AMENDMENT NO. 2

Regular Board Meeting, October 15, 2026

NECHES AND TRINITY VALLEYS GROUNDWATER CONSERVATION DISTRICT RULEMAKING

Title: **Neches & Trinity Valleys Groundwater Conservation District Rules**
Ch. 1 (Definitions and General Provisions)
Ch. 2 (Board)
Ch. 3 (District Staff)
Ch. 4 (District Records)
Ch. 5 (Groundwater Production)
Ch. 6 (Well Management)
Ch. 7 (Fees)
Ch. 8 (Meters and Reporting)
Ch. 9 (Procedures before the District)
Ch. 10 (Water Quality)
Ch. 11 (Groundwater Conservation Plans)
Ch. 12 (Drought Contingency Plans)
Ch. 13 (Investigations and Enforcement)

Rule Type: **Amendment to Proposed Rules (PRs) (redlined)**

Prepared By: Holli Pryor-Baze, District General Counsel

Baseline: Proposed District Rules dated June 2026 (NTVGCD Proposed Rule Amendments, June 2026). All redlined text below shows changes from that baseline. This Amendment No. 2 incorporates and supersedes Amendment No. 1.

GLOBAL EDITORIAL CHANGES TO PROPOSED RULES

Edit	Example

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Replace the rules-adoption placeholder date throughout	"May 1, 2026" and "[date of adoption of these rules]" / "[the date of rules adoption]" → "October 15, 2026"
Delete the acre-foot-per-acre allocation framework and all defined terms supporting it	"water allocation per acre factor," "initial water allocation per acre factor," "baseline water allocation per acre factor," "total annual groundwater availability"
Uniform capitalization where appropriate	"Non-Historic Operating Permit" → "Non-historic Operating Permit"
Correct grammar and typos	"an permit" → "a permit"; "firefighting" → "fire-fighting"; "Well Construction Permit" → "well construction permit"; "CONTIGENCY" → "CONTINGENCY"; "statues" → "statutes"; "drought state" → "drought stage"; "hearings examiner" → "hearing examiner"; duplicated and garbled words removed; internal cross-references corrected (§§ 9.304(a), 9.401(e), 9.403(a)(2)); list conjunctions conformed (";" between items, "; or" before the last item) in §§ 5.401(a) and 6.202
Renumber affected sections and subsections accordingly	Definitions renumbered (1)–(76); §§ 5.101, 5.203, 5.204, 5.205, 5.216, 5.301, 6.101, 9.209 subsections relettered; § 5.401(a)(3)–(8) renumbered (4)–(9); § 6.202(2)–(5) renumbered (3)–(6); §§ 5.209(a)(16), 5.217, 6.201, 9.208 subsections relettered; lone "(a)" designations removed in §§ 11.003, 11.004; §§ 13.003–13.006 renumbered 13.002–13.005; § 5.211(u)–(v) relettered (t)–(u); § 5.307(p)–(s) relettered (o)–(r); § 9.339(c)(3)–(5) renumbered (1)–(3)

SECTION-BY-SECTION AMENDMENTS

§ 1.001 Definitions of Terms

…

(6) ~~"Baseline water allocation per acre factor" means the minimum water allocation per acre factor established by the District for a managed aquifer and guaranteed for all landowners over an aquifer, calculated based on the total annual groundwater availability divided by the total acreage~~

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~~overlying that aquifer within the District.~~

(6) "Aquifer management zone" means a geographic surface area located within the District's boundaries designated by the District based on its hydrogeologic characteristics for different management approaches.

…

(1) "Contested case hearing" means a proceeding before the District, or, where applicable, SOAH under §§ 36.416 and 36.4165, Texas Water Code,~~SOAH under § 36.416(b), Texas Water Code,~~ in which the legal rights, duties or privileges of a party are to be determined by the board after an opportunity for an adjudicative hearing.

(16) "Contiguous acreage" means a surface acre of land on which a well is located that is the subject of an operating permit and each additional acre of land inside the boundaries of the District for which the permit applicant or holder has a legal right to produce groundwater, provided that the acreage:

…

The term also includes acreage on separate tracts that touch on a common property boundary side or corner, as well as tracts that are divided by a road or other long and narrow property interest that is not under the ownership or right to produce of the applicant if a well could not be drilled on such property under the well spacing requirements of these rules or otherwise~~could not be drilled on such property under these rules under the well spacing requirements or otherwise~~. ~~For operating permit applicants that are retail public utilities, contiguous acreage also has the meaning prescribed under § 5.205 regarding the acreage in the utility's service area.~~

…

(2) "District monitoring well network" means the monitoring wells from which the District collects data and includes monitoring wells owned or operated by the TWDB, any other state or federal agency or permittee for which water level data is available to the District, and monitoring wells owned or operated by the District.

…

~~(2)~~(3) "Domestic use" means the use of water at a single-family household to support domestic activities including drinking, washing and sanitation. Domestic use does not include use by a public water system, use for any commercial purpose, use at any commercial establishment, or use at any establishment~~use at any commercial establishment, nor use at any establishment~~ that is not a single-family household. Domestic use does not include water used to support activities for which consideration is given or received or for which the product of the activity is sold.

…

(25) "Exempt well" means a well exempt under § 5.401 from the requirement to obtain an operating permit.~~any well exempt from the requirement to obtain a permit under these rules.~~

~~(3)~~(4) "gpm" means gallons per minute.~~"GPM" means gallons per minute.~~

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(5) "Groundwater management area" or "GMA" means an area delineated and designated by the TWDB as an area most suitable for management of groundwater resources through regional joint groundwater planning. The District is currently wholly located within Groundwater Management Area 11.

…

(31) "Historic use" or "existing use" means the lawful production and beneficial use of groundwater without waste occurring prior to ~~May 1,~~October 15, 2026, that has not been abandoned, and that forms the basis for reclassification as, or issuance of, a Historic Operating Permit under these rules.

(32) "Historic Operating Permit" or "HOP" means an operating permit that is based on historic use, including permits issued prior to ~~May 1,~~October 15, 2026, and reclassified pursuant to these rules.

…

~~(32) "Initial water allocation per acre factor" means the starting water allocation per acre rate established by rule for each managed aquifer, subject to adjustment by the District by board order as necessary to achieve the DFC for that aquifer.~~

…

(35) "Managed aquifer" means an aquifer within the District for which groundwater production is regulated under these rules ~~and for which desired future conditions have been adopted~~. Managed aquifers include the ~~the following major or minor aquifers as further described by the TWDB:~~ Carrizo-Wilcox, Queen City, and Sparta Aquifers, as further described by the TWDB, and the Trinity River Alluvium Aquifer.~~Sparta and Trinity River Alluvium Aquifers.~~

(37) "Modeled available groundwater" ~~or "MAG"~~ means the amount of water that the executive administrator of the TWDB determines may be produced on an average annual basis to achieve a DFC established under § 36.108, Texas Water Code.~~established under § 36.108 of the Texas Water Code.~~

~~"Meter" means a water flow measuring device that can measure the instantaneous rate of flow and record the amount of groundwater produced from a well during a measure of time.~~

…

(39) "Municipal use" means the use of water within or outside of a community or municipality and its environs, whether supplied by persons, municipalities, utilities, political subdivisions, or other water purveyors, including the use of treated effluent. The term includes the use of water provided by a public water system for domestic, recreational, industrial, or commercial uses, fire-fighting, sewer and drain flushing, swimming pools, maintenance of public property or for the watering of golf courses, parks and parkways, or other public or recreational spaces.~~parks and parkways, other public or recreational spaces.~~

(40) "Non-exempt well" means a well that is not an exempt well.~~a well not exempt from the requirement to obtain a permit under these rules.~~

(41) "Non-historic Operating Permit" or "NOP" means an operating permit issued on or after ~~May 1, 2026, or issued for groundwater production not based on historic use, but rather production limits based on the contiguous acreage of the applicant and other criteria established by the District.~~October 15, 2026.

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…

(43) "Open Meetings Act" means Chapter 551, Texas Government Code. ~~"Open well" means a well that is not capped or covered as required by Chapter 36, Texas Water Code, Chapter 1901, Texas Occupations Code, TDLR Rules and these rules.~~

(44) "Open well" means a well that is not capped or covered as required by Chapter 36, Texas Water Code, Chapter 1901, Texas Occupations Code, TDLR Rules and these rules.~~"Open Meetings Act" means Chapter 551, Texas Government Code.~~

(45) "Operating permit~~Permit~~" means ~~an~~a permit issued by the District based on either historic use or non-historic use that may authorize the operation of or groundwater production from a well. The District requires a separate ~~Well Construction Permit~~well construction permit for construction activities related to drilling or altering a well.

…

(49) "Permittee" means a person holding a permit issued by the District.

…

(56) "Public Utility Commission" or "PUC" means the Public Utility Commission of Texas.~~"Public water supply" or "public water system" means a "public water system" as defined in TCEQ or PUC rules.~~

(57) "Public water supply" or "public water system" means a "public water system" as defined in TCEQ or PUC rules.~~"Public Utility Commission" or "PUC" means the Public Utility Commission of Texas.~~

…

(59) "Registration" means the document required to be filed with the District under § 5.501 for a well, whether the well is exempt or authorized under an operating permit~~ that qualifies as an exempt well~~.

(60) "Remediation well" means any well used to produce contaminated water from subsurface strata pursuant~~contaminated water from a subsurface strata pursuant~~ to a plan approved by the TCEQ or other agency with applicable jurisdiction.

…

…

(67) "TDLR" means the Texas Department of Licensing and Regulation, and "TDLR Rules" means the rules adopted by TDLR under Chapters 1901 and 1902, Texas Occupations Code, including Chapter 76, Title 16, Texas Administrative Code.~~Regulation.~~

(66) ~~"Total annual groundwater availability" means the total volume of groundwater that may be produced on an average annual basis from a managed aquifer, as determined by the District under § 5.101 of these rules, consistent with the modeled available groundwater and other factors under § 36.1132, Texas Water Code.~~

(63) Reserved.~~"Reworked well" means a well that has been altered, modified, repaired, or recompleted.~~

…

(70) ~~"Water allocation per acre factor" means the rate, expressed in gallons or acre-feet per acre per year, established by the District for a managed aquifer and used to calculate a maximum upper~~

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~~limit on the annual amount of groundwater that may be authorized for production under a Non-historic Operating Permit by multiplying the factor by the number of contiguous acres of land or groundwater rights of the applicant at the well site.~~

…

(74) "Well owner" means the person who owns a well. If ownership of the well has not been established separately from ownership of the land on which the well is, or is proposed to be, located, the owner of the land is presumed to be the well owner. ~~and the land upon which a well is, or is proposed to be, located.~~

…

§ 1.003 Construction

Construction of words and phrases is governed by the Code Construction Act, Subchapter B, Chapter 311, Texas Government Code. References to a code or statutory provision or section in these rules shall include such code or statutory provision as amended, reordered, or re-codified. These rules shall be read, interpreted and applied in a manner that is consistent with the District Act and, if any definition or provision of these rules conflicts with or is inconsistent with any definition or provision of the District Act, such definition or provision shall be construed~~such definition or rule shall be construed~~ and applied consistent with the District Act, which shall control.

§ 1.005 Methods of Service under the Rules

Except as otherwise expressly provided in these rules, including § 9.002 for documents filed or served under Chapter 9, any notice or documents required by these rules to be served or delivered may be delivered to the recipient, or the recipient's authorized representative, in person, by agent, by courier-receipted delivery, by certified mail sent to the recipient's last known address, or by email and shall be accomplished by 5:00 p.m. on the date on which it is due. Service by mail is complete upon delivery in a post office or other official depository of the United States Postal Service and service by email is complete upon sending.

§ 3.001 General Manager

The board may employ or contract with a person to serve as general manager of the District and to perform such services as the board may from time to time specify. The board may delegate to the general manager full authority to manage and operate the affairs of the District subject only to these rules and the orders of the board. The general manager, with approval of the board, may employ all persons necessary for the proper handling of business and operation of the District, whose salaries will be set by the board. The general manager may delegate any duties~~operation of the District and their salaries will be set by the board.~~ assigned to the general manager to the assistant general manager or another member of District staff. If the position of general manager is vacant, the board may appoint a general manager, an interim general manager, or act to manage

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the District and perform any function of the general manager identified by these rules to the extent consistent with the law.

§ 5.101 Groundwater ~~Available for~~ Production from the Carrizo-Wilcox, Queen City, Sparta and Trinity River Alluvium Aquifers

(a) The aggregate, average annual volume of groundwater that may be produced from the Carrizo-Wilcox, Queen City, Sparta or Trinity River Alluvium Aquifers from:

(1) exempt wells, other than wells exempt under § 5.401(a)(3), as estimated by the TWDB and the District; ~~and~~

(2) wells exempt under § 5.401(a)(3), based on production reported under § 8.004; and

(3~~2~~) non-exempt wells operating under operating permits

shall be no greater than the amount necessary to achieve the DFC for each of the aquifers for which a DFC has been adopted. ~~As soon as practicable, and when appropriate, after considering the MAG and the other factors in Texas Water Code § 36.1132, the District shall calculate and set forth in a board order the total volume of groundwater that may be produced annually on average for each managed aquifer, and until the District establishes this total annual groundwater availability for an aquifer by board order, the~~The District shall monitor actual total production from each of the aquifers to ~~determine if it exceeds the MAG and if so,~~ determine if any actions are required by the District to ensure achievement of the DFC.

(b) The volume of groundwater produced annually from exempt wells, other than wells exempt under § 5.401(a)(3), shall be estimated by the executive administrator of the TWDB in cooperation with the District. The District may establish by board order the estimate of the volume of exempt annual groundwater production allotted for each managed aquifer.

(c) ~~The~~After considering the DFC and the other factors in Texas Water Code § 36.1132, the District may at its discretion calculate and set forth in a board order the estimated volume of groundwater that may be produced annually on average for each managed aquifer. If the board, by order, establishes the total annual groundwater available for a managed aquifer under this subsection, the total average annual volume of groundwater available from ~~each~~the aquifer for actual production under permits for non-exempt wells is calculated by subtracting the estimated exempt well production under Subsection (b) from the total annual groundwater ~~availability under Subsection (a).~~available. The District ~~shall~~may establish this volume available for actual production under permits by board order.

(d) ~~The District may authorize production through permits in excess of the volume established under Subsection (c), provided that actual average annual production does not exceed that volume.~~

(d) The board may designate aquifer management zones within aquifers in order to adopt different management approaches within different aquifer management zones, including adopting different indicators for District action with respect to groundwater production.

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§ 5.201 Operating Permits

…

~~(e) The board may, in exceptional circumstances, consider a variance to the production limits set forth in this subchapter in approving an application for an operating permit and grant a variance for a term of up to 3 years, if the applicant submits a request for variance with the application for an operating permit supported by evidence showing that unnecessary hardship would result from the strict application of the production limits, the hardship results from conditions particular to the property, the hardship is not the result of actions taken by the applicant, granting the variance is consistent with the intent of the rules, and substantial justice will be achieved.~~

§ 5.202 Historic Operating Permits and ~~Non-Historic~~Non-historic Operating Permits

…

(b) As authorized under § 36.113(e), Texas Water Code, these rules impose more restrictive conditions on non-historic use operating permits, and those restrictions shall apply to both applications for operating permits by new non-historic users of groundwater and to applications by historic users~~and by applications by historic users~~ of groundwater to increase the amount of groundwater they are authorized to produce. The District finds that these restrictions bear a reasonable relationship to the District's management plan, and are reasonably necessary to protect historic, existing use to the maximum extent practicable.

(c) For purposes of differentiating whether an operating permit is historic or non-historic, all operating permits that were issued prior to October 15, 2026, are hereby reclassified~~all permits that were issued prior to May 1, 2026, are hereby reclassified~~ as Historic Operating Permits, and those issued on or after that date shall be classified as Non-historic Operating Permits.

(d) ~~In general terms, the more restrictive conditions to be imposed on NOPs are that, in addition to the other considerations set forth in these rules regarding how much groundwater production may be authorized by the District in granting or denying a particular permit application, NOPs will be subject to an overall maximum production limit that is based on the amount of acreage of the permit applicant where the well is located, as authorized under § 36.116(a)(2), Texas Water Code. HOPs are not based on the amount of acreage around the well site, but rather are based on setting production limits on wells based on historic use as authorized under § 36.116(a)(2) and (b) and under § 36.113(e), Texas Water Code. Additionally, for NOPs for retail public utilities, these rules limit groundwater production based on acreage, utilizing the acreage of a retail public utility's service area as authorized under § 36.116(c), Texas Water Code.~~

§ 5.203 Historic Operating Permits ~~and Maximum Allowable Production~~

(a) All operating permits issued prior to ~~May 1,~~October 15, 2026, are hereby reclassified ~~for the remainder of their permit length~~ as Historic Operating Permits in the amount of their authorized

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annual production amount, for their historic purpose of use, on the terms previously approved by the District. A HOP retains its classification as a HOP upon renewal under § 5.214, after a reduction under Subsection (b), and after aggregation under Subsection (c). ~~This reclassification is subject to a determination by the District that groundwater is available for all HOPs under § 5.101 and is subject to adjustment under this subchapter. (b) A permittee with a HOP may at any time file an application to amend the permit to permanently reduce the authorized annual production amount. However, once a reduction is approved by the District, the permittee may not in the future amend the permit to increase the reduced authorized annual production amount.~~

(b) A permittee with a HOP may at any time file an application to amend the permit to permanently reduce the authorized annual production amount. However, once a reduction is approved by the District, the permittee may not in the future amend the permit to increase the reduced authorized annual production amount.

~~Prior to January 1, 2029, the District shall review the permitted authorization of any HOP whose maximum annual groundwater production during the five calendar years from 2021 to 2025 was less than eighty (80) percent of the authorized production amount in the permit, to determine whether the amount authorized unreasonably exceeds the actual demand for the groundwater based on the real and current need for the groundwater, when reasonable intelligence and diligence are used to apply the groundwater to the authorized historic purpose of use.~~

~~If pursuant to the District's review under Subsection (c), the District determines that all or part of the authorized production amount in the permit unreasonably exceeds the actual demand for the groundwater based on the real and current need for the groundwater, when reasonable intelligence and diligence are used to apply the groundwater to the authorized historic purpose of use, then the permit is subject to cancellation by the District, in whole or in part, in accordance with § 5.217. For a public water supply, the review shall consider compliance with regulatory requirements.~~

(e) ~~If and to the extent that a HOP permittee sells or leases the land or groundwater rights or acreage that, as of May 1, 2026, was contiguous to a well authorized by the HOP to another person, and that severed acreage is then authorized for production under a NOP, the authorized production amount in the HOP shall be reduced by the District in an amount equal to the number of severed acres multiplied by the then-current water allocation per acre factor described under § 5.204(b).~~

…

§ 5.204 ~~Non-Historic~~Non-historic Operating Permits ~~and Maximum Allowable Production~~

(a) ~~The maximum annual production amount that may be authorized under a NOP shall not exceed the lesser of the following:~~

(1) ~~the amount determined by the District under the considerations set forth under § 5.209; or~~

(2) ~~the product of the applicable water allocation per acre factor described under Subsection (b), multiplied by the number of contiguous acres of the applicant, then subtracting~~

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~~from that product the amount of annual production authorized under any HOP or NOP of the applicant that is associated with the wells or acreage.~~

(b) ~~An initial water allocation per acre factor for each managed aquifer will be established by board order. The District shall also establish by board order a baseline water allocation per acre factor for each managed aquifer, calculated by dividing total annual groundwater availability for that aquifer under § 5.101(a) by the total number of acres of land overlying that aquifer within the District. To achieve the applicable DFC, the District may, by board order issued not later than July 1 of a calendar year, reduce the initial water allocation per acre factor for all existing and new NOPs, to become effective on January 1 of the following calendar year. However, in order to provide all landowners overlying a managed aquifer an opportunity to produce their fair share of groundwater available from that aquifer, the board may not reduce the water allocation per acre factor to an amount lower than the baseline water allocation per acre factor.~~

(c) ~~An applicant that lacks sufficient contiguous acreage to obtain the desired production authorization under a NOP may acquire additional contiguous acreage of land or groundwater rights by purchase or lease to support that authorization. For a NOP applicant that also holds a HOP, the District shall not deduct HOP-authorized production from any acreage acquired after May 1, 2026.~~

(a) The District may issue NOPs under these rules in a given aquifer to the extent that there is sufficient groundwater available, considering aquifer conditions and the DFCs.

(b) Beginning with a review completed before January 1, 2029, and every three calendar years thereafter, the District shall review the permitted authorization of any NOP whose maximum annual groundwater production during the three full calendar years preceding the review (or, for a permit issued during that period, the full calendar years after the permit was issued) was less than eighty (80) percent of the authorized production amount in the permit, to determine whether the amount authorized unreasonably exceeds the actual demand for the groundwater based on the real and current need for the groundwater, when reasonable intelligence and diligence are used to apply the groundwater to the authorized purpose of use. A permit that has not been in effect for at least one full calendar year is not subject to review under this subsection. For a public water supply, the review shall consider compliance with regulatory requirements.

(c) If pursuant to the District's review under Subsection (b), the District determines that all or part of the authorized production amount in the permit unreasonably exceeds the actual demand for the groundwater based on the real and current need for the groundwater, when reasonable intelligence and diligence are used to apply the groundwater to the authorized purpose of use, then the permit is subject to cancellation by the District, in whole or in part, in accordance with § 5.217.

§ 5.205 ~~Non-Historic~~Non-historic Operating Permits for Retail Public Utilities

(a) ~~In determining the number of contiguous acres under § 5.204(a)(2) for a NOP applicant that is a retail public utility and consistent with § 36.116(c), Texas Water Code, the District shall consider the total acreage in the service area of the retail public utility that is located within the~~

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~~District and overlying the applicable managed aquifer for the well, excluding all acreage associated with any other HOP or NOP in the service area. The District may also subtract from the product described in § 5.204(a)(2) an estimate of the total groundwater produced annually by exempt wells or acreage associated with another HOP or NOP in the service area.~~

(b) ~~In determining total acreage of the service area of a utility under Subsection (a), the following calculations of contiguous acres apply:~~

(1) ~~for a utility with a bounded service area CCN, all acreage inside the bounded service area, except as provided under (b)(4) below;~~

(2) ~~for a utility with a Facilities +200 Feet or Facilities Only CCN, or that is an investor-owned utility or water supply corporation registered with the PUC as a utility exempt from the requirement to obtain a CCN, the total acreage of each property actually served;~~

(3) ~~for a utility that is a political subdivision without a CCN, all acreage within its corporate boundaries plus the acreage of each other property actually served;~~

(4) ~~for a political subdivision with a CCN that differs from its corporate boundaries, all acreage within the combined CCN and corporate boundaries plus any other acreage actually served;~~

(5) ~~for a utility with a CCN that overlaps the corporate boundaries of another political subdivision, the overlapping acreage will be assigned to the CCN holder unless the CCN holder has otherwise agreed in writing that it may be utilized by the political subdivision;~~

(6) ~~in dual-certified areas approved by the PUC, acreage will be allocated per any written agreement between the utilities; absent a written agreement, acreage actually served is assigned to the serving utility, and the remaining acreage is divided equally;~~

(7) ~~if a utility owns a well outside of its CCN and corporate boundaries, contiguous acreage for such well is limited to the acreage owned or controlled by the utility at the well site; and~~

(8) ~~for a utility with multiple stand-alone public water systems authorized under the same CCN or separate CCNs but not physically interconnected, the acreage of each system shall be considered and authorized separately under this rule.~~

(c) ~~A utility that lacks sufficient contiguous acreage to obtain the requested production authorization under a NOP may acquire additional contiguous acreage of land or groundwater rights by purchase, lease, or CCN expansion to support that authorization. For a utility NOP applicant that also holds a HOP, the District shall not deduct HOP-authorized production from any acreage acquired by CCN expansion, or by purchase or lease outside of the CCN, as it existed on May 1, 2026.~~

The District shall consider the service needs and service area of a retail public utility in evaluating the requested production authorization under a NOP.

§ 5.208 Applications for Non-historic~~Non-Historic~~ Operating Permits

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(9) Well address and location. The physical address of the property upon which the well is located and a legal description of the location of the well, including: the county, section, block and survey, latitude and longitude of the well, based on readings from a global positioning system (GPS)~~global positioning satellite (GPS)~~ accurate to within 10 feet, and the number of feet to the two nearest property lines, or other adequate legal description approved by the District.

…

(15) Well closure. A water well closure plan or a statement that the applicant will comply with all District well plugging and capping guidelines and report closure to the District and TDLR.~~plugging and capping guidelines and report closure to TDLR.~~

(16)~~—~~ ___Hydrogeological study and impacts.~~-~~ _Information showing ~~water~~groundwater availability and the projected effect of the proposed pumping~~the projected effect of the proposed pumping~~ on aquifer conditions and depletion and supporting a finding that the proposed production of water will not unreasonably affect existing groundwater ~~or surface water~~ resources, existing holders of permits issued by the District or exempt wells that are registered with the ~~District, or result in pumping within the District exceeding the MAG or impairing achievement of the DFC for the aquifer from which production would be made.~~ District. For applications seeking to withdraw ~~100~~300 acre-feet annually or more, this information shall include~~ at least~~ a hydrogeological study prepared by a Texas licensed professional geoscientist or engineer, based on test wells, conducted~~geoscientist or engineer with test wells, conducted~~ in accordance with all technical guidelines issued by the District, which should include modeling ~~1,~~impacts near the well(s) for 1 year using the Theis drawdown equation, and modeling impacts for 10, 30 and 50 ~~year impacts,~~years using ~~at least~~ the ~~Theis equation, as requested~~TWDB groundwater availability model (GAM) approved for GMA 11 or other groundwater model approved by the District. For applications seeking to withdraw 300 acre-feet annually or more, the applicant shall propose a test well to be used for purposes of the hydrogeological study, to be approved by the District, and the hydrogeological study shall include a quantitative assessment of the percentage of drawdown projected to occur within 3 miles of the proposed well location. The hydrogeological study shall follow the guidelines provided by the District. The test well shall be geophysically logged to characterize the geologic unit(s) in the borehole and the aquifer in which the pumping test is performed. The geophysical log shall be submitted to the District within 30 days of well completion.

(17) Water sales contracts. If any of the groundwater will be sold or otherwise provided to another person, a copy of each signed contract or other agreement to sell or provide the groundwater, including any option or letter of intent.

(18) Other information. Any other information~~Other Information. Any other information~~ determined to be necessary by the District.

(19) The applicant may rely on any information previously submitted to the District as part of an earlier application for a permit that meets any of the requirements of this section.~~meets any of the requirements of this rule.~~

(b) All applicants for a NOP shall include ~~documentation identifying the contiguous acres of~~

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~~land or groundwater rights owned or leased by the applicant for which a permit is sought, along with~~ a record deed, lease, or other real property instrument showing the applicant's ownership or entitlement to produce groundwater from the tract on which the well is or will be located~~acreage and a legal description or survey showing the location of such acreage and that demonstrates that all acres overly the aquifer in which the well will be completed~~. An applicant requesting aggregation under § 5.209(b) shall also include a legal description or survey of the contiguous acreage on which the aggregated wells are or will be located. ~~If the applicant also holds a HOP, the applicant shall also include a map and other information identifying the acreage and location of the applicant's contiguous acreage associated with the HOP as of May 1, 2026.~~

…

(2) information documenting the place of use of groundwater withdrawn from each well, including per capita~~withdrawn from each well, including, per capita~~ annual use in the place of use, conservation measures in place at the place of use, a copy of the deed and legal description for the place of use or a copy of the map identifying the boundaries of the applicant's CCN issued by PUC or if no CCN, a map showing the boundaries of the service area for public water supply; ~~and notice of any application to the PUC to obtain or modify a CCN to provide water or wastewater service with water obtained pursuant to the requested permit;~~ for an applicant that is a wholesale water provider, this information must be included for each retail public utility or other customer~~for each retail water utility or other customer~~ to which wholesale water service will be provided;

(3) for political subdivisions and other retail public utilities, a map and other information identifying the ~~amount and~~ location of the utility's retail water service area~~contiguous acreage of the utility's retail water service area as determined under § 5.205~~ where the well is or will be located~~; additionally, for a utility that holds a HOP and is applying for a new or amended NOP, a map and other information identifying the acreage and location of the utility's contiguous acreage as of May 1, 2026~~; and

…

(8) an economic analysis of using surface water or conservation methods to avoid the need for increased groundwater use; and~~to avoid the need for increased groundwater; and~~

…

(6) an economic analysis of using surface water or conservation methods to avoid the need for increased groundwater use; and~~to avoid the need for increased groundwater; and~~

…

§ 5.209 Basis for Action on Operating Permit Applications

(a) The general manager shall grant applications for a Non-historic Operating Permit of up to 28 acre-feet (approximately 9,125,000 gallons)~~up to 15 acre-feet~~ and the board shall grant applications for a Non-historic Operating Permit of more than 28 acre-feet~~more than 15 acre-feet~~ only to the extent the general manager or board, respectively, finds~~only to the extent the board or general manager, respectively, finds~~ that:

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…

(5) the applicant owns, or has a legal right to produce, the groundwater for which a permit is sought;~~the applicant owns the water rights for which a permit is sought;~~

(6) the applicant has a legal right to produce groundwater from the ~~well;~~well for the term sought;

…

(8) the withdrawals are proposed to be placed to a beneficial use, without waste and the amount of water proposed to be used for each purpose of use is necessary for a real and current need and~~is necessary for a real and current use and~~ is economically reasonable, when reasonable intelligence and diligence are used, for the intended purpose and place of use stated in the application;

…

(10) the place of use is located within the District's boundaries~~–~~, the groundwater is excluded from exportation permitting under § 5.301(b), or~~or the groundwater is delivered to end users outside of the District's boundaries but pursuant to a HOP and a CCN that is also within the District's boundaries, unless~~ the applicant also has obtained a groundwater exportation permit from the District;

…

(12) the proposed production of water will not unreasonably affect existing groundwater or surface water resources, existing holders of permits issued by the District or exempt wells that are registered with the District, including by causing unreasonable interference between wells, or result in impairing achievement of the DFC for the aquifer from which production would be ~~made, considering the estimates under § 5.101;~~made;

…

(14) the applicant and any predecessor in interest to the applicant are in compliance with any permits from the District and with the rules; and~~any predecessor in interest to the applicant is in compliance with any permits from the District and with the rules;~~

(15) the application is consistent with the District's approved groundwater management plan and its goals of providing the most efficient use of groundwater, controlling and preventing the waste of groundwater and achieving the desired future conditions established for the aquifer from which water is proposed to be produced and with the state and regional water plans.

…

(c) If the general manager recommends denial of an application for a Non-historic Operating Permit of up to 28 acre-feet, the application shall be processed in accordance with § 9.208.

(d) The following apply to a permit granted under this section:

(1) for applications seeking to withdraw 300 acre-feet annually or more:

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(A) the test well or another well at a location approved by the District will be used as a monitoring well and the applicant will submit quarterly water level data to the District and the District will record an initial water level reading from the well to be used as the baseline for any future reductions associated with water levels; and

(B~~b~~) based on simulated impacts, the permit may include special conditions requiring groundwater production from the well to be reduced or ceased if the District determines based on the District monitoring well network or other hydrogeologic data that the measured drawdown occurring unreasonably impacts other wells or property;

(2) the permit may require monitoring of groundwater conditions at the location of the well and at the site of neighboring properties to ensure that sufficient groundwater is available to support pumping under the permit and to minimize the impacts of pumping on groundwater resources and other well owners;

(3) the permit may include special conditions requiring groundwater production rates and production from the well to be reduced or ceased if the District determines that such reduction is necessary based on the best available science, including from the District monitoring well network, to avoid unreasonable impacts to existing permittees or impairment of the achievement of the DFC for the aquifer from which production would be made; and

(4) the permit may include special conditions that allow the District to permit additional pumping authorization(s) phased in over a period of time based on the applicant providing verification to the District of the need for additional amounts of groundwater for the requested purposes of use.

§ 5.210 Contents of Operating Permits

…

(3) a legal description of the location of the well, including county,~~location of the well, including, county,~~ section, block and survey and the latitude and longitude for the well based on readings from a global positioning system (GPS)~~global positioning satellite (GPS)~~ accurate to within 10 feet;

…

(5) the specific location of the place of use of the water produced from the well and, for a permit aggregated under § 5.209(b),~~, including~~ a description of the contiguous acreage on which the aggregated wells are located~~associated with the permit~~;

(6) if the place of use is not within the District's boundaries and the groundwater is not excluded from exportation permitting under § 5.301(b)~~delivered to end users outside of the District's boundaries but pursuant to a HOP and a CCN that is also within the District's boundaries~~, the permittee must obtain a groundwater exportation permit from the District prior to the withdrawal of groundwater under the permit;

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…

§ 5.211 Standard Permit Conditions for Operating Permits

…

(b) the duty to conserve water in accordance with applicable law and comply with the District's groundwater management plan, Chapter 11 of these rules, ~~any District water conservation plan~~ and any permittee's plan approved by the District, as applicable;

…

(d) the duty to reduce water production or consumption during times of drought in accordance with applicable law and to comply with the District's drought contingency plan, as may be amended from time to time and the permittee's plan approved by the District, as applicable;

…

~~(t) the duty to give notice to the District of any changes in contiguous acreage;~~

(t~~u~~) the duty to comply with any proportional adjustments mandated by these rules; and

(u~~v~~) any other conditions as the board may deem ~~appropriate.~~appropriate, including monitoring wells, phased production, and mitigation.

§ 5.214 Operating Permit Transfers and Amendments and Renewals; Applications

…

(b) Any person seeking to amend a permit as provided in Subsection (a)(1)–(3) must~~as provided in Subsection (a)(1)-(4), must~~ first file with the District an application to amend on a form prescribed by the District.

(c) No permit amendment is effective until the amendment has been approved by the general manager or the board, as applicable.

(d) The District shall, without a hearing, renew an operating permit before its expiration if the following conditions are met:~~An operating permit may only be renewed if the following conditions are met:~~

…

(4) the applicant has not failed to pay any civil penalty or to comply with an order resulting from a final adjudication of a violation of a permit, order, or rule of the District~~final adjudication of a permit, order, or rule of the District~~; and

(5) the applicant is not requesting any change to the permit conditions that would require an application to amend to be filed under Subsection (b).~~; and~~

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~~(6) renewal of the operating permit will not cause production in the District to exceed the maximum allowable production under operating permits set forth in § 5.202.~~

(e) If a permittee, in connection with renewal or otherwise, requests a change that requires an amendment under Subsection (b), the permit as it existed before the amendment process remains in effect until the later of the conclusion of the amendment or renewal process or the final settlement or adjudication of whether the change requires an amendment. If the amendment is denied, the permit as it existed before the amendment process shall be renewed under Subsection (d) without penalty unless Subsection (d)(2), (3), or (4) applies. If renewal is withheld under Subsection (d)(2) or (4), a new application for an operating permit must be filed prior to the expiration of the permit. If renewal is withheld solely~~If the conditions to obtain a renewal in Subsection (d) are not met, a new application for an operating permit must be filed prior to the expiration of the permit~~ because the applicant is subject to a pending enforcement action described by Subsection (d)(3), the permit remains in effect until the final settlement or adjudication of the enforcement matter.

…

§ 5.215 Basis for Granting Applications to Amend Operating Permits

The general manager shall grant an application to amend an operating permit if the total authorized amount after the amendment does not exceed 28 acre-feet (approximately 9,125,000 gallons), and the board shall grant any other application to amend an operating permit only to the extent~~applications to amend an operating permit of up to 15 acre-feet and the board shall grant applications to amend an operating permit of more than 15 acre-feet~~ the general manager or board, respectively, finds~~only to the extent the board or general manager, respectively, finds~~ that:

(1) the requirements in § 5.209 and § 5.214, as applicable to the amendment requested, are satisfied for the application~~the same requirements in § 5.209 and § 5.214 are satisfied for the application~~; and

…

§ 5.216 Proportional Adjustment of Operating Permits Based on Desired Future Conditions

(a) In order to achieve the applicable desired future condition for each managed aquifer under § 5.101, the District ~~shall,~~may, to the extent necessary ~~and to the extent groundwater is determined by the District to be available,~~or appropriate, adjust the total volume of groundwater authorized to be produced under operating permits issued under this subchapter.

(b) To the extent the District determines that reductions in authorized production for a managed aquifer are necessary in order to achieve the applicable DFC under § ~~5.101(a),~~5.101, the District shall first implement such reductions with respect to NOPs issued under § ~~5.204 by reducing the applicable water allocation per acre factor for that aquifer established under § 5.204(a).~~5.204.

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(c) ~~The District shall establish any reduction to the water allocation per acre factor under Subsection (b) by board order, and such reduced water allocation per acre factor shall apply to all existing and new NOPs for the applicable managed aquifer, to the extent groundwater is determined by the District to be available; provided, however, that the water allocation per acre factor for a managed aquifer shall not be reduced below the baseline water allocation per acre factor established by the District for that aquifer under § 5.204(a) in order to provide all landowners overlying a managed aquifer an opportunity to produce their fair share of groundwater availability from that aquifer.~~

(d) ~~If, after the reduction of the water allocation per acre factor for NOPs to the baseline water allocation per acre factor under Subsection (c), the District determines that further reductions in authorized groundwater production are necessary to achieve the applicable DFC for a managed aquifer under § 5.101(a), the District shall reduce the maximum annual production amounts authorized under Historic Operating Permits.~~

(c) Any ~~reduction~~reductions under ~~Subsection (d)~~this section shall be applied by the District on a proportional, or pro rata, basis to all HOPs and/or NOPs, accordingly, for the applicable managed aquifer based on each permit's authorized annual production amount, as set forth in the permit, and shall be implemented by board order, to the extent groundwater is determined by the District to be available.

(d) The District shall implement any reductions under this section in a manner that, to the extent practicable, results in the total volume of groundwater ~~authorized to be~~actually produced under operating permits for the applicable managed aquifer, when considered together with estimated production from exempt wells under § 5.101(b) and reported production from wells exempt under § 5.401(a)(3), not exceeding the amount ~~not exceeding the total annual groundwater availability~~ necessary to achieve the applicable DFC for that aquifer, ~~under § 5.101(a).~~ considering aquifer conditions. The board shall implement any reductions pursuant to this section by board order issued not later than ~~July 1 of a calendar year~~five months before the reductions are to become ~~effective on January 1 of the following calendar year.~~ effective.

…

(f) Wells exempt under § 5.401(a)(3) are not subject to reductions under this section. Production from such wells shall be considered with other exempt-well production in determining the reductions necessary under this section.

§ 5.217 Reduction in Amount or Cancellation of Non-historic Operating Permit for Nonuse~~Cancellation of Operating Permit for Non-Use~~

(a) If the conditions of § 5.204(c)~~§ 5.203(d)~~ are met, or all or part of the water authorized to be produced under a NOP~~under an operating permit~~ has not been put to beneficial use for any three consecutive years since the time the permit is issued, then the permit~~since the time a permit is issued, then a permit~~ is subject to cancellation by the District in whole or by a reduction in the annual volume of production authorized by the permit.

(b) If the District determines that any cancellation or reduction is appropriate, the District shall provide a notice of the proposed cancellation or reduction of the permit to the permittee~~notice of~~

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~~proposed cancelled or amended permit to the permittee~~ and provide an opportunity for the permittee to participate in an informal meeting with District staff to provide information to the District with respect to the considerations in § 5.204(b)–(c)~~with respect to the considerations in § 5.203(d)~~ or with any other information relevant to the District's proposed action under this section.

…

(e) At the conclusion of the hearing, the District may cancel the permit in whole or in part to the extent that it finds that the conditions of § 5.204(c) are met, or that:

(1) the water or any portion of the water authorized to be produced under the permit has not been put to a beneficial use during any period of at least three consecutive years~~during an at least 3-year period~~; and

…

(f) Before canceling or reducing production authorization under a NOP~~under an operating permit~~, the District shall consider whether the authorized amount is consistent with supplying water for future projected growth in demand under the operating permit based on information in the state water plan or other competent evidence.

(g) A proceeding under this section is separate from the renewal of a permit under § 5.214. A pending proceeding under this section does not affect renewal, and renewal does not terminate a pending proceeding under this section. The permit as it existed before the proceeding remains in effect until the conclusion of the proceeding, and any renewal is subject to the outcome of the proceeding.

(h) Reasons for nonuse. In determining whether to cancel or reduce a permit under this section, the District may consider whether the nonuse of the authorized water resulted from:

(1) water conservation, including measures taken under a water conservation plan or drought contingency plan, improved efficiency, leak repair, or the use of reclaimed or alternative water supplies;

(2) drought, or a curtailment or production limit imposed by the District or another governmental entity; or

(3) a documented plan to use the water to meet reasonably projected future demand, such as a capital improvements plan, a water supply contract, a water supply or conservation plan filed with a state agency, or a projection in the regional water plan or state water plan, if the permittee is making reasonable progress toward putting the water to that use.

§ 5.218 Variance from Well Spacing Required for Compliance with TCEQ Minimum Water System Capacity Requirements

(a) In regulating the production of groundwater, the District considers the service needs and service area of a retail public utility as authorized by § 36.116(c), Texas Water Code. The service

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needs and service area of a retail public utility are considered under § 5.205 and, for compliance with TCEQ minimum water system capacity requirements, under this section.

(b) Notwithstanding § 6.101(a), the board may grant a retail public utility a variance from the well spacing requirements to the extent necessary to comply with the TCEQ minimum water system capacity requirements, 30 Texas Administrative Code Chapter 290, if the utility demonstrates that:

(1) the requested well capacity is reasonably necessary to comply with those requirements; and

(2) no other reasonably and economically available location within the utility's CCN, corporate boundaries, or other retail water service area, and no other reasonably and economically available source of supply, storage, interconnection, groundwater rights, or certificated service area, would allow the utility to satisfy both the TCEQ requirements and these rules.

(c) A variance under this section does not relieve the utility of any other requirement of these rules, including the determinations required under §§ 5.209 and 6.204, and may not authorize production that would impair achievement of the applicable desired future condition. A variance under this section may be limited or conditioned as the board determines appropriate. The burden of proof is on the utility under § 1.006.

§ 5.219 Cancellation of Operating Permits Not Put to Use

(a) An operating permit issued on or after October 15, 2026, is subject to cancellation if no well authorized by the permit has been drilled within 12 months after the permit is originally issued, or no groundwater has been produced under the permit within 12 months after it is originally issued.

(b) An operating permit issued before October 15, 2026, under which no well has been drilled, or no groundwater has ever been produced, is subject to cancellation if drilling or production has not begun by October 15, 2027. An extension granted before October 15, 2026, does not extend this deadline. The District shall undertake a review of all permits subject to this subsection by November 1, 2027.

(c) The general manager may grant one extension of up to 6 months for good cause, on written request filed before the deadline. Renewal or amendment of a permit does not extend a deadline under this section.

(d) Cancellation under this section follows the notice, informal meeting, and hearing procedures in § 5.217(b)–(d) and (g). At the conclusion of the hearing, the District may cancel the permit if it finds that the applicable deadline under Subsection (a) or (b), as extended under Subsection (c), was not met.

…

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§ 5.301 Applicability

…

(1) ~~a groundwater export arrangement in effect on or before June 11, 2003~~groundwater that is incorporated into a finished, manufactured product, which would not include bottled water, within the District and ~~continuing thereafter, so long as there is no increase in~~then exported for sale outside the District; ~~the annual amount exported after that date;~~

(2) groundwater produced from an area within the portion of a retail public utility's CCN or political subdivision boundaries located inside the District that is ~~incorporated into a finished, manufactured product, which would not include bottled water,~~delivered to end users located anywhere within the same CCN or political subdivision, whether inside or outside of the District; or~~within the District and then exported for sale outside the District; or~~

(3) groundwater transferred through an emergency potable water interconnect between retail public utilities.

~~(3) groundwater that is delivered to end users outside of the District's boundaries pursuant to a HOP and a CCN that is also within the District's boundaries.~~

§ 5.303 Applications for Groundwater Exportation Permits

In addition to the information specified in § 9.104, an application for a groundwater exportation permit shall contain information reasonably related to the information to be contained in a groundwater exportation permit under § 5.306~~to be contained in a groundwater exportation permit under § 5.305~~ and the elements to be considered by the board in determining whether to grant or deny the application under § 5.304 and under this section. The application shall be submitted on a District form and shall include the following:

(a) Legal basis of right to withdraw groundwater.~~Legal Basis of Right to Withdraw Groundwater.~~ The applicant shall identify the legal basis under which groundwater will be withdrawn from the well, specifying all existing operating permits and applications for operating permits that will provide the basis for the application, with supporting documentation of ownership of those specified rights.

…

(j) Water sales contracts. A copy of each signed contract or other agreement to sell or provide the groundwater to any other person, including the user or users and any option or letter of intent, and any contract to purchase the groundwater under § 5.304(h).~~If the water is to be used by someone other than the applicant, a signed contract between the applicant and the user or users.~~

…

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§ 5.304 Basis for Action on Groundwater Exportation Permit Applications

…

(k) the proposed exportation will not unreasonably affect existing groundwater or surface water resources, existing holders of permits issued by the District or exempt wells that are registered with the District, including by causing unreasonable interference between wells, or result in impairing achievement of the DFC for the aquifer from which production would be made, considering ~~the modeled available groundwater~~ the modeled available groundwater determined by the TWDB, the TWDB's estimate of the current and projected amount of groundwater produced under exemptions granted by these rules, the amount of groundwater authorized under permits previously issued by the District, a reasonable estimate of the amount of groundwater that is actually produced under permits issued by the District and yearly precipitation and production patterns;

…

§ 5.305 Groundwater Exportation Permit Term; Renewal

…

(b) The three-year term specified in Subsection (a)(1) shall automatically be extended to 30 years~~extended to thirty years~~ if construction of a conveyance system is begun before the expiration of the three-year period. For the purposes of this section, construction of a conveyance system does not include any existing or previously constructed facilities that were not constructed specifically for use in exporting the groundwater considered under the permittee's groundwater exportation permit application.

(c) The District shall extend a term under Subsection (a)(2) or (b) on or before its expiration in the manner prescribed by § 36.1145, Texas Water Code: (1) to a term that is not shorter than the term of an operating permit for the production of water to be exported that is in effect at the time of the extension; and (2) for each additional term for which that operating permit is renewed under § 36.1145, Texas Water Code, or remains in effect under § 36.1146, Texas Water Code. A permit extended under this subsection continues to be subject to conditions contained in the permit as issued before the extension. Any person seeking the extension of a groundwater exportation permit must file with the District an application to extend~~An exportation permit may be renewed for a term not shorter than the remaining term of the associated operating permit. Any person seeking the renewal of a groundwater exportation permit must file with the District an application to renew~~ on a form prescribed by the District. The application must be filed with the District no later than one year prior to the expiration of the permit term.

§ 5.307 Standard Permit Conditions for Groundwater Exportation Permits

…

(b) the duty to conserve water in accordance with applicable law and comply with the District's

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groundwater management plan, Chapter 11 of these rules,~~the District's groundwater conservation plan~~ and the permittee's groundwater conservation plan approved by the District, as applicable;

…

(d) the duty to reduce water consumption during times of drought in accordance with applicable law and comply with either the District's drought contingency plan~~drought management plan~~, as may be amended from time to time, or the permittee's plan approved by the District, as appropriate;

…

(h) permit review, renewal, or extension conditions, including periodic review by the District of the amount of water authorized to be exported under an export permit and subsequent limitation of the production amount if warranted, considering the availability of water in the District and in the proposed receiving area during the period for which the water supply is requested, the proposed effect of the proposed export on aquifer~~the proposed effect of the proposed transfer on aquifer~~ conditions, depletion, subsidence, or effects on existing permittees or other groundwater users within the District and the approved regional water plan and approved District groundwater management plan~~approved regional water plan and approved district management plan~~, as long as such limitation is no more restrictive than those imposed on other permits in the area;

…

~~(o) the duty to give notice to the District of any changes in contiguous acreage;~~

…

§ 5.310 Groundwater Exportation Permit Transfers or Amendments; Applications

…

(b) Any person seeking to amend their permit as provided in Subsection (a)(1)–(4) must~~as provided in Subsection (a)(1)-(4), must~~ first file with the District an application to amend on a form prescribed by the District.

…

§ 5.401 Wells Exempt from Operating Permits

…

(1) a well drilled and operated solely for domestic use or for providing water for livestock, poultry, or wildlife, if the well is drilled, completed, or equipped so that it is incapable of producing ~~no~~ more than: ~~25,000 gallons of groundwater a day and located on a tract of land equal to or greater than 10 acres, or a well that qualified as exempt prior to [date of adoption of these rules], or a well that is drilled and operated solely for domestic use, and is drilled, completed, or equipped so that it is incapable of producing more than 1,500 gallons of groundwater a day,~~

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~~meets the spacing requirements of these rules and there is no public water supply available to the property;~~

(A) 25,000 gallons of groundwater a day and is located on a tract of land equal to or greater than 10 acres; or

(B) 10,000 gallons of groundwater a day, meets the spacing requirements of these rules, and is located on a tract of land smaller than 10 acres;

…

(3) a well that does not produce more than 9,125,000 gallons annually located on a tract of land equal to or greater than 10 acres that is metered, reports production, and, except for a well whose production is used only for domestic, agricultural, or wildlife purposes within the District, pays groundwater production fees on the 9,125,000 gallons annually authorized by its limited production permit as set forth in these rules. The District's approval of the registration of such a well under § 5.501 constitutes a limited production permit authorizing the withdrawal of not more than 9,125,000 gallons annually;

(4) drilling a well for temporary use of up to 180 days, which the District may extend until the well is complete, solely ~~solely~~ to supply water for a rig that is actively engaged in drilling a well to produce groundwater authorized by a well construction permit from the District; ~~or~~

(5) drilling a water well authorized under a permit issued by the Railroad Commission under Chapter 134 of the Texas Natural Resources Code, or for production from the well to the extent the withdrawals are required for mining activities regardless of any subsequent use of the water, provided that an entity holding such a permit shall comply with § 8.005;

…

(8) a well drilled into any aquifer not identified in § 5.101 of these rules;~~a well drilled into any aquifer not identified in § 5.101 of these rules; and~~

(9) a well that qualified as exempt under the District's rules in effect prior to October 15, 2026, or that was previously registered and determined by the District to be exempt from the requirement for an operating permit under these rules, and that has not been subsequently altered, equipped, or used for a purpose or in a manner that is not exempt; or~~used for a purpose or in a manner that is not exempt.~~

(10) a well used for dewatering or monitoring in the production of coal or lignite, as provided by § 8863.102, Special District Local Laws Code.

…

(f) An exemption provided under this section does not apply to a well if the groundwater withdrawn is used to supply water for a subdivision of land for which a plat approval is required by Chapter 232, Texas Local Government Code~~required by Chapter 232, Local Government Code~~.

…

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§ 5.601 Emergency Authorization to Drill and/or Operate a Well

(a) A person may apply for temporary, emergency authorization to drill and/or operate a well without a well construction or operating permit. The emergency authorization may be granted by the general managerThe emergency authorization may be made by the general manager but must be validated at the next board meeting. Before granting the authorization, the following conditions must be met:

…

§ 6.002 Well Construction and Pump Installation Standards

(a) All wells shall be installed, equipped, operated, maintained and closed in accordance with Chapters 1901 and 1902, Texas Occupations Code and Chapter 76, Title 16, Texas Administrative CodeChapter 76, 16 Texas Administrative Code, TDLR Rules on water well drillers and water well pump installers. To the extent that any of the applicable requirements cited in this section conflict, the well owner and/or operator, driller and/or pump installer shall comply with the requirement that is more protective of groundwater and the environment.

(b) Any alteration, reworking, re-drilling, re-equipping, or replacement of an existing well or pump must be doneAny existing well or pump that is altered, reworked, re-drilled, re-equipped, or replaced must be done in accordance with the standards in Subsection (a).

§ 6.003 Re-completions

(a) The landowner, well owner and/or operator shall have the continuing responsibility of ensuring thatcontinuing responsibility of insuring that a well does not allow commingling of undesirable water and fresh water or the loss of water through the wellbore to other porous strata.

…

§ 6.101 Required Well Spacing and Location; Exceptions to Spacing Requirements

(a) All new wells, other than a well exempt under § 5.401(a)(5) as provided by § 36.117(f), Texas Water Code, must comply with the location requirementsAll wells must comply with the location requirements set forth in TDLR Rules in Chapter 76, Title 16, Texas Administrative CodeChapter 76, 16 Texas Administrative Code, and must also be spaced not less than:

(1) the greater of 50 feet or one foot per gallon per minute (1 ft/gpm) of the authorized maximum production capacity for the well from the perimeter of the property;property on which the well is located, provided, however, that for a well owned or operated by a retail public utility and located within a retail water service area, the applicable perimeter is the boundary of the

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utility's CCN, corporate boundaries, or other retail water service area, as applicable; and

(2) two feet per gallon per minute (2 ft/gpm) of the authorized maximum production capacity for the well from any existing ~~well,~~well completed in the same aquifer, previously approved well site for which drilling has not yet commenced, or any other proposed wells in the same application or other pending applications associated with the owner or operator for any such existing wells or well sites completed in the same managed aquifer in which the new well will be completed. The burden of proof that an existing well is completed in a different managed aquifer than the proposed well is on the owner or operator.

…

(d) A retail public utility may request a variance from the spacing requirements of Subsection (a) as provided under § 5.218.

(e) For a well that is not authorized by an operating permit, including a well exempt under § 5.401, the maximum production capacity used to calculate the spacing required under Subsection (a) is the maximum rated capacity of the pump installed or to be installed in the well, as stated in the well registration.

(f) The District may authorize a well to be located closer to a property line than the distance required under Subsection (a)(1) if the applicant provides a waiver signed by the owner of each adjoining tract within that distance stating that the owner does not object to the proposed location. The District may limit the production of the well to minimize impacts to adjoining property. A waiver under this subsection does not authorize a location that does not comply with TDLR Rules.

…

§ 6.201 Well Construction Permits Required; Prohibition on Open Loop Geothermal Wells

(a) Except as provided in § 6.202, the owner and/or operator of a well or proposed well must apply for and obtain from the District a well construction permit ~~and an operating permit~~ before drilling, equipping, completing, closing or plugging any well, ~~or~~ substantially altering the size of a well or well pump, or converting an oil and gas well to a water well, and, unless the well is exempt under § 5.401, must obtain an operating permit before producing groundwater from the well.

…

(c~~b~~) A well construction permit is not required for well maintenance or repair that does not involve drilling, equipping or completing a well to increase the production capabilities of the well to more than its authorized production rate and that does not involve closing or plugging ~~or that does not involve closing or plugging~~ a well.

…

§ 6.202 Wells Exempt from Well Construction Permits

The owner and/or operator of any of the following types of wells is required to provide notice of

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intent to perform well construction activities to the District in accordance with § 6.212 but is exempt from the duty to obtain a well construction permit for well drilling activities, but not for well plugging activities:~~for well drilling activities but not from well plugging activities:~~

(1) a well drilled and operated solely for domestic use or for providing water for livestock, poultry, or wildlife, if the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day and located on a tract of land equal to or greater than 10 acres, or incapable of producing more than 10,000 gallons of groundwater a day, meets the spacing requirements of these rules, and is located on a tract of land smaller than 10 acres ~~or a well that qualified as exempt prior to [date of adoption of these rules];;~~ ~~or~~

(2) a well that does not produce more than 9,125,000 gallons annually located on a tract of land equal to or greater than 10 acres that is metered, reports production, and, except for a well whose production is used only for domestic, agricultural, or wildlife purposes within the District, pays groundwater production fees on the 9,125,000 gallons annually authorized by its limited production permit as set forth in these rules;

(3) a water well solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or~~and~~ gas well permitted by the Railroad Commission, provided that the person holding the permit is responsible for drilling and operating the water well and the water well is located on the same lease or field associated with the drilling rig; ~~or~~

…

(5) a well for temporary use of up to 180 days to supply water for a rig that is actively engaged in drilling a groundwater production well permitted by the District, which exemption may be extended by the District until the well is complete;~~permitted by the District, which exemption may be extended by the District; and~~

(6) a well that qualified as exempt under the District's rules in effect prior to October 15, 2026, or that was previously registered and determined by the District to be exempt from the requirement to obtain a well construction permit under the District's rules, and that has not been subsequently altered, equipped, or used for a purpose or in a manner that is not exempt;~~used for a purpose or in a manner that is not exempt.~~

(7) a well meeting the requirements of § 36.121, Texas Water Code; or

(8) a well used for dewatering or monitoring in the production of coal or lignite.

§ 6.203 Applications for Well Construction Permits

…

(e) Well location. A description of the actual or proposed location of the well, including: the county; section, block and survey and the number of feet to the two nearest non-parallel property lines (legal survey lines) and the latitude and longitude for the well based on readings from a global

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positioning system (GPS)~~global positioning satellite (GPS)~~ accurate to within a horizontal distance of 50 feet.

…

(g) Purpose of use. The proposed purpose of use~~Purpose and amount of use. The proposed purpose of use~~ for the water stated in definite terms.

…

(t) If the applicant seeks an exception to the spacing requirements of § 6.101, the site-specific geological or hydrogeological information required by § 6.101(b), the signed waivers required by § 6.101(c), or the signed waiver required by § 6.101(f), as applicable.~~If the applicant seeks authorization from the District for an alternative minimum horizontal distance between the proposed well and a registered well owned by someone other than the applicant, or to reduce the minimum horizontal distance below 50 feet between the proposed well and an adjacent property line, then the applicant shall provide proof that the registered well owner(s) or property owner(s) for which the alternative spacing is sought does not oppose the alternative spacing.~~

…

§ 6.204 Basis for Action on Well Construction Permit Applications

…

(d) the applicant owns the well or has documented legal authority to construct and/or operate the well;

…

§ 6.205 Hearing on Well Construction Permit Action

An applicant for a well construction permit may request a hearing to appeal the general manager's decision to the board within 14 days of the date of denial of a well construction permit application~~denial of a well construction application~~ but such request is not subject to a contested case hearing.

§ 6.206 Well Construction Permit Does Not Authorize Withdrawals

No water may be withdrawn or produced from a well for which the District has issued only a well construction permit, except for the purposes of drilling or testing the well during the time the well construction permit is valid, as authorized by the well construction permit and the well shall not be placed into operation without the owner or operator of such well first obtaining an operating permit or, for a well exempt under § 5.401, District approval of the well's registration under § 5.501.~~without the owner or operator of such well first obtaining an operating permit.~~

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§ 6.208 Multiple Test Wells Authorized

(a) A well construction permit authorizes the completion of a single well. However, a holder of a well construction permit may, within a radius of 50 yards from the authorized well location specified in a well construction permit, drill multiple test wells in order to identify the best location for the completed well. The coordinates of the location ultimately chosen must be provided to the District and the well construction permit will be modified as necessary to reflect the chosen location. The chosen location must comply with all applicable spacing and location requirements. All test wells must, within 60 days after the location of the completed well is chosen, be completely plugged in compliance with applicable well plugging ~~standards.~~standards, except as provided under Subsection (b).

(b) A test well that is intended to be used as a production well must meet all applicable well spacing requirements and be capped after testing unless and until it is authorized to withdraw groundwater by an operating permit or an approved registration under § 5.501. If neither an operating permit nor a registration is approved for production from the well, the test well must be plugged within 60 days of a final decision on the application. The District may also allow a test well to be converted into a monitoring well.

§ 6.209 Contents of Well Construction Permits

…

(f) legal description of the location of the well, including county,~~location of the well, including, county,~~ section, block and survey and the latitude and longitude for the well based on readings from a global positioning system (GPS)~~global positioning satellite (GPS)~~ accurate to within 50 feet;

(g) identification of the legal authority to produce groundwater from the well (operating permit or exemption under § 5.401);

…

§ 6.210 Standard Well Construction Permit Conditions

…

(a) the duty to properly close (cap or plug) all wells in accordance with applicable law and comply with either the District's well closure plan, if any, as may be amended from time to time, or the permittee's plan~~as may be amended from time to time and the permittee's plan~~ approved by the District, as appropriate, including the duty to file a State of Texas Plugging Report with TDLR and the District within 30 days of plugging~~State of Texas Well Report with TDLR and the District within 30 days of plugging~~ the well;

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…

(e) permit review and extension conditions;~~permit review, or extension conditions;~~

…

§ 6.211 Notice of Condition Affecting Groundwater Quality; Corrective Action

If at any time a well owner or operator has reason to believe that a well condition may exist that may cause the pollution, degradation, or harmful alteration of the character of the groundwater in an aquifer, then the owner and/or operator shall, within forty-eight (48) hours of learning of the fact(s), notify the District in writing of the well condition. The District may conduct an investigation and contact any appropriate state agency, and, if facts warrant, direct the owner and/or operator of the well, at the owner's or operator's cost~~at the owner's or operator cost~~, to evaluate and test the well conditions and take appropriate corrective action, including replacement, to bring the well into proper working condition in conformance with this chapter.

§ 6.212 Notice of Intent to Perform Well Construction Activities~~Notice of Commencement of Well Installation~~

No later than three business days prior to commencement of any activities to drill, equip, or complete any well or substantially alter the size of a well or well pump, or convert an oil and gas well to a water well, the well owner or the well owner's driller shall give notice~~the permittee shall give notice~~ to the District of the intent to commence, so that a representative of the District may attend and observe the activities, at the District's discretion.

§ 6.213 Replacement of Wells

…

(1) The replacement well must be drilled within 50 feet of the original permitted or registered location;

(2) The replacement well shall comply with the minimum spacing requirements set out in Subchapter B of Chapter 6 of these rules if such a location is available within the 50-foot radius~~within the 50 feet radius~~ of the original permitted or registered well;

…

(b) Immediately upon commencing operation of the replacement well, the well owner will cease all production from the well being replaced and, unless the replaced well is capped or re-equipped as provided in Subsection (a)(5), will plug the well being replaced in accordance with Chapter 6, Subchapter E of these rules within the time provided in Subsection (a)(5).

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§ 6.215 Unlicensed or Unregistered Well Drillers or Pump Installers Prohibited; Exemptions

(a) Except as otherwise provided in Subsection (b) of this section, no person may drill or construct a water well unless the person first holds a well driller's license issued by TDLR under Chapter 1901, Texas Occupations Code and Chapter 76, Title 16, Texas Administrative Code~~Chapter 76, 16 Texas Administrative Code~~.

…

(c) Except as otherwise provided in Subsection (d) of this section, no person may install or repair a water well pump unless the person first holds a pump installer's license issued by TDLR under Chapter 1902, Texas Occupations Code and Chapter 76, Title 16, Texas Administrative Code~~Chapter 76, 16 Texas Administrative Code~~.

(d) The requirement to hold a pump installer's license issued by TDLR pursuant to Subsection (c) of this section does not apply to a person who installs or repairs water well pumps and equipment on his or her own property, or on property that he or she has leased or rented~~on property that he has leased or rented~~, for his or her own use.

(e) Except as otherwise provided in Subsection (f) of this section, no person may plug a well unless the person first holds a well driller's license issued by TDLR under Chapter 1901, Texas Occupations Code and Chapter 76, Title 16, Texas Administrative Code~~Chapter 76, 16 Texas Administrative Code~~.

(f) The requirement to hold a well driller~~installer~~'s license issued by TDLR pursuant to Subsection (e) of this section does not apply to a person who plugs a well that he or she owns.

…

§ 6.301 Capping Requirements

…

(b) In addition, every owner or operator of any land upon which is located a flowing artesian water well shall be required to cap or close the well with a covering capable of preventing any flow and preventing waste~~capable of preventing any flow and prevent waste~~, except when the well is in actual use by the owner or operator thereof and all withdrawals are applied to beneficial use.

…

§ 6.401 Responsibility

It is the responsibility of the well owner and/or operator to plug or have plugged any well that is deteriorated or abandoned, in accordance with Chapter 1901, Texas Occupations Code and Chapter 76, Title 16, Texas Administrative Code~~Title 16, Chapter 76, Texas Administrative Code~~.

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§ 7.001 Registration Fees

(a) Except as provided by § 7.009, for exempt wells completed so as, in the opinion of the District,~~For exempt wells completed so as, in the opinion of the District,~~ to be capable of producing water from any of the aquifers, the District shall assess a non-refundable fee per well to file a well registration with the District per the approved fee schedule in effect at the time of registration.

…

§ 7.002 Application Fees

…

(3) a well construction permit application; and~~a well construction application; and~~

…

(c) If an application fee is determined by the District to be insufficient to cover the anticipated costs of processing the application, the District shall require the applicant to post additional funds in an amount determined to be sufficient to cover anticipated costs. The costs for which the District may require the posting of additional funds include, but are not limited to, the cost for public notices, legal fees, expert fees, hearing facility rental fees and other expenses. If the applicant fails to pay the additional amounts, then the District may suspend processing the application and may return the application. As application processing costs are incurred by the District, at the District's discretion, the District may incur costs itself and seek reimbursement from the additional deposited funds, or may expend deposited funds directly to pay for additional application processing costs. The applicant shall be provided periodic accountings of billings against the deposit. If the additional deposit is determined by the District to be insufficient to cover the application processing costs, then the applicant may be required to pay additional fee deposits. Any unexpended and unobligated fee deposits will be promptly returned to the applicant after final action on the application.~~returned to the applicant after the board issues a final order disposing of the application.~~

~~(d) Except for withdrawals of groundwater made from a well exempt from operating permit requirements as defined under § 5.401 and in accordance with this chapter, all persons making withdrawals of groundwater from a well within the boundaries of the District are required to pay to the District the groundwater production fees as assessed pursuant to this section. Each well owner and/or operator shall complete a groundwater use report as required by § 8.004 and return the completed report, along with payment of the applicable groundwater production fees, to the District by no later than January 30th for the previous year's withdrawals. The amount due becomes delinquent if payment in full is not received by the District by February 15th following the year for which the fees are due.~~

§ 7.003 Groundwater Production Fees

…

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(b) Except for withdrawals of groundwater made from a well exempt from operating permit requirements as defined under § 5.401, other than a well exempt under § 5.401(a)(3), and withdrawals from a well whose production is used only for domestic, agricultural, or wildlife purposes within the District~~for agricultural use~~, groundwater production fees shall be assessed by the District against each permittee based on the maximum authorized withdrawal amount in their permit and against the owner and/or operator of a well exempt under § 5.401(a)(3) based on the 9,125,000 gallons annually authorized by its limited production permit, payable on the schedule set forth in Subsection (d).

(c) Annually, the groundwater production fee rate for the fiscal year shall be established by resolution of the board, subject to the limits in § 8863.151(c), Special District Local Laws Code. In setting the fee rate, the board shall consider its annual budget, operating revenue requirements, and other sources of revenue for the fiscal year.

(d) Beginning January 1, 2027, each permittee, and the owner and/or operator of each well exempt under § 5.401(a)(3), shall pay an annual production fee based on the maximum annual amount of groundwater authorized under the permit (or, for a well exempt under § 5.401(a)(3), the 9,125,000 gallons authorized by its limited production permit) as of January 1. Such fee shall be due on or before January 31 of each calendar year, unless otherwise specified by ~~Board~~board order. The ~~Board~~board may authorize payment in quarterly installments for the annual authorized amount as of January 1 with such installment payments due on the last days of January, April, July, and October. Groundwater production fees for a new permit, for a permit amendment that increases the authorized amount, or for a well that becomes exempt under § 5.401(a)(3) during the calendar year are due at the time of permit or permit amendment issuance or registration, prorated for the number of months remaining in the calendar year.~~Groundwater production fee payments for increases in production authorized during the year or for new permits are due at the time of permit or permit amendment issuance.~~

(e) Transition of payment obligations. To facilitate the transition from arrears-based groundwater production fees based on actual production to production fees paid in advance based on the total permitted production authorization:

(1) production fees for groundwater produced during calendar year 2026 shall remain due and payable in arrears quarterly based on the amount actually produced, as follows: fees for production from January 1 through June 30, 2026 remain payable as billed under the District rules in effect before October 15, 2026; fees for production from July 1 through September 30, 2026 shall be due on or before October 31, 2026; and fees for production from October 1 through December 31, 2026 shall be due on or before January 31, 2027, together with the groundwater use report required by § 8.004. The fourth-quarter 2026 payment is in addition to, and due on the same date as, the first annual production fee payment due January 31, 2027 under Subsection (d);~~ and shall be due within thirty (30) days of the last day of September and December 2026 along with the quarterly as provided in Subsection (c);~~

…

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(3) nothing in this section shall be construed to require paymentnothing in this rule shall be construed to require payment of production fees based on permitted authorization for any period prior to January 1, 2027.

(f) Payments for groundwater production feesgroundwater use fees not received in full by the District by the date due, but not more than 30 days late, are subject to a late payment penalty of the greater of $50 or ten (10) percent of the fees due. After 30 days of delinquency, the late payment penalty becomes the greater of $100 or fifty (50) percent of the fees due, and continuing to produce groundwater while delinquent constitutes a major violation of these rules.

§ 7.006 Prohibitions

No person may withdraw groundwater from a well, other than a well described by § 7.009, within the boundaries of the District if the personNo person may withdraw groundwater from within the boundaries of the District if the person, or his predecessor in interest, is delinquent in the payment of any fee that is due and payable to the District.

§ 7.007 Unauthorized Withdrawals

Any person who withdraws groundwater without legal authority shall pay to the District the groundwater production fees in force and effect for the period of time during which the unauthorized withdrawals were made. The District shall assess groundwater production feesassess aquifer management fees based on the amount of groundwater the District reasonably estimates was actually withdrawn.

§ 7.009 Wells Exempt from Fees

Except as provided by § 5.401(g) and § 8863.151(d), Special District Local Laws Code, the District may not assess a fee of any type on (1) a well whose production is used only for domestic, agricultural, or wildlife purposes within the District, as provided by § 8863.151(e), Special District Local Laws Code; or (2) a well described by § 36.117(b), Texas Water Code, including a well used for dewatering and monitoring in the production of coal and lignite, as provided by § 8863.102, Special District Local Laws Code. A well described by § 5.401(a)(3) holds a limited production permit and is subject to fees under this chapter, except as provided by Subdivision (1).

§ 8.001 Meters Required

(a) Duty to install: Except for a well that qualified as exempt prior to October 15, 2026, and continuesexempt prior to [date of adoption of these rules], to qualify for an exemption under § 5.401 other than § 5.401(a)(3), the owner and/or operator of a non-exempt well or a well exempt under § 5.401(a)(3) shall equip the well with a meter meeting the specifications of these rules and shall operate and maintain the meter to measure the instantaneous flow rate and cumulative amount

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of groundwater withdrawn from the well. No groundwater shall be withdrawn from a non-exempt well or a well exempt under § 5.401(a)(3) unless the well is equipped with a measuring method complying with these rules.

(b) Approved meters: Meters must be appropriately sized for the well, mechanically driven, digital, totalizing water meters. The digital totalizer must not be resettable by the well owner or operator~~the permittee~~ and must be capable of a maximum reading greater than the maximum expected pumping during a permit term or, for a well not authorized by an operating permit, a five-year period. Battery operated registers must have a minimum five-year life expectancy and must be permanently hermetically sealed. Battery operated registers must visibly display the expiration date of the battery. All meters must meet the requirements for registration accuracy set forth in the American Water Works Association standards for cold-water meters.

(c) Installation and maintenance: Meters must be installed, operated, maintained and repaired according to the manufacturer's published specifications and shall ensure accuracy of not greater than plus or minus five percent. If no specifications are published, for meters installed on or after October 15, 2026,~~for meters installed after [the date of rules adoption],~~ there must be a minimum length of five pipe diameters of straight pipe upstream of the meter and one pipe diameter of straight pipe downstream of the meter. These lengths of straight pipe must contain no check valves, tees, gate valves, back-flow preventers, blow-off valves, or any other fixture other than those flanges or welds necessary to connect straight pipe to the meter. The pipe must be completely full of water throughout the area of the meter. All installed meters must measure only groundwater.

…

(e) Meter accuracy to be tested: The District may require the well owner or operator~~permittee~~, at the well owner's or operator's~~permittee's~~ expense, to test the accuracy of the meter and submit a certificate of the test results. The certificate must be on a form provided by the District. The District may further require that the test be performed by a third party qualified to perform meter tests. Certification tests will be required no more than once every three years for the same meter and installation. If the test results indicate an accuracy outside the range of 95%–105% of the actual flow~~an accuracy outside the 95% - 105% of the actual flow~~, then appropriate steps must be undertaken by the well owner or operator~~permittee~~ to repair or replace the meter within 90 calendar days from the date of the test. The District, at its own expense, may undertake further random tests and other investigations for the purpose of verifying meter readings. If the District's tests or investigations reveal that a meter is not registering within an accuracy of 95%–105% of actual flow~~within an accuracy of 95% - 105% of actual flow~~, is not appropriately sized for the well, or is not properly recording the total flow of groundwater withdrawn from the well, or well system, the well owner or operator~~permittee~~ must reimburse the District for the costs of those tests and investigations and the well owner or operator~~permittee~~ must take appropriate steps to remedy the problem within 90 calendar days from the date of the tests or investigations. If a water meter or related piping or equipment is tampered with or damaged so that the measurement accuracy is impaired, the District may require the well owner or operator~~permittee~~, at the well owner's or operator's~~permittee's~~ expense, to take appropriate steps to remedy any problem and to retest the meter within 90 calendar days from the date the problem is discovered and reported to the well owner or operator~~permittee~~.

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§ 8.002 Alternative Measuring Methods

(a) The owner and/or operator of a non-exempt well or a well exempt under § 5.401(a)(3)~~Any non-exempt well owner and/or operator~~ shall register with the District any alternative measuring method~~alternative measurement(s) method~~ it seeks to use on the well.

(b) Any alternative measuring method~~alternative measurement(s) method~~ registered in accordance with Subsection (a) of this section shall be inspected by the District for compliance with the requirements of these rules. No groundwater shall be withdrawn from a non-exempt well or a well exempt under § 5.401(a)(3) for which an alternative measuring method is sought unless the District first approves the requested method.

§ 8.003 Removal and Disabling of Meters

…

(b) A meter may be removed or otherwise disabled only by~~removed or otherwise disabled, only by~~ the well owner or operator or his or her authorized representative.

…

§ 8.004 Meter Reading and Groundwater Use Reporting

The well owner and/or operator must read the meter associated with the well and record the meter readings and the actual amount of withdrawals in a log at least monthly. The logs containing the recordings shall be available for inspection by the District during reasonable business hours. ~~Before January 30th of each year, each~~The owner and/or operator of each non-exempt well and the owner~~ non-exempt well owner and/or operator~~ and/or operator of a well exempt under § 5.401(a)(3) must submit to the District an annual groundwater use report on or before January 31 of each year, and on or before April 30, July 31, and October 31 a quarterly groundwater use report, on a form provided by the District. The report shall provide the following: (1) name of the well owner and/or operator; (2) the well number; (3) the total amount of groundwater produced by the well or well~~aggregate~~ system during the immediately preceding calendar year (January 1 through December ~~31);~~31) or quarterly period; (4) the total amount of groundwater produced by the well or well~~aggregate~~ system during each separate month of the immediately preceding calendar ~~year;~~year or quarterly period; (5) the purpose for which the groundwater was used; (6) if applicable, the amount of groundwater losses from main breaks and leaks, storage tank overflows, customer service line breaks, and line leaks in the year reported on; and (7)~~line leaks in the year reported on, and (7)~~ any other information requested by the District as indicated on the report form.

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§ 9.002 Service of Documents

(a) Except as otherwise provided in these rules, all documents filed, served, or delivered under this chapter or these rules must be served~~under this chapter or these rules, must be served~~ as follows:

…

(d) Nothing herein shall preclude any person from offering proof that the notice or instrument was not received and the District may extend the time for taking the action required of such person~~the action required of such party~~ or grant such other relief as it deems just. The provisions herein relating to the method of service of notice are in addition to all other methods of service prescribed by these rules.

…

§ 9.207 General Manager's Proposed Action on Applications and Technical Summary

(a) Following completion of technical review, the general manager will determine whether to recommend granting or denying the application and will prepare a written statement summarizing the recommendation and the reasons for that recommendation. If the general manager recommends full or partial granting of a permit or permit amendment application, the general manager shall also prepare a draft ~~permit.~~permit or permits. The general manager's recommendation and any draft permits are subject to change by the general manager or board during the course of the proceedings on the application. The statement and any proposed permit shall be available for public review and inspection.

(b) In conjunction with ~~the~~any proposed permit or denial, the general manager will prepare a technical summary that will include the following, as appropriate:

…

(5) if applicable, a summary of ~~the~~any proposed permit;

…

(8) as may be authorized by this chapter, a statement that the applicant, or other affected persons may file a request for a contested case hearing on the application on or before the deadline set forth in § ~~9.304;~~9.303; and

…

§ 9.208 Action by Board on Applications Where There is No Right to a Contested Case Hearing

(a) Applicability. This section applies to all applications to be considered by the board, other than applications for groundwater exportation permits for more than 1,000 acre-feet per year or

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operating permits for more than 1,000 acre-feet per year, except that this section applies to an application remanded under § 9.326 or for which no timely request for a contested case hearing is filed.

(b) Scheduling the board meeting. Following technical review and the referral of the proposed action to the board, the general manager will schedule the presentation of the application and ~~the~~any proposed permit, approval, authorization or denial to the board. The board may reschedule the presentation of the application and ~~the~~any proposed permit, approval, authorization or denial.

(c) Notice of board meeting. At least ten days prior to the board meeting, the District will notify the applicant of the date of the board meeting referred to above. In addition, the District will provide public notice that the application and ~~the~~any permit, approval, authorization or denial will be considered by the board by including an item on the board's agenda pursuant to the Open Meetings Act. Except to the extent that such items contain information excepted from public disclosure under the Public Information Act, copies of the application and ~~the~~any proposed permit, approval, authorization or denial will be made available to the public for inspection and copying at the offices of the District during the District's designated business hours and may be provided by email.

…

(e) Oral Presentation before the board. The applicant and the general manager or his or her designee may make an oral presentation at the board meeting at which the application and ~~the~~any proposed permit, approval, authorization or denial are presented to the board. Oral presentations before the board will be limited to 15 minutes each, excluding time for answering questions, unless the ~~chair~~presiding officer establishes other limitations. Before the board meeting, the ~~chair~~presiding officer may allot time for oral presentations. Oral presentations and responses to questions will be directed to the board.

(f~~g~~) Public Comment. In addition, public comment on the application and ~~the~~any proposed permit, approval, authorization or denial will be accepted.

(g~~h~~) Upon consideration of the application and ~~the~~any proposed permit, approval, authorization or denial at its meeting, the board may issue an order granting or denying an application in whole or in part, dismissing proceedings, amending or modifying a proposed permit, or taking any other appropriate action.

§ 9.209 Notice of Permit Hearing Where There is a Right to a Contested Case Hearing

(a) Applicability. This section applies only to applications for groundwater exportation permits for more than 1,000 acre-feet per year or operating permits for more than 1,000 acre-feet per year.

…

(7) a brief explanation of ~~the~~any permit or permit amendment sought, including any requested amount of groundwater, the purpose of the proposed use and the amount of groundwater

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for each requested purpose of use, and any change in use;

…

(12) a statement that the application will be presented to the board for action at the hearing unless a request for a contested case hearing is submitted at least five business days prior to the date of the hearing pursuant to § ~~9.304;~~9.303;

(13) a statement that the applicant or another affected person may request a contested case hearing on the application by filing a request with the District, at least five business days before the date of the hearing, in accordance with § ~~9.304;~~9.303; and

…

(2) provide the notice for posting at the Cherokee, Henderson and Anderson County courthouses to the county clerks;~~courthouses to the county clerk;~~

…

(d) Any person may request to receive written notice of permit hearings by submitting a request to the District in writing. The request must identify with as much specificity as possible the types of permit hearings for which written notice is requested. The request remains valid for the remainder of the calendar year in which the request is received by the District, after which time a new request must be submitted. An affidavit of an officer or employee of the District establishing attempted service by first class mail or email to the person in accordance with the information provided by the person is proof that notice was provided by the District. Failure by the District to provide written notice to a person under this subsection does not invalidate any action taken by the ~~Board.~~board.

…

§ 9.303 Timing, Form and Contents of Requests for Contested Case Hearing

(a) A request for a contested case hearing may only be made for applications for groundwater exportation permits for more than 1,000 acre-feet per year or operating permits for more than 1,000 acre-feet per year.

…

(2) the grounds for a contested case hearing~~set forth the grounds for a contested case hearing~~ and the basis for the contention that the person will be injured and has a personal justiciable interest in the matter;

…

§ 9.304 Processing of Hearing Requests

(a) Except as provided in Subsection (e~~d~~), the general manager shall schedule any timely filed

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contested case hearing request for board consideration at a preliminary hearing. At least three business days prior to the board hearing, the general manager shall provide notice to the applicant and other persons making a timely hearing request of the hearing. The board may receive relevant oral testimony or documentary evidence at the board hearing during which the contested case hearing request is evaluated.

…

(1) does not have a personal justiciable interest related to the application, or has not raised a justiciable issue related to the application, and denydoes not have a personal justiciable interest related to the application and deny the hearing request and not admit the person as a party to the hearing; or

(2) has a personal justiciable interest related to the application and has raised a justiciable issue related to the application, referhas a personal justiciable interest relating to the application, refer the application to a contested case hearing and admit the person as a party to the hearing.

(e) The board may delegate to a presiding officer the processing of requests for contested case hearing. The presiding officer may conduct the preliminary hearing and make a recommendation, but the board shall determine standing and whether a justiciable issue has been raised under Subsection (d).The board may delegate to a presiding officer the processing of requests for contested case hearing.

…

§ 9.305 General Hearing Procedures in Contested Cases

…

(b) At the board's determination, a contested case hearing of the District must be conducted by one of the following, except that the board shall refer the hearing to SOAH if the applicant or a party requests a hearing conducted by SOAH under § 9.303(c)(4) or by written request filed with the District not later than the 14th day before the date the evidentiary hearing is scheduled to begin, and the requesting party shall pay the costs as provided by § 36.416(c), Texas Water Code:

…

(2) an individual to whom the board has delegated in writing the responsibility to preside as a hearings examiner over the hearing or matters related to the hearing; or

…

(c) Except as provided by Subsection (d), the board president or a hearing examiner shall serve as the presiding officer at the hearing.the board chair, or another board member designated by the board chair, or a hearings examiner shall serve as the presiding officer at the hearing.

(d) If the hearing is conducted by a quorum of the board and the board presidentchair is not

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present, the directors conducting the hearing may select another director to serve as the presiding officer.

…

(4) determine how to apportion costs related to a contract for the services of a presiding officer and the preparation of the official hearing record between the applicant and any other parties;~~determine how to apportion between the applicant and any protestants' costs related to a contract for the services of a presiding officer and the preparation of the official hearing record;~~

…

(i) Continuance: The presiding officer may continue hearings in a contested case hearing from time to time and from place to place without the necessity of publishing, serving, mailing or otherwise issuing a new notice under § 9.209. If the presiding officer continues a contested case hearing without announcing at the hearing the time, date and location of the continued hearing, the presiding officer must provide notice of the continued hearing by regular mail to all parties, and may also provide notice by email. A continuance may not exceed the time limit for issuance of a final decision under § 36.4165, Texas Water Code.~~notice of the continued hearing by regular mail or email to all parties.~~

…

§ 9.308 Opportunity for Hearing and Participation~~; Notice of Hearing~~

…

§ 9.309 Pre-Hearing Conferences

…

(1) the withdrawal of a request for a contested case hearing;~~the withdrawal of a protest;~~

…

§ 9.310 Designation of Parties

…

(c) any person who timely requested a contested case hearing pursuant to §§ 9.302 and 9.303~~§ 9.302~~ and who has been determined by the board to have~~determined by~~ a personal justiciable interest related to the application under § 9.304(d)~~the presiding officer to be a person entitled to a contested case hearing under the standard set forth in § 9.303~~.

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§ 9.312 Hearing Conducted by Hearing~~s~~ Examiner

(a) This section applies only to contested case hearings presided over by a hearing~~s~~ examiner.

(b) A hearing~~s~~ examiner who conducts a contested case hearing shall consider applicable rules or policies in conducting the hearing.

(c) The District shall provide the hearing~~s~~ examiner with the rules or policies applicable to the matter under consideration in the hearing.

(d) The District may not attempt to influence the findings of fact or the hearing~~s~~ examiner's application of law in a contested case hearing except by proper evidence and legal argument.

(e) The District may change a finding of fact or conclusion of law made by the hearing~~s~~ examiner, or may vacate or modify an order issued by the hearing~~s~~ examiner, only if the District determines:

(1) that the hearing~~s~~ examiner did not properly apply or interpret applicable law, rules or policies provided under Subsection (c), or prior administrative decisions;

(2) that a prior administrative decision on which the hearing~~s~~ examiner relied is incorrect or should be changed; or

…

§ 9.313 Certified Questions

(a) At any time during a contested case hearing presided over by a hearing~~s~~ examiner or SOAH, on a motion by a party or on the hearing~~s~~ examiner's or administrative law judge's own motion, a question may be certified to the District.

(b) Issues regarding District policy, jurisdiction or the imposition of any sanction by the hearing~~s~~ examiner or SOAH that would substantially impair a party's ability to present its case are among the types of issues appropriate for certification. Policy questions for certification purposes include, but are not limited to:

…

(c) If a question is certified, the hearing~~s~~ examiner or administrative law judge shall submit the certified issue to the general manager. The general manager will place the certified issue on the agenda of the earliest possible meeting of the board, in compliance with the Open Meetings Act and other applicable law. The general manager will give the hearing~~s~~ examiner or administrative law judge and parties notice of the meeting at which the certified question will be considered. The parties to the proceeding may file with the District briefs on the certified question. Briefs shall be filed with the District, with a copy served on the parties and the hearing examiner or administrative law judge.~~Briefs shall be filed with the parties with a copy served on the hearings examiner or administrative law judge.~~ The general manager will provide copies of the certified

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question and any briefs to the board. The hearing examiner or administrative law judge may abate the hearing~~The hearings examiner may abate the hearing~~ until the District answers the certified question, or continue with the hearing if the hearing~~s~~ examiner or administrative law judge determines that no party will be substantially harmed.

…

§ 9.314 Service of Documents filed in a Contested Case Hearing

…

(a) Service of all Documents Required. For any document filed with the District or the presiding officer~~the judge~~ in a contested case hearing, the person filing that document must serve a copy on all parties to the contested case including the general manager at or before the time that the document is filed~~the time that the request is filed~~.

…

§ 9.316 Objections to Evidence

An objection to an evidentiary offer in a contested case hearing~~evidentiary offer in a contested hearing~~ may be made and shall be noted in the record.

§ 9.317 Burden of Proof

The burden of proof is on the applicant to establish, by a preponderance of the evidence, that the applicant~~by a preponderance of the evidence that the applicant~~ is entitled to have the application granted.

§ 9.318 Assessing Costs

…

In any proceeding where the assessment of the District's hearing costs and reporting or transcription costs is an issue, the presiding officer must provide the parties an opportunity to present evidence and argument on the issue. A recommendation regarding the assessment of costs must be included in the ~~hearing~~ presiding officer's proposal for decision~~presiding officer's report to the board~~.

§ 9.320 Persons Not Designated Parties

At the discretion of the presiding officer, a person not designated as a party to a proceeding may

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submit a comment or statement, orally or in writing. Comments or statements submitted by non-partiesnon- parties may be included in the record, but may not be considered by the presiding officer.

§ 9.326 Agreement of Parties; Remand to Board

(a) No agreement between parties or their representatives affecting any pending matter shall be considered by the presiding officer unless it is in writing, signed and filed as part of the record, or unless it is announced at the pre-hearing conferenceannounced at the prehearing conference or the hearing and entered of record.

…

§ 9.327 Discovery

Discovery may be conducted upon such terms and conditions and at such times and places, as directed by the presiding officer. Unless specifically modified by this subchapter or by order of the presiding officer, discovery shall be governed by and subject to the limitations set forth in the Texas Rulesset forth in, the Texas Rules of Civil Procedure. In addition to the forms of discovery authorized under the Texas Rules of Civil Procedure, the parties may exchange informal requests for information, either by agreement or by order of the presiding officer.

§ 9.331 Proposal for Decision before the Board

(a) Except as provided by Subsection (b), the presiding officer shall submit a proposal for decision to the District within the time required by § 36.410, Texas Water Code,No later than 30 days following the conclusion of the contested case hearing at SOAH, the presiding officer shall submit a proposal for decision to the District and serve a copy on the applicant and each designated party to the contested case. A proposal for decision shall include a summary of the subject matter of the hearing, a summary of the evidence received and, for informational purposes only, any or public comments received and the presiding officer's recommendations for board action on the subject matter of the hearing. The presiding officer, when submitting the proposal for decision, shall notify the parties of the deadlines for the filing of exceptions and replies.

…

§ 9.332 Exceptions to the Proposal for Decision

Prior to board action, within 15 days of the issuance of a proposal for decision, by the presiding officer at SOAH, any party in a contested case may file written exceptions to the proposal for decision. Any reply to the exceptions shall be filed within 15 days. Within 30 days of the deadline for filing written exceptions, the presiding officer may reopenthe hearing examiner may reopen

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the record for the purpose of developing additional evidence, or may deny the exceptions and submit the proposal for decision and exceptions to the board. The board may, at any time and in any case, remand the matter to the presiding officer~~remand the matter to the hearing examiner~~ for further proceedings.

§ 9.334 Oral Presentation before the Board

…

(c) Oral presentations before the board shall be limited to 15 minutes each, excluding time for answering questions, unless the ~~chair~~presiding officer establishes other limitations. Before the board meeting, the ~~chair~~presiding officer may allot time for oral presentations. Oral presentations and responses to questions shall be directed to the board.

§ 9.336 Decision

(a) No later than 60 days following the final hearing at which the board considers the proposal for decision~~completion of a contested case hearing at SOAH or no later than 30 days following the completion of any other contested case hearing~~, the board shall render its decision. The decision must be in writing. If a timely written request is filed in accordance with § 9.338, then the board's decision shall include findings of fact and conclusions of law separately stated regarding the decision of the board. The board shall provide certified copies of the findings and conclusions to the person who requested them and to ~~each person who provided comments or~~ each designated party, not later than the 35th day after the date the board received the request.

…

(1) that the presiding officer did not properly apply or interpret applicable law, these rules, written policies provided to the presiding officer by the District, or prior administrative decisions;~~:~~

…

§ 9.338 Request for Findings and Conclusions; Motion for Rehearing

…

(b) Unless the board's decision includes findings of fact and conclusions of law, a request for written findings and conclusions shall be filed with the District within 20 days~~A request for written findings and conclusions shall be filed with the District within 20 days~~ of the date of the board's decision.

(c) ~~A motion for rehearing~~ A motion for rehearing shall be filed within the time provided by Subsection (d).~~may also be filed with the District within 20 days of the date of the board's decision.~~

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(d) A motion for rehearing shall be filed no later than the 20th day after the date the board issues its written findings and conclusions, whether issued as part of its decision or in response to a request under Subsection (b).~~If a timely request for written findings and conclusions is filed, a motion for rehearing shall be filed no later than the 20th day after the date the board issues its written findings and conclusions.~~

…

(f) On or before the date of filing of a request for written findings and conclusions or motion for rehearing, the party filing the request or motion shall mail or deliver a true and correct copy of the request or motion to all parties with certificate of service furnished~~with certification of service furnished~~ to the District.

…

(l) Upon the request of a board member, a motion for rehearing shall be scheduled for consideration during a board meeting. Unless the board rules on the motion for rehearing, the failure of the board to grant or deny a motion for rehearing~~grant or deny a request for rehearing~~ before the 91st day after the date the request is submitted constitutes a denial of the motion by operation of law~~constitutes a denial of the request by operation of law~~.

(m) A motion for rehearing may be granted in whole or in part. When a motion for rehearing is granted, the decision is nullified. The board may reopen the hearing to the extent it deems necessary. If the board grants a motion for rehearing, the board shall schedule the rehearing not later than the 45th day after the date the motion is granted. In a matter referred to SOAH, the board shall render its decision not later than 90 days after~~Thereafter, the board shall render its decision not later than 90 days after~~ the date of the decision that was the subject of the motion for rehearing.

§ 9.339 Decision Final

(a) In a matter referred to SOAH, the board shall render its decision not later than the 180th day after the date the District receives the final proposal for decision, unless all parties agree to an extension. If the board has not adopted the findings of fact and conclusions of law as proposed by the administrative law judge or issued revised findings of fact and conclusions of law by the 181st day after the date the administrative law judge issued the final proposal for decision, the proposal for decision is adopted as a final order on that day, is final and immediately appealable, and is not subject to a request for findings and conclusions or a motion for rehearing.~~If the board fails to render a decision within 180 days of the issuance of a final proposal for decision by the administrative law judge in matters referred to SOAH, the administrative law judge's proposal for decision is final and appealable 180 days from issuance.~~

(b) Except as provided in Subsection (a), in the absence of a timely filed motion for rehearing in accordance with § 9.338, a decision of the board is final on the expiration of the period for filing a motion for rehearing under § 9.338(d) or, if the decision does not include findings and conclusions and no timely request for them is filed, on the expiration of the period for filing that request under § 9.338(b).~~in the absence of a timely filed request for written findings and~~

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~~conclusions or motion for rehearing in accordance with § 9.338, a decision of the board is final on the expiration of the period for filing a motion as provided for in § 9.338.~~

(c) Except as provided in Subsections (a) and (b), if a party files a timely motion for rehearing, a decision of the board is final as follows:~~if a party files a timely request for written findings and conclusions or motion for rehearing, a decision of the board is final on the later of the following dates:~~

~~(1) if no request for written findings and conclusions is filed and the motion for rehearing is denied, the date the board denies the motion for rehearing, including a denial by operation of law if the motion is not denied within 90 days of the date the motion was filed;~~

~~(2) if no request for written findings and conclusions is filed and the motion for rehearing is granted, the date the board issues its written decision after the rehearing;~~

(1) if no motion for rehearing is filed but a request for written findings and conclusions is filed, the date the board issues its written findings and conclusions;

(1)~~(4)~~ if the motion for rehearing is denied,~~if a request for written findings and conclusions is filed and a party thereafter timely files a motion for rehearing and the motion for rehearing is denied,~~ the date the board denies the motion, including a denial by operation of law if the motion is not granted or denied before the 91st day after the date the motion was filed; or~~including a denial by operation of law if the motion is not denied within 90 days of the date the motion was filed;~~

(2)~~(5)~~ if the motion for rehearing is granted,~~if a request for written findings and conclusions is filed and a party thereafter timely files a motion for rehearing as provided in § 9.338(d) and the motion for rehearing is granted,~~ the date the board issues its written decision after the rehearing.~~;~~

~~(6) if a motion for rehearing is filed and a party thereafter timely files a request for written findings and conclusions as provided in § 9.338(b) and the motion for rehearing is subsequently denied after the board issues its written findings and conclusions, the date the board denies the motion, including a denial by operation of law if the motion is not denied within 90 days of the date the motion was filed; or~~

~~(7) if a motion for rehearing is filed and a party thereafter timely files a request for written findings and conclusions as provided in § 9.338(b) and the motion for rehearing is subsequently granted after the board issues its written findings and conclusions, the date the board issues its written decision after the rehearing.~~

§ 9.340 Appeal of Final Decision

(a) Not later than the 60th day after the date on which the decision of the board becomes final, a party to a contested case hearing or an applicant in an uncontested hearing may appeal the District's decision by filing suit under § 36.251, Texas Water Code. Regardless of whether or not

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a motion for rehearing is timely filed, a suit may not be filed against the District under § 36.251 if a request for written findings and conclusions was required under § 9.338(b) and was not timely filed.~~if a request for written findings and conclusions was not timely filed as provided in § 9.338(b).~~ An applicant or a party to a contested case hearing may not file suit against the District under § 36.251 if a request for rehearing was not filed on time. The requirements of this subsection relating to a request for findings and conclusions or a motion for rehearing do not apply to a proposal for decision adopted as a final order under § 9.339(a).~~if a request for rehearing was not filed on time.~~

…

§ 9.401 Petition for Rulemaking

…

(a) Petitions must be submitted in writing to the District Office~~Petitions must be submitted in writing to the District office~~ and must comply with the following requirements:

…

(1) initiate rulemaking proceedings as provided by § 36.101, Texas Water Code.~~as provided by Section 36.101, Water Code.~~

(e) The petitioner shall reimburse the District for any costs incurred by the District to provide notice of a rulemaking hearing under § 9.402~~Subchapter 9.401~~.

§ 9.402 Rulemaking and Groundwater Management Plan Hearing Procedures

…

(2) provide a copy of the notice to the Cherokee, Henderson and Anderson County Clerks,~~Cherokee, Henderson and Anderson County Clerk,~~ to be posted at the county courthouses;

…

(d) The board president, another board member designated by the board, or a hearing examiner appointed by the board shall serve as the presiding officer at the public hearing.~~The general manager may designate a person to be the presiding officer to conduct the public hearing.~~ The presiding officer shall conduct a rulemaking or groundwater management plan hearing in the manner the presiding officer determines to be most appropriate to obtain information and comments relating to the proposed rule or groundwater management plan as conveniently and expeditiously as possible. Comments may be submitted orally at the hearing or in writing. The presiding officer may hold the record open for a specified period after the conclusion of the hearing to receive additional written comments. The District shall allow at least 20 days for submission of written public comments on a proposed rule or groundwater management plan before adopting the proposed rule or plan.

…

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§ 9.403 Emergency Rulemaking

…

(2) prepares a written statement of the reasons for its findings under Subdivision (1)~~Subsection (a)~~.

…

§ 9.404 Notice of Proposed Desired Future Conditions for Managed Aquifers

(a) Not later than the 10th day before the date of a public hearing on the groundwater management area's adoption of any proposed DFC or a board meeting to adopt any DFC declared by the TWDB to be administratively complete, the general manager shall provide notice of the hearing or meeting as follows:

(1) post a notice in a place readily accessible to the public at the District Office;

(2) provide a copy of the notice to the Cherokee, Henderson and Anderson County Clerks, to be posted at the county courthouses;

(3) publish the notice in one or more newspapers of general circulation in the District; and

(4) make available a copy of the DFCs at a place accessible to the public during normal business hours and on the District's website.

(b) The notice shall include the following information:

(1) the DFCs and a list of any other agenda items;

(2) the date, time, and location of the hearing or meeting;

(3) the name, telephone number, and address of the person to whom questions or requests for additional information may be submitted;

(4) the names of the other districts in the District's groundwater management area; and

(5) information on how the public may submit comments and the location and website at which a copy of the DFCs may be reviewed or copied.

§ 10.001 Prohibition on Pollution of Groundwater

A person or entity may not pollute or contribute to the pollution of groundwater in the District and, as applicable, must follow~~in the District and as applicable, must follow~~ all federal, state and local environmental statutes, requirements and regulations.

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§ 11.002 Duty to Implement Groundwater Conservation Plans

…

(c) Any amendment, update, or revision to a water conservation plan required under state law or these rules shall be submitted to the District not later than the 30th day after the amendment, update, or revision is adopted or approved.~~not later than the 30th day after the plan is adopted, approved, or revised.~~

…

(e) The District may accept equivalent water conservation plans and related status reports prepared for other public entities in furtherance of compliance under this ~~sub~~chapter.

§ 11.003 Contents of Groundwater Conservation Plan

…

(1) name of permittee~~name of applicant~~ and permit number;

…

(7) for municipal and industrial permittees, a prohibition of landscape watering or irrigation during periods of peak water loss due to evapotranspiration (typically between 10:00 a.m. and 8:00 p.m.)~~(typically between the hours following 10:00 a.m. until 8:00 p.m.)~~, unless performed with a hand-held or soaker hose;

…

(E) programs and implementation schedules to accomplish applicable water conservation best management practices~~applicable BMPs~~;

…

(E) a statement and documentary evidence that all efficiency evaluations have been conducted no more than five years prior to the date the plan is submitted;~~no more than five years prior to the date the plan is submitted.~~

…

§ 11.004 Basis for Action on Groundwater Conservation Plan

…

(2) the permittee is in compliance with any permits the permittee holds from the District and with these rules;~~permits the applicant holds from the District and with the rules;~~

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…

§ 12.003 Drought Stages

…

(b) The board may establish, by resolution, production curtailment percentages and use restrictions applicable to each drought stagte.

…

§ 12.004 Compliance with Drought Contingency Plans

…

(b) A permittee subject to ~~Subchapter~~Subsection (a) shall submit a copy of the drought contingency plan to the District.

(c) Any amendments to a drought contingency plan required under state law or these rules shall be submitted to the District not later than the 30th day after the amendment is adopted or approved.~~not later than the 30th day after the plan is adopted or approved.~~

…

§ 12.005 Reporting During Drought

…

§ 13.001 Inspections and Investigations

(a) Any District employee, agent or representative may enter any public or private property within the boundaries of the District at any reasonable time for the purpose of inspecting or investigating conditions relating to the quality or quantity of groundwater or compliance with the District Act~~or in regard to the compliance with the District Act~~, Chapter 36 of the Texas Water Code, or any rule, permit, or order of the District. Such persons acting under this authority who enter private property shall, prior to entry, give notice in writing or in person or by telephone to the owner, lessee, or operator, agent, or employee of the property, as determined by information contained in an application, registration, permit, or other information on file with the District, if any.

…

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§ 13.0023 Judicial Civil Enforcement

…

(c) Civil penalties for breach of any rule of the District shall be not less than $100 per day per violation and not more than $25,000 per day per violation. The board may adopt by rule a schedule of civil penalties that classifies violations, including major violations, and sets penalty amounts within the range provided by this subsection.

(d) A penalty under this section is in addition to any other penalty provided by the law of this state and may be enforced by complaint filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is locatedenforced by complaint filed in an appropriate court of jurisdiction.

§ 13.0034 Enforcement Action by the General Manager

If the general manager determines that a person, or his or her predecessor in interest, is in violation of these rules, the terms or conditions of a permit, or TDLR Rules the District is authorized to enforce, he or she may suspend the processing of any application orfor any authorization that the person has pending before the District.

§ 13.0045 Enforcement Action by the Board

…

(a) suspend the processing of any application orfor any authorization that the person has pending before the District, until the violation is remedied;

…

§ 13.0056 Enforcement Related to Annual Groundwater Production Limitations

(a) If the holder of an operating permit exceeds the annual authorized withdrawal amount in the permit, the District shall notify the holder and meet with the holder to determine the reason for the overage. The District may conduct a site visit under § 13.001 to verify the reason.If the board determines that the holder of an operating permit has exceeded the annual authorized withdrawal amount in the permit, the board may suspend taking enforcement action for a period of time in order to determine whether the holder of the permit has average annual withdrawals over a three-year period in excess of the permit's annual authorized withdrawal amount.

(b) If the District finds that the overage resulted from line breaks, leaks, or other circumstances beyond the holder's reasonable control that the holder has corrected or is diligently correcting, the District may resolve the matter by a compliance plan without further enforcement action.If the

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~~board determines that the holder of an operating permit has annual withdrawals over a three-year period in excess of the permit's annual authorized withdrawal amount, the general manager and the board may commence any enforcement action authorized by these rules and other law to enforce the terms of the permit.~~

(c) Otherwise, the District may commence any enforcement action authorized by these rules and other law to enforce the terms of the permit.

(d) Whether or not enforcement action is taken, the permit holder shall pay groundwater production fees on the amount of groundwater produced in excess of the annual authorized withdrawal amount, in addition to the groundwater production fees due on the authorized amount under § 7.003.

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