Last Amended October 15, 2025

RULES OF THE LOST PINES GROUNDWATER CONSERVATION DISTRICT

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Last Amended October 15, 2025

RULES OF THE
LOST PINES GROUNDWATER CONSERVATION DISTRICT

Notice of proposed amendments to the Rules of the Lost Pines Groundwater Conservation District was timely provided and the rules were last amended by Board action on October 16, 2024.

In accordance with Section 59 of Article XVI of the Texas Constitution and Act of Senate Bill 1911, 76th Texas Legislature, and the non-conflicting provisions of Chapter 36, Texas Water Code the following Rules are hereby ratified and adopted as the Rules of this District by its Board. Each rule as worded herein has been in effect since the date of passage and as may be hereafter amended.

The Rules, regulations, and modes of procedure herein contained are and have been adopted to simplify procedures, avoid delays, and facilitate the administration of the water laws of the State and the Rules of this District. To the end that these objectives are attained, these Rules will be so construed.

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

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

If any section, sentence, paragraph, clause, or part of these rules and regulations should be held or declared invalid for any reason by a final judgment of the courts of the State or of the United States, such decision or holding may not affect the validity of the remaining portions of these rules; and the Board does hereby declare that it would have adopted and promulgated such remaining portions of such rules irrespective of the fact that any other sentence, section, paragraph, clause, or part thereof may be declared invalid.

These Rules are effective as of October 16, 2024 and apply to all matters before the District on or after that date.

SECTION 1: DEFINITIONS

"**Agriculture**" means:

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

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

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

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

(5) wildlife management; and

(6) raising or keeping equine animals.

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

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

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

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

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

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

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

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

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

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

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

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

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

"Contiguous Acre" means the land and the water rights: (i) are located within the District; (ii) are owned or controlled by the Well Owner; (iii) are on one or more tracts that are adjacent each to the other and are located within a continuous common boundary with the land on which the well is located or share a common point or corner with the land on which the well is located; (iv) are associated with the same Aquifer Unit as that for which production is to be permitted for the well; and (v) do not include any land assigned to the contiguous acreage of any other well screened in the same Aquifer Unit. A Retail Public Utility with a certificate of convenience and necessity (CCN) issued by the State of Texas may claim any acre of land receiving water service within the CCN and as contiguous acreage any land supporting a registered well in the same Aquifer Unit or land assigned to the contiguous acreage of any other well in the same Aquifer Unit. The land and water rights that are owned or controlled by the Well Owner may be separated by a road, highway, railroad or other right-of-way, or river from the other land and water rights within the District that are owned or controlled by the Well Owner. This definition will not be applied to any permits issued by the district before June 21, 2023 unless an existing Operating Permit is being amended to increase permitted production.

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

"**Current Available Groundwater Drawdown**" is a measurement of the height at which water rises under artesian pressure above the Carrizo Sand formation in a water well.

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

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

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

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

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

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

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

"**Domestic Use**" means use of water by an individual or a household to support domestic activity. Such use may include water for drinking, washing, or culinary purposes; for irrigation of lawns, or of a family garden and/or orchard; for watering of domestic animals; and for water recreation including aquatic and wildlife enjoyment. Domestic use does not include water used to support activities for which consideration is given or received or for which the product of the activity is sold.

"**Drilling Permit**" means the permit authorized by Rule 4.3.

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

"**Exempt well**" means a well with an exempt use, pursuant to Texas Water Code Sec. 36.117, that is not required to obtain an Operating Permit, as described in Rule 3.1.

"**Export Fee**" means a fee, adopted in accordance with Rule 2.3, to be paid to the District for the amount of water transported outside the District boundaries, as authorized by Acts 2023, 88th Leg., R.S., H. B. 3059, eff. Sept. 1, 2023, and codified in Texas Water Code section 36.122(e)(3), (e-1) (referred to here as the "General Law"). Pursuant to Texas Water Code section 36.122(e-2), the District opts out of assessing the expert fee under its Special Law, Special Dist. Loc. Laws Code section 8849.151, and opts into assessing an expert fee under the General Law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or livestock raising purposes.

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

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

(4) The pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground.

(5) Willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well, unless such discharge is authorized by permit, rule, or order issued by the TCEQ under chapter 26 of the Texas Water Code.

(6) Groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge.

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

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

(9) Operating a Deteriorated Well.

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

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

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

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

[Adopted 11/14/12; definition of "Production Fee" amended 12/18/12; effective 1/1/13; definition of "Reservation Fee" deleted and definition of "SOAH" added 4/20/16; amended 3/15/23; amended 6/21/23; amended 10/25/23; definition of "Current Available Groundwater Drawdown" added and effective 10/16/2024}]

SECTION 2: GENERAL PROVISIONS

Rule 2.1 Board of Directors

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

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

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

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

Rule 2.2 General Manager

A. **Authority.** The Board may employ a person to be the General Manager, who is the chief administrative officer of the District. The General Manager will have full authority to manage and operate the affairs of the District, subject only to the direction given by the Board through policies and orders adopted by the Board. At least annually, the Board will determine the compensation to be paid to the General Manager, and shall review the actions and performance of the General Manager to determine whether the General Manager has fulfilled his or her responsibilities and whether additional responsibilities should be delegated to the General Manager. The General Manager, with the approval of the Board, may employ all persons necessary for the proper handling of the business of the District.

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

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

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

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

B. **Production Fee**. Production Fees shall be paid to the District based on the amount of water authorized by permit to be withdrawn from non-exempt wells. The Production Fee for groundwater produced between January 1st and December 31st of each year will be applied annually no later than February 10th.

C. **Export Fee**. The District shall impose an export fee in addition to the District's Production Fee for all groundwater produced in the District that is exported from the District. The Export Fee for groundwater exported from the District between January 1st and December 31st of each year will be applied annually no later than February 10th based on the total volume exported from the District in the annual report submitted to the District under Rules 11.2.B and 11.2.C and in accordance with the Fee Schedule.

D. **Permit Processing Fee**. The District will assess a permit processing fee for new requests or amendments to operating permits and transport permits to cover all reasonable and necessary administrative costs to the District for processing the application or registration in accordance with the Fee Schedule.

[Adopted 11/14/12; effective 1/1/13; Amended 3/15/23; Amended 6/21/23; Amended 10/25/23; Amended 5/14/24]

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

any power, duty, or jurisdiction conferred by the act creating the District, Texas Water Code chapter 36, or any other applicable law or statute.

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

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

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

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

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

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

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

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

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

SECTION 3: EXEMPT WELLS AND NON-EXEMPT WELLS

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

A. **Domestic and livestock well.**

(1) A water well completed before January 1, 2013, that is used solely for Domestic Use or for Livestock Use is exempt from obtaining an Operating Permit under Section 5 of these Rules if the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day. An Operating Permit for Domestic Use or Livestock Use for a well that is incapable of producing more than 25,000 gallons of groundwater per day issued prior to October 15, 2025, is hereby authorized as an exempt well permit.

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

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

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

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

(4) A water well completed on or after October 15, 2025, that is used solely for Domestic or Livestock Use, located on a tract of land that is less than ten (10) acres, and is incapable of producing more than 25,000 gallons of groundwater a day, is exempt from the requirement to obtain an Operating permit under Section 5 of these Rules. The General Manager, in their sole discretion, may grant the exemption, deny the exemption, or may refer the decision to the Board to determine whether the well is exempt.

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

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

Permit under Section 5 of these Rules, unless the well will be an exempt well under Rule 3.1.A, Rule 3.1.B, Rule 3.1.E, or Rule 3.1.F.

D. **Temporary rig supply well for groundwater production.** A temporary water well used solely to supply water for a rig that is actively engaged in drilling a groundwater production well with an Operating Permit obtained from the District under Section 5 of these Rules is exempt from obtaining an Operating Permit for no more than 180 days. This exemption may be extended upon request to the District until completion of the groundwater production well authorized by the District's Operating Permit. A well that is no longer used solely to supply water for a rig that is actively engaged in drilling a groundwater production well with an Operating Permit must obtain an Operating Permit under Section 5 of these Rules, unless the well will be an exempt well under Rule 3.1.A, Rule 3.1.B, Rule 3.1.E, or Rule 3.1.F. An extension of this exemption is not an extension of the time limits for well completion or operation under Rules 5.5 and 5.6.

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

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

G. **Required registration.** The exempt wells described in this Rule must be registered as provided in Section 4 of these Rules and must be equipped and maintained in conformance with Rule 10.2. Production from each exempt well described in this Rule must be reported to the District as provided in Rule 11.2. Each such exempt well shall be subject to inspection by the District, including without limitation inspection during drilling, to determine compliance with Rule 10.2 and to verify that operation of the exempt well does not pollute or otherwise result in harmful alteration of the character of the water in any groundwater reservoir.

[Adopted 11/14/12; effective 1/1/13; Rule 3.1.B amended 4/20/16; Rule 3.1.F amended 10/16/19; amended to add Rule 3.1.F and renumbered 10/25/2023; Rule 3.1.A(1) amended and 3.1.A(4) added 10/15/2025]

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

A. A well that does not qualify for an exemption under Rule 3.1 is a Non-Exempt Well.

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

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

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

Rule 4.1 Required Well Registration

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

B. Beginning on June 22, 2000, no new water well may be drilled or operated without first registering the proposed well with the District. The spacing rules in Section 8 apply to the distance between the location of the well to be drilled and any existing registered or permitted wells.

[Adopted 11/14/12; effective 1/1/13; Rule 4.1.B amended 6/21/23]

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

A. The Well Owner shall apply for the registration of a well. Form 300, used for registering wells, is attached to these Rules as Attachment B.

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

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

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

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

(4) a description of the well's location including the county and the coordinates in latitude and longitude form;

(5) the total depth of the well;

(6) the depth of the screened intervals;

(7) the pump size;

(8) the pump depth from land surface;

(9) the pump horsepower;

(10) the maximum instantaneous rate of withdrawal; and

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

C. An applicant for registration of a Non-Exempt Well shall provide the following if known:

(1) all information required under Rule 4.3.B (1 – 11);

(2) a geophysical log;

(3) water quality analyses if previously conducted; and

(4) a one page summary of the aquifer test results.

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

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

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

[Adopted 11/14/12; effective 1/1/13; Rule 4.2.B, C and D amended 4/20/16; Rule 4.2.E adopted 10/16/19; Rules 4.2.B(7), D and E amended 3/15/23; Rule 4.2.A, B, amended, Rule 4.2.C added, and C, D, E renumbered 6/21/23]

Rule 4.3. Approval of Well Registration

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

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

C. If a well is an Exempt Well that was drilled before June 21, 2023, the General Manager shall approve the registration if the information provided is complete. Upon the General Manager's approval, the District shall issue a certificate of registration with an assigned well registration number to the applicant.

D. If an Exempt Well is drilled after June 21, 2023, and is an Exempt Well under any provision of Rule 3.1 except 3.1.B, the General Manager will require the applicant to submit a Drilling Permit Application using Form 100, attached as *Attachment C.* The General Manager shall approve the Drilling Permit registration if:

(1) the information provided is complete; and

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

E. If an Exempt Well is drilled after June 21, 2023, and is an Exempt Well under Rule 3.1.B, then the General Manager will require the applicant to submit a Drilling Permit Application using Form 100, attached as *Attachment C.* The General Manager may:

(1) approve the well registration if:

(a) the information provided is complete; and

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

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

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

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

[Adopted 11/14/12; effective 1/1/13; Rule 4.3.D, E F and G amended 4/10/16; Rules 4.3 C, D, E, and F amended 3/15/23; Rules 4.3 C, D, and E amended 6/21/23]

Rule 4.4 Time Limit for Completion of New Exempt Well

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

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

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

SECTION 5: OPERATING PERMITS FOR NON-EXEMPT WELLS

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

A. The applicant for a proposed Non-Exempt Well shall submit an application to the District for an Operating Permit on Form 200, attached as *Attachment D*. The form shall be signed and sworn to by the applicant. A separate application is required for each well.

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

(1) a copy of the completed Well Registration form (Form 300) for the well;

(2) location maps or property plat drawn on a scale that adequately details the proposed well site by latitude and longitude or by GPS coordinates, and the location of other registered or permitted wells within 5,000 feet of the location of the proposed well (other registered or permitted wells are labeled with District well ID, distance from proposed well in feet and aquifer source);

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

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

(5) if the Non-Exempt Well application requests a total maximum annual production amount greater than 200 acre-feet, or a production rate greater than 125 gallons per minute, the applicant will be required to conduct a pump test. The duration and additional requirements for the pump test will be dependent on the acre-feet per year requested according to the table below:

Requested acre-feet per year	Maximum instantaneous rate gpm	Length of Pump Test, hours	Type of Pump Test and Analysis	Additional Requirements
200 – 500	125 – 310	12	Specific Capacity, Transmissivity, Hydraulic Conductivity	Metered Geophysical log
501 - 1000	311 - 620	24	Specific Capacity, Transmissivity, Hydraulic Conductivity	Metered Geophysical log
1,001 or greater	621 or greater	36	Specific Capacity, Transmissivity, Hydraulic Conductivity and Storativity	Metered Geophysical log(s), Possible Monitoring Plan

The pump test must be completed using District *Pump Test and Report Guidance* document available on the District's website;

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

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

(8) if the applicant is not the End User of the water, the applicant must provide a description of the End User's beneficial use;

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

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

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

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

(13) the estimated average annual production amount (in acre feet per year); and

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

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

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

[Adopted 11/14/12; effective 1/1/13; amended 10/21/15; Rule 5.1.B amended 4/20/16; Rule 5.1.B amended 10/16/19; Rules 5.1 A and B(6) amended 3/15/23, Rule 5.1.B(13) adopted 3/15/23; amended Rules 5.1.A and B 6/21/23; 5.1.B(8) amended 5/14/24; 5.1.B(13) amended October 16, 2024]

Rule 5.2 Processing of Operating Permit Application

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

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

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

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

C. **Less than 50 acre-feet per year requested.** Production limits under Section 9 of these Rules apply to this provision. If an application for an Operating Permit requests an annual withdrawal of 50 acre-feet per year or less, and meets the requirements under Rule 9.1, then the General Manager may: (1) grant the application, (2) approve the Operating Permit with terms other than those requested in the application, (3) deny the application; or (4) refer the application to the Board for decision under Rule 15.4. A Permittee is limited to a maximum of two (2) permitted wells with an annual withdrawal of 50 acre-feet per year or less processed by the General Manager. An applicant may appeal any decision of the General Manager under this Rule 5.2.C to the Board as provided in Rule 15.6.

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

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

(2) whether the proposed use of water unreasonably affects existing groundwater and surface water resources, existing permit holders, or wells that are registered with the District and exempt from the requirement to obtain a permit under Chapter 36 of the Texas Water Code or the District Rules;

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

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

(5) whether the applicant has agreed to avoid waste as required by Chapter 36 of the Texas Water Code and Section 12 of these Rules and achieve water conservation; and

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

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

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

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

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

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

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

(e) yearly precipitation and production patterns;

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

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

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

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

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

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

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

[Adopted 11/14/12; effective 1/1/13; amended 10/21/15; Rule 5.2.A, B and C amended 4/20/16; Rule 5.2 A amended and 5.2 E Adopted 3/15/23; amended Rule 5.2.D 6/21/23; Rule 5.2.C and D amended on 10/15/25]

Rule 5.3 Operating Permit Provisions

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

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

(2) the proposed location of the well;

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

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

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

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

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

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

(9) the term of the permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

D. **Other special conditions.**

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

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

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

[Adopted 11/14/12; effective 1/1/13; amended 10/21/15; Rule 5.3.B and D amended 4/20/16; Rules 5.3.A and 5.3.D amended 10/16/19; Rules 5.3.B and 5.3.D amended 3/15/23; Rule 5.3.D(1) removed and remainder renumbered 6/21/23]

Rule 5.4 Operating Permit Term

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

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

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

Rule 5.5 Time Limit for Completion of Permitted Well

A. An Operating Permit shall automatically terminate if, within 545 days of the date of issuance of the permit:

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

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

B. Before an Operating Permit automatically terminates under Rule 5.5.A, the Operating Permit holder may request a 545-day extension of the time to drill a well. The

request must be submitted in writing and must include the reasons for the request. The Board will take action on the request under Rule 15.4.

[Adopted 11/14/12; effective 1/1/13; Rule 5.5.B amended 4/20/16; Rule 5.5.A amended 3/15/23; Rule 5.5.B amended 11/??/25]

Rule 5.6 Time Limit for Operation of Permitted Well

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

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

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

Rule 5.7 Renewal of Operating Permit

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

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

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

D. **General Manager proposed amendments**. Within 60 days of the date that an Operating Permit holder files an application for renewal of an Operating Permit, the General Manager may propose an amendment to the Operating Permit under Rule 7.2.I. A General Manager-proposed amendment shall be processed separately and as provided in Rule 7.2.I.

E. **Enforcement proceedings**. Any enforcement proceedings against the Operating Permit holder shall be processed separately from the application for renewal as provided

in Rule 15.7 and Section 13 of the District Rules and shall not be affected by the renewal of the Operating Permit under this Rule 5.7.

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

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

H. **Report on Operating Permit Expirations**. At least twice a year, the General Manager shall provide a report to the Board with a list of all issued Operating Permits set to expire in the next six (6) month period. The General Manager shall include in the report any General Manager-proposed amendments as described in Rule 7.2.I.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16; Rule 5.7.H adopted 6/21/23}]

SECTION 6: TRANSPORT PERMITS

Rule 6.1 Required Transport Permit

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

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

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

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

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

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

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

Rule 6.2 Transport Permit Application (Form 200, attached as Attachment D)

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

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

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

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

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

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

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

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

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

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

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

Rule 6.3 Processing of Transport Permit Application

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

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

(1) the availability of water in the District and in the proposed receiving area during the period for which the water supply is requested;

(2) the projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District;

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

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

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

Rule 6.4 Transport Permit Provisions

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

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

(2) the location of the well;

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

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

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

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

(7) the term of the permit.

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

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

Rule 6.5. Terms of Transport Permit

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

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

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

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

Rule 6.6 Renewal of Transport Permit

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. **Amendment to aggregate without increase in withdrawal rate**. If an application to amend an Operating Permit requests that the existing authorized annual withdrawal amount from the well be aggregated with the existing authorized annual withdrawal amounts of other wells pursuant to Rule 5.3.C. and does not seek to increase the maximum instantaneous rate at which water may be withdrawn from the well, then the application may be processed as provided in Rule 15.4; provided, however, that the Board may, in its sole discretion, require the application to be processed as provided in Rule 15.1.

E. **Amendment to increase withdrawal rate without change to spacing requirements.** If an application to amend an Operating Permit requests an increase to

the maximum instantaneous rate at which water may be withdrawn from the well of less than 25% over the existing maximum instantaneous rate, and such an increase would not require a change to the minimum spacing of the well as required by Rule 8.2, then the application may be processed as provided in Rule 15.4; provided, however, that the Board may, in its sole discretion, require the application to be processed as provided in Rule 15.1. If an amendment to an Operating Permit is processed and granted as provided in Rule 15.4, in accordance with this Rule 7.2.E, then the Operating Permit may not be subsequently amended pursuant to this Rule until the date that is five (5) years after the date the prior amendment under this Rule was granted.

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

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

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

I. **General Manager-proposed amendments.** The General Manager may propose an amendment to an Operating Permit within 60 days before the date on which the Permittee files an application for renewal of the Operating Permit or earlier as agreed by the General Manager and the Permittee. The General Manager shall provide the Permittee with written notice of the proposed amendment. A General Manager-proposed amendment shall be processed as provided in Rule 15.1C-F. The Board will grant a General Manager-proposed amendment if the General Manager demonstrates that:

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

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

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

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

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

Rule 7.3 Amendments to Transport Permit

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) the information provided is complete; and

(2) any required fee has been paid.

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

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

Rule 7.5 Transfer of Operating Permit for Non-Exempt Wells

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

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

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

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

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

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

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

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

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

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

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

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

Rule 7.6 Transfer of Transport Permit

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

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

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

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

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

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

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

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

(1) either: (a) the location of the proposed replacement well is within 100 feet of the existing well and complies with the applicable spacing requirements under Rule 8.2; or (b) the applicant has obtained a variance under Rule 8.3 or Rule 15.5; and

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

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

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

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

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

Rule 7.8 Permit Surrender Prior to Expiration

A. A permitholder seeking to relinquish their permit and no longer be authorized to withdraw water pursuant to the permit may voluntarily surrender the permit.

B. To surrender the permit, the permitholder must submit a written request to the District's General Manager before the permit's expiration date.

C. The permitholder must have paid all outstanding balances and fees to the District up to the date of surrender for the request to be accepted. If approved, the General Manager will notify the permitholder in writing that the surrender has been accepted and the permit is no longer valid.

[Adopted 11/14/12; effective 1/1/13; Rule 7.7.B and G amended 4/20/16; amended Rule 7.7. D and E 3/15/23; Rule 7.7.B & C amended and Rule 7.8 added and effective on 10/15/25]

SECTION 8: SPACING REQUIREMENTS

Rule 8.1. Purpose and Applicability

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

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

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

Rule 8.2 Minimum Well Spacing Requirements

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

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

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

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

Rule 8.3. Well Spacing Variances

A. **Non-Exempt wells.** If a variance from the spacing requirements of Rule 8.2 is required for a proposed new well that requires an Operating Permit under Section 5 of these Rules, then a variance will be considered with the Operating Permit application. If a variance from the spacing requirements of Rule 8.2 is required for an existing well that requires an amendment to an Operating Permit under Rule 7.3, then a variance from the spacing requirements of Rule 8.2 will be considered with the Operating Permit amendment application.

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

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

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

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

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

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

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

SECTION 9: PRODUCTION LIMITS FOR NON-EXEMPT WELLS

Rule 9.1. Production Limits. To accomplish the purposes of Texas Water Code chapter 36 and to achieve the stated purposes and goals of the District, including managing the sustainability of the aquifers and preventing significant, sustained water-level declines within the aquifers, the District shall manage total groundwater production on a long-term basis to achieve the applicable Desired Future Condition. The production of water authorized by any permit issued by the District is subject to limitation, adjustment, and reduction. The following production limits in Rule 9.1.A shall apply to applications for Operating Permits and amendment applications for Operating Permits seeking to authorize an increase in production submitted to the District after June 21, 2023. The District may amend production limits from time to time following the procedures set forth in Section 14. Any reductions required by Rules 9.1.B and 9.1.C shall apply to all Operating Permits that have been issued by the District at any time before the reductions.

A. **Maximum Allowable Production.**

(1) For applications for Operating Permits or amendments to Operating Permits that seek to increase annual production of groundwater submitted to the District after June 21, 2023, the annual groundwater production volume shall be limited to the lesser of the following ("Maximum Allowable Production"):

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

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

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

(2) **Eligible Land**. Land, and water rights in land, must be located over the Aquifer Unit from which a well is authorized to produce groundwater, and only land above an Aquifer Unit will be included in calculating the volume of water permitted to be pumped under Rule 9.1.A. For example, if the well is located on one 10,000-acre tract, but the Simsboro aquifer beneath the land surface only covers 5,000 acres of the tract, 5,000 acres will not be considered in determining the Maximum Allowable Production, and under 9.1.A(2), the Maximum Allowable Production would be 8,000 acre-feet per year from the Simsboro Aquifer.

[Adopted 11/14/12; effective 1/1/13; amended to adopt 9.1.A, B, and C 6/21/23; Rules 9.1.B and C rescinded 5/14/24]

Rule 9.2. Groundwater Management Zone Creation

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

(1) assess water availability;

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

(3) allow for the transfer of permits; and

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

B. The District shall attempt to define Groundwater Management Zones by each aquifer, subdivision of an aquifer, or geologic strata, or each geographic area overlying an aquifer or subdivision of an aquifer within the District's boundaries that, to the extent practicable, will promote fairness and efficiency by the District in its management of groundwater resources.

[Adopted 11/14/12; effective 1/1/13; amended 10/16/24]

Rule 9.3. Waivers and Variances

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

B. **Non-contiguous land Variance**. If a variance from the contiguous acre requirements of Rule 9.1.A is required for a proposed new well that requires an Operating Permit under Section 5 of these Rules, or an amendment to an Operating Permit, then a variance will be considered with the Operating Permit application or amendment application. The Board will consider whether the applicant acquired the land subject to the variance request before June 21, 2023. The variance may be granted in whole or in part.

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

[Adopted 6/21/23; effective 6/21/23]

Rule 9.4. Groundwater Management Zones

A. If within a GMZ the available drawdown based on monitored groundwater levels, total estimated annual production, or projected water level drawdowns reaches a threshold established by this Section 9, then, as determined appropriate by the Board, the District will give notice to well permittees of appropriate action in the affected GMZ as provided in these rules for the better management of the groundwater resources located in a district. After giving notice, the Board will take appropriate action based on the analysis of measured water levels, projected water level drawdowns, permitted production, current and projected total estimated annual production and relevant hydrogeologic information, including, but not limited to, surface water availability, drought conditions and predicted water availability.

B. The District’s appropriate action in Rule 9.5.B will be implemented by an amendment to the District’s rules following the procedures set forth in Rule 14.1 or Rule 14.2.

C. Once a threshold level defined in this Section 9 has been reached, the corresponding actions in this Section 9 will be taken irrespective of any subsequent change to the Desired Future Conditions for that aquifer.

[Adopted and effective 10/16/2024]

Rule 9.5 GMZ Monitoring and Threshold levels

The following threshold levels will be administered and applied separately to each Groundwater Management Zone (GMZ). As part of the evaluations and determinations, the District will consider the pumping-induced impacts to groundwater resources that occur between or among management zones or areas. The evaluation will determine if pumping or production in one management zone is contributing to adverse impacts to

groundwater conditions in any other areas or management zones.

The following monitoring and threshold levels will be used to initiate appropriate responses designed to help achieve a minimum available drawdown of at least 50% within a GMZ, for the better management of the groundwater resources located in a district. Three threshold levels are adopted to help guide these actions. Each threshold level provides for an increased level of response based on the change in production, available drawdown, or water levels associated within a Management Zone. The District will amend its rules following the process in Rules 14.1 or 14.2 to implement any action items under Rule 9.5. The threshold levels are: Level 1; Level 2; and Level 3.

1. Threshold Level 1:

    a. The Threshold Level 1 actions will be conducted when the available groundwater drawdown, calculated from monitored water levels for an aquifer, is less than 75% of the Current Available Groundwater Drawdown when that GMZ is created by the District. For example, for the purposes of this rule, “current available groundwater drawdown” in the Carrizo Sand formation is the height which water rises under artesian pressure above Carrizo Sand formation in a water well. Once Threshold Level 1 is reached, additional studies will be undertaken to evaluate the nature and extent of curtailment in groundwater production that may be required to achieve the District’s management objectives, inclusive of achieving DFCs. The studies will, at a minimum, suggest possible schedules for reducing groundwater production in the affected management zone(s).

    b. If available groundwater drawdown is below 75% of the Current Available Groundwater Drawdown when that GMZ is created by the District, the District will perform studies to provide information on aquifer properties, aquifer recharge, aquifer and surface water interactions, and aquifer pumping. To the extent possible, the studies shall distinguish between the causes and effects of pumping occurring within the District and outside of the District. The results may be used to improve the models, tools, and methodologies used to analyze data and predict future groundwater levels and availability. The District may contract with a professional hydrogeologist to (i) conduct studies and/or (ii) establish the parameters for the studies and review the results of studies. The results of all studies shall be made available to the public in a reasonable manner.

2. Threshold Level 2:

   a. Threshold Level 2 actions will be conducted when the available groundwater drawdown, calculated from monitored water levels, for an aquifer is less than 60% of the groundwater drawdown when that GMZ is created. Once Threshold Level 2 is reached, a review of the Management Plan, rules and regulations will be initiated, and pending the results of Threshold Level 1 studies, the District will notify well owners of possible amendment to the rules to curtail groundwater production.

   b. If available groundwater drawdown is below 60% of the Current Available Groundwater Drawdown when that GMZ is created by the District, the District will re-evaluate the Management Plan and rules regarding management zones, recharge estimates, the collection and analysis of monitoring data, and proposed changes to DFCs for consideration in the joint planning process. The results of the re-evaluation including any studies shall be made available to the public in a reasonable manner.

3. Threshold Level 3:

   a. Threshold Level 3 will be reached, and the Board will consider and adopt amendments to the Management Plan, rules and regulations when the groundwater drawdown, calculated from monitored water levels, for an aquifer is less than 50% of the groundwater drawdown when that GMZ is created. Once Threshold Level 3 is reached, based on the data collected, the Board may adopt one or more rules for the District's curtailment of groundwater production in one management zone contributing to adverse impacts to groundwater conditions in any other areas or management zones.

   b. If available groundwater drawdown is below 50% of the Current Available Groundwater Drawdown when that GMZ is created by the District, the District's General Manager shall develop a Level 3 Response Action Work Plan focused on achieving the District's goals and objectives. The work plan will be completed within 6 months after Threshold Level 3 is exceeded and will be made available to the public through the District's website. The Response Action Work Plan will be presented to the Board as a possible amendment to the District's rules. The Board must follow the same public hearing process in Rules 14.1 or 14.2 to implement any Response Action Work Plan under Rule 9.5. The General Manager's evaluation to develop the Response Action Work Plan includes the following:

      i. The General Manager, in consultation with the District's professional hydrogeologist, will review and evaluate the pending permit applications, the permits issued and the records of the

District, estimated total production by exempt wells, drawdown monitoring within the Management Zone, and all additional groundwater monitoring necessary under this section.

ii. If the General Manager, in consultation with the district professional hydrogeologist, finds the evaluation, study, review and/or monitoring supports a recommendation that an adjustment of permitted production is recommended for a Management Zone in which Threshold Level 3 was reached, the recommendation shall be consistent with the finding and provide supporting documentation for the adjustment.

iii. The General Manager may, after consultation with the district professional hydrogeologist and in combination with or in addition to the above, recommend to the Board for consideration any action or combination of actions set forth in this rule.

[Adopted and effective 10/16/2024]

Rule 9.6. Groundwater Management Zone 1

A. GMZ 1 in Northern Lee County is hereby created. GMZ 1's boundaries are defined by Farm to Market Road 112 to the West, U.S. Hwy 77, County Road 405 and Farm to Market Road 696 to the South, the Burleson County line to the East, and the Milam County line to the North. See Figure 1 below. GMZ 1 applies only to the Carrizo Formation.

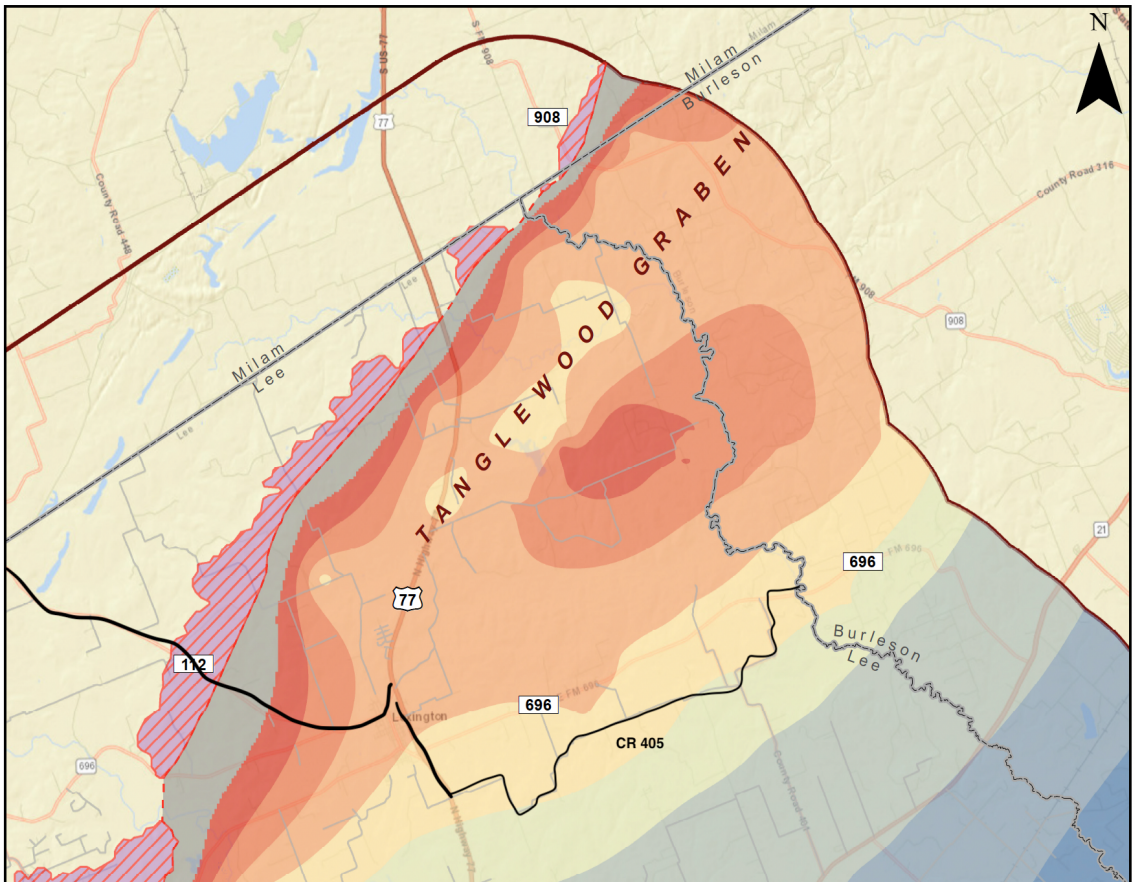


Figure 1. GMZ 1 boundaries.

[Adopted and effective 10/16/2024]

SECTION 10: WELL LOCATION AND CONSTRUCTION STANDARDS

Rule 10.1. Well Location

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

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

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

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

Rule 10.2 Well Construction

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

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

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

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

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

(3) The slab or block shall extend at least two (2) feet from the well in all directions and have a minimum thickness of four inches and shall be separated from the

well casing by a plastic or mastic coating or sleeve to prevent bonding of the slab to the casing.

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

(5) In all new wells:

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

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

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

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

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

D. All new Non-Exempt Wells are required to have a dedicated water-level monitoring tube, one inch in diameter and installed in the well to a depth as directed by the General Manager. The bottom 40 feet of tubing must be slotted to allow for water flow. The base on the monitoring tube will have a bottom cap. The top of the monitoring tube must extend one foot beyond the top of the surface slab, or easily accessible through the production casing, and have a loose or threaded cap.

[Adopted 11/14/12; effective 1/1/13; Rule 10.2.D adopted 6/21/23]

Rule 10.3 Re-completions

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

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

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

Rule 10.4 Permit Authorization Documentation

A. The Permittee or a water well driller shall openly and visibly display the District permit authorization on-site at the drill location from the date of commencement of drilling, and shall maintain it at the drill location, available for inspection, until drilling activities are completed.

[*Adopted 10/15/25; effective 10/15/2025*]

SECTION 11: REPORTING

Rule 11.1 Filing State Reports

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

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

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

Rule 11.2 Water Use Reports

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

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

C. **Other wells transporting water outside District boundaries.** A Well Owner who transports groundwater outside the District's boundaries for use outside the District's boundaries, but is exempted from obtaining a Transport Permit under Rule 6.1.B.(2) or Rule 6.1.B.(3), shall keep a record of the total amount of water transported outside the boundaries of the District in each calendar year. The Well Owner shall submit the annual water transport report to the District on or before January 31 of the following calendar year.

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

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

F. **Water Loss Audit**. Retail public utilities that are required to report annual water loss audits to the Texas Water Development Board (TWDB) in accordance with Texas Water Code sec. 16.0121 shall forward the report to the District within 30 days of submission to the TWDB.

G. **Production Limit Metering and Reporting**. The Well Owner of an agricultural exempt well under Rule 3.1.B or a well permitted under Rule 5.2.C for production of 50-acre per year or less shall equip the well with a metering device meeting the specifications of Rule 5.3.B(3) and shall operate the meter on the well to measure compliance with existing permit production limits. Any meter required by this rule must be installed and operable no later than 365 days from the Effective Date of this rule. The Well Owner shall submit a quarterly water use report based on metered data to the District on or before January 1, April 1, July 1, and October 1 of each year.

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16; Rule 11.2 A, B, and C amended 3/15/23; Rule 11.2.F adopted 6/21/23; Rule 11.2.G adopted and effective 10/16/2024]

Rule 11.3 Lease Certification Requirements

Persons holding an Operating Permit for the production of groundwater based upon leaseholds shall annually certify and provide to the District, documentation proving active leases granting them the right to produce groundwater. Proof of valid groundwater lease(s) establishes or maintains authorization to produce the permitted volume of groundwater granted by the District. If a Permittee's land acreage covered by the leases is less than the land acreage last demonstrated to the District, the District Board may reduce the permitted production amount of groundwater in accordance with Rule 9.1. This Rule 11.3 applies to an Operating Permit issued by the District after June 21, 2023.

[Adopted and effective 10/16/2024]

Rule 11.4 Defined Service Area

A**.** A Permittee that holds a certificate of convenience and necessity (CCN) or is a municipality or a special or municipal utility district within the District, shall provide the District certified documentation showing the amount of acreage within the CCN that is actively receiving service from the Permittee with groundwater produced from land within the District (for the purposes of these Rules, this service is defined as "Actual Service").

A Permittee's Contiguous Acres based on a CCN may be reduced to the amount of acreage within the CCN receiving Actual Service.

B. The District shall determine production limits in accordance with Rule 9.1 based on Actual Service provided by a CCN holder or special district.

C. A CCN holder may only amend its production limits following the procedures in Section 7 and upon evidencing to the District that their CCN area and area of Actual Service has been amended or changed.

[Adopted and effective 10/16/2024]

SECTION 12: PROHIBITION AGAINST WASTE AND POLLUTION

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

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

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

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

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

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

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

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

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

[Adopted 4/20/16]

SECTION 13: INVESTIGATIONS AND ENFORCEMENT

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

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

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

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

Rule 13.3 Penalties for Violation of District Rules

The Board may assess penalties of up to $25,000 per day per violation of a District Rule, and each day of a continuing violation constitutes a separate violation. Such penalties shall be in addition to any other penalty provided by the laws of the State of Texas and may be enforced as provided in Texas Water Code chapter 36.

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

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

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

Rule 13.5 Revocation of an Operating Permit or Transport Permit.

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

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

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

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

(3) whether the permit violation resulted in Waste;

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

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

[*Adopted 10/16/19*]

Rule 13.6 Closing or Capping of Wells

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

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

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

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

[Adopted 4/20/16; Amended 10/16/19 and renumbered Rule 13.6]

Rule 13.7 Settlement of a Notice of Violation

Settlement of an Notice of Violation for violating any provision of a District permit, any District Rule, or any provision of Chapter 36 of the Texas Water Code may include, but is not limited to: payment of the settlement amount consistent with the Enforcement and Settlement Fee Schedule included as Attachment E, a corrective action based on a demonstration that the violation has been corrected, a demonstration of improved water conservation or management systems, or any combination of the above terms. The General Manager may negotiate and approve any settlement agreement documents that are consistent with the Enforcement and Settlement Fee Schedule. If the settlement agreement includes terms that are not contained in the Enforcement and Settlement Fee Schedule, the agreement will be subject to Board approval.

[Adopted 10/15/2025; Effective 10/15/2025]

SECTION 14: PROCEDURE FOR ADOPTION OF RULES AND MANAGEMENT PLAN

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

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

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

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

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

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

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

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

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

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

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

(3) The agenda of the hearing.

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

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

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

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

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

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

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

(1) the person's name;

(2) the person's address;

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

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

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

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

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

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

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

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

Rule 14.2 Hearing on Emergency Rules

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

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

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

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

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

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

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

Rule 14.3 Procedures for Petitions for Rulemaking

A. A person with a real property interest in groundwater in the District may file a petition with the District to request the adoption or modification of a rule.

B. Petitions must be submitted to the District between June 15 to July 15 to be considered by the Board. Petitions submitted outside of this timeframe will not be considered by the Board.

C. Petitions must be submitted in writing to the District's office to the attention of the General Manager and must comply with the following requirements:

(1) each rule adoption or modification requested must be submitted by separate petition;

(2) each petition must include:

(a) a brief description of the petitioner's real property interest in groundwater in the District;

(b) a brief explanation of the proposed rule;

(c) the text of the proposed rule prepared in a manner to indicate the words to be added or deleted from the text of the current rule, if any;

(d) a brief explanation of how the proposed rule is non-discriminatory; and

(e) an allegation of injury or inequity that could result from the failure to adopt the proposed rule.

D. The General Manager must review the petition to determine if the petitioner meets the requirements in Subsection (A). If the General Manager finds the petition complies with the requirements in Subsection (A), the General Manager shall refer the petition to the Board for consideration. If the petitioner does not meet the requirements in Subsection (A), the General Manager must inform the petitioner in writing that the petition fails to meet the minimum requirement for submission and the petition will not be referred to the Board.

E. Within 90 days after submission of a petition that complies with this section, the Board shall either deny the petition, stating its reasons for denial in the minutes of the board meeting or in a letter providing a written explanation to the petitioner, or engage in rulemaking proceedings as provided by Section 14 of these Rules.

[Adopted 10/25/23; effective 10/25/23; Rule 14.3.B amended and D and E renumbered 10/15/25]

SECTION 15: PROCEDURES FOR APPLICATIONS AND OTHER MATTERS

Rule 15.1 Permit Applications Requiring Public Hearing

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

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

(2) an application for a Transport Permit;

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

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

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

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

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

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

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

(a) the name of the applicant;

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

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

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

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

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

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

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

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

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

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

(iv) provide the notice by regular mail to:

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

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

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

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

(g) The District shall invoice the applicant for all mailing or publication costs incurred for issuing notices under this section. The applicant must pay these costs in full before the application will be considered.

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

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

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

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

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

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

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

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

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

(a) The preliminary hearing may be conducted by:

(i) a quorum of the Board;

(ii) a Hearings Examiner; or

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

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

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

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

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

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

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

F. **Uncontested Applications.**

(1) If the District does not receive a timely-filed request for a contested case hearing on the Application, or if the Board denies all requests for a contested case hearing, then the Application shall be considered uncontested. The Board may take action on an uncontested Application at the public hearing described in the notice required by Rule 15.1.C or at any later properly noticed Board meeting. The Board shall issue a written order or resolution reflecting its decision.

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

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

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

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

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

Rule 15.2 Permit Applications Requiring Contested Case Hearing

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

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

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

(3) A hearing before a SOAH Administrative Law Judge shall be conducted as provided by Texas Government Code chapter 2001, subchapters C, D and F, the procedural rules of SOAH, and Rule 15.2 of the District Rules to the extent that Rule 15.2 is consistent with SOAH's procedural rules. The SOAH Administrative Law Judge will be the presiding officer for purposes of this Rule 15.2.

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

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

(1) Convene the hearing at the time and place specified in the notice.

(2) Set any necessary additional hearing dates.

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

(4) Establish the order for presentation of evidence.

(5) Administer oaths to all persons presenting testimony.

(6) Examine persons presenting testimony.

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

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

(9) Allow or require testimony to be submitted in writing and may require that written testimony be sworn to. On the motion of a party to the hearing, the presiding officer may exclude written testimony if the person who submits the testimony is not available for cross-examination by phone, a deposition before the hearing, or other reasonable means.

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

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

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

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

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

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

(b) the preparation of the official hearing record.

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

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

party, or a representative of those entities, except on notice and opportunity for each party to the contested case to participate.

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

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

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

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

G. **Proposal for Decision.**

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

(2) The proposal for decision shall include:

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

(b) a summary of the evidence received; and

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

(3) The presiding officer or the General Manager shall provide a copy of the proposal for decision to the applicant and each designated party. A party may submit written exceptions to the Board not later than the 20th day after the date of the proposal for decision.

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

H. **Consideration of a Proposal for Decision.** If a proposal for decision is submitted to the Board by the presiding officer, the Board shall consider the proposal for decision at a final hearing. Additional evidence may not be submitted during the final hearing. The parties may present oral argument at a final hearing to summarize evidence, present legal arguments, or argue an exception to the Proposal for Decision. The Board is not required to address the parties' exceptions to the proposal for decision in writing. The presiding officer may continue the final hearing from time to time and from place to place without providing notice under Rule 15.1.C. If the continuance is not announced on the record at the hearing, the presiding officer shall provide notice of the continued hearing by regular mail to the parties. If a proposal for decision is submitted to the District by the State Office of Administrative Hearings, a continuance can be no later than the 180th day after the date the District received the final proposal for decision from the State Office of Administrative Hearings, unless a later date for a continuance is agreed upon by the parties to the contested case proceeding. If the hearing is being conducted by a quorum of the Board, Open Meeting Act notice also shall be provided.

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

J. **Board order.** The Board shall issue a written order reflecting its decision.

(1) For contested case hearings conducted by a hearings examiner or the Board, the Board's decision shall be made within 60 days after the final hearing on the Application is concluded; or

(2) For contested case hearings conducted by the State Office of Administrative Hearings, the Board decision on a proposal for decision must be made no later than 180th day after the date the District received the final proposal for decision from the State Office of Administrative Hearings, unless a later date is agreed upon by the parties to the contested case proceeding. A written Board order under this section must either adopt the findings of fact and conclusions of law in the proposal for decision or contain revised findings of fact and conclusions of law pursuant to Tex. Water Code sec. 36.4165(b).

[Adopted 11/14/12; effective 1/1/13; amended 4/20/16 and renumbered Rule 15.2; Rule 15.2.E amended 10/16/19; Rule 15.2 H amended 3/15/23; Amended Rule 15.2. H and J 10/25/23}]

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

A. **Request for written findings of fact and conclusions of law**. An applicant in a contested or uncontested public hearing on an Application or a party to a contested case hearing on an Application may administratively appeal a decision of the Board described in Rule 15.2.I or Rule 15.7.E by making a request in writing to the Board for written findings of fact and conclusions of law not later than the 20th day after the date of the Board's decision unless the board issued written findings of fact and conclusions of law in the Board order with its final decision. On receipt of a timely written request, the Board shall make written findings of fact and conclusions of law regarding the Board's decision on an Application. The Board shall provide certified copies from the District's records custodian designated by the Board of the findings of fact and conclusions of law to the person who requested them and to each designated party not later than the 35th day after the date the Board receives the request.

B. **Request for rehearing**. Except as provided in Texas Water Code Section 36.4165(g), an applicant in a contested or uncontested public hearing or a party to a contested hearing may request a rehearing not later than the 20th day after the date the Board issues written findings of fact and conclusions of law. A request for rehearing must be filed in the District office and must state the grounds for the request. The person requesting a rehearing must provide copies of the request to all parties to the hearing. The Board must consolidate requests for rehearing filed by multiple parties to one contested case hearing, but only one rehearing may be held per matter.

C. **Rehearing**. If the Board grants a motion for rehearing under Tex. Water Code section 36.412, the Board must make a final decision on the Application and issue a Board order no later than the 90th day after the date of the order upon which the motion for rehearing was filed.

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

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

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

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

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

(3) If a proposal for decision is submitted to the District by the State Office of Administrative Hearings, and by the 181st day after the date the administrative law judge issued the final proposal for decision, the Board has not issued a final decision pursuant to Rule 15.2.J.2, then the final proposal for decision from the State Office of Administrative Hearings becomes a final decision of the District. The deadline in this section may be

extended by agreement of the parties to the contested case proceeding that is the subject of the proposal for decision.

[*Adopted 11/14/12; effective 1/1/13; amended 4/20/16 and renumbered Rule 15.3; Rule 15.3.A amended 10/16/19; Rule 15.3 amended 3/15/23; Rule 15.3.A amended 10/25/23*]

Rule 15.4 Applications Not Requiring Public Hearing

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

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

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

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

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

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

to any person presenting testimony to the Board on behalf of the General Manager or the applicant or to any other person making oral comments.

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

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

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

15.5 Variances or Extensions of Time

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

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

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

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

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

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

Rule 15.6 Appeals of General Manager Decisions

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

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

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

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

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

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

Rule 15.7 Enforcement Proceedings

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

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

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

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

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

F. **Request for rehearing**. The respondent in an enforcement proceeding may request a rehearing not later than the 20th day after the date the Board issues written findings of fact and conclusions of law. A request for rehearing must be filed in the District office and must state the grounds upon which the request is based.

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

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

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

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

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

[Adopted 11/14/12; effective 1/1/13; amended 4/10/16 and renumbered Rule 15.7; Rule 15.7.A amended 10/16/19; Rules 15.7.F and 15.7.G adopted 10/16/19; amended 10/25/23]

Rule 15.8 Public Participation

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

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

(1) The Board President or presiding officer of the meeting may limit the total amount of time each member of the public may address the Board. The time limit, if any, must be announced at the beginning of the meeting. If translation services are required, the amount of time for the translation does not count against the amount of time available

to the speaker and the total time available for the combination of speaking and translation time may not be less than double the time limit.

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

(a) cancellation of a speaker's remaining time;

(b) removal from the Board meeting;

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

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

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

SECTION 16: PROCEDURES FOR AQUIFER STORAGE AND RECOVERY PROJECTS

Rule 16.1 Registration and Fee

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

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

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

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

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

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

SECTION 17: PROTECTION OF GROUNDWATER QUALITY

17.1 **Monitoring Groundwater Quality**. In order to preserve and protect the water quality of the aquifer(s) of the District, Well Owners required to provide annual water quality reports to the TCEQ shall forward the report to the District within 30 days of submission to the TCEQ.

17.2 **Water Quality Management Zone**. If the Board determines that degradation of the water quality has occurred in geographically or hydro geologically defined areas, aquifers, or aquifer subdivisions, in whole or in part, it may create a water quality management zone following Rule 9.2 with the objective to improve water quality as provided in Rule 9.2.A (1 – 4).

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

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

[Adopted 6/21/23; effective 6/21/23; Rule 17.1 amended 5/14/24; Rule 17.2 rescinded and renumbered 5/14/24; Rule 17.3 amended and renumbered 5/14/24]

PROPOSED RULE CHANGES 2025

ATTACHMENT A

DISTRICT FEE SCHEDULE

1) Production Fee - $12.54 per acre foot permitted

2) Export Fee as follows:*

05/15/2024 – 12/31/2024 - $6.27 per acre foot exported

01/01/2025 - 12/31/2025 - $32.58 per acre foot exported

01/01/2026 - 12/31/2026 - $48.87 per acre foot exported

01/01/2027 - 12/31/2027 - $65.16 per acre foot exported

* A 3% increase shall apply to the Export Fee each year beginning on January 1, 2028.

3) Agricultural Use Production Fee as follows:

05/15/2024 – 12/31/2024 - $0.25 per acre foot permitted

01/01/2025 - 12/31/2025 - $0.50 per acre foot permitted

01/01/2026 - 12/31/2026 - $0.75 per acre foot permitted

01/01/2027 and thereafter - $1.00 per acre foot permitted

4) Non-Exempt well drilling deposit

a) 2" - 5" casing - $100.00

b) 6" - 8" casing - $200.00

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

5) Copying - $0.25 per page

6) Certified copies - $1.00 per page

7) Returned check fees - $25.00

8) Permit Processing Fee - $2,600

[Amended 5/14/24; effective 5/14/24]

Last Amended October 25, 2025

PROPOSED RULE CHANGES 2025

ATTACHMENT E

ENFORCEMENT SETTLEMENT GUIDELINES AND FEE SCHEDULE

This document describes general guidelines Lost Pines Groundwater Conservation District (LPGCD) General Manager will follow in proposing settlement terms and conditions to resolve certain alleged violations of Chapter 36 of the Texas Water Code, LPGCD Rules, the terms of a permit issued by the LPGCD, or an order of the Board, and includes the approved Enforcement Settlement Schedule. This document does not address when an enforcement action is initiated, but rather how LPGCD staff is to evaluate violations when offering settlement terms already acknowledged by the District through this guidance.

These guidelines include a description of authorized compliance requirements necessary to resolve a violation and any settlement that must be made to fully resolve the matter in lieu of initiating alternative enforcement proceedings. Generally, the LPGCD General Manager works to ensure full compliance is achieved before offering a settlement.

These guidelines are not intended to address an exhaustive list of possible violations. Rather, they include only those matters where the cause and remedy of a violation is similar in nature and generally applicable to all regulated entities. It is intended that if these guidelines are applied and accepted by both parties (LPGCD and an alleged violator), the violation can be fully resolved and settled without additional involvement by the LPGCD Board.
Failing to resolve a violation using this settlement process may necessitate further enforcement through a judicial civil enforcement action.

A permitholder is not eligible to participate in the settlement process if the District has documented more than one (1) violation based on the same or similar conditions (i.e., a repeat violation), or more than one (1) Category B violation (as defined in Attachment 1 to these guidelines) within the permitholder's then current five-year permit period. If a permitholder has two (2) or more different documented Category A violations during the permitholder's then current five-year permit period, the Board will exercise its discretion to allow the permitholder to participate in the settlement process.

The use of this procedure is limited to those compliance matters listed herein. Other violations not specifically listed in this guidance may utilize a Settlement Agreement approach, however, the resulting agreement would ultimately require Board approval.

This document is intended to provide guidance only and should not be construed as binding on the LPGCD's Board or staff.

ENFORCEMENT SETTLEMENT SCHEDULE:

This schedule sets forth pre-approved settlement amounts to resolve enforcement matters without additional approval by the Board of Directors.

CATEGORY A: Considered minor reporting or paper violations.

A. Incomplete or late submission of the State of Texas Well Report (Well Log) or other reports required by District Rules: up to $500.00 per violation.

B. Incomplete or late submission of timely reporting as agreed to in the operating permit up to $500.00 plus $100.00 per day of noncompliance beginning the 31st day after receipt of NOV.

C. Failure to timely pay permit fees as required by District Rules: up to $100.00 per fine per permit.

D. Failure to obtain a permit prior to operation: up to $500.00 per violation

CATEGORY B: Considered major violations that may result in waste or non-beneficial use of groundwater.

E. Operating a non-exempt well without an operating permit; or failure to submit an operating permit application; or failure to comply with permitting rules: up to $2,000.00 per violation plus $100.00 per day of noncompliance after 30 days of receipt of NOV.

F. Operating a non-exempt well with an expired permit: Up to $ 1,000 per violation per day.

G. Failure to comply with the terms and conditions of an Operating Permit: up to $2,000.00 plus $100.00 per day of noncompliance after 30 days of receipt of NOV

H. Exceeding production limit of an Operating Permit: up to $3,000.00 plus $3.00 per 1,000 gallons in excess of the total approved annual amount permitted based on either meter readings or other reliable evidence of the amount pumped. Applicable amounts will be calculated annually upon submission and review of yearly meter reading reporting totals.

I. Failure to comply with a Board Order or District Rule: up to $3,000.00 plus $100.00 per day of noncompliance after 30 days of receipt of NOV.

J. Failure to comply with the terms and conditions of the User's Drought Contingency Plan: up to $500.00 plus $3.00 per 1,000 gallons in excess of the annual plan reductions. Applicable amounts will be calculated annually upon submission and review of yearly reporting totals.

K. Groundwater produced from within the District boundaries shall not be used in such a manner or under such conditions as to constitute waste as defined within the District Rules. If a conflict between determining whether a use is beneficial use or waste, beneficial use is subordinate to waste-- up to $2,000.00.