the non-grandfathered non-exempt use well so long as the sum of all groundwater production from non-exempt use wells of the non-grandfathered well system does not exceed the aggregated authorized production conditions.~~

~~RULE 4.5: PERMITTING POLICIES AND PROCEDURES RELATED TO TRANSPORT PERMITS~~

- ~~1. A person shall not transport groundwater out of the District without a transport permit issued by the District if a permit is required according to these rules.~~
- ~~2. A person shall not produce groundwater from a well, well field, or well system for transport out of the District without a production permit issued by the District.~~
- ~~3. Groundwater transported out of the district under a transport permit must be measured by the authorized operator using a meter, calibrated at least once every five years, and reported to the District.~~
- ~~4. A person shall not be required to obtain a transport permit for the transportation of~~

~~less than 10 acre-foot of groundwater per year, the transportation of groundwater that is part of a manufactured product manufactured within the District, or groundwater produced from and put to use on property or within a certificate of convenience and necessity (CCN) that straddles the District boundary line as of the date of the original adoption of the rules of the District.~~

~~2.6. An application for a transport permit shall be submitted to the District and include the following information when reporting the volume of groundwater transferred out of the district:~~

- ~~a. The name and mailing address of the applicant;~~
- ~~b. A statement of the nature and purpose of the proposed use of groundwater in the receiving area and the amount of water to be used for each purpose;~~
- ~~c. A statement describing the availability of water in the proposed receiving area;~~
- ~~d. A water conservation plan for the receiving area;~~
- ~~e. Information on the proposed transportation project including:
 - ~~i. A copy of any contracts with entities to whom the water is to be delivered as evidence of demand for the groundwater and beneficial use;~~~~

~~6.1. The availability of water in the proposed receiving area the transfer permit identification number;~~

~~6.2. the reporting period;~~

~~2.1-6.3. the volume of groundwater transferred out of the district during the reporting period for which the water supply is requested, including: in acre-foot;~~

- ~~1. The amount of surface water available for any purpose;~~
- ~~2. The amount of groundwater available for any purpose and from any other groundwater source;~~
- ~~3. The conservation measures in place or to be implemented in the receiving area; and~~
- ~~4. The projected water demand and proposed water sources for the receiving area as listed in the State and Regional Water Plans;~~
- ~~ii. The availability of water in the District, including the projected water demand and proposed water sources for the District as listed in the State and Regional Water Plans;~~
- ~~iii. The projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, existing permit holders or other groundwater users within the District;~~
- ~~iv. Proof of notification by certified mail of all landowners within 2 miles of the property where the well or wells are to be located and proof of notification by standard mail of all property owners outside a 2-mile radius of the property but within the District's jurisdiction;~~
- ~~v. A specific description of the proposed transportation facilities;~~
- ~~vi. A statement giving the time within which the proposed construction is to begin;~~
- ~~vii. A statement giving the length of time required for the proposed use of water, and the amount of water to be used;~~

- ~~viii. Information on the method or methods of transportation; and~~
- ~~ix. Identify any other liquids that could be substituted for the fresh groundwater and possible sources for such liquid including quantity and quality.~~
- ~~f. The location of the subject wells, subject well fields, or subject well systems;~~
- ~~g. Any additional information that the applicant believes is relevant to the District's decision related to the issuance of a transport permit; and~~
- ~~h. Proof of notification of all landowners adjacent to the property where the well or wells are to be located and all well owners within one-half mile radius of any of the proposed production wells.~~
- ~~5. Applications for transport permits are subject to the hearing procedures provided by these rules.~~
- ~~6. In determining whether to issue a permit to transport groundwater out of the District, the Board shall consider:~~
 - ~~6.4. Availability of water in the District; the method used to determine the volumes of groundwater transferred out of the district during the reporting period; and~~
 - ~~6.5. a statement certifying, under penalty of law, that the information reported on and attached to the report was prepared under the direction or supervision of the authorized operator and is, to the best of the knowledge and belief of the authorized operator, true, accurate and complete;~~
 - ~~6.6. the printed name of the person submitting the report; and~~
 - ~~6.7. the dated signature of the person submitting the report.~~

RULE 7.4: APPLICATION REQUIREMENTS RELATED TO TRANSFER PERMIT REQUESTS

- 1. The applicant for an application for a transfer permit shall submit the permitting request on the form prescribed by the district.
- 2. The applicant for an application for a transfer permit shall include the following information and any other information the general manager may determine to be of need to evaluate the request relative to the rules of the district:
 - 2.1. the name and address of the applicant;
 - 2.2. the identification number assigned by the district of the associated production permit;
 - 2.3. the name and address of the authorized operator of the associated production permit;
 - 2.4. the requested authorized groundwater transfer amount in acre-foot per year;
 - 2.5. the requested authorized groundwater transfer purpose;
 - 2.6. the requested authorized groundwater transfer period;
 - 2.7. the name and address of the requested authorized operator of the transfer permit;
 - 2.8. the requested authorized groundwater transfer location;
 - 2.9. a description of the existing and proposed transfer facilities and method to be used to transfer groundwater from the district to the authorized groundwater transfer location;

- 2.10. a description of any anticipated loss of water resulting from the transfer of groundwater from the district to the authorized groundwater transfer location;
- 1.1.2.11. a description of the availability of water in the district and in the proposed receiving area during the period for which the water supply is requested;
- 1.2.2.12. Thea description of the projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the ~~District, and~~district;
- 2.13. The approved regional and state a plan specifying:
- 2.13.1. the quantified objectives to be achieved by reducing groundwater transfer from the district during periods of water plan, shortages and drought in the district;
- 2.13.2. actions to be completed by the authorized operator at the authorized groundwater transfer location and the receiving area to reduce groundwater transfer from the district during periods of water shortages and drought to achieve the quantified objectives for reducing groundwater transfer from the district during periods of water shortages and drought in the district;
- 2.13.3. actions to be completed by the authorized operator to monitor and assess achievement of the quantified objectives for reducing groundwater transfer from the district during periods of water shortages and drought in the district;
- 2.13.4. actions to be completed by the authorized operator to report to the district the assessment of the achievement of the quantified objectives for reducing groundwater transfer from the district during periods of water shortages and drought in the district; and
- 2.14. Proof of notification of the proposed groundwater transfer that includes the name and address of the applicant, the identification number assigned by the district of the associated production permit, the name and address of the authorized operator of the associated production permit, the requested authorized groundwater transfer amount in acre-foot per year, the requested authorized groundwater transfer purpose, the requested authorized groundwater transfer period, the name and address of the requested authorized operator of the transfer permit, and the requested authorized groundwater transfer location, by certified Districtmail, of all landowners and all owners of groundwater resources within two miles (2 miles) of the production area of the associated production permit.
- 2.15. a statement certifying, under penalty of law, that the information reported on and attached to the application was prepared under the direction or supervision of the applicant and is, to the best of the knowledge and belief of the applicant, true, accurate and complete;
- 2.16. a statement certifying, under penalty of law, that the transfer of groundwater shall be conducted in accordance with the rules of the district and regulations of the State of Texas; and
- 2.17. the dated signature of the applicant.

SECTION 8: POLICIES RELATED TO DISTRICT WAIVERS AND PETITIONS TO AMEND THE RULES OF THE DISTRICT

RULE 8.1: GENERAL POLICIES RELATED TO WAIVERS

1. The district shall only grant district waivers to rules or requirements of the district that are consistent with the mission of the district to conserve, preserve and protect the groundwater resources within the boundary of the district.
- 1.2. The district shall only adopt waivers to rules or requirements of the district that are consistent with the desired future conditions of the district as established under Chapter 36 of the Texas Water Code and documented in the Management Plan of the district.

RULE 4.6: DECISION AND ISSUANCE OF PERMITS

1. The Board shall consider the management plan of the District, rules of the District, and other relevant information such as present and projected drought conditions, as well as information provided by the applicant and interested parties when making decisions regarding the issuance of permits.
2. The General Manager of the District shall present an application for a production permit, transport permit, or amendment of a permit to the Board for final decision if no person, including the General Manager of the District, contests the application.
3. The General Manager of the District may, after providing public notice for 10 days of the proposed permit issuance and having not received notice of intent to protest, issue a production permit authorizing the operation of a non-grandfathered well for non-exempt uses provided the application is designated administratively complete, the well location satisfies the spacing rules of the District, the maximum rate of production does not exceed 250 gallons per minute or 400 acre-feet per year, and the District has not received notice of intent to protest the proposed production permit request or an associated permit request.
3. The Board may issue a permit or The district shall only adopt waivers to rules or requirements of the district that are consistent with the Management Plan of the district, orders of the board of directors, and the laws of the State of Texas.
4. The district shall grant district waivers with conditions, restrictions, limitations, and requirements determined to be necessary by the district to achieve the desired future conditions of the district as established under Chapter 36 of the Texas Water Code and documented in the Management Plan of the district.
5. The district shall grant district waivers in accordance with and subject to the rules of the district, the Management Plan of the district, orders of the board of directors, and the laws of the State of Texas.
6. The district shall not grant district waivers for which the board of directors has not found good cause.
7. The board of directors may modify, reduce, or eliminate any rule or requirement of the district associated with a permitting request for which the board of directors has found good cause.

8. The board of directors may establish and incorporate special conditions and requirements in district waivers and associated permits.

RULE 8.2: GENERAL PROCEDURES RELATED TO DISTRICT WAIVERS

1. The general manager shall contest all permitting requests associated with requests for a district waiver that have not been granted by the board of directors.
2. A person drilling or having drilled a well may apply for a district waiver of the well completion requirements of the rules of the district.
3. An applicant for an application for a permit may request a district waiver of the permitting requirements established by the rules of the district.
4. The applicant requesting a district waiver of the permitting requirements established by the rules of the district shall provide evidence of good cause with the application.
5. The general manager shall review and determine the administrative completeness of an application for a district waiver within sixty days (60 days) of date of receipt of the application for a district waiver.
6. The general manager shall review the supplemental information requested by the general manager and received by the district associated with an application for a district waiver within thirty days (30 days) of date of receipt of the supplemental information.
7. The general manager shall designate an application for a district waiver as administratively complete when all necessary information to fully consider the application has been submitted to the district by the applicant.
8. The general manager shall schedule applications for a district waiver determined to be administratively complete for consideration by the board of directors at the next regularly scheduled meeting of the board of directors.
9. The general manager shall issue and post written notice, within thirty days (30 days) of determining an application for a district waiver is administratively complete, indicating a date and time for a hearing regarding the application for a district waiver.
10. The applicant of an application for a district waiver shall attend the meetings at which the board of directors conducts hearings or considers action related to the application for a district waiver.
11. The applicant for an application for a district waiver shall provide, to the district, any waivers related to spacing requirements obtained from other persons in relation to the district waiver being requested or associated permitting request.
12. The applicant for an application for a district waiver shall identify any waivers related to spacing requirements sought but not obtained from other persons in relation to the district waiver being requested or associated permitting request.
13. The applicant for an application for a district waiver shall provide the information and evidence the board of directors determines to be necessary to evaluate the district waiver request.
14. The board of directors shall consider applications for a district waiver that are designated as administratively complete, after providing public notice of the permit hearing for not less than ten days (10 days).
15. The board of directors shall consider an application for a district waiver designated administratively complete in advance of associated permit requests.

16. The board of directors may consider a district waiver request at the same meeting that a permitting request is considered.

1.17. The board of directors may refer ~~an~~any application for a district waiver to a hearing examiner for a hearing.

RULE 4.7: ACCEPTANCE OF PERMITS

- ~~1. Acceptance of the permit by the authorized operator constitutes acknowledgment of and agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions in the permit and these rules.~~
- ~~2. Failure by the authorized operator to appeal the District's decision regarding a permit constitutes acceptance of the permit.~~

RULE 4.8: PERMIT RENEWAL

- ~~1. The General Manager of the District may authorize an authorized operator of a non-exempt use well, well field, or well system for which an application to renew a production permit or transport permit to continue operating under the conditions of the prior permit, subject to any changes necessary under these rules, or the District's management plan, for the period of time during which the renewal application is the subject of a contested case hearing.~~
- ~~2. The District shall without a hearing renew or approve an application to renew a production permit before the date on which the production permit expires, provided that:
 - ~~a. the application, if required by the district, is submitted in a timely manner and accompanied by any required fees in accordance with district rules; and~~
 - ~~b. the authorized operator is not requesting a change related to the renewal that would require a permit amendment under district rules.~~~~
- ~~3. The District shall not renew a permit if the applicant or authorized operator:
 - ~~1.1. is delinquent in paying a fee required by the district;~~~~
18. The district incorporates the application for a substantive violation district waiver into any associated district waiver approved by the district.
19. The district issues, approves, and grants a district waiver on the basis of and is contingent upon the accuracy of the information supplied in the associated application for a district waiver.
20. The district shall specify the operational requirements and special conditions of district waivers including:
 - 20.1. the identification number assigned by the district for the district waiver;
 - 20.2. the identification number assigned by the district for the associated application for a district waiver;
 - 20.3. the identification number assigned by the district for the associated production permit, order, or rule that has not been settled by agreement transfer permit;
 - 1.1.20.4. the identification of the rules and requirements associated with the district or a final adjudication; or waiver;
 - a. 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.

- ~~4. A production permit that the District did not renew because the applicant or authorized operator 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 remains in effect until the final settlement or adjudication on the matter of the substantive violation.~~
- ~~5. A production permit as it existed prior to the initiation of the production permit amendment process shall be renewed without penalty if an associated production permit amendment process results in a denial of the amendment unless the applicant or authorized operator:~~
 - ~~20.5. the authorized operator;~~
 - ~~20.6. the finding of the board of directors regarding good cause associated with the district waiver;~~
 - ~~20.7. the special conditions established by the board of directors; and~~
 - ~~20.8. the expiration date.~~

~~1.2.1.1. is delinquent in paying a fee required by the district;~~

- ~~a. 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; or~~
- ~~b. 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.~~

RULE 4.9: PRODUCTION8.3: APPLICATION REQUIREMENTS RELATED VIOLATIONSTO DISTRICT WAIVERS

- ~~1. Production permits issued by the District shall be considered violated under the following circumstances:~~
- ~~1. The authorized operator produces-~~The applicant for an application for a district waiver shall include the following information and any other information the general manager may determine to be of need to evaluate the request relative to the rules of the district:
 - ~~1.1. the name and address of the applicant;~~
 - ~~1.2. a description of the associated applications for a permit;~~
 - ~~1.3. the identification of the specific rules and specific requirements of the rules of the district from which an applicant seeks relief;~~
 - ~~1.4. a detailed description of the basis for board of directors to find good cause exists for granting the district waiver request;~~
 - ~~1.5. a detailed description of the impact if the district waiver request is not granted by the board of directors;~~
 - ~~1.6. a detailed description of any amount of conditions, restrictions, limitations, and requirements the applicant would find acceptable if the request were to be approved;~~
 - ~~1.7. the duration of time the district waiver would be necessary;~~
 - ~~1.8. a list of documentation, if any, included with the district waiver request supporting district waiver request;~~

- 1.9. the name and address of the person that owns the subject well, the subject well field or the subject well system;
- 1.10. the geographic coordinate of the subject wells;
- 1.11. the name and address of the landowners of the subject tracts of contiguous ownership of land;
- 1.12. the name and address of the owner of groundwater resources of subject tracts of contiguous ownership of groundwater resources;
- 1.13. the specification of the spatial extent including the total acreage of the boundaries of the subject tracts of contiguous ownership of land;
- 1.14. the specification of the spatial extent including the total acreage of the boundaries of the subject tracts of contiguous ownership of groundwater resources intersecting the subject tracts of contiguous ownership of land;
- 1.15. a statement certifying, under penalty of law, that the well owners possess the legal authority to produce groundwater from the subject tracts of contiguous ownership of groundwater resources;
- 1.16. a scaled map of:
 - 1.16.1. the subject wells;
 - 1.16.2. the boundaries of the subject tracts of contiguous ownership of land;
 - 1.16.3. the boundaries of the subject tracts of contiguous ownership of groundwater resources;
 - 1.16.4. the boundaries of any production areas overlapping the boundary of the subject tracts of contiguous ownership of groundwater resources;
 - 1.16.5. the nearest public roads; and
 - 1.16.6. the locations of any existing water wells within the boundary of the subject tracts of contiguous ownership of groundwater resources; and
- 1.17. a statement certifying, under penalty of law, that the information reported on and attached to the application was prepared under the direction or supervision of the applicant and is, to the best of the knowledge and belief of the applicant, true, accurate and complete;
- 1.18. a statement certifying, under penalty of law, that the subject wells shall be operated in accordance with the rules of the district and regulations of the State of Texas; and
- 1.19. the dated signature of the applicant.

RULE 8.greater than the amount authorized4: GENERAL POLICIES RELATED TO PETITIONS TO AMEND THE RULES OF THE DISTRICT

- 1. The district shall only adopt amendments to rules of the district that are consistent with the mission of the district to conserve, preserve and protect the groundwater resources within the boundary of the district.
- 2. The district shall only adopt amendments to rules of the district that are consistent with the desired future conditions of the district as established under Chapter 36 of the Texas Water Code and documented in the Management Plan of the district.

3. The district shall only adopt amendments to rules of the district that are consistent with the Management Plan of the district, orders of the board of directors, and the laws of the State of Texas.

RULE 8.5: GENERAL PROCEDURES RELATED TO PETITIONS TO AMEND THE RULES OF THE DISTRICT

1. A person with a real property interest in groundwater within the district may petition the board of directors to adopt, modify, or amend the rules of the district.
2. The petitioner shall articulate the good cause to add, revise, or eliminate specific requirements or limitations within the rules of the district, utilizing a form provided by the district.
3. The general manager shall review and determine the administrative completeness of a petition to amend the rules of the district within ninety days (90 days) of date of receipt of the petition to amend the rules of the district.
4. The general manager shall review the supplemental information requested by the general manager and received by the district associated with a petition to amend the rules of the district within ninety days (90 days) of date of receipt of the supplemental information.
5. The general manager shall designate a petition to amend the rules of the district as administratively complete when all necessary information to fully consider the petition to amend the rules of the district has been submitted to the district by the petitioner.
6. The general manager shall schedule a petition to amend the rules of the district determined to be administratively complete for consideration by the board of directors at a regularly scheduled meeting of the board of directors.
7. The general manager shall issue and post written notice, within thirty days (30 days) of determining a petition to amend the rules of the district is administratively complete, indicating a date and time for a hearing regarding the petition to amend the rules of the district.
8. The petitioner of a petition to amend the rules of the district shall attend the meetings at which the board of directors conducts hearings or considers action related to the petition to amend the rules of the district.
9. The petitioner of a petition to amend the rules of the district shall provide the information and evidence the board of directors determines to be necessary to evaluate the petition.
10. The board of directors shall consider petitions to amend the rules of the district within ninety days (90 days) of receipt of an administratively complete petition form and shall:
 - 10.1. deny the petition and provide an explanation for the denial, or
 - 10.2. engage in rulemaking consistent with the petition.
11. The board of directors shall consider petitions that are designated as administratively complete, after providing public notice of the rulemaking hearing for not less than twenty days (20 days) as required by Section 36.101(d), Water Code.
12. The board of directors may refer any petition to amend the rules of the district to a hearing examiner for a hearing.

RULE 8, applicable production permit6: APPLICATION REQUIREMENTS RELATED TO PETITIONS TO AMEND THE RULES OF THE DISTRICT

1. The petitioner of a petition to amend the rules of the district shall include the following information:
 - 1.1. the name and address of the petitioner;
 - 1.2. the identification of the specific rules and specific requirements of the rules of the district the petitioner request to be eliminated from the rules of the district;
 - 1.3. the identification of the specific rules and specific requirements of the rules of the district the petitioner request to be added in the rules of the district;
 - 1.4. the identification of the specific rules and specific requirements of the rules of the district the petitioner request to be revised within the rules of the district;
 - 1.5. a detailed description of the basis for board of directors to find good cause to amend the rules of the district;
 - 1.6. a detailed description of the impact if the petition is not granted by the board of directors;
 - 1.7. a list of documentation, if any, included with the petition supporting the request;
 - 1.8. the names and addresses of the persons petitioning the district;
 - 1.9. a statement certifying, under penalty of law, that the information reported on and attached to the petition to amend the rules of the district was prepared under the direction or supervision of the petitioner and is, to the best of the knowledge and belief of the petitioner, true, accurate and complete; and
 - 1.10. the dated signature of the petitioner.

SECTION 9: POLICIES RELATE TO CURTAILMENT OF GROUNDWATER PRODUCTION

RULE 9.1: CURTAILMENT OF GROUNDWATER PRODUCTION

1. The district may curtail groundwater production of wells, well fields, and well systems in order to conserve, preserve and protect the groundwater resources within the boundary of the district.
2. The district may curtail groundwater production of wells, well fields, and well systems in order to control or prevent subsidence within the boundary of the district.
3. The district may curtail groundwater production of non-exempt-use wells, non-exempt-use wells fields, or non-exempt-use well systems based upon credible, scientific information that demonstrates curtailment of groundwater production within the boundaries of the district will reduce the degree to which the district is failing to achieve the desired future conditions of the district.
4. The district may impose new and additional monitoring requirements for non-exempt-use wells, non-exempt-use well fields, or non-exempt-use well systems based upon credible, scientific information that demonstrates curtailment of groundwater production within the boundaries of the district may reduce the degree to which the district is failing to achieve the desired future conditions of the district.
5. Any curtailment of groundwater production shall consider all groundwater uses and needs and be fair and impartial.

RULE 9.2: REDUCTION OF AUTHORIZED GROUNDWATER PRODUCTION AMOUNT OF PRODUCTION PERMITS

1. The district may reduce the authorized groundwater production amount of production permits based upon credible, scientific information that demonstrates curtailment of groundwater production within the boundaries of the district will reduce the degree to which the district is failing to achieve the desired future conditions of the district.
2. The district may reduce the authorized groundwater production amount of production permits of non-exempt-use wells, well fields, or well systems based upon credible, scientific information that demonstrates curtailment of groundwater production within the boundaries of the district will control or prevent subsidence the district
3. Any reduction of groundwater production shall consider all groundwater uses and needs and be fair and impartial.

SECTION 10: POLICIES RELATED TO DISTRICT FEES

RULE 10.1: ADMINISTRATIVE AND APPLICATION FEE

1. The board of directors, by resolution, shall establish a schedule of fees for administrative acts of the district, including the cost of reviewing and processing applications related to permitting and the cost of hearings for applications related to permitting.
2. The board of directors shall not establish administrative fees that unreasonably exceed the cost to the district for performing administrative acts.
3. The district may assess a fee to reimburse the district for the costs of publishing notices of hearings related to a permit matter for each notice published for an application.
4. The applicant of an application related to permitting shall pay any required administrative fees when the application is submitted to the district.

RULE 10.2: REGISTRATION APPLICATION FEE

1. The district shall not assess fees for filing and processing of an application to register a well, well field, or well system; ~~or associated with grandfathered wells, grandfathered well fields, or grandfathered well systems.~~

~~The authorized operator~~

RULE 10.3: TRANSFER FEE

1. The board of directors, by resolution, shall establish a schedule of fees for the transfer of groundwater.
2. The authorized operator of a transfer permit shall pay the fees associated with the transfer of groundwater under the transfer permit during the previous calendar year by January 31 of each year.

RULE 10.4: PRODUCTION FEE

1. The district shall not establish a schedule of fees for the production of groundwater from grandfathered non-exempt-use wells, grandfathered non-exempt-use well fields, or grandfathered non-exempt-use well systems.
2. The board of directors, by resolution, shall establish a schedule of fees for the production of groundwater from non-grandfathered non-exempt-use wells.
3. The board of directors, by resolution, shall establish fees for the production of groundwater on the amount of groundwater produced from the non-exempt-use well, the non-exempt-use well field, or the non-exempt-use well system.
4. The well owner of a well that produced groundwater resources for non-exempt-uses shall pay the production fees, if any, associated with the non-exempt-use during the previous calendar year by January 31 of each year.

RULE 10.5: PENALTIES AND LATE FEES

1. The board of directors, by resolution, may establish penalties for the production of groundwater in excess of the authorized groundwater production amount specified on a production permit.
2. The board of directors, by resolution, shall establish a fee schedule related to payments that remain unpaid by the related due date equal to one percent of the amount due per month following the due date in addition to any penalty assessed by the board of directors.

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SECTION 11: POLICIES RELATED TO WASTE, VIOLATIONS, INVESTIGATIONS, AND ENFORCEMENT

RULE 11.1: GENERAL POLICIES RELATED TO WASTE PREVENTION

1. No person shall produce groundwater resources within the district that is used in such a manner as to constitute waste of groundwater as defined in the rules of the district.
2. No person shall pollute or harmfully alter the character of the groundwater resources of the district by causing or allowing undesirable water or other deleterious matter to enter strata beneath the surface of the ground.
3. No person shall produce groundwater in excess of that amount which is economically reasonable for a beneficial purpose when reasonable intelligence and reasonable diligence are used in applying the groundwater to that purpose.
4. No person shall commit waste of groundwater as that term is defined in the rules of the district.

RULE 11.2: GENERAL POLICIES RELATED VIOLATIONS

1. No person shall violate the provisions of Chapter 36 of the Texas Water Code or any other state law related to wells or groundwater resources within the district.
2. No person shall violate the rules and regulations adopted by the Texas Department of Licensing and Regulation related to wells or groundwater resources within the district.
3. Any person that violates the permit conditions of a permit issued by the district is subject to the enforcement provisions of the rules of the district.
4. Any person that fails to satisfy any requirements and provisions of a permit issued by the district violates the rules of the district.
5. Any person that produces groundwater from a well for non-exempt uses in any amount without a valid production permit authorizing the groundwater production violates the rules of the district.
- 1-6. Any person that produces ~~any amount of~~ groundwater from a ~~well for non-exempt use well, well field, or well system~~uses for ~~a~~any purpose ~~of use~~ not authorized by ~~the applicable~~ production ~~permit~~permits associated with well violates the rules of the district.
7. ~~Any~~ person ~~violates these rules by producing any amount of that produces~~ groundwater ~~from a well~~ for non-exempt uses ~~from a well, well field~~in an amount that exceeds one-hundred and ten percent (110%) of the authorized groundwater production amount of the valid production permits associated with well violates the rules of the district.
8. Any person that tampers, alters, damages, or ~~removes the well system without a valid production permit issued~~lockout seal affixed on a well or the associated equipment by the district or that diminishes the integrity of the well lockout seal violates the rules of the district.
- 2-9. Any person that produces groundwater from a well with well lockout seal affixed on a well or the associated equipment by the ~~Board~~district violates the rules of the district.

~~RULE 4.10: WAIVERS AND VARIANCES OF DISTRICT RULES~~

- ~~1. Providing the landowner, landowner agent, or authorized operator can show good cause, and the Board finds good cause, the District may waive or modify any rule or requirement of the District.~~
- ~~2. The landowner, landowner agent, or authorized operator of a subject well, subject well field, or subject well system for which a waiver or variance is sought is responsible for providing the necessary information for the Board to fully evaluate the waiver request or variance request.~~
- ~~3. The landowner, landowner agent, or authorized operator of a subject well, subject well field, or subject well system shall provide sufficient evidence to support a finding of "good cause" as part of the waiver and variance request.~~
- ~~4. The landowner, landowner agent, or authorized operator of a subject well, subject well field, or subject well system is responsible for attempting to obtain the waivers and identifying any required waivers that were not obtained and reason the waiver was not obtained in instances in which the rules of the District allow for exceptions contingent on waiver by adjoining or adjacent landowners.~~
- ~~5. Administratively complete waiver and variance requests shall be scheduled for consideration by the Board at the next regularly scheduled meeting of the Board provided adequate notice is made prior to the meeting.~~
- ~~6. The consideration of the waiver and variance request as well as the permit hearings and consideration of the permit applications may be scheduled at the same meeting.~~
- ~~7. The public hearings and consideration of the applications for a permit or application for an amendment related to the waiver request shall be held only after the waiver and variance request has been considered by the Board and proper notice has been made.~~
- ~~8. Waiver and variance requests shall be delivered to the District with the following information:
 - ~~a. Identification of the applications related to the waiver and variance request.~~
 - ~~b. A waiver and variance request shall include a description of the related applications, including application identification numbers, to which the request applies.~~
 - ~~c. A description of the types of applications being submitted, a description of the property location, and identification of the landowner.~~
 - ~~d. Identification of the specific rules and specific requirements of the District rules from which the landowner, landowner operator, or authorized agent of a subject well, subject well field, or subject well system seeks relief.~~
 - ~~e. Statement as to whether total waiver of the requirements or a partial waiver with a variance request is being sought.~~
 - ~~f. A detailed description of the requested variance if a partial waiver with a variance is requested.~~
 - ~~g. The duration of time the variance would be necessary.~~
 - ~~h. A detailed description of the basis for the waiver request including a statement regarding why the specific requirements must be waived or varied, the impact if the request is not approved, and any performance conditions the landowner, landowner agent, or authorized operator would~~~~

- ~~find acceptable if the waiver and variance request were to be approved.~~
- ~~i. A list of documentation, if any, included supporting waiver and variance request.~~
 - ~~j. A statement certifying under penalty of law that the waiver and variance request was prepared under the direction or supervision of the landowner, landowner agent, or authorized operator and that the information submitted is, to the best of his or her knowledge and belief, true, accurate and complete.~~
 - ~~k. A statement that the signee is either the landowner, or authorized to act for the landowner, authorized operator of the subject well, subject well field, or subject well system for which a waiver or variance is sought.~~
 - ~~l. The dated signature of the landowner, landowner agent, or authorized operator of the subject well, subject well field, or subject well system for which a waiver or variance is sought.~~
 - ~~m. The name of the signee printed below his or her signature.~~

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~~SECTION 5: WELL SPACING REQUIREMENTS~~

- ~~10. Any person that engages in an activity that requires a permit from the district under the rules of the district prior to receiving such permit violates the rules of the district.~~
 - ~~11. Any person that is responsible for and fails to report groundwater production as required by the rules of the district violates of the rules of the district.~~
 - ~~12. Any person that is responsible for and fails to register with the district, a well that the person drilled or had drilled after the original date on which this policy is adopted and within 60 days of completing the water well violates the rules of the district.~~
 - ~~13. Any person that is responsible for and fails to properly plug or cap an abandoned well in accordance with state standards within the required period of time violates the rules of the district.~~
 - ~~14. Any person that is responsible for and fails to properly plug or remediate a deteriorated well within the required period of time violates the rules of the district.~~
- ~~Any person that fails~~

~~RULE 5.1: WELL SPACING REQUIREMENTS OF NON-GRANDFATHERED WELLS~~

- ~~1. The District shall regulate the spacing of non-grandfathered wells in order to minimize the drawdown of the water table or the reduction in artesian pressure, to prevent interference between wells, to prevent degradation of water quality, or to prevent waste.~~
- ~~2. A non-grandfathered well to be located on a lot of a platted subdivision shall not be drilled in a location that is closer than fifty feet to the perimeter of the subdivision and shall be drilled in a location that is within the area designated as the "Authorized Drilling Area" on the subject lot of subdivision plat.~~
- ~~3. A non-grandfathered well to be located on a lot of a platted subdivision shall not be drilled in a location that is closer than fifty feet to the property line of a landowner other than the subject landowner if the subdivision plat does not designate an area as the "Authorized Drilling Area" on the subject lot unless waived by the other landowner in writing.~~
- ~~4. A non-grandfathered well shall not be located in a location that is closer to a property line of an adjacent landowner than 1 foot for every one gallon per minute of the maximum production rate per minute of the subject well.~~
- ~~5. Waivers regarding well spacing requirements submitted with an application for a drilling permit shall contain the printed name and signature of the adjacent landowner or adjacent landowner agent and state that he or she has no objection to the proposed location of the well site.~~
- ~~6. The spacing requirements related to spacing from property lines of a drilling permit may be reduced by the District if the landowner or landowner agent presents waivers signed by the adjoining landowner.~~
- ~~7. All relevant county and state standards regarding location of wells shall be complied with by any person drilling a well.~~
- ~~8. All spacing requirements within these rules shall be complied with by any person drilling a well.~~
- ~~9. Providing a landowner, landowner agent, or authorized operator can show good cause to waive or vary a well spacing requirement for a non-grandfathered non-~~

~~exempt use well and submits the necessary information for the consideration of a waiver and variance request, the spacing requirements of the subject well shall be considered during the permitting process.~~

~~10. The Board may establish special conditions related to spacing requirements for a non-grandfathered non-exempt use well provided good cause is found by the Board.~~

~~11. The Board may establish special conditions or limit the authorized groundwater production of a non-exempt use well if a waiver or variance related to spacing requirements of a non-grandfathered non-exempt use well is granted to ensure no injury is done to adjoining landowners or the aquifer.~~

~~RULE 5.2: WELL SPACING REQUIREMENTS OF NON-GRANDFATHERED WELL FIELDS~~

~~1. In addition to the requirements related to well spacing of a non-grandfathered non-exempt use well, a non-grandfathered non-exempt use well of a well field shall not be located in a location that is closer to a property line of an adjacent landowner than 1 foot for every one gallon per minute of the authorized production rate per minute of the subject well field.~~

~~RULE 5.3: WELL SPACING REQUIREMENTS OF NON-GRANDFATHERED WELL SYSTEMS~~

~~1. In addition to the requirements related to well spacing of a non-grandfathered non-exempt use well, a non-grandfathered non-exempt use well of a well system shall not be located in a location that is closer to a property line of an adjacent landowner than 1 foot for every one gallon per minute of the authorized production rate per minute of the subject well system.~~

SECTION 6: GROUNDWATER PRODUCTION LIMITATIONS

~~RULE 6.1: GROUNDWATER PRODUCTION LIMITATIONS OF GRANDFATHERED NON-EXEMPT USE WELLS~~

~~The District shall issue a production permit with authorized production conditions for a grandfathered non-exempt use well that are consistent with the pattern of operation of the grandfathered non-exempt use well as supported by evidence submitted with the application to validate historic use of the grandfathered non-exempt use well during the historic use validation period.~~

~~RULE 6.2: GROUNDWATER PRODUCTION LIMITATIONS OF GRANDFATHERED WELL FIELDS~~

~~The District shall issue a production permit with aggregated authorized production conditions for a grandfathered well field that are consistent with the pattern of operation of the grandfathered well field as supported by evidence submitted with the application to validate historic use of the grandfathered well field during the historic use validation period.~~

~~RULE 6.3: GROUNDWATER PRODUCTION LIMITATIONS OF GRANDFATHERED WELL SYSTEMS~~

~~The District shall issue a production permit with aggregated authorized production conditions for a grandfathered well system that are consistent with the pattern of operation of the non-grandfathered well system as supported by evidence submitted with the application to validate historic use of the grandfathered well system during the historic use validation period.~~

~~RULE 6.4: GROUNDWATER PRODUCTION LIMITATIONS OF NON-GRANDFATHERED NON-EXEMPT USE WELLS, NON-GRANDFATHERED WELL FIELDS, AND NON-GRANDFATHERED WELL SYSTEMS~~

- ~~1. The District shall limit the authorized groundwater production amount of non-grandfathered non-exempt use wells, non-grandfathered well fields, and non-grandfathered well systems in order to conserve, preserve and protect the groundwater resources within the boundary of the District.~~
- ~~2. The District shall limit the authorized groundwater production amount of a production permit of a non-grandfathered non-exempt use well, non-grandfathered well field, or non-grandfathered well system to an amount that does not exceeds 250 gallons per minute per contiguous acre controlled by the permit applicant and associated with the subject application for a production permit.~~
- ~~3. The District shall limit the authorized groundwater production amount of a production permit of a non-grandfathered non-exempt use well or non-grandfathered well field to an amount that does not exceed one-half acre-foot per year per contiguous surface acre owned or controlled by the permit applicant and associated with the subject application for a production permit.~~
- ~~4. The District shall limit the authorized groundwater production amount of a~~

~~production permit of a non-grandfathered well system to an amount that does not exceed one-half acre-foot per year per surface acre owned or controlled by the permit applicant and associated with the subject application for a production permit.~~

- ~~5. The District may increase the limitation of the authorized groundwater production amount of a production permit of non-grandfathered non-exempt use well, non-grandfathered well field, or non-grandfathered well system beyond one-half acre-foot per year per contiguous surface acre owned or controlled by the landowner or well owner and associated with the subject application for a production permit if the District determines that local hydrogeologic conditions will allow the production of a greater amount of groundwater per year without negatively affecting water levels and water quality at adjoining property lines or otherwise interfere with an adjacent landowner's ability to use groundwater.~~
- ~~6. An authorized operator shall maintain the ownership or control of groundwater rights associated with the land for the subject production permit or subject production permits sufficient to produce the authorized groundwater production amount specified in the production permit or permits and these rules of the District.~~
- ~~7. A conveyance of any portion of the groundwater rights associated with the land for a production permit or production permits may result in non-compliance with these rules and invalidation of said production permits.~~
- ~~8. The Board may limit the authorized groundwater production amount of a production permit of a non-grandfathered non-exempt use well, non-grandfathered well field, or non-grandfathered well system to a greater degree than one-half acre-foot per year per contiguous surface acre owned or controlled by the permit applicant and associated with the subject application for a production permit to ensure no injury is done to adjoining landowners or the aquifer if the Board chooses to grant a drilling permit or production permit for a well, well field, or well system in an area where aquifer conditions are not favorable.~~
- ~~9. Providing a landowner, landowner agent, or authorized operator can show good cause to waive or vary a production limitations for a non-grandfathered non-exempt use well, non-grandfathered well field, or non-grandfathered well system including allowing greater drawdown to be caused by the operation of the subject well, subject well field, or subject well system and submits the necessary information for the consideration of a waiver and variance request, the production limitations of the subject well, well field, or well system shall be considered during the permit process.~~
- ~~10. The Board may establish special conditions related to production limitations including authorized groundwater production amounts in excess of one-half acre-foot per year per contiguous surface acre owned or controlled by the permit applicant and associated with the subject application for a production permit for a non-grandfathered non-exempt use well, non-grandfathered well field, or non-grandfathered well system provided good cause is found by the Board.~~

~~The Board shall establish special conditions related to monitoring and performance criteria for a production permit for which the Board has authorized groundwater production amounts in excess of one-half acre-foot per year per contiguous surface acre owned or controlled by the permit applicant and associated with the subject application for a~~

~~production permit for a non-grandfathered non-exempt use well, non-grandfathered well field, or non-grandfathered well system that are appropriate to demonstrate that the authorized groundwater production amount, if produced, does not cause well interference on adjoining properties, impact the usability of the groundwater or otherwise have a negative impact on groundwater availability and use outside the applicant's property.~~

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~~SECTION 7 - DRILLING WELLS, REWORKING WELLS, AND REPLACING WELLS~~

~~RULE 7.1 - DRILLING WELLS~~

- ~~1. A person drilling or having drilled a well shall adhere with the well spacing requirements of these rules when locating the well.~~
- ~~2. A person drilling or having drilled, deepened, or otherwise altered a well shall adhere with the well completion requirements of these rules when locating the well.~~
- ~~3. Drilling and completion of wells must satisfy all applicable requirements of the Texas Commission on Environmental Quality and the Texas Department of Licensing and Regulation.~~
- ~~4. All wells must be completed in accordance with the well completion standards set forth under the requirements promulgated by the Texas Department of Licensing and Regulation set forth under Title 16, Texas Administrative Code, Chapter 76, Water Well Drillers and Pump Installers Rules.~~

~~A well shall not be located closer than fifty (50) feet to any potential source of contamination.~~

~~RULE 7.2 - STANDARDS FOR COMPLETION OF WELLS~~

- ~~1. A person drilling or having drilled a well shall construct the well using methods and materials to minimize the potential for contamination, degradation, or commingling of waters of different chemical quality.~~
- ~~2. A person drilling or having drilled a well shall indicate the method of completion performed for a well on the well driller's log.~~
- ~~3. Non-grandfathered wells and replacement wells must be completed such that annular space is filled from ground level to a depth of ten (10) feet as specified under Texas Administrative Code, Chapter 76, Water Well Drillers and Pump Installers Rules, and in accordance with the following specifications and in compliance with the local county or incorporated city ordinances.~~
 - ~~a. The annular space between the borehole wall and the casing of a well located closer than 100 feet to a water-tight sewage collection system or liquid waste collection facility shall be filled with an authorized annular space sealant from the ground level to the top of the water producing strata or to 100 feet below the land surface.~~
 - ~~b. The annular space between the borehole wall and the casing of a well shall be filled in a manner that ensures that the sealant is evenly distributed around the casing and that gaps/voids are not present beyond a reasonable degree.~~
 - ~~c. In the case that a pitless adapter is installed, the annular space between the borehole and the casing shall be filled with an authorized annular space sealant to a depth not less than 50 feet below the adapter connection.~~
 - ~~d. All wells shall be constructed so that water bearing strata which are allowed to commingle do not cause quality degradation of any aquifer or zone.~~
 - ~~e. The well casing shall be capped or completed in a manner that will prevent pollutants from entering the well.~~

- ~~f. The casing shall be centered in well annular space for the portion of the borehole that will be sealed prior to emplacing the sealant.~~
- ~~g. The annular space sealant shall be emplaced to produce a seal that is absent of significant voids.~~
- ~~h. Bentonite slurry or any other material used in the actual drilling of the well shall not be used to seal the annular space between the borehole wall and the casing.~~
- ~~i. Providing the applicant can show good cause why a proposed well should be allowed to not meet the well completion requirements of these rules, the landowner or landowner agent associated with the application for a drilling permit may request a waiver, in accordance with the waiver and variance procedures of these rules, of the well completion requirements and the issue of well completion requirements shall be considered during the permit process.~~

~~The Board may enter special orders and add special permit conditions altering the well completion requirements of a drilling permit if good cause is found by the Board based on the waiver and variance request submitted by the landowner or landowner agent associated with the application for a drilling permit.~~

~~**RULE 7.3: COMMINGLING OF UNDESIRABLE WATER WITH DESIRABLE GROUNDWATER**~~

- ~~1. The landowner or authorized operator shall have the continuing responsibility of ensuring that a well does not allow commingling of undesirable water and desirable groundwater or the unwanted loss of water through the wellbore to other porous strata.~~
- ~~2. A well shall be remediated in a manner that will prevent the commingling or loss of groundwater if the well is allowing the commingling of undesirable water and desirable groundwater or the unwanted loss of water.~~

~~The District may direct the landowner or authorized operator to take steps to prevent the commingling of undesirable water and desirable groundwater or the unwanted loss of water.~~

~~SECTION 8 – DISTRICT FEES~~

~~RULE 8.1: ADMINISTRATIVE AND APPLICATION FEES~~

- ~~1. The Board, by resolution, shall establish a schedule of fees for administrative acts of the District, including the cost of reviewing and processing permits and the cost of hearings for permits.~~
- ~~2. Administrative fees shall not unreasonably exceed the cost to the District for performing such administrative acts.~~
- ~~3. The District may assess a fee in an amount set by Board resolution to reimburse the District for the costs of publishing notice of a hearing related to a permit matter for each notice published for a particular application.~~

~~The payments of administrative fees are due at the time when applications are submitted to the District.~~

~~RULE 8.2: TRANSPORT FEE~~

- ~~1. The Board, by resolution, shall establish a schedule of fees for transport of groundwater.~~
- ~~2. The District shall impose a reasonable fee or surcharge for transportation of groundwater out of the District.~~
- ~~3. The payments of transport fees are due by January 31 of each year.~~

~~RULE 8.3: PRODUCTION FEE~~

- ~~1. The Board, by resolution, shall establish a schedule of fees for the production of groundwater from non-exempt use wells.~~
- ~~2. Production fees, if any, shall be applied to the amount of groundwater actually produced from the non-exempt use well, well field, or well system.~~
- ~~3.15. Excess production fees shall be applied to any amount of groundwater produced in excess of the authorized groundwater production specified on a production permit for a non-exempt use well, well field, or well system from a well within control of the person violates the rules of the district.~~

~~Payment of production fees shall be due no later than March 1 of each calendar year.~~

~~RULE 8.4: PAYMENT LATE CHARGE~~

- ~~1. Each day that a payment remains unpaid after it is due shall constitute a separate violation of these rules.~~

~~A late payment charge equal to one percent per month following the due date shall be assessed on past due fees in addition to any penalty amounts. landowner.~~

~~SECTION 9 - WASTE, VIOLATIONS, INVESTIGATIONS, AND ENFORCEMENT~~

~~RULE 9.1: WASTE PREVENTION~~

- ~~1. Groundwater shall not be produced within, or used within or used outside the District, in such a manner as to constitute waste as defined in these rules.~~
- ~~2. No person shall pollute or harmfully alter the character of the underground water reservoir of the District by means of salt water or other deleterious matter admitted from some other stratum or strata from the surface of the ground.~~
- ~~3. No person shall produce groundwater in excess of that which is economically reasonable for an authorized purpose when reasonable intelligence and reasonable diligence are used in applying the water to that purpose.~~

~~No person shall commit waste as that term is defined in these rules. owner of~~

~~RULE 9.2: VIOLATIONS~~

~~4.16. Violation of the provisions of Chapter 36 of the Texas Water Code or any other state law related to water wells, groundwater resources, or aquifers constitutes a violation of these rules. an authorized operator inhibiting or prohibiting access to any representatives of the district attempting to conduct an investigation under the rules of the district:~~

- ~~1. Violation of the rules and regulations adopted by the Texas Department of Licensing and Regulation related to water wells, groundwater resources, or aquifers constitutes a violation of these rules.~~
- ~~2. Violation of the rules and regulations adopted by the County of Jackson related to water wells, groundwater resources, or aquifers constitutes a violation of these rules.~~

~~4.1.16.1. Any person that violates the rules and regulations of the District is subject to the enforcement provisions of these rules. of the district; and~~

- ~~3. Any person that violates the permit conditions of a permit issued by the District is subject to the enforcement provisions of these rules.~~
- ~~4. The drilling and completion of a well drilled in violation of any conditions of a drilling permit issued by the District constitutes a violation of these rules.~~
- ~~5. The operation of a well drilled in violation of any conditions of a drilling permit issued by the District constitutes a violation of these rules.~~
- ~~6. The operation of a well operated in violation of any conditions of a production permit issued by the District constitutes a violation of these rules.~~
- ~~7. Failure to report groundwater production in accordance with these rules constitutes a violation of these rules.~~
- ~~8. Failure to register a well drilled and completed after the date of the original adoption of the rules of the District constitutes a violation of these rules.~~

~~4.2.16.2. Tampering with, altering, damaging, or removing the seal of a sealed well, or in any other way violating the integrity of the seal, or pumping of groundwater from a well that has been sealed constitutes a violation of these rules and subjects the person performing that action, as well as any owner of groundwater resources, well owner, or primary authorized operator who authorizes or allows that action, to~~

the enforcement provisions of ~~these~~ the rules of the district including penalties set forth in Chapter 36.102 of the Texas Water Code.

RULE 9.1.3: NOTICE RIGHT TO INSPECT, TEST, AND ACCESS TO PROPERTY LOCATE WELLS

~~1. Board members, agents of the District, and employees of the District are entitled to access to any and all property within the District to carry out technical and other investigations necessary to the implementation of these rules.~~

1. Board members, agents of the District, and employees of the District seeking access to property shall give notice. The district shall give notice, in writing or in person or by telephone, to the owner of a property or the owner of a well of the intention of the district and the representatives of the district to access property to investigate or evaluate conditions and circumstances related to groundwater resources at the property or well.

~~2. The district may forego giving notice, in writing or in person or by telephone, to the landowner, landowner agent, or authorized producer owner of a property or the owner of a well, as determined by information contained in the associated application or other information on file with the intention of the District.~~

1.2. Board members, agents of the District, district and employees the representatives of the District seeking district to access to property are not required to give notice to investigate or evaluate conditions and circumstances related to groundwater resources at the property or well if prior permission is was granted by the owner of a property or the owner of a well to enter without notice.

~~A landowner, landowner agent, or authorized operator inhibiting or prohibiting access to any board member, agent of the District, and employee of the District who are attempting to conduct an investigation under these rules constitutes a violation and subjects the person to the penalties set forth in the Texas Water Code Chapter 36.102. The district~~

RULE 9.4: RIGHT TO INSPECT, TEST, AND LOCATE WELLS

2.3. Any authorized officer, employee, agent, or representative of the District shall have the right at all reasonable times to enter upon the lands on which a well or wells may be located within the boundaries of the District district upon notice as provided for in ~~these~~ the rules of the district, and in accordance with provisions of ~~these~~ the rules of the district, to:

1.1. ~~Inspect~~ inspect any existing well, well ~~field~~ fields, or well ~~system~~ systems;

1.2. ~~Read~~ read or interpret any meter, ~~weir box~~ or other instrument for the purpose of measuring the production of groundwater from any existing wells, well fields, or well systems;

1.3. ~~Determine~~ determine the production capacity of groundwater from any existing wells, well fields, or well systems;

1.4. ~~Measure~~ measure the water level or obtain water samples for determining the water quality of groundwater from any existing wells, well fields, or well systems;

1.5. ~~Test~~ test the pump and the power unit of any existing wells, well fields, or well systems;

a. ~~determine~~ determine the ~~well or wells~~;

~~1.5.1.6. Determine the precise~~accurate geographic coordinates of any existing or proposed wells, well fields, or well systems using global positions systems (GPS) or other available methods; or

~~1.6.1.7. Make~~make any other reasonable and necessary inspection or test that may be required or necessary for the enforcement of the rules and regulations of the ~~District~~district.

2. The ~~board of directors may enjoin the~~ operation of ~~any~~ wells, well fields, or well systems ~~may be enjoined~~located on a property upon which access for investigating or evaluating conditions and circumstances related to groundwater resources was refused to the district, after notice as required by the ~~Board immediately upon refusal to allow the gathering of information as rules of the district, was~~ provided ~~from wells, to the associated landowner or well fields, or well systems~~owner.

RULE 9.511.4: CONDUCT OF INVESTIGATION ASSOCIATED WITH INVESTIGATIONS AND INSPECTIONS

~~1. Board members, agents of the District, and employees of the District conducting~~ The district shall conduct investigations ~~or~~and inspections that require entrance upon a property ~~shall be conducted~~ at reasonable times and ~~must be in a manner~~ consistent with the ~~establishment's rules and regulations~~ and requirements concerning safety, internal security, and fire protection.

~~1. Board members, agents of the District, and employees of the District~~landowner, the owner of groundwater resources, or the authorized operator of the well, well field, or well system.

~~2. The representatives of the district~~ conducting investigations and inspections shall ~~identify themselves and~~ present identification and credentials upon request of the landowner, ~~landowner agent, or authorized operator of the well, well field, or well system.~~

~~1.2. Board members, agents~~the owner of the ~~District, and employees~~groundwater resources, or the authorized operator of the District will cooperate with the landowner and adhere to applicable governmental safety protocolswell, well field, or well system of a property on which the representatives of the district are located.

RULE 9.611.5: RULE ENFORCEMENT

1. The ~~Board~~board of directors may institute and conduct a suit in the name of the ~~District~~district for enforcement of rules through the provisions of Chapter 36.102 of the Texas Water Code if ~~it appears~~board of directors conclude that a person has violated, is violating, or is threatening to violate any provision of ~~these~~the rules of the district.
2. The ~~Board~~board of directors may assess penalties in accordance with ~~Chapter~~chapter 36 of the Texas Water Code against any person violating any provision of ~~these~~the rules of the district.

~~1. The Board may adopt an enforcement policy.~~

RULE 9.711.6: SEALING OF WELLS

1. The ~~District~~district may, following due-process and upon orders from a court, affix a well lockout seal on wells and associated equipment that are prohibited from producing groundwater within the ~~District by these rules~~district to ensure that a well is not operated in violation of ~~these~~the rules of the district.
2. ~~A~~The district may affix a well ~~may be sealed~~lockout seal on wells and associated equipment when:
 - a. ~~No~~no application has been made for a ~~drilling permit for a new well which is not excluded or exempted; or~~
 - 2.1. ~~No~~application has been made for an operatingproduction permit to produce groundwater from an existing well that is not excluded or exempted from the requirement that a operatingproduction permit be obtained in order to lawfully produce groundwater; or
 - 2.2. ~~The Board~~the board of directors has denied, canceled or revoked a drillingproduction permit ~~or an operating permit.~~
3. ~~A~~The district may affix a well ~~may be sealed~~lockout seal on wells and associated equipment of a well by physical means and ~~tagged to indicate that the well has been sealed by the District, and~~ other appropriate action ~~may be taken~~ as necessary to ~~preclude~~prevent the operation of the well ~~or to identify unauthorized~~authorized to be sealed under the provisions of the rules of the district.
- 3.4. The district shall tag any well authorized to be sealed under the provisions of the rules of the district to indicate that the well has been sealed by the district and operation of the well.

is prohibited.

~~SECTION 10 - HEARINGS, PERMITTING~~

RULE 11.7: GENERAL PROCEDURES, AND RULE-MAKING PROCEDURES

RELATED TO RULE 40.4: TYPE ENFORCEMENT

1. The general manager shall investigate potential violations of the rules of the district.
2. The general manager shall present any alleged violations of the rules of the district to the board of directors supported by findings of an associated investigation.
3. The general manager may recommend an appropriate settlement offer for consideration by the board of directors to settle any alleged violation in lieu of litigation.
4. The board of directors may instruct the general manager to tender an offer on behalf of the district to settle the violation or to institute a civil suit on behalf of the district in the appropriate court to seek civil penalties.
5. The general manager may proceed with enforcement actions without authorization from the board of directors when necessary to prevent an immediate and imminent danger to public health or the environment.

RULE 11.8: NOTICES OF VIOLATIONS

1. The general manager shall send an initial notice of violation by certified mail to the person who is alleged to have violated the rules of the district explaining or identifying the following:
 - 1.1. the rule, regulation, or requirement that has been violated.
 - 1.2. the necessary actions to be completed by the person who is alleged to have violated the rules of the district to achieve compliance.
 - 1.3. any applications, forms, or documents to be completed by the person who is alleged to have violated the rules of the district to achieve compliance.
 - 1.4. the statutory authority of the district to set reasonable civil penalties not to exceed ten thousand dollars (\$10,000.00) per day per violation, and that each day of a continuing violation constitutes a separate violation in accordance with Chapter 36.102 of the Texas Water Code.
 - 1.5. the preference of the board of directors to settle the violation, initiating lawsuits as a last resort.
 - 1.6. the settlement agreement, if any, whose terms have been agreed upon by the board of directors.
 - 1.7. the requirement that the person who is alleged to have violated the rules of the district must submit a signed settlement agreement and submit any required payment by cashier check or money order in the amount stated in the settlement agreement no later than thirty days (30 days) from the date of the notice of violation.

2. The general manager shall send a second notice of violation by certified mail to the person who is alleged to have violated the rules of the district explaining the consequences of failing to respond, comply, or settle the matter in the notice of violation by certified mail to the person who is alleged to have violated the rules of the district if the district has not received a response within 30 days of the date of the initial notice of violation.

RULE 11.9: NOTICE OF NEED TO FILE SUIT

1. The general manager, in coordination with the general counsel of the district, shall send a notice of need to file suit by certified mail to the person who is alleged to have violated the rules of the district within thirty days (30 days) of the date of the second notice of violation if a satisfactory response to the notices of violation is not received within thirty days (30 days) of the date of the second notice of violation.
2. The general manager shall inform the board of directors of any person who has been sent a notice of need to file suit and not responded within thirty days (30 days) of the date of the notice of need to file.
3. The board of directors shall consider an authorization to pursue enforcement by filing a civil suit at the next regularly scheduled meeting of the board of directors if an immediate and imminent danger to public health or the environment does not exist.
4. The board of directors may call an emergency meeting if an emergency exists, an urgent public necessity exists, or a reasonably unforeseeable situation develops such that the situation cannot afford seventy-two hours (72 hours) of notice required to call a special meeting of the board of directors under the open meetings law.
5. The board of directors may consider an authorization to pursue enforcement by filing a civil suit at an emergency meeting of the board of directors if an immediate and imminent danger to public health or the environment exists.
6. The board of directors may authorize the general manager with the assistance of the general counsel of the district, to pursue enforcement by filing a civil suit.
7. The general manager, with the assistance of the general counsel of the district and authorization of the highest-ranking officer of the board of directors, may pursue enforcement by filing a civil suit if an immediate and imminent danger exists to public health or the environment and the board of directors has not considered the matter at a properly noticed meeting of the board of directors in accordance with the open meetings law.
8. The general counsel of the district shall institute a civil suit on behalf of the district in the appropriate court to seek injunctive relief and civil penalties when authorized under the provisions of the rules of the district.
9. The person who is alleged to have violated the rules of the district may appear before the board of directors to present evidence of any extenuating circumstances or to make a counteroffer to settle the alleged violation.
10. The board of directors may accept a counteroffer or otherwise modify any settlement offer associated with an alleged violation.
11. The general manager shall send notices related to enforcement matters by Certified Mail, Return Receipt Requested through the United States Postal Service.

RULE 11.10: PENALTIES

1. The general manager shall recommend to the board of directors the following penalties to settle alleged violations:
 - 1.1. one hundred dollars (\$100.00) for a single alleged violation per incident;
 - 1.2. two hundred dollars (\$200.00) for each violation per incident when multiple violations are alleged;
 - 1.3. two hundred and fifty dollars (\$250.00) for each re-occurrence of a violation with a 5-year period; and
 - 1.4. one thousand dollars (\$1,000.00) for providing or performing the services of a water well driller without a current license issued by the Texas Department of Licensing and Regulation.
2. The board of directors may assess penalties in excess of the penalties recommended by the general manager as established within the rules of the district in accordance with Chapter 36.102 of the Texas Water Code.

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SECTION 12: PROCEDURES RELATE TO HEARINGS AND OTHER PROCEEDINGS

RULE 12.1: GENERAL POLICIES RELATED TO HEARINGS

- ~~1. The District conducts two general types~~ board of directors shall conduct hearings: hearings involving permit on permitting matters, in which the rights, duties, or privileges of a party are determined after an opportunity for an adjudicative hearing, and rule-making hearings involving matters of general applicability that implement, interpret, or prescribe the law or District policy, or that describe the procedure or practice requirements of the District. Any matter designated for hearing before the District may be referred by the Board for hearing before a hearing examiner.
- ~~2. Permit Hearings:~~
 1. Permit Applications, Amendments, and Revocations: The District shall hold hearings on drilling permits, operating permits, transport permit production permits, transfer permits, permit renewals, permit amendments, permit revocations, and permit suspensions except for those specific permit requests that may be otherwise approved without hearing under the provisions of ~~these~~ the rules. ~~Hearings involving permit matters may be scheduled before a hearing examiner.~~ of the district.
 - ~~a. Hearings on Motions~~ The board of directors shall conduct hearings for Rehearing: Motions motions for Rehearing will be heard by the ~~Board~~ rehearing pursuant to ~~these~~ the rules.
- ~~3. Rule-making Hearings:~~
 2. Rules: As provided by Section 36.101, Texas Water Code, ~~of the Board~~ district.
 - ~~a. The board of directors shall provide notice and conduct a hearing to consider adoption of district rules.~~
 3. District Management Plan as provided by Section 36.1071, Texas Water Code; rulemaking matters of general applicability that implement, interpret, or prescribe the Board law or policy of the district, or that describe the procedure or requirements of the district, or adoption of the rules of the district pursuant to Section 36.101 of the Texas Water Code.
 - ~~2.4.~~ The board of directors shall provide notice and conduct a hearing to consider adoption of ~~a district management plan~~ the Management Plan of the district pursuant to Section 36.1071 of the Texas Water Code.
 - ~~3.5.~~ Other Matters: ~~A public~~ The board of directors shall provide notice and conduct a hearing may be held onto consider any matter within the jurisdiction of the ~~District,~~ district if the ~~Board~~ board of directors deems a hearing to be in the public interest, or necessary to effectively carry out the duties and responsibilities of the ~~District.~~ All hearings shall be conducted with the boundaries of the District district.
 6. The board of directors may refer any matter designated for hearing before the district to a hearing examiner.

RULE 4012.2: NOTICE AND SCHEDULING OF PERMIT-RELATED TO HEARINGS ~~OR~~ AND PROPOSED PERMIT ISSUANCE

~~1. The General Manager, as instructed by the Board, is responsible for giving notice of all permit hearings or proposed permit issuance in the following manner:~~

- ~~1. Notice will~~The applicant of a permit request related to protection of historic use shall, after the application is determined to be administratively complete by the district, publish written notice in a paper of general circulation in District describing the details of the permit request including the name of the applicant, the location of the subject well, the evidence supporting the historic use validation request, the date, time, and location of the scheduled hearing. The date of first publication shall not less than ten days (10 days) before the date of the next scheduled meeting of the board of directors.
- ~~2. The board of directors may instruct the general manager to provide special notice of any matter under its jurisdiction to any persons.~~
- ~~3. The general manager shall give notice of permit hearings or proposed permit issuances in the following manner:~~
 - ~~3.1. a notice of permit hearings shall specify the date, the time, and the location of the hearing, and a description of the permitting request;~~
 - ~~3.2. a notice of proposed permit issuances shall specify the date of the proposed issuance, and a description of the permitting request;~~
 - ~~1.1.3.3. a notice of permit hearings or proposed permit issuances shall be given to each any person who requests copies of hearing notices or proposed permit issuance notices pursuant to the procedures set forth in these the rules, and any other person the Board of Directors deem appropriate. The date of delivery or mailing of notice may the district not be less than ten calendar days (10 days) before the date set for of the hearing or permit issuance;~~
 - ~~3.4. Notice of hearing or proposed permit issuance will~~a notice of permit hearings or proposed permit issuances shall be given to any other person the board of directors deem appropriate not less than ten days (10 days) before the date of the hearing or permit issuance;
 - ~~1.2.3.5. a notice of permit hearings or proposed permit issuances related to non-historic use shall be published at least once in a newspaper of general circulation in the District. The date of publication may district not be less than ten calendar days (10 days) before the date set for of the hearing or proposed permit issuance-;~~
 - ~~1.3.3.6. A copy of the a notice will of permit hearings or proposed permit issuances shall be posted at the district office and county courthouse in the place where notices are usually posted. The date of posting may not be less than ten calendar days (10 days) before the date of the hearing or permit issuance;~~
 - ~~3.7. In addition to the notices required above, when a hearing involves a permit matter, notice of the permit hearings or proposed permit issuances shall be posted on the district's website not less than ten days (10 days) before the date, time, of the hearing or permit issuance; and location of the hearing will~~
 - ~~1.4.3.8. a notice of permit hearings or proposed permit issuances shall be given to the applicant at least not less than ten calendar days (10 days) before the day date of the hearing or permit issuance.~~
 - ~~a. In addition to the notice required above, when a hearing involves~~

~~designation of a Production Limitation Management Area, as provided for in Section 36.116(d) of the Texas Water Code, a copy of the notice must be provided to each landowner, well owner, authorized operator and known groundwater permit holder in the proposed management area.~~

~~2.4. Any~~The general manager shall give notice of permit hearings or proposed permit issuances to any person having an interest in the subject matter of a hearing or proposed permit issuance ~~may receive~~for which the district has received written notice of ~~such hearing or proposed permit issuance by submitting a request in writing to the District. The request must identify~~the interest from the person identifying, with as much ~~specificity as possible~~detail, the subject matter of a hearing or proposed permit issuance for which written notice is requested. The request remains valid for a period of one year from the date of the request, ~~after which time a new request must be submitted. is received by the district.~~ Failure to provide written notice under this section does not invalidate any action taken by the ~~District~~district.

~~b. Hearings may be scheduled, Monday through Friday, except District holidays. Permit hearings will normally be held at the District Office. However, the Board may from time to time change or schedule additional dates, times, and places for permit hearings by resolution adopted at a regular Board meeting. The General Manager is instructed by the Board to schedule hearings involving permit matters at such dates, times, and places set forth above for permit hearings. Other hearings will be scheduled at the dates, times and locations set at a regular Board meeting.~~

- ~~5. The district shall not schedule of permit hearings or proposed permit issuances on Saturdays, Sundays, or holidays.~~
- ~~6. The general manager shall schedule permit hearings or proposed permit issuances at such dates, times, and places that satisfy the public notice requirements established within the rules of the district and facilitates the orderly consideration of the permitting requests in a timely fashion.~~
- ~~7. The general manager shall give notice of hearings related to the designation of a special groundwater management zone that entails limiting groundwater production to less than that provided by Section 6 of the rules of the district, as provided for in Section 36.116(d) of the Texas Water Code, to each landowner, each owner of groundwater resources, each owner of a registered well, and each authorized operator of a production permit within and adjacent to the proposed management area.~~
- ~~8. The general manager shall give notice of hearings related to the designation of a special well construction area, as provided for in Section 36.116(d) of the Texas Water Code, to each landowner, each owner of groundwater resources, each owner of a registered well, and each authorized operator of a production permit within and adjacent to the proposed management area.~~

RULE 4012.3: GENERAL PROCEDURES RELATED TO HEARINGS

- ~~1. Authority of Presiding Officer:~~ The presiding officer ~~may of a hearing or other proceeding shall~~ conduct the ~~hearing or other~~ proceeding in the manner the presiding officer deems most appropriate ~~for the particular proceeding. to obtain all relevant information~~

pertaining to the subject of the hearing as conveniently, inexpensively, and expeditiously as possible.

2. The presiding officer of a hearing or other proceeding may follow the guidelines of "Parliamentary Procedure at a Glance," New Edition, O. Garfield Jones, 1971 revised edition, or as amended.
 - ~~1. has the authority to:~~
 3. SetThe presiding officer of a hearing or other proceeding may:
 - 1.1.3.1. set hearing dates, other than the initial hearing date ~~for permit matters~~ set by the ~~District~~district in accordance with ~~these~~the rules of the district;
 - 1.2.3.2. ~~Convene the~~convene a hearing at the time and place specified in the notice for public hearing;
 - 1.3.3.3. ~~Establish~~establish the jurisdiction of the ~~District~~district concerning the subject matter under consideration;
 - 1.4.3.4. ~~Rule~~rule on motions and on the admissibility of evidence and amendments to pleadings;
 - 3.5. ~~Designate~~designate and align parties ~~and~~;
 - 1.5.3.6. establish the order for presentation of evidence;
 - 1.6.3.7. ~~Administer~~administer oaths to all persons presenting testimony;
 - 1.7.3.8. ~~Examine~~examine witnesses;
 - 1.8.3.9. ~~Issue~~issue subpoenas when required to compel the attendance of witnesses or the production of papers and documents;
 - 1.9.3.10. ~~Require~~require the taking of depositions and compel other forms of discovery under ~~these~~the rules of the district;
 - 1.10.3.11. ~~Ensure~~ensure that information and testimony are introduced as conveniently and expeditiously as possible, without prejudicing the rights of any party to the proceeding;
 - 1.11.3.12. ~~Conduct~~conduct public hearings in an orderly manner in accordance with ~~these~~the rules of the district;
 - 1.12.3.13. ~~Recess~~recess any hearing from time to time and place to place;
 - 1.13.3.14. ~~Reopen~~reopen the record of a hearing for additional evidence when necessary to make the record more complete; and
 - 1.14.3.15. ~~Exercise~~exercise any other appropriate powers necessary or convenient to effectively carry out the responsibilities of the presiding officer.
- ~~2.4. Hearing Registration Forms: Each individual attending A person who desires to testify on the subject of a hearing during the hearing or other proceeding ~~of the District must~~shall submit a form providing the following information: name; address; ~~whether,~~ the ~~person plans~~intention to testify; and any other information relevant to the hearing or other proceeding.~~
5. ~~Appearance; Representative Capacity: Any interested~~The presiding officer of a hearing or other proceeding shall establish the order of testimony.
6. The presiding officer of a hearing or other proceeding may limit the number of times a person may speak, the time period for oral presentations, and the time period for raising questions.
7. The presiding officer of a hearing or other proceeding may limit or exclude cumulative, irrelevant, or unduly repetitious presentations.

8. ~~A person may appear in-person or may be represented by counsel, an engineer, or other another representative provided the representative is fully authorized to speak and act for the principal. Such person or representative may present evidence, exhibits, or testimony, or make an oral presentation in accordance with the procedures applicable to the particular proceeding. Any including:~~
- ~~8.1. any partner may appear on behalf of the partnership. A;~~
- ~~2.1.8.2. a duly authorized officer or agent of a public or private corporation, political subdivision, governmental agency, municipality, association, firm, or other entity may appear for the entity. A fiduciary may appear for a ward, trust, or estate. A person appearing in a representative capacity may be required to prove proper authority.; and~~
- ~~8.3. Alignment a fiduciary may appear for a ward, trust, or estate.~~
9. ~~A person representing a principal of Parties; Number of representatives heard: Participants in a a hearing or other proceeding may be aligned present evidence, exhibits, or testimony, or make an oral presentation in accordance with the procedures applicable to the proceeding.~~
10. ~~The presiding officer of a hearing or other proceeding may require a person appearing in a representative capacity to prove proper authority to represent a principal.~~
11. ~~The presiding officer of a hearing or other proceeding may align participants in a proceeding according to the nature of the proceeding and their relationship to it. the proceeding.~~
- 3.12. ~~The presiding officer of a hearing or other proceeding may require the participants of an aligned class to select one or more persons to represent them in the proceeding or on any particular matter or ruling and may limit the number of representatives heard, but must allow at least one representative of an aligned class to be heard in the proceeding or on any particular matter or ruling.~~
13. ~~Appearance by Applicant or Movant: The applicant, movant or party presiding officer of a hearing or other proceeding may require a person requesting the hearing or other proceeding or a representative should to be present or represented at the hearing or other proceeding. Failure to so appear~~
14. ~~The district may be grounds for withholding withhold consideration of a matter and dismissal dismiss the matter without prejudice or if a principal of a hearing or other proceeding fails to appear or be represented at the hearing or other proceeding.~~
- 4.15. ~~The district may require the rescheduling or continuance of the a hearing or other proceeding if the presiding officer deems it necessary in order to fully develop the record.~~
16. ~~Reporting: Hearings The district may record hearings and other proceedings will be recorded on using audio cassette tape or, at recording devices.~~
17. ~~The district shall provide to the discretion public access to the audio recordings of the hearings or other proceedings recorded by the district.~~
18. ~~The presiding officer, of a hearing or other proceeding may require the proceedings to be recorded by a certified shorthand reporter. The District does not prepare transcripts of hearings or other proceedings recorded on audio cassette tape on District equipment for the public, but the District will arrange access to the recording. Subject~~
19. ~~A person who is a party to a hearing or other proceeding may, subject to availability of space, any party may, at their own expense, arrange for a reporter to report record the~~

hearing ~~or other proceeding~~ or ~~for other proceeding or for the~~ recording of the hearing or other proceeding. ~~The~~

- ~~20. The presiding officer of a hearing or other proceeding may assess the cost of reporting recording or transcribing a permit hearing may be assessed in accordance with these rules. If a proceeding other than a permit hearing is recorded by a reporter, and a copy of the transcript recording of testimony is ordered by any person, the testimony will be transcribed and the original transcript filed with the papers of the proceeding at the expense of the proceeding to any person requesting the transcript recording or transcription.~~
- ~~21. The presiding officer of a hearing or other proceeding shall file the transcription of a recording with the records of testimony. Copies the proceeding.~~
- ~~2. The presiding officer of the transcript of testimony of any a hearing or other proceeding thus reported may be purchased from the reporter.~~
- ~~22. Continuance: The presiding officer may continue hearings or other proceedings from time to time and from place to place without the necessity of publishing, serving, mailing or otherwise issuing a new additional notice. If~~
- ~~5-23. The district shall provide a notice of any further setting of the hearing or other proceeding at a reasonable time to all parties, persons who have requested notice of the hearing pursuant to the rules of the district, except for publishing the notice in a newspaper or posting the notice at the courthouse, and any other person the presiding officer deems appropriate if a hearing or other proceeding is continued and at the time and place (other than the District Office) for the hearing or other proceeding to reconvene are not publicly announced at the hearing or other proceeding by the presiding officer before it is recessed, a notice of any further setting of the hearing or other proceeding will be delivered at a reasonable time to all parties, persons who have requested notice of the hearing pursuant to these rules, and any other person the presiding officer deems appropriate, but it is not necessary to post at the county courthouses or publish a newspaper notice of the new setting.~~
- ~~24. Filing of Documents; Time limit: Applications Any person who intends to contest a permit request shall provide written notice of the intent to the district at least three days (3 days) before the date of the hearing or three days (3 days) before the proposed date of permit issuance as published in the public notice.~~
- ~~25. The general manager shall provide written notice to the applicant of a permitting request of any intent to contest at least one calendar day (1 calendar day) before the date of the hearing or the proposed date of permit issuance as published in the public notice.~~
- ~~6-26. A person filing applications, motions, exceptions, communications, requests, briefs or other papers and documents required to be filed under these the rules of the district or by law must shall be delivered to and received in hand at the District's office of the district within the time limit, if any, set by these the rules of the district or by the presiding officer for filing. Mailing within the time period is insufficient if the submissions are not actually received by the District within the time limit.~~
- ~~27. Computing Time: In A person, when computing any period of time specified by these the rules of the district, by a presiding officer, by Board orders of the board of directors, or by law, shall not include the day of the act, event, or default after which the designated period of time begins to run is not included, but.~~

- ~~7.28. A person, when computing any period of time specified by the rules of the district, by a presiding officer, by orders of the board of directors, or by law, shall include the last day of the period ~~computed is included~~, unless the last day is a Saturday, Sunday or legal holiday as determined by the ~~Board~~ board of directors, in which case the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.~~
- ~~8.29. Affidavit: Whenever The representative of a person or the making counsel of a person may make an affidavit by a party to a hearing or other proceeding ~~is necessary, it may be made by~~ unless statute expressly requires the party or person to make the party's representative or counsel. This rule does not dispense with the necessity of an affidavit ~~being made by a party when expressly required by statute.~~~~
- ~~9.30. Broadening the Issues: No person will shall be allowed to appear in any hearing or other proceeding that, in the opinion of the presiding officer, is for the sole purpose of unduly broadening the issues to be considered in the hearing or other proceeding.~~
- ~~10.31. Conduct and Decorum: Every person, party, representative, witness, and other participant in a proceeding must shall conform to ethical standards of conduct and must exhibit courtesy and respect for all other participants.~~
- ~~11.32. No person may engage in any activity during a proceeding that interferes with the orderly conduct of District business. If in the judgment of the presiding officer, a person is acting in violation of this provision, the presiding officer will first warn the person to refrain from engaging in such conduct. Upon further violation by the same person, the presiding officer may exclude that person from the proceeding for such time and under such conditions as the presiding officer deems necessary. business of the district.~~

~~RULE 10.4: UNCONTESTED PERMIT HEARINGS PROCEDURES~~

- ~~1. Written Notice of Intent to Contest: Any person who intends to contest a permit application must provide written notice of that intent to the District at post office box P.O. Box 1098, Edna, Texas 77957 least three calendar days prior to the date of the hearing or three days prior to the proposed date of permit issuance as published in the public notice. If the General Manager or any other person intends to contest a permit application, the District must provide the applicant written notice of that intent at least three calendar days prior to the date of the hearing or the proposed date of permit issuance as published in the public notice. If no notice of intent to contest is received three calendar days prior to the hearing or the proposed date of permit issuance, the District will cancel the hearing and the Board will consider the permit at the next regular board meeting or issue the permit in accordance with these rules.~~
- ~~33. Informal Hearings: Permit The presiding officer of a hearing or other proceeding shall warn any person, who in the judgement of the presiding officer, is engaging in misconduct during a hearing or other proceeding to refrain from such conduct.~~
- ~~34. The presiding officer of a hearing or other proceeding may exclude any person from a hearing or proceeding for such time and under such conditions as the presiding officer deems necessary if the person has been warned to not engage in misconduct during the hearing or proceeding and has continued to do so following the warning.~~
- ~~35. A person may submit written statements, protests, comments, briefs, affidavits, exhibits, technical reports, or other documents relating to the subject of the hearing or~~

other proceeding no later than the time of the hearing, as stated in the notice of hearing given in accordance with the rules of the district.

36. The presiding officer of a hearing or other proceeding may grant additional time for the submission of documents beyond the time of the hearing, as stated in the notice of hearing given in accordance with the rules of the district.

37. The presiding officer of a hearing or other proceeding associated with any matter referred by board of directors for hearing or other proceedings shall, at the conclusion of the testimony and after the receipt of all documents of proceedings, prepare a report to the board of directors that includes a summary of the subject of the hearing, the testimony received, and the public comments received, and recommendations for action.

38. The presiding officer of a hearing or other proceeding associated with any matter referred by board of directors for hearing or other proceedings shall, upon completion and issuance of the report to the board of directors, submit a copy of the report to the district.

39. The presiding officer of a hearing or other proceeding associated with any matter referred by board of directors for hearing or other proceedings shall, upon completion and issuance of the report to the board of directors, notify any person who requests, in writing, notice of the submittal of the report to the board of directors.

40. The board of directors may, at any time and in any case, remand a matter to the presiding officer of a hearing or other proceeding for further proceedings.

41. A party of a hearing or other proceeding associated with any matter referred by board of directors for hearing or other proceedings may file written exceptions to the report to the board of directors and may request an opportunity to make an oral presentation of exceptions to the board of directors prior to action by the board of directors.

42. The presiding officer of a hearing or other proceeding associated with any matter referred by board of directors may, upon review of the report and exceptions filed, reopen the record for the purpose of developing additional evidence, or may deny the exceptions and submit a final report to the board of directors.

43. The board of directors shall act on the matter hearing or other proceedings within sixty days (60 days) of the receipt of the report to the board of directors.

RULE 12.4: PROCEDURES RELATED TO UNCONTESTED PERMIT HEARINGS

1. The district may conduct permit hearings ~~may be conducted~~ and other proceedings informally when, in the judgment of the ~~hearing examiner~~ presiding officer, the conduct of a proceeding under informal procedures will save time or cost to the parties, lead to a negotiated or agreed on settlement of facts or issues in controversy, and not prejudice the rights of any party.

2. ~~Agreement of Parties: If, during an informal proceeding, all parties reach~~ The district shall declare a ~~negotiated or agreed settlement which, in the judgment of the permitting case an uncontested matter, cancel the associated permit hearing examiner, settles the facts or issues in controversy, the proceeding will be considered,~~ and proceed with the consideration of the permitting request as an uncontested ~~case and matter~~ if notice of intent to contest the permitting case is not received at least three days (3 days) before the hearing ~~examiner will~~ or proposed date of permit issuance.

3. ~~The presiding officer may summarize the evidence, make findings of fact and, make conclusions of law based on, and make appropriate recommendations to the existing record and any board of directors in uncontested permitting cases.~~
- 2.4. ~~The presiding officer shall declare a permitting hearing or other evidence submitted by proceeding a contested matter and convene a prehearing conference as set forth in the parties at rules of the hearing district when:~~
 - 4.1. ~~Decision to Proceed as Uncontested or Contested Case: If the parties to a permitting hearing or other proceeding who have notified the district of the intent to contest a permitting case do not reach a negotiated or agreed settlement of the facts and issues in controversy or if any;~~
 - 4.2. ~~a party to a permitting hearing or other proceeding contests a staff recommendation; or~~
 - 4.3. ~~the facts and the hearing examiner determines these issues in controversy will require extensive discovery proceedings, the hearing examiner will declare the case to be contested and convene a prehearing conference as set forth in these rules. The.~~

RULE 12.5: PROCEDURES RELATED TO CONTESTED PERMIT HEARINGS

1. ~~The presiding officer of a permitting hearing examiner may also or other proceeding associated with a contested matter shall have the same rights, duties, and responsibilities of a presiding officer acting under the Texas Rules of Civil Procedure or the Texas Rules of Evidence, except as modified by the rules of the district, as a court acting under those rules.~~
2. ~~The presiding officer of a permitting hearing or other proceeding associated with a contested matter may recommend issuance of a temporary permit for a period not to exceed 4 months, with any special provisions the hearing examiner presiding officer deems necessary, for the purpose of completing the contested case process. Any case not declared a contested case under this provision is~~
- 1.3. ~~The presiding officer shall declare a permitting hearing or other proceeding an uncontested case and matter, cancel the associated permit hearing examiner will summarize, and proceed with the evidence, make findings consideration of fact and conclusions of law, and make appropriate recommendations to the Board permitting request as an uncontested matter if:~~

RULE 10.5: CONTESTED PERMIT HEARINGS PROCEDURES

- 3.1. ~~Prehearing Conference: A the parties contesting a permitting case reach a negotiated or agreed settlement of the facts and issues in controversy;~~
- 3.2. ~~the parties contesting a permitting case reach a negotiated or agreed settlement regarding staff recommendations; and~~
- 3.3. ~~the facts and issues in controversy will not require extensive discovery proceedings.~~
4. ~~The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall convene and conduct a prehearing conference may be held to consider any matter which may expedite the hearing or otherwise facilitate the hearing contested case process.~~

- ~~4. Matters Considered: Matters which may be considered at a prehearing conference include, including but are not limited to, (1):~~
- ~~1.1.4.1. the designation of parties;~~
 - ~~1.2.4.2. (2) the formulation and simplification of issues;~~
 - ~~1.3.4.3. (3) the necessity or desirability of amending applications or other pleadings;~~
 - ~~1.4.4.4. (4) the possibility of making admissions or stipulations;~~
 - ~~1.5.4.5. (5) the scheduling of discovery;~~
 - ~~1.6.4.6. (6) the identification of and specification of the number of witnesses;~~
 - ~~1.7.4.7. (7) the filing and exchange of prepared testimony and exhibits; and~~
 - ~~1.8.4.8. (8) the procedure at the hearing.~~
- ~~5. Notice: A~~The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall convene and conduct a prehearing conference ~~may be held~~ at a date, time, and place ~~within the District~~ stated in a ~~separate~~ notice given in accordance with ~~these~~the rules of the district, or at the date, time, and place for hearing stated in the notice of public hearing, ~~and may be continued.~~
- ~~2.6. The presiding officer of a permitting hearing or other proceeding associated with a contested matter may continue the prehearing conference from time to time and place to place, at the discretion of the hearing examiner as determined to be necessary or practical by the presiding officer.~~
- ~~3.7. Conference Action: Action~~The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall incorporate any action taken at a prehearing conference ~~may be reduced to in the records of the contested case either in writing and made a part of the record or may be stated on the record or by audio recording~~ at the close of the conference.
- ~~8. Assessing Reporting and Transcription Costs: Upon the timely request of any party, or at the discretion of the hearing examiner, the hearing examiner~~The presiding officer of a permitting hearing or other proceeding associated with a contested matter may assess reporting and transcription costs of the proceedings to one or more of the parties. ~~The hearing examiner must of the proceedings.~~
- ~~4.9. The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall~~ consider the following factors in assessing reporting and transcription costs:
- ~~4.1.9.1. The~~the party ~~which, if any, that~~ requested the transcript;
 - ~~4.2.9.2. The~~the financial ability of the party to pay the costs;
 - ~~4.3.9.3. The~~the extent to which the party participated in the hearing;
 - ~~4.4.9.4. The~~the relative benefits to the various parties of having a transcript;
 - ~~4.5.9.5. The~~the budgetary constraints of a governmental entity participating in the proceeding; and
 - ~~4.6.9.6. Any~~any other factor that is relevant to a just and reasonable assessment of costs.
- ~~10. In any proceeding where the assessment of reporting or transcription costs is an issue, the Hearing Examiner must~~The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall provide the parties of a proceeding an opportunity to present evidence and argument on the issue. ~~A of assessment of reporting or transcription costs.~~

- ~~5.11. The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall provide a recommendation regarding the assessment of costs must be included in the Hearing Examiner's final report to the Board of directors.~~
- ~~12. Designation of Parties: Parties to a hearing will be designated. The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall designate the parties of the contested case on the first day of hearing or at such other time as determined by the Hearing Examiner determines. presiding officer.~~
- ~~13. The General Manager and presiding officer of a permitting hearing or other proceeding associated with a contested matter shall designate the general manager a party to any contested case.~~
- ~~14. The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall designate any person specifically named in a matter are automatically designated parties. Persons other than the automatic parties must, in order to be admitted contested case matter as a party, appear at to the contested case.~~
- ~~15. The presiding officer of a permitting hearing or other proceeding associated with a contested matter may admit a person as party to a contested case if the person appears at the proceeding in-person or by representative and seek seeks to be designated. After as a party.~~
- ~~6.16. The presiding officer of a permitting hearing or other proceeding associated with a contested matter may admit a person as party to a contested case after the parties are designated, no other person may be admitted as a party unless if, in the judgment of the hearing examiner presiding officer, there exists good cause and the hearing will not be unreasonably delayed.~~
- ~~17. Rights of Designated Parties: Subject to the The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall provide direction and orders of to the hearing examiner, parties have of a contested case regarding the rights to:~~
- ~~6.1.17.1. conduct discovery,~~
 - ~~6.2.17.2. present a direct case,~~
 - ~~6.3.17.3. cross-examine witnesses,~~
 - ~~6.4.17.4. make oral and written arguments,~~
 - ~~6.5.17.5. obtain copies of all documents filed in the proceeding,~~
 - ~~6.6.17.6. receive copies of all notices issued by the District district concerning the proceeding, and~~
 - ~~6.7.17.7. otherwise fully participate in the proceeding.~~
- ~~18. Persons Not Designated Parties: At the discretion The presiding officer of the a permitting hearing examiner, persons not designated as parties to a or other proceeding associated with a contested matter may submit accept comments or and statements, orally or in writing. Comments or from a person not designated as a party to a contested case.~~
- ~~19. The presiding officer of a permitting hearing or other proceeding associated with a contested matter may include comments and statements submitted by non-parties may be included in the record, but may accepted from a person not be considered by designated as a party to a contested case in the final report to the board of directors.~~

- ~~7.20.~~ The presiding officer of a permitting hearing examiner or other proceeding associated with a contested matter shall not consider comments and statements from a person not designated as a party to a contested case as evidence in the contested case.
- ~~21.~~ Furnishing Copies of Pleadings: After parties have been designated, A party to a contested case shall provide a copy of every each pleading, request, motion, or reply filed in the proceeding must be provided by the author to every other party or the party's representative. A certification of this fact must accompany the original
- ~~22.~~ A party to a contested case shall certify that, prior to filing the instrument when with the district, a copy of the instrument was provided to every other party.
- ~~8.23.~~ The presiding officer of a permitting hearing or other proceeding associated with a contested matter may withhold consideration of a filed with the District. Failure instrument if the party filing the instrument failed to provide copies may be grounds for withholding consideration of the pleading or the matters set forth therein every other party before filing the instrument with the district.
- ~~9.24.~~ Interpreters for Deaf Parties and Witnesses: If The presiding officer of a party permitting hearing or subpoenaed witness in other proceeding associated with a contested case is deaf, the District must matter shall provide an interpreter whose qualifications are approved by the State Commission for the Deaf and Hearing Impaired to interpret the proceedings for that person. "Deaf person" means a person who has a hearing impairment, whether or not the person also has a speech impairment that inhibits the person's comprehension of the proceedings or communication with others. a deaf person who is a party or subpoenaed witness to a contested case.
- ~~10.25.~~ Agreements to be in Writing: No The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall not consider an agreement between parties or their representatives affecting any pending matter will be considered by unless the hearing examiner unless it is agreement is provided in writing, signed, and filed as part of the record, or unless it the agreement is announced at the hearing and entered as record.
- ~~26.~~ Discovery: Discovery will be conducted upon such terms and The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall order and specify the conditions, terms, and at such times and places, as directed by the Hearing Examiner. Unless specifically modified by these rules or by order of the Hearing Examiner, under which discovery will be may be conducted.
- ~~27.~~ The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall require discovery to be governed by, and subject to the limitations set forth in, the Texas Rules of Civil Procedure. In unless modified by the rules of the district or order of the presiding officer.
- ~~11.28.~~ The presiding officer of a permitting hearing or other proceeding associated with a contested matter may authorize, by agreement or order of the presiding officer, the parties of a contested case to exchange informal requests for information in addition to the forms of discovery authorized under the Texas Rules of Civil Procedure, the parties may exchange informal requests for information, either by agreement or by order of the Hearing Examiner.
- ~~12.29.~~ Discovery Sanctions: If the Hearing Examiner finds The presiding officer of a permitting hearing or other proceeding associated with a contested matter, in response

to finding a party to a contested case is abusing the discovery process in seeking, responding to, or resisting discovery, ~~the Hearing Examiner~~ may:

~~12.1.29.1. Suspend~~ suspend the processing of the application for a Permit if the applicant is the offending party;

~~12.2.29.2. Disallow~~ prohibit any further discovery of any kind or a particular kind by the offending party;

~~12.3.29.3. Rule~~ rule that particular facts be regarded as established against the offending party for the purposes of the proceeding; in accordance with the claim of the party obtaining the discovery ruling;

~~12.4.29.4. Limit~~ limit the offending party's participation in the proceeding;

~~12.5.29.5. Disallow the offending party's~~ prohibit presentation of evidence of the offending party on issues that were the subject of the discovery request; ~~and/or~~

~~12.6.29.6. Recommend~~ recommend to the ~~Board~~ board of directors that the hearing be dismissed with or without prejudice.

~~30. Ex Parte Communications: The Hearing Examiner may~~ The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall not communicate, directly or indirectly, in connection with any issue of fact or law with any agency, person, party, or their representatives, except on notice and opportunity for all parties to participate. ~~This provision does not prevent communications~~

~~13.31. The presiding officer of a permitting hearing or other proceeding associated~~ with a contested matter may communicate with the staff of an agency other than the ~~District~~ district not directly involved in the hearing to utilize the special skills and knowledge of the agency in evaluating the evidence.

~~32. Compelling Testimony; Swearing Witnesses and Subpoena Power: The Hearing Examiner~~ The presiding officer of a permitting hearing or other proceeding associated with a contested matter may compel the testimony of any person which is necessary, helpful, or appropriate to the hearing. ~~The Hearing Examiner will~~

~~33. The presiding officer of a permitting hearing or other proceeding associated with a~~ contested matter shall administer the oath in a manner calculated to impress the witness with the importance and solemnity of the promise to adhere to the truth. ~~The Hearing Examiner~~

~~14.34. The presiding officer of a permitting hearing or other proceeding associated with a~~ contested matter may issue subpoenas to compel the testimony of any person and the production of books, papers, documents, or tangible things, in the manner provided in the Texas Rules of Civil Procedure.

~~35. Evidence: Except as modified by these rules,~~ The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall rely upon and utilized the Texas Rules of ~~Civil~~ Evidence to govern the admissibility and introduction of evidence; ~~however, except as modified by the rules of the district,~~

~~36. The presiding officer of a permitting hearing or other proceeding associated with a~~ contested matter may admit evidence not admissible under the Texas Rules of ~~Civil~~ Evidence ~~may be admitted~~ if ~~the evidence~~ is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. ~~In addition, evidence~~

~~15.37. The presiding officer of a permitting hearing or other proceeding associated with a~~ contested matter may ~~be~~ admit evidence stipulated by agreement of all parties.

- ~~16.38. Written Testimony: When~~ The presiding officer of a permitting hearing or other proceeding associated with a contested matter may receive testimony and be admitted into evidence in written form when a proceeding will be expedited and the interest of the parties will not be prejudiced substantially, testimony may be received in written form.
- ~~17.39. The~~ presiding officer of a permitting hearing or other proceeding associated with a contested matter may admit the written testimony of a witness into evidence, either in narrative or question and answer form, ~~may be admitted into evidence~~ upon the witness being sworn and identifying the testimony as a true and accurate record of what the testimony would be if given orally. ~~The witness will be subject to clarifying questions and to cross-examination, and the prepared testimony will be subject to objection.~~
- ~~40. Requirements for Exhibits: Exhibits~~ The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall require the witness to be subject to clarifying questions and to cross-examination.
- ~~41. A party to contested case may object to the prepared testimony of a witness.~~
- ~~42. The~~ presiding officer of a permitting hearing or other proceeding associated with a contested matter shall require exhibits of a documentary character must be sized to not unduly encumber the files and records of the ~~District. All exhibits must~~ district.
- ~~18.43. The~~ presiding officer of a permitting hearing or other proceeding associated with a contested matter shall require all exhibits to be numbered and, except for maps and drawings, ~~may~~ not exceed 8-1/2 by 11 inches in size.
- ~~44. Abstracts of Documents: When documents are numerous, the Hearing Examiner may~~ The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall only receive in evidence ~~only those which~~ documents that are representative ~~and may require the abstracting~~ of relevant data ~~from~~ to the contested case.
- ~~45. The~~ presiding officer may require a party submitting documents as evidence to abstract relevant data and present the ~~presentation of the abstracts in the form of abstract~~ an exhibit. ~~Parties have the right~~
- ~~2. A party of a contested case shall be entitled~~ to examine the ~~any~~ documents ~~from which the abstracts are made.~~
- ~~46. Introduction abstracted and Copies of Exhibits: Each exhibit offered must be tendered~~ presented as evidence.
- ~~47. A party of a contested case shall tender~~ for identification and each exhibit offered to be placed in the record. Copies must be furnished to the Hearing Examiner
- ~~19.48. A party of a contested case that tender exhibits shall furnish copies to the presiding officer of a permitting hearing or other proceeding associated with a contested matter and to each of the parties, unless the Hearing Examiner~~ presiding officer rules otherwise.
- ~~49. Excluding Exhibits: In the event an exhibit has~~ A party of a contested case that offer exhibits which have been identified, objected to, and excluded, ~~it may be withdrawn by the offering party. If withdrawn, withdraw~~ the exhibit ~~will be returned and if~~ the offering party waives all objections to the exclusion of the exhibit. ~~If not withdrawn, the exhibit will be included~~
- ~~50. The~~ presiding officer of a permitting hearing or other proceeding associated with a contested matter shall return a withdrawn exhibit if the offering party waives all objections to the exclusion of the exhibit.

- ~~20.51. The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall not return a withdrawn exhibit but include the exhibit in the record of the proceeding for the purpose of preserving the objection to excluding the exhibit. if the offering party does not waive all objections to the exclusion of the exhibit.~~
- ~~52. Official Notice: The Hearing Examiner~~The presiding officer of a permitting hearing or other proceeding associated with a contested matter may take official notice of all facts judicially cognizable. ~~In addition, official notice may be taken of~~
- ~~21.53. The presiding officer of a permitting hearing or other proceeding associated with a contested matter may take official notice of~~ generally recognized facts within the area of the District's specialized knowledge ~~of the district.~~
- ~~22.54. Documents in District Files: Extrinsic~~The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall not require extrinsic evidence of authenticity ~~is not required~~ as a condition precedent to admissibility of documents maintained in the files and records of the ~~District~~district.
- ~~55. Oral Argument: At the discretion of the Hearing Examiner,~~The presiding officer of a permitting hearing or other proceeding associated with a contested matter may allow oral arguments ~~may to~~ be heard at the conclusion of the presentation of evidence. ~~Reasonable with reasonable~~ time limits ~~may be being~~ prescribed. ~~The Hearing Examiner by the presiding officer.~~
- ~~56. The presiding officer of a permitting hearing or other proceeding associated with a contested matter may require or accept written briefs in lieu of, or in addition to, oral arguments. When~~
- ~~23.57. The board of directors may hear additional oral arguments when the permitting hearing or other proceeding associated with a contested matter is presented to the Board~~board of directors for final decision, ~~further oral arguments may be heard by the Board.~~

~~RULE 10.6: CONCLUSION OF THE HEARING; REPORT~~

- ~~24.58. Closing the Record; Final Report: At the conclusion of the presentation of evidence and any oral argument, the Hearing Examiner~~The presiding officer of a permitting hearing or other proceeding associated with a contested matter may either close the record or keep it open and allow the submission of additional evidence, exhibits, briefs, or proposed findings and conclusions from one or more of the parties. ~~No additional evidence, exhibits, briefs, or proposed findings and conclusions may be filed unless permitted or requested by the Hearing Examiner. After the record is closed, the Hearing Examiner will prepare a report to the Board. The report must include a summary of the evidence, together with the Hearing Examiner's findings and conclusions and recommendations for action. Upon completion and issuance of the Hearing Examiner's report, a copy must be submitted to the District and delivered to each party to the proceeding. In a contested case, delivery to the parties must be by certified mail. at the conclusion of the presentation of evidence and any oral argument.~~
- ~~1. Exceptions to the Hearing Examiner's Report; Reopening the Record: Prior to Board action any party in a contested case may file written exceptions to the Hearing Examiner's report, and any party in an uncontested case may request an opportunity to make an oral presentation of exceptions to the Board. Upon review of the report and exceptions, the Hearing Examiner may reopen the record for the~~

purpose of developing additional evidence, or may deny the exceptions and submit the report and exceptions to the Board. The Board may, at any time and in any case, remand the matter to the Hearing Examiner for further proceedings.

~~59. Time for Board Action on Certain Permit Matters: In the case of hearings involving new permit applications, original applications for existing wells, or applications for permit renewals or amendments, the Hearing Examiner's report should be submitted, and the Board should act, within 60 calendar days after the close of the hearing record. A party of a contested case shall not file additional evidence, exhibits, briefs, or proposed findings and conclusions after the record is closed unless permitted or requested by the presiding officer.~~

The

~~RULE 10.7: RULE-MAKING HEARINGS PROCEDURES~~

~~12.1. General Procedures: The presiding officer will conduct the rulemaking hearing in the manner the presiding officer deems most appropriate to obtain all relevant information pertaining to the subject of the hearing as conveniently, inexpensively, and expeditiously as possible. The presiding officer may follow the guidelines of "Parliamentary Procedure at a Glance," New Edition, O. Garfield Jones, 1971 revised edition, or as amended.~~

- ~~1. Submission of Documents: Any interested person may submit written statements, protests or comments, briefs, affidavits, exhibits, technical reports, of a permitting hearing or other documents relating to the subject of the hearing. Such documents must be submitted no later than the time of the hearing, as stated in the notice of hearing given in accordance proceeding associated with these rules; provided, however, that the presiding officer may grant additional time for the submission of documents.~~
- ~~2. Oral Presentations: Any person desiring to testify on the subject of the hearing must so indicate on the registration form provided at the hearing. The presiding officer establishes the order of testimony and may limit the number of times a person may speak, the time period for oral presentations, and the time period for raising questions. In addition, the presiding officer may limit or exclude cumulative, irrelevant, or unduly repetitious presentations.~~

~~25.60. Conclusion of the Hearing; Closing the Record; Hearing Examiner's Report: At the conclusion of the testimony, and after the receipt of all documents, the presiding officer may either close the record, or keep it open to allow the submission of additional information. If the presiding officer is a Hearing Examiner, the Hearing Examiner must contested matter shall, after the record is closed, prepare a report to the Board. The report must include board of directors that includes a summary of the subject of the hearing and the public comments received, together with the Hearing Examiner's evidence and the findings, conclusions, and recommendations for action. Upon completion and issuance of the Hearing Examiner's report, a copy must be submitted to the Board. Any interested person who so requests in writing will be notified when the report is completed, and furnished a copy of the report. of the presiding officer.~~

~~61. Exceptions The presiding officer of a permitting hearing or other proceeding associated with a contested matter shall, upon completion and issuance of the final report of the presiding officer, submit a copy of the final report to the Hearing Examiner's Report;~~

~~Reopening the Record: Prior to district and each party to Board action, any interested person~~ the proceeding by certified mail.

~~62. A party of a contested case may file written exceptions to the Hearing Examiner's final report, of the presiding officer and may request an opportunity to make an oral presentation of exceptions to the Board. Upon board of directors prior to action by the board of directors.~~

~~26-63. The presiding officer of a permitting hearing or other proceeding associated with a contested matter may, upon review of the report and exceptions, the Hearing Examiner may filed, reopen the record for the purpose of developing additional evidence, or may deny the exceptions and submit the final report and exceptions to the Board. The Board may, at any time and in any case, remand the matter to the Hearing Examiner for further proceedings-board of directors.~~

RULE 10.8: FINAL DECISION; APPEAL

~~64. Board Action: After~~The board of directors may, at any time and in any case, remand a matter to the presiding officer of a permitting hearing or other proceeding associated with a contested matter for further proceedings.

~~65. The board of directors shall act on the contested matter within sixty days (60 days) of the receipt of the final report of the presiding officer of a permitting hearing or other proceeding associated with the contested matter.~~

RULE 12.6: PROCEDURES RELATE TO DECISIONS, REHEARINGS, AND APPEALS

1. ~~The board of directors may, after~~ the record is regarding a matter for which a hearing or other proceeding has closed and ~~the matter any resulting report~~ is submitted to the District, ~~the Board may then~~board of directors, take the matter under advisement, continue ~~the matter~~ from day to day, reopen or rest the matter, refuse the action sought or grant the same in whole or part, or take any other appropriate action. ~~The Board action takes effect at the conclusion of the meeting and is not affected by a motion for rehearing.~~

2. ~~Requests~~The district, the representatives of District, and the parties to any matter considered as part of a hearing or other proceeding of the district shall consider any associated actions to be in effect at the conclusion of the meeting at which the action was taken and not affected by a motion for Rehearing: Any rehearing.

3. A party to any matter considered as part of a hearing or other proceeding of the district may appeal a decision of the ~~Board on a matter may be appealed~~board of directors by requesting a rehearing before the ~~Board~~board of directors within ~~20 calendartwenty~~ days (~~20 days~~) of the ~~Board's~~ decision. ~~Such a rehearing request must be filed at the District Office by the board of directors.~~

4. A party to any matter considered as part of a hearing or other proceeding of the district requesting a rehearing shall file the request for rehearing with the district in writing stating clearly and ~~must state clear and concise~~concisely grounds for the request. Such

5. A party to any matter considered as part of a hearing or other proceeding of the district shall not seek an appeal of an associated decision if a request for rehearing was not submitted to the district in accordance with the rules of the district.
6. The board of directors shall either grant or deny the request for rehearing within ninety days (90 days) of submission.
7. The board of directors shall schedule a rehearing within forty-five days (45 days) if a rehearing request is mandatory with respect to any decision or action of the Board before any appeal may be brought. The Board's granted by the board of directors unless otherwise agreed to by the parties to the proceeding.
- 2.8. The district, the representatives of District, and the parties to any matter considered as part of a hearing or other proceeding of the district shall consider any associated decision ~~is of the board of directors as~~ final if ~~no~~ a request for rehearing is not made within the specified time, or upon the ~~Board's~~ denial of the request for rehearing by the board of directors, or upon rendering a decision after rehearing. ~~If the rehearing request is granted by the Board, the date of the rehearing will be within 45 calendar days thereafter, unless otherwise agreed to by the parties to the proceeding. The failure of the Board to grant or deny the request for rehearing within 90 calendar days of submission will be deemed to be a denial of the request.~~