

**SUTTON COUNTY UNDERGROUND
WATER CONSERVATION DISTRICT
P.O. Box 707
Sonora, Texas 76950**

August 26, 1998

Mr. Craig Pedersen
Executive Administrator
Texas Water Development Board
1700 N. Congress
Austin, Texas 78711-3231

Dear Mr. Pedersen,

Attached is a copy of the adopted Management Plan of the Sutton County Underground Water Conservation District as required by §36.1072 (a) of the Texas Water Code. The Sutton County UWCD Management plan was developed during open meetings of the Board as required by the Open Meetings Act. Documentation that notice and hearing requirements were followed is also presented. The Management Plan was adopted on August 10, 1998 by the Board of Directors.

The following cross-references are provided as a means of documenting the completeness of the Management Plan as applicable to the statutory requirements of Chapter 36 of the Texas Water Code.

§36.1071(a) since there are no surface water entities located within the District, no surface water entities were notified.

§36.1071(a)(1) is addressed in the Section titled Goals, Goal 1.0, page 12.

§36.1071(a)(2) is addressed in the Section titled Goals, Goal 2.0, page 14.

§36.1071(a)(3) is addressed in the Section titled Goals, Goal 3.0, page 15.

§36.1071(a)(4) is addressed in the Section titled Goals, Goal 4.0, page 15.

§36.1071(a)(5) is addressed in the Section titled Goals, Goal 5.0, page 15.

§36.1071(b) is not applicable since no Regional Water Plan has been adopted.

§36.1071(e)(1) is addressed in the Section titled Goals, page 12.

§36.1071(e)(2) is addressed in Section titled Actions, Procedures, Performance and Avoidance for Plan Implementation, page 11.

§36.1071(e)(3)(A) is addressed in Section titled Useable Amount of Groundwater, page 5.

§36.1071(e)(3)(B) is addressed in Section titled Amount of Groundwater Used Annually, page 6.

§36.1071(e)(3)(C) is addressed in Section titled Annual Effective Recharge & Recoverable Storage and Additional Recharge, pages 7 & 8.

§36.1071(e)(3)(D) is addressed in Section titled Projected Water Supply and Section titled Projected Water Demand, pages 6 & 10.

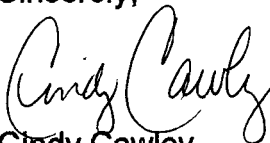
§36.1071(e)(4) is determined not applicable since there is not an approved Regional Water Plan at present.

§36.1071(f) is addressed in Section titled Management of Groundwater Supplies and Section titled Actions, Procedures, Performance and Avoidance for Plan Implementation.

§36.1071 (g) is determined not applicable at this time.

I respectfully submit this Management Plan for your review and certification.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Cawley". The signature is written in black ink and is positioned above the printed name and title.

Cindy Cawley
Manager

Sutton County Underground Water Conservation District

Management Plan

August 10, 1998

Sutton County Underground Water Conservation District

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Sutton County
Underground Water Conservation District

Management Plan

Mission Statement

The Sutton County Underground Water Conservation District was created by Acts of the 69th Texas Legislature in 1985. The District was created to provide for the conservation, preservation, protection, recharge and prevention of waste of the underground water reservoirs located under the District consistent with Article XVI, Section 59, of the Texas Constitution and Chapter 36 of the Texas Water Code. The District strives to bring about conservation, preservation and the efficient, beneficial and wise use of water for the benefit of the citizens and economy of the District through monitoring and protecting the quantity and quality of the groundwater. The District also strives to maintain groundwater ownership and rights of the landowners as provided in the Texas Water Code §36.002.

Time Period for This Plan

This plan becomes effective upon certification by the Texas Water Development Board and replaces the existing management plan adopted by the Board of Directors. This new plan remains in effect until a revised plan is certified or September 1, 2008, whichever is earlier.

General Description

The District is governed by five Directors which are elected by local voters and serve a four year staggered term of office. The current Board of Directors are: Tracy Crites, Chairman; Virgil Polocek, Secretary, Dean Dermody, Joe David Ross and Ralph Mayer. District rules have been in effect since 1992 which will effectuate the management plan. The District encompasses Sutton County which is located in the southwestern part of Texas with Sonora, Texas as the county seat. Sutton County's economy is primarily based on agriculture and the oil and gas industry.

Management of Groundwater Supplies

The District will aid in the management of groundwater supplies within the District in order to conserve the resource while seeking to maintain the economic viability of all resource user groups, public and private. In consideration of the economic and cultural activities occurring within the District, the District will identify and engage in such activities and practices, that could result in a reduction of groundwater use to conserve supply and maintain quality for future population growth, economic development needs and environmental preservation purposes. An observation network shall be maintained in order to monitor changing quality and storage conditions of groundwater supplies within the District. The District will employ technical resources at its disposal to evaluate the resources available within the District and to determine the effectiveness of management or conservation measures.

The District has adopted rules to manage groundwater withdrawals by means of spacing and production limits. The District may deny a well construction permit or limit groundwater withdrawals in accordance with the guidelines stated in the rules of the District. In making a determination to approve or deny a permit or limit groundwater withdrawals, the District will consider the public benefit against individual hardship after considering all appropriate testimony. The relevant factors to be considered in making a determination to deny a permit or limit groundwater withdrawals include: purpose of District rules, legal rights, equitable distribution of resource and economic hardship to both individual surface owners and surrounding community resulting from grant or denial of permit or terms prescribed by the permit.

Regional Cooperation and Coordination

In 1988, four groundwater conservation districts, Coke County UWCD, Glasscock County UWCD, Irion County WCD and Sterling County UWCD signed an original Cooperative Agreement. As new districts were created, they too signed the Cooperative Agreement. In the fall of 1996, the original Cooperative Agreement was redrafted and the West Texas Regional Groundwater Alliance was created. The West Texas Regional Groundwater Alliance consists of ten locally created and locally funded groundwater conservation districts that encompass almost 8.75 million acres or thirteen thousand square mile of West Texas. Due to the diversity of the region, each member district provides it's own unique programs to best serve its constituents. The current member districts are:

Coke County UWCD

Hickory UWCD#1

Plateau UWCD

Sutton County UWCD

Emerald UWCD

Irion County WCD

Santa Rita UWCD

Glasscock UWCD

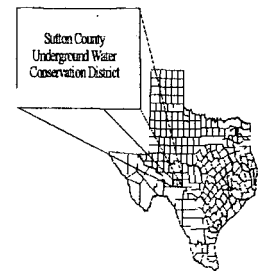
Lipan-Kickapoo WCD

Sterling County UWCD

This Alliance was created to implement the local districts' common objective to facilitate the conservation, preservation and beneficial use of water and related resources. Local districts monitor water-related activities of the State's largest industries such as farming & ranching, oil and gas and municipalities. The Alliance provides coordination to effect region wide planning in an area which has common water resource allocation problems that are unique to this portion of the State of the member districts and the monitoring of activities in order to accomplish their objectives.

Geographical Information

The District lies within the Edwards Plateau and consists of approximately 955,520 acres in Sutton County, Texas. The land is generally rolling to stony, flat topped hills with elevations from 1900 to 2500 ft. The District is included in two different river basins, the Colorado and the Rio Grande. The western half of the county slopes southwestward into the Devils River. The eastern half drains to the North Llano River and a small portion drains northeastward to the San Saba River. The land also includes shallow depressions that catch rainfall and runoff to be either evaporated or infiltrated into the soil.



Groundwater Resources

The Edwards-Trinity (Plateau) aquifer is the fresh water source for Sutton County and includes all rocks from the base of the Antlers to the top of the Georgetown Formation (Washita Group). Limestone is the predominant rock underlying the Edwards Plateau soils. The permeability of the limestone is not necessarily due to intergranular pore space as in sandstones, but more to joints, crevices, and solution openings that have been enlarged by solvent action of water charged with carbon dioxide. The Glen Rose in Sutton County consists of limestone, sandstone, and green and red shale. It is underlain by Permian foundations and overlain by the Fredericksburg Group. The Glen Rose pinchout extends eastward from southern Crockett County across Sutton County to the Sutton-Kimble County line, thence northeastward to the northeast corner of Menard County. The

Antlers Formation consists of buff to gray, fine to medium-grained, cross-bedded, quartz sand and sandstone interbedded with lesser amounts of red, gray, and purple shale. The Edwards Formation is a granular to crystalline, dolomitic limestone called brown lime or brown sand on local well driller's logs. Caverns or caves and smaller solution channels are common in the Edwards. Alluvial deposits of Pleistocene and Recent age occur along nearly all of the stream courses on the Edwards Plateau. These deposits consist of sand, gravel, silt and clay derived from the erosion of the underlying rocks, and occur primarily as terrace and flood-plain alluvium. Permian limestone contains fresh to slightly saline water in the area of the common corners of Kimble, Menard, Schleicher and Sutton Counties. The Permian is overlain by the Edwards and associated limestones in this area and is recharged by water from the Cretaceous.¹

Groundwater Resource Estimates

All estimates of groundwater availability, usage, supplies, recharge, storage and future demands are from data supplied by the Texas Water Development Board unless otherwise noted. Data sources include "Water for Texas, Today and Tomorrow, August 1997", aquifer parameters derived from pumping tests performed by TWDB, and TWDB personnel. These estimates will be used until alternate numbers are generated. Use of these estimates does not constitute endorsement by the District.

Useable Amount of Groundwater

The total useable amount of groundwater within the Edwards and associated limestone is 597,391 acre feet. This figure is based on saturated thickness data derived from driller's logs within the District. The specific yield was calculated at 0.04.² According to TWDB Report 238, the Edwards and associated limestones is considered an effective aquifer yet difficult to consider developable due partially to it's heterogeneous and anisotropic nature. The total useable amount of groundwater within the Trinity Aquifer is 5,847,677 acre feet. This figure is based on a 84 ft. saturated thickness and 0.074 specific yield.³ Water from the Trinity Aquifer is normally considered not potable.

¹Occurrence, Availability, and Chemical Quality of Ground Water in the Edwards Plateau Region of Texas, Report 235, Texas Department of Water Resources, Loyd E. Walker, July 1979.

²Groundwater Availability in Texas, Estimates and Projections Through 2030, Report 238, Texas Department of Water Resources, Report 238, 1979.

³Ibid

Projected Water Supply

(expressed in acre feet)

River Basin	Aquifer	1990	2000	2010
Colorado	Edwards-Trinity	12,843	12,843	12,843
Rio Grande	Edwards-Trinity	25,695	25,695	25,695
Total		38,538	38,538	38,538

*source of data - *Water for Texas, Today & Tomorrow*, Texas Water Development Board, 1997.

It should be noted that there are areas where agricultural activity is sustained on wells producing as little as 3 gallons per minute which limits proper grazing distribution and other agricultural enterprises. Although most of the District has available groundwater, the quantity of groundwater dictates surface activities or the limitations thereof. The District consists of 955,520 acres with 38,538 acre feet of water. Dividing the acre feet by total acres brings a total of .04 acre feet/acre or 13,034 gallons/acre.

Amount of Groundwater Used Annually

(expressed in acre feet)

	1990	1991	1992	1993	1994	1995
Municipal	1175	1202	1164	1186	1156	1286
Irrigation	771	771	771	1253	1307	1228
Mining	38	73	77	77	75	75
Livestock	590	623	460	480	500	502
Total	2574	2669	2472	2996	3038	3091

*source of data - *Water for Texas, Today & Tomorrow*, Texas Water Development Board, 1997.

These figures do not include the water consumption of invasive vegetation. A large mature

juniper has a transpiration rate of about 33 gal/day⁴ or 12,045 gal/yr. or 0.04 ac-ft/year. At a density equivalent to only one mature juniper per acre, an estimated loss of 38,220 ac-ft/year occurs within the District. The transpiration rate of a mesquite tree is estimated at 21 gallons/day⁵ or 7,665 gal/yr. or 0.02 ac-ft/year. At a density equivalent to one mesquite tree per acre, an estimated loss of 22,454 ac-ft/year occurs within the District. The following table is a brief description of brush populations within the District.⁶

Density					
Light		Moderate		Heavy	
Cedar	Mesquite	Cedar	Mesquite	Cedar	Mesquite
639,000 acres	799,000 acres	255,000 acres	40,000 acres	50,000 acres	10,000 acres

Annual Effective Recharge & Recoverable Storage

(expressed in acre feet)

River Basin	Aquifer	Recharge
Colorado	Edwards-Trinity	12,843
Rio Grande	Edwards-Trinity	25,695
Total		38,538

*source of data - *Water for Texas, Today & Tomorrow*, Texas Water Development Board, 1997.

Rainfall is the only source of recharge for the District. Many parameters affect the amount of water that actually reaches the aquifer. Vegetative growth, soil construction and rate of rainfall are some of the parameters affecting the amount of water reaching the aquifer.

In The Edwards Plateau region, the annual rate of evaporation is three times greater than the annual rate of precipitation, thus creating a perpetual low soil moisture content that retards percolation except under the most ideal conditions. Percolation usually occurs during relative short periods after rainfall. Soil permeability is an expression of the ability of water to pass through pore spaces of the soil and varies throughout the Edwards Plateau from less than 0.06 to 0.63 inches per hour. Rain intensities greater than these

⁴"Biology and Ecology of Redberry Juniper," by Darrell N. Uehert, Technical Report 97-1, Juniper Symposium 1997, Texas Agricultural Experiment Station, TAMU.

⁵"Biology and Ecology of Redberry Juniper," by Darrell N. Uehert, Technical Report 97-1, Juniper Symposium 1997, Texas Agricultural Experiment Station, TAMU.

⁶Brush Survey of 1973, Sutton County, Soil Conservation Service.

rates will produce surface runoff.⁷

Additional Recharge

The estimate of the annual amount of additional natural or artificial recharge of groundwater within the District, that could result from implementation of feasible methods for increasing the natural or artificial recharge is difficult to determine due to the direct correlation to rainfall. There are several feasible methods of additional recharge:

1. Flood Prevention Sites - In 1962, Public Law 566 mandated the construction of thirteen dam sites on the Dry Devil's River Draw and Lowery Draw for the prevention of flooding in Sonora, Texas. Eleven of the sites are located within Sutton County. The structures will detain temporarily the runoff from 76.8% of the contributing portion of the watershed from a storm that can be expected to occur no more often than once in 100 years. The dams were designed to regulate flow of floodwater, thereby releasing water at a predetermined rate to prevent flooding. Although aquifer recharge was not specifically addressed in the design, the sites are capable of holding 35,303 acre feet collectively.⁸ However, since construction of the sites, the only storm event to produce enough storm water to fill structures #9, #10, #11 & #12 occurred in 1990. Structures #1-8 have never been filled to capacity.

2. Weather Modification - Weather modification is another tool considered effective for increased aquifer recharge. The Colorado River Municipal Water District Weather Modification Program indicates a 23% increase in rainfall within the target area over a 26 year period. San Angelo conducted a weather enhancement program from 1985 to 1989 with a result rate of 15% increase in rainfall. The District has been a member of the West Texas Weather Modification Association since the initial season in 1996. The average rainfall for the District is 18.33 in/year and 10.24 in from May through September when weather modification activities occur.⁹ A modest 10% increase of one inch of rainfall during the growing season results in a reduction of pumpage for all users, potential increase in runoff, increases productivity of crops and rangeland, provides additional moisture

⁷Occurrence, Availability, and Chemical Quality of Ground Water in the Edwards Plateau Region of Texas, Report 235, Texas Department of Water Resources, Loyd A. Walker, 1979.

⁸Workplan for Watershed Protection and Flood Prevention, U.S. Department of Agriculture Soil Conservation Service, 1958

⁹Sutton County, Texas Soil Survey, United States Department of Agriculture Soil Conservation Service/Texas Agricultural Experiment Station, 1968.

infiltration below root depth available for recharge and increases spring flow. One inch of rainfall distributed over the entire District is equal to 79,626 ac-ft of rainwater. Under ideal conditions, 20% of rainfall infiltrates beyond the root zone for potential recharge, increased rainfall would result in additional potential recharge as follows:

Increase During Growing Season (Ave. 10.24 in, May-September)	10% Increase (1.0 inch)	15% Increase (1.5 inches)	23% Increase (2.3 inches)
Additional Recharge Potential in acre feet	15,957	23,888	36,596

3. Range Management through brush control - Brush control can be accomplished by mechanical control, prescribed burn, combination of mechanical and burn, or chemical application. Brush control may be considered more as a conservation method than an additional recharge method. Effective brush control could potentially conserve up to 19,062 acre feet/year if the entire District were returned to 70% Grass, 12% Oak and 18% Juniper. The following table is results of the water balance on rangeland at the Texas Agriculture Experiment Station, Sonora, Texas.¹⁰

	100% Grass	70% Grass 12% Oak 18% Juniper	40% Grass 24% Oak 36% Juniper
Rainfall (inches)	22.6	22.6	22.6
Interception Loss (inches)	3.0	6.3	9.6

¹⁰How to Increase or Reduction in Juniper Cover Alters Rangeland Hydrology", by Thomas L. Thurow and Justin W. Hester, Technical Report 97-1, Juniper Symposium 1997, Texas Agricultural Experiment Station, TAMU.

Water Reaching the Soil (inches)	19.6	16.3	13.0
Runoff (inches)	0.2	0.2	0.2
Water Going into the Soil (inches)	19.4	16.1	12.8
Evapotranspiration (inches)	15.7	15.8	12.8
Deep Drainage (inches)	3.7	0.3	0.0
Moderate Stocking Rate (animal units/sec)	34	22	11

Combined efforts effective weather modification and brush control could possibly result in 35,019 additional acre feet/year.

Projected Water Demand

(expressed in acre feet)

Demand	River Basin	Aquifer	2000	2010
Sonora	Rio Grande	Edwards-Trinity	1114	1196
Sonora	Colorado	Edwards-Trinity	50	47
County - Other	Rio Grande	Edwards-Trinity	274	260
Mining	Colorado	Edwards-Trinity	35	36
Mining	Rio Grande	Edwards-Trinity	46	45
Irrigation	Colorado	Edwards-Trinity	166	152
Irrigation	Rio Grande	Edwards-Trinity	738	706
Livestock	Colorado	Edwards-Trinity	262	262
Livestock	Rio Grande	Edwards-Trinity	313	313
Total			2998	3017

*source of data - *Water for Texas, Today & Tomorrow*, Texas Water Development Board, 1997.

Actions, Procedures, Performance and Avoidance for Plan Implementation

The District will implement the provisions of this plan and will utilize the provisions of this plan as a guidepost for determining the direction or priority for all District activities. All operations of the District, all agreements entered into by the District will be consistent with the provisions of this plan.

The District has adopted and will amend as necessary rules relating to the permitting of wells and the production of groundwater. The rules adopted by the District shall be pursuant to TWC Chapter 36 and the provisions of this plan. The promulgation and enforcement of the rules will be based on the best technical evidence available.

The District shall treat all citizens equally. Citizens may apply to the District for discretion in enforcement of the rules on grounds of adverse economic effect or unique local character. In granting of discretion to any rule, the Board shall consider the potential for adverse effect on adjacent landowners. The exercise of said discretion by the Board, shall not be construed as limiting the power of the Board. The District will seek the cooperation in the implementation of this plan and the management of groundwater supplies within the District.

In an effort to recognize all potential contamination sources, the District will work to promote capping and plugging of abandoned water wells. The District will also coordinate efforts with the Railroad Commission in identifying abandoned oil and gas wells that pose potential threat to the integrity of the groundwater.

The District supports the efforts of the City of Sonora in the implementation of the Wellhead Protection Program and the Drought Contingency Plan. The District is committed to provide technical assistance appropriate to effectuate water resource planning for the City of Sonora.

Methodology for Tracking Progress

The methodology that the District will use to trace it's progress on an annual basis in achieving it's management goals will be as follows. The District manager will prepare and present an annual report to the Board of Directors on District performance in regards to

achieving management goals and objectives (during last monthly Board of Directors meeting each fiscal year, beginning October 1, 1998). The annual report will be maintained on file at the District Office.

Coordination with Surface Water Entities

There are four adjudication certificates held by water users within the District. The District has no authority over surface water.

Goals

1.0 To provide for the most efficient use of groundwater.

Management Objective (1.1) The District realizes the importance of public education of groundwater usages and conservation practices. Each year, the District will publish at least two educational articles identifying conservation practices for the efficient use of groundwater. Each year, the District will respond to invitations to speak on groundwater topics to at least one group, if requested. Each year, the District will contact all schools within the District with information of educational material available including the availability of 4-H Water Camp to all interested students.

Performance Effectiveness Standard (1.1a) Number of articles published identifying conservation practices for the efficient use of groundwater each year.

Performance Effectiveness Standard (1.1b) Number of speaking engagements responded to on groundwater topics each year.

Performance Effectiveness Standard (1.1c) Number of contacts made to schools regarding available educational material each year.

Management Objective (1.2) As a service to water well owners within the District a field lab service for water analysis is available. Annually, at least two articles will be published advertising the availability of water analysis service performed by the District. Each year the District will continue to perform water quality analysis for residents of the District upon all requests.

Performance Effectiveness Standard (1.2a) Number of articles published advertising the availability of water analysis service performed by the District each year.

Performance Effectiveness Standard (1.2b) Number of water analysis requested and performed each year.

Management Objective (1.3) According to District rules, wells within the District are required to be registered and/or permitted. As part of daily operations, the District will register all wells upon notification by well drillers or landowners. The District will permit all wells after the District personnel have determined that all criteria have been met by well specification as described by District Rule 4.003.

Performance Effectiveness Standard (1.3a) Number of wells registered annually.

Performance Effectiveness Standard (1.3b) Number of wells permitted annually.

Management Objective (1.4) The District is included in Region F Regional Planning Group. Each year that District personnel serve on the Region F RWPG Board, any committee or office, the District will actively participate in Region F Regional Planning and attend at least 80% of meetings.

Performance Effectiveness Standard (1.4a) Percentage of Region F Regional Planning meetings attended each year.

Performance Effectiveness Standard (1.4b) Number of committees, offices, duties performed by District each year.

Management Objective (1.5) The District will participate in weather enhancement for the purpose of aquifer recharge, reduction in groundwater use and economic benefit. Each year, at least two articles will be published on weather modification. All flight paths, if provided by West Texas Weather Modification Association, will be available at the District Office for public view. Rainfall data from a thirty gauge system will be recorded on a monthly basis during program schedule. An annual report of all program results will be given to the Board of Directors

Performance Effectiveness Standard (1.5a) Number of articles written on weather modification each year.

Performance Effectiveness Standard (1.5b) Number of flight paths available for

public view each year.

Performance Effectiveness Standard (1.5c) Number of gauges with recorded rainfall data each month.

Performance Effectiveness Standard (1.5d) An annual report of program results to Board of Directors.

Management Objective (1.6) The District has entered into a Cooperative Management Agreement with the West Texas Groundwater Alliance. The purpose of the West Texas Groundwater Alliance is to facilitate the conservation, preservation and to provide for the most efficient use of groundwater. Each year, the District will attend at least 80% of West Texas Groundwater Alliance meetings.

Performance Effectiveness Standard (1.6a) Percentage of West Texas Groundwater Alliance meetings attended each year.

Management Objective (1.7) The District realizes the importance of monitoring the aquifer level to determine usable amount of groundwater. An established groundwater level program of selected wells will be maintained by the District. At least 80% of selected water wells will be measured annually.

Performance Effectiveness Standard (1.7a) Percent of water well levels obtained on an annual basis from selected monitor wells each year.

(2.0) Implement strategies to control and prevent waste of groundwater.

Management Objective (2.1) Each year, the District will identify and respond to reports of wasteful practices within five working days. Each year, at least one article will be published on wasteful practices.

Performance Effectiveness Standard (2.1a) Number of reported wasteful practices identified and responded to each year.

Performance Effectiveness Standard (2.1b) Number of articles published on wasteful practices each year.

Management Objective (2.2) A water quality baseline has been established for the District through an established monitor well program of approximately sixty wells. At least 33% of the operating monitor wells will be tested each year. All test

results from an independent lab will be entered into database and a copy mailed to landowners within 30 days of receipt from lab.

Performance Effectiveness Standard (2.2a) Number of monitors wells sampled each year.

Performance Effectiveness Standard (2.2b) Number of days required to enter data into database and mail lab results to landowner each year.

(3.0) Control and prevent subsidence.

The rigid geological framework of the region precludes significant subsidence from occurring. This goal is not applicable to the operations of the District.

(4.0) Address conjunctive surface water management issues.

All surface water impoundments located within the District are used to supply water for livestock consumption. There are no surface water management entities with surface water storage located within the District. This management goal is not applicable to the operations of the District.

(5.0) Address natural resources that impact the use and availability of groundwater or are impacted by the use of groundwater within the District.

The District has no documented occurrences of endangered or threatened species dependent upon groundwater. Other issues related to resources - air, water, soil, etc. supplied by nature that are useful to life are likewise not documented. The natural resources of the oil and gas industry are regulated by the Railroad Commission of Texas and are exempt by Chapter 36.117(e). Therefore, this management goal is not applicable.

Definitions:

- "District" - Sutton County Underground Water Conservation District
- "Board" - Sutton County Underground Water Conservation District Board of Directors
- "TWDB" - Texas Water Development Board
- "TAEX" - Texas Agricultural Extension Service
- "Waste" - as defined by Chapter 36 of the Texas Water Code means one or more of the following:
 - (1) withdrawal of groundwater from a groundwater reservoir at a rate and in an

2500 W.D.

Thursday, July 30, 1998 • The Devil's River News

Thursday, August 6, 1998 • The Devil's River News

Public Notice

The Sutton County Underground Water Conservation District Board of Directors shall conduct a public hearing on the Draft Sutton County UWCD Management Plan at 9:00 a.m., August 10, 1998 at the District Office, 222 Main St., Suite 101, Sonora, Texas 76950. For more information call 387-2369

2(7-30-98)b

- 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 a groundwater reservoir if the water produced is not for beneficial purpose;
 - (3) escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater;
 - (4) 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;
 - (5) 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 TNRCC under Chapter 26.
 - (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, or;
 - (7) for water produced from an artesian well, "waste" has the meaning assigned by Section 11.205.

- "Abandoned Well" - shall mean a well or borehole the condition of which is causing, or is likely to cause, pollution of groundwater in the District and includes a well which is or is not in use or which contains no pumping equipment (open or uncovered well). A well or borehole which is not in compliance with applicable law, including the Rules of the District, the Texas Water Well Driller's Act, Texas Natural Resource Conservation Commission, or any other state or federal agency or political subdivision having jurisdiction, is presumed to be an abandoned or deteriorated well.

Sutton County
Underground Water Conservation District
P.O. Box 707
Sonora, Texas 76950

MANAGEMENT PLAN

WHEREAS, the Sutton County Underground Water Conservation District (District) was created by Acts of the 69th Texas Legislature in accordance with Article 16, Section 59 of the Constitution of Texas and Chapter 52 of the Texas Water Code, as amended; and

WHEREAS, the District is required by Senate Bill 1 through Chapter 36.1071 of the Texas Water Code to develop and adopt a new Management Plan; and

WHEREAS, the District is required by Senate Bill 1 to submit the adopted Management Plan to the Executive Administrator of the Texas Water Development Board for review and certification by September 1, 1998; and

WHEREAS, The District's new Management Plan shall be certified by the Executive Administrator if the plan is administratively complete; and

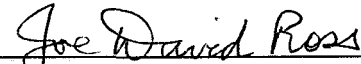
WHEREAS, The District Board of Directors, after reviewing the existing Management Plan, has determined that this plan should be replaced with a new 10 year Management Plan; and

WHEREAS, the District Board of Directors has determined that the new 10 year Management Plan addresses the requirements of Chapter 36.1071.

NOW, THEREFORE, be it resolved, that the Board of Directors of the Sutton County Underground Water Conservation District, following notice and hearing, hereby adopts this new 10 year Management Plan to replace the existing Management Plan; and

FURTHER, be it resolved, that this new Management Plan shall become effective immediately upon adoption and be reviewed and amended as necessary.

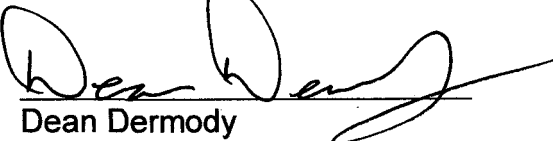
Adopted this 10th of August, 1998, by the Board of Directors of the Sutton County Underground Water Conservation District,



Joe David Ross



Virgil Polocek



Dean Dermody

RULES OF
THE SUTTON COUNTY UNDERGROUND WATER
CONSERVATION DISTRICT

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April 1992

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

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CHAPTER 1.

DEFINITIONS

RULE 1.001. 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) **"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.
- (3) **"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.
- (4) **"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.
- (5) **"Authorized Well Site"** shall be:
 - (a) the location of a proposed water well on an application duly filed with the District until such application is denied; or
 - (b) the location of a proposed water well on a valid permit. (An authorized well site is not a permit to drill).
- (6) **"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.
- (7) **"The Board"** shall mean the Board of Directors of the Sutton County Underground Water Conservation District.

- (8) "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.
- (9) "Casing" shall mean a tubular watertight structure installed in the excavated or drilled hole to maintain the well opening and, along with cementing, to confine the groundwaters to their zones or origin and prevent the entrance of surface pollutants.
- (10) "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. All manufacturer's recommendations regarding water content for the mix shall be strictly adhered to.
- (11) "Completion" shall mean sealing off access of undesirable water to the well bore by proper casing and/or cementing procedures.
- (12) "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.
- (13) "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.
- (14) "District" shall mean the Sutton County Underground Water Conservation 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 Sonora, Texas.
- (15) "Driller's Log" shall mean a record, made at the time of drilling, showing the depth, thickness, character of the different strata penetrated, and location of water-bearing strata, as well as the depth, size, and character of casing installed.
- (16) "Exempt well" shall mean the following:

EXEMPT WELLS MUST BE REGISTERED WITH THE DISTRICT (SEE CHAPTER 3).

- (a)
 - (1) the drilling or producing of a well drilled, completed, and equipped so that it will not produce more than 25,000 gallons of underground water per day;
 - (2) the drilling or alteration of the size of a well or to restrict the production of a well if the water produced or to be produced from the well is used or is to be used to supply the domestic needs of ten or fewer households, and a person who is a member of such household is either the owner of the well, a person related to the owner or a member of the owner's household within the second degree by consanguinity, or an employee of the owner;
 - (3) the drilling or alteration of the size of a well or to restrict the production from the well if the water produced or to be produced from the well is used or is to be used to provide water for feeding livestock and poultry connected with farming, ranching, or dairy enterprises;
 - (4) water wells to supply water for hydrocarbon production activities, regardless of whether those water wells are producing, that are associated with any well permitted by the Railroad Commission of Texas drilled before the effective date of H.B. N.2, Acts of the 69th Legislature, Regular Session, 1985; or
 - (5) jet wells used for domestic needs.
 - (b) The Board may adopt rules determining the applicability of subsection (a)(3) of this section to facilities used primarily for feeding livestock.
 - (c) Nothing in these Rules applies to wells drilled for oil, gas, sulphur, uranium, or brine, or for core tests, or for injection of gas, salt water, or other fluid, or for any other purpose, under permits issued by the Railroad Commission of Texas. The District may not require a permit to drill a well to supply water for drilling any of these wells permitted by the Railroad Commission of Texas. When the well ceases to be used for these purposes, it may then be used as an ordinary water well if it meets the spacing and other rules of the District; and its use is subject to the Rules of the District.
 - (d) For all purposes herein, an exempt well as defined herein shall be exempt from permitting requirements created hereunder but shall not be exempt from registration (see Rule 3.001-Registration of Wells) or other rules of the District.
- (17) "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 notice of intention to drill was on file with the District on such date.
 - (18) "Fresh water" shall mean water whose bacteriological, physical, and chemical properties are such that it is suitable and feasible for beneficial use.
 - (19) "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 Water Well Drillers Board or its successor.

- (20) **"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.
- (21) **"New well"** shall mean a well for which a notice of intention to drill or a permit is required pursuant to these Rules.
- (22) **"Open or Uncovered water well"** shall mean any water well not capped or covered as required by these Rules, and which is at least ten feet (10') deep and no more than six feet (6') in diameter.
- (23) **"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.
- (24) **"Permitted well"** shall mean a well not exempt by state law (as defined in these rules - Rule 1.001 (16) and Chapter 52.170 of the State Water Code) and which has been either permitted or validated by the District. See Rule 4.001, Permits Required to Drill, Etc. pg. 10 of these rules.
- (25) **"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.
- (26) **"Plugging"** shall mean an absolute sealing of the well bore.
- (27) **"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.
- (28) **"Recharge Facility"** shall mean any system for recharging, injection, storage, pressure maintenance, cycling or recycling of water, including but not limited to any plant, recharge field, area of recharge, injection plant, field or area, storage field, area, plant, or any well or wells associated with such operations, or other facility drilled or installed for the purpose of recharging, injecting, storage, pressure maintenance, cycling or recycling of water.
- (29) **"Storage account"** shall mean an account established under the terms of this Rule for an underground storage and recovery project.
- (30) **"Stored water"** shall mean water which has been stored underground for the purpose of recovery pursuant to a permit issued under this Rule.

- (31) **"Underground storage and recovery project"** shall mean a facility designed and constructed to store water underground and recover that water pursuant to a permit issued under this Rule.
- (32) **"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.
- (33) **"Undesirable water"** shall mean water that is injurious to vegetation, to land, or to fresh water, or water that can cause pollution.
- (34) **"Waste"** shall have the same meaning as defined by the Legislature and shall mean any one or more of the following:
- (a) 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;
 - (b) the flowing or producing of wells from an underground water reservoir if the water produced is not used for a beneficial purpose;
 - (c) the escape of underground water from an underground water reservoir to any other reservoir that does not contain underground water;
 - (d) 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;
 - (e) 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; or
 - (f) 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.
- (35) **"Water"** shall mean underground water.
- (36) **"Well" or "Water well"** shall mean and include any artificial excavation constructed to produce underground water.
- (37) **"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.

- (38) **"Well Log"** shall mean a log, accurately kept, on forms prescribed by the Water Well Drillers Board of Texas, 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 Water Well Drillers Board of Texas, or of this Board.
- (39) **"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. See Rule 3.001, Registration of Exempt Wells, pg. 8 of these rules.
- (40) **"Well validation"** shall mean confirmation and permitting of well location and wellhead equipment by District personnel. See Rule 4.018, Well Validation, pg. 21 of these rules.

CHAPTER 2.

UNLAWFUL USE, DIVERSION, WASTE, ETC.

RULE 2.001. DUTY NOT TO COMMIT WASTE.

- (a) Underground water 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 1.001 (34) hereof.
- (b) Any person producing or using underground water shall use every possible precaution, in accordance with the most approved methods, to stop and prevent waste of such water.
- (c) No person shall pollute or harmfully alter the character of the underground water 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.

CHAPTER 3.

WELL REGISTRATION

RULE 3.001. REGISTRATION OF EXEMPT WELLS.

- (a) **Registration Required.** The owner of an exempt well located in the District must register the exempt well with the District.
- (b) **Registration Information.** To register a well, the owner of a well shall file the following information:
 - (1) the name and address of landowner and/or well owner;
 - (2) location of the well to be verified on topographic map by District personnel with assistance of landowner and/or well owner;
 - (3) anticipated use of underground water produced: domestic, livestock, irrigation, industrial, or municipal;
 - (4) the size of the well pump;
 - (5) a description of the well construction, including depth and size of wellbore and depth and size and depth of casing;
 - (6) the depth of the water level in the well if the well is already drilled;
 - (7) the name and address of the driller and the date the well was completed;

When a District-prescribed registration form exists, a person shall register a well on the prescribed form according to the instructions on such form.

- (c) **When to Register.** The owner of an exempt well to be drilled after the effective date of this Rule shall register the exempt well at least one (1) day prior to drilling the well. The District will collect registration information for all exempt wells drilled before the effective date of this Rule. The owner of an exempt well drilled before the effective date of this Rule should cooperate with the District in its efforts to register all such wells.
- (d) **Where to Register.** An owner must file the required registration information at the District's principal office at Sonora, Texas.
- (e) **Re-Registration.** 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 re-register the well.

(f) **Reports.** The following categories of exempt wells shall report production as stated in Rule 4.004(a) of the District rules.

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

CHAPTER 4.

PERMITS

RULE 4.001. PERMIT REQUIRED TO DRILL, ETC.

- (a) A person shall be required to obtain a permit from the District before he may drill, equip, complete, or alter the size of a well, unless the drilling and operation of the well is exempt by the law or by these Rules.
- (b) No permit shall be required for exempt wells as defined herein; provided, however:
 - (1) Water wells exempted under these Rules shall be equipped and maintained so as to conform to the District's rules requiring installation of casing, pipe, and fittings to prevent the escape of underground water from an underground water reservoir to any reservoir not containing underground water and to prevent the pollution or harmful alteration of the character of the water in any underground water reservoir.
 - (2) Water wells exempted under these Rules shall be registered with the District in which they are located and shall be equipped and maintained so as to conform to the District's Rules requiring installation of casing, pipe, and fittings to prevent the escape of underground water from an underground water reservoir to any reservoir not containing underground water and to prevent the pollution or harmful alteration of the character of the water in any underground water reservoir.

RULE 4.002. DEPOSITS.

Each application for a permit to drill, equip, complete, or alter the size of a well, shall be accompanied by a fifty and no/100 (\$50.00) deposit which shall be accepted by the Manager of the District or authorized personnel in the office of the District. The full deposit shall be returned to the applicant by the District if:

- (a) the application is denied;
- (b) the application is granted upon receipt of a correctly completed Driller's Log of the well; or
- (c) said permit location is abandoned without having been drilled, upon return and surrender of said permit marked "Cancelled" by the applicant.

In the event neither the Driller's Log of the well nor the permit marked "Cancelled" is returned to the District within six (6) months after the approval date of the permit or the extension date thereof, the said deposit shall become the property of the District.

RULE 4.003. ISSUANCE OF PERMITS.

The District manager is authorized by the Board to grant and extend a permit to drill, equip, complete, or alter the size of a well if no variance or exception to these rules is requested. If said permit is granted by the

district manager, Notice of Hearing (Rule 4.003(i)) does not apply. However, Notice by Mail (Rule 4.003(h)) does apply.

(a) A proper application shall be executed and filed by the owner with the District which contains the information specified below. Such applications shall be on forms provided by the District and shall be in accordance with and contain the information called for in the form of application. Otherwise, the application will not be considered.

(b) **Rules for the 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 municipal corporation, unincorporated area, governmental or proprietary body, 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 including the county, the survey name and number, the state abstract number for such survey, and exact number of feet to the intersection of the two nearest non-parallel property lines (legal survey lines); or other adequate legal description;
- (2) the proposed depth or water-bearing formation from which applicant shall complete and produce from said well;
- (3) the proposed use of the well to be drilled;
- (4) the size of the pump;
- (5) the approximate date drilling operations are to begin;
- (6) the names and addresses of the owners of land within a one-half (1/2) mile radius of the proposed well location;
- (7) an agreement by the applicant that a complete well registration and log will be furnished to the District (on forms furnished by it) by the applicant upon completion of this well and prior to the production of water therefrom (except for such production as may be necessary to the drilling and testing of such well);
- (8) the name and address of the fee owner of the land upon which the location is made;

(9) any additional information that may be required by the Board.

(d) **Initial Review.**

(1) All applications for permits shall be reviewed by the Manager of the District or authorized personnel in the office of the District for administrative completeness within seven (7) working days of receipt of the application by the Manager of the District.

(2) The Manager of the District or his designees shall prepare a statement of the receipt of the application and declaration of administrative completeness suitable for mailing.

(3) The Manager of the District or his designee shall notify every person entitled to notification of the filing of an application in the manner provided under Paragraph (h)(2) of this title (relating to Notice by Mail) by mail in the manner provided therein.

(4) Notice requirements. The notice of receipt of the application and administrative completeness shall contain the following:

(i) the identifying number given the application by the District;

(ii) the name and address of the applicant;

(iii) the date on which the application was submitted; and

(iv) a brief summary of the information included in the application.

(e) **Applications returned.** If an application is received which is not administratively complete, the staff shall notify the applicant of the deficiencies prior to expiration of the applicable review period established at Paragraph (d)(1) hereinabove by certified mail, return receipt requested. If the additional information is received within ten (10) days of receipt of the deficiency notice, the staff will evaluate the information within seven (7) working days and, where applicable, shall prepare a statement of receipt of the application and declaration of administrative completeness. If the required information is not forthcoming from the applicant within ten (10) days of the date of receipt of the deficiency notice, the Manager shall return the incomplete application to the applicant.

(f) **Technical review.**

(1) After an application is determined by the staff to be administratively complete on its face, the staff shall commence a technical review as necessary and appropriate. For purposes of these sections, the technical review period is that period of time beginning with the completion of the initial review period and will continue for a period of time not to exceed fourteen (14) working days.

(2) The applicant shall be promptly notified of any additional technical material as may be necessary for a complete staff review. If the applicant does not respond within the period allocated herein for technical review, and such data is deemed necessary or essential information by the Manager to make recommendations to the Board, the Manager may return the application to the applicant.

- (g) **Extensions.** Any extension of time permitted the applicant shall be in writing and signed by the Manager of the District.
- (h) **Notice by Mail.**
 - (1) If notice by mail is required, the District shall mail the notice by first-class mail, postage prepaid, to persons listed in this section. The District shall mail required notice not less than seven (7) days before the date set for District consideration of the application.
 - (2) When required, notice shall be mailed by the District to the following:
 - (i) each applicant, the record of whose application has been filed with the District;
 - (ii) all landowners and/or owners of water wells adjoining the applicant's property and/or within one-half (1/2) mile of the proposed well site; and
 - (iii) other persons who in the judgment of the District might be affected.
 - (iv) notwithstanding the above, if the notice is required to be mailed to more than ten (10) persons, the District, in lieu of mailed notice, may provide notice by publication at least once seven (7) days before the hearing. Publication shall be in a newspaper of general circulation in the District at the expense of the applicant.
- (i) **Notice of Hearing.**
 - (1) A complete application must be received by the District at least thirty (30) working days prior to the Board meeting at which it is considered.
 - (2) A hearing on an application may be heard without the necessity of issuing further notice other than the time and place where the Board meeting is to take place after the expiration of the time limits set forth hereinabove.

RULE 4.004. PERMIT CONDITIONS.

- (a) The owner of each permitted well shall keep records of the production and use of underground water from the permitted well. The owner of a permitted well shall file a production report with the District on January 1 and July 1 of each calendar year. The production and use report shall state the actual uses of the underground water produced from the well and the amount of water dedicated to each use. All reports required by this Rule shall be filed at the District's office in Sonora, Texas. (Section 52.164 of the Texas Water Code presently requires these reports.)
- (b) A permit issued under these Rules is conditional, and the Board may revoke it if the person to whom it was issued does not comply with the Rules of the District; does not comply with the terms and conditions stated in the permit; or abandons the well. The District shall provide reasonable notice and opportunity for hearing before revoking the permit.

- (c) 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 person shall be entitled to a hearing therein if they file a request therefore within fifteen (15) days from the date of the mailing of such notice.
- (d) **Emergency Suspension of Permit Conditions.**
- (1) Permit conditions issued pursuant to these Rules may be suspended by the District if the District finds that an emergency exists and cannot practically be resolved in other ways.
 - (2) Before the District suspends a permit under subsection (d)(1) of this section, it must give written notice to the permittee of the proposed suspension. The District shall give the permittee an opportunity to submit comments on the proposed suspension within seventy-two (72) hours from such time, and the District shall consider those comments before issuing its order imposing the suspension.
 - (3) The District may suspend the permit without notice to any other interested party other than the permittee as provided by subsection (d)(2) of this section. However, all affected persons shall be notified immediately by publication, and a hearing to determine whether the suspension should be continued shall be held within fifteen (15) days of the date on which the order to suspend is issued.

RULE 4.005. TIME DURING WHICH A PERMIT SHALL REMAIN VALID.

Any permit granted hereunder shall be valid if the approved work permitted shall have been completed within four (4) months from the date that the District issues its final order authorizing issuance of the permit. It shall thereafter be void. Provided, however, that the District, for good cause, may extend the life of such permit for an additional four (4) months if an application for such extension shall have been made to the District during the first four-month period. Provided further, that when it is made known to the District that a proposed project will take more time to complete, the District, upon receiving written application, may grant such time as is reasonably necessary to complete such project.

RULE 4.006. GENERAL RULES OF PROCEDURE FOR HEARING.

- (a) Hearings will be conducted in such manner as the Board deems most suitable to the particular case, and technical rules of legal and court procedure need not be applied. It is the purpose of the Board to obtain all the relevant information and testimony pertaining to the issue before it as conveniently, inexpensively, and expeditiously as possible without prejudicing the rights of either applicants or protestants.
- (b) **Who may appear:** Any party at interest in a proceeding may 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 proceeding.
- (d) **Testimony Shall Be Pertinent:** The testimony shall be confined to the subject matter contained in the application or contest. In the event that any party at a hearing shall pursue a line of testimony or interrogation of a witness that is clearly irrelevant, incompetent, or immaterial, the person conducting the hearing may forthwith terminate such line of interrogation.
- (e) **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 4.007 RULES GOVERNING PROTESTS.

- (a) **Notice of Protests.** 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 urged 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 party or parties and shall comply in substance with the following requirements:
 - (1) Each protest shall show the name and address of the protestant and show that protestant has read either the application or a notice relative thereto published by the Board;
 - (2) There shall be an allegation of injury to protestant which will result from the proposed action or matter to be considered by the Board;
 - (3) If the protest is based upon claim of interference with some present right of protestant, it shall include a statement of the basis of protestant's claim of right.
 - (4) Protestant should call attention to any amendment of the application or adjustment which, if made, would result in withdrawal of the protest.
- (c) **Contested Applications or Proceedings Defined:** An application, appeal, motion, or proceeding pending before the Board is considered contested when either protestants or intervenors, or both, file the notice of protest as above set out and appear at the hearing held on the application, motion, or proceeding, and present testimony or evidence in support of their contentions; or present a question or questions of law with regard to the application, motion, or proceeding. Where neither protestants nor intervenors so appear and offer testimony or evidence in support of their contentions, or raise 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 such party with the Board.

RULE 4.008. FINAL ORDERS OF THE DISTRICT.

The orders of the District in any non-contested application or proceeding shall become the final order of the District on the day it is entered by the Board or the General Manager. 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 4.009 of the Rules of the Sutton County Underground Water Conservation District.

RULE 4.009. REHEARING.

- (a) Any person whose application is denied, whose contest is overruled, or who is not granted the relief desired, may file a motion for rehearing with the Board within fifteen (15) days from the announcement by the District 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 announcement of the order by the Board, no motion for rehearing will be considered thereon.
- (c) If an application or a contest is denied by the District, 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 4.010. PERSONS AUTHORIZED TO DRILL.

Only persons who are licensed water well drillers in good standing with the Texas Water Well Drillers' Board may drill water wells within the District. The only exception allowed will be:

- (a) any person who drills, bores, cores, or constructs a water well on his or her property for his or her own use, provided minimum standards for well completion as stated in Rule 4.015 of the Rules of the Sutton County Underground Water Conservation District are met.

RULE 4.011. 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 may have been made, and such additional data concerning the description of the well, its discharges, and its equipment as may be required by the Board. Such reports shall be filed with the District Board at its office in Sonora, Texas within sixty (60) days after 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, until the District has been furnished an accurate Driller's Log, any electric log which may have been made, and a registration of the well correctly furnishing all available information required on the forms furnished by the District.

RULE 4.012. LOCATION OF WELL.

- (a) After an application for a well permit has been granted, the well, if drilled, must be drilled within ten (10) yards of the location specified in the permit, and not elsewhere.
- (b) A well shall be located a minimum horizontal distance of fifty feet (50') from any watertight sewage and liquid-waste collection facility.
- (c) A well shall be located a minimum horizontal distance of one hundred and fifty feet (150') from any concentrated sources of contamination, such as existing or proposed livestock or poultry yards, privies, and septic system absorption fields.
- (d) 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 twenty-four inches (24") above known flood level.

RULE 4.013. MINIMUM SPACING OF WELLS.

(a) **Distance Requirements.**

- (1) **Well spacing.** Water wells to be drilled after the effective date of these Rules shall be spaced as follows:

- (i) All permitted wells shall be constructed six hundred sixty feet (660') from any existing and/or proposed permitted well site and one-half (1/2) this distance or three hundred thirty feet (330') from a property line.
- (ii) **Well density.** The maximum number of permitted wells resident in each survey section of land shall be no more than eight (8) wells. The maximum well production in each survey section of land shall be ten (10) times the recharge rate of sixty-four (64) gallons/minute/section, allowing a maximum production capacity of six hundred forty (640) gallons/minute/section. If a survey section of land has a maximum cumulative total of eight (8) permitted wells or maximum production capacity of six hundred forty (640) gallons/minute/section, then said survey section is considered to be drilled to density.
- (iii) In the event an applicant owns less than a full section, then the number of wells permitted for said tract shall be reduced proportionately.

Example: 640 acres - 8 wells or 640 gals./minute
320 acres - 4 wells or 320 gals./minute
160 acres - 2 wells or 160 gals./minute
80 acres - 1 well or 80 gals./minute

- (iv) It shall be considered to be a fraud upon the District and on the adjacent landowners for any applicant to willfully give erroneous information on his application. If any operator willfully produces his well at a higher rate than represented in his application and/or approved in his permit, such action may be enjoined by the Board.
 - (v) The District may also take into account the effect of any exempt wells in the vicinity.
- (2) In the interest of protecting life and for the purpose of preventing waste and preventing undue hardship, 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.

RULE 4.014. EXCEPTION TO SPACING RULE.

- (a) In order to protect vested property rights, prevent waste, prevent undue hardship, and/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 regulation is desired, application therefore 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 inch (1") equaling three hundred feet (300'). The plat or sketch shall show thereon the property lines in the immediate area and shall show accurately to scale all wells within one-quarter (1/4) 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 one-half (1/2) 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 correct.
- (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 one-half (1/2) mile of the proposed location and after public hearing at which all interested parties may appear and be heard and after the Board has decided that an exception should be granted. The Board can consider other parties to make an appearance and/or testify. Provided, however, that if all such owners execute waivers in writing stating that they do not object to the granting of such exception, the Board may thereupon proceed to decide upon the granting or refusing of such application without notice of hearing except to the applicant. The applicant may also waive notice or hearing or both.
- (d) See Rule 6.001 (pg. 39) Additional Requirements.

RULE 4.015. MINIMUM STANDARDS OF WELL COMPLETION.

- (a) The annular space between the borehole and the casing shall be filled from ground level to a minimum depth of ten feet (10') below the land surface or wellhead with cement; provided, however, that when a well is to produce from the unconfined portion of groundwater aquifer, then

the annular space between the borehole and the casing shall be filled with cement slurry from ground level to the static water level.

- (b) 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 pollution of any aquifer or zone.
- (c) If a well penetrates any undesirable water zones, the undesirable water shall be sealed off and confined to its zone or origin.
 - (1) When undesirable water is encountered in a zone overlying fresh water, the well shall be cased from the top of the fresh water zone to the land surface and the annular space between the casing and the wall of the borehole shall be cemented to the land surface.
 - (2) When undesirable water is encountered in a zone underlying a fresh water zone, the part of the wellbore 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.
- (d) For all wells, except when a steel sleeve is used, as described in paragraph (e) of this Rule, or pitless adapter is used, as described in paragraph (f) of this Rule, a concrete slab or sealing block shall be placed above the cement slurry around the well at the ground surface.
 - (1) The slab or block shall extend at least two feet (2') from the well in all directions and have a minimum thickness of four inches (4") and should be separated from the well casing by a plastic or mastic coating or sleeve to prevent bonding of the slab to the casing. The slab shall be suitably reinforced with rebar or wire mesh.
 - (2) The surface of the slab shall be sloped to drain away from the well.
 - (3) The top of the casing shall extend to the higher of:
 - (i) a minimum of one foot (1') above the top of the slab, or
 - (ii) a minimum of one foot (1') above the 100-year flood elevation (unless properly sealed to prevent contamination from flooding).
- (e) In all wells where a steel sleeve is used, the steel sleeve shall be a minimum of three-sixteenths inch (3/16") in thickness and eighteen inches (18") in length, and shall extend six inches (6") into the cement. The casing shall extend a minimum of one foot (1') above the original ground surface, and the steel sleeve shall be two inches (2") larger in diameter than the plastic casing being used.
- (f) Pitless adapters may be used provided that:
 - (1) The adapter is welded to the casing or fitted with another suitably effective seal; and
 - (2) The annular space between the borehole and the casing is filled with cement to a depth not less than fifteen feet (15') below the adapter connection.

- (g) The well casing shall be capped or completed in a manner that will prevent pollutants from entering the well as provided for in **Rule 4.020** of the Rules of the Sutton County Underground Water Conservation District.
- (h) Schedule 80 PVC or equivalent can be used in lieu of steel casing.

RULE 4.016. REWORKING OR REPLACING EXISTING WELLS.

- (a) No person shall rework, redrill, or reequip a well in a manner that would increase the rate of production of water from such well beyond any previous normal rate of production of such well without first having made an application to the Board, and having been granted a permit by the Board to do so; nor shall any person replace a well without a permit from the Board. A replacement well, in order to be considered as such, must be drilled within one hundred fifty feet (150') of the old well and not elsewhere and shall not be completed or equipped so as to increase the rate of production of water from the well it replaces; otherwise, the replacement well shall be considered to be a new well for which application must be made under **Rule 4.001** herein. 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.
 - (1) 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 one hundred twenty (120) days of the issuance of the permit, declare in writing to the District which one of these two wells the landowner desires to produce. If the landowner does not notify the District of his choice within one hundred twenty (120) days, then it will be conclusively presumed that the new well is the well the landowner desires to retain. Immediately after determining which well will be retained for production, the other well shall be:
 - (i) plugged according to **Rule 4.019** herein; or
 - (ii) properly equipped in such a manner that it cannot produce more than 25,000 gallons of water per day.
 - (2) 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 reworked or replacement 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 wellbore from six inches (6") to eight inches (8")). Such permit may be granted only after written notice to adjacent owners and owners of wells within one-half (1/2) mile from such well, and after a public hearing and a decision by the Board that such change will not cause unreasonable drawdown of the water table or unreasonable interference between wells, waste, or confiscation of property. Provided that if the adjacent owners and owners of a well within one-half (1/2) mile from such well indicate to the Board in writing that they have no objection to the proposed change, then the Board may proceed to decide such matter. Provided that if the well is sufficient distance from other wells to comply with existing spacing regulations for new wells of the desired capacity, the Board may proceed to act on such application.

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

RULE 4.017. RECOMPLETIONS.

- (a) The landowner shall have the continuing responsibility of insuring that a well does not allow the co-mingling of undesirable water and fresh water or the unwanted loss of water through the wellbore to other porous strata.
- (b) If a well is allowing the co-mingling 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 in accordance with the provisions of **Rule 4.016** of the Rules of the Sutton County Underground Water Conservation District, the well shall be plugged as provided for in **Rule 4.019** of the Rules of the Sutton County Underground Water Conservation District, such that the co-mingling or loss of water shall be prevented.

RULE 4.018. WELL VALIDATION.

- (a) In order to provide for the validation of existing water wells that are subject to the Rules of the District, it shall be the policy of this Board that a permit will be issued for a non-exempt well in existence on the effective date of these rules only after application for a permit by the owner, showing the location of the well and the wellhead equipment of the well has been determined by field survey by District personnel and/or designated agents acting for the District.
- (b) It is the privilege of this Board to cause to be issued a permit for these pre-existing non-exempt wells, drilled and equipped within the District for which the landowner or his agent has not applied for a permit; or for wells not otherwise properly permitted, provided that such wells were not drilled, equipped, and operated (pumped) in such a manner as to violate any other rules of the District. Nothing in this Rule is intended to limit the powers of this Board to any other course of action granted within the Sutton County Underground Water Conservation District Act, or within its Rules, or within the prerogative of the Board.
- (c) The Manager or designated agent of the Board of the District is hereby directed to establish and administer the District's program for validation of pre-existing non-exempt wells by permit with appeals of the Manager's or the Board's designated agent's well validating decisions being subject to Board review at any of the Board's regularly called meetings or specially called meetings.
- (d) An application for a permit under this section must be filed within one (1) year from the date of adoption of these rules.

RULE 4.019. PLUGGING OF DETERIORATED OR ABANDONED WELLS.

- (a) It is the responsibility of the landowner to plug or have plugged a well which is deteriorated or abandoned.
- (b) If a well that does not penetrate any undesirable water zone(s) is deteriorated or abandoned, all removable casing shall be removed from the well and the entire well filled with cement to the land surface. In lieu of filling the entire well with cement to the land surface, one of the following procedures may be followed:

- (1) The well may be filled with mud followed by a cement plug extending from the land surface to a depth of not less than ten feet (10'); or
 - (2) The cement plug may be started from a depth of four feet (4') below the land surface and extend down the required length.
- (c) If a well that penetrates any undesirable water zone(s) is deteriorated or abandoned, all removable casing shall be removed from the well and the entire well filled with cement to the land surface. In lieu of filling the entire well with cement to the land surface, one of the following procedures may be followed:
- (1) Either the zone(s) contributing undesirable water, or the fresh water zone(s), shall be isolated with cement plugs and the remainder of the wellbore filled with mud to form a base for a cement plug extending from the land surface to a depth of not less than ten feet (10'); or
 - (2) The cement plug may be started from a depth of four feet (4') below than land surface and extended down the required length.
- (d) The person that plugs such a well shall, within thirty (30) days after plugging is complete, submit a copy of the plugging report to the District on forms supplied by the Executive Director of the Texas Water Commission.

RULE 4.020. CAPPING OF WELLS.

- (a) Every owner or operator of any land within the District upon which is located any open or uncovered well shall be required to close or cap the well safely and securely with a covering capable of sustaining weight of at least four hundred (400) pounds, except when said well is in actual use by the owner or operator thereof.
- (b) Every owner or operator of any land within the District upon which is located a flowing artesian water well shall be required to close or cap the well with a covering capable of sustaining a pressure of at least four hundred (400) pounds as necessary to contain the flow and therefore prevent waste, except when the well is in actual use by the owner or operator thereof.
- (c) 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 with a covering in compliance with this Rule. 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 the sum of one hundred and no/100 dollars (\$100.00) for any single closing. Any officer, agent, or employee of the District is authorized to perfect said lien by filing in the Deed Records of the county where the well is located, an affidavit stating the following:
 - (1) the existence of the well;
 - (2) the legal description of the property on which the well is located;
 - (3) the approximate location of the well on the property;

- (4) the failure or refusal of the owner or lessee, after notification, to close the well within ten (10) days after the notification;
- (5) the closing of the well by the District, or by an authorized agent, representative, or employee of the District; and
- (6) the expense incurred by the District in closing the well.

RULE 4.021. RECHARGE FACILITIES.

- (a) **Permit Required.** Any person who constructs recharge facilities as defined herein for purposes of recharge or injection operations in reservoirs productive of water resources must first obtain a permit from the District. Permits may be issued when the operation of the recharge facilities will not endanger water resources or cause the pollution of water strata productive of water resources. Permits from the District issued before the effective date of this Rule shall continue in effect until revoked, modified, or suspended by the District.
- (b) **Geological requirements.** Before such formations are approved for recharge facility use, the applicant shall show that the formations are separated from all other formations by impervious beds which will give adequate protection to the injected formation. The applicant must give written proof stating that the use of such formation will not endanger the recharge or injection strata in that area and that the formations to be used for recharge or injection are fresh-water bearing.
- (c) **Filing of application.** An application to conduct water recharge facility operations in a reservoir productive of water resources shall be filed in the district office in Sonora, Texas on the form prescribed by the District. The form shall be executed by a party having knowledge of the facts entered on the form. The applicant shall file injection data with accurate scientific data setting forth the quality of the water to be injected.
- (d) **Notice and opportunity for hearing.**
 - (1) The applicant shall give notice by mailing or delivering a copy of the application to the surface owner of the tract on which the well is located, to each adjoining offset operator, to the County Clerk of the county in which the well is located, and to the City Clerk or other appropriate city official of any city where the well is located within the corporate limits of the city, on or before the date the application is mailed to or filed with the District.
 - (2) In order to give notice to other local governments, interested, or affected persons, notice of the application shall be published once by the applicant in a newspaper of general circulation for the county where the well will be located on a form approved by the Board of the District. The applicant shall file with the District in the District office in Sonora, Texas proof of publication prior to the hearing or administrative approval.

- (3) **Protested applications.**
- (i) If a protest from an affected person or local government is made to the District within fifteen (15) days of receipt of the application or of publication, or if the Board determines that a hearing is in the public interest, then a hearing will be held on the application after the District provides notice of hearing to all affected persons, local governments, or other persons who express in writing an interest in the application.
 - (ii) For purposes of this Rule, "affected person" means a person who has suffered or will suffer actual injury or economic damage other than as a member of the general public and includes surface owners of property on which the well is located and adjoining offset operators.
- (4) If no protest from an affected person is received by the District, the Board may administratively approve the application. If the Board denies administrative approval, the applicant shall have a right to a hearing upon request. After hearing, the Board shall issue a final order unless additional information is required for the Board to make a proper decision delegated to it by the enabling legislation of the District.
- (e) **Subsequent District action.**
- (1) A recharge facility permit may be modified, suspended, or terminated by the District for just cause after notice and opportunity for hearing, if:
 - (i) a material change of conditions occurs in the operation or completion of the recharge facility, or if there are material changes in the information originally furnished;
 - (ii) fresh water is likely to be polluted as a result of continued operation of the facility;
 - (iii) there are substantial violations of the terms and provisions of the permit or of District rules;
 - (iv) the applicant has misrepresented any material facts during the permit issuance process; or
 - (v) injected fluids are escaping from the permitted injection zone.
 - (2) A recharge facility permit may be transferred from one operator to another operator provided that:
 - (i) written notice of the intended permit transfer is submitted to the Director at least fifteen (15) days prior to the date the transfer is to take place; and
 - (ii) the Board does not notify the present permit holder of another operator provided that the transfer prior to the transfer date stated in the above notification.

- (f) **Area of review.** The applicant shall review the data of public record for wells that penetrate the proposed recharge or injection zone within a one-half (1/2) mile radius of the proposed recharge facility to determine if all abandoned wells have been plugged in a manner that will prevent the movement of fluids from the recharge or injection zone into any other strata. Alternatively, if the applicant can show by computation that a lesser area will be affected by pressure increases, then the lesser area may be used in lieu of the one-half (1/2) mile radius area of review. The applicant shall identify in the application wells which appear from such review of public records to be unplugged or improperly plugged and any other unplugged or improperly plugged wells of which the applicant has actual knowledge.
- (g) **Casing.** Recharge facility wells shall be cased and the casing cemented in compliance with all District rules in such a manner that the injected fluids will not endanger water resources and will not escape to formations not productive of water resources.
- (h) **Special equipment.**
- (1) **Tubing and packer.** New wells drilled or converted for recharge facility purposes after the effective date of this rule shall be equipped with tubing set on a mechanical packer. Packers shall be set no higher than one hundred feet (100') above the top of the permitted interval.
 - (2) **Pressure valve.** The wellhead shall be equipped with a pressure observation valve on the tubing and for each annulus of the well.
 - (3) **Exceptions.** The operator shall have a right to a hearing upon request. After hearing, the Board may grant an exception to any provision of this paragraph upon proof of good cause.
- (i) **Well Record.** Within thirty (30) days after the completion or conversion of each recharge facility well, the operator shall file in duplicate in the district office a complete record of the well on the appropriate form which shows the current completion.
- (j) **Monitoring and Reporting.**
- (1) The operator shall monitor the injection pressure and injection rate of each recharge facility well on at least a monthly basis.
 - (2) The results of the monitoring shall be reported semi-annually to the District on the prescribed form.
 - (3) all monitoring records shall be retained by the operator for at least five (5) years.
 - (4) The operator shall report to the district office within twenty-four (24) hours any significant pressure changes or other monitoring data indicating the presence of leaks in the well. The operator shall confirm this report in writing within five (5) working days.
- (k) **Testing.**
- (1) Before beginning recharge facility operations, the operator shall pressure test the long string casing. The test pressure must equal the maximum authorized injection pressure or 500 psig, whichever is less, but must be at least 200 psig.

- (2) Each recharge or injection well shall be pressure-tested in the manner provided in paragraph (k)(1) at least once every three (3) years to determine if there are leaks in the casing, tubing, or packer. The Manager may prescribe a schedule and mail notification to operators to allow for orderly and timely compliance with this requirement.
- (3) As an alternative to the testing required in paragraph (k)(2), the tubing casing annulus pressure may be monitored and included on the annual monitoring report required by subsection (j) of this Rule provided that there is no indication of problems with the well. The Board may grant an exception for viable alternative tests or surveys such as monitoring of injection rate/injection pressure relationships.
- (4) The operator shall notify the district office at least forty-eight (48) hours prior to the testing. Testing shall not commence before the end of the 48-hour period unless authorized by the district office.
- (5) A completed record of all tests shall be filed in duplicate in the district office once within thirty (30) days after the testing.
- (l) **Plugging.** Recharge facility wells shall be plugged upon abandonment in accordance with applicable Rules of the District.
- (m) **Penalties.** Violations of this Rule may subject the operator to penalties and remedies specified by the Rules of the District and its enabling legislation.
- (n) All recharge facility wells shall be completed and equipped in such a manner as to protect human life. The owner of such recharge facility shall assume and shall be charged with strict liability for the prevention of pollution and waste from such facility, as well as destruction of the recharge zone or subsidence by reason of the operations of said facility.

RULE 4.022. STORAGE OF WATER.

- (a) **Declaration of Policy.**

The Board finds and declares that it is in the best interest of the general economy and welfare of the people of the District to establish a framework for regulating the underground storage and recovery of waters of this District in order to assist in using this District's maximum utilization of the underground waters; to further the conjunctive management of the groundwater sources of this District which will help to reduce the overdraft and achieve the management goals of the active management areas; to store water underground for seasonal peak demand use and for use during years of shortage; and to augment the water supply for future growth and development.
- (b) **Effect on vested water rights.** This Rule shall not be construed to affect vested water rights.
- (c) **Underground storage and recovery project permit.**
 - (1) A person may apply to the Board for an underground storage and recovery project permit and may operate an underground storage and recovery project only pursuant to a permit.
 - (2) The Board may issue a permit to operate an underground storage and recovery project if the Board determines that all of the following apply:
 - (i) the applicant has the technical and financial capability to construct and operate the project;

- (ii) the applicant has a right to use the proposed source of water. Any determination made by the Board for purposes of this subsection regarding the validity, nature, or extent of a water right claimed by the applicant or another person is not binding in any other administrative proceeding or in any judicial proceeding;
 - (iii) the project is hydrologically feasible;
 - (iv) the project will not cause unreasonable harm to land or other water users within the area of hydrologic impact of the project.
- (3) If the Board decides to issue an underground storage and recovery project permit, the applicant is required to apply for and receive a water quality permit which shall be a condition of the underground storage and recovery project permit and the holder of the underground storage and recovery project permit shall not proceed to construct or operate the project until receiving the water quality permit.
- (4) The Board may issue an underground storage and recovery permit for a period of not more than ten (10) years, except that:
 - (i) On request of the holder of the permit, the Board may renew the permit if the Board determines that the requirements of subsection 2, paragraph (ii) of this Rule apply. In making this determination, the Board shall consider land uses and water uses in the area of hydrologic impact of the project which were not in existence when the permit was issued;
 - (ii) Subject to the provisions of this chapter, the holder of the permit may recover the amount of water in the storage account for the project over a period greater than ten (10) years;
- (5) The holder of an underground storage and recovery project permit may apply to the Board for approval to convey the permit to another person. The Board may approve the conveyance if the Board determines that the person to whom the permit is to be conveyed meets the requirements of subsection 2, paragraphs (i) and (ii) of this Rule.
- (6) An underground storage and recovery project permit shall include the following information:
 - (i) the name and mailing address of the person to whom the permit is issued;
 - (ii) the name and the active management area, irrigation non-expansion area, groundwater basin or groundwater sub-basin, as applicable, in which the project will be located;
 - (iii) the design capacity of the project and the plan of operation of the project;
 - (iv) any monitoring required under subsection 7 of this Rule;
 - (v) any conditions authorized by this Rule;
 - (vi) the duration of the permit;
 - (vii) any other information as determined by the Board.

- (7) The Board may require the holder of an underground storage and recovery project permit to monitor the operation of the project and the impact of the project on land and other water users within the area of hydrologic impact of the project. In determining any monitoring requirements, the Board shall cooperate with the Texas Water Commission and, to the extent possible, shall co-ordinate monitoring requirements with those required by the Texas Water Commission.
- (8) The Board, on its initiative or on request of the holder of an underground storage and recovery project permit, may modify the conditions of the underground storage and recovery project permit if monitoring demonstrates that modifications are necessary. In determining whether modifications are necessary, the Board shall not consider land uses and water uses in the area of hydrologic impact of the project which were not in existence when the permit was issued.

(d) **Permit Application.**

- (1) The Board shall prescribe and furnish an application form for an underground storage and recovery permit which shall include the following:
 - (i) the name and mailing address of the applicant;
 - (ii) the name and the active management area, irrigation non-expansion area, groundwater basin or groundwater sub-basin, as applicable, in which the applicant proposes to operate the project;
 - (iii) the name and mailing address of the owner of the land on which the applicant proposes to operate the project;
 - (iv) the legal description of the location of the proposed project;
 - (v) such evidence of financial and technical capability as the Board may require;
 - (vi) the source and annual quantity of water proposed to be stored underground;
 - (vii) the legal basis for acquiring and using the water proposed to be stored underground;
 - (viii) a description of the proposed project including the design capacity of the project and the plan of operation of the project;
 - (ix) a copy of a study that demonstrates:
 - a. the area of hydrologic impact of the project;
 - b. that the project is hydrologically feasible;
 - c. that the project will not cause unreasonable harm to land or other water users within the area of hydrologic impact of the project.
 - (x) the proposed duration of the permit;

- (xi) evidence that the storage and recovery project will not cause pollution or harm to the aquifer or area of hydrologic impact of the District (e.g., storage of water of lesser quality than that of the waterbearing aquifer in which it is to be stored);
 - (xii) any other information which the Board may require.
- (2) An application deposit shall be collected pursuant to Rule 4.002 for a permit application for an underground storage and recovery project in an active management area and shall be remitted pursuant to said subsection;
- (e) **Notice of Application; Objections; Hearing; Appeal.**
- (1) On receipt of an application as prescribed herein, the Board shall endorse on the application the date of its receipt and keep a record of the application. The Board shall conduct an initial review of the application within fifteen (15) days of receipt of the application. If the Board determines in the initial review that the application is incomplete, the Board shall notify the applicant. The application is incomplete until the applicant files the information requested in the application. The Board shall determine whether the application is correct within ninety (90) days of receipt of a complete application. The Board may request additional information from the applicant. The Board may conduct independent investigations as may be necessary to determine whether the application should be approved or rejected.
 - (2) If the application is determined to be complete and correct, the Board, within fifteen (15) days of such determination, or a longer period if requested by the applicant, shall give notice of the application once each week for two consecutive weeks in a newspaper of general circulation in the county or counties in which persons reside who could reasonably be expected to be affected by the project. The Board shall also give notice by first class mail to each city, town, or private water company which serves land within the areas of hydrologic impact of the project as projected by the study submitted by the applicant pursuant to this Rule. The notice shall state that persons who may be adversely affected by the project may file written objections to the issuance of the permit with the Board for fifteen (15) days after the last publication of notice. An objection shall state the name and mailing address of the objector, shall be signed by the objector or the objector's agent or attorney and shall clearly set forth reasons why the permit should not be issued. The grounds of objection are limited to whether the application meets the criteria for issuing a permit set forth in section (d)(1), paragraphs (i) and (xi) hereof.
 - (3) In appropriate cases, including cases in which a proper objection to the permit application is filed, the Board may hold a hearing. Not less than thirty (30) days before the hearing, the Board shall notify the applicant and any person who filed a proper objection to the issuance of the permit. The hearing shall be scheduled for not less than sixty (60) days nor more than ninety (90) days after the expiration of the time in which to file objections. The hearing shall be conducted as provided in the Rules of the District.
 - (4) If a hearing is held, the Board shall issue a decision and order within six (6) months of the notice of the hearing. If a hearing is not held, the Board shall issue a decision and order within six (6) months of the date notice of the application is first given pursuant to subsection 2 of this section. The Board shall record and endorse the approval or rejection of the application on the application. If the permit is denied, the Board shall return a copy of the application to the applicant specifically stating the reasons for denial.

- (5) The applicant or any person who filed a proper objection to the application may appeal the decision to a district court of proper jurisdiction.
- (f) **Recovery of Stored Water; Recovery Well Permit; Well Construction.**
- (1) The holder of an underground storage and recovery project permit may recover water stored pursuant to the permit only:
- (i) from wells located:
 - a. within the area of hydrologic impact of the project as determined by the Board;
 - b. if the holder of the permit is a city, town, or private water company in an active management area, outside the area of hydrologic impact of the project but within the service area of the city, town, or private water company, if the Board determines that recovery within the service area is consistent with the management plan and achievement of the management goal for the active management area.
 - (ii) if the holder has applied for and received a recovery well permit under this section.
- (2) Prior to recovering from any well water stored pursuant to an underground storage and recovery project permit, the holder of the permit shall apply for and receive a recovery well permit from the Board. The Board shall issue the recovery well permit if the Board determines that:
- (i) If the application is for a new well, as defined in these Rules, or, except as provided in paragraph (b) of this subsection, for an existing well, as defined in these Rules, that the proposed recovery of stored water will not unreasonably increase damage to surrounding land or other water users from the concentration of wells. The Board shall make this determination pursuant to rules adopted by the Board;
 - (ii) If the holder of the permit is a city, town, or private water company within an active management area, and the application is for an existing well within the service area of the city, town, or private water company, that the holder has a right to use the existing well.
- (3) The Board shall prescribe and furnish an application form for a recovery well permit which shall include:
- (i) the name and mailing address of the applicant;
 - (ii) the legal description of the location of the existing well or proposed new well from which the applicant intends to recover stored water;
 - (iii) the name and mailing address of the owner of the land from which the applicant proposes to recover stored water;
 - (iv) the purpose for which the stored water will be recovered;
 - (v) the depth and diameter of the existing well or proposed new well;

- (vi) such legal description of the land on which the stored water is proposed to be used as may be required by the Board to administer this chapter;
 - (vii) the design pumping capacity of the existing well or proposed new well;
 - (viii) if the application is for a proposed new well:
 - a. the name and well driller's license number of the well driller who is to construct the proposed new well;
 - b. when construction of the proposed new well is to begin;
 - c. the estimated time required to complete the proposed new well, if more than one (1) year from the date of receipt of the permit.
 - (ix) any other information including maps, drawings, and data as the Board may require.
- (4) On receipt of an application for a recovery well permit, the Board shall endorse on the application the date of its receipt. If the application is incorrect or incomplete, the Board may request additional information from the applicant. The Board may conduct independent investigations as may be necessary to determine whether the application should be approved or rejected.
- (5) If the application is determined to be complete and correct, the Board, within fifteen (15) days of such determination, or a longer period if requested by the applicant, shall give notice of the application once each week for two consecutive weeks in a newspaper of general circulation in the county or counties in which persons reside who could reasonably be expected to be affected by the project. The Board shall also give notice by first class mail to each city, town, or private water company which serves land within the areas of hydrologic impact of the project as projected by the study submitted by the applicant pursuant to this Rule. The notice shall state that persons who may be adversely affected by the project may file written objections to the issuance of the permit with the Board for fifteen (15) days after the last publication of notice. An objection shall state the name and mailing address of the objector, shall be signed by the objector or the objector's agent or attorney, and shall clearly set forth reasons why the permit should not be issued. The grounds of objection are limited to whether the application meets the criteria for issuing a permit set forth in subsections (1) and (2) of this section.
- (6) In appropriate cases, including cases in which a proper objection to the permit application is filed, the Board may hold a hearing. Not less than thirty (30) days before the hearing, the Board shall notify the applicant and any person who filed a proper objection to the issuance of the permit. The hearing shall be scheduled for not less than sixty (60) days nor more than ninety (90) days after the expiration of the time in which to file objections. The hearing shall be conducted as provided in the Rules of the District.
- (7) If a hearing is held, the Board shall issue a decision and order either affirming or modifying the hearing officer's determination within six (6) months of the notice of the hearing. If a hearing is not held, the Board shall issue a decision and order within six (6) months of the date notice of the application is first given pursuant to subsection (5) of this section.

- (8) If the application is approved, the Board shall issue a permit and the applicant may proceed to construct or use the well. If the application is rejected, the applicant shall not proceed to construct or use the well. A new well shall be completed within one (1) year of receipt of the permit, unless the Board in granting the permit approves a longer period to complete the well. If the well is not completed within one (1) year or the longer period approved by the Board, the applicant shall file a new application before proceeding with construction.
- (9) A recovery well permit shall include the following information:
- (i) the name and mailing address of the person to whom the permit is issued;
 - (ii) the legal description of the location of the existing well or proposed new well from which stored water may be recovered pursuant to the permit;
 - (iii) the purpose for which the stored water will be recovered;
 - (iv) the depth and diameter of the existing well or proposed new well from which stored water may be recovered pursuant to the permit;
 - (v) the legal description of the land on which the stored water will be used;
 - (vi) the maximum pumping capacity of the existing well or proposed new well;
 - (vii) if the permit is for a proposed new well, the latest date for completing the proposed new well;
 - (viii) any other information as the Board may determine.
- (g) **Use of stored water after recovery.** The holder of an underground storage and recovery project permit may use or exchange stored water recovered pursuant to the permit and a permit issued under paragraph (e) above only in the manner in which it is permissible for the holder to use or exchange the water before it was stored underground.
- (h) **Storage Accounts; Amount of water that may be recovered; Credits and debits; Definition.**
- (1) The Board shall establish a storage account for each underground storage and recovery project for which the Board has issued a permit under this chapter. If the project stores more than one source of water, the Board shall establish sub-accounts for each source of water and shall determine credits and debits pursuant to this Rule for each source of water.
 - (2) The holder of an underground storage and recovery project permit may recover pursuant to the permit only the amount of water in the storage account for the project for which the permit is issued.
 - (3) The Board shall register as a credit to a storage account only the recoverable amount of water that is stored by the project during the calendar year and which the Board determines:
 - (i) if the storage account is for a project within an active management area, would not have been naturally recharged within the active management area;

- (ii) the holder of the underground storage and recovery project could not reasonably have used directly;
 - a. surface water made available by dams constructed or modified after the effective date of this Rule;
 - b. until the year 2025:
 - 1. effluent;
 - 2. if the project is an active management area, water from the outside of an active management area that would not have reached the active management area without the efforts of the holder of the permit;
 - 3. if the project is outside of an active management area, water from outside the groundwater basin in which the underground storage and recovery project is located that would not have reached the groundwater basin without the efforts of the holder of the permit.

(4) The Board shall register as a debit to a storage account:

- (i) One hundred five (105) percent of the amount of stored water the holder of the underground storage and recovery project permit has recovered during the calendar year pursuant to the permit, except that:
 - a. if the stored water is effluent, one hundred (100) percent of the amount of stored water the holder of the permit has recovered during the calendar year pursuant to the permit;
 - b. if the project is in an active management area and the stored water is water from outside of the active management area that would not have reached the active management area without the efforts of the holder of the permit, one hundred (100) percent of the amount of stored water the holder has recovered during the calendar year pursuant to the permit;
 - c. if the project is outside of an active management area and the stored water is water from outside of the groundwater basin in which the project is located that would not have reached the groundwater basin without the efforts of the holder of the permit, one hundred (100) percent of the amount of stored water the holder of the permit has recovered during the calendar year pursuant to the permit;
 - d. except as provided in subdivisions (i) and (ii) of this paragraph, if the project is in an active management area and the holder of the permit recovers stored water from a well outside the area of hydrologic impact of the project pursuant to paragraph (g)(9), one hundred (100) percent of the amount of stored water the holder of the permit has recovered during the calendar year pursuant to the permit;

- e. if the well used to recover stored water pursuant to the permit is also used by the holder of the permit to withdraw groundwater pursuant to these Rules, the holder of the permit shall designate whether the holder has recovered stored water pursuant to the permit or withdrawn groundwater pursuant to these Rules.
 - (ii) if the project is in an active management area, the amount of water during the calendar year that migrates to a location outside the active management area or to a location within the active management area where it cannot be beneficially used within a reasonable period of time by persons other than the holder of the permit with rights to withdraw and use groundwater;
 - (iii) if the project is outside of an active management area, the amount of water during the calendar year that migrates to a location outside the groundwater basin in which the project is located or to a location in the groundwater basin where it cannot be beneficially used within a reasonable period of time by persons other than the holder of the permit with rights to withdraw and use groundwater.
 - (iv) the amount of water which the Board pursuant to section (j) herein has included in determining whether to issue a certificate of assured water supply to the holder of the permit or, if the holder of the permit is a city, town, or private water company, whether to designate or redesignate the service area of the city, town, or private water company as a service area where an assured water supply exists;
 - (v) for purposes of this Rule, "recoverable amount" means the amount of water, as determined by the Board, that has reached the aquifer.
- (i) **Protection of stored water.**
- (1) Except as provided in subsection (2), in an active management area, the Board shall not issue any one of the following permits, certificates, or designations unless the applicant demonstrates that the application for the permit, certificate, or designation would have satisfied the requirements for issuance of the permit, certificate, or designation if the underground storage and recovery project did not exist:
 - (i) an application for a groundwater withdrawal permit under this Rule, if a proposed point of withdrawal for the permit is located within the area of hydrologic impact of an underground storage and recovery project;
 - (ii) an application for a permit to construct a new well or a replacement well as provided by these Rules, if the proposed well is located within the area of hydrologic impact of the underground storage and recovery project.
 - (2) Outside an active management area, the Board shall not issue any one of the following decisions unless the applicant demonstrates that the application for the decision of adequate water supply would have satisfied the requirements or issuance of the decision if the underground storage and recovery project did not exist:
 - (i) a decision stating that an adequate water supply exists, if a proposed point of withdrawal for a proposed source of water is located within the area of hydrologic impact of an underground storage and recovery project.

- (j) **Criteria for rules and regulations.** In developing rules and regulations under this Rule, the Board shall consider, among other things, water quality, cones of depression, and land subsidence.
- (k) **Water measuring devices.**
 - (1) The Board shall adopt rules and regulations setting forth the requirements and specifications for water measuring devices.
 - (2) A person who recovers stored water pursuant to a recovery well permit issued pursuant to this Rule shall use a water measuring device approved by the Board and shall comply with the Rules set forth in the requirements and specifications for water measuring devices adopted by the Board.

RULE 4.023. DISPOSAL AND STORAGE OF TOXIC WASTES.

- (a) None of the following materials and substances shall be temporarily or permanently disposed, discharged, or stored within the District without first obtaining a permit from the District:
 - (1) radioactive wastes;
 - (2) toxic substances;
 - (3) hazardous substances;
 - (4) polychlorinated biphenyls;
 - (5) oil, gas, and mineral production and refinement wastes; and
 - (6) soil, fluids, or other materials or substances contaminated with any of the above.
- (b) **Exclusions.**

The following substances are hereby expressly excluded from this Rule:

 - (1) agricultural insecticides, pesticides, herbicides, or other agri-chemicals applied to the surface at the appropriate rate and for their intended use only as provided, however, that this Rule shall not exclude the disposal from washing out of equipment used for applying the chemicals by any operator.
- (c) The following activities are prohibited unless a permit is granted by the District:
 - (1) construction, operation, maintenance, or use of waste disposal wells for disposal of any of the materials or substances enumerated in subparagraphs (a)(1) through (a)(6) inclusive of this Rule; and
 - (2) construction, operation, maintenance, or use of tanks, reservoirs, pits, depressions, sites, landfills, or other manner of storage of any of the materials or substances enumerated in subparagraphs (a)(1) through (a)(6) inclusive of this Rule on either a temporary or a permanent basis within the District.

- (d) **Exceptions.** This Rule shall be strictly enforced in its application; provided, however, circumstances may arise that are materially different from those normally encountered in, or resulting from, any of the disposal or storage operations or activities described or prohibited by this Rule. However, an exception may be granted at the discretion of the Board upon due evidence presented that such prohibition shall cause undue hardship, and the Board finds that such disposal, or means of disposal, does not constitute a threat of waste, pollution, or harmful alteration of groundwater within the District.
- (1) Any person, firm, corporation, partnership, association of persons, or other entity desiring an exception to any of the provisions contained in this Rule shall file a written, sworn application with the District Office in Sonora, Texas which shall state the following:
 - (i) the nature of the exception requested;
 - (ii) the type of substance or material for which the exception is requested;
 - (iii) the quantity of the substance or material to be stored and/or disposed of;
 - (iv) the rate of disposal and method of disposal of such substance or material;
 - (v) the exact location of storage and/or disposition of such substance or material;
 - (vi) a description of the present place facilities and environment of the substance or material including the method of storage and safeguards afforded thereby;
 - (vii) the justification for granting the exception; and
 - (viii) any information that the applicant or the District deems appropriate in support of or relevant to said application.
 - (2) Seven (7) copies of any application for an exception under this Rule shall be submitted to the District at its general office in Sonora, Texas.
 - (3) All applications for an exception shall be heard and considered by the Board of Directors meeting in regular or special session within ninety (90) days after submittal. Thirty (30) days prior to the date of hearing, the District shall give notice of such hearing to the applicant and any known interested parties, including but not limited to, all governmental agencies having potential concurrent jurisdiction, and notice shall also be given to the public by appropriate notice given by the District by publication in a newspaper of general circulation within the District at least thirty (30) days prior to the date of hearing.
 - (4) Upon hearing of the evidence presented, within sixty (60) days, the Board shall enter an order granting or denying an application for exception, with any such conditions as it shall deem proper and necessary to protect the quality and/or quantity of the groundwaters underlying said District. In this regard, as one of such conditions, the District may require the installation of requisite equipment at the sole expense of the applicant to monitor water quality, as well as require testing and water analysis of the groundwater from areas around the waste disposal site. In addition, this monitoring equipment shall be in place and in working condition at all times, and District personnel and/or agents or its contractors shall have the right to inspect and obtain samples from said equipment at any time deemed necessary by the District.

- (5) Any hearings hereunder shall be public in nature and shall be conducted pursuant to Rules 4.006 through 4.009, inclusive, provided herein.
 - (6) At the hearing, the applicant will be given the opportunity to present evidence with respect to the type of substance or materials for which an exception is sought, the quantity, location, description of the present facilities and environment of the materials or substances, whether the substances or materials will alter or harm the groundwater, and protective devices and/or techniques to be employed by the applicant to prevent such alteration or harm to the groundwater.
 - (7) The decision of the Board shall be based upon a preponderance of the evidence submitted at the hearing by the applicant, by the District, or by other interested parties, local, state, or federal agencies, or public officials.
 - (8) The Board may grant an exception to more than one (1) applicant with the same waste disposal process.
- (e) All persons, firms, partnerships, corporations, associations of persons, or other legal entities having in their possession or under their care, custody, and control within the District any of the materials and substances enumerated in subparagraphs (1)(a) through (1)(g) inclusive of this Rule as of the date on which this Rule becomes effective, whether for use, storage, or disposal, shall report by sworn inventory to the district office in Sonora, Texas within sixty (60) days of the effective date of this Rule. The report shall include a description of the materials or substances possessed, amount, location, status, and whether a plan or schedule has been formulated for the ultimate disposal of the materials or substances and the place of such disposal. Within sixty (60) days after receipt of such report, the Board shall either approve same or set a hearing according to the procedures outlined herein.
- (f) In the event a change in the quality or quantity of the groundwater which would indicate possible contamination of the groundwater at any time, the Board shall have the right, power, and authority to require the disposal facility to shut down until the source of the contamination is located and measures have been taken to correct the source of contamination and restore the water quality to its previous condition.

RULE 4.024. TRANSFER OF OWNERSHIP OF PERMIT.

A permit is transferrable only upon provision of notice of transfer to the District together with documentation of the transfer acceptable to the District evidencing the transfer. If a permitted facility is sold without a corresponding transfer of the permit, the District reserves the right to rescind or cancel the permit at any time thereafter.

RULE 4.025. NO VESTED RIGHTS.

A permit confers no vested rights in the holder and is subject to modification, revocation, or suspension as otherwise provided herein. The permit and the rights of any permittee under the permit are subject in all respects to all present and future applicable laws and any future rules, regulations, orders, or directives of the District.

CHAPTER 5

VIOLATIONS AND ENFORCEMENT

RULE 5.001. POWER TO ENTER AND TO INSPECT AND TEST WELLS.

- (a) The District's officers, employees, agents, or representatives shall have the right at all reasonable times to enter upon lands on which a well or wells may be located within the boundaries of the District, to:
 - (1) inspect and test such well or wells;
 - (2) make any other reasonable and necessary inspections and tests that may be required or necessary for the formulation or the enforcement of the Rules of the District.
- (b) The operation of any well may be enjoined by the Board immediately upon the refusal to allow the gathering of information as above provided from such well.

RULE 5.002. ENFORCEMENT PROVISIONS.

All Rules duly adopted and promulgated by this District shall be enforced by injunction, mandatory injunctions, and other appropriate remedies, in courts of competent jurisdiction.

CHAPTER 6.

ADDITIONAL REQUIREMENTS TO RULES

RULE 6.001. ADDITIONAL REQUIREMENTS.

For any reason, the Board at its discretion may require, at applicant's expense, conservation plans, management plans (supported by hydrological and/or geological data) or any other matters it finds necessary to conserve, preserve, protect, recharge, and prevent waste of the underground water.

CHAPTER 7.

GENERAL PROVISIONS AND SAVINGS CLAUSE

RULE 7.001. GENERAL PROVISIONS

- (a) **Effect of invalidity of Rule.** If any provision of any Rule or its application to any person or circumstance is held invalid, the invalidity does not effect other provisions or applications of the Rule which can be given effect without the invalid provision or application, and to this end, the provisions of the Rule are severable.
- (b) **Suspension of Rules:** The Board may suspend or waive a rule, in part, upon the showing of good cause or when, in the discretion of the Board, the particular facts or circumstance render such waiver of the Rule appropriate in a given instance.
- (c) **Procedures not otherwise provided for.** If, in connection with any hearing, the Board determines that there are no statutes or other applicable rules resolving particular procedural questions then before the Board, the Board will direct the parties to follow procedures consistent with the purpose of these Rules.
- (d) **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 after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday, in which the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday.
- (e) **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 at Sonora, Texas, within the time limit, if any, for such filing. The date of receipt and not the date of positing is determinative.
- (f) **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 or her to show cause why his or her operating authority or permit should not be suspended, cancelled, 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 procedure and practice.

PREAMBLE

The Rules of the Sutton County Underground Water Conservation District are hereby adopted as of the 17th day of April, 1992.

In accordance with Section 59 of Article XVI of the Texas Constitution and with Acts of the 69th Legislature (1985), p. 1463, Ch. 377, H.B. 1161 and Chapter 52 of the Texas Water Code, the following rules are hereby ratified and adopted as the rules of the District by its Board. All rules or parts of rules in conflict with these rules are hereby repealed.

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

These rules may be used as guidelines in the exercise of discretion, where discretion is vested. However, under no circumstances and in no particular case shall they, or any of them, be construed as a limitation or restriction upon the exercise of any discretion, where such exists; nor shall they in any event be construed to deprive the Board of an exercise of powers, duties and jurisdiction conferred by law, nor to limit or restrict the amount and character of data or information which may be required for the proper administration of the law.