

Plateau Underground Water  
Conservation & Supply District

Rules Adopted 1/28/93  
Rules Amended 1/26/01  
Rules Amended 8/04  
Rules Amended 3/11/2011  
Rules Amended 5/17/2012

**RULE - 1** Unless the context hereof indicates a contrary meaning, the words hereinafter defined shall have the following meaning in these Rules:

- (1) **“Abandoned well”** shall mean a water well that has not been used for six consecutive months. A water well is considered to be in use in the following cases:
  - (a) a non-deteriorated well which contains the casing, pump, and pump column in good condition; or
  - (b) a non-deteriorated well which has been capped.
- (2) **“Agent”** means the person authorized to act on behalf of the landowner with respect to obtaining drilling permits and registering wells.
- (3) **“Applicant”** means the owner of the land on which the well(s) or proposed well(s) are located, unless the landowner authorizes another person to act on his/her behalf with respect to obtaining drilling permits and registering the wells.
- (4) **“Aquifer”** shall mean a geologic formation that contains sufficient saturate material to be capable of storing water and transmitting water in usable quantities to a well.
- (5) **“Area of hydrologic impact”** shall mean, as projected on the land surface, the aerial extent of the migration of a subsurface water-bearing reservoir having ascertainable boundaries.
- (6) **“Artesian Well”** shall mean an artificial 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.
- (7) **“Authorized Well Site”** shall be:
  - (a) the location of a proposed non exempt water well on an application duly filed with the District until such application is denied; or

(b) the location of a proposed non exempt water well on a valid permit. (An authorized well site is not a permit to drill).

(c) a non exempt well which produced in excess of 25,000 gallons of water per day and which was in existence at the time the District was created or at the time the area was annexed into the District and is not considered to be an abandoned well or deteriorated well; or

(d) a non exempt well drilled after the District was created or after the area was annexed into the District that has a properly completed Well Registration on file in the District office and such well has not been “abandoned” by the well owner.

(8) “**Beneficial use**” or “**Beneficial purpose**” shall mean use for:

(a) agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational, or pleasure purposes;

(b) exploring for, producing, handling, or treating oil, gas, sulphur, or other minerals; or

(c) any other purpose that is useful and beneficial to the users that does not commit waste as defined in this rule.

(9) “**The Board**” shall mean the Board of Directors of the Plateau Underground Water Conservation & Supply District, consisting of five (5) duly elected members.

(10) “**Capped Well**” shall mean a well that is closed or capped with a covering capable of preventing surface pollutants from entering the well and sustaining a weight of at least four hundred (400) pounds, or, in the case of an artesian well, an artesian pressure of up to four hundred (400) pounds, as necessary to effectively prevent water from flowing out of the well and running over the surface of the ground above the well or wasting through the strata through which it passes.

(11) “**Casing**” shall mean a tubular watertight structure installed in the excavated or drilled hole, temporarily or permanently, to maintain hole sidewalls against caving and, along with cementing and/or bentonite grouting, to prevent surface contaminant infiltration

(12) “**Cement**” shall mean a neat Portland or construction cement mixture of not more than seven (7) gallons of water per ninety-four (94) pound sack of dry cement, or a cement slurry which contains cement along with bentonite, gypsum, or other additives; the well driller will adhere to the manufacturer’s recommended water content for the mix.

(13) “**Completion**” shall mean sealing off access of undesirable water to the well bore by proper casing and/or cementing procedures and adhering to State standards for completion.

- (14) “**Conservation**” shall mean:
- (a) the development of water resources; and
  - (b) those practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.
- (15) “**Deteriorated Well**” shall mean a water well, the condition of which will cause, or is likely to cause, pollution of any water in the District.
- (16) “**District**” shall mean the Plateau Underground Water Conservation & Supply District. When applications, reports, and other papers are required to be filed with or sent to “the District,” this means the District’s headquarters in Eldorado, Texas.
- (17) “**Domestic Well**” shall mean a well that will produce water to be used to supply the needs of a single household. This includes the use of water for home landscapes and home gardening.
- (18) “**Drilled to Density**” shall mean no more than a cumulative total of four (4) wells shall be permitted per survey section.
- (19) “**Driller’s Log or Well Log**” shall mean a log, accurately kept, on forms prescribed by the Texas Department of Licensing and Regulation, or any successor regulatory agency with jurisdiction therefor, at the time of drilling showing the depth, thickness, character of the different strata penetrated, location of water-bearing strata, depth, size and character of casing installed, together with any other data or information required by the Texas Department of Licensing and Regulation or of this Board.
- (20) “**Permit**” shall mean a permit issued by the District for a properly spaced non exempt well that may produce more than 25,000 gallons of water per day-
- (21) “**Exempt Well**” shall mean a well that is exempt from permitting as defined under Chapter 36, Texas Water Code.
- (22) “**Existing Well**” shall mean a well which was drilled before the date of passage of these Rules and which is not abandoned or sealed, or a well which was not completed on said date but for which a registration was on file with the District on such date.
- (23) “**Fresh Water**” shall mean water in which the bacteriological, physical, and

- chemical properties are such that it is suitable and feasible for beneficial use.
- (24) “**Installer**” shall mean an individual who installs or repairs pumps and equipment for hire or compensation and holds a current pump installers license with the Texas Department of Licensing and Regulation.
- (25) “**Licensed Water Well Driller**” shall mean any person who holds a license issued by the State of Texas pursuant to the provisions of the Texas Water Well Drillers Act, as amended, and the substantive rules of the Texas Department of Licensing and Regulation or its successors.
- (26) “**Monitoring Well**” shall mean a well installed to measure some property of the groundwater or aquifer which it penetrates that does not produce groundwater for the purpose of water supply.
- (27) “**Mud**” shall mean a relatively homogeneous, relatively viscous fluid produced by the suspension of clay-size particles in water. Specifically, it shall be a ten (10) pounds per gallon mud or heavier, with a marsh funnel viscosity of fifty (50) seconds or equivalent.
- (28) “**New well**” shall mean a well for which a notice of intention to drill or a permit is required pursuant to these Rules.
- (29) “**Open or Uncovered Water Well**” shall mean any artificial excavation drilled or dug for the purpose of producing water from the underground reservoir, not capped or covered as required by these Rules, and which is at least ten (10') feet deep and no more than six feet (6') in diameter.
- (30) “**Owner**” shall mean and include any person, as defined herein, who has the right to produce water from the land either by ownership, contract, lease, easement, or any other estate in the land.
- (31) “**Permitted Well**” shall mean a well not exempt by state law (as defined in these rules - Rule 1 and Chapter 36.113) and which has been either permitted or validated by the District.
- (32) “**Person**” shall mean and include any individual, partnership, firm, corporation, entity, municipal corporation, unincorporated area, government, or governmental subdivision or agency, business trust, estate, trust, or any other legal entity or association.
- (33) “**Plugging**” shall mean an absolute sealing of the well bore.
- (34) “**Pollution**” shall mean the alteration of the physical, thermal, chemical, or

biological quality of, or the contamination of, any water in the District, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness or public enjoyment of the water for any lawful or reasonable purpose.

(35) “**Pump Installation**” shall mean procedure employed in the placement, and preparation for operation, of equipment and materials used to obtain water from a well, including construction involved in establishing seals and safeguards as necessary to protect the water from contamination. The term includes repairs to an existing pump.

(36) “**Underground Water**” shall mean water suitable for agricultural, gardening, domestic, or stock raising uses, percolating below the earth’s surface, but shall not include water in a defined subterranean stream or in the underflow of a river.

(37) “**Undesirable Water**” shall mean water that is injurious to human health, vegetation, to land, or to fresh water, or water that can cause pollution.

(38) “**Waste**” as used herein shall have the same meaning as defined by the Legislature, as follows:

(1) the withdrawal of underground water from an underground water 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;

(2) the flowing or producing of wells from an underground water reservoir if the water produced is not used for a beneficial purpose;

(3) the escape of underground water from an underground water reservoir to any other reservoir that does not contain underground water;

(4) the pollution or harmful alteration of underground water in an underground water reservoir by salt water, other deleterious matter admitted from another stratum, or from the surface of the ground;

(5) willfully or negligently causing, suffering, or permitting underground water 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;

(6) groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge.

(7) for water produced from an artesian well.

(8) the flowing or producing of wells from an underground water reservoir if the water produced is not used for beneficial use.

- (39) **“Water”** shall mean groundwater.
- (40) **“Well” or “Water Well”** shall mean and include any artificial excavation constructed for the purpose of exploring for or producing groundwater.
- (41) **“Well Location”** shall mean the location of a proposed water well on an application duly filed until such application is granted or denied, or the location of a well on a valid permit.
- (42) **“Well Registration”** shall mean District recording of exempt well information e.g. owner-address, location, type, use, log, yield, quality and any additional information owner/operator or District may feel pertinent.
- (43) **“Well Validation”** shall mean confirmation and permitting of well location and wellhead equipment by District personnel.

## **RULE 2 - WASTE**

- (a) Groundwater shall not be produced within, or used within or without the District in such a manner or under such conditions as to constitute waste as defined in Rule 1 hereof.
- (b) Any person producing or using groundwater shall use every possible precaution, in accordance with the most approved methods, to stop and prevent waste of such water.
- (c) No person shall pollute or harmfully alter the character of the groundwater reservoir of the District by means of salt water or other deleterious matter and/or substance admitted from some other stratum or strata or from the surface of the ground.

## **RULE 3 - WELL REGISTRATION**

Registration Required: The owner or agent of an exempt well located in the District must register the exempt well with the District. It is a violation of these Rules for any person to operate an exempt well without having registered the well with the District. A registration is perpetual in nature, subject to cancellation for violation of these Rules.

WHERE TO REGISTER - An owner must file the required registration information at the District's principal office in Eldorado, Texas.

REREGISTRATION - If the owner of a registered well plans to change the use of the

water, increase the production rate of the water, or to substantially alter the size of the well or well pump in a manner that does not require a permit, the owner must reregister the well.

Reports: The following categories of exempt wells shall report production.

- (1) Any well related to hydrocarbon activity.
- (2) Any other exempt well which exceeds 25,000 gallons/day.

An exempt well status shall be withdrawn if, while the well was registered as an exempt well, the District determines that the well was pumping water in excess of an annualized average of 9,125,000 gallons of water per year.

If an exempt well status is withdrawn, the District may assess penalties in accordance with District Rules.

#### RULE 3A - REGISTRATION OF NEW EXEMPT WELLS

It is a violation of these rules for a well owner, well operator, or water well driller to drill any well without a "Notice of Intent to Drill" form approved by and on file with the District.

The staff will review the "Notice of Intent to Drill" and make a determination whether the well meets the exemptions definition. If it is determined that the well is exempt and otherwise complies with the District rules, the registrant may begin drilling and other activity upon receipt of an accepted Notice of Intent to Drill form, which shall be provided by the District no later than the third business day following the initial receipt of the Notice of Intent to Drill. The District shall also send a registration form to the well owner for completion.

The "Notice of Intent to Drill" shall include the following information, submitted on forms provided by the District:

1. Name and address of well owner
2. Location of well or proposed location, including county, section, block, survey, abstract, acreage or lot size and number of feet to the nearest non-parallel property lines.
3. Distance in feet to nearest well
4. Well use or proposed use.
5. Signed statement by the applicant that:
  - the proposed well is to be for domestic use on 2 acres or less of land or is exempt from permitting; and
  - the applicant will furnish the District with a completed Well Registration form within 30 days after completion of the well.

If the well is not exempt, District staff shall notify the registrant immediately, and no later than three business days following receipt of the "Notice of Intent to Drill" form, in which

case the well must be permitted prior to drilling or operation. A violation of this rule occurs on the first day the drilling, equipping, completion or alteration without the appropriate registration or permit begins and continues each day thereafter until the appropriate registration or permit is issued.

A well is considered registered when a completed well registration form provided by the District is returned to the District Office.

Exempt wells to be drilled on less than ten acres are NOT considered exempt and must file for a permit.

#### **RULE 4 - PERMIT REQUIRED**

A. No person shall hereafter begin to drill or drill a well, or increase the size of a well or pump therein, for a use other than domestic or livestock, without having first applied to the Board, and had issued a permit to do so, unless the drilling and operation of the well is exempt by the law or by these rules. Water wells without a permit or operating a well at a higher rate of production than the rate approved for the well is declared to be illegal, wasteful per se, and a nuisance.

B. No permit shall be required for the drilling of temporary wells exempt by Subsection 117 of Chapter 36, Texas Water Code (being generally wells used for the production of oil, gas or other minerals and water wells used in conjunction therewith).

C. All permitted wells or authorized well sites issued under these Rules are conditional, and the Board may revoke its authorization if the person to whom the authorization was issued does not comply with the Rules of the District; does not comply with the terms and conditions stated in the drilling permit; or abandons the well. The District shall provide reasonable notice and opportunity for hearing before revoking the authorization.

D. After an application for a permit has been granted, the well, if drilled, must be drilled in compliance with all District rules. If the well should be commenced or drilled at a different location than the location given on the permit application and the new location is in violation of the District rules, the drilling or operation of such well may be enjoined by the District pursuant to Chapter 36, Texas Water Code, as amended and/or the District may initiate enforcement proceedings under Rule 14. The District shall have the right to confirm reported distances and inspect the wells or well locations.

E. An exempt well which ceases to be used solely for domestic or livestock use must apply for a permit from the District.

#### **RULE 5 - PERMIT TERM**

A permit grants a right to the well owner to produce water in the amount, and in accordance with the terms of the permit until there is a change, or proposed change, in any of the following:

1. Ownership of well
2. Amount of water used
3. Location of well
4. Use of water
5. Location of use of water

Upon the occurrence, or proposed occurrence of any of these events, a new application for a well permit must be filed with the District to be acted upon, in the same manner, and in accordance with the same procedures hereinabove set forth in Rule 10 as for an original permit application.

B. A permit may be forfeited, for three (3) years non-production from a permitted well.

#### **RULE 6 - REPORT OF ANNUAL WATER USE**

All permit holders shall annually report to the District the total amount of groundwater pumped per well during the previous year. To facilitate reporting the District will make available forms to report the water used annually. Reports must be completed and returned to the District office in Eldorado, Texas by March 1<sup>st</sup> of the year following the reporting period. Failure to timely file the annual report will subject the permit holder to civil penalty and other sanctions provided in these rules.

#### **RULE 7 - LIMITATIONS OF PERMITTING**

In order to conserve, preserve and protect the underground water resources of the District, for the purposes of protecting the human and wildlife environment of the District, total combined permitting under Rule 10 will be limited to the total annual production of annual recharge which shall be determined by Texas Water Development Board data, scientific research, or any other resource available to the District. Once a total annual recharge of production has been realized through exempt and permitted wells as determined by the Board of Directors, no further permits will be issued until either a permit terminates because of the occurrence of one of the events set forth in Rule 5 or a permit has been forfeited pursuant to Rule 5.

A. The average water level increase/decline will be reviewed by the Board of Directors at least once a year at which time production allowances for permitted wells may be adjusted to insure for the conservation and preservation of the groundwater. The Board may choose one of the following:

1. If an adjustment is administered, all production of non grandfathered permits will be altered in like manner regardless of beneficial use, or
2. If total combined water usage within the District has not met the annual recharge amount then all subsequent permits will be set at a reduced production

allowable as necessary.

B. Grandfathered Permits - will include wells that are in existence as of the date Plateau UWCSO rules are adopted (1/28/93) and/or amended (1/26/2001).

1. Wells with grandfather status shall have a maximum production rate of 150 acre feet per year or that amount which has been used on a yearly basis and can be proven through Farm Service Agency records or electrical consumption records.
  2. Wells with grandfather status shall abide by all District rules except Rule 7 (A).
  3. Changes in permit conditions, i.e. ownership of well, amount of water used, location of well, use of water or location of use of water, are considered a forfeiture of grandfather status and a new permit application must be filed with the District.
- C. For permits issued but not considered grandfathered, the quantity of groundwater produced annually shall be limited to the maximum amount for which the applicant can demonstrate a need and ability to apply the groundwater produced to a beneficial use, not to exceed one acre foot per contiguous acre owned per year, and not to exceed 250 acre feet per year. The maximum production rate shall be subject to production increases/decreases as aquifer levels are assessed by the Board of Directors. The maximum production per survey section shall be one acre foot per contiguous acre owned per year.
- D. The District may require permit holders to supply electrical records to verify the amount of water produced annually. The District also reserves the right to require the permit holder to install a water metering device as part of the permit specifications. This right may be exercised at the time of permit application or any time during the term of the permit. When a water metering device installation is required the time period of metering will also be established.
- E. The District reserves the right to require that the well completion of a permitted well include a 3/4" bore hole with cap for water level measurement entry into the well.

#### **RULE 8 - EXCEPTION TO PRODUCTION RATE**

A permit holder may apply to the District for an exception to the maximum production rate. All exceptions are subject to Board approval and shall be reviewed every three years.

#### **RULE 9 - ISSUANCE OF PERMITS**

(a) The Board shall issue or cause to be issued a permit for a well properly spaced upon proper application executed and filed by the owner or his/her agent with the District and accompanied by the required deposits or fees and containing the matters specified below. An application shall be considered filed

when properly made out, completed, and signed and tendered to the District or a person duly designated by such District to receive the same.

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

(b) Rules for filing of applications:

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

(2) If the application is by a partnership, the applicant shall be designated by the firm name followed by the words "a Partnership" and the application shall be signed by at least one of the general partners who is duly authorized to bind all of the partners.

(3) In the case of a corporation, public district, county or municipality, the application shall be signed by a duly authorized official. A copy of the resolution or other authorization to make the application may be required by the officer or agent receiving the application.

(4) In the case of an estate or guardianship, the application shall be signed by the duly appointed guardian or representative of the estate.

c. Such applications shall set forth the following:

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

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

(3) The size of the pump.

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

(5) The location of the three (3) nearest wells within a quarter of a mile of the proposed location, and the names of the owners thereof.

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

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

(8) The name and address of the fee owner of the land upon which the well location is to be made.

(9) The proposed depth or water-bearing formation from which applicant shall complete and produce from said well;

(10) The proposed amount of groundwater to be used.

## **RULE 10 - REQUIREMENT OF DRILLER'S LOG, CASING AND PUMP DATA**

(a) Complete records shall be kept and reports thereof made to the District concerning the drilling, maximum production potential, equipping and completion of all wells drilled. Such records shall include an accurate driller's log, any electric log which shall have been made and such additional data concerning the description of the well, its potential, hereinafter referred to as "maximum rate of production" and its actual equipment and rate of discharge permitted by said equipment as may be required by the Board. Such records shall be filed with the District Board within 30 days after the completion of the well.

(b) No person shall produce water from any well hereafter drilled and equipped within the District, except that necessary to the drilling and testing of such well and equipment, unless or until the District has been furnished an accurate driller's log, any electric log which shall have been made, and a registration of the well correctly furnishing all available information required on the forms furnished by the District.

## **RULE 11 - MINIMUM SPACING OF WELLS**

### **I. Permitted Wells (Non-Exempt Wells)**

#### **(A) Distance Requirements**

(1) No well to be drilled subsequent to the date of enactment of this rule shall be drilled such that said well shall be located nearer than thirteen hundred twenty (1320') feet from the nearest existing permitted well on the same contiguous owned acreage nor closer than fifty (50') feet to the property line, provided that the Board, in order to prevent waste or to prevent confiscation of property, may grant exceptions to permit drilling within shorter distances than those above described when the Board shall determine that such exceptions are necessary either to prevent waste or to prevent confiscation of property.

(2) In the interest of protecting life and for the purpose of preventing waste and preventing confiscation of property, the Board reserves the right in particular subterranean water zones and/or reservoirs to enter special orders increasing or decreasing distances provided by this rule.

(B) Well Density. Subject to paragraph (a) et seq. above, no more than a cumulative total of four wells, whether drilled prior to or subsequent to enactment of this rule, shall be permitted per contiguously owned survey section Hereinafter referred to as "drilled to density"). For a new permit to be approved on a section already drilled to density, one of the existing permitted wells in the section may be required by the Board to be plugged.

### **II. Domestic/Livestock Wells (Exempt Wells) - Distance Requirements**

(A) No exempt well shall be drilled nearer than fifty (50') feet to any property line. However, this distance may be decreased to a minimum of

five (5') feet to any property line provided the annular space between the casing and the borehole wall is cemented from the land surface to the top of the production layer.

(B) These distances for exempt wells are the State requirements (State Water Well Drillers Rules) and are listed here as a convenience. They are subject to change at any time by the State.

#### **RULE 12 - EXCEPTION TO SPACING RULE**

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

(b) If an exception to such spacing regulations is desired, application thereof shall be submitted by the applicant in writing to the Board at its District Office on forms furnished by the District. The application shall be accompanied by a plat or sketch, drawn to scale of one (1) inch equaling six hundred (600) feet. The plat or sketch shall show thereon the property lines in the immediate area and shall show accurately to scale all wells within a quarter mile of the proposed well site. The application shall also contain the names and addresses of all property owners adjoining the tract on which the well is to be located and the ownership of the wells within a quarter mile of the proposed location. Such application and plat shall be certified by some person actually acquainted with the facts who shall state that all the facts therein are true and accurate.

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

#### **RULE 13 - ENFORCEMENT OF RULES**

All rules duly adopted, promulgated and published by this District shall be enforced as provided for under Texas Water Code, Chapter 36 and subsequent changes thereto.

A. The District may enforce this chapter, and its Rules, by injunction, mandatory injunction, or other appropriate remedy, in a court of competent jurisdiction.

B. The Board may set civil penalties for breach of any rule of the District that shall not exceed the jurisdiction of a justice court, as provided by Section 27.031, Government Code.

C. A penalty under this section is in addition to any other penalty provided by the law of this state and may be enforced by complaints filed in a court of competent jurisdiction in Schleicher County, Texas.

D. If the District prevails in any suit to enforce its Rules, it may, in the same action, recover reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the Court. The amount of the attorney's fees shall be fixed by the court.

#### **RULE 14 - PLACE OF DRILLING OF WELL**

After an application for a well permit has been granted, the well, if drilled, must be drilled within thirty (30) feet of location specified in the permit, and not elsewhere. If the well should be commenced or drilled at a different location, the drilling or operation of such well may be enjoined by the Board pursuant to Chapter 36, Texas Water Code.

#### **RULE 15 - REWORKING OR REPLACING OF WELL**

(a) No person shall rework, redrill, or reequip a well in a manner that would increase the maximum rate of production of such well as established by Rule 11 above without first having made an application to the Board, and having been granted a permit by the Board to do so; nor shall any person replace a well without a permit by the Board. A replacement well, in order to be considered such, must be drilled within one hundred fifty (150) feet of the old well and not elsewhere. It must not be located toward any other well or authorized well site unless the new location complies with the minimum spacing requirements set out in Rule 12; otherwise the replacement well shall be considered to be a new well for which application must be made under Rule 10 above. Provided, however, that the Board may grant an exception without notice or hearing in any instance where the replacement well is placed farther away from any existing wells or authorized well sites.

The location of the old well (the well being replaced) shall be protected in accordance with the spacing rules of the District until the replacement well is drilled and tested. The landowner or his agent must within 90 days of the issuance of the permit declare in writing to the District which one of these two wells he desires to produce. If the landowner does not notify the District of his choice within this 90 days, then it will be conclusively presumed that the new well is the well he desires to retain. Immediately after determining which well will be retained for production, the other well shall be:

- (1) plugged and abandoned, or
- (2) properly equipped in such a manner that it cannot produce more than 25,000 gallons of water a day; or
- (3) closed in accordance with article 9202, Vernon's Annotated Civil Statutes, as amended. Violation of such articles is made punishable

thereby a fine of not less than \$100.00 nor more than \$500.00.

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

(b) The size or maximum rate of production of a well shall not be hereafter changed to a larger size or capacity so as to substantially increase the rate of production of a well without a permit from the Board. (For example, increasing the size of the well bore from six inches to eight inches.)

(c) In the event that application meets all spacing requirements, the Board may grant such application without further notice.

#### **RULE 16 - TIME DURING WHICH A PERMIT SHALL REMAIN VALID**

Any permit granted hereunder shall be valid if the work permitted shall have been completed within two (2) months from the filing date of the application. It shall thereafter be void. Provided, however, that the Board, for good cause, may extend the life of such permit for an additional two (2) months if an application for such extension shall be made to the District during the first two (2) months period. Provided further, that when it is made known to the Board that a proposed project will take more time to complete, the Board, upon receiving written application may grant such time as is reasonably necessary to complete such project.

#### **RULE 17 - CHANGED CONDITIONS**

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

#### **RULE 18 - RIGHT TO INSPECT AND TEST WELLS**

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

### **RULE 19 - SEALING OF WELLS**

(a) Pursuant to a court order, the District may, upon orders from the judge of the courts, seal wells that are prohibited from withdrawing groundwater within the District, to ensure that a well is not operated in violation of the District Rules.

A well may be sealed when:

(1) no application has been made for a permit to drill a new water well which is not excluded or exempted; or

(2) no application form has been filed for a permit to withdraw groundwater from an existing well which is not excluded or exempted; or

(3) the Board has denied, canceled or revoked a permit application.

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

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

### **RULE 20 - OPEN WELLS TO BE CAPPED**

Every owner or operator of any land within the District upon which is located any open or uncovered well is, and shall be, required to close or cap the same permanently with a covering capable of sustaining weight of not less than four hundred (400) pounds, except when said well is in actual used by the owner or operator thereof; and no such well owner or operator shall permit or allow any open or uncovered well to exist in violation of this requirement. Officers, agents and employees of the District are authorized to serve or cause to be served written notice upon any owner or operator of a well in violation of this rule, thereby requesting such owner and/or operator to close or cap such well permanently with a covering in compliance herewith. In the event any owner or operator fails to comply with such request within ten (10) days after such written notice, any officer, agent, or employee of the District may go upon said land and close or cap said well in a manner complying with this rule and all expenditures thereby incurred shall constitute a lien upon the land where such well is located, provided, however, no such lien shall exceed \$500 for any single closing. Any officer, agent, or employee of the District, is authorized to perfect said lien.

### **RULE 21 - FINAL ORDERS OF THE BOARD**

The orders of the Board in any non-contested application of proceeding shall become the final order of the Board on the day it is entered by the Board. All orders of the Board in contested applications, appeals or other proceedings shall contain a statement that

the same was contested. In such event the order will become final after fifteen (15) days from the entry thereof and be binding on the parties thereto unless a motion for rehearing is filed under Rule 19 hereof.

### **RULE 22 - REHEARING**

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

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

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

### **RULE 23 - RULES OF GOVERNING PROTESTS**

A. Notice of Protest - In the event anyone should desire to protest or oppose any pending matter before the Board, a written notice of protest or opposition shall be filed with the Board on or before the date on which such application or matter has been set for hearing. For the convenience of the Board, it is urgent that protests be filed at least five (5) days before the hearing date.

B. Protest Requirements - Protests shall be submitted in writing with a duplicate copy to the opposite parties and shall comply in substance with the following requirements:

(1) Each protest shall show the name and address of the protestant and show that protestant has read either the application or a notice relative thereto published by the Board.

(2) There shall be an allegation of injury to protestant which will result from the proposed action or matter to be considered by the Board.

(3) If the protest is based upon claim of interference with some present right of protestant, it shall include a statement of the basis of protestant's claim of right.

(4) Protestant should call attention to any amendment of the application of adjustment which, if made, would result in withdrawal of the protest.

C. Contested Applications or Proceedings Defined - An application, appeal, motion, or proceeding pending before the Board is considered contested when either protestants or interveners, or both, files the notice of protest as above set out and appears at the hearing held on the application, motion or proceeding and presents testimony or

evidence in support of their contentions, or present a question or questions of law with regard to the application, motion or proceedings. Where neither protestants nor interveners so appear and a question of law with reference to any pending application, motion or proceeding, the same shall be considered as non-contested.

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

#### **RULE 24 - GENERAL RULES OF PROCEDURE FOR HEARING**

A. Hearings - Hearings will be conducted in such a manner as the Board deems most suitable to the particular case, and technical rules of legal and court procedure need not be applied. It is the purpose of the Board to obtain all the relevant information and testimony pertaining to the issue before it as conveniently, inexpensively and expeditiously as possible without prejudicing the rights of either applicants or protestants.

B. Who May Appear - Any party at interest in a proceeding may appear either in person or by attorney or both in such proceedings. A party at interest is any person owning a water right within the bounds of the District who is or may be affected by such proceeding. At the discretion of the Board, anyone not a party at interest in a proceeding may appear.

C. Admissibility - Evidence will be admitted if it is of that quality upon which reasonable persons are accustomed to rely in the conduct of serious affairs. It is intended that needful and proper evidence shall be conveniently, inexpensively, and speedily produced while preserving the substantial rights of the parties to the proceedings.

D. Testimony Shall Be Pertinent - The testimony shall be confined to the subject matter contained in the application or contest. In the event that any party at a hearing shall pursue a line of testimony or interrogation of a witness that is clearly irrelevant, incompetent or immaterial, the person conducting the hearing may forthwith terminate such line of interrogation.

E. A Stipulation - Evidence may be stipulated by agreement of all parties at interest.

F. Limiting Number of Witnesses - The right is reserved to the Board in any proceeding to limit the number of witnesses appearing whose testimony may be merely cumulative.

#### **RULE 25 - GENERAL RULES**

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

B. Time Limit - Applications, requests, or other papers or documents required or permitted to be filed under these rules or by law must be received for filing at the Board's offices in Eldorado, Texas. The date of receipt and not the date of posting is determinative.

C. Show Cause Orders and Complaints - The Board, either on its own motion or upon

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

#### **RULE 26 - WELL VALIDATION**

In order to provide for the validation of existing water wells that are subject to the rules and regulations of the District, it shall be the policy of this Board that a certificate of validation for a well can be issued only after the location of the well and the wellhead equipment of the well has been determined by field survey by the District personnel, and/or designated agents acting for said District.

It is the privilege of this Board to cause to be issued a validation certification for wells drilled and equipped within the District for which the landowner or his agent has not applied for an Application For Water Well Permit; or for wells not otherwise properly permitted, provided that such wells were not drilled, equipped and operated in such a manner as to violate any other rules and regulations of the District; and provided that the costs of such well validation are paid to the District as provided by this resolution. Nothing in this resolution is intended to limit the powers of this Board to any other course of action granted within Texas Law, or within its rules and regulations, or within the prerogative of the Board.

#### **RULE 27 - TRANSPORTATION OF WATER FROM THE DISTRICT**

I. Every person must obtain a permit from the District for the transporting of water by pipeline, channel, ditch, watercourse or other natural or artificial facilities, or any combination of such facilities, if such water is produced from wells located or to be located within the District, and if all or part of such water is used or is intended for use outside of the boundaries of the District. However, the requirement for a permit hereunder shall not apply to any well currently in operation located within the District prior to the effective date of this Rule provided that amount of water transported from such well annually shall not exceed the greatest amount of water transported in any one of the previous three (3) calendar years.

(a) The permit provided for herein must be applied for and filed with the District in the form or forms promulgated by the District hereunder and such permit must be obtained from the District prior to the proposed transporting of water, all in accordance with the provisions of this rule.

(b) An application for the transportation of water for which a permit is required under this Rule must:

- (1) be in writing and sworn to;
  - (2) contain the name, post office address and place of residence or principal office of the applicant;
  - (3) identify the location of the well or wells including latitude and longitude and physical directions to each well from which the water to be transported is produced or to be produced;
  - (4) describe specifically the proposed transportation facilities which includes, but is not limited to:
    - (i) a technical description of the proposed well(s) and production facility, including the depth of the well(s), casing diameter, type and setting of casing, perforation interval of casing, cementing information and size of pump.
    - (ii) a technical description of the facilities to be used for the transportation of the water.
  - (5) state the nature and purposes of the proposed use and the amount of water to be used for each purpose;
  - (6) state the time within which the proposed construction or alteration is to begin;
  - (7) state the length of time required for the proposed use of the water;
  - (8) provide scientific evidence showing that the proposed operation will not cause pollution, cause waste or cause a significant decline in water levels within a ten (10) mile radius of the operation.
  - (9) identify any other possible sources which could be used for the stated purposes, including quality and quantity of such alternate sources;
  - (10) identify any other liquids that could be substituted for the fresh ground water and possible sources of such liquid including quantity and quality.
  - (11) state the names and addresses of the property owners within one-half (½) mile of the location of the well(s) from which water is to be transported and the location of any wells on those properties;
  - (12) provide information showing the effect of the proposed transportation on the quantity and quality of water available within the District;
  - (13) include a water conservation plan and a drought management plan.
- (c) The application must accompanied by a map or plat drawn on a scale not less than one inch equals 4,000 feet, showing substantially:
- (1) the location of the existing or proposed well(s); and
  - (2) the location of the existing or proposed water transporting facilities;
  - (3) the location of the proposed or increased use or uses.
- (d) The application must be accompanied by an application fee in the amount of \$500.00.
- (e) The District shall determine whether the application, maps, and other materials comply with the requirements of this Act. The District may require amendment of the application, maps, or other materials to achieve necessary

and

compliance.

(f) The District shall conduct a hearing on each application within thirty (30) days of the filing of the complete application.

(g) The District shall give notice of the hearing on the application as prescribed by this Rule, stating:

- (1) the name and address of the applicant;
- (2) the date the application was filed;
- (3) the location and purpose of the well from which the water to be transported is produced or to be produced;
- (4) the time and place of the hearing; and
- (5) any additional information the District considers necessary.

(h) At the time and place stated in the notice, the District shall hold a hearing on the application. The hearing may be held in conjunction with any regular or special meeting of the District, or a special meeting may be called for the purpose of holding a hearing. Any person may appear at the hearing, in person or by attorney, or may enter his appearance in writing. Any person who appears may present evidence, orally or by affidavit, in support or in opposition to the issuance of the permit, and may hear arguments.

(i) After the hearing, the District shall make a written decision granting or denying the application. The application may be granted in whole or in part. Any decision to grant a permit, in whole or in part, shall require a majority vote of Directors present.

(j) Such application shall not be approved unless the Board of Directors finds and determines that the transporting of water for use outside the District applied for will not substantially affect the quantity or quality of water available to any person or property within the District; that all other feasible sources of water available to the person requesting a permit have been developed and used to the fullest; that no other liquid could be feasibly substituted for the fresh groundwater; and that the proposed use, or any part of the proposed use, will not constitute waste as defined under the laws of the State of Texas. In evaluating the application, the District shall consider the quantity of water proposed to be transported; the term for which the transporting is requested; the safety of the proposed transportation facilities with respect to the contamination of the aquifer; the nature of the proposed use; the effect of the proposed use of the water to be transported on District residents taking into account all beneficial use of District residents, including municipal, agricultural, industrial, recreational and other categories; and such other factors as are consistent with the purposes of the District.

(k) On approval of an application, the District shall issue a permit to the applicant. The applicant's right to transport shall be limited to the extent and purposes stated in the permit. A permit shall not be transferable.

(l) The permit shall be in writing and attested by the seal of the District and it shall contain substantially the following information:

- (1) the name of the person to whom the permit is issued;
- (2) the date the permit is issued;

- (3) the term for which the permit is issued;
- (4) the date the original application was filed;
- (5) the destination and use or purpose for which the water is to be transported;
- (6) the maximum quantity of water to be transported annually;
- (7) the time within which construction or work on the well transportation facilities must begin and the time within which it must be completed;
- (8) the annual fee assessment for each acre foot withdrawn for the purposes of transportation outside the District as dictated by Chapter 36, Texas Water Code; and

(m) The permittee shall file with the District quarterly reports describing the amount of water transported and used for the permitted purpose. Such report shall be filed on the appropriate form or forms provided by the District within ten (10) days of March 31, June 30, September 30, and December 31 following the commencement of transporting of water, and within ten (10) days of each such quarterly date thereafter.

(n) All transporting facilities for wells subject to the requirements of this subsection shall be equipped with flow monitoring devices approved by the District and be available for District inspection at any time.

(o) Any permit granted under this subsection shall be subject to revocation for waste by the permittee, or for substantial deviation from the purposes or other terms stated in the permit.

(p) A permit for transportation of water carries the same date and term as the well permit and follows the same stipulations as set forth in Rule 5 Permit Term.

II. Any person transporting water produced from wells located within the District for use outside of the District, regardless of the amount of water so transported, must register such transporting with the District. Such registration shall be made within one hundred eight (180) days after the effective date of this Rule.

(a) Any person subject to the requirements of the Subsection II shall file with the District quarterly reports describing the amount of water transported, the destination and use of such water. Such report shall be filed on the appropriate form or forms provided by the District within ten (10) days of March 31, June 30, September 30 and December 31 following the commencement of transporting of water and within ten (10) days of each such quarterly date thereafter.

(b) All transporting facilities for wells subject to the requirements of this Subsection shall be equipped with flow monitoring devices approved by the District and available for District inspection at any time.

## **RULE 28 - WELL DRILLING, COMPLETION, CAPPING AND PLUGGING**

(a) Responsibility - All well drillers and persons having a well drilled, deepened, or otherwise altered shall adhere to the provisions of this Rule prescribing the location of wells and proper drilling, completion, capping, and plugging of wells.

(b) Location of Domestic, Industrial, Injection, and Irrigation Wells

(1) Except as noted in paragraph (c)(1) of this Rule (relating to Standards of Completion for Domestic, Industrial, Injection, and Irrigation Wells), a well shall be located a minimum horizontal distance of 50 feet from any water-tight sewage and liquid-waste collection facility.

(2) Except as noted in paragraph (c)(1) of this Rule (relating to Standards of Completion for Domestic, Industrial, Injection, and Irrigation Wells), a well shall be located a minimum horizontal distance of 150 feet from any concentrated sources of contamination, such as existing or proposed livestock or poultry yards, privies, and septic system absorption fields.

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

Wells (c) Standards of Completion for Domestic, Industrial, Injection, and Irrigation

Domestic, industrial, injection, and irrigation wells shall be completed in accordance with the following specifications and in compliance with local county and/or incorporated city ordinances:

(1) The annular space between the borehole and the casing shall be filled from the ground level to a depth of not less than 10 feet below the land surface or well head with cement slurry. The distances given in Paragraph (b)(1) and (2) of this Paragraph (relating to Location of Domestic, Industrial, Injection, and Irrigation Wells) may be decreased provided the total depth of cement slurry is increased by twice the horizontal reduction. In areas of shallow, unconfined groundwater aquifers, the cement need not be placed below the static water level. In areas of shallow, confined groundwater aquifers having artesian head, the cement need not be placed below the top of the water-bearing strata.

(2) In all wells where plastic casing is used, a concrete slab or sealing block shall be placed above the cement slurry around the well at the ground surface.

(i) The slab or block shall extend at least two (2) feet from the well in all directions and have a minimum thickness of four inches and shall be separated from the well casing by a plastic or mastic coating or sleeve to prevent bonding of the slab to the casing.

(ii) The surface of the slab shall be sloped to drain away from the

well.

(iii) The top of the casing shall extend a minimum of one foot above the top of the slab.

(3) In all wells where steel casing is used:

(i) The casing shall extend a minimum of one foot above the original ground surface; and

(ii) A slab or block as described in Paragraph (2)(I) is required

- above the cement slurry except where a pitless adapter is used.
- (4) Pitless adapters may be used in such wells provided that:
    - (i) the adapter is welded to the casing or fitted with another suitable effective seal; and
    - (ii) the annular space between the borehole and the casing is filled with cement to a depth not less than 15 feet below the adapter connection.
  - (5) All wells, especially those that are gravel packed, shall be completed so that aquifers or zones containing waters that are known to differ significantly in chemical quality are not allowed to commingle through the borehole-casing annulus or the gravel pack and cause quality degradation of any aquifer or zone.
  - (6) The well casing shall be capped or completed in a manner that will prevent pollutants from entering the well.
- (d) Standards for completion for Wells Encountering Undesirable Water.
- (1) If a well encounters undesirable water and the well is not plugged, the licensed well driller or owner shall see that the well drilled, deepened or otherwise altered is forthwith completed in accordance with the following:
    - (i) When undesirable water is encountered in a well, the undesirable water shall be sealed off and confined to the zone(s) of origin.
    - (ii) When undesirable water is encountered in a zone overlaying fresh water, the well shall be cased from top of the fresh water zone to the land surface.
    - (iii) The annular space between the casing and the wall of the borehole shall be cemented to the land surface.
    - (iv) When undesirable water is encountered in a zone underlying a fresh water zone, the part of the well bore opposite the undesirable water zone shall be filled with cement to a height that will prevent the entrance of the undesirable water into the pumping well.
  - (2) The person who performs the well completion on a well containing undesirable water shall, within 30 days after completing the well, submit a well completion report to the District Manager, on forms supplied by the District.
- (e) Standards for Wells Producing Undesirable Water
- (1) Wells completed to produce undesirable water shall be cased from the top of the undesirable water zone or 50 feet below the lowermost fresh water zone to the land surface.
  - (2) The annular space between the casing and the wall of the borehole shall be cemented to the land surface, or as a minimum, to a height greater than the hydrostatic head of the undesirable water aquifer plus the uppermost 10 feet of casing.
  - (3) If the undesirable water does not enter the cased part of the well, the lowermost of uppermost 10 feet (minimum) of the casing shall be

cemented in order to seal off all other water-bearing or other permeable sections from the well.

(f) Recompletions

(1) The landowner shall have the continuing responsibility of ensuring that a well does not allow the commingling of undesirable water and fresh water or the unwanted loss of water through the well bore to other porous strata.

(2) If a well is allowing the commingling of undesirable water and fresh water or the unwanted loss of water, and the casing in the well cannot be removed and the well recompleted with the applicable rules, the casing in the well shall be perforated and squeeze cemented in a manner that will prevent the commingling or loss of water. If such a well has no casing, then the well shall be cased and cemented, or plugged in a manner that will prevent such commingling or loss of water.

(3) the District Manager may direct the landowner to take proper steps to prevent the commingling of undesirable water and fresh water, or the unwanted loss of water.

(g) Well Plugging and Capping

(1) It is the responsibility of the landowner or person having the well drilled, deepened, or otherwise altered, to plug or have plugged a well which is abandoned..

(2) It is the responsibility of the landowner or person having the well drilled, deepened, or otherwise altered, to see that any well which encounters undesirable water is plugged under the standards set forth in this Rule. (Relating to Well Drilling, Completion, Capping, and Plugging).

(3) The person that plugs such a well shall, within 30 days after completion of plugging is complete, submit a well completion and plugging report to the District Manager, on forms supplied by the District Manger.

(h) Standards for Plugging Wells

(1) If the use of a well that does not contain any undesirable water zones is permanently discontinued, all removable casing shall be removed from the well and the entire well filled with cement to the land surface.

(2) In lieu of the procedure in subsection (1) of this paragraph, the well may be filled with heavy mud followed by a cement plug extending from the land surface to a depth of not less than 10 feet.

(i) Standards for Plugging Wells That Penetrate Undesirable Water Zones

(1) If the use of a well that penetrates undesirable water is to be permanently discontinued, all removable casing shall be removed from the well and the entire well filled with cement to the land surface.

(2) In lieu of the procedure in subsection (1) of this paragraph, either the zone(s) contributing undesirable water, or the fresh water zone(s), shall be isolated with cement plugs and the remainder of the well bore filled with heavy mud to form a base for a cement plug extending from the land surface to a depth of not less than 10 feet. If a well is plugged under this

subsection, prior approval of the plugging procedure must be obtained from the District.

#### **RULE 29 - REPORTING UNDESIRABLE WATER**

(a) Each licensed well driller shall immediately inform the landowner or person having a well drilled, deepened, or otherwise altered when undesirable water has been encountered.

(b) The well driller shall submit to the District Manager and the landowner or person having the well drilled, deepened, or otherwise altered, on forms supplied by the District Manager, a statement signed by the well driller indicating that the landowner or person having the well drilled, deepened, or otherwise altered, has been informed that undesirable water has been encountered and shall note on all logs filed that such water was found.

(c) The statement indicated in subsection (b) of this Rule must be submitted within 10 days after encountering undesirable water.

#### **RULE 30 - AMENDMENTS TO RULES**

All changes or amendments to the District Rules shall include the following requirements:

(a) those requirements as set forth in Chapter 36, Texas Water Code; and

(b) a summarization of rule changes published in the local newspaper with a notice of public hearing on proposed rule changes.

(c) a complete copy of the District Rules shall be filed at the County Clerk's Office.

#### **REPEAL OF PRIOR REGULATIONS**

All of the previous rules and regulations of the District have been revised and amended; and except as they are herein republished, they are repealed. Any previous rule or regulation which conflicts with or is contrary to these rules is hereby repealed.

#### **SAVINGS CLAUSE**

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