

Proposed Rules

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3-1.4. **APPLICATION FOR REGISTRATION, PRODUCTION PERMITS, SOURCE AND RECOVERY PERMITS, TRANSPORT PERMITS, WELL PLUGGING, WELL DEVELOPMENT, WELL DRILLING, OR WELL MODIFICATION AUTHORIZATION.**

A. Administrative Completeness of Application.

1. Applications for well registrations, Production Permits, Conditional Production Permits, Transport Permits, well pluggings, well development, well drilling, amendments, or well modification authorizations shall be made in the name of the well owner or property owner on a form or forms provided by the District. The sworn, original application must be submitted and signed by the owner or an authorized agent of the owner who may be required to provide the District with a notarized authorization from the owner. This agent may be the well driller, lessee or renter of the property or well, power of attorney, or other appropriate agent. District staff will determine if an application is administratively complete.
2. Applicant's Signature:
 - a. If the Applicant is an individual (landowner), the application shall be signed by the Applicant or his/her duly appointed agent. The agent must present Power of Attorney as authority to represent the Applicant.
 - b. If the application is submitted by a partnership, the application must be signed by at least one of the general partners duly authorized to bind all of the partners. A copy of the Resolution or other authorization to make the application must be submitted along with the application.
 - c. If the application is submitted by a corporation, government agency, county, municipality, or any other political subdivision, the application shall be signed by a duly authorized official. A copy of the Resolution or other authorization to make the application must be submitted along with the application.
 - d. In the case of an estate or guardianship, the application shall be signed by the duly appointed guardian or representative of the estate.
 - e. If the Applicant is any other entity, the application shall be signed by the duly authorized representative of such entity. In any case, proof of authorization must accompany the application.
3. An administratively complete application shall consist of the submission to the District of an original, completed, signed, and notarized application, payment of all applicable application fees, inspection fees, and other

District-imposed fees; submission of any required maps, documents, ownership information, or supplementary information required by the General Manager or the General Manager's designated representative; the submission of a Hydrogeological Report if required by Rule 3-1.4(D); and any other documentation required by the District as part of the application. The District will not take action on an application which is not administratively complete or which has preceded in a manner not consistent with District Rules. Applicants submitting incomplete applications will be notified by the District in writing.

4. Applicants exempted under the District Rules from obtaining a Production Permit must submit a District-approved application form for well registration with the District, and pay the applicable application and inspection fees. Such exempted wells are still subject to District Well Construction Standards.
5. Application and production permit requirements are the same for groundwater to be used inside the District's jurisdiction or to be transported outside of the District's jurisdiction. Applicants drilling a well or seeking a Production Permit for which the well will produce less than two million gallons per year may submit one application which will have one permit review process.
6. Fees included with Application. The application must be accompanied by the application fee, and other fees as appropriate. The application fee must be submitted with the application in order to start the processing review period. Payment of all fees, including water production fees, remains the responsibility of the property owner.
7. All applications for **Well Drilling Authorization or Modification** for nonexempt wells must contain, in addition to any information determined necessary for the evaluation of the application by the General Manager or the General Manager's designated representative, the following specified information in sufficient detail to be acceptable to the District.
 - a. Nature, Purpose, and Location. Provide a detailed statement describing:
 - i. The nature and purpose of the various proposed uses including proposed uses by persons other than the well owner;
 - ii. The proposed well location, location map, and the proposed receiving area from groundwater produced from the well; noting any proposed transfer; and

- iii. The location and purpose of any water to be resold, leased, or transported.
- b. Pumpage Volume. Provide a detailed statement describing:
 - i. The estimated pumping rate, and
 - ii. The anticipated pumpage volume.
- c. Well Schematic. A proposed well design schematic with specifications to include: the total depth, borehole diameter, casing diameter and depth, annular seal interval(s), annular sealing method, calculated grout volumes, surface completion specifications, and any other pertinent well construction information.
- d. Well Development Plan. A plan that describes the process for handling cuttings and fluids during well development.
- e. ASR Wells. For ASR wells, provide the additional information:
 - i. Anticipated source and recovery volumes associated with this well
 - ii. A description of the proposed ASR concept and project operational design, including site configuration, instrumentation, flushing, operation management, recharge rates and methods, and equipment (e.g. well head/downhole piping, valves, etc).
- f. Aquifer Test Plan and Hydrogeological Report. An aquifer test plan to include the required information as specified in the District's *Guidelines for Hydrogeological Reports and Aquifer Testing*. A Hydrogeological Report in accordance with Section D below, will be required for any new or modified wells that will be part of an existing permitted aggregate well system and will have an anticipated pumpage greater than two million gallons per year from the referenced new or modified well.
- g. Declarations. Provide the following written declaration statements:
 - i. A declaration that the applicant will comply with the District Rules and all groundwater use permits and plans promulgated pursuant to the District Rules.
 - ii. A declaration that the applicant will comply with well plugging and capping guidelines set forth in these Rules and will report well closures as required in Rule 3-5.

- h. Notice Information. For wells for which notice must be provided under Section B below, the following information must be provided and notice must be mailed accordingly:
 - i. A tax plat location map showing locations of the proposed well, the existing well, or well field to be modified, mapped wells within a half-mile radius of the proposed well, the existing well, or well field, all properties within a half-mile radius of the proposed well or the existing well, and mapped CCNs or public water supply services areas within a half-mile radius of the proposed well, the existing well, or well field. This provision is subject to technical evaluation by District staff based on site-specific conditions.
 - ii. A mailing list of registered well owners within a half -mile radius of the proposed well, the existing well, or well field. The mailing list should include the property owner's name, mailing address, and physical well address.
 - iii. A mailing list of public water suppliers within a half-mile radius of the proposed well or the existing well. The mailing list should include the public water supplier's name, mailing address, and physical well address.
 - iv. Other facts and considerations deemed necessary by the General Manager for protection of the public health and welfare and conservation and management of natural resources in the District.
- 8. All applications for **Source and Recovery Permits** must contain, in addition to any information required pursuant 30 TAC § 331 or determined necessary for the evaluation of the application by the General Manager or the General Manager's designated representative, the following specified information in sufficient detail to be acceptable to the District.
 - a. Nature and Purpose: Provide a detailed statement describing the nature and purpose of the proposed ASR project including the proposed end uses of the waters stored and recovered.
 - b. Site Location: Provide detailed maps describing:
 - i. The extent and boundary of the ASR project area;
 - ii. The estimated Target Storage Volume radius;

- iii. The location of all source water;
 - iv. The wellfield layout design including all proposed ASR recovery wells, source production wells, monitoring wells, and the regional hydraulic gradient flows;
 - v. The distribution system and connection piping for the ASR project, including the route for how source water will be distributed to the storage and recovery well location;
 - vi. Receiving point of the recovered water;
 - vii. The location of all other registered wells in the half mile radius of the recovery well.
- c. If the applicant is seeking a Class D Production Permit as an authorized source water, please describe the following:
- i. The estimated pumping rate at which Class D water will be withdrawn from each source production well;
 - ii. The requested annual Class D volume and a description of how the requested pumpage volume was determined. The applicant shall provide pumpage volume calculations based on the anticipated pumping capabilities, pumping times, pumping frequency, storage and recovery capabilities of all the ASR wells, and other pertinent data to substantiate approximate groundwater production. Authorized permit volumes shall be determined based upon factors such as source production well capacity, injection well intake capacity, anticipated injection rates and aquifer storage capacity. The requested pumpage volume should be reasonable and non-speculative.
- d. Provide a detailed statement describing the receiving aquifer and location coordinates for all ASR wells for which stored water will be recovered. Provide information on water quality, geochemistry, and hydrogeology.
- e. Provide a detailed statement describing the anticipated source (s) waters to be stored. Provide information on water quality, geochemistry, and water treatment for all source water.
- f. ASR Site Configuration. Provide a detailed statement describing:

- i. Anticipated source and recovery volumes associated with this well.
 - ii. A description of the proposed ASR concept and project operational design, including site configuration, instrumentation, flushing, operation management recharge rates and methods, and equipment (e.g. well head/downhole piping, valves, etc).
 - iii. Provide a well schematic with well construction specifications for all ASR wells. Please provide a discussion on how each well will be used for storage and recovery.
- g. Project Operations and Demand Trends. Provide a detailed statement describing:
 - i. The target storage volume (TSV) for the ASR project. Describe whether the operation will implement and preserve a storage buffer within the receiving aquifer and the anticipated buffer volume.
 - ii. An estimate of total volume to be stored annually.
 - iii. Project Phases. Describe the project phases over the long-term, the planned schedule for those phases, the duration of those phases, the anticipated source waters for each phase, estimated volumes of those sources waters to be produced and the anticipated volumes to be stored and recovered for each phase. Provide a 10-year outlook for estimated annual recovery.
 - iv. Project Operations. Describe the storage and recovery periods/timeframes. Describe whether the system will be operated for seasonal storage, long-term storage, or both. Describe the recovery volume as an estimate of total volumes to be recovered on an annual basis.
- h. Recoverability Analysis. Provide a recoverability analysis to determine a recoverable amount as defined in the District's Rule 2. A report shall be submitted and describe the applicant's methods for estimating the percentage of stored water that will be recovered. The report shall describe the following:
 - i. Whether storage in receiving formation can successfully be recovered for beneficial use, taking into account the injected water may be commingled to some degree with the native groundwater;

- ii. Volume of source waters to be stored;
 - iii. Buffer zone water;
 - iv. Estimated recovery efficiency based on target water quality criterion;
 - v. Potentiometric data;
 - vi. Porosity, permeability, and transmissivity data;
 - vii. Migration and regional flow gradients;
 - viii. Natural discharge;
 - ix. Relevant groundwater modeling;
- i. Hydrogeological Report. A Hydrogeological Report, in accordance with District Rule 3-1.4(D).
 - j. Accounting Plan. Provide a detailed reporting format and diagrams describing how all ASR waters and recharge pressures will be accounted for and reported. The accounting plan shall depict where the meters will be located on the system piping, and the type of meters that will be installed. The plan shall describe how the following will be metered, calculated and reported on a monthly basis:
 - i. The volume of source water produced (Class D);
 - ii. The volume of source water(s) stored (total for each source water); and
 - iii. The volume of recovered water from storage (total volume recovered);
 - iv. The total storage volume of all source waters remaining after recovery (total for each source water);
 - v. The volume of native groundwater withdrawn from the ASR well (if applicable);
 - vi. Monthly average recharge pressures for each ASR well.

- k. ASR Monitoring. Provide a description of how the ASR project will be operated, monitored and evaluated. The plan should outline, at minimum, the monitoring parameters and activities, a monitoring and sampling schedule, data sources that will be used, and a list of responsible personnel.
- l. UCP and UDCP. A User Conservation Plan (UCP), a User Drought Contingency Plan (UDCP), and the State proposed/approved Drought Contingency Plan (if required by TCEQ).
- m. Related Permits and Authorizations. Provide a copy of all ASR application materials submitted to the TCEQ to obtain or modify an ASR Permit or ASR Test Permit. Provide any relevant materials or correspondence submitted to TCEQ Drinking Water division or Edward Aquifer Protection Program division relating to ASR operations. Provide notice of any pending, denied, or remanded authorization from a local, state, or federal agency relating to ASR.
- n. Active Source Permits. Provide a copy of all permits relating to the source waters.
- o. Reports. Provide a copy of all feasibility and testing reports relevant to the ASR project.
- p. Transfers. If the stored and recovered groundwater is to be resold, leased, or otherwise transferred to others, provide the location to which the groundwater will be delivered, the purpose for which the groundwater will be used, and a copy of the legal documents establishing the right for the groundwater to be sold, leased, or otherwise transferred, including but not limited to any contract for sale, lease, or transfer of groundwater.
- q. Declarations. Provide the following written declaration statements:
 - i. A declaration that the applicant will comply with the District Rules and all groundwater use permits and plans promulgated pursuant to the District Rules.
 - ii. A declaration that the applicant will comply with well plugging and capping guidelines set forth in these Rules and will report well closures as required in Rule 3-5 and Rule 5.
 - iii. A declaration that the applicant will take all necessary steps to ensure the water quality of the aquifer is protected due to the operations of an ASR project.

- iv. A declaration that the applicant understands a landowner owning surface property over the TSV radius owns the water unless ownership has been severed.
 - v. A declaration that the applicant will comply will all applicable TCEQ rules pursuant 30 §TAC 331.
- r. Notice Information. For wells for which notice must be provided under Section B below, the following information must be provided, and notice must be mailed accordingly:
- i. A tax plat location map showing locations of the proposed well, the existing well, or well field to be modified, mapped wells within a half-mile radius of the proposed well, the existing well, or well field, all properties within a half-mile radius of the proposed well or the existing well, and mapped CCNs or public water supply service areas within a half-mile radius of the proposed well, the existing well, or well field. This provision is subject to technical evaluation by District staff based on site-specific conditions.
 - ii. A mailing list of registered well owners within a half-mile radius of the proposed well, the existing well, or well field. The mailing list should include the property owner's name, mailing address, and physical well address.
 - iii. A mailing list of public water suppliers within a half-mile radius of the proposed well or the existing well. The mailing list should include the public water supplier's name, mailing address, and physical well address.
 - iv. A mailing list of groundwater conservation districts or entity that have jurisdiction over other water sources, and for which those water sources will be used for storage and recovery within this District.
 - v. For wells with an anticipated total storage volumes of more than 200,000,000 gallons, the applicant will be required to mail notice as dictated below:
 - a. Applications for 200-300 million gallons per year shall provide notice via first class mail within a one-mile radius from the proposed well, existing well, or well field.

- b. Applications for 300-400 million gallons per year shall provide notice via first class mail within a one and one-half (1.5) mile radius from the proposed well, existing well, or well field.
 - c. Applications for more than 400 million gallons per year shall provide notice via first class mail within a two-mile radius from the proposed well, existing well, or well field.
 - s. Other facts and considerations deemed necessary by the General Manager for protection of the public health and welfare and conservation and management of natural resources in the District.
- 9. All applications for **Production Permits** for nonexempt wells must contain, in addition to any information determined necessary for the evaluation of the application by the General Manager or the General Manager's designated representative, the following specified information in sufficient detail to be acceptable to the District.
 - a. Permit Type. Provide a statement of the type of Production Permit that is being requested (e.g. Historical Trinity, Class C Conditional Edwards, etc.).
 - b. Nature, Purpose, and Location. Provide a detailed statement describing:
 - i. The nature and purpose of the various proposed uses including proposed uses by persons other than the well owner,
 - ii. The well location and the proposed receiving area from groundwater produced from the well; note any proposed transfer, and
 - iii. The location and purpose of any water to be resold, leased, or transported.
 - c. Pumpage Volume. Provide a detailed statement describing:
 - i. The estimated pumping rate at which water will be withdrawn from each well, and
 - ii. The requested permit pumpage volume; a description of how the requested pumpage volume was determined. The applicant shall provide pumpage volume calculations based

on the type of use, anticipated pumping capabilities, pumping times, pumping frequency, and other pertinent data to substantiate approximate groundwater production. The requested pumpage volume should demonstrate reasonable non-speculative demand.

- d. Demand Trends. Provide a detailed statement describing:
 - i. A projected annual volume breakdown by type of use (e.g. PWS, commercial, irrigation, industrial).
 - ii. A projected quarterly timeline detailing the anticipated pumpage volumes for the first three to five years of pumping.
 - iii. An explanation of future demands and long term system growth.
 - iv. For public water suppliers, provide an estimated or calculated per capita and/or household consumption.
- e. Conservation Practice. Describe any conservation measures or practices that are anticipated or are currently in place.
- f. Demonstration of Backup Supply. For Class B or Class C Edwards Production Permits subject to Rule 3-1.24(D)(E), provide a detailed statement describing:
 - i. An explanation that includes adequate documentation of the applicant's capability and commitment to use an Alternative Water Supply in the event of a drought declaration. Must provide specific information or contractual agreements that demonstrate the certain ability and binding commitment to switch from the to-be-permitted volume of groundwater to some Alternative Water Supply source(s) on a 100% basis.
 - ii. For Public Water Supply systems, the reasonable likelihood that all necessary physical infrastructure and supporting agreements, rates, and tariffs will be in place within the first year of the permit.
 - iii. A declaration statement stating the applicant's capability and commitment to use an Alternative Water Supply in the event of a drought declaration.
- g. Hydrogeological Report. A Hydrogeological Report, in accordance with Section D below.

- h. UCP and UDCP. A User Conservation Plan (UCP), a User Drought Contingency Plan (UDCP), and the State proposed/approved Drought Contingency Plan (if required by TCEQ).
- i. Related Permits and Authorizations. Provide notice of any application to the TCEQ to obtain or modify a Certificate of Convenience and Necessity (CCN) to provide water or wastewater service with water obtained pursuant to the requested Production Permit. Provide notice of any pending, denied, or remanded authorization from a local, state, or federal agency relating to water or wastewater.
- j. Transfers. If the groundwater is to be resold, leased, or otherwise transferred to others, provide the location to which the groundwater will be delivered, the purpose for which the groundwater will be used, and a copy of the legal documents establishing the right for the groundwater to be sold, leased, or otherwise transferred, including but not limited to any contract for sale, lease, or transfer of groundwater.
- k. Declarations. Provide the following written declaration statements:
 - i. A declaration that the applicant will comply with the District Rules and all groundwater use permits and plans promulgated pursuant to the District Rules.
 - ii. A declaration that the applicant will comply with well plugging and capping guidelines set forth in these Rules and will report well closures as required in Rule 3-5 and Rule 5.
- l. Notice Information. For wells for which notice must be provided under Section B below, the following information must be provided and notice must be mailed accordingly:
 - i. A tax plat location map showing locations of the proposed well, the existing well, or well field to be modified, mapped wells within a half-mile radius of the proposed well, the existing well, or well field, all properties within a half-mile radius of the proposed well or the existing well, and mapped CCNs or public water supply services areas within a half-mile radius of the proposed well, the existing well, or well field. This provision is subject to technical evaluation by District staff based on site-specific conditions.

- ii. A mailing list of registered well owners within a half-mile radius of the proposed well, the existing well, or well field. The mailing list should include the property owner's name, mailing address, and physical well address.
 - iii. A mailing list of public water suppliers within a half-mile radius of the proposed well or the existing well. The mailing list should include the public water supplier's name, mailing address, and physical well address.
 - iv. For wells with an anticipated annual pumpage volume more than 200,000,000 gallons, the applicant will be required to mail notice as dictated below:
 - a. Applications for 200-300 million gallons per year shall provide notice via first class mail within a one-mile radius from the proposed well, existing well, or well field.
 - b. Applications for 300-400 million gallons per year shall provide notice via first class mail within a one and one-half (1.5) mile radius from the proposed well, existing well, or well field.
 - c. Applications for more than 400 million gallons per year shall provide notice via first class mail within a two-mile radius from the proposed well, existing well, or well field.
 - m. Other facts and considerations deemed necessary by the General Manager for protection of the public health and welfare and conservation and management of natural resources in the District.
- 10. In addition to the above information, Production Permit applications or major amendment applications with proposed annual groundwater production for more than 200,000,000 gallons will require an aquifer test work plan and a monitoring well network plan pursuant to Section D below related to Hydrogeological Reports and Aquifer Tests. The applicant may request a 90-day extension subject to approval by the General Manager if needed to satisfy the requirements of Subsection D.
- 11. Potential for Unreasonable Impacts. All applications required to conduct an aquifer test and submit a Hydrogeological Report pursuant to District Rule 3-1.4.D. will be evaluated by the General Manager to assess the potential to cause unreasonable impacts pursuant to District Rule 3-1.4.G. Applications for proposed production that are found to have potential for

causing unreasonable impacts will receive written notification of the General Manager's preliminary finding prior to the expiration of the application review period. Upon receipt of written notification of the General Manager's preliminary finding, the applicant will be granted a 90-day extension to the application review period to provide the following additional application requirements unless the applicant requests that the application be directly referred to the Board as provided below.

- a. The applicant shall submit a written description of avoidance measures and actions that the applicant proposes to implement either before or after groundwater production commences in an effort to avoid the occurrence of unreasonable impacts.
- b. The applicant shall submit a compliance monitoring plan subject to District review and approval and consistent with minimum plan requirements pursuant to District Rule 3-1.11.B.
- c. The applicant shall submit other facts and considerations deemed necessary by the General Manager.
- d. In addition to the above requirements, the applicant may opt to submit a mitigation plan subject to District review and approval and consistent with minimum requirements pursuant to District Rule 3-1.11.C. The District-approved mitigation plan shall be incorporated into a binding agreement between the permittee and the District, which will be incorporated as special provisions of the permit.

The above plans and information shall be submitted within 30 days of receipt of notification of the General Manager's preliminary finding of potential for unreasonable impacts and may be incorporated in whole or in part as special provisions of the permit. Alternatively, the applicant may request that the application be directly referred to the Board, pursuant to District Rule 3-1.4.G.6, for consideration without the completed information requirements under Subsection 10 a-d above prompted by the General Manager's preliminary finding of unreasonable impacts provided that the application requirements of items 1-9 of this Section have been satisfied.

12. In addition to the above information required for Production Permit applications, an application for a Transport Permit must contain the following information:
 - a. Information describing the projected effect of the proposed transporting of water on aquifer conditions, including flow at Barton Springs, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District.

- b. Information describing the availability of water in the proposed receiving area during the period for which the water transport is requested.
- c. A description of the indirect costs and economic and social impacts associated with the proposed transporting of water.
- d. Any proposed plan of the applicant to mitigate adverse hydrogeologic, social, or economic impacts of the proposed transporting of water in the District.
- e. A description of how the proposed transport is addressed in any approved regional water plan(s) and the certified District Management Plan.
- f. A technical description of the facilities to be used for transportation of water and a time schedule for any construction thereof.

B. Notice.

1. Applicants must provide public notice for the following types of permit applications:

- a. All new individual Production Permit applications for more than two million gallons;
- b. Well Drilling Authorizations or Modification applications for wells with anticipated annual pumpage of more than two million gallons;
- c. Notice of intent to transport any groundwater out of the District;
- d. All major permit amendments, as defined in Section 3-1.9 of these Rules;
- ~~e. A Regular Production Permit processed by the District after issuing a Temporary Permit as provided under Section 4(e) H.B. 3405; and~~
- ~~f.~~ All new Source and Recovery Permit applications

2. Such notices shall be published in one or more newspapers of general circulation in the county in which the subject well is located as determined by the District, in a form approved by the District. Public notice shall include a 280-day public response period beginning the day after the day said notice is published in a newspaper of general circulation within the District. If the notice is published in more than one newspaper, the public comment period expires the later of the date specified in the notice or 280 days after the day said notice is published in the newspaper of general circulation within the District. Applicants shall publish notice not later than ten business days after receiving an administratively complete determination from the General Manager or the General Manager's designated representative.

3. All required permit applications must have notice provided by the applicant, in a form approved by the District, by first-class mail to all registered well owners with wells located within a radius described in Rule 3-1.4.A.(7)(gh) and Rule 3- 1.4.A.(8)(b)(ivii)(for Source and Recovery Permit applications). Notification of any property owner served by a retail water utility is not required of any applicant if notice is provided to the retail water utility. Applicants shall provide notice by first-class mail not later than ten business days after receiving an administratively complete determination from the General Manager or the General Manager's designated representative.

4. Applicants may not publish notice or provide notice by mail until the General Manager or the General Manager's designated representative determines that the application for which notice is required is administratively complete.

5. Under no circumstances will a public hearing be held, or action taken on the application by the Board prior to the termination of the 280-day public response period.

6. All public notices for newspaper circulation, covered by this Section, must contain at least the following information:

- a. The name and address of the applicant;
- b. The date the application was filed;
- c. The location and a description of the well that is the subject of the application; and
- d. A brief summary of the information in the application; and
- e. ~~Notice of a Regular Production Permit application processed by the District after issuing a Temporary Permit as provided under Section 4(e) of H.B. 3405 will include a notice of the preliminary decision by the General Manager describing the terms and conditions of the regular permit.~~

7. All public notices for mailout, covered by this Section, must contain at least the following information:

- a. The ~~notice to include~~ name and address of the applicant in 14 point type printed at the top of the notice in such a manner that clearly and conspicuously shows the notice is from the applicant on company letterhead; individual well owner applicants are to coordinate with the District so that notice is sent on District letterhead on behalf of the individual (i.e., noncompany) applicant;
- b. The date the application was filed;
- c. The location and a description of the well that is the subject of the application;
- d. A map showing all properties within the a half-mile radius from of the proposed well shown GPS coordinates and nearby roads and/or other distinguishing geographic features clearly nearby identified; and
- e. ~~A brief summary of the information in the application; and~~

e. Notice of a Regular Production Permit application processed by the District after issuing a Temporary Permit as provided under Section 4(e) of H.B. 3405 will include a notice of the preliminary decision by the General Manager describing the terms and conditions of the regular permit.

8. Upon completion of the published and mailed public notice, the District shall be provided with proof of publication of public notice. The applicant shall submit to the District office within ten business days after the date of publication an original newspaper clipping which shows the date of publication, ~~and the name of the newspaper, and the date the notices were mailed along with the names and addresses of the intended recipient(s).~~ to the District office within ten business days after the date of publication.

9. Upon completion of the mailed public notice, the District shall be provided with proof of notice sent to neighboring residents via certified first-class mail. The applicant shall submit certified first-class mail receipt(s), which shows the date the notices were mailed, within ten business days after the date of mail out.

C. Decision to Hold Public Hearing.

1. On any application for nonexempt well permits not authorized by a general permit, the General Manager may schedule a hearing if the General Manager determines that a hearing will be beneficial to the District's consideration of the application, if the applicant requests a hearing, or if the General Manager receives protests to the application and the protest includes a request for a public hearing from any person having a personal justiciable interest, including any party to whom notice is provided in accordance with Paragraph B above and otherwise complies with District Rule 4-9.13(B). ~~A hearing will not be held for Temporary Permits issued under Section 4(d) of H.B. 3405.~~

2. The District shall conduct a public hearing for:

- a. major amendment applications,
- b. Transport Permit applications,
- c. new Production Permit applications with proposed groundwater production of more than 2,000,000 gallons annually,
- d. an application to convert a Temporary Permit into a Regular Production Permit pursuant to Rule 3-1.55, and
- e. All new Source and Recovery Permit applications.

3. The General Manager shall make a determination whether to schedule a hearing on an application within 60 days of the date the application is administratively complete.

4. The Board of Directors at a regular or special Board meeting may conduct a hearing on any application.

5. A hearing on an application will be held within 35 days of the date the determination to schedule a hearing is made.

6. Except for hearings referred to the State Office of Administrative Hearings (SOAH), the final hearing may occur at the same time and immediately following the preliminary hearing. For a hearing conducted by SOAH, the final hearing on the application concludes on the latest of the dates of SOAH's proposal for decision; any exceptions to the proposal for decision, and any replies to exceptions to the proposal for decision are presented to the Board of Directors.

7. Hearings shall be conducted in accordance with District Rule 4-9 related to notice and hearing process.

D. Hydrogeological Report and Aquifer Tests.

1. Applicants seeking to export groundwater out of the District, to obtain a major amendment or a minor amendment in accordance with 3-1.9(F)(G), to obtain a Source and Recovery Permit for ASR, or to permit a new nonexempt well with an annual pumpage volume of more than 2,000,000 gallons, shall conduct an aquifer test and submit to the District a current Hydrogeological Report addressing the potential impacts associated with the proposed groundwater production or export.
2. The Aquifer Test and Hydrogeologic Report must be prepared by a Texas licensed professional geoscientist or engineer pursuant to the District's guidance document, *Guidelines for Hydrogeologic Reports and Aquifer Testing (Guidelines)*.
3. Aquifer Tests. A written aquifer test work plan shall be submitted to the General Manager for review and approval prior to commencement of the test and shall include the required information for aquifer test work plans as specified in the *Guidelines*. Planning and implementation of the aquifer test work plan shall be closely coordinated with the District to ensure that the proposed study is consistent with District standards and expectations specified in the *Guidelines*.
 - a. The aquifer test shall be conducted and the report completed pursuant to the *Guidelines* and the following tiered requirements:

Table: Tiered Structure for Aquifer Testing Requirements

	Anticipated Production Volume, or Anticipated Target Storage Volume	Aquifer Test Requirements
Tier I	>2,000,000 to 12,000,000 gallons per year	Abbreviated pump test and report

Tier 2	>12,000,000 to 200,000,000 gallons per year	Hydrogeologic report and <u>may</u> require installation of new observation wells if existing wells are not available or adequate for monitoring. For ASR projects, additional water quality monitoring may be required in lieu of installing observation wells.
Tier 3	>200,000,000 gallons per year	Will require an aquifer test work plan and monitoring well network plan. <u>Will</u> require installation of one or more new observation wells.

- b. For wells with proposed annual pumpage or for ASR projects with a proposed TSV over 200,000,000 gallons (Tier 3), the aquifer test work plan shall also include a monitoring well network plan. Pursuant to the *Guidelines*, a monitoring well network shall be established by installing one or more new observation wells and identifying a sufficient number of existing wells adjacent to the well or well field prior to commencement of the aquifer test in accordance with the District-approved monitoring well network plan. The final aquifer test work plan and monitoring well network plan must be approved by the District.
- c. The monitoring well network plan shall contain the following minimum requirements:
 - i. General Information:
 - a. Goal and purpose of project.
 - b. Description of local geologic and hydrogeologic conditions.
 - c. Location map showing network well locations (including proposed and existing wells) and rationale for well locations.
 - ii. Design and Construction:
 - a. Well design plans or schematics on construction of each new well.
 - b. Completion and construction data for each existing well that will be used in the monitoring well network (e.g. State well reports if available, geophysical data, downhole video, non-pumping and pumping water levels, well and casing depth and diameter, pump depth, or schematics for proposed modifications).

- c. Monitoring well equipment specifications and installation.
 - d. Designated hydrogeologist/engineer and well drilling contractor.
 - iii. Schedule for completion of work.
 - iv. Assurances that the District can maintain access to the monitoring well network and equipment.
 - v. Parties responsible for maintaining, repairing, and equipping the monitoring well network.
 - d. The established monitoring well network may potentially be converted to a compliance well network as part of a permit provision.
4. Hydrogeological Report. The report must include hydrogeologic information as specified in the *Guidelines* and shall provide findings and conclusions addressing the response of an aquifer to pumping over time and the potential for causing unreasonable impacts. Applicants may not rely solely on reports previously filed with or prepared by the District. If a Hydrogeological Report is required by this Section, the Hydrogeological Report is a required component of all administratively complete Production Permit and ASR applications.
5. Well Construction. All proposed pumping and ASR wells must be completed and equipped for the ultimate planned use or, at minimum, completed and equipped to isolate the target production zone for the ultimate planned use and production rate. Observation wells may be required per the *Guidelines*. The applicant is responsible for all cost associated with the design, engineering, well construction, and other related expenses.
6. Variance to Hydrogeologic Reports and Aquifer Test Requirements. The District may consider a variance from certain requirements. Technical information and a memorandum from a Texas licensed geoscientist or engineer supporting and documenting the rationale for the variance shall be submitted to the General Manager for consideration and approval. Factors that may be considered include:
- a. Relatively low requested production volume;
 - b. Sufficient data exists for the well or vicinity (e.g. existing hydrogeologic reports or aquifer tests);

- c. Low potential for unreasonable impacts; and
 - d. Other relevant factors.
7. District Review. The General Manager will review the applicant's submitted Hydrogeologic Report and will determine whether there is potential for unreasonable impacts (as defined by District Rule). Permit applications may be deemed incomplete due to Hydrogeologic Reports that do not meet the District's minimum standards or deviate significantly from the *Guidelines* without prior District approval. An applicant who incurs cost related to conducting an aquifer test knowingly bears the risk that the permit request may be denied or modified.
- E. Applications submitted during District-declared drought. Applications to drill any well requiring a Production Permit that are submitted during a District-declared drought will be referred to the Board for consideration and/or public hearing. Applicants should be aware that during times of District-declared drought, the Board may require additional information from the applicant, may place special conditions on the application and/or permit, may authorize the drilling but modify the Production Permit, or may delay or deny the application entirely if the Board determines that it does not meet all the requirements of District Rules 3-1.4 and 3-1.6.
- F. Applications approved during District-declared drought. Although the District must take action on permit applications in accordance with Rule 3-1.4(C), for wells (a) within the Freshwater Edwards Management Zones, or (b) that are intended by the applicants to provide groundwater as a substitute to water being provided at the time of permit issuance by those water utilities that are able to provide water to the applicants, any permits having applications that are approved by the Board during a District-declared drought, including amendments of existing permits to increase permitted pumpage, shall contain a special provision delaying the effective date of the permit so long as the District remains in a District-declared drought.
- G. Applications found to have potential for unreasonable impacts.
1. Policy. The District seeks to manage total groundwater production on a long-term basis while avoiding the occurrence of unreasonable impacts. The preferred approach to achieve this objective is through an evaluation of the potential for unreasonable impacts using the best available science to anticipate such impacts, monitoring and data collection to measure the actual impacts on the aquifer(s) over time once pumping commences, and prescribed response measures to be triggered by defined aquifer conditions and implemented to avoid unreasonable impacts. Mitigation, if agreed to by the applicant, shall be reserved and implemented only after all reasonable preemptive avoidance measures have been exhausted and shall serve as a contingency for the occurrence of unreasonable impacts that are unanticipated and unavoidable through reasonable measures.

2. Evaluation of potential for unreasonable impacts. All applications required to conduct an aquifer test and submit a Hydrogeological Report pursuant to District Rule 3-1.4.D. will be evaluated by the General Manager to assess the potential to cause unreasonable impacts. The evaluation of the potential for unreasonable impacts will apply the best available science and be performed on the basis of the Hydrogeologic Report, the aquifer test, and other factors relevant to the proposed production from the subject well/well field including but not limited to:
 - a. local geology and aquifer conditions including water quality;
 - b. construction and location of the subject well/well field;
 - c. target production zone, production capacity, and proposed production rate of the subject well/well field;
 - d. construction/completion of existing wells in the area of influence;
 - e. drawdown over time and distance attributed to pumping from the subject well/well field;
 - f. drawdown attributed to drought conditions and seasonal increases in pumping from existing wells;
 - g. drawdown attributed to pumping from existing wells and from future domestic and livestock wells;
 - h. proposed production relative to the Modeled Available Groundwater;
 - i. projected impacts on the relevant Desired Future Condition(s); and
 - j. projected impacts to regional surface water resources (springs and streams).
3. General Manager's Preliminary Finding. Pursuant to District Rule 3-1.4.A.10, the General Manager shall evaluate the application and issue to the applicant a preliminary finding, subject to Board consideration, of the potential for unreasonable impacts.
4. General Manager's Statement of Position. For applications found to have potential for unreasonable impacts that are not directly referred to the Board, the General Manager shall provide a statement of position with the findings and recommendations for consideration by the Board. The statement of position may include recommended special permit provisions

incorporating elements of the measures and plans submitted pursuant District Rules 3-1.4.A.10 and 3-1.11, and other reasonable measures necessary to avoid or mitigate for unreasonable impacts. Such measures may include:

- a. reduction of authorized permit volume and/or pumping rate;
 - b. phased permit volumes with conditional increases;
 - c. ongoing aquifer monitoring;
 - d. one or more index wells with defined compliance levels and prescribed responses;
 - e. temporary pumping curtailments;
 - f. permanent permit volume reductions;
 - g. mitigation measures if applicable; and
 - h. other reasonable measures necessary to avoid the occurrence of unreasonable impacts.
5. Board Action. Pursuant to District Rule 3-1.6.A. related to consideration of unreasonable impacts, the Board may consider applications found by the General Manager to have potential for unreasonable impacts and may take action to approve or deny the permit application in full, approve for a reduced amount, approve with special provisions or take any other appropriate action to avoid or mitigate unreasonable impacts.
6. Direct Referral Process. In lieu of completion of the additional information requirements prompted by the General Manager's preliminary findings pursuant to District Rule 3-1.4.A.10, the applicant may opt to request direct referral of the application to the Board for a hearing on whether the application complies with all statutory and regulatory requirements, including whether there is the potential for causing unreasonable impacts.
- a. The applicant may request direct referral by submitting a written request to the General Manager within ten days of receipt of the notification of the General Manager's preliminary finding of potential for unreasonable impacts. Within a reasonable time after receipt of the request, the General Manager shall declare the application administratively complete, provided that the application contains all required information pursuant to District Rule 3-1.4.A.1-9, and shall promptly provide written notification to the applicant in accordance with Rule 3-1.6.B.

- b. An application that is directly referred to the Board is subject to and the applicant must comply with District Rules 3-1.4 and 4-9 regarding notice; comment and hearing; and, if desired, request for contested case hearing, and request for a contested case to be conducted by SOAH.
- c. Persons desiring to comment on or protest an application subject to a direct referral must likewise comply with the applicable District Rules 3-1.4 and 4-9.
- d. The General Manager will include with such applications for the Board's consideration, the preliminary findings of potential for unreasonable impacts and supporting evidence, but shall not include recommendations for special permit provisions to avoid or mitigate for unreasonable impacts described under Rule 3-1.4.A.10.a-d.
- e. If after hearing, the Board determines an application has the potential for causing unreasonable impacts, the Board may order a remand to reopen the record for further proceedings on recommendations to avoid or mitigate for unreasonable impacts.

3-1.5.15

PERMITS FOR EXISTING WELLS IN SHARED TERRITORY.

- A. Any well existing on or before June 19, 2015 which has not been permitted and which is not exempted from permitting under 3-1.3.B(3), is required to obtain a permit from the District provided by and subject to the provisions of these Rules.
- B. Applications for permits for existing nonexempt wells must be timely filed with the District. Failure of the District to provide notification of the requirements to obtain permits to eligible persons shall not be grounds for failing to meet requirements of these Rules.
- C. Any owner of an existing nonexempt well who failed to apply for a permit in a timely manner may make application for a permit pursuant to Rule 3-1.4; provided, however, if the well was in operation during the period from June 19, 2015 until the application was made, past water production fees shall be paid for each month of operation. Upon written request of the well owner or permittee, the Board may waive any or all past due fees. Upon completion of an application in accordance with Rule 3-1.4 and upon payment of the application processing fee, the current annual production fee, and any required past water production fees unless waived by the Board, the District will issue a permit to the applicant in accordance with the applicable provisions of these Rules.

3-1.6. ACTION ON PERMITS.

- A. Permits. Before approving, modifying, delaying, or denying a permit, the District shall consider whether:
1. The application conforms to the requirements of these Rules and is accompanied by the appropriate fees,
 2. The proposed use of water is dedicated to beneficial use at all times including whether there are reasonable assurances of definite, non-speculative plans and intent to use the water for specific beneficial uses during the Production Permit term,
 3. The proposed use of water would not cause or contribute to waste, and the applicant has agreed to avoid waste and achieve water conservation. In assessing the acceptability of the proposed volume of water to be permitted, the District will apply industry and regional standards for permitted usage to assure the prospective use is commensurate with reasonable, non-speculative demand,
 4. The proposed use of water would not unreasonably affect existing groundwater and surface water resources by causing the potential for unreasonable impacts. In determining whether the proposed use of water is unreasonable under this Subsection, the District may consider the criteria of the term "unreasonable impacts" as defined in District Rule 2-1, Definitions of Terms, and any other information relevant to whether the proposed use is unreasonable,
 5. The proposed use of water would not be otherwise contrary to the public welfare,
 6. The proposed use of water is consistent with the approved District Management Plan or an approved regional water supply plan,
 7. The applicant has agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure, and report closure to the District and all other applicable government agencies,
 8. The water is used within the term of the Production Permit,
 9. The approved User Drought Contingency Plan (UDCP) for the prospective well yields a maximum volume of authorized groundwater production from the Western and Eastern Freshwater Edwards Management Zones that, when added to all other authorized amounts under District permits for these management zones, as restricted by UDCPs, and to other estimated

withdrawals from specified (exempt) wells withdrawals in these management zones, does not exceed the Extreme Drought MAG that the District has determined, using considerations identified in 3-1.6(A)(12) below, is required to achieve the Extreme Drought DFC Withdrawal Limitation for the Edwards Aquifer, as specified in Section 3-1.23(A) of these Rules,

10. The approved User Drought Contingency Plan for the prospective well in any other management zone yields a maximum volume of authorized groundwater production that, when added to all other authorized amounts under District permits for that management zone, as restricted by their UDCPs, and to other estimated withdrawals from exempt wells in these management zones, does not exceed the amount required to achieve the applicable DFC for the aquifer, as specified in Section 3-1.23 of these Rules. In making this determination, the District shall consider the following:
 - a. the applicable MAG amount,
 - b. the TWDB estimate of total groundwater produced by exempt wells,
 - c. the amount of groundwater under permits that have been previously authorized by the District,
 - d. a reasonable estimate of the amount of groundwater actually produced under permits issued by the District, and
 - e. yearly precipitation and production patterns.
11. For Class B and Class C Conditional Production Permits, the applicant has demonstrated to the Board's satisfaction the certain ability and binding commitment to switch from the to-be-permitted volume of groundwater to some Alternative Water Supply source(s) on a 100% basis,
12. In order to protect the public health and welfare and to conserve and manage the groundwater resources in the District during times of drought, the District may prioritize groundwater use, place special requirements on, modify, delay, or deny a Production Permit for a new well during a District-declared drought, and
13. The District may impose more restrictive permit conditions on new permit applications and on applications for increased use by historic users if the limitations:
 - a. Apply to all subsequent new permit applications and increased use by historic users, regardless of type or location of use,

- b. Bear a reasonable relationship to the District's approved Management Plan, and
 - c. Are reasonably necessary to protect existing use.
- B. Time for Action. After the application is administratively complete, the General Manager or the General Manager's designated representative will promptly provide written notification to the applicant. ~~For applications to convert Temporary Production Permits to Regular Production Permit pursuant to Rule 3-1.55, the General Manager will provide the applicant a preliminary decision describing the recommended terms and conditions of the Regular Production Permit.~~ The District shall promptly consider and act on each administratively complete application (see Rule 3-1.4(C)). If a hearing is called to consider any of the foregoing applications, the District will conduct the hearing within 35 days after the General Manager determines that a hearing is necessary, and the District's Board will act to approve, modify, delay, or deny the application within 60 days after the date the final hearing on the application is concluded. The failure of the District to act within this time period shall not affect the District's jurisdiction over or the merits of an application. An administratively complete application requires submission of all information set forth within these Rules.

If any applications for nonexempt wells are administratively incomplete 90 days after receipt of the application by the District, the District, by certified mail, return receipt requested, will notify the applicant of the missing documentation and the need to complete the application. Applications that remain administratively incomplete will expire 90 days following the above-mentioned notice to the applicant. Upon expiration of the application, the applicant may request reconsideration or an extension by the Board. Request must be made within ten days of receiving notice of an expired application.

- C. Action by General Manager. The District's General Manager or the General Manager's designated representative may act for the District in approving any application for well registration; new in-District Production Permits for 2,000,000 gallons or less; minor amendments of 2,000,000 gallons or less; and well drilling, plugging, well modification, or other well development applications so long as the District does not receive any protests to the application nor any requests for a contested case hearing from any person having a personal justiciable interest, including any party to whom notice is provided in accordance with Rule 3-1.4(B), above. The General Manager shall schedule a public hearing for all major amendment applications, for all Transport Permit applications, and for all new Production Permit applications with proposed groundwater production of more than 2,000,000 gallons annually, ~~and for applications to convert Temporary Permits into Regular Production Permits pursuant to Rule 3-1.55,~~ and refer the applications to the Board for action. The General Manager will refer all new nonexempt well drilling applications, all Production Permit applications, and all major pumpage

amendments received by the District during periods of District-declared Drought to the Board for action.

3-1.11. PERMIT COMPLIANCE, MONITORING, AND MITIGATION.

- A. Permit Conditions and Requirements. All permits are granted subject to the Rules, regulations, Orders, special provisions, and other requirements of the Board, and the laws of the State of Texas. In addition, to terms and conditions related to Rule 3-7. Drought, each permit issued shall also be subject to the following conditions and requirements:
1. The permit is granted in accordance with the provisions of S.B. 988 of the 70th Texas Legislature in conjunction with Chapter 36, Texas Water Code, and the Rules, regulations and Orders of the District as may be in effect from time to time, and acceptance of the permit constitutes an acknowledgment and agreement that the permittee will comply with all the terms, provisions, conditions, requirements, limitations, and restrictions embodied in the permit and with the Rules, regulations, and Orders of the District.
 2. The permit confers no vested rights in the holder and the permit is non-transferable. Written notice must be given to the District by the permittee prior to any sale or lease of the well covered by the permit. The permit may be revoked or suspended for failure to comply with its terms, which may be modified or amended pursuant to the requirements of the Act and any applicable Rules, regulations and Orders of the District.
 3. A permit shall be subject to amendment by the District of the amount of water authorized for pumpage based upon a review of the District's sustainable yield model and a determination by the District that an amendment is necessary after considering adequate water levels in water supply wells and degradation of water quality that could result from low water levels and low spring discharge.
 4. The drilling and operation of the well for the authorized use shall be conducted in such a manner as to avoid waste, pollution, or harm to the aquifer.
 5. The permittee shall keep accurate records and meter readings, on a monthly basis, of the amount of groundwater withdrawn, the purpose of the withdrawal, and, for any transporting of water outside the District, the amount of water transported and the identity and location of the recipients. Such records shall be submitted to the District office on a monthly basis, unless some other reporting period is specified in the permit, even if there is zero pumpage or transport for the time period and shall also be available for inspection at the permittee's principal place of business by District representatives. Immediate written notice shall be given to the District in the event a withdrawal or transporting of water exceeds the quantity authorized by the permit or Rules. Unless the permittee can present evidence that the pumpage or transport which exceeded the permitted

amount is due to an isolated incident that is not likely to be repeated and/or would not result in continued higher demands, the permittee must immediately submit an application to increase the permitted pumpage or transport volume based on the amount of pumpage or transport which exceeded the permitted amount projected for the remainder of the fiscal year.

6. The well site or transport facilities shall be accessible to District representatives for inspection during normal business hours and during emergencies. The permittee agrees to cooperate fully in any reasonable inspection of the well site or transport facilities and related monitoring or sampling by District representatives. The well owner shall provide a 24-hour emergency contact to the District.
7. The application pursuant to which a permit has been issued is incorporated therein, and the permit is granted on the basis of and contingent upon the accuracy of the information supplied in that application and in any amendments thereof. A finding that false information has been supplied shall be grounds for immediate revocation of a permit. In the event of conflict between the provisions of the permit and the contents of the application, the provisions of the permit shall prevail.
8. Driller's logs must be submitted within 60 days of the drilling of a well.
9. For all new public water supply wells, a 150-foot radius sanitary control easement around the well must be recorded with county of record and evidence of said easement or a variance from TCEQ shall be provided to the District 60 days upon completion of the well.
10. Monitoring of groundwater pumpage is to be accomplished in the manner specified in the District's metering policy and any modifications thereto.
11. Violation of the permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawal or transporting amounts outside of the District in excess of the amount authorized for transport, shall be punishable by civil penalties as provided by the Act and these Rules.
12. If special provisions are inconsistent with other provisions or regulations of the District, the Special Provisions shall prevail.
13. A Transport Permit may contain any term, condition, or limitation determined to be warranted by the District's Board based on the factors set forth in Rule 3-1. 6(A), and Section 36.122(d) of the Act.

14. Permittees will notify the District upon filing an application with the TCEQ to obtain or modify CCN to provide water or wastewater service in a service area that lies wholly or partly within the District or for which water shall be supplied from a well located inside the District.
15. Upon request of the District, permittees that are water utilities and that are not in compliance with their permit conditions concerning water use, are required to furnish the District the individual monthly water usage of all end-user customers that exceed the presumptive excessive-use criteria set forth in Section 3-3.7(C) of these Rules.
16. Permittees holding Class B or Class C Conditional Production Permits under Rule 3-1.24(D)(E) must maintain at all times the certain ability and binding commitment to switch from the to-be-permitted volume of groundwater to some alternative water supply source(s) on a 100% basis, including (a) all necessary physical infrastructure and supporting agreements, rates, and tariffs required for such substitution, and (b) the commitment to use the alternative supply as warranted by District-declared drought conditions.
17. A Permit does not authorize use on property within the District other than the well owner's property without prior approval from the District for Multi-user Wells. For Permits approved for Multi-user Wells, the well owner shall be considered the sole permittee and shall be solely responsible for compliance with all applicable rules, permit conditions, and requirements including the multi-user well metering and reporting requirements pursuant to District Rule 3-2.
18. After notice and an opportunity for a hearing, the Permit may be reduced if the authorized withdrawal volume is deemed to be no longer commensurate with reasonable non-speculative demand or if actual production from a well is substantially less than the authorized permit amount for multiple years without any rationale that reasonably relates to efforts to utilize alternative water supplies, conserve, or improve water use efficiency.
19. After notice and an opportunity for a hearing, the Permit may be reduced or curtailed if the authorized withdrawal volume is determined to cause unreasonable impacts or failure to achieve the applicable DFC of the aquifers.
20. Wells must be maintained in good non-deteriorated condition and in compliance with Rule 5 related to District Well Construction Standards.
21. After receiving official notification from the District, the permittee shall implement the approved mitigation plan.

B. Compliance Monitoring Plan and Compliance Monitoring Well Network. Except as provided by Rule 3-1.4.G.6., any Production Permit application that, through an evaluation of the Hydrogeological Report and aquifer test data, has been found by the General Manager to have the potential to cause unreasonable impacts, pursuant to Rule 3-1.4.G. will require submittal and implementation of a compliance monitoring plan including a compliance monitoring well network. The purpose of the compliance monitoring plan and network is to provide data needed to assess the impacts of the pumping on the aquifer(s) over time and compliance with permit conditions in place to avoid unreasonable impacts.

1. Compliance Monitoring Well Network. A compliance monitoring well network shall be established by installing a sufficient number of index wells to measure drawdown and water quality around the well or well field. Spring flow should also be monitored if the spring is sourced from the same formation and within the vicinity of the proposed well or well field. Planning and implementation of the plan and network shall be closely coordinated with the District to ensure that the proposed plan is consistent with District standards and expectations. The final plan and network must be approved by the District and installed prior to commencement of pumping. The permittee or applicant will be required to pay for all cost associated with the design, engineering, construction, sampling and maintenance of the monitoring well network and equipment except such that may be agreed upon by the District. The permittee or applicant shall provide assurances of legal District access to the monitoring well network. A permittee or applicant who incurs cost related to implementing the plan and operating the network assumes the risk that the Board may modify, reduce, adjust, or curtail the permitted volume.
2. Minimum Compliance Monitoring Plan Requirements. The compliance monitoring plan shall be a legally binding agreement between the District and permittee or applicant and should include detailed information on the construction, operation, sampling and analysis, and maintenance of the new compliance monitoring well network. The plan shall be subject to approval by the General Manager and shall, at minimum, include the following:
 - a. General Information:
 - i. Goal and purpose of project.
 - ii. Description of local geologic and hydrogeologic conditions.
 - iii. Location map showing monitoring well network well locations (including proposed and existing wells) and rationale for well locations.
 - b. Design and Construction:

- i. Well design plans and schematics on construction of each new index well.
 - ii. Completion and construction data for each existing well that will be used in the monitoring well network (e.g. State well reports, available geophysical data, downhole video, pump depth, or schematics for proposed modifications).
 - iii. Monitoring well equipment specifications and installation.
 - iv. Designated hydrogeologist and well drilling contractor.
- c. Schedule for Completion of Work.
- d. Monitoring Well Access. The permittee or applicant will ensure that the District can maintain access to the monitoring well network and equipment.
- e. Maintenance and Repair Commitments. Identify parties responsible for maintaining, repairing, and equipping the monitoring well network.
- f. Groundwater Sampling and Analysis Plan.
 - i. Sampling procedure, schedule, and frequency.
 - ii. Target constituents.
 - iii. Water level measurement procedure, schedule, and frequency.
- g. Other Relevant Information.

C. Mitigation Plans. For Production Permit applications found by the General Manager to have the potential to cause unreasonable impacts related to groundwater quality degradation or well interference, pursuant to Rule 3-1.4.G, the applicant may opt to submit a mitigation plan subject to District review and approval to serve as a contingency for the occurrence of unreasonable impacts that are unanticipated or unavoidable through reasonable measures. Mitigation Plans, if adopted by agreement between the permittee and the District, will be incorporated as special provisions of the permit.

- 1. Planning and Implementation. Planning and implementation of the plan shall be closely coordinated with the District to ensure that the proposed plan is consistent with District standards and expectations. After an investigation is initiated and the permittee has received official notification

from the District, the permittee shall implement the approved mitigation plan pursuant to the conditions and requirements of the permit. A permittee or applicant who incurs cost related to implementing the plan assumes the risk that the Board may modify, reduce, adjust, or curtail the permitted volume.

2. Plan Requirements. A Mitigation Plan shall address the following minimum requirements.
 - a. Financial Commitment. A description of permittee's financial commitment to implement mitigation actions. Responsible parties for managing the funding must be specified.
 - b. Impact Area. A geographical description of the designated impact area within the potential area of influence. A profile of impact estimation should be included to outline the risk analysis within the designated impact area.
 - c. Contingency Supply. An outline of actions and temporary procedures that will be taken by the permittee to provide a supplemental or alternative source of potable water to the owners of the wells that were determined to be unreasonably impacted. Responsible parties must be specified.
 - i. These measures shall be temporary in nature until the permittee can provide a permanent solution of well remediation or well replacement.
 - ii. The quantity and quality of the supplemental or alternative water supply shall be equal to or greater than the original water supply yield and quality available from the impacted water supply well.
 - d. Mitigation Actions. A description of the actions that will be taken to remediate or replace the impacted well(s). Mitigation actions may be categorized into 'action tiers' for which there are specific diagnostics and responses taken to comply with this condition. Responsible parties must be specified.
 - e. Implementation Schedule. A description of the schedule and timeline for implementing each phase of the mitigation plan. Responsible parties must be specified. A schedule and timeframe must be provided for each 'mitigation action tier' which includes the timing and frequency of diagnostic and response actions.
 - f. Implementation Documentation. A description of the types of documents and reports that will be produced to document actions

and schedules of implementation tasks. Responsible parties must be specified.

- g. Third Party Contractors. A list of the third party contractors, mutually agreed upon by the District and permittee, to carry out well services, well repairs, well construction, or well equipment replacement. The responsibilities of each contractor, District and permittee must be specified.

3-1.20. GENERAL PERMITS BY RULE.

For wells of certain characteristics and in certain prescribed situations, the District may issue several different types of permits by rule, generally with abbreviated application documentation and timelines. General permits by rule do not require notice and public hearings and are used for administrative convenience when their use is not inconsistent with the District's overall mission. The District may issue a general permit by rule as an administrative action, provided the requirements of the permit are met.

A. General Requirements and Conditions for General Permits by Rule.

1. Unless otherwise prohibited by the District and subject to the conditions and eligibility requirements specified for each general permit, wells are authorized to operate pursuant to this Section without an individual permit from the District.
2. A completed Well Registration form shall be submitted with the appropriate fees in accordance with Rule 3-1.2.
3. Wells authorized by this Section shall be registered in accordance with Rule 3-1.1.
4. A well authorized pursuant to this Rule is not subject to production fees.
5. In lieu of authorization pursuant to this Rule, the Board at its sole discretion may require authorization by obtaining an individual permit.
6. Wells authorized pursuant to this Rule are subject to the Rules, regulations, Orders, special provisions, and other requirements of the Board, and laws of the State of Texas.

B. Limited Production Permit.

The purpose of this provision is to permit by rule the drilling and completion of nonexempt domestic and livestock use wells and the production of groundwater from wells.

1. Eligibility Criteria. To be eligible for authorization under this general permit, wells must:
 - a. not meet Exempt criteria under Rule 3-1.3B, and
 - b. not be located in an area in which a water supplier has a valid CCN or, if located in an area where a water supplier has a valid CCN, the supplier is not readily able to supply water without extraordinary additional cost or time delay to the applicant.

2. Conditions and Requirements. Each authorization under this general permit shall be subject to the following conditions and requirements:

- a. ~~a.~~ The well does not produce more than 500,000 gallons per year for applications filed prior to December 14, 2023,
- b. ~~b.~~ The well does not produce more than 250,000 gallons per year for applications filed on or after December 14, 2023,
- c.b. The well is equipped with a meter under Rule 3-2.1,
- ed. The permittee shall keep accurate records and meter readings on an annual basis for the amount of groundwater withdrawn, the purpose of the withdrawal, and such records shall be submitted to the District office on an annual basis no later than September 5th of each year,
- ed. The permittee shall adopt, and implement a UCP consistent with Rule 3-6,
- ef. Any well completed in the Freshwater Edwards Management Zones and authorized for production under this General Permit may be subject to temporary curtailments during a District-declared Emergency Response Period, pursuant to Rule 3-7-6.C related to Drought, and as deemed necessary by the Board to preserve the DFC, and
- gf. Any other conditions that the District may require.

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- 3. Wells authorized by this permit are subject to the permit conditions and requirements of Rule 3-1.11, the well spacing requirements of Rule 3-1.12, and the provisions of Rule 3-4.
- 4. A permittee may apply to redrill or replace a currently permitted well while preserving the Limited Production Permit designation if it complies with the requirements of this Section and Rule 3-4.6.

C. Nonexempt Monitor Well Permit.

The purpose of this provision is to permit by rule the drilling and completion of nonexempt monitor wells and the production of restricted amounts of groundwater from nonexempt monitor wells.

- 1. Conditions and Requirements. Each authorization under this general permit shall be subject to the following conditions and requirements:

- a. The applicant shall submit along with the appropriate fees, an application using forms provided by the District for presenting the following information:
 - i. a detailed statement describing the nature and purpose of the proposed monitor well(s),
 - ii. a map clearly indicating the location of each well,
 - iii. a sampling and monitoring plan,
 - iv. a water well closure plan, or a declaration that (1) the applicant will comply with well plugging and capping guidelines set forth in these Rules, and (2) will report well closures as required in Rule 3-5, and
 - v. any other information required by the District that is pertinent to the evaluation of the application.
- b. Groundwater produced from the well is not in excess of the volume that is necessary for the sole purpose of conducting sampling and monitoring consistent with the sampling and monitoring plan;
- c. The well is equipped with a meter under Rule 3-2.1. This condition may be waived by the General Manager provided that the applicant demonstrates that the well is not equipped with a dedicated pump;
- d. The permittee shall keep accurate records on a monthly basis of the dates of each sampling event, the meter reading or the estimated volume of groundwater withdrawn with each sampling event, the purpose of the withdrawal, and such records shall be submitted to the District office on a monthly basis;
- e. Authorization under the general permit shall be renewed on an annual basis. With renewal, the permittee shall submit the following:
 - i. an annual renewal fee,
 - ii. an updated monitoring and sampling plan,
 - iii. an annual report describing the project status, a summary of monthly records maintained pursuant to A(5) of this Section, any water level or analytical data associated with each sampling event, and any other pertinent information required by the District, and

- iv. any studies or reports generated using data acquired from the monitor well(s).
 - f. The District shall be provided access to the monitor well(s) for sampling and data collection upon reasonable prior notice; and
 - g. The District may require other conditions on the basis of site-specific or use-specific circumstances.
2. Wells authorized by this permit are subject to the permit conditions and requirements of Rule 3-1.11 and the provisions of Rule 3-4.
 3. This general permit is applicable to nonexempt monitor well(s) registered on or after January 26, 2006.

D. Test Well and Aquifer Test Permit.

The purpose of this provision is to permit by rule the drilling and completion of temporary test wells and the temporary production of restricted amounts of groundwater from test wells.

1. Application Requirements The applicant shall submit, along with the appropriate fees, an application using forms provided by the District for presenting the following information:
 - a. a detailed statement describing the nature and purpose of the proposed test well and anticipated production volume,
 - b. an aquifer test work plan to include the required information as specified in the District's *Hydrogeological Report and Aquifer Test Guidelines (Guidelines)*,
 - c. a map clearly indicating the location of the test well,
 - d. a proposed well design schematic with specifications to include: the total depth, borehole diameter, casing diameter and depth, annular seal interval(s), annular sealing method, surface completion specifications, and any other pertinent well construction information,

- c. a water well closure plan or a declaration that the applicant will (1) comply with well plugging and capping guidelines set forth in these Rules, and (2) report well closures as required in Rule 3-5, and
- f. any other information required by the District that is pertinent to the evaluation of the application.

2. Aquifer Tests and Hydrogeological Reports.

- a. The District will not accept an aquifer test or Hydrogeological Report conducted on a temporarily completed test well, for the purposes of satisfying the application requirements of an individual Production Permit.
- b. The District may consider an aquifer test and Hydrogeological Report that is conducted on a test well if the well is completed and equipped to a design that is representative of permanent completion, such that the target production zone is isolated.
- c. If the applicant intends to conduct an aquifer test on a test well and prepare a Hydrogeological Report to support an individual Production Permit application, the applicant shall submit the following information:
 - i. an aquifer test work plan to include the required information as specified in the District's *Guidelines* subject to review and approval by the General Manager. For anticipated annual Production Permit volumes more than 200,000,000 gallons, the applicant must submit an aquifer test monitoring plan and establish an aquifer test monitoring network in accordance with Rule 3-1.4.D.
 - ii. a proposed well design schematic for the alternate completion design with specifications to include: the total depth, borehole diameter, casing diameter and depth, annular seal interval(s), annular sealing method, surface completion specifications, and any other pertinent well construction information.
- d. If an aquifer test and Hydrogeological Report are conducted on a test well for the purposes of satisfying the application requirements of a Production Permit, an additional aquifer test may be required as a special permit provision after the well is permanently completed for its ultimate planned use.

3. Conditions and Requirements. Each authorization under this permit by

rule shall be subject to the following conditions and requirements:

- a. Groundwater produced from the well is not in excess of the volume that is necessary to conduct an aquifer test as specified in the aquifer test work plan.
 - b. The well shall be equipped with a meter in accordance with Rule 3-2.1.
 - c. The permittee shall keep accurate records of the metered pumpage during the aquifer test. Such records shall be submitted to the District upon completion of the test.
 - d. Authorization under this permit by rule shall expire upon completion of the aquifer test as specified in the aquifer test work plan or within six months of approval, whichever occurs first. Temporary test wells shall either be plugged or modified and permanently completed in accordance with District Rules and Well Construction Standards within six months of completion of the wells.
 - e. The well shall be completed in accordance with the District's Well Construction Standards and, at minimum, shall not be open at the surface or allow water zones of different chemical quality to commingle.
 - f. The District may require other conditions on the basis of site-specific or use-specific circumstances.
 - g. Authorized Testing Volume. The District will authorize a temporary testing volume. A fee will be assessed for volumes over 10 million gallons in accordance with the fee schedule.
4. This general permit by rule is subject to the permit conditions and requirements of Rule 3-1.11 and the provisions of Rule 3-4.
 5. This general permit is applicable to test well(s) registered on or after September 10, 2009.

E. General Conservation Permit.

The purpose of this provision is to provide a protected, accumulative permit by rule that will be the holding vehicle for all Historic Use groundwater that was previously authorized groundwater production but is now associated with permanently retired permitted pumpage with Historic Use Status. Appropriate volumes associated with such retired water shall be added to the Conservation Permit. There is only one

Conservation Permit and it is held by the District. The groundwater volume in the Conservation Permit is considered a committed use under permit as part of the Extreme Drought MAG and is included in the Ecological Flow Reserve.

F. ASR Pilot Test Permit. The purpose of this provision is to permit by rule the temporary production and recovery of restricted amounts of Class D Fresh Edwards groundwater for the purpose of ASR pilot testing as defined in these rules.

1. Application Requirements. The applicant shall submit, along with the applicable fees, an application using forms provided by the District for presenting the following information.
 - a. Nature and Purpose. Provide a detailed statement describing the nature and purpose of the proposed ASR project including the proposed end uses of the waters stored and recovered.
 - b. Site Location. Provide detailed maps describing:
 - i. The extent and boundary of the ASR test project area;
 - ii. The location of all source water wells;
 - iii. The wellfield layout design including all proposed ASR recovery wells, source production wells, monitoring wells, and the regional hydraulic gradient flows;
 - iv. The distribution system for the ASR test project, including the route for how source water will be distributed to the storage and recovery well location; and
 - v. The location of all other wells in the half mile radius of the ASR well.
 - c. Pumpage Volume. Provide a detailed statement describing:
 - i. The total anticipated production volume for the test;
 - ii. The estimated pumping rate of production from the source groundwater well;
 - iii. The estimated rate of recharge into the storage/recovery well; and
 - iv. The estimated rate of recovery from the storage/recovery well.

- d. **Work Plan.** Provide a testing work plan to include the required information as specified in the District's *Guidelines for Hydrogeological Reports and Aquifer Testing*. The test work plan shall be coordinated with District staff.
 - e. **Accounting Plan.** Provide a detailed reporting format and diagrams describing how all ASR waters will be accounted for and reported. The accounting plan shall depict where the meters will be located on the system piping, and the type of meters that will be installed. The plan shall describe how the following will be metered, calculated, and reported on a monthly basis:
 - i. The volume of source water produced (Class D);
 - ii. The volume of source water(s) stored (total for each source water); and
 - iii. The volume of recovered water from storage (total volume recovered);
 - iv. The total storage volume of all source waters remaining after recovery (total for each source water);
 - v. The volume of native groundwater withdrawn from the ASR well (if applicable);
 - vi. Monthly average recharge pressures for each ASR well.
 - f. **Related Authorizations.** The applicant is responsible for obtaining required permit authorizations from TCEQ. The applicant shall obtain and submit a copy, of the TCEQ authorization applicable to this testing effort, to the District.
 - g. Any other information required by the District that is pertinent to the evaluation of the application.
2. **Conditions and Requirements.** Each authorization under this permit by rule shall be subject to the following conditions and requirements:
- a. **Testing During Drought.** Any test that commences shall be allowed to continue or complete testing of fully authorized volume until the District declares Stage 3 Critical Drought. Upon declaring Stage 2 Alarm Drought the applicant will receive notice from the District that any source production and storage associated with this testing must be completed before the declaration of Critical Stage 3 Drought. Recovery of the stored water associated with this test is

allowable during any drought stage. Permittees with other source water may inject volumes during any drought stage but will be subject to the provisions of that permit. An applicant may request a variance to this condition pursuant to District Rule 3-1.25.

- b. **Related Authorizations.** The permittee is responsible for compliance with all applicable statutes and TCEQ rules associated with the Edwards Aquifer Protection Zone, and injection of water for storage, or the use of recovered water.
- c. **Term.** Authorizations will expire within 2 years of the effective date of the issued authorization. An applicant may only request one ASR testing authorization per well field. The General Manager may consider and approve a 1 yr extension request if a testing program is underway and will be completed during the one year extension. Extension request must be made in writing 30 days prior to original expiration date.
- d. **Authorized Testing Volume.** For the purposes of aquifer testing, the District will authorize a limited production volume of Edwards water, not to exceed 30 million gallons per authorization. Volumes over 10 million gallons of authorized Edwards water will be assessed a production fee in accordance with the fee schedule. Authorized Edwards volumes are to be used for testing purposes only. Any unused or unrecovered Edwards testing volumes will not be credited towards other permitted uses. The Permittee may use other permitted source waters for the ASR test project in accordance with TCEQ 30 §TAC 331.19, TCEQ 30 §TAC 331.186.
- e. **Metering.** The wells associated with this ASR testing shall be equipped with one or more meters to account for the storage and recovery of water. The permittee shall keep accurate records and meter readings on a monthly basis and such records shall be submitted to the District office on a monthly basis no later than the 5th of each month.
- f. **Reporting.** In accordance with District Rule 3-2 and Rule 3-1.15, ASR permittees shall monitor each ASR well and submit:
 - i. Monthly records of meter readings for the following:
 - a. The volume of source water produced (Class D);
 - b. The volume of source water(s) stored (total for each source water); and

- c. The volume of recovered water from storage (total volume recovered);
 - ii. Monthly volume calculations for the following:
 - a. The total storage volume of all source waters remaining after recovery (total for each source water); and
 - b. The volume of native groundwater withdrawn from the ASR well (if applicable);
 - iii. Monthly average recharge pressures for each ASR well.
- g. Status Report. One year after the initial pilot testing authorization is issued the permittee shall provide a project status report describing the current status of activities related to TCEQ permitting efforts, storage and recovery activities, sampling and analyses, and any changes to the pilot test work plan.
- h. Summary Report. Provide a project summary report detailing all results from testing, monitoring and analyses, and all conclusions reached from the information to the District within 60 days after the completion of pilot testing.

3-1.55.1 TEMPORARY PERMITS.

~~A person eligible for a Temporary Production Permit or Temporary Well Drilling Authorization may apply and be issued authorization to drill, operate, or perform another activity related to the nonexempt well pursuant to the following provisions. Any person eligible for a Temporary Permit who failed to apply by September 19, 2015 will not be eligible for a Temporary Permit but may submit an application for a Production Permit pursuant to Rule 3-1.4 and may be subject to past production fees.~~

- ~~1. Eligibility criteria. Persons who meet the following criteria and who submit an administratively complete application on or before September 19, 2015 may be issued a Temporary Production Permit or Temporary Well Drilling Authorization.~~
 - ~~1. The person is operating an existing nonexempt well on or before June 19, 2015;~~
 - ~~2. The person has entered into a contract on or before June 19, 2015 to operate an existing nonexempt well; or~~
 - ~~3. The person has entered into an existing contract on or before June 19, 2015 to drill or complete a new nonexempt well. The person would only be eligible for a Temporary Well Drilling Authorization.~~
- ~~2. A Temporary Permit issued under this Section does not confer any rights and privileges to the well owner or permittee other than those set forth in this Section.~~
- ~~3. Any person who relies on the Temporary Permit granted by this Section to drill, operate, or engage in other activities associated with a water well assumes the risk that the District may grant or deny, wholly or partly, the permit application when the District takes final action after notice and hearing to issue a Regular Production Permit pursuant to the application.~~
- ~~4. Temporary Permit Applications. Applications for Temporary Permits shall be made in the name of the well owner or property owner on a form or forms provided by the District. The sworn, original application must be submitted and signed by the owner or an authorized agent of the owner who may be required to provide the District with a notarized authorization from the owner. This agent may be the well driller, lessee or renter of the property or well, power of attorney, or other appropriate agent.~~
- ~~5. Administrative Completeness of Temporary Permit Application. An administratively complete Temporary Permit application shall consist of the submission to the District of an original, completed, signed and notarized application, payment of all applicable application fees; submission of any required maps, documents, ownership information, or supplementary information required by the General Manager or the General Manager's designated representative;~~

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and any other documentation required by the District as part of the application. District staff will determine if an application is administratively complete.

6. Fees included with Application. The application must be accompanied by the application fee, and other fees as appropriate. The application fee must be submitted with the application to start processing review period. Payment of all fees, including production fees, remains the responsibility of the property owner.
7. Processing Timeframes. Processing timeframes for the Temporary and Regular Production Permits will begin simultaneously with the submittal of a two-part application. Upon submission of the application, the processing timeframes for each part will run concurrently and, if deemed administratively incomplete, will expire in accordance with provision 3-1.55.2(B)(3) related to Action on Temporary Permits.

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3-1.55.2 TEMPORARY PRODUCTION PERMITS:

4. Temporary Production Permits Applications. Temporary Production Permit Applications must contain the following information in sufficient detail to be acceptable to the District:
 1. A detailed statement of the nature and purpose of the proposed use including proposed uses by persons other than the well owner.
 2. Requested annual permit volume not to exceed the maximum production capacity and supporting documentation providing the basis for determining the requested volume.
 3. A declaration that the applicant will comply with the District Rules and Bylaws, all Orders, and permits promulgated pursuant to the District Rules.
 4. A declaration acknowledging that the Temporary Permit conveys no vested rights or privileges other than those set forth in this Section.
 5. A declaration that the applicant assumes the risk that the District may grant or deny, wholly or partly, the permit application when the District takes final action after notice and hearing to issue a Regular Production Permit pursuant to the application.
 6. A copy of the legally binding contract entered into on or before June 19, 2015 that demonstrates a commitment to drill, operate, or perform other activity related to well.
 7. The location of each well and the estimated rate at which water will be withdrawn from each well.

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8. The location of the proposed receiving area for the water to be produced.

9. Other facts and considerations deemed necessary by the General Manager for protection of the public health and welfare and conservation and management of natural resources in the District.

2. Action on Temporary Production Permits:

1. Before issuing a Temporary Permit, the General Manager shall consider whether:

a. The application conforms with the requirements of this Section;

b. The application is administratively complete and is accompanied by the appropriate fees; and

c. The person's drilling, operating, or other activities associated with the well are consistent with the authorization sought in the permit application.

2. Provided the application conforms to the above requirements, the General Manager shall approve and issue a Temporary Permit for the requested permit volume not to exceed the maximum production capacity without notice or hearing and within 30 days of the date of receipt of the application.

3. Applications that remain administratively incomplete will expire 30 days following the date of receipt of the application. Upon expiration, the District will provide notification by certified mail to the applicant of the expired application. Administratively incomplete applications will be referred to the Board for final action.

3. Temporary Production Permit Term. Temporary Production Permits shall provide authorization to drill, operate, or perform another activity related to the nonexempt well and are only valid from June 19, 2015 (the effective date of H.B. 3405) until the date that the District makes a final, appealable action on issuance of a Regular Production Permit.

4. Temporary Production Permit Conditions and Requirements. All Temporary Production Permits are granted subject to the Rules, regulations, Orders, special provisions, and other requirements of the Board and the laws of the State of Texas. In addition, each permit issued shall be subject to the following conditions and requirements:

1. The Temporary Production Permit is granted in accordance with the provisions of H.B. 3405 of the 84th Texas Legislature in conjunction with Chapter 36, Texas Water Code, and the Rules, regulations and Orders of

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the District and acceptance of the permit constitutes an acknowledgment and agreement that the permittee will comply with all the terms, provisions, conditions, requirements, limitations, and restrictions embodied in the permit and with the Rules, regulations, and Orders of the District applicable to permit holders.

2. ~~The Temporary Permit issued under this Section does not confer any rights and privileges to the well owner or permittee other than those set forth in this Section.~~
3. ~~Any person who relies on the Temporary Permit granted by this Section to drill, operate, or engage in other activities associated with a water well assumes the risk that the District may grant or deny, wholly or partly, the permit application when the District takes final action after notice and hearing to issue a Regular Production Permit pursuant to the application.~~
4. ~~A functioning water meter must be installed within 30 days of the issuance of the Temporary Permit pursuant to Rule 3-2.~~
5. ~~The permittee shall keep accurate records and meter readings, on a monthly basis, of the amount of groundwater withdrawn, and the purpose of the withdrawal. Such records shall be submitted to the District office on a monthly basis, unless some other reporting period is specified in the permit, even if there is zero pumpage or transport for the time period, and shall also be available for inspection at the permittee's principal place of business by District representatives. Immediate written notice shall be given to the District in the event a withdrawal of water exceeds the quantity authorized by the permit or Rules.~~
6. ~~Production shall not exceed the permitted volume authorized in the Temporary Production Permit.~~
7. ~~The produced water shall be dedicated to beneficial use at all times.~~
8. ~~Temporary Production permittees are not required to comply with provisions of Rule 3-7 related to temporary drought curtailments.~~
9. ~~The drilling and operation of the well for the authorized use shall be conducted in such a manner as to avoid waste, pollution, or harm to the aquifer.~~
10. ~~The well site shall be accessible to District representatives for inspection during normal business hours and during emergencies. The permittee agrees to cooperate fully in any reasonable inspection of the well site related to monitoring or sampling by District representatives. The well owner shall provide a 24-hour emergency contact to the District.~~

11. ~~The application pursuant to which a permit has been issued is incorporated therein, and the permit is granted on the basis of and contingent upon the accuracy of the information supplied in that application and in any amendments thereof. A finding that false information has been supplied shall be grounds for immediate revocation of a permit. In the event of conflict between the provisions of the permit and the contents of the application, the provisions of the permit shall prevail.~~
12. ~~Violation of the permit's terms, conditions, and requirements, including pumping amounts in excess of authorized withdrawal, shall be punishable by civil penalties as provided by the Act and these Rules.~~
5. ~~Temporary Production Permit Fees and Payment of Fees. The Temporary Permit holder shall timely pay to the District all administrative fees and fees related to the amount of groundwater authorized to be produced pursuant to the Temporary Permit and District Rule 3-1-16 related to Fees and Payment of Fees.~~

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3-1-55.3 TEMPORARY WELL-DRILLING AUTHORIZATIONS.

1. ~~Temporary Drilling Authorization Application. A person that meets the eligibility criteria in provision 3-1-55.1(A)(3) is required to submit a separate Temporary Well Drilling Authorization application and associated fee for each proposed new well or well modification. In addition to the application requirements of provision 3-1-55.2(3) and (4), applications for Temporary Well Drilling Authorization must contain the following information in sufficient detail to be acceptable to the District:~~
4. ~~A proposed well design schematic with specifications to include the total depth, borehole diameter, casing diameter and depth, annular seal interval(s), annular sealing method, calculated grout volumes, surface completion specifications, and any other pertinent well construction information.~~
2. ~~A well development plan that describes the process for handling cuttings and fluids during the well development.~~
3. ~~The location of each proposed well and the estimated rate at which water will be withdrawn from each well.~~
4. ~~A declaration that the applicant will comply with well plugging and capping guidelines set forth in these Rules and will report well closures as required in Rule 3-5.~~
5. ~~Other facts and considerations deemed necessary by the General Manager for protection of the public health and welfare and conservation and management of natural resources in the District.~~

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2. ~~Temporary Drilling Authorization Conditions and Requirements. A Temporary Well Drilling Authorization shall only authorize a person to construct, drill, or modify a nonexempt well within the District in compliance with approved District Rules, specifically Rule 3-4 related to drilling authorization term, drilling records, drilling and completion of wells, and installation of well pumps and equipment; and Rule 5 related to well construction standards. This authorization is not a permit to produce groundwater from the well; a Production Permit is also required for that purpose.~~

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3-1.55.4 CONVERSION OF TEMPORARY PRODUCTION PERMITS TO REGULAR PRODUCTION PERMITS.

1. ~~Regular Production Permit Applications. Review of applications to convert Temporary Permits to Regular Production Permits shall begin with the submittal of the two-part application for both authorizations pursuant to Rule 3-1.55.1(G) related to processing timeframes. Regular Production Permits will be processed in a manner consistent with the applicable provisions for Production Permits, specifically Rule 3-1.4 related to administrative completeness of applications, notice, hearings, Hydrogeological Reports, and other related provisions.~~
2. ~~Action on Regular Production Permits. Before issuing a Regular Production Permit, the District shall consider whether:~~
 1. ~~The application conforms with the requirements of this Section;~~
 2. ~~The application is administratively complete and is accompanied by the appropriate fees;~~
 3. ~~The applicant has complied with terms of the Temporary Permit:~~
 - a. ~~The applicant's drilling, operating, or other activities associated with the well are consistent with the authorization sought in the permit application;~~
 - b. ~~The applicant timely paid to the District all administrative fees and fees related to the amount of groundwater authorized to be produced pursuant to temporary permit in the same manner as other permit holders in the District;~~
 - c. ~~The applicant complies with other Rules and Orders of the District applicable to permit holders; and~~
 4. ~~The production volume set forth in the Temporary Production Permit will cause;~~

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- a. ~~A failure to achieve the applicable adopted DFC for the aquifer; or~~
- b. ~~An unreasonable impact on existing wells. For purposes of an analysis of unreasonable impacts under this Subsection, the District shall consider items 1-5 in the definition of unreasonable impacts;~~

~~Applicants with an administratively complete application shall be issued a Regular Production Permit for the amount of groundwater production set forth in the Temporary Production Permit unless the District finds that authorizing that amount will cause one of the effects pursuant to 4 (a) or (b) above. The District may issue an Order approving a Regular Production Permit for a reduced amount if the District finds that authorizing the groundwater production in the amount set forth in the Temporary Production Permit will cause one of these effects.~~

- 3. ~~Time for Action on Regular Production Permits. After the application is administratively complete, the District shall promptly consider and act on each administratively complete application pursuant to the applicable provisions of Rules 3-1.4 and 3-1.6, and Bylaw 4-9 related to notice, hearing and time for action on permits.~~

~~Applications that remain administratively incomplete within the allotted time period will expire. Upon expiration, the District will provide notification, by certified mail, to the applicant of the expired application. Administratively incomplete applications will be referred to the Board for final action following notice and hearing. If the Board declares the application incomplete and therefore expired, the Temporary Production Permit shall expire.~~

- 4. ~~Regular Production Permit Conditions and Requirements. All Regular Production Permits are granted subject to the Rules, regulations, Orders, special provisions, and other requirements of the Board, and the laws of the State of Texas. Specifically, Regular Production Permits shall be subject to the provisions of Rule 3-1.11 related to Permit Terms and Conditions and 3-7 related to Drought.~~

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4-9.13. RULES GOVERNING PROTESTS AND REQUESTS FOR CONTESTED CASE HEARINGS.

- A. Notice of Protest. In the event any person should desire to protest or oppose any pending application or other matter identified in Rule 4-9.1(A) above, the person wishing to protest must file by United States mail, facsimile, e-mail, or hand delivery to the General Manager, Board, or hearing officer, a written notice of protest or opposition, providing the basis for such protest and opposition as described in Paragraph (B) below, and request a contested case hearing on or before the date on which the public response period expires pursuant to District Rule 3-1.4(B).
- B. Protest Requirements. Protests and request for contested case hearings shall be submitted in writing with a duplicate copy to the opposing party or parties and shall comply in substance with the following requirements:
1. Each protest shall show the name and address of the protestant.
 2. The protestant shall identify any injury that will result from the proposed action or matter to be considered by the Board.
 3. If the protest is based upon claim of interference with some present right of protestant, it shall include a statement of the basis of protestant's claim of right.
 4. Protestant shall call attention to any amendment of the application or adjustment which, if made would result in withdrawal of the protest.
 5. Protestant shall demonstrate a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest not common to members of the public that is within the District's regulatory authority and affected by a permit or permit amendment application.
 6. If a contested case hearing is desired, the party desiring the hearing must include a statement, "I/we request a contested case hearing."
 7. If a party requesting a contested case hearing desires for the hearing to be referred to and conducted by the SOAH, then the hearing request must include a statement "I/we request that the SOAH conduct the contested case hearing." A party requesting a hearing before SOAH shall pay all costs associated with the contract for a SOAH hearing in accordance with District Bylaw 4-9.16.
- C. The District shall limit participation in a hearing on a contested application to the General Manager, applicant, and only persons who 1) have timely requested a

hearing in Paragraph (A) above, and 2) who must have a personal justiciable interest as defined by Paragraph (B)(5) above.

~~D. — A holder of a Temporary Permit desiring to contest the preliminary decision of the General Manager on an application to convert the Temporary Permit into a Regular Production Permit, must file with the General Manager a written request for a contested case hearing, and if desired, for the hearing to be conducted by SOAH, on or before the date on which the public response period expires pursuant to District Rule 3-1.4(B).~~

DE. Following an uncontested hearing, an applicant may, not later than the 20th day after the date the Board issues an Order granting the application, demand in writing a contested case hearing if the Order:

1. includes special conditions that were not a part of the application as finally submitted; or,
2. grants a maximum amount of groundwater production that is less than the amount requested in the application; ~~or~~
3. ~~reduces the amount of groundwater from a permitted well for a holder of a Temporary or Regular Permit pursuant to Section 4(g) of H.B. 3405.~~

4-10.34.

PETITION FOR ADOPTION OR MODIFICATION OF RULES.

- A. A person with a real property interest in groundwater located within the District may petition the District to request the adoption or modification of a rule.
- B. Petitions shall be submitted in writing to the General Manager, and shall comply with the following requirements:
 - 1. each rule requested must be submitted by separate petition;
 - 2. each petition must be signed and state the name and address of the petitioner(s) and identify with a brief written description and drawing the petitioner's real property interest in groundwater within the District;
 - 3. each petition shall include:
 - a. a brief explanation of the proposed rule;
 - b. the text of the proposed rule prepared in a manner to indicate the words to be added or deleted from the text of the current rule, if any;
 - c. a statement of the statutory or other authority under which the proposed rule is to be promulgated; and
 - d. an allegation of injury or inequity that could result from the failure to adopt the proposed rule.
- C. The General Manager may reject a petition for failure to comply with the requirements of subsection (B) of this section.
- D. Not later the 90th day after the date the District receives the petition that complies with this section, the Board shall either deny the petition and provide an explanation for the denial in the minutes of the Board meeting or in a letter, or engage in rulemaking consistent with the granted petition as provided by Section 36.101 of the Water Code.
- E. There is no private cause of action for a decision to accept or deny a petition.