TRINITY GLEN ROSE GROUNDWATER CONSERVATION DISTRICT

DISTRICT RULES

AS ADOPTED ~~OCTOBER 16, 2025~~ DECEMBER 17, 2026

TRINITY GLEN ROSE GROUNDWATER CONSERVATION DISTRICT

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DISTRICT RULE REVISION DATES

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DISTRICT RULES

GENERAL REGISTRATION AND PERMITTING PROCEDURES

A brief summary of the general procedures for the District's regulation over water wells is listed below, with references to the rules that provide more detail. All applicants, registrants, and permittees shall comply with the applicable rules, including but not limited to those listed below.

(1) **No new water well shall be drilled in the District, without first receiving a well registration or well permit from the District.**

All well drillers and well owners intending to drill a new well(s) shall contact the District prior to drilling the well and submit an application for Authorization to Drill, Modify, or Plug a Well under Rule 4.2, and the District will assist the applicant to determine if:

(a) the well will be an exempt well under Rule 5.1 and a registration application must be submitted to the District under Rule 4.1; or

(b) the well is a non-exempt well and a registration/permit application must be submitted to the District pursuant to Chapter 5.

Administratively complete well registration and permit applications shall be submitted to and approved by the District, prior to drilling any new well within the District's boundaries.

(2) All wells that are in existence in the District prior to December 15, 2023, shall be registered with the District under Rule 4.1. An Authorization to Drill, Modify, or Plug a Well qualifies as a registration.

(3) All wells shall be drilled and/or plugged by a licensed well driller who submits the appropriate well driller's report and other appropriate documentation to the District under Rules 7.1 and 7.2.

(4) All wells must be drilled to the required specifications of the District and the Texas Department of Licensing and Regulation under Chapters 7.

(5) No well owner/driller/operator shall waste groundwater under Chapter 3.

(6) All new wells that are registered or permitted after December 14, 2023, shall comply with well spacing rules under Chapter 6.

(7) All permitted wells (new non-exempt wells drilled after December 14, 2023) shall comply with the production acreage rules under Rule 6.5, which limits the maximum groundwater production limit from the Trinity Aquifer shall not exceed 1.0 acre-feet/acre/year for contiguous groundwater rights owned or controlled.

A written application for a permit amendment to increase the authorized production or to change the use must be filed and an amendment granted before any over pumpage or change of use occurs under Rule 5.9. And the groundwater production limits also apply to those permit amendments under Rule 6.5

Non-exempt wells drilled on tracts less than 20 acres shall comply with the Registered Instantaneous Production Limits for Smaller Tract Sizes under Rule 6.5(b).

(8) All registered and permitted wells capable of producing more than 25,000 gallons per day shall be required to install a meter, at the operator's expense, which meets the applicable meter standards and submit the required water production reports pursuant to Chapter 8.

(9) Export permit applications for groundwater to be transported out of the District will be processed under Chapter 12.

(10) Requirements for well capping or plugging will be processed under Rule 7.7.

(11) District inspections and enforcement will be processed under Chapter 10.

(12) District hearings will comply with Chapter 12.

(13) The District will enforce the Groundwater Management Areas' adopted Desired Future Conditions under Section 16 in its limited capacity under the District's enabling act.

CHAPTER 1. AUTHORITY OF DISTRICT, PURPOSE OF RULES

RULE 1.1 Authority to Promulgate Rules

The Trinity Glen Rose Groundwater Conservation District (TGRGCD or District) is a political subdivision of the State of Texas. The District was created in 2001 during the 77th Texas Legislature and confirmed by voters in 2002. The District was created in response to the Texas Natural Resources Conservation Commission (TNRCC), now the Texas Commission on Environmental Quality (TCEQ), designation of the Trinity Aquifer within Bexar County as a Priority Groundwater Management Area (PGMA), in accordance with applicable provisions and requirements of the Texas Water Code. The District was created for the purpose of conserving, preserving, recharging, protecting and preventing waste of groundwater in northern Bexar County and portions of Comal and Kendall counties. Additionally, the District is charged with developing and implementing regulatory programs for groundwater resources within District boundaries.

As a duly created groundwater district, the District may exercise the statutory authority or power conferred under Chapter 36 of the Texas Water Code, including the adoption and enforcement of rules under Section 36.101 Rulemaking Power, except as otherwise provided by Chapter 8870 of the Texas Special District and Local Laws Code. All references to statutory provisions in these Rules are to the Texas Water Code and the District Act, as amended, unless otherwise specifically stated.

The District Act is codified in Chapter 8870 of the Texas Special District and Local Laws Code, which incorporates the various legislation of the District, as follows:

- Act of May 27, 2001, 77th Leg., R.S., Ch. 1312, § 1, 2001 Tex. Gen. Laws 3222 *(Enacting Legislation);*
- Act of May 28, 2003, 78th Leg., R.S. *(timely completion of well, non-prohibition of sale, purchase, lease or trade of groundwater by private well owner);*
- Act of May 25, 2005, 79th Leg., R.S. *(exemption for municipal supplier or consumer of water from source other than Trinity Aquifer);* and
- Act of May 26, 2009, 81st R.S. *(fees, annexation of land).*

RULE 1.2 Purpose of the Rules

The District Rules are promulgated under the District's Texas Water Code Chapter 36 statutory authority and the District Act to make and enforce rules to provide for the conservation, preservation, protection, and recharge of groundwater reservoirs or its subdivision within TGRGCD boundaries, as well as to prevent the degradation of water quality and the waste of groundwater.

These Rules, and any orders, regulations, requirements, resolutions, policies, directives, standards, guidelines, management plan, or other regulatory measures implemented by the Board, have been promulgated to fulfill these objectives. These Rules may not be construed to limit, restrict, or deprive the District or Board of any exercise of any power, duty, or jurisdiction conferred by Chapter 36 or any other applicable law or statute. The District shall develop rules that are fair and impartial. The District shall also consider:

1. all groundwater uses and needs;

2. groundwater ownership and rights described by Section 36.002;
3. 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
4. the goals developed as part of the district's management plan under Section 36.1071.

RULE 1.3 Applicability

These Rules, and District actions taken pursuant to these Rules, do not apply to groundwater withdrawals from the Edwards Aquifer, or to wells drilled for the purpose of withdrawing water from the Edwards Aquifer that are completed so as to be incapable of withdrawing water from any other aquifer within the District's boundaries. None of these Rules may be construed to conflict with the rules of the Edwards Aquifer Authority.

RULE 1.4 Effective Date

The Board may, following notice and hearing, amend these Rules or adopt new Rules from time to time.

RULE 1.5 Action on Rules

A. The Board may from time to time, following notice and public hearing, amend or revoke these Rules or adopt new Rules, pursuant to §36.101, Texas Water Code.

B. The Board may adopt an emergency Rule without prior notice or hearing, or with an abbreviated notice and hearing if the Board finds that a substantial likelihood of imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, pursuant to §36.1011, Texas Water Code.

RULE 1.6 Severability

If one or more provisions contained in these Rules is for any reason held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect any other Rules or portions thereof, and these Rules shall be construed as if such invalid, illegal, or unenforceable Rule or of portions thereof had never been contained herein.

RULE 1.7 Regulatory Compliance

All wells and well owners, well drillers, pump installers, and others under the jurisdiction of the District, shall comply with all applicable Rules, orders, regulations, requirements, resolutions, policies, directives, standards, guidelines, or any other regulatory measures implemented by the District.

CHAPTER 2. DEFINITION OF TERMS

In the administration of its duties, the Trinity Glen Rose Groundwater Conservation District follows the definitions of terms set forth in the District Act, Chapter 36 of the Texas Water Code, and other definitions as follows:

(1) "Abandoned well" is a well that is not in use. A well is considered to be in use if:

(A) the well is not a deteriorated well and contains the casing, pump, and pump column in good condition;

(B) the well is not a deteriorated well and has been capped;

(C) the water from the well has been put to an authorized beneficial use, as defined by the Texas Water Code;

(D) the well is used in the normal course and scope and with the intensity and frequency of other similar users in the general community; or

(E) the owner is participating in the Conservation Reserve Program authorized by Sections 1231 - 1236, Food Security Act of 1985 (16 U.S.C. §§3831 - 3836), or a similar governmental program.

(2) "Acre-foot" of water means the quantity of water needed to cover one acre of land to the depth of one foot; 325,851 U.S. gallons of water.

(3) "Affected person" means a person who has a personal justifiable interest related to a legal right, duty, privilege, power, or economic interest that is within the District's regulatory authority and is or may be affected by the application in question. An interest common to members of the general public does not qualify as a personal justifiable interest.

(4) "Agriculture" means any of the following activities:

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

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

(C) 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;

(D) 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;

(E) wildlife management; and

(F) raising or keeping equine animals.

(5) "Agricultural use" means any use or activity involving agriculture, including irrigation.

(6) “Annular space” means the space between the casing and borehole wall.

(7) “Aquifer” means a geologic formation, group of formations or part of a formation that is capable of yielding groundwater to a well or spring.

(8) “Aquifer storage and recovery (ASR) project” means a process of storing water through injection wells or other means into a suitable aquifer for later recovery or retrieval.

(9) **“**Authorization to Drill or Modify a Well” means an authorization for a well issued by the District allowing a well to be drilled or modified.

(10) “Beneficial use” or “beneficial purpose” means use of groundwater for:
(A) agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational, or pleasure purposes;
(B) exploring for, producing, handling, or treating oil, gas, sulfur, or other minerals; or
(C) any other purpose that is useful and beneficial to the user that does not commit or result in waste as that term is defined in these Rules.

(11) “Best available science" means conclusions that are logically and reasonably derived using statistical or quantitative data, techniques, analyses, and studies that are publicly available to reviewing scientists and can be employed to address a specific scientific question.

(12) “Board” means the board of Directors of the District.

(13) “Capped well” means a well that is closed or capped with a covering capable of preventing surface pollutants from entering the well. The cap must be able to sustain weight of at least 400 pounds per square inch and constructed in such a way that it cannot be easily removed by hand.

(14) “Casing” means a watertight pipe which is installed in an excavated or drilled hole, temporarily or permanently, to maintain the hole sidewalls against caving, advance the borehole, and in conjunction with cementing and/or bentonite grouting, to confine the ground waters to their respective zones of origin, and to prevent surface contaminant infiltration.

(15) "Conjunctive use" means the combined use of groundwater and surface water sources that optimizes the beneficial characteristics of each source.

(16) **“**Completed monitoring well” means a monitoring well that allows water from a single water-producing zone to enter the well bore, but isolates the single water-producing zone from the surface and from all other water-bearing zones by proper casing or grouting procedures. Annular space positive displacement or pressure tremie tube grouting or cementing (sealing) method shall be used when encountering injurious water or constituents above or below the zone to be monitored or if the monitoring well is greater than twenty (20) feet in total depth. The single water-producing zone shall not include more than one continuous water producing unit unless a qualified geologist or a groundwater

hydrologist has determined that all the units screened or sampled by the well are interconnected naturally.

(17) "Completed well" means when the well has been drilled and constructed to permitted specifications, had a pumping test performed, and a well report submitted to the District and the state.

(18) "Conservation" means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

(19) "Desired Future Condition" means the quantitative description of the desired condition of groundwater resources at one or more specified future times, in accordance with Section 36.108, Texas Water Code, provided such desired future conditions have been selected and are applicable to the District.

(20) "Deteriorated well" means a well, the condition of which will cause, or is likely to cause, pollution of any groundwater in the District.

(21) "Director" means a member of the board.

(22) "Discharge" means the amount of water that leaves an aquifer by natural or artificial means.

(23) "District" means the Trinity Glen Rose Groundwater Conservation District created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, that has the authority to regulate the spacing of water wells, the production from water wells, or both.

(24) "District Act" means Chapter 8870 of the Texas Special District and Local Laws Code, which codified Act of May 27, 2001, 77th Leg., R.S., ch. 1312, 2001 Tex. Gen. Laws 3222, amended by Act of May 28, 2003, 78th Leg., R.S., Act of May 25, 2005, 79th Leg., R.S., and Act of May 26, 2009, 81st R.S.

(25) **"**District Office**"** means the office of the District, as established by the Board.

(26) "Driller" means a water well driller, injection well driller, dewatering well driller, or monitoring well driller.

(27) "Edwards Aquifer well" means any water well, injection well, dewatering well, or monitoring well located within the boundaries of the District that:

(A) is constructed for the purpose of exploring for or producing groundwater from the Edwards Aquifer; or

(B) passes through the Edwards Aquifer and is constructed for the purpose of exploring for or producing groundwater from an aquifer other than the Edwards Aquifer.

(28) “Exempt well” means a well that the District is prohibited by law from restricting production under Rule 5.1, but shall be registered with the District under Rule 4.1.

(29) “Existing Well” means a groundwater well within the District’s boundaries that has been drilled and is in use or capable of use.

(30) “Geothermal Well” means a closed system well used to circulate water, other fluids, or gases through the earth as a heat source or heat sink.

(31) “Groundwater” means water percolating below the surface of the earth.

(32) “Groundwater reservoir” means a specific subsurface water-bearing reservoir having ascertainable boundaries containing groundwater.

(33) “Hearing body” means the board, any committee of the board, or a hearing examiner at any hearing held under the authority of law.

(34) “Hearing examiner” means the person appointed by the board of directors to conduct a hearing or other proceeding.

(35) "Inflows" means the amount of water that flows into an aquifer from another formation.

(36) “Injection well” includes:

(A) An air conditioning return flow well used to return water used for heating or cooling in a heat pump to the aquifer that supplied the water;

(B) A cooling water return flow well used to inject water previously used for cooling;

(C) A drainage well used to drain surface fluid into a subsurface formation;

(D) A recharge well used to replenish the water in an aquifer;

(E) A saltwater intrusion barrier well used to inject water into a freshwater aquifer to prevent the intrusion of salt water into the freshwater;

(F) A sand backfill well used to inject a mixture of water and sand, mill tailings, or other solids into subsurface mines;

(G) A subsidence control well used to inject fluids into a non-oil producing or non-gas producing zone to reduce or eliminate subsidence associated with the overdraft of freshwater; and

(H) A closed system geothermal well used to circulate water, other fluids, or gases through the earth as a heat source or heat sink.

(37) “Installer” means a person who installs or repairs well pumps and equipment. The term does not include a person who:

(A) Installs or repairs well pumps and equipment on the person's own property for the person's own use; or

(B) assists in pump installation under the direct supervision of an installer and is not primarily responsible for the installation.

(38) "Landowner" means the person who holds possessory rights to the land surface or to the withdrawal of groundwater from wells located on such land surface.

(39) "Management area" means an area designated and delineated by the Texas Water Development Board under Chapter 35 as an area suitable for management of groundwater resources.

(40) "Meter" means a water flow measuring device that can, within +/- 5% of accuracy, measure the instantaneous rate of flow and record the amount of groundwater produced from a well during a measure of time that is incapable of being reset.

(41) "Modeled available groundwater" means the amount of water that the Texas Water Development Board Executive Administrator determines may be produced on an average annual basis to achieve a desired future condition established under Section 36.108, Texas Water Code.

(42) "Monitoring well" means a well utilized to measure some property of the groundwater or aquifer it penetrates and that is not used in conjunction with the production of oil, gas, or other minerals. A monitoring well can be used to measure water levels and/or groundwater quality. The District may adopt a guidance document(s) for required monitoring well drilling, equipping, operating, and reporting standards.

(43) "Monitoring well driller" means a person who drills, bores, cores, or constructs a monitoring well. The term includes the owner or operator of a well or the contractor or drilling supervisor.

(44) "New Well" means a well for which drilling begins on or after the effective date of the well's District-issued registration or permit, as applicable.

(45) "Open Meetings Act" means Chapter 551, Texas Government Code, as may be amended from time to time.

(46) "Operating Permit" or "Permit" means a permit issued by the District for a non-exempt water well, allowing a well to be completed and groundwater to be withdrawn from a water well for a designated period.

(47) "Person" means an individual, firm, partnership, association, corporation, or other private legal entity.

(48) "Plugging" means an absolute sealing of the well bore.

(49) “Pollution” means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any groundwater in the District, that renders the groundwater harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or public enjoyment of the water for any lawful or reasonable use.

(50) “Presiding Officer” means the President, Vice-President, Secretary, or other Board member presiding at any hearing or other proceeding or a Hearing Examiner conducting any hearing or other proceeding.

(51) “Produce or Production” means extracting groundwater by pumping or by another method.

(52) “Property legally assigned to a well” is property owned or legally controlled for purposes of groundwater withdrawal by a well owner or operator and assigned to a well by the owner or operator.

(53) “Public Information Act” means Chapter 552, Texas Government Code.

(54) "Public water supply well" means, for purposes of a district governed by this chapter, a well that produces the majority of its water for use by a public water system.

(55) “Pump installation” means the procedures employed in the placement, and preparation for operation, of equipment and materials used to obtain water from a well, including construction involved in establishing seals and safeguards as necessary to protect the water from contamination. The term includes repairs to an existing pump.

(56) “Rate of Production” means the amount of groundwater that is stated in the District’s Registration, Authorization to Drill or Modify a Well, or Operating Permit that states the number of gallons of groundwater produced per minute (“gpm”).

(57) “Recharge” means the amount of water that infiltrates to the water table of an aquifer.

(58) “Registration” means a certificate issued by the District for exempt wells.

(59) “Rules” means the rules of the District compiled in this document and as may be supplemented or amended from time to time.

(60) “Sanitary well seal” means a watertight device to maintain a junction between the casing and the pump column.

(61) **“**State Well Report (Well Log)” means a log recorded on forms prescribed by the Texas Department of Licensing and Regulation (TDLR), at the time of drilling showing the depth, thickness, character of the different strata penetrated, location of water-bearing strata, depth, size, and character of casing installed, together with any other data or information required by the executive director.

(62) “TCEQ” means the Texas Commission on Environmental Quality.

(63) “TDLR” means the Texas Department of Licensing and Regulation.

(64) "Texas Rules of Civil Procedure" and "Texas Rules of Civil Evidence" mean the civil procedure and evidence Rules as amended and in effect at the time of the action or proceeding. Except as modified by the Rules of the District, the rights, duties, and responsibilities of the presiding officer acting under the Texas Rules of Civil Procedure or the Texas Rules of Evidence are the same as a court acting under those Rules.

(65) "Transport" means exporting, transferring, or moving groundwater inside the District to a location outside the District.

(66) "Transport Permit" means an authorization issued by the District allowing the transport of a specific quantity of groundwater outside the District's boundaries for a designated time period. All applicable permit Rules apply to transport permits.

(67) "The Trinity Aquifer**"** means the Trinity Group aquifer of Cretaceous age that overlies rocks of Paleozoic age and is overlain by younger rocks of the Fredericksburg Group (Cretaceous age). The Trinity Group is divided into the following formations in order from the oldest to youngest: Travis Peak and Glen Rose. The Travis Peak Formation is subdivided into the following members in order from oldest to youngest: Hosston Sand and Sligo Limestone (Lower Trinity) Hammett Shale, next Cow Creek Limestone, Bexar Shale, Hensell Sand and Lower Glen Rose (Middle Trinity) and Upper Glen Rose (Upper Trinity). The Bexar Shale is a finer grain, gradational marine shale that was deposited at the same time as the Hensell Sand and occurs just below it.

(68) "TWDB" means the Texas Water Development Board.

(69) "Undesirable water" means water that is injurious to human health and the environment or water that can cause pollution to land or the waters in the state.

(70) "Waste" means any one or more of the following:

(A) Withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic or stock raising purposes;

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

(C) Escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata that do not contain groundwater;

(D) 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;

(E) 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 TCEQ under Chapter 26, Texas Water Code;

(F) 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;

(G) For water produced from an artesian well, "waste" has the meaning assigned by § 11.025, Texas Water Code; or

(H) The pumping of groundwater from a well within the District into a pond, lake, tank, swimming pool, reservoir or other confinement that is not entirely lined with impermeable materials.

(71) "Water Meter" means a water flow measuring device that can accurately record the amount of water produced during a measured time.

(72) "Water well or well" means any artificial excavation constructed for the purpose of exploring for or producing groundwater. The term, however, shall not include any test or blast holes in quarries or mines, or any well or excavation constructed for the purpose of exploring for, or producing oil, gas, or any other minerals unless the holes are also used to intentionally or unintentionally produce groundwater. The term shall not include any injection water source well regulated by the Railroad Commission of Texas.

(73) "Well operator" means the person who operates a well or a water distribution system supplied by a well.

(74) "Well owner" means the person who owns a possessory interest in the land upon which a well or well system is located or to be located.

(75) "Well system" means a well or group of wells tied to the same distribution system.

(76) "Withdraw" means extracting groundwater by pumping or by another method.

CHAPTER 3. WASTE OF GROUNDWATER

RULE 3.1 Waste Prohibited

(a) Groundwater shall not be produced or used within or outside of the District in such a manner or under such conditions as to constitute waste as defined in Rule 2.70.

(b) Any person producing or using groundwater shall use every possible precaution to stop and prevent waste of such water.

(c) No person shall pollute or harmfully alter the character of a groundwater aquifer of the District by means of salt water or other deleterious matter admitted from other stratum or strata or from the surface of the ground.

RULE 3.2 Orders to Prevent Waste/Pollution

After providing notice to affected parties and an opportunity for a hearing, the Board may adopt orders to prohibit or prevent waste or pollution. If the Board determines that an emergency exists, requiring the immediate entry of an order to prohibit waste or pollution and protect the public health, safety, and welfare, the Board may enter a temporary order without notice and hearing provided, however, the temporary order shall continue in effect for the lesser of fifteen (15) days or until a hearing can be conducted. Enforcement orders may be adopted under Chapter 10.

CHAPTER 4. WELL REGISTRATION AND AUTHORIZATION TO DRILL, MODIFY, OR PLUG A WELL

RULE 4.1 Well Registration

(a) All wells within the District shall be registered with the District by the well owner or operator on a form(s) prescribed by the District, including all wells exempt from permitting under Rule 5.1.

(b) An application for a well registration may require information listed in Rule 4.2.b. below.

(c) All wells registered with the District shall be classified by the District according to use. The well will be identified by the State numbering system, if available, along with longitude and latitude.

(d) An authorization to drill, modify, or plug a well, as required in Rule 4.2, qualifies as a well registration for the purpose of this Rule.

(e) The General Manager may transfer the ownership of a well and its accompanying well registration. The written, sworn application shall include a request to make the ownership change and show the authority for requesting the change. The General Manager may grant such an amendment without notice, hearing, or further action by the Board. While the application is pending, the new owner may continue to operate the well within thirty (30) days after the date of sale of property containing the well,

(f) If an existing well has never been registered with the District, it is required to be registered with the District whether it is the same owner or a different owner. Documentation must be provided to the District evidencing how the well was completed, such as a State Well Report, as part of the Registration application. If such documentation is not available, the District may require the well to be inspected at the owner's expense. The District may require the well to be plugged pursuant to Rule 7.3 and 7.7 including the Water Well Drillers in 16 Texas Administrative Code, Chapter 76.

(g) A permit may be required for a Monitor Well or a Remediation Well. A copy of the Driller's Report must be filed with the District within (60) sixty days. If the use of a Monitor Well or Remediation Well is changed to produce non-contaminated water, it then becomes subject to the permitting or registration requirements of these Rules depending upon use and volume.

(h) The District reserves the right, to the extent allowed by law, to adopt, revise, and supersede rules applicable to registered wells and to require the owner of a registered well to obtain a permit if the well is not exempt from the District's permitting requirements. The receipt of the well registration by the District or the issuance of authority to drill or modify a well shall not limit the District's authority to regulate a well or the production of water from a well, unless the well is otherwise exempt from such authority.

RULE 4.2 Authorization to Drill, Modify, or Plug a Well

(a) No person shall construct, drill, modify, complete, change type of use, plug, abandon or alter the size of a well in the District without District authorization. Prior to conducting any of the above activities on any well or aquifer penetration in the District, the owner must complete and submit to the District a Notice of Intent to Drill, Modify, or Plug a Well form

and pay the applicable fee. After the applicant submits an administratively complete Authorization to Drill, Modify, or Plug a Well, District staff will determine if the well is exempt and require a well registration, or if the well is not exempt and requires a well operating permit.

(b) The Notice of Intent to Drill, Modify, or Plug a Well shall include the following information and shall be in writing and sworn and shall contain:

(1) the name and mailing address of the applicant and the name and address of the owner of the land, if different from the applicant, on which the well is to be located, including distance from the nearest property line, building, road, stream, existing well, or septic tank;

(2) if the applicant is not the owner of the property, documentation establishing the applicable authority to construct and operate a well on the owner's property for the proposed use;

(3) the applicant must provide evidence or attest that they have the legal authority to produce groundwater associated with the land surface and the registration application, as required by Rule 5.3(b)(4). The applicant must also provide any documents that transfers that right to own, control, or produce the groundwater rights to another person/entity that are associated with the land surface and the permit application, as required by Rule 5.3(b)(4). A permit may be amended or revoked if the groundwater rights or right to produce, related to a permit under Rule 5.3(b)(4), are legally transferred to another person/entity. The applicant shall attest to the information required in this rule by a District-provided affidavit form and submit the affidavit with the permit application. All legal document affecting the legal authority to produce groundwater on real property in the District is required to be filed with the appropriate county's deed records in full compliance with Chapter 12 of the Texas Property Code regarding the recording of instruments;

(4) a statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose and any evidence supporting the authenticity of the intended beneficial use;

(5) the location of the well(s) and the estimated rate at which water will be withdrawn and where the water is proposed to be used. The District may access the well location and conduct a well inspection gathering data to confirm construction compliance with District, TDLR, and/or TCEQ regulations, whichever applicable, including; GPS coordinates, photographs, confirmation of surface completion, confirmation of annular seal completion, and if determined necessary, confirmation of down-hole completion by camera and/or geo-physical log;

(6) a well closure plan or a declaration that the applicant will comply with well plugging guidelines and report closure to the applicable authorities, including the District;

(7) the identity of the well driller and/or pump installer, including the license number of the well driller and/or pump installer;

(8) t~~T~~he application may also require additional information, including: a physical address of the well site location, a legal description of the property (plat or survey), a copy of the warranty deed, lease agreement; a site map that shows the location and distance of the proposed well to existing wells, property lines, septic tank, drain field, structures, neighboring septic systems if located closer than 100 feet, and any other sources of contamination within 50 feet, provide the latitude and longitude of well; a construction diagram and proposed details for well construction and/or plugging, pump specifications (including type, horsepower, and pump curve; and casing size, well depth, screen and grout intervals), including use of existing wells;

~~(8)~~(9) if the Notice of Intent is to Plug a Well, a geophysical log is required with the plugging application~~.~~ that meets the geophysical log criteria of Rule 7.4.

(c) District authorization to drill, modify, or plug a well is evidenced by the issuance of a Certificate of Authorization to Drill, Modify, or Plug a Well, registration or permit, as applicable.

(d) New water wells shall be drilled, equipped and maintained so as to conform with the Texas Department of Licensing and Regulation's, TCEQ, and the District's requirements under Chapter 7 of District Rules, as well as Chapter 6 of the District's Rules regarding well spacing requirements.

(e) A copy of the Driller's Texas Well Report must be filed with the District within (60) sixty days from well completion under District Rule 7.9(a).

(f) The following activities are not considered to be well modifications that require the filing of a notice of intent:

i. replacing a pump or pump motor of equal size;
ii. repair or replacing pipe and fittings; or
iii. normal maintenance and repairs that do not increase the productive capacity of the well.

(g) The ~~district~~ District may not require an Authorization to Drill, Modify, or Plug a Well for a public water supply well completed before September 1, 2002, however, such wells shall be registered with the District under Rule 4.1

(h) An authorization to drill, modify, or plug for a well or well site will automatically expire within one year from its issuance if the registered well(s) has not been completed.

CHAPTER 5. PERMITTING

RULE 5.1. Exclusions and Exemptions

The permit requirements in Chapter 5 do not apply to:

(a) Groundwater wells in the District that are used solely for domestic use or for providing water for livestock or poultry, if the well is:

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

(2) either drilled, completed, or equipped so that they are incapable of producing more than 10,000 gallons of groundwater per day (7 gallons per minute).

Only one groundwater well under this subsection is exempt for each 10 acres of land.

(b) drilling 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 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; or

(c) drilling 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.

(d) a public water supply well is exempt from Chapter 5 permitting by the District if:

(1) the well existed on September 1, 2001, and was drilled in compliance with technical requirements in effect at the time the well was drilled; or

(2) TCEQ approved plans submitted for the installation of the well before September 1, 2001, and the installation of the well was completed in accordance with the approved plans and TCEQ's technical requirements before September 1, 2002. The installation of a well was timely completed if, before September 1, 2002, the well was drilled, cased, and cemented in accordance with TCEQ's technical requirements and the plans submitted to and approved by TCEQ before September 1, 2001, even if the well was capped for subsequent placement into service as part of a public water system.

(e) A groundwater well drilled for temporary use to supply water for a rig that is actively engaged in drilling a groundwater production well permitted by the District. This exemption may not exceed 180 days. The District may grant an extension of the exemption until the well is complete.

(f) The District may cancel a previously granted exemption and may require an operating permit for or restrict production from a well and assess any appropriate fees on an exempt well that is no longer solely used for the applicable exempt use, as listed above.

(g) Groundwater withdrawn under an exemption provided in accordance and subsequently transported outside the boundaries of the District is subject to any applicable production and export fees.

(h) All exempt wells shall be registered with the District under Rule 4.1.

RULE 5.2. Permitting of Non-Exempt Wells

(a) Operating Permit

(1) No person, including a well owner or well driller, shall construct or drill a new

well after December 14, 2023 without first obtaining an operating permit from the District, unless the well is exempt under Rule 5.1. An application for an operating permit must be completed in accordance with Rule 5.3.

(2) All new wells shall be permitted by the District, unless the well is exempt under Rule 5.1. The permit shall be applied for by the well owner or operator on a form(s) prescribed by the General Manager as an application for an Operating Permit.

(3) Except as provided by Rule 9.1(a), no person shall modify or alter an existing well or alter the size of a pump without an operating permit or permit amendment, unless the well is exempt under Rule 5.1.

(4) All permitted wells must comply with District Rules, including but not limited to, the District's Production and Spacing requirements in Rule 6, well specification requirements in Chapter 7, and reporting requirements in Chapter 8.

(b) Certificate of Registration

(1) Non-exempt wells drilled on tracts less than 20 acres shall comply with the Registered Instantaneous Production Limits for Smaller Tract Sizes under Rule 6.5(b), in addition to other applicable District Rules, and be issued Certificates of Registration.

RULE 5.3. Permit Application

(a) The permit application provided for herein must be filed with the District on a form(s) promulgated by the District and such permit application must be granted by the District prior to the drilling of a water well and proposed production of water, all in accordance with the provisions of District Rules. The District will hold hearing(s) on a permit application(s) in accordance with Chapter 14 of the District's Rules.

(b) An application for an Operating Permit is required to have the following information:

(1) be in writing and sworn to;

(2) contain the name, mailing address, and place of residence or principal office of the applicant;

(3) state the location of the well(s), with physical address or description, and GPS coordinates. The District may access the well location and take GPS coordinates and photographs;

(4) the applicant must provide evidence that they have the legal authority to produce the groundwater associated with the land surface and the permit application. The applicant must also provide any documents that transfers that right to own, control, or produce the groundwater rights to another person/entity that are associated with the land surface and the permit application. A permit may be amended or revoked if the groundwater rights or right to produce are legally transferred to another person/entity. The applicant shall attest to the information required in this rule by a District-provided affidavit form and submit the affidavit with the permit application;

(5) if the applicant is not the owner of the property, documentation establishing the applicable authority to construct and operate a well on the owner's property for the proposed use;

(6) a statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose and any evidence supporting the authenticity of the intended beneficial use;

(7) the estimated rate at which groundwater will be withdrawn and where the water is proposed to be used;
(8) the total amount of groundwater that will be used annually for the specified beneficial purpose;
(9) identify the well owner's/operator's total number of acres of land and/or water rights contiguous in ownership with the land where the well is to be located;
(10) state the anticipated time within which the proposed construction or alteration is to begin;
(11) state the presently anticipated duration required for the proposed use of the water;
(12) provide information showing the anticipated effect of the proposed production on the quantity and quality of water available for future use both inside and outside the District, including but not limited to any studies performed related to the proposed well or general well site within the last five years;
(13) the District may require a report by a registered professional in hydrogeology be submitted with operating permit applications or amendments to evaluate the projected effect of the proposed withdrawal on the aquifer or any other aquifer conditions, depletion, quality, subsidence, or effects on existing permit holders or other groundwater users in the District;
(14) Depending on the proposed application's potential effect of the withdrawal, the District may require a report by a registered professional in hydrogeology be submitted with the following requirements:
    (A) Hydrogeological Study Type 1: In the case of wells capable of producing over two hundred and fifty (250) gallons per minute but less than five hundred (500) gallons per minute: an evaluation of the projected effect of the proposed withdrawal on the aquifer or any other aquifer conditions, or effects on existing permit holders or other groundwater users in the District;

    The evaluation report shall include the following:

    (i) The depth interval and water bearing zone proposed to be screened, the anticipated thickness of the water bearing zone, and whether the water bearing zone is anticipated to be in an unconfined or confined condition.

    (ii) A table giving data on each registered or permitted well located within one mile of the well(s) and screening the same aquifer. The well table shall include the name of the well owner, well registration or permit number, casing and screen diameters and depth settings, total well depth, and aquifer screened. A map shall be provided showing the location of the well(s) at a scale no greater than one-inch equals 1,000 feet.

    (iii) An estimate of the drawdown that can be caused by pumping the well(s) at the permitted rate for one year and ten years at a distance of up to five miles from the well(s). Water-level drawdown contours shall be shown at ten-foot contour intervals. The estimate can be developed using the Theis equations and aquifer transmissivity and storage coefficients in the most recent TWDB approved version of the Trinity Aquifer (southern portion) GAM. Aquifer hydraulic data available from other sources than

the TWDB approved GAM and in proximity to the well(s) also can be considered in estimating the water level drawdown effects of pumping.

(iv) A table giving the estimated drawdown at the locations of existing registered and permitted wells contained in the TGRGCD database that screen the same aquifer as the well(s) and are located within one mile of the well(s).

(v) After the well(s) is constructed, the well owner shall provide the District, if available,

(1) A copy of the State of Texas Well Report;
(2) A copy of any geophysical logs run in the pilot hole drilled for the well;
(3) A copy of any pumping test data for the well following construction;
(4) A copy of chemical analyses completed on water samples collected from the well after construction and well development;

(B) Hydrogeological Study Type 2: In the case of wells capable of producing five hundred (500) gallons per minute or more: a study shall be conducted by a registered professional engineer or geologist that has expertise in groundwater hydrology evaluating the projected effect of the proposed withdrawal on the aquifer or any other aquifer conditions, or effects on existing permit holders or other groundwater users in the District. Five paper copies and an editable pdf copy of the reports shall be submitted with the permit application. The evaluation report shall include the following:

(i) A description of the hydrogeologic conditions in proximity to the well(s) that includes:
a. the surface geology;
b. the depth interval of the proposed water bearing zone;
c. the anticipated thickness of the water bearing zone;
d. a statement of whether the water bearing zone is anticipated to be in unconfined or confined condition;
e. a description of any hydrologic features or geologic features located within one mile of the proposed well(s) site(s).

ii) A well table giving data on each registered or permitted well located within one mile of the well(s) and screening the same aquifer. The well table shall include the name of the well owner, well registration or permit number, casing and screen diameter and depth settings, total well depth, and aquifer screened. A map shall be provided showing the location of the well(s) giving the well registration or permit number at a scale no greater than one-inch equals 1,000 feet.

(iii) An estimate of the water-level drawdown that can be caused by pumping the well(s) at the permitted rate for one year and ten years at a distance of five miles from the well(s). Water-level drawdown contours shall be shown at ten-foot contour intervals. The drawdown

contours should be based on simulations that isolate the effects of the requested amount of pumping. The applicant is advised to work with District staff. The estimate of pumping effects shall be developed using the most recent TWDB approved version of the Trinity Aquifer (southern portion) GAM, as applicable. Aquifer hydraulic data available from other sources for wells located in proximity to the well(s) should be considered in estimating the water-level drawdown effects of pumping. Include in the evaluation an estimate of the drawdown at the locations of existing registered and permitted wells contained in the TGRGCD database that screen the same aquifer as the well(s) and are located within one mile of the well(s). This estimate shall be developed using an analytical tool or numerical model approved by the District and the best available science concerning local aquifer properties such as transmissivity and storativity;

(iv) After the well is constructed, the well owner shall provide the District, if available,

(1) A copy of the State of Texas Well Report;
(2) A copy of any geophysical logs run in the pilot hole drilled for the well;
(3) A copy of any pumping test data for the well following construction;
(4) A copy of chemical analyses completed on water samples collected from the well after construction and well development;

(15) a declaration that the applicant/permittee will comply with the District's water conservation plan and drought contingency plan;

(16) if the water is to be resold, provide a description of:

(A) the service area, the metering and leak detection and repair program,

(B) the drought or emergency water management plan, and

(C) information on each customer's water demands, including population and customer data, water use data, water supply system data, wastewater data, water conservation measures and goals, and the means for implementation and enforcement;

(17) identify well(s) producing from the same formation on land adjacent to the property where the well is located and where the proposed well is to be located;

(18) describe the location and use of existing wells on the property where the well is located or where the proposed well is to be located;

(19) state the depth of the water-bearing formation which the applicant proposes to utilize for the well;

(20) the application may be required to be accompanied by a map or plat drawn on a scale that adequately details the proposed project, showing:

(A) the location of the existing or proposed well(s);

(B) the location of the existing or proposed production monitoring device(s);

(C) the location of the existing or proposed water use facilities; and

(D) the location of the proposed or increased use or uses;

(21) the permit application must be accompanied by an application fee;

(22) a well closure plan or a declaration that the applicant will comply with well plugging guidelines and report closure to the applicable authorities, including the District;

(23) the identity of the well driller, including the well driller's license number;

(24) The permit and registration application may also require additional information, including but not limited to: a physical address of the well site location, a legal description of the property (plat or survey); a site map that shows the location and distance of the proposed well to existing wells, property lines, septic tank, drain field, structures, neighboring septic systems if located closer than 100 feet and any other sources of contamination within 50 feet; and a copy of the warranty deed, a construction diagram for well construction and/or plugging, pump specifications (including type, horsepower, and pump curve);

(25) the District shall determine whether the application, maps, and other materials comply with the requirements of this rule. If the application does not comply with the requirements of these Rules, it shall be deemed administratively incomplete and returned to the applicant; and

(26) drilling may not begin until the permit application is granted.

RULE 5.4 District Considerations

(a) Before granting or denying a drilling and/or operating permit for a well or permit, the District shall consider whether:

(1) the application conforms to the requirements prescribed by these Rules and Chapter 36, Texas Water Code, and is accompanied by the prescribed fees, and is therefore Administratively Complete;

(2) the applicant violated the District's Rules and Chapter 36, Texas Water Code, prior to submitting its application to the District by either drilling or operating a well(s) without a permit;

(3) the proposed use of water unreasonably affects existing groundwater and surface water resources, existing permit holders, or wells that are registered with the District and exempt from the requirement to obtain a permit under this District Rules;

(4) the proposed use of water is dedicated to a beneficial use and whether sufficient evidence of an intended beneficial use is presented;

(5) the proposed use of water is consistent with the District's Management Plan;

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

(7) the applicant has agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure;

(8) would not be otherwise contrary to the public welfare; and

(9) this rule does not apply to the renewal of an operating permit issued under §36.1145.

(b) The District may impose more restrictive permit conditions on new permit applications and applications for increased use by historic users, provided that:

(1) such limitations apply to all subsequent new permit applications and permit amendment applications to increase use by historic users, regardless of type or location of use;

(2) such limitations bear a reasonable relationship to the existing District Management Plan; and such limitations are reasonably necessary to protect existing use.

(c) Permits and permit amendments may be issued subject to the Rules promulgated by the District and subject to terms and provisions with reference to the drilling, equipping, completion, or alteration, or operation of, or production of groundwater from, wells or pumps that may be necessary to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence.

(d) Changes in the amount or rate of withdrawal or use of groundwater under a District permit may not be made without the prior approval of a permit amendment issued by the District.

(e) Meters

All groundwater production from wells in the District is required to be metered, as specified under Chapter 8.

(f) Permits Based on Modeled Available Groundwater

(1) A district, to the extent possible, shall issue permits up to the point that the total volume of exempt and permitted groundwater production will achieve an applicable desired future condition under Section 36.108.

(2) In issuing permits, the district shall manage total groundwater production on a long-term basis to achieve an applicable desired future condition and consider:

(A) the modeled available groundwater determined by the Texas Water Development Board;

(B) the Texas Water Development Board's estimate of the current and projected amount of groundwater produced under exemptions granted by District Rules and Section 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;

(E) yearly precipitation and production patterns.

(g) Permit applications for groundwater production for one hundred and fifty (150) acre-feet per year or less may be granted by the District's General Manager if the application meets the requirements of the District's Rules. The General Manager may grant such administratively complete permit applications without notice, hearing, or further action by the Board; but shall provide a report of the granted permits to the Board.

RULE 5.5 Operating Permit Term and Renewal

(a) Application Deadline – An application to renew permits must be made within fourteen (14) calendar days prior to the last scheduled Board meeting before the expiration of the permit. If an application to renew a permit is not received during this time, the permit may lapse and the well owner may be subject to penalty if the well is operated without a valid permit. Once the permit has lapsed, the landowner or well owner may have to apply for a new operating permit.

(b) Duration of Permit – All operating permits and permit renewals are effective for an initial term of three (3) years from the date a permit is granted, unless otherwise stated on the permit. Once the initial permit is renewed after verification of full compliance with District Rules, the permit term shall be five (5) years from the date of renewal. Except, an operating permit for a well or well site will automatically expire one year from its issuance if the permitted well(s) has not been completed. A well is completed when it has been drilled and constructed to permitted specifications, had a pumping test performed, and a well report submitted to the District and the state. An emergency extension to drill a permitted well may be granted by the District if requested in writing prior to the one-year expiration.

(c) Processing Fee – The application to renew a permit shall be accompanied by payment of the application processing fee established by the Board, if any.

(d) Decision on Renewal Application

(1) Except as provided by Subsection (2), the District shall, without a hearing, renew or approve an application to renew an operating permit before the date on which the permit expires, provided that:

(A) the application is submitted in a timely manner and accompanied by any required fees in accordance with District rules; and

(B) the permit holder is not requesting a change related to the renewal that would require a permit amendment under District rules.

(2) The District is not required to renew a permit under this rule if the applicant:

(A) is delinquent in paying a fee required by the District;

(B) is subject to a pending enforcement action for a substantive violation of a District permit, order, or rule, including but not limited to required reporting of production under Chapter 8, that has not been settled by agreement with the District or a final adjudication; or

(C) has not paid a civil penalty or has otherwise failed to comply with an order resulting from a final adjudication of a violation of a District permit, order, or rule.

(3) If the District is not required to renew a permit under Subsection (2)(B), the permit remains in effect until the final settlement or adjudication on the matter of the substantive violation.

(4) (A) If the holder of an operating permit, in connection with the renewal of a permit or otherwise, requests a change that requires an amendment to the permit under District

rules, the permit as it existed before the permit amendment process remains in effect until the later of:

(i) the conclusion of the permit amendment or renewal process, as applicable; or

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

(B) If the permit amendment process results in the denial of an amendment, the permit as it existed before the permit amendment process shall be renewed under Section 36.1145 without penalty, unless Subsection (b) of that section applies to the applicant.

(C) The District may initiate an amendment to an operating permit, in connection with the renewal of a permit or otherwise, in accordance with the District's rules. If the District initiates an amendment to an operating permit, the permit as it existed before the permit amendment process shall remain in effect until the conclusion of the permit amendment or renewal process, as applicable.

RULE 5.6 Aggregation of Withdrawal

In issuing an operating permit, the authorized withdrawal for a given well may be aggregated with the authorized withdrawal from other permitted wells designated by the District, at the discretion of the District. Applicable spacing requirements and production allowances will be considered in determining whether or not to allow aggregation of withdrawal. For the purpose of categorizing wells by the amount of groundwater production, where wells are permitted with an aggregate withdrawal, the total authorized withdrawal will be assigned to the wells in aggregate, rather than allocating to each well it's pro rata share of production.

RULE 5.7 Standard Permit Provisions

All permits are granted subject to the District Act, these Rules, the District Management Plan, orders of the Board, and the laws of the State of Texas. In addition to any special provisions or other requirements incorporated into the permit, each permit issued shall contain the following standard permit provisions:

(a) This permit is granted in accordance with the provisions of the District Act, Water Code, and the Rules, Management Plan, and orders of the District, and acceptance of this permit constitutes an acknowledgment and agreement that the permittee will comply with the Texas Water Code, the District Act, the District Rules, Management Plan, orders of the District Board, and all the terms, provisions, conditions, requirements, limitations and restrictions embodied in this permit.

(b) This permit confers no vested rights in the holder, and it may be revoked or suspended, or its terms may be modified or amended pursuant to the provisions of the District Act. To protect the permit holder from the illegal use of a new landowner, within ten (10) days after the date of sale of property containing a well having been issued an operating permit, the operating permit holder must notify the District in writing of the name of the new owner. Any person who becomes the owner of a currently permitted well must, within forty-five (45) calendar days from the date of the change in ownership, file an application for a permit amendment to affect a transfer of the permit.

(c) The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner.

(d) All permitted production shall be metered and reported to the District in compliance with Chapter 8 of the District Rules. The permittee must keep records of the amount of groundwater produced and the purpose of the production, and such records shall be available for inspection by District representatives. Immediate written notice must be given to the District in the event production exceeds the quantity authorized by this permit, or the well is either polluted or causing pollution of the aquifer.

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

(f) The application pursuant to which this permit has been issued is incorporated in this permit, and this permit is granted on the basis of and contingent upon the accuracy of the information supplied in that application and in any amendments to the application. A finding that false information has been supplied is grounds for immediate revocation of the permit. In the event of conflict between the provisions of this permit and the contents of the application, the provisions of this permit shall control.

(g) Suspension or revocation of a permit may require immediate cessation of all activities granted by permit.

(h) Violation of this permit's terms, conditions, requirements, or special provisions is punishable by civil penalties as provided by the District Rules.

(i) Wherever special provisions are inconsistent with other provisions or District Rules, the special provisions prevail.

(j) The permittee will use reasonable diligence to protect groundwater quality and will follow well-plugging guidelines at the time of well closure.

(k) The issuance of this Permit does not grant to Permittee the right to use any private property, or any public property, for the production or conveyance of water. [This permit language does not prohibit a permit holder from selling groundwater if they have the legal right to do so.] Neither does this permit authorize the invasion of any personal rights nor the violation of any federal, state, or local laws, rules or regulations. Further, the District makes no representations and shall have no responsibility with respect to the availability or quality of water authorized to be produced under this permit.

(l) Well Assistance Agreement. A permittee may enter into an agreement with the District to mitigate the drawdown of the water table, the reduction of artesian pressure, and/or the interference between wells, if supported by hydrological evidence and approved by the Board. A Well Assistance Agreement may be a permit provision.

(m) The authorization of the permit is contingent upon the well's compliance with District Rules and the rules of the Texas Department of Licensing and Regulation ("TDLR"), in *16 Texas Administrative Code, Chapter 76*, including but not limited to *Texas Administrative Code, Chapter 76.100*. If the well does not meet the criteria of the applicable District and TDLR rules, then the well is not authorized for operation in the District.

(n) Only licensed water well drillers, in good standing with the Texas Department of Licensing and Regulation, may drill water wells within the District.

(o) The District may require water quality samples from a Permittee for any permitted well that meets District requirements for water quality testing procedures. The District may also access the site to take water quality samples.

(p) The permittee has provided evidence that they have the legal authority to produce the groundwater associated with the land surface and the permit application. The permittee must also provide any documents that transfers that right to own, control, or produce the groundwater rights to another person/entity that are associated with the land surface after the permit has been granted. The permit may be amended or revoked if the groundwater rights or right to produce related to a permit are legally transferred to another person/entity.

RULE 5.8 Operating Permit Limitations

(a) Maximum Authorized Withdrawal

(1) It is a violation of these Rules to withdraw any amount of water over the authorized permit limits.

(b) Operating Permit Required

(2) It is a violation of these Rules to withdraw groundwater from a non-exempt well drilled after December 14, 2023, without an operating permit from the District, except as provided by Rule 5.2.

RULE 5.9 Permit Amendments

(a) Permit Amendment Increasing Authorized Production or Change of Use

A written application for a permit amendment to increase the authorized production or to change the use must be filed and an amendment granted before any over pumpage or change of use occurs.

(1) Submission of application. An applicant for a permit amendment increasing the authorized production or changing the use must demonstrate that the production will be put to a beneficial use, and is consistent with the District's Rules, including Rule 5.3 regarding permit applications, and the Management Plan.

(2) Action on amendment. Applications to increase the authorized production or change of beneficial use shall be considered and acted on by the Board.

(b) Amendment to Decrease Authorized Production. The General Manager may rule on any application for a permit amendment to decrease the authorized production. The General

Manager may grant such amendment without notice, hearing, or further action by the Board.

(c) Amendment to Transfer Ownership of a Permit. The General Manager may rule on any application for a permit amendment to transfer the ownership of any permit. The written, sworn application shall include a request to make the ownership change and show the authority for requesting the change. The General Manager may grant such an amendment without notice, hearing, or further action by the board. While the application is pending, the new owner may continue to operate the well.

(d) District-Initiated Amendments. The District, through its Board, may initiate a permit amendment(s) to Permits with reference to the drilling, equipping, completion, alteration, or operation of, or production of groundwater from, wells or pumps that may be necessary to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, including but not limited to enforce the adopted desired future conditions of the aquifer(s), lessen interference between wells, or control and prevent subsidence. District-initiated permit amendments are subject to notice and hearing under Chapter 14. If the District initiates an amendment to an operating permit, the permit as it existed before the permit amendment process shall remain in effect until the conclusion of the permit amendment or renewal process, as applicable.

CHAPTER 6. WELL SPACING AND PROUCTION REQUIREMENTS

RULE 6.1 Regulation of Spacing

(a) In order to minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, to control subsidence, to prevent interference between wells, to prevent degradation of water quality, or to prevent waste, the District may regulate the spacing of water wells.

(b) The District may require compliance with the District's well spacing rules for the drilling of any new well, whether registered or permitted, except for mining wells exempt under Rule 5.1(c).

RULE 6.2 Spacing from Property Lines and Other Wells

(a) All new water wells shall meet the minimum construction spacing requirements established by 16 Texas Administrative Code Chapter 76 (Rules for Water Well Drillers and Water Well Pump Installers).

(b) All new water wells or existing wells proposed to increase the production rate on an existing well that are registered or permitted after December 14, 2023, shall meet the minimum production spacing requirements established by the District in the following table. There are two types of spacing requirements: the first spacing rule is the distance that the well site must be from all permitted and registered exempt wells and the second spacing rule is the distance that the well site must be from the perimeter of the real property that is assigned to that well. Only wells that have been registered or permitted with the

District will be afforded well-spacing protection. Wells spaced less than fifty (50) feet from the property line must meet the alternative siting methods as set out in 16 Texas Administrative Code Section 76.100(b).

Production Spacing Requirements		
Actual Pumping Capacity of Well as Equipped (gallons per minute or gpm)	**Minimum Distance (in feet) from permitted or registered wells**	**Minimum Distance from the perimeter of the property that is legally assigned to the well**
Less than 17.36 gpm	50	25
17.36 gpm - 50 gpm	100	50
50 gpm - 100 gpm	250	125
100 gpm - 200 gpm	500	250
200 gpm - 400 gpm	1,000	500
Greater than 400 gpm	1,500	750
**pressure cementing of annular space required to reduce distance from property line.*		

(c) After a Notice of Intent to Drill a well has been granted by the District, the well must be drilled within thirty (30) feet of the location specified in the application. If the well should be commenced or drilled at a different location, the drilling or operation of such well may be enjoined by the Board pursuant to Chapter 36, Texas Water Code. As described in the Texas Water Well Drillers' Rules, all well drillers and persons having a well drilled, deepened, or otherwise altered shall adhere to the provisions of this Rule prescribing the location of wells and proper completion of the wells under Rule 7, 16 Texas Administrative Code Chapter 76 (Rules for Water Well Drillers and Water Well Pump Installers), and other applicable State laws and regulations.

RULE 6.3 Residential Lot Sizing with On-Site Sewage Facilities

Wells drilled within the District must comply with Bexar County regulations for on-site sewage facilities including; the minimum lot size for subdivisions and/or parcels of land requiring the use of on-site sewage facilities for residential development utilizing private individual wells shall be at least one and a half (1 ½) acres of usable land outside of any easements and right-of-way dedications for each individual residence. Lots that are not in compliance will be referred to Bexar County for enforcement, as appropriate.

RULE 6.4 Exception to Spacing Rule

(a) If the applicant presents notarized waivers signed by the landowners and/or registration holders that are located within the District-adopted spacing requirement circumference of the applied-for well(s), stating that they have no objection to the proposed location of the well site, a waiver to the spacing requirements may be granted for the new proposed well location. Waivers are not applicable to TDLR spacing requirements referenced in Rule 6.2(a).

(b) A waiver may be submitted to the District by a single registration holder to waive the spacing requirements between the registration holder's own wells within a single well field. The District may waive the spacing requirements on the well field if the applicant submits adequate evidence showing that the increased cone of depression caused by the

well field will not increase the impact on nearby existing wells, or cause an overall reduction in the total amount of groundwater available within the District, any greater than the spacing requirements under Rule 6.2(b).

RULE 6.5. Groundwater Production Limits

(a) Permitted Annual Production Limit by Acreage

If an administratively complete operating permit application for a new non-exempt well or a permit amendment application to increase use of an existing non-exempt well is submitted to the District after December 14, 2023, the maximum groundwater production limit from the Trinity Aquifer shall not exceed 1.0 acre-feet/acre/year for contiguous groundwater rights owned or controlled.

(1) The authorized withdrawal amount of groundwater is stated in each well permit as the rate of production, which authorizes a maximum gpm production, not to exceed a specified number of acre-feet of groundwater production each year.

(2) The permitted groundwater production capacity is also subject to the spacing requirements in Chapter 6 herein.

(3) This requirement also applies to applications to amend a permit by increasing the annual production amount or change the use of the permit. If an existing permit is amended to increase the annual production amount or change the use, then the entire permit must meet the production acreage rule.

(b) Registered Instantaneous Production Limits for Smaller Tract Sizes

(1) If an administratively complete application for a new non-exempt well is submitted to the District after October 16, 2025, on a tract with less than 20 acres that contiguous groundwater rights are owned or controlled by the applicant, then the applicant is limited to one well with a pump capability not to exceed the following gallon per minute (GPM) capability. The capability of the pump installed on the well shall be verified by the District. Once the application is administratively complete, a non-exempt well under Subsection 6.5(b)(1)-(3) will be issued a certificate of registration and is not required to be metered, report annual production, pay production fees, nor submit a renewal application. The District may verify the installed pump capability of a registered well at any time under Rule 10.1.

Tract Size (must be contiguous)	Installed/Verified Instantaneous Pump Capability Limit
15 - <20 acres	17 gpm limit
10 - <15 acres	15 gpm limit
8 - <10 acres	13 gpm limit
6 - <8 acres	11 gpm limit
5 - <6 acres	9 gpm limit
<5 acres	7 gpm limit

(2) Wells that are limited to a 7 GPM instantaneous pump capability are only required to have a well registration for the non-exempt well.

(3) Tract sizes 10 acres or more may choose to have two wells that, when totaled, do not exceed the GPM limitations in (b) herein.

(4) If the applicant has 10 acres or more, the applicant may choose to permit to the maximum groundwater production limit from the Trinity Aquifer of 1.0 acre-feet/acre/year for contiguous groundwater rights owned or controlled, in compliance with (a) above, instead of the pump limitation in (b) herein, however, the well must then be metered and the permittee must report the metered production annually to the District.

(c) 800 gpm Production Limit

All new wells within the District that are drilled in the Trinity Aquifer, must be designed and equipped to not exceed a maximum production limit of 800 gpm under normal operating conditions.

~~(c)~~(d) Beneficial Use

Production limits on wells will be based on evidence of beneficial use submitted in Operating Permit applications.

(e) Flow Rate Compliance

(1) **Maximum Authorized Flow Rate.** No person shall operate a well or well system at a peak discharge rate exceeding the maximum gallons per minute (GPM) authorized in the operating permit or certificate of registration issued by the District.

(2) **Use of Flow Restrictors.** If a well pump is capable of producing a discharge rate in excess of the ~~permitted~~District authorized GPM, the permit/registration holder may achieve compliance by installing a fixed-orifice flow control valve, inline orifice plate, or tamper-evident flow restriction device (collectively, "flow restrictor").

CHAPTER 7. WELL COMPLETION AND CONSTRUCTION STANDARDS

RULE 7.1 Minimum Standard of Well Completion

(a) All wells, at a minimum, must be completed in accordance with all applicable State and local standards, including but not limited to Title 30 Texas Administrative Code Chapter 290, Subchapter D (TCEQ Public Drinking Water) and 16 Texas Administrative Code Chapter 76 (Rules for Water Well Drillers and Water Well Pump Installers). See District Rule 7.3 Technical Completion and Plugging requirements for additional standards.

(b) Water well drillers, who shall be licensed by the State of Texas, must indicate the method of completion performed on the TDLR's State of Texas Well Report form, as updated.

(c) The District shall be notified at least 24 hours prior to commencing any well drilling, deepening, clean out, recompletion operation, grouting, or plugging.

(d) Any well within the District that is not completed in accordance with applicable State and local law is subject to District enforcement and may be referred to TDLR or TCEQ for enforcement, as appropriate.

RULE 7.2 Persons Authorized to Drill & Plug Wells

Only licensed water well drillers and water well pump installers, in good standing with the Texas Department of Licensing and Regulation, may drill water wells and/or plug water wells within the District, as applicable. License information will be provided on the application as required by Rule 4.2(b)(7) and verified by the District.

RULE 7.3 Technical Completion and Plugging Requirements

(a) All wells shall be equipped with a watertight sanitary well seal with a ¾" diameter inside diameter (ID) inspection port, located on top of the well seal which allows for free access to the water table for the purpose of water level measurement and disinfection. Any well presently not equipped, shall in the future be so equipped when that well is serviced. On those wells with odd sized casing, which cannot be fitted with a factory made watertight sanitary well seal, the completion must be done in a manner that will prevent any pollutants (waste, insects, chemicals, etc.) from entering the well.

(b) A minimum of forty feet (40') of casing set and cemented in place shall be required unless any undesirable waters are encountered in which case, a deeper casing setting depth could be required.

(c) Requirements for any undesirable waters encountered.

(1) When undesirable water or constituents are encountered in a water well, the undesirable water or constituents shall be sealed off and confined to the zone(s) of origin.

(2) When undesirable water or constituents are encountered in a zone overlying fresh water, the driller shall install grouted in place casing in the water well from an adequate depth below the undesirable water or constituent zone to the land surface to ensure the protection of water quality.

(3) The annular space between the casing and the wall of the bore hole shall be grouted with a state approved grouting material and adequate depth below the undesirable water or constituent zone to the land surface to ensure the protection of groundwater, by the interior or exterior positive displacement method or tremie method. Wells encountering zones of differing water quality shall be grouted within five business days to prevent any commingling or deterioration of water quality.

(d) All wells shall be completed so that aquifers or zones containing waters that differ in chemical quality are not allowed to commingle through the borehole and cause quality degradation or deterioration of any aquifer or zone. At no time shall water from the Upper and Lower Glen Rose be allowed to commingle in a well. In all cases where the well penetrates the Lower Glen Rose through the Upper Glen Rose, the well casing and annular

cementing shall extend a minimum of twenty feet (20) into the Lower Glen Rose. The annulus must be pressure cement-grouted from twenty (20') feet below the base of the Upper Glen Rose limestone back to surface.

(e) Well pluggings are pursuant to the regulations applying to Water Well Drillers in 16 Texas Administrative Code, Chapter 76, including an alternative, preferred method of well plugging as follows;

(1) An attempt must be made to remove well casing.

(2) Backfilling with disinfected pea gravel to the top of the water production zone or if water level extends into the existing casing, then disinfected pea gravel must be set within no less than ten feet of the bottom of the casing,

(3) Above the top of the disinfected gravel pack, the borehole shall be grouted by the positive displacement technique to ground surface. The grout shall consist of cement/bentonite slurry. In cases where void spaces may drain the slurry away from the well, state approved bentonite of the Water Well Drillers in 16 Texas Administrative Code, Chapter 76 must be used. The space above the top of the gravel pack must be completely filled with either bentonite or cement and have a minimum of twenty (20) feet of neat cement/bentonite grout with a minimum of two (2) feet of cement from four (4) to six (6) feet below land surface.

(4) Well casing to be cut and removed four (4) feet below land surface.

RULE 7.4 Geophysical Logging

(a) Geophysical logs shall be run to total depth of well to provide qualitative information on aquifer characteristics and groundwater quality prior to completion or plugging and to determine the location of the lower Glen Rose/upper Glen Rose contact on all new wells. The geophysical logs shall include a caliper log and an electric log with shallow and deep investigative curves with a spontaneous potential and natural gamma logs. The geophysical logging report shall explicitly record and calibrate the exact depth where fluid is encountered inside the borehole at the time of testing.

(b) Any new well shall have geophysical logs as described in Rule 7.4(a) run for the entire depth of the well and provided to the District in both paper copy and electronic format within ten (10) days of well completion. The logs shall be of industry acceptable quality with complete headings including well elevation and latitude and longitude coordinates.

(c) The District copy of the geophysical log shall be printed at a scale of 1" every 20 feet. The Well Driller shall identify the Formation contact(s) and determine the proper length of casing needed.

(d) Any well to be plugged shall have a geophysical log run and provided to the District in both paper copy and electronic format ~~within thirty (30) days of well plugging~~ with the plugging application (Notice of Intent to Drill, Modify, or Plug a Well) form, unless, evidence of a prior geophysical log exists and it is provided to the District. The logs shall

be of industry acceptable quality with complete headings including well elevation and latitude and longitude coordinates.

RULE 7.5 Drilling Guidelines within the Edwards Aquifer Formation

Drilling operations which involve drilling or plugging operations in or through the Edwards Aquifer formations shall comply with the Edwards Aquifer Authority rules.

RULE 7.6 Geothermal Well Standards

Geothermal wells are exempt from the requirements of District Rules under Chapter 6, regarding well spacing.

(a) Open loop geothermal water wells are prohibited in the District.

(b) A closed loop geothermal well system used to circulate water, other fluids, or gases through the earth as a heat source or heat sink as defined by 16 Texas Administrative Code §76, are acceptable. Geothermal wells are exempt from the requirement of obtaining a geophysical log.

(c) Each system shall be registered with the District on a form available from the District.

(d) The annular space of a closed loop geothermal well system used to circulate water or other fluids shall be backfilled to the total depth with impervious bentonite grout or similar material by positive displacement method.

RULE 7.7 Capping, and Plugging of Wells

(a) Abandoned or Deteriorated Well

A well identified as an abandoned or deteriorated well, or a borehole, must be plugged, capped or re-completed in accordance with the requirements of the District and of any statewide law, agency or political subdivision having jurisdiction including, but not limited to, the Texas Water Well Drillers Act, and the Texas Commission on Environmental Quality.

A deteriorated or abandoned well must be plugged in accordance with the Texas Department of License and Regulation, Water Well Drillers and Pump Installers Rules (16 TAC Chapter 76). It is the responsibility of the landowner to see that such a well is plugged to prevent pollution of the underground water and to prevent injury to persons and animals. Registration of the well is required prior to, or in conjunction with, well plugging.

(1) When an open or uncovered, deteriorated, or abandoned well is found by District personnel or brought to the District's attention by a constituent, a letter will be sent to the owner of the property upon which the open or uncovered, deteriorated, or abandoned well exists, notifying the property owner of his responsibility to cap or plug the well. The property owner may also be provided with information on the proper closing of abandoned wells.

(b) Capping Wells

The District may require a well to be capped to prevent waste, prevent pollution, or prevent further deterioration of a well casing. The well must remain capped until such time as the conditions that led to the capping requirement are eliminated. If well pump equipment is removed from a well and the well will be re-equipped at a later date, the well must be capped. Provided however that the casing is not in a deteriorated condition that would permit commingling of water strata, in which case the well must be plugged. The cap must be a covering capable of preventing surface pollutants from entering the well and sustaining weight of at least four hundred (400) pounds and constructed in such a way that the covering cannot be easily removed by hand.

(c) Plugging Wells

It is the responsibility of the landowner to plug a well that is deteriorated or abandoned. A deteriorated or abandoned well pursuant to the regulations applying to Water Well Drillers in 16 Texas Administrative Code, Chapter 76.

(1) Plugging of any well must adequately seal off any void annular space. The casing in the well shall be perforated and cemented in a manner to seal off any void annular space that is discovered. Any well to be plugged must provide documentation evidencing how the well was completed to show proper sealing of the annular space, such as providing a State Well Report or other forms of documentation at the owner's expense. Perforations required by the District may be at no less than 50 foot' intervals or an alternate spacing as determined by the General Manager. A video survey shall be performed of the perforated depth interval(s) to verify the results of the procedure if a perforating report is not provided by the perforating company, or a district representative is not available to witness the procedure.

(2) Any person that plugs a well in the District shall comply with 16 Texas Administrative Code, Chapter 76.70 in completing and submitting a State of Texas Well Plugging Report. Within thirty (30) days after plugging is complete, submit a copy of the plugging report to the District. A copy of the plugging report furnished to the Texas Commission on Environmental Quality will suffice as proper notice to the District.

(3) When an open or uncovered, deteriorated, or abandoned well is found by District personnel or brought to the District's attention by a constituent, a letter will be sent to the owner of the property upon which the open or uncovered, deteriorated, or abandoned well exists, notifying the property owner of their responsibility to cap or plug the well.

(4) Not later than the 180th day after the date a landowner or other person who possesses an abandoned or deteriorated well learns of its condition, the landowner or other person shall have the well plugged or capped under standards and procedures adopted by District. The District may require the well to be plugged prior to 180 days if it presents a dangerous situation to the aquifer or to human health and safety.

The Board may establish grant funding to assist with the cost of the plugging of abandoned or deteriorated wells in the District, as funds are available each budget year.

RULE 7.8 Commingling of Undesirable Water

(a) The well owner shall have the continuing responsibility of insuring that a well does not allow commingling of undesirable water and fresh water or the unwanted loss of water through the well bore to other porous strata.

(b) If a well is allowing the commingling of undesirable water and fresh water or the unwanted loss of water, and the casing in the well cannot be removed and the well recompleted within the applicable Rules, the casing in the well shall be perforated and cemented in a manner that will prevent the commingling or loss of water. If such a well has no casing, then the well shall be cased and cemented, or plugged in a manner that will prevent such commingling or loss of water. The plugging of abandoned and/or deteriorated wells must comply with the Water Well Drillers and Pump Installers Administrative Rules under 16 Texas Administrative Code, Chapter 76 and District Rule 7.3 Plugging Requirements and the District rules. The District may require a well plugging application prior to the well being plugged.

(c) The General Manager or Board may direct the well owner to take steps to prevent the commingling of undesirable water and fresh water, or the unwanted loss of water.

RULE 7.9 Requirements for Driller's Log, Pump Data, and Well Development

(a) Records and Reports

Complete records must be kept and reports made to the District concerning the drilling, modification, maximum production potential, equipping and completion of all wells drilled in the District. Such records must include an accurate Driller's log, any mechanical or electric log that may have been run, its discharge rate, pumping test results, and a registration of the well correctly furnishing all available information required on the forms furnished by the District or on forms furnished by the Texas Commission on Environmental Quality. Such reports must be filed with the District and through the Texas Department of Licensing and Regulations State of Texas Well Report Submission and Retrieval System within sixty (60) days after completion of the well.

(b) State Well Report & Pump Installation Report

(1) Well drillers who drill, deepen, or alter any water well within the District shall comply with 16 Texas Administrative Code, Chapter 76.70, in completing and submitting a State of Texas Well Report. The regulation includes the requirement to deliver, transmit electronically, or send by first-class mail a copy of the State of Texas Well Report to the groundwater conservation district in which the well is located, if any. Every well driller shall also deliver, transmit electronically, or send by first-class mail a copy to the owner or person for whom the well was drilled, within sixty (60) days from the completion or cessation of drilling, deepening, or otherwise altering a well.

(2) Well drillers, pump installers, and/or well owners are required to submit a District Pump Installation Report upon completion or cessation of drilling, or otherwise modifying of a well that accurately reflects the pump settings on the well. The Pump Installation Report shall be submitted by the pump installer with the above-required State Well Report or within sixty (60) days of pump alteration to any groundwater well by driller, pump installer, or well owner and shall be completed on a District-approved form.

(c) Well Production

No person shall produce water from any well hereafter drilled and equipped within the District, except that necessary to the drilling and testing of such well and equipment, unless or until the District has been furnished an accurate driller's log, any electric log which shall have been made, and a registration of the well correctly furnishing all available information required on the forms furnished by the District.

(d) Well Development & Well Condition

Pursuant to District Rule 10.1, District employees or agents may inspect any new or existing well and any new construction, repair, plugging, or modification;

(1) If determined that a geophysical log or down-hole camera inspection is needed to protect the groundwater resources, the District may perform or require a geophysical log or camera of the well of interest.

(2) District staff or agents may be onsite for any stage of well construction, plugging, repair, or modification.

(3) If determined by the District, the driller must notify the District in advance prior to setting the well casing and sealing the annular space outside the casing for District onsite verification.

(4) If determined by the District, well development operations may be required to occur during regular District operation hours for District onsite verification.

CHAPTER 8. MEASURING ~~AND~~, REPORTING, AND MONITORING REQUIREMENTS

RULE 8.1 Reporting of Groundwater Production

(a) The accurate reporting and timely submission of pumpage and/or transported volumes is necessary for the proper management of water resources.

(b) All registered or permitted wells capable of producing more than 25,000 gallons per day shall be required to install a meter, at the operator's expense, in a sufficient manner to meet the manufacturer's installation specifications and meets American Water Works Association (AWWA) standards for water meters to measure the flow rate and cumulative amount of groundwater withdrawn. Wells that are on a tract size from 10 to 20 acres shall be metered, even if the well has less than a 25,000 gallon per day capability, if the permitted production limitation is elected under Rule 6.5(b)(4). All existing wells that are required to be metered shall have the meters installed and operational by December 31, 2024.

(c) Registrants shall file with the District monthly reports with accurate meter readings and the actual amount of pumpage of water produced monthly and used for the registered or permitted purpose. Such report shall be filed on the appropriate forms(s) provided by the District within ten (10) days following the end of the preceding month.

(d) A well that is required to meter under Rule 8.1 shall submit production fees according to District Rule 13 Fees & Deposits.

RULE 8.2 Water Meter Requirements

(a) All new meters installed to comply with District Rules must be registered within sixty (60) days of installation.

(b) All existing meters must be registered with the District by December 31, 2024, and submit to the District available specifications of the existing meter.

(c) At the beginning of the initial calendar year and/or the repair or replacement of a meter occurs at any time, operators shall submit a Meter Registration Form, furnished by the District, stating each meter meets District Meter Standards and provide a photograph of the initial meter register display and gallons per minute indicator. The Meter Registration shall be renewed every three years or upon the repair or replacement of a meter at any time.

RULE 8.3 Meter Standards

(a) Meters must have a manufacturer's certification that the meter is accurate within +/-5 percent of actual flow. Each meter shall be installed, operated, maintained, and repaired in accordance with the flow meter manufacturer's specifications.

(i) The District may require the operator, at the operator's expense, to test the accuracy of the meter and submit a certificate of the test results. If the tests reveal that a meter is not registering within +/-5 percent of actual flow or is not properly recording the total flow of groundwater withdrawn from the well or well system, the operator must take appropriate steps to remedy the problem, and to retest the meter within 90 calendar days from the date the problem is discovered.

(b) Bypasses are prohibited unless they are also metered.

(c) Where wells are part of an aggregate system, meters must be installed so as to measure the groundwater production from each well included in the system.

(d) Installation of meters under these rules shall occur before producing water from the well.

(e) Placement of meters shall be installed directly at the well discharge prior to any diversion of water through the distribution system, piping and/or plumbing.

(f) Operators shall submit a photograph of the initial meter register display and gallons per minute indicator annually at the start of the calendar year. The District may request monthly photograph submittals of the meter register display, as needed.

(g) If an operator performs a repair or replacement of a meter, they shall notify the District within ten (10) business days for the District to perform a site inspection or the operator to provide and submit a photograph of the repaired meter register display and gallons per minute indicator. A copy of the new Calibration Certificate shall also be submitted.

(h) During a period that a meter is removed or otherwise disabled, groundwater may not be withdrawn from the well.

(i) Operators shall provide District staff access to meters during normal business hours for meter readings and inspection.

(j) Operators shall maintain records of monthly groundwater production on the property where the well is located or at its business office and shall make those records available to the District for inspection.

Violation of Metering and Reporting Requirements: False reporting or logging of meter readings, intentionally tampering with or disabling a meter, or similar actions to avoid accurate reporting of groundwater use and pumpage shall constitute a violation of these rules and shall subject the person performing the action, as well as the well owner, and/or the primary operator who authorizes or allows that action, to such penalties as provided in the District Act and these rules.

RULE 8.4 MONITORING WELLS

The District requires permittees that meet the following criteria to provide a well for monitoring purposes to the District, at permittee's expense, in accordance with the monitoring well criteria and standards adopted by the Board:

(a) permittee is permitted for a well or group of wells that are capable of producing five hundred (500) gallons per minute or more; and

(b) permittee received a permit for a new well or amended~~ment a permit on~~ an existing well to increase annual production and received a permit after ~~[rule adoption date]~~ December 17, 2026.

Monitoring wells shall be required for permits for power generation and/or data/computing centers, at permittee's expense, which shall be equipped with automated pressure transducers that utilize cellular and satellite telemetry to transmit water level measurement data directly to the District. The location and specifications of the monitoring well(s) shall be approved by the District. The pressure transducer(s) shall be calibrated for accuracy at least annually, with a calibration verification submitted to the District. The monitoring well(s) may also be required for water quality testing.

CHAPTER 9. REWORKING AND REPLACING A WELL

RULE 9.1 Procedures

(a) An existing well may be reworked, or re-equipped in a manner that will not change the existing well status without obtaining a permit or registration amendment.

(b) A Registration and/or Notice to Drill, Modify, or Plug a Well must be applied for if a person wishes to increase the rate of production of an existing well to the point of increasing the size of the column pipe or gpm rate by reworking, re-equipping, or re-drilling such well as described in this rule.

(c) A Registration and/or Notice to Drill, Modify, or Plug a Well must be applied for and deemed administratively complete if a person wishes to replace an existing well with a replacement well.

(d) A replacement well must be completed in the same hydrologic unit as the well it replaces, and shall not be drilled, equipped, or completed so as to increase the rate of production of water from the well it replaces. If the intended replacement well is screened or open in a

different hydrologic unit than the original well, for example production moved from the Upper Trinity to the Middle Trinity, then it is not a replacement well and a new well registration or permit application shall be filed. A replacement well must not be located closer to any other well or authorized well site unless the new location complies with the minimum spacing requirements of Rule 6; otherwise, the well shall be considered a new well for which an application must be made.

(e) The landowner or his/her agent must within 120 days of the issuance of the registration declare in writing to the District which one of these two wells is desired to be produced. If the landowner does not notify the District of his/her choice within this 120 days, then it will be conclusively presumed that the new well is the well he/she desires to retain. Immediately after determining which well is retained for production, the other well shall be plugged/closed in accordance with applicable District Rules, state law and regulation, or pursuant to Section 756.002, Texas Health and Safety Code. Violation of such Article is made punishable by a fine as provided by law. If the District deems that the replaced well is suitable for a monitoring well, the well may be converted to a monitoring well that meets District standards, instead of requiring the well to be plugged. The monitoring well shall not be equipped for production.

CHAPTER 10. INVESTIGATIONS AND ENFORCEMENT

RULE 10.1 Notice and Access to Property

(a) The Board and District agents, directors, engineers, attorneys, operators, and employees of the district may go on any land to inspect, make surveys, or perform tests to determine the condition, value, and usability of the property, with reference to the proposed location of works, improvements, plants, facilities, equipment, or appliances. The cost of restoration shall be borne by the District.

(b) District employees and agents are entitled to enter any public or private property within the boundaries of the district or adjacent to any reservoir or other property owned by 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, registration, permit, or other order of the district. District employees or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection and shall notify any occupant or management of their presence and shall exhibit proper credentials.

RULE 10.2 Rule Enforcement

If it appears that a person has violated, is violating, or is threatening to violate any provision of the District Act, Texas Water Code Chapter 36, District registration, permit, or District Rules, the Board of Directors may assess a civil penalty or file for an injunction or other appropriate remedy in a court of competent jurisdiction, as authorized by Chapter 36.102 of the Texas Water Code. The General Manager has the authority to require remediation of well construction that violates District and/or TDLR rules within a designated time period, no more than six months, or require plugging or capping of the well, if the well construction is not appropriately remediated. If the District has concurrent legal authority with another local, state, or federal government, the District

may defer investigation and enforcement to the other governmental entity on the matter. The District may prohibit the drilling of any new wells in the District by a well driller or owner until pending enforcement actions on the well driller or owner are addressed and satisfied.

RULE 10.3 Civil Penalties

(a) The District may enforce Chapter 36 of the Texas Water Code and its Rules by injunction, mandatory injunction, or other appropriate remedy in a court of competent jurisdiction.

(b) The Board by rule may set reasonable civil penalties for breach of any Rule of the District in an amount not to exceed $25,000 per day per violation, and each day of a continuing violation constitutes a separate violation. All civil penalties recovered by the District shall be paid to the District.

(c) A penalty under this rule is in addition to any other penalty provided by the law of this State and may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located.

(d) If the District prevails in any suit to enforce its rules, the District may seek and the court shall grant, in the same action, recovery for attorney's fees, costs for expert witnesses, and other costs incurred by the District before the court, pursuant to §36.066, Texas Water Code. The amount of the attorney's fees shall be fixed by the court.

RULE 10.4 Failure to Report Pumpage and/or Transported Volumes

The accurate reporting and timely submission of pumpage and/or transported volumes is necessary for the proper management of water resources. Failure of the registrant to submit complete, accurate, and timely pumpage, transport and water quality reports, as required by District Rule, may result in late payment fees, forfeiture of the registration, or payment of increased meter reading and inspection fees as a result of District inspections to obtain current and accurate pumpage and/or transported volumes and water quality reports.

RULE 10.5 Rule Violation Penalties

(a) Once the District staff discovers that its Rules have been violated, the General Manager will first send a notice of violation to the violator. The notice will include the corrective steps that must be taken, the date upon which the violation must be corrected and any penalties that shall be assessed.

(b) Penalties do not forgo required compliance with District Rules. Violations must be remedied in addition to any penalty. If the violation requires immediate remedial action, the General Manager may take appropriate measures, including but not limited to seeking an immediate injunction against the violator.

(c) The District staff shall assess the following initial penalties for the listed Rule violations. The Board may set reasonable penalties for other Rule violations that are not listed. If the violator is not cooperative or does not make reasonable progress toward compliance within a Board-determined timeframe, the Board may assess the penalty for everyday that the violation is unresolved. For the second incidence of any offense, the listed initial penalty

may be doubled and the third incidence of any offense may be tripled, up to a maximum fine of $25,000 per day.

(d) Penalty(ies) will be assessed against both the well owner and well driller for drilling a well without first having the appropriate well registration or permit from the District, prior to drilling the well. The District shall also notify the Texas Department of Licensing and Regulation of well drillers receiving this penalty along with the other District Rule that was violated.

Violations:		**Initial Penalty**
1	Failure to obtain a Drilling, Modification, or Plugging authorization for a well prior to construction	$1,000
-	Second/Third Offense for failure to obtain a Drilling, Modification, or Plugging authorization for a well prior to construction	$1,500/$2,000
2	Failure to register a well according to District Rules	$500
3	Failure to obtain an Operating Permit according to District Rules	$1,500
4	Failure to notify District 24-hours prior to commencing District authorized construction	$250
5	Failure to provide District Rule required geophysical log	$1,500
6	Failure to complete/plug a well to District Standards	$500
-	Second/Third Offense to not complete/plug a well to District Standards	$1,000/$1,500
7	Failure to file well completion documentation or state well log or pump installation form with the District within the District required time period	$500
8	Altering a well to increase production without District authorization	$1,000
-	Second/Third Offense altering a well to increase production without District authorization	$2,500/$5,000
9	False statement on records or applications	$1,500
10	Use of groundwater that constitutes waste	$1,500
11	Failure to comply with District Meter Standards	$1,000
12	Failure to comply with District Measuring and Reporting Requirements	$500
-	Second/Third Offense to comply with District Measuring and Reporting Requirements	$1,000/$2,000
13	Exceeding production volume as specified in Operating Permit	$1,000
-	Second/Third Offense exceeding production volume as specified in Operating Permit	$2,500/$5,000
14	Failure to pay District fees of production, capacity, export, or penalty	$1,000
-	Second/Third Offense of failure to pay District fees of production, capacity, export, or penalty	$2,500/$5,000

15	Failure to comply with District monitoring well requirements	$1,000
	Second/Third Offense of failure to comply with District monitoring well requirements	$2,500/$5,000
16	Exceeding transport volume as specified in Transport Permit	$1,000 plus $10/acre-foot over
	Second Offense exceeding transport volume as specified in Transport Permit	$2,500 plus $25/acre-foot over
	Third Offense exceeding transport volume as specified in Transport Permit	$5,000 plus $40/acre-foot over

CHAPTER 11. AQUIFER STORAGE AND RECOVERY PROJECTS

RULE 11.1

(a) In this rule, "aquifer storage and recovery project," "ASR injection well," "ASR recovery well," and "project operator" have the meanings assigned by Section 27.151, Water Code.

(b) Registration and reporting of wells. A project operator shall:

(1) register the ASR injection wells and ASR recovery wells associated with the aquifer storage and recovery project with any district in which the wells are located;

(2) each calendar month by the deadline established by TCEQ for reporting to TCEQ, provide the District with a copy of the written or electronic report required to be provided to TCEQ under Section 27.155; and

(3) annually by the deadline established by TCEQ for reporting to TCEQ, provide the District with a copy of the written or electronic report required to be provided to TCEQ under Section 27.156.

(c) If an aquifer storage and recovery project recovers an amount of groundwater that exceeds the volume authorized by TCEQ to be recovered under the project, the project operator shall report to the District the volume of groundwater recovered that exceeds the volume authorized to be recovered in addition to providing the report required by Subsection (1)(b).

(d) The ASR recovery wells that are associated with an aquifer storage and recovery project are subject to the registration, permitting, spacing, and production requirements of the District if the amount of groundwater recovered from the wells exceeds the volume authorized by TCEQ to be recovered under the project. The requirements of the District apply only to the portion of the volume of groundwater recovered from the ASR recovery wells that exceeds the volume authorized by TCEQ to be recovered.

(e) A project operator may not recover groundwater by an aquifer storage and recovery project in an amount that exceeds the volume authorized by TCEQ to be recovered under the project unless the project operator complies with the applicable requirements of the District as described by this rule.

(f) Fees and Surcharges

(1) The District may not assess a production fee or a transportation or export fee or surcharge for groundwater recovered from an ASR recovery well, except to the extent that the amount of groundwater recovered under the aquifer storage and recovery project exceeds the volume authorized by TCEQ to be recovered.

(2) The District may assess a well registration fee or other administrative fee for an ASR recovery well in the same manner that the District assesses such a fee for other wells registered with the District.

(g) Desired Future Conditions The District may consider hydrogeologic conditions related to the injection and recovery of groundwater as part of an aquifer storage and recovery project in the planning for and monitoring of the achievement of a desired future condition for the aquifer in which the wells associated with the project are located.

(h) Aquifer storage and recovery projects in the District are subject to interlocal agreements or other contractual agreements with the District.

CHAPTER 12. TRANSFER OF GROUNDWATER OUT OF THE DISTRICT

RULE 12.1. Permit Required

Groundwater produced from a well within the District may not be transported outside the District's boundaries unless the Board has issued the well owner or operator a transport permit, except as provided within these Rules.

RULE 12.2. Applicability

(a) A person proposing to transport groundwater out of the District must obtain a transport permit, in addition to a drilling/operating permit for a new well, or an operating permit for an existing well, to:

(1) increase, on or after March 2, 1997, the amount of groundwater to be transferred under a continuing arrangement in effect before that date; or

(2) transfer groundwater out of the District on or after March 2, 1997, under a new arrangement.

(b) The District may not prohibit the export of groundwater if the purchase was in effect on or before June 1, 1997.

RULE 12.3. Application

An application for a transport permit must be filed in the District office on District forms and must include the information and studies required under Rule 5.3 for a drilling and/or operating permit, plus the following information:

(a) the availability of water in the District and in the proposed receiving area during the period for which the water supply is requested, including the:

(1) location of the proposed receiving area for the water to be transported;

(2) information describing alternate sources of supply that might be utilized by the applicant and the groundwater user, and the feasibility and practicability of utilizing such supplies; and

(3) description of the amount and purpose of use in the proposed receiving area for which water is needed.

(b) the projected effect of the proposed groundwater transport on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District, including the Rule 5.3(a) information and studies and any proposed plan of the applicant to mitigate adverse hydrogeological impacts of the proposed transport of water from the District.

(c) the approved Regional Water Plan and certified District Management Plan, including a description of how the proposed transport is addressed in any approved regional water plan(s) including the Region L Regional Water Plan and, the certified District Management Plan.

(d) a technical description of the facilities to be used for transportation of water and a time schedule for any construction thereof, that will be used to establish the term of the transport permit, under Section 36.122 (i) of the Texas Water Code.

(e) state the presently anticipated duration for the proposed transport of groundwater;

(f) provide information showing what water conservation measures the applicant has adopted, what water conservation goals the applicant has established, and what measures and time frames are necessary to achieve the applicant's established water conservation goals; and

(g) if and when the water is to be resold to others, provide a description of the applicant's service area, metering, leak detection and repair program for its water storage, delivery and distribution system, drought or emergency water management plan, and information on each subsequent customer's water demands, including population and customer data, water use data, water supply system data, alternative water supply, water conservation measures and goals, conjunctive use, and the means for implementation and enforcement of all applicable rules, plans, and goals.

RULE 12.4. Hearing and Permit Issuance

(a) Applications for transport permits are subject to the hearing procedures provided by these Rules in Chapter 14.

(b) In determining whether to issue a permit to transfer groundwater out of the District, the Board shall be fair, impartial, and nondiscriminatory and shall consider the following factors when deciding whether to issue or impose conditions on a drilling, operating, or transport:

(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; and
(3) the approved Region L Water Plan and certified District Management Plan.

(c) The District may not deny a transport permit based on the fact that the applicant seeks to transport groundwater outside of the District and may not impose more restrictive permit conditions on transporters than the District imposes on existing in-District users, unless:
(1) such limitations apply to all subsequent new operating permit applications and permit amendment applications to increase use by historic users, regardless of type or location of use;
(2) such limitations bear a reasonable relationship to the existing District Management Plan; and
(3) such limitations are reasonably necessary to protect existing use.

(d) In addition to conditions provided by Section 36.1131, Texas Water Code, the operating permit to transport water out of the District shall specify:

(1) the amount of water that may be transferred out of the District;
(2) the period for which the water may be transferred, which shall be:
(i) at least three years if construction of a conveyance system has not been initiated prior to the issuance of the permit, and shall be automatically extended to the terms 30 years if construction of a conveyance system is begun before the expiration of the initial term; or
(ii) at least 30 years if construction of a conveyance system has been initiated prior to the issuance of the permit;
(3) reporting requirements, including but not limited to;
(i) to flow meter installation, testing, and regulation calibration,
(ii) submission of production reports to the District,
(iii) separate meter requirements for exported water from non-exported permitted water;
(4) the installation and reporting of monitoring wells;
(5) Well Assistance provisions, if applicable;
(6) the required submission of all groundwater conveyance and user agreements related to the export permit;
(7) water conservation and drought contingency plans; and
(8) periodic review and permit limitations based on aquifer conditions.

(e) The District may periodically review the amount of water that may be transferred under an operating permit to transport water out of the District and may limit the amount if additional factors considered, related to the factors in Subsection (b), above.

(f) After conducting its periodic review, more restrictive permit conditions may only be imposed if the factors in Subsection (c), above, are met.

RULE 12.5. Fees Included with Application
The transport permit application must be accompanied by the application processing fee, inspection fee, or other fees as appropriate. Such fees must be paid before notice is published and mailed. Payment of all fees including water use fees remain the responsibility of the permit holder.

CHAPTER 13. FEES AND DEPOSITS

RULE 13.1 Application, Registration, and Other Fees
The Board shall establish a fee schedule, included but not limited to administrative, production/capacity, and export fees, in a separate document, which shall be reviewed annually, or as needed. All wells that are required to be metered under Rule 8.1 shall submit production/capacity and export fees according to the District's adopted schedule of fees

RULE 13.2 Application Processing Fee
The Board may adopt a processing fee for Registration, Authorizations to Drill, Modify, or Plug a Well**,** and transportation permits. The fee shall be sufficient to cover actual costs incurred by the District for activities associated with processing the application including, as appropriate: hydrogeological studies and modeling, field inspections, cost benefit analysis and economic modeling, professional fees, and cost of a contested case hearing including costs incurred by the District for a hearings examiner, expert witnesses, attorneys and transcript costs. In any case in which a contested hearing is anticipated, the Board may require the applicant to post a deposit, in an amount established by the District's schedule of fees, to cover anticipated processing costs. As costs are incurred by the District in processing the application, those costs may be reimbursed from funds deposited by the applicant. The applicant shall be provided an accounting of billings against the application processing deposit. Any funds remaining on deposit after the conclusion of application processing shall be returned to the applicant. If initially deposited funds are determined to be insufficient to cover costs incurred by the District in processing the application, an additional deposit may be required. If the applicant fails to deposit funds as required by the District, the application may be dismissed.

RULE 13.3. Use of Fees
The administrative, production/capacity, or export fees may be used to pay the cost of operating the District, including for any purpose consistent with the District's approved management plan, including, without limitation, making grants, loans, or contractual payments to achieve, facilitate, or expedite reductions in groundwater pumping or the development or distribution of alternative water supplies or to maintain the operability of wells significantly affected by groundwater development to allow for the highest practicable level of groundwater production while achieving the desired future conditions established under Section 36.108, including wells located outside the District by interlocal agreement.

CHAPTER 14. HEARINGS

RULE 14.1. Types of Hearings

The District conducts two general types of hearings: (1) hearings involving permit matters, in which the rights, duties, or privileges of a party are determined after notice and an opportunity for an adjudicative hearing, and (2) rulemaking hearings involving matters of general applicability that implement, interpret, or prescribe the law or District policy, or that describe the procedure or practice requirements of the District. The District, however, may use its discretion to conduct a hearing on other relevant subject matters. Any matter designated for hearing before the Board may be referred by the Board for hearing before a Hearing Examiner, at the Board's discretion.

(a) Permit Hearings:

(1) Permit Applications, Amendments, and Revocations: The District will hold hearings on water well drilling permits, operating permits, transport permits, permit amendments, and permit revocations or suspensions. Hearings involving permit matters may be scheduled before the Board or a Hearing Examiner, at the Board's discretion. If no person notifies the General Manager of their intent to contest the application, and if the General Manager does not contest the application, the application will be presented directly to the Board for a final decision under Rule 14.3. The Board may grant the application, in whole or in part, or refer the application to the Hearings Examiner for a hearing. If a Person requests a contested case hearing, the Board shall proceed under Rules 14.2, 14.4 and 14.5.

(2) Hearings on Motions for Rehearing: Motions for Rehearing will be heard by the Board pursuant to Rule 14.5(q).

(b) Rulemaking Hearings:
District Management Plan: as required by Chapter 36 of the Texas Water Code, the Board will hold hearings to consider amendments to the District's Management Plan under §36. 1071 and 36.063, and hearings to consider District Rules pursuant to Rule 14.7.

(c) Other Matters:
A public hearing may be held on any matter within the jurisdiction of the Board if the Board determines a hearing to be in the public interest, or necessary to effectively carry out the duties and responsibilities of the District.

RULE 14.2. Notice and Scheduling of Permit-Related Hearings

(a) The District shall promptly consider and act on each administratively complete application for a permit. If, within 60 days after the date an administratively complete application is submitted, the application has not been acted on or set for a hearing on a specific date, the applicant may petition the District court of the county where the land is located for a writ of mandamus to compel the District to act on the application or set a date for a hearing on the application, as appropriate.

Applications that are not administratively complete will be sent back to the applicant with a list of needed information. If the District does not receive an administratively complete application within 60 days of the District sending the incomplete application notice, then

the District may consider the application expired. If an incomplete application expires, the applicant will be required to submit a new application and the deadlines under this rule will begin again.

For applications requiring a hearing, the initial hearing shall be held within 35 days after the setting of the date, and the District shall act on the application within 60 days after the date the final hearing on the application is concluded. An administratively complete application requires information set forth in accordance with Sections 36.113, 36.1131, and these Rules.

(b) Notice of permit hearing.

(1) If the District schedules a public hearing on an application for a permit or permit amendment for which a hearing is required, the District gives notice of the public hearing as provided by this rule. Permits issued by the General Manager under Rule 5 are not subject to the permit hearing requirements.

(2) The notice must include:

(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 or permit amendment, 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 or board considers relevant and appropriate.

(3) Not later than the 10th day before the date of a hearing, the general manager or board shall:
(A) post notice in a place readily accessible to the public at the District office;
(B) provide notice to the county clerk of each county in the District; and
(C) provide notice by:

(i) regular mail to the applicant;
(ii) regular mail, facsimile, or electronic mail to any person who has requested notice under Subsection (4); and
(iii) regular mail to any other person entitled to receive notice under the rules of the District.

(4) A person may request notice from the District of a public hearing on a permit or a permit amendment 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, facsimile, or e-mail to the person in accordance with the information provided by the person is proof that notice was provided by the District.

(5) Failure to provide notice under Subsection (3)(C)(ii) does not invalidate an action

taken by the District at the public hearing.

(c) The General Manager may schedule as many applications at one hearing as the General Manager deems necessary. The District may require each person who participates in a hearing to submit a hearing registration form stating:
(1) the person's name;
(2) the person's address; and
(3) whom the person represents, if the person is not there in the person's individual capacity. Hearings will be held in accordance with Chapter 14.

(d) The General Manager or Board may schedule a public hearing on permit or permit amendment applications received by the District as necessary. The General Manager or Board may schedule more than one application for consideration at a public hearing. A public hearing must be held at the District office or regular meeting location of the Board, unless the Board provides for hearings to be held at a different location. A public hearing may be held in conjunction with a regularly scheduled Board meeting.

(e) The District may assess fees to permit applicants for administrative acts of the District relating to a permit application. Fees set by the District may not unreasonably exceed the cost to the District of performing the administrative function for which the fee is charged.

RULE 14.3. Case Hearing Request; Preliminary Hearing

(a) The board may take action on any uncontested application at a properly noticed public meeting held at any time after the public hearing at which the application is scheduled to be heard. The board may issue a written order to:

(1) grant the application;
(2) grant the application with special conditions; or
(3) deny the application.

(b) The board shall schedule a preliminary hearing to hear a request for a contested case hearing filed in accordance with rules adopted under Section 36.415. The preliminary hearing may be conducted by:

(1) a quorum of the board;
(2) an individual to whom the board has delegated in writing the responsibility to preside as a hearing examiner over the hearing or matters related to the hearing; or
(3) the State Office of Administrative Hearings under Section 36.416.

(c) Following a preliminary hearing, the board shall determine whether any person requesting the contested case hearing has standing to make that request and whether a justiciable issue related to the application has been raised. If the board determines that no person who requested a contested case hearing had standing or that no justiciable issues were raised, the board may take any action authorized under Subsection (a).

(d) An applicant may, not later than the 20th day after the date the board issues an order granting the application, demand a contested case hearing if the order:

(1) includes special conditions that were not part of the application as finally submitted; or
(2) grants a maximum amount of groundwater production that is less than the amount requested in the application.

RULE 14.4. Determination of Contested Status of Permit Hearings

(a) Written Notice of Intent to Contest. A request for contested case hearing shall be in writing and must be received by the District by 5:00 p.m. the day before the permit hearing. If the Board of Directors intends to contest a permit application, the Board of Directors must provide the applicant written notice of that intent at least five (5) calendar days prior to the date of the hearing.

(b) Participation in a Contested Permit Hearing. The Board or Hearing Examiner may limit participation in a hearing on a contested application to persons who have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest that is within the District's regulatory authority and affected by a permit or permit amendment application, not including persons who have an interest common to members of the public.

(c) Informal Hearings. Permit hearings may be conducted informally when, in the judgment of the Board or Hearing Examiner, the conduct of a proceeding under informal procedures will save time or cost to the parties, lead to a negotiated or agreed settlement of facts or issues in controversy, and not prejudice the rights of any party.

(d) Agreement of Parties. If, during an informal proceeding, all parties reach a negotiated or agreed settlement that, in the judgment of the Board or Hearing Examiner, settles the facts or issues in controversy, the proceeding will be considered an uncontested case and the Board or Hearing Examiner will summarize the evidence and make findings of fact and conclusions of law based on the existing record and any other evidence submitted by the parties at the hearing.

(e) Decision to Proceed as Uncontested or Contested Case. If the parties do not reach a negotiated or agreed settlement of the facts and issues in controversy or if any party contests a staff recommendation, and the Board or Hearing Examiner determines these issues will require extensive discovery proceedings, the Board or Hearing Examiner will declare the case to be contested and convene a pre-hearing conference as set forth in Rule 14.4 and 14.5. The Board or Hearing Examiner may also recommend issuance of a temporary permit for a period not to exceed 4 months, with any special provisions the Board or Hearing Examiner deems necessary, for the purpose of completing the contested case process. Any case not declared a contested case under this provision is an uncontested case and the Board or Hearing Examiner will summarize the evidence, make findings of fact and conclusions of law, and make appropriate recommendations to the Board.

RULE 14.5. General Permit-Related Hearing Procedures

(a) A hearing must be conducted by:

(1) a quorum of the board; or

(2) an individual to whom the board has delegated in writing the responsibility to preside as a hearings examiner over the hearing or matters related to the hearing.

(b) Except as provided by Subsection (c), below, the board president or the hearings examiner shall serve as the presiding officer at the hearing.

(c) If the hearing is conducted by a quorum of the board and the board president is not present, the directors conducting the hearing may select a director to serve as the presiding officer.

(d) Hearings under the State Office of Administrative Hearings.

(1) If the District contracts with the State Office of Administrative Hearings to conduct a hearing, the hearing shall be conducted as provided by Subchapters C, D, and F, Chapter 2001, Government Code. The District may adopt rules for a hearing conducted under this rule that are consistent with the procedural rules of the State Office of Administrative Hearings.

(2) If requested by the applicant or other party to a contested case, the District shall contract with the State Office of Administrative Hearings to conduct the hearing. The applicant or other party must request the hearing before the State Office of Administrative Hearings not later than the 14th day before the date the evidentiary hearing is scheduled to begin. The hearing must be held in Travis County or at the District office or regular meeting location of the Board, unless the Board provides for hearings to be held at a different location. The District shall choose the location.

(3) The party requesting the hearing before the State Office of Administrative Hearings 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 before the hearing begins. At the conclusion of the hearing, the District shall refund any excess money to the paying party. All other costs may be assessed as authorized by this chapter or District Rules.

An administrative law judge who conducts a contested case hearing shall consider;

(4) applicable District rules or policies in conducting the hearing, but the District deciding the case may not supervise the administrative law judge.

(5) The District shall provide the administrative law judge with a written statement of applicable rules or policies.

The District may not attempt to influence the finding of facts or the administrative law judge's application of the law in a contested case except by proper evidence and legal argument.

(e) Final Decision; Contested Case Hearings.

(1) In a proceeding for a permit application or amendment in which the District has contracted with the State Office of Administrative Hearings for a contested case hearing, the board has the authority to make a final decision on consideration of a

proposal for decision issued by an administrative law judge consistent with.

(2) A board may change a finding of fact or conclusion of law made by the administrative law judge, or may vacate or modify an order issued by the administrative judge, only if the board determines:

(A) that the administrative law judge did not properly apply or interpret applicable law, District rules, written policies provided under Section 36.416(e), or prior administrative decisions;

(B) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or

(C) that a technical error in a finding of fact should be changed.

(3) A final decision issued by the board under this rule must be in writing and must either adopt the proposed findings of fact and conclusions of law as proposed by the administrative law judge or include revised findings of fact and conclusions of law consistent with (2) above.

(4) Notwithstanding any other law, a board shall issue a final decision under this rule not later than the 180th day after the date of receipt of the final proposal for decision from the State Office of Administrative Hearings. The deadline may be extended if all parties agree to the extension.

(5) Notwithstanding any other law, if a motion for rehearing is filed and granted by a board under Rule 14.5(q), the board shall make a final decision on the application not later than the 90th day after the date of the decision by the board that was subject to the motion for rehearing.

(3) A board is considered to have adopted a final proposal for decision of the administrative law judge as a final order on the 181st day after the date the administrative law judge issued the final proposal for decision if the board has not issued a final decision by:

(A) adopting the findings of fact and conclusions of law as proposed by the administrative law judge; or

(B) issuing revised findings of fact and conclusions of law as provided by (2) above.

(7) A proposal for decision adopted under (6) above is final, immediately appealable, and not subject to a request for rehearing.

(f) The presiding officer 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 regarding a contested 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) exercise the procedural rules adopted herein; and
(10) determine how to apportion among the parties the costs related to:

(A) a contract for the services of a presiding officer; and
(B) the preparation of the official hearing record.

(g) The District may allow any person registered to speak, including the general manager or a District employee, to provide comments at a hearing on an uncontested application, consisted with these Rules.

(h) The presiding officer may allow 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.

(i) If the board has not acted on the application, the presiding officer may allow a person who testifies at the hearing to supplement the testimony given at the hearing by filing additional written materials with the presiding officer not later than the 10th day after the date of the hearing. A person who files additional written material with the presiding officer under this subsection must also provide the material, not later than the 10th day after the date of the hearing, to any person who provided comments on an uncontested application or any party to a contested hearing. A person who receives additional written material under this subsection may file a response to the material with the presiding officer not later than the 10th day after the date the material was received.

(j) The District may authorize the presiding officer, at the presiding officer's discretion, to issue an order at any time before the Board takes final actions on a permit application that:

(1) refers parties to a contested hearing to an alternative dispute resolution procedure on any matter at issue in the hearing;
(2) determines how the costs of the procedure shall be apportioned among the parties; and
(3) appoints an impartial third party as provided by Section 2009.053, Government Code, to facilitate that procedure.

(k) Hearing Registration. The District may require each person who participates in a hearing to submit a hearing registration form stating:

(1) the person's name;

(2) the person's address; and
(3) whom the person represents, if the person is not there in the person's individual capacity.

(l) Evidence.

(1) The presiding officer shall admit evidence that is relevant to an issue at the hearing.
(2) The presiding officer may exclude evidence that is irrelevant, immaterial, or unduly repetitious.

(m) Recording.

(1) Except as provided by Subsection (b), 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 a contested hearing, the presiding officer shall have the hearing transcribed by a court reporter. The presiding officer may assess any court reporter transcription costs against the party that requested the transcription or among the parties to the hearing. Except as provided by this subsection, the presiding officer may exclude a party from further participation in a hearing for failure to pay in a timely manner costs assessed against that party under this subsection. The presiding officer may not exclude a party from further participation in a hearing as provided by this subsection if the parties have agreed that the costs assessed against that party will be paid by another party.

(2) If a hearing is uncontested, the presiding officer may substitute minutes or its Report under subsection (o), below, for a method of recording the hearing.

(n) Continuance.

The presiding officer may continue a hearing from time to time and from place to place without providing notice under Rule 14.2(b). If the presiding officer continues a hearing without announcing at the hearing the time, date, and location of the continued hearing, the presiding officer must provide notice of the continued hearing by regular mail to the parties. A continuance may not exceed the time limit for the issuance of a final decision under (e) above.

(o) Proposal for Decision.

(1) Except as provided by Subsection (o)(5), below, the presiding officer shall submit a report to the board not later than the 30th day after the date the evidentiary hearing is concluded.

(2) The report must include:

(A) a summary of the subject matter of the hearing;
(B) a summary of the evidence or public comments received; and
(C) the presiding officer's recommendations for board action on the subject matter of the hearing.

(3) The presiding officer or general manager shall provide a copy of the proposal for decision to:

(A) the applicant; and
(B) each designated party.

(4) A person party may submit to the board written exceptions to the proposal for decision.

(5) If the hearing was conducted by a quorum of the board and if the presiding officer prepared a record of the hearing as provided by Subsection (m)(1), herein, the presiding officer shall determine whether to prepare and submit a report to the board under this rule.

(6) The board shall consider the proposal for decision at a final hearing. Additional evidence may not be presented during a final hearing. The parties may present oral argument at a final hearing to summarize the evidence, present legal argument, or argue an exception to the proposal for decision. A final hearing may be continued under subsection (l).

(p) Board Action.

The board shall act on a permit or permit amendment application not later than the 60th day after the date the final hearing on the application is concluded. The board shall ensure a decision on a permit or permit amendment application is timely rendered in accordance with the provisions set forth in Chapter 36 of the Texas Water Code. In deciding whether or not to issue a drilling permit, operating permit, and/or transport permit, and in setting the terms of the permit, the Board will consider the Water Code Ch. 36, the District Act, the District's Rules Certified Management Plan, whether the application is accompanied by prescribed fees, and all other relevant factors.

(q) Requests for Rehearing and or Finding and Conclusions.

(1) An applicant in a contested or uncontested hearing on an application or a party to a contested hearing may administratively appeal a decision of the board on a permit or permit amendment application by making a request in writing to the board. A party seeking to appeal a decision by the board must request written findings of fact and conclusions of law not later than the 20th day after the date of the board's decision unless the board issued findings of fact and conclusions of law as part of the final decision.

(2) On receipt of a timely written request under (1) above, the board shall make written findings of fact and conclusions of law regarding a decision of the board on a permit or permit amendment application. The board shall provide certified copies of the findings of fact and conclusions of law 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. A party a contested case hearing may request a rehearing not later than the 20th day after the date the board issues the findings of fact and conclusions of law.

(3) A request for rehearing must be filed in the District office and must state the grounds for the request. If the original hearing was a contested hearing, the party

requesting a rehearing must provide copies of the request to all parties to the hearing.

(4) If the board grants a request for rehearing, the board shall schedule the rehearing not later than the 45th day after the date the request is granted.

(5) The failure of the board to grant or deny a request for rehearing before the 91st day after the date the request is submitted is a denial of the request.

(6) The board shall consolidate requests for rehearing filed by multiple parties to the contested case hearing, but only one rehearing may be considered per matter.

(r) Decision; When Final.

(1) A decision by the board on a permit or permit amendment application is final:

(A) if a request for rehearing is not filed on time, on the expiration of the period for filing a request for rehearing; or

(B) if a request for rehearing is filed on time, on the date:

(i) the board denies the request for rehearing; or

(ii) the board renders a written decision after rehearing.

(2) Except as provided by Subsection (3), below, an applicant or a party to a contested hearing may file a suit against the District under Section 36.251 of the Texas Water Code to appeal a decision on a permit or permit amendment application not later than the 60th day after the date on which the decision becomes final.

(3) An applicant or a party to a contested hearing may not file suit against the District under Section 36.251 if a request for rehearing was not filed on time.

(s) Consolidated Hearing on Applications.

(1) Except as provided by Subsection (2), below, the District shall process applications from a single applicant under consolidated notice and hearing procedures on written request by the applicant if the District requires a separate permit or permit amendment application for:

(A) drilling, equipping, operating, or completing a well or substantially altering the size of a well or well pump under Section 36.113, Texas Water Code;

(B) the spacing of water wells or the production of groundwater under Section 36.116, Texas Water Code; or

(C) transferring groundwater out of the District under Section 36.122, Texas Water Code.

(2) The District is not required to use consolidated notice and hearing procedures to process separate permit or permit amendment applications from a single applicant if the board cannot adequately evaluate one application until it has acted on another application.

(t) Hearings Conducted by State Office of Administrative Hearings.
If the District contracts with the State Office of Administrative Hearings to conduct a hearing, the hearing shall be conducted as provided by Subchapters C, D, and F, Chapter 2001, Government Code.

(u) Alternative Dispute Resolution.
The District use alternative dispute resolution procedures in the manner provided for governmental bodies under Chapter 2009, Government Code.

RULE 14.6. Additional Contested Permit Hearings Procedures

(a) Pre-hearing Conference. A pre-hearing conference may be held to consider any matter that may expedite the contested case hearing or otherwise facilitate the hearing process.

(1) Matters Considered. Matters that may be considered at a pre-hearing conference include, but are not limited to:

(A) the designation of parties;
(B) the formulation and simplification of issues;
(C) the necessity or desirability of amending applications or other pleadings;
(D) the possibility of making admissions or stipulations;
(E) the scheduling of discovery;
(F) the identification of and specification of the number of witnesses;
(G) the filing and exchange of prepared testimony and exhibits; and
(H) the procedure at the hearing.

(2) Notice. A pre-hearing conference may be held at a date, time, and place stated in a separate notice, and may be continued from time to time and place to place, at the discretion of the Board or Hearing Examiner.

(b) Designation of Parties. Parties to a hearing will be designated on the first day of hearing or at such other time as the Board or Hearing Examiner determines. The Board of Directors and any person specifically named in a matter are automatically designated parties. Persons other than the automatic parties must, in order to be admitted as a party, appear at the proceeding in person or by representative and seek to be designated. The Board or Hearing Examiner may limit participation in a hearing on a contested application to persons who have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest that is within the District's regulatory authority and affected by a permit or permit amendment application, not including persons who have an interest common to members of the public. After parties are designated, no other person may be admitted as a party unless, in the judgment of the Board or Hearing Examiner, there exists good cause and the hearing will not be unreasonably delayed.

(c) Rights of Designated Parties. Subject to the direction and orders of the Board or Hearing Examiner, parties have the right to conduct discovery, present a direct case,

cross-examine witnesses, make oral and written arguments, obtain copies of all documents filed in the proceeding, receive copies of all notices issued by the District concerning the proceeding, and otherwise fully participate in the proceeding.

(d) Persons Not Designated Parties. At the discretion of the Board or Hearing Examiner, persons not designated as parties to a proceeding may submit comments or statements, orally or in writing. Comments or statements submitted by non-parties may be included in the record, but may not be considered by the Board or Hearing Examiner as evidence.

(e) Furnishing Copies of Pleadings. After parties have been designated, a copy of every pleading, request, motion, or reply filed in the proceeding must be provided by the author to every other party or party's representative. A certification of this fact must accompany the original instrument when filed with the District. Failure to provide copies may be grounds for withholding consideration of the pleading or the matters set forth therein.

(f) Interpreters for Deaf Parties and Witnesses. If a party or subpoenaed witness in a contested case is deaf, the District must provide an interpreter whose qualifications are approved by the State Commission for the Deaf and Hearing Impaired to interpret the proceedings for that person. "Deaf person" means a person who has a hearing impairment, whether or not the person also has a speech impairment that inhibits the person's comprehension of the proceedings or communication with others.

(g) Agreements to be in Writing. No agreement between parties or their representatives affecting any pending matter will be considered by the Board or Hearing Examiner unless it is in writing, signed, and filed as part of the record, or unless it is announced at the hearing and entered as in the record.

(h) Discovery. Discovery will be conducted upon such terms and conditions, and at such times and places, as directed by the Board or Hearing Examiner. Unless specifically modified by these Rules or by order of the Board or Hearing Examiner, discovery will be governed by, and subject to the limitations set forth in, the Texas Rules of Civil Procedure. In addition to the forms of discovery authorized under the Texas Rules of Civil Procedure, the parties may exchange informal requests for information, either by agreement or by order of the Board or Hearing Examiner.

(i) Discovery Sanctions. If the Board or Hearing Examiner finds a party is abusing the discovery process in seeking, responding to, or resisting discovery, the Board or Hearing Examiner may:

(1) suspend processing of the application for a permit if the applicant is the offending party;
(2) disallow any further discovery of any kind or a particular kind by the offending party;
(3) rule that particular facts be regarded as established against the offending party for the purposes of the proceeding, in accordance with the claim of the party obtaining the discovery ruling;
(4) limit the offending party's participation in the proceeding;

(5) disallow the offending party's presentation of evidence on issues that were the subject of the discovery request; and
(6) recommend to the Board that the hearing be dismissed with or without prejudice.

(j) Ex Parte Communications. The Board and the Hearing Examiner, if appointed, may not communicate, directly or indirectly, in connection with any issue of fact or law with any agency, person, party, or representative, except with notice and opportunity for all parties to participate. This provision does not prevent communications with staff not directly involved in the hearing to utilize the special skills and knowledge of the agency in evaluating the evidence.

(k) Compelling Testimony; Swearing Witnesses and Subpoena Power. The Board or Hearing Examiner may compel the testimony of any person that is necessary, helpful, or appropriate to the hearing. The Board or Hearing Examiner will administer the oath in a manner calculated to impress the witness with the importance and solemnity of the promise to adhere to the truth. The Board or Hearing Examiner may issue subpoenas to compel the testimony of any person and the production of books, papers, documents, or tangible things, in the manner provided in the Texas Rules of Civil Procedure.

(l) Evidence. Except as modified by these Rules, the Texas Rules of Civil Evidence govern the admissibility and introduction of evidence; however, evidence not admissible under the Texas Rules of Civil Evidence may be admitted if it is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. In addition, evidence may be stipulated by agreement of all parties.

(m) Written Testimony. When a proceeding will be expedited and the interest of the parties will not be prejudiced substantially, testimony may be received in written form. The written testimony of a witness, either in narrative or question and answer form, may be admitted into evidence upon the witness being sworn and identifying the testimony as a true and accurate record of what the testimony would be if given orally. The witness will be subject to clarifying questions and to cross-examination, and the prepared testimony will be subject to objection.

(n) Requirements for Exhibits. Exhibits of a documentary character must be sized to not unduly encumber the files and records of the District. All exhibits must be numbered and, except for maps and drawings, may not exceed 8-1/2 by 11 inches in size.

(o) Abstracts of Documents. When documents are numerous, the Board or Hearing Examiner may receive in evidence only those that are representative and may require the abstracting of relevant data from the documents and the presentation of the abstracts in the form of an exhibit. Parties have the right to examine the documents from which the abstracts are made.

(p) Introduction and Copies of Exhibits. Each exhibit offered must be tendered for identification and placed in the record. Copies must be furnished to the Board or Hearing Examiner and to each of the parties, unless the Board or Hearing Examiner Rules

otherwise.

(q) Excluding Exhibits. In the event an exhibit has been identified, objected to, and excluded, it may be withdrawn by the offering party. If withdrawn, the exhibit will be returned and the offering party waives all objections to the exclusion of the exhibit. If not withdrawn, the exhibit will be included in the record for the purpose of preserving the objection to excluding the exhibit.

(r) Official Notice. The Board or Hearing Examiner may take official notice of all facts judicially cognizable. In addition, official notice may be taken of generally recognized facts within the area of the District's specialized knowledge.

(s) Documents in District Files. Extrinsic evidence of authenticity is not required as a condition precedent to admissibility of documents maintained in the files and records of the District.

(t) Oral Argument. At the discretion of the Board or Hearing Examiner, oral arguments may be heard at the conclusion of the presentation of evidence. Reasonable time limits may be prescribed. The Board or Hearing Examiner may require or accept written briefs in lieu of, or in addition to, oral arguments. When the matter is presented to the Board for final decision, further oral arguments may be heard by the Board.

RULE 14.7. Rulemaking Hearings Procedures

(a) General Procedures for amending District Rules. The Board may, following notice and hearing, amend these Rules or adopt new Rules from time to time. The presiding officer will conduct the rulemaking hearing in the manner the presiding officer determines most appropriate to obtain all relevant information pertaining to the subject of the hearing as conveniently, inexpensively, and expeditiously as possible. The presiding officer may follow the guidelines of "Robert's Rules of Order," 10th Edition, General Henry M. Robert, 2000 Revised Edition, or as amended.

(b) Notice of a Rulemaking Hearing.

(1) Not later than the 20th day before the date of a rulemaking hearing, the General Manager or board shall:

(A) post notice in a place readily accessible to the public at the District office;

(B) provide notice to the county clerk of each county in the district;

(C) publish notice in one or more newspapers of general circulation in the county or counties in which the District is located;

(D) provide notice by mail, facsimile, or electronic mail to any person who has requested notice under Subsection (6), below; and

(E) make available a copy of all proposed rules at a place accessible to the public during normal business hours and, if the District has a website, post an electronic copy on a generally accessible Internet site.

(2) The notice provided under Subsection (1), above, must include:

(A) the time, date, and location of the rulemaking hearing;

(B) a brief explanation of the subject of the rulemaking hearing; and
(C) a location or Internet site at which a copy of the proposed rules may be reviewed or copied.

(3) The presiding officer shall conduct a rulemaking hearing in the manner the presiding officer determines to be most appropriate to obtain information and comments relating to the proposed rule 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.

(4) The District may require each person who participates in a rulemaking hearing to submit a hearing registration form stating:
(A) the person's name;
(B) the person's address; and
(C) whom the person represents, if the person is not at the hearing in the person's individual capacity.

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

(6) 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. An affidavit of an officer or employee of the District establishing attempted service by first class mail, facsimile, or e-mail to the person in accordance with the information provided by the person is proof that notice was provided by the District.

(7) 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.
(8) Failure to provide notice under Subsection (b)(1)(D), above, does not invalidate an action taken by the District at a rulemaking hearing.

(c) Emergency Rules.

(1) A board may adopt an emergency rule without prior notice or hearing, or with an abbreviated notice and hearing, if the board:

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

(B) prepares a written statement of the reasons for its finding under Subdivision (A), above.

(2) Except as provided by Subsection (3), herein, a rule adopted under this rule may not be effective for longer than 90 days.

(3) If notice of a hearing on the final rule is given not later than the 90th day after the date the rule is adopted, the rule is effective for an additional 90 days.

(4) A rule adopted under this section must be adopted at a meeting held as provided by Chapter 551, Government Code.

(d) Submission of Documents. Any interested person may submit written statements, protests or comments, briefs, affidavits, exhibits, technical reports, or other documents relating to the subject of the hearing. Such documents must be submitted no later than the time of the hearing, as stated in the notice of hearing given in accordance with Rule 14.7(b)(3); provided, however, that the presiding officer may grant additional time for the submission of documents.

(e) Oral Presentations. Any person desiring to testify on the subject of the hearing must so indicate on the registration form provided at the hearing. The presiding officer establishes the order of testimony and may limit the number of times a person may speak, the time period for oral presentations, and the time period for raising questions. In addition, the presiding officer may limit or exclude cumulative, irrelevant, or unduly repetitious presentations.

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

(g) Exceptions to the Hearing Examiner's Report; Reopening the Record. Any interested person may make exceptions to the Hearing Examiner's report, and the Board may reopen the record, in the manner prescribed in Rule 14.6(b).

(h) Decision; Appeal regarding District Rules

(1) Board Action. After the record is closed and the matter is submitted to the Board, the Board may then take the matter under advisement, continue it from day to day, reopen or rest the matter, refuse the action sought or grant the same in whole or part, or take any other appropriate action. The Board action takes effect at the conclusion of the meeting and is not affected by a motion for rehearing.

(2) Requests for Rehearing. Any decision of the Board on a matter may be appealed

by requesting a rehearing before the Board within twenty (20) calendar days of the Board's decision. Such a rehearing request must be filed at the District Office in writing and must state clear and concise grounds for the request. Such a rehearing request is mandatory with respect to any decision or action of the Board before any appeal may be brought. The Board's decision is final if no request for rehearing is made within the specified time, or upon the Board's denial of the request for rehearing, or upon rendering a decision after rehearing. If the rehearing request is granted by the Board, the date of the rehearing will be within forty-five (45) calendar days thereafter, unless otherwise agreed to by the parties to the proceeding. The failure of the Board to grant or deny the request for rehearing within ninety (90) calendar days of submission will be deemed to be a denial of the request.

(i) Petition to Change Rules.

(1) A person with a real property interest in groundwater may petition the District where the property that gives rise to the real property interest is located to adopt a rule or modify a rule adopted under this chapter.

(2) Petitions must be submitted in writing to the District office and must comply with the following requirements:

(A) each rule requested must be submitted by separate petition;

(B) each petition must be signed and state the name and address of each person signing the petition;

(C) each petition must include:

(i) a brief description of the petitioner's real property interest in groundwater in the District;
(ii) a brief explanation of the proposed rule;
(iii) the text of the proposed rule prepared in a manner to indicate the words to be added or deleted from the text of the current rule, if any; and
(iv) an allegation of injury or inequity that could result from the failure to adopt the proposed rule.

(3) The General Manager may reject any petition for failure to comply with the requirements of Subsection (b) of this rule and shall provide notice to the petitioner of the reason for the rejection.

(4) Not later than the 90th day after the date the District receives the petition, the District shall:

(A) deny the petition and provide an explanation for the denial; or
(B) engage in rulemaking consistent with the granted petition.

(5) Nothing in this rule may be construed to create a private cause of action for a decision to accept or deny a petition filed under this rule.

CHAPTER 15. DROUGHT AND CONSERVATION PLAN

The purpose of the District is to provide for the conservation, preservation, protection, recharge and prevention of waste of groundwater within the Trinity Aquifer located in northern Bexar County and portions of Comal and Kendall counties in accordance with the state law creating TGRGCD, as amended.

To accomplish this purpose and as required by Texas Water Code, Section 36.1071, the District adopted a Groundwater Management Plan that includes goals addressing drought conditions and conservation and the District is required to adopt rules necessary to implement the Management Plan.

This Drought and Conservation Plan is one of the tools that the District has chosen to accomplish the goals set forth in the Management Plan. The District shall adopt its Drought and Conservation plan and review it annually, or as needed.

CHAPTER 16. JOINT PLANNING IN MANAGEMENT AREA AND ENFORCEMENT OF DESIRED FUTURE CONDITIONS

(a) This District shall comply with the Joint Management and Desired Future Condition requirements in §36.108, et seq., Texas Water Code.

(b) The District shall use its well monitoring program to assess aquifer levels in the District and the effects caused by groundwater production to enforce the District's adopted Desired Future Conditions of the aquifers and to conserve and preserve groundwater availability and protect groundwater users and groundwater ownership and rights.

(c) Standard Actions to Assess DFCs. The District shall follow the below-listed actions to monitor aquifer levels; regulate, educate, and promote water conservation; and enforce the Desired Future Conditions of the aquifers:

(1) monitor groundwater production reports, with random meter checks;
(2) permit and register wells according to District Rules;
(3) Monitor groundwater production in adjoining GCDs, coordinating responses as needed;
(4) Promote and require conservation and administer conservation credit program, once developed and approved;
(5) prepare an annual report on groundwater production and aquifer water-level trends and changes; and
(6) develop and implement a scientifically valid procedure to determine and monitor long term aquifer drawdown trends, developing responses as needed.

(d) The District may adopt threshold average aquifer drawdown levels to act as triggers to provide for increased levels of District regulatory responses based on the change in three (3)

consecutive years average aquifer drawdown levels across the District for an aquifer, which may include restrictions in permitted production. However, the District is currently limited by Section 8870.103 of the District Act to restrict the production from the majority of groundwater production in the District, which significantly affects the District's ability to accomplish the adopted DFCs.

CHAPTER 17. RECHARGE CREDITS

In accordance with the District Enabling Act, Section 8870.154, a person who pays production fees to the District shall receive recharge credits if the District determines that the person enhances, supplements, improves, or prevents pollution of recharge of the Trinity Aquifer. A person who claims a recharge credit shall file an application with the District demonstrating that the person enhances, supplements, improves, or prevents pollution of recharge of the Trinity Aquifer and providing any additional information required by the District. The amount of the recharge credit shall be determined by the District's board of directors on a case by case basis. A person is not entitled to a credit if the activities that enhance, supplement, improve, or prevent pollution of recharge of the Trinity Aquifer are required by law or federal, state, or local regulatory requirement.

CHAPTER 18. DEPLETION MANAGEMENT ZONES

Based on the best available science, the District may designate Depletion Management Zones in areas of the District that are experiencing significant drawdowns of the aquifer levels, which may be caused by concentrated groundwater pumping. Within designated Depletion Management Zones, the District may adopt appropriate spacing and/or production limitations to alleviate the substantial stress on the aquifer(s). Management strategies within the designated Depletion Management Zones may include, but are not limited to, a reduction in groundwater production of existing and future permits and increased well spacing requirements. Amendments to permits due to Depletion Management Zone(s) curtailment will be subject to permit hearing procedures in Chapter 5 and 14 of the District's Rules.