



***CLEAR FORK
GROUNDWATER
CONSERVATION DISTRICT
Rules and Regulations***

ADOPTED:
November 3, 2003

AMENDED:
February 2, 2004
April 22, 2004

Mission Statement:

To establish and protect the water rights of local landowners, and preserve this resource for generations to come.

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PREAMBLE

In accordance with the terms and provisions of Article XVI Section 59 of the Constitution of Texas, Chapter 36 of the Texas Water Code, and HB 3674 as enacted by the 77th Texas Legislature, the following rules are hereby ratified and adopted by the Clear Fork Groundwater Conservation District. Nothing in these rules shall be construed as depriving or divesting the right of ownership as recognized by Section 36.002 of the Texas Water Code.

The rules, regulations, and modes of procedure herein contained are and have been adopted to simplify procedures, avoiding delays, saving expense, and facilitating the administration of the ground water laws of the State by the District.

These rules may be used as guides in the exercise of discretion, where discretion is vested. However, under no circumstances and in no particular case shall they, or any of them, be construed as a limitation or restriction upon the exercise of any discretion, where such exist; nor shall they in any event be construed to deprive the Board of an exercise of powers, duties, and jurisdiction conferred by law, nor to limit or restrict the amount and character of data or information which may be required for the proper administration of the law.

SECTION 1. DEFINITIONS AND CONCEPTS

RULE 1.1 DEFINITIONS:

- (a) **“Abandoned Well”** – shall mean a well that had not been in use for six consecutive months. A well is considered to be in use in the following cases: (1) a non-deteriorated well which contains the casing, pump, and pump column in good condition; or (2) a non-deteriorated well which has been capped.
- (b) **“Acre”** – shall mean survey recorded unit of land measurement equaling 43,560 square feet.
- (c) **“Acre-foot”** – shall mean the volume of water that will cover an area of one acre to a depth of one foot (approx. 325, 829 gallons).
- (d) **“Agricultural crop”** – shall mean food or fiber commodities grown for resale or commercial purposes that provide food, clothing, or animal feed.
- (e) **“Applicant”** – shall mean the owner of the land, on which a well(s) or proposed well(s) is/are located, unless the landowner authorizes another person to submit the permit or registration.
- (f) **“Aquifer”** – shall mean a formation or group of saturated geologic units capable of storing and yielding water in usable quantities.
- (g) **“Beneficial Use or Beneficial Purpose”** – shall mean a use as described in Rule 12.3 herein.
- (h) **“Board”** – shall mean the Board of Directors of the Clear Fork Groundwater Conservation District.
- (i) **“Casing”** – shall mean a tubular watertight structure installed in an excavated or drilled hole to maintain the well opening.
- (j) **“Commercial Irrigation System”** – shall mean any water distribution device, installed above ground or below ground that applies water to the surface or subsurface of the earth and is used to irrigate land intended for commercial use. Water delivery devices used to water lawns and for non-commercial use are not considered commercial irrigation systems.
- (k) **“Conservation”** – shall mean practices, techniques and technologies that will reduce the consumption of water, reduce the loss of waste of water, improve efficiency in the use of water, or increase the use of recycled water.

- (l) **"De-watering well"** - means a well used to remove water from a construction site or excavation, or to relieve hydrostatic uplift on permanent structures.
- (m) **"Deteriorated Well"** – shall mean a well, the condition of which will cause, or is likely to cause, pollution of groundwater in the District.
- (n) **"District"** – shall mean Clear Fork Groundwater Conservation District
- (o) **"District Act"** – shall mean Acts of the 77th Legislature (2001), HB 3674 and the non-conflicting provisions of Chapter 36, Water Code.
- (p) **"Drilling Permit"** – shall mean a permit for a water well issued or to be issued by the District allowing a water well to be drilled.
- (q) **"Exploratory Hole"** – shall mean any hole drilled to a depth greater than the top of any stratum containing groundwater, as "groundwater" as is defined in Chapter 36, Texas Water Code, as amended, for the purpose of securing geological or other information, which may be obtained by penetrating the earth with a drill bit, and includes what is commonly referred to in the industry as "water well test holes", "slim hole test" or seismograph test holes" and the like.
- (r) **"Gallons Per Minute" (gpm)** – shall mean the amount the water in U.S. gallons that a well or well system is capable of delivering or is actually delivering per minute.
- (s) **"Groundwater"** – shall mean water percolating below the surface of the earth but does not include water produced with oil in the production of oil and gas.
- (t) **"Hearing body"** – shall mean a person appointed by the Board to conduct a hearing or other proceeding.
- (u) **"Hearing Examiner"** – shall mean a person appointed by the Board to conduct a hearing or other proceeding.
- (v) **"Landowner"** – shall mean the person who bears ownership of the land surface.
- (w) **"Lechate Well"** – shall mean a well used to remove contamination from soil and groundwater.
- (x) **"Livestock Watering Well"** – shall mean a well of any type, used to provide drinking water for commercial farm and ranch animals or wildlife ranging in

normal concentrations for the species. This definition of livestock watering well does not include wells used in confined animal operations (i.e. confined swine, beef cattle, dairy cattle, sheep and goats, poultry or any other types of livestock production units and/or feedlots for swine, beef cattle, dairy cattle, sheep and goats, poultry or other types of livestock or wildlife).

- (y) **“Monitoring well”** – shall mean a well installed to measure some property of the groundwater or aquifer it penetrates, and does not produce more than 5,000 gallons of groundwater per year.
- (z) **“Open or Uncovered Wells”** – shall mean an excavation at least ten feet in depth dug for the purpose of producing groundwater that is not covered or capped as required by the Texas Water Code.
- (aa) **“Owner”** – shall mean without limitation any person, partnership, corporation, municipal corporation, governmental or proprietary body, association of such persons or agent of such entity that had the right to produce water from the land, where the water well or proposed water well is located, either by contract, lease, easement or any other estate in the land.
- (bb) **“Permitted Well”** – shall mean a well that: (1) is permitted with the District in accordance with Section 4 or 5 of the District Rules; (2) (a) was drilled prior to February 16, 2004 and for which a well enrollment was filed with the district prior to March 31, 2004 or (b) was drilled on or after February 16, 2004 and was permitted by the district.
- (cc) **“Person”** – shall mean any individual, partnership, firm, governmental agency, political subdivision, corporation, or other legal entity.
- (dd) **“Pollution”** – shall mean the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the District that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to public health, safety or welfare, or impairs the usefulness of the water for any lawful or reasonable purpose.
- (ee) **“Presiding Officer”** – shall mean President, Vice-President, Secretary or other Board member presiding at any hearing or other proceeding, or a Hearing Examiner conducting any hearing or other proceeding.
- (ff) **“Registered Well”** – shall mean and include any artificial excavation to produce, or that is producing, water for any purpose that is not subject to the District’s drilling permit requirements.
- (gg) **“Rules”** – shall mean the rules of the District compiled in this document and as may be supplemented or amended from time to time.

- (hh) **“Temporary Well Registration”** – shall mean a registration for any artificial excavation to produce, or that is producing, water for any purpose, until such time when a completed well log and well registration form is received by the Manager in the District Office.
- (ii) **“Texas Open Meeting Law”** – shall mean Chapter 551, Government Code
- (jj) **“Texas Open Records Law”** – shall mean Chapter 552, Government Code.
- (kk) **“Waste”** – shall be defined by Chapter 36.001 (8), Texas Water Code and Section 12 herein.
- (ll) **“Water meter”** – shall mean a water flow measuring device that can accurately record the amount of groundwater produced during a measured time.
- (mm) **“Well”** – shall mean any facility, device, or method used to withdraw groundwater from the groundwater supply within the District.
- (nn) **“Well Owner or Well Operator”** – shall mean (1) the person who owns the land upon which a well is located or is to be located or (2) the person who operates a well or a water distribution system supplied by a well.
- (oo) **“Well System”** – shall mean a well or group of wells tied to the same distribution system.
- (pp) **“Withdraw”** – shall mean extracting groundwater by pumping or by another method.
- (qq) **“Windmill”** – shall mean a wind-driven or hand-driven device that uses a piston pump to remove groundwater.

RULE 1.2 PURPOSE OF RULES: These rules are adopted to implement applicable provisions of the District Act and Ch.36, Water Code, and accomplish the purposes set forth therein and in Section 59, Article XVI, Texas Constitution.

RULE 1.3 USE OF EFFECT OF RULES: The District uses these rules as guides in the exercise of the power conferred by law and in the accomplishment of the purposes of the District Act. They may not be construed as a limitation or restriction of the exercise of any discretion, nor be construed to deprive the District or Board of the exercise of any powers, duties, or jurisdiction conferred by law, nor be construed to limit or restrict the amount and character of data or information that may be required to be collected for the proper administration of the District Act.

RULE 1.4 AMENDING OF RULES: The Board may, following notice and hearing amend these rules or adopt new rules from time to time.

RULE 1.5 HEADINGS AND CAPTIONS: This section and other headings and captions contained in these rules are for reference purposes only. They do not affect the meaning or interpretation of these rules in any way.

RULE 1.6 CONSTRUCTION: Construction of words and phrases are governed by the Code Construction Act, Chapter 311, Government Code.

RULE 1.7 METHODS OF SERVICE UNDER THESE RULES: Except as otherwise expressly provided in these rules, any notice or documents required by these rules to be served or delivered may be delivered to the recipient, or the recipient's authorized representative, (1) in person, (2) by agent, (3) by courier receipted delivery, (4) by certified mail sent to the recipient's last known address, or (5) by telephonic document transfer to the recipient's current telecopier number. Service by mail is complete upon deposit in a post office or other official depository of the United States Postal Service. Service by telephonic document transfer is complete upon transfer, except that any transfer occurring after 5:00 p.m. will be deemed complete on the following business day. If service or delivery is by mail, and the recipient is either required to act or respond or has the right to act or respond within a proscribed time after service, three days will be added to the prescribed time period. Where service by one or more methods has been attempted and failed, service is complete upon notice by publication in a generally circulated newspaper in Fisher County.

RULE 1.8 TIME:

(a) **COMPUTING TIME:** In computing any period of time prescribed or allowed by these rules, by order of the Board, or by any applicable statute, the day of the act, event or default from which the designated period of time begins to run, is not to be included, but the last day of the period so computed is to be included, unless it be a Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a legal holiday.

(b) **TIME LIMIT:** Applications, requests, or other papers or documents required or permitted to be filed under these rules or by law must be received for filing at the Board's offices at Roby, Texas, or, in proper case, at the office of the proper county committee, within the time limit, if any, for such filing. The date the receipt and not the date of posting is determinative.

RULE 1.9 SEVERABILITY: If any one or more of the provisions contained in these rules are for any reason held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability may not affect any other rules or provisions of these rules, and these rules must be construed as if such invalid, illegal or unenforceable rules or provision had never been contained in these rules.

RULE 1.10 EQUITABILITY: Citizens may make a request to the district for discretion in enforcement of the rules on the grounds of unique economic hardships or extenuating circumstances. In granting discretion in enforcement of any rule, the board shall consider the potential for adverse affects to adjacent landowners. The exercise of said discretion by the Board shall not be construed as limiting the power of the board.

SECTION 2. BOARD

- RULE 2:1 PURPOSE OF BOARD:** The Board was created to determine policy and regulate the withdrawal of groundwater within the boundaries of the District in order to conserve, preserve, and protect the groundwater within the District, and to exercise its rights, powers, and duties in a way that will effectively and expeditiously accomplish the purposes of the District Act. The Board's responsibilities include, but are not limited to , the adoption and enforcement of reasonable rules and other orders.
- RULE 2:2 BOARD STRUCTURE, OFFICERS:** The Board consists of the members appointed or elected and qualified as required by the District Act. The Board will elect one of its members to serve as President and in each even numbered year at its regular June meeting (if there is not a June meeting, at its next regular meeting) to preside over Board meetings and proceedings; one to serve as Vice-President to preside in the absence of the President; and one to serve as Secretary to keep a true and complete account of all meetings and proceedings of the Board. Members and officers serve until their successors are elected or appointed and sworn in accordance with the District Act and these rules.
- RULE 2:3 MEETINGS:** The Board will hold a regular meeting once a month and as the Board may establish from time to time by resolution. At the request of the President, or by written request of at least two members, the Board may hold special meetings. All Board meetings will be held according to the Texas Open Meetings Law.
- RULE 2:4 COMMITTEES:** The President may establish committees for formulation of policy recommendations to the Board, and to research and study issues of importance to the district. The President may appoint the chair and membership of the committees. Committee members serve at the pleasure of the President.

SECTION 3. DISTRICT STAFF

- RULE 3:1 MINUTES AND RECORDS OF THE DISTRICT:** All documents, reports, records, and minutes of the District are available for public inspection and copying/certification, under the provisions of Texas Open Records Law. Upon written application of any person, the District will furnish copies of its public records. A reasonable copying and certification charge, pursuant to policies established by the District, will be assessed. A list of the charges for copies and certification will be furnished by the District.
- RULE 3:2 DISTRICT MANAGEMENT PLAN:** The District will not adopt a long-term management plan before the relevant date set out in the District Act. However, the District will be available to the Region G planning group as a resource and may hold public hearings concerning appropriate goals for a long-term management plan during the period between the enactment of these rules and November 1, 2004.
- RULE 3:3 DISTRICT OFFICE:** The District will maintain its office at 601 W. South 1st, Roby, Texas 79543, business hours Monday – Friday 8:00 a.m. – 4:30 p.m. The mailing address: P.O. Box 369, Roby, Texas 79543. The telephone number: 325-776-2730. The email address is clearforkgcd@yahoo.com
- RULE 3:4 DISTRICT STAFF:** The Board may employ a person to manage the district. The general manager will have no power, duty, or responsibility other than gathering information and performing water district functions as determined by the Board. The Board may give the district manager discretionary authority to employ temporary or contract labor as needed by the district on board-approved projects.

SECTION 4. EXISTING WELL ENROLLMENT

RULE 4:1

EXISTING WELL INFORMATION:

- (a) All Well Owners or well operators must enroll each well located within the District by or before March 31, 2004.
- (b) Each enrollment form must include all available information regarding the following:
 - 1) The name and address of the owner of the land upon which the well is located;
 - 2) The name and address of the operator of the well, if different than the owner;
 - 3) The location of the well including block and section number;
 - 4) The well depth;
 - 5) The gallons per minute produced;
 - 6) The pump size and type (including brand);
 - 7) The casing size;
 - 8) The depth to which the casing is set, including any intervals;
 - 9) The depth interval at which the screen is set;
 - 10) The number of feet to each of two non-parallel survey lines;
 - 11) The number of feet to other existing wells on the property;
 - 12) The total contiguous acreage of land owned by the land owner on which the well is located;
 - 13) The well status, the date the well was drilled, and the purposes for which the groundwater produced by the well is used; and
 - 14) A signed statement that all information given is true and correct and all wells owned or operated by the applicant are in compliance with District rules.
- (c) Each enrollment form must be signed.
- (d) A separate enrollment form must be filed for each well.

RULE 4:2

FILING FEE: During the registration period established by these rules, there will be no filing fee for well enrollments. The Board expressly reserves the right to impose a filing fee for wells enrolled after the interim period as prescribed in these rules.

SECTION 5. DRILLING PERMIT – DETERMINATION OF PERMITTING APPLICABILITY

- RULE 5.1** **APPLICABILITY:** Wells enrolled under Section 4 of these rules are not affected by the application of this section.
- RULE 5.2** **PERMITTING OF WELL:** The Board shall grant a drilling permit on all new wells drilled within the district.
- (a) It is a violation of these rules for a well owner, well operator, water well driller or water well pump installer to drill any well within the District without a Drilling Permit form and when applicable an Application for Temporary Water Well Permit form being filed with the District for the well being drilled.
- (b) For all wells, except lechate wells, monitoring wells, and de-watering wells, a permit must be applied for by the well owner, well operator, or water well driller prior to being drilled. The District staff will review the registration and make a preliminary determination of whether the well meets the terms of these rules and procedures. If the preliminary staff determination finds that the well is exempted or excluded from permitting requirements, the registrant may begin drilling immediately upon completing the application. If it is determined that the well being applied for is not excluded or exempted from permitting requirements, the well owner, well operator, or water well driller must apply for a Temporary Water Well Permit in accordance with procedures described in Section 8 of the District rules.

SECTION 6. DEPOSITS FOR PERMITS

- RULE 6.1** **APPLICABILITY:** Wells enrolled under Section 4 of these rules are not affected by the application of this section.
- RULE 6.2** **DEPOSITS:** For all other wells, a temporary water well permit must be obtained prior to drilling. In order to receive a temporary water well permit, an application must be filed with the District, a \$100 deposit must be paid to the District, and the District must find that the well is in accordance with the specifications set out in Section 7, Interim Well Spacing Rules.
- RULE 6.2** **RETURN:** Upon completion of a well for which a Temporary Water Well Permit was obtained, an applicant may receive a refund of the deposit by delivering to the District office the drilling log for the well.

SECTION 7. WELL SPACING REQUIREMENTS (amended 4/22/04)

RULE 7.1 APPLICABILITY: Wells enrolled under Section 4 of these rules are not affected by the application of this section.

RULE 7.2 WELL SPACING RULES: In order to prevent waste, protect correlative rights, and ensure the beneficial use of groundwater, the District determines that, wells should be spaced as follows.

Maximum Production Rate (gpm)	Well Spacing (feet)
Below: 25	No requirement
25-175	350
175-300	500
300-above	750

RULE 7.3 SETBACK: No well shall be drilled closer than 50 ft. to a property line, with the exception for wells drilled with-in Municipal Boundaries and follow Section 76.100 of the Texas Department of Licensing and Regulation Water Well Drillers and Pump Installers Administrative Rules. If adjoining property has a well at 50', wells shall be a minimum of 100' apart, unless the production of wells would require increased spacing requirements to be followed.

RULE 7.4 WAIVER FOR NEIGHBORING WELL SPACING: An exception to property line spacing rule maybe granted if the neighboring property owner files a waiver granting the drilling of a well in violation of the spacing limits. A waiver must be obtained from the District and notarized by the neighboring property owner. A board hearing of each waiver with both adjacent property owners present, will be required before the waiver is approved by the board.

SECTION 8. PERMITTING PROCUDERS (amended 4-22-04)

RULE 8.1 APPLICABILITY: Wells enrolled under Section 4 of these rules are not affected by the application of this section.

RULE 8.2 PERMITTING PROCESS: All wells drilled after **February 16, 2004**, must be permitted by the District. In order to begin drilling, the well owner or well operator must obtain a temporary water well permit.

RULE 8.3 ISSUANCE OF TEMPORARY WATER WELL PERMITS:

- (a) The Board shall issue or cause to be issued sequentially numbered temporary water well permits for the purposes of drilling a water well determined to require said permit in accordance with Section 5 of the District rules.
- (b) An Application for Temporary Water Well Permit (permit) shall be considered filed when properly filled out on District forms, signed, tendered and accompanied by the required deposit at the District office.
- (c) The Board shall issue a Temporary Water Well Permit, upon proper application executed and filed by the owner or well operator containing matters specified in the application and complying with all District Rules. The General Manager shall determine whether a permit application contains the required information. An application is considered filed when properly made out, completed, signed, and tendered to the General Manager.

All applications shall be in writing and on forms provided by the District, and prepared in accordance with, and contain the information called for, in the application form and all instructions issued by the Board with respect to the filing of an application. Otherwise, the application will not be considered.

- (d) In accordance with Section 14 of these rules, upon due notice to both parties, to hear and determine the contest or to determine which of the applications should, in its judgement, be granted. In the event of a contest, or such conflicting application, the drilling of a well shall not be commenced until the matter is passed upon by the Board. A contest shall be deemed filed when written notification is filed with the Board at its office with authorized personnel. Thereafter, both applicants, or the

applicant and the contestant, or contestant, after due notice, shall be entitled to a hearing before the Board. At such hearing, all parties may introduce pertinent evidence as to why the particular application should be granted or denied, including evidence as to the protection of property rights, and other pertinent matters, which evidence shall be taken in consideration which of the applicants duly filed his application first.

- (e) If any application is not favorably recommended by the General Manager, the applicant shall have the right to appeal to the Board. Such appeal must be delivered by registered mail within fifteen (15) business days from the time that the General Manager declined to sign the application. If no such appeal is filed, the application shall be deemed to have been abandoned by the applicant. Upon receipt of such appeal the Board shall conduct a hearing in accordance with Section 16 of these Rules.

RULE 8.4 ELEMENTS OF AN APPLICATION FOR TEMPORARY WATER WELL PERMIT

- (a) An applicant must qualify himself in one of the following ways:
 - 1) If the applicant is an individual, the application shall be signed by the applicant or his duly appointed agent. The agent shall present satisfactory evidence of his authority to represent the applicant.
 - 2) If the applicant is by partnership, the applicant shall be designated by its legal firm name and the application shall be signed by at least one of the general partners who is duly authorized to bind all of the partners.
 - 3) In the case of a corporation, public district, county or municipality, the application shall be signed by a duly authorized official. A copy of the resolution or other authorization to make the application may be required by the officer of agent receiving the application.
 - 4) In the case of an estate or guardianship, the application shall be signed by the duly appointed guardian or representative of the estate.
- (b) Information required on the application is as follows:
 - 1) The name and address of the owner of the land upon which the application is made.

- 2) The proposed location of the well to be drilled as provided in the application including Block and Section and :
 - (A). the number of feet to each of two non-parallel survey lines and the number of feet to existing wells on the property, or
 - (B). the location of all existing wells measured in feet from the nearest two non-parallel survey lines, and a signed agreement that the well drilled under the authority of the permit will be located such that it is not in conflict with District Rules 8.1 or 8.2; and
 - (C). the proposed well's casing size, pump column size, pump capacity and anticipated well production in gallons per minute.
 - 3) Verification of total contiguous acreage of land owned by landowner or which the well is to be drilled, and
 - 4) Signed affidavit that all farms owned or operated by applicant and/or landowner are in compliance with the District rules.
- (c) The application must be signed and sworn to.

RULE 8.5 TIME DURING WHICH DRILLING PERMIT SHALL REMAIN VALID

Any permit granted hereunder shall be valid if the work permitted shall have been completed within 90 days from the filing date of the application. It shall thereafter be void. Provided, however, that the Board, for good cause, may extend the life of such permit for an additional 60 days if an application for such extension shall have been made known to the District during the first month period. Provided further, that when it is made known to the Board that a proposed project will take more time to complete, the Board, upon receiving the written application may grant or cause to be granted such time as is reasonably necessary to complete such project.

RULE 8.6 PROOF OF REGISTRATION OR PERMIT REQUIRED

- (a) Any person actively engaged in the drilling of a well must have in their possession, while at the drilling site:
 - 1) The completed original Water Well Permit or approved Application for Temporary Water Well Permit
- (b) Any person actively engaged in the drilling of a well must provide proof of 8.6(a)1) if requested by any District director, employee or other legally authorized agent who presents his official credentials.

- (c) Any person actively engaged in the drilling of wells within the District must fax or mail a copy of their drilling license to the district office at the beginning of each year.

SECTION 9. RECORDS OF DRILLING ACTIVITIES

RULE 9.1 **APPLICABILITY:** Wells enrolled under Section 4 of these rules are not affected by the application of this section.

RULE 9.2 **DRILLING LOGS:**

- (a) Accurate records shall be kept and reports thereof made to the District of all wells drilled.
- (b) No person shall produce water from any well, except that necessary for drilling and testing, until the District has been furnished with a completed driller's log (Form TNRCC-1099 State of Texas Well Report or its successors).

SECTION 10. WELL LOCATION AND COMPLETION/PLUGGING (amended 4-22-04)

RULE 10.1 RESPONSIBILITY:

- (a) After an Application for Temporary Water Well Permit has been issued, the well, if drilled, must be drilled within 10 feet of the location specified on the permit, unless water is not found, then the driller may move up to 2100' in any direction from the proposed drilling site on the application, provided it is not closer to property lines or existing wells that would cause the well location to be in violation of Section 7 of these rules, per permit application.

RULE 10.2 COMPLETION/PLUGGING OF WELL:

- (a) All water wells drilled within the District shall be completed or plugged in accordance with the Administrative Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 76, Water Well Drillers and Pump Installers (Appendix A of these rules).

- (b) A violation of the Administrative Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 76, Water Well Drillers and Pump Installers shall be considered a violation of District Rules and disposition of such violations shall be in accordance with Section 15 of the District rules.

SECTION 11. REWORKING, REDRILLING OR REPLACING A REGISTERED WELL

RULE 11.1 REWORKING AND REDRILLING:

Reworking and/or redrilling operations that do not increase the production capacity of an enrolled well do not require an additional enrollment. Reworking and/or redrilling operations that may increase the production capacity of an enrolled well must be registered under these rules.

RULE 11.2 REPLACEMENT OF REGISTERED WELL:

A replacement well will require a new registration regardless of:

- (a) production capacity that will be the same or less than the well being replaced; and
- (b) the replacement well being located within thirty (30) feet of the well being replaced; and
- (c) the well being replaced is plugged with concrete in accordance with the relevant provisions of the Water Well Driller's Regulations; and
- (d) the well being replaced was enrolled under these rules.
- (e) notwithstanding any other provisions of these rules, replacement wells are subject to Rules 6.2 and 6.3.

All other replacement wells must be permitted under these rules.

SECTION 12. WASTE, WASTE PREVENTION, AND BENEFICIAL USE/PURPOSE

RULE 12.1 WASTE MEANS ANY ONE OR MORE OF THE FOLLOWING:

Waste means the definition assigned by the Texas Water Code Chapter 36.001(8){a-g}.

RULE 12.2 WASTE PREVENTION:

- (a) Groundwater shall not be produced within, or used within or without the District, in such a manner as to constitute waste as defined in Rule 12.1 hereof.
- (b) No person shall pollute or harmfully alter the character of the groundwater reservoir of the District by means of salt water or other deleterious matter admitted from some other stratum or strata or from the surface of the ground.
- (c) No person shall commit waste as that term is defined in Rule 1.1 (kk).

RULE 12.3 CATEGORIES OF BENEFICIAL USE OR BENEFICIAL PURPOSE:

- (a) agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational, or pleasure purposes;
- (b) exploring for, producing, handling, or treating oil, gas, sulphur, or other minerals; or
- (c) any other purpose that is useful and beneficial to the user.

SECTION 13. REGISTRATION OF PERSONS AUTHORIZED TO DRILL WELLS AND INSTALL PUMPS

RULE 13.1 REGISTRATION OF WATER WELL DRILLERS:

- (a) It is a violation of District rules for any person to be actively engaged in the commercial drilling of a well in the District without first having been registered with the District.
- (b) Only person who are licensed water well drillers, in good standing with the Texas Department of Licensing and Regulation and whose license validity is verified with the District are allowed to commercially drill water wells within the District.
- (c) Registration with the District shall be on forms provided by the District and be in accordance with and contain information called for on the form.

RULE 13.2 REGISTRATION OF WATER WELL PUMP INSTALLERS:

- (a) It is a violation of District rules for any person to be actively engaged in the commercial installation of a water well pump in the District without first having been registered with the District.
- (b) Only persons who are licensed water well pump installers, in good standing with the Texas Department of Licensing and Regulation and whose license validity is verified with the District are allowed to commercially install water well pumps within the District.
- (c) Registration shall be on forms provided by the District and shall be in accordance with the information called for on the form.

SECTION 14. HEARINGS

- RULE 14.1 NATURE OF HEARING:** Hearings will be conducted in such manner as the Board deems most suitable to the particular case, and technical rules of legal and court procedure need not be applied. It is the purpose of the Board to obtain all the relevant information and testimony pertaining to the issue before it as conveniently, inexpensively and expeditiously as possible without prejudicing the rights of either applicant or protestants.
- RULE 14.2 HEARING OFFICER:** The Board may authorize the President, a Director, or any individual acting on the Board's behalf to serve as a hearing officer and to conduct hearings for the Board. If a hearing is conducted by an officer, this officer shall present a written report of the hearing and recommendation to the Board. The hearing officer shall have the authority to administer oaths and to make all rulings necessary and appropriate to conduct the hearing.
- RULE 14.3 WHO MAY APPEAR:** Any party at interest in a proceeding, may appear, either in person or by attorney or both, in such proceeding. A party at interest is any land or permit owner within the bounds of the District who is, or may be, affected by such proceeding. At the discretion of the Board, anyone not a party at interest in a proceeding may appear.
- RULE 14.4 ADMISSIBILITY:** Evidence will be admitted if it is of that quality upon which reasonable persons are accustomed to rely in the conduct of serious affairs. It is intended that needful and proper evidence shall be conveniently, inexpensively and speedily produced while preserving the substantial rights of the parties to the proceeding.
- RULE 14.5 TESTIMONY SHALL BE PERTINENT:** The testimony shall be confined to the subject matter contained in the application or contest. In the event that any party at a hearing shall pursue a line of testimony or interrogation of a witness that is clearly irrelevant, incompetent, or immaterial, the person conducting the hearing may forthwith terminate such line of interrogation.
- RULE 14.6 A STIPULATION:** Evidence may be stipulated by agreement of all parties of interest.
- RULE 14.7 LIMITING THE NUMBER OF WITNESSES:** The right is reserved to the Board in any proceeding to limit the number of witnesses appearing whose testimony may be merely cumulative.

SECTION 15. INVESTIGATIONS AND ENFORCEMENT

RULE 15.1 ENFORCEMENT OF RULES: If the Board determines that it appears a person has violated, is violating, or is threatening to violate any provision of Chapter 36 of the Texas Water Code, or any rule, regulation, permit, or order of the District, the Board may institute and conduct a suit in the name of the District for injunctive relief, for recovery of a civil penalty or for both injunctive relief and penalty.

- (a) The Board may set reasonable civil penalties for breach of any rule of the District that shall exceed \$5,000.00 or the jurisdiction of a justice court as provided by Section 27.031, Government Code, whichever is higher, for each violation and for each day of violation.
- (b) A penalty under this section is in addition to any other provided by law of this state and may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located.
- (c) If the District prevails in any suit to enforce its rules, it may, in the same action, recover reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court. The amount of the attorney's fees shall be fixed by the court.

RULE 15.2 SEALING/CAPPING OF WELLS:

- (a) Sealing of Wells: Following due process, the District may, upon orders from a judge of competent jurisdiction, seal wells that are prohibited from withdrawing groundwater within the district, to ensure that a well is not operated in violation of the District Rules. A well may be sealed when:
 - 1) no application has been made for a permit to drill a new water well which is not excluded or exempted; or
 - 2) the Board has denied, canceled or revoked a drilling permit.

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

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

- (b) Capping Well: The District may require a well to be capped to prevent waste, prevent pollution, or prevent further deterioration of a well casing. The well must remain capped until such time as the conditions that led to the capping requirement are eliminated. If well pump equipment is removed from a well and the well will be re-equipped at a later date, the well must be capped, provided however that the casing is not in a deteriorated condition that would permit commingling of water strata in which case the well must be plugged. The cap must be capable of sustaining a weight of at least four hundred (400) pounds when installed on/in the well.

SECTION 16. TRANSFER FEES

RULE 16.1 FEES: The District will require a fee of $\frac{1}{2}$ the current tax rate per 1000 gallons of water transported outside the District.

APPENDIX A

TEXAS DEPARTMENT OF LICENSING AND REGULATION

16 TEXAS ADMINISTRATIVE CODE

CHAPTER 76

WATER WELL DRILLERS AND PUMP INSTALLERS