

Hays Trinity Groundwater Conservation District Rules

As Amended Effective

June 14, 2007

Mission: Given the critical importance of water to life and of that part of the water cycle called groundwater to local families, agriculture, commerce, stream flows and wildlife habitat, the Hays Trinity Groundwater Conservation District works to promote conservation, preservation, recharge and prevention of groundwater waste within western Hays County. To help accomplish these goals the District is charged to gather information needed for sound decisions, to provide that information to citizens and local agencies, and to ensure that groundwater is used efficiently and at sustainable rates.

RULE REVISION RECORD

<u>Date Adopted</u>	<u>Board Resolution/ Order Number</u>	<u>Effective Date</u>	<u>Affected Rules</u>
8/9/01	---	8/9/01	Original Adoption
3/25/04	102	3/29/04	Rules 1-11
2/24/05	107	3/9/05	Rules 4 & 11
5/05/05	110	5/11/05	Rules 4 & 11
8/31/05	114	9/1/05	Rules 1-6 & 10-12
9/1/05	117	9/1/05	Rule 5
6/14/07	140	6/14/07	Rules 1- 12

TABLE OF CONTENTS

RULE 1. INTRODUCTION	1
RULE 1.1 AUTHORITY TO PROMULGATE RULES.....	1
RULE 1.2 PURPOSE OF THE RULES.....	1
RULE 1.3 EFFECTIVE DATE.....	2
RULE 1.4 ACTION ON RULES.....	2
RULE 1.5 REGULATORY COMPLIANCE	2
RULE 1.6 SAVINGS CLAUSE	3
RULE 2. DEFINITIONS	1
RULE 3. WELL REGISTRATION AND PERMITTING	1
RULE 3.1 REGISTERING WELLS	1
RULE 3.3 WELL CONSTRUCTION APPLICATION.....	5
RULE 3.4 TRANSPORTATION OF WATER OUTSIDE THE BOUNDARIES OF THE DISTRICT	7
RULE 3.5 CHANGE IN WELL CONDITIONS AND PERMIT RENEWAL, AMENDMENT, AND REVOCATION	10
RULE 3.6 OPERATING PERMIT EXEMPTIONS.....	11
RULE 4. WELL CONSTRUCTION, REPORTING, AND SPACING.....	1
RULE 4.1 WELL CONSTRUCTION STANDARDS	1
RULE 4.2 REPORTING AND MONITORING.....	2
RULE 4.3 WELL SPACING- RESIDENTIAL WELLS	4
RULE 4.4 WELL SPACING - OTHER THAN RESIDENTIAL WELLS.....	4
RULE 5. HEARINGS	1
RULE 5.1 ACTIONS ON MANAGEMENT PLAN, BYLAWS, AND ADMINISTRATIVE FEE SCHEDULE 1	
RULE 5.2 HEARINGS ON BUDGET AND RULES OTHER THAN EMERGENCY RULES.....	1
RULE 5.3 ADOPTION OF EMERGENCY RULES	3
RULE 5.4 ACTIONS ON REGISTRATIONS, AQUIFER TEST WELL PERMITS AND OPERATING PERMITS	4
RULE 5.5 PERMIT ACTIONS BY THE BOARD.....	5
RULE 5.6 PERMIT ACTIONS REQUIRING A CONTESTED CASE HEARING	6
RULE 5.7 HEARINGS ON ENFORCEMENT ACTIONS	11
RULE 6. TAGGING PROHIBITING USE, CAPPING OR PLUGGING WELLS ..	1
RULE 6.1 TAGGING WELLS PROHIBITING USE.....	1
RULE 6.2 CAPPING WELLS	1
RULE 6.3 PLUGGING WELLS.....	2
RULE 7. WELL AND PROPERTY ACCESS.....	1
RULE 8. REPEALED	1

RULE 9. PROHIBITION AGAINST WASTE..... 1

RULE 10. ENFORCEMENT 1

RULE 10.1 ENFORCEMENT..... 1

RULE 11. AQUIFER TEST AND REPORT 1

RULE 11.1 ADMINISTRATIVE PROJECT INFORMATION..... 1

RULE 11.2 PROPOSED WATER USE INFORMATION..... 2

RULE 11.3 PROJECTED WATER DEMAND ESTIMATE 3

RULE 11.4 REGIONAL GROUNDWATER RESOURCE SETTING 4

RULE 11.5 SITE-SPECIFIC GROUNDWATER DATA / AQUIFER TEST DESIGN 5

RULE 11.6 DETERMINATION OF GROUNDWATER QUALITY 11

RULE 11.7 DETERMINATION OF GROUNDWATER AVAILABILITY 13

**RULE 11.8 GROUNDWATER AVAILABILITY AND USABILITY STATEMENTS AND
CERTIFICATION 15**

RULE 12. OTHER REGULATIONS 1

**RULE 12.1 QUARTERLY REPORTING FOR WATER UTILITIES THAT DO NOT SOLELY
USE SURFACE WATER..... 1**

RULE 12.3 NEW WATER SERVICE CONNECTION FEES 2

RULE 12.4 DROUGHT CONTINGENCY PLAN AND CONSERVATION PLAN..... 2

Rule 1. INTRODUCTION

Rule 1.1 Authority to Promulgate Rules

The Hays Trinity Groundwater Conservation District (“District”) is a political subdivision of the State of Texas. It was created by Acts of May 31, 1999, 76th Legislature (S.B. 1911), Regular Session, Chapter 1331, 1999 Texas General Laws 4536 and Acts of May 27, 2001, 77th Legislature (S.B. 2), Regular Session, Chapter 966 (Part 3), 2001 Texas General Laws 1880. (collectively, “enabling legislation”), and was subsequently confirmed by the voters of the District. As a duly created groundwater district, the District may exercise any and all statutory authority or power conferred by its enabling legislation and Chapter 36 of the Texas Water Code, including the adoption and enforcement of rules under Texas Water Code Section 36.101 Rule Making Power. All references to the Texas Water Code are to the Code as amended.

The District is located within the Hill Country Priority Groundwater Management Area (PGMA), which is an area designated under Texas Water Code Chapter 35 as an area experiencing or expected to experience critical groundwater problems.

*Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102.
Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.*

Rule 1.2 Purpose of the Rules

These Rules are promulgated under the District’s authority pursuant to its enabling legislation and Texas Water Code Chapter 36, which authorize the District to make and enforce rules to provide for the conservation, preservation, protection, and recharge of groundwater and aquifers within the District. These Rules are also intended to fulfill the District’s Mission and to minimize the draw down of the water table, minimize the reduction of artesian pressure, control subsidence, minimize interference between wells, prevent the degradation of the quality of groundwater, prevent waste of groundwater, preserve historic use of groundwater, give consideration to the service needs of retail water utilities, and carry out the District’s powers and duties.

These Rules, and any orders, regulations, requirements, resolutions, policies, directives, standards, guidelines, management plans, or other regulatory measures implemented by the Board, have been promulgated to fulfill these objectives. These Rules may not be construed to limit, restrict, or deprive the District or Board of any exercise of any power, duty, or

jurisdiction conferred by the District's enabling legislation, Texas Water Code Chapter 36, or any other applicable law or statute.

*Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102.
Repealed August 31, 2005, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.*

Rule 1.3 Effective Date

These Rules and any amendments are effective as of the date of adoption.

*Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102.
Renumbered August 31, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.*

Rule 1.4 Action on Rules

- A.** The Board may from time to time, following notice and public hearing, amend or revoke these Rules or adopt new Rules following the procedures of Rule 5.2.
- B.** The Board may adopt an emergency Rule without prior notice or hearing, or with an abbreviated notice and hearing, according to Rule 5.3.
- C.** The Board may adopt new Rules or amend Rules as necessary to carry out the purposes of the District and to implement State and Regional Water Plans and the District's Groundwater Management Plan. All new Rules shall apply to all existing landowners, wells, well owners, permits and permittees as well as any new application filed for a drilling or operating permit.

*Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102.
Amended August 31, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.*

Rule 1.5 Regulatory Compliance

All District land owners, well owners, wells, permits and permittees shall comply with all applicable Rules, orders, regulations, requirements, resolutions, policies, directives, standards, guidelines, or any other regulatory measures implemented by the District.

*Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102.
Renumbered August 31, 2005; Effective September 1, 2005 by Board Order
114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.*

Rule 1.6 Savings Clause

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

*Adopted August 9, 2001. Amended March 25, 2004; Effective March 29,
2004 by Board Order 102. Renumbered August 31, 2005; Effective
September 1, 2005 by Board Order 114.*

END OF RULE 1

RULE 2. DEFINITIONS

The following words shall have the following meanings in the Rules of the Hays Trinity Groundwater Conservation District:

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

- (A) a non-deteriorated well which contains the casing, pump, and pump column in good condition; or
- (B) non-deteriorated well which has been capped.

Administratively Complete Application – An application in which all required documentation required by Texas Water Code, Sections 36.113 and 36.1131, and District Rules, and payment of all appropriate fees pertaining to the application have been received by the District.

Adverse Groundwater Conditions – A condition in which an aquifer or portion of an aquifer is experiencing aquifer mining, deteriorating water quality, or other conditions which may harm or threaten to harm the health, safety and welfare of well owners and aquifer users.

Aggregate Wells – A multi-well system comprised of two or more wells that are owned by the same retail water utility and provide water to the same water-delivery system.

Aggregate Withdrawal – The amount of water withdrawn from two or more permitted wells owned by a retail water utility that is permitted for a total pumpage volume of all wells in the aggregate.

Agricultural Use or Purpose – The use of groundwater for:

- (A) Cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;
- (B) Practicing floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media, by a nursery grower;
- (C) Raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;

- (D) Planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure;
- (E) Engaging in wildlife management as defined in Texas Tax Code Section 23.51(7); and,
- (F) Raising or keeping equine animals.

Alter or Alternation of a Well – Same as Modify or Modification of a Well.

Annular Space – The space between two concentric cylindrical objects, one of which surrounds the other, such as the space between the walls of a drilled hole and the installed casing.

Aquifer – A geologic formation that will yield water to a well in sufficient quantities to make the production of water from this formation feasible for beneficial use.

Aquifer Mining – A condition where human withdrawals from the aquifer result in the inability of the aquifer as a whole or in a given area to meet desired future conditions of the aquifer pursuant to state regulations and/or the district's management plan. For purposes of these Rules, the terms "aquifer overdrafting," "reduction of artesian pressure," "subsidence," and the "drawdown of the water table or aquifer" shall mean aquifer mining.

Aquifer Test – An active pumping test to determine aquifer properties performed pursuant to District Rule 11.

Artesian Well – A water well in which artesian pressure is exhibited.

Aquifer Test Report – A written report required by District Rule 11.

Artesian Pressure – Hydrostatic pressure in a confined aquifer sufficient to cause the water to rise in a drilled hole or well casing to a level above the bottom of the confining bed overlying the aquifer, sometimes sufficient to cause flow without pumping.

Beneficial Use or Purpose – The use of groundwater (1) for domestic, municipal, stock raising, agricultural use or purpose, industrial, commercial, mining, manufacturing, irrigation, gardening, and pleasure/recreational purposes; (2) for exploring for, producing, handling, or treating oil, gas, sulfur, or other minerals; or (3) for any other purpose that is economically useful and beneficial to the user and does not commit waste as defined herein.

Board – The Board of Directors of the Hays Trinity Groundwater Conservation District.

Calendar Quarters – periods of time extending from January 1st to March 31st; April 1st to June 30th; July 1st to September 30th; and October 1st to December 31st of each calendar year.

Capping – Equipping a well with a securely affixed, removable, water-tight device that will prevent the entrance of surface pollutants into the top of the well casing.

Casing – Pipe or tubing installed in the excavated or drilled borehole to maintain the well opening.

Closed Loop Well – A well constructed for circulating water through a continuous length of tubing, generally for the purpose of utilizing the subsurface as a source of energy for heat exchange in heating and cooling systems. To be considered a “closed loop well,” the entire system must be sealed with no water either produced from or injected into the aquifer.

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

Commission - Texas Commission on Environmental Quality.

Completed Well – A well constructed to meet all State and District well construction standards applicable at the time of its construction, including annular seal and surface completion requirements.

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

Constituents – Elements, ions, compounds, or substances dissolved, suspended or otherwise entrained in groundwater or surface water.

Construction Permit Fee –A fee charged for the construction of a new well.

Contested Case Hearing – A permit hearing requested as authorized by Rule 5.5.L, which is noticed and conducted according to the procedures of Rule 5.6.

Conventional farming and ranching activities – Commercial operations to grow crops or raise livestock where the groundwater is put to an agricultural use or purpose. Lawn and landscape irrigation and commercial nursery operations, other than nursery growers, are not considered conventional farming and ranching activities.

Desired Future Condition - The desired, quantified condition of groundwater resources (such as water levels, water quality, spring flows, or volumes) at a specified time or times in the future or in perpetuity, as defined by participating groundwater conservation districts within a groundwater management area as part of the joint planning process. Desired future conditions have to be physically possible, individually and collectively, if different desired future conditions are stated for different geographic areas overlying an aquifer or subdivision of an aquifer. (31-10 TAC 356.2).

Deteriorated Well – A well that, because of its condition, will cause or is likely to cause pollution of any water in this state, including groundwater, or is allowing or likely to allow escape of fresh groundwater into any other geologic strata or to the surface of the earth.

De-watering Well – A well used for lowering the water table for construction purposes.

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

Discharge – The amount of water that leaves an aquifer by natural or artificial means.

District – The Hays Trinity Groundwater Conservation District or one of its authorized representatives. The District includes all of Hays County not contained within the boundaries of the Edwards Aquifer Authority or the Barton Springs Edwards Aquifer Conservation District.

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

Domestic Use or Purpose – The use of groundwater by an individual or a household, including a home-based business, including water for use inside the home; for irrigation of lawns, or of a family garden and/or orchard; for watering of domestic animals; for swimming pools associated with a single residence; for stock-watering ponds of less than ¼-acre extent with an

average depth of less than 3-feet, that are lined with bentonite, geomembrane, or an equivalent sealing material as adjudged by the District.

Drill – Installing or completing wells, or increasing the diameter or depth of wells using drilling equipment, . Well development activities intended to remove accumulated sediment from a well or improve well yield without modifying the basic dimensions or structure of a well or pumping system are not included under this definition.

Earth Coupled Heat Exchange or Closed Loop System - The same as a “Closed Loop Well,” defined above.

Emergency Rule – A rule adopted under Rule 5.3.

Enabling Legislation – Special law enactments that created the District and govern operation of the District specifically Acts of May 31, 1999, 76th Legislature, Regular Session, Chapter 1331, 1999 (S.B. 1911) Texas General Laws 4536 and Acts of May 27, 2001, 77th Legislature, Regular Session, Chapter 966 (S.B. 2 Part 3), 2001 Texas General Laws 1880.

Exempt Well - A well exempted under Rule 3.6 for which the owner is not required to obtain an operating permit but which the owner is required to register with the District under District Rules 3.1.A. or 3.2.

Existing Well - Any well in the District that was drilled and properly completed on or before September 1, 2001.

Exporting groundwater – Bulk transport by truck, ditch, canal, pipeline or similar conveyance of groundwater from a well inside the boundaries of the District to any point outside the boundaries of the District.

Geophysical Logs: also called Wireline Logs or Electric Logs – Recordings of continuous or point measurements of physical properties of rocks and fluids in a bore-hole by means of a specialized probe lowered into the hole by a wireline or cable. For purposes of these Rules, Geophysical Logs used for groundwater investigation may include gamma-ray logs (natural-gamma logs), electric logs (resistivity logs, spontaneous-potential logs, single-point-resistance logs), temperature logs, caliper logs, or other special purpose downhole logs.

Groundwater Management Plan – A management plan developed by the District pursuant to Texas Water Code, Section 36.1071.

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

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

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

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

Irrigation Use or Purpose - Use of groundwater to supply water for application to plants or land in order to promote growth of plants, turf, or trees.

Livestock - Domesticated horses, cattle, goats, sheep, swine, poultry, ostriches, emus, rheas, exotic deer and antelope, and other similar animals involved in farming or ranching operations. Dogs, cats, birds, fish, reptiles, small mammals, potbellied pigs, and other animals typically kept as pets are not considered livestock. Livestock-type animals as pets or in a pet-like environment are not considered livestock.

Managed Available Groundwater (MAG) –The amount of water that may be permitted by a district for beneficial use in accordance with the Desired Future Condition of the aquifer. (31-10 TAC 356.2)

Monitor or Monitoring Well - A well generally used for collecting water-quality and/or water level data on an ongoing basis.

Modify or Modification of a Well - To change the physical or mechanical characteristics of a well, its equipment, or production capabilities. This does not include repair of well equipment, well houses or enclosures, or replacement with comparable equipment. A change in the use of the water from an exempt to non-exempt purpose is considered a modification. Does not include lowering an existing pump within an existing well or well development activities intended to remove accumulated sediment from a well or improve well yield without modifying the basic dimensions or structure of a well or the pumping system.

New Well - Any well that is not an existing well or any existing well modified to increase water production, or to produce water from a different geologic strata if such modification occurred or will occur anytime after September 1, 2001.

New Water (Utility) Service Connection – is defined as meeting one or more of the following conditions after September 1, 2001: 1) a new physical

connection made to the system to service a customer, or: 2) the change in ownership of a property serviced by an existing service connection (a change in customer account name for an existing service location).

Non-exempt Well - A well required to obtain an operating permit prior to drilling a new well and/or for authorizing the production of groundwater from an existing or a new well.

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

Nursery grower - A person who grows more than 50 percent of the products that the person either sells or leases, regardless of the variety sold, leased, or grown. For the purpose of this definition, “grow” means the actual cultivation or propagation of the product beyond the mere holding or maintaining of the item before sale or lease and typically includes activities associated with the production or multiplying of stock, such as the development of new plants from cuttings, grafts, plugs, or seedlings.

Observation Well – A well for observing water level changes during an aquifer test.

Open or Uncovered Well – An artificial penetration or excavation at least 10 feet deep that is dug or drilled for the purpose of producing groundwater, or for injection, monitoring, or de-watering purposes, and is not capped and equipped with an annular seal.

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

Operating Permit - The authorization issued by the District under which an owner of the property may construct, drill, or modify a non-exempt well within the District in compliance with approved District standards and may withdraw a specific amount of groundwater from a non-exempt well for a designated period of time.

Owner - Any person who has the right to produce groundwater, either by ownership, contract, lease, easement, or any other estate in the land.

Party in a Contested Case Hearing – An applicant or other person defined under Rule 5.5.L.

Permit Amendment - A District approved change in a permit.

Permittee - A person who has a permit issued by the District.

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

Plugging - The permanent closure of a well in accordance with approved State standards.

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

Production Capability - The volume of water a well can produce as determined by either the maximum rated pumping capability of the pump as installed or as measured at the well head.

Public Water System –A system as defined by 30 Texas Administrative Code Section 290.38 for providing to the public water for human consumption.

Pumping or Groundwater Production - All water withdrawn from the ground, measured at the wellhead.

Pump Well – Same as Test Well.

Recharge – Entry of water from the ground surface into the saturated zone of the subsurface. This contrasts with aquifer leakage where water in the subsurface moves into or out of an aquifer.

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

Residential Well – A well used solely for domestic use by a single private residential household and producing less than 25,000 gallons per day.

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

Rules - Standards and regulations promulgated by the District.

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

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

Spring - A point or place of natural flow from an aquifer to the surface of the Earth.

State of Texas Well Report – See “Well Log,” defined below.

Subsurface Geological Samples: also called cuttings samples or drill cuttings – Borehole cuttings samples (ditch-samples) recovered during the course of drilling a well.

Swimming pool (Single Family Residential) -- a man-made basin completely lined with concrete, plastic, or fiberglass, having a depth of at least 2 feet, and used primarily for swimming or recreational bathing at the single family household where the well is located.

Test Well – The pumping well used during an aquifer test or the well where the pressure transient is applied to the interval being tested.

Transport of Groundwater - Moving groundwater from a well to any other point by any legal means of conveyance.

Undesirable Water – Water that is injurious to human health or the environment, or water that can cause pollution to land or other waters.

Variance – An authorized exception to requirements or provisions of the Rules granted by the Board.

Waste -

- (A) The withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes.
- (B) The flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose.

- (C) The escape of groundwater from one groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater.
- (D) The pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground.
- (E) Willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the Commission under Texas Water Code, Chapter 26, "Water Quality Control."
- (F) Groundwater pumped for irrigation that escapes as irrigation tail water onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge.
- (G) For water produced from an artesian well, "waste" has the meaning assigned by Texas Water Code, Section 11.205.
- (H) Utilizing groundwater for a beneficial use in an amount that exceeds the amount reasonably needed for that purpose.
- (I) The difference between the amount pumped and the amount sold through meters or otherwise accounted for, commonly referred to as "unaccounted for water," is presumed to be waste. The presumption may be rebutted by presenting adequate evidence of reasonable diligence in preventing the waste.

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

Water Well - Any drilled or excavated well, facility, device, or method used to withdraw groundwater from the ground, other than a well used solely for the purpose of withdrawing water for sampling.

Well - Any artificial penetration, excavation, borehole or other man-made feature constructed for the purposes of exploring for or producing

groundwater, for injection, monitoring, remediation, or de-watering purposes, or for recovery of leachate. Also includes a closed loop well.

Well Construction Fee – The fee charged by the District for the construction of a new well completed after September 1, 2001.

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

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

Well Registration - The creation of a record of the well by use and a well identification number for purposes of registering the well as to its geographic location and for notification to the well owner in cases of spills or accidents, data collection, record keeping, or future planning purposes.

Well Use or Purpose of Use – The use of the well or the purpose for which water from the well will be used. The District shall use the definitions found in these Rules in determining the well use or purpose of use.

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

Adopted August 9, 2001. Amended March 25, 2004; Effective March 29, 2004 by Board Order 102. Amended February 24, 2005; Effective March 9, 2005 by Board Order. Amended August 31, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

END OF RULE 2

RULE 3. WELL REGISTRATION AND PERMITTING

All new wells and existing nonexempt wells located within the District shall be registered with the District. Based on the registration information, nonexempt well owners shall be required to obtain operating permits. Existing exempt wells may be registered with the District at the election of the well owner. If the well owner elects not to register an existing exempt well, that well and its use and operation remain subject to all applicable requirements of District rules, including but not limited to prohibitions against waste. Operating a well without first filing the required registration or obtaining a required permit is a violation of these rules and each day of operation constitutes a separate violation.

The decision whether to grant or deny a permit required under these Rules, shall be based on the considerations required by Texas Water Code Section 36.113(d). As authorized by Texas Water Code Section 36.113(f), all permits issued by the District shall be subject to the District's Rules and to terms and conditions regarding the drilling, equipping, completion, or alteration of wells or pumps that may be necessary to prevent waste and achieve water conservation, minimize as far as practical the drawdown of the water table or the reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence.

Adopted August 9, 2001. Amended March 25, 2004; Effective March 29, 2004 by Board Order 102. *Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.*

Rule 3.1 Registering Wells

Any well in the District that was drilled and properly completed on or before September 1, 2001, is an existing well under these Rules. Any well that is not an existing well or any existing well that has been modified to increase water production after September 1, 2001, is a new well under these Rules. All new wells are required to file an application to construct a well.

Forms for registering existing wells are available from the District. The owner shall provide all information required on the form, if known or available, and a copy of the completed State of Texas Well Report. This information shall include, but is not limited to, the name of the well owner, mailing address, telephone number, well location, casing size, well depth, pump size, production capability, what water from the well is used for, and where water from the well is used. No fee will be charged for registering a well. If the well does not have a State well number, the District shall issue a temporary well number pending assignment of a State well number.

Based on the information provided in the registration form, or other information available to the District, the Board shall determine under Rule 3.6 whether the existing well qualifies for an exemption, and whether it is currently operational, abandoned, or plugged. Increases in the production capability, changes in the use of groundwater or changes in the place of use of the groundwater may result in the loss of the exemption and require the well owner to apply for an operating permit. Based on information provided in the application to construct a well, or other information available to the District, the Board shall determine under Rule 3.6 with the new well qualifies for an exemption. A well owner shall obtain an operating permit for any well that does not qualify for an exemption.

Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102. Amended February 24, 2005; Effective March 9, 2005 by Board Order. Amended August 31, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

Rule 3.2 Operating Permit

If the District determines that a well does not qualify for an exemption based on the registration or application submitted under Rule 3.1, the well owner must obtain an operating permit.

Application

The owner shall submit to the District an operating permit application on a form obtained from the District, and must be in writing and sworn to. The application shall require the following information:

- 1) The annual maximum production requested (in gallons per year or acre feet per year);
- 2) An aquifer test report prepared as required by Rule 11, including geophysical logs and cuttings samples.
- 3) Proof of published notice.
- 4) Proof of mailed notice.
- 5) a water conservation plan;
- 6) a drought contingency plan;
- 7) a location map or property plat drawn on a scale that adequately details:
 - i) the well site;
 - ii) the property lines;
 - iii) the location of other existing wells on the subject tract;
 - iv) the location of the existing use(s);
 - v) the location of any existing or proposed on-site wastewater system; and
 - vi) the location of any other potential source of contamination within 100 feet of the existing well;

8) evidence of annual production quantities, annual quantity of unaccounted for water in system and water levels in all production and monitoring wells over the last 5-years; and

9) any other information deemed necessary by the District.

Administrative Completeness of Application

The applicant shall be notified when the application is reviewed by the Board and deemed administratively complete. In order to adequately address the purposes and requirements of Texas Water Code Chapter 36 and District Rules, the District Manager or Board may require further clarification or additional documentation from the applicant. The application shall expire on the 181st day following the date that the District notifies the applicant of the need to submit additional clarification or documentation if the applicant fails to provide that information. Applications are not considered administratively complete if the applicant has unpaid fees or has unresolved compliance issues with the District.

Operating Permit Notice Requirements

The applicant shall publish public notice of the application once in a newspaper of local circulation acceptable to the District. The content and format of the notice shall be approved by the District Manager prior to publication. The applicant shall obtain an affidavit of publication from the newspaper.

The applicant shall provide public notice by certified mail, return receipt requested, to all adjacent landowners within one-quarter mile of the well location. The content of the notice shall be approved by the District Manager prior to mailing. A landowner shall be considered as adjacent even if separated from the subject property by a road, easement, or right-of-way. The purpose of this rule is to provide notice to landowners who may be affected by the proposed permit. Proof of mailed notice shall be a copy of the notice and all signed returned receipts.

Proposed District Action on an Application.

Once the District determines the application is administratively complete, the District shall either:

- 1) propose granting the application as filed and issuing a permit;
- 2) propose granting the application and issuing a permit with special conditions; or
- 3) propose denying the application.

The applicant shall be informed in writing of the proposed action on the permit application.

Hearing Required

The Board shall schedule a hearing, which may be held at a regular Board meeting, where the Board shall consider the application and any evidence presented at the hearing. Any interested person may provide oral or written

testimony at the hearing, or may file a formal protest against the proposed action. Following the hearing, the Board may:

- 1) issue the permit;
- 2) issue the permit with conditions;
- 3) deny the application; or
- 4) send the application to a contested case hearing.

If the Board votes to issue the permit with conditions, the applicant may reject the permit by filing a request for a contested case hearing within 10 days after receiving notice of the Board action.

Application Consideration

The Board shall be guided by these Rules and Chapter 36, Texas Water Code in consideration of each application. The Board shall consider the following:

- 1) Whether the application conforms to the requirements of Chapter 36 and these Rules.
- 2) Whether there is an adequate water supply available from a retail public water utility.
- 3) Whether the proposed use of groundwater unreasonably affects existing groundwater and surface water resources or existing permit holders.
- 4) Whether the proposed use of water is consistent with the District's certified water management plan.
- 5) Whether the applicant has an adequate water conservation plan.
- 6) Whether the applicant has an adequate drought contingency plan.
- 7) Whether the applicant will use reasonable diligence to protect groundwater quality.
- 8) Whether the conditions and limitations in the permit will prevent waste, achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, or lessen interference between wells.

Content of Permit

An operating permit shall specify:

- 1) the owner of the well;
- 2) the maximum authorized groundwater production from the well (in gallons per year or acre feet per year);
- 3) the state or temporary well number;
- 4) the authorized purpose of use permitted;
- 5) the authorized place of use permitted; and
- 6) any special permit conditions.

When two or more wells are owned and operated by the same retail water utility as a multi-well system, the District may issue an operating permit for an aggregate withdrawal amount for all the wells in the system. An operating permit for an aggregate withdrawal from several wells may allow groundwater to be produced such that the sum of withdrawals by wells in the system does not exceed the maximum authorized groundwater production specified in the permit. The aggregate wells shall be listed on the permit.

Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102. Amended February 24, 2005; Effective March 9, 2005 by Board Order. Amended August 31, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

Rule 3.3 Well Construction Application

Prior to construction of a new well the owner shall apply for a well construction permit and obtain an aquifer test well permit. Prior to submittal of an operating permit application for a non-exempt well the applicant shall perform an aquifer test as required by Rule 11. The results of this aquifer test must be submitted with the operating permit application described in Rule 3.4.

A. Application

An application for a well construction permit shall be submitted on a form obtained from the District and must be in writing and sworn to. A separate application is required for each well. Each application shall include the following:

- 1) Name, address, phone number, and facsimile number of the well owner or owners;
- 2) Name, address, phone number, and facsimile number of the person submitting the permit application;
- 3) Name, address, phone number, facsimile number, and registration number of the licensed professional geoscientist or the licensed professional engineer who will certify the aquifer test as required by Rule 11;
- 4) Name of the proposed project;
- 5) Any previous or other name(s) that will identify the tract of land where the well is to be located;
- 6) Location and legal property description of the proposed project;
- 7) Location map or property plat drawn on a scale that adequately details the well site, the property lines, the location of other existing wells, any existing or proposed wastewater systems, and other potential sources of contamination within 2000 feet of the proposed well;
- 8) Certification that the well is not located inside or within 50 feet of the service area of a retail public water utility, or a document from the nearest retail public water utility stating that it is unable or unwilling to provide service.
- 9) A non-refundable \$300.00 Well Construction Fee.

The District Manager shall provide the applicant with either a written determination that the application is administratively complete or a letter listing the missing or inadequate elements.

B. Drilling the Test Well

If the District Manager determines that the information on the application is administratively complete and that location of the proposed test well complies with Rule 4 spacing requirements, the District Manager may issue an aquifer test well permit. Upon issuance of the aquifer test well permit, the applicant may drill and test the well. The District Manager may grant the aquifer test well permit without a hearing or any action of the Board. The applicant may appeal to the Board if the District Manager decides not to issue an aquifer test well permit or if the District Manager fails to inform the applicant of a decision within 30 days after determining the application is administratively complete.

In determining the testing approach, an applicant shall comply with the aquifer testing and report requirements of Rule 11. Although not required, applicants are encouraged to meet with the District Manager or Project Committee to discuss the planned testing approach prior to drilling and testing the well.

Drilling must begin within ninety (90) days of approval of an aquifer test well permit. Extensions must be requested from the District and may be granted for a total of up to 180 days. The aquifer well test must be completed, and the test well either completed in accordance with District and State Well completion standards or plugged, within the term of the permit. The aquifer test well permit expires on the 91st day after approval if no extension is granted and on the 181st day after approval if an extension is granted. The water well driller shall file a copy of the State of Texas Well Report (Well Log) with the District within 60 days of well completion.

Adopted February 24, 2005; Effective March 9, 2005 by Board Order. Amended August 31, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

RULE 3.4 Transportation of Water Outside the Boundaries of the District

A Transportation Permit is required to transport more than one (1) acre foot of water per year outside the boundaries of the District. The application for a Transportation permit must be filed with the District on forms promulgated by the District and must be in writing and sworn to.

An application for the transportation of water for which a permit is required under this Rule must:

- (1) contain the name, post-office address and place of residence or principal office of the applicant;
- (2) identify the location of the well from which the water to be transported is produced or to be produced;
- (3) describe specifically the proposed transportation facilities;
- (4) state the nature and purposes of the proposed use and the amount of water to be used for each purpose;
- (5) state the time within which the proposed construction is to begin;
- (6) state the length of time required for the proposed use of water, and the amount of water to be used;
- (7) provide information showing the effect of the proposed transportation on the quantity and quality of water available within the District;
- (8) provide information on the method or methods of transportation; and
- (9) identify any other liquids that could be substituted for the fresh groundwater and possible sources of such liquid including quantity and quality.

The application must be accompanied by a map or plat drawn to a scale not less than one inch equals 4,000 feet, showing substantially:

- (1) the location of the existing or proposed well;
- (2) the location of the place of use; and
- (3) the location of the existing or proposed pipeline, if any.

Administrative Completeness of Application

The applicant shall be notified when the application is reviewed by the Board and deemed administratively complete. In order to adequately address the purposes and requirements of Texas Water Code Chapter 36 and District Rules, the District Manager or Board may require further clarification or additional documentation from the applicant. The application shall expire on the 181st day following the date that the District notifies the applicant of the need to submit additional clarification or documentation if the applicant fails to provide that information. Applications are not considered administratively complete if the applicant has unpaid fees or has unresolved compliance issues with the District.

Transportation Permit Notice Requirements

The applicant shall publish public notice of the application once in a newspaper of local circulation acceptable to the District. The content and format of the notice shall be approved by the District Manager prior to publication. The applicant shall obtain an affidavit of publication from the newspaper.

The applicant shall provide public notice by certified mail, return receipt requested, to all adjacent landowners within one-quarter mile of the proposed well location. The content of the notice shall be approved by the District Manager prior to mailing. A landowner shall be considered as adjacent even if separated from the subject property by a road, easement, or right-of-way. The purpose of this rule is to provide notice to landowners who may be affected by the proposed well. Proof of mailed notice shall be a copy of the notice and all signed returned receipts.

The notice shall include the following:

- (1) the name and address of the applicant;
- (2) the date the application was filed;
- (3) the location and purpose of the well from which the water to be transported is produced or to be produced;
- (4) the time and place of the public hearing; and
- (5) any additional information the District considers necessary.

Hearing Required

The District shall conduct a public hearing on each application within ninety (90) days of the District's determination that the application is administratively complete.

At the time and place stated in the notice, the District shall hold a public hearing on the application. The hearing may be held in conjunction with any regular or special meeting of the District or a special meeting may be called for the purpose of holding a hearing. Any person may appear at the hearing, in person or by attorney, or may enter his appearance in writing. The District may receive evidence, orally or by affidavit, in support or in opposition to the issuance of the permit, and it may hear arguments.

After the hearing, the Board may determine if the application is going to be contested and schedule a contested case hearing. If no protests are filed against the application the board may approve the application as filed.

An application for a transportation permit shall be approved if the Board of Directors finds:

- (1) that the applicant has a legitimate need for the amount of water to be transported as evidenced by inclusion of the proposed project in the approved regional water plan or the current State Water Plan;
- (2) that the permit will not substantially affect the availability of water in the district;

- (3) that the permit will not have a substantially negative effect on aquifer conditions or cause excessive aquifer depletion;
- (4) that the permit will not have a substantially negative impact on existing permit holders or other groundwater users within the district; and
- (5) that the method of transportation will not result in waste.

In considering the permit, the Board shall consider the following:

- (1) the quantity of water proposed to be transported;
- (2) the requested term; and
- (3) the approved District Management Plan.

On approval of an application, the District shall issue a permit to the applicant. The applicant's right to transport shall be limited to the extent and purposes stated in the permit.

The permittee shall file with the District quarterly reports describing the amount of water transported and used for the permitted purpose. Such report shall be filed on the appropriate form or forms provided by the District within fifteen (15) days of the end of the calendar quarter (March 31, June 30, September 30, and December 31) following the commencement of transporting of water, and within fifteen (15) days of the end of each calendar quarter thereafter.

Each quarterly report shall be accompanied by a fee payment equal to two and one-half cents (\$0.025) per thousand (1000) gallons actually transported during that quarter. In addition to any other remedy provided by law, the District may enforce payment of these fees by suspending the transportation permit and prohibiting further exports until all fees due are paid.

All permitted transportation facilities must be equipped with flow monitoring devices approved by the District and available for District inspection at any time.

Any permit granted under this Subsection shall be subject to revocation for nonuse or waste by the permittee, or for substantial deviation from the purposes or other terms stated in the permit. Revocation of a permit for nonuse shall require that no water is transported under the permit for a period of five years.

Transportation Permit Term

The term for a transportation permit shall be:

- (1) three years if construction of a conveyance system has not been initiated prior to the issuance of the permit; or
- (2) thirty years if construction of a conveyance system has been initiated prior to the issuance of the permit or if construction of a conveyance system begins before the expiration of a permit initially issued for three years.

Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102. Amended February 24, 2005; Effective March 9, 2005 by Board Order. Amended August 31, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

Rule 3.5 Change in Well Conditions and Permit Renewal, Amendment, and Revocation

A. Change Well Conditions

A person issued an operating permit is required to obtain prior authorization from the District for any of the following permit changes:

- 1) changing the purpose of use for the permit;
- 2) changing the place of use of the groundwater produced from the well; or
- 3) changing the maximum authorized groundwater withdrawals under the permit.

B. Change in Use Rendering a Well Non-Exempt

A person granted an exemption to the operating permit requirement must obtain a permit prior to making any changes to the well such that the exemption would no longer apply.

C. Change in Ownership

Any change in well ownership shall be reported to the District by the purchaser within 60 days after the change. An operating permit may be transferred to a new well owner if the District Manager determines that the use of the well remains the same and the well is in compliance with all District Rules and permit conditions. The District Manager may refer the transfer to the Board if the District Manager cannot, for any reason, determine if the permit may be transferred. An operating permit automatically expires and becomes void on the 61st day following the transfer of ownership of the well unless a Notice of Transfer is timely received.

D. Operating Permit Term

Operating permits issued by the District are valid for a period of one to three years, and the duration shall be specified on the permit.

E. Operating Permit Renewal

An application for renewal must be submitted no later than 90 days prior to the expiration date of the operating permit and failure to meet that deadline will require a filing a new permit application to operate the well. The District will renew the permit at the end of each permit term without need for a hearing unless persistent aquifer conditions, or a change in the District Management Plan or District Rules, indicate that a reduction in pumpage is required. The applicant is entitled to a contested case hearing if the District proposes to reduce the permit withdrawal amount or deny the permit renewal.

F. Operating Permit Amendment

Changing the operation, use, or condition of a well, including changing the production limit, the type of use of the well, the place of use of the water produced from the well, the size or depth of a well, or its annual permitted production limits requires prior approval of the District through a permit amendment. A permit amendment shall be processed in the same manner as a new permit application, including all notice requirements, conditions, considerations and hearings.

G. Operating Permit Involuntary Amendment or Revocation

Operating permits are subject to involuntary amendment or revocation for violation of District Rules, violation of the permit or special permit conditions, violation of the provisions of Chapter 36 of the Texas Water Code, waste of groundwater, or other actions the Board determines to be detrimental to the groundwater resources within the District, including noncompliance with the District's conservation plan or drought contingency plan.

Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102. Amended February 24, 2005; Effective March 9, 2005 by Board Order. Amended August 31, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

Rule 3.6 Operating Permit Exemptions

Wells exempted from obtaining a permit must be registered with the District and must comply with all State and District well construction requirements. The following wells are not required to obtain an operating permit from the District:

A. A well used solely for domestic use by a single private residential household if the well is drilled, completed, or equipped so that its production capability does not exceed 25,000 gallons per day (17.36 gallons per minute).

B. A well used solely for conventional farming and ranching activities, including such intensive operations as aquaculture, livestock feedlots, or poultry operations.

C. A well used solely for dewatering and monitoring in the production of coal or lignite.

D. A well used solely to supply water for a rig that is actively engaged in drilling or exploration operations permitted by the Railroad Commission of Texas provided that the person holding the permit is responsible for drilling and operating the water well and the well is located on the same lease or field on which the drilling rig is located or is in close proximity to the drilling rig. The District may not deny an application for a permit for any well used to supply water for hydrocarbon production activities if the application is in compliance with the spacing, density, and production Rules applicable to all permitted water wells of the District. If an otherwise exempt well is no longer solely used to supply water for a rig actively engaged in drilling or exploration operations the well owner must obtain an operating permit from the District.

E. A well authorized under a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, or for production from such a well to the extent the withdrawals are required for mining purposes regardless of any subsequent use of the water. These water wells are not required to comply with the spacing requirements of the District. The District shall require a well to be permitted and comply with District Rules if the withdrawals from the well are no longer necessary for mining activities, or are greater than the amount necessary for mining activities specified in the permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code. An entity holding such a Chapter 134 permit for a water well shall report monthly to the District (1) the total amount of water withdrawn during the month; (2) the quantity of water necessary for mining activities; and (3) the quantity of water withdrawn for other purposes.

F. A monitoring well, remediation well, injection well, or construction dewatering well.

G. A well used for irrigation use for agricultural purposes and for residential purposes is exempt from obtaining an operating permit.

Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102. Amended February 24, 2005; Effective March 9, 2005 by Board Order. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

END OF RULE 3

RULE 4. WELL CONSTRUCTION, REPORTING, AND SPACING

Rule 4.1 Well Construction Standards

- A.** Construction of wells and installation of pumps shall be in accordance with the Texas Occupations Code Chapter 1901, “Water Well Drillers” and Chapter 1902, “Water Well Pump Installers,” as amended, and the Administrative Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code (“TAC”), Chapter 76, as amended, and as clarified by the District standards described in this Rule.
- B.** The surface annular space grouting requirement for new wells is from the surface to fifty feet below ground level. The grouting requirement for this surface annular seal may be reduced to the interval from the surface to the depth of the first potable water bearing strata, if the well is targeting that interval for production, but at a minimum the surface annular seal shall extend to a depth of at least ten feet. The annular space grouting for remediation wells will be determined on a case-by-case basis.
- C.** To prevent pollutants from entering the well, all non-exempt wells, both new and existing, shall be completed with a watertight sanitary seal. Any existing non-exempt well not meeting this requirement shall comply with this Rule the next time the wellhead is repaired or the pump is removed. Wells with odd-sized casing or those having well heads for which there is no factory made watertight sanitary seal available shall be completed or modified in such a manner that meets the intent of this Rule.
- D.** All non-exempt wells, both new and existing, shall be equipped with an access tube, or some other means that will allow free and clear access to groundwater for the purposes of measuring water levels or disinfecting a well. Any existing non-exempt well not meeting this requirement shall comply with this Rule the next time the wellhead is repaired or the pump is removed. Control boxes, pipes, fittings, or other wellhead equipment shall not hinder access to the access tube.

 - (1) The access tube must be at least one-inch I.D. PVC pipe, installed parallel to the production pipe, capped on the bottom, and have sufficient perforations to allow rapid and free flow of water to the inside of the tube. The tube must extend from the

surface to just above the pump and have a secure, removable cap at the top.

- (2) Well vents may be installed in threaded inspection ports or the PVC access tube provided that the vent is constructed in such a manner that it may be easily removed and reinstalled as necessary for disinfecting a well or for measuring water levels.
- E.** Pursuant to Texas Department of Licensing and Regulation regulations for well construction, all new wells, both exempt and non-exempt, shall be constructed such that there is no commingling between the aquifers. For example, all wells shall be constructed with an annular seal between the Middle and Lower Trinity Aquifers. Each new well shall be completed such that it is open to only one of the three aquifers (Upper, Middle, or Lower Trinity) in order to prevent commingling of waters of different chemical quality and the degradation of any aquifer or zone. Annular seals for this purpose will consist of bentonite or cement grout or other approved sealing material. A shale trap is not considered to be an adequate method to prevent commingling between the aquifers.
- F.** All non-exempt wells, both new and existing, shall be instrumented with a permanent flow measuring device capable of reading instantaneous flow rate and cumulative volume pumped from the well.

Adopted March 25, 2004; effective March 29, 2004 by Board Order 102.

Amended May 5, 2005; effective May 11, 2005 by Board Order 110.

Amended August 31, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

Rule 4.2 Reporting and Monitoring

- A.** The State of Texas Well Report, any pump test data, water level data, water quality data, or any other data pertinent to a well shall be submitted to the District office within 60 days after well completion or after the data is compiled or prepared, whichever is earlier. This shall include information about the production capability of the well and type and location of use of the groundwater.
- B.** A copy of all Geophysical logs run in either exempt or non-exempt wells shall be provided to the District in both paper copy and electronic format within 60 days of well completion. The logs shall be of industry acceptable quality with complete headings including well elevation and coordinates. The source of these measurements shall

be indicated. For example: GPS (state vertical and horizontal accuracy of instrument) or USGS topographic sheet (state contour interval and name of sheet).

- C.** Subsurface geological cuttings samples shall be provided the District from all non-exempt wells and test wells (or monitoring wells) within 60 days of well completion. The samples shall be taken at 10-foot intervals to total depth. The samples shall be stored in cloth or plastic bags and properly labeled with well designation, number and depth interval. The samples shall be representative of the intervals drilled.
- D.** The holder of an operating permit shall record monthly pumpage and static water level readings. This data shall be filed with the District quarterly by the 15th of the month following each quarter.
- E.** On or before January 31st of each year, the holder of an operating permit shall file an annual report with the District describing the amount of water produced and used for the permitted purposes. The report shall be filed on a form obtained from the District.
- F.** On or before the 15th of each month, a permittee authorized to transport groundwater outside of the District shall file a monthly report with the District describing the total amount of groundwater produced and the amount transported outside of the District during the preceding month. The report shall be filed on a form obtained from the District.
- G.** During hydrological studies or pump tests, calibrated production-monitoring devices shall be installed on non-exempt, permitted wells at the permittee's expense. The production-monitoring devices shall measure both instantaneous flow rate and cumulative volume pumped. These monitoring devices shall be made available for District inspection during normal business hours or during the pump tests or studies as necessary.
- H.** District employees, Board members, consultants, or other agents may conduct random or periodic inspections of non-exempt wells for any District purpose. The District shall coordinate and schedule such inspections with the well owner, as authorized by Rule 7.
- I.** A permittee shall comply with all reporting or monitoring requirements included in the operating permit.

*Adopted March 25, 2004; effective March 29, 2004 by Board Order 102.
Amended May 5, 2005; effective May 11, 2005 by Board Order 110.
Amended August 31, 2005; Effective September 1, 2005 by Board Order
114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.*

Rule 4.3 Well Spacing- Residential Wells

All Residential Wells drilled within the District shall comply with the spacing requirements of 16 Texas Administrative Code, Section 76.1000, as amended.

Adopted March 25, 2004; effective March 29, 2004 by Board Order 102.

Rule 4.4 Well Spacing - Other than Residential Wells

The requirements of this Rule 4.4 apply to all wells drilled within the District except residential wells and wells exempted from permitting. At a minimum all well spacing must comply with the spacing requirements of 16 Texas Administrative Code, Section 76.1000, as amended. The Board may add additional permit conditions increasing the spacing requirements where necessary to minimize draw down as far as practicable.

A. Spacing from Potential Sources of Pollution

All new non-residential water wells shall be located a minimum horizontal distance of one hundred fifty feet (150 feet) from any existing or proposed concentrated source of potential contamination, such as livestock or poultry facilities, and one hundred feet (100 feet) from any septic system drain fields, or wastewater irrigation systems. The District may grant a variance to this horizontal distance, decreasing it to no closer than fifty feet (50 feet), provided that the total depth of the pressurized cement slurry in the annular space is (1) increased by twice the horizontal footage, or (2) is extended to the top of the primary water-bearing strata or the static water level. The owner shall apply for such a variance by submitting, on a form obtained from the District, a notarized affidavit signed and sworn to by both the well driller and the well owner. This affidavit shall describe the source of potential pollution, the horizontal distance between the well and the source of potential pollution, the total amount of cement slurry placed in the annular space, the static water level, the depth of the primary water-bearing strata, and any other information that may have bearing on the variance.

B. Spacing from Retail Water Utility Service Area

In order to minimize the drawdown of the water table, minimize the reduction of artesian pressure, control subsidence, prevent interference between wells, prevent the degradation of the quality of groundwater, prevent waste of groundwater, preserve historic use of groundwater, and give consideration to the service areas of retail water utilities, all new non-exempt wells other than those belonging to the retail water utility shall be required to be spaced such that they are located a minimum of fifty feet (50 feet) outside the service area of a retail water utility unless additional spacing is required under Rule 4.4.D.

*Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102.
Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.*

END OF RULE 4

RULE 5. HEARINGS

Rule 5.1 Actions on Management Plan, Bylaws, and Administrative Fee Schedule

- A.** Once the District has developed a proposal involving its Management Plan, bylaws, or administrative fee schedule, the District will decide at which Board meeting the proposal will be considered for action. The Board meeting at which the proposal is considered under this Rule shall be considered the public hearing on the proposal and fulfills the requirement, if any, for a public hearing.
- B.** Notice required by the Open Meetings Act shall be provided for the meeting.

*Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102.
Amended August 31, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.*

Rule 5.2 Hearings on Budget and Rules Other Than Emergency Rules

- A.** Once the District has developed a proposal involving its Rules or budget the District will decide at which Board meeting the proposal will be considered for action. The Board meeting at which the proposal is considered under this Rule shall be considered the public hearing on the proposal and fulfills the requirement, if any, for a public hearing.
- B.** Notice required by the Open Meetings Act shall be provided for the hearing.
- C.** In addition to the notice required by the Open Meetings Act, not later than the 20th day before the date of the hearing, notice shall be provided as follows:
 - (1) Post notice in a place readily accessible to the public at the District office;
 - (2) Provide notice to the county clerk of Hays County;
 - (3) Publish notice in one or more newspapers of general circulation in Hays County; and

(4) Provide notice by mail, facsimile, or electronic mail to any person who has requested notice under Rule 5.2.F. Failure to provide notice under this Rule 5.2.C(4) does not invalidate an action taken by the District at a hearing under this Rule 5.2.

D. Notice of the hearing on the proposal required by Rule 5.2.C. shall include:

(1) A brief explanation of the subject of the hearing, including a statement that the District's Board of Directors will consider changes to the District's Rules or budget at the Board meeting, which will serve as the public hearing on the matter.

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

(3) The agenda of the hearing.

(4) A statement that the proposal is available to be reviewed or copied at the District Office and on the District's website prior to the hearing.

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

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

E. Copies of the proposal shall be available during normal business hours at the District Office and shall be posted on the District's website at least 20 days prior to the hearing.

F. A person may submit to the District a written request for notice of a hearing under this Rule 5.2. A request is effective for the remainder of the calendar year in which the request is received by the District. To receive notice of a hearing in a later year, a person must submit a new request.

G. Anyone interested in the proposal may submit written comments about the proposal to the District at least 5 days prior to the scheduled hearing at which the proposal will be considered by the Board.

H. Anyone interested in the proposal may attend the hearing and make oral comments at the time designated for comments.

- I. The District may make an audio recording of the hearing.
- J. The Board shall issue a written order or resolution reflecting its decision. The proposal that the Board has approved shall be an attachment to that written order or resolution.
- K. The effective date of the written order or resolution shall be the date on which the President of the District signs the order or resolution. The order or resolution shall include a statement that the proposal becomes effective and final on that date. Any appeal authorized by Texas Water Code Chapter 36, Subchapter H shall run from the effective date, because it is the date on which all administrative appeals to the district are final.

Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102. Amended August 31, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

Rule 5.3 Adoption of Emergency Rules

- A. The District may adopt an emergency rule without following the notice and hearing provisions of Rule 5.2, if the Board:
 - (1) Finds that a substantial likelihood of imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on less than 20 days' notice; and
 - (2) Prepares a written statement of the reasons for its finding under Rule 5.3.A(1).
- B. An emergency rule under this Rule 5.3 must be adopted at a meeting of the Board subject to the requirements of the Open Meetings Act. Notice required by the Open Meetings Act shall be provided.
- C. Except as provided by Rule 5.3.D., a rule adopted under this Rule may not be effective for longer than 90 days.
- D. If notice of a hearing under Rule 5.2 is given before the emergency rule expires under Rule 5.3.C., the emergency rule is effective for an additional 90 days.

Amended August 31, 2005; Effective September 1,2005 by Board Order 114.

Rule 5.4 Actions on Registrations, Aquifer Test Well Permits and Operating Permits

- A.** Within 60 days after the date it is deemed administratively complete by the District, an application under this Rule 5.4 shall be set for a public hearing before the Board..
- B.** A registration under Rule 3.2 for an exempt new well may be approved by the District's General Manager without further Board action. The General Manager may refer any registration to the Board.
- C.** An application for renewal of an operating permit may be approved by the District's General Manager without further Board action. Denial of an operating permit renewal or reduction of an operating permit during the renewal process shall be referred to the Board for action under Rules 5.5 or 5.6. The General Manager shall provide the applicant a copy of the notice to be published, which shall include:
 - (1) A statement that the District's Board of Directors will consider the application at the Board meeting.
 - (2) The time, date, and location of the meeting.
 - (3) A statement that a copy of the application and any written staff recommendation is available from the District Office prior to the hearing.
 - (4) A statement that the District will accept written comments on the application and give the deadline for submitting written comments.
 - (5) A statement that oral public comment on the application will be taken at the meeting.
- D.** Processing any application may be suspended at any time If the applicant has unpaid fees or unresolved compliance issues with the District and will remain suspended until such time as the fees are paid and all compliance issues are resolved.

Amended August 31, 2005; Effective September 1,2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

Rule 5.5 Permit Actions by the Board

- A.** In this Rule, “applications” refers to applications referred to the Board for action under the requirements of Rule 5.4.
- B.** Copies of the application and any written staff position shall be available at the District Office prior to the meeting.
- C.** Anyone interested in the application may submit written comments about the application to the District at least five days prior to the scheduled meeting at which the application will be considered by the Board.
- D.** Anyone interested in the application may attend the meeting and make oral comments at the time designated for comments.
- E.** The Board, at its sole discretion, may administer an oath to the staff, the applicant, and anyone who makes oral comments on the application.
- F.** The following individuals may request a contested case hearing:
 - (1) The applicant; or
 - (2) A person who
 - (a) has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest that is within the District’s regulatory authority that is not merely an interest common to members of the public; and
 - (b) will be directly affected by the Board’s action on the application.
- G.** The Board, on its own motion, may set the application for a contested case hearing. The Board shall set the application for contested case hearing if the applicant timely files a written request for contested case hearing. If a contested case hearing request is timely filed by an individual other than the applicant, as authorized by this Rule, the Board shall schedule a pre-hearing conference at its next regularly scheduled Board meeting. The Board shall determine at the pre-hearing conference if a contested case hearing will be held under Rule 5.6. If no request for contested case hearing is timely filed, and the Board determines there is no reason to conduct a contested case hearing on the application, the Board may, at the same meeting, grant or deny the application and issue a written order of their decision. If the Board determines a contested case hearing is required, the Board shall declare the application contested and may:

- 1) appoint a Hearings Examiner to conduct the hearing; and
- 2) approve a temporary permit to authorize groundwater withdrawals while the hearing is being conducted.

H. The effective date of the written order shall be 10 days after the date on which the President of the Board signs the order or resolution granting or denying the application. The order or resolution shall include a statement that the order or resolution and its attachments become effective and final within 10 days of that date. Any appeal authorized by Subchapter H, Chapter 36, Texas Water Code shall run from the effective date.

*Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102.
Amended February 24, 2005; Effective March 9, 2005 by Board Order
Amended August 31, 2005; Effective September 1, 2005 by Board Order
114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.*

Rule 5.6 Permit Actions Requiring a Contested Case Hearing

- A.** Rule 5.6 applies only to applications the Board sets for a contested case hearing.
- B.** A contested case hearing shall be heard in two parts: 1) an evidentiary hearing, and 2) a Final Hearing.
- C.** Notice required by the Open Meetings Act shall be provided for the Evidentiary Hearing if the Evidentiary Hearing is conducted by a quorum of the Board. Every Final Hearing shall be posted in accordance with the requirement of Open Meetings Act.
- D.** In addition to the notice required by the Open Meetings Act, not later than the 10th day before the date of a hearing, notice shall be provided as follows:
 - (1) Post notice in a place readily accessible to the public at the District office;
 - (2) Provide notice to the county clerk of Hays County;
 - (3) Mail notice to the applicant by regular mail;

- (4) Mail notice to the individual requesting a contested case hearing by regular mail; and
 - (5) Provide notice by mail, facsimile, or electronic mail to any person who has requested notice under this Rule.
- E.** Notice of a hearing on the application shall include the following:
- (1) The name of the applicant;
 - (2) The address or approximate location of the well or proposed well;
 - (3) A brief explanation of the proposed permit or permit amendment, including any requested amount of groundwater, the purpose of the proposed use, and any change in use;
 - (4) The time, date and location of the hearing; and
 - (5) Any other information the District considers relevant and appropriate.
- F.** A person may submit to the District a written request for notice of a hearing on a permit or permit amendment. A request is effective for the remainder of the calendar year in which the request is received by the District. To receive notice of a hearing in a later year, a person must submit a new request. Failure to provide notice under this Rule does not invalidate an action taken by the District at contested case hearing.
- G.** The Evidentiary hearing shall be conducted by a quorum of the Board, or the Board, at its sole discretion, may appoint a Hearings Examiner to preside at and conduct the Evidentiary hearing. The appointment of a Hearings Examiner shall be made in writing. The Final hearing shall be conducted by a quorum of the Board. If a hearing is conducted by a quorum of the Board, the President shall preside. If the President is not present, the Board Members present shall select one of the Directors present to preside.
- H.** The presiding officer has the following authority and obligations:
- (1) May convene the hearing at the time and place specified in the notice;
 - (2) May set any necessary additional hearing dates;

- (3) May designate the parties regarding a contested application;
 - (4) May establish the order for presentation of evidence;
 - (5) May administer oaths to all persons presenting testimony;
 - (6) May examine persons presenting testimony;
 - (7) May ensure that information and testimony are introduced as conveniently and expeditiously as possible without prejudicing the rights of any party;
 - (8) Shall admit relevant evidence and may exclude evidence that is irrelevant, immaterial, or unduly repetitious;
 - (9) May prescribe reasonable time limits for testimony and the presentation of evidence.
 - (10) May allow testimony to be submitted in writing and may require that written testimony be sworn to. On the motion of a party to the hearing, the presiding officer may exclude written testimony if the person who submits the testimony is not available for cross-examination by phone, a deposition before the hearing, or other reasonable means.
 - (11) May refer parties to an alternative dispute resolution (ADR) procedure on any matter at issue in the hearing, apportion costs for ADR, and appoint an impartial third party as provided by Section 2009.053 of the Government Code to facilitate that procedure; and
 - (12) May continue a hearing from time to time and from place to place without providing notice under Rule 5.6.D. and E. If the continuance is not announced on the record at the hearing, the presiding officer shall provide notice of the continued hearing by regular mail to the parties. In any event, if the hearing is being conducted by a quorum of the Board, Open Meetings notice under Rule 5.6.C. shall be provided.
- I. The presiding officer shall prepare and keep a record of each hearing in the form of an audio or video recording or a court reporter transcription. On the request of a party to the contested case hearing, the hearing shall be transcribed by a court reporter. The costs of such court reporter may be assessed against the party requesting it or among the parties to the hearing. The presiding officer may exclude a party from further participation in the hearing

for failure to pay in a timely manner costs assessed against that party under this Rule 5.6.I.

- J.** If the Board has appointed a hearings examiner to be the presiding officer at the Evidentiary hearing, the hearings examiner shall submit a report to the Board not later than the 30th day after the date the Evidentiary hearing is concluded. A copy shall be provided to the applicant and each party to the hearing. The applicant and other parties to the hearing may submit to the Board written exceptions to the report within 10 days of issuance of the report. The report shall include:
- (1) A summary of the subject matter of the hearing;
 - (2) A summary of the evidence received; and
 - (3) The hearing examiner's recommendations for Board action on the subject matter of the hearing.
- K.** Once the Board concludes the Evidentiary hearing or receives the report of the Hearings examiner, the Board shall conduct the Final hearing. A Final hearing is to review the Examiner's report, hear legal argument and deliberate the merits of the application. A Final hearing may be continued from time to time or day to day as needed to allow all the parties sufficient time to prepare additional arguments as required by the Board, or to allow time for the Board to fully consider and debate the merits of the application. At the conclusion of the Final hearing, the Board shall vote on the question of granting the application, and each Board Member shall either vote in favor of granting the application or against granting the application. Any Board member may move to grant the application and issue the permit with modifications or additional permit conditions. If such a motion is made each Board Member shall vote either in favor of the motion or against the motion. If a motion to grant the application and issue the permit with modifications or additional permit conditions fails, the Board must then vote on the question of granting or denying the application. The Board shall issue a written order or resolution reflecting its decision, and if the application is granted, a copy of the permit shall be an attachment to that written order or resolution. The written order shall be issued within 60 days after the final hearing on the application is concluded and the Board makes its final decision.
- L.** Request for rehearing or findings and conclusions shall be considered as follows:

- (1) Not later than the 20th day after the date of the Board's decision, an applicant or a party to a contested hearing may administratively appeal a decision of the Board on an application by requesting written findings and conclusions or a rehearing before the Board.
- (2) On receipt of a timely written request, the Board shall make written findings and conclusions regarding a decision of the Board on an application. The board shall provide certified copies of the findings and conclusions to the person who requested them, and to each designated party, not later than the 35th day after the date the Board receives the request. The applicant or a party to the contested case hearing may request a rehearing before the Board not later than the 20th day after the date the Board issues the findings and conclusions.
- (3) A request for rehearing must be filed in the District office and must state the grounds for the request. The person requesting a rehearing must provide copies of the request to all parties to the hearing.
- (4) If the Board grants a request for rehearing, the Board shall schedule the rehearing not later than the 45th day after the date the request is granted. Any action by the Board on a request for rehearing shall be made at a Board meeting subject to the Open Meetings Act.
- (5) The failure of the Board to grant or deny a request for rehearing before the 91st day after the date the request is submitted is a denial of the request.

M. A decision by the Board on an application is final if:

- (1) A request for rehearing is not filed on time, on the expiration of the period for filing a request for rehearing; or
- (2) A request for rehearing is filed on time, on the date:
 - (a) the Board denies the request for rehearing; or
 - (b) the Board renders a written decision after rehearing.

N. An applicant or a party to a contested hearing may appeal a decision of the Board under Texas Water Code § 36.251 not later than the 60th day after the date on which the decision becomes final. A timely filed request for rehearing is a prerequisite to any such suit.

Amended August 31, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

Rule 5.7 Hearings on Enforcement Actions

- A.** If the District receives a timely filed written request for hearing from a Respondent who has received a notice of violation from the District, the Board shall set the matter for a contested case hearing and follow the procedures provided in Rule 5.6.

- B.** Following the contested case hearing, if a hearing is requested, or if no request is filed, at any regular Board meeting, the Board shall make a decision on the proper resolution of the enforcement matter. The Board may:
 - (1) Assess a penalty in accordance with Rule 10;
 - (2) Make an offer of Compromise and Settlement in lieu of litigation; or
 - (3) File suit in a court of competent jurisdiction to seek civil penalties, injunctive relief or both.

Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102. Renumbered August 31, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

END OF RULE 5

RULE 6. TAGGING PROHIBITING USE, CAPPING OR PLUGGING WELLS

Rule 6.1 Tagging Wells Prohibiting Use

Following public notice, the Board may order the tagging of a well prohibiting its use if it is in violation of District Rules or if the owner has been prohibited from producing groundwater. The reasons for ordering the tagging of a well prohibiting its use include, but are not limited to: (1) failure to apply for an operating permit prior to drilling a non-exempt well; (2) operating a non-exempt well without an operating permit; or (3) when the Board has denied, cancelled, or revoked an operating permit.

Once the Board has ordered a well tagged prohibiting its use, the District, following the procedures of Rule 7, shall seal the well by physical means, post a tag or sign on, or near, it to indicate that the use of the well has been prohibited by the District. The physical seal is intended to preclude operation of the well and/or identify unauthorized operation of the well.

Tampering with, altering, damaging, removing, or violating the seal or tag in any way, or pumping groundwater from a well that has been tagged prohibiting use constitutes a violation of District Rules and subjects the person who performs that action, as well as the well owner who authorizes, allows, encourages, or condones such action, to enforcement and penalties pursuant to all applicable District Rules.

Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

Rule 6.2 Capping Wells

A land owner or well owner shall cap any open or uncovered well that is in a non-deteriorated condition to prevent waste, pollution, or deterioration. The well shall remain capped until conditions that led to the capping are eliminated or until the well is properly plugged. The cap shall provide a sanitary seal to prevent the introduction of potential contaminants and shall be capable of sustaining a weight of at least four hundred (400) pounds. If the owner fails to cap the well in compliance with District Rules, the District, following the procedures of Rule 7, may cap the well. Reasonable expenses incurred by the District in capping a well may be collected from the well owner or the land owner, and any amount due shall constitute a lien on the land on which the well is located pursuant to Section 36.118, Texas Water Code and Section 1901.256, Occupations Code.

*Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102.
Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.*

Rule 6.3 Plugging Wells

- A.** Not later than the 180th day after the date a landowner or other person who possesses a deteriorated or abandoned well learns of its condition, the well shall be plugged in accordance with Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 76, as amended. It is the responsibility of the landowner to ensure that such a well is plugged in order to prevent pollution of the groundwater and to prevent injury to persons. Not later than the 30th day after the date the well is plugged, the driller, licensed pump installer, or well owner who plugs the abandoned or deteriorated well shall submit a plugging report to the District, as required by Texas Occupations Code, section 1901.255 (d).
- B.** If the owner fails to plug the well in compliance with State law, the District may:
- (1) following the procedures of Rule 7, plug the well. Reasonable expenses incurred by the District in plugging a well constitute a lien on the land on which the well is located pursuant to Texas Water Code Section 36.118; or
 - (2) as authorized by Texas Occupations Code, section 1901.256, otherwise enforce section 1901.255 related to landowners that have an abandoned and/or deteriorated well located on their property.

*Adopted March 25, 2004; Effective March 29, 2004 by Board Order 102.
Amended August 31, 2005; Effective September 1, 2005 by Board Order 114.*

End of Rule 6

RULE 7. WELL AND PROPERTY ACCESS

The District has authority under Texas Water Code Section 36.123 to enter any public or private property located within the District at any reasonable time for purposes of inspecting and investigating conditions relating to water quality, wells, or compliance with District Rules, regulations, permits, or other orders. The District may conduct well and well site inspections during the registration, application, drilling, or completion process to confirm well location, status, production capability, measure water levels, take water samples, or conduct other appropriate well-related investigations and inspection activities deemed necessary by the District. The District respects individual property rights and shall endeavor to minimize any inconvenience to property owners while conducting District business. For non-exempt wells, the District shall endeavor to notify the property owner, or their representative, prior to accessing the property. For completed exempt wells, the District shall obtain permission from the owner, or their representative, prior to accessing the property.

Adopted August 9, 2001. Amended March 25, 2004; Effective March 29, 2004 by Board Order 102. Amended February 24, 2005; Effective March 9, 2005 by Board Order. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

END OF RULE 7

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

RULE 8. REPEALED

Repealed February 24, 2005; Effective March 9, 2005 by Board Order.

END OF RULE 8

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

RULE 9. PROHIBITION AGAINST WASTE

Groundwater shall not be produced within the District in such a manner as to constitute waste. In the event of a conflict between “Beneficial Use” or “Beneficial Purpose” and “Waste,” “Beneficial Use” or “Beneficial Purpose” shall be subordinate to “Waste.”

Adopted August 9, 2001. Amended March 25, 2004; Effective March 29, 2004 by Board Order 102. Amended February 24, 2005; Effective March 9, 2005 by Board Order. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

END OF RULE 9

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

RULE 10. ENFORCEMENT

Rule 10.1 Enforcement

- A. These rules may be enforced by injunction, mandatory injunction or other appropriate remedy in a court of competent jurisdiction and as authorized by Chapter 36 of the Texas Water Code.
- B. The District shall send a notice of violation to a person who is believed to be in violation of law, including violation of a District Rule or Order. The notice shall include information about the violation and may require remedial action and may assess a penalty. The notice shall provide the opportunity for a public hearing under Rule 5.7.
- C. **Penalty Schedule:**
 - (1) Incomplete or late submission of the State of Texas Well Report (Well Log) or other reports required by District Rules.\$500.00
 - (2) Failure to register or obtain an operating permit for non-exempt existing wells.....\$500.00
 - (3) Failure to comply with new well registration or permitting rules.....\$500.00
 - (4) Failure to comply with the terms and conditions of an operating permit.....\$500.00, plus \$100.00 per day of noncompliance;
 - (5) Exceeding production limit of an operating permit \$5.00 per 1,000 gallons in excess of the amount permitted based on either meter readings or other reliable evidence of the amount pumped;
 - (6) Failure of a Retail Public Water Utility to comply with District Rule 12.1.B.....\$300.00 per new water utility service connection not reported;
 - (7) Failure to comply with a Board Order or District Rule..... \$500.00, plus \$100.00 per day of noncompliance
 - (8) A combination of the penalties listed above to ensure that the cost of noncompliance is greater than the cost of compliance.

Adopted August 9, 2001. Amended March 25, 2004; Effective March 29, 2004 by Board Order 102. Amended February 24, 2005; Effective March 9, 2005 by Board Order. Amended August 31, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

END OF RULE 10

RULE 11. AQUIFER TEST AND REPORT

Each applicant for a new well operating permit shall perform an aquifer test and submit a report as part of the operating permit application. The District may require an aquifer test and report for other purposes on a case-by-case basis. An aquifer test report shall be organized according to this Rule and shall include all of the information required by this Rule. The test and report shall be performed as provided in this Rule, unless the applicant obtains a variance under Rule 10.2 by submitting a detailed work plan detailing proposed alternative approaches for Board consideration. Non-exempt wells with daily pumpage less than 864 gallons will be exempt from Rule 11.4, 11.5, 11.6, 11.7, and 11.8. The Water Availability Investigation required by Hays County under its subdivision ordinance does not fulfill the requirement of Rule 3.3 or of this Rule.

*Adopted May 5, 2005; effective May 12, 2005 by Board Order 110.
Amended August 31, 2005; Effective September 1, 2005 by Board Order 114.*

Rule 11.1 Administrative Project Information

An aquifer test report shall include the following:

- (1) Name of the proposed project;
- (2) Any previous or other name(s) which identifies the tract of land;
- (3) Name, address, phone number, and facsimile number of the property owner or owners;
- (4) Name, address, phone number, and facsimile number of the person submitting the operating permit application;
- (5) Name, address, phone number, facsimile number, and registration number of the licensed professional geoscientist or the licensed professional engineer preparing the certification required by this Rule;
- (6) Location and legal property description of the proposed project.
- (7) Copy of the registrations and aquifer test permits for all the wells.
- (8) Copy of the approved operating permit application.

Rule 11.2 Proposed Water Use Information

A. The aquifer test report should describe in detail the anticipated use of the water and note whether the water will be used outside the District. For example: residential subdivision, commercial, industrial, public supply, irrigation, landscape irrigation, ornamental water feature, or other specific uses. The description shall utilize the definitions of specific uses provided in District Rules whenever applicable. The report shall include the following minimum information:

- (1) The type of use;
- (2) The purpose of use;
- (3) The anticipated rate of withdrawal, both annually (gallons or acre-ft per year) and in gallons per minute;
- (4) The place of use;
- (5) The method of distribution;
- (6) The planned term of use; and
- (7) The well's capability to sustain production at the desired rate over the term of the planned use, including during severe and critical drought conditions.

B. If the water is for a subdivision, the report shall provide the following additional information:

- (1) The type of the proposed subdivision, (for example, single family residential, multi-family residential, commercial, industrial, or mixed use);
- (2) The size of the proposed subdivision in acres;
- (3) The number of proposed lots within the proposed subdivision;
- (4) The range and average size (in acres) of the proposed lots in the proposed subdivision;
- (5) The anticipated method of water distribution to the proposed lots in the proposed subdivision including, but not limited to:

- a. an expansion of an existing public water supply system to serve the proposed subdivision using groundwater as all or part of the source of water supply;
 - b. a new public water supply system for the proposed subdivision;
 - c. individual water wells to serve individual lots; or
 - d. a combination of methods; and
- (6) any additional project specific information the District may request due to the anticipated unique character of the project or location.

*Adopted May 5, 2005; effective May 11, 2005 by Board Order 110.
Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.*

Rule 11.3 Projected Water Demand Estimate

Projected water demand shall be documented as follows:

- (1) Residential water demand estimate. The residential water demand estimate shall account for indoor and outdoor demand at full build-out on an annual basis. Indoor and outdoor demand shall be estimated by:
- a. the number of proposed housing units at full build-out;
 - b. the average number of persons per housing unit (which shall be estimated at 1 person per bedroom plus 1 additional person);
 - c. assume a per day per person usage rate of 110 gallons;
 - d. assume the irrigated landscape demand at 26-inches of irrigation per year per unit area to arrive at estimated outdoor demand;
 - e. total the estimated indoor and outdoor demand to determine the water demand per housing unit per year (acre feet per year or gallons per year); and
 - f. provide the total expected residential water demand per year for the entire proposed project (acre feet per year).
- (2) Non-residential water demand estimate. Water demand estimates at full build-out or full usage shall be provided for all non-residential uses. Non-residential uses shall be specified by type of use and groundwater demand per year (acre feet per year) for each type of use. The estimate shall also include the existing non-residential demand of any well supplying water to the project including those identified under

“existing well inventory” required by Rule 11.5.A. (relating to Site-Specific Groundwater Data/Aquifer Test Design).

- (3) Total annual groundwater demand estimate. An estimate of the total expected annual groundwater demand, including residential and non-residential estimates at full build-out (acre feet per year), shall be provided.
- (4) Basis of the assumption. The basis of the assumptions used in the calculations performed to determine the groundwater demand estimates required by this section shall be noted and referenced in the report.
- (5) The report shall provide any additional groundwater demand back-up information required by the District.

Adopted May 5, 2005; effective May 11, 2005 by Board Order 110.

Rule 11.4 Regional Groundwater Resource Setting

Describe the regional geologic and hydrogeologic setting for the project. This Rule outlines the major regional topics that shall be summarized in the report and Rule 11.5 details site specific criteria that shall be described and discussed when submitting an aquifer test report. At a minimum, consider and discuss the following topics from a regional perspective:

- A.** Aquifer identification. Identify and describe the hydrogeological unit the target aquifer for the project (e.g. Upper-, Middle-, Lower-Trinity or Paleozoic etc.). Also identify and describe the specific target hydrostratigraphic units, such as the Glen Rose Limestone member, Hensel Sand member etc., from which the wells are producing. Good references for descriptions of District aquifers include Texas Water Development Board Report 339, ‘Evaluation of the Ground-Water Resources of the Paleozoic and Cretaceous Aquifers in the Hill Country of Central Texas’, August 1992, Robert L. Bluntzer, and; Texas Department of Water Resources, Report 273, ‘Ground-water Availability of the Lower Cretaceous Formations in the Hill Country of South Central Texas’, January 1983, John B. Ashworth, and; more recent Texas Water Development Board GAM and other publications.
- B.** Geologic and groundwater information. The following regional geologic and groundwater information shall be considered when planning and designing the aquifer test. At a minimum, the topics

below shall be described and discussed, based on a literature review, as to how they may have influenced the test, the availability and quality of groundwater.

- (1) The regional stratigraphy of the geologic units in the vicinity of the project. Include a generalized regional stratigraphic column. This column shall include the names of the geologic units, their range of thickness, their lithology, a brief description of the hydrostratigraphic units, and general water quality descriptions (e.g. TDS, predominant anions, etc.);
- (2) The lithology of the geologic strata;
- (3) The regional geologic structure and the presence or absence of faulting;
- (4) The regional characteristics of the aquifer(s) and their hydraulic relationships to adjoining units (e.g. is the aquifer confined, leaky or unconfined, which units are the confining units, is there karst porosity, regional anisotropy to the aquifer etc.);
- (5) The regional recharge system of to the aquifer(s), and movement and discharge of groundwater from the aquifer(s) as described in the literature; and
- (6) The regional quality of water in the aquifer(s).

Adopted May 5, 2005; effective May 11, 2005 by Board Order 110.

Rule 11.5 Site-Specific Groundwater Data / Aquifer Test Design

This rule details the site-specific data and analysis that is required in the aquifer test report. Site data that is found to be anomalous or exceptional from what is expected based on the regional data shall be discussed in regards to its implications upon the aquifer test results and permit application.

- A. Existing well inventory. All known existing, abandoned, and inoperative wells within the proposed project shall be identified, located, and mapped by on-site surveys and shown on a project site plan. Existing wells within 1/2-mile of the test well shall be shown on a USGS 7 ½ minute quadrangle base map if the site plan is not of adequate scale to include them. Wells outside the project boundary

may be located by a 'drive-by' survey of the neighborhood, a review of District well records (GIS and paper files), State well reports, and a review of District aerial photography. A 'well inventory' table shall be included in the report that provides the following data if known: the State well number, longitude, latitude and ground elevation for each existing well and whether those coordinates were estimated or surveyed, total depth, open hole or screened interval, probable hydrogeological unit(s) the well is open to, and the current use of the well. The well construction information shall be determined from the State well reports, inspection of the well, conversation with the owner or stated as "unknown." Copies of existing State Well reports shall be included in the report.

- B.** Adjoining property owners. Provide a table and figure showing the adjoining property owners within ½-mile of the test well. The table shall include: the Hays County property Tax ID number, name and address of the owners. Adjoining property owners include those separated from the subject property by a road or right of way. The figure shall generally show the location of the test well and property boundaries, of the adjoining property owners. This data may be obtained from the Hays County Central Appraisal District Mapping Department.

- C.** Aquifer testing. An aquifer test shall be conducted to characterize the aquifer(s) underlying the proposed project. The aquifer test shall provide sufficient information to allow evaluation of each aquifer that is being considered as a source of water supply for the proposed project. All wells shall be constructed pursuant to Texas Department of Licensing and Regulation (TDLR) administrative rules, Chapter 76 regulating Water Well Drillers and Pump Installers, and when applicable, the specifications of the Texas Commission on Environmental Quality under 30 TAC, Chapter 290 and any other local or regional regulations that apply. An aquifer test conducted under this section utilizing established methods shall include, but not be limited to, the following:

 - (1) Test well and observation well(s). At a minimum, one separate test well (i.e., pumping well) and one observation well, shall be required to conduct an adequate aquifer test under this section. Additional observation wells shall be used for the aquifer test if it is practical or necessary to confirm the results of the test. The observation well(s) shall be completed in the same aquifer or aquifer production zone as the test well (within the same hydrogeological interval). The locations of

the test and observation well(s) shall be shown on the site plan submitted as part of the operating permit application.

- (2) If an existing well is used as an observation well, it shall not be pumped during the drawdown and recovery period.
- (3) For wells used in the test, include a well construction table that lists coordinates, elevation, total depth, depth of casing, screened interval, static water level, depth of packers, annular seal types and intervals and other pertinent well construction information.
- (4) Discuss the impact of partial aquifer penetration of a well on test interpretation and well performance, if the well does not fully penetrate the aquifer.
- (5) Well construction diagrams. Create a well construction diagram for each pumping and observations well on an 8 1/2" x 11" sheet of paper that details: GPS location and elevation of well casing, project name, borehole diameters and depth intervals; total depth of borehole; casing diameters, wall thickness, type (steel, pvc etc.) and depth intervals; screen diameter, wall thickness, type, slot sizes and depth intervals; filter pack interval, volume and material; type and depth of packers; volume, interval and type of annular space fill material; surface completion detail including casing sizes and elevations above ground or cement pad; pump size and setting depth of intakes; and static water-level.
- (6) For existing wells where the information required by Rule 11.5.C.5. is not known, create a diagram that includes available information for example: GPS location and elevation, static water-level, total depth of well, casing type and diameter, and surface completion.
- (7) Location of wells. The test and observation well(s) shall be on the project plan and shall be located by latitude and longitude. The optimal location for the observation well(s) may be determined by best professional judgment after completion and evaluation of the test well. The rationale used for the location of the observation well (such as the evaluation of specific capacity data generated during development of the well) shall be described in the report. In general, observation wells in unconfined aquifers shall be placed no farther than 300 feet from the test well, and no farther than 700 feet in thick, confined aquifers. The

observation well shall also be placed no closer to the test well than two times the thickness of the aquifer's production zone.

- (8) Lithologic and geophysical logs. The test and observation wells shall be lithologically and geophysically logged to map and characterize the geologic unit(s) and the aquifer(s) in which the aquifer test(s) is to be performed. All samples and geophysical logs are to be submitted to the District within 60 days.
- a. Drill cuttings shall be collected at 10-foot intervals throughout the depth of the borehole. All samples shall be properly bagged and labeled and submitted to the District.
 - b. A lithologic log (for each well) based on the drill cuttings shall be prepared showing the depth of the strata, thickness and lithology (including but not limited to: rock and grain type, grain size, rounding, sphericity, color, staining, observed porosity, mineralogy, cementing and fossil content if observed), occurrence of water bearing strata, and any other special notes that are relevant to the drilling and evaluation process and to the understanding of subsurface conditions. Provide an interpretive site-specific stratigraphic column based on published literature, interpretation of geophysical logs and drill cuttings of the boreholes.
 - c. Geophysical logs shall be run which provide qualitative information on aquifer characteristics and groundwater quality. When hole conditions permit, the geophysical logs shall include an electrical log with shallow and deep-investigative curves (e.g., 16-inch short normal/64-inch long normal resistivity curves or induction log) with a spontaneous potential curve and natural gamma. As a minimum requirement for cased holes, a gamma ray log shall be run and the logging program discussed with the District. A paper copy and a digital recording of the geophysical logs shall be included in the aquifer test report. The hydrogeologic characteristics of the borehole as indicated by the geophysical logs, drilling performance, and lithology shall be discussed. Any pertinent literature or regional information shall be noted.
- (9) Well development and performance estimation. The test and observation well(s) shall be developed prior to conducting the aquifer test to repair damage done to the aquifer(s) during the drilling operation. Development shall insure that the hydraulic

properties of the aquifer(s) are restored as much as practical to their natural state.

- a. Well development procedures applied to the well(s) may vary depending on the drilling method used and the extent of the damage done to the aquifer(s).
 - b. During well development, the test well shall be pumped or air-lifted for a minimum of 4 hours to estimate the specific capacity of the well, the maximum anticipated drawdown, the maximum productive discharge rate of the well, drawdown, and to determine the appropriate distance to locate an observation well(s) in order to obtain useful data.
 - c. Water pumped out of the well during well development shall not be allowed to locally recharge the aquifer and influence well performance results. The report shall describe measures taken to achieve this objective.
- (10) Protection of groundwater. All reasonably necessary precautions shall be taken during construction of test and observation wells to ensure that surface contaminants do not reach the subsurface environment and that undesirable groundwater (water that is injurious to human health and the environment or water that can cause pollution to land or other waters) if encountered, is sealed off and confined to the zone(s) of origin. Such precautions may include those of TDLR Water Well Drillers and Pump Installers Administrative Rules, sections 76.701 and 76.1001 through 76.1011.
- (11) Pre-test background water-level data. Water Level data from the test well or observation well shall be collected on an hourly basis for a minimum of 24 hours prior to initiating testing to determine if the water-level has recovered from well development and if it is being influenced by any local or regional influence or trends. Aquifer testing shall not commence until water levels (after well development) have stabilized.
- (12) Duration of aquifer test and recovery. The duration of the aquifer test depends entirely on local and geologic conditions. The pumping rate during the test shall meet or exceed the proposed maximum pumping rate required for the project at its peak demand at full build-out. Water pumped during the test shall not be allowed to influence the test results by locally recharging the aquifer.

- a. At a minimum, a 24-hour uniform rate aquifer test shall be conducted. A 48-hour duration test is preferred. Testing shall continue long enough to observe a straight-line trend on a plot of water level versus the logarithm of time pumped. If necessary, the duration of the test shall be extended beyond the 24-hour minimum limit until the straight-line trend is observed. The plot of water level versus the logarithm of time pumped for both the pumping well and observation well shall be included in the aquifer test report.
- b. If it is impractical to continue the test until a straight-line trend of water level versus the logarithm of time pumped is observed beyond 48 hours, the test shall continue at least until a consistent pumping-level trend is observed. In such instances, failure to observe the straight-line trend shall be recorded and the possible causes and implications of this discussed in the report.
- c. The frequency of water level measurements during the aquifer test shall be such that adequate definition of the time-drawdown curve is made available. As much information as possible shall be obtained in the first ten minutes of testing (i.e., pumping). The District strongly recommends that pressure transducers with a data acquisition system be used to record water levels in the pumping and closest monitoring wells due to their ability to collect rapid early time data. Water Level data shall be presented in table format in the report. If water levels are collected electronically, an electronic copy of the data file shall be submitted to the District with the final report.
- d. Water-level recovery data shall be obtained to verify the accuracy of the data obtained during the pumping portion of the test. Recovery measurements shall be initiated immediately at the conclusion of the pumping portion of the aquifer test and shall be recorded with the same frequency as those taken during the pumping portion of the aquifer test. The District strongly recommends that pressure transducers with a data acquisition system be used to record water levels in the pumping and closest monitoring wells during the recovery phase of the test due to their ability to collect rapid early time data. Time-recovery measurements shall continue until the water levels have recovered to pre-pumping levels or at least to 90% of that level.

(13) Use of existing wells and aquifer test data.

- a. An existing well may be utilized as an observation well under this Rule if sufficient information is available for that well to demonstrate that it meets the requirements of this Rule.
 - b. The District may accept the results of a previous aquifer test in lieu of a new test if:
 - (i) the previous test was performed on a well located within a 1/4-mile radius of the newly proposed well location;
 - (ii) the previous test fully meets all the requirements of this section;
 - (iii) the previous test was conducted in the same geologic facies and hydro-stratigraphic unit of an aquifer which is being considered as a source of water supply for the proposed project based upon subsurface data such as well cuttings, geophysical log data, and water level data;
 - (iv) the previous test was conducted at the same or higher discharge rates, and;
 - (v) aquifer conditions (e.g., water levels, gradients, etc.) during the previous test were approximately the same as they are presently.
- (14). Need for additional aquifer testing and observation wells. The District may determine if additional observation wells or aquifer tests are needed to adequately demonstrate groundwater availability. To determine if additional information is needed, the District shall consider the assumptions, the site-specific information derived from the aquifer test, the size of the proposed project, and the proposed method of water delivery.

*Adopted May 5, 2005; effective May 11, 2005 by Board Order 110.
Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.*

Rule 11.6 Determination of Groundwater Quality

Water quality analysis. Water samples shall be collected for chemical laboratory analysis near the end of the aquifer test. Samples shall be collected from each aquifer being considered for water supply for the proposed project.

- (1) For proposed subdivisions where the anticipated method of water delivery is from an expansion of an existing public

water supply system or a new public water supply system, the samples shall be submitted for bacterial and chemical analysis as required by 30 Texas Administrative Code, Chapter 290, Subchapter F (relating to Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements For Public Water Supply Systems).

- (2) For proposed subdivisions where the anticipated method of water delivery is from individual water supply wells on individual lots or other non-residential use wells, samples shall be analyzed for the following:
 - a. calcium;
 - b. magnesium;
 - c. manganese;
 - d. iron;
 - e. potassium;
 - f. chloride;
 - g. sodium;
 - h. fluoride;
 - i. silica
 - j. sulfate
 - k. nitrate (as nitrogen)
 - l. bicarbonate
 - m. carbonate
 - n. conductivity;
 - o. pH;
 - p. total hardness;
 - q. total dissolved solids;
- (3) Conductivity and pH values shall be measured in the field during the pumping phase of the test until stable for two hours of pumping. Conductivity values should be considered stable when they are within plus or minus 10%. pH values should be considered stable when they are within plus or minus 0.1 standard pH units. Interpretation of the implications of changes in these values over time as pumping progresses shall be discussed in the report.
- (4) Qualitative descriptions of water. Every 4 hours during the aquifer test the discharging water shall be described based on clarity, color and smell. Interpretation of the implications of changes in these values over time as pumping progresses shall be discussed in the report.

Adopted May 5, 2005; effective May 11, 2005 by Board Order 110.

Rule 11.7 Determination of Groundwater Availability

- A.** Time frame for determination of groundwater availability. At a minimum, both a short- and long-term determination of groundwater availability shall be made, each considering the estimated total water demand at full build-out or condition of maximum projected usage rates. Groundwater availability shall be evaluated for ten years and 30 years, using average and maximum expected pumping rates. Availability shall consider historical and projected groundwater levels during severe and critical drought conditions during these periods. The study shall include an analysis of the impact of this application to the Managed Available Groundwater as currently calculated by the District. The study shall include an analysis of the potential buildout of the neighboring property areas as part of the Managed Available Groundwater
- B.** Determination of aquifer parameters. The time-drawdown and time-recovery data obtained during the aquifer test shall be used to determine aquifer parameters utilizing the non-equilibrium equations developed by Theis and Cooper-Jacob, or acceptable modifications thereof. Describe and discuss the assumptions of the analytical method used and the applicability of those assumptions to the reality and uncertainties of the site conditions and the specific hydrostratigraphic unit tested. The following aquifer parameters shall be determined and the basis of the determinations discussed:
- (1) rate of yield and drawdown;
 - (2) specific capacity;
 - (3) transmissivity;
 - (4) coefficient of storage;
 - (5) hydraulic conductivity;
 - (6) recharge or barrier boundaries, if any are present;
 - (7) thickness of the aquifer(s); and
 - (8) assumed aquifer condition (unconfined, confined, leaky).

Include a table that shows this data by well, calculation method, and the portion of the data (e.g. early or late time) used in the analysis.

- C.** Determination of groundwater availability. Using the information and data identified and determined in subsection B. of this section, the following calculations shall be made.
- (1) Time-drawdown. The amount of drawdown at the pumped well(s) and at the boundaries of the proposed property shall be determined for the time frames identified under subsection (A) of this section. If a range of aquifer properties is determined from the pump test, multiple analyses shall be performed using the highest and lowest values.
 - (2) Distance-drawdown. The distance(s) from the pumped well(s) to the outer edges of the cone(s)-of-depression shall be determined for the time frames identified under subsection A. of this section. If a range of aquifer properties is determined from the pump test, multiple analyses shall be performed using the highest and lowest values. Contoured water table drawdown figures shall be produced for each analysis reported.
 - (3) Well interference. For multiple wells in a proposed project, calculations shall be made to:
 - a. determine how pumpage from multiple wells will affect drawdown in individual wells for the time frames identified under subsection A. of this section; and
 - b. Determine a recommended minimum spacing limit between individual wells and well yields from the wells that will allow for the continued use of the wells for the time frames identified under subsection A. of this section.
 - c. Aquifer modeling runs, using a verified and documented analytical model. Include a project drawdown modeling run that has boundary conditions around the project that reflect maximum allowable density under the rules the adjoining property was platted under. If the adjoining property is not currently subdivided, and could be subdivided under existing Hays County rules, then use the County's OSSF Minimum Lot Sizing Table 10.1 to determine the lot size allowed. Assume the lots will be served by a 'public waste-water' system and private wells for each lot. This maximum lot density shall extend out at least 4- lots deep around the perimeter of the property, where the project is bordered by raw developable land.

The water use for each hypothetical bordering lot shall be 250 gallons per day. If the project adjoins an existing project, then projected pumping from the adjoining project at full build-out shall be considered in the model.

- d. Using aquifer properties and proposed pumping rates for the full project build-out, provide cumulative drawdown calculations for selected radial distances up to one half mile of the proposed project boundaries, or a distance where measurable drawdown effects at known wells identified in the well inventory may be expected or to a distance where the drawdown is negligible.
 - e. Perform modeling runs assuming no recharge.
- D.** Determination of groundwater quality. The water quality analysis required under Rule 11.6 (relating to Determination of Groundwater Quality) shall be compared to the EPA's primary and secondary public drinking water standards and the findings documented in table format.

*Adopted May 5, 2005; effective May 11, 2005 by Board Order 110.
Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.*

Rule 11.8 Groundwater Availability and Usability Statements and Certification

- A.** Groundwater availability and usability statements. Based on the information developed under Rule 11.7 (relating to Determination of Groundwater Availability), the following information shall be provided:
- (1) the estimated drawdown of the aquifer at the pumped well(s) over a ten-year period and over a thirty-year period;
 - (2) the estimated drawdown of the aquifer at the project boundary over a ten-year period and over a thirty-year period;
 - (3) the estimated distance from the pumped well(s) to the outer edges of the cone(s)-of-depression over a ten-year period and over a thirty-year period;
 - (4) the recommended minimum spacing limit between wells and the recommended well yield; and

- (5) the sufficiency of available groundwater quantity to meet the intended use of the project.
- B.** Groundwater availability determination conditions. The assumptions and uncertainties that are inherent in the determination of groundwater availability shall be clearly identified. These conditions shall be identified to adequately define the bases for the availability and usability statements. These bases shall include, but are not limited to, uncontrollable and unknown factors such as:
- (1) Future pumpage from the aquifer or from interconnected aquifers from area wells outside of the project area or any other factor that cannot be predicted that will affect the storage of water in the aquifer;
 - (2) long-term impacts to the aquifer based on climatic variations; and
 - (3) future impacts to usable groundwater due to unforeseen or unpredictable contamination.
- C.** Certification. Based on best professional judgment, current groundwater conditions, and the information developed and presented as required by Rule 11, the licensed professional geoscientist or licensed professional engineer certifies by signature, seal, and date that adequate groundwater is available from the underlying aquifer(s) to supply the estimated demand of the proposed project and is sufficient quality for the intended uses.

*Adopted May 5, 2005; effective May 11, 2005 by Board Order 110.
Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.*

END OF RULE 11

RULE 12. OTHER REGULATIONS

Rule 12.1 Quarterly Reporting For Water Utilities That Do Not Solely Use Surface Water

- A.** Water utilities that do not solely use surface water shall file a report with the District containing the information required by this rule each calendar quarter. These reports shall document an inventory of current account names and service addresses or tax parcel ID numbers serviced, including annotations documenting new accounts, established during the quarter. This report is due by the 15th of the month following the end of each calendar quarter. The first report filed must also include a historical inventory of new water utility service connections established between September 1, 2001 and June 1, 2007. This inventory shall include, at a minimum, the account name and service address of accounts established during this period of time.
- B.** A water utility shall pay a \$300.00 water utility service connection fee for each new water service connection established during the quarter and remit payment to the District with the water utility's quarterly report. For the purposes of this rule, a "water utility" is any person, corporation, public utility, water supply or sewer service corporation, municipality, political subdivision or agency operating, maintaining, or controlling in this state facilities for providing potable water service for compensation.

Adopted August 9, 2001. Amended March 25, 2004; Effective March 29, 2004 by Board Order 102. Amended February 24, 2005; Effective March 9, 2005 by Board Order. Amended August 31, 2005; Effective September 1, 2005 by Board Order 114. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

Rule 12.2 Reporting Requirements for Non-Exempt Wells

- A.** Non-exempt wells shall file a report with the District containing the information required by this rule each calendar quarter. These reports are due by the 15th of the month following the end of each calendar quarter, and shall document the following information:

- 1) Monthly pumpage by well;
- 2) Groundwater chemical analysis reported to the Commission during the quarter;
- 3) Water “shrinkage” or loss in the distribution system, by month;
- 4) Monthly water level measurements (in feet below land surface elevation measured at a specific date and time by a specific person) for all of the system’s wells;
- 5) Quarterly system maintenance report summarizing repairs related to reduction of waste, lowering a pump, increasing pump capacity, meter replacement programs, calibrations and maintenance of irrigation systems.

Adopted June 14, 2007; Effective June 14, 2007 by Board Order 140.

Rule 12.3 New Water Service Connection Fees

- A. The District shall levy and collect a \$300.00 new water (utility) service connection fee for each new water utility service connection made by a water utility.
- B. It is the responsibility of the water utility to duly pay the required fee. Upon paying the fee, the utility will receive a certificate of confirmation as proof of compliance for that particular account name and service connection location.
- C. Water utility customer accounts established after September 1, 2001 are considered new water service connections.

Adopted August 9, 2001. Amended March 25, 2004; Effective March 29, 2004 by Board Order 102. Amended February 24, 2005; Effective March 9, 2005 by Board Order. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

Rule 12.4 Drought Contingency Plan and Conservation Plan

The Owners, Operators or permittees of non-exempt wells shall file with the District an acceptable drought contingency plan and water conservation plan, which shall be kept current so as to remain consistent with the District Management Plan, Drought Contingency Plan and Conservation Plan and Rules.

Adopted August 9, 2001. Amended March 25, 2004; Effective March 29, 2004 by Board Order 102. Amended February 24, 2005; Effective March 9, 2005 by Board Order. Amended June 14, 2007; Effective June 14, 2007 by Board Order 140.

END OF RULE 12