LOST PINES GROUNDWATER CONSERVATION DISTRICT

Special-Called Board Meeting
Wednesday, April 19, 2023 – 6:00 p.m.

Bastrop Convention & Exhibit Center
1408 N Chestnut St.
Bastrop, TX 78602

AGENDA

The subjects to be discussed are as listed below. Items may or may not be taken in the same order as shown on the meeting notice. The Board will not take action on any items below.

FILED AND RECORDED

APR 12 2023

SHARON BLASIG
COUNTY CLERK, LEE COUNTY TEXAS

1) Call to Order, Welcome and Introductions – President Elvis Hernandez

2) Public Comments – limit 3 minutes each person
   a) Non-Agenda Items
   b) Agenda Items

3) Special Agenda – Rules Workshop
   a) Presentation by the District's Hydrogeologist.
   b) Workshop on published draft rule changes* related to production limits and curtailment (Rules 9.1, 9.3), historic use (Section 17), and protection of groundwater quality (Section 18).

   *Draft Rules for workshop discussion are available here:
   https://www.lostpineswater.org/DocumentCenter/View/293/Lost-Pines-GCD-Rules-FINAL-Adopted-31523-w-Proposed-Rule-Changes

Adjourn.

Date: April 12, 2023

Peggy Campion
Peggy Campion, Assistant Secretary

Note: The Board may recess into Executive Session to consult with its attorneys regarding any posted matter in which the Board may seek the advice of its attorneys under Government Code 551.071 or for any action on the agenda for which a closed session is permitted by law, and will reconvene in open session for any appropriate action on any matter considered in Executive Session.

Note on Public Comments: The Board will receive comments from the public on any matters within the jurisdiction of the Lost Pines Groundwater Conservation District. However, the Board will not hear public comments related to any contested case hearing or other litigation matter that is subject to a prohibition on ex parte communications (including a contested permitting matter) between the conclusion of the public hearing for such matter and the date the Board considers a proposal for decision or renders a final decision on the matter. The Board will not take action on public comments, but may request that matters addressed during public comments be placed on a future agenda for consideration.

Persons with disabilities who plan to attend the District's agenda and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print, or Braille are requested to contact Peggy Campion, Assistant Secretary, at 512-360-5038 at least two (2) workdays prior to the agenda, so that appropriate arrangements can be made. Persons who desire the assistance of an interpreter in conjunction with their oral presentation at this district agenda are requested to contact Peggy Campion, Assistant Secretary, at 512-360-5038 at least five (5) days prior to the agenda so that appropriate arrangements can be made.

FILED

APR 12 2023
Krista Bartsch
Bastrop County Clerk

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ADDITIONS
~~**DELETIONS**~~

Last Amended March 15, 2023

PROPOSED RULE CHANGES
3/17/23

RULES OF THE LOST PINES GROUNDWATER CONSERVATION DISTRICT

TABLE OF CONTENTS

SECTION 1:	**DEFINITIONS**	**1**
SECTION 2:	**GENERAL PROVISIONS**	**7**
Rule 2.1	Board of Directors	7
Rule 2.2	General Manager	7
Rule 2.3	Regulatory Fees	8
Rule 2.4	Purpose and Effect of Rules	8
Rule 2.5	Amending of Rules	9
Rule 2.6	Headings and Captions	9
Rule 2.7	Severability	9
Rule 2.8	Confidential Information	9
SECTION 3:	**EXEMPT WELLS AND NON-EXEMPT WELLS**	**9**
Rule 3.1	Wells Exempt From Obtaining Operating Permit (Exempt Wells)	9
Rule 3.2	Wells Requiring Operating Permit (Non-Exempt Wells)	11
SECTION 4:	**WELL REGISTRATION FOR EXEMPT WELLS AND NON-EXEMPT WELLS**	**12**
Rule 4.1	Required Well Registration	12
Rule 4.2	Well Registration Application	12
Rule 4.3	Approval of Well Registration	13
Rule 4.4	Time Limit for Completion of New Exempt Well	14
SECTION 5:	**OPERATING PERMITS FOR NON-EXEMPT WELLS**	**15**
Rule 5.1	Operating Permit Application	15
Rule 5.2	Processing of Operating Permit Application	16
Rule 5.3	Operating Permit Provisions	18
Rule 5.4	Operating Permit Term	21
Rule 5.5	Time Limit for Completion of Permitted Well	21
Rule 5.6	Time Limit for Operation of Permitted Well	21
Rule 5.7	Renewal of Operating Permit	22
SECTION 6:	**TRANSPORT PERMITS**	**24**
Rule 6.1	Required Transport Permit	24
Rule 6.2	Transport Permit Application	24

PROPOSED RULE CHANGES
3/17/23

Rule 6.3	Processing of Transport Permit Application	25
Rule 6.4	Transport Permit Provisions	26
Rule 6.5.	Terms of Transport Permit	26
Rule 6.6	Renewal of Transport Permit	27
SECTION 7:	**CHANGE IN WELL CONDITIONS OR OPERATIONS; CHANGE IN OWNERSHIP; REPLACEMENT WELLS**	**29**
Rule 7.1	Changes to Well Conditions or Operations for Exempt Wells and Non-Exempt Wells Requiring Operating Permit Application	29
Rule 7.2	Amendments to Operating Permit for Non-Exempt Wells	29
Rule 7.3	Amendments to Transport Permit	31
Rule 7.4	Transfer of Ownership and Well Registration for Exempt Wells and Non-Exempt Wells	32
Rule 7.5	Transfer of Operating Permit for Non-Exempt Wells	32
Rule 7.6	Transfer of Transport Permit	33
Rule 7.7	Replacement Wells for Exempt Wells and Non-Exempt Wells	34
SECTION 8:	**SPACING REQUIREMENTS**	**36**
Rule 8.1	Purpose and Applicability	36
Rule 8.2	Minimum Well Spacing Requirements	36
Rule 8.3	Well Spacing Variances	36
SECTION 9:	**PRODUCTION LIMITS FOR NON-EXEMPT WELLS**	**38**
Rule 9.1	Production Limits	38
Rule 9.2	Management Zones	38
SECTION 10:	**WELL LOCATION AND CONSTRUCTION STANDARDS**	**39**
Rule 10.1	Well Location	39
Rule 10.2	Well Construction	39
Rule 10.3	Re-completions	40
SECTION 11:	**REPORTING**	**41**
Rule 11.1	Filing State Reports	41
Rule 11.2	Water Use Reports	41
SECTION 12:	**PROHIBITION AGAINST WASTE AND POLLUTION**	**43**
Rule 12.1	Wasteful Use	43
Rule 12.2	Groundwater Pollution	43
Rule 12.3	Waste Prevention	43
Rule 12.4	Deteriorated Well	43

PROPOSED RULE CHANGES
3/17/23

SECTION 13: INVESTIGATIONS AND ENFORCEMENT 44
Rule 13.1 Notice and Access to Property 44
Rule 13.2 Notice of Violation of Water Code, District Rules or Permits 44
Rule 13.3 Penalties for Violation of District Rules 44
Rule 13.4 Civil Enforcement of Water Code and District Rules 44
Rule 13.5 Revocation of an Operating Permit or Transport Permit 45
Rule 13.6 Closing or Capping of Wells 45

SECTION 14: PROCEDURE FOR ADOPTION OF RULES 47
Rule 14.1 Hearing on Rules Other Than Emergency Rules 47
Rule 14.2 Hearing on Emergency Rules 49

SECTION 15: PROCEDURES FOR APPLICATIONS AND OTHER MATTERS 50
Rule 15.1 Permit Applications Requiring a Public Hearing 50
Rule 15.2 Permit Applications Requiring a Contested Case Hearing 55
Rule 15.3 Rehearing of Decision on Permit Application Requiring a Contested Case Hearing 59
Rule 15.4 Applications Not Requiring a Public Hearing 59
Rule 15.5 Variances or Extensions of Time 61
Rule 15.6 Appeals of General Manager Decisions 61
Rule 15.7 Enforcement Proceedings 62
Rule 15.8 Public Participation 63

SECTION 16: PROCEDURES FOR AQUIFER STORAGE AND RECOVERY PROJECTS 65
Rule 16.1 Registration and Fee 65
Rule 16.2 Reporting 65
Rule 16.3 Permitting, Spacing and Production Requirements 65
Rule 16.4 ASR Projects and Desired Future Conditions Planning 65

SECTION 17: HISTORIC USE

SECTION 18: PROTECTION OF GROUNDWATER QUALITY

PROPOSED RULE CHANGES
3/17/23

RULES OF THE

LOST PINES GROUNDWATER CONSERVATION DISTRICT

Notice of proposed amendments to the Rules of the Lost Pines Groundwater Conservation District was published on November 8, 2022 and February 14, 2023, and the Rules were last amended by Board action on March 15, 2023.

In accordance with Section 59 of Article XVI of the Texas Constitution and Act of Senate Bill 1911, 76th Texas Legislature, and the non-conflicting provisions of Chapter 36, Texas Water Code the following Rules are hereby ratified and adopted as the Rules of this District by its Board. 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 and the Rules of this District. To the end that these objectives are attained, these Rules will be so construed.

In adopting these rules, The District considered all groundwater uses and needs; developed rules that are fair and impartial; considered the groundwater ownership and rights described by Section 36.002; considered the public interest in conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and in controlling subsidence caused by withdrawal of groundwater from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution; and considered the goals developed as part of the district's management plan under Section 36.1071; and developed rules that do not discriminate between land that is irrigated for production and land that was irrigated for production and enrolled or participating in a federal conservation program.

ADDITIONS
~~**DELETIONS**~~

Last Amended March 15, 2023

PROPOSED RULE CHANGES
3/17/23

The District is authorized under § 36.101 of the Texas Water Code to make and enforce Rules, including Rules limiting groundwater production and the spacing of wells, to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater and to carry out the powers and duties provided by Chapter 36 of the Texas Water Code. The District incorporates by reference all authorities granted to the District by the District Act and Chapter 36 of the Texas Water Code into its District Rules. These Rules are effective as of 3/15/23 and apply to all matters before the District matters on or after that date.

SECTION 1: DEFINITIONS

"**Agriculture**" means:

(1) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;

(2) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or nonsoil media, by a nursery grower;

(3) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;

(4) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure;

(5) wildlife management; and

(6) raising or keeping equine animals.

"**Administratively Complete**" means: (1) that all information requested by the District has been fully and accurately provided; and (2) that all applicable fees have been paid.

"**Aggregated Well Field**" means multiple non-exempt wells drilled into the same aquifer unit and are in the same Well System, as defined herein.

"**Agricultural Use**" means any use or activity involving agriculture, including irrigation. Irrigation of a golf course is not an agricultural use.

PROPOSED RULE CHANGES
3/17/23

"**Aquifer storage and recovery (ASR) project**" means a project involving the injection of water into a geologic formation for the purpose of subsequent recovery and beneficial use by the ASR project operator.

"**ASR project operator**" means a person holding an authorization from the Texas omission on Environmental Quality to undertake an aquifer storage and recovery project.

"**Aquifer Unit**" means the Sparta aquifer unit, the Queen City aquifer unit, the Carrizo aquifer unit, the Calvert Bluff aquifer unit, the Simsboro aquifer unit, the Hooper aquifer unit, or any other formation or sand from which groundwater is produced.

"**Beneficial Use**" means use of water for one of the following beneficial purposes, without waste:

(1) agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational, or pleasure purposes;

(2) exploring for, producing, handling, or treating oil, gas, sulphur, or other minerals; or

(3) any other purpose that is useful and beneficial to the user.

"**Board**" means the Board of Directors of the Lost Pines Groundwater Conservation District.

"**Completion of a well**" means the date when the construction of a water well is finished, excluding setting the pump.

"**Contested Case**" means an application or other matter for which the Board has granted a request for a contested case hearing.

"Contiguous Acre" means the land and the water rights are: (i) are located within the District; (ii) are owned or controlled by the well owner or operator; (iii) are on one or more tracts that are adjacent each to the other and are located within a continuous common boundary with the land on which the well is located; (iv) are associated with the same aquifer as that for which production is to be permitted for the well; and (v) the water quality of the aquifer underlying the well site and that part of the aquifer underlying the contiguous land is substantially the same; a waiver or variance is obtained; or the land and water rights that are owned or controlled by the well owner or operator are separated only by a road, highway, railroad or other right-of-way, or river from the other land and water rights within the District that are owned or controlled by the well owner or operator.

PROPOSED RULE CHANGES
3/17/23

"**Critical Infrastructure**" means the infrastructure provided in Texas Government Code section 421.001(2).

"**Dedicated**" means committed to a definite use.

"**Desired Future Condition**" means a quantitative description, adopted in accordance with Texas Water Code section 36.108, of the desired condition of the groundwater resources in the District at one or more specified future times.

"**Deteriorated Well**" means a well that, because of its condition, will cause or is likely to cause pollution of any water in the State, including groundwater.

"**District**" means the Lost Pines Groundwater Conservation District.

"**District Fee Schedule**" means the schedule of fees charged by the District, adopted in accordance with Rule 2.3.

"**District Management Plan**" means a management plan developed by the District pursuant to Texas Water Code section 36.1071.

"**District Office**" means the office of the District, which is designated by and may be changed by resolution of the Board.

"**Domestic Use**" means use of water by an individual or a household to support domestic activity. Such use may include water for drinking, washing, or culinary purposes; for irrigation of lawns, or of a family garden and/or orchard; for watering of domestic animals; and for water recreation including aquatic and wildlife enjoyment. 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.

"**End User**" means the person or entity that makes beneficial use of the water withdrawn from a well, including, but not limited to, an agricultural user, industrial user, mining user, municipal user, or Retail Public Water Utility. End user does not include the retail customers of a retail public water utility.

"**Exempt well**" means a well that is not required to obtain an Operating Permit, as described in Rule 3.1.

"**General Manager**" means the General Manager of the District, as described in Rule 2.2.

PROPOSED RULE CHANGES
3/17/23

"**GPM**" means gallons per minute.

"**Hearings Examiner**" means a person, other than a Board member, appointed by the Board to conduct a hearing on a permit or enforcement action.

"**Historic User**" means a Well Owner who operated a Well in the District for a beneficial use prior to December 31, 2021.

"**Historic Use Period**" – January 1, 2001 through December 31, 2021.

"**Historic Use Permit**" means a permit issued under Section 17 of these Rules.

"**Historic Well**" means an existing well in the District that was drilled and operated for a beneficial use prior to December 31, 2021.

"**Landowner**" or "**owner of land**" means the owner of the right to use the surface of a tract of land, if that owner is different from the owner or holder of the right to produce groundwater from the tract of land.

"**Livestock Use**" means the use of water for the watering of livestock, poultry, or wildlife, including exotic livestock, game animals, fur-bearing animals, birds, or waterfowl, and for maintaining aquatic life. Livestock use includes watering livestock that are kept for pleasure, recreational use, or commercial use.

"**Management Zone**" means one or more of the zones into which the Board may divide the District, as set forth in Rule 9.2.

"**Modeled Available Groundwater**" means the amount of groundwater that the executive administrator of the TWDB determines may be produced on an average annual basis to achieve a Desired Future Condition established under Texas Water Code section 36.108.

"**New well**" means a well drilled after June 21, 2000.

"**Non-Exempt Well**" means a well that is required to obtain an Operating Permit under Section 5 of these Rules.

"**Open Meetings Act**" means chapter 551 of the Texas Government Code.

"**Operating Permit**" means a permit issued under Section 5 of these Rules.

PROPOSED RULE CHANGES
3/17/23

"**Operating Permit holder**" means the person or entity to whom an Operating Permit is issued or the person or entity to whom an Operating Permit has been transferred in accordance with these Rules.

"**Owner**" means the owner or holder of the right to produce groundwater from a tract of land.

"**Pre-existing well**" means a well drilled before June 21, 2000.

"**Production Fee**" means a fee, adopted in accordance with Rule 2.3, to be paid to the District for either the amount of water authorized by permit to be withdrawn from a non-exempt well or the amount of water actually withdrawn from a non-exempt well, as authorized by Texas Water Code section 36.205(c).

"**Property Line**" means a line at which the ownership of the right to produce groundwater changes.

"**Replacement well**" means a well drilled with the purpose of replacing an existing well.

"**Retail Public Water Utility**" means a person or entity, including a municipality, that provides potable water to the ultimate consumer for compensation.

"**SOAH**" means the State Office of Administrative Hearings.

"**State Plugging Report**" means the report that a person who plugs a well is required to complete under 16 Texas Administrative Code section 76.700(2).

"**State Well Report**" means the report that every well driller who drills, completes, deepens, or alters a well is required to complete under the Texas Department of Licensing and Regulation Rules, as defined in 16 Texas Administrative Code sections 76.10(45) and 76.700(1).

"**TCEQ**" means the Texas Commission on Environmental Quality, or any successor agency.

"**Transport Fee**" means a fee, adopted in accordance with Rule 2.3, to be paid to the District for the amount of water transported outside the District boundaries, as authorized by Texas Water Code section 36.122(e).

"**Transport Permit**" means a permit issued under Section 6 of these Rules.

PROPOSED RULE CHANGES
3/17/23

"**Transport Permit holder**" means the person or entity to whom a Transport Permit is issued or the person or entity to whom a Transfer Permit has been transferred in accordance with these Rules.

"**TWDB**" means the Texas Water Development Board, or any successor agency.

"**Waste**" means any one or more of the following:

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 livestock raising purposes.

(2) The flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose.

(3) The escape of groundwater from one groundwater reservoir to any other reservoir or geologic stratum that does not contain groundwater.

(4) 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.

(5) 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 TCEQ under chapter 26 of the Texas Water Code.

(6) 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.

(7) Unless the water from an artesian well is used for a purpose and in a manner in which it may be lawfully used on the Well Owner's land, willfully causing or knowingly permitting the water to run off the owner's land or to percolate through the stratum above which the water is found.

(8) Drilling or operating a well or wells without a required permit or producing groundwater in violation of a permit condition or a District Rule.

(9) Operating a Deteriorated Well.

PROPOSED RULE CHANGES
3/17/23

"**Well System**" means two or more non-exempt wells that are owned by the same Well Owner and connected to the same water collection or distribution system.

"**Water well**" or "**well**" means an artificial excavation constructed to explore for, produce, sample, or monitor the water level of groundwater.

"**Well Owner**" or "**owner of well**" means the owner of a water well or well or the owner of the right to produce groundwater from that well, if that owner is different from the owner of the well.

"**Well registration**" means the registration required by Rule 4.2.

[Adopted 11/14/12; definition of "Production Fee" amended 12/18/12; effective 1/1/13; definition of "Reservation Fee" deleted and definition of "SOAH" added 4/20/16; amended 3/15/23; amended {DATE}]

PROPOSED RULE CHANGES
3/17/23

SECTION 2: GENERAL PROVISIONS

Rule 2.1 Board of Directors

A. **Board structure; officers.** The Board consists of appointed members, qualified as required by law. Each year at its regular January meeting, and if there is no January meeting, at its next regular meeting, the Board will select one of its members to serve as president to preside over Board meetings and proceedings, one to serve as vice-president to preside over Board meetings and proceedings in the absence of the president, and one to serve as secretary-treasurer to keep a true and correct account of all proceedings of the Board and to preside over Board meetings and proceedings in the absence of the president and vice-president. The Board may appoint an assistant secretary to assist the secretary-treasurer and to preside over Board meetings and proceedings in the absence of the president, vice-president and secretary-treasurer. In the event of a vacancy in an office, the Board will select out of its members a person to serve out the remaining term of office. Unless a vacancy occurs, members and officers serve until their successors are selected and qualified to hold office. In the absence of a General Manager, the president will serve as General Manager.

B. **Meetings.** The Board will hold regular meetings at least four times a year on a day and at a place that the Board may establish from time to time by resolution. At the request of the president, or upon written request of at least three Board members, the Board may hold a special meeting. The business of the District will be conducted at regular or special Board meetings when a quorum is present. All Board meetings will be held in accordance with the Open Meetings Act.

C. **Committees.** The president may establish committees for formulation of policy recommendations to the Board, and may appoint the chair and membership of the committees, which may include persons who are and who are not Board members. Committee members serve at the pleasure of the president.

[Adopted 11/14/12; effective 1/1/13; Rule 2.1.A amended 4/20/16]

Rule 2.2 General Manager

A. **Authority.** The Board may employ a person to be the General Manager, who is the chief administrative officer of the District. The General Manager will have full authority to manage and operate the affairs of the District, subject only to the direction given by the Board through policies and orders adopted by the Board. At least annually, the Board will determine the compensation to be paid to the General Manager, and shall review the actions and performance of the General Manager to determine whether the General

PROPOSED RULE CHANGES
3/17/23

Manager has fulfilled his or her responsibilities and whether additional responsibilities should be delegated to the General Manager. The General Manager, with the approval of the Board, may employ all persons necessary for the proper handling of the business of the District.

B. **Delegation of authority.** The General Manager may delegate duties as may be necessary to effectively and expeditiously accomplish those duties, provided that no delegation will relieve the General Manager from his or her responsibilities under the Texas Water Code, the act creating the District, these Rules, or the policies, orders, and permits promulgated by the Board.

[Adopted 11/14/12; effective 1/1/13]

Rule 2.3 Regulatory Fees. The Board will adopt a District Fee Schedule following the procedures in Rule 14.1 or Rule 14.2. The District Fee Schedule shall set out the administrative fees, production fees, and transport fees that the District will collect. The General Manager may, upon request of a permitholder, allow payment of fees in annual, quarterly, or monthly installments. All fees are shown on the District's Fee Schedule. A copy of the District Fee Schedule is attached to these Rules and incorporated herein as *Attachment A* ("Fee Schedule").

A. **Exempt Well**. Wells exempt under Rule 3.1 shall be exempt from payment of regulatory fees. However, if exempt well status is withdrawn, the District may assess fees and penalties against the well owner in accordance with the District rules.

B. **Production Fee**. Production Fees shall be paid to the District based on the amount of water authorized by permit to be withdrawn from non-exempt wells. The Production Fee will be applied annually no later than February 10th.

C. **Transport Fee**. The District shall impose an transport fee in addition to the District's Production Fee for all groundwater produced in the District that is exported from the District. The Transport Fee will be applied annually no later than February 10th based on the total volume exported from the District in the annual report submitted to the District under Rules 11.2.B and 11.2.C and in accordance with the Fee Schedule. A combined Production and Transport Fee shall not exceed $0.17 per thousand gallons of water used.

D. **Permit Processing Fee**. The District will assess a permit processing fee for new requests or amendments to operating permits and transport permits to cover all

reasonable and necessary administrative costs to the District for processing the application or registration in accordance with the Fee Schedule.

[Adopted 11/14/12; effective 1/1/13; Amended 3/15/23]

Rule 2.4 Purpose and Effect of Rules. The District Rules are promulgated under the act creating the District and the Texas Water Code chapter 36 authority to make and enforce rules to provide for the conservation, preservation, protection, and recharge of groundwater and aquifers within the District, while recognizing the ownership and rights of the owners of the land and their lessees and assigns in groundwater. These Rules may not be construed to limit, restrict, or deprive the District or the Board of any exercise of any power, duty, or jurisdiction conferred by the act creating the District, Texas Water Code chapter 36, or any other applicable law or statute.

[Adopted 11/14/12; effective 1/1/13]

Rule 2.5 Amending of Rules. The Board may from time to time amend or revoke these Rules or adopt new Rules following the procedures in Rules 14.1 and 14.2.

[Adopted 11/14/12; effective 1/1/13]

Rule 2.6 Headings and Captions. The section and other headings and captions in these Rules are for reference purposes only, and do not affect in any way the meaning or interpretation of these rules.

[Adopted 11/14/12; effective 1/1/13]

Rule 2.7 Severability. If any provision of these Rule or its application to any person or circumstance is held invalid or unenforceable, the invalidity does not affect other provisions or applications of the Rules which can be given effect without the invalid provision or application, and to this end the provisions of these Rules are severable.

[Adopted 11/14/12; effective 1/1/13]

Rule 2.8 Confidential Information. The District shall use reasonable effort to protect the confidentiality of information within its custody in compliance with all applicable federal, state and local regulations, including federal Homeland Security laws, the Texas Public Information Act, and Texas Government Code section 418.181 relating to Critical Infrastructure information.

[Adopted 11/14/12; effective 1/1/13]

PROPOSED RULE CHANGES
3/17/23

PROPOSED RULE CHANGES
3/17/23

SECTION 3: EXEMPT WELLS AND NON-EXEMPT WELLS

Rule 3.1: Wells Exempt From Obtaining Operating Permit (Exempt Wells)

A. **Domestic and livestock well.**

(1) A water well completed before January 1, 2013, that is used solely for Domestic Use or for Livestock Use is exempt from obtaining an Operating Permit under Section 5 of these Rules if the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day.

(2) A water well completed after January 1, 2013, that is used solely for Domestic Use or Livestock Use is exempt from obtaining an Operating Permit under Section 5 of these Rules if the well is:

(a) located or to be located on a tract of land larger than ten (10) acres; and

(b) drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day.

(3) A water well used to supply water for a subdivision of land for which a plat approval is required by Chapter 232, Local Government Code is not an exempt well under this Rule 3.1.A.

B. **Agricultural well.** Except as provided in 4.3.D, a water well that uses less than 200 acre-feet of water per year solely for Agricultural Use is exempt from obtaining an Operating Permit under Section 5 of these Rules.

C. **Rig supply well.** A water well used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas is exempt from obtaining an Operating Permit under Section 5 of these Rules, provided that the person holding the permit is responsible for drilling and operating the water well and the water well is located on the same lease or field associated with the drilling rig. A well that is no longer used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas must obtain an Operating Permit under Section 5 of these Rules, unless the well will be an exempt well under Rule 3.1.A, Rule 3.1.B, Rule 3.1.D, or Rule 3.1.E.

PROPOSED RULE CHANGES
3/17/23

D. **Mining well.** A water well authorized under a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, or for production from the well to the extent the withdrawals are required for mining activities regardless of any subsequent use of the water, is exempt from obtaining an Operating Permit under Section 5 of these Rules.

E. **Test or monitoring well.** A water well drilled and completed solely for purposes of aquifer testing, including a test well or a well for monitoring water levels or water quality, is exempt from obtaining an Operating Permit under Section 5 of these Rules. An applicant for an Operating Permit may operate and produce water from a well for the 36-hour pump test described in Rule 5.1.B(5) without obtaining an Operating Permit but must obtain an Operating Permit for any other use of water from the well.

F. **Required registration.** The exempt wells described in this Rule must be registered as provided in Section 4 of these Rules and must be equipped and maintained in conformance with Rule 10.2. Production from each exempt well described in this Rule must be reported to the District as provided in Rule 11.2. Each such exempt well shall be subject to inspection by the District, including without limitation inspection during drilling, to determine compliance with Rule 10.2 and to verify that operation of the exempt well does not pollute or otherwise result in harmful alteration of the character of the water in any groundwater reservoir.
[Adopted 11/14/12; effective 1/1/13; Rule 3.1.B amended 4/20/16; Rule 3.1.F amended 10/16/19;]

Rule 3.2 Wells Requiring Operating Permit (Non-Exempt Wells)

A. A well that does not qualify for an exemption under Rule 3.1 is a non-exempt well.

B. No person may operate or produce water from a non-exempt well completed after June 21, 2000, without first obtaining an Operating Permit from the District, except as provided in Rule 3.1.E.

[Adopted 11/14/12; effective 1/1/13; Rule 3.2.B. rescinded and renumbered 3/15/23]

PROPOSED RULE CHANGES
3/17/23

SECTION 4: WELL REGISTRATION FOR EXEMPT WELLS AND NON-EXEMPT WELLS

Rule 4.1 Required Well Registration

A. All water wells drilled before June 22, 2000, may be registered with the District. Such wells are referred to as pre-existing wells.

B. Beginning on June 22, 2000, no new water well may be drilled or operated without first registering the proposed well with the District. Such wells are referred to as new wells.

[Adopted 11/14/12; effective 1/1/13]

Rule 4.2 Well Registration Application (Form 300, included as Attachment B)

A. The Well Owner shall apply for the registration of a well. Forms for registering wells are available from the District Office.

B. An applicant for registration of a well shall provide the following information:

(1) the name, address, and phone number of the applicant, and the name, address and phone number of the Owner and the owner of the land on which the well is located, if different from the applicant;

(2) if the applicant is different from the Owner or the owner of the land on which the well is located, documentation of the applicant's authority to construct and operate a well on the property for the proposed use;

(3) a statement of the nature and purposes of the proposed use of water from the well;

(4) a description of the well's location;

(5) the proposed total depth of the well;

(6) the proposed depth of the screened intervals;

(7) the proposed pump size; and

(8) a registration fee if one has been established under Rule 2.3.

PROPOSED RULE CHANGES
3/17/23

C. The General Manager may require the applicant to submit any additional information necessary to make a determination under Rule 4.3.A.

D. The General Manager will assist the applicant in filing an application to register a well that is exempt under Rule 3.1.A by answering questions related to content required in the application under this subsection B.

E. Upon the filing of an application to register a well, the Well Owner shall also pay a registration processing fee, as set forth in the District's fee schedule; provided, however, that the General Manager may waive such registration fee for an existing well that is exempt under Rule 3.1.A. If the registration is completed and approved within 180 days after filing, the registration processing fee shall be refunded to the Well Owner. If the registration is not completed and approved during such time period, the registration processing fee will be forfeited.

[Adopted 11/14/12; effective 1/1/13; Rule 4.2.B, C and D amended 4/20/16; Rule 4.2.E adopted 10/16/19; Rules 4.2.B(7), D and E amended 3/15/23]

Rule 4.3. Approval of Well Registration

A. At the time of filing of a registration, the General Manager will determine whether the water well is an exempt well or a non-exempt well, as defined in Rules 3.1 and 3.2.

B. If the well is a non-exempt well, the Well Owner shall apply for an Operating Permit under Section 5 of these Rules. If the District grants the application for an Operating Permit, the Operating Permit is an approval of the well registration on the terms and conditions set out in the Operating Permit.

C. If a well is a pre-existing well that was drilled before March 15, 2023, and is an exempt well, the General Manager shall approve the registration if the information provided is complete. Upon the General Manager's approval, the District shall issue a certificate of registration to the applicant.

D. If a well is a new well drilled after March 15, 2023, and is an exempt well under Rule 3.1.B, then the General Manager may:

(1) approve the well registration if:

(a) the information provided is complete; and

(b) the new well will comply with the applicable spacing requirements under Rule 8.2 or the applicant has obtained a variance under Rule 8.3; or

(2) refer the well registration to the Board, which may approve or deny the well registration.

E. If a well is a new well drilled after March 15, 2023, and is an exempt well under any provision of Rule 3.1 except 3.1.B, the General Manager will require the applicant to register and submit a Drilling Permit Application using Form 100, attached as *Attachment C*. The General Manager shall approve the Drilling Permit~~registration~~ if:

(1) the information provided is complete; and

(2) the new well will comply with the applicable spacing requirements under Rule 8.2 or the applicant has obtained a variance under Rule 8.3.

F. Upon the General Manager's or Board's approval of a well registration, the District shall issue a certificate of registration to the applicant.

G. An applicant may appeal any decision of the General Manager under this Rule 4.3 to the Board as provided in Rule 15.6.

[Adopted 11/14/12; effective 1/1/13; Rule 4.3.D, E F and G amended 4/10/16; Rules 4.3 C, D, E, and F amended 3/15/23]

Rule 4.4 Time Limit for Completion of New Exempt Well

A. A certificate of registration for a new exempt well shall expire if the new well is not completed and the well log required by Texas Occupations Code Section 1901.251 is not filed with the District within 365 days of the issuance of the certificate of registration. A certificate holder may request an extension of the time to drill a well. The request must be submitted in writing and must include the reasons for the request. The General Manager may grant the request, deny it, or grant a different extension than the one requested, without notice and hearing.

B. An applicant may appeal any decision of the General Manager under this Rule 4.4 to the Board as provided in Rule 15.6.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16; Rule 4.4 A amended 3/15/23]

PROPOSED RULE CHANGES
3/17/23

PROPOSED RULE CHANGES
3/17/23

SECTION 5: OPERATING PERMITS FOR NON-EXEMPT WELLS

Rule 5.1 Operating Permit Application (Form 200, attached as Attachment D)

A. The applicant of a proposed non-exempt well shall submit an application for an Operating Permit on a form obtained from the District. The form shall be signed and sworn to by the applicant. A separate application is required for each well.

B. For applications for Operating Permits other than applications described in Rule 5.2.B and Rule 5.2.C, the applicant shall provide the following information:

(1) a copy of the completed registration form for the well;

(2) a location map or property plat drawn on a scale that adequately details the proposed well site by latitude and longitude or by GPS coordinates, and the location of other registered or permitted wells within 5,000 feet of the location of the proposed well;

(3) the maximum instantaneous production rate requested (in gallons per minute);

(4) the maximum annual production amount requested (in acre feet per year) for each purpose;

(5) if the application requests a total maximum annual production amount of 2,000 acre-feet or greater, or a production rate of 1,500 gallons per minute or greater, the results of a 36-hour pump test of a test well using the maximum instantaneous production rate requested in accordance with procedures approved by the District;

(6) the location of the use of the water by county or map showing bounded areas;

(7) information describing how the amount of water requested addresses an existing or projected water supply need;

(8) if the applicant is not the End User of the water, then~~: (a) if the~~ applicant ~~has identified~~must provide ~~an End User,~~ the identity of the End User and a description of the applicant's regulatory, statutory, contractual or other legal obligation to address the End User's water supply need~~, or (b), if the applicant has not identified the End User, a statement that the End User has not been identified~~;

(9) the applicant's water conservation plan, if the Texas Water Code or TCEQ rules require the applicant to have a water conservation plan, and, if the applicant is different from the End User, the End User's water conservation plan, if available;

(10) the applicant's drought contingency plan, if the Texas Water Code or TCEQ rules require the applicant to have a drought contingency plan, and, if the applicant is different from the End User, the End User's drought contingency plan, if available;

(11) a water well closure plan or a declaration that the applicant will comply with the applicable State of Texas well plugging guidelines and report closure to the TCEQ;

(12) for new wells, an Operating Permit application fee if one has been established under Rule 2.3; and

(13) any other information deemed necessary by the District to comply with the requirements of Texas Water Code chapter 36, its enabling statutes, and general law.

C. For applications for Operating Permits described in Rule 5.2.B and Rule 5.2.C, the applicant shall provide the information described in Rule 5.1.B(1), (3) through (7), (11) and (12).

D. The applicant may provide the District with any other information relevant to the considerations in Rule 5.2.D.

[Adopted 11/14/12; effective 1/1/13; amended 10/21/15; Rule 5.1.B amended 4/20/16; Rule 5.1.B amended 10/16/19; Rules 5.1 A and B(6) amended 3/15/23, Rule 5.1.B(13) adopted 3/15/23; amended Rule 5.1.B {DATE}]

Rule 5.2 Processing of Operating Permit Application

A. **Processing.** Except as provided in Rule 5.2.B. and Rule 5.2.C, an application for an Operating Permit will be processed as provided in Rule 15.1. If an applicant files more than one application for an Operating Permit at the same time as applying for an Aggregated Well Field, as defined in these Rules, the District shall process those applications together, unless the applicant requests otherwise.

B. **No additional withdrawal amount requested.** An application for an Operating Permit will be processed as provided in Rule 15.4, if:

(1) the application requests that production from the well be aggregated with the permitted annual withdrawal amount of other wells pursuant to Rule 5.3.C; and

PROPOSED RULE CHANGES
3/17/23

(2) the application does not seek authority to withdraw any amount of water in addition to the aggregated permitted annual withdrawal amount of the other designated wells.

C. **Less than 50 acre-feet per year requested.** If an application for an Operating Permit requests an annual withdrawal of 50 acre-feet per year or less, then the General Manager may: (1) grant the application, (2) approve the Operating Permit with terms other than those requested in the application, (3) deny the application; or (4) refer the application to the Board for decision under Rule 15.4. An applicant may appeal any decision of the General Manager under this Rule 5.2.C to the Board as provided in Rule 15.6.

D. **Consideration.** In deciding whether to grant an application for an Operating Permit, approve the Operating Permit with terms other than those requested in the application, or deny the application, the Board shall consider the requirements of Texas Water Code chapter 36 and the District Rules, including, but not limited to, the following:

(1) whether the application conforms to the requirements prescribed by chapter 36 of the Texas Water Code and the District Rules;

(2) whether the proposed use of water unreasonably effects existing groundwater and surface water resources or existing permit holders;

(3) whether the proposed use of water is dedicated to a Beneficial Use;

(4) whether the proposed use of water is consistent with the District Management Plan;

(5) whether the applicant has agreed to avoid waste and achieve water conservation; and

(6) whether the applicant has agreed that reasonable diligence will be used to protect groundwater quality;

(7) whether the applicant will follow well plugging guidelines at the time of well closure.

(8) whether granting the application is consistent with the District's duty to manage total groundwater production on a long-term basis to achieve an applicable Desired Future Condition, considering:

PROPOSED RULE CHANGES
3/17/23

(a) the Modeled Available Groundwater determined by the TWDB executive administrator;

(b) the TWDB executive administrator's estimate of the current and projected amount of groundwater produced under exemptions granted by District Rules and Texas Water Code § 36.117;

(c) the amount of groundwater authorized under permits previously issued by the District;

(d) a reasonable estimate of the amount of groundwater that is actually produced under permits issued by the District; and

(e) yearly precipitation and production patterns;

(9) whether the conditions and limitations in the Operating Permit prevent Waste, achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, or lessen interference between wells;

(10) whether the applicant has a history of non-compliance with District Rules and chapter 36 of the Texas Water Code, including any record of enforcement actions against the applicant for violation of District Rules or chapter 36.

E. **Unreasonable Effects.** For the purposes of this Rule 5.2, "Unreasonable Effects" shall be a modeled or demonstrated drawdown of the water table or reduction of artesian pressure as a result of pumping from a well or well field, and which contributes to, causes, or will cause any of the following:

(1) well interference with one or more water wells of existing permit holders ceasing to yield water at the ground surface;

(2) well interference related to a decrease in well yields that results in one or more water wells of existing permit holders being unable to obtain an authorized volume or rate from a well maintained and efficient water well as determined by the General Manager;

(3) the degradation of groundwater quality such that the water is unusable or requires the installation of a treatment system; or

(4) a decrease in existing springflow or baseflows to surface streams including a decrease that may cause an established minimum springflow or environmental flow rate to not be achieved.

PROPOSED RULE CHANGES
3/17/23

[Adopted 11/14/12; effective 1/1/13; amended 10/21/15; Rule 5.2.A, B and C amended 4/20/16; Rule 5.2 A amended and 5.2 E Adopted 3/15/23]

Rule 5.3 Operating Permit Provisions

A. **Well-specific permit provisions.** Every Operating Permit issued by the District will include the following:

(1) the name and address of the person to whom the permit is issued;

(2) the proposed location of the well;

(3) the date the permit is to expire if the permitted well is not drilled and completed;

(4) a statement of the purpose(s) for which water from the well is to be used;

(5) the location of the use of the water from the well;

(6) the proposed total depth of the well and the aquifer unit from which the well will produce water;

(7) the maximum amount of water that may be withdrawn from the well in a calendar year;

(8) the maximum instantaneous rate at which water may be withdrawn from the well; and

(9) the term of the permit.

B. **Standard permit provisions.** All Operating Permits are granted subject to the District Rules, the orders of the Board, the District Management Plan, and Chapter 36 of the Texas Water Code. In addition to any well-specific permit provisions and special conditions included in the Operating Permit, each Operating Permit includes the following standard permit provisions:

(1) This permit is granted in accordance with District Rules, and acceptance of this permit constitutes an acknowledgement and agreement that permittee will comply with the terms, conditions, and limitations set forth in this permit, the District rules, the orders of the Board, and the District Management Plan.

PROPOSED RULE CHANGES
3/17/23

(2) Water withdrawn under the permit must be put to beneficial use at all times, and operation of the permitted well in a wasteful manner is prohibited.

(3) Water produced from the well must be measured using a water measuring device or method approved by the District that is within plus or minus 10% of accuracy.

(4) The well site must be accessible to District representatives for inspection, and permittee agrees to cooperate fully in any reasonable inspection of the well and well site by District representatives.

(5) Permittee shall use reasonable diligence to protect water quality.

(6) Unless otherwise directed by the District, Permittee shall follow the applicable well plugging guidelines at the time of well closure and provide a well closure report to the District.

(7) The application by which this permit has been issued is incorporated in this permit by reference, and this permit is granted on the basis of and contingent upon the accuracy of the information provided in that application. A finding that false or inaccurate information has been provided is grounds for revocation of the permit.

(8) Violation of the permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawals, may subject the permittee to enforcement action or permit revocation under the District Rules.

(9) Whenever the special conditions in the permit are inconsistent with other provisions of the permit or the District Rules, the special condition will prevail.

C. **Aggregation of withdrawals.** The Board may include a special condition in an Operating Permit allowing the aggregation of the permitted annual withdrawal amount in the Operating Permit with the permitted annual withdrawal amount of other wells designated in the Operating Permit or of other wells in the Aggregated Well Field in the Operating Permit, so that the aggregated annual withdrawal amount may be withdrawn from any one or more of those designated wells, if:

(1) the wells whose withdrawal will be aggregated are part of the same Well System; and

(2) the wells whose withdrawals will be aggregated are completed in the same aquifer unit.

PROPOSED RULE CHANGES
3/17/23

D. **Other special conditions.**

(1) If required by the General Manager, the Operating Permit will~~may~~ include a special condition requiring the Permittee to provide the District with the results of a 36-hour pump test performed in accordance with procedures approved by the District before the Permittee begins producing water from the permitted well.

(2) The Operating Permit may include a special condition requiring the Permittee to drill and complete monitoring wells, or provide other monitoring equipment, to be conveyed to the District. Such a special condition shall require no more than one monitoring well for every 5,000 acre-feet of groundwater authorized to be withdrawn under the Operating Permit. The District will negotiate a contract with the Permittee related to the construction, installation, operation, and conveyance of the monitoring wells with an applicant required to install a monitoring well under these Rules.

(3) The Operating Permit will~~may~~ include any special conditions that the Board determines are required by the considerations in Rule 5.2.D and any other special conditions required or authorized by these Rules or applicable law.

(4) If a Permittee holds a certificate of convenience and necessity (CCN), the Operating Permit will include a condition requiring submission of any updated CCN boundaries describing the acreage included the CCN area and a description of any acreage within the CCN serviced by any other permitted or registered well.

[Adopted 11/14/12; effective 1/1/13; amended 10/21/15; Rule 5.3.B and D amended 4/20/16; Rules 5.3.A and 5.3.D amended 10/16/19; Rules 5.3.B and 5.3.D amended 3/15/23; Rule 5.3.D amended {DATE}]

Rule 5.4 Operating Permit Term

A. Operating Permits issued before January 1, 2013, that authorize the use of water solely for agricultural purposes are effective until amended or revoked as provided in these Rules.

B. Except as provided in Rule 5.4.A, Rule 5.5, and Rule 5.6, Operating Permits are effective for a period of five years from the date the permit is granted, unless amended or revoked as provided in these Rules.

[Adopted 11/14/12; effective 1/1/13]

PROPOSED RULE CHANGES
3/17/23

Rule 5.5 Time Limit for Completion of Permitted Well

A. An Operating Permit shall automatically terminate if, within 365 days of the date of issuance of the permit:

(1) the permitted well has not been completed; or

(2) the well log required by Texas Occupations Code Section 1901.251 has not been filed with the District.

B. Before an Operating Permit automatically terminates under Rule 5.5.A, the Operating Permit holder may request a 180-day extension of the time to drill a well. The request must be submitted in writing and must include the reasons for the request. The Board will take action on the request under Rule 15.4.

[Adopted 11/14/12; effective 1/1/13; Rule 5.5.B amended 4/20/16; Rule 5.5.A amended 3/15/23]

Rule 5.6 Time Limit for Operation of Permitted Well

A. An Operating Permit shall automatically terminate if, within 24 months of the date that the permitted well is completed, the permittee has not used water from the permitted well for a purpose authorized in the Operating Permit.

B. Before an Operating Permit automatically terminates under Rule 5.6.A, the Operating Permit holder may request a 24-month extension of the time to operate a well. The request must be submitted in writing and must include the reasons for the request. The Board will take action on the request under Rule 15.4.

[Adopted 11/14/12; effective 1/1/13; Rule 5.2.B amended 4/20/16]

Rule 5.7 Renewal of Operating Permit

A. **Application.** At least 60 days before the term of an Operating Permit expires, an Operating Permit holder may apply for renewal of the permit. An application for renewal shall be in writing. A renewal application fee must also be submitted, if one has been established under Rule 2.3. An Operating Permit holder who has timely filed an application for renewal may continue to operate the permitted well under the existing terms and conditions of the Operating Permit until the General Manager acts on the application for renewal.

PROPOSED RULE CHANGES
3/17/23

B. **Approval.** The General Manager shall approve an application for renewal of an Operating Permit on the existing terms and conditions if the application is timely filed and accompanied by a renewal application fee, if one has been established under Rule 2.3.

C. **Permittee-proposed amendments**. If the Operating Permit holder proposes a change in the Operating Permit that requires an amendment under Rule 7.2 in conjunction with an application to renew the Operating Permit, the application to amend shall be processed separately from the application for renewal and as provided in Rule 7.2.

D. **General Manager proposed amendments**. Upon receipt of a renewal application, the Operating Permit will be reviewed for conformance with any changes in the Texas Water Code, the District Rules, and the District Management Plan on which the permit or a permit condition was based, as well as other criteria as described in Rule 7.2.I. Within 60 days of the date that an Operating Permit holder files an application for renewal of an Operating Permit, the General Manager may propose an amendment to the Operating Permit under Rule 7.2.I. A General Manager-proposed amendment shall be processed separately and as provided in Rule 7.2.I.

E. **Enforcement proceedings**. Any enforcement proceedings against the Operating Permit holder shall be processed separately from the application for renewal as provided in Rule 15.7 and Section 13 of the District Rules and shall not be affected by the renewal of the Operating Permit under this Rule 5.7.

F. **Renewal term**. If an application for renewal is granted, the Operating Permit is effective for a period of five (5) years from the date of the expiration of the prior term, unless amended or revoked as provided in these Rules.

G. **Failure to apply.** If an Operating Permit holder fails to timely file an application for renewal, the Operating Permit will expire at the end of its stated term.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16; Rule 5.7.D amended {DATE}]

PROPOSED RULE CHANGES
3/17/23

SECTION 6: TRANSPORT PERMITS

Rule 6.1 Required Transport Permit

A. Except as provided in Rule 6.1.B, no person may transfer groundwater outside of the District's boundaries for use outside the District's boundaries without first obtaining a Transport Permit.

B. A Transport Permit is not required for the transfer of groundwater outside of the District's boundaries under the following circumstances:

(1) if the groundwater will be used on a contiguous property owned by the same person that is partly inside and partly outside the District boundaries;

(2) if the groundwater will be used by a Retail Public Water Utility that is required to obtain a certificate of convenience and necessity under Texas Water Code chapter 13 to supply water within a certificated service area that lies partly inside and partly outside the District boundaries;

(3) if the groundwater will be used by a Retail Public Water Utility that is not required to obtain a certificate of convenience and necessity under Texas Water Code chapter 13 to supply water to a retail service area that lies partly inside and partly outside the District boundaries; and

(4) if the groundwater is transferred outside of the District's boundaries under a continuing arrangement in effect before March 2, 1997; provided, however, that a Transport Permit is required for any increase in the amount of groundwater transferred outside the District's boundaries under a continuing arrangement in effect before March 2, 1997.

[Adopted 11/14/12; effective 1/1/13]

Rule 6.2 Transport Permit Application

A. A Well Owner shall submit an application for a Transport Permit on a form obtained from the District. The form shall be signed and sworn to by the applicant. A separate application is required for each well from which the water to be transferred outside the District's boundaries will be produced.

B. The application form for a Transport Permit shall require the applicant to provide the following information:

(1) a copy of the completed registration form for the well;

(2) the maximum amount of water proposed to be transferred outside the District's boundaries annually (in gallons per year or acre-feet per year);

(3) the location of the use of the water;

(4) information describing how this application addresses a water supply need in the receiving area, including information on when that water supply need is projected to occur; and

(5) if the applicant is not the End User of the water, then (a) if the applicant has identified an End User, the identity of the End User and a description of the applicant's regulatory, statutory, contractual or other legal obligation to address the End User's water supply need, or (b) if the applicant has not identified the End User, a statement that an End User has not been identified;

(6) a Transport Permit application fee if one has been established under Rule 2.3; and

(7) any other information deemed necessary by the District to comply with the requirements of Texas Water Code chapter 36, its enabling statutes, and general law.

C. The applicant may provide the District with any other information relevant to the considerations in Rule 6.3.B.

[Adopted 11/14/12; effective 1/1/13]

Rule 6.3 Processing of Transport Permit Application

A. **Processing.** An application for a Transport Permit shall be processed as provided in Rule 15.1. If an application for a Transport Permit for a well is submitted with an application for an Operating Permit for the same well, the applications will be combined and processed together.

B. **Considerations.** In deciding whether to grant an application for a Transport Permit, deny the application, or approve the Transport Permit with terms other than those requested in the application, the Board shall consider the requirements of Texas Water Code chapter 36 and the District Rules, including, but not limited to, the following:

(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) 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;

(3) the State's approved regional water plans and the District Management Plan; and

(4) whether the applicant has agreed to avoid Waste and achieve water conservation.

[Adopted 11/14/12; effective 1/1/13; Rule 6.3.A amended 4/20/16; Rule 6.3.B amended 10/16/19]

Rule 6.4 Transport Permit Provisions

A. **Standard permit provisions.** Every Transport Permit issued by the District will include the following:

(1) the name and address of the person to whom the permit is issued;

(2) the location of the well;

(3) the purpose for which water from the well is to be used;

(4) a provision requiring water withdrawn under the permit be put to beneficial use at all times;

(5) the location of the use of the water from the well;

(6) the maximum amount of water withdrawn from the well that may be transferred outside the District's boundaries in a calendar year; and

(7) the term of the permit.

B. **Special conditions.** A Transport Permit may also include any other special conditions required or authorized by these Rules or other applicable law for Operating Permits.

[Adopted 11/14/12; effective 1/1/13]

PROPOSED RULE CHANGES
3/17/23

Rule 6.5. Terms of Transport Permit

A. If construction of a conveyance system has not been initiated prior to the issuance of a Transport Permit, the term of the Transport Permit shall be for a period of time commensurate with the term of the Operating Permit for the well, or for a period of three (3) years if no Operating Permit is required for the well.

B. The term of a Transport Permit shall be thirty (30) years if construction of a conveyance system has been initiated prior to the issuance of the permit.

C. A term under Rule 6.5.A shall automatically be extended to a 30-year term under Rule 6.5.B. if construction of a conveyance system is begun before the expiration of the initial term.

[Adopted 11/14/12; effective 1/1/13; amended 10/16/19]

Rule 6.6 Renewal of Transport Permit

A. **Application.** Before the term of a Transport Permit expires, a Transport Permit holder may apply for renewal of the permit. An application for renewal shall be in writing. A renewal application fee must also be submitted, if one has been established under Rule 2.3. A Transfer Permit holder who has timely filed an application for renewal may continue to transfer water outside the District's boundaries under the terms of the permit while the District considers the application.

B. **Processing.** An application for renewal of a Transport Permit will be processed as provided in Rule 15.4.

C. **Considerations.** In deciding whether to grant an application for renewal, deny it, or approve renewal of the Transport Permit with amended terms or conditions, the Board shall consider the following:

(1) if the well requires an Operating Permit, whether the Operating Permit for the well remains in effect;

(2) whether the Transport Permit holder has complied with the terms and conditions of the permit, the District Rules, and chapter 36 of the Texas Water Code, including any record of enforcement actions against the Transfer Permit holder;

(3) whether any inaccurate information provided in the application justifies non-renewal or any changes in the permit conditions;

(4) whether any changes in the Texas Water Code or the District Rules on which the permit or a permit condition was based or any judicial decision issued after the permit was granted require any changes in the permit conditions; and

(5) whether any changes in the District's Desired Future Conditions or the District Management Plan that were approved after the permit was granted require any changes in the permit conditions.

C. **Renewal term**. If an application for renewal is granted, the Transport Permit is effective for a period of time commensurate with the term of the Operating Permit for the well, or for a period of three (3) years if no Operating Permit is required for the well, unless amended or revoked as provided in these Rules. A Transport Permit will expire if an application for renewal is not timely submitted to the District.

D. **Failure to apply.** If a Transport Permit holder fails to timely file an application for renewal, the Transport Permit will expire at the end of its stated term.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16; Rule 6.6.C amended 10/16/19]

PROPOSED RULE CHANGES
3/17/23

SECTION 7: CHANGE IN WELL CONDITIONS OR OPERATIONS; CHANGE IN OWNERSHIP; REPLACEMENT WELLS

Rule 7.1 Changes to Well Conditions or Operations of Exempt and Non-Exempt Wells Requiring Operating Permit Application

A. **Changes to Exempt Wells.** No person may make any change to an exempt well that would cause the exempt well to become a non-exempt well until the Well Owner files and receives District approval of an application for an Operating Permit under Section 5 of these Rules.

B. **Changes to Non-Exempt Wells.** No person may make a change to a non-exempt well that would change the applicable spacing requirements for the non-exempt well or that would otherwise cause the non-exempt well to operate in a manner not authorized by the terms and provisions of the well's Operating Permit until the Operating Permit holder files and receives District approval of an application for an amendment of the Operating Permit under Section 7.2 of these Rules.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16]

Rule 7.2. Amendments to Operating Permit for Non-Exempt Wells

A. **Required amendments.** An amendment to an Operating Permit is required for any change to the terms, provisions or special condition in the Operating Permit.

B. **Application.** An application for an amendment to an Operating Permit shall be in writing and signed and sworn to by the applicant. An amendment application fee must also be submitted, if one has been established under Rule 2.3.

C. **Amendment without increase in authorized amount or withdrawal rate.** If an application to amend an Operating Permit does not seek to increase the maximum amount of water that may be withdrawn from the well in a calendar year, or the maximum instantaneous rate at which water may be withdrawn from the well, then the application will be processed as provided in Rule 15.4; provided, however, that the Board may, in its sole discretion, require the application to be processed as provided in Rule 15.1.

D. **Amendment to aggregate without increase in withdrawal rate**. If an application to amend an Operating Permit requests that the existing authorized annual withdrawal amount from the well be aggregated with the existing authorized annual withdrawal amounts of other wells pursuant to Rule 5.3.C. and does not seek to increase the maximum instantaneous rate at which water may be withdrawn from the well, then the

application may be processed as provided in Rule 15.4; provided, however, that the Board may, in its sole discretion, require the application to be processed as provided in Rule 15.1.

E. **Amendment to increase withdrawal rate without change to spacing requirements.** If an application to amend an Operating Permit requests an increase to the maximum instantaneous rate at which water may be withdrawn from the well of less than 25% over the existing maximum instantaneous rate, and such an increase would not require a change to the minimum spacing of the well as required by Rule 8.2, then the application may be processed as provided in Rule 15.4; provided, however, that the Board may, in its sole discretion, require the application to be processed as provided in Rule 15.1. If an amendment to an Operating Permit is processed and granted as provided in Rule 15.4, in accordance with this Rule 7.2.E, then the Operating Permit may not be subsequently amended pursuant to this Rule until the date that is five (5) years after the date the prior amendment under this Rule was granted.

F. **Amendment to decrease authorized amount or withdrawal rate.** The General Manager may grant an application to amend an Operating Permit that seeks solely to decrease the maximum amount of water that may be withdrawn from the well in a calendar year, or the maximum instantaneous rate at which water may be withdrawn from the well, without notice or hearing.

G. **Processing.** Except as provided in Rule 7.2.C, Rule 7.2.D, Rule 7.2.E and Rule 7.2.F, an application for an amendment shall be processed as provided in Rule 15.1.

H. **Considerations.** Except as provided in Rule 7.2.I, in deciding whether to grant an application for an amendment, deny it, or approve the amendment with terms other than those requested in the application, the District shall use the considerations provided in Rule 5.2.D.

I. **General Manager-proposed amendments.** The General Manager may propose an amendment to an Operating Permit: (1) if the Operating Permit has a term, then within 60 days of the date on which the Permittee files an application for renewal of the Operating Permit; or (2) if the Operating Permit does not have a term, then not more than once every five years, or sooner as agreed by the General Manager and the Permittee if the amendment will not result in an increase in authorized production or withdrawals. The General Manager shall provide the Permittee with written notice of the proposed amendment. A General Manager-proposed amendment shall be processed as provided in Rule 15.1C-F. The Board will grant a General Manager-proposed amendment if the General Manager demonstrates that:

(1) false or inaccurate information provided in the application justifies the proposed change in the permit terms or conditions; or

(2) relevant information that has become available since the permit was issued justifies the proposed changes in permit terms or conditions; or

(3) changes in the Texas Water Code or the District Rules on which the permit or a permit condition was based, or any judicial decision issued after the permit was granted require the proposed change in permit terms or conditions; or

(4) changes in the District's Desired Future Conditions or the District Management Plan that were approved after the permit was granted require the proposed change in permit terms or conditions.

[Adopted 11/14/12; effective 1/1/13; amended 10/21/15; amended 4/20/16; amended 10/16/19; amended 3/15/23]

Rule 7.3 Amendments to Transport Permit

A. **Required amendments.** An amendment to a Transport Permit is required for any change to the terms, provisions or special conditions in the Transport Permit.

B. **Application.** An application for an amendment to a Transfer Permit shall be signed and sworn to by the applicant. An amendment application fee must also be submitted, if one has been established under Rule 2.3.

C. **Amendment without increase in authorized transport amount.** If an application to amend a Transport Permit does not seek to increase the maximum amount of water that may be transported outside the boundaries of the District in a calendar year, then the application will be processed as provided in Rule 15.4; provided, however, that the Board may, in its sole discretion, require the application to be processed as provided in Rule 15.1.

D. **Amendment to decrease authorized amount.** The General Manager may grant an application to amend a Transport Permit to decrease the maximum amount of water that may be transferred outside the boundaries of the District in a calendar year, without notice or hearing.

E. **Processing.** Except as provided in Rule 7.3.C and Rule 7.3.D., an application for an amendment to a Transport Permit shall be processed as provided in Rule 15.1.

PROPOSED RULE CHANGES
3/17/23

F. **Considerations.** In deciding whether to grant an application for an amendment, deny it, or approve the amendment with terms other than those requested in the application, the Board shall use the considerations provided in Rule 6.3.B.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16

Rule 7.4 Transfer of Ownership and Well Registration for Exempt Wells and Non-Exempt Wells

A. The new owner of an exempt or non-exempt well shall report the change in ownership of the well to the District. The new Well Owner shall submit to the District:

(1) the name, address and phone number of the new Well Owner;

(2) a copy of the written instrument transferring ownership of the well to the new Well Owner; and

(3) a change of ownership fee, if one has been established under Rule 2.3.

B. The General Manager shall reflect the change in ownership of the well and the well registration in the records of the District if the General Manager determines that:

(1) the information provided is complete; and

(2) any required fee has been paid.

C. An applicant may appeal any decision of the General Manager under this Rule 7.4 to the Board as provided in Rule 15.6.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16]

Rule 7.5 Transfer of Operating Permit for Non-Exempt Wells

A. **Prior approval required.** Except as provided in Rule 7.5.E, an Operating Permit holder may not transfer ownership of an Operating Permit to another person or entity without the District's prior approval.

B. **Application.** The proposed transferee shall submit an application to transfer an Operating Permit. The Application shall be in writing and signed by the applicant and shall include:

PROPOSED RULE CHANGES
3/17/23

(1) the name, address and phone number of the new applicant;

(2) a copy of the written instrument transferring the wells to the proposed transferee;

(3) a copy of the proposed written instrument transferring ownership of the Operating Permit to the proposed transferee; and

(4) a transfer application fee if one has been established under Rule 2.3.

C. **Processing.** An application to transfer an Operating Permit will be processed as provided in Rule 15.4. In its written order or resolution reflecting the decision on the application, the Board may condition approval of the proposed transfer upon receipt and approval by the General Manager of a copy of the fully executed instrument transferring ownership of the Operating Permit, and to the extent applicable, the corresponding Transport Permit, and may also authorize the General Manager to execute any consent or instruments related thereto that have been approved by counsel for the District.

D. **Considerations.** In deciding whether to grant an application for transfer, deny it, or approve the transfer with conditions, the Board shall consider:

(1) whether the proposed transferee has complied with the terms and conditions of any other District permits issued to the proposed transferee, the District Rules, and chapter 36 of the Texas Water Code, including any record of enforcement actions against the proposed transferee; and

(2) whether the proposed transferee has demonstrated the financial and managerial capabilities necessary to comply with the terms and conditions of the permit to be transferred. The proposed transferee shall submit a sworn statement attesting to have the financial and managerial capability required to comply with the terms of the district permits and the District Fee Schedule.

E. **Agricultural Wells.** The holder of an Operating Permit for a well that is used solely for Agricultural Use may transfer ownership of the Operating Permit without the District's prior approval. The new owner shall report the change of ownership to the District as provided in Rule 7.4.

[Adopted 11/14/12; effective 1/1/13; Rule 7.5.B and C amended 4/20/16; Rule 7.5.C amended 10/16/19; Rule 7.5 B and D amended 3/15/23]

PROPOSED RULE CHANGES
3/17/23

Rule 7.6 Transfer of Transport Permit

A. **Prior approval required.** A Transport Permit holder may not transfer ownership of a Transfer Permit to another person or entity without the District's prior approval.

B. **Exempt wells.** A Transport Permit for an exempt well may only be transferred with the ownership of the well. An application to transfer a Transport Permit for an exempt well will be processed as provided in Rule 15.4. In deciding whether to grant an application for transfer, deny it, or approve the transfer with conditions, the Board shall use the considerations provided in Rule 7.5.D.

C. **Non-Exempt wells.** A Transport Permit for a non-exempt well may only be transferred with the Operating Permit for the well. An application to transfer a Transport Permit for a non-exempt well shall be processed with the application for transfer of the Operating Permit under Rule 7.5.

[Adopted 11/14/12; effective 1/1/13; Rule 7.6 B and C amended 4/20/16]

Rule 7.7 Replacement Wells for Exempt Wells and Non-Exempt Wells

A. No person may drill a replacement well for an exempt well or a non-exempt well without the District's prior approval.

B. An application for a replacement well shall be in writing and signed and sworn to by the proposed transferee. A replacement well application fee must also be submitted, if one has been established under Rule 2.3.

C. The General Manager shall approve the application in writing if the General Manager determines that:

(1) either: (a) the location of the proposed replacement well is within 500 feet of the existing well and complies with the applicable spacing requirements under Rule 8.2; or (b) the applicant has obtained a variance under Rule 8.3 or Rule 15.5; and

(2) the replacement well will be located in the same aquifer unit as the well being replaced.

D. A replacement well must be drilled within 100 feet of the approved location, and not elsewhere.

PROPOSED RULE CHANGES
3/17/23

E. The approval of a replacement well shall expire if the new well is not completed and the well log required by Texas Occupations Code Section 1901.251 is not filed with the District within 365 days of the issuance of the approval. The applicant may request an extension of the time to drill a replacement well. The request be submitted in writing and must include the reasons for the request. The General Manager may grant the request, deny it, or grant a different extension than the one requested, without notice and hearing.

F. If a replacement well is completed and the well log is filed with the District within the applicable time limit under Rule 7.7.E, then the well registration, Operating Permit, and other permits for the well that is being replaced will be assigned to the replacement well, unless the Well Owner notifies the District in writing that the Well Owner intends to plug the replacement well and retain the original well. Immediately after determining whether the replacement well or the original well will be retained for production, the Well Owner shall plug the other well in accordance with applicable law, unless the District and the Well Owner mutually agree that the District will use that other well as a monitoring well.

G. An applicant may appeal any decision of the General Manager under this Rule 7.7 to the Board as provided in Rule 15.6.

[Adopted 11/14/12; effective 1/1/13; Rule 7.7.B and G amended 4/20/16; amended Rule 7.7. D and E 3/15/23]

PROPOSED RULE CHANGES
3/17/23

SECTION 8: SPACING REQUIREMENTS

Rule 8.1. Purpose and Applicability

A. The purpose of these well spacing requirements is to minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, to prevent interference between wells, to prevent degradation of water quality, and to prevent waste.

B. The requirements of this Rule 8 apply to all new wells drilled within the District after January 13, 2013, except exempt wells described in Rule 3.1.C and Rule 3.1.D.

[Adopted 11/14/12; effective 1/1/13]

Rule 8.2 Minimum Well Spacing Requirements

A. **From Property Lines.** A new non-exempt well may not be drilled within 100 feet of the nearest Property Line. A new exempt well may not be drilled within 50 feet of the nearest Property Line.

B. **From other wells.** A new non-exempt well shall be spaced from the nearest well that is (1) registered or permitted on the date that the application for well registration is filed; (2) completed in the same aquifer unit; and (3) owned by a different Well Owner as follows:

Maximum Pump Capacity (gpm)	**Minimum Spacing (feet)**
≤ 500	1,500
501 – 1000	2,500
> 1000	5,000

[Adopted 11/14/12; effective 1/1/13; Rule 8.2.B amended 4/20/16; Rule 8.2.B amended 3/15/23]

Rule 8.3. Well Spacing Variances

A. **Non-Exempt wells.** If a variance from the spacing requirements of Rule 8.2 is required for a proposed new well that requires an Operating Permit under Section 5 of

these Rules, then a variance will be considered with the Operating Permit application. If a variance from the spacing requirements of Rule 8.2 is required for an existing well that requires an amendment to an Operating Permit under Rule 7.3, then a variance from the spacing requirements of Rule 8.2 will be considered with the Operating Permit amendment application.

B. **Exempt wells.** If the well for which the variance is required is or will be an exempt well, the variance shall be processed as follows:

(1) The General Manager may grant the variance, without notice or hearing, if:

(a) the applicant for well registration has submitted signed and notarized waivers from all Owners and Well Owners within the applicable spacing limits described in Rule 8.2; and

(b) the well location complies with the requirements of Rule 10.1.B.

(2) The General Manager, in his or her sole discretion, may refer the well registration to the Board for a decision on whether a variance should be granted, without regard to whether the requirements of Rule 8.3.B(1) have been met.

C. **Notice.** A requested variance will be set on the agenda for a Board meeting if: (1) a variance under Rule 8.3.A is to be considered with an application that does not require notice under Rule 15.1; (2) a variance is required and Rule 8.3.B(1) does not apply; or (3) the General Manager has referred the well registration to the Board under Rule 8.3.B(2). In addition to the notice required by the Open Meetings Act, the District shall mail notice at least fourteen (14) days prior to the Board meeting at which the variance will be considered to the applicant for well registration and to all Owners and Well Owners located within the spacing limits described in Rule 8.2. The notice of the meeting shall provide the proposed location of the well(s), the applicant's name and address, and the date, time, and location of the Board meeting. The Board may grant the variance, deny the variance, or approve the variance with terms other than those requested at the noticed Board meeting or any subsequent and appropriately noticed Board meeting. The Well Owners within the applicable spacing distances in Rule 8.2 may waive the 14-day notice requirement in this rule in a writing submitted to the District.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16; Rule 8.2.C renumbered and amended 10/16/19; Rule 8.3.C amended 3/15/23]

PROPOSED RULE CHANGES
3/17/23

SECTION 9: PRODUCTION LIMITS FOR NON-EXEMPT WELLS

Rule 9.1. Production Limits. To accomplish the purposes of Texas Water Code chapter 36, and to achieve the stated purposes and goals of the District, including managing the sustainability of the aquifers and preventing significant, sustained water-level declines within the aquifers, the District shall manage total groundwater production on a long-term basis to achieve the applicable Desired Future Condition. Excluding authorized groundwater production from a Historic Well, and authorized groundwater production from an Exempt Well, the production of water authorized by any permit issued by the District for the production of water is subject to limitation, adjustment and reduction. The District may ~~establish~~ amend production limits on all permits for this purpose following the procedures in Rules 14.1 and 14.2. The following production limits shall apply to applications for new wells, amendment applications to existing permits to authorize an increase in production, and applications to authorize an increase in production from Historic Wells~~All Operating Permits are issued subject to any future production limits adopted by the District under this Rule.~~

A. Maximum Allowable Production.

(1) The annual groundwater production volume for any new Operating Permit, amendment to an existing Operating Permit, or amendment to a Historic Use Permit, beginning on {DATE of adoption} and thereafter, shall be limited to the lesser of the following ("Maximum Allowable Production"):

(a) the amount of water per year determined by the Board that can be beneficially used after considering the factors enumerated in Rule 5.2(D); or

(b) the amount of water per year per one Contiguous Acre for wells completed in an aquifer in the District as designated below ("Production Cap").

Aquifer	**Amount (acre-foot/acre)**
Calvert Bluff	0.5
Carrizo	0.8
Hooper	0.5
Queen City	0.2
Sparta	0.3
Simsboro	1.6

(2) **Eligible Land**. Land, and water rights in land, that is not located over the aquifer from which a well is authorized to produce groundwater, will not be included in calculating the volume of water permitted to be pumped under Rule 9.1.A. For example,

if the well is located on one 10,000-acre tract, but the aquifer beneath the land surface only covers 5,000 acres of the tract, 5,000 acres will not be considered in determining the Maximum Allowable Production, and under 9.1.A(2), the Maximum Allowable Production would be 8,000 acre-feet per year.

(3) **Limitations**.

(a) A well or well system may not be operated such that the total annual production exceeds the Maximum Allowable Production for which the well or well system is permitted. Any operation of the well or well system above the Maximum Allowable Production without approval from the District will be subject to enforcement under these Rules.

(b) A well or well system may not be operated such that the total annual production exceeds the Maximum Allowable Production, less any reduction required under Section 9.

(4) **Reductions**. The volume of water authorized by permit to be produced in one or more aquifers, and/or Management Zone(s), may be reduced by the Board if it determines a reduction is necessary based on studies and evaluations using the best available data and science. Following notice from the District to impacted permitholders, a reduction shall begin as soon after a decision by the Board that such reduction is reasonably required for the conservation and preservation of groundwater, or the protection of the aquifer or groundwater users, within such aquifer and/or Management Zone(s). If the Production Cap is reduced for an aquifer, or Management Zone(s), the Maximum Allowable Production will also be reduced accordingly, and a new permit with the reduced authorized volume of water will be issued.

B. Desired Future Condition Curtailment.

(1) Using the best available data and science, including without limitation, information received in hydrogeological reports and other hydrogeologic and scientific studies, the Board, by resolution, may reduce the Maximum Allowable Production for all non-exempt permits producing from a particular Aquifer within the District if reductions are necessary to achieve the applicable Desired Future Conditions established for a particular Aquifer of the District ("DFC Curtailment").

(2) When establishing the DFC Curtailment, the Board must first estimate the amount of groundwater used from the particular Aquifer to support exempt uses ("Exempt Use Amount"). After setting the Exempt Use Amount, the Board must determine how

much water remains to be allocated to permits for the particular Aquifer of the District without impairing achievement of the applicable Desired Future Condition(s) established for a particular Aquifer ("DFC Allocated Amount').

(3) When establishing the reductions to the Maximum Allowable Production for all non-exempt permits in a particular Aquifer, the Board may choose to proportionately reduce permits for the particular Aquifer of the District on a pro rata basis of the DFC Allocated Amount. The Board's resolution under 9.1.B.1. shall identify reductions to be applied to all applicable non-exempt permits in a particular Aquifer, or Management Zone(s) of the District. The General Manager shall administratively reissue the affected permits containing the adjusted Maximum Allowable Production ("DFC Maximum Allowable Production") to all affected permit holders.

(4) New Operating permits may be issued by the District to applicants with no existing non-exempt permits for production in an Aquifer subject to a DFC Curtailment Resolution adopted according to this Section 9.

C. Temporary Drought Curtailment.

(1) The Board may by resolution adopt a Temporary Drought Curtailment decreasing the Maximum Allowable Production or the DFC Maximum Allowable Production in all non-exempt permits for a given period of time if the Texas Water Development Board (TWDB) reports certain drought stages of the District's boundaries for at least 30 days in its Water Weekly reports found at https://waterdatafortexas.org/drought/twdb-reports as follows:

(a) D1 drought-moderate or D2 drought-severe: a downward adjustment up to 15%;

(b) D3 drought-extreme or D4 drought-exception: a downward adjustment up to 25%.

(2) Any resolution shall state how long the temporary drought curtailment shall remain in place and can be based on improvement of the drought status according to TWDB report. The Board must review the TWDB Water Weekly reports at its regular board meeting during a Temporary Drought Curtailment.

(3) (3) All persons with permits where the Maximum Allowable Production have been temporarily decreased shall pay Production Fees for the amount of groundwater produced during the Temporary Drought Curtailment.

PROPOSED RULE CHANGES
3/17/23

[Adopted 11/14/12; effective 1/1/13; amended {DATE}]

Rule 9.2. Management Zones

A. Using the best hydrogeologic and other relevant scientific data readily available, the Board may create certain management zones within the District based on geographically or hydrogeologically defined areas, aquifers, or aquifer subdivisions, in whole or in part, following the procedures in Rule 14.1 or Rule 14.2. Within a management zone, the District may:

(1) assess water availability;

(2) authorize total production and make proportional adjustments to permitted withdrawals;

(3) allow for the transfer of permits; and

(4) otherwise undertake efforts to manage the groundwater resources in a manner that is consistent with the District Management Plan and that aids in the attainment of all applicable Desired Future Conditions.

B. The District shall attempt to delineate Management Zones along boundaries that, to the extent practicable, will promote fairness and efficiency by the District in its management of groundwater and the ability of the public to identify the boundaries based upon land surface features.

[Adopted 11/14/12; effective 1/1/13]

Rule 9.3. Waivers and Variances

A. **Non-contiguous land Waiver**. Non-contiguous land owned by an applicant for an Operating Permit or amendment to an Operating Permit shall be deemed to be within a continuous perimeter boundary of the land on which the well is located if the applicant obtains a waiver in writing from the owners of the groundwater rights located between the well site and the non-contiguous land. In such an event, if such non-contiguous land otherwise satisfies the definition of Contiguous Acre, it shall be deemed to be a contiguous for the purposes of this Section 9. The waiver will be on a form provided by the District.

B. **Non-contiguous land Variance**. If a variance from the contiguous acre requirements of Rule 9.1.A is required for a proposed new well that requires an Operating

Permit under Section 5 of these Rules, or an amendment to an Operating Permit, then a variance will be considered with the Operating Permit application or amendment application. The variance request must be accompanied by a hydrological study prepared by a licensed hydrologist or engineer. If the hydrological study shows the aquifer will not be damaged and the water production capacity of the abutting land that is not owned or controlled by the applicant will not be unreasonably limited if the variance is granted, and the Board finds from such report and other evidence presented, including but not limited to a review and report made by the district hydrogeologist, that granting the variance will not damage the aquifer or unreasonably limit the production capacity of abutting property, the Board may grant a variance. The Board may consider all waivers granted and all waivers refused to be granted by the owners of water rights to property that abuts the land on which the well will be located, and any such waivers by the owners of any other water rights that are located between the well site and the non-contiguous land. The variance may be granted in whole or in part.

C. **Notice.** A requested variance will be set on the agenda for a Board meeting if: (1) the applicant has submitted the information in Rule 9.3; and (2) the General Manager has determined the Operating Permit application is Administratively Complete under Rule 15.1. In addition to the notice required by the Open Meetings Act, the District shall mail notice at least fourteen (14) days prior to the Board meeting at which the variance will be considered to the applicant and to all Owners and Well Owners with land immediately adjacent to the Non-contiguous land in the application. The notice of the meeting shall provide the proposed location of the well(s), the applicant's name and address, and the date, time, and location of the Board meeting. The Board may grant the variance, deny the variance, or approve the variance with terms other than those requested at the noticed Board meeting or any subsequent and appropriately noticed Board meeting. The Well Owners with land immediately adjacent to the Non-contiguous land in the application may waive the 14-day notice requirement in this rule in a writing submitted to the District.

Rule 9.4. Actions Based On Monitoring Results.

Monitoring and threshold levels will be used to initiate appropriate responses designed to help achieve the Desired Future Conditions, conserve and preserve groundwater availability and protect groundwater users. Three threshold levels are adopted to help guide these actions. Each threshold level provides for an increased level of response based on the change in production or water levels associated with a Management Zone. The threshold levels are: Level 1; Level 2; and Level 3. {*NOTE: Thresholds Levels under evaluation.*}

PROPOSED RULE CHANGES
3/17/23

SECTION 10: WELL LOCATION AND CONSTRUCTION STANDARDS

Rule 10.1. Well Location

A. All new wells must be drilled within 100 feet of the location identified in the approved certificate of registration or the approved Operating Permits; provided that the well location must comply with the applicable well spacing requirements under Rule 8.2 or any variance granted under Rule 8.3.

B. All new wells must comply with the location standards of Texas Department of Licensing and Regulation rules at 16 Texas Administrative Code Section 76.1000, as amended, and with the minimum required separation distance for on-site sewage facilities under Texas Commission on Environmental Quality rules at 30 Texas Administrative Code Section 285.91(10), as amended.

C. Public water system wells must comply with the location standards of 30 Texas Administrative Code chapter 290.

[Adopted 11/14/12; effective 1/1/13]

Rule 10.2 Well Construction

A. Except as provided in Rule 10.2.C, all new construction of wells and installation of pumps shall be in accordance with the Texas Occupations Code Chapter 1901, "Water Well Drillers," and Chapter 1902, :Water Well Pump Installers," as amended, and the rules of the Texas Department of Licensing and Regulation at 16 Texas Administrative Code, Chapter 76, as amended.

B. All public water supply wells must be completed using the engineer-designed criteria approved by the Texas Commission on Environmental Quality under 30 Texas Administrative Code Chapter 290, as amended.

C. All non-exempt wells other than public water supply wells must be completed in accordance with the stricter of the Texas Department of Licensing and Regulation rules set forth at 16 Texas Administrative Code, Chapter 76, the applicable county regulations, the applicable city ordinances, or the following specifications:

(1) The annular space between the borehole and the casing shall be filled with cement slurry from the ground level to a depth of not less than 10 feet below the land surface or well head.

PROPOSED RULE CHANGES
3/17/23

(2) All wells shall have a concrete slab or sealing block above the cement slurry around the well at the ground surface.

(3) The slab or block shall extend at least two (2) feet from the well in all directions and have a minimum thickness of four inches and shall be separated from the well casing by a plastic or mastic coating or sleeve to prevent bonding of the slab to the casing.

(4) The surface of the slab shall be sloped to drain away from the well.

(5) In all new wells:

(a) the casing shall extend a minimum of one foot above the original ground surface; and

(b) A slab or block as described in Rule 10.2.C(3) is required above the cement slurry except when a pitless adapter is used. Pitless adapters may be used in such wells provided that:

(i) the pitless adapter is welded to the casing or fitted with another suitably effective seal; and

(ii) the annular space between the borehole and the casing is filled with cement to a depth not less than 15 feet below the adapter connection.

(6) The well casing shall be capped or completed in a manner that will prevent pollutants from entering the well.

[Adopted 11/14/12; effective 1/1/13]

Rule 10.3 Re-completions

A. The Well Owner shall have the continuing responsibility of insuring that a well does not allow commingling of undesirable or contaminated water with fresh water or the unwanted loss of water through the wellbore to other porous strata. All wells shall be re-completed in accordance with the specifications and technical requirements in Texas Department of Licensing and Regulation rules set forth at 16 Texas Administrative Code section 76.100, as amended.

PROPOSED RULE CHANGES
3/17/23

B. The Board may direct a Well Owner to take steps to comply with 16 Texas Administrative Code section 76.100 and to prevent the commingling of undesirable or contaminated water with fresh water, or the unwanted loss of water.

[Adopted 11/14/12; effective 1/1/13, amended and renumbered 3/15/23]

SECTION 11: REPORTING

Rule 11.1 Filing State Reports

A. **Well Report.** A water well driller shall submit a copy of the State Well Log report and, if available, a geophysical log to the District within 30 days of: (1) the cessation of drilling, for a well that will not be completed; (2) the completion of a well; (3) the deepening of a well; or (4) any other alteration to the well.

B. **Plugging Report.** Within 30 days after plugging a well, the person plugging the well shall submit to the District a copy of the State Plugging Report.

[Adopted 11/14/12; effective 1/1/13]

Rule 11.2 Water Use Reports

A. **Wells with Operating Permits.** An Operating Permit holder shall keep a record of the total amount of water produced from each permitted well in each calendar month. The Operating Permit holder shall submit an annual water production report to the District on or before January 31 of the following calendar year that includes the amount of groundwater withdrawn from each well during each calendar month of the previous calendar year.

B. **Wells with Transport Permits.** A Transport Permit holder shall keep a record of the total amount of water produced from a well or a Well System and transported outside the boundaries of the District in each calendar year. The Transport Permit holder shall submit the annual water transport record to the District on or before January 31 of the following calendar year.

C. **Other wells transporting water outside District boundaries.** A Well Owner who transports groundwater outside the District's boundaries for use outside the District's boundaries, but is exempted from obtaining a Transport Permit under Rule 6.1.B.(2) or Rule 6.1.B.(3), shall keep a record of the total amount of water transported outside the boundaries of the District in each calendar year. The Well Owner shall submit the annual

water transport report to the District on or before January 31 of the following calendar year.

D. **Exempt rig supply wells.** The operator of a well that is exempted from obtaining an Operating Permit under Rule 3.1.B shall keep a record of the total amount of water produced from the well in each calendar month. The operator shall submit an annual water production report to the District on or before January 31 of the following calendar year that includes the amount of groundwater withdrawn during each calendar month of the previous calendar year.

E. **Exempt mining wells.** An entity holding a permit issued by the Railroad Commission under Texas Natural Resources Code, Chapter 134 that authorizes the drilling of a water well shall keep a record of the total amount of water produced from the well in each calendar year. The entity shall submit an annual water production report to the District on or before January 31 of the following calendar year that includes the amount of groundwater withdrawn during each calendar month of the previous calendar year.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16; Rule 11.2 A, B, and C amended 3/15/23]

PROPOSED RULE CHANGES
3/17/23

SECTION 12: PROHIBITION AGAINST WASTE AND POLLUTION

Rule 12.1 Wasteful Use. Groundwater produced from within the District shall not be used in such a manner or under such conditions as to constitute Waste as defined by District Rules.

[Adopted 11/14/12; effective 1/1/13]

Rule 12.2 Groundwater Pollution. No person shall pollute or harmfully alter the character of the groundwater within the District by causing or allowing the introduction of undesirable water, pollutants, or other deleterious matter from another stratum, from the surface of the ground, or from the operation of a well. Injection activities that are in compliance with the Texas Commission on Environmental Quality regulatory requirements authorized by chapter 27 of the Texas Water Code chapter 27, for which the U.S. Environmental Protection Agency and the TCEQ have approved the aquifer exemption specified in the federal Safe Drinking Water Act and codified in 40 Code of Federal Regulations, section 114.7(b) and 30 Texas Administrative Code, section 331.13, shall not constitute groundwater pollution under this Rule 12.2.

[Adopted 11/14/12; effective 1/1/13]

Rule 12.3 Waste Prevention. Any person producing or using groundwater shall exercise due care in accordance with acceptable and approved methods to stop and prevent waste of groundwater.

[Adopted 11/14/12; effective 1/1/13]

Rule 12.4 Deteriorated Well. No person shall allow the continued existence of a Deteriorated Well or an abandoned well. Not later than the 180th day after the date a Landowner, Owner, or Well Owner or other person who possesses a Deteriorated Well learns of its condition and location, the well shall be plugged in accordance with the Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code chapter 76, as amended. It is the responsibility of the Landowner, Owner and Well Owner to ensure that such a well is plugged in order to prevent pollution of the groundwater and to prevent injury to persons. Not later than the 30th day after the date the well is plugged, a State Plugging Report shall be submitted to the District as required by Rule 11.1.B.

[Adopted 11/14/12; effective 1/1/13]

PROPOSED RULE CHANGES
3/17/23

Rule 12.5 Open or Uncapped Well. If any Well is not in actual use, but has not been plugged, the Well Owner shall keep the Well permanently capped or closed with a covering capable of sustaining weight of at least 400 pounds.

[Adopted 4/20/16]

Rule 12.6 **Water loss.** This section applies only to a retail public utility with more than 150,000 service connections, using water that originates from any aquifer within the District. A retail public utility with a Texas Water Development Board Water Loss Audit indicating water loss equal to or more than 15 percent shall:

(1) Within 180 days of receiving a Texas Water Development Board Water Loss Audit indicating water loss equal to or more than 15 percent, enact Stage 2 water restrictions, as specified in the utility's drought contingency plan, for a maximum of two years until a new TWDB Loss Audit indicates water loss of 15% or less, and

(2) After two years of having a Texas Water Development Board Water Loss Audit indicating water loss equal to or more than 15 percent, enact Stage 3 water restrictions, as specified in the utility's drought contingency plan, until a new TWDB Loss Audit indicates water loss of less than 15%.

[Adopted {DATE}; effective {DATE}]

Rule 12.7 **Transport.** All transport of groundwater, outside or inside the District boundaries, shall be contained from its source to End User to avoid evaporation or percolation into a ground surface.

[Adopted {DATE}; effective {DATE}]

PROPOSED RULE CHANGES
3/17/23

SECTION 13: INVESTIGATIONS AND ENFORCEMENT

Rule 13.1 Notice and Access to Property. District employees and agents are entitled to enter any public or private property within the boundaries of the District at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the State or the compliance with any rule, regulation, permit, or other order of the District. District employees shall make reasonable efforts to notify and coordinate with the permittee or Owner in advance of any entry. Entry will take place during normal business hours, unless the permittee agrees to entry at another time. District employees or agents acting under this authority shall exhibit proper credentials upon request and shall observe all applicable rules and regulations concerning safety, internal security, and fire protection.

[Adopted 11/14/12; effective 1/1/13; amended 10/16/19]

Rule 13.2 Notice of Violation of Water Code, District Rules or Permits. The General Manager may send a notice of violation to a person who is believed to be in violation of Texas Water Code chapter 36, the District Rules, or any provision of an Operating Permit or Transport Permit. The notice of violation shall include a description of the alleged violation and shall provide the opportunity for the respondent to meet with the General Manager and undertake remedial actions regarding the alleged violation within thirty (30) days of the date of the notice or within a shorter period of time if the General Manager considers the violation to pose an imminent threat to the public health or safety. If the respondent fails to cure the violation within the time period described in the notice of violation, the General Manager may issue a show cause notice describing the violation and directing the respondent to show cause why the respondent should not be held responsible for the violation. The show cause notice will be processed as provided in Rule 15.7.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16; amended 10/16/19]

Rule 13.3 Penalties for Violation of District Rules

The Board may assess penalties of up to $10,000 per day per violation of a District Rule, and each day of a continuing violation constitutes a separate violation. Such penalties shall be in addition to any other penalty provided by the laws of the State of Texas and may be enforced as provided in Texas Water Code chapter 36.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16; amended 10/16/19]

PROPOSED RULE CHANGES
3/17/23

Rule 13.4 Civil Enforcement of Water Code and District Rules. The Board may seek enforcement of Texas Water Code chapter 36 or the District Rules by injunction, mandatory injunction, or other appropriate remedy through a suit filed in a court of competent jurisdiction, as provided by Texas Water Code section 36.102.

[*Adopted 11/14/12; effective 1/1/13; amended 4/20/16 and renumbered Rule 13.4]*

Rule 13.5 Revocation of an Operating Permit or Transport Permit.

A. In addition to any other enforcement actions and penalties that may be available, and after issuance of a show cause notice under Rule 13.2, the District may revoke an Operating Permit or a Transport Permit if the Board finds that the Operating Permit or Transport Permit holder has failed to comply with a material provision of the applicable permit.

B. In determining whether revocation is appropriate, the Board shall consider the following:

(1) whether the permit holder misrepresented or failed to fully disclose relevant facts in obtaining the permit;

(2) whether the permit violation adversely affected existing groundwater resources and permit holders;

(3) whether the permit violation resulted in Waste;

(4) whether the permit violation adversely affected groundwater quality; and

(5) whether the permit holder has a history of non-compliance with Texas Water Code chapter 36, the District Rules, or the permit provisions.

[*Adopted 10/16/19*]

Rule 13.6 Closing or Capping of Wells

A. After notice to the Well Owner and the opportunity to request a contested case hearing under Rule 15.7, the Board may enter an order requiring a Well Owner to close or cap a well that is not in actual use in compliance with Rule 12.5, if the Board finds that the closing or capping is required to protect groundwater quality.

PROPOSED RULE CHANGES
3/17/23

B. If the District Board enters an order requiring the Well Owner to close or cap a well and the Well Owner fails to close or cap the well, the District may enter upon the property as provided by Rule 13.1 and close or cap the well.

C. If the District believes that an open well may cause a threat of imminent endangerment to human health, safety, or the environment, the Board may enter an order requiring closing or capping of the well on an emergency basis, and the District may enter upon the property as provided by Rule 13.1 and close or cap the well. Notice of the Board order shall be provided to the Well Owner as soon as reasonably practicable, and the Well Owner may request a contested case hearing on the order in accordance with the procedures set out in Rule 15.7.

D. Tampering with, altering, damaging, or removing a well cap that was installed by the District without District approval is a violation of the District Rules. In addition to any civil penalties assessed by the Board, the person found to have committed such a violation will be responsible for the costs to repair or replace the well cap.

[Adopted 4/20/16; Amended 10/16/19 and renumbered Rule13.6]

PROPOSED RULE CHANGES
3/17/23

SECTION 14: PROCEDURE FOR ADOPTION OF RULES AND MANAGEMENT PLAN

Rule 14.1 Hearing on Rules or Management Plan Other Than Emergency Rules

A. The Board will consider proposed Rules and a proposed Management Plan at a regularly scheduled or specially called Board meeting. The Board meeting at which the proposed Rules or proposed Management Plan are considered under this Rule shall be considered the public hearing on the proposed Rules or proposed Management Plan and fulfills the requirement, if any, for a public hearing.

B. Notice required by the Open Meetings Act shall be provided for the hearing.

C. In addition to the notice required by the Open Meetings Act, not later than the 20th day before the date of the hearing, notice shall be provided as follows:

(1) Post notice in a place readily accessible to the public at the District office;

(2) Provide notice to the county clerks of Bastrop County and Lee County;

(3) Publish notice in one or more newspapers of general circulation in the counties in which the District is located; and

(4) Provide notice by mail, facsimile, or electronic mail to any person who has requested notice under Rule 14.1.F. Failure to provide such notice does not invalidate an action taken by the District at a rulemaking hearing.

D. Notice of the hearing on the proposed Rules or proposed Management Plan shall include:

(1) A brief explanation of the subject of the rulemaking hearing or management plan hearing, including a statement that the Board will consider changes to the Rules or Management Plan.

(2) The time, date, and location of the hearing.

(3) The agenda of the hearing.

(4) A statement that the proposed Rules or proposed Management Plan are available to be reviewed or copied at the District Office prior to the hearing.

PROPOSED RULE CHANGES
3/17/23

(5) A statement that the District will accept written comments and that provides the deadline for submitting such written comments.

(6) A statement that oral public comment will be taken at the hearing.

E. Copies of the proposed Rules or Management Plan shall be available at the District Office during normal business hours at least 20 days prior to the hearing.

F. A person may submit to the District a written request for notice of a rulemaking hearing. A request is effective for the remainder of the calendar year in which the request is received by the District. To receive notice of a rulemaking hearing in a later year, a person must submit a new request.

G. The presiding officer shall conduct a rulemaking or management plan hearing in the manner the presiding officer determines to be most appropriate to obtain information and comments relating to the proposed rule or management plan as conveniently and expeditiously as possible. Comments may be submitted orally at the hearing or in writing. The presiding officer may hold the record open for a specified period after the conclusion of the hearing to receive additional written comments.

H. A district may require each person who participates in a rulemaking or management plan hearing to submit a hearing registration form stating:

(1) the person's name;

(2) the person's address;

(3) whom the person represents, if the person is not at the hearing in the person's individual capacity;

(4) whether the person owns or operates any wells within the District and the aquifer units in which such wells are completed.

I. The presiding officer shall prepare and keep a record of each rulemaking or management plan hearing in the form of an audio or video recording or a court reporter transcription.

J. The District may use an informal conference or consultation to obtain the opinions and advice of interested persons about contemplated rules and may appoint advisory committees of experts, interested persons, or public representatives to advise the district about contemplated rules.

PROPOSED RULE CHANGES
3/17/23

K. If the Board decides to consider substantial changes to the proposed Rules or proposed Management Plan, the Board will provide new notice of the proposed Rules or Management Plan and hold an additional hearing on the proposed Rules or Proposed Management Plan in accordance with this Rule.

L. The Board shall issue a written order or resolution reflecting its decision. The proposed Rules or proposed Management Plan that the Board has approved shall be an attachment to that written order or resolution.

M. The effective date of the written order or resolution shall be the date on which the President of the District Board signs the order or resolution. The order or resolution shall include the date upon which the proposed Rules or proposed Management Plan will become effective. Any appeal authorized by Texas Water Code chapter 36, subchapter H shall run from the effective date.

[Adopted 11/14/12; effective 1/1/13; Rule 14.1.J amended 4/20/16; Rule 14.1.H amended 10/16/19; Rule 14.1.M amended 3/15/23]

Rule 14.2 Hearing on Emergency Rules

A. The Board may adopt an emergency rule without following the procedures in rule 14.1 if the Board:

(1) finds that a substantial likelihood of imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on less than 20 days' notice; and

(2) prepares a written statement of the reasons for its finding under Rule 14.2.A(1).

B. An emergency rule under this Rule 14.2 must be adopted at a meeting of the Board subject to the requirements of the Open Meetings Act. Notice required by the Open Meetings Act shall be provided.

C. Except as provided by Rule 14.2.D, a rule adopted under this section may not be effective for longer than 90 days.

D. If notice of a hearing under Rule 14.1 is given not later than the 90th day after the date the rule is adopted, the rule is effective for an additional 90 days.

PROPOSED RULE CHANGES
3/17/23

[Adopted 11/14/12; effective 1/1/13; Rule 14.2.A amended 4/20/16]

PROPOSED RULE CHANGES
3/17/23

SECTION 15: PROCEDURES FOR APPLICATIONS AND OTHER MATTERS

Rule 15.1 Permit Applications Requiring Public Hearing

A. "**Application" defined.** In this Rule 15.1, "Application" refers to:

(1) an application for an Operating Permit, except an application described in Rule 5.2.B and Rule 5.2.C;

(2) an application for a Transport Permit;

(3) an application to amend an Operating Permit, except an application described in Rule 7.2.C., Rule 7.2.D, Rule 7.2.E or Rule 7.2.F; or

(4) an application to amend a Transport Permit, except an application described in Rule 7.3.C. and Rule 7.3.D.

B. **Technical review.** Upon receipt of an Application, the General Manager will conduct a technical review as follows:

(1) Within 60 days of the receipt of an Application, the General Manager will notify the applicant if the Application is incomplete or if any additional information or documentation is useful or necessary to address the factors that the Board will consider in making a decision on the Application under these Rules. If the applicant has not supplied the additional information or documentation within 180 days following the date that the General Manager notified the applicant of the need for the additional information or documentation, the Application shall expire. Any additional information or documentation timely submitted by an applicant will be considered a part of the Application.

(2) Within 180 days of the later of the date the District receives an Application or the date that the applicant supplies the additional information or documentation requested under Rule 15.1.B(1), the General Manager will complete the technical review of the Application, and notify the applicant in writing that the Application has been declared Administratively Complete. The written notice will contain the General Manager's recommendation on the Application, and, if the General Manager recommends that a permit, an amendment, or a renewal be granted, may include a draft permit to be presented to the Board for consideration. The General Manager may extend the 180-day period for technical review for a reasonable period upon written notice to the applicant if the General Manager determines that some specific aspect of the application requires a technical review period of more than 180 days.

PROPOSED RULE CHANGES
3/17/23

C. **Notice.** Within 60 days of the date on which the General Manager determines that an Application is Administratively Complete, the Application will be set for a public hearing. Notice of the public hearing shall be provided as required by the Open Meetings Act and as follows:

(1) **Contents of notice.** The General Manager shall prepare a notice, which shall include the following information:

(a) the name of the applicant;

(b) the address or approximate location of the well or proposed well;

(c) a brief explanation of the proposed permit, permit amendment, permit renewal, or permit transfer, including any requested amount of groundwater, the purpose of the proposed use, and any change in use;

(d) the time, date, and location of the public hearing; and

(e) any other information the General Manager considers relevant and appropriate.

(2) **District notice.** The General Manager shall provide the notice as follows:

(a) Not later than the 25th day before the date of the public hearing, the General Manager shall provide the notice to the applicant by regular mail. At the request of the applicant, the General Manager will also provide the notice of hearing to the applicant by facsimile or electronic mail.

(b) Not later than the 20th day before the date of the public hearing, the General Manager shall:

(i) post the notice in a place readily accessible to the public at the District Office;

(ii) provide the notice to the county clerks of Bastrop County and Lee County; and

(iii) provide the notice by regular mail or electronic mail to any person who has requested notice under Rule 15.1.C(4).

PROPOSED RULE CHANGES
3/17/23

(3) **Applicant notice.** The applicant shall provide the notice as follows:

(a) Not later than the 20th day before the public hearing, the applicant shall provide the notice by regular mail to:

(i) all Owners and Landowners of property within 5,000 feet of the proposed well location, as shown in the county tax rolls on the date the notice was mailed; and

(ii) all Owners of registered and permitted wells within 5,000 feet of the proposed well location, as shown in the records of the District on the date the notice is mailed.

(b) Not later than the 20th day before the public hearing, the applicant shall publish the notice once in a newspaper of general circulation in each county within the District.

(c) The applicant shall provide the District with proof of the mailing and publication of notice before the date of the hearing. Proof of publication shall include a publisher's affidavit and tear sheet of the notice.

(4) **Request for notice.** A person may request notice from the District of a public hearing on an Application. The request must be in writing and is effective for the remainder of the calendar year in which the request is received by the District. To receive notice of a public hearing in a later year, a person must submit a new request. An affidavit of an officer or employee of the District establishing attempted service by first class mail or e-mail to the person in accordance with the information provided by the person is proof that notice was provided by the District. Failure to provide notice to a person requesting notice under this Rule 15.1.C(4) does not invalidate an action taken by the District at the meeting or hearing.

D. **Comments.** Any person may submit written comments on an Application to the District prior to the public hearing on the Application, but no person will be permitted to provide oral comments to the Board on the Application until it is considered by the Board at a public hearing. The President shall be the presiding officer at the public hearing. If the President is not present, the Board shall select one of the Directors who are present to preside. Each person other than the applicant or the General Manager who desires to comment on the Application at the Board meeting shall submit a registration form provided by the District. Any person who has submitted a registration form, the General Manager, and the applicant may make oral comments and submit written evidence on the Application at the time designated for comments. The presiding officer may:

(1) administer an oath to any person presenting evidence on behalf of the General Manager or the applicant or to any other person who makes oral comments on the Application;

(2) take action to ensure that information and oral comments are presented as conveniently and expeditiously as possible without prejudicing the rights of any person;

(3) prescribe reasonable time limits for oral comments and the presentation of evidence; and

(4) continue the public hearing from time to time and from place to place without providing notice under Rule 15.1.C.

E. **Request for contested case hearing.**

(1) **Filing of request.** The General Manager, the applicant, or any other person may request a contested case hearing on an Application in writing no later than the 5th day before the date of the public hearing described in the notice required by Rule 15.1.C. If the applicant timely requests a contested case hearing on its Application under this Rule, then the Application shall be considered contested and a contested case hearing on the Application will be held in accordance with Rule 15.2. If the General Manager timely requests a contested case hearing under this Rule, then the Board, in its discretion, shall determine whether a contested case hearing on the Application should be held in accordance with Rule 15.2.

(2) **Preliminary hearing.** If the District receives a request for a contested case hearing on the Application from a person other than the General Manager or the applicant, the Board shall schedule a preliminary hearing to hear the request and the Board will not hold the public hearing on the Application until such time that it is determined that the Application is uncontested.

(a) The preliminary hearing may be conducted by:

(i) a quorum of the Board;

(ii) a Hearings Examiner; or

(iii) SOAH, if the applicant or a person requesting a contested case hearing request that the preliminary hearing be conducted by SOAH under Rule 15.2.A.

(b) The District shall mail notice of the preliminary hearing to the applicant, any person who filed a request for a contested case hearing, and persons requesting notice under Rule 15.1.C(4) no later than the 10th day before the date of the preliminary hearing. Failure to provide notice to a person requesting notice under Rule 15.1.C(4) does not invalidate an action taken by the District at the preliminary hearing.

(c) The sole issues at the preliminary hearing shall be:

(i) whether the person requesting a contested case hearing has standing to protest the Application; and

(ii) whether the person requesting a contested case hearing has raised a justiciable issue related to the Application.

(d) A person other than the applicant or the General Manager has standing if that person has a personal justiciable interest that is related to a legal right, duty, privilege, power, or economic interest that is within the District's regulatory authority and that is affected by the Board's action on the Application, not including persons who have an interest common to members of the public.

(e) Following the preliminary hearing, the Board or its delegate (a Hearings Examiner or SOAH) shall determine whether any person requesting a contested case hearing on the Application has standing to make that request and whether a justiciable issue relating to the Application has been raised. If the Board or its delegate determines that a person requesting a contested case hearing has standing and has raised a justiciable issue related to the Application, the Board or its delegate shall grant that person's request for a contested case hearing, and a contested case hearing on the Application will be held in accordance with Rule 15.2. If the Board or its delegate determines that no person who has requested a contested case hearing has standing or that no justiciable issue related to the Application has been raised, then the Application shall be considered uncontested, and the Board will schedule the public hearing and take action on the application under Rule 15.1.F.

F. **Uncontested Applications.**

(1) If the District does not receive a timely-filed request for a contested case hearing on the Application, or if the Board denies all requests for a contested case hearing, then the Application shall be considered uncontested. The Board may take action

on an uncontested Application at the public hearing described in the notice required by Rule 15.1.C or at any later properly noticed Board meeting. The Board shall issue a written order or resolution reflecting its decision.

(2) Not later than the 20th day after the date the Board issues a written order granting an uncontested Application, the applicant may demand a contested case hearing on the Application if the order:

(a) includes special conditions that were not part of the Application as finally submitted; or

(b) grants a maximum amount of groundwater production that is less than the amount requested in the Application.

(3) A hearing demanded under Rule 15.1.F(2) will be held in accordance with Rule 15.2, except that the applicant and the General Manager shall be the only parties to the hearing.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16 and renumbered Rule 15.1; Rules 15.1.D, 15.1.E and 15.1.F amended 10/16/19; Rule 15.1 B, C, and E amended 3/15/23]

Rule 15.2 Permit Applications Requiring Contested Case Hearing

A. **Hearing Conducted by SOAH.** If timely requested by the applicant or other party to a contested case, the District shall contract with SOAH to conduct a preliminary hearing or a hearing on the merits of an Application.

(1) The General Manager, applicant or other party requesting a contested case hearing must request that the preliminary hearing or hearing on the merits be conducted by SOAH in writing on or before the date of the public hearing described in notice required by Rule 15.1.C.

(2) The requesting person shall pay all costs associated with the contract for the hearing and shall deposit with the District an amount sufficient to pay the contract amount. The requesting person shall make the required deposit with the District no later than the 20th day before the preliminary hearing. At the conclusion of the hearing, the District shall refund any excess money to the paying person. All other costs may be assessed as authorized by this chapter or District rules.

(3) A hearing before a SOAH Administrative Law Judge shall be conducted as provided by Texas Government Code chapter 2001, subchapters C, D and F, the procedural rules of SOAH, and Rule 15.2 of the District Rules to the extent that Rule 15.2

is consistent with SOAH's procedural rules. The SOAH Administrative Law Judge will be the presiding officer for purposes of this Rule 15.2.

B. **Hearing conducted by Board or Hearings Examiner.** Except as provided in Rule 15.2.A, a contested case hearing shall be conducted by a quorum of the Board, or the Board, at its sole discretion, may appoint a Hearings Examiner to preside at and conduct the hearing on the Application. The appointment of a Hearings Examiner shall be made in writing. If the contested case hearing is conducted by a quorum of the Board, the President shall preside. If the President is not present, the Board shall select one of the Directors who are present to preside. If the hearing is conducted by a Hearings Examiner, the Hearings Examiner shall be the presiding officer.

C. **Powers of Presiding Officer.** The presiding officer in a contested case hearing may:

(1) Convene the hearing at the time and place specified in the notice.
(2) Set any necessary additional hearing dates.

(3) Designate the parties. Parties shall be limited to: (i) the General Manager; (ii) the applicant; and (iii) persons who have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest that is within a district's regulatory authority and affected by the Application, not including persons who have an interest common to members of the public, and who have raised a justiciable issue relating to the Application.

(4) Establish the order for presentation of evidence.

(5) Administer oaths to all persons presenting testimony.

(6) Examine persons presenting testimony.

(7) Ensure that information and testimony are introduced as conveniently and expeditiously as possible without prejudicing the rights of any party.

(8) Prescribe reasonable time limits for testimony and the presentation of evidence.

(9) Allow or require testimony to be submitted in writing and may require that written testimony be sworn to. On the motion of a party to the hearing, the presiding officer may exclude written testimony if the person who submits the testimony is not available

for cross-examination by phone, a deposition before the hearing, or other reasonable means.

(10) Allow any discovery that is authorized by the Texas Rules of Civil Procedure.

(11) Rule on motions, on discovery issues, on the admissibility of evidence, and on other interlocutory matters.

(12) Refer the parties to an alternative dispute resolution (ADR) procedure on any matter at issue in the hearing, apportion costs for ADR, and appoint an impartial third party as provided by Section 2009.053 of the Government Code to facilitate that procedure.

(13) Continue a hearing from time to time and from place to place without providing notice under Rule 15.1.C. If the continuance is not announced on the record at the hearing, the presiding officer shall provide notice of the continued hearing by regular mail to the parties. If the hearing is being conducted by a quorum of the Board, Open Meetings notice also shall be provided.

(14) Apportion among the parties the costs related to:

(a) a contract for the services of the presiding officer; and

(b) the preparation of the official hearing record.

D. **Evidence.** The presiding officer shall admit relevant evidence and may exclude evidence that is irrelevant, immaterial, or unduly repetitious. The Texas Rules of Evidence shall apply in a contested case, except that evidence inadmissible under those rules may be admitted if the evidence is: (a) necessary to ascertain facts not reasonably susceptible of proof under those rules; (b) not precluded by statute; and (c) of a type on which a reasonably prudent person commonly relies in the conduct of the person's affairs.

E. **Ex parte communications.** A Board member, or a Hearings Examiner or Administrative Law Judge assigned to render a decision or to make findings of fact and conclusions of law in a contested case, may not directly or indirectly communicate in connection with an issue of fact or law in the contested case with a state agency, person, party, or a representative of those entities, except on notice and opportunity for each party to the contested case to participate.

PROPOSED RULE CHANGES
3/17/23

(1) Without limiting the generality of the foregoing, the Board will not hear public comments related to any contested case hearing or other litigation matter that is subject to a prohibition on ex parte communications, including a contested permitting matter, between the conclusion of the public hearing held under Rule 15.1 and the date the Board considers a proposal for decision or renders a final decision under this Rule 15.2. In the event that any person, individually or on behalf of an organization, begins to present public comments in violation of this Rule 15.2.E(1), such person may be instructed that the comments are in violation of this Rule, that they will be disregarded by the Board, and that the person has forfeited his or her time for public comment.

(2) A Board member may communicate ex parte with another Board member in connection with an issue of fact or law in the contested case, if a quorum is not present.

(3) All ex parte communications that are not prohibited by Rule 15.2.E are expressly permitted.

F. **Official Hearing Record.** The presiding officer shall prepare and keep a record of each hearing in the form of an audio or video recording or a court reporter transcription. On the request of a party to the contested case hearing and payment of an appropriate deposit, as set by the presiding officer, the hearing shall be transcribed by a court reporter. The costs of such court reporter may be assessed against the party requesting it or among the parties to the hearing. The presiding officer may exclude a party from further participation in the hearing for failure to pay in a timely manner costs assessed against that party under this Rule 15.2.F.

G. **Proposal for Decision.**

(1) Except as provided in Rule 15.2.G(4), the presiding officer shall submit a proposal for decision to the Board not later than the 30th day after the date the evidentiary hearing is concluded.

(2) The proposal for decision shall include:

(a) a summary of the subject matter of the hearing;

(b) a summary of the evidence received; and

(c) the presiding officer's recommendations for Board action on the subject matter of the hearing.

(3) The presiding officer or the General Manager shall provide a copy of the proposal for decision to the applicant and each designated party. A party may submit

written exceptions to the Board not later than the 20th day after the date of the proposal for decision.

(4) If the contested case hearing was conducted by a quorum of the Board and the presiding officer prepared a record of the hearing as provided in Rule 15.2.F, the presiding officer shall determine whether to prepare and submit a proposal for decision to the Board under this Rule 15.2.G.

H. **Consideration of a Proposal for Decision.** If a proposal for decision is submitted to the Board by the presiding officer, the Board shall consider the proposal for decision at a final hearing. Additional evidence may not be submitted during the final hearing. The parties may present oral argument at a final hearing to summarize evidence, present legal arguments, or argue an exception to the Proposal for Decision. The Board is not required to address the parties' exceptions to the proposal for decision in writing. The presiding officer may continue the final hearing from time to time and from place to place without providing notice under Rule 15.1.C. If the continuance is not announced on the record at the hearing, the presiding officer shall provide notice of the continued hearing by regular mail to the parties. If the hearing is being conducted by a quorum of the Board, Open Meeting Act notice also shall be provided.

I. **Record of decision.** The Board's decision on the Application will be reflected in the minutes of the Board meeting.

J. **Board order.** The Board shall issue a written order or resolution reflecting its decision. The Board's decision shall be made within 60 days after the final hearing on the Application is concluded.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16 and renumbered Rule 15.2; Rule 15.2.E amended 10/16/19; Rule 15.2 H amended 3/15/23]

Rule 15.3 Rehearing of Decision on Permit Application Requiring a Public Hearing

A. **Request for written findings and conclusions**. An applicant in a contested or uncontested public hearing on an Application or a party to a contested case hearing on an Application may administratively appeal a decision of the Board described in Rule 15.2.I or Rule 15.7.E by requesting written findings and conclusions not later than the 20th day after the date of the Board's decision. On receipt of a timely written request, the Board shall make written findings and conclusions regarding the Board's decision on an Application. The Board shall provide certified copies from the District's records custodian

of the findings and conclusions to the person who requested them and to each designated party not later than the 35th day after the date the Board receives the request.

B. **Request for rehearing**. An applicant in a contested or uncontested public hearing or a party to a contested hearing may request a rehearing not later than the 20th day after the date the Board issues written findings and conclusions. A request for rehearing must be filed in the District office and must state the grounds for the request. The person requesting a rehearing must provide copies of the request to all parties to the hearing.

C. **Finality of Board decision**. A decision by the Board on an Application is final:

(1) If a request for rehearing is not timely filed, then on the expiration of the period for filing a request for rehearing; or

(2) If request for rehearing is timely filed, then on the date:

(a) the Board denies the request for rehearing; or

(b) the Board renders a written decision after rehearing.

[*Adopted 11/14/12; effective 1/1/13; amended 4/20/16 and renumbered Rule 15.3; Rule 15.3.A amended 10/16/19; Rule 15.3 amended 3/15/23*]

Rule 15.4 Applications Not Requiring Public Hearing

A. **Applicability**. This Rule 15.4 applies to any application other than the applications described in Rule 5.7, Rule 15.1.A and Rule 15.5.

B. **Technical review**. Upon receipt of an application subject to this Rule, the General Manager will conduct a technical review as follows:

(1) Within 60 days of the receipt of an application, the General Manager will notify the applicant if the application is incomplete or if any additional information or documentation is useful or necessary to address the factors that the Board will consider in making a decision on the Application under these Rules. If the applicant has not supplied the additional information or documentation within 180 days following the date that the General Manager notified the applicant of the need for the additional information or documentation, the application shall expire. Any additional information or documentation that is timely submitted by the applicant will be considered part of the application.

PROPOSED RULE CHANGES
3/17/23

(2) Within 180 days of the later of the date the District receives an Application or the date that the applicant supplies the additional information or documentation requested under Rule 15.4.B(1), the General Manager will complete the technical review of the Application, and notify the applicant in writing that the technical review has been completed and the application has been declared Administratively Complete. The written notice will contain the General Manager's recommendation on the application, and, if the General Manager recommends that a permit, an amendment, or a renewal be granted, may include a draft permit. The General Manager may extend the 180-day period for technical review for a reasonable period upon written notice to the applicant if the General Manager determines that some specific aspect of the application requires a technical review period of more than 180 days.

C. **Notice**. Within 60 days of the date on which the General Manager determines that an application subject to this Rule is Administratively Complete, the application will be set on the agenda for a Board meeting. Notice of the meeting shall be provided as required by the Open Meetings Act.

D. **Comments**. The agenda for the Board meeting shall designate a time for comments on the application. Each person other than the applicant or the General Manager who desires to comment on the Application at the Board meeting shall submit a registration form provided by the District. Any person who has submitted a registration form, the General Manager, and the applicant may make oral comments and submit written evidence on the Application. The Board, at its discretion, may administer an oath to any person presenting testimony to the Board on behalf of the General Manager or the applicant or to any other person making oral comments.

E. **Record of decision**. The Board's decision on the application will be reflected in the minutes of the Board meeting.

F. **Board order**. The Board shall issue a written order or resolution reflecting its decision.

[*Adopted 11/14/12; effective 1/1/13; amended 4/20/16 and renumbered Rule 15.4; Rule 15.4.B amended 3/15/2023*]

15.5 Variances or Extensions of Time

A. **Applicability.** This Rule 15.5 applies to requests for variances from the requirements imposed by District Rules and to requests for extension of time under Rules 5.5, 5.6, and 7.7.E, except that requests for variances from the well spacing requirements in Section 8 of these Rules will be processed under Rule 8.3.

PROPOSED RULE CHANGES
3/17/23

B. **Request.** A request for variance or extension of time shall be submitted in writing and include the reasons for the request.

C. **Notice and hearing.** The request for a variance or any request for an extension of time will be set on the agenda for a Board meeting, which shall serve as the hearing on the request. In addition to the notice required by the Open Meetings Act, the District shall mail notice to the applicant at least ten (10) days prior to the Board meeting at which the variance request will be considered. The notice to the applicant will contain a summary of the General Manager's recommendation on the request. The agenda for the Board meeting shall designate a time for comments on the application. Each person other than the applicant or the General Manager who desires to comment on the request at the Board meeting shall submit a registration form provided by the District. Any person who has submitted a registration form, the General Manager, and the applicant may make oral comments and submit written evidence on the request. The Board, at its discretion, may administer an oath to any person presenting testimony to the Board on behalf of the General Manager or the applicant or to any other person making oral comments.

D. **Record of decision.** The Board's decision on the request will be reflected in the minutes of the meeting.

E. **Board order**. The Board shall issue a written order or resolution reflecting its decision.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16 and renumbered Rule 15.5]

Rule 15.6 Appeals of General Manager Decisions

A. **Applicability.** An applicant who has been aggrieved by a decision of the General Manager under Rules 4.3, 4.4, 7.1, 7.2, or 7.7 may appeal that decision to the Board under this Rule 15.6.

B. **Request.** The appeal shall be submitted in writing and include the reasons for the request.

C. **Notice and hearing.** The appeal will be set on the agenda for a Board meeting, which shall serve as the hearing on the request. In addition to the notice required by the Open Meetings Act, the District shall mail notice to the applicant at least ten (10) days prior to the Board meeting at which the appeal will be considered. The agenda for the Board meeting shall designate a time for comments on the appeal. Each person other than the applicant or the General Manager who desires to comment on the Application at the Board meeting shall submit a registration form provided by the District. Any person

who has submitted a registration form, the General Manager, and the applicant may make oral comments and submit written evidence on the appeal. The Board, at its discretion, may administer an oath to any person presenting testimony to the Board on behalf of the General Manager or the applicant or to any other person making oral comments.

D. **Record of decision.** The Board's decision on the request will be recorded in the minutes of the meeting.

E. **Board order**. The Board shall issue a written order or resolution reflecting its decision.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16 and renumbered Rule 15.6]

Rule 15.7 Enforcement Proceedings

A. **Request for contested case hearing.** Any person who receives a show cause notice under Rule 13.2 or a notice under Rule 13.6 may request a contested case hearing on the alleged violation. The request must be made in writing and filed with the District no later than the 30th day following the date the show cause notice was issued.

B. **Hearing.** If a timely request for a contested case hearing is received, a hearing will be conducted, and the Board order will be issued, in the manner provided in Rule 15.2 for permit actions requiring contested case hearings, except that the respondent and the General Manager shall be the sole parties to the contested case hearing.

C. **No hearing**. If a timely request for a contested case hearing is not received, then the notice of violation will be set on the agenda for a Board meeting. In addition to the notice required by the Open Meetings Act, the District shall mail notice to the respondent at least ten (10) days prior to the Board meeting at which the alleged violation will be considered. The General Manager and the applicant may make oral comments and submit written evidence on the alleged violation.

D. **Record of decision.** The Board's decision on the alleged violation will be reflected in the minutes of the meeting.

E. **Board order**. The Board shall issue a written order or resolution reflecting its decision.

F. **Request for rehearing**. The respondent in an enforcement proceeding may request a rehearing not later than the 20th day after the date the Board issues written

findings and conclusions. A request for rehearing must be filed in the District office and must state the grounds upon which the request is based.

G. **Finality of Board decision**. A decision by the Board on the alleged violation is final:

(1) If a request for rehearing is not timely filed, then on the expiration of the period for filing a request for rehearing; or

(2) If a request for rehearing is timely filed, then on the date:

(a) The Board denies the request for rehearing; or

(b) The Board renders a written decision after rehearing.

[Adopted 11/14/12; effective 1/1/13; amended 4/10/16 and renumbered Rule 15.7; Rule 15.7.A amended 10/16/19; Rules 15.7.F and 15.7.G adopted 10/16/19]

Rule 15.8 Public Participation

A. **Texas Open Meetings Act.** All Regular, Special, and Emergency Board Meetings and Public Hearings will be called and conducted under the provisions of the Texas Open Meetings Act, Chapter 551, Government Code. Regular, Special, and Emergency Board Meetings are open to the public and representatives of the press.

B. **Being Recognized.** Members of the public in attendance at a Board meeting are limited to observation unless the Board requests that a member of the public address the Board or unless the person who wishes to address the Board submits a completed Public Participation Form before the beginning of the meeting. The Public Participation Form must list each agenda item the person wishes to address or any item the person would like the Board to consider adding to a future agenda. The following additional rules apply to public participation:

1. The Board President or presiding officer of the meeting may limit the total amount of time each member of the public may address the Board. The time limit, if any, must be announced at the beginning of the meeting. If translation services are required, the amount of time for the translation does not count against the amount of time available to the speaker and the total time available for the combination of speaking and translation time may not be less than double the time limit.

PROPOSED RULE CHANGES
3/17/23

2. Profane, insulting, or threatening language directed toward any person, or racial, ethnic, or gender slurs or epithets will not be tolerated during public comments. These Rules do not prohibit public criticism of the District, including criticism of any act, omission, policy, procedure, program, or service. Violation of these rules may result in the following sanctions:

   a. cancellation of a speaker's remaining time;

   b. removal from the Board meeting;

   c. such other civil or criminal sanctions as may be authorized under the Constitution, Statutes, and Codes of the State of Texas.

C. From time to time, the Board of Directors may conduct public hearings. These rules of procedure, conduct and decorum shall also apply to public hearings.

[Adopted 3/15/2023; effective 3/15/2023]

PROPOSED RULE CHANGES
3/17/23

SECTION 16: PROCEDURES FOR AQUIFER STORAGE AND RECOVERY PROJECTS

Rule 16.1 Registration and Fee

A. **Registration.** An ASR project operator must register any ASR injection wells or ASR recovery wells within the District's boundaries with the District. The registration must be completed on a form provided by the District and the ASR project operator must provide a copy of the TCEQ ASR project authorization to the District.

B. **ASR Fee.** The ASR project operator shall also pay fees set forth in the District's Fee Schedule under Rule 2.3 for any amount of groundwater recovered from the ASR project wells exceeds the volume authorized by the TCEQ to be recovered under the project.

Rule 16.2 Reporting. The ASR project operator must provide the District with copies of monthly and annual reports filed with the TCEQ. Each month by the deadline established by the TCEQ, the ASR project operator will submit to the District a copy of the report provided to the TCEQ pursuant to Tex. Water Code sec. 27.155. Annually, by the deadline established by the TCEQ, the ASR project operator will submit to the District a copy of the report provided to the TCEQ pursuant to Tex. Water Code sec. 27.156.

Rule 16.3 Permitting, Spacing and Production Requirements. If the amount of groundwater recovered from the ASR project wells exceeds the volume authorized by the TCEQ to be recovered under the project, the ASR project will be subject to the permitting, spacing, and production requirements of the District, and the ASR operator is required to file, within 30 days, operating and transport permit applications, as applicable, with the District following these Rules. The District's Rules apply only to the portion of the volume recovered from the ASR project that exceeds the volume authorized by TCEQ. In addition to any applicable permitting requirements, a violation of the District's Rules related to permitting, spacing, and production for the volume of water withdrawn that exceeds the volume authorized by the TCEQ may result in immediate initiation of enforcement proceedings against the ASR project operator pursuant to applicable state law and District Rules.

Rule 16.4 ASR Projects and Desired Future Conditions Planning. The District may consider hydrogeologic conditions related to the injection and recovery of water as part of an ASR project in the planning related to, and monitoring of the achievement of, a Desired Future Condition for the aquifer in which the injection and recovery wells associated with the project are located.

PROPOSED RULE CHANGES
3/17/23

[Adopted 3/15/2023; effective 3/15/2023]

SECTION 17: HISTORIC USE

Rule 17.1 Historic Use Procedures

A. Applicability. A Well Owner of an existing, non-exempt Well that was completed and operational prior to December 31, 2021 will be considered a Historic User for the Well subject to the requirements in these Rules.

B. Classification. Well owners who meet the requirements of this section and submit information to the District demonstrating their amount of historic use as defined by Subsection C will be granted historic user status and classified as historic users by the General Manager. The General Manager may also refer this classification determination to the Board of Directors. The District reserves the right to amend this section to expand the historic user classification to include additional Wells based on the hydrogeological conditions of the aquifer and other data and information collected by the District.

C. Application for Historic Use Permit

(1) An owner of proposed historic use wells shall apply to the District for a historic use permit. The application must be filed on or before December 15, 2023. Failure of an owner of such a well to apply for an historic use permit on or before December 15, 2023 shall preclude the owner from making any future claim or application to the District for an existing or historic use under these rules. The failure of a well owner to file an application for an historic use permit on or before December 15, 2023 shall cause the owner to forfeit his rights and ability to operate the well under this Section , unless the owner thereafter applies for and obtains an operating permit that authorizes production from the well under Section 5 of these Rules.

(2) An application for an historic use permit shall include the following information:

a. the year in which the well was drilled;

b. the purpose for which the well was drilled and any subsequent uses of the groundwater;

c. annual groundwater production history of the well for each year during the existing and historic use period;

d. legal description of the tract of land on which the well or well system is located;

PROPOSED RULE CHANGES
3/17/23

e. all information requested by the District in a declaration of historic use form, which form shall be prescribed and provided by the District; and any other information determined necessary by the Board.

(3) The District shall obtain the information on which to base a recommendation either from the applicant or other information available to the District. Such information may include, but not be limited to, information obtained from federal, state or other local agencies or governmental entities. The District shall publish notice of the recommended proposed permits or denials and make such recommendations available for public review and inspection.

(4) An applicant for a~~n~~ historic use permit for a well that is not exempt must install a metering or measuring device to measure total monthly production on each existing well for which an application has been submitted.

(5) The validity of an historic use permit is contingent upon payment by the permittee of the appropriate application fee.

(6) On or before February 15 of each year, each historic use permit holder, must submit a water use report to the District, on a form provided by the District, stating the following: (a) the name of the permittee; (b) the operating permit number; (c) the well numbers of each well for which the permittee holds a permit; (d) the total amount of groundwater produced by each well and well system during each month of the immediately preceding calendar year; (e) the purposes for which the water was used; and (f) any other information requested by the District.

D. Amount of Historic Use.

(1) The amount of historic use will be based on either:

a. evidence of Beneficial Use without Waste, as those terms are defined in these Rules and Chapter 36 of the Texas Water Code, during any three consecutive years of the Historic Use Period as demonstrated by usage reports based on meter readings; or

b. the maximum number of acres irrigated and reported to the District during any three consecutive years of the historic period, multiplied by the presumed amount of groundwater beneficially used per acre for the reported crop as established under subsection (3).

PROPOSED RULE CHANGES
3/17/23

(2) The amount of historic use for municipal/industrial users will be based on the highest use during any one calendar year of the Historic Use Period.

(3) Presumptions for the amount of groundwater beneficially used during the Historic Use Period shall be established by Board resolution providing a schedule for each crop or beneficial use category.

E. Revocation. Historical User status is granted conditionally and is dependent on the specific owner and type of use. Historical User status is not a vested right of the permittee and may not be transferred by the permittee. The Board will transfer a Historic User status designation to a replacement well or to a person who purchases or otherwise receives ownership of a well owned by a Historic User provided that the new well owner maintains the same type of use of the well and fulfills any applicable requirements of the District. Historical User status may be revoked by the Board for violation of any terms or conditions of the Historic User's Operating permit, obtaining the Historic User status by misrepresentation.

F. Aggregation. The addition of new wells for groundwater withdrawals authorized for aggregation pursuant to Section ___ does not affect the well owner's status as an Historic User or the preservation of historic use as to all such withdrawals except to the extent that any increase in the total amount of withdrawals will require authorization subject to Production Limits under Section 9 and will not be a Historic Use.

G. Amendments or new permits. If a Historic User requests to amend an Operating Permit, or applies for a new Operating Permit, to increase the Maximum Allowable Production after the Effective Date of this Section, that request will be subject to Production Limits under Section 9 and will not be a considered Historic Use.

[Adopted {DATE}; effective {DATE}]

PROPOSED RULE CHANGES
3/17/23

SECTION 18: PROTECTION OF GROUNDWATER QUALITY

The following rules establish procedures for groundwater monitoring, assessment, and actions to prevent degradation of water quality in accordance with Chapter 36.101 of the Texas Water Code. The goal of the water quality protection program is to establish a baseline of water quality information to reveal trends over time in the District's aquifers. Once this is established the priority objective of the monitoring program is to continue to monitor the aquifers to reveal any deviations from the water quality baseline that may warrant further investigation or testing.

18.1 **Monitoring Groundwater Production of greater than 5,000 ac-ft per year**. In order to preserve and protect the aquifer(s) of the District, water wells connected or to be connected to a common gathering/transportation piping system capable of producing greater than or equal to 5,000 acre-feet of groundwater from permitted wells per calendar year, shall be required to assess the effects of the project on the aquifer(s). Water quality sampling and analysis shall be conducted by the well field owner/operator annually in at least two production wells to assess any changes in water quality that may be attributed to the large-scale pumping project. Samples shall be collected and analyzed by a laboratory, acceptable to the District, for major cations (sodium, potassium, calcium, magnesium) and anions (chloride, sulfate, carbonate, bicarbonate) and total dissolved solids. The sampling results shall be submitted to the District annually.

18.2 **Individual well monitoring**. Production from an individual water well or combination of wells in a well field may be restricted if the District determines, that a water well or combination of wells in a well field is responsible for degrading the water quality of an aquifer. If the Board determines that degradation of the water quality in a water well or well field has occurred it shall notify the permit holders of record with water wells in the affected aquifer that are located in the affected area or areas in writing.

18.3 **Well non-compliance**. If the cause of the water quality degradation is determined to be a deteriorated well or a well not in compliance with the well completion standards of the District, the Board shall require that the well be permanently plugged and abandoned.

18.4 **Identified water quality management zone**. If the cause of the water quality degradation is determined to be caused by the effects of drawdown the Board shall hold a public hearing to receive comment concerning the intent of the Board to designate specific management area(s) or limit production in the affected management area(s). The Board shall publish a notice not less than twenty (20) days before the actual date of the public hearing to consider the proposed rules and designate the management area(s).

PROPOSED RULE CHANGES
3/17/23

The District shall notify all permit holders in the proposed management area(s) in writing of the hearing to designate specific management area(s) or change current operating permits.

18.5 **Public hearing and pumping reductions**. After the public hearing the Board may within thirty (30) days take action on a resolution designating the specific management area(s) or limiting production. In limiting production the Board shall apply 10% reductions, based on pro rata share of actual production amounts, on an annual basis until the increase in water quality degradation has ceased. The Board may impose additional, subsequent reductions if the water quality continues to degrade.

18.6 **District Monitoring**. On a semi-annual basis (or more frequently), the Board will evaluate the water quality and will determine whether any previously imposed reductions continue to be appropriate. If not, the Board will take action to reduce or eliminate the reductions.

18.7 **Cross-contamination**. No person may operate a well that allows cross-contamination to occur between aquifers.

18.8 **Filing of water quality complaint**. Any person filing a water quality complaint with the District against another party must show that the current construction of the affected well is sound and provide sufficient evidence of a change of water quality by supplying the District with: 1. Water well completion records. 2. Laboratory analytical data. 3. Any other data the General Manager deems necessary, including but not limited to a camera survey

[Adopted {DATE}; effective {DATE}]

PROPOSED RULE CHANGES
3/17/23

ATTACHMENT A

DISTRICT FEE SCHEDULE

1) Production Fee - $12.54 per acre foot permitted ($0.0385 per 1000 gallons)

2) Transport Fee - $6.27 per acre foot exported ($0.019 per 1000 gallons)

3) Non-Exempt well drilling deposit

   a) 2" - 5" casing - $100.00

   b) 6" - 8" casing - $200.00

   c) >8" casing - $200.00 per diameter inch

4) Copying - $0.25 per page

5) Certified copies - $1.00 per page

6) Returned check fees - $25.00

7) Permit Processing Fee - $2,000

[Amended 3/15/2023; effective 3/15/2023]

PROPOSED RULE CHANGES
3/17/23

ATTACHMENT B

FORM 300: WELL REGISTRATION AND COMPLETION

FORM 300
Well Registration Application

For District Use Only:

_____
Application Date

_____
Well Number

Return this Form to: LPGCD, PO Box 1027 (908 Loop 230), Smithville, TX 78957
Phone: 512-360-5088 FAX: 512-360-5448 Email: lpgcd@lostpineswater.org

SECTION I – APPLICANT

Name _____

Company (if applicable) _____

Street (or PO Box)_____

City _____ State_____ Zip_____

Phone Number (____)_____

SECTION II – EXEMPTION

Is the Applicant Requesting an Exemption Under Lost Pines Groundwater Conservation District Rule 3.1?

Yes____ No ____

TYPE OF EXEMPTION CLAIMED:

_____ A well that is solely for domestic or livestock use that is incapable of producing more than 25,000 gallons per day (gpd).

_____ A well that uses less than 200 acre-feet/year solely for agricultural use.

_____ A well that is used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas.

_____ A water well authorized under a permit issued by the Railroad Commission of Texas for mining activities.

_____ A water well drilled and completed solely for the purposes of aquifer testing.

SECTION III – WELL INFORMATION

Location of the well: Latitude _____ Longitude _____

Physical description of the well location (if GPS coordinates are not available):

_____

County that the well is located in: Bastrop _____ Lee _____

What is the type of well (circle one)?

Domestic Livestock Irrigation Municipal Supply Mining Rig Supply Test Other _____

What aquifer is water produced from (if known): _____

Please attach copies of the following Schedules or Logs, if available:

State Well Report: ____ Electric Log:_____ Aquifer Test Results:_____

Date Well Drilled: _____ Driller: _____ Driller's License No: _____

Land surface elevation: _____ feet

Total Well Depth: _____ feet

Screened Interval:____ to ____feet

Depth to Water: _____ feet

Well Diameter: _____ inches

Diameter of borehole: _____ inches

Pump set at: _____ feet

Pump type:_____

Pump size: ____horsepower

Well Capacity: ____ gpm

NOTE: A fully completed state well report can be submitted in lieu of the above information.

SECTION IV – AFFIRMATION

I certify that all statements and information in this application are true and correct.

_____ _____

Signature of Applicant Date

PROPOSED RULE CHANGES
3/17/23

ATTACHMENT C

FORM 100: WELL DRILLING APPLICATION

FORM 100
Well Drilling Application

For District Use Only:

_____
Application Date

_____
Well Drilling Permit Number

Return this Form to: LPGCD, PO Box 1027 (908 Loop 230), Smithville, TX 78957
Phone: 512-360-5088 FAX: 512-360-5448 Email: lpgcd@lostpineswater.org

SECTION I – APPLICANT

Name _____

Company (if applicable) _____

Street (or PO Box)_____

City _____ State_____ Zip_____

Phone Number (____)_____

SECTION II – DRILLING SITE DESCRIPTION

Physical Description of Proposed Drilling Site (use GPS coordinates if known.)

_____

County that the Drilling Site is Located in: Bastrop _____ Lee _____

Is the proposed well located within a neighborhood or subdivision? Yes_____ No_____

If Yes, which neighborhood or subdivsion? _____

SECTION III – AUTHORIZATION TO DRILL

Is the Applicant the same as the Property Owner of the Proposed Drilling Site? Yes_____ No_____

If Property Owner is different from Applicant shown in Section I, contact information and a notarized letter of authorization to drill from the property owner **must** be attached to this application.

SECTION V – WELL INFORMATION

What will be the primary use of the well (circle one)?

Domestic Livestock Irrigation Municipal Supply Mining Rig Supply Test Other _____

What is the proposed aquifer that the well will produce from (if known)? _____

What will be the approximate total depth of the well (if known)? _____feet

Will the Applicant be requesting an exemption under LPGCD Rule 3.1? Yes____ No ____

If Yes, type of exemption claimed:

_____ A well that is solely for domestic or livestock use that is incapable of producing more than 25,000 gallons per day (gpd).

_____ A well that uses less than 200 acre-feet/year solely for agricultural use.

_____ A well that is used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas.

_____ A water well authorized under a permit issued by the Railroad Commission of Texas for mining activities.

_____ A water well drilled and completed solely for the purposes of aquifer testing.

SECTION IV – AFFIRMATION

I certify that all statements and information in this application are true and correct.

_____ _____

Signature of Applicant Date

PROPOSED RULE CHANGES
3/17/23

ATTACHMENT D

FORM 200: OPERATING AND TRANSPORT APPLICATION

FORM 200

Operating/Transport Permit Application

For District Use Only:

_____
Application Date

_____
Temporary Permit Number

Return this Form to: LPGCD, PO Box 1027 (908 Loop 230), Smithville, TX 78957
Phone: 512-360-5088 FAX: 512-360-5448 Email: lpgcd@lostpineswater.org

SECTION I – APPLICANT

Name _____

Company (if applicable) _____

Street (or PO Box)_____

City _____ State_____ Zip_____

Phone Number (____)_____

SECTION II – WELL INFORMATION

What aquifer will the well be producing from? _____

What is the known or proposed total depth of the well? _____ feet

What is the known or proposed screened interval of the well? _____ feet

What is the known or proposed capacity of the well? _____ gpm

Is this Application for an existing well already registered with the LPGCD? Yes _____ No _____

If Yes, what is the Well Number? _____

If No, has a Well Drilling Application (Form 100) or Well Registration Application (Form 300) been submitted? Yes _____ No _____

Well location (use GPS coordinates if known.)_____

County that the well is located in: Bastrop _____ Lee _____

SECTION III – WITHDRAWAL AMOUNT REQUESTED

What is the total maximum withdrawal requested? _____acre-feet/year

Proposed maximum rate at which water will be withdrawn: _____gpm

Is the Applicant requesting that the withdrawal be aggregated with another well? Yes_____ No _____

If Yes, list other wells: _____

SECTION IV – PROPOSED USE

What is the proposed use of water from the well?

___ Municipal Supply ___ Mining ___ Irrigation ___ Other (describe) _____

List proposed usage of water produced from well and the amount of usage:

Use _____ Amount used _____acre-feet/year

Use _____ Amount used _____acre-feet/year

Use _____ Amount used _____acre-feet/year

SECTION V – TRANSPORT INFORMATION

Will this well be used to export water outside of the LPGCD? Yes _____ No _____

If Yes, what is the maximum amount of water proposed to be exported: _____acre-feet/year

If Yes, location of the use of the water: _____

SECTION VI – REQUIRED ATTACHMENTS

The following attachments are required with an Operating Permit Application:

_____ Location map or property plat showing all registered or permitted wells within 5,000 feet of the proposed location

_____ Results of a 36-hour pumping test (if the application is for more than 200 acre-feet/year)

_____ Statement describing how the amount of water requested addresses an existing or projected need, including when that water supply need is projected to occur.

_____ Statement describing how the amount of water requested will be dedicated to a beneficial use.

_____ Statement identifying the End User of the requested water or that the End User has not been identified.

_____ Applicant's or End User's Water Conservation Plan (if available)

_____ Applicant's or End User's Drought Contingency Plan (if available)

_____ Applicant's or End User's Well Closure Plan or declaration that the applicant will comply with well plugging guidelines and report closure to the TCEQ.

_____ Any other information (describe)_____

SECTION VII – DECLARATIONS

The Applicant agrees to the following conditions:

_____ I agree to avoid waste and achieve water conservation.

_____ I agree that reasonable diligence will be used to protect groundwater quality.

_____ I agree that well plugging guidelines will be followed at the time of well closure.

_____ _____

Signature of Applicant Date

SECTION VIII – AFFIRMATION AND EXECUTION

I certify that all statements and information in this application are true and correct.

_____ _____

Signature of Applicant Date

THE STATE OF **TEXAS**

COUNTY OF _____

I certify that the following person (s) personally appeared before me on this day, each acknowledging to me that he or she signed this Operating/Transport Permit Application.

Date: _____

_____

Signature of Notary

_____

Printed Name of Notary

My commission expires: _____

(seal)

Can be notarized by any Notary of your choice or at the LPGCD Office.