

RULES SUMMARY

SECTION 1. ADOPTION OF RULES

RULE 1.1-ADOPTION OF RULES - Adoption of rules subject to Texas Constitution, Legislative Acts, and Texas Water Code.

RULE 1.2- USE AND EFFECT OF RULES - Rules are used to facilitate the administration of water laws of the State.

RULE 1.3- AMENDING OF RULES - Rules may be amended by the Board, following proper notice and hearing.

RULE 1.4- SUSPENSION OF RULES - The Board may suspend or waive a rule, in whole or part, upon the showing of good cause.

RULE 1.5- SEVERABILITY - Any provision of a rule that is held to be invalid does not effect other provisions of a rule that can be given effect without the invalid provision.

RULE 1.6- HEADING AND CAPTION - Headings and captions are for reference purposes only and do not affect the meaning of the rules.

SECTION 2. DEFINITIONS

RULE 2.1-DEFINITIONS - Meanings of various words as used in the text of the Rules.

SECTION 3. WASTE AND WATER CONSERVATION

RULE 3.1-WASTE AND WATER CONSERVATION -No person shall produce or use groundwater in a wasteful manner.

SECTION 4. GENERAL PROCEDURAL PROVISIONS

RULE 4.1-COMPUTING TIME - Details the computation of time including Saturdays, Sundays, and holidays.

RULE 4.2-TIME LIMIT - Date of receipt of documents by the District and not the date of posting is determinative.

RULE 4.3-MINUTES AND RECORDS OF THE DISTRICT - All official records and minutes of the District are available for public inspection and copying in accordance with the Texas Open Records Act.

RULE 4.4-PROCEDURES NOT OTHERWISE PROVIDED FOR - Procedures consistent with the purpose of these rules, and Chapter 36 and Subchapters H and I, Chapter 49 of the Texas Water Code will be used when not otherwise provided for.

SECTION 5. ENFORCEMENT OF RULES

RULE 5.1-SHOW CAUSE ORDERS AND COMPLAINTS - Board may at any time after due notice to all interested parties, cite any person operating within the District to appear before it in a public hearing and require a person to show cause why their operating authority or permit should not be suspended.

RULE 5.2-INSTITUTION OF SUIT - If a person has violated, is violating, or is threatening to violate any provision of the Rules, the District may institute a suit for enforcement of these rules.

RULE 5.3-SEALING OF PROHIBITED WELLS - District may obtain court order to seal wells that are in violation of the rules.

RULE 5.4-CONTINUING RIGHT OF SUPERVISION - All District permits are issued subject to the rules of the District and to the continuing right of the District to supervise the depletion of the aquifer within the District boundaries.

RULE 5.5-RIGHT TO INSPECT, TEST, CAP, AND LOCATE WELLS - Any authorized person of the District shall have the right to at all reasonable times to enter upon the lands on which a well or wells may be located to inspect, test, cap, and locate such wells.

SECTION 6. DEPOSITS AND FEES

RULE 6.1-DEPOSITS - Each application for a drilling permit shall be accompanied by a deposit.

RULE 6.2-ADMINISTRATIVE FEES - District shall collect fees for services performed outside the District and may establish fees to cover the costs for services and processing of applications.

SECTION 7. WELL REGISTRATION

RULE 7.1-WELL REGISTRATION - Well registration of all existing and future wells in the District shall be filed with the District.

RULE 7.2-PREREGISTRATION REQUIRED FOR EXEMPT WELLS - Completed preregistration forms must be filed with the District prior to the drilling of an exempt well, ie. Domestic or Livestock and including the reworking, redrilling, or reequipping of exempt wells.

SECTION 8. DRILLING PERMITS

RULE 8.1-DRILLING PERMIT REQUIRED FOR NON-EXEMPT WELLS - Permits are required for the drilling of all non-exempt wells and for increasing the size of existing wells. Domestic and livestock wells located on 10 acres or less are NOT exempt by Chapter 36, Texas Water Code, as amended and a Drilling Permit must be applied for and approved by the District prior to drilling.

RULE 8.2-ISSUANCE OF DRILLING PERMITS FOR NON-EXEMPT WELLS - The Board shall issue or cause to be issued a drilling permit for a properly spaced well upon receipt of a proper application and fees filed by the land owner or his agent.

RULE 8.3-PLACE OF DRILLING OF WELL - The Board shall issue or cause to be issued a drilling permit for a properly spaced well upon receipt of a proper application and fees filed by the land owner or his agent. The Board of Directors delegates to the general manager the authority to act on completed permit applications for which no hearing is required and that comply with District rules. Any new well must be drilled in compliance with District Rules and within 30 feet of the location stated on the drilling permit application.

RULE 8.4-REWORKING OR REPLACING OF WELL - An existing well may be reworked, re-drilled, or reequipped in a manner that will not change the status of the well. Preregistration is required.

RULE 8.5-TIME LIMIT FOR DRILLING PERMITS - Any drilling permit granted by the District shall be valid for 4 months from the filing date of the application.

RULE 8.6-REQUIREMENT OF DRILLER'S WELL REPORT, CASING AND PUMP DATA - Complete records shall be kept and reports made to the District concerning the drilling, maximum production potential, equipping and completion of all wells drilled.

SECTION 9. WELL SPACING AND WELL DENSITY

RULE 9.1-MINIMUM SPACING OF WELLS - All wells shall be drilled no closer than 50' to the nearest property line and at least 330' to the nearest existing well. Any subdivision of property creating a tract of such size and shape that it cannot comply with the spacing requirements of this section shall be considered a voluntary subdivision and an exception must be requested from the board.

RULE 9.2-WELL DENSITY - No more than 16 non-exempt wells whether drilled prior to or subsequent to enactment of these rules shall be permitted per survey section. Excludes domestic and livestock wells. Maximum pump size for wells on less than 40 acres is 1½ HP or a maximum 25 GPM.

RULE 9.3-EXCEPTION TO SPACING AND DENSITY RULES - Upon proper application to the District, the Board may after notice and hearing grant an exception to the spacing and density rules.

SECTION 10. CAPPING AND PLUGGING OF WELLS

RULE 10.1 - OPEN WELLS TO BE CLOSED OR CAPPED - Each landowner in the District shall close or cap permanently any open or uncovered well.

RULE 10.2 -PLUGGING OF ABANDONED OR DETERIORATED WELLS - It is the responsibility of each landowner to plug or have plugged a well that is deteriorated or abandoned.

RULE 10.3 -FAILURE TO COMPLY WITH CAPPING OR PLUGGING RULES - In the event a landowner refuses to plug or cap a deteriorated or abandoned well, the District may go upon said land and plug or cap the well and perfect a lien upon the land where the well is located.

SECTION 11. CHEMICAL INJECTION AND FOREIGN SUBSTANCE SYSTEMS

RULE 11.1 -EQUIPMENT REQUIREMENTS FOR PROTECTION OF GROUNDWATER - All irrigation systems having a chemical injection, chemigation, fertigation, or foreign substance unit installed shall be equipped with special check valves, vacuum relief devices, automatic low pressure drain and any other State requirements for such systems.

SECTION 12. WELL DRILLERS AND PUMP INSTALLERS

RULE 12.1 -PERSONS AUTHORIZED TO DRILL WELLS AND INSTALL PUMPS - Only licensed water well drillers and commercial pump installers are allowed to drill wells and install pumps.

RULE 12.2 -RESPONSIBILITY TO COVER OR CAP NEWLY DRILLED WELL - The driller of a new well is responsible for placing a cap or cover over the borehole or casing if the well is left unattended without a pump installed.

RULE 12.3 -RESPONSIBILITY TO SUBMIT APPROVED DRILLING PERMIT AND WELL REPORT - It shall be the responsibility of the well driller to submit an approved copy of the Drilling Permit along with the completed Well Report to the District within 60 days of completing a non-exempt well.

SECTION 13. WATER WELL DRILLING, COMPLETING, CAPPING, AND PLUGGING

RULE 13.1 -WELL DRILLING, COMPLETION, CAPPING AND PLUGGING - It is the responsibility of the landowner and well driller to adhere to the State standards for the drilling, completion, capping and plugging of wells.

SECTION 14. AQUIFER STORAGE AND RECOVERY PROJECTS

RULE 14.1 -PERMIT REQUIRED - No injection well may be drilled without first having obtained a permit from the District.

RULE 14.2 -APPLICATIONS - Application for an injection well must be submitted to and approved by the District prior to drilling.

RULE 14.3 -BOARD CONSIDERATION - The Board shall consider all relevant facts when considering the granting of a permit for aquifer storage and recovery.

RULE 14.4 -PERMIT CONDITIONS - The Board may include any permit conditions necessary to ensure the safety, quality, and quantity of groundwater available for withdrawal by other well owners.

SECTION 15. RECHARGE FACILITIES

RULE 15.1 -APPLICATION AND PERMITTING REQUIREMENTS - Applications shall be made to and permits must be obtained from the Board before installing and/or operating a recharge facility.

RULE 15.2 -RULES FOR FILING APPLICATION - Applications shall be executed by a party having knowledge of the facts called for on the District application form.

RULE 15.3 -INFORMATION TO BE PROVIDED IN APPLICATION - Applications must be administratively complete to be considered by the Board.

RULE 15.4 -NOTICE OF HEARING - Notice of hearing must be given not less than 30 days before the date set for District consideration of an application.

RULE 15.5 -HEARING - A hearing on an application may be heard without the necessity of issuing further notice.

RULE 15.6 -MONITORING AND REPORTING - The operator of a recharge facility shall be required to keep records and make reports to the District regarding the operation of the recharge facility.

RULE 15.7 -RESPONSIBILITY - The owner of a recharge facility shall assume and shall be charged with strict liability for the prevention of pollution and waste from such a facility as well as damage to the recharged formation by reason of operation of said facility.

SECTION 16. TRANSPORTATION OF WATER FROM DISTRICT

RULE 16.1 -PERMIT REQUIRED - Applications shall be made and permits issued for the transportation of water from the District.

RULE 16.2 -EXCEPTIONS - A transportation permit is not required for transfers of groundwater outside the district which are incidental to beneficial use and for transfers of less than 25 acre feet per year.

RULE 16.3 -APPLICATION - Applications shall be made and permits must be obtained from the District before installing and/or operating a transportation facility.

RULE 16.4 -HEARING AND APPLICATION EVALUATION - Within 30 days after the date the administratively complete application is submitted, the District shall set a date for a hearing on the application.

RULE 16.5 -PERMIT PROVISIONS AND FEES - On approval of an application, the District shall issue a permit to the applicant and the right to transport shall be limited to the extent and purposes stated in the permit.

RULE 16.6 -MONITORING AND REPORTING - All transportation facilities subject to registration and permitting shall be equipped with flow monitoring devices approved by the district and shall be available for inspection by District personnel.

RULE 16.7 -PERMIT EXTENSIONS, TRANSFERS, AND REVOCATION - Applications for permit extensions and transfers may be made to the District.

SECTION 17. PUBLIC COMPLAINTS AND INFORMAL HEARINGS

RULE 17.1 -PUBLIC COMPLAINTS - Members of the public may present complaints or concerns to the Board pursuant to the procedures set forth in the District's Manual of Hearings Procedures.

RULE 17.2 -CLOSED MEETINGS - If a complaint involves concerns or charges regarding an employee, it shall be heard by the Board in a closed meeting unless the employee to whom the complaint pertains requests that it be heard in public.

SECTION 18. HEARINGS

RULE 18.1 -TYPES OF HEARINGS - The District conducts two general types of hearings: adjudicative and rule making.

RULE 18.2 -GENERAL PROVISIONS - Upon proper notice, all hearings will be conducted in such a manner as the Board deems most suitable to the particular case. All hearings will be conducted in accordance with the District's Manual of Hearings Procedures, the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

SECTION 19. FINAL ORDERS OF THE BOARD

RULE 19.1 -FINAL ORDERS OF THE BOARD - The orders of the Board in any non-contested application or proceeding shall become final on the day it is entered by the Board.