

**RULES  
OF THE  
GARZA  
COUNTY  
UNDERGROUND  
WATER  
CONSERVATION  
DISTRICT**

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RULES OF THE GARZA COUNTY UUNDERGROUND  
WATER CONSERVATION DISTRICT

In accordance with Section 59 of Article XVI of the Texas Constitution, Chapter 188 of House Bill 846 of the 74th Legislature and Chapter 36 of the Texas Water Code, applicable to ground water conservation districts created under Section 59, Article XVI, Texas Constitution, the following rules are hereby ratified and adopted as the rules of the District by its Board.

The rules, regulations and modes of procedure herein contained are and have been adopted for the purpose of simplifying procedure, avoiding delays, saving expense and facilitating the administration of the ground and fresh water laws of the State and the rules of this District. To the end that these objectives be attained, these rules shall be so construed.

These rules may be used as guides in the exercise of discretion, where discretion is vested. However, under no circumstance 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 exists; 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.

(Adopted by the Board of Directors on October 6, 1998)

## RULE 1 - DEFINITIONS

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

[a] "District" shall mean the Garza County Underground Water Conservation District, maintaining its principal office in Post, Texas. Where applications, reports and other papers are required to be filed or sent to the "District", this means the District headquarters in Post, Texas.

[b] The "Board" shall mean the Board of Directors of the Garza County Underground Water Conservation District, consisting of five (5) duly elected members.

[c] "Ground water" means water percolating below the surface of the earth, and that is suitable for agricultural, gardening, domestic or stock raising purposes, or for any other beneficial purpose, but does not include defined subterranean streams or the underflow of rivers.

[d] "Ground water reservoir" means a specific subsurface water-bearing reservoir having ascertainable boundaries containing groundwater.

[e] "Water" shall mean groundwater.

[f] The term "Well" or "Water Well" shall mean and include any artificial excavation, properly cased and completed to a depth greater than the top of any stratum containing groundwater, constructed for use for a beneficial purpose.

[g] "Use for a beneficial purpose" means use for:

- (1) Agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, recreational, or pleasure purposes;
- (2) Exploring for, producing, handling, or treating oil, gas, sulfur, or other minerals; or
- (3) any other purpose that is useful and beneficial to the user.

[h] "Open or Uncovered Well" means any artificial excavation drilled or dug for the purpose of exploring for or producing water from an underground reservoir, not capped, covered or plugged as required by these rules.

[i] "Owner" shall mean and include any person, firm,

partnership or corporation that has the right to produce ground water from the land either by ownership, contract, lease, easement, or any other estate in the land.

[j] "Person" shall mean any individual, partnership, firm or corporation.

[k] The word "Waste" as used herein shall have the same meaning as defined by the Legislature in Section 36.001 of the Texas Water Code.

- (1) The withdrawal of ground water from a ground water reservoir at such rate and in such amount so as to cause the intrusion herein of water not suitable for agriculture, gardening, domestic or stock raising purposes;
- (2) The flowing or producing of wells from a ground water reservoir when the water produced therefrom is not used for a beneficial purpose;
- (3) The escape of ground water from one ground water reservoir to any other reservoir not containing ground water;
- (4) Pollution or harmful alteration of ground water in a ground water reservoir by salt water or other deleterious matter admitted from another stratum or from the surface of the ground;
- (5) Willfully or negligently causing, suffering, or permitting ground water to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road or road ditch, or onto land other than that of the owner of the well; or
- (6) Groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge.

[l] An “authorized well site” shall be:

(1) The location of a proposed well on an application duly filed until such application is denied; or

(2) The location of a proposed well on a valid permit. (An authorized well site is not a permit to drill.)

## RULE 2 -- WASTE

[a] Ground water shall not be produced within, or used within or without the District, in such a manner as to constitute waste as defined in Rule 1 hereof.

[b] Any person producing or using ground water shall use every possible precaution, in accordance with the most approved methods, to stop and prevent waste of such water.

[c] No person shall pollute or harmfully alter the character of the ground water reservoir of the District by means of salt water or other deleterious matter admitted from other stratum or strata or from the surface of the ground.

[d] No person shall commit waste as that term is defined by Section (k), Rule 1 of the Rules of Garza County Uunderground Water Conservation District.

## RULE 3 - DRILLING PERMIT

[a] No person shall hereafter begin to drill or drill a well, or increase the size of a well or pump therein, which well could reasonably be expected to produce, or a pump designed to produce, in excess of 25,000 gallons of water per day (<17.36 GPM), without having first applied to the Board, and having been issued a permit to do so, unless the drilling and operation of the well is exempt by law or by these rules. Provided that, as set out in Rule 3 (e) hereof, and under certain conditions, an applicant may commence the drilling of a well when his application thereto! has been recommended by three (3) directors of the Board.

[b] Application for permits to drill wells shall be made at the office of the District at Post, Texas. The manager of the District, or other authorized personnel, shall note on the face of the application the date and time of day on which such application is received and shall give such application a serial number showing its relative priority as to the time of applications later filed.

[c] The signatures of three (3) Directors of the District on an application shall constitute a recommendation that the permit be granted. The refusal of three (3) or more Directors to sign the application shall constitute a recommendation of rejection of the application.

[d] If three (3) or more Directors shall recommend the granting of the application, and if there be no contest thereon or conflicting application, the applicant may thereupon proceed at his own risk to drill such a well. The application shall not, however, be officially granted until the same shall have been passed upon and granted by the Board in its regular course of business.

[e] If, before the Board officially approves an application to drill a permitted well, a contest shall arise over the application, or if another owner shall within such time file an application for a well permit within less than a minimum spacing distance for such permitted wells, then the Board may conduct a hearing, upon due notice to both parties, to hear and determine the contest or to determine which of the applications should, in its judgment, be granted. In the event of a contest, or such conflicting application, no well shall 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 and the Manager or other authorized personnel shall receive the same. Thereafter, both applicants, or the applicant and the contestant or contestants, 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 effect on the water reservoir, the conservation and preservation of water, the prevention of waste, the protection of property rights, and other pertinent matters, which evidence shall be taken into consideration by the Board. The Board shall also take into consideration which of the applicants duly filed his application first.

[f] If any application is not favorably recommended by three of the Directors, the applicant shall have the right of appeal to the Board. Such appeal must be filed with the manager of the District or written notice by registered mail given fifteen (15) business days from the time that the third Director 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 set a time and place for such hearing and notify the necessary parties thereof.

RULE 4 - DEPOSITS (Rule 4  
amended January 25, 2001)

Each application for a permit to drill a well shall be accompanied by a One Hundred and Fifty Dollar (\$150.00) deposit, which shall be accepted by the manager of the District or other authorized personnel in the office of the District. One Hundred Dollars (\$100.00), of said deposit shall be returned to the applicant by the District if (1) the application is denied; (2) if the application is granted, upon receipt of correctly completed enrollment and log of the well; or (3) if said permit location is abandoned without having been drilled, upon return and surrender of said permit marked "abandoned" by the applicant. Fifty Dollars (\$50.00), of said deposit shall be retained by the District.

In the event that neither the enrollment and log of the well, nor permit marked "abandoned: is returned to the District office within three (3) months after approval date of the permit or the extension date thereof, the said deposit shall be come the property of the District.

#### RULE 5 -- ISSUANCE OF PERMITS

[a] The Board shall issue or cause to be issued a drilling permit for a well properly spaced upon proper application executed and filed by the owner and containing the matters specified below. An application shall be considered filed when properly made out, completed, signed, and tendered to a member of the Board of Directors or a person designated by such Board to receive the same.

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

[b] Rules for the filing of applications:

(1) If the applicant is an individual, die application shall be signed by the applicant or his duly appointed agent. The agent may be requested to present satisfactory evidence of his authority to represent the applicant.

(2) If the application is by partnership, the applicant shall be designated by the firm name followed by the words "a Partnership", 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 or 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.

(c) Such application shall set forth the following:

(1) The name and address of the owner of the land upon which the location is made.

(2) The exact proposed location of the "well to be drilled as provided in the application including the section, block, survey and township; labor and league; and exact number of feet to the nearest non-parallel property lines; or other adequate legal description

(3) The proposed use of the well to be drilled, whether municipal, industrial, irrigation or other

(4) The size of the pump and expected production in GPM.

(5) The approximate date drilling operations are to begin.

(6) The location of all wells within a quarter of a mile of the proposed location, and the names and addresses of the owners thereof.

(7) An agreement by the applicant that a completed well registration and log will be furnished to the District (on forms furnished by it) by the applicant upon completion of this well and prior to the production of water therefrom (except for such production as may be necessary to the drilling and testing of such well).

(8) Such additional data as may be required by the Board.

#### RULE 6 -- WELL SPACING

(Rule 6 amended January 25, 2001)

[a] Wells to be drilled after the effective date of these rules shall be spaced as follows:

All permitted wells shall have a minimum spacing of 50 yards from the nearest well or authorized well site; a well to be equipped with a two-inch pump shall be located at least 100 yards from the nearest well or authorized well site; a well to be equipped with a three-inch pump shall be located at least 150 yards from the nearest well or authorized well site; a well to be equipped with a four-inch pump shall be located at least 200 yards from the nearest well or authorized well site; a well to be equipped with a five-inch pump shall be located at least 250 yards from the nearest well or authorized well site; a well to be equipped with a six-inch pump shall be located at least 300 yards from the nearest well or authorized well site; a well to be equipped with an eight-inch pump shall be located at least 400 yards from the nearest well or authorized well site; any well to be equipped with a pump larger than an eight-inch pump shall be located at least 440 yards from the nearest well or authorized well site. An authorized well site is not a permit to drill. An authorized well site shall be:

- (1) The location of a proposed well on an application duly filed until such application is denied; or
- (2) The location of a proposed well on a valid permit.

[b] It is contemplated that the pumps of the respective sizes set out above shall refer to the inside diameter of the pump column pipe and shall produce water at the ordinary or usual pumping rates of pumps of such sizes. The ordinary or usual pumping rates of such pumps are to be regarded as follows:

Size of pump (inside diameter of column pipe)	
1-1/2 inch or smaller pump	-----40 to 70 GPM
2-inch pump	-----70 to 90 GPM
3-inch pump	-----90 to 120 GPM
4-inch pump	-----120 to 265 GPM
5-inch pump	-----265 to 390 GPM
6-inch pump	-----390 to 560 GPM
8-inch pump	-----560 to 1000 GPM
Larger than 8-inch pump	-----more than 1000 GPM

If the pump which is to be used by the applicant is of a different size or type, or is to be operated at a different rate in gallons per minute from the pumps in general use as set out above, such facts shall be made known in the application; and in such case, the actual rate at which the well is to be pumped shall be the determining factor in the spacing for such well instead of the size of the pump. A pump to be operated against an artificial head in a closed or semi-closed system shall be given special consideration.

[c] It shall be considered to be a fraud upon the District and on the adjacent landowners for any applicant to willfully give erroneous information in his application. If any operator willfully produces his well at a higher rate than represented in his application and or approved in his permit, such action may be enjoined by the board.

[d] A well drilled and equipped to produce more than 25,000 gallons of water per day (17.36 G.P.M.) prior to the creation of the District or in an area prior to its annexation into the District is a legal well and shall be afforded spacing protection under these rules as if it had been a permitted well until such time as an abandoned well form is signed, the well is destroyed in such a manner that a pump cannot be installed, and/or no evidence of the well is visible at the ground surface, stated are cumulative only of all other powers possessed by the Board.

#### RULE 7 - EXCEPTION TO SPACING RULE

[a] In order to protect vested property rights, to prevent waste, to prevent confiscation of property, or to protect correlative rights, the Board may grant exception to the above spacing regulations. This rule shall not be construed so as to limit the power of the Board, and the powers stated are cumulative only of all other powers possessed by the Board.

[b] If an exception to such spacing regulations is desired, application therefor shall be submitted by the applicant in writing to the Board at its District office on forms furnished by the District. The application shall be accompanied by a plat or sketch, drawn to a scale of one (1) inch equaling two hundred (200) yards. The plat or sketch shall show thereon the property lines in the immediate area and shall show accurately to scale all wells within a quarter mile of the proposed well site. The application shall also contain the names and addresses of all property owners adjoining the tract on which the well is to be located and the ownership of the wells within a quarter mile of the proposed location. Such application and plat shall be certified by some person actually acquainted with the facts who shall state that all of the facts therein are true and correct. A fee of Two Hundred and Fifty Dollars (\$250.00) shall accompany each application for an exception applied for under Rule 7.

[c] Such exception may be granted ten (10) days after written notice has been given to the applicant and all adjoining owners and all well owners within a quarter mile of the proposed location and after a public hearing at which all interested parties may appear and be heard, and after the Board has decided that an exception should be granted. Provided, however, that if all such owners execute a waiver in writing stating that they do not object to the granting of such exception, the Board may thereupon proceed to decide upon the granting or refusing of such application without notice of hearing except to the applicant. The applicant may also waive notice or hearing or both.

## RULE 8 -- PLACE OF DRILLING A WELL

After an application for a well permit has been granted, the well, if drilled, must be drilled within ten yards of the location specified in the permit, and not elsewhere. If the well should be commenced or drilled at a different location, the drilling or operation of such well may be enjoined by the Board pursuant to Chapter 36, Texas Water Code.

[a] A well shall be located a minimum horizontal distance of 150 feet from any water tight sewage facility and liquid waste collection facility.

[b] A well shall be located a minimum horizontal distance of 150 feet from any contamination, such as existing or proposed livestock or poultry yard, privies, and septic absorption field.

[c] A well shall be located at a site not generally subject to flooding; provided, however, that if a well must be placed in a flood prone area, it shall be completed with a watertight sanitary well seal and steel casing extending to a minimum of 24 inches above the known flood level.

## RULE 9 -- REWORKING OR REPLACING OF WELL

[a] No person shall rework, redrill, or re-equip a well in a manner that would increase the rate of production of water from such well beyond any previous normal rate of production of such well without first having made an application to the Board, and having been granted a permit by the Board to do so. Nor shall any person replace a well without a permit from the Board. A replacement well, in order to be considered as such, must be drilled within one hundred fifty (150) feet of the old well and not elsewhere. It must not be located toward any other well or authorized well site unless the new location complies with the minimum spacing requirements set out in Rule 6 [a]; otherwise the replacement well shall be considered to be a new well for which application must be made under Rule 5 above. Provided, however, that the Board may grant an exception without notice or hearing in any instance where the replacement well is placed farther away from any existing wells or authorized well sites.

The location of the old well (the well being replaced) shall be protected in accordance with the spacing rules of the District until the replacement well is drilled and tested. The landowner or his agent must within 120 days of the issuance of the permit declare in writing to the District which one of these two wells he desires to produce. If the landowner does not notify the District of his choice within this 120 days, then it will be conclusively presumed that the new well is the well he desires to retain. Immediately after determining which well will be retained for production the other well shall be:

1. Filled and abandoned; or
2. Properly equipped in such a manner that it cannot produce more than 25,000 gallons (17.36 G.P.M.) of water per day; or
3. Closed in accordance with regulations of State law.

An application to rework, re-equip, redrill or replace an existing well may be granted by the Board without notice or hearing.

[b] The size or capacity of the pump on a well shall not be hereafter changed to a larger size or capacity so as to substantially increase the rate of production of a well without a permit from the Board. Such permit may be granted only after written notice to adjacent owners and owners of a well within a quarter of a mile *from* such well and a public hearing, as provided in Rule 7 [c] above, and after a decision by the Board that such change will not cause unreasonable drawdown of the water table or unreasonable interference between wells, waste, or confiscation of property. Provided that if the adjacent owners and owners of a well within a quarter of a mile indicate to the Board in writing that they have no objection to the proposed change, then the Board may proceed to decide such matter. Provided that if the well is a sufficient distance from other wells to comply with spacing regulations for new wells of the desired capacity the Board may proceed to act on such application.

[c] In the event the application meets all spacing requirements and no contest is filed, the Board may grant such application without further action.

#### RULE 10 -- TIME DURING WHICH A PERMIT SHALL REMAIN VALID

[a] Any permit granted hereunder shall be valid if the work permitted shall have been completed within four (4) months 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 four (4) months if an application for such extension shall have been made to the Board during the first four (4) months 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 written application may grant such time as is reasonably necessary to complete such project.

[b] A permit shall remain valid until an abandoned well form is signed, the well is destroyed in such a manner that a pump cannot be installed, and/or no evidence of the well is visible at the ground surface.

#### RULE 11 - CHANGED CONDITIONS

The decision of the Board on any matter contained herein may be reconsidered by it on its

own motion or upon motion showing changed conditions, or upon the discovery of new or different conditions or facts after the hearing or decision on such matter. If the Board should decide to reconsider a matter after having announced a ruling or decision, or after having finally granted or denied an application, it shall give notice to persons who were proper parties to the original action, and such persons shall be entitled to a Hearing thereon if they file a request therefor within fifteen days from the date of the mailing of such notice.

#### RULE 12 - RIGHT TO INSPECT AND TEST WELLS

Any authorized officer, employee, agent, or representative of the District shall have the right at all reasonable times to enter upon lands upon which a well or wells may be located within the boundaries of the District, to inspect such well or wells and to read, or interpret any meter, wire box or other instrument for the purpose of measuring production of water from said well or wells or for determining the pumping capacity of said well or wells; and any authorized officer, employee, agent, or representative of the District shall have the right at all reasonable times to enter upon any lands upon which a well or wells may be located within the boundaries of the District for the purpose of testing the pump and the power unit of the well or wells and of making any other reasonable and necessary inspections and tests that may be required or necessary for the information or the enforcement of the rules and regulations of the District. The operation of any well may be enjoined by the Board immediately upon the refusal to permit the gathering of information as above provided from such well.

#### RULE 13 - OPEN WELLS TO BE CAPPED

Every owner or operator of any land within the District upon which is located any open or uncovered well is, and shall be, required to close or cap the same permanently with a covering capable of sustaining weight of not less than four hundred (400) pounds, except when such well is in actual use by the owner or operator thereof; and no such owner or operator shall permit or allow any open or uncovered well to exist in violation of this requirement. Officers, agents, and employees of the District are authorized to serve or cause to be served written notice upon any owner or operator of a well in violation of this rule, thereby requesting such owner and/or operator to close or cap such well permanently with a covering in compliance with this section. In the event that any owner or operator fails to comply with such request within thirty (30) days after such written notice, any officer, agent or employee of the District may go upon such land and close or cap such well safely and securely in a manner complying with this rule, and all reasonable expenditures thereby incurred shall constitute a lien upon the land where such well is located. Any officer, agent or employee of the District is authorized to perfect lien by filing of the affidavit authorized by Section 36.118 of the Texas Water Code. All of the powers and authority granted in such section are hereby adopted by the District, and its officers, agents and employees are hereby bestowed with all of such powers and authority.

## RULE 14 - FINAL ORDERS OF THE BOARD

The orders of the Board in any non-contested application or proceeding shall become the final order of the Board on the day it is entered by the Board. All orders of the Board in contested applications, appeals, or other proceedings shall contain a statement that the same was contested. In such event the order will become final after fifteen (15) days from the entry thereof and be binding on the parties thereof unless a motion for rehearing is filed under Rule 15 hereof.

## RULE 15 -- REHEARING

[a] Any person whose application is denied, whose contest is overruled, or who is not granted the relief desired, may file with the Board a motion for rehearing within fifteen (15) days from the announcement by the Board of its decision or action. The Board shall act thereon within a reasonable time. If such motion for rehearing is filed and is overruled, the order of the Board shall be final on the date the motion is overruled.

[b] The Board may, in a proper case, find that an emergency exists and that substantial injustice will result from delay. In that event, and upon recitation of such finding, the order of the Board will become final on the date of the announcement of the order by the Board, and no motion for rehearing will be considered thereon.

[c] If an application or a contest is denied by the Board or adverse recommendations are made by the Board, and if the applicant or contestant shall not have had and shall not have been afforded an opportunity for a hearing before the Board, as elsewhere provided by these rules, the applicant or contestant shall be entitled to a hearing before the Board. A written request to the Board for such a hearing, stating such facts, must be filed with the Board within the above fifteen (15) days period. If such motion is in order and is duly filed, the Board shall give notice to the applicant and all proper and necessary parties of the time and place of such hearing, and shall proceed to conduct a hearing.

## RULE 16 - RULES GOVERNING PROTESTS

[a] NOTICE OF PROTEST: In the event anyone should desire to protest or oppose any pending matter before the Board, or desires to prosecute his appeal from the action of the Board, a written notice of protest or opposition shall be filed with the Board on or before the date on which such application or matter has been set for hearing. For the convenience of the Board, it is urged that the protests be filed at least five (5) days before the hearing date.

[b] PROTEST REQUIREMENTS: Protests shall be submitted in writing with a duplicate copy to the opposite party or parties and shall comply in substance with the following requirements:

- (1) Each protest shall show the name and address of the protestant and show that protestant has read either the application or a notice relative thereto published by the Board.
- (2) There shall be an allegation of injury to protestant which will result from the proposed action or matter to be considered by the Board.
- (3) If the protest is based upon claim of interference with some present right of protestant, it shall include a statement of the basis of protestant, claim of right.
- (4) Protestant shall call attention to any amendment of the application or adjustment which, if made, would result in withdrawal of the protest.

[c] CONTESTED APPLICATIONS OR PROCEEDINGS DEFINED: An application, appeal, motion or proceeding pending before the Board is considered contested when either protestants or interveners, or both, files the notice of protest as above set out and appears at the hearing held on the application, appeal from the Board, motion or proceeding, and present testimony or evidence in support of their contention, OR present a question or questions of law with regard to the application, motion or proceeding. Where neither protestants nor interveners so appear and offer testimony or evidence in support of their contentions, or raise a questions of law with reference to any pending application, motion or proceeding, the same shall be considered as non-contested.

[d] In the event of a contested hearing each party shall furnish other parties to the proceeding with a copy of all the motions, amendments or briefs filed by him with the Board.

#### RULE 17 – GENERAL RULES OF PROCEDURE FOR HEARING

[a] 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 applicants or protestants.

[b] WHO MAY APPEAR: Any party at interest in a proceeding, may appeal person or by attorney or both in such proceedings. A party at interest is any person owning a water right 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.

[c] 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.

[d] 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.

[e] A STIPULATION: Evidence may be stipulated by agreement of all parties at interest.

[f] LIMITING 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.

#### RULE 18 -- GENERAL RULES (Rule 18 amended July 12, 2005)

[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 even the period runs until the end of the next day which is neither a Sunday or 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 office at Post, Texas, within the time limit, if any, for such filing. The date of receipt and not the date posting is determinative.

[c] SHOW CAUSE ORDERS AND COMPLAINTS: The Board, either on its own motion or upon receipt of sufficient written protest or complaint, may at any time, after due notice

to all interested parties, cite any person operating within the District to appear before it in a public hearing and require him to show cause why his operating authority or permit should not be suspended, canceled, or otherwise restricted and limited, for failure to comply with the orders or rules of the Board or the relevant statutes of the State, or for failure to abide by the terms and provisions of the permit or operating authority itself. The matter of evidence and all other matters of procedure at any such hearing will be conducted in accordance with these rules of procedures and practice.

[d] Conduct which violates any of these rules and/or regulations shall constitute an offense for which the person committing such offense shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00). Each day of violation constitutes a separate offense.

#### RULE 19-AMENDMENT OF RULES

The Board may, following notice and hearing, amend these rules or adopt new rules from time to time following a majority vote.

#### 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 this 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 hereof may be declared invalid.