RESOLUTION AND ORDER NO. 237

OF THE BOARD OF DIRECTORS OF THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT ADOPTING HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT RULES, RULE 3 (WELL CONSTRUCTION, OPERATING PERMITS AND WATER UTILITY CONNECTIONS), RULE 4 (WELL CONSTRUCTION, REPORTS AND SPACING), RULE 5 (HEARINGS), RULE 6 (TAGGING PROHIBITING USE, CAPPING OR PLUGGING WELLS), RULE 10 (ENFORCEMENT), RULE 11 (AQUIFER TEST/WELL PERFORMANCE TEST AND REPORT), RULE 12 (REPORTING), RULE 13 (DROUGHT MANAGEMENT), RULE 14 (VARIANCES), AND RULE 15 (JACOB'S WELL GROUNDWATER MANAGEMENT ZONE)

WHEREAS, the Hays Trinity Groundwater Conservation District ("HTGCD" or "the District") is a political subdivision of the State of Texas, created by Act of May 28, 1999, 76th Leg., R.S., ch. 1331, 1999 Tex. Gen. Laws 4536, §§ 1-18 and by Act of May 27, 2001, 77th Leg., R.S., ch. 966, 2001 Tex. Gen. Laws 1991, 2027, §§ 3.0301-3.0313, codified at Texas Special District Local Laws Code ch. 8843 ("HTGCD Act");

WHEREAS, HTGCD has as its purpose the conservation, preservation, protection, recharging, and prevention of waste of groundwater and groundwater reservoirs or their subdivisions, including the Trinity Aquifer, within its jurisdiction in Hays County, consistent with the objectives of Section 59, Article XVI, Texas Constitution, Chapter 36 of the Texas Water Code, and Chapter 8843, Special District Local Laws Code. Tex. Water Code Ann. § 36.0015(b); HTGCD Act § 8843.101;

WHEREAS, groundwater conservation districts "are the state's preferred method of groundwater management in order to protect property rights, balance the conservation and development of groundwater to meet the needs of this state, and use the best available science in the conservation and development of groundwater." Tex. Water Code Ann. § 36.0015(b);

WHEREAS, the District has "all of the rights, powers, privileges, authority, functions, and

duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution." HTGCD Act § 8843.101;

WHEREAS, the District is authorized to "make and enforce rules, including rules limiting groundwater production based on tract size or the spacing of wells, to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater and to carry out the powers and duties provided by this chapter." Tex. Water Code Ann. § 36.101(a);

WHEREAS, in adopting a rule under Chapter 36 of the Texas Water Code, a district is required to "(1) consider all groundwater uses and needs; (2) develop rules that are fair and impartial; (3) consider the groundwater ownership and rights described by Section 36.002; (4) consider the public interest in conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and in controlling subsidence caused by withdrawal of groundwater from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution; (5) consider the goals developed as part of the district's management plan under Section 36.1071; and (6) not discriminate between land that is irrigated for production and land that was irrigated for production and enrolled or participating in a federal conservation program." Tex. Water Code Ann. § 36.101(a);

WHEREAS, when it adopts rules, the District must comply with the applicable procedural rulemaking requirements of Chapter 36 and the District's rules. Tex. Water Code Ann. § 36.101; District Rule 5;

WHEREAS, pursuant to Tex. Water Code Ann. § 36.101 and Sections 5.1 and 5.2 of the District's Rules, the District provided notice of the rulemaking hearing held with respect to the Proposed Rules ("PRs"), as set out in Exhibit A (redlined), by 20 days before the hearing: posting the notice in a place readily accessible to the public at the District's office; providing the notice to the Hays County Clerk; publishing the notice in the *Wimberley View*, a newspaper of general circulation in the District; and attempting to publish in the *Dripping Springs Century News*, to whose customers the physical copy of the *Wimberley View* was distributed; providing the notice by mail, facsimile, or electronic mail to those persons who have requested notice; and making available a copy of the proposed rules at the District's office during the District's business hours and on the District's website;

WHEREAS, the PRs contain a note reflecting that an earlier version of Rule 10.1.2 was repealed as part of amendments to District Rules on November 2, 2023, however, that Final Order Adopting Rules omitted the redline tracked changes striking that provision, though it removed the provision and renumbered subsequent sections;

WHEREAS, pursuant to § 36.101, Tex. Water Code Ann., and Sections 5.1 and 5.2 of the District's Rules, the District held a public rulemaking hearing at which the public was allowed to make comments on the PRs and the hearing was conducted in accordance with the Texas Open Meetings Act, Tex. Gov't Code Ann. §§ 551.001-551.146;

WHEREAS, the District has considered all comments submitted prior to the adoption of this order;

WHEREAS, the District has prepared Final Rules ("FRs") (clean), as set out in Exhibit B, which contain no changes from the PRs, and are attached hereto and incorporated for all purposes; and

WHEREAS, the board has reviewed the FRs and finds that they are consistent with the District's statutory authority and should be adopted.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT THAT:

Section 1. The recitals set out above are found to be true and correct and they are hereby adopted by the Board and are made a part of this Resolution and Order for all purposes.

Section 2. The FRs, which are attached to this Resolution and Order as Exhibit B, are hereby adopted as Final Rules by the Board.

Section 3. The FRs become effective immediately.

PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT THIS 6TH DAY OF AUGUST, 2026.

Bruce A Moulton

Bruce Moulton, President

ATTEST:

Marcus Gary
Secretary/Treasurer

APPROVED AS TO FORM:

Deborah Trejo, General Counsel

EXHIBIT A

Hays Trinity Groundwater Conservation District

RULES

As Amended Effective

~~February~~ August 6, 2026~~5~~

MISSION STATEMENT

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

RULE REVISION RECORD

Date Adopted	Board Resolution/ Order Number	Effective Date	Affected Rules
8/9/01	---	8/9/01	Original Adoption
3/25/04	102	3/29/04	Rules 1-11
2/24/05	107	3/9/05	Rules 4 & 11
5/05/05	110	5/11/05	Rules 4 & 11
8/31/05	114	9/1/05	Rules 1-6 & 10-12
9/01/05	117	9/1/05	Rule 5
6/14/07	140	6/14/07	Rules 1-12
9/17/09	141	9/17/09	Rule 9
8/18/11	151	8/18/11	Rule 3
4/03/13	159	4/03/13	Rules 1-14
7/31/13	162	9/01/13	Rules 1-5 & 10
12/17/14	174	1/1/15	Rule 1-3, 5 & 10-14
11/18/15	178	12/01/15	Rule 1-5, 10, 12 & 13
9/21/16	182	10/01/16	Rule 3
12/20/17	187	1/01/18	Rule 1-5 & 10-14
12/30/19	196	1/01/20	Rule 2 & 16
03/05/20	197	03/05/20	Rule 15
11/05/20	208	11/05/20	Rule 1.7
4/1/21	210	4/1/21	Rule 15.2
10/6/22	222	10/6/22	Rules 11.1, 13.3 & 15.2

1/12/23	223	1/12/23	Rules 13.2 &13.3
11/2/23	224	11/2/23	Rules 1-6, 9-10, 12-13 & 15
8/1/24	228	8/1/24	Rule 16
2/6/25	232	2/6/25	Rules 1-5, 10-15
8/6/26	237	8/6/26	Rules 3-6, 10-15

TABLE OF CONTENTS

MISSION STATEMENT 1
TABLE OF CONTENTS 3

RULE 1. INTRODUCTION 6

Section 1.1 Authority to Promulgate Rules 6
Section 1.2 Purpose of the Rules 6
Section 1.3 Effective Date 6
Section 1.4 Action on Rules 6
Section 1.5 Regulatory Compliance 7
Section 1.6 Savings Clause 7
Section 1.7 Procedure, Conduct and Decorum at Meetings of the Board of Directors 7
Section 1.8 Petition for Rulemaking 8

RULE 2. DEFINITIONS 10

Section 2.1 Word meanings in the Rules of the Hays Trinity Groundwater Conservation District 10

RULE 3. WELL CONSTRUCTION, OPERATING PERMITS AND WATER UTILITY CONNECTIONS 19

Section 3.1 General Provisions 19
Section 3.2 Existing Wells 19
Section 3.3 Drilling Permits for New Wells 19
Section 3.4 Well Construction Notification 20
Section 3.5 New Operating Permits 21
Section 3.6 Transportation Outside District Boundaries; Export Permit Required 25
Section 3.7 Renewal of an Operating Permit 26
Section 3.8 Permit Amendment and Revocation 26
Section 3.9 Modification of Well 27
Section 3.10 Water Utility Connection Categories and Fees 27
Section 3.11 Wells Exempt from Operating Permit Requirements 28
Section 3.12 Geoexchange Wells (Geothermal wells; closed loop earth-coupled heat exchange wells) 30
Section 3.13 Project Dormancy 31

RULE 4. WELL CONSTRUCTION, CAPPING, PLUGGING, REPORTS AND SPACING 32

Section 4.1 Well Construction Standards 32

Section 4.2 Reports and Monitoring 33
Section 4.3 Well Location and Spacing 33
RULE 5. HEARINGS 36
Section 5.1 Hearings before the District 36
Section 5.2 Hearings on Desired Future Conditions, Management Plan, or Rules Adoption 36
Section 5.3 Notice Requirements for a Public Hearing on Desired Future Conditions, Management Plan, or Rules Adoption 36
Section 5.4 Adoption of Emergency Rules 37
Section 5.5 Notice of Public Hearing on an Operating Permit Application 37
Section 5.6 Contesting Operating Permit and Amendment Applications, in General 38
Section 5.7 Additional Contested Case Hearing Procedures for Operating Permit and Amendment Applications 40
RULE 6. TAGGING, PROHIBITING USE, CAPPING, OR PLUGGING WELLS 43
Section 6.1 Tagging Wells; Prohibiting Use 43
Section 6.2 Capping Wells 43
Section 6.3 Plugging Wells 44
RULE 7. WELL AND PROPERTY ACCESS 45
Section 7.1 Well Inspections & Investigating 45
Section 7.2 Property Access 45
RULE 8. REPEALED 46
RULE 9. PROHIBITIONS AGAINST WASTE AND POLLUTION 47
Section 9.1 Prohibition Against Waste and Pollution 47
RULE 10. ENFORCEMENT 48
Section 10.1 Enforcement 48
RULE 11. AQUIFER TEST / WELL PERFORMANCE TEST AND REPORT 49
Section 11.1 Aquifer Test Categories & Project Process 49
Section 11.2 Administrative Information 50
Section 11.3 Proposed Water Use Information 51
Section 11.4 Projected Water Demand Estimate 52
Section 11.5 Regional Groundwater Resource Setting 52
Section 11.6 Site-Specific Groundwater Data / Aquifer Test and Well Performance Test Design 53
Section 11.7 Determination of Groundwater Quality 60

Section 11.8 Determination of Groundwater Availability for Tier 2 and Tier 3 Permit Applications 62
Section 11.9 Determination of Groundwater Availability. 63
Section 11.10 Groundwater Availability and Usability Statements and Certification 64
RULE 12. REPORTING 66
Section 12.1 Reporting Requirements 66
RULE 13. DROUGHT MANAGEMENT....67
Section 13.1 Drought Conditions & Provisions....67
Section 13.2 Drought Triggers....67
Section 13.3 Drought Stages....67
Section 13.4 Reporting Requirements During Drought....68
RULE 14. VARIANCES....70
Section 14.1 Variances....70
RULE 15. JACOB'S WELL GROUNDWATER MANAGEMENT ZONE....71
Section 15.1 Jacob's Well Groundwater Management Zone (JWGMZ)....71
Section 15.2 Drought Curtailments....72
RULE 16. BLANCO VALLEY GROUNDWATER MANAGEMENT ZONE 74
EXHIBIT 1 – PUBLIC PARTICIPATION FORM....75
EXHIBIT 2 – MAP OF JACOB'S WELL GROUNDWATER MANAGEMENT ZONE....76
EXHIBIT 3 – MAP OF BLANCO VALLEY GROUNDWATER MANAGEMENT ZONE 1

RULE 1. INTRODUCTION

Section 1.1 Authority to Promulgate Rules

(1.1.1) The Hays Trinity Groundwater Conservation District (District) is a political subdivision of the State of Texas. The District is governed by Chapter 8843, Special District Local Laws Code ("enabling legislation"), and was confirmed by the voters of the District. As a duly created groundwater conservation district, the District may exercise any and all statutory authority or power conferred by its enabling legislation and Chapter 36 of the Texas Water Code, including the adoption and enforcement of rules under Texas Water Code Section 36.101 Rulemaking Power. All references to the Texas Water Code are to the code as amended.

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

Section 1.2 Purpose of the Rules

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

(1.2.2) These rules, and any orders, regulations, requirements, resolutions, policies, directives, standards, guidelines, management plans, or other regulatory measures implemented by the Board, have been promulgated to fulfill these objectives. These rules may not be construed to limit, restrict, or deprive the District or Board of any exercise of any power, duty, or jurisdiction conferred by the District's enabling legislation, Texas Water Code Chapter 36, or any other applicable law or statute.

Section 1.3 Effective Date

(1.3.1) These rules and any amendments become enforceable upon the effective date.

Section 1.4 Action on Rules

(1.4.1) The Board may from time to time, following notice and public hearing, amend or revoke these rules or adopt new rules.

(1.4.2) The Board may adopt an emergency rule with an abbreviated notice and hearing.

(1.4.3) The Board may adopt new rules or amend rules as necessary to carry out the purposes of the District and to implement state and regional water plans and the District's groundwater management plan.

Section 1.5 Regulatory Compliance

(1.5.1) All persons within the District, including land owners, well owners, operators, and permittees shall comply with all applicable rules, orders, regulations, requirements, and any other regulatory measures adopted by the District.

(1.5.2) Conformance to District rules does not eliminate requirements for the applicant or contractor to conform to other laws.

(1.5.3) Following the contested case hearing concerning an NOAV, the Board shall make a decision on the proper resolution of the enforcement matter. If the Board determines that the person has committed a violation or is threatening to commit a violation, the Board may, among other things:

A. A recommend and/or authorize acceptance of a settlement amount in lieu of litigation; or

B. file suit in a court of competent jurisdiction to seek civil penalties and/or injunctive relief, attorney's fees and costs necessary to resolve the matter.

Section 1.6 Savings Clause

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

Section 1.7 Procedure, Conduct and Decorum at Meetings of the Board of Directors

(1.7.1) All regular, special, and emergency Board meetings will be called and conducted under the provisions of the Texas Open Meetings Act, Chapter 551, Government Code.

(1.7.2) Regular, special, and emergency board meetings are open to the public and to representatives of the press and media. Closed Board meetings ("executive sessions") are not open to the public or the press and only those individuals expressly requested or ordered to be present are allowed to attend executive sessions.

(1.7.3) Public participation. This rule applies to public participation not addressed more specifically by another rule. Written comments may be submitted on any issue at any time, however, written comments on posted Board agenda items must be submitted by 4:00 pm of the business day immediately prior to the Board meeting. Members of the public in attendance at a Board meeting are limited to observation unless the Board requests that a member of the public address the Board or unless the person who wishes to address the Board submits a completed Public Participation Form before the beginning of the meeting. The Public Participation Form must list each agenda item the person wishes to address or any item the person would like the Board to consider adding to a future agenda. A sample of the Public Participation Form is attached hereto as **Exhibit 1**.

A. All public comments (both general public comment or comments specific to a listed agenda item) will be made at the beginning of the meeting during the public comment section of the agenda. Each speaker's time may not exceed a total of five (5) minutes. The Board may, by

majority vote, limit each speaker's time to less than five (5) minutes when reasonable to do based on the length of the agenda and the number of registered speakers. If translation services are required, the amount of time for the translation does not count against the amount of time available to the speaker and the total time available for the combination of speaking and translation time may not be less than double the time limit.

B. Disruptive behavior will not be tolerated, including disruptions caused by the use of profanity, racial, ethnic, or gender slurs or epithets, or insults or threatening language directed toward any person. These rules do not prohibit public criticism of the District, including criticism of any act, omission, policy, procedure, program, or service. Violation of these rules may result in the following sanctions:

1) cancellation of a speaker's remaining time;

2) removal from the Board meeting;

3) such other civil or criminal sanctions as may be authorized under the Constitution, statutes, and codes of the State of Texas.

(1.7.4) From time to time, the District may conduct public hearings. These rules of procedure, conduct, and decorum shall also apply to public hearings.

Section 1.8 Petition for Rulemaking

(1.8.1) All Regular, special, and emergency Board meetings will be called and conducted under the provisions of the Texas Open Meetings Act, Chapter 551, Government Code.

(1.8.2) A person with a real property interest in groundwater in the District may file a petition with the District to request the adoption of a rule.

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

A. Each rule requested must be submitted by separate petition;

B. Each petition must be signed and state the name and address of each person signing the petition;

C. Each petition must include:

1) a brief description of the petitioner's real property interest in groundwater in the District;

2) a brief explanation of the proposed rule;

3) 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; and

4) an allegation of injury or inequity that could result from the failure to adopt the proposed rule.

(1.8.4) The General Manager may reject any petition for failure to comply with the requirements of this section and shall provide notice to the petitioner of the reason for the rejection.

(1.8.5) Within 90 days after submission of a petition that complies with this section, the Board shall either deny the petition, stating its reasons for denial in the minutes of the board meeting or

in a letter providing a written explanation to the petitioner, or initiate rulemaking proceedings as provided by Section 36.101, Texas Water Code.

END OF RULE 1

RULE 2. DEFINITIONS

Section 2.1 Word meanings in the Rules of the Hays Trinity Groundwater Conservation District

ABANDONED WELL - A well that is not in use. A well is considered to be in use if:

A. the well is not a deteriorated well and contains the casing, pump, and pump column in good condition;

B. the well is not a deteriorated well and has been capped;

C. the water from the well has been put to an authorized beneficial use, as defined by the Water Code;

D. the well is used in the normal course and scope and with the intensity and frequency of other similar users in the general community; or

E. the owner is participating in the Conservation Reserve Program authorized by Sections 1231-1236, Food Security Act of 1985 (16 U.S.C. Sections 3831-3836), or a similar governmental program.

AGRICULTURAL USE OR PURPOSE - The use of groundwater for:

F. Cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers

G. Practicing floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media, by a nursery grower;

H. Raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;

I. Planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure;

J. Engaging in wildlife management as defined in Texas Tax Code Section 23.51(7); and

K. Raising or keeping equine animals.

ANNULAR SEAL - The grout that seals the space between the casing and the borehole wall.

ANNULAR SPACE - The space between the walls of a borehole and the installed casing.

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

AQUIFER TEST - An active pumping test to determine aquifer properties performed pursuant to District Rule 11. This test measures the hydraulic parameters of the aquifer.

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

ARTESIAN WELL - A water well in which the water, when properly cased, will rise by natural pressure above the first impervious stratum below the surface of the ground. A water well in which artesian pressure is exhibited.

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

BOARD - The Board of Directors of the Hays Trinity Groundwater Conservation District.

CASING - A watertight pipe or tubing installed in the excavated or drilled borehole to maintain the hole sidewalls against collapse.

CATHODIC PROTECTION WELL - Any well, artificial excavation, construction by any method for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as cathodic protection

COMINGLING - The mixing, mingling, blending or combining, through the borehole casing annulus or the filter pack, of waters that differ in chemical quality.

COMMUNITY WATER SYSTEM - A system, other than a public water system, that supplies groundwater to long-term living units such as apartment complexes, town homes, or multiple dwellings on a shared well. Community water systems are considered non-exempt.

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

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

DETERIORATED WELL - A well that, because of its condition, will cause or is likely to cause pollution of any water, including groundwater, or is allowing or likely to allow escape of fresh groundwater into any other geologic strata or to the surface of the earth.

DEWATERING WELL - A well used temporarily for lowering the water table for construction purposes.

DISCHARGE - The amount of water that leaves an aquifer through natural means from springs or artificial means from a well.

DISTRIBUTION LIST - An electronic mailing list available to all interested parties to cover District announcements and activities.

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

DISTRICT OFFICE - The main office of the District at such location as may be established by the Board.

DOMESTIC SHARED WELL - One new or existing well on private property owned by a resident of the property that serves no more than four single-family dwellings on the same property or adjoining properties, used exclusively for domestic use on the property, and the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons per day (17.36 GPM).

DOMESTIC USE OR PURPOSE - The private use of groundwater by an individual or a household, not provided by a third party, for the daily needs of a household, including water for use inside the home; for irrigation of lawns, or of a family garden or orchard that produces fruits or vegetables for consumption within the residence and not for sale; for watering of domestic animals; for swimming pools associated with a single residence; for stock-watering ponds of less than ¼-acre extent with an average depth of less than 3-feet, that are lined with bentonite, geomembrane, or an equivalent sealing material as adjudged by the District.. Domestic use does not include water used by, or to support, activities for which consideration is given or received or for which the product of the activity is sold. Domestic use does not include use by or for a third party, including a public water system.

DRILL - Drilling or completing wells or increasing the diameter or depth of wells using drilling equipment.

DRILLING PERMIT - The authorization issued by the District under which a person may drill, equip, cap, plug, or complete any well or substantially alter the size of a well or well pump, or convert an oil and gas well to a water well.

ENABLING LEGISLATION - Special law enactments that created the District and govern operation of the District specifically Chapter 8843, Special District Local Laws Code.

ENFORCEMENT ACTION - An action taken by the District to enforce District rules, orders, permits, or any other law within its enforcement authority.

EXEMPT WELL - A well for which the owner is not required to obtain a well drilling permit or operating permit, as applicable. To qualify for an exempt use, the well must be registered with the District as an exempt use well and must be used exclusively for an exempt use.

EXISTING WELL - Any well in the District that was completed on or before September 1, 2001.

EXPORTING GROUNDWATER - Transport of groundwater from a well or spring inside the boundaries of the District to any point outside the boundaries of the District.

GEOEXCHANGE WELL - A well used solely for earth-coupled heat exchange purposes and not equipped to produce groundwater.

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

GPM - Gallons Per Minute

GROUNDWATER MANAGEMENT PLAN - A management plan developed by the District pursuant to Texas Water Code Section 36.1071, that takes effect upon approval by the Executive Administrator of the Texas Water Development Board (TWDB)

GROUNDWATER OR UNDERGROUND WATER - Water percolating beneath the earth's surface.

GROUNDWATER RESERVOIR - A specific subsurface water-bearing reservoir having ascertainable boundaries and containing groundwater.

HEARING EXAMINER - A person approved by the Board to conduct a hearing or hear a contested case and recommend actions on any contested issue.

INDUSTRIAL USE OR PURPOSE - Use of groundwater primarily in the building, production, manufacturing, or alteration of a product or goods, or to wash, cleanse, cool, or heat such goods or products. Industrial use or purpose is considered non-exempt.

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

IRRIGATION USE OR PURPOSE - Use of groundwater to supply water for non-residential and non-agricultural application to plants or land in order to promote growth of plants, turf, or trees. Irrigation use or purpose is considered non-exempt.

LICENSED WATER WELL DRILLER - A person who holds a license to drill water wells that is issued by the Texas Department of Licensing and Regulation pursuant to Texas Occupations Code Chapter 1901.

LICENSED WATER WELL PUMP INSTALLER - A person who holds a license to install water well pumps that is issued by the Texas Department of Licensing and Regulation pursuant to Texas Occupations Code Chapter 1901.

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

MODELED AVAILABLE GROUNDWATER - The amount of groundwater that the Texas Water Development Board Executive Administrator determines may be produced on an average annual basis to achieve a desired future condition.

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

MONITOR OR MONITORING WELL - A well generally used for collecting water-quality or water level data on an ongoing basis.

MUNICIPAL USE - The use of water, within or outside of a municipality and its environs, whether supplied by a person, or a third party, including a municipality, other political subdivision, a utility, or other entity for domestic, recreational, commercial, industrial, institutional, wholesale, or other uses.

NEW WELL - Any well that is 1) not an existing well; 2) any existing well modified to increase water production, or to produce water from a different geologic strata, if such modification occurred or will occur any time after September 1, 2001; or any well drilled or to be drilled after the effective date of these rules.

NEW WATER UTILITY SERVICE CONNECTION - A physical connection made to the system to service a customer after September 1, 2001.

NON-EXEMPT USE - Any use of groundwater for which an operating permit is required.

NOTICE OF ALLEGED VIOLATION (NOAV) - A notice sent under Section 10.1.2 to a person believed to be in violation of a rule, permit or order that the District is charged with enforcing.

NURSERY GROWER - A person who grows more than 50 percent of the products that the person either sells or leases, regardless of the variety sold, leased, or grown. For the purpose of this definition, “grow” means the actual cultivation or propagation of the product beyond the mere holding or maintaining of the item before sale or lease and typically includes activities associated

with the production or multiplying of stock, such as the development of new plants from cuttings, grafts, plugs, or seedlings.

OBSERVATION WELL - A well for observing water level changes during an aquifer test.

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

OPERATING PERMIT - The authorization issued by the District under which an owner or operator of property within the District may withdraw a specific amount of groundwater for a non-exempt use for a designated period of time.

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

PALMER DROUGHT SEVERITY INDEX (PDSI) - A standardized index based on a simplified soil water balance and estimates relative soil moisture conditions. The magnitude of PDSI indicates the severity of the departure from normal conditions. A PDSI value >4 represents very wet conditions, while a PDSI <-4 represents an extreme drought.

PERMIT AMENDMENT - A District approved change in a permit.

PERMITTEE - A person or entity who has a permit from the District.

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

PLUGGING - The permanent closure of a borehole, which should be performed in accordance with approved state standards and District rules.

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

PRIORITY GROUNDWATER MANAGEMENT AREA (PGMA) - An area designated under Texas Water Code Chapter 35 as an area experiencing or expected to experience critical groundwater problems.

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

PUBLIC WATER SYSTEM - A system as defined by 30 Texas Administrative Code Section 290.38 for providing to the public water for human consumption. A public water system is considered non-exempt.

PUMPING OR GROUNDWATER PRODUCTION - The quantity of all water withdrawn from the ground.

REAL LOSSES - Losses from main breaks and leaks, storage tank overflows, customer service line breaks, and line leaks.

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

REMEDIATION WELL - A well used to pump or vent contaminated air, water, or fluids from the ground.

RESIDENTIAL/DOMESTIC WELL - A well used solely for domestic use by a single private residential household and producing less than 25,000 gallons per day. Residential/domestic well use is considered exempt.

SPRING - A point or place of natural flow or discharge from an aquifer.

SUBSTANTIALLY ALTER - Altering the size of a well or well pump to increase the size of the pipe in the well or the size of the pump on the well, or the production capacity of the well, unless the well's production capacity is below 25,000 GPD.

SWIMMING POOL - A man-made basin completely lined with concrete, plastic, or fiberglass, having a depth of at least 2 feet, and used primarily for swimming or recreational bathing.

TEST WELL - A well drilled prior to drilling a well in connection with an operating permit to evaluate groundwater quality or quantity, including a test well required under Section 11.6.4.

UNFORESEEN CIRCUMSTANCES - Any unpredictable or uncontrollable event such as additional demand for fire control, loss caused by a water line break, additional flushing required to clear a water line following a break or repair, a tank control malfunction due to power outage or system malfunction, that prevents a permittee from achieving a required pumping curtailment.

USGS - United States Geological Survey.

WASTE –

A. The withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes.

B. The flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose.

C. The escape of groundwater from one groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater.

D. The pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground.

E. Willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the Texas Commission on Environmental Quality under Texas Water Code, Chapter 26 Water Quality Control.

F. Groundwater pumped for irrigation that escapes as irrigation tail water onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge.

G. For water produced from an artesian well, "waste" has the meaning assigned by Texas Water Code Section 11.205.

H. Utilizing groundwater for a beneficial use in an amount that exceeds the amount reasonably needed for that purpose.

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

WATER TABLE - The upper boundary of the saturated zone in an unconfined aquifer.

WATER UTILITY - A person providing groundwater to the public for human consumption through pipes or other constructed conveyances.

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

WELL - Any artificial penetration, excavation, borehole or other man-made feature constructed for the purposes of exploring for or producing groundwater, for injection, monitoring, remediation, or de-watering purposes, or for recovery of leachate, also including geoexchange and cathodic wells.

WELL CONSTRUCTION FEE - The fee charged by the District for drilling, equipping, or completing any well or substantially altering the size of a well or well pump, or converting an oil and gas well to a water well.

WELL CONSTRUCTION NOTIFICATION - Notice provided to the District on a District form of intent to drill, equip, cap, plug, or complete any well or substantially alter the size of a well or well pump, or convert an oil and gas well to a water well.

WELL LOG OR STATE OF TEXAS WELL REPORT - The report that every well driller who drills, deepens, or alters a well is required to complete under the Texas Department of Licensing

and Regulation rules, as defined in 16 Texas Administrative Code Sections 76.10 and 76.700, including any special purpose geophysical well log that may be available for any given well.

WELL PERFORMANCE TEST OR PUMPING TEST - A test conducted to determine the performance characteristics of a well. The test involves pumping from a single well for a period of time to determine the sustained productive capacity of the well.

WELL PUMPS AND EQUIPMENT - Devices and materials used to obtain water from a well, including the seals and safeguards necessary to protect the water from contamination.

WELL USE OR PURPOSE OF USE - The use of the well or the purpose for which water from the well will be used. The District shall use the definitions found in these rules in determining the well use or purpose of use.

WITHDRAW OR WITHDRAWAL - The act of extracting groundwater by pumping or any other method.

END OF RULE 2

RULE 3. WELL CONSTRUCTION, OPERATING PERMITS AND WATER UTILITY CONNECTIONS

Section 3.1 General Provisions

(3.1.1) Except as provided in Sections 3.3.1 or 3.11, well owners and others withdrawing groundwater are required to obtain a drilling permit and an operating permit.

(3.1.2) All wells constructed within the District shall be subject to District rules, and to all applicable permit terms and conditions.

(3.1.3) The decision whether to grant or deny a permit required under these rules, shall be based on the considerations required by Texas Water Code Section 36.113(d), as authorized by Texas Water Code Section 36.113(f).

~~**(3.1.3)**~~ **(3.1.4)** Each non-exempt well may only be authorized to make withdrawals under one operating permit.

Section 3.2 Existing Wells

(3.2.1) All owners of wells are required to submit a completed well registration form. A well construction fee will not be required prior to drilling, completing or equipping wells drilled prior to September 1, 2001.

(3.2.2) Existing non-exempt wells are required to obtain an operating permit to continue producing groundwater. To prevent pollutants from entering the well and to prevent comingling of sub-aquifers, the well shall be updated to Texas Department of Licensing and Regulation and District construction standards, see Rule 4.

Section 3.3 Drilling Permits for New Wells

(3.3.1) A. Except as provided in Subsection (d) of this section, the owner and/or operator of a well or proposed well must apply for and obtain a drilling permit from the District before drilling, equipping, capping, plugging, or completing any well or substantially altering the size of a well or well pump, or converting an oil and gas well to a water well.

B. Any person seeking to drill, equip, cap, plug, or complete any well or substantially alter the size of a well or well pump, or convert an oil and gas well to a water well must file an application for a drilling permit on a form prescribed by the District.

C. A drilling permit is not required for well maintenance or repair that does not increase the production capabilities of the well to more than its authorized production rate.

D. The owner and/or operator of any of the following types of water wells is required to provide a well construction notification to the District in accordance with Section 3.4 but is exempt from the duty to obtain a drilling permit prior to drilling, completing, or equipping the well:

1) a well drilled and operated solely for domestic use if the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day;

2) a well drilled and operated solely for providing water for wildlife, if the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day, and located on a tract of land equal to or greater than 10 acres;

3) a well or proposed well drilled solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas, provided that the person holding the permit is responsible for drilling and operating the water well and the water well is located on the same lease or field associated with the drilling rig is exempt from the requirement to obtain a drilling permit, or for a production or injection well drilled for oil, gas, sulphur, uranium, or brine, or for core tests, or for injection of gas, saltwater, or other fluids, under permits issued by the Railroad Commission of Texas;

4) a well drilled and authorized under a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code;

5) a well for temporary use solely to supply water for a rig that is actively engaged in drilling a well to produce groundwater authorized by a drilling permit from the District;

6) a well used solely for conventional farming and ranching activities, including such intensive operations as aquaculture, livestock feedlots, poultry operations; or

7) a well used solely for dewatering and monitoring in the production of coal or lignite.

(3.3.2) Except as provided by 3.3.3, a one-time well construction fee will be incurred for all new wells.

(3.3.3) A well used solely for conventional farming and ranching activities, including such intensive operations as aquaculture, livestock feedlots, poultry operations, or a well used for dewatering and monitoring in the production of coal or lignite is not required to pay the well construction fee. Wells used for both domestic use and conventional farming and ranching activities are not exempt from the duty to pay the well construction fee in Section 3.3.2. A person claiming the conventional farming and ranching activities exemption must provide a copy of their "Texas Agricultural or Timber Registration" card.

Section 3.4 Well Construction Notification

(3.4.1) All persons shall notify the District prior to drilling, equipping, capping, plugging, or completing any well or substantially altering the size of a well or well pump, or converting an oil and gas well to a water well by completing and submitting a well construction notification form. Based on the information provided, staff will determine whether the person is required to file an application for a drilling permit. A well construction notification form must include a property plat and map, indicating the well location, Hays County property identification number, and a well construction fee. Incomplete notifications will not be processed by the District.

(3.4.2) Once the notification is declared to be administratively complete by the District, District staff has a minimum of three workdays to process and approve the well construction notification for wells exempt from drilling permit requirements without Board action. A confirmation document will be sent to both the well owner or operator and the drilling company allowing the drilling to begin. The confirmation to drill or alter a well for wells exempt from drilling permit requirements is valid for 90 days from the date of issuance. Additional 90-day extensions, up to a total of 270 days, may be obtained from District staff upon request. An applicant seeking a well drilling permit for a test well is required to meet with District staff to discuss the planned testing approach as part of the application process.

(3.4.3) Based on the information provided in the well construction notification, or other information available to the District, the District staff shall determine whether a well is exempt non-exempt from the requirement to obtain a drilling permit and/or operating permit. A well owner or operator shall obtain an operating permit for any non-exempt groundwater withdrawals.

(3.4.4) It is the responsibility of the well driller to submit a completed State of Texas Well Report to the District within 60 days of well completion.

Section 3.5 New Operating Permits

(3.5.1) An operating permit is required for all non-exempt wells. Prior to submittal of an operating permit application the applicant shall review District Rule 11 to confirm the applicable tier category and requirements.

(3.5.2) A completed operating permit application verified under oath or declaration must be submitted to the District. In order for the operating permit application to be found administratively complete, the following documentation shall be included for new and existing wells or other withdrawals of groundwater by springs, or means other than a well, as applicable:

A. a completed and approved well construction notification, well registration, and/or drilling permit, as applicable;

B. the physical location of the well, including an address and the latitude and longitude;

C. a completed and signed user drought contingency plan and a water conservation plan;

D. a property plat, survey, or map of the parcel showing the location of the proposed well and that includes existing or proposed buildings, all water wells (including those abandoned, deteriorated, or not currently in service), septic tanks, septic disposal areas, driveways, barns, feedlot, ponds, creeks, rivers, intermitted streams, property lines, and any other known or suspected potential sources of pollution;

E. annual production amount requested including all formulas and calculations used to determine the annual production amount;

F. the capacity of the well and the requested rate of withdrawal;

G. a description of the place of use or project where groundwater will be used;

H. the purpose of use for the groundwater to be withdrawn;

I. the name, phone number, mailing address, and email address for:

1) the well owner;

2) the well operator (if any);

3) the person responsible for permit compliance; and

4) the person responsible for reading the meter and reporting production to the District;

J. a copy of the project's engineering plans;

K. for any commercial or industrial use: the number of full time employees, number of part-time employees, number of days open per week, number of sinks, number of toilets, number of showers/baths, number of ponds or pools, size of ponds/pools, rainwater collection storage amounts, non-rainwater storage amounts, will rainwater be used for outdoor irrigation or indoor use, describe outdoor irrigation area, will groundwater be used as a material item, number of buildings/structures, number of total occupants;

L. geophysical logs of the well, including gamma-ray log (natural-gamma logs), electric logs (resistivity logs, spontaneous- potential logs, and single-point-resistance logs), temperature logs, and caliper logs, and any other downhole logs available;

M. a study and other information showing the impacts of the proposed use of the well on water availability, existing groundwater and surface water resources, and on other permittees and groundwater users, during periods in which the aquifer is within and outside of a declared drought stage;

N. a well-performance test (Tier 2) shall be required if the total annual production on a permit is greater than two (2) and less than or equal to six (6) acre-feet. Test results shall be submitted to the District as part of the permit application. The performance test and report shall follow the guidelines of the District's "Certification of Groundwater Availability";

O. an aquifer test (Tier 3) and aquifer report are required if the total annual production on a permit is greater than 6 acre-feet per year or if the application is a permit amendment that increases the permit amount to a volume greater than 6 acre-feet per year. Test results shall be submitted to the District as part of the permit application;

P. for a new operating permit for an existing well, the State Well Report for that well;

Q. evidence that well(s) do not allow comingling between sub-aquifers; and

R. the applicant's signature or the applicant's agent's signature, and the date the application was signed.

(3.5.3) A test well may be drilled upon receipt of a confirmation document from the District. After the test well is drilled the applicant must then provide the remainder of the information required prior to an operating permit being issued, including:

A. proof a flow meter is installed;

B. an Affidavit of Publication of the 20-day notice of the administratively complete application.

C. full payment for any water connection fees due; and

D. full payment for any outstanding fees or penalties owed by the applicant.

(3.5.4) In determining the aquifer testing approach, an applicant shall comply with the aquifer/well performance testing and report requirements of Rule 11. Applicants are required to meet with the District's technical staff to discuss the planned testing approach prior to drilling and testing the well.

(3.5.5) The General Manager shall inform the applicant, in writing, of any deficiencies in the application. If the applicant fails to provide the required information within 180 days of the notice

of deficiency, the application will be denied. The General Manager may request clarification of any information provided on the application or in any attachment thereto.

(3.5.6) The District's General Manager has the authority to approve, approve with conditions, deny or refer to the Board a permit application for an amount less than or equal to six (6) acre-feet per year. If the applicant is not in agreement with General Manager's action, the applicant may request that the operating permit application be scheduled to be heard by the Board of Directors.

(3.5.7) Notice and Hearing of Applications.

A. Once the permit application has been deemed administratively complete, the District shall notify the applicant by electronic mail, post a copy of the application on the District's website, and send an email to the distribution list announcing that the application has been received and is posted on the District's website. Written comments received by ~~the~~a deadline date will be considered in staff recommendations. The District shall also conduct technical review of the application.

B. ~~Once the permit application has been deemed administratively complete, the District shall notify the applicant by electronic mail.~~ If ~~the~~a permit application is scheduled for a public hearing, a notice of hearing shall be posted in a newspaper of local distribution, on the District's website, and provided to the Hays County Clerk's Office. The applicant is responsible for the cost of the published notice. The 20-day public notice shall be published in a newspaper of local distribution to include the application information, Staff recommendations and the deadline date for submitting a protest. The applicant is responsible for the cost of the published notice.

C. The District shall post a copy of the 20-day notice to the District's website and email the distribution list an announcement stating the notice is available for review.

D. The permit application may be scheduled for a public hearing:

1) At the request of the applicant if not in agreement with staff recommendations; or

2) If the application is requesting more than 6 acre-feet; or

3) If the application has been formally contested.

~~If the permit is scheduled for a public hearing, a notice of hearing shall be posted in a newspaper of local distribution, on the District's website, and provided to the Hays County Clerk's Office. The applicant is responsible for the cost of the published notice.~~

(3.5.8) Copies of the permit application information and any written staff recommendations shall be available at the District office and on the District's website prior to the ~~meeting~~hearing. Following the hearing, the Board may:

A. if contested, send the application to a preliminary hearing;

B. issue the permit;

C. issue the permit with conditions; or

D. deny the application.

(3.5.9) Hearings on applications shall be in accordance with Rule 5.

(3.5.10) The Board shall be guided by District rules and Chapter 36, Texas Water Code in consideration of each application. The Board shall consider the following:

A. Whether the application conforms to the requirements of Chapter 36 and District rules.

B. Whether the application is administratively complete

C. Whether there is an adequate water supply available from a retail public water utility.

D. Whether the proposed use of groundwater unreasonably affects existing groundwater and surface water resources or existing permit holders.

E. Whether the proposed use of water is consistent with the District's approved management plan.

F. Whether the applicant will use reasonable diligence to protect groundwater quality, has an adequate water conservation plan and an adequate drought contingency plan.

G. Whether the conditions and limitations in the permit will prevent waste, achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, or lessen interference between wells.

H. That the permit will not substantially affect the availability of water in the District or prevent the District from achieving the adopted Desired Future Condition.

(3.5.11) An operating permit shall specify:

A. the business name;

B. name of the owner and, if applicable, the operator, and any authorized representative;

C. the maximum authorized groundwater production from the well (in gallons per year or acre-feet per year);

D. the District's well construction notification number;

E. the authorized purpose of use permitted;

F. the authorized place of use permitted;

G. issued date, renewal date and expiration date;

H. operating permit term; operating permits issued by the District are valid for a period of one year; and

I. any special permit conditions.

(3.5.12) When two or more non-exempt wells are owned and operated by the same water utility as a multi-well system, the District may issue an operating permit for an aggregate withdrawal amount for all the wells in the system. An operating permit for an aggregate withdrawal from several wells may allow groundwater to be produced such that the sum of withdrawals by wells in the system does not exceed the maximum authorized groundwater production specified in the permit. The aggregate wells shall be listed on the permit. Notwithstanding Rule 15.1.2 (C), ~~T~~the

District may, through a permit amendment, disaggregate the wells and assign any portion of the aggregate permit to any of the associated wells.

(3.5.13) Operating permits issued may have their production prorated based on the approved annual production amount.

(3.5.14) A Permittee shall comply with all terms and conditions, reporting or monitoring requirements included in the operating permit.

Section 3.6 Transportation Outside District Boundaries; Export Permit Required

(3.6.1) No groundwater withdrawn in the District may be exported to a place of use outside of the District's boundaries without an export permit from the District.

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

A. that the applicant has a legitimate need for the amount of water to be transported as evidenced by inclusion of the proposed project in the approved regional water plan or the current state water plan;

B. the availability of water in the District and in the proposed receiving area during the period for which the water supply is requested;

C. the projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District; and

D. that the method of transportation will not result in waste.

(3.6.2) In considering the proposed permit, the Board shall consider the following:

A. the quantity of water proposed to be transported;

B. the requested term; and

C. the approved District management plan.

(3.6.3) The applicant's right to transport shall be limited to the extent and purposes stated in the permit.

(3.6.4) The term for an export permit shall be:

A. three years if construction of a conveyance system has not been initiated prior to the issuance of the permit; or

B. thirty years if construction of a conveyance system has been initiated prior to the issuance of the permit or if construction of a conveyance system begins before the expiration of a permit initially issued for three years.

(3.6.5) Retail water supply companies supplying bulk groundwater must adhere to the term of the operating permit.

(3.6.6) Each person transporting groundwater outside the boundaries of the District shall report the total amount of groundwater transported during the previous calendar year no later than January 30th.

Section 3.7 Renewal of an Operating Permit

(3.7.1) Permits will be renewed for the same annual production amount, ownership, term, place of use, purpose of use, points of withdrawal, and rate of withdrawal, and if an application to renew and the required permit renewal fee is received within 4 months of permit expiration and no earlier than October 1st of the year the permit expires. A permit amendment application in accordance with Section 3.8 is required if requesting an amendment to the permit.

(3.7.2) The District may charge and collect a permit renewal application fee not to exceed $400 in accordance with Section 8843.1515, which must be paid to the District not later than 30 days before the permit is to expire.

(3.7.3) Renewal applications complying with the requirements of this section shall be approved except when the applicant: (a) is delinquent in paying a fee required by the District; (b) is subject to a pending enforcement action for a substantive violation of a District permit, order, or rule that has not been settled by agreement with the District or a final adjudication; or (c) has not paid a civil penalty or has otherwise failed to comply with an order resulting from a final adjudication of a violation of a District permit, order, or rule. If an applicant is subject to a pending enforcement action for a substantive violation of a District permit, order, or rule that has not been settled by agreement with the District or a final adjudication, but the applicant has submitted a renewal application complying with the requirements of this section, the permit shall remain in effect until the final settlement or adjudication on the matter of the substantive violation, at which time the renewal application shall be considered and approved if the application complies with the requirements of this section at that time. Renewal applications shall be denied by the District if an applicant is delinquent in paying a fee required by the District or has not paid a civil penalty or has otherwise failed to comply with an order resulting from a final adjudication of a violation of a District permit, order, or rule.

If the permit amendment process results in the denial of an amendment, the permit as it existed shall be renewed, unless Subsection (a), (b) or (c) of this section applies to the applicant.

(3.7.4) If the permit amendment process results in the denial of an amendment, the permit as it existed shall be renewed, unless Subsection (a), (b) or (c) of this section applies to the applicant.

Section 3.8 Permit Amendment and Revocation

(3.8.1) An amendment to an operating permit is for the purpose of altering the total amount of annual groundwater production, a change in ownership, a change in the operating permit term, place of use, purpose of use, point of withdrawal, or rate of withdrawal. If a permit amendment application requests an increase in annual production that will alter the permit category to a Tier Two (2) or to a Tier Three (3), a well performance test or an aquifer test may be required under~~.~~ ~~See~~ District Rule 11.

All operating permit amendments shall ~~follow~~ comply with the same ~~process~~ requirements as a new operating permit application.

(3.8.2) To amend an operating permit, the owner shall submit to the District a completed permit amendment application verified under oath or declaration. The production amount from an approved permit amendment will not be retroactive but prorated for the remainder of the year.

(3.8.3) For permit amendments requesting a production increase, the District shall review evidence of line loss since the issue date of the permit or over the past two years, whichever is less,

to determine if the requested production increase can be achieved by eliminating some or all of the line loss.

(3.8.4) Change in Ownership: Any change in well ownership shall be reported to the District by the permit holder and an application to amend the permit shall be filed with the District within 60 days of the change. An operating permit may be transferred to a new well owner if the General Manager determines that the permit otherwise will remain the same and the permit is in compliance with all District rules and permit conditions. The General Manager may refer the requested amendment to the Board if the General Manager cannot, for any reason; determine if the permit's ownership may be transferred.

(3.8.5) Operating Permit Involuntary Amendment or Revocation: Operating permits are subject to involuntary amendment or revocation for violation of District rules, violation of the permit or special permit conditions, violation of the provisions of Chapter 36 of the Texas Water Code, waste of groundwater, or other actions the Board determines to be detrimental to the allocation of groundwater resources within the District. Noncompliance with the approved water conservation plan, drought contingency plan or drought production cutback chart may also be grounds for involuntary amendment or revocation of the permit.

Section 3.9 Modification of Well

(3.9.1) Modification of a well – Requires the submission of a completed well modification application to the District.

(3.9.2) If the well modification changes the purpose of use from exempt to non-exempt, an operating permit application must be completed and submitted to the District office for review and approval. Making modifications by changing the well's use from exempt to non-exempt prior to District approval is a violation and subject to a penalty. All operating permit applications shall follow the same process as a new operating permit application.

Section 3.10 Water Utility Connection Categories and Fees

(3.10.1) There are two categories of water utility connections:

A. Community Water Connections - are for long-term supply. Though not an exhaustive list, the most common community water connections:

1) Apartment Complex
2) Duplex
3) Home/Townhome
4) One (1) well supplying to more than four (4) residences
5) RV Park Slips

B. Non-Community Water Connections - Short Term, not designed nor intended for long term living. Though not an exhaustive list, the most common non-community water connections:

1) Hotel / Motel
2) Bed and Breakfast
3) Small Businesses: gas station, convenience stores, restaurants

4) Dental / Medical Office

5) School

6) Hospital

7) Bulk water supply

8) On-site fire tanks

9) Commercial swimming pools

(3.10.2) Service Connection Fees: The District shall levy and collect a service connection fee for each new water utility service connection, including each new connection, meter, or tap. The District shall adopt fees for each water utility service connection and each new connection, meter, or tap by resolution and order.

(3.10.3) Service Connection Fees for Community Water systems, with the exception of RV slips, will be assessed by the number of living units or dwellings multiplied by the connection fee amount.

(3.10.4) Service Connection Fees for Non-Community water systems will be assessed per connection or building serviced by the well unless the system utilizes submeters in which case Service Connection Fees will be assessed for each meter.

(3.10.5) Applications for a new water utility service connection are available from the District.

(3.10.6) It is the responsibility of the permit holder to submit the completed water service connection form and the water connection fee to the District. Water connection fees are due prior to connecting to water supply. No water service connection form will be processed without the District first receiving the required connection fee. Once the form has been submitted to the District it will be processed and assigned a unique connection id number. The applicant and the permit holder or authorized agent will receive a certificate of confirmation as proof of compliance. Activating the water service connection prior to receiving confirmation of compliance is a violation of these rules and will be subject to a penalty.

Section 3.11 Wells Exempt from Operating Permit Requirements

(3.11.1) New wells exempted from obtaining an operating permit must comply with District rules and all state requirements and District well construction standards. The following wells and other means of withdrawing groundwater do not require an operating permit:

A. Residential/Domestic: A well used solely for domestic use by a single private residential household if the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons per day (17.36 gallons per minute).

B. Agricultural: A well used solely for conventional farming and ranching activities, including such intensive operations as aquaculture, livestock feedlots, or poultry operations. Landscape irrigation such as sport fields are not considered agricultural use.

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

D. A well used solely to supply water for a rig that is actively engaged in drilling or exploration operations permitted by the Railroad Commission of Texas provided that the person holding the permit is responsible for drilling and operating the water well and the well is located

on the same lease or field on which the drilling rig is located or is in close proximity to the drilling rig. The District may not deny an application for a permit for any well used to supply water for hydrocarbon production activities if the application is in compliance with the spacing, density, and production rules applicable to all permitted water wells of the District. If a well is no longer solely used to supply water for a rig actively engaged in drilling or exploration operations the well owner must obtain an operating permit from the District. Hydraulic fracturing is one means of enhanced recovery of oil and gas operations, and not part of the drilling or exploration process.

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

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

G. A geoexchange well for earth-coupled heat exchange purposes. The well must comply with Section 3.12. A geoexchange well may not produce groundwater and must be of a "closed loop" design.

H. A domestic shared well.

I. A well drilled and operated solely for providing water for wildlife, if the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day, and located on a tract of land equal to or greater than 10 acres, or others withdrawing groundwater solely for providing water for wildlife in an amount of no more than 25,000 gallons of groundwater a day, and where the withdrawals are occurring on a tract of land equal to or greater than 10 acres.

J. A temporary water well used solely to supply water for a rig that is actively engaged in drilling a groundwater production well permitted by the District.

K. Withdrawals of groundwater by springs, or means other than a well:

1) for solely domestic use or for wildlife in an amount not to exceed 25,000 gallons of groundwater a day for use on a tract of land equal to or greater than 10 acres;

2) solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas provided that the person holding the permit is responsible for drilling and operating the water well and the water well is located on the same lease or field associated with the drilling rig is exempt from the requirement to obtain a drilling permit;

3) solely for temporary use to supply water for a rig that is actively engaged in drilling a well to produce groundwater authorized by a drilling permit from the District; or

4) solely for conventional farming and ranching activities, including such intensive operations as aquaculture, livestock feedlots, poultry operations.

(3.11.2) The District may cancel a previously granted exemption, and may require an operating permit for or restrict production from a well, and assess any applicable fees if the groundwater withdrawals that were exempted are no longer used for domestic or agricultural use.

Section 3.12 Geoexchange Wells (Geothermal wells; closed loop earth-coupled heat exchange wells)

(3.12.1) All geoexchange wells shall comply with these minimum rules and standards, as well as the applicable requirements of Rule 4. "Open loop" geoexchange wells are prohibited in the District.

(3.12.2) Each well or well system shall register with the District on a form provided by the District. The planned total depth of the boreholes and, the anticipated depth of any Trinity Aquifer penetration shall be included with the registration. The Middle Trinity, Cow Creek aquifer may not be penetrated without review and approval by the General Manager, District technical staff, a licensed professional geoscientist, or engineer working with the District. At the operator's or owner's expense, the District requires at least one geophysical log be run in order to identify the geologic formations actually penetrated by the well. A hard copy and an electronic copy of the geophysical log shall be sent to the District for review. Wells programmed to bottom in the Upper Trinity may not be required to run a geophysical log. The District requires cutting samples from at least one well at 10-feet intervals.

(3.12.3) The District shall levy and collect a well construction fee total of $300 for the first 5 wells to be drilled plus $60 per additional well. The wells shall be spaced a minimum of 15 feet apart. The geoexchange well driller must be licensed by the State of Texas.

(3.12.4) The closed loop shall be constructed of new, high density polyethylene pipe designed for heat exchange wells. The circulation loop must be of a type that will prevent leakage and not cause contamination to the groundwater system. The heat exchange fluid circulating within the tubing shall be limited to potable water. The circulation loop shall be tested after backfilling has been completed. Should a loss of pressure occur, the system must be shut down and the source of the problem identified. The District must be notified and informed of proposed correctional procedures.

(3.12.5) The borehole shall be backfilled with bentonite grout, or cement-bentonite grout from total depth to ground surface. The grout shall be placed from the bottom of the hole up using a tremie pipe and hose. The grout product used must be consistent with the aquifer geochemistry, with particular attention paid to the sulfate content of the groundwater. Alternate backfill material such as crushed limestone or sand/gravel may be considered and discussed with the District. All sealing materials must meet Texas Department of Licensing and Regulation standards.

(3.12.6) Within 60 days of completion, the driller or installer shall submit to the District a completed State Well Report for the first well illustrating well construction. If all boreholes are completed in an identical manner, then a statement to that effect should be entered on the State Well Report.

(3.12.7) Should a borehole encounter a subsurface void or cavern and lose returns, the problem interval shall be identified and the driller or contractor shall recommend a course of action to the General Manager, District technical staff, a licensed professional geoscientist or engineer working

with the District. With District approval, the well may be completed, if not, the interval shall be packed off and the well shall be sealed. The borehole shall be plugged in accordance with Section 6.3.

Section 3.13 Project Dormancy

(3.13.1) An authorization or permit from the District shall be considered dormant for purposes of Section 245.005, Texas Local Government Code, if no progress has been made toward completion of the project for which the authorization or permit was obtained within two years of the issuance of the authorization or permit.

(3.13.2) A project for which an authorization or permit from the District was required shall be considered dormant for purposes of Section 245.005, Texas Local Government Code, if no progress has been made toward completion of the project for which the authorization or permit was obtained within five years of the issuance of the first authorization or permit.

(3.13.3) For purposes of this section, progress towards completion of a project shall include any one of the following:

1) a required application for a final plat or plan is submitted to a regulatory agency other than the District for the project;

2) a good-faith attempt is made to file with a regulatory agency other than the District an application for an authorization or permit necessary to begin or continue towards completion of the project;

3) costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;

4) fiscal security is posted with a regulatory agency other than the District to ensure performance of an obligation required by the regulatory agency for the project; or

5) required utility connection fees or impact fees for the project have been paid to a regulatory agency other than the District.

(3.13.4) A moratorium applicable to an authorization or permit from the District tolls the application of this section.

END OF RULE 3

RULE 4. WELL CONSTRUCTION, CAPPING, PLUGGING, REPORTS AND SPACING

Section 4.1 Well Construction Standards

(4.1.1) Construction of wells, ~~and~~ installation of pumps and capping and plugging of wells shall be in accordance with the Texas Occupations Code Chapter 1901 Water Well Drillers and Chapter 1902 Water Well Pump Installers, as amended, and the rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 76, as amended, and as clarified by the District standards described in this rule.

(4.1.2) The first fifty (50) feet of the well borehole must be three (3) inches larger in diameter than the outside casing diameter. The surface annular space grouting requirement for a well is from the surface to fifty (50) feet below ground level. The grouting requirement for this surface annular seal may be reduced to the interval from the surface to the depth of the first potable water bearing strata, if the well is targeting that interval for production. The surface annular seal must extend to a depth of at least ten (10) feet. The annular space grouting requirement shall be one hundred (100) feet below ground level if the well does not meet the following minimum spacing requirements:

A. One hundred fifty (150) feet from any existing or proposed concentrated source of potential contamination (such as livestock or poultry facilities)

B. Fifty (50) feet from a septic tank, and

C. One hundred (100) feet from any septic system drain fields, or wastewater irrigation systems.

The annular space grouting for remediation wells will be determined by the District on a case-by-case basis.

(4.1.3) To prevent pollutants from entering the well, all wells, both new and existing shall be completed with a watertight sanitary seal. Any existing well not meeting this requirement shall comply with this rule the next time the wellhead is repaired or the pump is removed. Wells with odd-sized casing or those having wellheads for which there is no factory made watertight sanitary seal available shall be completed or modified in such a manner that meets the intent of this rule.

(4.1.4) All non-exempt use wells shall be equipped with an access tube, or some other means that will allow free and clear access to groundwater for the purposes of measuring water levels or disinfecting a well. The access tube must be one-inch I.D. PVC pipe, installed parallel to the production pipe, capped on the bottom, and have sufficient perforations to allow rapid and free flow of water to the inside of the tube. The tube must extend from the surface to just above the pump and have a secure, removable cap at the top. Control boxes, pipes, fittings, or other wellhead equipment may not hinder access to the access tube. Any existing well operated under a permit that does not meet this requirement may comply with this rule the next time the wellhead is repaired or the pump is removed for any purpose.

(4.1.5) Pursuant to Texas Department of Licensing and Regulation regulations for well construction, all wells, both exempt and non-exempt, shall be constructed such that there is no commingling between aquifers. Each well shall be completed such that it is open to only one of the three aquifers (Upper, Middle, or Lower Trinity) in order to prevent commingling of waters and the possible degradation of any aquifer or zone. For example, all wells completed to produce from the Lower Trinity Aquifer shall be constructed with a sufficient annular seal to seal off the

Upper and Middle Trinity Aquifers. Annular seals for this purpose will consist of packers, bentonite or cement grout or other approved sealing material. A shale trap is not considered to be an adequate method to prevent commingling between the aquifers.

(4.1.6) All wells, both new and existing, that withdraw groundwater for non-exempt uses shall be instrumented with a totalizing water meter. Meters with reset capabilities must have that particular function disabled.

Section 4.2 Reports and Monitoring

(4.2.1) The State of Texas Well Report, any pump test data, water level data, water quality data, or any other data pertinent to a well shall be submitted to the District office within 60 days after well completion or after the data is compiled or prepared, whichever is earlier. This shall include information about the production capability of the well and type and location of groundwater use.

(4.2.2) A copy of all geophysical logs run in any well shall be provided to the District in both paper copy and electronic format within sixty (60) days of well completion. The logs shall be of industry acceptable quality with complete headings including well elevation and coordinates. The source of these measurements shall be indicated. For example: GPS (state vertical and horizontal accuracy of instrument) or USGS topographic sheet (state contour interval and name of sheet).

(4.2.3) Upon District request, subsurface geological cuttings samples shall be provided to the District from all new non-exempt use wells, test wells, and monitoring wells within sixty (60) days of well completion. This includes geoexchange wells, at least one well per well registration. The samples shall be taken at ten (10) foot intervals to total depth. The samples shall be stored in cloth or plastic bags and properly labeled with well designation, number and depth interval. The samples shall be representative of the intervals drilled.

(4.2.4) During hydrological studies or pumping tests, calibrated production-monitoring devices shall be installed on wells at the expense of the permittee. The production monitoring devices shall measure both instantaneous flow rate and cumulative volume pumped. These monitoring devices shall be made available for District inspection during normal business hours or during the pumping tests or studies as necessary.

(4.2.5) District employees, Board members, consultants or other agents may conduct random or periodic inspections of permitted wells. The District shall coordinate and schedule such inspections with the well owner, as authorized by Rule 7.

(4.2.6) The State of Texas Plugging Report shall be submitted not later than 30 days after plugging a well by hand delivery, electronic transmission or first-class mail.

Section 4.3 Well Location and Spacing

(4.3.1) All wells drilled within the District shall comply with the spacing requirements of 16 Texas Administrative Code Section 76.1000, as amended, Hays County Development Regulations, as amended, and Municipalities within the boundaries of the District. The Board may add additional permit conditions increasing the spacing requirements where necessary to minimize draw-down as far as practicable.

(4.3.2) Spacing Requirements for Wells Related to Setback Distances from Property Lines and Potential Sources of Pollution.

Spacing between Wells and Property Lines for All New Wells:

Projected Pumping Capability of Proposed Well, in Daily Average Gallons per Minute and Acre-Feet per Year	Minimum Horizontal Distance Between Proposed Well and Existing Wells[1]	Minimum Horizontal Distance Between Proposed Well and Adjacent Property Lines[2]
<17.36 GPM	150 feet	100 feet[3]
1 to <25 ac-ft/yr (17.36 GPM to <40 GPM)	300 feet	150 feet
25 to <100 ac-ft/yr (40 to <161 GPM)	750 feet	375 feet
100 to <150 ac-ft/yr (161 to <240 GPM)	1,200 feet	600 feet
≥150 ac-ft/yr (≥240 GPM)	1,500 feet	750 feet

[1] Any person seeking to drill a new well may provide, and the District may consider, site-specific geological or hydrogeological information that supports the use of an alternative minimum horizontal distance between the proposed well and registered wells in the same aquifer management zone. The District may authorize the use of an alternative minimum horizontal distance between the proposed well and registered wells in the same aquifer management zone, provided the site-specific geological or hydrogeological information supports a finding that the proposed well location and use will not create any unreasonable impacts. If no such site-specific geological or hydrogeological information is provided, or if the site-specific geological or hydrogeological information does not support a finding that the well's location and use will not create any unreasonable impacts, the minimum horizontal distance requirements apply.

[2] The distance indicated may include one-half of the width of a right of way of a utility, roadway, or other conveyance that forms part of the well's property line, provided it is not subject to groundwater development, but prospective wells must be no less than 10 feet from that property line itself.

[3] The minimum horizontal distance between a proposed well and recorded property line may be reduced to 50 feet, provided,

1) the District approves the proposed well location,

2) the proposed well location complies with District rules and applicable Texas regulations, and

3) the top 100 feet of annular space of the proposed well is pressure cemented. The well owner is required to obtain authorization to reduce the minimum horizontal distance from a property line to 50 feet, otherwise the minimum horizontal distance from the property line shall be 100 feet. Where tract size prohibits compliance with the minimum horizontal distance of 50 feet, the alternative siting methods prescribed by the Texas Department of Licensing and Regulation under 16 Texas Administrative Code Section 76.100(b)(2) shall apply.

~~All new water wells shall be located a minimum horizontal distance of:~~

~~A. One hundred fifty (150) feet from any existing or proposed concentrated source of potential contamination (such as livestock or poultry facilities)~~

~~B. Fifty (50) feet from a septic tank, and~~

~~C. One hundred (100) feet from any septic system drain fields, or wastewater irrigation systems.~~

(4.3.3) Spacing from Retail Water Utility Service Area

The District strongly encourages that all new wells, other than those belonging to the retail water utility, be located a minimum of fifty (50) feet outside the service area of the retail water utility. In doing so, this will minimize the drawdown of the water table, minimize the reduction of artesian pressure, control subsidence, prevent interference between wells, prevent the degradation of the quality of groundwater, prevent waste of groundwater, preserve historic use of groundwater, and give consideration to the service areas of retail water utilities.

END OF RULE 4

RULE 5. HEARINGS

Section 5.1 Hearings before the District

(5.1.1) Anyone may attend a hearing before the District and make oral comments at the time designated for comments, in accordance with the District's requirements.

(5.1.2) Written comments concerning the subject matter of a hearing, if received by any deadline published in a public notice, shall be distributed to the Board for their review.

(5.1.3) The District may make an audio or video recording of the hearing.

(5.1.4) Nothing in this rule requires any matter to be set for a public hearing that is not otherwise required by law.

Section 5.2 Hearings on Desired Future Conditions, Management Plan, or Rules Adoption

(5.2.1) Once the District has developed a proposal involving its desired future conditions, management plan, or rules, the District will decide at which Board meeting the proposal will be considered for action. The Board meeting at which the proposal is considered under this rule shall be considered the public hearing on the proposal and fulfills the requirement, if any, for a public hearing. The District shall:

A. Post notice in a place readily accessible to the public at the District office;

B. Provide notice to the Hays County Clerk's office for posting;

C. Publish notice in one or more newspapers of general circulation within the District boundaries of Hays County; and

D. Provide notice by mail, facsimile, or electronic mail to any person who has requested notice. Failure to provide notice under this rule does not invalidate an action taken by the District at a hearing.

(5.2.2) The District may make an audio or video recording of the hearing.

(5.2.3) The Board shall issue a written order or resolution reflecting its decision on hearing items.

(5.2.4) The effective date of the written order or resolution shall be the date on which the Board acts on the proposal.

Section 5.3 Notice Requirements for a Public Hearing on Desired Future Conditions, Management Plan, or Rules Adoption

(5.3.1) In addition to the notice required by the Open Meetings Act, not later than the 20th day before the date of the hearing, notice shall be provided as follows:

A. Post notice in a place readily accessible to the public at the District office;

B. Provide notice to the Hays County Clerk's office for posting;

C. Publish notice in one or more newspapers of general circulation within the District boundaries of Hays County; and

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

(5.3.2) Notice of the hearing on the proposal shall include:

A. A brief explanation of the subject of the hearing.

B. The time, date, and location of the hearing.

C. A statement that the proposal is available to be reviewed or copied at the District office and on the District's website prior to the hearing.

D. A statement that the District will accept written comments or formal contested case letters until specified deadline date.

E. A statement that oral public comment will be taken at the hearing.

~~F. The notice shall include a statement announcing a preliminary hearing following the public hearing in the event a formal contested case letter is timely filed with the District.~~

~~G.~~F. District staff recommendations, if applicable.

(5.3.3) Copies of the proposal shall be posted on the District's website prior to the hearing.

(5.3.4) A person may submit to the District a written request for notice of a hearing. The requestor will remain on the distribution list until a removal notification is provided to the District. Any changes in email addresses must be provided to the District.

Section 5.4 Adoption of Emergency Rules

(5.4.1) The District may adopt an emergency rule without following the notice and hearing provisions of this rule, if the Board:

A. Finds that a substantial likelihood of imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on less than 20 days' notice; and

B. Prepares a written statement of the reasons for its finding.

(5.4.2) An emergency rule must be adopted at a meeting of the Board subject to the requirements of the Open Meetings Act (72 hours' notice).

(5.4.3) Except as provided by this section, a rule adopted under this rule may not be effective for longer than 90 days.

(5.4.4) If notice of a hearing is given before the emergency rule expires the emergency rule is effective for an additional 90 days.

Section 5.5 Notice of Public Hearing on an Operating Permit Application

(5.5.1) Following a determination of administrative completeness and technical review of an application for more than six acre-feet per year, the District shall publish notice of the General Manager's recommendations on an operating permit application, a summary of the application, the date of a public hearing on the application, not less than 20 days before the date of the hearing. The notice shall be published on the District's website, with the Hays County Clerk's Office and to persons who have requested notification.

(5.5.2) Following a determination of administrative completeness and technical review of an application for 1,000 ~~more than six~~ acre-feet per year or more, the District shall publish notice of

the General Manager's recommendations on an operating permit application, a summary of the application, the date of a public hearing on the application, and the deadline for an affected party to submit a request for contested case hearing to the District protesting the General Manager's recommendation on the application, not less than 20 days before the date of the hearing. The notice shall be published on the District's website, with the Hays County Clerk's Office, in a newspaper of local distribution and to persons who have requested notification.

(5.5.32) The Board shall schedule a hearing on an operating permit application under this section ~~not later than 60 days after the date that the application is determined to be administratively complete~~:

A. for more than six acre-feet per year and less than 1,000 acre-feet per year;

~~A.~~B. for 1,000 acre-feet per year or more for which no requests for a contested case hearing have been filed; or

~~B.~~C. for 1,000 acre-feet per year or more for which a request for contested case hearing has been filed where the Board needs to determine whether a contested case hearing will be conducted.

(5.5.43) Anyone interested in the application may submit written comments about the application to the District. Comments may be forwarded to the Board and to the applicant.

(5.5.54) Anyone interested in the application may attend the meeting and make oral comments at the time designated for comments.

(5.5.65) The applicant, under oath, may present to the Board on the permit application.

(5.5.76) If the permit is not contested or the ~~contested~~ request for a contested case hearing has been withdrawn, the Board shall proceed to take action on the permit application.

(5.5.87) During the public hearing, the Board shall consider the application and any evidence presented. Any interested person may present oral or written testimony. Following the hearing, if the application is uncontested or a contested case hearing has already been conducted on the application, the Board may:

A. approve the permit application, including with conditions;

B. partially approve and partially deny the permit application, including with conditions; or

C. deny the application.

Section 5.6 Contesting Operating Permit and Amendment Applications, in General

(5.6.1) The applicant or another person with a personal justiciable interest in an application for which a hearing is being held under Section 5.5.32 for 1,000 acre-feet per year or more may protest or provide support in a contested case hearing for the General Manager's recommendation on an application for a new operating permit or application to amend an operating permit to increase the annual production amount or rate of withdrawal, or to change the term, place of use, purpose of use, or points of withdrawal, by submitting a timely filed formal contested case letter to the District's US Post Office Box by the deadline posted in the notice. The request for a contested case hearing shall include the protestant's name, address, phone number, email address, map/plat detailing location of well, reason for contesting, and whether the protestant is requesting that the

District contract with the State Office of Administrative Hearings to conduct the contested case hearing. Protestants shall have a minimum of 20 calendar days, starting from the date of the posted notice in a local newspaper to file a protest.

(5.6.2) To be considered to have standing, a person must have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest within the District's regulatory authority and affected by the permit or permit amendment application, not including persons who have an interest common to members of the public. A person is presumed to have a justiciable interest if the person owns a well that is located:

A. within ¼ mile from the applicant's well if the application is requesting 200 acre-feet or less annually; or

B. within ½ mile from the applicant's well if the application is requesting more than 200 acre-feet annually.

(5.6.3) If any requests for contested case hearing on an application are timely filed, the Board shall conduct a preliminary hearing to determine whether any parties requesting a contested case hearing have standing and to determine how any contested case hearing shall be conducted, including referring the application to a hearing examiner or the State Office of Administrative Hearings ("SOAH") to conduct the contested case hearing, if applicable.

(5.6.4) If the Board determines that any protestant has standing, the Board shall declare the application contested.

A. The Board may require that the applicant, other protesting parties, and the General Manager attempt to reach agreement on the application and report back to the District within thirty (30) days: or

B. Except for matters referred to SOAH, the Board may act as the hearing examiner and conduct the evidentiary hearing or direct the parties to schedule an evidentiary hearing with a hearing examiner. The additional cost to the Board to conduct a hearing on the matter, or of a hearing examiner, shall be split equally between the applicant and any protestants. An evidentiary hearing shall be scheduled within 60 days.

C. Upon request of the applicant or any protestant, the Board shall refer the application to be heard by SOAH.

D. If the Board refers a contested case hearing to SOAH, then the applicable rules of practice and procedure of SOAH (1 Texas Administrative Code Chapter 155) govern any contested case hearing of the District, as supplemented by this subchapter.

E. If the Board refers a contested case hearing to SOAH, the administrative law judge who conducts the contested case hearing shall serve as the hearing examiner and consider applicable District rules and policies in conducting the hearing.

F. The Board order granting a contested case hearing before SOAH may designate a location for the hearing inside the boundaries of the District or in Travis County at a location designated by SOAH. The party requesting the hearing before SOAH shall pay all costs associated with the contract for the hearing and shall pay all transcript costs and shall, five business days before the hearing begins, deposit with the District an amount sufficient to pay the contract amount. At the conclusion of the hearing, the District shall refund any excess money to the paying party.

G. Except for matters referred to SOAH, the hearing examiner shall:

1) Submit a report to the Board not later than the thirtieth (30) day after the date of the conclusion of the evidentiary hearing, and

2) Provide a copy to each party to the hearing.

H. The report shall include:

1) A summary of the subject matter of the hearing,

2) A summary of the evidence received; and

3) The hearing examiner's recommendation for Board action on the subject matter of the hearing.

(5.6.5) The applicant and other parties to a contested case hearing may submit written exceptions to the report to the hearing examiner or to SOAH on the proposal for decision within thirty (30) days of issuance of the report or proposal for decision. SOAH shall rule on written exceptions within 30 days of receipt and submit any amended proposal for decision to the Board within 45 days of its initial issuance of the proposal for decision.

(5.6.6) The hearing examiner may grant an extension on an amended application to continue producing groundwater for the same purposes and in the same annual amount while the contested case is proceeding. The hearing examiner may grant an increase in annual production levels if requested by the applicant following notice to all parties and a hearing. The hearing examiner may grant an applicant permission to proceed to drill a new well, at the applicant's own risk, if requested by the applicant following notice to all parties and a hearing. If the application is not granted, or if the Board grants a permit but does not allow the well to be drilled in that location, the applicant shall, within ninety (90) days, plug the well.

(5.6.7) If the applicant has not already filed a request for contested case hearing and the application is before the Board for final action as an uncontested matter, and the Board votes to issue the permit with special conditions that were not part of the application as finally submitted, or the General Manager's recommendations or proposed permit, or denies the permit, the applicant may contest the Board's action on the permit by submitting a request for a contested case hearing to the District's US Post Office Box within twenty days after the Board's vote.

Section 5.7 Additional Contested Case Hearing Procedures for Operating Permit and Amendment Applications

(5.7.1) Contested case hearings shall be comprised of:

A. Pre-hearing conference conducted by a quorum of the Board, a Board approved hearing examiner, or by the State Office of Administrative Hearings;

B. Evidentiary hearing conducted by a quorum of the Board, a Board approved hearing examiner, or by the State Office of Administrative Hearings; and

C. Final hearing conducted by the Board for action on the permit application.

(5.7.2) The pre-hearing conference applies only to parties admitted to the contested case.

(5.7.3) If the applicant contests the action they are considered to have standing and shall be heard at an evidentiary hearing

(5.7.4) If the evidentiary hearing is conducted by a quorum of the Board, a notice shall be posted in accordance with the requirements of the Open Meetings Act.

(5.7.5) Final hearings shall be posted in accordance with the requirement of Open Meetings Act. Notice of a final hearing on the application shall include the following:

A. The name of the applicant;

B. The address or approximate location of the well or proposed well;

C. A brief explanation of the proposed permit or permit amendment, including any requested amount of groundwater, the purpose of the proposed use, and any change in use;

D. The time, date and location of the hearing; and

E. Any other information the District considers relevant and applicable.

(5.7.6) The Board shall conduct the final hearing once the Board concludes the evidentiary hearing or receives the report from the hearing examiner or from SOAH. The final hearing must be conducted no later than the 120th day following receipt of the proposal for decision. A final hearing is to review the submitted report, hear legal argument and deliberate the merits of the application. A final hearing may be continued from time to time or day to day as needed to allow all the parties sufficient time to prepare additional arguments as required by the Board, or to allow time for the Board to fully consider and debate the merits of the application. At the conclusion of the final hearing, the Board shall make a motion and vote on granting, denying or issuing the permit with conditions. For contested case hearings conducted by the State Office of Administrative Hearings, the Board decision on a proposal for decision must be made no later than 180th day after the date the District received the final proposal for decision from SOAH. The Board is considered to have adopted a final proposal for decision of the administrative law judge as a final order on the 181st day after the date the administrative law judge issued the final proposal for decision if the board has not issued a final decision by:

A. adopting the findings of fact and conclusions of law as proposed by the administrative law judge; or

B. issuing revised findings of fact and conclusions of law as provided by this section.

(5.7.7) The President shall preside over the hearing. If the President is not present, the Vice President shall preside.

A. The presiding officer has the following authority and obligations:

1) Shall convene the hearing at the time and place specified in the notice;

2) May establish the order for presentation of evidence;

3) May administer oaths to all persons presenting testimony;

4) May examine persons presenting testimony;

5) May ensure that information and testimony are introduced as conveniently and expeditiously as possible without prejudicing the rights of any party;

6) Shall admit relevant evidence and may exclude evidence that is irrelevant, immaterial, or unduly repetitious;

7) May prescribe reasonable time limits for testimony and the presentation of evidence.

8) May allow testimony to be submitted in writing and may require that written testimony be sworn to. On the motion of a party to the hearing, the presiding officer may exclude written testimony if the person who submits the testimony is not available for cross-examination by phone, a deposition before the hearing, or other reasonable means.

9) May continue a hearing from time to time and from place to place without providing notice. If the continuance is not announced on the record at the hearing, the presiding officer shall provide notice of the continued hearing by regular mail to the parties. In any event, if the hearing is being conducted by a quorum of the Board, Open Meetings notice shall be provided.

10) Unless the parties have agreed in writing to apportion the costs, may determine how to apportion among the parties the costs related to:

A. a contract for the services of a presiding officer; and

B. the preparation of the official hearing record.

(5.7.8) The District shall prepare and keep a record of each hearing in the form of an audio or video recording. Upon the request of a party to the contested case hearing, the hearing shall be transcribed by a court reporter. The District must be notified of the request ten (10) business days prior to the hearing. The costs of such court reporter shall be assessed against the party requesting it or among the parties to the hearing. The presiding officer may exclude a party from further participation in the hearing for failure to pay in a timely manner costs assessed against that party under this rule.

(5.7.9) Request for findings of fact and conclusions of law, and motions for rehearing shall be considered as follows:

A. Not later than the 20th day after the date of the Board's decision, an applicant or a party to a contested hearing may written findings of fact and conclusions of law.

B. On receipt of a timely written request, the Board shall make written findings of fact and conclusions of law regarding a decision of the Board on an application. The Board shall provide certified copies of the findings of fact and conclusions of law to the person who requested them, and to each designated party, not later than the 35th day after the date the Board receives the request. The applicant or a party to the contested case hearing may request a rehearing before the Board not later than the 20th day after the date the Board issues the findings of fact and conclusions of law.

C. A request for rehearing must be filed in the District office and must state the grounds for the request. The person requesting a rehearing must provide copies of the request to all parties to the hearing.

D. If the Board grants a request for rehearing, the Board shall schedule the rehearing not later than the 45th day after the date the request is granted and shall make a final decision on the application not later than the 90th day after the date of the decision by the board that was subject to the motion for rehearing. Any action by the Board on a request for rehearing shall be made at a Board meeting subject to the Open Meetings Act.

E. The failure of the Board to grant or deny a request for rehearing before the 91st day after the date the request is submitted is a denial of the request.

(5.7.10) A decision by the Board on an application is final if:

A. A request for rehearing is not filed by the 20th day after the date of the Board's decision,

B. The Board denies the request for rehearing; or

C. The Board renders a written decision after rehearing.

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

END OF RULE 5

RULE 6. TAGGING, PROHIBITING USE, CAPPING, OR PLUGGING WELLS

Section 6.1 Tagging Wells; Prohibiting Use

(6.1.1) Following public notice, the Board may order the tagging of a well prohibiting its use if it is in violation of District rules or if the owner has been prohibited from producing groundwater. The reasons for ordering the tagging of a well prohibiting its use include, but are not limited to:

A. failure to apply for an operating permit prior to drilling a well for a non-exempt use; or

B. operating a well for a non-exempt use without an active operating permit; or

C. when the Board has denied, cancelled, or revoked an operating permit.

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

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

Section 6.2 Capping Wells

(6.2.1) A well owner or operator or other person who possesses a well shall cap any open or uncovered well to prevent waste, pollution, or deterioration. A drilling permit from the District is required prior to capping a well. The well shall remain capped until conditions that led to the capping are eliminated or until the well is properly plugged. The cap shall be securely and mechanically attached to the casing and provide a sanitary seal to prevent the introduction of people, animals and potential contaminants and shall be capable of sustaining a weight of at least four hundred pounds, and the cap must not be easily removed. If the owner fails to cap the well in compliance with District rules, the District, following the procedures of Rule 7, may cap the well. Reasonable expenses incurred by the District in capping a well may be collected from the well

owner or the land owner, and any amount due shall constitute a lien on the land on which the well is located pursuant to Section 36.118, Texas Water Code and Section 1901.256, Occupations Code.

Section 6.3 Plugging Wells

(6.3.1) Not later than the 180th day after the date an owner or operator or other person who possesses a deteriorated or abandoned well learns of its condition, the well shall be plugged in accordance with Texas Department of Licensing and Regulation, Title 16 of the Texas Administrative Code Part 4, Chapter 76, Section 76.1004. A drilling permit from the District is required prior to plugging a well. It is the responsibility of the landowner to ensure that such a well is plugged in order to prevent pollution of the groundwater and to prevent injury to persons. Not later than the 30th day after the date the well is plugged, the driller, licensed pump installer, or well owner who plugs the abandoned or deteriorated well shall submit a plugging report to the District, as required by Section 1901.255(d), Texas Occupations Code.

(6.3.2) If an owner, operator or other person who possesses a well fails to plug the well in compliance with State law, the District may:

A. following the procedures of Rule 7, plug the well. Reasonable expenses incurred by the District in plugging a well constitute a lien on the land on which the well is located pursuant to , Section 36.118, Texas Water Code; or

B. as authorized by Section 1901.256, Texas Occupations Code, otherwise enforce Section 1901.255 related to owners, operators or other persons who have an abandoned or deteriorated well located on their property.

END OF RULE 6

RULE 7. WELL AND PROPERTY ACCESS

Section 7.1 Well Inspections & Investigating

(7.1.1) The District has authority under Texas Water Code Section 36.123 to enter any non-exempt permit holder's public or private property located within the District at any reasonable time for purposes of inspecting and investigating conditions relating to water quality, wells, or compliance with District rules, regulations, permits, or other orders. The District may conduct well and well site inspections during the registration, application, drilling, or completion process to confirm well location, status, production capability, measure water levels, take water samples, or conduct other applicable well-related investigations and inspection activities deemed necessary by the District.

Section 7.2 Property Access

(7.2.1) The District respects individual property rights and shall endeavor to minimize any inconvenience to property owners while conducting District business. For access to any property the District shall be prepared to present proper credentials, identifying themselves as employees or agents of the District, to the property owner or their representative. The District shall notify and shall endeavor to obtain permission from non- exempt property owner, or their representative, prior to accessing the property to inspect the well or well site. The District may not enter property to inspect an exempt well without the property owner's permission.

END OF RULE 7

RULE 8. REPEALED

END OF RULE 8

RULE 9. PROHIBITIONS AGAINST WASTE AND POLLUTION

Section 9.1 Prohibition Against Waste and Pollution

(9.1.1) A person may not waste groundwater within the District or water withdrawn from any aquifer within the District. No person shall withdraw or use groundwater in such a manner as to constitute waste. Producing groundwater that exceeds the amount reasonably needed for beneficial use or a beneficial purpose is wasteful and prohibited. Unmetered or unbilled beneficial use of groundwater, including groundwater used by a water utility for line flushing or water system maintenance that is required by Texas Commission for Environmental Quality rules and groundwater used for emergency response purposes, including firefighting, are not considered to be real loss or waste.

(**9.1.2**) No person may pollute or contribute to the pollution of groundwater.

END OF RULE 9

RULE 10. ENFORCEMENT

Section 10.1 Enforcement

(10.1.1) These rules may be enforced by injunction, mandatory injunction or other applicable remedy in a court of competent jurisdiction and as authorized by Chapter 36 of the Texas Water Code.

(10.1.2) At the District's discretion, settlement of a NOAV for violating the withdrawal limitations in a permit may include, but is not limited to:

A. payment of the settlement amount;

B. negotiation of a settlement amount based on evidence of repairs to a water system negatively impacted by a "force majeure"; and

C. negotiation of a settlement amount based on evidence of installation of improved water conservation or management systems that result in a permanent reduction of permittee's historic groundwater withdrawal amounts.*

(10.1.3) Civil Penalty Schedule: The District hereby establishes a civil penalty schedule of $100 to ~~$10,000~~ $25,000 per day, per violation.

(10.1.4) Settlement Schedule: The District shall adopt by resolution and order a non-binding settlement schedule to assist with its discretionary resolution of enforcement actions for the violation of these rules.

(10.1.5) The permittee, for which a licensed public water system operator is operating a well or wells, shall be responsible for complying with and resolving any violations of the District's rules, permits or orders.

An earlier version of Rule 10.1.2 was repealed as part of amendments to District Rules on November 2, 2023, however, the Final Order Adopting Rules omitted the redline tracked changes striking that provision, though it removed the provision and renumbered subsequent sections.

END OF RULE 10

RULE 11. AQUIFER TEST / WELL PERFORMANCE TEST AND REPORT

Section 11.1 Aquifer Test Categories & Project Process

For Tier 2 and Tier 3 operating permit applications (tier classification is provided below), a well-performance test or aquifer test shall be conducted if the well has never been tested or if the most recent test is more than 3 years old. An accompanying test report shall be provided for the application to be considered administratively complete. This rule provides the specific requirements for these tests and accompanying reports.

(11.1.1) A new or amended operating permit application shall be categorized as one of the following:

A. Tier 1: An operating permit for a total production amount less than or equal to two (2) acre-feet.

B. Tier 2: An operating permit for a total production amount greater than two (2) acre-feet but less than or equal to six (6) acre-feet.

C. Tier 3: An operating permit for a total production amount greater than six (6) acre-feet.

(11.1.2) A well-performance test shall be required:

A. For new operating permit applications requesting an annual production amount at Tier 2; or

B. For permit amendment applications requesting a production amount within Tier 2, if the permit amendment represents an increase of 50% or more of the permit amount, or if the aggregate total of all permit amendments during the previous three (3) years equals or exceeds 50% of the permit amount; or

C. If the most recent well performance test was not designed to meet or exceed the requested amendment amount.

Test results shall be submitted to the District as part of the permit application. The performance test and report shall follow the guidelines of the District's "Statement of Groundwater Availability." Additional requirements are within Rule 11, including but not limited to: water quality analysis, well construction diagram, cuttings samples and a geophysical log, which shall be provided to the District in both paper copy and electronic format

(11.1.3) An aquifer test shall be required:

A. For new operating permit applications requesting an annual production amount greater than 6 acre-feet per year; or

B. For permit amendment applications requesting an annual production amount at Tier 3, unless there was an aquifer test for the requested amount within the prior three years; or

C. For permit amendment applications requesting an annual production amount increase of 50% where the current approved permit annual production amount is between 6 and 20 acre-feet; or

D. For permit amendment applications requesting an annual production amount increase of 20% where the current approved permit annual production amount is greater than 20 acre-feet; or

E. If the most recent aquifer test was not designed to meet or exceed the requested total permit amount.

Test results shall be submitted to the District as part of the permit application. The test and report shall be performed as provided in the entirety of Rule 11. The water availability study Investigation required by Hays County under its subdivision ordinance does not fulfill the requirement for Tier 2 and Tier 3 of this rule.

(11.1.4) Project Process:

A. Well Construction: All permit applications shall submit a well construction notification form and application for a drilling permit in accordance with Sections 3.3 and 3.4 for each well to be permitted.

B. Applications requiring a Tier 3 aquifer test or a Tier 2 well performance test shall submit to the District for review, not later than 3 business days before beginning construction, a written document detailing the test design. This document must include: the planned location and producing sub-aquifer of all test wells and observation wells, well casing intervals, completion methods, pump depth setting, pumping rate, and recovery method for the groundwater discharged during the test. Groundwater discharged during the test should be routed to storage tanks or to other water systems. If the groundwater must be discharged to surface drainages, it should be routed so that it does not recharge into the tested aquifer in the vicinity of the pumping or monitor wells during the test. Discharge onto adjoining properties is prohibited unless allowed by the adjoining landowner(s), and evidence of such authorization must be included in the test design. District technical staff will review the work plan and may recommend changes to ensure it meets the requirements laid out in Rule 11.

C. After receiving a notice to proceed from the District, the applicant may proceed with drilling the test well and collecting data for the test and report.

D. If the applicant finds the test results favorable and wishes to proceed with the project, the applicant shall complete and submit the permit application, including the test report results to the District. The District may carry out an independent analysis of the test report results.

E. Once the District receives all the required documents and deems them administratively complete, the permit application shall go before the Board.

(11.1.5) Well Construction Notification, Well registration and permit application forms are available from the District or on the District's website.

(11.1.6) Aquifer test reports shall be organized according to this rule and shall include all of the information required.

Section 11.2 Administrative Information

(11.2.1) A well performance test or an aquifer test report shall include the following:

A. Name of the proposed project;

B. Any previous or other name(s) which identifies the tract of land;

C. Name, address, phone number, email and facsimile number of the property owner or owners;

D. Name, address, phone number, email and facsimile number of the person submitting the operating permit application;

E. Name, address, phone number, email, facsimile number, and registration number of the licensed professional geoscientist or the licensed professional engineer preparing the certification required by this rule;

F. Location and legal property description of the proposed project.

G. Copies of all well registrations/ well construction notifications and associated state well reports for all the wells associated with the project.

Section 11.3 Proposed Water Use Information

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

A. The annual amount of groundwater withdrawal;

B. The purpose of use;

C. The anticipated rate of withdrawal in gallons per minute;

D. The place of use;

E. The method of distribution;

F. The planned term of use; and

G. The well's capability to sustain production at the desired rate over the term of the planned use, including during severe and critical drought conditions.

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

1) The type of the proposed subdivision, (for example, single family residential, multi-family residential, commercial, industrial, or mixed use);

2) The size of the proposed subdivision in acres;

3) The number of proposed lots within the proposed subdivision;

4) The range and average size (in acres) of the proposed lots in the proposed subdivision;

5) The anticipated method of water distribution to the proposed lots in the proposed subdivision including, but not limited to:

A. an expansion of an existing public water supply system to serve the proposed subdivision using groundwater as all or part of the source of water supply;

B. a new public water supply system for the proposed subdivision;

C. individual water wells to serve individual lots; or

D. a combination of methods; and

6) any additional project specific information the District may request due to the anticipated unique character of the project or location.

Section 11.4 Projected Water Demand Estimate

(11.4.1) Projected water demand shall be documented as part of the report as follows:

A. Residential water demand estimate. The residential water demand estimate shall account for indoor and outdoor demand at full build- out on an annual basis. Indoor and outdoor demand shall be estimated by:

1) the number of proposed housing units at full build-out;

2) an average of 2.63 people per housing unit;

3) assume a per day per person usage rate of less than 100 gallons; and provide the total expected residential water demand per year for the entire proposed project (acre-feet per year).

B. Non-residential water demand estimate. Water demand estimates at full build-out or full usage shall be provided for all non-residential uses. Non-residential uses shall be specified by type of use and groundwater demand per year (acre-feet per year) for each type of use. The estimate shall also include the existing non- residential demand of any well supplying water to the project including those identified under "existing well inventory" required by Section 11.6.2 (relating to site-specific groundwater data/aquifer test design).

C. Total annual groundwater demand estimate. An estimate of the total expected annual groundwater demand, including residential and non-residential estimates at full build-out (acre-feet per year), shall be provided.

D. Basis of the assumption. The basis of the assumptions used in the calculations performed to determine the groundwater demand estimates required by this section shall be noted and referenced in the report.

E. The report shall provide any additional groundwater demand back-up information required by the District.

Section 11.5 Regional Groundwater Resource Setting

(11.5.1) Describe the regional geologic and hydrogeologic setting for the project. This rule outlines the major regional topics that shall be summarized in the report and Section 11.6 details site specific criteria that shall be described and discussed when submitting an aquifer test report or a well performance test report. At a minimum, consider and discuss the following topics from a regional perspective:

A. Aquifer identification. Identify and describe the target aquifer and/or subaquifer for the project (e.g. Upper, Middle, Lower Trinity or Paleozoic etc.). Also identify and describe the specific target hydrostratigraphic units, such as the Lower Glen Rose member, Hensel member etc., from which the wells will be producing.

B. Good references for descriptions of District aquifers include Ashworth, J.B. (1983), Texas Water Development Board (TWDB) Report 273; Bluntzer, R.L. (1992) TWDB Report 339; Wierman and others (2010), Hydrogeologic atlas of the Hill Country Trinity Aquifer, Blanco, Hays

and Travis Counties, Central Texas; TWDB's Trinity (southern portion) Aquifer Groundwater Availability Model; and other publications.

C. Geologic and groundwater information. The following regional geologic and groundwater information shall be considered when planning and designing the aquifer test or the well performance test. At a minimum, the topics below shall be described and discussed, based on a literature review, as to how they may have influenced the test, the availability and quality of groundwater.

1) The regional stratigraphy of the geologic units in the vicinity of the project. Include a generalized regional stratigraphic column. This column shall include the names of the geologic units, their range of thickness, their lithology, a brief description of the hydrostratigraphic units, and general water quality descriptions (e.g. TDS, predominant anions, etc.);

2) The lithology of the geologic strata;

3) The regional geologic structure and the presence or absence of faulting;

4) The regional characteristics of the aquifer(s) and their hydraulic relationships to adjoining units (e.g. is the aquifer confined, leaky or unconfined, which units are the confining units, is there karst porosity, regional anisotropy to the aquifer etc.); and

5) The regional recharge system of the aquifer(s), and movement and discharge of groundwater from the aquifer(s) as described in the literature.

Section 11.6 Site-Specific Groundwater Data / Aquifer Test and Well Performance Test Design

(11.6.1) This rule details the site-specific data and analyses that must be included in the aquifer test report and in the well performance test report. Site data that is found to be anomalous or exceptional from what is expected based on the regional data shall be discussed in regards to its implications upon the aquifer test results and permit application.

(11.6.2) Existing well inventory. All known existing, abandoned, and inoperative wells within the proposed project shall be identified, located, and mapped by on-site surveys and shown on a project site plan. Existing wells within ½-mile of the test well shall be shown on a map built using the latest available topographic data from either The National Map (USGS) or the United States topographic datasets. The scale of the map should be such that all required data are visible within a single frame. Wells outside the project boundary may be located by a 'drive-by' survey of the neighborhood, a review of District well records (GIS and paper files), State Well Reports, and a review of District aerial photography. A 'well inventory' table shall be included in the report that provides the following data if known: the State well number, longitude, latitude and ground elevation for each existing well and whether those coordinates were estimated or surveyed, total depth, open hole or screened interval, probable hydrogeological unit(s) the well is open to, and the current use of the well. The well construction information shall be determined from the State Well Reports, inspection of the well, conversation with the owner or stated as "unknown." Copies of existing State Well Reports shall be included in the report.

(11.6.3) Adjoining property owners. Provide a table and figure showing all adjoining property owners within ½-mile of the test well. The table shall include: the Hays County Property Tax ID number, name and address of the owners. Adjoining property owners include those separated from the subject property by a road or right of way. The figure shall generally show the location of the

test well(s) and property boundaries, of the adjoining property owners. This data may be obtained from the Hays Central Appraisal District or Hays County Development Services Mapping Department.

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

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

B. If an existing well is used as an observation well, it may not be pumped during the drawdown and recovery period.

C. For wells used in the test, include a well construction table that lists coordinates, elevation, total depth, depth of casing, screened interval, static water level, depth of packers, annular seal types and intervals and other pertinent well construction information.

D. Discuss the impact of partial aquifer penetration of a well on test interpretation and well performance, if the well does not fully penetrate the aquifer.

E. Well construction diagrams. Create a well construction diagram for each pumping and observation well on an 8 ½'' x 11" or larger, depending on the level of detail, sheet of paper that details: GPS location and elevation of well casing, project name, borehole diameters and depth intervals; total depth of borehole; casing diameters, wall thickness, type (steel, PVC, etc.) and depth intervals; screen diameter, wall thickness, type, slot sizes and depth intervals; filter pack interval, volume and material; type and depth of packers; volume, interval and type of annular space fill material; surface completion detail including casing sizes and elevations above ground or cement pad; pump size and setting depth of intakes; and static water-level.

F. For existing wells where the information required by Section 11.6.4 E is not known, create a diagram that includes available information for example: GPS location and elevation, static water-level, total depth of well, casing type and diameter, and surface completion.

G. Location of wells. The test and observation well(s) shall be on the project plan and shall be located by latitude and longitude. The optimal location for the observation well(s) may be determined by best professional judgment after completion and evaluation of the test well. The rational used for the location of the observation well (such as the evaluation of specific capacity data generated during development of the well) shall be described in the report. In general, observation wells in unconfined aquifers shall be placed no farther than 300 feet from the test well,

and no farther than 700 feet in thick, confined aquifers. The observation well shall also be placed no closer to the test well than two times the thickness of the aquifer's production zone. The final location of any production well must be within 1,000 feet of the test well.

H. Lithologic and geophysical logs. The test and observation well(s) shall be lithologically and geophysically logged to map and characterize the geologic unit(s) and the aquifer(s) in which the aquifer test(s) is to be performed. A cut of all samples and digital copies of all geophysical logs are to be submitted to the District within 60 days.

1) Drill cuttings shall be collected at 10-foot intervals throughout the depth of the borehole. All samples shall be properly bagged and labeled and submitted to the District.

2) A lithologic log (for each well) based on the drill cuttings shall be prepared showing the depth of the strata, thickness and lithology (including but not limited to: rock and grain type, grain size, rounding, sphericity, color, staining, observed porosity, mineralogy, cementing and fossil content if observed), occurrence of water bearing strata, and any other special notes that are relevant to the drilling and evaluation process and to the understanding of subsurface conditions. Provide an interpretive site-specific stratigraphic column based on published literature, interpretation of geophysical logs and drill cuttings of the boreholes.

3) Geophysical logs shall be run which provide qualitative information on aquifer characteristics and groundwater quality. When hole conditions permit, the geophysical logs shall include but not be limited to, an electrical log with shallow and deep-investigative curves (e.g., 16-inch short normal/64-inch long normal resistivity curves or induction log) with a spontaneous potential curve, natural gamma, and caliper. As a minimum requirement for cased holes, a gamma ray log shall be run and the logging program discussed with the District. A paper copy and a digital recording (LAS and WC file formats are acceptable) of the geophysical logs shall be included in the aquifer test report. The hydrogeologic characteristics of the borehole as indicated by the geophysical logs, drilling performance, and lithology shall be discussed. Any pertinent literature or regional information shall be noted.

I. Well development and performance estimation. The test and observation well(s) shall be developed prior to conducting the aquifer test to repair damage done to the aquifer(s) during the drilling operation. Development shall ensure that the hydraulic properties of the aquifer(s) are restored as much as practical to their natural state.

1) Well development procedures applied to the well(s) may vary depending on the drilling method used and the extent of the damage done to the aquifer(s).

2) During well development, the test well shall be pumped or air-lifted for a minimum of 4 hours to determine the effect of development on the well's estimated yield.

3) Water pumped out of the well during well development may not be allowed to locally recharge the aquifer and influence well performance results. The report shall describe measures taken to achieve this objective.

J. Protection of groundwater. All reasonably necessary precautions shall be taken during construction of test and observation wells to ensure that surface contaminants do not reach the subsurface environment and that undesirable groundwater (water that is injurious to human health and the environment or water that can cause pollution to land or other waters) if encountered, is sealed off and confined to the zone(s) of origin. Such precautions may include

those of Texas Department of Licensing and Regulation Water Well Drillers and Pump Installers rules, Sections 76.701 and 76.1001 through 76.1011.

K. Pre-test background water-level data. Water level data from the test well or observation well shall be collected on an hourly basis for a minimum of 24 hours prior to initiating testing to determine if the water-level has recovered from well development and if it is being influenced by any local or regional influence or trends. Aquifer testing may not commence until water levels (after well development) have stabilized.

L. Duration of aquifer test and recovery. The duration of the aquifer test depends on the amount of annual production requested in the application or amendment, and local and geologic conditions. The pumping rate during the test shall meet or exceed the proposed maximum pumping rate required for the project at its peak demand at full build-out. Water pumped during the test may not be allowed to influence the test results by locally recharging the aquifer.

1) For new permit applications or amendments requesting less than or equal to 25 acre-feet per year, a uniform-rate aquifer test shall be conducted for a minimum of a 24-hour duration. A 48-hour duration test is preferred. For permit applications and amendments requesting greater than 25 acre-feet per year, a 48-hour duration is required. Testing shall continue long enough to observe a straight-line trend on a plot of water level versus the logarithm of time pumped. If necessary, the duration of the test shall be extended beyond the above minimum limits until the straight-line trend is observed. The plot of water level versus the logarithm of time pumped for both the pumping well and observation well shall be included in the aquifer test report.

2) If it is impractical to continue the test until a straight-line trend of water level versus the logarithm of time pumped is observed beyond 48 hours, the test shall continue at least until a consistent pumping-level trend is observed. In such instances, failure to observe the straight-line trend shall be recorded and the possible causes and implications of this discussed in the report.

3) The frequency of water level measurements during the aquifer test shall be such that adequate definition of the time-drawdown curve is made available. As much information as possible shall be obtained in the first ten minutes of testing (i.e., pumping). The District strongly recommends that pressure transducers with a data acquisition system be used to record water levels in the pumping and closest monitoring wells due to their ability to collect rapid early time data. Water Level data shall be presented in table format in the report. If water levels are collected electronically, an electronic copy of the data file shall be submitted to the District with the final report.

4) Water-level recovery data shall be obtained to verify the accuracy of the data obtained during the pumping portion of the test. Recovery measurements shall be initiated immediately at the conclusion of the pumping portion of the aquifer test and shall be recorded with the same frequency as those taken during the pumping portion of the aquifer test. The District strongly recommends that pressure transducers with a data acquisition system be used to record water levels in the pumping and closest monitoring wells during the recovery phase of the test due to their ability to collect rapid early time data. Time-recovery measurements shall continue for 14 days or until the water levels have recovered to at least 90% of the pre-pumping level, whichever occurs earlier.

M. Use of existing wells and aquifer test data.

1) An existing well may be utilized as an observation well under this rule if sufficient information is available for that well to demonstrate that it meets the requirements of this rule. Acceptable information for meeting this requirement includes state well reports and/or downhole surveys (geophysical logs and video camera footage)

2) The District may accept the results of a previous aquifer test in lieu of a new test if:

A. the previous test was performed on a well located within a 1,000-foot radius of the newly proposed well location;

B. the previous test fully meets all the requirements of this section;

C. the previous test was conducted in the same geologic formation and hydro- stratigraphic unit of an aquifer which is being considered as a source of water supply for the proposed project based upon subsurface data such as well cuttings, geophysical log data, and water level data;

D. the previous test was conducted at the same or higher discharge rates, and;

E. aquifer conditions (e.g., water levels, gradients, etc.) during the previous test were approximately the same as they are presently.

N. Need for additional aquifer testing and observation wells. The District may determine if additional observation wells or aquifer tests are needed to adequately demonstrate groundwater availability. To determine if additional information is needed, the District shall consider the assumptions, the site-specific information derived from the aquifer test, the size of the proposed project, and the proposed method of water delivery.

(11.6.5) Well performance testing (Tier 2 permit applications). A well performance test shall be conducted to estimate the transmissivity of the aquifer(s) underlying the proposed project. The well performance test shall provide sufficient information to allow evaluation of each aquifer that is being considered as a source of water supply for the proposed project. The test well shall be constructed pursuant to Texas Department of Licensing and Regulation rules, Chapter 76 regulating Water Well Drillers and Pump Installers, and when applicable, the specifications of the Texas Commission on Environmental Quality under 30 Texas Administrative Code, Chapter 290 and any other local or regional regulations that apply. A well performance test conducted under this section utilizing established methods shall include, but not be limited to, the following:

A. Test well. At least one test well (i.e., pumping well) shall be required to conduct adequate well performance testing under this section. The location of the test well shall be shown on the site plan submitted as part of the operating permit application.

B. Well construction table. Produce a well construction table that lists coordinates, elevation, total depth, depth of casing, screened interval, static water level, depth of packers, annular seal types and intervals and other pertinent well construction information.

C. Well construction diagram. Create a well construction diagram for the pumping well on an 8 ½'' x 11" sheet of paper that details: GPS location and elevation of well casing, project name, borehole diameters and depth intervals; total depth of borehole; casing diameters, wall thickness, type (steel, PVC, etc.) and depth intervals; screen diameter, wall thickness, type, slot sizes and depth intervals; filter pack interval, volume and material; type and depth of packers;

volume, interval and type of annular space fill material; surface completion detail including casing sizes and elevations above ground or cement pad; pump size and setting depth of intakes; and static water-level.

D. For previously drilled wells that will be tested under this rule, and where the information required by 11.6.5 C above is not known, create a diagram that includes available information; for example: GPS location and elevation, static water-level, total depth of well, casing type and diameter, and surface completion.

E. Location of wells. The test well shall be shown on the project plan and shall be located by latitude and longitude.

F. Lithologic and geophysical logs. The test well shall be lithologically and geophysically logged to map and characterize the geologic unit(s) and the aquifer(s) in which the well performance test is to be done. A package containing all cuttings samples and digital copies of all geophysical logs are to be submitted to the District within 60 days of the end of well completion.

1) Drill cuttings shall be collected at 10-foot intervals throughout the depth of the borehole. All samples shall be properly bagged and labeled and submitted to the District.

2) A lithologic log based on the drill cuttings shall be prepared showing the depth of the strata, thickness, lithological descriptions (including but not limited to: rock and grain type, grain size, rounding, sphericity, color, staining, observed porosity, mineralogy, cementing and fossil content if observed), occurrence of water bearing strata, and any other special notes that are relevant to the drilling and evaluation process and to the understanding of subsurface conditions. Provide an interpretive site-specific stratigraphic column based on published literature, interpretation of geophysical logs and drill cuttings of the boreholes.

3) Geophysical logs shall be run which provide qualitative information on aquifer characteristics and groundwater quality. When hole conditions permit, the geophysical logs shall include but not be limited to, an electrical log with shallow and deep-investigative curves (e.g., 16-inch short normal/64-inch long normal resistivity curves or induction log) with a spontaneous potential curve, natural gamma, and caliper. As a minimum requirement for cased holes, a gamma ray log shall be run and the logging program discussed with the District. A paper copy and a digital recording (LAS and WCL file formats are acceptable) of the geophysical logs shall be included in the aquifer test report. The hydrogeologic characteristics of the borehole as indicated by the geophysical logs, drilling performance, and lithology shall be discussed. Any pertinent literature or regional information shall be noted.

G. Well development and performance estimation. The test well shall be developed prior to conducting the well performance test to repair damage done to the aquifer(s) during the drilling operation. Development shall ensure that the hydraulic properties of the aquifer(s) are restored as much as practical to their natural state.

1) Well development procedures applied to the well may vary depending on the drilling method used and the extent of the damage done to the aquifer(s).

2) During well development, the test well shall be pumped or air-lifted for a minimum of 4 hours to gauge the effect of development on the well's estimated yield.

3) Water pumped out of the well during well development may not be allowed to locally recharge the aquifer and influence well performance results. The report shall describe measures taken to achieve this objective.

H. Protection of groundwater. All reasonably necessary precautions shall be taken during construction of test well to ensure that surface contaminants do not reach the subsurface environment and that undesirable groundwater (water that is injurious to human health and the environment or water that can cause pollution to land or other waters) if encountered, is sealed off and confined to the zone(s) of origin. Such precautions may include those of Texas Department of Licensing and Regulation Water Well Drillers and Pump Installers rules Sections 76.701 and 76.1001 through 76.1011.

I. Pre-test background water-level data. Water Level data from the test well shall be collected on an hourly basis for a minimum of 12 hours prior to initiating testing to determine if the water-level has recovered from well development and if it is being influenced by any local or regional influence or trends. Aquifer testing may not commence until water levels (after well development) have stabilized.

J. Duration of aquifer test and recovery. The duration of the well performance test depends on the local hydrogeological conditions and is discussed below. The pumping rate during the test shall meet or exceed the proposed maximum pumping rate required for the project at its peak demand at full build-out. Water pumped during the test may not be allowed to influence the test results by locally recharging the aquifer.

1) For new Tier 2 permit applications or amendments requesting less than or equal to 6 acre-feet per year, a uniform-rate well performance test shall be conducted for a minimum of a 12-hour duration. For permit applications and amendments to existing Tier 2 permits requesting more than 6 acre-feet per year, see section (11.6.4). Testing shall continue long enough to observe a straight-line trend on a plot of water level versus the logarithm of time pumped. If necessary, the duration of the test shall be extended beyond the above minimum limits until the straight-line trend is observed. The plot of water level versus the logarithm of time pumped in the pumping well shall be included in the well performance test report.

2) If it is impractical to continue the test until a straight-line trend of water level versus the logarithm of time pumped is observed beyond 12 hours, the test shall continue at least until a consistent pumping-level trend is observed. In such instances, failure to observe the straight-line trend shall be recorded and the possible causes and implications of this discussed in the report.

3) The frequency of water level measurements during the well performance test shall be such that adequate definition of the time-drawdown curve is made available. As much information as possible shall be obtained in the first ten minutes of testing (i.e., pumping). The District strongly recommends that pressure transducers with a data acquisition system be used to record water levels in the pumping well due to their ability to collect rapid early time data. Water level data shall be presented in table format in the report. If water levels are collected electronically, an electronic copy of the data file shall be submitted to the District with the final report.

4) Water-level recovery data shall be obtained to verify the accuracy of the data obtained during the pumping portion of the test. Recovery measurements shall be initiated

immediately at the conclusion of the pumping portion of the aquifer test and shall be recorded with the same frequency as those taken during the pumping portion of the aquifer test. The District strongly recommends that pressure transducers with a data acquisition system be used to record water levels in the pumping and closest monitoring wells during the recovery phase of the test due to their ability to collect rapid early time data. Time-recovery measurements shall continue for 14 days or until the water levels have recovered to at least 90% of the pre-pumping level, whichever occurs earlier.

K. Use of existing wells and aquifer test data.

1) An existing well may be utilized as a test well under this rule if sufficient information is available for that well to demonstrate that it meets the requirements of this rule. Acceptable information to meet this requirement includes state well reports and/or downhole surveys (geophysical logs and video camera footage).

2) The District may accept the results of a previous well performance test in lieu of a new test if:

A. the previous test was performed on a well located within a 1,000-foot radius of the newly proposed well location;

B. the previous test fully meets all the requirements of this section;

C. the previous test was conducted in the same geologic formation and hydro- stratigraphic unit of an aquifer which is being considered as a source of water supply for the proposed project based upon subsurface data such as well cuttings, geophysical log data, and water level data;

D. the previous test was conducted at the same or higher discharge rates, and;

E. aquifer conditions (e.g., water levels, gradients, etc.) during the previous test were approximately the same as they are presently.

L. Need for additional well performance testing. The District may determine if additional well performance tests are needed to adequately demonstrate groundwater availability. To determine if additional information is needed, the District shall consider the assumptions, the site-specific information derived from the well performance test, the size of the proposed project, and the proposed method of water delivery.

Section 11.7 Determination of Groundwater Quality

(11.7.1) Water quality analysis. Water samples shall be collected for chemical laboratory analysis during the aquifer test or well performance test. Samples should be collected after temperature, conductivity, and pH values can be considered “stable” as defined below. Samples must be collected toward the end of the pumping phase of the test. Samples shall be collected from each aquifer being considered for water supply for the proposed project.

A. Water samples collected under Section 11.7 shall be analyzed for the following:

1) calcium;

2) magnesium;

3) manganese;

4) iron;

5) potassium;

6) chloride;

7) sodium;

8) fluoride;

9) silica

10) sulfate

11) nitrate (as nitrogen)

12) bicarbonate

13) carbonate

14) conductivity;

15) pH;

16) total hardness;

17) total dissolved solids;

18) lead;

19) arsenic;

20) mercury;

21) phosphorus

22) strontium; and

23) the presence or absence of coliform and e. coli bacteria.

The report shall include a table of these values from the water sample analysis with a comparison, where applicable, to drinking water Primary and Secondary Standard as established by the United States Environmental Protection Agency (US EPA).

Once the bacteriological sampling mandated by TCEQ (30 Texas Administrative Code Chapter 290, Subchapter F) is completed, the applicant is required to promptly provide the test results to the District.

B. Temperature, turbidity, and pH shall be measured and recorded in the field during the pumping phase of the test until stable for two hours of pumping. The District strongly encourages the use of automated collection and logging of water quality field parameters during the test. Conductivity values should be considered stable when they are within plus or minus 10%. pH values should be considered stable when they are within plus or minus 0.1 standard pH units. Interpretation of the implications of changes in these values over time as pumping progresses shall be discussed in the report.

C. Qualitative descriptions of water. Every 4 hours during the aquifer test the discharging water shall be described based on clarity, color and smell. Interpretation of the implications of changes in these values over time as pumping progresses shall be discussed in the

report. If automated data logging was employed, a table and chart showing hourly measurements for each parameter and a brief discussion should be provided to satisfy this requirement.

Section 11.8 Determination of Groundwater Availability for Tier 2 and Tier 3 Permit Applications

(11.8.1) Time frame for determination of groundwater availability. At a minimum, both a short- and long-term determination of groundwater availability shall be made, each considering the estimated total water demand at full build-out or condition of maximum projected usage rates. Groundwater availability shall be evaluated for ten years and thirty years, using average and maximum expected pumping rates. Availability shall consider historical and projected groundwater levels during severe and critical drought conditions during these periods. The study shall include an analysis of the impact of this application to the modeled available groundwater and on the District's ability to achieve the desired future conditions for aquifers in the District. The study shall include an analysis of the potential build out of the neighboring property areas as part of the modeled available groundwater.

(11.8.2) Determination of aquifer parameters. The time-drawdown and time-recovery data obtained during the aquifer test shall be used to determine aquifer parameters utilizing the non-equilibrium equations developed by Theis and Cooper-Jacob, or acceptable modifications thereof. Describe and discuss the assumptions of the analytical method used and the applicability of those assumptions to the reality and uncertainties of the site conditions and the specific hydrostratigraphic unit tested. The following aquifer parameters shall be determined and the basis of the determinations discussed:

A. rate of yield and drawdown;

B. specific capacity;

C. transmissivity;

D. coefficient of storage, if applicable;

E. hydraulic conductivity;

F. recharge or barrier boundaries, if any are present;

G. thickness of the aquifer(s); and

H. assumed aquifer condition (unconfined, confined, leaky).

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

(11.8.3) Determination of groundwater availability. Using the information and data identified and determined in subsection 11.8.2. of this section, the following calculations shall be made.

A. Time-drawdown. The amount of drawdown at the pumped well(s) and at the boundaries of the proposed property shall be determined for the time frames identified under subsection (11.8.1) of this section. If a range of aquifer properties is determined from the pumping test, multiple analyses shall be performed using the highest and lowest values.

B. Distance-drawdown. The distance(s) from the pumped well(s) to the outer edges of the cone(s)-of-depression shall be determined for the time frames identified under subsection 11.8.1 of this section. If a range of aquifer properties is determined from the pumping test, multiple

analyses shall be performed using the highest and lowest values. Contoured water table drawdown figures shall be produced for each analysis reported.

C. Well interference for Tier 3 permit applications only. For multiple wells in a proposed project, calculations shall be made to:

1) determine how pumpage from multiple wells will affect drawdown in individual wells for the time frames identified under subsection 11.8.1 of this section; and

2) Determine a recommended minimum spacing limit between individual wells and well yields from the wells that will allow for the continued use of the wells for the time frames identified under subsection 11.8.1 of this section.

3) Aquifer modeling runs, using a verified and documented analytical model. Include a project drawdown modeling run that has boundary conditions around the project that reflect maximum allowable density under the rules the adjoining property was platted under. If the adjoining property is not currently subdivided, and could be subdivided under existing Hays County rules, then use the County's On-Site Sewage Facility (OSSF) Minimum Lot Sizing Table 10.1 to determine the lot size allowed. The District will assume that lots will be served by an OSSF allowable under the applicable Hays County rules. This maximum lot density shall extend out at least 4- lots deep around the perimeter of the property, where the project is bordered by raw developable land. The water use for each hypothetical bordering lot shall be 250 gallons per day. If the project adjoins an existing project, then projected pumping from the adjoining project at full build- out shall be considered in the model.

4) Using aquifer properties and proposed pumping rates for the full project build- out, provide cumulative drawdown calculations for selected radial distances up to one half mile of the proposed project boundaries, or a distance where measurable drawdown effects at known wells identified in the well inventory may be expected or to a distance where the drawdown is negligible.

5) Perform modeling runs assuming no recharge.

(11.8.4) Determination of groundwater quality. The water quality analysis required under Rule 11.7 (relating to Determination of Groundwater Quality) shall be compared to the EPA's primary and secondary public drinking water standards and the findings documented in table format.

Section 11.9 Determination of Groundwater Availability.

(11.9.1) Using the information and data identified and determined in Subsection 11.8.2 of this section, the following calculations shall be made.

A. Time-drawdown. The amount of drawdown at the pumped well(s) and at the boundaries of the proposed property shall be determined for the time frames identified under Subsection 11.8.1 of this section. If a range of aquifer properties is determined from the pumping test, multiple analyses shall be performed using the highest and lowest values.

B. Distance-drawdown. The distance(s) from the pumped well(s) to the outer edges of the cone(s)-of-depression shall be determined for the time frames identified under Subsection 11.8.1 of this section. If a range of aquifer properties is determined from the pumping test, multiple

analyses shall be performed using the highest and lowest values. Contoured water table drawdown figures shall be produced for each analysis reported.

C. Well interference for Tier 3 permit applications only. For multiple wells in a proposed project, calculations shall be made to:

1) Determine how pumpage from multiple wells will affect drawdown in individual wells for the time frames identified under Subsection 11.8.1 of this section; and

2) Determine a recommended minimum spacing limit between individual wells and well yields from the wells that will allow for the continued use of the wells for the time frames identified under Subsection 11.8.1 of this section.

3) Aquifer modeling runs, using a verified and documented analytical model. Include a project drawdown modeling run that has boundary conditions around the project that reflect maximum allowable density under the rules the adjoining property was platted under. If the adjoining property is not currently subdivided, and could be subdivided under existing Hays County rules, then use the County's On-Site Sewage Facility (OSSF) Minimum Lot Sizing Table 10.1 to determine the lot size allowed. The District will assume that the lots will be served by an OSSF allowable under the applicable Hays County rules. This maximum lot density shall extend out at least 4- lots deep around the perimeter of the property, where the project is bordered by raw developable land. The water use for each hypothetical bordering lot shall be 250 gallons per day. If the project adjoins an existing project, then projected pumping from the adjoining project at full build- out shall be considered in the model.

4) Using aquifer properties and proposed pumping rates for the full project build- out, provide cumulative drawdown calculations for selected radial distances up to one half mile of the proposed project boundaries, or a distance where measurable drawdown effects at known wells identified in the well inventory may be expected or to a distance where the drawdown is negligible.

5) Perform modeling runs assuming no recharge.

(11.9.2) Determination of groundwater quality. The water quality analysis required under Section 11.7 (relating to Determination of Groundwater Quality) shall be compared to the EPA's primary and secondary public drinking water standards and the findings documented in table format.

Section 11.10 Groundwater Availability and Usability Statements and Certification

(11.10.1) Groundwater availability and usability statements. Based on the information developed under Section 11.8 (relating to Determination of Groundwater Availability), the following information shall be provided:

A. the estimated drawdown of the aquifer at the pumped well(s) over a ten-year period and over a thirty-year period;

B. the estimated drawdown of the aquifer at the project boundary over a ten-year period and over a thirty-year period;

C. the estimated distance from the pumped well(s) to the outer edges of the cone(s)-of-depression over a ten-year period and over a thirty-year period;

D. the recommended minimum spacing limit between wells and the recommended well yield; and

E. the sufficiency of available groundwater quantity to meet the intended use of the project.

(11.10.2) Groundwater availability determination conditions. The assumptions and uncertainties that are inherent in the determination of groundwater availability shall be clearly identified. These conditions shall be identified to adequately define the basis for the availability and usability statements. These bases shall include, but are not limited to, uncontrollable and unknown factors such as:

A. Future pumpage from the aquifer or from interconnected aquifers from area wells outside of the project area or any other factor that cannot be predicted that will affect the storage of water in the aquifer;

B. Long-term impacts to the aquifer based on climatic variations; and

C. Future impacts to usable groundwater due to unforeseen or unpredictable contamination.

D. Certification. Based on best professional judgment, current groundwater conditions, and the information developed and presented as required by Rule 11, the licensed professional geoscientist or licensed professional engineer certifies by signature, seal, and date that adequate groundwater is available from the underlying aquifer(s) to supply the estimated demand of the proposed project and is sufficient quality for the intended uses.

END OF RULE 11

RULE 12. REPORTING

Section 12.1 Reporting Requirements

(12.1.1) All holders of an operating permit shall submit quarterly reports to the District and as provided in Rule 13 during drought, monthly reports to the District, and as provided by Rule 15 for the Jacob's Well Groundwater Management Zone, if applicable, including reporting their actual meter readings showing production. ~~Reports may be submitted on-line, instructions are available on the District website.~~ These reports are due by the 10th of the month following the end of each calendar quarter or month, as applicable. The report shall document information as further required by~~agreed to in~~ the operating permit. The District may agree to allow a permittee to report by an approved alternative measuring method.

END OF RULE 12

RULE 13. DROUGHT MANAGEMENT

Section 13.1 Drought Conditions & Provisions

(13.1.1) The District shall designate the various drought conditions and implement the applicable provisions of this rule upon determination that such implementation may be necessary for the conservation, preservation, protection and recharge of the groundwater within the District boundaries. The District shall post drought declarations on the District's website.

(13.1.2) District-wide drought declarations apply throughout the District, including in the Jacob's Well Groundwater Management Zone. If drought restrictions are triggered for the JWGMZ, those drought restrictions supersede District-wide restrictions.

Section 13.2 Drought Triggers

(13.2.1) The District's drought triggers are based upon the discharge flow rates provided by the USGS for the Pedernales River at Johnson City (USGS 08153500) and Blanco River at Wimberley (USGS 08171000). The District also references the Palmer Drought Severity Index as a possible drought trigger, in accordance with Subsection 13.3.1.

(13.2.2) The General Manager shall report the current stage of the Palmer Drought Severity Index at every Board meeting, and the Board may take action to implement the next drought stage based on the drought triggers in Section 13.3.

(13.2.3) The General Manager may declare a drought and any drought stage level changes at the time that the criteria for the drought or drought stage level change occurs. The declaration shall provide the date that the drought stage commences or ends. The Board may also declare a drought or any drought stage level change at a Board meeting following the time that the criteria for the drought or drought stage level change occurs. Once a drought or drought stage level change has occurred, all permit holders shall be notified of the current drought status and its effective date.

(13.2.4) Except as otherwise provided for permit holders within the Jacob's Well Groundwater Management Zone, permit holders are required to reduce groundwater production from the groundwater withdrawal amount indicated on their individual drought production cutback chart in accordance with the applicable percent of curtailment for the month.

Section 13.3 Drought Stages

(13.3.1) District drought management consists of four drought stages. When streamflow drops below a drought trigger (shown in the table below), or the PDSI reaches the indicated level, a daily counter begins. If the counter for either of the drought indicators reaches 30 days, the General Manager may declare the applicable drought stage. When streamflow increases above a drought trigger and the PDSI reaches the next less severe drought severity level, or indicates no drought for the entirety of a period of 60 days, the General Manager will declare the lesser drought stage or no drought.

Percent Curtailment	Drought Stage	PDSI level or Pedernales River flow rate	PDSI level or Blanco River flow rate
10%	Conservation	PDSI = -1.5 to -1.9; or at or below 59 cfs	PDSI = -1.5 to -1.9; or at or below 41 cfs

20%	Alarm	PDSI = -2 to -2.9; or at or below 31.6 cfs	PDSI = -2 to -2.9; or at or below 28.5 cfs
30%	Critical	PDSI = -3 to -4.9; or at or below 10.2 cfs	PDSI = -3 to -4.9; or at or below 14.5 cfs
40%	Emergency	PDSI = -5 or less; or at or below 2.23 cfs	PDSI = -5 or less; or at or below 9.28 cfs

(13.3.2) The curtailment percentages represent reductions from the annual authorized withdrawal amount. The curtailment percentages for each of the four drought stages:

A. Stage 1: Conservation 10%

B. Stage 2: Alarm 20%

C. Stage 3: Critical 30%

D. Stage 4: Emergency 40%

(13.3.3) The following additional restrictions apply during each indicated stage:

A. During Stage 2 (Alarm), Stage 3 (Critical), or Stage 4 (Emergency) conditions, groundwater withdrawn for a non-exempt use may not be used to fill or refill ponds.

B. During Stage 3 (Critical) or Stage 4 (Emergency) conditions, the District will not accept any application for a new operating permit or any amendment to increase production under an existing operating permit. The Board may grant a variance to this rule if an existing condition in the District imminently threatening the health, safety, or welfare of the public will be significantly lessened ~~by a proposed new well.~~or if granting a variance will reduce production from within a groundwater management zone.

C. During Stage 3 (Critical) or Stage 4 (Emergency) conditions, no new well may be constructed other than wells drilled to replace existing permitted wells or wells for exempt uses. The Board may grant a variance to this rule if an existing condition in the District imminently threatening the health, safety, or welfare of the public will be significantly lessened or if granting a variance will reduce production from within a groundwater management zone~~by a proposed new well~~.

Section 13.4 Reporting Requirements D~~d~~uring Drought

All permittees holding operating permits in the Jacob's Well Groundwater Management Zone shall submit monthly production reports to the District during declared droughts within 10 business days after the end of the month being reported.

(13.4.1) Operating permit holders shall file with the District an acceptable user drought contingency plan and water conservation plan, which shall be kept current so as to remain consistent with the District's:

A. management plan;

B. drought contingency plan, including but not limited to drought stage target pumpage volume;

C. water conservation plan; and

D. rules.

(13.4.2) Permit holders who are found to be in non-compliance with District drought management rules, the user drought contingency plan, the water conservation plan or the drought production cutback chart, may be subject to penalties.

END OF RULE 13

RULE 14. VARIANCES

Section 14.1 Variances

(14.1.1) Requests for the following variances must be submitted along with the well registration or application. To request a variance, complete and submit the variance request and notice form.

(14.1.2) The Board may grant variances for the following:

A. well performance tests, Tier 2;

B. aquifer tests, Tier 3;

C. installation of an access tube for the purpose of reporting water level measurements.

D. a~~the~~ prohibition ~~on new well construction~~ under Section 13.3.3(B) or (C); or

E. a~~the~~ prohibition on new Tier 2 or Tier 3 wells under Section 15.1.3.

END OF RULE 14

RULE 15. JACOB'S WELL GROUNDWATER MANAGEMENT ZONE

Section 15.1 Jacob's Well Groundwater Management Zone (JWGMZ)

(15.1.1) The Jacob's Well Groundwater Management Zone (JWGMZ) is hereby created to encompass a specific geographic area overlying the Trinity Aquifer surrounding Jacob's Well and located wholly within the boundaries of the District. A map of JWGMZ is attached hereto as **Exhibit 2**.

(15.1.2) Any existing Tier 2 or Tier 3 non-exempt use well within the JWGMZ drilled prior to March 5, 2020, and all other permitted wells thereafter, must comply with all standard operating permit requirements plus the following additional requirements:

A. Each existing non-exempt use well owner must record and report the amount of groundwater produced each calendar month within 10 business days after the end of the month being reported.

B. Each operating permit must include a monthly baseline production amount for groundwater production within the JWGMZ.

~~C.~~ A well located within the JWGMZ may not be aggregated under a single permit with any other well or well field located outside the JWGMZ. The Board may allocate a monthly baseline production amount based on aggregate pumping amounts reported for any well located inside JWGMZ that was operated in aggregate with one or more wells outside JWGMZ during 2017.

C.

D. ~~1.)~~ Any single permit that was disaggregated into two individual permits as a result of Subsection C of this rule, with the permitted production amount divided between the permit with the well(s) inside the JWGMZ and the permit with the well(s) outside the JWGMZ, regardless of the method of disaggregation and division of the original permit, may, by petition to the General Manager or the Board, have additional production moved from the permit inside the zone to the permit outside the zone. The reduction inside the JWGMZ and assignment to the corresponding permit outside the JWGMZ may be authorized by the General Manager or the Board. This reallocation is only allowed if it reduces production inside the JWGMZ.

E. An operating permit to produce groundwater from the Upper Trinity Aquifer or the Middle Trinity Aquifer may not be amended to increase the annual production total if the amendment application is filed after the effective date of this rule.

(15.1.3) Any new non-exempt use well within the JWGMZ drilled on or after March 5, 2020, must comply with all standard operating permit requirements plus the following additional requirements:

A. A new Tier 2 or Tier 3 well may not be drilled or completed to produce groundwater from the Middle Trinity Aquifer (Lower Glen Rose, Hensel, and Cow Creek Formations). New non-exempt wells may be drilled and completed into the Lower Trinity Aquifer (Sligo and Hosston Formations). The Board may grant a waiver to this provision if enforcement of this rule on a specific property will result in an arbitrary taking of property or in the practical closing and elimination of a lawful business, occupation, or activity without sufficient corresponding benefit or advantage to the public.

B. Any non-exempt use well shall be constructed with casing and grouting installed from the surface to the top of the production zone and its water bearing strata.

(15.1.4) A Tier 1 permit may be amended up to a total permit amount not to exceed 2 acre-feet per year. Any exempt use well within the JWGMZ must remain an exempt use well and may not be converted to a non-exempt use.

(15.1.5) Replacement Wells. A current operating permit holder or a well owner required to plug an abandoned or deteriorated well within JWGMZ may drill a replacement well within 50 feet of the plugged well. The replacement well must be completed into the same production zone and may only use the groundwater withdrawn for the same purpose of use and the same maximum annual production limit. This replacement well must be completed with casing and grouting the annular space from the surface to the top of the production zone and its water bearing strata.

Section 15.2 Drought Curtailments

(15.2.1) Drought curtailments are mandatory for non-exempt use wells within the JWGMZ, which must comply with any applicable drought curtailments required under Rule 13 and with drought curtailments required under this rule. If a drought has been declared for the JWGMZ in accordance with the requirements of Rule 13 and this rule, the District will post the drought curtailment percentage applicable for that month on the District's website. The amount of groundwater authorized to be withdrawn during that month may not exceed the baseline permitted groundwater withdrawal amount, as adjusted by the applicable drought curtailment amount based on the number of days during the month that any drought stage is in effect. Monthly baseline production amounts may be averaged only during contiguous months of a specific drought stage.

(15.2.2) Monthly Baseline Production Amount. Each Tier 2 or Tier 3 non-exempt use well permit shall include a monthly baseline production amount based on the average actual amount of groundwater produced and put to a beneficial use for each calendar month from January 2017 through December 2019. The monthly baseline production amount only applies during a curtailment period. A permittee may amend the monthly baseline production amount by filing a monthly baseline production amount adjustment request with the District. The monthly baseline production amount may be adjusted if the Board determines any of the following:

A. The total groundwater demand has increased through the addition of new water utility service connections;

B. The total groundwater demand has increased through expansion or growth; or

C. The permittee implemented water conservation measures that resulted in 10% or greater demand reduction. The monthly baseline production amount may be adjusted to reflect actual sustained demand reduction achieved.

(15.2.3) Monthly Baseline Production Amount for Permits Issued After 2016. Notwithstanding the monthly baseline production amount established pursuant to Section 15.2.2, for permits issued after December 31, 2016, the monthly baseline production amount is the amount of groundwater production as authorized in the permit. After three calendar years of production, the District shall review the actual amount of groundwater produced and put to a beneficial use and consider modifying the monthly baseline production amount.

(15.2.4) The General Manager will declare the applicable drought curtailment percentages within the JWGMZ based on a 10-day running average of the flow rates measured at the USGS flow meter at Jacob's Well as follows:

A. Groundwater production may not exceed the monthly baseline production amount adjusted by the following reduction percentages:

- 6 CFS or less.....10 Percent
- 5 CFS or less.....20 Percent
- 3 CFS or less.....30 Percent

B. During a drought stage, groundwater withdrawn for a non-exempt use may not be used to fill or refill ponds.

(15.2.5) Each permittee shall prepare a drought curtailment implementation plan detailing how the required production curtailments will be achieved. Drought curtailment implementation plans must be submitted to the District as part of applications for operating permits with the District.

END OF RULE 15

RULE 16. BLANCO VALLEY GROUNDWATER MANAGEMENT ZONE

(16.1.1) The Blanco Valley Groundwater Management Zone (BVGMZ) is hereby created to encompass a specific geographic area overlying the Trinity Aquifer and located wholly within the boundaries of the District. A map of the BVGMZ is attached hereto as Exhibit 3.

(16.1.2) Notwithstanding Section 16.1.4, any existing non-exempt use well within the BVGMZ drilled on or before August 1, 2024, and all other permitted wells thereafter, must comply with all standard operating permit requirements plus the following additional requirements:

A. A well located within the BVGMZ may not be aggregated under a single permit with any other well or well field located outside the BVGMZ.

B. An operating permit to produce groundwater from the Upper Trinity Aquifer or the Middle Trinity Aquifer may not be amended to increase the annual production total if the amendment application is filed after the effective date of this rule.

C. Any new non-exempt use well within the BVGMZ drilled on or after August 2, 2024, must comply with all standard operating permit requirements plus the following additional requirements:

D. A new well may not be drilled or completed to produce groundwater from the Middle Trinity Aquifer (Lower Glen Rose, Hensel, and Cow Creek Formations). New non-exempt wells shall be drilled and completed into the Lower Trinity Aquifer (Sligo and Hosston Formations) or any underlying formation.

E. Any non-exempt use well shall be constructed with casing and grouting installed from the surface to the top of the production zone and its water bearing strata.

(16.1.3) A Tier 1 permit may be amended, through the permit amendment process, to authorize a total permit amount not to exceed 1 additional acre-foot per year.

(16.1.4) Any exempt use well within the BVGMZ must remain an exempt use well and may not be converted to a non-exempt use.

(16.1.5) Replacement Wells. A current operating permit holder or a well owner required to plug an abandoned or deteriorated well within the BVGMZ may drill a replacement well within 50 feet of the plugged well. The replacement well must be completed into the Lower Trinity Aquifer or any underlying formation and may only use the groundwater withdrawn for the same place of use, purpose of use, at the same withdrawal rate, and maximum annual production limit. This replacement well must be completed with casing and grouting of the annular space from the surface to the top of the production zone and its water bearing strata.

END OF RULE 16

EXHIBIT 1 – PUBLIC PARTICIPATION FORM

Public Participation Form

Instructions: Fill out all applicable blanks. Please print or write legibly.

NAME: _____

HOME ADDRESS: _____

_____

TELEPHONE: _____

EMAIL ADDRESS: _____

If you represent a group or organization, please state the name, address, and telephone number of that group or organization.

_____

_____

Agenda item (or items) you wish to address: _____

_____

NOTE: The public may also bring up any issue that is not on the current agenda as long as that issue is relevant to the jurisdiction and operations of the District but only for the purpose of asking that the issue be placed on a future agenda.

Item (or items) you wish placed on a future agenda: _____

_____

_____

Signature: _____

NOTE: This public participation form must be presented to the Board at the beginning of the Board meeting.

EXHIBIT 2 – MAP OF JACOB'S WELL GROUNDWATER MANAGEMENT ZONE

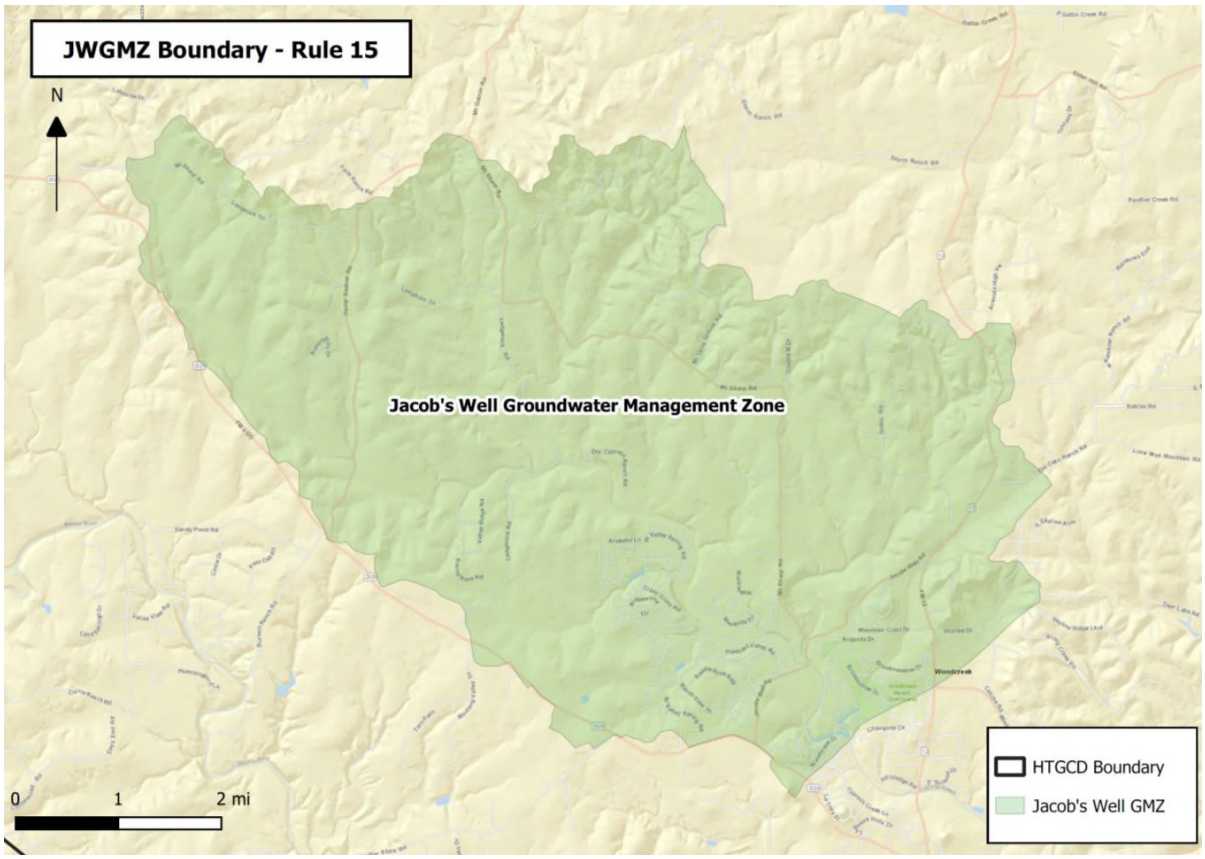

EXHIBIT 3 – MAP OF BLANCO VALLEY GROUNDWATER MANAGEMENT ZONE

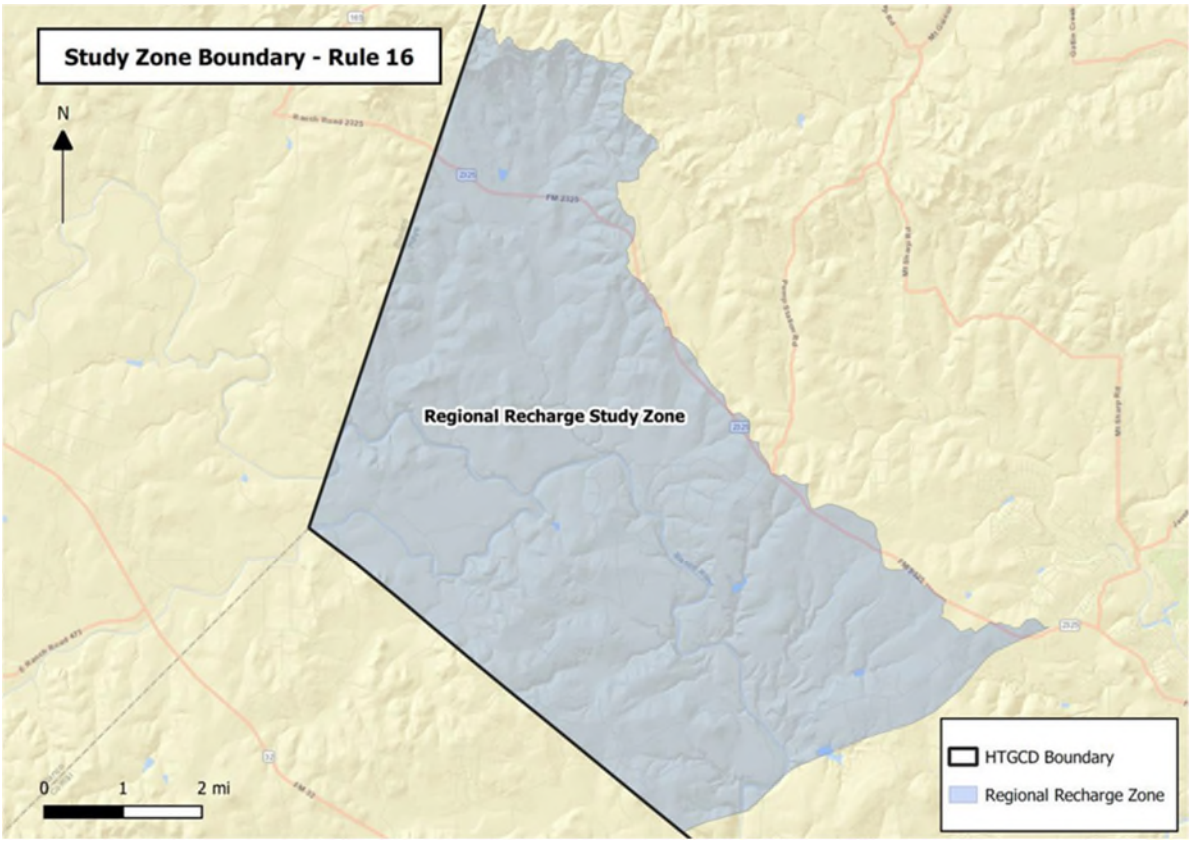

EXHIBIT B

Hays Trinity Groundwater Conservation District

RULES

As Amended Effective

August 6, 2026

MISSION STATEMENT

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

RULE REVISION RECORD

Date Adopted	Board Resolution/ Order Number	Effective Date	Affected Rules
8/9/01	---	8/9/01	Original Adoption
3/25/04	102	3/29/04	Rules 1-11
2/24/05	107	3/9/05	Rules 4 & 11
5/05/05	110	5/11/05	Rules 4 & 11
8/31/05	114	9/1/05	Rules 1-6 & 10-12
9/01/05	117	9/1/05	Rule 5
6/14/07	140	6/14/07	Rules 1-12
9/17/09	141	9/17/09	Rule 9
8/18/11	151	8/18/11	Rule 3
4/03/13	159	4/03/13	Rules 1-14
7/31/13	162	9/01/13	Rules 1-5 & 10
12/17/14	174	1/1/15	Rule 1-3, 5 & 10-14
11/18/15	178	12/01/15	Rule 1-5, 10, 12 & 13
9/21/16	182	10/01/16	Rule 3
12/20/17	187	1/01/18	Rule 1-5 & 10-14
12/30/19	196	1/01/20	Rule 2 & 16
03/05/20	197	03/05/20	Rule 15
11/05/20	208	11/05/20	Rule 1.7
4/1/21	210	4/1/21	Rule 15.2
10/6/22	222	10/6/22	Rules 11.1, 13.3 & 15.2

1/12/23	223	1/12/23	Rules 13.2 &13.3
11/2/23	224	11/2/23	Rules 1-6, 9-10, 12-13 & 15
8/1/24	228	8/1/24	Rule 16
2/6/25	232	2/6/25	Rules 1-5, 10-15
8/6/26	237	8/6/26	Rules 3-6, 10-15

TABLE OF CONTENTS

MISSION STATEMENT 1
TABLE OF CONTENTS 3
RULE 1. INTRODUCTION 6
Section 1.1 Authority to Promulgate Rules 6
Section 1.2 Purpose of the Rules 6
Section 1.3 Effective Date 6
Section 1.4 Action on Rules 6
Section 1.5 Regulatory Compliance 7
Section 1.6 Savings Clause 7
Section 1.7 Procedure, Conduct and Decorum at Meetings of the Board of Directors 7
Section 1.8 Petition for Rulemaking 8
RULE 2. DEFINITIONS 10
Section 2.1 Word meanings in the Rules of the Hays Trinity Groundwater Conservation District 10
RULE 3. WELL CONSTRUCTION, OPERATING PERMITS AND WATER UTILITY CONNECTIONS 19
Section 3.1 General Provisions 19
Section 3.2 Existing Wells 19
Section 3.3 Drilling Permits for New Wells 19
Section 3.4 Well Construction Notification 20
Section 3.5 New Operating Permits 21
Section 3.6 Transportation Outside District Boundaries; Export Permit Required 25
Section 3.7 Renewal of an Operating Permit 26
Section 3.8 Permit Amendment and Revocation 26
Section 3.9 Modification of Well 27
Section 3.10 Water Utility Connection Categories and Fees 27
Section 3.11 Wells Exempt from Operating Permit Requirements 28
Section 3.12 Geoexchange Wells (Geothermal wells; closed loop earth-coupled heat exchange wells) 30
Section 3.13 Project Dormancy 31
RULE 4. WELL CONSTRUCTION, CAPPING, PLUGGING, REPORTS AND SPACING 32
Section 4.1 Well Construction Standards 32

Section 4.2 Reports and Monitoring 33
Section 4.3 Well Location and Spacing 33
RULE 5. HEARINGS 36
Section 5.1 Hearings before the District 36
Section 5.2 Hearings on Desired Future Conditions, Management Plan, or Rules Adoption 36
Section 5.3 Notice Requirements for a Public Hearing on Desired Future Conditions, Management Plan, or Rules Adoption 36
Section 5.4 Adoption of Emergency Rules 37
Section 5.5 Notice of Public Hearing on an Operating Permit Application 37
Section 5.6 Contesting Operating Permit and Amendment Applications, in General 38
Section 5.7 Additional Contested Case Hearing Procedures for Operating Permit and Amendment Applications 40
RULE 6. TAGGING, PROHIBITING USE, CAPPING, OR PLUGGING WELLS 43
Section 6.1 Tagging Wells; Prohibiting Use 43
Section 6.2 Capping Wells 43
Section 6.3 Plugging Wells 44
RULE 7. WELL AND PROPERTY ACCESS 45
Section 7.1 Well Inspections & Investigating 45
Section 7.2 Property Access 45
RULE 8. REPEALED 46
RULE 9. PROHIBITIONS AGAINST WASTE AND POLLUTION 47
Section 9.1 Prohibition Against Waste and Pollution 47
RULE 10. ENFORCEMENT 48
Section 10.1 Enforcement 48
RULE 11. AQUIFER TEST / WELL PERFORMANCE TEST AND REPORT 49
Section 11.1 Aquifer Test Categories & Project Process 49
Section 11.2 Administrative Information 50
Section 11.3 Proposed Water Use Information 51
Section 11.4 Projected Water Demand Estimate 52
Section 11.5 Regional Groundwater Resource Setting 52
Section 11.6 Site-Specific Groundwater Data / Aquifer Test and Well Performance Test Design 53
Section 11.7 Determination of Groundwater Quality 60

Section 11.8 Determination of Groundwater Availability for Tier 2 and Tier 3 Permit Applications 62
Section 11.9 Determination of Groundwater Availability. 63
Section 11.10 Groundwater Availability and Usability Statements and Certification 64
RULE 12. REPORTING 66
Section 12.1 Reporting Requirements 66
RULE 13. DROUGHT MANAGEMENT....67
Section 13.1 Drought Conditions & Provisions....67
Section 13.2 Drought Triggers....67
Section 13.3 Drought Stages....67
Section 13.4 Reporting Requirements During Drought....68
RULE 14. VARIANCES....70
Section 14.1 Variances....70
RULE 15. JACOB'S WELL GROUNDWATER MANAGEMENT ZONE....71
Section 15.1 Jacob's Well Groundwater Management Zone (JWGMZ)....71
Section 15.2 Drought Curtailments....72
RULE 16. BLANCO VALLEY GROUNDWATER MANAGEMENT ZONE 74
EXHIBIT 1 – PUBLIC PARTICIPATION FORM....75
EXHIBIT 2 – MAP OF JACOB'S WELL GROUNDWATER MANAGEMENT ZONE....76
EXHIBIT 3 – MAP OF BLANCO VALLEY GROUNDWATER MANAGEMENT ZONE 1
MISSION STATEMENT 1
TABLE OF CONTENTS....3
RULE 1. INTRODUCTION....9
Section 1.1 Authority to Promulgate Rules 9
Section 1.2 Purpose of the Rules 9
Section 1.3 Effective Date 9
Section 1.4 Action on Rules....9
Section 1.5 Regulatory Compliance 10
Section 1.6 Savings Clause 10
Section 1.7 Procedure, Conduct and Decorum at Meetings of the Board of Directors 10
Section 1.8 Petition for Rulemaking....11
RULE 2. DEFINITIONS....13
Section 2.1 Word meanings in the Rules of the Hays Trinity Groundwater Conservation District 13

RULE 3. WELL CONSTRUCTION, OPERATING PERMITS AND WATER UTILITY CONNECTIONS 22

Section 3.1 General Provisions 22

Section 3.2 Existing Wells 22

Section 3.3 Drilling Permits for New Wells 22

Section 3.4 Well Construction Notification 23

Section 3.5 New Operating Permits 24

Section 3.6 Transportation Outside District Boundaries; Export Permit Required 28

Section 3.7 Renewal of an Operating Permit 28

Section 3.8 Permit Amendment and Revocation 29

Section 3.9 Modification of Well 30

Section 3.10 Water Utility Connection Categories and Fees 30

Section 3.11 Wells Exempt from Operating Permit Requirements 31

Section 3.12 Geoexchange Wells (Geothermal wells; closed loop earth-coupled heat exchange wells) 33

Section 3.13 Project Dormancy 34

RULE 4. WELL CONSTRUCTION, CAPPING, PLUGGING, REPORTS AND SPACING 35

Section 4.1 Well Construction Standards 35

Section 4.2 Reports and Monitoring 36

Section 4.3 Well Location and Spacing 36

RULE 5. HEARINGS 39

Section 5.1 Hearings before the District 39

Section 5.2 Hearings on Desired Future Conditions, Management Plan, or Rules Adoption 39

Section 5.3 Notice Requirements for a Public Hearing on Desired Future Conditions, Management Plan, or Rules Adoption 39

Section 5.4 Adoption of Emergency Rules 40

Section 5.5 Notice of Public Hearing on an Operating Permit Application 40

Section 5.6 Contesting Operating Permit and Amendment Applications, in General 41

Section 5.7 Additional Contested Case Hearing Procedures for Operating Permit and Amendment Applications 43

RULE 6. TAGGING, PROHIBITING USE, CAPPING, OR PLUGGING WELLS 46

Section 6.1 Tagging Wells; Prohibiting Use 46

Section 6.2 Capping Wells....46
Section 6.3 Plugging Wells....46
RULE 7. WELL AND PROPERTY ACCESS....48
Section 7.1 Well Inspections & Investigating....48
Section 7.2 Property Access....48
RULE 8. REPEALED....49
RULE 9. PROHIBITIONS AGAINST WASTE AND POLLUTION....50
Section 9.1 Prohibition Against Waste and Pollution....50
RULE 10. ENFORCEMENT....51
Section 10.1 Enforcement....51
RULE 11. AQUIFER TEST / WELL PERFORMANCE TEST AND REPORT....52
Section 11.1 Aquifer Test Categories & Project Process....52
Section 11.2 Administrative Information....53
Section 11.3 Proposed Water Use Information....54
Section 11.4 Projected Water Demand Estimate....55
Section 11.5 Regional Groundwater Resource Setting....55
Section 11.6 Site-Specific Groundwater Data / Aquifer Test and Well Performance Test Design....56
Section 11.7 Determination of Groundwater Quality....63
Section 11.8 Determination of Groundwater Availability for Tier 2 and Tier 3 Permit Applications....65
Section 11.9 Determination of Groundwater Availability....66
Section 11.10 Groundwater Availability and Usability Statements and Certification....67
RULE 12. REPORTING....69
Section 12.1 Reporting Requirements....69
RULE 13. DROUGHT MANAGEMENT....70
Section 13.1 Drought Conditions & Provisions....70
Section 13.2 Drought Triggers....70
Section 13.3 Drought Stages....70
Section 13.4 Reporting Requirements During Drought....71
RULE 14. VARIANCES....73
Section 14.1 Variances....73
RULE 15. JACOB'S WELL GROUNDWATER MANAGEMENT ZONE....74

Section 15.1 Jacob's Well Groundwater Management Zone (JWGMZ).....74
Section 15.2 Drought Curtailments.....75
RULE 16. BLANCO VALLEY GROUNDWATER MANAGEMENT ZONE 77
EXHIBIT 1 – PUBLIC PARTICIPATION FORM.....78
EXHIBIT 2 – MAP OF JACOB'S WELL GROUNDWATER MANAGEMENT ZONE.....79
EXHIBIT 3 – MAP OF BLANCO VALLEY GROUNDWATER MANAGEMENT ZONE 1

RULE 1. INTRODUCTION

Section 1.1 Authority to Promulgate Rules

(1.1.1) The Hays Trinity Groundwater Conservation District (District) is a political subdivision of the State of Texas. The District is governed by Chapter 8843, Special District Local Laws Code ("enabling legislation"), and was confirmed by the voters of the District. As a duly created groundwater conservation district, the District may exercise any and all statutory authority or power conferred by its enabling legislation and Chapter 36 of the Texas Water Code, including the adoption and enforcement of rules under Texas Water Code Section 36.101 Rulemaking Power. All references to the Texas Water Code are to the code as amended.

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

Section 1.2 Purpose of the Rules

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

(1.2.2) These rules, and any orders, regulations, requirements, resolutions, policies, directives, standards, guidelines, management plans, or other regulatory measures implemented by the Board, have been promulgated to fulfill these objectives. These rules may not be construed to limit, restrict, or deprive the District or Board of any exercise of any power, duty, or jurisdiction conferred by the District's enabling legislation, Texas Water Code Chapter 36, or any other applicable law or statute.

Section 1.3 Effective Date

(1.3.1) These rules and any amendments become enforceable upon the effective date.

Section 1.4 Action on Rules

(1.4.1) The Board may from time to time, following notice and public hearing, amend or revoke these rules or adopt new rules.

(1.4.2) The Board may adopt an emergency rule with an abbreviated notice and hearing.

(1.4.3) The Board may adopt new rules or amend rules as necessary to carry out the purposes of the District and to implement state and regional water plans and the District's groundwater management plan.

Section 1.5 Regulatory Compliance

(1.5.1) All persons within the District, including land owners, well owners, operators, and permittees shall comply with all applicable rules, orders, regulations, requirements, and any other regulatory measures adopted by the District.

(1.5.2) Conformance to District rules does not eliminate requirements for the applicant or contractor to conform to other laws.

(1.5.3) Following the contested case hearing concerning an NOAV, the Board shall make a decision on the proper resolution of the enforcement matter. If the Board determines that the person has committed a violation or is threatening to commit a violation, the Board may, among other things:

A. A recommend and/or authorize acceptance of a settlement amount in lieu of litigation; or

B. file suit in a court of competent jurisdiction to seek civil penalties and/or injunctive relief, attorney's fees and costs necessary to resolve the matter.

Section 1.6 Savings Clause

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

Section 1.7 Procedure, Conduct and Decorum at Meetings of the Board of Directors

(1.7.1) All regular, special, and emergency Board meetings will be called and conducted under the provisions of the Texas Open Meetings Act, Chapter 551, Government Code.

(1.7.2) Regular, special, and emergency board meetings are open to the public and to representatives of the press and media. Closed Board meetings ("executive sessions") are not open to the public or the press and only those individuals expressly requested or ordered to be present are allowed to attend executive sessions.

(1.7.3) Public participation. This rule applies to public participation not addressed more specifically by another rule. Written comments may be submitted on any issue at any time, however, written comments on posted Board agenda items must be submitted by 4:00 pm of the business day immediately prior to the Board meeting. Members of the public in attendance at a Board meeting are limited to observation unless the Board requests that a member of the public address the Board or unless the person who wishes to address the Board submits a completed Public Participation Form before the beginning of the meeting. The Public Participation Form must list each agenda item the person wishes to address or any item the person would like the Board to consider adding to a future agenda. A sample of the Public Participation Form is attached hereto as **Exhibit 1**.

A. All public comments (both general public comment or comments specific to a listed agenda item) will be made at the beginning of the meeting during the public comment section of the agenda. Each speaker's time may not exceed a total of five (5) minutes. The Board may, by

majority vote, limit each speaker's time to less than five (5) minutes when reasonable to do based on the length of the agenda and the number of registered speakers. If translation services are required, the amount of time for the translation does not count against the amount of time available to the speaker and the total time available for the combination of speaking and translation time may not be less than double the time limit.

B. Disruptive behavior will not be tolerated, including disruptions caused by the use of profanity, racial, ethnic, or gender slurs or epithets, or insults or threatening language directed toward any person. These rules do not prohibit public criticism of the District, including criticism of any act, omission, policy, procedure, program, or service. Violation of these rules may result in the following sanctions:

1) cancellation of a speaker's remaining time;

2) removal from the Board meeting;

3) such other civil or criminal sanctions as may be authorized under the Constitution, statutes, and codes of the State of Texas.

(1.7.4) From time to time, the District may conduct public hearings. These rules of procedure, conduct, and decorum shall also apply to public hearings.

Section 1.8 Petition for Rulemaking

(1.8.1) All Regular, special, and emergency Board meetings will be called and conducted under the provisions of the Texas Open Meetings Act, Chapter 551, Government Code.

(1.8.2) A person with a real property interest in groundwater in the District may file a petition with the District to request the adoption of a rule.

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

D. Each rule requested must be submitted by separate petition;

E. Each petition must be signed and state the name and address of each person signing the petition;

F. Each petition must include:

1) a brief description of the petitioner's real property interest in groundwater in the District;

2) a brief explanation of the proposed rule;

3) 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; and

4) an allegation of injury or inequity that could result from the failure to adopt the proposed rule.

(1.8.4) The General Manager may reject any petition for failure to comply with the requirements of this section and shall provide notice to the petitioner of the reason for the rejection.

(1.8.5) Within 90 days after submission of a petition that complies with this section, the Board shall either deny the petition, stating its reasons for denial in the minutes of the board meeting or

in a letter providing a written explanation to the petitioner, or initiate rulemaking proceedings as provided by Section 36.101, Texas Water Code.

END OF RULE 1

RULE 2. DEFINITIONS

Section 2.1 Word meanings in the Rules of the Hays Trinity Groundwater Conservation District

ABANDONED WELL - A well that is not in use. A well is considered to be in use if:

A. the well is not a deteriorated well and contains the casing, pump, and pump column in good condition;

B. the well is not a deteriorated well and has been capped;

C. the water from the well has been put to an authorized beneficial use, as defined by the Water Code;

D. the well is used in the normal course and scope and with the intensity and frequency of other similar users in the general community; or

E. the owner is participating in the Conservation Reserve Program authorized by Sections 1231-1236, Food Security Act of 1985 (16 U.S.C. Sections 3831-3836), or a similar governmental program.

AGRICULTURAL USE OR PURPOSE - The use of groundwater for:

F. Cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers

G. Practicing floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media, by a nursery grower;

H. Raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;

I. Planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure;

J. Engaging in wildlife management as defined in Texas Tax Code Section 23.51(7); and

K. Raising or keeping equine animals.

ANNULAR SEAL - The grout that seals the space between the casing and the borehole wall.

ANNULAR SPACE - The space between the walls of a borehole and the installed casing.

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

AQUIFER TEST - An active pumping test to determine aquifer properties performed pursuant to District Rule 11. This test measures the hydraulic parameters of the aquifer.

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

ARTESIAN WELL - A water well in which the water, when properly cased, will rise by natural pressure above the first impervious stratum below the surface of the ground. A water well in which artesian pressure is exhibited.

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

BOARD - The Board of Directors of the Hays Trinity Groundwater Conservation District.

CASING - A watertight pipe or tubing installed in the excavated or drilled borehole to maintain the hole sidewalls against collapse.

CATHODIC PROTECTION WELL - Any well, artificial excavation, construction by any method for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as cathodic protection

COMINGLING - The mixing, mingling, blending or combining, through the borehole casing annulus or the filter pack, of waters that differ in chemical quality.

COMMUNITY WATER SYSTEM - A system, other than a public water system, that supplies groundwater to long-term living units such as apartment complexes, town homes, or multiple dwellings on a shared well. Community water systems are considered non-exempt.

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

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

DETERIORATED WELL - A well that, because of its condition, will cause or is likely to cause pollution of any water, including groundwater, or is allowing or likely to allow escape of fresh groundwater into any other geologic strata or to the surface of the earth.

DEWATERING WELL - A well used temporarily for lowering the water table for construction purposes.

DISCHARGE - The amount of water that leaves an aquifer through natural means from springs or artificial means from a well.

DISTRIBUTION LIST - An electronic mailing list available to all interested parties to cover District announcements and activities.

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

DISTRICT OFFICE - The main office of the District at such location as may be established by the Board.

DOMESTIC SHARED WELL - One new or existing well on private property owned by a resident of the property that serves no more than four single-family dwellings on the same property or adjoining properties, used exclusively for domestic use on the property, and the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons per day (17.36 GPM).

DOMESTIC USE OR PURPOSE - The private use of groundwater by an individual or a household, not provided by a third party, for the daily needs of a household, including water for use inside the home; for irrigation of lawns, or of a family garden or orchard that produces fruits or vegetables for consumption within the residence and not for sale; for watering of domestic animals; for swimming pools associated with a single residence; for stock-watering ponds of less than ¼-acre extent with an average depth of less than 3-feet, that are lined with bentonite, geomembrane, or an equivalent sealing material as adjudged by the District.. Domestic use does not include water used by, or to support, activities for which consideration is given or received or for which the product of the activity is sold. Domestic use does not include use by or for a third party, including a public water system.

DRILL - Drilling or completing wells or increasing the diameter or depth of wells using drilling equipment.

DRILLING PERMIT - The authorization issued by the District under which a person may drill, equip, cap, plug, or complete any well or substantially alter the size of a well or well pump, or convert an oil and gas well to a water well.

ENABLING LEGISLATION - Special law enactments that created the District and govern operation of the District specifically Chapter 8843, Special District Local Laws Code.

ENFORCEMENT ACTION - An action taken by the District to enforce District rules, orders, permits, or any other law within its enforcement authority.

EXEMPT WELL - A well for which the owner is not required to obtain a well drilling permit or operating permit, as applicable. To qualify for an exempt use, the well must be registered with the District as an exempt use well and must be used exclusively for an exempt use.

EXISTING WELL - Any well in the District that was completed on or before September 1, 2001.

EXPORTING GROUNDWATER - Transport of groundwater from a well or spring inside the boundaries of the District to any point outside the boundaries of the District.

GEOEXCHANGE WELL - A well used solely for earth-coupled heat exchange purposes and not equipped to produce groundwater.

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

GPM - Gallons Per Minute

GROUNDWATER MANAGEMENT PLAN - A management plan developed by the District pursuant to Texas Water Code Section 36.1071, that takes effect upon approval by the Executive Administrator of the Texas Water Development Board (TWDB)

GROUNDWATER OR UNDERGROUND WATER - Water percolating beneath the earth's surface.

GROUNDWATER RESERVOIR - A specific subsurface water-bearing reservoir having ascertainable boundaries and containing groundwater.

HEARING EXAMINER - A person approved by the Board to conduct a hearing or hear a contested case and recommend actions on any contested issue.

INDUSTRIAL USE OR PURPOSE - Use of groundwater primarily in the building, production, manufacturing, or alteration of a product or goods, or to wash, cleanse, cool, or heat such goods or products. Industrial use or purpose is considered non-exempt.

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

IRRIGATION USE OR PURPOSE - Use of groundwater to supply water for non-residential and non-agricultural application to plants or land in order to promote growth of plants, turf, or trees. Irrigation use or purpose is considered non-exempt.

LICENSED WATER WELL DRILLER - A person who holds a license to drill water wells that is issued by the Texas Department of Licensing and Regulation pursuant to Texas Occupations Code Chapter 1901.

LICENSED WATER WELL PUMP INSTALLER - A person who holds a license to install water well pumps that is issued by the Texas Department of Licensing and Regulation pursuant to Texas Occupations Code Chapter 1901.

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

MODELED AVAILABLE GROUNDWATER - The amount of groundwater that the Texas Water Development Board Executive Administrator determines may be produced on an average annual basis to achieve a desired future condition.

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

MONITOR OR MONITORING WELL - A well generally used for collecting water-quality or water level data on an ongoing basis.

MUNICIPAL USE - The use of water, within or outside of a municipality and its environs, whether supplied by a person, or a third party, including a municipality, other political subdivision, a utility, or other entity for domestic, recreational, commercial, industrial, institutional, wholesale, or other uses.

NEW WELL - Any well that is 1) not an existing well; 2) any existing well modified to increase water production, or to produce water from a different geologic strata, if such modification occurred or will occur any time after September 1, 2001; or any well drilled or to be drilled after the effective date of these rules.

NEW WATER UTILITY SERVICE CONNECTION - A physical connection made to the system to service a customer after September 1, 2001.

NON-EXEMPT USE - Any use of groundwater for which an operating permit is required.

NOTICE OF ALLEGED VIOLATION (NOAV) - A notice sent under Section 10.1.2 to a person believed to be in violation of a rule, permit or order that the District is charged with enforcing.

NURSERY GROWER - A person who grows more than 50 percent of the products that the person either sells or leases, regardless of the variety sold, leased, or grown. For the purpose of this definition, “grow” means the actual cultivation or propagation of the product beyond the mere holding or maintaining of the item before sale or lease and typically includes activities associated

with the production or multiplying of stock, such as the development of new plants from cuttings, grafts, plugs, or seedlings.

OBSERVATION WELL - A well for observing water level changes during an aquifer test.

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

OPERATING PERMIT - The authorization issued by the District under which an owner or operator of property within the District may withdraw a specific amount of groundwater for a non-exempt use for a designated period of time.

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

PALMER DROUGHT SEVERITY INDEX (PDSI) - A standardized index based on a simplified soil water balance and estimates relative soil moisture conditions. The magnitude of PDSI indicates the severity of the departure from normal conditions. A PDSI value >4 represents very wet conditions, while a PDSI <-4 represents an extreme drought.

PERMIT AMENDMENT - A District approved change in a permit.

PERMITTEE - A person or entity who has a permit from the District.

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

PLUGGING - The permanent closure of a borehole, which should be performed in accordance with approved state standards and District rules.

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

PRIORITY GROUNDWATER MANAGEMENT AREA (PGMA) - An area designated under Texas Water Code Chapter 35 as an area experiencing or expected to experience critical groundwater problems.

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

PUBLIC WATER SYSTEM - A system as defined by 30 Texas Administrative Code Section 290.38 for providing to the public water for human consumption. A public water system is considered non-exempt.

PUMPING OR GROUNDWATER PRODUCTION - The quantity of all water withdrawn from the ground.

REAL LOSSES - Losses from main breaks and leaks, storage tank overflows, customer service line breaks, and line leaks.

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

REMEDIATION WELL - A well used to pump or vent contaminated air, water, or fluids from the ground.

RESIDENTIAL/DOMESTIC WELL - A well used solely for domestic use by a single private residential household and producing less than 25,000 gallons per day. Residential/domestic well use is considered exempt.

SPRING - A point or place of natural flow or discharge from an aquifer.

SUBSTANTIALLY ALTER - Altering the size of a well or well pump to increase the size of the pipe in the well or the size of the pump on the well, or the production capacity of the well, unless the well's production capacity is below 25,000 GPD.

SWIMMING POOL - A man-made basin completely lined with concrete, plastic, or fiberglass, having a depth of at least 2 feet, and used primarily for swimming or recreational bathing.

TEST WELL - A well drilled prior to drilling a well in connection with an operating permit to evaluate groundwater quality or quantity, including a test well required under Section 11.6.4.

UNFORESEEN CIRCUMSTANCES - Any unpredictable or uncontrollable event such as additional demand for fire control, loss caused by a water line break, additional flushing required to clear a water line following a break or repair, a tank control malfunction due to power outage or system malfunction, that prevents a permittee from achieving a required pumping curtailment.

USGS - United States Geological Survey.

WASTE –

L. The withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes.

M. The flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose.

N. The escape of groundwater from one groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater.

O. The pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground.

P. Willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the Texas Commission on Environmental Quality under Texas Water Code, Chapter 26 Water Quality Control.

Q. Groundwater pumped for irrigation that escapes as irrigation tail water onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge.

R. For water produced from an artesian well, "waste" has the meaning assigned by Texas Water Code Section 11.205.

S. Utilizing groundwater for a beneficial use in an amount that exceeds the amount reasonably needed for that purpose.

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

WATER TABLE - The upper boundary of the saturated zone in an unconfined aquifer.

WATER UTILITY - A person providing groundwater to the public for human consumption through pipes or other constructed conveyances.

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

WELL - Any artificial penetration, excavation, borehole or other man-made feature constructed for the purposes of exploring for or producing groundwater, for injection, monitoring, remediation, or de-watering purposes, or for recovery of leachate, also including geoexchange and cathodic wells.

WELL CONSTRUCTION FEE - The fee charged by the District for drilling, equipping, or completing any well or substantially altering the size of a well or well pump, or converting an oil and gas well to a water well.

WELL CONSTRUCTION NOTIFICATION - Notice provided to the District on a District form of intent to drill, equip, cap, plug, or complete any well or substantially alter the size of a well or well pump, or convert an oil and gas well to a water well.

WELL LOG OR STATE OF TEXAS WELL REPORT - The report that every well driller who drills, deepens, or alters a well is required to complete under the Texas Department of Licensing

and Regulation rules, as defined in 16 Texas Administrative Code Sections 76.10 and 76.700, including any special purpose geophysical well log that may be available for any given well.

WELL PERFORMANCE TEST OR PUMPING TEST - A test conducted to determine the performance characteristics of a well. The test involves pumping from a single well for a period of time to determine the sustained productive capacity of the well.

WELL PUMPS AND EQUIPMENT - Devices and materials used to obtain water from a well, including the seals and safeguards necessary to protect the water from contamination.

WELL USE OR PURPOSE OF USE - The use of the well or the purpose for which water from the well will be used. The District shall use the definitions found in these rules in determining the well use or purpose of use.

WITHDRAW OR WITHDRAWAL - The act of extracting groundwater by pumping or any other method.

END OF RULE 2

RULE 3. WELL CONSTRUCTION, OPERATING PERMITS AND WATER UTILITY CONNECTIONS

Section 3.1 General Provisions

(3.1.1) Except as provided in Sections 3.3.1 or 3.11, well owners and others withdrawing groundwater are required to obtain a drilling permit and an operating permit.

(3.1.2) All wells constructed within the District shall be subject to District rules, and to all applicable permit terms and conditions.

(3.1.3) The decision whether to grant or deny a permit required under these rules, shall be based on the considerations required by Texas Water Code Section 36.113(d), as authorized by Texas Water Code Section 36.113(f).

(3.1.4) Each non-exempt well may only be authorized to make withdrawals under one operating permit.

Section 3.2 Existing Wells

(3.2.1) All owners of wells are required to submit a completed well registration form. A well construction fee will not be required prior to drilling, completing or equipping wells drilled prior to September 1, 2001.

(3.2.2) Existing non-exempt wells are required to obtain an operating permit to continue producing groundwater. To prevent pollutants from entering the well and to prevent comingling of sub-aquifers, the well shall be updated to Texas Department of Licensing and Regulation and District construction standards, see Rule 4.

Section 3.3 Drilling Permits for New Wells

(3.3.1) A. Except as provided in Subsection (d) of this section, the owner and/or operator of a well or proposed well must apply for and obtain a drilling permit from the District before drilling, equipping, capping, plugging, or completing any well or substantially altering the size of a well or well pump, or converting an oil and gas well to a water well.

A. Any person seeking to drill, equip, cap, plug, or complete any well or substantially alter the size of a well or well pump, or convert an oil and gas well to a water well must file an application for a drilling permit on a form prescribed by the District.

B. A drilling permit is not required for well maintenance or repair that does not increase the production capabilities of the well to more than its authorized production rate.

D. The owner and/or operator of any of the following types of water wells is required to provide a well construction notification to the District in accordance with Section 3.4 but is exempt from the duty to obtain a drilling permit prior to drilling, completing, or equipping the well:

1) a well drilled and operated solely for domestic use if the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day;

2) a well drilled and operated solely for providing water for wildlife, if the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day, and located on a tract of land equal to or greater than 10 acres;

3) a well or proposed well drilled solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas, provided that the person holding the permit is responsible for drilling and operating the water well and the water well is located on the same lease or field associated with the drilling rig is exempt from the requirement to obtain a drilling permit, or for a production or injection well drilled for oil, gas, sulphur, uranium, or brine, or for core tests, or for injection of gas, saltwater, or other fluids, under permits issued by the Railroad Commission of Texas;

4) a well drilled and authorized under a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code;

5) a well for temporary use solely to supply water for a rig that is actively engaged in drilling a well to produce groundwater authorized by a drilling permit from the District;

6) a well used solely for conventional farming and ranching activities, including such intensive operations as aquaculture, livestock feedlots, poultry operations; or

7) a well used solely for dewatering and monitoring in the production of coal or lignite.

(3.3.2) Except as provided by 3.3.3, a one-time well construction fee will be incurred for all new wells.

(3.3.3) A well used solely for conventional farming and ranching activities, including such intensive operations as aquaculture, livestock feedlots, poultry operations, or a well used for dewatering and monitoring in the production of coal or lignite is not required to pay the well construction fee. Wells used for both domestic use and conventional farming and ranching activities are not exempt from the duty to pay the well construction fee in Section 3.3.2. A person claiming the conventional farming and ranching activities exemption must provide a copy of their "Texas Agricultural or Timber Registration" card.

Section 3.4 Well Construction Notification

(3.4.1) All persons shall notify the District prior to drilling, equipping, capping, plugging, or completing any well or substantially altering the size of a well or well pump, or converting an oil and gas well to a water well by completing and submitting a well construction notification form. Based on the information provided, staff will determine whether the person is required to file an application for a drilling permit. A well construction notification form must include a property plat and map, indicating the well location, Hays County property identification number, and a well construction fee. Incomplete notifications will not be processed by the District.

(3.4.2) Once the notification is declared to be administratively complete by the District, District staff has a minimum of three workdays to process and approve the well construction notification for wells exempt from drilling permit requirements without Board action. A confirmation document will be sent to both the well owner or operator and the drilling company allowing the drilling to begin. The confirmation to drill or alter a well for wells exempt from drilling permit requirements is valid for 90 days from the date of issuance. Additional 90-day extensions, up to a total of 270 days, may be obtained from District staff upon request. An applicant seeking a well drilling permit for a test well is required to meet with District staff to discuss the planned testing approach as part of the application process.

(3.4.3) Based on the information provided in the well construction notification, or other information available to the District, the District staff shall determine whether a well is exempt non-exempt from the requirement to obtain a drilling permit and/or operating permit. A well owner or operator shall obtain an operating permit for any non-exempt groundwater withdrawals.

(3.4.4) It is the responsibility of the well driller to submit a completed State of Texas Well Report to the District within 60 days of well completion.

Section 3.5 New Operating Permits

(3.5.1) An operating permit is required for all non-exempt wells. Prior to submittal of an operating permit application the applicant shall review District Rule 11 to confirm the applicable tier category and requirements.

(3.5.2) A completed operating permit application verified under oath or declaration must be submitted to the District. In order for the operating permit application to be found administratively complete, the following documentation shall be included for new and existing wells or other withdrawals of groundwater by springs, or means other than a well, as applicable:

A. a completed and approved well construction notification, well registration, and/or drilling permit, as applicable;

B. the physical location of the well, including an address and the latitude and longitude;

C. a completed and signed user drought contingency plan and a water conservation plan;

D. a property plat, survey, or map of the parcel showing the location of the proposed well and that includes existing or proposed buildings, all water wells (including those abandoned, deteriorated, or not currently in service), septic tanks, septic disposal areas, driveways, barns, feedlot, ponds, creeks, rivers, intermitted streams, property lines, and any other known or suspected potential sources of pollution;

E. annual production amount requested including all formulas and calculations used to determine the annual production amount;

F. the capacity of the well and the requested rate of withdrawal;

G. a description of the place of use or project where groundwater will be used;

H. the purpose of use for the groundwater to be withdrawn;

I. the name, phone number, mailing address, and email address for:

1) the well owner;

2) the well operator (if any);

3) the person responsible for permit compliance; and

4) the person responsible for reading the meter and reporting production to the District;

J. a copy of the project's engineering plans;

K. for any commercial or industrial use: the number of full time employees, number of part-time employees, number of days open per week, number of sinks, number of toilets, number of showers/baths, number of ponds or pools, size of ponds/pools, rainwater collection storage amounts, non-rainwater storage amounts, will rainwater be used for outdoor irrigation or indoor use, describe outdoor irrigation area, will groundwater be used as a material item, number of buildings/structures, number of total occupants;

L. geophysical logs of the well, including gamma-ray log (natural-gamma logs), electric logs (resistivity logs, spontaneous- potential logs, and single-point-resistance logs), temperature logs, and caliper logs, and any other downhole logs available;

M. a study and other information showing the impacts of the proposed use of the well on water availability, existing groundwater and surface water resources, and on other permittees and groundwater users, during periods in which the aquifer is within and outside of a declared drought stage;

N. a well-performance test (Tier 2) shall be required if the total annual production on a permit is greater than two (2) and less than or equal to six (6) acre-feet. Test results shall be submitted to the District as part of the permit application. The performance test and report shall follow the guidelines of the District's "Certification of Groundwater Availability";

O. an aquifer test (Tier 3) and aquifer report are required if the total annual production on a permit is greater than 6 acre-feet per year or if the application is a permit amendment that increases the permit amount to a volume greater than 6 acre-feet per year. Test results shall be submitted to the District as part of the permit application;

P. for a new operating permit for an existing well, the State Well Report for that well;

Q. evidence that well(s) do not allow comingling between sub-aquifers; and

R. the applicant's signature or the applicant's agent's signature, and the date the application was signed.

(3.5.3) A test well may be drilled upon receipt of a confirmation document from the District. After the test well is drilled the applicant must then provide the remainder of the information required prior to an operating permit being issued, including:

A. proof a flow meter is installed;

B. an Affidavit of Publication of the 20-day notice of the administratively complete application.

C. full payment for any water connection fees due; and

D. full payment for any outstanding fees or penalties owed by the applicant.

(3.5.4) In determining the aquifer testing approach, an applicant shall comply with the aquifer/well performance testing and report requirements of Rule 11. Applicants are required to meet with the District's technical staff to discuss the planned testing approach prior to drilling and testing the well.

(3.5.5) The General Manager shall inform the applicant, in writing, of any deficiencies in the application. If the applicant fails to provide the required information within 180 days of the notice

of deficiency, the application will be denied. The General Manager may request clarification of any information provided on the application or in any attachment thereto.

(3.5.6) The District's General Manager has the authority to approve, approve with conditions, deny or refer to the Board a permit application for an amount less than or equal to six (6) acre-feet per year. If the applicant is not in agreement with General Manager's action, the applicant may request that the operating permit application be scheduled to be heard by the Board of Directors.

(3.5.7) Notice and Hearing of Applications.

E. Once the permit application has been deemed administratively complete, the District shall notify the applicant by electronic mail, post a copy of the application on the District's website, and send an email to the distribution list announcing that the application has been received and is posted on the District's website. Written comments received bya deadline date will be considered in staff recommendations. The District shall also conduct technical review of the application.

F. If a permit application is scheduled for a public hearing, a notice of hearing shall be posted in a newspaper of local distribution, on the District's website, and provided to the Hays County Clerk's Office. The applicant is responsible for the cost of the published notice. The 20-day public notice shall be published in a newspaper of local distribution to include the application information, Staff recommendations and the deadline date for submitting a protest. The applicant is responsible for the cost of the published notice.

G. The District shall post a copy of the 20-day notice to the District's website and email the distribution list an announcement stating the notice is available for review.

H. The permit application may be scheduled for a public hearing:

1) At the request of the applicant if not in agreement with staff recommendations; or

2) If the application is requesting more than 6 acre-feet; or

3) If the application has been formally contested.

(3.5.8) Copies of the permit application information and any written staff recommendations shall be available at the District office and on the District's website prior to thehearing. Following the hearing, the Board may:

A. if contested, send the application to a preliminary hearing;

B. issue the permit;

C. issue the permit with conditions; or

D. deny the application.

(3.5.9) Hearings on applications shall be in accordance with Rule 5.

(3.5.10) The Board shall be guided by District rules and Chapter 36, Texas Water Code in consideration of each application. The Board shall consider the following:

A. Whether the application conforms to the requirements of Chapter 36 and District rules.

B. Whether the application is administratively complete

C. Whether there is an adequate water supply available from a retail public water utility.

D. Whether the proposed use of groundwater unreasonably affects existing groundwater and surface water resources or existing permit holders.

E. Whether the proposed use of water is consistent with the District's approved management plan.

F. Whether the applicant will use reasonable diligence to protect groundwater quality, has an adequate water conservation plan and an adequate drought contingency plan.

G. Whether the conditions and limitations in the permit will prevent waste, achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, or lessen interference between wells.

H. That the permit will not substantially affect the availability of water in the District or prevent the District from achieving the adopted Desired Future Condition.

(3.5.11) An operating permit shall specify:

A. the business name;

B. name of the owner and, if applicable, the operator, and any authorized representative;

C. the maximum authorized groundwater production from the well (in gallons per year or acre-feet per year);

D. the District's well construction notification number;

E. the authorized purpose of use permitted;

F. the authorized place of use permitted;

G. issued date, renewal date and expiration date;

H. operating permit term; operating permits issued by the District are valid for a period of one year; and

I. any special permit conditions.

(3.5.12) When two or more non-exempt wells are owned and operated by the same water utility as a multi-well system, the District may issue an operating permit for an aggregate withdrawal amount for all the wells in the system. An operating permit for an aggregate withdrawal from several wells may allow groundwater to be produced such that the sum of withdrawals by wells in the system does not exceed the maximum authorized groundwater production specified in the permit. The aggregate wells shall be listed on the permit. Notwithstanding Rule 15.1.2 (C), the District may, through a permit amendment, disaggregate the wells and assign any portion of the aggregate permit to any of the associated wells.

(3.5.13) Operating permits issued may have their production prorated based on the approved annual production amount.

(3.5.14) A Permittee shall comply with all terms and conditions, reporting or monitoring requirements included in the operating permit.

Section 3.6 Transportation Outside District Boundaries; Export Permit Required

(3.6.1) No groundwater withdrawn in the District may be exported to a place of use outside of the District's boundaries without an export permit from the District.

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

A. that the applicant has a legitimate need for the amount of water to be transported as evidenced by inclusion of the proposed project in the approved regional water plan or the current state water plan;

B. the availability of water in the District and in the proposed receiving area during the period for which the water supply is requested;

C. the projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District; and

D. that the method of transportation will not result in waste.

(3.6.2) In considering the proposed permit, the Board shall consider the following:

A. the quantity of water proposed to be transported;

B. the requested term; and

C. the approved District management plan.

(3.6.3) The applicant's right to transport shall be limited to the extent and purposes stated in the permit.

(3.6.4) The term for an export permit shall be:

A. three years if construction of a conveyance system has not been initiated prior to the issuance of the permit; or

B. thirty years if construction of a conveyance system has been initiated prior to the issuance of the permit or if construction of a conveyance system begins before the expiration of a permit initially issued for three years.

(3.6.5) Retail water supply companies supplying bulk groundwater must adhere to the term of the operating permit.

(3.6.6) Each person transporting groundwater outside the boundaries of the District shall report the total amount of groundwater transported during the previous calendar year no later than January 30th.

Section 3.7 Renewal of an Operating Permit

(3.7.1) Permits will be renewed for the same annual production amount, ownership, term, place of use, purpose of use, points of withdrawal, and rate of withdrawal, and if an application to renew and the required permit renewal fee is received within 4 months of permit expiration and no earlier than October 1st of the year the permit expires. A permit amendment application in accordance with Section 3.8 is required if requesting an amendment to the permit.

(3.7.2) The District may charge and collect a permit renewal application fee not to exceed $400 in accordance with Section 8843.1515, which must be paid to the District not later than 30 days before the permit is to expire.

(3.7.3) Renewal applications complying with the requirements of this section shall be approved except when the applicant: (a) is delinquent in paying a fee required by the District; (b) is subject to a pending enforcement action for a substantive violation of a District permit, order, or rule that has not been settled by agreement with the District or a final adjudication; or (c) has not paid a civil penalty or has otherwise failed to comply with an order resulting from a final adjudication of a violation of a District permit, order, or rule. If an applicant is subject to a pending enforcement action for a substantive violation of a District permit, order, or rule that has not been settled by agreement with the District or a final adjudication, but the applicant has submitted a renewal application complying with the requirements of this section, the permit shall remain in effect until the final settlement or adjudication on the matter of the substantive violation, at which time the renewal application shall be considered and approved if the application complies with the requirements of this section at that time. Renewal applications shall be denied by the District if an applicant is delinquent in paying a fee required by the District or has not paid a civil penalty or has otherwise failed to comply with an order resulting from a final adjudication of a violation of a District permit, order, or rule.

If the permit amendment process results in the denial of an amendment, the permit as it existed shall be renewed, unless Subsection (a), (b) or (c) of this section applies to the applicant.

(3.7.4) If the permit amendment process results in the denial of an amendment, the permit as it existed shall be renewed, unless Subsection (a), (b) or (c) of this section applies to the applicant.

Section 3.8 Permit Amendment and Revocation

(3.8.1) An amendment to an operating permit is for the purpose of altering the total amount of annual groundwater production, a change in ownership, a change in the operating permit term, place of use, purpose of use, point of withdrawal, or rate of withdrawal. If a permit amendment application requests an increase in annual production that will alter the permit category to a Tier Two (2) or to a Tier Three (3), a well performance test or an aquifer test may be required under District Rule 11.

All operating permit amendments shall comply with the same requirements as a new operating permit application.

(3.8.2) To amend an operating permit, the owner shall submit to the District a completed permit amendment application verified under oath or declaration. The production amount from an approved permit amendment will not be retroactive but prorated for the remainder of the year.

(3.8.3) For permit amendments requesting a production increase, the District shall review evidence of line loss since the issue date of the permit or over the past two years, whichever is less, to determine if the requested production increase can be achieved by eliminating some or all of the line loss.

(3.8.4) Change in Ownership: Any change in well ownership shall be reported to the District by the permit holder and an application to amend the permit shall be filed with the District within 60 days of the change. An operating permit may be transferred to a new well owner if the General Manager determines that the permit otherwise will remain the same and the permit is in compliance with all District rules and permit conditions. The General Manager may refer the requested

amendment to the Board if the General Manager cannot, for any reason; determine if the permit's ownership may be transferred.

(3.8.5) Operating Permit Involuntary Amendment or Revocation: Operating permits are subject to involuntary amendment or revocation for violation of District rules, violation of the permit or special permit conditions, violation of the provisions of Chapter 36 of the Texas Water Code, waste of groundwater, or other actions the Board determines to be detrimental to the allocation of groundwater resources within the District. Noncompliance with the approved water conservation plan, drought contingency plan or drought production cutback chart may also be grounds for involuntary amendment or revocation of the permit.

Section 3.9 Modification of Well

(3.9.1) Modification of a well – Requires the submission of a completed well modification application to the District.

(3.9.2) If the well modification changes the purpose of use from exempt to non-exempt, an operating permit application must be completed and submitted to the District office for review and approval. Making modifications by changing the well's use from exempt to non-exempt prior to District approval is a violation and subject to a penalty. All operating permit applications shall follow the same process as a new operating permit application.

Section 3.10 Water Utility Connection Categories and Fees

(3.10.1) There are two categories of water utility connections:

C. Community Water Connections - are for long-term supply. Though not an exhaustive list, the most common community water connections:

1) Apartment Complex
2) Duplex
3) Home/Townhome
4) One (1) well supplying to more than four (4) residences
5) RV Park Slips

D. Non-Community Water Connections - Short Term, not designed nor intended for long term living. Though not an exhaustive list, the most common non-community water connections:

1) Hotel / Motel
2) Bed and Breakfast
3) Small Businesses: gas station, convenience stores, restaurants
4) Dental / Medical Office
5) School
6) Hospital
7) Bulk water supply
8) On-site fire tanks

9) Commercial swimming pools

(3.10.2) Service Connection Fees: The District shall levy and collect a service connection fee for each new water utility service connection, including each new connection, meter, or tap. The District shall adopt fees for each water utility service connection and each new connection, meter, or tap by resolution and order.

(3.10.3) Service Connection Fees for Community Water systems, with the exception of RV slips, will be assessed by the number of living units or dwellings multiplied by the connection fee amount.

(3.10.4) Service Connection Fees for Non-Community water systems will be assessed per connection or building serviced by the well unless the system utilizes submeters in which case Service Connection Fees will be assessed for each meter.

(3.10.5) Applications for a new water utility service connection are available from the District.

(3.10.6) It is the responsibility of the permit holder to submit the completed water service connection form and the water connection fee to the District. Water connection fees are due prior to connecting to water supply. No water service connection form will be processed without the District first receiving the required connection fee. Once the form has been submitted to the District it will be processed and assigned a unique connection id number. The applicant and the permit holder or authorized agent will receive a certificate of confirmation as proof of compliance. Activating the water service connection prior to receiving confirmation of compliance is a violation of these rules and will be subject to a penalty.

Section 3.11 Wells Exempt from Operating Permit Requirements

(3.11.1) New wells exempted from obtaining an operating permit must comply with District rules and all state requirements and District well construction standards. The following wells and other means of withdrawing groundwater do not require an operating permit:

A. Residential/Domestic: A well used solely for domestic use by a single private residential household if the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons per day (17.36 gallons per minute).

B. Agricultural: A well used solely for conventional farming and ranching activities, including such intensive operations as aquaculture, livestock feedlots, or poultry operations. Landscape irrigation such as sport fields are not considered agricultural use.

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

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

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

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

G. A geoexchange well for earth-coupled heat exchange purposes. The well must comply with Section 3.12. A geoexchange well may not produce groundwater and must be of a "closed loop" design.

H. A domestic shared well.

I. A well drilled and operated solely for providing water for wildlife, if the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day, and located on a tract of land equal to or greater than 10 acres, or others withdrawing groundwater solely for providing water for wildlife in an amount of no more than 25,000 gallons of groundwater a day, and where the withdrawals are occurring on a tract of land equal to or greater than 10 acres.

J. A temporary water well used solely to supply water for a rig that is actively engaged in drilling a groundwater production well permitted by the District.

K. Withdrawals of groundwater by springs, or means other than a well:

1) for solely domestic use or for wildlife in an amount not to exceed 25,000 gallons of groundwater a day for use on a tract of land equal to or greater than 10 acres;

2) solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas provided that the person holding the permit is responsible for drilling and operating the water well and the water well is located on the same lease or field associated with the drilling rig is exempt from the requirement to obtain a drilling permit;

3) solely for temporary use to supply water for a rig that is actively engaged in drilling a well to produce groundwater authorized by a drilling permit from the District; or

4) solely for conventional farming and ranching activities, including such intensive operations as aquaculture, livestock feedlots, poultry operations.

(3.11.2) The District may cancel a previously granted exemption, and may require an operating permit for or restrict production from a well, and assess any applicable fees if the groundwater withdrawals that were exempted are no longer used for domestic or agricultural use.

Section 3.12 Geoexchange Wells (Geothermal wells; closed loop earth-coupled heat exchange wells)

(3.12.1) All geoexchange wells shall comply with these minimum rules and standards, as well as the applicable requirements of Rule 4. "Open loop" geoexchange wells are prohibited in the District.

(3.12.2) Each well or well system shall register with the District on a form provided by the District. The planned total depth of the boreholes and, the anticipated depth of any Trinity Aquifer penetration shall be included with the registration. The Middle Trinity, Cow Creek aquifer may not be penetrated without review and approval by the General Manager, District technical staff, a licensed professional geoscientist, or engineer working with the District. At the operator's or owner's expense, the District requires at least one geophysical log be run in order to identify the geologic formations actually penetrated by the well. A hard copy and an electronic copy of the geophysical log shall be sent to the District for review. Wells programmed to bottom in the Upper Trinity may not be required to run a geophysical log. The District requires cutting samples from at least one well at 10-feet intervals.

(3.12.3) The District shall levy and collect a well construction fee total of $300 for the first 5 wells to be drilled plus $60 per additional well. The wells shall be spaced a minimum of 15 feet apart. The geoexchange well driller must be licensed by the State of Texas.

(3.12.4) The closed loop shall be constructed of new, high density polyethylene pipe designed for heat exchange wells. The circulation loop must be of a type that will prevent leakage and not cause contamination to the groundwater system. The heat exchange fluid circulating within the tubing shall be limited to potable water. The circulation loop shall be tested after backfilling has been completed. Should a loss of pressure occur, the system must be shut down and the source of the problem identified. The District must be notified and informed of proposed correctional procedures.

(3.12.5) The borehole shall be backfilled with bentonite grout, or cement-bentonite grout from total depth to ground surface. The grout shall be placed from the bottom of the hole up using a tremie pipe and hose. The grout product used must be consistent with the aquifer geochemistry, with particular attention paid to the sulfate content of the groundwater. Alternate backfill material such as crushed limestone or sand/gravel may be considered and discussed with the District. All sealing materials must meet Texas Department of Licensing and Regulation standards.

(3.12.6) Within 60 days of completion, the driller or installer shall submit to the District a completed State Well Report for the first well illustrating well construction. If all boreholes are completed in an identical manner, then a statement to that effect should be entered on the State Well Report.

(3.12.7) Should a borehole encounter a subsurface void or cavern and lose returns, the problem interval shall be identified and the driller or contractor shall recommend a course of action to the General Manager, District technical staff, a licensed professional geoscientist or engineer working with the District. With District approval, the well may be completed, if not, the interval shall be

packed off and the well shall be sealed. The borehole shall be plugged in accordance with Section 6.3.

Section 3.13 Project Dormancy

(3.13.1) An authorization or permit from the District shall be considered dormant for purposes of Section 245.005, Texas Local Government Code, if no progress has been made toward completion of the project for which the authorization or permit was obtained within two years of the issuance of the authorization or permit.

(3.13.2) A project for which an authorization or permit from the District was required shall be considered dormant for purposes of Section 245.005, Texas Local Government Code, if no progress has been made toward completion of the project for which the authorization or permit was obtained within five years of the issuance of the first authorization or permit.

(3.13.3) For purposes of this section, progress towards completion of a project shall include any one of the following:

1) a required application for a final plat or plan is submitted to a regulatory agency other than the District for the project;

2) a good-faith attempt is made to file with a regulatory agency other than the District an application for an authorization or permit necessary to begin or continue towards completion of the project;

3) costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;

4) fiscal security is posted with a regulatory agency other than the District to ensure performance of an obligation required by the regulatory agency for the project; or

5) required utility connection fees or impact fees for the project have been paid to a regulatory agency other than the District.

(3.13.4) A moratorium applicable to an authorization or permit from the District tolls the application of this section.

END OF RULE 3

RULE 4. WELL CONSTRUCTION, CAPPING, PLUGGING, REPORTS AND SPACING

Section 4.1 Well Construction Standards

(4.1.1) Construction of wells, installation of pumps and capping and plugging of wells shall be in accordance with the Texas Occupations Code Chapter 1901 Water Well Drillers and Chapter 1902 Water Well Pump Installers, as amended, and the rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 76, as amended, and as clarified by the District standards described in this rule.

(4.1.2) The first fifty (50) feet of the well borehole must be three (3) inches larger in diameter than the outside casing diameter. The surface annular space grouting requirement for a well is from the surface to fifty (50) feet below ground level. The grouting requirement for this surface annular seal may be reduced to the interval from the surface to the depth of the first potable water bearing strata, if the well is targeting that interval for production. The surface annular seal must extend to a depth of at least ten (10) feet. The annular space grouting requirement shall be one hundred (100) feet below ground level if the well does not meet the following minimum spacing requirements:

A. One hundred fifty (150) feet from any existing or proposed concentrated source of potential contamination (such as livestock or poultry facilities)

B. Fifty (50) feet from a septic tank, and

C. One hundred (100) feet from any septic system drain fields, or wastewater irrigation systems.

The annular space grouting for remediation wells will be determined by the District on a case-by-case basis.

(4.1.3) To prevent pollutants from entering the well, all wells, both new and existing shall be completed with a watertight sanitary seal. Any existing well not meeting this requirement shall comply with this rule the next time the wellhead is repaired or the pump is removed. Wells with odd-sized casing or those having wellheads for which there is no factory made watertight sanitary seal available shall be completed or modified in such a manner that meets the intent of this rule.

(4.1.4) All non-exempt use wells shall be equipped with an access tube, or some other means that will allow free and clear access to groundwater for the purposes of measuring water levels or disinfecting a well. The access tube must be one-inch I.D. PVC pipe, installed parallel to the production pipe, capped on the bottom, and have sufficient perforations to allow rapid and free flow of water to the inside of the tube. The tube must extend from the surface to just above the pump and have a secure, removable cap at the top. Control boxes, pipes, fittings, or other wellhead equipment may not hinder access to the access tube. Any existing well operated under a permit that does not meet this requirement may comply with this rule the next time the wellhead is repaired or the pump is removed for any purpose.

(4.1.5) Pursuant to Texas Department of Licensing and Regulation regulations for well construction, all wells, both exempt and non-exempt, shall be constructed such that there is no commingling between aquifers. Each well shall be completed such that it is open to only one of the three aquifers (Upper, Middle, or Lower Trinity) in order to prevent commingling of waters and the possible degradation of any aquifer or zone. For example, all wells completed to produce from the Lower Trinity Aquifer shall be constructed with a sufficient annular seal to seal off the

Upper and Middle Trinity Aquifers. Annular seals for this purpose will consist of packers, bentonite or cement grout or other approved sealing material. A shale trap is not considered to be an adequate method to prevent commingling between the aquifers.

(4.1.6) All wells, both new and existing, that withdraw groundwater for non-exempt uses shall be instrumented with a totalizing water meter. Meters with reset capabilities must have that particular function disabled.

Section 4.2 Reports and Monitoring

(4.2.1) The State of Texas Well Report, any pump test data, water level data, water quality data, or any other data pertinent to a well shall be submitted to the District office within 60 days after well completion or after the data is compiled or prepared, whichever is earlier. This shall include information about the production capability of the well and type and location of groundwater use.

(4.2.2) A copy of all geophysical logs run in any well shall be provided to the District in both paper copy and electronic format within sixty (60) days of well completion. The logs shall be of industry acceptable quality with complete headings including well elevation and coordinates. The source of these measurements shall be indicated. For example: GPS (state vertical and horizontal accuracy of instrument) or USGS topographic sheet (state contour interval and name of sheet).

(4.2.3) Upon District request, subsurface geological cuttings samples shall be provided to the District from all new non-exempt use wells, test wells, and monitoring wells within sixty (60) days of well completion. This includes geoexchange wells, at least one well per well registration. The samples shall be taken at ten (10) foot intervals to total depth. The samples shall be stored in cloth or plastic bags and properly labeled with well designation, number and depth interval. The samples shall be representative of the intervals drilled.

(4.2.4) During hydrological studies or pumping tests, calibrated production-monitoring devices shall be installed on wells at the expense of the permittee. The production monitoring devices shall measure both instantaneous flow rate and cumulative volume pumped. These monitoring devices shall be made available for District inspection during normal business hours or during the pumping tests or studies as necessary.

(4.2.5) District employees, Board members, consultants or other agents may conduct random or periodic inspections of permitted wells. The District shall coordinate and schedule such inspections with the well owner, as authorized by Rule 7.

(4.2.6) The State of Texas Plugging Report shall be submitted not later than 30 days after plugging a well by hand delivery, electronic transmission or first-class mail.

Section 4.3 Well Location and Spacing

(4.3.1) All wells drilled within the District shall comply with the spacing requirements of 16 Texas Administrative Code Section 76.1000, as amended, Hays County Development Regulations, as amended, and Municipalities within the boundaries of the District. The Board may add additional permit conditions increasing the spacing requirements where necessary to minimize draw-down as far as practicable.

(4.3.2) Spacing Requirements for Wells Related to Setback Distances from Property Lines and Potential Sources of Pollution.

Spacing between Wells and Property Lines for All New Wells:

Projected Pumping Capability of Proposed Well, in Daily Average Gallons per Minute and Acre-Feet per Year	Minimum Horizontal Distance Between Proposed Well and Existing Wells[1]	Minimum Horizontal Distance Between Proposed Well and Adjacent Property Lines[2]
<17.36 GPM	150 feet	100 feet[3]
1 to <25 ac-ft/yr (17.36 GPM to <40 GPM)	300 feet	150 feet
25 to <100 ac-ft/yr (40 to <161 GPM)	750 feet	375 feet
100 to <150 ac-ft/yr (161 to <240 GPM)	1,200 feet	600 feet
≥150 ac-ft/yr (≥240 GPM)	1,500 feet	750 feet

[1] Any person seeking to drill a new well may provide, and the District may consider, site-specific geological or hydrogeological information that supports the use of an alternative minimum horizontal distance between the proposed well and registered wells in the same aquifer management zone. The District may authorize the use of an alternative minimum horizontal distance between the proposed well and registered wells in the same aquifer management zone, provided the site-specific geological or hydrogeological information supports a finding that the proposed well location and use will not create any unreasonable impacts. If no such site-specific geological or hydrogeological information is provided, or if the site-specific geological or hydrogeological information does not support a finding that the well's location and use will not create any unreasonable impacts, the minimum horizontal distance requirements apply.

[2] The distance indicated may include one-half of the width of a right of way of a utility, roadway, or other conveyance that forms part of the well's property line, provided it is not subject to groundwater development, but prospective wells must be no less than 10 feet from that property line itself.

[3] The minimum horizontal distance between a proposed well and recorded property line may be reduced to 50 feet, provided,

1) the District approves the proposed well location,

2) the proposed well location complies with District rules and applicable Texas regulations, and

3) the top 100 feet of annular space of the proposed well is pressure cemented. The well owner is required to obtain authorization to reduce the minimum horizontal distance from a property line to 50 feet, otherwise the minimum horizontal distance from the property line shall be 100 feet. Where tract size prohibits compliance with the minimum horizontal distance of 50 feet, the alternative siting methods prescribed by the Texas Department of Licensing and Regulation under 16 Texas Administrative Code Section 76.100(b)(2) shall apply.

(4.3.3) Spacing from Retail Water Utility Service Area

The District strongly encourages that all new wells, other than those belonging to the retail water utility, be located a minimum of fifty (50) feet outside the service area of the retail water utility. In doing so, this will minimize the drawdown of the water table, minimize the reduction of artesian pressure, control subsidence, prevent interference between wells, prevent the degradation of the quality of groundwater, prevent waste of groundwater, preserve historic use of groundwater, and give consideration to the service areas of retail water utilities.

END OF RULE 4

RULE 5. HEARINGS

Section 5.1 Hearings before the District

(5.1.1) Anyone may attend a hearing before the District and make oral comments at the time designated for comments, in accordance with the District's requirements.

(5.1.2) Written comments concerning the subject matter of a hearing, if received by any deadline published in a public notice, shall be distributed to the Board for their review.

(5.1.3) The District may make an audio or video recording of the hearing.

(5.1.4) Nothing in this rule requires any matter to be set for a public hearing that is not otherwise required by law.

Section 5.2 Hearings on Desired Future Conditions, Management Plan, or Rules Adoption

(5.2.1) Once the District has developed a proposal involving its desired future conditions, management plan, or rules, the District will decide at which Board meeting the proposal will be considered for action. The Board meeting at which the proposal is considered under this rule shall be considered the public hearing on the proposal and fulfills the requirement, if any, for a public hearing. The District shall:

A. Post notice in a place readily accessible to the public at the District office;

B. Provide notice to the Hays County Clerk's office for posting;

C. Publish notice in one or more newspapers of general circulation within the District boundaries of Hays County; and

D. Provide notice by mail, facsimile, or electronic mail to any person who has requested notice. Failure to provide notice under this rule does not invalidate an action taken by the District at a hearing.

(5.2.2) The District may make an audio or video recording of the hearing.

(5.2.3) The Board shall issue a written order or resolution reflecting its decision on hearing items.

(5.2.4) The effective date of the written order or resolution shall be the date on which the Board acts on the proposal.

Section 5.3 Notice Requirements for a Public Hearing on Desired Future Conditions, Management Plan, or Rules Adoption

(5.3.1) In addition to the notice required by the Open Meetings Act, not later than the 20th day before the date of the hearing, notice shall be provided as follows:

A. Post notice in a place readily accessible to the public at the District office;

B. Provide notice to the Hays County Clerk's office for posting;

C. Publish notice in one or more newspapers of general circulation within the District boundaries of Hays County; and

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

(5.3.2) Notice of the hearing on the proposal shall include:

~~H.~~G. A brief explanation of the subject of the hearing.

~~I.~~H. The time, date, and location of the hearing.

~~J.~~I. A statement that the proposal is available to be reviewed or copied at the District office and on the District's website prior to the hearing.

~~K.~~J. A statement that the District will accept written comments or formal contested case letters until specified deadline date.

~~L.~~K. A statement that oral public comment will be taken at the hearing.

~~M.~~L. District staff recommendations, if applicable.

(5.3.3) Copies of the proposal shall be posted on the District's website prior to the hearing.

(5.3.4) A person may submit to the District a written request for notice of a hearing. The requestor will remain on the distribution list until a removal notification is provided to the District. Any changes in email addresses must be provided to the District.

Section 5.4 Adoption of Emergency Rules

(5.4.1) The District may adopt an emergency rule without following the notice and hearing provisions of this rule, if the Board:

C. Finds that a substantial likelihood of imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on less than 20 days' notice; and

D. Prepares a written statement of the reasons for its finding.

(5.4.2) An emergency rule must be adopted at a meeting of the Board subject to the requirements of the Open Meetings Act (72 hours' notice).

(5.4.3) Except as provided by this section, a rule adopted under this rule may not be effective for longer than 90 days.

(5.4.4) If notice of a hearing is given before the emergency rule expires the emergency rule is effective for an additional 90 days.

Section 5.5 Notice of Public Hearing on an Operating Permit Application

(5.5.1) Following a determination of administrative completeness and technical review of an application for more than six acre-feet per year, the District shall publish notice of the General Manager's recommendations on an operating permit application, a summary of the application, the date of a public hearing on the application, not less than 20 days before the date of the hearing. The notice shall be published on the District's website, with the Hays County Clerk's Office and to persons who have requested notification.

(5.5.2) Following a determination of administrative completeness and technical review of an application for 1,000 acre-feet per year or more, the District shall publish notice of the General Manager's recommendations on an operating permit application, a summary of the application, the date of a public hearing on the application, and the deadline for an affected party to submit a request for contested case hearing to the District protesting the General Manager's recommendation on the application, not less than 20 days before the date of the hearing. The notice

shall be published on the District's website, with the Hays County Clerk's Office, in a newspaper of local distribution and to persons who have requested notification.

(5.5.3) The Board shall schedule a hearing on an operating permit application under this section:

A. for more than six acre-feet per year and less than 1,000 acre-feet per year;

B. for 1,000 acre-feet per year or more for which no requests for a contested case hearing have been filed; or

C. for 1,000 acre-feet per year or more for which a request for contested case hearing has been filed where the Board needs to determine whether a contested case hearing will be conducted.

(5.5.4) Anyone interested in the application may submit written comments about the application to the District. Comments may be forwarded to the Board and to the applicant.

(5.5.5) Anyone interested in the application may attend the meeting and make oral comments at the time designated for comments.

(5.5.6) The applicant, under oath, may present to the Board on the permit application.

(5.5.7) If the permit is not contested or the request for a contested case hearing has been withdrawn, the Board shall proceed to take action on the permit application.

(5.5.8) During the public hearing, the Board shall consider the application and any evidence presented. Any interested person may present oral or written testimony. Following the hearing, if the application is uncontested or a contested case hearing has already been conducted on the application, the Board may:

D. approve the permit application, including with conditions;

E. partially approve and partially deny the permit application, including with conditions; or

F. deny the application.

Section 5.6 Contesting Operating Permit and Amendment Applications, in General

(5.6.1) The applicant or another person with a personal justiciable interest in an application for which a hearing is being held under Section 5.5.3 for 1,000 acre-feet per year or more may protest or provide support in a contested case hearing for the General Manager's recommendation on an application for a new operating permit or application to amend an operating permit to increase the annual production amount or rate of withdrawal, or to change the term, place of use, purpose of use, or points of withdrawal, by submitting a timely filed formal contested case letter to the District's US Post Office Box by the deadline posted in the notice. The request for a contested case hearing shall include the protestant's name, address, phone number, email address, map/plat detailing location of well, reason for contesting, and whether the protestant is requesting that the District contract with the State Office of Administrative Hearings to conduct the contested case hearing. Protestants shall have a minimum of 20 calendar days, starting from the date of the posted notice in a local newspaper to file a protest.

(5.6.2) To be considered to have standing, a person must have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest within the District's regulatory authority and affected by the permit or permit amendment application, not including persons who

have an interest common to members of the public. A person is presumed to have a justiciable interest if the person owns a well that is located:

A. within ¼ mile from the applicant's well if the application is requesting 200 acre-feet or less annually; or

B. within ½ mile from the applicant's well if the application is requesting more than 200 acre-feet annually.

(5.6.3) If any requests for contested case hearing on an application are timely filed, the Board shall conduct a preliminary hearing to determine whether any parties requesting a contested case hearing have standing and to determine how any contested case hearing shall be conducted, including referring the application to a hearing examiner or the State Office of Administrative Hearings ("SOAH") to conduct the contested case hearing, if applicable.

(5.6.4) If the Board determines that any protestant has standing, the Board shall declare the application contested.

A. The Board may require that the applicant, other protesting parties, and the General Manager attempt to reach agreement on the application and report back to the District within thirty (30) days: or

B. Except for matters referred to SOAH, the Board may act as the hearing examiner and conduct the evidentiary hearing or direct the parties to schedule an evidentiary hearing with a hearing examiner. The additional cost to the Board to conduct a hearing on the matter, or of a hearing examiner, shall be split equally between the applicant and any protestants. An evidentiary hearing shall be scheduled within 60 days.

C. Upon request of the applicant or any protestant, the Board shall refer the application to be heard by SOAH.

D. If the Board refers a contested case hearing to SOAH, then the applicable rules of practice and procedure of SOAH (1 Texas Administrative Code Chapter 155) govern any contested case hearing of the District, as supplemented by this subchapter.

E. If the Board refers a contested case hearing to SOAH, the administrative law judge who conducts the contested case hearing shall serve as the hearing examiner and consider applicable District rules and policies in conducting the hearing.

F. The Board order granting a contested case hearing before SOAH may designate a location for the hearing inside the boundaries of the District or in Travis County at a location designated by SOAH. The party requesting the hearing before SOAH shall pay all costs associated with the contract for the hearing and shall pay all transcript costs and shall, five business days before the hearing begins, deposit with the District an amount sufficient to pay the contract amount. At the conclusion of the hearing, the District shall refund any excess money to the paying party.

G. Except for matters referred to SOAH, the hearing examiner shall:

1) Submit a report to the Board not later than the thirtieth (30) day after the date of the conclusion of the evidentiary hearing, and

2) Provide a copy to each party to the hearing.

H. The report shall include:

1) A summary of the subject matter of the hearing,

2) A summary of the evidence received; and

3) The hearing examiner's recommendation for Board action on the subject matter of the hearing.

(5.6.5) The applicant and other parties to a contested case hearing may submit written exceptions to the report to the hearing examiner or to SOAH on the proposal for decision within thirty (30) days of issuance of the report or proposal for decision. SOAH shall rule on written exceptions within 30 days of receipt and submit any amended proposal for decision to the Board within 45 days of its initial issuance of the proposal for decision.

(5.6.6) The hearing examiner may grant an extension on an amended application to continue producing groundwater for the same purposes and in the same annual amount while the contested case is proceeding. The hearing examiner may grant an increase in annual production levels if requested by the applicant following notice to all parties and a hearing. The hearing examiner may grant an applicant permission to proceed to drill a new well, at the applicant's own risk, if requested by the applicant following notice to all parties and a hearing. If the application is not granted, or if the Board grants a permit but does not allow the well to be drilled in that location, the applicant shall, within ninety (90) days, plug the well.

(5.6.7) If the applicant has not already filed a request for contested case hearing and the application is before the Board for final action as an uncontested matter, and the Board votes to issue the permit with special conditions that were not part of the application as finally submitted, or the General Manager's recommendations or proposed permit, or denies the permit, the applicant may contest the Board's action on the permit by submitting a request for a contested case hearing to the District's US Post Office Box within twenty days after the Board's vote.

Section 5.7 Additional Contested Case Hearing Procedures for Operating Permit and Amendment Applications

(5.7.1) Contested case hearings shall be comprised of:

A. Pre-hearing conference conducted by a quorum of the Board, a Board approved hearing examiner, or by the State Office of Administrative Hearings;

B. Evidentiary hearing conducted by a quorum of the Board, a Board approved hearing examiner, or by the State Office of Administrative Hearings; and

C. Final hearing conducted by the Board for action on the permit application.

(5.7.2) The pre-hearing conference applies only to parties admitted to the contested case.

(5.7.3) If the applicant contests the action they are considered to have standing and shall be heard at an evidentiary hearing

(5.7.4) If the evidentiary hearing is conducted by a quorum of the Board, a notice shall be posted in accordance with the requirements of the Open Meetings Act.

(5.7.5) Final hearings shall be posted in accordance with the requirement of Open Meetings Act. Notice of a final hearing on the application shall include the following:

D. The name of the applicant;

E. The address or approximate location of the well or proposed well;

F. A brief explanation of the proposed permit or permit amendment, including any requested amount of groundwater, the purpose of the proposed use, and any change in use;

G. The time, date and location of the hearing; and

H. Any other information the District considers relevant and applicable.

(5.7.6) The Board shall conduct the final hearing once the Board concludes the evidentiary hearing or receives the report from the hearing examiner or from SOAH. The final hearing must be conducted no later than the 120th day following receipt of the proposal for decision. A final hearing is to review the submitted report, hear legal argument and deliberate the merits of the application. A final hearing may be continued from time to time or day to day as needed to allow all the parties sufficient time to prepare additional arguments as required by the Board, or to allow time for the Board to fully consider and debate the merits of the application. At the conclusion of the final hearing, the Board shall make a motion and vote on granting, denying or issuing the permit with conditions. For contested case hearings conducted by the State Office of Administrative Hearings, the Board decision on a proposal for decision must be made no later than 180th day after the date the District received the final proposal for decision from SOAH. The Board is considered to have adopted a final proposal for decision of the administrative law judge as a final order on the 181st day after the date the administrative law judge issued the final proposal for decision if the board has not issued a final decision by:

I. adopting the findings of fact and conclusions of law as proposed by the administrative law judge; or

J. issuing revised findings of fact and conclusions of law as provided by this section.

(5.7.7) The President shall preside over the hearing. If the President is not present, the Vice President shall preside.

K. The presiding officer has the following authority and obligations:

1) Shall convene the hearing at the time and place specified in the notice;

2) May establish the order for presentation of evidence;

3) May administer oaths to all persons presenting testimony;

4) May examine persons presenting testimony;

5) May ensure that information and testimony are introduced as conveniently and expeditiously as possible without prejudicing the rights of any party;

6) Shall admit relevant evidence and may exclude evidence that is irrelevant, immaterial, or unduly repetitious;

7) May prescribe reasonable time limits for testimony and the presentation of evidence.

8) May allow testimony to be submitted in writing and may require that written testimony be sworn to. On the motion of a party to the hearing, the presiding officer may exclude written testimony if the person who submits the testimony is not available for cross-examination by phone, a deposition before the hearing, or other reasonable means.

9) May continue a hearing from time to time and from place to place without providing notice. If the continuance is not announced on the record at the hearing, the presiding

officer shall provide notice of the continued hearing by regular mail to the parties. In any event, if the hearing is being conducted by a quorum of the Board, Open Meetings notice shall be provided.

10) Unless the parties have agreed in writing to apportion the costs, may determine how to apportion among the parties the costs related to:

A. a contract for the services of a presiding officer; and

B. the preparation of the official hearing record.

(5.7.8) The District shall prepare and keep a record of each hearing in the form of an audio or video recording. Upon the request of a party to the contested case hearing, the hearing shall be transcribed by a court reporter. The District must be notified of the request ten (10) business days prior to the hearing. The costs of such court reporter shall be assessed against the party requesting it or among the parties to the hearing. The presiding officer may exclude a party from further participation in the hearing for failure to pay in a timely manner costs assessed against that party under this rule.

(5.7.9) Request for findings of fact and conclusions of law, and motions for rehearing shall be considered as follows:

L. Not later than the 20th day after the date of the Board's decision, an applicant or a party to a contested hearing may written findings of fact and conclusions of law.

M. On receipt of a timely written request, the Board shall make written findings of fact and conclusions of law regarding a decision of the Board on an application. The Board shall provide certified copies of the findings of fact and conclusions of law to the person who requested them, and to each designated party, not later than the 35th day after the date the Board receives the request. The applicant or a party to the contested case hearing may request a rehearing before the Board not later than the 20th day after the date the Board issues the findings of fact and conclusions of law.

N. A request for rehearing must be filed in the District office and must state the grounds for the request. The person requesting a rehearing must provide copies of the request to all parties to the hearing.

O. If the Board grants a request for rehearing, the Board shall schedule the rehearing not later than the 45th day after the date the request is granted and shall make a final decision on the application not later than the 90th day after the date of the decision by the board that was subject to the motion for rehearing. Any action by the Board on a request for rehearing shall be made at a Board meeting subject to the Open Meetings Act.

P. The failure of the Board to grant or deny a request for rehearing before the 91st day after the date the request is submitted is a denial of the request.

(5.7.10) A decision by the Board on an application is final if:

Q. A request for rehearing is not filed by the 20th day after the date of the Board’s decision,

R. The Board denies the request for rehearing; or

S. The Board renders a written decision after rehearing.

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

END OF RULE 5

RULE 6. TAGGING, PROHIBITING USE, CAPPING, OR PLUGGING WELLS

Section 6.1 Tagging Wells; Prohibiting Use

(6.1.1) Following public notice, the Board may order the tagging of a well prohibiting its use if it is in violation of District rules or if the owner has been prohibited from producing groundwater. The reasons for ordering the tagging of a well prohibiting its use include, but are not limited to:

A. failure to apply for an operating permit prior to drilling a well for a non-exempt use; or

B. operating a well for a non-exempt use without an active operating permit; or

C. when the Board has denied, cancelled, or revoked an operating permit.

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

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

Section 6.2 Capping Wells

(6.2.1) A well owner or operator or other person who possesses a well shall cap any open or uncovered well to prevent waste, pollution, or deterioration. A drilling permit from the District is required prior to capping a well. The well shall remain capped until conditions that led to the capping are eliminated or until the well is properly plugged. The cap shall be securely and mechanically attached to the casing and provide a sanitary seal to prevent the introduction of people, animals and potential contaminants and shall be capable of sustaining a weight of at least four hundred pounds, and the cap must not be easily removed. If the owner fails to cap the well in compliance with District rules, the District, following the procedures of Rule 7, may cap the well. Reasonable expenses incurred by the District in capping a well may be collected from the well owner or the land owner, and any amount due shall constitute a lien on the land on which the well is located pursuant to Section 36.118, Texas Water Code and Section 1901.256, Occupations Code.

Section 6.3 Plugging Wells

(6.3.1) Not later than the 180th day after the date an owner or operator or other person who possesses a deteriorated or abandoned well learns of its condition, the well shall be plugged in accordance with Texas Department of Licensing and Regulation, Title 16 of the Texas Administrative Code Part 4, Chapter 76, Section 76.1004. A drilling permit from the District is

required prior to plugging a well. It is the responsibility of the landowner to ensure that such a well is plugged in order to prevent pollution of the groundwater and to prevent injury to persons. Not later than the 30th day after the date the well is plugged, the driller, licensed pump installer, or well owner who plugs the abandoned or deteriorated well shall submit a plugging report to the District, as required by Section 1901.255(d), Texas Occupations Code.

(6.3.2) If an owner, operator or other person who possesses a well fails to plug the well in compliance with State law, the District may:

A. following the procedures of Rule 7, plug the well. Reasonable expenses incurred by the District in plugging a well constitute a lien on the land on which the well is located pursuant to , Section 36.118, Texas Water Code; or

B. as authorized by Section 1901.256, Texas Occupations Code, otherwise enforce Section 1901.255 related to owners, operators or other persons who have an abandoned or deteriorated well located on their property.

END OF RULE 6

RULE 7. WELL AND PROPERTY ACCESS

Section 7.1 Well Inspections & Investigating

(7.1.1) The District has authority under Texas Water Code Section 36.123 to enter any non-exempt permit holder's public or private property located within the District at any reasonable time for purposes of inspecting and investigating conditions relating to water quality, wells, or compliance with District rules, regulations, permits, or other orders. The District may conduct well and well site inspections during the registration, application, drilling, or completion process to confirm well location, status, production capability, measure water levels, take water samples, or conduct other applicable well-related investigations and inspection activities deemed necessary by the District.

Section 7.2 Property Access

(7.2.1) The District respects individual property rights and shall endeavor to minimize any inconvenience to property owners while conducting District business. For access to any property the District shall be prepared to present proper credentials, identifying themselves as employees or agents of the District, to the property owner or their representative. The District shall notify and shall endeavor to obtain permission from non- exempt property owner, or their representative, prior to accessing the property to inspect the well or well site. The District may not enter property to inspect an exempt well without the property owner's permission.

END OF RULE 7

RULE 8. REPEALED

END OF RULE 8

RULE 9. PROHIBITIONS AGAINST WASTE AND POLLUTION

Section 9.1 Prohibition Against Waste and Pollution

(9.1.1) A person may not waste groundwater within the District or water withdrawn from any aquifer within the District. No person shall withdraw or use groundwater in such a manner as to constitute waste. Producing groundwater that exceeds the amount reasonably needed for beneficial use or a beneficial purpose is wasteful and prohibited. Unmetered or unbilled beneficial use of groundwater, including groundwater used by a water utility for line flushing or water system maintenance that is required by Texas Commission for Environmental Quality rules and groundwater used for emergency response purposes, including firefighting, are not considered to be real loss or waste.

(**9.1.2**) No person may pollute or contribute to the pollution of groundwater.

END OF RULE 9

RULE 10. ENFORCEMENT

Section 10.1 Enforcement

(10.1.1) These rules may be enforced by injunction, mandatory injunction or other applicable remedy in a court of competent jurisdiction and as authorized by Chapter 36 of the Texas Water Code.

(10.1.2) At the District's discretion, settlement of a NOAV for violating the withdrawal limitations in a permit may include, but is not limited to:

A. payment of the settlement amount;

B. negotiation of a settlement amount based on evidence of repairs to a water system negatively impacted by a "force majeure"; and

C. negotiation of a settlement amount based on evidence of installation of improved water conservation or management systems that result in a permanent reduction of permittee's historic groundwater withdrawal amounts.*

(10.1.3) Civil Penalty Schedule: The District hereby establishes a civil penalty schedule of $100 to $25,000 per day, per violation.

(10.1.4) Settlement Schedule: The District shall adopt by resolution and order a non-binding settlement schedule to assist with its discretionary resolution of enforcement actions for the violation of these rules.

(10.1.5) The permittee, for which a licensed public water system operator is operating a well or wells, shall be responsible for complying with and resolving any violations of the District's rules, permits or orders.

END OF RULE 10

RULE 11. AQUIFER TEST / WELL PERFORMANCE TEST AND REPORT

Section 11.1 Aquifer Test Categories & Project Process

For Tier 2 and Tier 3 operating permit applications (tier classification is provided below), a well-performance test or aquifer test shall be conducted if the well has never been tested or if the most recent test is more than 3 years old. An accompanying test report shall be provided for the application to be considered administratively complete. This rule provides the specific requirements for these tests and accompanying reports.

(11.1.1) A new or amended operating permit application shall be categorized as one of the following:

A. Tier 1: An operating permit for a total production amount less than or equal to two (2) acre-feet.

B. Tier 2: An operating permit for a total production amount greater than two (2) acre-feet but less than or equal to six (6) acre-feet.

C. Tier 3: An operating permit for a total production amount greater than six (6) acre-feet.

(11.1.2) A well-performance test shall be required:

A. For new operating permit applications requesting an annual production amount at Tier 2; or

B. For permit amendment applications requesting a production amount within Tier 2, if the permit amendment represents an increase of 50% or more of the permit amount, or if the aggregate total of all permit amendments during the previous three (3) years equals or exceeds 50% of the permit amount; or

C. If the most recent well performance test was not designed to meet or exceed the requested amendment amount.

Test results shall be submitted to the District as part of the permit application. The performance test and report shall follow the guidelines of the District's "Statement of Groundwater Availability." Additional requirements are within Rule 11, including but not limited to: water quality analysis, well construction diagram, cuttings samples and a geophysical log, which shall be provided to the District in both paper copy and electronic format

(11.1.3) An aquifer test shall be required:

A. For new operating permit applications requesting an annual production amount greater than 6 acre-feet per year; or

B. For permit amendment applications requesting an annual production amount at Tier 3, unless there was an aquifer test for the requested amount within the prior three years; or

C. For permit amendment applications requesting an annual production amount increase of 50% where the current approved permit annual production amount is between 6 and 20 acre-feet; or

D. For permit amendment applications requesting an annual production amount increase of 20% where the current approved permit annual production amount is greater than 20 acre-feet; or

E. If the most recent aquifer test was not designed to meet or exceed the requested total permit amount.

Test results shall be submitted to the District as part of the permit application. The test and report shall be performed as provided in the entirety of Rule 11. The water availability study Investigation required by Hays County under its subdivision ordinance does not fulfill the requirement for Tier 2 and Tier 3 of this rule.

(11.1.4) Project Process:

A. Well Construction: All permit applications shall submit a well construction notification form and application for a drilling permit in accordance with Sections 3.3 and 3.4 for each well to be permitted.

B. Applications requiring a Tier 3 aquifer test or a Tier 2 well performance test shall submit to the District for review, not later than 3 business days before beginning construction, a written document detailing the test design. This document must include: the planned location and producing sub-aquifer of all test wells and observation wells, well casing intervals, completion methods, pump depth setting, pumping rate, and recovery method for the groundwater discharged during the test. Groundwater discharged during the test should be routed to storage tanks or to other water systems. If the groundwater must be discharged to surface drainages, it should be routed so that it does not recharge into the tested aquifer in the vicinity of the pumping or monitor wells during the test. Discharge onto adjoining properties is prohibited unless allowed by the adjoining landowner(s), and evidence of such authorization must be included in the test design. District technical staff will review the work plan and may recommend changes to ensure it meets the requirements laid out in Rule 11.

C. After receiving a notice to proceed from the District, the applicant may proceed with drilling the test well and collecting data for the test and report.

D. If the applicant finds the test results favorable and wishes to proceed with the project, the applicant shall complete and submit the permit application, including the test report results to the District. The District may carry out an independent analysis of the test report results.

E. Once the District receives all the required documents and deems them administratively complete, the permit application shall go before the Board.

(11.1.5) Well Construction Notification, Well registration and permit application forms are available from the District or on the District's website.

(11.1.6) Aquifer test reports shall be organized according to this rule and shall include all of the information required.

Section 11.2 Administrative Information

(11.2.1) A well performance test or an aquifer test report shall include the following:

A. Name of the proposed project;

B. Any previous or other name(s) which identifies the tract of land;

C. Name, address, phone number, email and facsimile number of the property owner or owners;

D. Name, address, phone number, email and facsimile number of the person submitting the operating permit application;

E. Name, address, phone number, email, facsimile number, and registration number of the licensed professional geoscientist or the licensed professional engineer preparing the certification required by this rule;

F. Location and legal property description of the proposed project.

G. Copies of all well registrations/ well construction notifications and associated state well reports for all the wells associated with the project.

Section 11.3 Proposed Water Use Information

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

A. The annual amount of groundwater withdrawal;

B. The purpose of use;

C. The anticipated rate of withdrawal in gallons per minute;

D. The place of use;

E. The method of distribution;

F. The planned term of use; and

G. The well's capability to sustain production at the desired rate over the term of the planned use, including during severe and critical drought conditions.

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

1) The type of the proposed subdivision, (for example, single family residential, multi-family residential, commercial, industrial, or mixed use);

2) The size of the proposed subdivision in acres;

3) The number of proposed lots within the proposed subdivision;

4) The range and average size (in acres) of the proposed lots in the proposed subdivision;

5) The anticipated method of water distribution to the proposed lots in the proposed subdivision including, but not limited to:

A. an expansion of an existing public water supply system to serve the proposed subdivision using groundwater as all or part of the source of water supply;

B. a new public water supply system for the proposed subdivision;

C. individual water wells to serve individual lots; or

D. a combination of methods; and

6) any additional project specific information the District may request due to the anticipated unique character of the project or location.

Section 11.4 Projected Water Demand Estimate

(11.4.1) Projected water demand shall be documented as part of the report as follows:

A. Residential water demand estimate. The residential water demand estimate shall account for indoor and outdoor demand at full build- out on an annual basis. Indoor and outdoor demand shall be estimated by:

1) the number of proposed housing units at full build-out;

2) an average of 2.63 people per housing unit;

3) assume a per day per person usage rate of less than 100 gallons; and provide the total expected residential water demand per year for the entire proposed project (acre-feet per year).

B. Non-residential water demand estimate. Water demand estimates at full build-out or full usage shall be provided for all non-residential uses. Non-residential uses shall be specified by type of use and groundwater demand per year (acre-feet per year) for each type of use. The estimate shall also include the existing non- residential demand of any well supplying water to the project including those identified under "existing well inventory" required by Section 11.6.2 (relating to site-specific groundwater data/aquifer test design).

C. Total annual groundwater demand estimate. An estimate of the total expected annual groundwater demand, including residential and non-residential estimates at full build-out (acre-feet per year), shall be provided.

D. Basis of the assumption. The basis of the assumptions used in the calculations performed to determine the groundwater demand estimates required by this section shall be noted and referenced in the report.

E. The report shall provide any additional groundwater demand back-up information required by the District.

Section 11.5 Regional Groundwater Resource Setting

(11.5.1) Describe the regional geologic and hydrogeologic setting for the project. This rule outlines the major regional topics that shall be summarized in the report and Section 11.6 details site specific criteria that shall be described and discussed when submitting an aquifer test report or a well performance test report. At a minimum, consider and discuss the following topics from a regional perspective:

A. Aquifer identification. Identify and describe the target aquifer and/or subaquifer for the project (e.g. Upper, Middle, Lower Trinity or Paleozoic etc.). Also identify and describe the specific target hydrostratigraphic units, such as the Lower Glen Rose member, Hensel member etc., from which the wells will be producing.

B. Good references for descriptions of District aquifers include Ashworth, J.B. (1983), Texas Water Development Board (TWDB) Report 273; Bluntzer, R.L. (1992) TWDB Report 339; Wierman and others (2010), Hydrogeologic atlas of the Hill Country Trinity Aquifer, Blanco, Hays

and Travis Counties, Central Texas; TWDB's Trinity (southern portion) Aquifer Groundwater Availability Model; and other publications.

C. Geologic and groundwater information. The following regional geologic and groundwater information shall be considered when planning and designing the aquifer test or the well performance test. At a minimum, the topics below shall be described and discussed, based on a literature review, as to how they may have influenced the test, the availability and quality of groundwater.

1) The regional stratigraphy of the geologic units in the vicinity of the project. Include a generalized regional stratigraphic column. This column shall include the names of the geologic units, their range of thickness, their lithology, a brief description of the hydrostratigraphic units, and general water quality descriptions (e.g. TDS, predominant anions, etc.);

2) The lithology of the geologic strata;

3) The regional geologic structure and the presence or absence of faulting;

4) The regional characteristics of the aquifer(s) and their hydraulic relationships to adjoining units (e.g. is the aquifer confined, leaky or unconfined, which units are the confining units, is there karst porosity, regional anisotropy to the aquifer etc.); and

5) The regional recharge system of the aquifer(s), and movement and discharge of groundwater from the aquifer(s) as described in the literature.

Section 11.6 Site-Specific Groundwater Data / Aquifer Test and Well Performance Test Design

(11.6.1) This rule details the site-specific data and analyses that must be included in the aquifer test report and in the well performance test report. Site data that is found to be anomalous or exceptional from what is expected based on the regional data shall be discussed in regards to its implications upon the aquifer test results and permit application.

(11.6.2) Existing well inventory. All known existing, abandoned, and inoperative wells within the proposed project shall be identified, located, and mapped by on-site surveys and shown on a project site plan. Existing wells within ½-mile of the test well shall be shown on a map built using the latest available topographic data from either The National Map (USGS) or the United States topographic datasets. The scale of the map should be such that all required data are visible within a single frame. Wells outside the project boundary may be located by a 'drive-by' survey of the neighborhood, a review of District well records (GIS and paper files), State Well Reports, and a review of District aerial photography. A 'well inventory' table shall be included in the report that provides the following data if known: the State well number, longitude, latitude and ground elevation for each existing well and whether those coordinates were estimated or surveyed, total depth, open hole or screened interval, probable hydrogeological unit(s) the well is open to, and the current use of the well. The well construction information shall be determined from the State Well Reports, inspection of the well, conversation with the owner or stated as "unknown." Copies of existing State Well Reports shall be included in the report.

(11.6.3) Adjoining property owners. Provide a table and figure showing all adjoining property owners within ½-mile of the test well. The table shall include: the Hays County Property Tax ID number, name and address of the owners. Adjoining property owners include those separated from the subject property by a road or right of way. The figure shall generally show the location of the

test well(s) and property boundaries, of the adjoining property owners. This data may be obtained from the Hays Central Appraisal District or Hays County Development Services Mapping Department.

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

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

B. If an existing well is used as an observation well, it may not be pumped during the drawdown and recovery period.

C. For wells used in the test, include a well construction table that lists coordinates, elevation, total depth, depth of casing, screened interval, static water level, depth of packers, annular seal types and intervals and other pertinent well construction information.

D. Discuss the impact of partial aquifer penetration of a well on test interpretation and well performance, if the well does not fully penetrate the aquifer.

E. Well construction diagrams. Create a well construction diagram for each pumping and observation well on an 8 ½'' x 11" or larger, depending on the level of detail, sheet of paper that details: GPS location and elevation of well casing, project name, borehole diameters and depth intervals; total depth of borehole; casing diameters, wall thickness, type (steel, PVC, etc.) and depth intervals; screen diameter, wall thickness, type, slot sizes and depth intervals; filter pack interval, volume and material; type and depth of packers; volume, interval and type of annular space fill material; surface completion detail including casing sizes and elevations above ground or cement pad; pump size and setting depth of intakes; and static water-level.

F. For existing wells where the information required by Section 11.6.4 E is not known, create a diagram that includes available information for example: GPS location and elevation, static water-level, total depth of well, casing type and diameter, and surface completion.

G. Location of wells. The test and observation well(s) shall be on the project plan and shall be located by latitude and longitude. The optimal location for the observation well(s) may be determined by best professional judgment after completion and evaluation of the test well. The rational used for the location of the observation well (such as the evaluation of specific capacity data generated during development of the well) shall be described in the report. In general, observation wells in unconfined aquifers shall be placed no farther than 300 feet from the test well,

and no farther than 700 feet in thick, confined aquifers. The observation well shall also be placed no closer to the test well than two times the thickness of the aquifer's production zone. The final location of any production well must be within 1,000 feet of the test well.

H. Lithologic and geophysical logs. The test and observation well(s) shall be lithologically and geophysically logged to map and characterize the geologic unit(s) and the aquifer(s) in which the aquifer test(s) is to be performed. A cut of all samples and digital copies of all geophysical logs are to be submitted to the District within 60 days.

1) Drill cuttings shall be collected at 10-foot intervals throughout the depth of the borehole. All samples shall be properly bagged and labeled and submitted to the District.

2) A lithologic log (for each well) based on the drill cuttings shall be prepared showing the depth of the strata, thickness and lithology (including but not limited to: rock and grain type, grain size, rounding, sphericity, color, staining, observed porosity, mineralogy, cementing and fossil content if observed), occurrence of water bearing strata, and any other special notes that are relevant to the drilling and evaluation process and to the understanding of subsurface conditions. Provide an interpretive site-specific stratigraphic column based on published literature, interpretation of geophysical logs and drill cuttings of the boreholes.

3) Geophysical logs shall be run which provide qualitative information on aquifer characteristics and groundwater quality. When hole conditions permit, the geophysical logs shall include but not be limited to, an electrical log with shallow and deep-investigative curves (e.g., 16-inch short normal/64-inch long normal resistivity curves or induction log) with a spontaneous potential curve, natural gamma, and caliper. As a minimum requirement for cased holes, a gamma ray log shall be run and the logging program discussed with the District. A paper copy and a digital recording (LAS and WC file formats are acceptable) of the geophysical logs shall be included in the aquifer test report. The hydrogeologic characteristics of the borehole as indicated by the geophysical logs, drilling performance, and lithology shall be discussed. Any pertinent literature or regional information shall be noted.

I. Well development and performance estimation. The test and observation well(s) shall be developed prior to conducting the aquifer test to repair damage done to the aquifer(s) during the drilling operation. Development shall ensure that the hydraulic properties of the aquifer(s) are restored as much as practical to their natural state.

1) Well development procedures applied to the well(s) may vary depending on the drilling method used and the extent of the damage done to the aquifer(s).

2) During well development, the test well shall be pumped or air-lifted for a minimum of 4 hours to determine the effect of development on the well's estimated yield.

3) Water pumped out of the well during well development may not be allowed to locally recharge the aquifer and influence well performance results. The report shall describe measures taken to achieve this objective.

J. Protection of groundwater. All reasonably necessary precautions shall be taken during construction of test and observation wells to ensure that surface contaminants do not reach the subsurface environment and that undesirable groundwater (water that is injurious to human health and the environment or water that can cause pollution to land or other waters) if encountered, is sealed off and confined to the zone(s) of origin. Such precautions may include

those of Texas Department of Licensing and Regulation Water Well Drillers and Pump Installers rules, Sections 76.701 and 76.1001 through 76.1011.

K. Pre-test background water-level data. Water level data from the test well or observation well shall be collected on an hourly basis for a minimum of 24 hours prior to initiating testing to determine if the water-level has recovered from well development and if it is being influenced by any local or regional influence or trends. Aquifer testing may not commence until water levels (after well development) have stabilized.

L. Duration of aquifer test and recovery. The duration of the aquifer test depends on the amount of annual production requested in the application or amendment, and local and geologic conditions. The pumping rate during the test shall meet or exceed the proposed maximum pumping rate required for the project at its peak demand at full build-out. Water pumped during the test may not be allowed to influence the test results by locally recharging the aquifer.

1) For new permit applications or amendments requesting less than or equal to 25 acre-feet per year, a uniform-rate aquifer test shall be conducted for a minimum of a 24-hour duration. A 48-hour duration test is preferred. For permit applications and amendments requesting greater than 25 acre-feet per year, a 48-hour duration is required. Testing shall continue long enough to observe a straight-line trend on a plot of water level versus the logarithm of time pumped. If necessary, the duration of the test shall be extended beyond the above minimum limits until the straight-line trend is observed. The plot of water level versus the logarithm of time pumped for both the pumping well and observation well shall be included in the aquifer test report.

2) If it is impractical to continue the test until a straight-line trend of water level versus the logarithm of time pumped is observed beyond 48 hours, the test shall continue at least until a consistent pumping-level trend is observed. In such instances, failure to observe the straight-line trend shall be recorded and the possible causes and implications of this discussed in the report.

3) The frequency of water level measurements during the aquifer test shall be such that adequate definition of the time-drawdown curve is made available. As much information as possible shall be obtained in the first ten minutes of testing (i.e., pumping). The District strongly recommends that pressure transducers with a data acquisition system be used to record water levels in the pumping and closest monitoring wells due to their ability to collect rapid early time data. Water Level data shall be presented in table format in the report. If water levels are collected electronically, an electronic copy of the data file shall be submitted to the District with the final report.

4) Water-level recovery data shall be obtained to verify the accuracy of the data obtained during the pumping portion of the test. Recovery measurements shall be initiated immediately at the conclusion of the pumping portion of the aquifer test and shall be recorded with the same frequency as those taken during the pumping portion of the aquifer test. The District strongly recommends that pressure transducers with a data acquisition system be used to record water levels in the pumping and closest monitoring wells during the recovery phase of the test due to their ability to collect rapid early time data. Time-recovery measurements shall continue for 14 days or until the water levels have recovered to at least 90% of the pre-pumping level, whichever occurs earlier.

M. Use of existing wells and aquifer test data.

1) An existing well may be utilized as an observation well under this rule if sufficient information is available for that well to demonstrate that it meets the requirements of this rule. Acceptable information for meeting this requirement includes state well reports and/or downhole surveys (geophysical logs and video camera footage)

2) The District may accept the results of a previous aquifer test in lieu of a new test if:

A. the previous test was performed on a well located within a 1,000-foot radius of the newly proposed well location;

B. the previous test fully meets all the requirements of this section;

C. the previous test was conducted in the same geologic formation and hydro- stratigraphic unit of an aquifer which is being considered as a source of water supply for the proposed project based upon subsurface data such as well cuttings, geophysical log data, and water level data;

D. the previous test was conducted at the same or higher discharge rates, and;

E. aquifer conditions (e.g., water levels, gradients, etc.) during the previous test were approximately the same as they are presently.

N. Need for additional aquifer testing and observation wells. The District may determine if additional observation wells or aquifer tests are needed to adequately demonstrate groundwater availability. To determine if additional information is needed, the District shall consider the assumptions, the site-specific information derived from the aquifer test, the size of the proposed project, and the proposed method of water delivery.

(11.6.5) Well performance testing (Tier 2 permit applications). A well performance test shall be conducted to estimate the transmissivity of the aquifer(s) underlying the proposed project. The well performance test shall provide sufficient information to allow evaluation of each aquifer that is being considered as a source of water supply for the proposed project. The test well shall be constructed pursuant to Texas Department of Licensing and Regulation rules, Chapter 76 regulating Water Well Drillers and Pump Installers, and when applicable, the specifications of the Texas Commission on Environmental Quality under 30 Texas Administrative Code, Chapter 290 and any other local or regional regulations that apply. A well performance test conducted under this section utilizing established methods shall include, but not be limited to, the following:

O. Test well. At least one test well (i.e., pumping well) shall be required to conduct adequate well performance testing under this section. The location of the test well shall be shown on the site plan submitted as part of the operating permit application.

P. Well construction table. Produce a well construction table that lists coordinates, elevation, total depth, depth of casing, screened interval, static water level, depth of packers, annular seal types and intervals and other pertinent well construction information.

Q. Well construction diagram. Create a well construction diagram for the pumping well on an 8 ½'' x 11" sheet of paper that details: GPS location and elevation of well casing, project name, borehole diameters and depth intervals; total depth of borehole; casing diameters, wall thickness, type (steel, PVC, etc.) and depth intervals; screen diameter, wall thickness, type, slot sizes and depth intervals; filter pack interval, volume and material; type and depth of packers;

volume, interval and type of annular space fill material; surface completion detail including casing sizes and elevations above ground or cement pad; pump size and setting depth of intakes; and static water-level.

R. For previously drilled wells that will be tested under this rule, and where the information required by 11.6.5 C above is not known, create a diagram that includes available information; for example: GPS location and elevation, static water-level, total depth of well, casing type and diameter, and surface completion.

S. Location of wells. The test well shall be shown on the project plan and shall be located by latitude and longitude.

T. Lithologic and geophysical logs. The test well shall be lithologically and geophysically logged to map and characterize the geologic unit(s) and the aquifer(s) in which the well performance test is to be done. A package containing all cuttings samples and digital copies of all geophysical logs are to be submitted to the District within 60 days of the end of well completion.

1) Drill cuttings shall be collected at 10-foot intervals throughout the depth of the borehole. All samples shall be properly bagged and labeled and submitted to the District.

2) A lithologic log based on the drill cuttings shall be prepared showing the depth of the strata, thickness, lithological descriptions (including but not limited to: rock and grain type, grain size, rounding, sphericity, color, staining, observed porosity, mineralogy, cementing and fossil content if observed), occurrence of water bearing strata, and any other special notes that are relevant to the drilling and evaluation process and to the understanding of subsurface conditions. Provide an interpretive site-specific stratigraphic column based on published literature, interpretation of geophysical logs and drill cuttings of the boreholes.

3) Geophysical logs shall be run which provide qualitative information on aquifer characteristics and groundwater quality. When hole conditions permit, the geophysical logs shall include but not be limited to, an electrical log with shallow and deep-investigative curves (e.g., 16-inch short normal/64-inch long normal resistivity curves or induction log) with a spontaneous potential curve, natural gamma, and caliper. As a minimum requirement for cased holes, a gamma ray log shall be run and the logging program discussed with the District. A paper copy and a digital recording (LAS and WCL file formats are acceptable) of the geophysical logs shall be included in the aquifer test report. The hydrogeologic characteristics of the borehole as indicated by the geophysical logs, drilling performance, and lithology shall be discussed. Any pertinent literature or regional information shall be noted.

U. Well development and performance estimation. The test well shall be developed prior to conducting the well performance test to repair damage done to the aquifer(s) during the drilling operation. Development shall ensure that the hydraulic properties of the aquifer(s) are restored as much as practical to their natural state.

1) Well development procedures applied to the well may vary depending on the drilling method used and the extent of the damage done to the aquifer(s).

2) During well development, the test well shall be pumped or air-lifted for a minimum of 4 hours to gauge the effect of development on the well’s estimated yield.

3) Water pumped out of the well during well development may not be allowed to locally recharge the aquifer and influence well performance results. The report shall describe measures taken to achieve this objective.

V. Protection of groundwater. All reasonably necessary precautions shall be taken during construction of test well to ensure that surface contaminants do not reach the subsurface environment and that undesirable groundwater (water that is injurious to human health and the environment or water that can cause pollution to land or other waters) if encountered, is sealed off and confined to the zone(s) of origin. Such precautions may include those of Texas Department of Licensing and Regulation Water Well Drillers and Pump Installers rules Sections 76.701 and 76.1001 through 76.1011.

W. Pre-test background water-level data. Water Level data from the test well shall be collected on an hourly basis for a minimum of 12 hours prior to initiating testing to determine if the water-level has recovered from well development and if it is being influenced by any local or regional influence or trends. Aquifer testing may not commence until water levels (after well development) have stabilized.

X. Duration of aquifer test and recovery. The duration of the well performance test depends on the local hydrogeological conditions and is discussed below. The pumping rate during the test shall meet or exceed the proposed maximum pumping rate required for the project at its peak demand at full build-out. Water pumped during the test may not be allowed to influence the test results by locally recharging the aquifer.

1) For new Tier 2 permit applications or amendments requesting less than or equal to 6 acre-feet per year, a uniform-rate well performance test shall be conducted for a minimum of a 12-hour duration. For permit applications and amendments to existing Tier 2 permits requesting more than 6 acre-feet per year, see section (11.6.4). Testing shall continue long enough to observe a straight-line trend on a plot of water level versus the logarithm of time pumped. If necessary, the duration of the test shall be extended beyond the above minimum limits until the straight-line trend is observed. The plot of water level versus the logarithm of time pumped in the pumping well shall be included in the well performance test report.

2) If it is impractical to continue the test until a straight-line trend of water level versus the logarithm of time pumped is observed beyond 12 hours, the test shall continue at least until a consistent pumping-level trend is observed. In such instances, failure to observe the straight-line trend shall be recorded and the possible causes and implications of this discussed in the report.

3) The frequency of water level measurements during the well performance test shall be such that adequate definition of the time-drawdown curve is made available. As much information as possible shall be obtained in the first ten minutes of testing (i.e., pumping). The District strongly recommends that pressure transducers with a data acquisition system be used to record water levels in the pumping well due to their ability to collect rapid early time data. Water level data shall be presented in table format in the report. If water levels are collected electronically, an electronic copy of the data file shall be submitted to the District with the final report.

4) Water-level recovery data shall be obtained to verify the accuracy of the data obtained during the pumping portion of the test. Recovery measurements shall be initiated

immediately at the conclusion of the pumping portion of the aquifer test and shall be recorded with the same frequency as those taken during the pumping portion of the aquifer test. The District strongly recommends that pressure transducers with a data acquisition system be used to record water levels in the pumping and closest monitoring wells during the recovery phase of the test due to their ability to collect rapid early time data. Time-recovery measurements shall continue for 14 days or until the water levels have recovered to at least 90% of the pre-pumping level, whichever occurs earlier.

Y. Use of existing wells and aquifer test data.

1) An existing well may be utilized as a test well under this rule if sufficient information is available for that well to demonstrate that it meets the requirements of this rule. Acceptable information to meet this requirement includes state well reports and/or downhole surveys (geophysical logs and video camera footage).

2) The District may accept the results of a previous well performance test in lieu of a new test if:

A. the previous test was performed on a well located within a 1,000-foot radius of the newly proposed well location;

B. the previous test fully meets all the requirements of this section;

C. the previous test was conducted in the same geologic formation and hydro- stratigraphic unit of an aquifer which is being considered as a source of water supply for the proposed project based upon subsurface data such as well cuttings, geophysical log data, and water level data;

D. the previous test was conducted at the same or higher discharge rates, and;

E. aquifer conditions (e.g., water levels, gradients, etc.) during the previous test were approximately the same as they are presently.

Z. Need for additional well performance testing. The District may determine if additional well performance tests are needed to adequately demonstrate groundwater availability. To determine if additional information is needed, the District shall consider the assumptions, the site-specific information derived from the well performance test, the size of the proposed project, and the proposed method of water delivery.

Section 11.7 Determination of Groundwater Quality

(11.7.1) Water quality analysis. Water samples shall be collected for chemical laboratory analysis during the aquifer test or well performance test. Samples should be collected after temperature, conductivity, and pH values can be considered “stable” as defined below. Samples must be collected toward the end of the pumping phase of the test. Samples shall be collected from each aquifer being considered for water supply for the proposed project.

A. Water samples collected under Section 11.7 shall be analyzed for the following:

1) calcium;

2) magnesium;

3) manganese;

4) iron;

5) potassium;

6) chloride;

7) sodium;

8) fluoride;

9) silica

10) sulfate

11) nitrate (as nitrogen)

12) bicarbonate

13) carbonate

14) conductivity;

15) pH;

16) total hardness;

17) total dissolved solids;

18) lead;

19) arsenic;

20) mercury;

21) phosphorus

22) strontium; and

23) the presence or absence of coliform and e. coli bacteria.

The report shall include a table of these values from the water sample analysis with a comparison, where applicable, to drinking water Primary and Secondary Standard as established by the United States Environmental Protection Agency (US EPA).

Once the bacteriological sampling mandated by TCEQ (30 Texas Administrative Code Chapter 290, Subchapter F) is completed, the applicant is required to promptly provide the test results to the District.

B. Temperature, turbidity, and pH shall be measured and recorded in the field during the pumping phase of the test until stable for two hours of pumping. The District strongly encourages the use of automated collection and logging of water quality field parameters during the test. Conductivity values should be considered stable when they are within plus or minus 10%. pH values should be considered stable when they are within plus or minus 0.1 standard pH units. Interpretation of the implications of changes in these values over time as pumping progresses shall be discussed in the report.

C. Qualitative descriptions of water. Every 4 hours during the aquifer test the discharging water shall be described based on clarity, color and smell. Interpretation of the implications of changes in these values over time as pumping progresses shall be discussed in the

report. If automated data logging was employed, a table and chart showing hourly measurements for each parameter and a brief discussion should be provided to satisfy this requirement.

Section 11.8 Determination of Groundwater Availability for Tier 2 and Tier 3 Permit Applications

(11.8.1) Time frame for determination of groundwater availability. At a minimum, both a short- and long-term determination of groundwater availability shall be made, each considering the estimated total water demand at full build-out or condition of maximum projected usage rates. Groundwater availability shall be evaluated for ten years and thirty years, using average and maximum expected pumping rates. Availability shall consider historical and projected groundwater levels during severe and critical drought conditions during these periods. The study shall include an analysis of the impact of this application to the modeled available groundwater and on the District's ability to achieve the desired future conditions for aquifers in the District. The study shall include an analysis of the potential build out of the neighboring property areas as part of the modeled available groundwater.

(11.8.2) Determination of aquifer parameters. The time-drawdown and time-recovery data obtained during the aquifer test shall be used to determine aquifer parameters utilizing the non-equilibrium equations developed by Theis and Cooper-Jacob, or acceptable modifications thereof. Describe and discuss the assumptions of the analytical method used and the applicability of those assumptions to the reality and uncertainties of the site conditions and the specific hydrostratigraphic unit tested. The following aquifer parameters shall be determined and the basis of the determinations discussed:

A. rate of yield and drawdown;

B. specific capacity;

C. transmissivity;

D. coefficient of storage, if applicable;

E. hydraulic conductivity;

F. recharge or barrier boundaries, if any are present;

G. thickness of the aquifer(s); and

H. assumed aquifer condition (unconfined, confined, leaky).

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

(11.8.3) Determination of groundwater availability. Using the information and data identified and determined in subsection 11.8.2. of this section, the following calculations shall be made.

D. Time-drawdown. The amount of drawdown at the pumped well(s) and at the boundaries of the proposed property shall be determined for the time frames identified under subsection (11.8.1) of this section. If a range of aquifer properties is determined from the pumping test, multiple analyses shall be performed using the highest and lowest values.

E. Distance-drawdown. The distance(s) from the pumped well(s) to the outer edges of the cone(s)-of-depression shall be determined for the time frames identified under subsection 11.8.1 of this section. If a range of aquifer properties is determined from the pumping test, multiple

analyses shall be performed using the highest and lowest values. Contoured water table drawdown figures shall be produced for each analysis reported.

F. Well interference for Tier 3 permit applications only. For multiple wells in a proposed project, calculations shall be made to:

1) determine how pumpage from multiple wells will affect drawdown in individual wells for the time frames identified under subsection 11.8.1 of this section; and

2) Determine a recommended minimum spacing limit between individual wells and well yields from the wells that will allow for the continued use of the wells for the time frames identified under subsection 11.8.1 of this section.

3) Aquifer modeling runs, using a verified and documented analytical model. Include a project drawdown modeling run that has boundary conditions around the project that reflect maximum allowable density under the rules the adjoining property was platted under. If the adjoining property is not currently subdivided, and could be subdivided under existing Hays County rules, then use the County's On-Site Sewage Facility (OSSF) Minimum Lot Sizing Table 10.1 to determine the lot size allowed. The District will assume that lots will be served by an OSSF allowable under the applicable Hays County rules. This maximum lot density shall extend out at least 4- lots deep around the perimeter of the property, where the project is bordered by raw developable land. The water use for each hypothetical bordering lot shall be 250 gallons per day. If the project adjoins an existing project, then projected pumping from the adjoining project at full build- out shall be considered in the model.

4) Using aquifer properties and proposed pumping rates for the full project build- out, provide cumulative drawdown calculations for selected radial distances up to one half mile of the proposed project boundaries, or a distance where measurable drawdown effects at known wells identified in the well inventory may be expected or to a distance where the drawdown is negligible.

5) Perform modeling runs assuming no recharge.

(11.8.3) Determination of groundwater quality. The water quality analysis required under Rule 11.7 (relating to Determination of Groundwater Quality) shall be compared to the EPA's primary and secondary public drinking water standards and the findings documented in table format.

Section 11.9 Determination of Groundwater Availability.

(11.9.1) Using the information and data identified and determined in Subsection 11.8.2 of this section, the following calculations shall be made.

A. Time-drawdown. The amount of drawdown at the pumped well(s) and at the boundaries of the proposed property shall be determined for the time frames identified under Subsection 11.8.1 of this section. If a range of aquifer properties is determined from the pumping test, multiple analyses shall be performed using the highest and lowest values.

B. Distance-drawdown. The distance(s) from the pumped well(s) to the outer edges of the cone(s)-of-depression shall be determined for the time frames identified under Subsection 11.8.1 of this section. If a range of aquifer properties is determined from the pumping test, multiple

analyses shall be performed using the highest and lowest values. Contoured water table drawdown figures shall be produced for each analysis reported.

C. Well interference for Tier 3 permit applications only. For multiple wells in a proposed project, calculations shall be made to:

1) Determine how pumpage from multiple wells will affect drawdown in individual wells for the time frames identified under Subsection 11.8.1 of this section; and

2) Determine a recommended minimum spacing limit between individual wells and well yields from the wells that will allow for the continued use of the wells for the time frames identified under Subsection 11.8.1 of this section.

3) Aquifer modeling runs, using a verified and documented analytical model. Include a project drawdown modeling run that has boundary conditions around the project that reflect maximum allowable density under the rules the adjoining property was platted under. If the adjoining property is not currently subdivided, and could be subdivided under existing Hays County rules, then use the County's On-Site Sewage Facility (OSSF) Minimum Lot Sizing Table 10.1 to determine the lot size allowed. The District will assume that the lots will be served by an OSSF allowable under the applicable Hays County rules. This maximum lot density shall extend out at least 4- lots deep around the perimeter of the property, where the project is bordered by raw developable land. The water use for each hypothetical bordering lot shall be 250 gallons per day. If the project adjoins an existing project, then projected pumping from the adjoining project at full build- out shall be considered in the model.

4) Using aquifer properties and proposed pumping rates for the full project build- out, provide cumulative drawdown calculations for selected radial distances up to one half mile of the proposed project boundaries, or a distance where measurable drawdown effects at known wells identified in the well inventory may be expected or to a distance where the drawdown is negligible.

5) Perform modeling runs assuming no recharge.

(11.9.2) Determination of groundwater quality. The water quality analysis required under Section 11.7 (relating to Determination of Groundwater Quality) shall be compared to the EPA's primary and secondary public drinking water standards and the findings documented in table format.

Section 11.10 Groundwater Availability and Usability Statements and Certification

(11.10.1) Groundwater availability and usability statements. Based on the information developed under Section 11.8 (relating to Determination of Groundwater Availability), the following information shall be provided:

A. the estimated drawdown of the aquifer at the pumped well(s) over a ten-year period and over a thirty-year period;

B. the estimated drawdown of the aquifer at the project boundary over a ten-year period and over a thirty-year period;

C. the estimated distance from the pumped well(s) to the outer edges of the cone(s)-of-depression over a ten-year period and over a thirty-year period;

D. the recommended minimum spacing limit between wells and the recommended well yield; and

E. the sufficiency of available groundwater quantity to meet the intended use of the project.

(11.10.2) Groundwater availability determination conditions. The assumptions and uncertainties that are inherent in the determination of groundwater availability shall be clearly identified. These conditions shall be identified to adequately define the basis for the availability and usability statements. These bases shall include, but are not limited to, uncontrollable and unknown factors such as:

A. Future pumpage from the aquifer or from interconnected aquifers from area wells outside of the project area or any other factor that cannot be predicted that will affect the storage of water in the aquifer;

B. Long-term impacts to the aquifer based on climatic variations; and

C. Future impacts to usable groundwater due to unforeseen or unpredictable contamination.

D. Certification. Based on best professional judgment, current groundwater conditions, and the information developed and presented as required by Rule 11, the licensed professional geoscientist or licensed professional engineer certifies by signature, seal, and date that adequate groundwater is available from the underlying aquifer(s) to supply the estimated demand of the proposed project and is sufficient quality for the intended uses.

END OF RULE 11

RULE 12. REPORTING

Section 12.1 Reporting Requirements

(12.1.1) All holders of an operating permit shall submit quarterly reports to the District and as provided in Rule 13 during drought, monthly reports to the District, and as provided by Rule 15 for the Jacob's Well Groundwater Management Zone, if applicable, including reporting their actual meter readings showing production. These reports are due by the 10th of the month following the end of each calendar quarter or month, as applicable. The report shall document information as further required by the operating permit. The District may agree to allow a permittee to report by an approved alternative measuring method.

END OF RULE 12

RULE 13. DROUGHT MANAGEMENT

Section 13.1 Drought Conditions & Provisions

(13.1.1) The District shall designate the various drought conditions and implement the applicable provisions of this rule upon determination that such implementation may be necessary for the conservation, preservation, protection and recharge of the groundwater within the District boundaries. The District shall post drought declarations on the District's website.

(13.1.2) District-wide drought declarations apply throughout the District, including in the Jacob's Well Groundwater Management Zone. If drought restrictions are triggered for the JWGMZ, those drought restrictions supersede District-wide restrictions.

Section 13.2 Drought Triggers

(13.2.1) The District's drought triggers are based upon the discharge flow rates provided by the USGS for the Pedernales River at Johnson City (USGS 08153500) and Blanco River at Wimberley (USGS 08171000). The District also references the Palmer Drought Severity Index as a possible drought trigger, in accordance with Subsection 13.3.1.

(13.2.2) The General Manager shall report the current stage of the Palmer Drought Severity Index at every Board meeting, and the Board may take action to implement the next drought stage based on the drought triggers in Section 13.3.

(13.2.3) The General Manager may declare a drought and any drought stage level changes at the time that the criteria for the drought or drought stage level change occurs. The declaration shall provide the date that the drought stage commences or ends. The Board may also declare a drought or any drought stage level change at a Board meeting following the time that the criteria for the drought or drought stage level change occurs. Once a drought or drought stage level change has occurred, all permit holders shall be notified of the current drought status and its effective date.

(13.2.4) Except as otherwise provided for permit holders within the Jacob's Well Groundwater Management Zone, permit holders are required to reduce groundwater production from the groundwater withdrawal amount indicated on their individual drought production cutback chart in accordance with the applicable percent of curtailment for the month.

Section 13.3 Drought Stages

(13.3.1) District drought management consists of four drought stages. When streamflow drops below a drought trigger (shown in the table below), or the PDSI reaches the indicated level, a daily counter begins. If the counter for either of the drought indicators reaches 30 days, the General Manager may declare the applicable drought stage. When streamflow increases above a drought trigger and the PDSI reaches the next less severe drought severity level, or indicates no drought for the entirety of a period of 60 days, the General Manager will declare the lesser drought stage or no drought.

Percent Curtailment	Drought Stage	PDSI level or Pedernales River flow rate	PDSI level or Blanco River flow rate
10%	Conservation	PDSI = -1.5 to -1.9; or at or below 59 cfs	PDSI = -1.5 to -1.9; or at or below 41 cfs

20%	Alarm	PDSI = -2 to -2.9; or at or below 31.6 cfs	PDSI = -2 to -2.9; or at or below 28.5 cfs
30%	Critical	PDSI = -3 to -4.9; or at or below 10.2 cfs	PDSI = -3 to -4.9; or at or below 14.5 cfs
40%	Emergency	PDSI = -5 or less; or at or below 2.23 cfs	PDSI = -5 or less; or at or below 9.28 cfs

(13.3.2) The curtailment percentages represent reductions from the annual authorized withdrawal amount. The curtailment percentages for each of the four drought stages:

A. Stage 1: Conservation 10%

B. Stage 2: Alarm 20%

C. Stage 3: Critical 30%

D. Stage 4: Emergency 40%

(13.3.3) The following additional restrictions apply during each indicated stage:

A. During Stage 2 (Alarm), Stage 3 (Critical), or Stage 4 (Emergency) conditions, groundwater withdrawn for a non-exempt use may not be used to fill or refill ponds.

B. During Stage 3 (Critical) or Stage 4 (Emergency) conditions, the District will not accept any application for a new operating permit or any amendment to increase production under an existing operating permit. The Board may grant a variance to this rule if an existing condition in the District imminently threatening the health, safety, or welfare of the public will be significantly lessened or if granting a variance will reduce production from within a groundwater management zone.

C. During Stage 3 (Critical) or Stage 4 (Emergency) conditions, no new well may be constructed other than wells drilled to replace existing permitted wells or wells for exempt uses. The Board may grant a variance to this rule if an existing condition in the District imminently threatening the health, safety, or welfare of the public will be significantly lessened or if granting a variance will reduce production from within a groundwater management zone.

Section 13.4 Reporting Requirements During Drought

All permittees holding operating permits in the Jacob's Well Groundwater Management Zone shall submit monthly production reports to the District during declared droughts within 10 business days after the end of the month being reported.

(13.4.1) Operating permit holders shall file with the District an acceptable user drought contingency plan and water conservation plan, which shall be kept current so as to remain consistent with the District's:

A. management plan;

B. drought contingency plan, including but not limited to drought stage target pumpage volume;

C. water conservation plan; and

D. rules.

(13.4.2) Permit holders who are found to be in non-compliance with District drought management rules, the user drought contingency plan, the water conservation plan or the drought production cutback chart, may be subject to penalties.

END OF RULE 13

RULE 14. VARIANCES

Section 14.1 Variances

(14.1.1) Requests for the following variances must be submitted along with the well registration or application. To request a variance, complete and submit the variance request and notice form.

(14.1.2) The Board may grant variances for the following:

A. well performance tests, Tier 2;

B. aquifer tests, Tier 3;

C. installation of an access tube for the purpose of reporting water level measurements.

D. a prohibition under Section 13.3.3(B) or (C); or

E. a prohibition on new Tier 2 or Tier 3 wells under Section 15.1.3.

END OF RULE 14

RULE 15. JACOB'S WELL GROUNDWATER MANAGEMENT ZONE

Section 15.1 Jacob's Well Groundwater Management Zone (JWGMZ)

(15.1.1) The Jacob's Well Groundwater Management Zone (JWGMZ) is hereby created to encompass a specific geographic area overlying the Trinity Aquifer surrounding Jacob's Well and located wholly within the boundaries of the District. A map of JWGMZ is attached hereto as **Exhibit 2**.

(15.1.2) Any existing Tier 2 or Tier 3 non-exempt use well within the JWGMZ drilled prior to March 5, 2020, and all other permitted wells thereafter, must comply with all standard operating permit requirements plus the following additional requirements:

A. Each existing non-exempt use well owner must record and report the amount of groundwater produced each calendar month within 10 business days after the end of the month being reported.

B. Each operating permit must include a monthly baseline production amount for groundwater production within the JWGMZ.

C. A well located within the JWGMZ may not be aggregated under a single permit with any other well or well field located outside the JWGMZ. The Board may allocate a monthly baseline production amount based on aggregate pumping amounts reported for any well located inside JWGMZ that was operated in aggregate with one or more wells outside JWGMZ during 2017.

D. Any single permit that was disaggregated into two individual permits as a result of Subsection C of this rule, with the permitted production amount divided between the permit with the well(s) inside the JWGMZ and the permit with the well(s) outside the JWGMZ, regardless of the method of disaggregation and division of the original permit, may, by petition to the General Manager or the Board, have additional production moved from the permit inside the zone to the permit outside the zone. The reduction inside the JWGMZ and assignment to the corresponding permit outside the JWGMZ may be authorized by the General Manager or the Board. This reallocation is only allowed if it reduces production inside the JWGMZ.

E. An operating permit to produce groundwater from the Upper Trinity Aquifer or the Middle Trinity Aquifer may not be amended to increase the annual production total if the amendment application is filed after the effective date of this rule.

(15.1.3) Any new non-exempt use well within the JWGMZ drilled on or after March 5, 2020, must comply with all standard operating permit requirements plus the following additional requirements:

A. A new Tier 2 or Tier 3 well may not be drilled or completed to produce groundwater from the Middle Trinity Aquifer (Lower Glen Rose, Hensel, and Cow Creek Formations). New non-exempt wells may be drilled and completed into the Lower Trinity Aquifer (Sligo and Hosston Formations). The Board may grant a waiver to this provision if enforcement of this rule on a specific property will result in an arbitrary taking of property or in the practical closing and elimination of a lawful business, occupation, or activity without sufficient corresponding benefit or advantage to the public.

B. Any non-exempt use well shall be constructed with casing and grouting installed from the surface to the top of the production zone and its water bearing strata.

(15.1.4) A Tier 1 permit may be amended up to a total permit amount not to exceed 2 acre-feet per year. Any exempt use well within the JWGMZ must remain an exempt use well and may not be converted to a non-exempt use.

(15.1.5) Replacement Wells. A current operating permit holder or a well owner required to plug an abandoned or deteriorated well within JWGMZ may drill a replacement well within 50 feet of the plugged well. The replacement well must be completed into the same production zone and may only use the groundwater withdrawn for the same purpose of use and the same maximum annual production limit. This replacement well must be completed with casing and grouting the annular space from the surface to the top of the production zone and its water bearing strata.

Section 15.2 Drought Curtailments

(15.2.1) Drought curtailments are mandatory for non-exempt use wells within the JWGMZ, which must comply with any applicable drought curtailments required under Rule 13 and with drought curtailments required under this rule. If a drought has been declared for the JWGMZ in accordance with the requirements of Rule 13 and this rule, the District will post the drought curtailment percentage applicable for that month on the District's website. The amount of groundwater authorized to be withdrawn during that month may not exceed the baseline permitted groundwater withdrawal amount, as adjusted by the applicable drought curtailment amount based on the number of days during the month that any drought stage is in effect. Monthly baseline production amounts may be averaged only during contiguous months of a specific drought stage.

(15.2.2) Monthly Baseline Production Amount. Each Tier 2 or Tier 3 non-exempt use well permit shall include a monthly baseline production amount based on the average actual amount of groundwater produced and put to a beneficial use for each calendar month from January 2017 through December 2019. The monthly baseline production amount only applies during a curtailment period. A permittee may amend the monthly baseline production amount by filing a monthly baseline production amount adjustment request with the District. The monthly baseline production amount may be adjusted if the Board determines any of the following:

A. The total groundwater demand has increased through the addition of new water utility service connections;

B. The total groundwater demand has increased through expansion or growth; or

C. The permittee implemented water conservation measures that resulted in 10% or greater demand reduction. The monthly baseline production amount may be adjusted to reflect actual sustained demand reduction achieved.

(15.2.3) Monthly Baseline Production Amount for Permits Issued After 2016. Notwithstanding the monthly baseline production amount established pursuant to Section 15.2.2, for permits issued after December 31, 2016, the monthly baseline production amount is the amount of groundwater production as authorized in the permit. After three calendar years of production, the District shall review the actual amount of groundwater produced and put to a beneficial use and consider modifying the monthly baseline production amount.

(15.2.4) The General Manager will declare the applicable drought curtailment percentages within the JWGMZ based on a 10-day running average of the flow rates measured at the USGS flow meter at Jacob's Well as follows:

A. Groundwater production may not exceed the monthly baseline production amount adjusted by the following reduction percentages:

- 6 CFS or less.....10 Percent
- 5 CFS or less.....20 Percent
- 3 CFS or less.....30 Percent

B. During a drought stage, groundwater withdrawn for a non-exempt use may not be used to fill or refill ponds.

(15.2.5) Each permittee shall prepare a drought curtailment implementation plan detailing how the required production curtailments will be achieved. Drought curtailment implementation plans must be submitted to the District as part of applications for operating permits with the District.

END OF RULE 15

RULE 16. BLANCO VALLEY GROUNDWATER MANAGEMENT ZONE

(16.1.1) The Blanco Valley Groundwater Management Zone (BVGMZ) is hereby created to encompass a specific geographic area overlying the Trinity Aquifer and located wholly within the boundaries of the District. A map of the BVGMZ is attached hereto as Exhibit 3.

(16.1.2) Notwithstanding Section 16.1.4, any existing non-exempt use well within the BVGMZ drilled on or before August 1, 2024, and all other permitted wells thereafter, must comply with all standard operating permit requirements plus the following additional requirements:

A. A well located within the BVGMZ may not be aggregated under a single permit with any other well or well field located outside the BVGMZ.

B. An operating permit to produce groundwater from the Upper Trinity Aquifer or the Middle Trinity Aquifer may not be amended to increase the annual production total if the amendment application is filed after the effective date of this rule.

C. Any new non-exempt use well within the BVGMZ drilled on or after August 2, 2024, must comply with all standard operating permit requirements plus the following additional requirements:

D. A new well may not be drilled or completed to produce groundwater from the Middle Trinity Aquifer (Lower Glen Rose, Hensel, and Cow Creek Formations). New non-exempt wells shall be drilled and completed into the Lower Trinity Aquifer (Sligo and Hosston Formations) or any underlying formation.

E. Any non-exempt use well shall be constructed with casing and grouting installed from the surface to the top of the production zone and its water bearing strata.

(16.1.3) A Tier 1 permit may be amended, through the permit amendment process, to authorize a total permit amount not to exceed 1 additional acre-foot per year.

(16.1.4) Any exempt use well within the BVGMZ must remain an exempt use well and may not be converted to a non-exempt use.

(16.1.5) Replacement Wells. A current operating permit holder or a well owner required to plug an abandoned or deteriorated well within the BVGMZ may drill a replacement well within 50 feet of the plugged well. The replacement well must be completed into the Lower Trinity Aquifer or any underlying formation and may only use the groundwater withdrawn for the same place of use, purpose of use, at the same withdrawal rate, and maximum annual production limit. This replacement well must be completed with casing and grouting of the annular space from the surface to the top of the production zone and its water bearing strata.

END OF RULE 16

EXHIBIT 1 – PUBLIC PARTICIPATION FORM

Public Participation Form

Instructions: Fill out all applicable blanks. Please print or write legibly.

NAME: _____

HOME ADDRESS: _____

_____

TELEPHONE: _____

EMAIL ADDRESS: _____

If you represent a group or organization, please state the name, address, and telephone number of that group or organization.

_____

_____

Agenda item (or items) you wish to address: _____

_____

NOTE: The public may also bring up any issue that is not on the current agenda as long as that issue is relevant to the jurisdiction and operations of the District but only for the purpose of asking that the issue be placed on a future agenda.

Item (or items) you wish placed on a future agenda: _____

_____

_____

Signature: _____

NOTE: This public participation form must be presented to the Board at the beginning of the Board meeting.

EXHIBIT 2 – MAP OF JACOB'S WELL GROUNDWATER MANAGEMENT ZONE

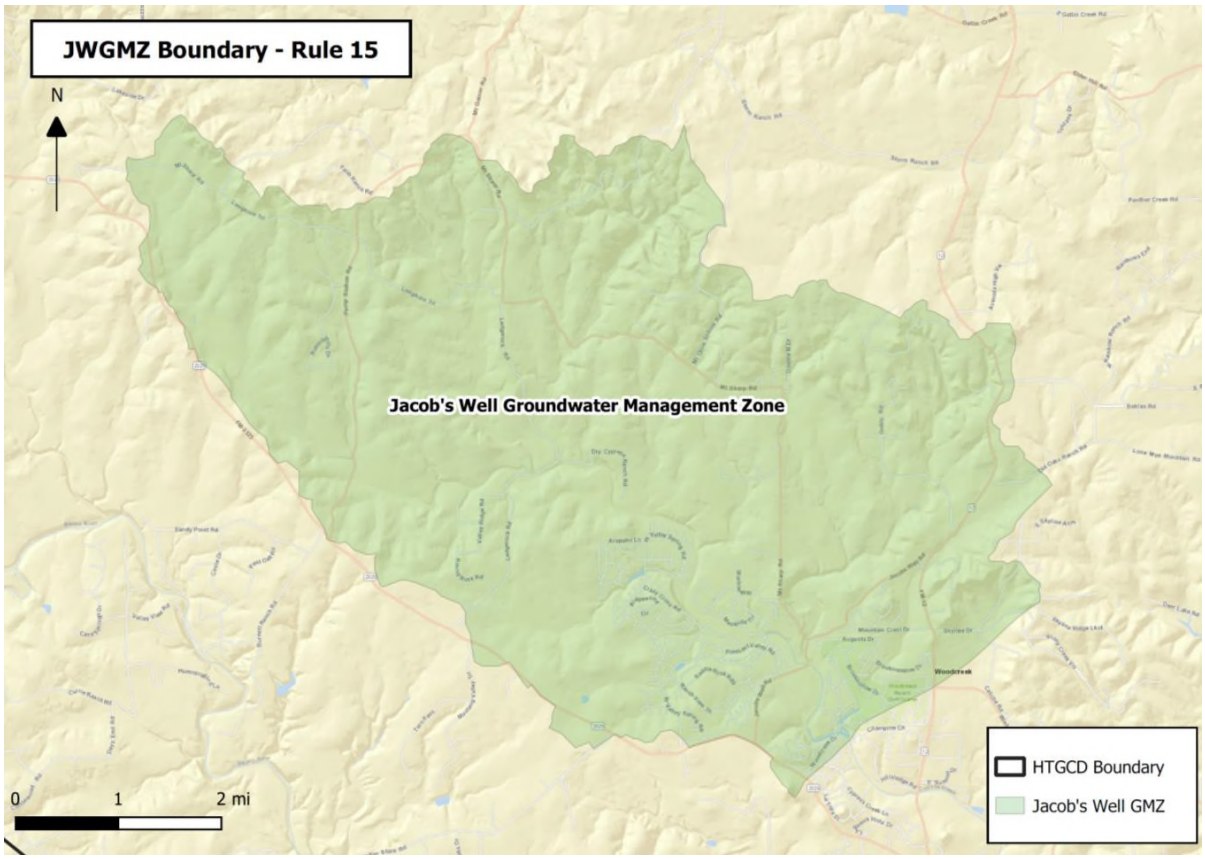
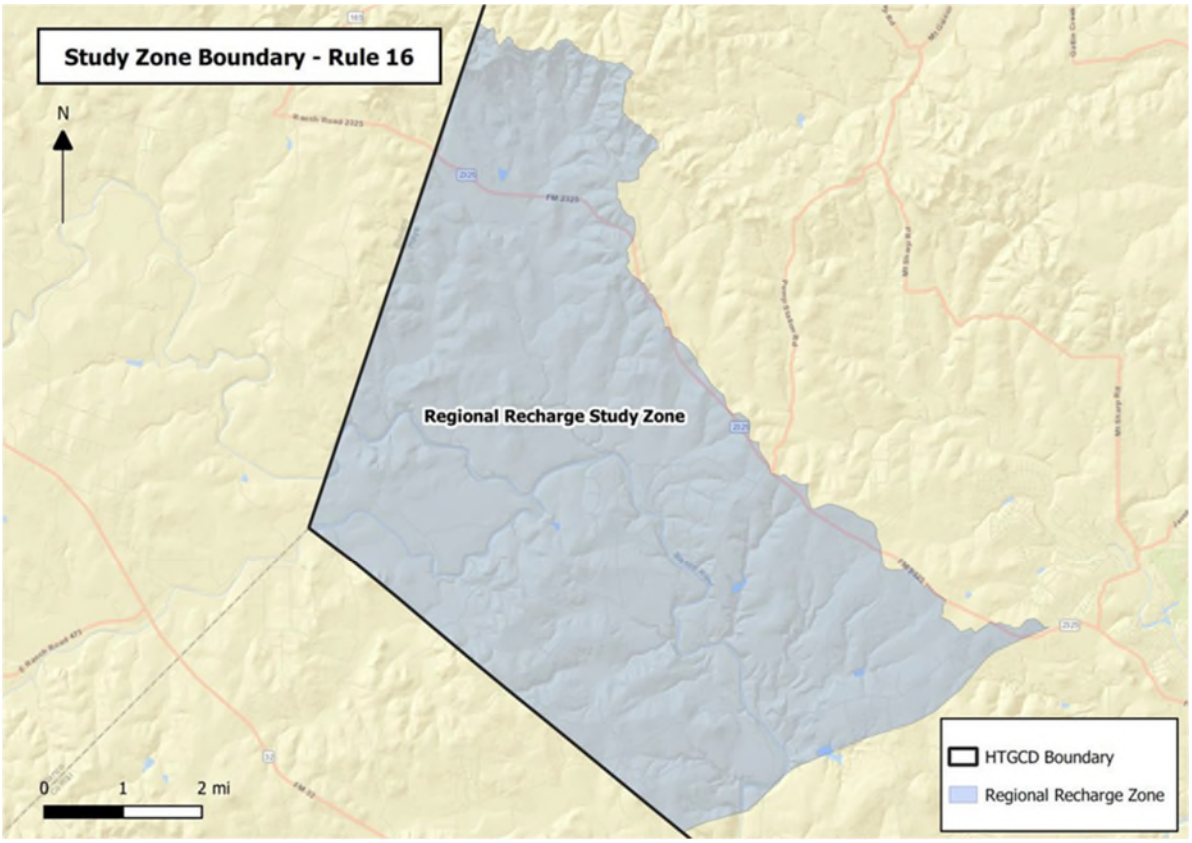
EXHIBIT 3 – MAP OF BLANCO VALLEY GROUNDWATER MANAGEMENT ZONE