GROUNDWATER

Rolling Plains

CONSERVATION DISTRICT

District Rules

Adopted – October 15, 2026

Table of Contents

Chapter 1	General Provisions and District Jurisdiction	Page 1
Chapter 2	Concepts and Procedures	Page 3
Chapter 3	Definitions	Page 4
Chapter 4	Regulation of Spacing and Production	Page 11
Chapter 5	Water Flow Meters	Page 13
Chapter 6	Groundwater Production Units & Management Zones	Page 15
Chapter 7	Annual Production Reporting and Achievement of DFCs	Page 17
Chapter 8	Permits and Registration	Page 18
Chapter 9	Requirements for Drilling and Equipping Wells	Page 24
Chapter 10	Well Location	Page 25
Chapter 11	Replacing, Reworking, and/or Re-equipping a Well	Page 26
Chapter 12	Deposit and Fees	Page 27
Chapter 13	Groundwater Export and Groundwater Recharge	Page 28
Chapter 14	Water Quality and Waste	Page 32
Chapter 15	Hearing Procedures	Page 35
Chapter 16	Enforcement	Page 53
Chapter 17	Effective Date of Rules	Page 55

Chapter 1

General Provisions and District Jurisdiction

1.1 General Jurisdiction of the District: The Rolling Plains Groundwater Conservation District is a political subdivision of the State of Texas organized and existing under § 59, Article XVI, Texas Constitution, Texas Water Code, and the District's Enabling Legislation.

1.2 Purpose of the Rules: These Rules are adopted under the authority of § 36.101, Texas Water Code, for the purpose of conserving, preserving, protecting, and recharging Groundwater in the District; and to prevent degradation of water quality; prevent waste of Groundwater; achieve the Desired Future Conditions set by the District; and to implement § 59, Article XVI, Texas Constitution; the Texas Water Code; and the District's Enabling Legislation. The Rules of the District may be amended from time to time to comply with the District's Management Plan and any revisions to the Texas Water Code by the Texas legislature. The Rules may also be amended because of a change in the condition or use of the aquifers.

1.3 Construction of the Rules: The Board of Directors shall have the discretionary authority to construct, interpret, and apply these Rules. Unless otherwise expressly provided for in these Rules, the past, present, and future tense shall each include the other; and the singular and plural number shall each include the other.

1.4 General Requirements for applications, registrations, reports, and matters before the Board: The Applicant shall provide on a form authorized by the District for all applications, registrations, reports, and matters before the Board the following information:

1. Full name, address, telephone number, and e-mail address of the Groundwater right Owner;
2. The name and mailing address of the Applicant. If the Applicant is not the Groundwater right Owner, the Applicant must furnish satisfactory documentation authorizing the Applicant to file an application, registration or request a matter be placed before the Board on behalf of the Groundwater right Owner; and
3. The document must be certified as true and correct by the responsible party or authorized representative.

1.5 Application Null and Void: An application is null and void if the District does not receive the required deposit(s), any applicable fee(s), and all the information required to be furnished by the Applicant within seven (7) business days from the date filed in the District office.

1.6 Enforcement of Rules: All Rules duly adopted, promulgated, and published by this District shall be enforced as provided under the Texas Water Code and other applicable Texas law as now, or hereafter amended.

1.7 Authority to Enter Land:

1. Chapter 36 of the Texas Water Code grants the District the authority to enter real Property at reasonable times for the purpose of inspecting and investigating conditions relating to compliance with any Rule, regulation, permit, or other Order of the District including, but not limited to:

A. Inspecting a proposed well site, and any existing well or wells.
B. Determining the pumping capacity of any well or wells.
C. Reading or interpreting any meter, weir box, or other instrument used to measure production of Water from any well of wells.
D. Collecting samples to be used in groundwater quality programs.
E. Testing the pump and the power unit of any well or wells.
F. Inspecting real Property for sources of potential or actual pollution.
G. Performing any other reasonable and necessary inspections and/or tests that may be required to collect groundwater information.
H. Enforcing the Rules of the District.

2. Employees of agents acting under this authority who need to enter "restricted access" to real Property or structures shall observe the establishment's rules and regulations concerning safety, biological security, internal security, and fire protection, and shall notify any occupant or other Person having apparent legal authority of their presence.
3. Any application made to the District may be suspended or canceled by the Board if the Applicant refuses to grant the District's employees access to real property to gather information necessary to complete the application.
4. The operation of any well may be enjoined by the District immediately upon refusal to grant the District's employees access to real property as provided above.
5. District employees or agents of the District entering real property pursuant to this Rule shall exhibit proper identification upon request.

1.8 Fraudulent Acts: It shall be a fraud upon the District and the public and a violation of these Rules for any person to willfully submit false information concerning applications, registrations, reports, and other matters before the District, or to willfully bypass, disable, tamper with, or otherwise prevent a meter or metering system from accurately measuring and/or recording the volume of Groundwater produced.

1.9 Court of Competent Jurisdiction: Civil matters of the District shall be tried by the District Court located in the county of the District's principal business office. These matters include but are not limited to injunctions brought by the District, suits brought by the District, and suits brought against the District.

Chapter 2

Concepts and Procedures

2.1 Use and Effect of Rules: The District will use these Rules in the exercise of the powers conferred by the Enabling Legislation of the District and Chapter 36 in the accomplishment of the purposes of the District. The Rules may not be construed as a limitation or restriction on the exercise of any discretion; nor to deprive the District or Board of the exercise of any powers, duties, or jurisdiction conferred by law; nor to limit or restrict the amount and character of data or information which may be required to be collected for the proper administration of the District.

2.2 Dispute Resolution Policy: It is the policy of the District to encourage the peaceful resolution of disputes. Therefore, prior to proceeding under the "Contested Matters" provisions of these Rules, the Board of Directors and the General Manager will endeavor to resolve all disputes through informal negotiations.

2.3 Amending of Rules: The Board may, following notice and hearing, amend these Rules, or adopt new rules at the discretion of the Board.

2.4 Construction: A reference to a title, chapter, or section without further identification is a reference to a title, chapter, or section of the Water Code. Construction of words and phrases are governed by the Code Construction Act, Subchapter B, Chapter 311 of the Government Code.

2.5 Severability: If any one or more of the provisions contained in these Rules are for any reason held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability may not affect any other Rule or provision of these Rules, and these Rules must be construed as if such invalid, illegal, or unenforceable Rule or provision had never been contained in these Rules.

Chapter 3

Definitions

Unless the context hereof indicates a contrary meaning, the words hereinafter defined shall have the following meaning in these Rules:

3.1 "Acre-foot" means the amount of water necessary to cover one acre of land to the depth of one foot, or 325,851 U.S. gallons of water.

3.2 "Administratively Complete" is when all required information on a permit application has been provided by the Applicant, reviewed by the District staff and any necessary site inspection has been conducted. Furthermore, it is when all required information on an application or form has been provided by the Applicant, reviewed by the District staff, and any necessary inspection has been conducted.

3.3 "Applicant" is a person seeking action by the District such as requesting a permit or a hearing.

3.4 "Authorized Well Site" shall be:

1. The location of a permitted well that is in compliance with all applicable Rules of the District; or
2. The location of a proposed well as recorded on a duly filed District well permit application until such application is denied, canceled, or expired (An Authorized Well Site is not a permit to drill); or
3. The location of an existing well when the property was annexed into the District, if that well would have been permitted under the then existing District Rules at the time of annexation, and there is a record of the exact location of the well on file with the District.

3.5 "Aquifer" means a saturated geological formation or a part of a formation or a group of formations capable of storing and yielding fresh or brackish water in economically usable quantities. Any underground reservoir of water within the District is an aquifer, regardless of being defined as a major or minor aquifer by any state or federal agency.

3.6 "Annual", "Annually", "Year", "Yearly" and/or "Per Year" means a calendar year beginning on January 1 and ending on December 31.

3.7 "Beneficial Use" means use for:

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 does not constitute waste as defined in Chapter 13.

3.8 "Board" means the governing body of the Rolling Plains Groundwater Conservation District, consisting of three (3) duly appointed members from each county within the District as provided in Chapter 36, Texas Water Code, as amended.

3.9 "Chapter 36" refers to the chapter of the Texas Water Code which authorizes creation of Groundwater conservation districts and outlines the powers and duties of a groundwater conservation district. A reference to a specific section or subsection may be identified using the symbol "§" or by using the abbreviation of "Sec."

3.9.1 "Chemigation" means a process whereby pesticides, fertilizers, other chemicals, or effluents from animals and/or humans are added to irrigation water applied to real property or crops, or both, through an irrigation distribution system.

3.9.2 "Contiguous Acre" means an acre of land within the District and all additional acreage within the District, which is either (a) abutting acreage that physically touches, including corner-to-corner, or (b) non-abutting acreage if the two properties are connected and water is being delivered to the properties by a common underground water pipeline system. Further, acreage separated only by roads or county lines shall be considered contiguous. In addition, the same Person shall have the right to produce groundwater from the contiguous acreage through deed, easement, contract, lease, or any other legally recognized agreement. A municipality may include the acreage within its city limits if the municipality has adopted an ordinance prohibiting the drilling of wells within the confines of its city limits.

3.9.3 "Conveyance" means any transfer of water rights by deed, lease, or assignment, whereby a right to capture groundwater is partially or completely severed from the surface of the Property.

3.9.4 "Dam" means any barrier across the bottom chord of the pipe that is of sufficient height to back water into the low-pressure drain outlet and prevent any backflow (check valve seepage) into the water supply.

3.9.5 "District" means the Rolling Plains Groundwater Conservation District, maintaining its principal business office in Seymour, Baylor County, Texas. Where applications, reports, and other papers are required to be filed or sent to "the District", this means the District's principal office at 110 West California Street, Seymour, Baylor County, Texas 76380, Phone: 940-422-1095. The District shall also be known by the acronym "RPGCD".

3.10 "Entity" shall have the same meaning, for these Rules, as "Person".

3.11 "Export" means the transfer of groundwater outside the District's boundaries.

3.17.1 "Export Facility" or "Export Facilities" means all property and equipment utilized in the export process, including, without limitation, water rights, wells, pipelines, meters, storage facilities and pumping stations.

3.18 "Flapper" means the clapper, closing, or checking device within the body of a check valve.

3.18.1 "Foreign Substance" means any element or combination of elements in excess of that naturally occurring in the groundwater including re-used water, re-claimed water, tailwater, and may

include instances where open ditch water is treated when a pump discharge pipe is submerged in the ditch.

3.19 "General Manager" means the person hired by the Board to manage the daily administrative functions of the District and is responsible for carrying out all programs of the District necessary for groundwater and hydrogeological management activities.

3.20 "Groundwater" means water percolating below the surface of the earth.

3.21 "Groundwater Reservoir" means a specific subsurface water-bearing geologic unit or units having ascertainable boundaries and containing groundwater.

3.22 "Groundwater Production Unit ("GPU")" is an owner's contiguous acreage of groundwater rights which has been assigned by the owner to a specific well or well field for purposes of determining the owner's annual groundwater production allotment.

3.23 "Interested Person" means any person whose rights, duties or obligations may be affected by the actions of the District.

3.24 "Irrigation Distribution System" means a device or combination of devices having a hose, pipe or other conduit which connects directly to any water well through which water or a mixture of water and chemicals is drawn and applied to real property.

3.25 "Owner" means and includes any person or other entity, public or private, which has the legal right to produce and capture water from real property, either by ownership, contract, lease, easement, or any other estate in the real property and/or water except as that right may be limited or altered by rules promulgated by the District and Chapter 36.

3.26 "Person" means any individual, partnership, trust, state agency, political subdivision, cooperative, corporation, limited liability company, or any other similar legal entity.

3.27 "Pollution" means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of water in the District that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful purpose.

3.28 "Pump Size" means the diameter of the discharge, or "lead" pipe where it leaves the pump base and/or enters the irrigation distribution system.

3.29 "Property" means a defined area of water rights under common ownership.

3.30 "Property Line" means the outer boundary of water rights under common ownership. When used in the context of well spacing, "Property Line" does not mean the center of a public road but rather

means the line where a fence exists or would exist if it were built between the two nearest corners and parallel to the public road.

3.31 “Recharge Facility” means any structure, well, or combination thereof designed with the intent to allow water to enter an aquifer from the surface. This includes but is not limited to Managed Aquifer Recharge (MAR) facilities and Aquifer Storage and Recovery (ASR) facilities.

3.32 “Reservation” means the retaining of the right to capture water by a person conveying the surface and/or a portion of the water rights to a property.

3.33 “Saturated Thickness” means the vertical distance between the water table and the base of the groundwater reservoir, where the pores between the solid particles are completely filled with water.

3.34 “Section” means an area of real property containing 640 acres, more or less, as defined by the legal survey maps of the Counties, or portions thereof, within the District.

3.35 “Test Hole Permit” means a completed document furnished by the District providing information about a proposed groundwater exploration activity or project.

3.36 “Texas Water Code (TWC)” refers to the laws which govern the use and disposition of water in the state of Texas.

3.37 “Underground Water” is used synonymously with groundwater.

3.38 “Water” is used synonymously with groundwater and underground water.

3.39 “Water Rights” means the number of acres within each section from which a person has acquired the right to capture groundwater.

3.40 “Well” or “Water Well” means any artificial excavation constructed for the purpose of exploring for or producing groundwater that is in compliance with the District Rules. The term, however, shall not include any test or blast holes in quarries or mines, or any well or excavation for the purpose of exploring for, or producing oil, gas, or any other minerals unless the holes are used to produce groundwater. The term shall not include any injection water source well regulated by the Railroad Commission of Texas or any open excavated pond or pit used for livestock water or recreational purposes. Types of wells include but are not limited to the following:

1. ”Abandoned Well” means a well that is not in use. A well is considered to be in use if:

    A. the well is not a deteriorated well and contains the casing, pump, and pump column in good condition;
    B. the well is not a deteriorated well and has been capped;
    C. the water from the well has been put to an authorized beneficial use, as defined by the Water Code;

D. the well is used in the normal course and scope and with the intensity and frequency of other similar users in the general community;
E. the well is used for collecting data by the District; or
F. the Owner is participating in the Conservation Reserve Program authorized by §§ 1231-1236, Food Security Act of 1985 (16 U.S.C. §§ 3831-3836), or a similar governmental program.

2. "Authorized Well" means a well or a proposed well possessing a valid permit or registration from the District, or a well that was in existence prior to annexation into the District and which is otherwise in compliance with the then existing Rules of the District at the time of annexation;

3. "Deteriorated Well" means a Well the condition of which is causing, or may cause, pollution of groundwater in the District. A deteriorated well may also be a well that is in a condition that could pose a significant hazard to human health or safety.

4. "Domestic Well" means a well used solely for meeting the domestic needs of the residents and/or providing water for livestock or poultry that is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day (17.36 gallons per minute). Domestic wells are exempt from metering, regardless of the size of the parcel they are located on. A well used to provide water for livestock located on the property of Confined Animal Feeding Operations (CAFO[s]) is not a domestic well.

5. "Illegal Well" means a Well not in compliance with the Rules of the District.

6. "Industrial Well" means a well used by a commercial business, enterprise, or agri-business.

7. "Injection Well" means:
   i. an air conditioning return flow well used to return water used for heating or cooling in a heat pump (or similar equipment) to the aquifer that supplied the water;
   ii. a cooling-water return-flow well used to inject water previously used for cooling;
   iii. a drainage well used to drain surface fluid into a subsurface formation;
   iv. a Recharge well used to replenish the water in an aquifer;
   v. a saltwater intrusion barrier Well used to inject water into a freshwater aquifer to prevent the intrusion saltwater into the freshwater;
   vi. a sand back-fill well used to inject a mixture of water and sand, mill tailings, or other solids into subsurface mines;
   vii. a subsidence control well used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water;
   viii. a closed-system geothermal well used to circulate water, other fluids, or gases through the earth as a heat source or heat sink.

8. "Irrigation Well" means a well used to apply water to real property for the purpose of providing water to vegetation.

9. “Monitoring Well or “Observation Well” means a well used to measure or monitor the quality, quantity, or movement of groundwater or substances, elements, chemicals, or fluids beneath the surface of the ground. The term shall not include any monitoring well which is used in conjunction with the production of oil, gas, or any other minerals.

10. “Municipal Well” means a well used to meet the water needs of a city or community and is synonymous with a public water supply well.

11. “Public Water Supply Well” means a well used to provide water to twenty-five (25) or more persons on a regular basis or as defined by current rules and regulations of the Texas Commission on Environmental Quality, 30 Tex. Admin. Code Chapter 290.

12. “Public Water System” means a system supplying Water to a number of connections or individuals, as defined by current rules and regulations of the Texas Commission on Environmental Quality, 30 Tex. Admin. Code Chapter 290.

13. “Recharge Well” means a well used to allow or cause water to flow out of the well into the aquifer either under a gravity head or a head maintained by an injection pump in order to replenish the groundwater.

14. “Registered Domestic Well” means a well defined in Rule 3.40.4 above that is registered with the District as provided in Chapter 7 hereof.

15. “Stock Well, “Livestock Well” or “Windmill” means a well used to provide Water for livestock under “open range” conditions that is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day. A well used to provide water for livestock located on the property of Confined Animal Feeding Operations (CAFO’s) is not a livestock well.

16. Test Hole or Exploratory Well” means any hole drilled deeper than the top of any stratum containing groundwater for the purpose of securing geological, hydrological, or other information which may be obtained by penetrating the earth with a drill bit and includes but is not limited to: groundwater test holes, groundwater test wells of a temporary nature, and seismograph test holes.

17. Well Categories “Exempt” versus “Non-Exempt” defined:
    A. “Exempt Well” means a well that is located on a parcel greater than 10 acres in size and produces less than 25,000 gallons per day (17.36 gallons per minute) or a well used exclusively for petroleum exploration and is located on the same lease as the petroleum exploration activity. Water wells used for petroleum formation stimulation are not exempt wells.
    B. “Non-Exempt Well” means a well that is capable of producing greater than 25,000 gallons per day or a well that produces less than 25,000 gallons per day (17.36 gallons per minute) and is located on a parcel of 10 acres or less.

18. “Well Permit” means a completed form prescribed by the District authorizing a non-exempt well in accordance with these Rules and as defined in TWC §§36.113 and 36.1131.

19. “Permitted Well” means an existing non-exempt well which was completed via a Well Permit or was in existence prior to creation of the District or annexation by the District and whose exact location is recorded in District records.

20. “Well Registration” shall mean a completed form prescribed by the District which provides information either about an existing well or a proposed well that does not require a well permit.

Chapter 4

Regulation of Spacing and Production

Commentary to Chapter 4

Chapter 36 of the Texas Water Code grants the District authority to regulate the spacing of water wells and the production of water from wells. In order to minimize, as far as practicable, the drawdown of the water table and the interference between wells, the District requires wells to be spaced specified distances from adjoining wells based on the classification of the wells.

Classification, Spacing, Density, and Production Provisions

4.1 Wells will be subject to the following spacing and density rules:

1. All wells, regardless of classification, shall be located fifty (50) feet or greater horizontal distance from an existing property line;
2. A non-exempt well shall be located three hundred (300) feet or greater horizontal distance from the nearest Permitted Well.
3. A non-exempt well shall be located three hundred (300) feet or greater horizontal distance from the nearest registered Exempt Well;
4. An exempt well shall be located three hundred (300) feet or greater horizontal distance from the nearest registered or Permitted Well.
5. If an Owner desires to drill a new well and an existing well of the Owner, based on the existing well's classification, is too close to the proposed drill site of the new well, the existing well may be plugged to allow for the new well.
6. If an Owner desires to drill a new well and an existing well of a different Owner, based on the existing well's classification, is too close to the proposed drill site of the new well, the proposed drill site must be moved to accommodate the existing well of a different Owner.
7. The fifty (50) feet property line setback in Rule 4.1.1 applies to all wells in the District regardless of well completion method or surface completion materials placement. The alternative property line distance authorized for wells under 16 Tex. Admin. Code §76.100(b)(2) (or any predecessor or successor provision) shall not be used to reduce the setback required by Rule 4.1.1.

4.2 Well Density: The maximum Well density shall be no greater than:

1. Four non-exempt wells permitted to a one-eighth (1/8) Section of land; and
2. One-eighth Section of land consists of eighty (80) acres, more or less.

4.3 A Person's right to continue to produce a well or wells under this Rule is dependent upon maintaining the ownership of Contiguous Acres of Water Rights sufficient for said production. A conveyance of any portion of the Water Rights could result in noncompliance with Rules of the District.

4.4 The District shall be notified by the Grantee or the party reserving Groundwater Rights about any conveyance or reservation of Water Rights separate from the surface of the property and shall be provided a copy of the recorded document of conveyance or reservation.

4.5 Groundwater production from Non-Exempt Wells is limited to no greater than 2 acre-feet per acre per year within an Owner's Groundwater Production Unit. If no Groundwater Production Unit has

been designated to the Well, the limit applies within the Owner's Contiguous Groundwater Rights assigned to the Well.

Chapter 5

Water Flow Meters

5.1 Metering System: All groundwater produced from Non-Exempt Wells and exported from the District shall be metered by a District approved flow meter. All groundwater produced from any Non-Exempt Wells permitted and completed after _____ shall be metered by a District approved flow meter. The meter shall be at the well or at the central collection point on a closed system.

5.2 The metering system shall remain in place and be in proper operating condition at all times when groundwater is being produced. If the metering system ceases to operate correctly and/or it becomes necessary to remove the metering system to make repairs and the well is in operation, the Owner or operator within 30 days shall:

A. Inform the District of the date the metering system ceased to operate, the date the metering system will be removed, and the totalizer reading of the meter or the calculated groundwater usage at the time the metering system is removed,

B. Inform the District of the date the metering system was replaced and the totalizer reading of the meter at the time the meter was replaced, if the metering system utilizes an hour meter, the number of hours on the meter at the time of replacement, and

C. Make a determination of the amount of groundwater which was produced during the time the metering system was not in operation. The General Manager shall select the determination method.

5.3 Water Flow Meter Specifications: Each water flow meter required by the District, or required pursuant to a regulation adopted by the District, shall meet the following minimum requirements:

5.4 The water flow meter has been certified by the manufacturer to register neither less than 98 percent nor more than 102 percent of the actual volume of water passing the water flow meter when installed according to the manufacturer's instructions. This requirement shall be met throughout the water flow meter's normal operating range without further adjustment or calibration.

5.5 The water flow meter will maintain accuracy as stated in these Rules.

5.6 The water flow meter must meet the following criteria:

A. A seal installed by the manufacturer or an authorized representative of the manufacturer; or

B. A totalizer that is impossible to alter the reading without breaking the seal or obtaining the authorization of the manufacturer, an authorized representative of the manufacturer, or the District;

C. The water flow meter will clearly indicate the direction of water flow;

D. The water flow meter will clearly indicate its serial number;

E. The water flow meter will have a weatherproof register that is sealed from all water sources;

F. The water flow meter will have a register that is readable at all times, whether the system is operating or not; and

G. The water flow meter is capable of being sealed by an authorized representative of the District to prevent unauthorized manipulation of, tampering with, or removal of the water flow meter.

5.7 The water flow meter will remain operable without need for recalibration to maintain accuracy throughout the operating life of the water flow meter.

5.8 The water flow meter will have a totalizer that meets the following criteria:

A. Is continuously updated to read directly only in Acre-feet or gallons;

B. has sufficient capacity, without cycling past zero more than once each Year, to record the quantity of water if the Well operated 24 hours a day for a Year at maximum capacity;

C. reads in units small enough to discriminate the Annual water use to within the nearest 0.1 percent of the total Annual permitted quantity of water;

D. has a dial or counter that can be timed with a stopwatch over not more than a 10-minute period to accurately determine the rate of flow under normal operating conditions; and

E. has nonvolatile memory.

5.9 Each water flow meter required by the District shall meet the following minimum specifications:

A. Each water flow meter shall be of the proper size, pressure rating and style, and shall have a normal operating range sufficient to accurately measure the water flow passing the water flow meter under normal operating conditions.

B. Each water flow meter shall meet the accuracy requirements of these Rules. If the water flow meter does not meet the accuracy requirements of these Rules, then:

(1) The water flow meter must be adjusted to so meet the accuracy requirements of these Rules; or

(2) The water flow meter must be replaced, and the replacement meter installed in accordance with the requirements of these Rules.

5.10 Water Flow Meter Installation Specification: Each water flow meter that is required by the District to be installed under these Rules shall meet the following minimum installation specifications:

(1) Shall be installed in a manner that meets or exceeds the instructions of the manufacturer.
(2) Shall be sized and installed so that flow will be maintained through the water flow meter and so that water velocity in the measuring chamber will be within the normal operating range of the water flow meter at all times while the water is being produced.
(3) Shall be installed at a location at which the flow meter measures all groundwater produced and does not measure surface water if any is pumped.
(4) Shall be installed at a location with at least eight (8) pipe diameters of length prior to the meter and four (4) pipe diameters of length after the meter with straight run pipe with no valves, coolers, elbows, or changes in diameter within those lengths.

5.11 Flow Meter Audit: The District may perform an audit of flow meters on a Groundwater Production Unit or any other land within the District. The audit may include:

(1) Flow testing wells;
(2) Meter system inspection;
(3) Any other information required by the Board to determine if the meter is recording groundwater production properly.
(4) Any other item within these Rules including but not limited to underground pipe layout, well spacing, pump discharge size, and/or well use.

Chapter 6

Groundwater Production Units and Management Zones

6.1 Groundwater Production Units: On or before January 1, 2025, each Well Owner, or the Owner's agent, may designate a parcel of acres of the Owner's Contiguous Groundwater Rights to be assigned to a well or well field which shall be the Groundwater Production Unit ("GPU") for such well or well field.

6.2 The document specified by the District for designation the Owner's Contiguous Groundwater right acres to a GPU shall be identified as a "GPU Designation".

6.3 The GPU Designation shall be filed with the District and shall identify the GPU by legal description and the number of acres in the GPU.

6.4 The GPU shall contain no more than 1,280 acres, and,

6.5 All wells within the GPU must comply with minimum Property Line spacing requirements and Well spacing limitations present at the time of the well(s) installation.

6.6 A GPU must remain in effect for at least one Production Year after the GPU designation is filed with the District.

6.7 For any Well permitted or completed on or after the effective date of these Rules, if the Owner has not designated a Groundwater Production Unit for the Well, the Owner's Contiguous Groundwater Rights assigned to that Well or to a well field including that Well, for purposes of calculating the production limit under Rule 4.5, shall be subject to the acreage limit in Rule 6.4.

6.8 Groundwater Management Zones: The Board may designate one or more Groundwater Management Zones ("GMZ") within the District for the purposes authorized by Texas Water Code §36.116(d) (or any successor provision), including better management of groundwater resources or addressing substantial differences in aquifer conditions or use between geographic areas of the District.

1. A GMZ shall consist of an area of land not less than five (5) square miles and within which at least two landowners hold land.
2. Prior to designating a GMZ, the District will conduct a groundwater study within the proposed GMZ area and hold a hearing to receive public comment on the proposed designation.
3. Within one (1) year after the effective date of a GMZ designation, the following rules shall apply to all Non-Exempt Wells within the GMZ:
   (i) all Groundwater produced from Non-Exempt Wells shall be metered by a District approved flow meter;
   (ii) each Non-Exempt Well shall have a Groundwater Production Unit ("GPU") designated under Chapter 6;
   (iii) the minimum well-to-well and property line spacing distances established by Rule 4.1 shall be multiplied by 1.5;
   (iv) the maximum well density established by Rule 4.2 shall be reduced by one-half (50%); and

(v) the maximum annual Groundwater production established by Rule 4.5 shall be reduced to seventy-five percent (75%) of the District-wide limit.

4. The Board shall review each GMZ designation at least once every five (5) years to evaluate its effectiveness and determine whether the GMZ should be continued, modified, expanded, reduced, or terminated. Any modification, expansion, reduction, or termination shall follow the procedure in Rule 6.8.2.

Chapter 7

Annual Production Reporting and Achievement of Desired Future Conditions ("DFC[s]")

7.1 Reporting Annual Production: Each Well Owner or District staff shall collect and report annual production data. In cases where the Well Owner has already collected the data, District staff will request that data in lieu of field inspections to acquire it. Well Owners who export water are required to file an Annual Production Report (APR).

1. The APR shall provide the beginning and ending meter reading(s), meter serial number(s), and total water production for each individual meter and shall be for a period beginning on January 1 and ending on December 31 of the calendar Year ("Production Year").
2. The APR shall be filed no later than March 1 of the Year immediately following the Production Year.
3. The Owner shall certify in writing that the information contained in the APR is true and correct.
4. The District may perform an audit of any APR filed with the District.
5. The District may require the Owner to provide any reasonable supporting documentation to verify the APR.

7.2 Achievement of DFC(s): The Annual Production Reports and annual groundwater measurements shall be analyzed by the District to monitor the District's achievement of its DFC(s). From this analysis, if it appears that the DFC(s) are not being achieved, the District may then amend these Rules to impose or change allowable annual production limits, change allowable well spacing, change allowable well density, require additional meters, and/or require the designation of Groundwater Production Units.

Chapter 8

Permits and Registration

8.1 Well Registration Required: After June 25, 2024, no person shall hereafter drill a well without having first registered the well or applied to the District and received a Permit or amended Permit to do so, unless the drilling and operation of the well is exempt by law or by these Rules. A copy of a Domestic Well Registration, Test Hole Permit, or Well Permit approved by the District shall be available (electronically or in hardcopy) on the drilling rig at all times when the rig is conducting drilling operations. The District may withhold the issuance of a Test Hole Permit or a Well Permit if the Owner applying for the Permit is not in compliance with these Rules on any property within the confines of the District.

8.2 Well Registration: After June 25, 2024, any water well that is exempt from permitting under Rule 8.5 is required to be registered with the District prior to drilling.

8.3 Test Hole Permit: A person exploring for groundwater shall file an application and receive a Test Hole Permit prior to commencing the Test-Hole operation.

8.4 Well Permit: Except for those wells exempt under Rule 8.5, a person is required to obtain a permit from the District. A person must obtain a Well Permit before they begin to drill a well, or increase production from a well in excess of the production authorized in the original or amended permit, or increase the size of an existing well or pump that is completed or equipped so that it is capable of producing in excess of 25,000 gallons of groundwater per day (17.36 gallons per minute), except as listed below:

8.5 Exempt Wells: The wells that are exempt from the District's permitting requirements under Rule 8.4 are as follows:

1. Water wells used solely for domestic use or for providing water for livestock or poultry if the wells produce less than 25,000 gallons per day and are located on parcels of land greater than 10 acres in size.
2. Water wells used solely for domestic use or for providing water for livestock or poultry if the wells have a one half (1/2) horsepower or less pump installed and are located on parcels of land less than 10 acres in size.
3. Water well utilized 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 (RRC) is exempt by law from permitting under TWC § 36.117, provided the person holding the RRC permit is responsible for drilling and operating the water well, and provided that the well is located on the same lease or field associated with the drilling rig. Even though exempt by law from Permitting under TWC §36.117, such wells must be registered with the District and metered. All such wells shall be equipped and maintained in accordance with these Rules as to drilling, installation of casing, completion, pipe, and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir.

4. Water wells 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.

   If a well exempted under this Rule 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, and if the well is, or is reworked to become, capable of producing more than 25,000 gallons of groundwater a day, the Owner shall file an application with the District for a permit and comply with all District Rules.

   i. If the well does not meet the requirements established under Chapter 4 (Regulation of Spacing and Production) of these Rules, the well shall be equipped to meet those requirements.
   ii. If the well cannot be equipped to meet the requirements of Chapter 4 (Regulation of Spacing and Production Rules), the well shall be plugged or capped in accordance with the Rules of the District, the Texas Department of Licensing and Regulation (TDLR) Rules and Chapter 1901 of the Texas Occupations Code.

   An Owner of a proposed well exempted under this Rule 8.5 may file an application with the District prior to drilling the well. If an application is filed with the District, the Well must comply with all Rules of the District.

   Exempt wells that are not used in the petroleum industry, produce less than 25,000 gallons per day, and are located on parcels greater than 10 acres must be registered with the District prior to drilling.

8.6 Registration of Wells: The District shall prepare and issue a Well Registration form. This form must be executed by the Owner, or the Owner's authorized representative, and filed with the District. The District shall date-stamp and assign a serial number to each registration when it is received. A Well Registration shall be in writing on the form prescribed by the District and shall provide the following information:

1. The name and mailing address of the Owner of the well; and

2. The exact location of the well to be drilled, including the survey Quarter-Section and the number of yards to the nearest non-parallel Property Line, or other legal description; and

3. The latitude and longitude of the well location; and

4. The proposed use of the well to be drilled;

5. The size of the pump and the estimated gallons per minute production; and

6. An agreement by the Applicant that a well completion report and driller's log will be furnished to the District upon completion of the well; and

7. Such additional data as may be required by the Board.

8.7 Registration is effective upon determination by the General Manager that all required information is included on the registration form and has been completely and correctly filed with the District. No Board action is required for registration of a well.

8.8 The District shall not enforce spacing limitations to protect non-registered Exempt Wells.

8.9 Any registered well shall be located a minimum of fifty (50) feet horizontal distance from an existing property line.

8.10 Issuance of Permits: The Board shall issue, or cause to be issued Test Hole Permits, Well Permits, Export Permits, and other well Permits. Individual permit applications shall be executed by the Owner, or by the Owner's authorized representative, and filed with the District. All permit applications and/or other documents required to accompany a permit application shall be filed at the District's principal office.

8.11 Test Hole Permits: When the District receives an application for a Test Hole Permit, the application shall be date and time-stamped and assigned a Test Hole Permit application serial number indicating its relative priority in time with respect to later filed applications. A Test Hole Permit may be approved by the General Manager of the District. The application shall be in writing and certified to be true and correct under penalties of perjury. The Applicant shall provide the following information on forms prescribed by the District:

1. The name, mailing address and telephone number of the Applicant and the Owner of the real property on which the Test Hole(s) will be drilled.
2. The general description of the property's location on which the Test Hole(s) is to be drilled.
3. The name and telephone number of the driller (if not on file with the District) and the date drilling operations will begin.
4. A declaration that all test holes will be plugged upon completion of the drilling operations and prior to the drilling equipment leaving the property.
5. Any other relevant information deemed necessary by the General Manager of the District.

8.12 A Test Hole Permit entitles the Applicant to file an application for a Well Permit on a single property subject to this Rule, other Rules of the District, and any other Test Hole Permits and/or applications for a Well Permit on adjacent property, so long as the application for a Well Permit is made prior to the final expiration date of the Test Hole Permit. The Test Hole Permit can be for any defined area within the same property. However, no more than one Test Hole Permit may be in effect within the same property.

8.13 A Test Hole Permit entitles the Applicant to file an application for Well Permits on a single property subject to this Rule, other Rules of the District, and any other Test Hole Permits and/or applications for a Well Permit on adjacent property, so long as the application for a Well Permit is made prior to the final expiration date of the Test Hole Permit. The Test Hole Permit can be for any defined area within the same property. However, no more than one Test Hole Permit may be in effect within the same property.

8.14 Test Hole Permit secures the Applicant's real property within a particular property for the purpose of drilling Test Holes. It entitles the Applicant to file subsequent application(s) for a Well Permit(s) under these Rules.

8.15 Test Hole Permits may be issued to adjacent property Owners at any time; however, the Test Hole Permit which was issued first in time will have the first right to select a well location within legal proximity to an adjacent property line and adjoining property Owners must respect the District's well spacing rights of the first Test Hole Permit Applicant during the effective term of the Test Hole Permit and any subsequent Well Permit, if applicable.

8.16 When the District receives an application for a Well Permit, the application shall be date and time-stamped and assigned a Well Permit application serial number indicating its relative priority in time with respect to later filed applications. Prior to commencement of drilling operations:

Applicants shall provide the following information on forms provided by the District:

a. The name and mailing address of the Applicant and the Owner of the real property on which the well will be located. If the Applicant is not the Owner of the property, the Applicant must furnish satisfactory documentation evidencing the Applicant's authority to construct and operate a well for the proposed use on behalf of the Owner.
b. The exact location of the well to be drilled, including the section, block, survey, league and/or other recorded legal description, the county in which the real property is located, and/or a Global Positioning System (GPS) longitude and latitude, and a statement as to the proposed use of the well and the location of the property upon which the groundwater will be used, if other than the property on which the well is located.
c. The name and phone number of the driller, contractor, and/or pump installer, and the date drilling operations are to begin.
d. The size of the pump and the estimated gallons per minute production of the well.
e. A statement as to the exact location of the three closest wells and/or Well Permit applications within 200 feet of the proposed well location, together with
f. the description of each location or permit application number or District Well number. (District staff may assist in providing this information.)
g. An agreement that all required information will be furnished to the District upon completion and prior to production of water from the well, including without limitation:
    i. Driller's logs in accordance with TWC §36.112; and
    ii. Records and reports on the drilling, equipping, and completing of water wells in accordance with TWC §36.111, including, without limitation: casing length, perforation depth, gravel packing, depth of pump, bowl sizes, number of stages, pump size, power unit requirements, horsepower, test pumping, and pumping level.

h. A declaration that the integrity of the well will be maintained and if it becomes deteriorated or is abandoned, the well will be repaired, plugged, or capped in accordance with the Rules of the District, Chapter 1901 of the Texas Occupations Code, and the Rules of the TDLR.

i. Any other information deemed necessary by the General Manager of the District, subject to the approval of the Board.

8.18 The Well Permit application shall be in writing and certified to be true and correct under penalties of perjury.

8.19 An application for a Well Permit is subject to any approved Well Permit and/or any active Test Hole Permit on adjacent property. However, a permit application for a well spaced at least one hundred fifty (150) feet inside the property lines and not in conflict with any other Rules of the District will not be considered in conflict with an active Test Hole Permit on adjacent property.

8.20 The General Manager shall within seven (7) days review the Well Permit application and other documents included with the application.

8.21 If the General Manager determines that the application is complete and complies with the Rules of the District and no protest or conflicting Well Permit application has been filed, the General Manager shall issue the permit and submit the application to the Board for review and ratification at the next Board meeting.

8.22 If the General Manager determines that the application is incomplete or does not comply with the Rules of the District, or a protest or a conflicting Well Permit has been filed, the General Manager shall so notify the Applicant, Protestant, and/or conflicting permit Applicant.

a. The General Manager shall try to resolve any disputed issue with the Applicant and any other person involved.

b. If the dispute cannot be peaceably resolved, the General Manager shall schedule the Well Permit application as an agenda item at the next Board meeting. The Manager shall also notify the Applicant and any other Person involved of the date and time the application will be considered by the Board.

c. Under this provision, drilling and/or production activities shall be suspended until the issue has been resolved by the Board.

8.23 An administratively complete Well permit, dated, time-stamped, and serialized by the District, shall be present in either hardcopy or digital form at the well site.

8.24 Time During Which a Permit Shall Remain Valid: The Applicant shall comply with the following timelines.

1. Test Hole Permits:
   A. A Test Hole Permit shall be in effect for ninety (90) days from the date of application.
   B. A Test Hole Permit may be extended for ninety (90) days because of delaying conditions that are not reasonably within the control of the Applicant. A written request for an extension must be filed prior to the expiration date of the original Test Hole Permit on forms provided by the District. A request for one ninety (90) day extension may be approved by the General Manager of the District.
   C. No Test Hole shall be drilled until a Test Hole Permit is issued by the District.
2. Well Permits:

A. Any Well Permit granted hereunder shall remain valid if the Well is completed within ninety (90) days from the filing date of the application. It shall thereafter be void unless an extension is granted.
B. A Well Permit may be extended for ninety (90) days because of events which delay completion and are not reasonably within the control of the Applicant. A written request for an extension must be filed on forms prescribed by the District prior to the expiration date of the original Well Permit. The request for one 90-day extension may be approved by the General Manager of the District.

3. After a Well Permit is formally approved by the Board and the driller's log is received, the Well Permit shall remain valid and effective unless it is reclassified or abandoned by the Owner, or it is determined by the Board to be in violation of the Rules of the District.

8.25 Early Expiration of Test-Hole and Well Permit:

1. A Test Hole Permit application will be considered null and void if the District does not receive the information required to be furnished by the Applicant within seven (7) days from the date of the application. The District will notify the Applicant that the application is null and void.
2. A Well Permit application will be considered null and void if the required deposits and the required information to be furnished by the Applicant are not provided to the District within seven (7) days from the date of the application. If the information required is not provided, the Applicant will be notified by the District that the application is null and void and the deposit will be returned to the Applicant.

8.26 At the General Manager's discretion, the same form may be used for application to drill either a permitted or a registered (Non-Exempt or Exempt) well.

8.27 At the General Manager's discretion, any existing well within the District may be registered and entered into the District's records by District staff with no action of the Owner being necessary.

8.28 At the General Manager's discretion, a Well Permit of Registration may be filed via the District's website and signed using same provided that payment is received, and all information is complete.

Chapter 9

Requirements for Drilling, Completing, and Equipping Wells

9.1 All wells shall be completed, equipped, and maintained in such a manner as to protect human life and prevent pollution.

9.2 Complete records shall be kept and filed with the District as provided in these Rules. Such records shall be filed with the District on forms prescribed by the State and/or District within sixty (60) days after completion of the well.

9.3 No Person shall produce groundwater from any well drilled and equipped within the District after the adoption of these Rules, except for any groundwater production that is necessary to test such well and equipment, until the District has been provided the information required by these Rules.

9.4 No Person shall drill, complete, or equip a well without having a current Texas Water Well Driller's license, Texas Pump Installer's license, and without complying with the Rules and Regulations of the District, state or federal agencies or political subdivisions having jurisdiction, which Rules and Regulations are all incorporated herein by reference. Provided, however, this Rule 9.4 does not require a Well Owner or operator to have a Texas Water Well Driller's license or a Texas Pump Installer's license to service or repair that Owner's or operator's Well or Well equipment.

9.5 Any person or Contractor that is drilling, completing, or equipping a well is responsible for submitting the required Driller's Report within the specified timeframe. This includes any additional test data that was collected such as but not limited to production tests, sieve analyses, wireline logs, and video inspections.

9.6 Any person or Contractor who is licensed as an apprentice that is drilling, completing, or equipping a well is responsible for staying in contact with their supervising licensed driller or pump installer regarding their daily work and location. A licensed driller or pump installer that supervises an apprentice must directly supervise the apprentice while they are drilling, setting screen or casing, cementing, and developing the formation. To that end, it is a violation of these rules for a supervising licensee to be more than two hours from the worksite where an apprentice is working if the work entails drilling, setting screen or casing, cementing, or developing the formation. This violation is applicable to the supervising licensee and the apprentice as separate violations.

Chapter 10

Well Location

10.1 After the application for a Well Permit has been granted, the well, if drilled, must be drilled within ten (10) yards of the location specified in the permit, and not elsewhere. If the well is drilled more than ten (10) yards from the location specified in the permit, it will be an Illegal Well. The District may enjoin the drilling or operation of an Illegal Well and/or assess civil penalties as provided in these Rules.

Chapter 11

Replacing, Reworking, and/or Re-equipping a Well

11.1 Under Rule 11.1, no Person shall rework, re-drill or re-equip a well in such a manner that would increase the rate of production from such well above the original or amended permitted capacity without first having made an application to the District and having been granted the required permits from the District to do so.

1. Replacement Well: A replacement well must be drilled within fifty feet (50') of the old well and not elsewhere. It must not be located toward any other well or Authorized Well Site unless the new location complies with the spacing requirements in effect on the date the well being replaced was drilled. The replacement well is considered to be a new well for which application must be made under Chapter 8 and must comply with the requirements of Chapter 9. Immediately upon completion of a replacement well, the well being replaced shall be:
    a. plugged and abandoned; or
    b. capped; or
    c. closed in accordance with Chapter 14 hereof.
2. Reworking or Re-equipping a Well: The size or actual pumping capacity of a Well shall not be changed to a larger capacity to increase (over the original permitted capacity) the rate of production of a well above the maximum pumping capacity for which the well was permitted without having been granted a permit or an amendment to the existing permit. If the well is a sufficient distance from other wells to comply with spacing regulations for new wells of the desired capacity, and otherwise complies with the Rules of the District, the Board will consider the application.

Chapter 12

Deposit and Fees

12.1 Well, Export Facility, and Recharge Facility Permits:

1. Each application for a new Well Registration and/or a Well Permit, Export Facility Permit, or Recharge Facility Permit shall be accompanied by a deposit and a non-refundable administrative fee. The deposit and administrative fee shall be sent to the principal office of the District. The deposit may be refunded to the Applicant by the District if:
    a. The application is denied;
    b. The application is granted, upon delivery to the District of all information required under Chapter 8 hereof of the District Rules and/or Chapter 12 hereof; or
    c. If no drilling or construction and the Applicant requests cancellation of the Well Permit; or
    d. If the proposed Export Facility is abandoned and the Applicant requests cancellation of the Export Permit.
    e. If the proposed Recharge Facility is abandoned and the Applicant requests cancellation of the Recharge Facility Permit.
2. If the Applicant does not submit all information required by these Rules to the District within thirty (30) days after the expiration date of the permit, any well, if drilled, will be deemed an Illegal Well and any deposit required by these Rules shall be forfeited.

12.2 Deposits and Administrative Fees: The District may charge an administrative fee for the registration of existing Domestic and Exempt Wells and a deposit and an administrative application fee for a Proposed Well Permit/Registration, proposed Export Permit or proposed Recharge Facility Permit. The Board shall set the dollar amount of deposits, administrative fees, and Expedited permitting administrative fees and refund policies for deposits. An Administrative fee and/or deposit for proposed wells shall be the same amount per application regardless of the type of Well Registration or Well Permit.

12.3 Fees for Administrative Services: The Board may set the amount of fees to be charged for administrative services of the District, which include, but are not limited to providing copies of documents, reports, records, and minutes or other information of the District, and for formal notices, including certain publication costs, required under Chapter 15.

12.4 Fees for Field Services: The District will not provide field services to well Owners or operators of wells within the District if the wells are not in compliance with District Rules.

a. The Board may adopt a fee schedule which sets the amount of fees to be charged for any services provided within the District.
b. The District shall charge fees for all services provided outside of the boundaries of the District.

12.5 Amendment to Deposit and Fees: Upon giving proper public notice, the Board may change the amount of deposits, administrative fees, and field service fees and/or change refund policies for deposits from time to time.

Chapter 13

Groundwater Export and Groundwater Recharge

13.1 Registration of Export Facility: An Export Permit, as provided herein shall not be required if the exportation of groundwater began prior to March 2, 1997. However, the Owner or operator of the Export Facility is required to register the Export Facility with the District and provide all applicable information required in Paragraph 13.2. Any increase in the volume of Water Exported, or a change to the Export Facility through Conveyance, acquisition of Property, or sale of the Export Facility requires the Export Facility to apply for, and receive a permit, and comply with the Export Rules, including, if applicable, a fee on any increase above the stated amount in the registration of the Facility.

13.2 Export Permit: To receive an Export Permit, an Applicant shall provide the following information on forms prescribed by the District:

1. The name and mailing address of the Applicant. If the Applicant is not the Owner of the Export Facility exporting the water, the Applicant must furnish satisfactory documentation evidencing the Applicant's authority to file an application for an Export Permit on behalf of the Owner.
2. The exact location of all existing wells to be used for production of groundwater for export and any proposed new wells to be drilled prior to the commencement of Export. Existing well data shall include a copy of the Well Permit for the existing well. All existing wells must be in compliance with the Rules of the District. Applications for any proposed well(s) must comply with these Rules.
3. The name and address of the fee Owner(s) of the Property and/or Water Right holder from which the water is to be produced if it is other than the Applicant and a copy of a document committing water to the Export project.
4. The names and addresses of the Property Owners and/or Water Right Owners adjoining the property or proposed property where the well(s) to be used for the Export production are or will be located.
5. The time schedule for construction and/or operation of the Export Facility.
6. A complete construction and operations plan certified by an engineer licensed in the State of Texas that will include, but is not limited to:
    A. A technical description of the proposed wells, including the estimated production for each well in gallons per minute and Acre-feet Per Year;
    B. Any scheduled production times and/or rotation of production from wells proposed to be used;
    C. A technical description of the facilities to be used for Exportation of water including the location of meters, valves, gathering lines, pump stations, export lines and any other information about other equipment used in the Export Facility; and,
    D. A map or maps on a scale suitable to adequately depict the location of all the components of the Export Facility.
7. The use of the water to be Exported and the location of the entity receiving the water.
8. The volume of water (in U.S. gallons and Acre-feet) proposed to be Exported Annually.
9. The period of time ("term") for which Export operations are proposed.

10. A declaration that any change or modification to the information provided in the application shall immediately be provided to the District. Any change or modification may require the Applicant to amend the permit application.
11. Any other information deemed necessary by the Board.

13.3 In reviewing a proposed transfer of Groundwater out of the District and in addition to the information required in Paragraph 13.2 the Board shall consider:

A. the availability of water in the District and in the proposed receiving area during the period for which the water supply is requested;
B. the projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District; and
C. the approved Regional Water Plan and certified District Groundwater Management Plan.

13.4 In regard to Export of groundwater from the District, any Conveyance or Reservation of Groundwater Rights separate from the surface of the real property shall be reported to the District by the Grantee or the party reserving the Groundwater Rights.

13.5 The Owner or operator of all Export Facilities subject to registration or permitting shall equip each well with a District approved flow meter and shall install a District approved flow meter at any point water exits the District. The flow meters shall be available at all reasonable times for inspection by District personnel.

13.6 All Export Facilities shall, on or before January 30th of the ensuing Year, provide the District with an Annual Export Production Report on forms prescribed by the District which shall include:

1. the total amount of groundwater the Export Facility produced within the District;
2. the amount of water Exported out of the District by the Export Facility;
3. the amount of water entering the Export Facility's conveyance system from any sources outside of the District;
4. the amount of Water actually delivered to the receiving Entity by the Export Facility; and,
5. The monthly reports to the District and the Annual Export Production Report shall set forth the total volume of Exported Water for each respective period in acre feet and in U.S. gallons.

13.7 Duration of Export Permit:

1. The initial term for an Export Permit shall be three (3) Years if construction of a conveyance system has not been initiated prior to the issuance of the permit. If construction of a conveyance system has not been initiated by the expiration of the initial term, the Applicant shall reapply for an Export Permit. The application will be considered as a new application and subject to any amendments to the Rules or new rules that may be in effect at that time [TWC §36.122i(1)].
2. The initial term will convert to the term approved in the Export Permit application or a thirty (30) Year permit if construction of a conveyance system has been initiated prior to the expiration of the initial term permit [TWC§§36.122i(2) and 36.122j].

3. No later than one Year prior to the expiration of the Export Permit the Owner or agent of the Export Facility shall notify the District about the future of the Export Facility.
    A. If it is proposed that the Export Facility will continue to Export Water the Owner or operator shall so inform the District and provide the following:
        (1) A completed application for an Export Permit amendment identifying the new term to begin at the end of the existing permit term, and
        (2) A document describing the integrity of the Export Facility, including the expected life of the existing Export Facility, and/or a proposed plan and schedule of repairs, and/or upgrades to the Export Facility to ensure its integrity for the duration of the new term.
    B. If it is proposed that the Export Facility will not continue to Export Water, the Owner or operator shall provide the District with a "closure plan" designed to prevent waste, pollution and/or hazard to health and human safety.
4. In its determination of whether to renew an Export Permit issued under this Rule, the District shall consider relevant and current data for the conservation of groundwater resources and shall consider the permit in the same manner it would consider any other permit in the District under the then current Rules.

13.8 Export Fees: A fee shall be charged for Water produced within the District and Exported to an area outside of the boundaries of the District. The Annual fee shall be not greater than:

1. $1 per acre-foot of water used for agricultural use; or
2. 20 cents per thousand gallons of water used for any other purpose; or
3. Any other amount not to exceed 150 percent of the maximum commercial water rate charged by Wichita Falls and as set from time to time by action of the District's Board in a regular meeting upon giving notice to existing Export Permit holders.
4. Mixed use Export is charged the higher of the two rates described above.
5. The fee will be calculated using the sum of the production amount from the meters located on each well.
6. The fee may be paid on a monthly or an Annual basis as determined by the Board.

Per Section 36.122(e-1) of the Texas Water Code, the District may assess an Annual Fee under Rule 13.8.1 or 13.8.2 that can increase three percent each calendar year. Such an increase in the Annual Fee is required to be approved by the Board after a public hearing.

13.9 Registration of Groundwater Recharge Facility: A proposed recharge facility shall obtain a Recharge Permit prior to construction or operation. The permit application shall describe the facility in detail and be sealed by a Professional Geoscientist and/or a Professional Engineer. The permit applications shall at a minimum include the following:

1. Detailed description of the subsurface at the site as determined by soil borings, test wells, surface geophysics, or other such methods.
2. Transmissivity of the aquifer at the site as determined by one or more multi-well pumping test(s).
3. Model results from an analysis of potential groundwater mounding using site-specific inputs.

4. Geohazard analysis of the site to include potential surface water impactors within the watershed and potential subsurface hazards including but not limited to past brine disposal pits.
5. Description of surface water quality, subsurface water quality, and expected interactions including potential ions liberated or bound.
6. Source water permit, facility design, and anticipated annual volume.
7. Groundwater level and quality monitoring plan.
8. Facility closure plan including action levels/triggers for closure and the proposed closure procedure.
9. Payment of a deposit and administrative fee as stated in the District's Fee Schedule.

Chapter 14

Water Quality and Waste

14.1 The District is aware that at times there are activities and/or conditions which could cause significant pollution or harmful alteration of the groundwater. The District recognizes and supports the state of Texas and the federal government regulatory agencies which protect the groundwater and surface water from both point source and non-point source pollution. These agencies include, but are not limited to, Groundwater Conservation Districts, the Texas Commission on Environmental Quality, Texas Department of Agriculture, Texas State Soil and Water Conservation Board, Railroad Commission of Texas, and the United States Environmental Protection Agency.

14.2 Unless otherwise determined by the District that a superior check valve system is installed, the following equipment must be installed on all wells as follows:

1. The type of check valve installed shall meet the following minimum specifications:
    A. The body of the check valve shall be constructed of cast iron, stainless steel, cast aluminum, cast steel, steel or of a material and design that provides a sturdy integrity to the unit and is resistant to the foreign substance being injected. All materials shall be corrosion resistant or coated to prevent corrosion. The valve working pressure rating shall exceed the highest pressure to which the valve will be subjected.
    B. The check valve shall contain a suitable automatic, quick-closing, and tight-sealing mechanism designed to close at the moment water ceases to flow in the downstream direction. The device shall, by a mechanical force greater than the weight of the closing device, provide drip-tight closure against reverse flow. Hydraulic backpressure from the system does not satisfy this requirement.
    C. The check valve construction should allow for easy access for internal and external inspection and maintenance. All internal parts shall be corrosion resistant. All moving parts shall be designed to operate without binding, distortion, or misalignment.
    D. The check valve shall be installed in accordance with the manufacturer's specifications and maintained in a working condition during all times in which the well is in operation. The check valve shall be installed on the pump discharge pipe of the well. If fertilizer, pesticide, chemical, animal or human waste or other foreign substance is injected into the water system it shall be injected downstream of the check valve. If the check valve is a chemigation valve it may be injected through the chemigation valve port.
2. A well that is not connected to a water piping or other delivery system; a Domestic Well; or a Public Water Supply Well that supplies water for human consumption is exempt from this Rule 14.2., providing the well complies with the appropriate state construction standards.

14.3 Every Owner or operator of any real property within the District, upon which any open or uncovered well is located shall be required to close or cap the same permanently or temporarily as set forth below and in accordance with Chapter 36 of the Texas Water Code as now, or hereafter amended.

1. As used in this section, (“open or uncovered well”) means an artificial excavation that is dug or drilled for the purpose of exploring for or producing groundwater from the underground water reservoir and is not capped or covered as required.

2. The District may require the Owner or Lessee of real property on which an open or uncovered well is located to keep the well permanently closed or capped with a covering capable of sustaining weight of at least 400 pounds, except when the well is in actual use.
3. If the Owner or Lessee fails or refuses to close or cap the well in compliance with this Rule within 10 days after being notified to do so in writing by an officer, agent, or employee of the District, then any person, firm, or corporation employed by, or authorized agent of, the District may go on the real property and close or cap the well.
4. Any expense incurred by the District in closing or capping a well may constitute a lien on the real property on which the well is located.
5. The District may file a lien by filing an affidavit in the deed records of the county where the well is located, executed by any person conversant with the facts, stating the following:
    A. the existence of the well;
    B. the legal description of the Property on which the well is located;
    C. the approximate location of the well on the property;
    D. the failure or refusal of the Owner or Lessee, after notification, to close the well within 10 days after the notification;
    E. the closing of the well by the District, or by an authorized agent, representative, or employee of the District; and,
    F. the expense incurred by the District in closing the well.

14.4 A well may be abandoned by the District, after proper notification to the well Owner, if the well is not brought into compliance with the applicable District Rules.

1. For a well to be considered by the Board for "Abandonment" one or more of the following conditions must exist:
    A. the physical condition of the well is causing, or is likely to cause, pollution of the groundwater in the District; or
    B. the well is not in use and does not contain any pumping equipment and has not been in use for ten (10) or more Years and the real property is not, or has not been, enrolled in any state or federal conservation program such as the Conservation Reserve Program (CRP); or
    C. the well is in use and does contain pumping equipment but the physical condition of the well is not in compliance with applicable law, including the Rules of the District, and Chapter 1901 of the Texas Occupations Code.
2. When the General Manager of the District is informed that a well should be considered for Abandonment, the General Manager shall notify the Owner of the well of the condition of the well. The notification to the Owner shall include:
    A. the conditions under which the well may be considered for abandonment through action of the Board,
    B. any corrective action the well Owner may take to prevent the well abandonment, and,
    C. the date, time and location of the meeting at which the Board will consider the abandonment of the well.

14.5 Nothing in this Rule affects the enforcement of Subchapter A, Chapter 756, Health and Safety Code.

14.6 Water shall not be produced or used within the District in such a manner or under such conditions as to constitute waste. Water shall not be produced from an abandoned or Deteriorated Well. "Waste" means any one or more of the following:

1. withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock-raising purposes;
2. the flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose;
3. escape of Groundwater from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater;
4. 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 Texas Commission on Environmental Quality (TCEQ) under Chapter 26 of the Water Code;
6. Groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the Owner of the Well; or,
7. for Water produced from an artesian Well, "waste" has the meaning assigned by § 11.205 of the Water Code; or,
8. an unaccounted loss of Water in excess of ten percent (10%) between the volume of water entering a distribution or conveyance system and the amount of water discharged at the termination point of the system.

14.7 Waste of groundwater shall be a violation of these Rules and the violation will be subject to injunction and/or civil penalties as provided herein.

14.8 A Well identified as an abandoned or Deteriorated Well, or a borehole, must be plugged, capped, or re-completed in accordance with the requirements of the District and any statewide law, agency or political subdivision having jurisdiction including, but not limited to, Chapter 1901 of the Texas Occupations Code, and the Texas Commission on Environmental Quality.

14.9 "End Guns": The use of "end guns" on a circular pivot irrigation system is deemed to constitute waste of groundwater under this Rule. Therefore, after April 30, 2024, no end guns shall thereafter be installed on new circular pivot irrigation systems constructed within the confines of the District.

Chapter 15

Hearing Procedures

Commentary to Chapter 15

The District conducts four general types of hearings: hearings on applications for exception to the District's Rules; hearings involving contested matters in which the rights, duties, or privileges of a Person are determined after an opportunity for an adjudicative hearing; rulemaking hearings involving matters of general applicability that implement, interpret, or prescribe the law, or that describe the procedure or practice requirements of the District; and show cause hearings which are held pursuant to a Show Cause Order for a Person to appear before the Board and Show Cause why such Person's operating authority or permit should not be suspended, canceled or otherwise restricted and limited, and/or why such Person should not be subject to an injunction or civil penalties as set forth in these Rules for failure to comply with the Rules, Orders or regulations of the Board or the relevant statutes of the State of Texas.

15.1 General Procedures for all District Hearings:

1. Hearing Registration: Each Person who attends a hearing shall submit a hearing registration form stating:
    A. the Person's name;
    B. the Person's address;
    C. whom the Person represents, if the Person is not there in the Person's individual capacity; and,
    D. whether the Person wishes to testify.
2. Conduct and Decorum: Every Person participating in or observing a meeting of the Board of Directors, a hearing, or other associated proceeding, must conform to ethical standards of conduct and exhibit courtesy and respect for all other participants or observers. No Person may engage in any activity during a proceeding that interferes with the orderly conduct of District business. If, in the judgment of the presiding officer, a Person is acting in violation of this provision, the presiding officer will first warn the Person to refrain from engaging in such conduct. Upon further violation by the same Person, the presiding officer may exclude that Person from the proceeding for such time and under such conditions as the presiding officer deems necessary.
3. Continuances: The presiding officer may continue hearings from time to time and from place to place without the necessity of publishing, serving, mailing, or otherwise issuing any new notices. If a hearing or other proceeding is continued and a time and place for the hearing to reconvene are not publicly announced at the hearing by the presiding officer before it is recessed, a notice of any further setting of the hearing or other proceeding must be served at a reasonable time to all parties and any other Person the presiding officer deems appropriate. It is not necessary to post notice of the new setting at the county courthouses or to publish such notice in a newspaper.
4. Alignment of Parties; Number of Representatives Heard: Participants in a proceeding may be aligned according to the nature of the proceeding and their relationship to it. The presiding officer may require the participants of an aligned class to select one or more Persons to represent them in the proceeding, or on any particular matter or ruling, and may limit the

number of representatives heard, but must allow at least one representative of an aligned class to be heard in the proceeding, or on any particular matter or ruling.

5. Appearance: The Applicant, protestant, or any party requesting the hearing, or a representative, should be present at the hearing. Failure to appear may be grounds for withholding consideration of a matter and dismissal without prejudice or may require the rescheduling or continuance of the hearing, if the presiding officer deems it necessary in order to fully develop the record.
6. Filing of Documents; Time Limit: Applications, motions, exceptions, communications, requests, briefs, or other papers and documents required to be filed under these Rules, or by law, must be received in hand at the District's office within the time limit, if any, set by these Rules, or by the presiding officer for filing. Mailing within the time period is insufficient if the submissions are not actually received by the District within the time limit.
7. Broadening the Issues: No Person will be allowed to appear in any hearing or other proceeding that, in the opinion of the presiding officer, is for the sole purpose of unduly broadening the issues to be considered in the hearing or other proceeding to matters that are not material or relevant to the matter that is the subject of the hearing.
8. Changed Conditions: The decision of the Board on any matter contained herein may be reconsidered by it on its own motion or upon motion showing changed conditions, or upon the discovery of new or different conditions or facts after the hearing or decision on such matter. If the Board should decide to reconsider a matter after having announced a ruling or decision, or after having finally granted or denied the application, it shall give notice to Persons who were proper parties to the original action, and such Persons shall be entitled to a hearing thereon if they file a request therefor within fifteen (15) days from the date of the mailing of such notice.
9. Methods of Service Under the Rules: Except as otherwise expressly provided in these Rules, any notice or documents required by these Rules to be served or delivered may be delivered to the recipient, or the recipient's authorized representative, in person, by agent, by courier receipted delivery, by certified mail sent to the recipient's last known address, or by facsimile ("fax") document transfer to the recipient's current fax number. Service by mail is complete upon deposit in a post office or other official depository of the United States Postal Service. Service by fax is complete upon transfer, except that any transfer occurring after 5:00 p.m. will be deemed complete on the following business day. If service or delivery is by mail, and the recipient has the right, or is required, to do some act within a prescribed time after service, three days will be added to the prescribed period. Where service by one or more methods has been attempted and failed, the service is complete upon publication of notice in a newspaper having general circulation in the District.
10. Computing Time: In computing any period of time prescribed or allowed by these Rules, by Order of the Board, or by any applicable statute, the day of the act, or event of default from which the designated period of time begins to run, is not to be included, but the last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday.

15.2 Exception to the Rules:

1. Any Applicant desiring an exception to any Rule shall file a signed and verified written application with the District at its principal office stating:
    A. the nature of the exception requested;
    B. the Rule number(s) and Paragraph(s) or sub-paragraph(s);
    C. the justification for granting the exception;
    D. any information that the Applicant deems appropriate in support of the application; and
    E. Cash deposit of funds sufficient to pay costs to be incurred by the District in processing the exception request. Any unused funds so deposited will be refunded to the Applicant at the conclusion of the hearing.
2. Any application for exception must be in writing and one original of the written application for an exception shall be submitted with any required filing fee to the District at its principal office.
3. All applications for exceptions shall be heard and considered by the Board at a Board meeting, within sixty (60) days after submittal. At least ten (10) days prior to the hearing, the General Manager shall:
    A. post the notice in a place readily accessible to the public in the principal office of the District;
    B. provide the notice to the county clerk of each county in the District for public posting in each respective courthouse;
    C. publish one notice to the public in a newspaper in general circulation within the District; and
    D. provide the notice by regular mail to:
        (1) the Applicant; and,
        (2) known Interested Persons, including, without limitation, those Persons defined by TWC, § 36.119(b), whose rights may be affected by the exception requested, including all governmental agencies having concurrent jurisdiction.
4. The presiding officer shall conduct the exception request hearing in the manner the presiding officer determines to be most appropriate to obtain information and testimony relating to the exception request as conveniently and expeditiously as possible without prejudicing the rights of any Person at the hearing. The presiding officer may limit the number of witnesses and may limit the time witnesses may testify at an exception request hearing.
5. The Board shall enter an order granting or denying an application for exception, with such conditions as it shall deem proper not later than the 35th day after the date the hearing on the application for exception is concluded.
6. If the application for exception to the Rules is denied or modified by the Board, the Applicant may request a rehearing as provided in these Rules.
7. Request for Rehearing: An Applicant may request a rehearing before the Board not later than 30 days after the date of the Board's order on any application for exception to the Rules.
    A. A request for rehearing must be filed in writing in the principal office of District and must state the grounds for the request.
    B. If the Board grants a request for rehearing, the Board shall schedule the rehearing not later than the 45th day after the date the request is granted.

C. The failure of the Board to grant or deny a request for rehearing before the 45th day after the date the request is submitted constitutes a denial of the request.

8. Decision; When Final: A decision by the Board on an application for exception to the Rules is final:
    A. on the expiration of the period for filing a request for rehearing, if a request for rehearing is not timely filed; or
    B. if a request for rehearing is timely filed, on the date:
        (1) the Board denies the request for rehearing; or
        (2) the Board renders a decision after rehearing.

15.3 Contested Matters:

1. Applicability: This Rule applies to the notice and hearing process used by the District for all contested matters pending before the Board including, without limitation, contested permit applications, contested permit amendment applications, and contested Allowable Annual Production limits.
2. Notice of Protest: If a Person should desire to contest or oppose any pending matter before the Board, one original of a written notice of protest shall be filed with the District at its principal office. Any protest must be filed with the Board either prior to, or within 30 days after, the Board has issued a final decision, ruling, or order on the matter being protested.
3. Protest Requirements: Protests shall be verified and submitted in writing with a duplicate copy to any known opposing party or parties and shall comply in substance with the following requirements:
    A. Each protest shall show the name and address of the protestant;
    B. Each protest must set forth all allegations of injury to the protestant which may result from: a proposed action or matter to be considered by the Board; or the Board's final decision, ruling, or order on a matter;
    C. If a protest is based upon a claim of interference with some present right of the protestant, it shall state the basis of the protestant's claim;
    D. Each protest shall identify any resolution that would result in withdrawal of the protest; and
    E. The facts stated in each protest shall be verified by affidavit.
4. Contested Applications or Proceedings Defined: An application, appeal, motion or proceeding pending before the Board is considered contested when a notice of protest is filed, and the dispute cannot be peacefully resolved by the General Manager. The application or proceeding shall then be deemed a contested matter. In a contested case hearing any Applicant, intervener, or protestant shall be a party provided each is determined by the Board to have a justiciable interest in the contested matter as hereinafter provided.
5. Evaluation of Protests:
    A. Except as provided in subsection 14.3.5.E., the General Manager will schedule the contested case hearing request for evaluation by a quorum of the Board. At least 30 days prior to the Board evaluation hearing, the General Manager will provide notice to the protestant and other Persons who have timely requested notice of the evaluation hearing. The Board may receive relevant oral testimony or documentary evidence at the Board evaluation hearing.

B. Persons may submit a written response to the contested hearing request no later than 10 days before the date at which the Board will evaluate the request. Responses shall be filed with and served on the General Manager, the protestants and any other Persons who have timely requested notice of the evaluation hearing. The response should address the question of whether the Person/Persons requesting the contested case hearing has/have a personal justiciable interest related to the matter at issue and not a Person who only has an interest common to members of the public.

C. The Board will evaluate the contested hearing request at the scheduled Board evaluation hearing and will determine if any party appearing in, and/or requesting, the contested case hearing:

(1) has a personal justiciable interest relating to the matters at issue, refer the application to a contested case hearing, and admit the Person as a party to the hearing; or

(2) does not have a personal justiciable interest related to the proposed action or matter, deny the hearing request, and/or not admit the Person as a party to the hearing.

D. By way of example and not exclusion, a Person shall be deemed to have a justiciable interest if that Person owns Groundwater Rights within the District which rights may be directly affected by the decision of the Board on the contested matter.

E. The Board may delegate to a judge the evaluation of protests.

6. Authority to Conduct Contested Case Hearings; Delegation; Applicable Procedural Rules; Presiding Officer:

A. A quorum of the Board may conduct any contested case hearing.

B. By written order, the Board may also delegate the authority to conduct a hearing and refer the matter to an individual or a judge, including a State Office of Administrative Hearings (SOAH) administrative law judge. The individual, judge, or SOAH judge shall sometimes hereinafter be referred to as the "Presiding Officer" or the "Hearing Examiner."

C. Except for a hearing referred to the State Office of Administrative Hearings (SOAH), the procedures provided in this Chapter 11 apply to contested case hearings. If the Board refers a contested case hearing to SOAH, then the applicable rules of practice and procedure of SOAH (Title 1, Chapter 155, Tex. Admin. Code), as supplemented by these Rules, govern any contested case hearing of the District conducted by SOAH.

D. In contested case hearings before the Board, the President shall be the presiding officer. The President of the Board may delegate this function to another Board member. In hearings referred to an individual or a judge, the individual or the judge shall be the presiding officer.

E. If a contested case hearing is referred by the Board to an individual or a judge, the General Manager will prepare all documents necessary to assist the individual or the judge in preparing for the hearing.

F. Delegating to SOAH. If requested by the Applicant, protestant, or other party to a contested case, the District shall contract with SOAH to conduct the hearing. The party must file such a request not later than the 14th day before the date the evidentiary hearing is scheduled to begin. The Board order granting the contested

case hearing may designate a location for the hearing inside the boundaries of the District or in Travis County at a location designated by SOAH. The party requesting the hearing before SOAH shall pay all costs associated with the contract for the hearing and shall, before the hearing begins, deposit with the District an amount sufficient to pay the contract amount. At the conclusion of the hearing, the District shall refund any excess money to the paying party. Any other unpaid SOAH related costs shall be assessed by the District to the responsible party.

7. Authority of Presiding Officer: The presiding officer may conduct a contested case hearing proceeding in the manner the presiding officer deems most appropriate for that particular proceeding. The presiding officer has the authority to:
    A. set hearing dates;
    B. convene the hearing at the time and place specified in the notice for hearing;
    C. establish the jurisdiction of the District concerning the subject matter under consideration;
    D. rule on motions and on the admissibility of evidence and amendments to pleadings;
    E. designate and align parties and establish the order for presentation of evidence;
    F. refer parties to an alternative dispute resolution procedure on any matter at issue in the hearing;
    G. administer oaths to all Persons presenting testimony;
    H. examine witnesses;
    I. issue subpoenas in accordance with Rule 15.3.14., when required to compel the attendance of witnesses or the production of papers and documents;
    J. compel discovery under these Rules;
    K. ensure that information and testimony are introduced as conveniently and expeditiously as possible, without prejudicing the rights of any party to the proceeding;
    L. conduct public hearings in an orderly manner, in accordance with these Rules;
    M. prescribe reasonable time limits for testimony and the presentation of evidence;
    N. recess any hearing from time to time and place to place;
    O. re-open the record of a hearing for additional evidence, when necessary to make the record more complete; and,
    P. exercise any other appropriate powers necessary or convenient, to effectively carry out the responsibilities of the presiding officer as provided in TWC § 36.406.
8. A pre-hearing conference may be convened as provided in these Rules and be held at a date, time and place stated in the notice given in accordance with Rule 15.3.10. and may be continued from time to time and place to place, at the discretion of the presiding officer.
9. Action taken at a pre-hearing conference may be reduced to writing and made a part of the record or may be stated on the record at the close of the conference.
10. Notice of Contested Case Hearing: The General Manager shall give notice of each hearing.
    A. The notice must include:
        (1) the names of the parties;
        (2) the address or approximate location of any Wells or proposed Wells involved in the dispute;
        (3) a brief explanation of the contested matter;

(4) the time, date, and location of the hearing; and,
(5) any other information the General Manager or Board considers relevant and appropriate.

B. Not later than the 10th day before the date of a hearing, the General Manager shall:
(1) post the notice in a place readily accessible to the public in the principal office of the District;
(2) provide the notice to the county clerk of each county in the District for public posting in each respective courthouse;
(3) publish notice to the public in a newspaper in general circulation within the District; and,
(4) provide the notice by regular mail to:
a. all parties in the contested case; and,
b. any other Person entitled to receive notice under the Rules of the District.

11. Time and Place of Hearing: A contested case hearing may be held in conjunction with any meeting of the Board, or a separate proceeding may be convened apart from a Board meeting for the purpose of holding a hearing.
12. Affidavits: Whenever the making of an affidavit by a party to a hearing or other proceeding is necessary, it may be made by the party or the party's representative or counsel. This rule does not dispense with the necessity of an affidavit being made by a party when expressly required by statute or these Rules.
13. Discovery: Discovery will be conducted upon such terms and conditions, and at such times and places, as directed by the presiding officer. Unless specifically modified by this Chapter 11, or by order of the presiding officer, discovery will be governed by, and subject to the limitations set forth in, the Texas Rules of Civil Procedure. In addition to the forms of discovery authorized under the Texas Rules of Civil Procedure, the parties may exchange informal requests for information, either by agreement or by order of the presiding officer.
14. Subpoenas and Depositions:
A. Requests for issuance of subpoenas in a contested case shall be in writing and directed to the presiding officer.
B. A party requesting the issuance of a subpoena shall file an original and one copy of the request with the presiding officer.
C. If good cause is shown for the issuance of a subpoena, the presiding officer shall issue the subpoena in accordance with §2001.089 of the Texas Government Code.
D. Issuance of a Commission Requiring a Subpoena or Deposition:
(1) On its own motion or on the written request of a party to a contested case pending before it, and on deposit of an amount that will reasonably ensure payment of the amount estimated to accrue under § 2001.103 of the Texas Administrative Procedures Act, a state agency shall issue a commission, addressed to the officers authorized by statute to take a deposition, requiring that the deposition of a witness be taken.
(2) The commission shall authorize the issuance of any subpoena necessary to require that the witness appear and produce, at the time the deposition is

taken, books, records, papers, or other objects that may be necessary and proper for the purpose of the proceeding.

(3) The commission shall require an officer to whom it is addressed to:

a. examine the witness before the officer on the date and at the place named in the commission; and

b. take answers under oath to questions asked the witness by a party to the proceeding, the state agency, or an attorney for a party or the agency.

(4) The commission shall require the witness to remain in attendance from day to day until the deposition is begun and completed.

15. *Ex Parte* Communications:

A. For applications for which there is a right to a contested case hearing, a member of the Board may not, at any time after the application has been filed and before the Board has taken final action, communicate, directly or indirectly, about any issue of fact or law with any representative of the District or other designate party to the application, except on notice and opportunity for all parties to participate.

B. Subsection A. does not apply if:

(1) the Board member abstains from voting on a matter in which he or she engage in *ex parte* communications;

(2) the communications are by and between members of the Board consistent with the Texas Open Meetings Act;

(3) the communications are with District staff who have not participated in any hearing in the contested case for the purpose of using the special skills or knowledge of the staff in evaluating the evidence; or

(4) the communications are with legal counsel representing the Board of Directors.

16. Evidence: Except as modified by this Chapter 11, the Texas Rules of Evidence govern the admissibility and introduction of evidence. However, evidence not admissible under the Texas Rules of Evidence may be admitted if it is of the type commonly relied upon by reasonably prudent Persons in the conduct of their affairs and is not precluded by statute. In addition, evidence may be stipulated by agreement of all parties.

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

18. Requirements for Exhibits: Exhibits of a documentary character must be of a size that will not unduly encumber the files and records of the District. All exhibits must be numbered and, except for maps and drawings, may not exceed 8½ by 11 inches in size.

19. Abstracts of Documents: When documents are numerous, the presiding officer may receive in evidence only those that are representative and may require the abstracting of relevant

data from the documents and the presentation of the abstracts in the form of an exhibit. Parties shall have the right to examine the documents from which the abstracts are made.

20. Introduction and Copies of Exhibits: Each exhibit offered shall be tendered for identification and placed in the record. Copies must be furnished to the presiding officer and to each of the parties unless the presiding officer rules otherwise.
21. Excluding Exhibits: If an exhibit has been identified, objected to, and excluded, it may be withdrawn by the offering party. If withdrawn, the exhibit will be returned, and the offering party waives all objections to the exclusion of the exhibit. If not withdrawn, the exhibit shall be included in the record for the purpose of preserving the objection to excluding the exhibit.
22. Official Notice: The presiding officer may take official notice of all facts judicially cognizable. In addition, official notice may be taken of generally recognized facts within the area of the District's specialized knowledge.
23. Documents in District Files: Extrinsic evidence of authenticity is not required as a condition precedent to admissibility of documents maintained in the files and records of the District.
24. Oral Argument: At the discretion of the presiding officer, oral arguments may be heard at the conclusion of the presentation of evidence. Reasonable time limits may be prescribed. The presiding officer may require or accept written briefs in lieu of, or in addition to, oral arguments. For a contested case conducted under Rule 15.3.6.B (Board Delegation of Authority to Conduct a Hearing), when the matter is presented to the Board for final decision, further oral arguments may be heard by the Board.
25. Reporting:
    A. Contested case hearings, and associated proceedings, will be recorded by the District on audio or video recording equipment or, at the discretion of the presiding officer, may be recorded by a certified shorthand or court reporter. The District will not prepare transcriptions of hearings recorded on audio or video equipment for the public but will arrange for a party to have access to the recording.
    B. Subject to availability of space, any party may, at its own expense, arrange for a reporter to transcribe or record the hearing.
    C. Upon the timely request of any party, or at the discretion of the presiding officer, the presiding officer may assess reporting and transcription costs to one or more of the parties. The presiding officer will consider the following factors in assessing reporting and transcription cost:
        (1) the party who requested the transcript;
        (2) the financial ability of the party to pay the costs;
        (3) the extent to which the party participated in the hearing;
        (4) the relative benefits to the various parties of having a transcript;
        (5) the budgetary constraints of a governmental entity participating in the proceedings; and,
        (6) any other factor that is relevant to a just and reasonable assessment of costs.
    D. In any proceeding where the assessment of reporting or transcription cost is at issue, the presiding officer will provide the parties an opportunity to present evidence and argument on the matter. A recommendation regarding the assessment of costs will be included in the presiding officer's report to the Board.

E. If a proceeding other than a contested case hearing is recorded by a reporter and a copy of the transcript of testimony is requested by any Person, the testimony will be transcribed, and the original transcript filed with the papers of the proceeding at the expense of the Person requesting the transcript of testimony.

F. Copies of the transcript of testimony of any hearing, or other proceeding may be purchased from the reporter.

26. Informal Hearings: Contested case hearings may be conducted informally when, in the judgment of the presiding officer, the conduct of a proceeding under informal procedures will result in a savings of time or cost to the parties, lead to a negotiated or agreed settlement of facts or issues in controversy, not prejudice the rights of any party, and is not objected to by any party. The procedures to be used during such informal hearing shall be established in an order of the presiding officer and the agreement of each party shall be indicated on the order. If during an informal proceeding, all parties do not reach a settlement to resolve the matters in controversy, the proceeding may be referred to alternative dispute resolution by the presiding officer. A party may present evidence or arguments for the presiding officer to consider as to why alternative dispute resolution is not appropriate.
27. Decision to Proceed to Formal Hearing: If the parties do not reach a settlement to resolve the matters in controversy, and the presiding officer determines that settlement is not likely, then the presiding officer may void the order to proceed under informal procedures and order the case to proceed under the formal procedural Rules provided in this Chapter.
28. Agreement of Parties; Remand to Board:
    A. No agreement between parties or their representatives affecting any pending matter will be considered by the presiding officer unless it is in writing, signed, and filed as part of the record, or unless it is announced at the hearing and entered into the record.
    B. An agreed disposition of a contested case may be made by stipulation, settlement, consent order, or the withdrawal of all requests for a contested case hearing so that no facts or issues remain controverted. Except for contested cases conducted under Rule 15.3.6.A., upon settlement of a matter, the presiding officer shall remand the matter to the Board. If the Person requesting the contested case hearing defaults, then the presiding officer may also deem the request for a contested case hearing to have been withdrawn by the Person and remand the case to the Board. Applications remanded under this section will be considered to be an uncontested application. The presiding officer will summarize the evidence, including findings of fact and conclusions of law based on the existing record and any other evidence submitted by the parties at the hearing. Any stipulations, settlements, consent orders, withdrawals of requests for contested case hearing, orders, findings of default, presiding officer summary of the proceedings, and other relevant documents will be presented to the Board for its consideration.
29. Alternative Dispute Resolution:
    A. Policy: It is the District's policy to encourage the resolution and early settlement of all contested matters through voluntary settlement procedures.
    B. Participants: The following may be participants in any mediation of a contested case:
        (1) the General Manager,

(2) the Applicant, and,
(3) the Persons who timely filed contested-case hearing requests which gave rise to the dispute, or
(4) if parties have been named, the named parties.

C. Conduct of Mediation:
(1) Mediation is a consensual process in which an impartial third party, the mediator, facilitates communication between the participants to promote reconciliation, settlement, or understanding among them. A mediator may not impose his or her own judgment on the issues for that of the participants. The mediator must be acceptable to all participants.
(2) The mediation is subject to the provisions of the Governmental Dispute Resolution Act, Government Code, Chapter 2009, as amended. For purposes of this subchapter, "mediation" is assigned the meaning set forth in the Civil Practice and Remedies Code, §154.023.
(3) To facilitate a meaningful opportunity for settlement, the participants shall, to the extent possible, select representatives who are knowledgeable about the dispute, who are in a position to reach agreement, or who can credibly recommend approval of an agreement.

D. Arrangements for Mediation.
(1) Any Board or presiding officer referral of a disputed matter to mediation or any agreement by the participants to mediate should include consideration of the following factors:
a. the source of the mediator;
b. the time period for the mediation. The participants should allow enough time in which to make arrangements with the mediator and attending participants to schedule the mediation, to attend and participate in the mediation, and to complete any settlement approval procedures necessary to achieve final settlement;
c. the location of the mediation;
d. allocation of costs of the mediator;
e. the identification of representatives who will attend the mediation on behalf of the participants; and
f. the settlement approval process in the event the participants reach agreement at the mediation.

E. Confidentiality of Mediation and Final Settlement Agreement:
(1) A mediation conducted under this Rule is confidential in accordance with Government Code, §2009.054.
(2) The confidentiality of a final settlement agreement to which a governmental body is a signatory that is reached as a result of the mediation is governed by Government Code, §552.103.

F. Costs of Mediation: Unless the participants agree otherwise, each participant shall be responsible for its own costs incurred in connection with the mediation, including costs of document reproduction for documents requested by such participant, attorney's fees, and consultant or expert fees. In addition, unless the participants

agree otherwise, the costs of the mediation process itself shall be divided equally between the participants.

G. Initial Settlement Agreement: Any settlement agreement reached during the mediation shall be signed by the participants and shall describe any procedures required to be followed by the participants in connection with final approval of the agreement.

H. Final Settlement Agreement: A final settlement agreement reached during, or as a result of mediation, that resolves the disputed issues, or any portion of the disputed issues shall be in writing and signed by representatives of the participants who have authority to bind each respective participant. Agreements of the participants reached as a result of alternative dispute resolution are enforceable in the same manner as any other written contract.

(1) If the final settlement agreement does not resolve all disputed issues regarding the permit application at issue, the agreement shall identify the issues that are not resolved.

(2) As part of a final settlement agreement, the Persons requesting a contested-case hearing may agree to submit a letter to the Board stating that their hearing request will be withdrawn subject to the Board including in the proposed permits certain provisions or modifications agreed upon by the participants.

(3) If the Applicants and all Persons requesting a hearing reach a negotiated or agreed settlement, that settles all the facts or issues in controversy, the proceeding will be considered an uncontested case and the General Manager will summarize the evidence for the Board, including findings of fact and conclusions of law based on the existing record and any other evidence that may have been submitted by the parties at the hearing. The General Manager may request that the Applicants provide an initial draft of the findings of fact and conclusions of law.

(4) The Board is not bound by any agreement entered into by the parties and has discretion to accept, reject, or require modifications as a condition of approval of any final agreement of the parties that concerns a matter under the District's authority. In the event that the Board rejects an agreement or requires certain modifications as a condition of approval, the Board may refer the case for further mediation, or an informal process guided by the General Manger. The parties, in the instance of rejection or suggested modification by the Board, may also elect to resolve unsettled issues through the contested-case process.

30. Remaining Issues:

A. If mediation does not resolve all issues raised by the parties requesting a contested-case hearing, then the Board will conduct a contested-case hearing on any remaining issues.

B. When alternative dispute resolution procedures do not result in the full settlement of a contested matter, the parties are encouraged to use the mediation process to identify resolved issues, unresolved issues and develop stipulations. The parties shall

attempt to limit contested issues through the entry of written stipulations. Such stipulations shall be forwarded or formally presented to the Board, or a Hearing Examiner assigned to conduct the hearing on the merits and shall be included in the hearing record.

31. Pre-hearing Conference: A pre-hearing conference may be held to consider any matter that may expedite the hearing or otherwise facilitate the hearing process.
    A. Matters Considered. Matters that may be considered at a prehearing conference include, but are not limited to:
        (1) designation of parties;
        (2) additional formulation and simplification of issues;
        (3) referral of parties to an alternative dispute resolution procedure;
        (4) necessity or desirability of amending applications or other pleadings;
        (5) possibility of making admissions or stipulations;
        (6) establishing a discovery control plan;
        (7) identification of and specification of the number of witnesses;
        (8) filing and exchange of prepared testimony and exhibits; and
        (9) establishing procedure at the hearing.
    B. A pre-hearing conference may be held at a date, time, and place stated in the notice provided to those Persons entitled to notice pursuant to Rule 15.3.10.B and may be continued from time to time and place to place, at the discretion of the presiding officer.
    C. Conference Action: Action taken at a pre-hearing conference may be reduced to writing and made a part of the record or may be stated on the record at the close of the conference.
32. Designation of Parties: Parties to a hearing may be designated on the first day of hearing, or at such other time as the presiding officer determines. The General Manager and any Person specifically named in a matter are automatically designated parties. Persons determined to have a justiciable interest by Board order in a determination of a contested-case hearing request pursuant to Rule 15.3.5 are also automatically designated as parties. After parties are designated, no other Person may be admitted as a party unless, in the judgment of the presiding officer, good cause exists, and the hearing will not be unreasonably delayed.
33. Rights of Designated Parties: Subject to the direction and orders of the presiding officer, parties have the right to conduct discovery, present a direct case, cross-examine witnesses, make oral and written arguments, obtain copies of all documents filed in the proceeding, receive copies of all notices issued by the District concerning the proceeding, and otherwise fully participate in the proceeding.
34. Persons Not Designated Parties: At the discretion of the presiding officer, Persons not designated as parties to a proceeding may submit comments or statements, orally or in writing. Comments or statements submitted by non-parties may be included in the record to inform the Board regarding various concerns or issues related to the proceeding and may be considered as evidence if corroborated by sworn testimony or exhibits properly admitted into evidence by a party.
35. Furnishing Copies of Pleadings: After parties have been designated, a copy of every pleading, request, motion, or reply filed in the proceeding must be provided by the author to every

other party or the party's representative. A certification of this fact must accompany the original instrument when filed with the District. Failure to provide copies may be grounds for withholding consideration of the pleading or the matters set forth therein.

36. Interpreters for Deaf Parties and Witnesses: If a party or subpoenaed witness in a contested case is deaf, the party who subpoenaed the witness will provide an interpreter whose qualifications are approved by the State Commission for the Deaf and Hearing Impaired to interpret the proceedings for that Person. "Deaf Person" means a Person who has a hearing impairment, whether or not the Person also has a speech impairment that inhibits the Person's comprehension of the proceedings or communication with others.
37. Agreements to be in Writing: No agreement between parties or their representatives affecting any pending matter will be considered by the presiding officer unless it is in writing, signed, and filed as part of the record, or unless it is announced at the hearing and entered of record.
38. Certified Questions:
    A. In hearings before a Hearing Examiner, at any time during the contested case proceeding, on a motion by a party or on the Hearing Examiners' own motion, the Hearing Examiner may certify a question to the Board.
    B. Issues regarding District policy, jurisdiction, or the imposition of any sanction by the Hearing Examiner that would substantially impair a party's ability to present its case are appropriate for certification. Policy questions for certification purposes include, but are not limited to:
        (1) the Board's interpretation of its Rules and applicable statutes;
        (2) the rules or statutes which are applicable to a proceeding; and
        (3) the Board's policy or whether a Board policy should be established or clarified as to a substantive or procedural issue of significance to the proceeding.
    C. If a question is certified, the Hearing Examiner shall submit the certified issue to the General Manager. The General Manager shall place the certified issue on the agenda of the earliest possible meeting of the Board that is not earlier than 20 days after its submission, in compliance with the Open Meetings Act and other applicable law. The General Manager shall give the Hearing Examiner and parties' notice of the meeting at which the certified question will be considered. Within ten days after the certified question is filed, parties to the proceeding may file briefs on the certified question. Within ten days of the filing of such briefs, parties may file responses to such brief. Briefs and responses shall be filed with the docket clerk with copies served on the Hearing Examiner. The General Manager shall provide copies of the certified questions and any briefs and responses to the general counsel and to each Board member. The Hearing Examiner may abate the hearing until the Board answers the certified question or continue with the hearing if the Hearing Examiner determines that no party will be substantially harmed. The process for seeking Board answers to certified questions shall be considered as part of the contested-case hearing process.
    D. The Board shall issue a written decision on the certified issue within 30 days following the meeting at which the certified issue is considered. A decision on a certified issue is not subject to a motion for rehearing, appeal or judicial review prior to the issuance of the Board's final decision in the proceeding.

39. Conclusion of the Hearing:
    A. Hearings Before the Board:
        (1) Closing the Record: At the conclusion of the presentation of evidence and any oral argument, the presiding officer may either close the record or keep it open and allow the submission of additional evidence, exhibits, briefs, or proposed findings and conclusions from one or more of the parties. No additional evidence, exhibits, briefs, or proposed findings and conclusions may be filed unless permitted or requested by the presiding officer.
        (2) Time for Board Action. In the case of hearings before the Board, the Board must act by issuing a written order within 35 calendar days after the close of the hearing record. This time limitation may be extended by the Board if permitted by Chapter 36 of the Texas Water Code.
    B. Hearings Before a Hearing Examiner:
        (1) Closing the Record; Final Report: At the conclusion of the presentation of evidence, and any oral argument, the Hearing Examiner may either close the record or keep it open and allow the submission of additional evidence, exhibits, briefs, or proposed findings and conclusions from one or more of the parties. No additional evidence, exhibits, briefs, or proposed findings and conclusions may be filed unless permitted or requested by the presiding officer. After the record is closed, the Hearing Examiner shall prepare a report to the Board. The report will include a summary of the evidence, together with the Hearing Examiner's findings and conclusions and recommendations for action. Upon completion and issuance of the Hearing Examiner's report, a copy will be submitted to the Board and delivered to each party to the proceedings. In a contested case, delivery to the parties will be by certified mail with return receipt requested.
        (2) Exceptions to the Hearing Examiner's Report; Reopening the Record: Prior to Board action, any party in a contested case heard by a Hearing Examiner may file written exceptions to the Hearing Examiner's report, and any party in an uncontested case may request an opportunity to make an oral presentation of exceptions to the Board. Upon review of the report and exceptions, the Hearing Examiner may reopen the record for the purpose of developing additional evidence or may deny the exceptions and submit the report and exceptions to the Board. The Board may, at any time and in any case, remand the matter to the Hearing Examiner for further proceedings.
        (3) Time for Board Action: In the case of hearings before a Hearing Examiner, the Hearing Examiner's report will be submitted to the Board and delivered to all parties. Thereupon, the Board shall declare that all proceedings involving the Hearing Examiner have been concluded, subject to the exception provision of the foregoing subparagraph. The Board must act by written order within 35 days after the Board declares that all proceedings involving the Hearing Examiner have been concluded.
40. Request for Rehearing: An Applicant may request a rehearing before the Board not later than 30 days after the date of the Board's order on any contested matter.

A. A request for rehearing must be filed in writing in the principal office of district and must state the grounds for the request.
B. If the Board grants a request for rehearing, the Board shall schedule the rehearing not later than the 45th day after the date the request is granted.
C. The failure of the Board to grant or deny a request for rehearing before the 45th day after the date the request is submitted constitutes a denial of the requests.

41. Decision; When Final: A decision by the Board on a contested matter is final:
    A. on the expiration of the period for filing a request for rehearing, if a request for rehearing is not timely filed; or
    B. if a request for rehearing is timely filed, on the date:
        (1) the Board denies the request for rehearing; or
        (2) the Board renders a decision after rehearing.

15.4 Rulemaking Notice and Hearing Procedures:

1. Not later than the 20th day before the date of a rulemaking hearing, the General Manager shall:
    A. post notice in a place readily accessible to the public in the principal office of the District;
    B. provide notice to the county clerk of each county in the District for public posting in each respective courthouse; and
    C. publish notice of the proposed rules or the proposed rule revisions and the public hearing thereon in a newspaper of general circulation in the counties within the District.
    D. provide notice by mail, facsimile, or electronic mail to any Person who has requested such notice under Chapter 36;
    E. make available a copy of all proposed rules, or proposed rule revisions, at a place accessible to the public during normal business hours and post the proposed rules on the District's website.
    F. provide notice of the rulemaking hearing to the secretary of state to be posted on the Internet.
2. The notice provided under this Rule must include:
    A. a statement of the intent of the District to adopt rules;
    B. a statement of intent to conduct a public hearing to present the proposed rules and to receive public comment;
    C. notice of the date, time, and place for the public hearing and a brief explanation of the subject of the rulemaking hearing;
    D. the procedures for obtaining a copy of the proposed rules or the location or website at which the proposed rules can be reviewed and copied; and
    E. the procedures for the submission of written or oral comments.
3. In rulemaking hearings before the Board, the President shall be the presiding officer. The President of the Board may delegate this function to another Board member, or the District's legal counsel.
4. Each Person who attends a rulemaking hearing shall submit a hearing registration form stating:

A. the Person's name;
B. the Person's address;
C. whom the Person represents, if the Person is not there in the Person's individual capacity; and,
D. whether the Person wishes to testify.

5. The presiding officer shall conduct the rulemaking hearing in the manner the presiding officer determines to be most appropriate to obtain information and testimony relating to the proposed rule or rules as conveniently and expeditiously as possible without prejudicing the rights of any Person at the hearing. The presiding officer may limit the number of witnesses and may limit the time witnesses may testify at a rulemaking hearing. Comments may be submitted orally or in writing. The presiding officer may hold the record open for a specified period after the conclusion of the rulemaking hearing to receive additional written comments.
6. The presiding officer shall prepare and keep a record of each rulemaking hearing in the form of an audio or video recording or a court reporter transcription.
7. Petition 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 of a rule.
    B. Petitions must be submitted in writing to the District office and must comply with the following requirements:
        (1) Each rule requested must be submitted by separate petition;
        (2) Each petition must be signed and state the name and address of each person signing the petition;
        (3) 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; and
            d. An allegation of injury or inequality that could result from the failure to adopt the proposed rule.
    C. The General Manager may reject any petition for failure to comply with the requirements of subsection (b) of the section and shall provide notice to the petitioner of the reason for the rejection.
    D. Within ninety 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 minute of the Board meeting or in a letter providing a written explanation to the petitioner, or initiate rulemaking proceedings as provided by Section 36.101, Water Code and these Rules.

15.5 Show Cause Orders and Hearings:

1. The Board, either on its own motion or upon receipt of written protests or complaints, may at any time, after due notice to all interested parties, cite any Person operating within the District to appear before it and require that Person to show cause why such Person's

operating authority or permit should not be suspended, canceled or otherwise restricted and limited, and/or why such Person should not be subject to an injunction or civil penalties as set forth in these Rules for failure to comply with the Rules and Orders of the Board or the relevant statutes of the State of Texas. Evidentiary and procedural matters at any such hearing will be conducted in accordance with these Rules.

Chapter 16

Enforcement

16.1. All Rules duly adopted, promulgated, and published by this District shall be enforced as provided under Chapter 36, Texas Water Code as now, or hereafter amended.

16.2. The District may enforce this section and its Rules by injunction, mandatory injunction, reduction of a Person's Allowable Annual Production, or other appropriate remedy in a court of competent jurisdiction.

16.3. The Board may set reasonable civil penalties for breach of any Rule of the District that shall not exceed the limitations set forth in Chapter 36 of the Texas Water Code.

16.4. A penalty under this Chapter 16 is in addition to any other penalty provided by the laws of this State and may be enforced by a complaint filed in a court of competent jurisdiction.

16.5. Civil Penalties: Civil penalties for violation of the Rules of the District are divided into two classes: Class One and Class Two.

1. Penalty Schedule:
   A. Class One: The penalty for violation of each of the following Rules shall not be less than $25, nor more than $25,000 per violation, subject to Chapter 16.5 (C), and each day of a continuing violation shall be deemed a separate violation.
      (1) Failing to grant entry to real Property to an authorized officer, employee, agent or representative of the District to inspect or for other authorized purposes.
      (2) Drilling a Well or increasing the size of a Well without filing an application with the District to register the Well or applying to the District and receiving a permit or amended permit.
      (3) Failure to register a Well that is exempt under Texas Water Code §36.117, or to properly equip and maintain such Well.
      (4) Failure to register a Well.
      (5) Failure to apply for a Test Hole Permit.
      (6) Failure to apply for a Well Permit.
      (7) Failure to apply for an Export Permit.
      (8) Failure to apply for a Recharge Permit.
      (9) Willfully giving erroneous information on a Well Permit application or willfully producing a Well at a higher rate than represented in an application or as approved in a permit or operating a Well prior to final approval by the District.
      (10) Withdrawing Groundwater from a Well without having furnished information about the Well on a form required by the District.

(11) Failure to keep records, including driller's and/or electric logs, and file such logs and reports of drilling, equipping and completion of Wells with the District as required by District Rules and the regulations of the TDLR.

(12) Failure to complete or equip a Well to protect human life and prevent Pollution as required by District Rules and the regulations of the TDLR.

(13) Drilling, completing, or reworking a Well without having a current Texas Water Well Driller's license, Texas Pump Installer's license, or failure to comply with the Rules of the District, State of Texas, federal or other political subdivision, including the TDLR.

(14) Drilling a Well at a location other than a location approved by the District.

(15) Reworking, re-drilling or re-equipping a Well, or returning an Unused Well into production to increase production to raise the Well classification without obtaining a permit to do so or drilling a replacement Well without a permit.

(16) The failure to pay Export fee(s) to the District as required.

(17) Failure to install a flow Meter(s) on any Well as required by District Rules.

(18) Tampering with a Metering System for purposes of reporting less than actual Well production from a Well.

(19) Failure to report Water production as required by these Rules.

(20) Failure to report any Conveyance or Reservation of Water Rights separate from the surface of the Property.

(21) Failure of a Water Exporter to provide required reports to the District.

(22) Exceeding production limits set by the Board.

(23) Failure to protect the Groundwater from Pollution.

(24) Failure to install equipment for the protection of Groundwater quality as required by the District's Rules.

(25) Failing to properly close or cap an open or uncovered Well.

(26) Waste of Groundwater.

(27) The production of Water from any abandoned or Deteriorated Well.

B. Class Two: The civil penalty for violation of any of the remaining Rules of the District, as may be supplemented or amended from time to time, shall not be less than $25, nor more than $5,000 per violation, and each day of a continuing violation shall be deemed a separate violation.

C. The Board may initiate and conduct a civil suit for recovery of a civil penalty greater than the maximum penalty established by law in Section 36.102, Texas Water Code, if the Board determines that the person gained an economic benefit greater than the maximum penalty as a result of the violation of the District's Rules.

CHAPTER 17

Effective Date of These Rules

17.1 These Rules shall become effective on 10-15, 2026 at 4:00 PM and all prior Rules of the District are hereby repealed. Any violation of District Rules before the effective date and time of these Rules is governed by District Rules then in effect, and the previous Rules of the District are continued in effect for that purpose.

Rolling Plains Groundwater Conservation District

By: David Albus — David Albus, President, Board of Directors

ATTEST:

Chris Orsak, Secretary, Board of Directors

Jimmy Burson, Director

Kenny Cockerell, Director

Jim Cowsert, Board of Directors

Jerry Bob Daniel, Board of Directors

Freddie Livingston, Jr., Board of Directors

Ross Short, Board of Directors

Vacant Baylor County Director