RULES OF THE
CROCKETT COUNTY GROUNDWATER
CONSERVATION DISTRICT

As Amended February 6, 2017

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PREAMBLE

Throughout the State of Texas, groundwater conservation districts embody local government at its most basic level: local representatives establishing guidelines for the use and conservation of precious natural resources for the benefit of the citizens and economy of the District.

The Crockett County Groundwater Conservation District was established to conserve and manage groundwater for the benefit of the citizens of Crockett County. To fulfill this duty, the Crockett County Groundwater Conservation District has adopted these rules to ensure a fair, open, and consistent method of formulating and implementing its policies.

ARTICLE 1
INTRODUCTION AND REGULATORY AUTHORITY

1.1. Authority to Promulgate Rules. The Crockett County Groundwater Conservation District ("District") is a political subdivision of the State of Texas. The District was formed by enactment of Senate Bill 1635 during the 71st Legislature's Regular Session in 1989, under the name Emerald Groundwater Conservation District. House Bill 4009 was enacted during the 80th Legislature's Regular Session, and renamed the District Crockett County Groundwater Conservation District, issued the order for election, and detailed its powers as that of a groundwater conservation district operating under Chapter 36 of the Texas Water Code. The original Rules of the District were adopted on September 14, 1992, and continued in effect as amended until July 1, 2013, and then again on February 6, 2017, the date of the adoption of these Rules.

1.2. Purpose of the Rules. The purpose of these Rules of the Crockett County Groundwater Conservation District ("Rules") is to implement the powers and duties of the District under its Enabling Legislation, Texas Water Code Chapter 36, and other applicable laws and to establish the general policies and procedures of the District.

The District's Rules are promulgated under the District's statutory authority to achieve the following objectives: to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater and to carry out the powers and duties provided by the District's Legislation and Chapter 36 of the Texas Water Code. The District's orders, Rules, regulations, requirements, resolutions, policies, guidelines, or similar measures have been implemented to fulfill these objectives. The Rules will guide, define, and promote the District's goals of water conservation and pollution prevention in an effort to preserve, protect, and enhance the groundwater within the District's jurisdictional boundaries.

1.3. Effective Dates. These Rules are effective on the date approved by the Board of the District as set forth in Article 1, except as to any amendments which are effective on the dates indicated by action of the Board and reflected in the Board minutes.

a. The Board may from time to time, following notice and public hearing, amend or repeal any rule or adopt new rules following the procedures set out in this Section 1 and Section 36.101 of the Texas Water Code.

b. The Board may adopt an emergency rule without prior notice or hearing, or with an abbreviated notice and hearing, in accordance with Section 36.1011 of the Texas Water Code.

1.4. Severability. If any portion of 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 portions hereof, and these Rules shall be construed as if such invalid, illegal, or unenforceable Rule or of portions thereof had never been contained herein.

1.5. Boundaries of the District. The boundary of the District is contiguous with the county lines of Crockett County, which has an area of 2,839 square miles or approximately 1,817,321 acres of land excluding the area of Crockett County Water Control & Improvement District #1. Located in southwest Texas on the western edge of the Edwards Plateau, Crockett County is the eighth largest county in Texas with the Pecos River forming its western boundary. On the west lie Pecos and Terrell counties. Crane, Upton, Reagan, and Irion counties border Crockett County on the north. On the east lie Schleicher and Sutton counties, with Val Verde County on the south. Ozona, the county seat, is centrally located in the eastern part of Crockett County.

1.6. Groundwater Management Policies. It shall be the policy of the District to limit withdrawal of groundwater from wells, while preserving historic use before July 1, 2013, to the maximum extent practicable consistent with the District's management plan and applicable law. Any such limits shall be based on management of total groundwater production on a long-term basis to achieve an applicable desired future condition and that takes into consideration the MAG, TWDB's estimate of the current and projected amount of exempt groundwater usage, the amount of groundwater authorized under permits previously issued by the District, a reasonable estimate of the amount of groundwater that is actually produced under permits issued by the District, and annual precipitation and production patterns.

ARTICLE 2
DEFINITIONS

Unless the context indicates a contrary meaning, the words hereinafter defined shall have the following meanings in the Rules, Management Plan, forms, and other documents of the District and when used in conducting business at the District.

Abandoned Well – a well that has not been used for six consecutive months. A well is considered to be in use in the following cases:

1. a non-deteriorated well which contains the casing, pump, and pump column in good and operable condition; or

2. non-deteriorated well which has been capped.

Administratively Complete Application – a permit application received by the District that includes all documentation and fees required by Texas Water Code Sections 36.113, 36.1131, and 36.114 and District Rules. In order for an application to be deemed administratively complete, it must include all administrative and technical information required by the District and there must be no unresolved compliance issues.

Affected Person – means, with respect to a Groundwater Management Area:

1. an owner of land in the Groundwater Management Area;

2. a district in or adjacent to the Groundwater Management Area;

3. a regional water planning group with a water management strategy in the Groundwater Management Area;

4. a person who holds or is applying for a permit from a district in the Groundwater Management Area;

5. a person who has groundwater rights in the Groundwater Management Area;

6. or any other person defined as affected by a TCEQ rule.

Agricultural Use or Purpose – means the use of groundwater for:

1. Cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;

2. Practicing floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media, by a nursery grower;

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

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

5. Engaging in wildlife management as defined in Texas Tax Code Section 23.51(7); and

6. Raising or keeping equine animals.

Annular Space – the space between the casing and borehole wall.

Aquifer – a geologic formation that will yield water to a well in sufficient quantities to make the production of water from this formation feasible for beneficial use. When the term "Aquifer" is used in these rules, it shall also mean the Aquifer's subdivisions.

Aquifer Mining or Groundwater Mining – a condition where the average available recharge of an aquifer or portion of an aquifer is less than the annual production from that aquifer or that portion of that aquifer. For purposes of these Rules, the terms "aquifer over drafting," "reduction of artesian pressure," "subsidence," and the "drawdown of the water table or aquifer" shall mean aquifer mining.

Aquifer Storage and Recovery Project or ASR Project – a project involving the injection of water into a geologic formation for the purpose of subsequent recovery and beneficial use by the Project Operator.

Application Fee – a fee assessed for processing applications for well registrations and permits.

Artesian Pressure – where water is confined in an aquifer under pressure so that the water will rise in the well casing or drilled hole above the bottom of the confining bed overlying the aquifer.

ASR – aquifer storage and recovery.

ASR Injection Well – a Class V injection well used for the injection of water into a geologic formation as part of an ASR Project.

ASR Recovery Well – a well used for the recovery of water from a geologic formation as part of an ASR Project.

Beneficial Use – means "use for a beneficial purpose," which means the use of groundwater for domestic, municipal, stock raising, agricultural, industrial, commercial, mining, manufacturing, irrigation, gardening, recreational, or pleasure purposes; exploring for, producing, handling, or treating oil, gas, sulphur, or other minerals; or any other purpose that is useful and beneficial to the user.

Best Available Science – 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.

Board – the Board of Directors of the Crockett County Groundwater Conservation District.

Capping – closing a well with a covering capable of preventing surface pollutants from entering the well and sustaining weight of at least 400 pounds and constructed in such a way that the covering cannot be easily removed by hand in compliance with regulations of the Texas Department of Licensing and Regulation.

Casing – a watertight pipe installed in an excavated or drilled hole, temporarily or permanently, to maintain the hole sidewalls against caving; to advance the borehole; in conjunction with cementing and/or bentonite grouting, to confine groundwater to its respective zones of origin; and to prevent surface contaminant infiltration.

1. Plastic casing--National Sanitation Foundation (NCF-WC) or American Society of Testing Material (ASTM) F-480 minimum SDR 26 approved water well casing.

2. Steel casing--New ASTM A-53 Grade B or better with a minimum weight and thickness of American National Standards Institute (ANSI) schedule 10.

3. Monitoring wells may use other materials, such as flouropolymer (Teflon), glass-fiber reinforced epoxy, or various stainless steel alloys.

Chapter 36 – means Chapter 36 of the Texas Water Code, as amended.

Closed Loop Geothermal Well – a closed system well used to circulate water and other fluids or gases through the earth as a heat source or heat sink.

Commercial Use or Purpose – the use of groundwater to supply water to properties or establishments that are in business to build, supply or sell products, or provide goods, services or repairs and that use water in those processes, or to supply water to the business establishment primarily for employee and customer conveniences (i.e. flushing of toilets, sanitary purposes, or limited landscape watering).

Community Water System – a public water system that has the potential to serve at least 15 residential service connections on a year-round basis or serves at least 25 residents on a year-round basis.

Complaint Under Texas Water Code § 36.119 – a written complaint filed by an aggrieved party citing to Texas Water Code § 36.119 alleging drilling or operating a well without a required permit or producing groundwater in violation of a District Rule adopted under Texas Water Code § 36.116(a)(2).

Completion or Complete – sealing off access of undesirable water zones, absorption zones or contaminants from the well bore by utilizing proper casing and annular space positive displacement or pressure tube grouting or cementing (sealing) methods.

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

Conservation Credit – a supplemental or additional allocation of groundwater production rights allowed to a Permit Holder in consideration of conservation practices which exceed the normal requirements of the District's management plan or state law, which may be recognized and established in the future by adoption of implementing rules after rulemaking notice and hearing.

Contested Case Hearing or "contested hearing" – a hearing held if one or more persons are qualified to participate in a hearing because they are found to have a personal justiciable interest that is within the District's regulatory authority and affected by a permit or permit amendment application, and that is not an interest common to members of the public, or if a person is entitled to such a hearing as a matter of law pursuant to Chapter 36 of the Texas Water Code.

Contested Case Hearing Fee or "contested hearing fee" – an administrative fee to be posted to offset expenses to be incurred due to the conduct of a contested case hearing.

Dewatering Well – an artificial excavation that is constructed to produce groundwater to lower the water table or potentiometric surface and that is not used to produce or to facilitate the production of minerals under a state regulatory program.

Director – an elected or appointed member of the Board of Directors of the District.

Discharge – the volume of water that passes a given point within a given period of time; the amount of water that leaves an aquifer by natural or artificial means.

District – the Crockett County Groundwater Conservation District (CCUWCD).

District Office – the main office of the District at such location as may be established by the Board.

Domestic Use or Purpose – use of groundwater by a residence (not a business or other commercial structure) to support essential domestic activity, including but not limited to: uses inside the residence; irrigation of lawns, flower beds, shrubs, trees shading the residence, or of a garden or orchard that produces vegetables and fruit for consumption within the residence and not for sale; protection of foundations; and non-commercial recreation associated with the residence.

Drill – drilling, equipping, completing wells, or modifying the size of wells or well pumps/motors whereby a drilling or service rig must be on location to perform the activity.

Drilling Permit – required before drilling a new well or substantially altering an existing well located within the District.

Drip Irrigation – Drip or micro-irrigation is a generic term for a family of irrigation equipment that provides for distribution of water directly to the plant root zone by means of surface or sub-surface applicators or emitters. The three most common types of micro-irrigation used in Texas are micro-spray or bubblers, sub-surface (buried) drip and orchard surface drip or micro-spray irrigation.

Drought Management Plan – A plan providing for conservation measures to be implemented by a permit holder to comply with any drought restrictions approved by the District as part of its groundwater management plan.

Enabling Legislation – the special and general law enactments specific to the District that created and established the duties and authority of the District, and as may be amended from time to time.

Enforcement Action – an action taken by the District to enforce District Rules, orders, or permits.

Environmental Monitoring Well – well drilled or developed to a depth of 30 feet or less for the purpose of collecting groundwater samples to ascertain the presence or absence of hazardous materials, hazardous waste, petroleum products, oils, solvents, or other hazardous constituents in groundwater.

Environmental Sampling Well – well or bore thirty (30) feet or less in depth drilled or cored for the purpose of collecting subsurface soil samples to ascertain the presence or absence of hazardous materials, hazardous waste, petroleum products, oils, solvents, or other hazardous constituents in subsurface soils.

Environmental Soil Boring – a man-made excavation constructed to measure or monitor the quality and quantity or movement of substances, elements, chemicals, or fluids beneath the surface of the ground. The term shall not include any well that is used in conjunction with the production of oil, gas, or any other minerals.

Exempt Domestic or Livestock Well – a well used primarily for domestic or livestock use that qualifies as exempt from obtaining an operating permit. A well used for domestic or livestock use is exempt if the well is used solely for domestic use or for livestock use, and is either drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day. However, a well is not an exempt domestic or livestock well if groundwater withdrawn from the well is transported outside the boundaries of the District.

A well is deemed capable of producing more than 25,000 gallons of groundwater per day unless the well is drilled, completed, or equipped so that it is incapable of producing more than 17.36 gallons per minute.

Exempt Well – a well for which the owner is not required to obtain a permit pursuant to Rule 2.2.

Existing Well – a well located within the District that was drilled and properly completed on or before September 14, 1992.

Fees – charges imposed by the District pursuant to Texas Water Code Chapter 36 and the District's Enabling Legislation.

Geologic Exploration Well – a well drilled for the purpose of exploring for, or otherwise determining the presence or absence of, subsurface minerals, including oil and natural gas.

Geologic formation – A rock formation that is or once was horizontally continuous, that shares some distinctive feature of lithology, and is large enough to be mapped.

Geotechnical Well – a well drilled or bored to determine engineering properties of soils or geologic formations for the purpose of construction.

Groundwater or Underground Water – water percolating beneath the earth's surface.

Groundwater Management Area – means Groundwater Management Area 7.

Groundwater Management Plan or Management Plan – a management plan developed by the District and certified or approved by the Texas Water Development Board pursuant to Texas Water Code Chapter 36.

Groundwater Reservoir – a specific subsurface water-bearing reservoir having ascertainable boundaries and containing groundwater.

Hand-Dug Well – a well installed by hand digging or by auger drilling.

Hydrologic Unit – The aquifers described as Alluvium; Edwards and associated limestones; Upper Trinity; Middle Trinity; and Lower Trinity.

Industrial Use or Purpose – use of groundwater primarily in the building, production, manufacturing, or alteration of a product or goods other than agricultural crops, or to wash, cleanse, cool, or heat such goods or products.

Injection Well – a well used to inject water or other material into a subsurface formation or into pipe or tubing placed in the formation for the purpose of storage or disposal of the fluid.

Investigation Report – a report prepared by the District summarizing its investigation of a possible violation of law and making a recommendation to the Board regarding any further action.

Irrigation Use or Purpose – application of groundwater, not associated with agricultural irrigation use or purpose, to plants or land in order to promote growth of plants, turf, or trees located on lands including but not limited to athletic fields, parks, golf courses and landscape irrigation other than for domestic use or purpose.

Licensed Water Well Driller – a person who holds a license issued by the Executive Director of the Texas Department of Licensing and Regulation pursuant to Texas Occupations Code Chapter 1901.

Licensed Water Well Pump Installer – a person who holds a license issued by the Executive Director of the Texas Department of Licensing and Regulation pursuant to Texas Occupations Code Chapter 1902.

Livestock Use or Purpose – use of groundwater to provide water to livestock, of any variety. Dogs, cats, birds, fish, reptiles, small mammals, potbellied pigs, and other animals typically kept as pets are not considered livestock. Livestock-type animals kept as pets or in a pet-like environment are not considered livestock although providing water to such pets may be considered domestic use when associated with a residence.

Modeled Available Groundwater – the amount of groundwater the TWDB Executive Administrator determines may be produced on an average annual basis to achieve a desired future condition of the aquifer.

Meter – a District-approved, totalizing flow meter properly sized for the well's production capability, which is not capable of being "reset" by the well owner.

Monitor or Monitoring Well – an excavation constructed to measure or monitor the quality and/or quantity or movement of substances, elements, chemicals, or fluids beneath the surface of the

ground. Included within this definition are piezometer wells, observation wells, and recovery wells. The term shall not include any well that is used in conjunction with the production of oil, gas, coal, lignite, or other minerals.

New Well – a well that is drilled or properly completed after September 14, 1992, or an existing well that has been substantially altered after September 14, 1992.

Non-exempt Domestic or Livestock Well – a well used primarily for domestic or livestock use that must obtain an operating permit. A domestic or livestock well is non-exempt if it is drilled, completed, or equipped so that it is capable of producing 25,000 gallons or more of groundwater a day. A domestic or livestock well of any sized production capability is non-exempt if groundwater withdrawn from the well is transported outside the boundaries of the District.

Non-exempt Well – a well for which the owner is required to obtain permits required under these rules.

Non-potable Water – water that is not fit for human consumption due to dissolved solids, mineral content, hardness, turbidity, microbial or bacteriological level, or other chemical, physical, or biological parameter exceeding Maximum Contaminant Level (MCL) or Secondary Constituent Levels, as defined in 30 Texas Administrative Code Chapter 290.

Notice of Violation (NOV) – written correspondence from the District notifying a person that they are in violation of law, including violation of a District Rule, Order, or permit.

SOAH – the State Office of Administrative Hearings.

One-Time Authorization – a well used for a limited purpose, production volume, and duration specified in that authorization. Such authorization is limited solely to the terms specified in the authorization and does not create a right to produce water from the well in the future.

Open or Uncovered Well – an artificial excavation dug or drilled for the purpose of exploring for or producing water from the groundwater reservoir and that is not capped or covered as required by District Rules.

Operate or Operations – to produce or cause to produce water from a well or to use a well for injection or closed loop heat exchange purposes.

Operating Permit – required to operate a water well within the District.

Owner – a person who has the right to produce groundwater from the land, either by ownership, contract, lease, easement, or any other estate in the land. The term "Owner", as used herein, includes any agent or attorney representing the Owner in any matter concerning the District.

Permitted Well – a well for which an operating permit has been issued by the Crockett County Groundwater Conservation District.

Permit Holder – a person who holds either a drilling permit or an operating permit issued by the District.

Person – a corporation, individual, organization, cooperative, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

Personal Justiciable Interest – an 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, and that is not an interest common to members of the public.

Piezometer Well – a well of a temporary nature constructed to monitor well standards for the purpose of measuring water levels or used for the installation of a piezometer (a device constructed and sealed to measure hydraulic head at a point in the subsurface) resulting in the determination of locations and depths of permanent monitor wells.

Plugging – an absolute sealing of the well bore.

Pollution – the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animals, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any reasonable purpose.

Pollution Source – a person, business, corporation, industry, operation, activity, or event, whether intentional or unintentional that causes, allows, or enables contaminants to be discharged to the environment, thereby causing pollution.

Potable Water – water that is suitable for human consumption, or can be made suitable for human consumption by primary filtration or chemical or ultraviolet disinfection. Potable water must comply with Maximum Contaminant Levels (MCL) or Secondary Constituent Levels, as defined in Title 30 Texas Administrative Code Chapter 290.

Presiding Officer – Either the Director or the Hearings Examiner designated to conduct a hearing.

Priority Groundwater Management Area (PGMA) – an area designated and delineated by the State under Texas Water Code Chapter 35 as an area experiencing or expected to experience critical groundwater problems.

Production Capability – the volume of water a well can produce as determined by either the rated pumping capability of the installed pump or as determined by the District.

Project Operator - a person holding an authorization under this subchapter to undertake an ASR Project.

Public Water System – a system created and operated to provide water for human consumption to the public.

Pump Test – A well test conducted under the conditions of these Rules.

Pumping or Groundwater Production – all water withdrawn from the ground, measured at the wellhead.

Recharge – the amount of water that infiltrates to the water table of an aquifer.

Recovery Well – a well constructed for the purpose of recovering undesirable groundwater for treatment or removal of contamination.

Remediation Well – a well used to pump or vent contaminated air, water, or fluids from the ground.

Retail Water Utility or Retail Public Water Utility – as defined by Texas Water Code Section 13.002 and 30 Texas Administrative Code Section 291.3, any person, corporation, public utility, water supply corporation, municipality, political subdivision or agency operating, maintaining, or controlling within the District facilities for providing potable water service for compensation.

Rules – standards and regulations promulgated by the District.

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

Single-Family Residence – An equivalent single-family connection or ESFC. An ESFC is defined as equaling a typical detached single-family house using an average of 360 gallons of water per day.

Special Provisions – conditions or requirements added to a drilling or operating permit, which may be more or less restrictive than the Rules as a result of circumstances unique to a particular situation.

Spring – a point of natural discharge from an aquifer.

State of Texas Well Report – see "Well Log," defined below.

Subdivision – a tract or parcel of land for which a plat is required in accordance with Chapter 232 of the Texas Local Government Code.

Substantial Alteration of a Well – to change the physical or mechanical characteristics of a well, its equipment, production capabilities, or its purpose or location of use of the water produced in a way that may impact the level of fees the well is subject to or may impact whether an operating permit or amendment to an operating permit is required. This does not include repair of well equipment, well houses or enclosures, or replacement with comparable equipment.

Surface Impoundment – Any excavation or manmade structure that impounds or stores groundwater and is open to the air allowing evaporation. A non-permeable excavation or artificial structure that impounds less than 20,000 gallons of groundwater is not considered a surface impoundment.

Temporary Permit – see One-Time Authorization.

Test Well – a well drilled to explore for groundwater.

TCEQ – the Texas Commission on Environmental Quality

TWDB – the Texas Water Development Board.

Variance – an exception to requirements or provisions of the Rules granted by the District as authorized under District Rules.

Waste –

1. The withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes.
2. The flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose.
3. The escape of groundwater from one groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater.
4. The pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground.
5. Willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, Rule, or order issued by the commission under Chapter 26 “Water Quality Control”.
6. Groundwater pumped for irrigation that escapes as irrigation tail water onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge.
7. Unless the water from an artesian well is used for a purpose and in a manner in which it may be lawfully used on the owner’s land, it is waste and unlawful to willfully cause or knowingly permit the water to run off the owner’s land or to percolate through the stratum above which the water is found.

Water Table – the upper boundary of the saturated zone in an unconfined aquifer.

Water Well – a man-made excavation constructed to explore for or produce groundwater. The term does not include:

1. a test or blast hole in a quarry or mine or a well excavation constructed to explore for or produce oil, gas, or other minerals unless the hole is also used to produce groundwater; or
2. an injection water source well regulated under Section 91.101, Natural Resources Code.

Well – an excavation drilled or dug into the ground that may intercept or penetrate a water-bearing stratum or formation.

Well Driller – a person holding a license to drill water wells under the provisions of Title 16, Chapter 76 of the Texas Administrative Code and who has registered a copy of such license with the District prior to conducting drilling operations in the District.

Well Log or State of Texas Well Report – the report that every well driller who drills, deepens, or alters a well is required to complete under the rules of the Texas Department of Licensing and Regulation, as defined in 16 Texas Administrative Code Sections 76.10 and 76.700, including any special purpose geophysical log that may be available for any given well, such as a gamma ray log, a temperature log, an electric log, or a caliper log.

Well Pumps and Equipment – devices and materials used to obtain water from a well, including the seals and safeguards necessary to protect the water from contamination.

Well Registration – the creation of a record of a well, under Rule 3, for purposes of registering the well as to its geographic location and for notification to the well owner in cases of spills or accidents, data collection, record keeping, or future planning purposes. First step in the process required by Rule 3 for drilling or operating a well located within the District.

Withdraw or Withdrawal – the act of extracting groundwater by pumping or any other method, other than the discharge of natural springs.

ARTICLE 3
RULES OF THE GROUNDWATER DISTRICT

SECTION 1
RULEMAKING PROCEDURES

Rule 1.1. Applicability. This section applies to rulemaking by the District but does not apply to internal personnel rules or practices, bylaws, statements regarding internal management or organization, or other statements not of general applicability.

Rule 1.2. Public Hearings on Proposed Rules

a. The Board shall hold at least one public hearing on proposed rules prior to adoption of the proposed rules that govern it unless the Board finds that an emergency exists which necessitates action prior to the conduct of a public hearing. An emergency rule may be adopted at any regular or special meeting of the Board conducted pursuant to proper notice.

b. The Board may direct any person to serve as the Presiding Officer and to conduct the public hearings on the proposed Rules.

c. Public hearings will be conducted in the manner the Board deems most suitable to conveniently, inexpensively, and expeditiously provide a reasonable opportunity for interested persons to submit relevant data, views, or arguments, in writing or orally, on proposed Rules.

Rule 1.3. Notice of Public Hearings on Proposed Rules

a. The General Manager will set a date, time and place for any public hearing on proposed Rules of the District.

b. The General Manager shall give prior notice of the public hearing at least 20 calendar days before the public hearing by posting the notice in the location where notices of the District's Board meetings are posted, providing notice to the County Clerk, and by publishing the notice in one or more newspapers of general circulation within the District, unless the Board determines an emergency to public health, safety, or welfare, or a requirement of state or federal law, exists in which case Subsection (d) below shall apply. If the District has a website, the rulemaking hearing notice shall be posted on the website.

c. 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 email to the person in accordance with the information provided by the person is proof that notice

was provided by the District; however, failure to provide notice under this subsection does not invalidate an action taken by the District at a rulemaking hearing.

d. The Board may adopt an emergency rule without prior rulemaking notice or 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, requires adoption of a rule on less than 20 calendar days' notice. The Board will prepare a written statement of the reasons for this finding. An emergency rule is effective for not more than 90 calendar days after its adoption by the Board. The Board may extend the 90-day period for an additional 90 calendar days if notice of a hearing on the final rule is given not later than the 90th calendar day after the date the rules is adopted. An emergency rule adopted without rulemaking notice or a hearing must be adopted at a properly noticed Board meeting under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

e. The notice shall advise the public of the following:

1. a brief explanation of the subject of the rulemaking hearing;

2. the date, place, and time the public hearing is to be convened;

3. the date and time by which written comments must be filed with the District; and

4. a location or website at which a copy of the proposed rules may be reviewed or copied.

f. Proposed rules shall be available for use and inspection at the District Office.

Rule 1.4. Adoption of Rules

a. The Board may adopt proposed Rules as final at any time after the completion of the public hearing(s) and after the close of the written comment period. When adopting, amending, or repealing any rule, the Board shall:

1. consider all groundwater uses and needs;
2. develop rules that are fair and impartial;
3. consider the groundwater ownership and rights described by Section 36.002, Texas Water Code;
4. consider 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 reservoirs or their subdivision, consistent with the objectives of Section 59, Article XVI, Texas Constitution;
5. consider the goals developed as part of the District Management Plan under Section 36.1071, Texas Water Code; and

6. not discriminate between land that is irrigated for production and land that was irrigated for production and enrolled or participating in a federal conservation program.

b. The Board will compile new sections of the rules and make them available for public use and inspection at the District's principal office.

SECTION 2
REGISTERING AND PERMITTING WELLS

Rule 2.1. General Provisions.

Well registration is required for all existing and proposed wells within the District, whether exempt or non-exempt, and shall be filed with the District on forms supplied by the District.

a. Wells classified as exempt must be registered with the District.

b. Wells classified as non-exempt must be registered and permitted by the District.

c. All registrations and permits issued by the District shall be subject to District Rules, as may be amended from time to time, and terms and conditions regarding the drilling, equipping, completion, or modification of wells or pumps.

d. The District may conduct well and well site inspections during registration, permitting, drilling, completion, and after completion to confirm well location, status, completion or other related investigations deemed necessary by the District.

Rule 2.2. Wells Exempt from Permitting

a. The following wells must be registered, but are exempt from permitting and are considered exempt wells. A permit is not required to drill or produce groundwater from the following wells, so long as the well complies with District Spacing Rules:

1. A well used solely for domestic use or for providing water for livestock or poultry on a tract of land larger than 75 acres that is either drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day;

2. A well used solely to supply water for a rig that is actively engaged in drilling or exploration operations for oil or gas permitted by the Railroad Commission of Texas, provided that the person holding the Railroad Commission permit is responsible for drilling and operating the water well, and that the well is located on the same lease or field associated with the drilling rig.

3. A water well authorized under a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, or for production from such a well to the extent that the withdrawals are required for mining activities regardless of any subsequent use of the water.

4. Test wells for geophysical, environmental investigation or purposes exempted by the laws of the State of Texas.

b. If an exempt well is modified so that the well is no longer an exempt well or used for any non-exempt purpose, a permit must be obtained prior to commencing any non-exempt use.

c. All new exempt wells must be registered with the District before drilling.

d. Exempt water wells shall be equipped and maintained so as to conform to the District Rules requiring installation of casing, pipe, and fittings to prevent the communication of groundwater between different aquifers, reservoir or to any zone not containing groundwater, and to prevent the contamination or degradation in quality of the water in any groundwater reservoir.

e. Production limitations under Section 6 and to the payment of water use fees under Section 6 do not apply to a well exempt from permitting under Section 36.117(b)(2) or (b)(3), Water Code, which relate to water wells used in certain oil and gas drilling or exploration operations and surface coal mining. However, such a well shall be subject to the other requirements of these rules, including without limitation the well registration, drilling records, metering, water production reporting, and new well registration fee and deposit provisions of these rules.

Rule 2.3. Registration of Wells

a. All exempt wells which were drilled and put into regular use prior to September 14, 1992 shall be registered with the District using a District form. A pre-existing exempt well is not required to pay a registration fee.

b. All existing and new Exempt and Non-Exempt wells must be registered with the District using a District form and pay a registration fee prior to commencing drilling.

c. No person may commence to re-drill, re-equip, complete, or modify the size of an exempt well or its pumping equipment without first submitting a Well Registration form and paying a fee set by the Board.

d. A well registration will be issued if the District determines from the information submitted in the application that the well meets the requirements of an exempt well.

e. It is the responsibility of the Owner to supply all necessary information required to register a well. It is the responsibility of the Owner to ensure access to the well for inspections and verification of the application. The Owner is responsible for

providing the District and the Water Well Driller with all information necessary to determine a legal location for a new well, including but not limited to, the information necessary to determine minimum separation distances from wastewater facilities, other wells, other potential sources of pollution, and property lines.

f. All wells must be registered or permitted upon information provided on forms promulgated by the District, in the name of the Owner of the real property on which the well is or will be located.

g. The District will act on each registration request within 20 business days after receiving the completed application and the registration fee set by the District.

h. No water well driller or pump installer may begin to drill, complete, or alter an exempt well without having first completed and filed a Crockett County Groundwater District Water Well Driller or Pump Installer license certification form.

i. Within 60 calendar days of the completion date of the well the driller must provide to the Owner and the District a copy of all required completion reports and any other information required by these Rules.

j. The drilling of a well must commence within 120 calendar days of issuance of the registration or permit. The General Manager may grant an extension for up to an additional 180 calendar days.

k. If a well registration is denied by the General Manager, the Applicant shall be entitled to a hearing before the Board. A written request for such a hearing must be filed with the District. The District shall give notice of such hearing.

l. A registered well may be converted to a permitted well after drilling and completion if the required permit application is completed, permit application fees are paid, and a permit is obtained.

Rule 2.4. Permitting of Non-Exempt Wells

a. A permit from the District is required prior to drilling, equipping, completing, operating, producing or exporting groundwater from all, existing and new, non-exempt wells within the District.

b. It is the responsibility of the Owner to apply for the necessary permit. It is the responsibility of the Owner to ensure access to the Well, after completion, for inspections and verification that the well has been drilled and completed in conformity with the permit.

c. Notwithstanding the requirement of a permit, the Owner of a well permitted or producing groundwater before the effective date of this rule may continue to produce such water until the District takes final action on a permit application processed under these rules

d. Applications for permits must be made on forms promulgated by the District.

e. A Permit application fee shall be assessed for processing a permit application as follows:

1. A non-exempt well that existed prior to the date of creation of the District, is not required to pay the permit application fee.

2. A new, non-exempt well will be required to pay the permit application fee as may be established from time to time by the Board.

f. No water well driller or pump installer may begin to drill, complete, or alter a non-exempt well without having first completed and filed a District Water Well Driller or Pump Installer license certification form.

g. Upon completion of the well the driller must provide to the owner and the District a copy of the required completion report and any other applicable information. The water well driller shall have 60 calendar days from the well completion date or cessation of drilling to submit the required completion report to the owner and the District.

h. Drilling of a permitted well must commence within 120 calendar days of issuance of the permit. The General Manager may grant an extension for up to an additional 180 calendar days.

i. All applications will be referred to the Board for notice and hearing.

j. If a permit is revoked by the District, or cancelled by the owner, the permit application fee will not be refunded.

k. As of JULY 1, 2013 any well providing groundwater to ponds, lakes, tanks, reservoirs, or other surface impoundments shall obtain a permit to continue such use unless the well is exempt as a livestock well under Rule 2.2.a.(1) or well used by in oil or gas drilling under Rule 2.2.a.(2) or for mining pursuant to Rule 2.2.a.(3).

l. After JULY 1, 2013, except as provided by this rule, no permit shall be issued for any well that proposes to provide groundwater to ponds, lakes, tanks, reservoirs, or other surface impoundments, unless the Board finds such use to be beneficial.

m. The District may prohibit or restrict production as set out in the District Drought Management Plan.

n. The following conditions or terms shall be included in a well permit:

1. The permitted annual production amount stated in gallons or acre-feet;

2. The maximum instantaneous production rate stated in gallons per minute;

3. The expiration date of the permit;

4. The permitted purpose of use, including if the groundwater is to be pumped into a pond, lake, tank, reservoir, or other surface impoundment (if such use is authorized by the District);

5. That the Permit Holder report to the District compliance with any required Drought Management Plan.

o. Any material modification or change in operation of a permitted well from those conditions specified in the permit is prohibited without approval of an application for a permit amendment. If a Permit Holder requests a substantial modification or change in permit conditions, the District will consider such a request on the same basis as the District considers an application for a permit.

Rule 2.5. Permit Application

a. An application for a permit shall include the following:

1. The signature of the owner.

2. The name, mailing address and address of the Applicant's residence or principal office.

3. The physical address and GPS location of the well, using the WGS-84 co-ordinate system.

4. A map or plat that includes the location of the welt site, the location of the meter or monitoring device, and shows the acreage upon which the Applicant relies for the requested production limit

5. Identification of the actual or anticipated location, pump size, and production capacity of the well from which the water is to be produced.

6. A statement of the nature and purpose of the proposed beneficial use, including if groundwater will be pumped into a pond, lake, tank, reservoir, or other surface impoundment, and the anticipated amount of water to be used.

7. A statement of the anticipated time period within which the proposed construction or alteration is to begin.

8. A statement of the anticipated duration of time required for the proposed use of the water.

9. Information showing what water conservation measures the Permit Holder has adopted, what water conservation goals the Permit Holder has established, and what measures and time frames are necessary to achieve the Permit Holder's established water conservation goals.

10. A proposed Drought Management Plan. If the well will be part of a public water system for which the TCEQ requires a Drought Management Plan, the Applicant shall satisfy this requirement by submitting that TCEQ approved plan. If the well is not subject to those requirements, the Applicant may

satisfy this requirement with a written statement affirming that Applicant will comply with the District's Drought Management Plan.

11. The proposed interval of the water-bearing formation.

12. If the water is to be sold to others, if the well is to be a Public Water Supply well, or if the well is a Retail Public Utility well, the Applicant must also provide:

    A. A description or map of the Permit Holder's service area in sufficient detail to allow the District to locate the area.

    B. A description of the Permit Holder's metering and leak detection repair program for its water storage, delivery and distribution system.

    C. A Drought Management Plan.

    D. Information on each customer's water demands, including population and customer data, water use data, water supply system data, wastewater data, and conservation measures and goals, and the means for implementation and enforcement.

13. For permit applications requesting more than 72,000 gallons per day (50 GPM), the Applicant must also provide the following:

    i. Identification of all registered and permitted wells within 1/4 mile of the proposed well that are producing from the same formation, along with the names and mailing addresses of the owners of those wells.

    ii. Evidence satisfactory to the Board to establish the availability of water in the District during the period for which the water supply is requested.

    iii. Evidence establishing that the project is consistent with the approved Regional Water Plan and approved District Management Plan.

b. The application must be accompanied by a map or plat drawn on a scale that adequately details the proposed project, showing:

    1. The GPS location of the well, using the WGS-84 co-ordinate system.

    2. For permit applications requesting more than 72,000 gallons per day (50 GPM), the location of all registered and permitted wells within 1/4 mile of the proposed well.

c. The permit application must be accompanied by a permit application fee set by the Board.

d. The District shall determine whether the application, maps and other materials comply with the requirements of these Rules. The District may require amendment of the application, maps or other materials in order to achieve necessary compliance.

Rule 2.6. Change in Well Conditions or Operations; Permit Terms and Renewal; Permit Amendment; and Registration and Permit Revocation

a. **Change in Well Conditions or Operations.** No person shall take any of the following actions related to a well located in the District without submitting the appropriate application as described in these Rules and receiving authorization from the District to:

1. change the purpose of use of a well;
2. change the place of use of the water produced from the well;
3. alter the size or depth of a well, the well pump, or its pumping volume;
4. plug a well; or
5. abandon a well.

Such changes may be processed administratively, may require an amendment to an existing permit, may make an exempt well be required to obtain a permit, and may make a well subject to the production limits. No pump installer or water well driller may make changes to a well if the owner has not applied for and obtained the appropriate authorization under this Rule.

b. **Change in Use.**

1. It is the responsibility of the owner of such a well to apply for a permit no later than 90 calendar days prior to making any change in the use of the permitted well.
2. Any time the production of groundwater from a well or the capability to produce groundwater from a well increases to more than 25,000 GPD (17.36 GPM), a permit or permit amendment shall be required.
3. A change in use or condition of an exempt well, from the uses and conditions described in Rule 2.2, shall require a permit.
4. If a tract of land of seventy-five acres or more containing an exempt well is subdivided after September 1, 2002, making the well tract less than seventy-five acres.

c. **Change in Ownership.** Any change in ownership of a well must be reported to the District, by the purchaser, on a District form within 60 calendar days of the closing date of such a sale. If there are unpaid fees at the time of the transfer, the new owner shall become responsible for payment of such fees. For wells with a permit, failure to timely notify the District may result in the permit being revoked or suspended.

d. **Operating Permit Term.** Permits issued by the District are valid for a period of five years, unless otherwise specified by the District as a special permit condition. Such a

special permit condition may include the need for additional data regarding the impact of the well on the aquifer or surrounding wells. The District reserves the authority to amend, revise, and adopt new Rules applicable to wells subject to a permit.

e. **Renewal of Permits.** An application for renewal of a permit shall be submitted no later than 90 calendar days prior to the expiration date of the permit and shall be accompanied by the appropriate non-refundable application fee.

1. 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

   B. the permit holder is not requesting a change related to the renewal that would require a permit amendment under the District's Rules.

2. The District is not required to renew a permit under District Rule 2.6(e)(1) if the applicant:

   A. is delinquent in paying a few required by the District;

   B. is subject to a pending enforcement action for a substantive violation of a District permit, order, or rule that has not been settled by agreement with the District or a final adjudication; or

   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 District Rule.

   In the event of noncompliance or delinquent fees, the District shall notify the Permit Holder of the conditions preventing the automatic renewal of the Permit and allow the Permit Holder an opportunity to correct any noncompliance or pay delinquent fees. Failure of the Permit Holder to correct any noncompliance or pay delinquent fees within 30 calendar days may result in revocation of the permit.

3. If the District is not required to renew a permit under District Rule 2.6(e)(2), the permit remains in effect until the final settlement or adjudication on the matter of the substantive violation.

4. 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 Rule 2.6(f), the permit as it existed before the permit amendment process remains in effect until the later of:

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

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

5. 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 District Rule 2.6(e)(1) without penalty, unless subsection (2) of District Rule 2.6(e) applies to the applicant.

6. The District may initiate an amendment to an Operating Permit, in connection with the renewal of a permit or otherwise, for the purpose of achieving a Desired Future Condition or another statutory purpose of the District. An amendment initiated by the District will be processed in the same manner as an application submitted by a permit holder. 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.

f. **Permit Amendment.** An amendment to a permit is required for any substantial alteration of a well or any substantial change in the operation, use, or condition of a well including but not limited to: changing the production capacity, the type of use of the well, the place of use of the water produced from the well, the size or depth of a well, or replacement of the pump with a pump of materially greater pumping capacity.

An application for an amendment, on a form obtained from the District, and the appropriate non-refundable application fee, must be submitted at least 90 calendar days prior to the date of any modification to a well. The applicant will be notified when the application has been reviewed and deemed administratively complete. No amendment application shall be deemed administratively complete if the applicant has unpaid fees or has unresolved compliance issues with the District. Within 60 calendar days after the date a Permit Amendment application is determined to be administratively complete, the application shall be referred to the Board for consideration and action.

g. **Registration and Permit Revocation.**

1. A well permit may be subject to revocation or involuntary revision as a consequence of abandonment or deviation from the purposes or terms of the well Permit.

2. If an exempt well registration or well Permit is revoked or involuntarily revised, the Owner is entitled to a hearing before the Board of Directors. A written request for such a hearing must be filed with the District, and the District will provide notice of and conduct such a hearing.

3. If an application for a Permit or registration expires or is revoked for nonuse, the entire application or registration fee is forfeited to the District.

Rule 2.7. Recordkeeping and Reporting

a. All Owners of permitted non-exempt wells shall keep monthly records of the amount of groundwater produced and purpose of the production; such records shall be available for inspection by District representatives at any time.

b. Immediate written notice must be given to the District in the event production exceeds the quantity authorized by the permit, or if the well becomes contaminated, causes pollution, or contaminates surrounding aquifers or other surface impoundments.

c. All Permit Holders must file with the District an annual report containing monthly water production and usage amounts. A report, covering production from the preceding year, must be filed on the appropriate form no later than January 21st of each year.

Rule 2.8. Monitoring Devices. All non-exempt wells must be equipped with production monitoring devices approved by the District and available for inspection by the District at any time during normal business hours. An hour meter may be considered as a production monitoring device on the well, if the well output in gallons per minute (GPM) can be accurately determined.

Rule 2.9. Reworking Wells. No person shall rework, re-drill, re-equip, or otherwise substantially modify a well in such a way as to convert the well from an exempt well to a non-exempt well without first obtaining a permit from the District.

Rule 2.10. Injection Wells. All injection well permit applications, including those permitted by the TCEQ and the Railroad Commission of Texas, must be submitted for review by the Board.

Rule 2.11. Replacement Wells

a. A replacement well for an exempt well must be registered with the District. The registration will be approved so long as the replacement well is located on the same tract of land as the well it is replacing, and the replaced well is permanently removed from service by plugging in accordance with District Rules.

b. A replacement well for a non-exempt well must be permitted by the District. The permit for the well it is replacing may be transferred to the replacement well, so long as the following conditions are met:

1. The replacement well is located on the same tract of land as the well it is replacing and otherwise meets the District Rules regarding spacing.

2. The replacement well is sized and operated according to the previous permit.

3. The replacement well adheres to the purpose of use allowed under the previous permit.

4. The replaced well is permanently removed from service by plugging in accordance with District Rules.

5. The request to transfer the permit and the permit application fee is submitted on a District form prior to the drilling of the replacement well.

c. The replacement well will be subject to District Rules regarding well construction and inspections.

Rule 2.12 Export Permit. A permit is required to transfer groundwater beyond the boundaries of the District. An export permit is a permit allowing an applicant to export a certain volume of water. In order to apply for an export permit, applicant must submit information regarding, and the Board must consider:

a. The availability of water in the District and in the proposed receiving area during the period for which the water supply is requested;

b. 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

c. The approved regional water plan and approved district management plan.

1. The Board reserves the right to alter an export permit of unreasonable amounts based on their review and determination of the above issues and provide a permit for a decreased amount.

2. An application for a permit to export water outside the District or an amendment to an existing export permit shall specify the following:

A. The legal description of the property that the groundwater withdrawal source will be located on;

B. The actual or anticipated location, pump size, and capacity of the well from which the groundwater will be produced;

C. The nature and purpose of the proposed well;

D. The proposed time until pumping and exportation would begin;

E. The water conservation measures that the applicant has adopted in regards to this exportation endeavor;

F. The proposed service area of water sales;

G. The metering and leak detection and repair program; and

H. Wells producing from the same formation on land adjacent to the property where the well is located or where the proposed well is to be located.

3. The application must include the following: map or plat, drawn to scale, that accurately describes the proposed project showing the locations of existing or proposed wells, existing or proposed monitoring devices, and existing or proposed water use or storage facilities.

4. Export permits issued by the District will be subject to a fee established at the decision of the Board that is either negotiated between the District and the transporter or set at a rate not to exceed the equivalent of the District's tax rate per hundred dollars of valuation for each thousand gallons of water exported from the District or 2.5 cents per thousand gallons of water, if the District assesses a tax rate of less than 2.5 cents per hundred dollars of valuation.

5. District Water Purveyors that have customers both inside and outside the District are not required to obtain a transportation permit if no more than five percent (5%) of their monthly water volume is delivered outside the boundaries of the District.

6. The owner of a transportation facility or system shall be responsible for the prevention of pollution and waste.

7. All registered export facilities or systems must submit monthly reports, by the 5th day of each month, stating the volume of water transported during the preceding month.

Rule 2.13. Aquifer Storage and Recovery (ASR)

a. As a general matter, TCEQ has exclusive jurisdiction over the regulation and permitting of ASR Injection Wells. However, the District has concurrent jurisdiction over an ASR Injection Well that also functions as an ASR Recovery Well. The District is entitled to notice of and may seek to participate in an ASR permitting matter pending at TCEQ and, if the District qualifies as a party, in a contested hearing on an ASR application.

b. The provisions of District Rule 2.13 apply to an ASR Recovery Well that also functions as an ASR Injection Well.

c. A Project Operator shall:

1. register an ASR Injection Well and ASR Recovery Well associated with the ASR Project if a well is located in the District;

2. submit to the District the monthly report required to be provided to TCEQ under Section 27.155, Texas Water Code, at the same time the report is submitted to TCEQ; and

3. submit to the District the annual report required to be provided to TCEQ under Section 27.156, Texas Water Code, at the same time the report is submitted to TCEQ.

d. If an ASR 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 District Rule 2.13(c)(2).

e. Except as provided by District Rule 2.13(f), the District may not require a permit for the drilling, equipping, operation, or completion of an ASR Injection Well or an ASR Recovery Well that is authorized by TCEQ.

f. Each ASR Recovery Well that is associated with an ASR Project is subject to the permitting, spacing, and production requirements of the District if the amount of groundwater recovered from the wells will exceed 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 Well that exceeds the volume authorized by TCEQ to be recovered.

g. A Project Operator may not recover groundwater from an ASR 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.

h. The District may not assess a production fee 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 ASR Project exceeds the volume authorized by TCEQ to be recovered.

i. The District may consider hydrogeologic conditions related to the injection and recovery of groundwater as part of an ASR 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.

SECTION 3
WELL SPACING

The purpose of these well spacing requirements is to promote groundwater conservation, provide for continued availability of groundwater resources, reduce

localized depletion of groundwater, prevent interference between wells, and prevent the degradation of groundwater quality.

Rule 3.1. Applicability. The requirements of this Section apply to all wells drilled within the District unless specifically noted. As authorized by Texas Water Code Section 36.116, some of the required distances are more stringent than those required by Title 16, Texas Administrative Code Section 76.1000, as amended.

Rule 3.2. Determining Distances of a Tract Bordered By a Public Roadway. In determining the minimum distances set out in this Section, if the tract in question is bounded by a public road, it is permissible to use the centerline of a public roadway to calculate the distance required for the setback of a well from that boundary line.

Rule 3.3. Spacing from Potential Sources of Pollution

a. All wells must comply with the location standards of Title 16, Texas Administrative Code § 76.1000 and with the minimum required separation distance for on-site sewage facilities of Title 30, Texas Administrative Code § 285.91(10), which dictate horizontal distance from potential sources of pollution. Section 76.1000 excludes monitoring wells, environmental soil borings, dewatering wells, piezometer wells, and recovery wells from these requirements. Such wells may be located where necessity dictates.

b. Public water system wells must comply with the 150-foot sanitary control easement standards as required by Title 30, Texas Administrative Code Chapter 290.

Rule 3.4. Distance from Property Lines and Other Wells

a. All new wells shall be located a minimum horizontal distance from existing wells and property lines as required by Title 16, Texas Administrative Code Section 76.1000, unless covered by the more stringent spacing requirements of this Section.

b. All new water wells shall be located a minimum horizontal distance from existing water wells as specified in the following Table.

Actual Pumping Capacity of Well as Equipped (gallons per minutes)	**Minimum Distance (in feet) between Existing Water Wells and the New Water Well**	**Distance of New Water Well from Property Lines (in feet)**
Less than 17 gpm	150	100 (50)*
17 gpm through 200 gpm	300	150
200-400 gpm	600	300
>400	900	450

* Pressure cementing of annular space required to reduce distance from property line from 100 feet to 50 feet.

c. If an existing tract of land is subdivided in such a way as to result in the formation of new property lines that are located closer to a well than the spacing requirements of this Section 3 provide, the existing or proposed water well and current property line shall be grounds for cancellation of such well's operating permit or revocation of that well's exempt status.

Rule 3.5. Completion Standards for All Wells

a. All wells must be completed in accordance with the well completion standards set forth under the Texas Water Well Drillers and Pump Installers Administrative Rules, Title 16, Part 4, Chapter 76, Texas Administrative Code, and under these Rules, and must be completed in compliance with applicable rules and regulations of any other governmental entity.

b. Water well drillers shall indicate the method of completion performed on the well report.

c. In order to prevent the commingling of water between aquifers, resulting in a loss of reservoir pressure, and to protect against degradation of water quality, each well penetrating more than one separate water bearing zone of any aquifer shall be completed in a manner so as to prevent the commingling of groundwater between aquifers or between subdivisions of an aquifer if required by the Texas Water Well Drillers and Pump Installers Administrative Rules, Title 16, Part 4, Chapter 76, Texas Administrative Code. The drillers shall indicate the method of completion used to prevent the commingling of water on the well report. The well driller may use any lawful method of completion calculated to prevent the commingling of groundwater.

d. In order to protect water quality, the integrity of the well, or loss of groundwater from the well, the District may impose any additional well completion requirements deemed necessary or appropriate by the District.

SECTION 4
PROHIBITION OF WASTE

Rule 4.1. Groundwater shall not be produced within the District in such a manner as to constitute waste, as defined in Article 2.

SECTION 5
DETERMINING BENEFICIAL USE WITHOUT WASTE

Rule 5.1: Determining Beneficial Use Without Waste

a. When setting the production limit for a non-exempt well for agricultural irrigation use, the District may consider industry standards from a reliable source such as a county extension agent. The information must be based on number of acres, crop type, and time of year.

b. When setting a production limit for a non-exempt well for agricultural livestock use, the District may consider industry standards from a reliable source such as a county extension agent. The information must be based on number of animals, type of animals, and time of year.

c. When setting a production limit for a non-exempt well for commercial use, the District may consider the minimum water capacity requirements of Title 30, Texas Administrative Code Section 290.45(c) and (d).

d. When setting a production limit for a non-exempt well for industrial use, the District may consider the Applicant's Standard Industrial Code classification water use standards for the maximum amount of water necessary to efficiently meet the demands for the particular use.

e. When setting a production limit for a community water system well or retail public water utility well, the District shall consider, among other things, the size of the service area and the number of connections being served.

f. When setting a production limit for any non-exempt well, the District may consider historical data if supported by reliable documentation.

SECTION 6
GROUNDWATER PRODUCTION LIMITS

Rule 6.1. Preamble. This rule limits the production of groundwater as authorized by the District's Enabling Legislation and Texas Water Code Sections 36.101 and 36.116. This method of limiting groundwater production is appropriate based on the hydrogeological conditions of the aquifers in the District and is consistent with the approved District Management Plan developed and adopted under Texas Water Code Section 36.1071.

Rule 6.2. Production Limits for All Non-Exempt Wells

a. Non-Exempt wells that were permitted prior to JULY 1, 2013 may produce the amount authorized in the permit unless the owner applies for and is granted a permit amendment to change the production limit to an amount calculated under the terms of this Rule.

b. A permit issued on or after JULY 1, 2013 for a Non-Exempt well shall include a production limit that will be established during the permitting process and will be set based on this Rule 6.2.

c. Other than as described in Rule 6.2. a. and 6.2 b., production limits shall be established on the basis of Beneficial Use without Waste. Establishing a Production Limit on the basis of Beneficial Use without Waste shall be based on:

1. A demonstration of Beneficial Use without Waste, not to exceed the maximum sustained pumping capacity of the well determined from a 24 hour pump test;

2. A demonstration of compliance with Rules 6.3, if applicable; and

3. A demonstration that the Purpose of Use and Production Limit are consistent with the approved District Management Plan.

Rule 6.3. Production Limits for Wells Supplying Community Water Systems and Retail Water Utilities. A permit for a community water system or retail public water utility that utilizes groundwater as a source of supply, the beneficial use without waste requirement shall be based on the service area instead of ownership of acreage. Once a permit is issued containing a production limit based on this section any expansion of the service area requires a permit amendment.

SECTION 7

DROUGHT MANAGEMENT

Rule 7.1. Determination of Waste. Water uses regulated or prohibited under this Rule are considered to be non-essential and continuation of such uses during times of water restrictions, as defined herein, are deemed to constitute a waste of water. Person(s) violating these rules are subject to penalties including the Districts power, as authorized by Texas Water Code 36.102, to assess civil penalties not to exceed $10,000.00 per day per violation, and that each day of a continuing violation constitutes a separate violation.

Rule 7.2. Applicability

a. The provisions of this Section shall apply to all persons or organizations, public or private, having or operating wells, or person(s) utilizing groundwater within the District, regardless of purpose of use, size, capacity, and date of drilling or ownership of the wells.

b. The District recognizes that Permit Holders within the district may have developed and utilize their own Drought Management Plans. If a Permit Holder has multiple water sources, the groundwater component must be in compliance with the current stage. The Permit Holder must either:

1. Comply with this Rule; or

2. Provide the District written documentation, as a requirement of the permit application or permit renewal application, which demonstrates to the District's satisfaction that the Permit Holder's groundwater conservation measures are sufficient to meet the intent of, and be at least as restrictive as these rules.

The District shall make a determination of sufficiency based on information presented by the Permit Holder and inform the Permit Holder of such determinations in writing.

c. The restrictions set forth shall not apply to the temporary uses of water to alleviate conditions threatening health, safety, or welfare of the public, the suppression of fires or the watering of landscape using solely grey water, surface water, harvested rain water or reclaimed water.

Rule 7.3. Initiation and Determination of Drought Stages. Each of the drought stages will be initiated by an action of the Board after analysis of the District's network of monitor wells, stream flow in the streams located within the District, cumulative rainfall, and/or other factors deemed appropriate by the Board and shall remain in effect for a minimum of 30 calendar days. Mandatory percentage reductions in groundwater use under this Rule 7.3 shall not apply to health and safety uses, such as sanitation and firefighting.

a. **Stage 1 – Year-Round Conservation. All well owners and/or users of** groundwater will minimize the use of groundwater especially for non-essential uses year-round through employment of water conservation practices. Automatic sprinklers for ornamental landscaping must be equipped with rain sensor controls and operated without causing substantial runoff. All ornamental fountains and water features must be closed loop re-circulating systems. Stage 1 is a year-round conservation program.

b. **Stage 2 - Incipient Dry Spell-Mild Drought**

1. Water Reduction for Permitted Users – Mandatory 10% reduction in groundwater use or as specified in the operating permit.

2. All other users must implement the following conservation practices:

1. Outdoor lawn and landscape irrigation by hose-end sprinklers, automatic sprinklers, soaker hoses, or drip irrigation may not be performed between the hours of 10:00 A.M. and 8:00 P.M. Hand-

held hoses or hand-held buckets are allowed at any time. Automatic sprinkler systems must be equipped with rain sensors to prevent operation during periods of rainfall.

2. Washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment must be done with a hand held hose equipped with a positive shutoff valve, or at a commercial facility.

3. Water troughs or any water receptacles with mechanical float controls shall be routinely inspected and properly maintained to prevent leaks and waste of water.

c. **Stage 3 - Moderate Drought**

1. Water Reduction for Permitted Users – Mandatory 20% reduction in groundwater use or as specified in the operating permit.

2. All other users must implement the following conservation practices. The conservation practices from Stage 2 shall remain in effect and mandatory.

1. No lawn and landscape irrigation is permitted between the hours of 10:00 A.M. and 8:00 P.M., nor on any Saturday or Sunday. Outdoor lawn and landscape irrigation shall only be allowed on the following days for residences with addresses ending in the numbers set out for each day:

Lawn and Landscape Watering Schedule

Monday	0 & 1
Tuesday	2 & 3
Wednesday	4 & 5
Thursday	6 & 7
Friday	8 & 9

2. Use of groundwater to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or spa type pools is prohibited; except on designated watering days during the designated watering hours. When such facilities are not in use, some form of surface cover shall be used to limit the evaporation of water.

3. Filling or adding groundwater to any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except on designated watering days during the designated watering hours.

d. **Stage 4 - Severe Drought**

1. Water Reduction for Permitted Users – Mandatory 30% reduction in groundwater use or as specified in the operating permit.

2. The conservation practices from Stage 3 shall remain in effect and mandatory. When initiating this Stage, the Board may impose one or more of the following conservation practices:

   A. All outdoor lawn and landscape irrigation, including the irrigation of new lawns and landscaping is limited to one day a week per the Lawn and Landscape Watering Schedule.

   B. The use of groundwater for washing sidewalks, driveways, parking areas, streets, tennis courts, or other paved impermeable areas, except to alleviate health or fire hazards is prohibited.

   C. The watering of the ground around foundation to prevent foundation cracking with groundwater is permitted only during times designated for lawn and landscape irrigation, unless watering is accomplished by a drip system or a hand-held hose, then foundation watering may be done at any time.

   D. The operation, other than for basic filtration and/or recirculation, of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited. Filling of ponds, lakes, tanks, reservoirs, swimming pools or other surface impoundments with groundwater is prohibited. Groundwater may be added to pools to replace water lost due to use or evaporation during times when landscape irrigation is allowed.

   E. Washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment, utilizing groundwater, is prohibited unless it is on the premises of a commercial car wash, service station, or a private facility that utilizes a recycled water system. Charity carwashes are prohibited.

e. **Stage 5 - Extreme Drought**

1. Water reduction for permitted users – Mandatory 40% reduction in groundwater use or as specified in the operating permit.

2. The conservation practices from Stage 4 shall remain in effect and mandatory. When initiating this Stage, the Board may impose one or more of the following conservation practices:

   A. Irrigation of lawns and landscaped areas shall be limited to once a week on the schedule designated in these rules as Lawn and

Landscape Watering Schedule), and shall be by means of hand-held hoses or hand-held buckets only. No hose-end sprinklers or automatic sprinklers are allowed at any time.

B. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare.

C. Use of groundwater for construction activities is prohibited, unless authorized by an operating permit.

D. The irrigation of a domestic or home garden with groundwater shall be limited to an area of 5,000 square feet and shall be by means of drip irrigation, hand-held hoses with a positive shut off device or hand-held buckets only.

f. **Stage 6 – Extreme Drought Emergency**

1. Water Reduction for Permitted Users – Mandatory 50% reduction in groundwater use or as specified in the operating permit.

2. The following requirements are for community water systems and retail water utilities:

A. No additional, expanded or increase-in-size water service connections, meters, service lines, pipeline extensions, mains or water service facilities of any kind shall be allowed or approved if groundwater is used.

B. In the event of system failure, the water supply will be managed by such measures necessary to maintain public health and safety, including elimination of service to part or all of the water system.

3. Irrigation of hay crops is prohibited, unless specified in an operating permit.

4. The conservation practices from Stage 5 shall remain in effect and mandatory. When initiating this Stage, the Board may impose one or more of the following conservation practices:

A. Irrigation of lawn and landscape areas is prohibited at all times.

B. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or any other mobile vehicle is prohibited at all times.

C. The filling, refilling, or adding of groundwater to private swimming, or spa type pools for any reason is prohibited.

D. The issuance of new well drilling permits, operating permits and amendments may be suspended except to replace an existing well.

E. Other measures deemed necessary by the Board to protect public health and safety.

SECTION 8
INVESTIGATIONS AND ENFORCEMENT

Rule 8.1. Complaints and Investigations

a. All complaints shall be submitted or recorded on a District complaint form. These forms are available at the District office. If a complaint is made verbally, by telephone, or in person, District personnel will ensure that the information is recorded on a District complaint form. The complainant must inform the District if the complaint claims to qualify as an "aggrieved party" under the citizen suit provision of Texas Water Code § 36.119.

b. For purposes of this Section and Texas Water Code § 36.119, an aggrieved party is a landowner or other person who has a right to produce groundwater from land that is adjacent to the land on which the well subject to the complaint is located, or who owns or otherwise has a right to produce groundwater from land that lies within one-half mile of the subject well.

c. A complainant may ask to remain anonymous, unless they want to qualify as an aggrieved party under the citizen suit provision of Texas Water Code § 36.119.

d. Upon the submission of a complaint or if it appears that that a person has violated or is violating any provision of the District's rules or a District order, a District representative will investigate promptly and will record his or her findings in a written investigation report. District employees and agents are entitled to enter any public or private property within the boundaries of the District at any reasonable time for the purpose of inspecting and investigating compliance with any rule, regulation, permit, or other order of the District or conditions relating to water quality. District employees or agents acting under this authority who enter private property will notify the landowner or any occupant of their presence, will exhibit proper credentials, and will abide by the landowner's rules concerning safety, internal security, and fire protection, and other reasonable requests.

e. A copy of the investigation report will be sent to the well owner or driller who is the subject of the complaint. If the complainant has provided his name and address, a copy of the investigation report will be sent to the complainant. If the investigation report findings reflect the possibility of noncompliance with the District's rules or a District order, the District may employ any of the following means, or a combination thereof, in issuing a Notice of Violation:

    1. Informal Notice: District staff may by telephone, email, or otherwise inform the person of the apparent violation and the steps necessary to cure the violation and of an opportunity to explain and/or refute the apparent violation. The information received by the District through this informal

notice concerning the violation and the date and time of the telephone call will be documented and will remain in the District's files. Nothing in this subsection shall limit the authority of the District to take action, including emergency actions or any other appropriate enforcement action, without prior notice.

2. Written Notice of Violation: The District may inform the person of the apparent violation. Each notice of violation issued herein shall explain the basis of the violation, identify the rule or order that has been violated or is currently being violated, and list specific required actions that must be satisfactorily completed to cure a past or present violation to address each violation raised, and may refer to the applicable civil penalties. Notice of a violation issued herein shall be provided through a delivery method in compliance with these Rules. Nothing in this Subsection shall limit the authority of the District to take action, including emergency actions or any other appropriate enforcement action.

3. Compliance Meeting: The District may hold a meeting with any person whom the District believes to have violated, or to be violating, a District rule or order to discuss each such violation and the steps necessary to satisfactorily remedy each such violation. The General Manager may conduct a compliance meeting without the Board. The information received in any meeting conducted pursuant to this subsection concerning the violation will be documented, along with the date and time of the meeting, and will be kept on file with the District. Nothing in this subsection shall limit the authority of the District to take action, including emergency actions or any other appropriate enforcement action.

Rule 8.2. Show Cause Hearing

a. Upon the Board President's or General Manager's initiative and behalf of the District's Board, the District may order any person that appears to have violated or to be violating any provision of the District's rules or a District order to appear before the Board at a public meeting held in accordance with the Texas Open Meetings Act, and called for such purpose and to show cause of the reasons an enforcement action, including the assessment of civil penalties and initiation of a suit in a court of competent jurisdiction in Crockett County, should not be pursued against the person made the subject of the show cause hearing. In addition to the Texas Open Meetings Act notice, the District will serve on each person made the subject of the show cause hearing a written notice 10 calendar days prior to the date of the hearing. Such notice shall include all of the following information:

(1) the time, date, and place for the hearing; and
(2) the basis of each apparent, alleged violation; and
(3) the rule or order that appears to have been violated or is currently being violated; and

(4) a request that the person duly appear and show cause of the reasons an enforcement action should not be pursued.

The notice will be provided by certified mail, return receipt requested, hand delivery, first class mail, facsimile, email, FedEx, UPS, or any other type of public or private courier or delivery service. If the District is unable to provide notice to the alleged violator by any of these forms of notice, the District may tape the notice on the door of the alleged violator's office or home, or post notice in the newspaper of general circulation in the District and within the county in which the alleged violator resides or in which the alleged violator's office is located.

b. The Presiding Officer may employ the procedural rules of the District's rules applicable to permit hearings at the show cause hearing. During the show cause hearing the District may afford an opportunity to the alleged violator to cure a violation through coordination and negotiation with the District.

c. The District may pursue immediate enforcement action against the person cited to appear in any show cause order issued by the District where the person cited fails to appear and show cause of the reasons an enforcement action should not be pursued. Nothing in this rule shall constrain the authority of the District to take action, including emergency actions or any other enforcement action, against a person at any time, regardless of whether the District decides to hold a hearing under this Section.

Rule 8.3. Remedies

a. The Board shall consider the appropriate remedies to pursue against an alleged violator during the show cause hearing, including assessment of a civil penalty, injunctive relief, or assessment of a civil penalty and injunctive relief. In assessing civil penalties, the Board may determine that each day that a violation continues shall be considered a separate violation. The civil penalty for a violation of any District rule is hereby set at the lower of $10,000.00 per violation or a lesser amount determined after consideration, during the enforcement hearing, of the criteria in subsection (b) of this rule and the penalty schedule at Appendix 1 of these Rules.

b. In determining the amount of a civil penalty, the Board shall consider the following factors:

(1) compliance history;
(2) efforts to correct the violation and whether the violator makes a good faith effort to cooperate with the District;
(3) the penalty amount necessary to ensure future compliance and deter future noncompliance;
(4) any enforcement costs related to the violation; and
(5) any other matters deemed necessary by the Board.

c. The District shall collect all past due fees and civil penalties accrued that the District is entitled to collect under the District's rules. Any person or entity in violation of these rules is subject to all past due fees and civil penalties along with all fees and penalties occurring as a result of any violations that ensue after the District provides written notice of a violation. Failure to pay required fees will result in a violation of the District's rules and such failure is subject to civil penalties.

d. After conclusion of the show cause hearing, the District may commence suit. Any suit shall be filed in a court of competent jurisdiction in Crockett County. If the District prevails in a suit brought under this Section, the District may seek in the same action, recovery of legal fees, costs for expert witnesses, and other costs incurred by the District before the Court.

Rule 8.4. Sealing of Wells

a. Following notice to the well owner and operator and upon resolution by the Board, the District may seal wells that are prohibited from withdrawing groundwater within the District to ensure that such wells are not operated in violation of the District's rules. A well may be sealed when: (1) no application has been made for a permit to drill a new water well which is not excluded or exempted; or (2) no application has been made for a Production permit to withdraw groundwater from an existing well that is not excluded or exempted from the requirement that a permit be obtained in order to lawfully withdraw groundwater; or (3) the Board has denied, canceled or revoked a drilling permit or a Production permit.

b. The well may be sealed by physical means, and tagged to indicate that the well has been sealed by the District, and other appropriate action may be taken as necessary to preclude operation of the well or to identify unauthorized operation of the well.

c. Tampering with, altering, damaging, or removing the seal of a sealed well, or in any other way violating the integrity of the seal, or pumping of groundwater from a well that has been sealed constitutes a violation of these rules and subjects the person performing that action, as well as any well owner or primary operator who authorizes or allows that action, to such penalties as provided by the District's rules.

Rule 8.5. Capping and Plugging of Wells

a. 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 co-mingling of water strata, in which case the well must be plugged. The cap must be capable of sustaining a weight of at least four hundred (400) pounds and must be constructed with a water tight seal to

prevent entrance of surface pollutants into the well itself, either through the well bore or well casing.

b. 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 (Title 16 of the Texas Administrative Code, 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.

Any person that plugs a well in the District must submit a copy of the plugging report to the District and the Texas Department of License and Regulation within 30 calendar days of plugging completion.

c. If the owner or lessee fails or refuses to plug or cap the well in compliance with this rule and District standards within 30 calendar days after being requested to do so in writing by an officer, agent, or employee of the District, then, upon Board approval, any person, firm, or corporation employed by the District may go on the land and plug or cap the well safely and securely, pursuant to Texas Water Code Section 36.118.

d. Reasonable expenses incurred by the District in plugging or capping a well constitutes a lien on the land on which the well is located. The District shall perfect the lien by filing in the deed records an affidavit, executed by any person conversant with the facts, stating the following:

1. the existence of the well;
2. the legal description of the property on which the well is located;
3. the approximate location of the well on the property;
4. the failure or refusal of the owner or lessee, after notification, to close the well within 30 calendar days after the notification;
5. the closing of the well by the District, or by an authorized agent, representative, or employee of the District; and
6. the expense incurred by the District in closing the well.

SECTION 9

PERMIT HEARINGS AND APPEALS

Rule 9.1. Permit Hearings

a. All hearings shall be held before a quorum of the Board, a hearings examiner delegated in writing the responsibility to preside over the hearing, or SOAH in accordance with these District Rules.

b. Notice, Scheduling, and Party Status

1. Notices of all hearings of the District shall be prepared by the General Manager and shall, at a minimum, state the following information:

A. the name and address of the applicant or permit holder;
B. the name or names of the owner or owners of the land if different from the applicant or permit holder;
C. the time, date, and location of the hearing;
D. the address or approximate proposed location of the well or Well System, if different than the address of the applicant or permit holder;
E. 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, or if the Board desires to modify an existing permit, a brief explanation of the proposed permit modification and the basis for the proposed modification; and
F. any other information the Board or General Manager deems appropriate to include in the notice.

2. Not less than 10 calendar days prior to the date of the hearing, notice shall be:
A. posted by the General Manager at a place readily accessible to the public in the District office;
B. provided by the General Manager to the County Clerk of Crockett County, whereupon the County Clerk shall post the notice on a bulletin board at a place convenient to the public in the county courthouse; and
C. provided to the applicant by regular mail.

3. A person may request notice from the district of a hearing on a permit or a permit amendment application. The request shall be memorialized 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 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, fax, or email to the person in accordance with the information provided by

the person is proof that notice was provided by the District. Failure to provide notice under Subsection (c) does not invalidate an action taken by the District at the hearing.

4. The Board will conduct an evidentiary hearing on a permit or permit amendment application if any party, including the General Manager or any other third party to the District, appears to protest that application, unless the applicant or other party in a contested hearing requests the District to contract with SOAH to conduct the evidentiary hearing. If no one appears at the initial, preliminary hearing, the permit or permit amendment application is considered uncontested, and the Board may act on the permit application after considering the evidence and permitting criteria in these Rules. Unless one of the parties in a contested hearing requests a continuance and demonstrates good cause for the continuance, the Board may conduct the initial, preliminary hearing and evidentiary hearing on the same date.

   A. Any hearing may or may not be scheduled during the District's regular business hours, Monday through Friday of each week, except District holidays. All hearings shall be held at the location set forth in the notice, and shall be at a location determined by the Board after the Board considers logistics, expense and convenience of the parties and District.

   B. The General Manager shall set an initial, preliminary hearing date within 60 calendar days after the date the application is administratively complete. The initial, preliminary hearing shall be held within 35 calendar days after the setting of the date. Within this same time frame, the General Manager shall post notice on the application before the District Board as specified in these Rules.

   C. Who May Appear: All persons appearing to provide public comment or to attempt to qualify as a party in a contested hearing must complete a hearing registration form provided by the District. Only the General Manager and any person determined by the Presiding Officer to be qualified as a party may participate in the contested hearing. A person is qualified to participate in a contested hearing if they establish that they have a personal justiciable interest that is within the District's regulatory authority and affected by a permit or permit amendment application, and that is not an interest common to members of the public, or if the person is entitled to such a hearing as a matter of law pursuant to Chapter 36 of the Texas Water Code.

c. Admissibility of Evidence: Except as modified by these rules and to the extent consistent with these rules and Chapter 36 of the Texas Water Code and the District's Enabling Legislation, the Texas Rules of Evidence govern the

admissibility and introduction of evidence; however, evidence not admissible under the Texas Rules of 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. It is intended that needful and proper evidence shall be conveniently, inexpensively and speedily produced while preserving the substantial rights of the parties to the proceedings. If the Presiding Officer believes that a proceeding will be expedited and the interests of the parties not substantially prejudiced, testimony may be received in written form, in which case 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. If written testimony is admitted, the witness will be subject to clarifying questions and to cross-examination, and the prepared written testimony will be subject to objection.

d. Reporting: Hearings will be recorded on audio cassette tape or, if authorized by the Presiding Officer, by a certified shorthand reporter. The District does not prepare transcriptions for the public of hearings recorded on audio cassette tape on District equipment, but will arrange for a party in interest to have access to the recording. Subject to availability of space, any party at interest may, at its own expense, arrange for a certified shorthand reporter to report the hearing or other proceeding or for recording of the hearing. The cost of reporting or transcribing a permit hearing may be assessed by the Presiding Officer.

1. If a proceeding other than a permit hearing is recorded by a reporter, and a copy of the transcript of testimony is ordered by any person, the testimony will be transcribed and the original transcript filed with the papers of the proceeding at the expense of the person requesting the transcript of testimony. Copies of the transcript of testimony of any hearing or other proceeding thus reported may be purchased from the reporter.

2. 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.

3. If a hearing is uncontested, the Presiding Officer may substitute minutes for the hearing report required under these rules and § 36.410 of the Texas Water Code for a method of recording the hearing provided by § 36.410(a).

e. Authority of Presiding Officer: The Presiding Officer may conduct preliminary and evidentiary hearings or other proceedings in the manner the Presiding Officer deems most appropriate for the particular hearing. The Presiding Officer has the authority to:

1. set hearing dates, other than the initial, preliminary hearing date for permit matters;
2. convene the hearing at the time and place specified in the notice for public hearing;
3. rule on motions;
4. permit the receipt of and rule on the admissibility of evidence consistent with Subchapter D, Chapter 2001, Texas Government Code;
5. establish the order for presentation of evidence;
6. administer oaths to all persons presenting testimony;
7. examine and allow cross-examination of witnesses;
8. ensure that information and testimony are introduced as conveniently and expeditiously as possible, without prejudicing the rights of any party to the proceeding;
9. conduct public hearings in an orderly manner in accordance with these rules;
10. recess any hearing from time to time and place to place;
11. issue subpoenas, require depositions, or order other discovery consistent with Subchapter D, Chapter 2001, Texas Government Code;
12. exercise any other appropriate powers necessary or convenient to effectively carry out the responsibilities of Presiding Officer;
13. determine standing, party status, and/or any personal justiciable interest raised by an applicant or any other party; and
14. determine how to apportion among the parties the costs related to a contract for the services of a Presiding Officer and the preparation of the official hearing record.

f. Closing the Record; Proposal for Decision: At the conclusion of the presentation of evidence and any oral argument, the Hearings Examiner or Presiding Officer may either close the record or keep it open and allow the submission of additional evidence, exhibits, briefs, or proposed findings and conclusions from one or more of the parties. No additional evidence, exhibits, briefs, or proposed findings and conclusions may be filed unless permitted or requested by the Hearings Examiner or Presiding Officer. After the record is closed, the Hearings Examiner or Presiding Officer shall prepare and submit a Proposal for Decision ("PFD") to the Board, applicant, and each person who provided comments or each designated party not later than the 30th day after the date a hearing is concluded. The PFD will include a summary of the evidence, together with the Hearings Examiner's or Presiding Officer's findings and conclusions and recommendations for action. The Presiding Officer may direct the General Manager or another District representative to prepare the PFD and recommendations required by this Rule. Upon completion and

issuance of the Hearings Examiner's or Presiding Officer's PFD, a copy will be submitted to the Board and delivered to each party to the proceeding. In a contested case, delivery to the parties will be by certified mail. 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 § 36.408(a) of the Texas Water Code, the Presiding Officer shall determine whether to prepare and submit a PFD under this section, but shall not be required to prepare a PFD. If a PFD is prepared, then prior to Board action any party in a contested case may file written exceptions to the Hearings Examiner's or Presiding Officer's PFD, and any party in an uncontested case may request an opportunity to make an oral presentation of exceptions to the Board. Upon review of the report and exceptions, the Hearings Examiner or Presiding Officer may reopen the record for the purpose of developing additional evidence, or may deny the exceptions and submit the PFD and exceptions to the Board. The Board may, at any time and in any case, remand the matter to the Hearings Examiner or Presiding Officer for further proceedings.

g. Time for Board Action on Certain Permit Matters: In the case of hearings involving original permit applications, or applications for permit renewals or amendments, the Hearings Examiner's or Presiding Officer's PFD should be submitted, and the Board should act, within 60 calendar days after the close of the hearing record. The Board shall consider the PFD at a final hearing. Additional evidence may not be presented during this final hearing, however the parties may present oral argument to summarize the evidence, present legal argument, or argue an exception to the PFD. A final hearing may be continued in accordance with § 36.409 of the Texas Water Code if good cause is shown.

h. Uncontested Hearings: If no persons timely protest an application and the General Manager proposes to grant the application, the application shall be considered uncontested and the General Manager may act on the application without subjecting the application to a permit hearing before the Board. Alternatively, 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.

i. 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.

j. If, during a contested case hearing, all parties contesting the application withdraw their protests or are found by the Board not to be qualified as a party , or the parties reach a negotiated or agreed settlement which, in the judgment of the Board, settles the facts or issues in controversy, the proceeding will be considered an uncontested hearing and the Board may take any action authorized for an uncontested application.

Rule 9.2. SOAH Hearings

a. Request for SOAH Hearing: If an application is contested, any party to the hearing may request that the District contract with SOAH to conduct further proceedings in the hearing. A request for a SOAH hearing under this rule must be made to the Board at the initial, preliminary hearing and is untimely if submitted after the conclusion of the initial, preliminary hearing. The Board, on its own volition, may contract with SOAH to conduct a contested hearing.

b. Deadline, Location: If timely requested by the applicant or other party to a contested hearing, the District shall contract with SOAH to conduct the hearing on the application. The Board shall determine whether the SOAH hearing will be held in Travis County or at the District Office or other location within the District, after considering the interests and convenience of the parties, and the expense of a SOAH contract.

c. Costs, Deposit: The party requesting that the hearing be conducted by SOAH shall pay all costs associated with the contract for the hearing and shall make a deposit with the District in an amount that is sufficient to pay the estimated SOAH contract amount before the hearing begins. If the total cost for the contract exceeds the amount deposited by the paying party at the conclusion of the hearing, the party that requested the hearing shall pay the remaining amount due to pay the final price of the contract. If there are unused funds remaining from the deposit at the conclusion of the hearing, the unused funds shall be refunded to the paying party.

d. Referral: Upon execution of a contract with SOAH and receipt of the deposit from the appropriate party or parties, the District's Presiding Officer shall refer the application to SOAH. The Presiding Officer's referral to SOAH shall be in writing and shall include procedures established by the Presiding Officer under Rule 9.1(e); a copy of the permit application, all evidence admitted at the preliminary hearing, the District's rules and other relevant policies and precedents, the District Management Plan, and the District's Enabling Legislation; and guidance and the District's interpretation regarding its regulations, permitting criteria, and other relevant law to be addressed in a Proposal for Decision and Findings of Fact and Conclusions of Law to be prepared by SOAH. The District or Presiding Officer

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. SOAH may certify one or more questions to the District's Board seeking the District Board's guidance on District precedent or the District Board's interpretation of its regulations or other relevant law, in which case the District's Board shall reply to SOAH in writing.

e. Procedure before SOAH: A hearing conducted by SOAH is governed by SOAH's procedural rules; Subchapters C, D, and F, Chapter 2001, Texas Government Code; and, to the extent, not inconsistent with these provisions, any procedures established by the Presiding Officer under Rule 9.1(e).

f. District's Receipt of SOAH's Proposal for Decision and Findings of Fact and Conclusions of Law: The District's Board shall conduct a hearing within 45 calendar days of receipt of SOAH's Proposal for Decision and Findings of Fact and Conclusions of Law, and shall act on the application at this hearing or no later than 60 calendar days after the date that the Board's final hearing on the application is concluded in a manner consistent with Section 2001.058, Texas Government Code. At least 10 calendar days prior to this hearing, the Presiding Officer shall provide written notice to the parties of the time and place of the Board's hearing under this subsection by mail and fax, for each party with a fax number. The Presiding Officer shall exercise his or her authority under Rule 9.1(e) in conducting this hearing.

g. Board Action After SOAH: The 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 Law Judge, only if the Board determines:

1. that the Administrative Law Judge did not properly apply or interpret applicable law, District Rules, written policies, or prior administrative decisions;
2. that a prior administrative decision on which the Administrative Law Judge relied is incorrect or should be changed; or
3. that a technical error in a finding of fact should be changed.

Rule 9.3. Final Action and Appeal

a. 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. In deciding whether or not to issue or amend a permit, and in setting the permitted volume and other terms of a permit, the Board must consider whether:

1. the application contains accurate information and conforms to the requirements prescribed by Chapter 36, Texas Water Code;

2. the water well(s) complies with spacing and production limitations identified in these rules;
3. the proposed use of water does or does not unreasonably affect existing groundwater and surface water resources or existing permit holders;
4. the proposed use of water is dedicated to a beneficial use;
5. the proposed use of water is consistent with the District Management Plan;
6. the applicant agrees 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; and
8. for those hearings conducted by SOAH under this Section of the Rules, the Board shall consider the Proposal for Decision and Findings of Fact and Conclusions of Law issued by SOAH.

b. In deciding whether or not to modify a permit, and in setting the modified permitted volume and other terms of a permit, the Board must consider whether the data from monitoring wells within the source aquifer or other evidence reflects:

1. an unacceptable level of decline in water quality of the aquifer;
2. that modification of the permit is necessary to prevent waste and achieve water conservation;
3. that modification of the permit will minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure;
4. that modification of the permit will lessen interference between wells;
5. that modification of the permit will control and prevent subsidence; and
6. that modification of the permit is necessary to avoid impairment of Desired Future Conditions.

c. The Board shall consider the relevant criteria and observe the relevant restrictions and may exercise the authority set forth in Sections 36.113, 36.1131, and 36.122 of the Texas Water Code. In issuing permits, the District shall manage total groundwater production on a long-term basis to achieve an applicable Desired Future Condition and consider:

1. the Modeled Available Groundwater;
2. the TWDB Executive Administrator's estimate of the current and projected amount of groundwater produced under exemptions granted by these District Rules and Section 36.117, Texas Water Code;
3. the amount of groundwater authorized under permits previously issued by the District;
4. reasonable estimate of the amount of groundwater that is actually produced under permits issued by the District; and
5. yearly precipitation and production patterns.

d. The District may not impose any restrictions on the production of groundwater for use outside of the District other than imposed upon production for in-district use, and

shall be fair, impartial, and nondiscriminatory.

e. Requests for Written Findings and Conclusions: 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 requesting written findings of facts and conclusions of law not later than the 20th day after the date of the board's decision. On receipt of a timely written request, the Board shall make written findings 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 and conclusions to the person who requested them, and to each designated party, no later than the 35th day after the date the Board receives the request.

f. Requests for Rehearing: A party to a contested hearing may request a rehearing not later than the 20th day after the date the board issues the findings of facts and conclusions of law. A party to a contested hearing must first make a request for written findings and conclusions under Subsection (e) above before submitting a request for rehearing under this rule.

1. A request for rehearing must be filed in the district office and must state the grounds for the request. The party requesting a rehearing must provide copies of the request to all parties to the hearing.
2. 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.
3. 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.
4. An applicant or party to a contested hearing may not file suit against the district if a request for rehearing was not timely filed under this Rule.

g. Request for Reconsideration: Any decision of the District, including any determinations made by the General Manager, on a matter not covered under any other section of these Rules may be appealed to the Board by requesting reconsideration of the decision within 20 calendar days of the decision. Such a request for reconsideration must be filed at the District Office in writing and must state clear and concise grounds for the request. If the request is granted by the Board, the Board will make a decision within 45 calendar days thereafter, unless otherwise agreed to by the parties to the proceeding. The failure of the Board to grant or deny the request for reconsideration within 45 calendar days of submission will be deemed to be a denial of the request.

Rule 9.4. Hearings on Desired Future Conditions

a. Upon receipt of proposed Desired Future Conditions from the Groundwater Management Area's district representatives, a public comment period of 90 calendar days commences, during which the District will receive written public comments and conduct at least one hearing to allow public comment on the

proposed Desired Future Conditions relevant to the District. The District will make available at the District Office a copy of the proposed Desired Future Conditions and any supporting materials, such as the documentation of factors considered under Subsection 36.108(d) and groundwater availability model run results. At least 10 calendar days before the hearing, the Board must post notice that includes:

1. the proposed Desired Future Conditions and a list of any other agenda items;
2. the date, time, and location of the hearing;
3. the name, telephone number, and address of the person to whom questions or requests for additional information may be submitted;
4. the names of the other districts in the District's management area; and
5. information on how the public may submit comments.

b. Except as provided by this subsection, the hearing and meeting notice must be provided in the manner prescribed for a rulemaking hearing under Rule 1.3 and § 36.101(d) of the Texas Water Code.

c. After the public hearing, the District shall compile for consideration at the next joint planning meeting a summary of relevant comments received, any suggested revisions to the proposed Desired Future Conditions, and the basis for any suggested revisions.

d. As soon as possible after the District receives the Desired Future Conditions resolution and explanatory report from the Groundwater Management Area's district representatives pursuant to § 36.108(d-3) of the Texas Water Code, the Board shall adopt the Desired Future Conditions in the resolution and explanatory report that apply to the District. The Board shall issue notice of its meeting at which it will take action on the Desired Future Conditions in accordance with Subsection (a) of this Rule.

Rule 9.5. Appeal of Desired Future Conditions

a. Not later than 120 calendar days after the date on which the District adopts a Desired Future Condition under Subsection 36.108(d-4), Texas Water Code, a person determined by the District to be an Affected Person may file a petition appealing the reasonableness of a Desired Future Condition. The petition must include:

1. evidence that the petitioner is an Affected Person;
2. a request that the District contract with SOAH to conduct a hearing on the petitioner's appeal of the reasonableness of the Desired Future Condition;
3. evidence that the districts did not establish a reasonable Desired Future Condition of the groundwater resources within the relevant Groundwater Management Area.

b. Not later than 10 calendar days after receiving a petition described by Subsection (a), the District's Presiding Officer shall determine whether the petition was timely filed and meets the requirements of Rule 8.7(a) and, if so, shall submit a copy of the petition to the TWDB. If the petition was untimely or did not meet the requirements of Rule 8.7(a), the District's Presiding Officer shall return the petition to the petitioner advising of the defectiveness of the petition. Not later than 60 calendar days after receiving a petition under Rule 8.7(a), the District shall:

1. contract with SOAH to conduct the requested hearing; and
2. submit to SOAH a copy of any petitions related to the hearing requested under Rule 8.7(a) and received by the District

c. A hearing under District Rule 8.7 must be held:

1. at the District office or Crockett County Courthouse unless the District's Board provides for a different location; and
2. in accordance with Chapter 2001, Texas Government Code, and SOAH's rules.

d. Not less than 10 calendar days prior to the date of the SOAH hearing under this rule, notice shall be issued by the District and meet the following requirements:

1. state the subject matter, time, date, and location of the hearing;
2. be posted at a place readily accessible to the public at the District's office;
3. be provided to the County Clerk of Crockett County, whereupon the County Clerk shall post the notice on a bulletin board at a place convenient to the public in the County Courthouse; and
4. be sent by certified mail, return receipt requested; hand delivery; first class mail; fax; email; FedEx; UPS; or any other type of public or private courier or delivery service to:

A. the petitioner;
B. any person who has requested notice in writing to the District;
C. each nonparty district and regional water planning group located within the same Groundwater Management Area as a district named in the petition;
D. TWDB's Executive Administrator; and
E. TCEQ's Executive Director.

If the District is unable to provide notice by any of these forms of notice, the District may tape the notice on the door of the individual's or entity's office or home, or post notice in the newspaper of general circulation in the District and within the county in which the person or entity resides or in which the person's or entity's office is located.

e. Before a hearing is conducted under this rule, SOAH shall hold a prehearing conference to determine preliminary matters, including:

1. whether the petition should be dismissed for failure to state a claim on which relief can be granted;
2. whether a person seeking to participate in the hearing is an Affected Person who is eligible to participate; and
3. each Affected Person that shall be named as a party to the hearing.

f. The petitioner shall pay the costs associated with the contract for the hearing conducted by SOAH under this rule. The petitioner shall deposit with the District an amount sufficient to pay the contract amount before the hearing begins. After the hearing, SOAH may assess costs to one or more of the parties participating in the hearing and the District shall refund any money exceeding actual hearing costs to the petitioner. SOAH shall consider the following in apportioning costs of the hearing:

1. the party who requested the hearing;
2. the party who prevailed in the hearing;
3. the financial ability of the party to pay the costs;
4. the extent to which the party participated in the hearing; and
5. any other factor relevant to a just and reasonable assessment of costs.

g. On receipt of the SOAH Administrative Law Judge's findings of fact and conclusions of law in a proposal for decision, which may include a dismissal of a petition, the District shall issue a final order stating the District's decision on the contested matter and the District's findings of fact and conclusions of law. The District 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 Law Judge, as provided by Section 2001.058(e), Texas Government Code.

h. If the District vacates or modifies the proposal for decision, the District shall issue a report describing in detail the District's reasons for disagreement with the Administrative Law Judge's findings of fact and conclusions of law. The report shall provide the policy, scientific, and technical justifications for the District's decision.

i. If the District in its final order finds that a Desired Future Condition is unreasonable, not later than the 60th calendar day after the date of the final order, the District shall coordinate with the districts in the Groundwater Management Area at issue to reconvene in a joint planning meeting for the purpose of revising the Desired Future Condition found to be unreasonable in accordance with the procedures in Section 36.108, Texas Water Code.

j. The Administrative Law Judge may consolidate hearings requested under this rule that affect two or more districts. The Administrative Law Judge shall prepare separate findings of fact and conclusions of law for each district included as a party in a multidistrict hearing.

APPENDIX 1

Schedule of Penalties for Non-Compliance	**Minimum Penalty**
Non-Compliant Action	-
Failure to notify District of drilling activity, location, date, and time.	$250.00
Failure to obtain a drilling permit or drilling a well without a permit	$1,000.00
Failure to notify District of date and time of setting casing and/or annular space sealing	$250.00

APPENDIX 2

RULE ADOPTION AND REVISION RECORDS

Date Adopted	Effective Date
Rules of the Emerald Underground Water Conservation District	September 14, 1992
Rules of the Crockett County Groundwater Conservation District	July 1, 2013
Amendments to the Rules of the Crockett County Groundwater Conservation District	February 6, 2017

APPENDIX 3

BYLAWS OF THE CROCKETT COUNTY GROUNDWATER CONSERVATION DISTRICT