

PLUM CREEK CONSERVATION DISTRICT
RULES

Plum Creek Conservation District Groundwater Management & Protection Rules

Adopted _____ (Date)

~~July 17, 2012~~ <F:\P1\PCCD\PCCD Rules & Policies\Redline 10-15-18.docx>

PLUM CREEK CONSERVATION DISTRICT RULES

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TABLE OF CONTENTS

Preamble	iv
Rule 1 - Definitions	1.1
Rule 2 – Waste- of Pollution	2.1
Rule 3 – Test Holes	3.1
Rule 4 - Well Applications & Registrations	4.1
Rule 5 – Non-Exempt Agricultural Use Well Registrations 5.1	Permits and D
Rule 6 – Test Well Permit Applications Permits	6.1
Rule 7 – Production Additional Well Permit Applications Application Requirements	7.1
Rule 8 - Transportation Permit Applications	8.1
Rule 9 – Recharge Permit Applications	9.1
Rule 10 – Miscellaneous Applications	10.1
Rule 11 – Exempt Wells	11.1
Rule 12 – Well Requirements	12.1
Rule 13 – Application for Drilling Permits	13.1
Rule 14 – Issuance of Permits	14.1
Rule 15 – Time During Which a Permit Shall Remain Valid	15.1
Rule 16 – Location of Well	16.1
Rule 17 – Deposits and Administrative Fees	17.1
Rule 18 – Reporting & Record Keeping Requirements	18.1

**PLUM CREEK CONSERVATION DISTRICT
RULES**

Rule 19 <u>Rule 9 - Miscellaneous Applications</u>	<u>9.1</u>
<u>Rule 10 - Exempt Wells</u>	<u>10.1</u>
<u>Rule 11 - Well Requirements</u>	<u>11.1</u>
<u>Rule 12 - Drilling Permits</u>	<u>12.1</u>
<u>Rule 13 - Issuance of New or Amended Operating Permits</u>	<u>13.1</u>
<u>Rule 14 - Permit Duration and Transfers</u>	<u>14.1</u>
<u>Rule 15 - Location of Well</u>	<u>15.1</u>
<u>Rule 16 - Deposits and Administrative Fees</u>	<u>16.1</u>
<u>Rule 17 - Reporting & Record Keeping Requirements</u>	<u>17.1</u>
<u>Rule 18 - Water Well Driller/Pump Installer License</u>	19 <u>Licenses</u> <u>18.1</u>
<u>Rule 20 19 - Classification, Spacing and Production Provisions</u>	<u>19.1</u>
<u>Rule 20 - Rate of Decline</u>	<u>20.1</u>
Rule 21 - Rate of Decline	21.1
Rule 22 - Reworking or Replacing a Well	22.1
Rule 23 - Protection of Groundwater Quality - Required Equipment on Wells	23.1
Rule 24 - Transportation <u>Rule 21 - Reworking or Replacing a Well</u>	<u>21.1</u>
<u>Rule 22 - Protection of Groundwater Quality – Required Equipment on Wells</u>	<u>22.1</u>
<u>Rule 23 - Transportation of Groundwater From the District</u>	<u>23.1</u>
<u>Rule 24 - Recharge Wells and Facilities, Including Aquifer Storage and Recovery Wells and Projects</u>	<u>24.1</u>
Rule 25 - Recharge Wells and Facilities, Including Aquifer Storage and Recovery Wells and Projects	25.1
Rule 26 - Right to Inspect and Test Wells	26.1

**PLUM CREEK CONSERVATION DISTRICT
RULES**

Rule 27 – Notice Requirements	27.1
<u>Rule 25 - Right to Inspect and Test Wells</u>	<u>25.1</u>
<u>Rule 26 - Notice Requirements</u>	<u>26.1</u>
<u>Rule 27 – Permit Consideration</u>	<u>27.1</u>
Rule 28 – Permit Consideration	<u>Conditions</u> 28.1
Rule 29 – Permit Conditions	29.1
Rule 30 – Test Hole and Test Well Determinations Uncontested Applications	<u>30 and Applications Submitted un</u>
Rule 31 <u>30</u> – Contested Applications.....	31 <u>30.1</u>
Rule 32 <u>31</u> – Changed Conditions	<u>31.1</u>
<u>Rule 32 – General</u>	<u>32.1</u>
Rule 33 – General	33.1
Rule 34 – Enforcement of Rules	34 <u>33.1</u>
Rule 35 <u>34</u> – Effective Date of These Rules.....	35 <u>34.1</u>
36 – Signatures	36 <u>35.1</u>

**PLUM CREEK CONSERVATION DISTRICT
RULES**

PREAMBLE

Plum Creek Conservation District is a special law district operating in portions of Caldwell and Hays County, Texas. The District was created in furtherance of Article XVI, Section 59 of the Texas Constitution by special legislative act formerly codified as Article 8280-194, TEX. REV. CIV. STAT. ANN., as amended. Although the District was created as a Water Control and Improvement District, the powers and duties of the District were subsequently expanded to include those of groundwater districts operating pursuant to Chapter 36 of the Texas Water Code. The Rules established herein, and as may be amended from time to time, are adopted by the District in furtherance of its constitutional and statutory duties to protect, preserve, enhance and insure the beneficial resources within its jurisdiction.

PLUM CREEK CONSERVATION DISTRICT RULES

~~Rule 1~~ Rule 1- Definitions

- A. Except, as otherwise provided in these Rules, the definitions contained in Chapter 36, Texas Water Code, as amended from time-to-time, shall apply to these Rules.
- B. The following words and terms, when used in these Rules, shall have the following meanings, unless the context clearly indicates otherwise:

“Abandoned Well or Deteriorated Well” means: (a) a well, the condition of which is causing pollution of groundwater in the District; (b) a well which is or is not in use, or one which contains no pumping equipment (including an open or uncovered well); or (c) a well which is not maintained in compliance with applicable law, including the Rules and Regulations of the District, the Texas Water Well Driller’s Act, ~~Texas Commission on Environmental Quality,~~ Texas TCEQ, the Railroad Commission or any other state or federal agency or political subdivision having jurisdiction.

~~“Acceptable decline rate” means the percentage of the saturated thickness established by the Board pursuant to Rule 21 of these Rules that may be removed from a groundwater reservoir annually, and will encourage conservation and extend its longevity.~~

“Acre-foot” means one acre-foot of groundwater which is equal to 325,851 gallons of water, or the amount of water necessary to cover one surface acre of land with one foot of water.

“Administratively Complete” means an application that contains all the information required by ~~Statute and these Rules~~ Sections 36.113 and 36.1131 of the Texas Water Code for the particular type of application presented as determined by the District.

“Administratively Complete Date” means the date on the letter from the District to the applicant conveying the information that the District has determined that the application is Administratively Complete. If an application has not been determined to be Administratively Complete by 180 days following its submission the application shall be returned to the applicant for re-filing.

“Agricultural Use -Well” means a non-exempt well producing not more than 100 acre-feet per year of groundwater for use for on-site agricultural or livestock use purposes which well ~~is registered with~~ has an Operating Permit issued by the District pursuant to the provisions in Rule 5 of the District’s Rules. ~~An Agricultural Use Well is considered a Permitted Well.~~

~~“Allowable decline” means an amount of water, expressed in acre-feet, that is calculated by multiplying the net saturated thickness of the previous year by the acceptable decline rate set by the Board.~~

PLUM CREEK CONSERVATION DISTRICT RULES

“**Aquifer**” means a formation, or group of saturated geologic formations, capable of storing and yielding ~~fresh water~~groundwater in usable quantities.

-“**Aquifer Storage and Recovery Project**” or “**ASR Project**” means a well or wells, and any appurtenant facilities, ~~used for the treatment, injection, storage and production of surface water within the boundaries of the District as contemplated by provisions in Chapter 11, Subchapter D of the Texas Water Code.~~ within the Boundaries of the District, used for the injection of water into a geologic formation for the purpose of subsequent recovery and beneficial use by the project operator that has a permit for the Project issued under Subchapter G of Chapter 27 and Subchapter N of Chapter 36 of the Texas Water Code. ASR Project water production quantities are limited to the total volume of water injected as part of the operation of the Project. Water quantities in excess of the volume of water injected as a part of any ASR Project is considered to be “Native Groundwater”.

“**Aquifer Storage and Recovery Well**” ~~and/or~~ “**ASR Well**” means a well designated or constructed to be used ~~to inject into storage or recover from storage water from an aquifer within the District as part by the Operator~~ of an ASR Project.

“**Area of Influence**” ~~means the circumference of property permitted in the vicinity of an existing or proposed well where calculations made by the District using standard methods show that there could be a drawdown of the static water level in any aquifer of more than five (5) feet during a seven (7) day period as a result of continuous production at maximum production rates from the well being studied. The “Area of Influence” determination is to be used for notice purposes and is not a determination of actual impacts of production from the proposed well.~~ accord with the provisions of Section 27.151 and Subchapter N of Chapter 36 of the Texas Water Code.

“**Authorized Well Site**” means:

1. The location of a proposed well ~~as identified in an application duly filed~~registered with or proposed to be operated under an Operating Permit issued by the District; until such application is denied, canceled, or expires (a described in sufficient detail to allow the District to establish the well's location designated in the records of the District. The location in an application is not a permit to drill at the designated site); valid until a registration is completed or the application for the well is approved, withdrawn or expires. At that point, the well's location becomes the one described in the registration or Operating Permit.
2. The location of a well as stated on a registration or on a permit issued by the District; or
3. The location of any well producing fresh, brackish or saline water from the ~~Alluvium, Leona, Midway, Wilcox, Carrizo, Reklaw, Queen City, Weches, Pecan Gap, Edwards Glen Rose, Hensell, James Sligo or Hosston Groups/Formations/Members~~Quaternary, Tertiary, and Cretaceous aquifers, that

PLUM CREEK CONSERVATION DISTRICT RULES

was in existence at the time the District Rules were first adopted in December, 2003 other than those wells producing from the Edwards sands, formation or aquifer regulated by either the Barton Springs-Edwards Aquifer Conservation District or the Edwards Underground Water District on January 1, 1989; or

4. The location of a well capable of producing in excess of 25,000 gallons of fresh, brackish or saline water per day in existence either (i) at the time the District Rules were revised and adopted on December 29, 2009, or (ii) at the time the area was annexed into the District, which was producing water from the ~~Alluvium, Leona, Midway, Wilcox, Carrizo, Reklaw, Queen City, Weches, Pecan Gap, Edwards, Glen, Rose, Hensell, James, Sligo or Hosston Groups/Formations/Members~~ Quaternary, Tertiary, and Cretaceous aquifers, and is not considered to be an abandoned well or deteriorated well; or
5. The location of a well drilled after the District's Rules were adopted, or after the area was annexed into the District, which has a properly completed registration and Log of Well on file in the District office and which is not "Abandoned" or "Deteriorated; or
6. The location of any Exempt Well.

"Beneficial use" or **"Uses for a Beneficial Purpose"** means the use of an amount of water in a non-wasteful manner contemplated by Section 36.001(a), Texas Water Code.

"Board" means the governing body of the District as prescribed by the District's enabling legislation.

~~**"Chemigation"** means a process whereby pesticides, fertilizers or other chemicals, or effluent from animal or human wastes are added to irrigation water applied to land or crops, or both for beneficial purposes, through an irrigation distribution system.~~

"Commission" means the Texas Commission on Environmental Quality, or the "TCEQ," and any successor agency.

"Contiguous" includes separately described tracts of land owned or leased by an Applicant touching at any point or separately described tracts of land ~~separated~~ only displaced from touching other tracts of land owned or leased by the Applicant by a road ~~or~~ other transportation rights of way. Contiguous land used for calculation of acreage requirements does not have to be within the boundaries of the District but may not be used or proposed for use for permitting of a well under by another groundwater district.

~~**"DFC"** means Desired Future Conditions.~~

PLUM CREEK CONSERVATION DISTRICT RULES

“Dewatering Well” means a temporary boring or opening in the ground surface made in connection with a construction project that encounters groundwater, meets the appropriate portions of Rule 5 and is then Authorized under the provisions of Rule 5.

“DFC” Desired Future Condition means a quantified description, adopted in accordance with Section 36.108, of the desired condition of the groundwater resources in a management area at one or more specified future times.

“District” or **“PCCD”** means the Plum Creek Conservation District ~~or PCCD~~, created by special legislative enactment formerly codified as Article 8980-126, TEX. REV. CIV. STAT. ANN. When used in these Rules in connection with actions, the term “District” means actions of the Board of the District and of employees of the District when the employees are acting in accordance with these Rules.

“District Headquarters Office” means the District’s principal place of business located in Caldwell County, Texas at 1101 West San Antonio St., Lockhart, Texas 78644.

“Domestic Use” means the use of water by an individual or a household to support domestic activity. Such use may include water for drinking, washing, or culinary purposes; for irrigation of lawns, or of a family garden and/or family orchard; for watering of domestic animals; and for non-commercial water recreation including aquatic and wildlife enjoyment. Domestic use does not include water used to support activities for which consideration is given, bartered or received, or for which the product of the activity is bartered or sold.

“Easy Access” means access to a well that is not obstructed by equipment and the fitting(s) can be removed and replaced with a minimum of tools and/or effort, and without risk of breakage of any attached parts.

“Electric Log ~~(“~~ or “Geophysical Log)” means the representation of results of tests made by a wire line measurement of natural gamma radiation and/or of measurements of various forms of resistivity/conductivity from electrodes placed within an open or cased well or and/or other wire line geophysical tools used to determine formation and/or well characteristics.

“Executive Manager” means the person who is employed by and acts as the Executive Manager of the District.

“Exempt Well” means a well exempted from permitting by PCCD in Rule ~~14~~10 of these Rules or exempted from permitting by the provisions of Chapter 36, Texas Water Code. Water produced from Exempt Wells can be used only for purposes related to the claimed exemption.

“Existing Well” means a well that was drilled prior to December 31, 2003.

~~**“Flapper”** means the clapper, closing, or checking device within the body of the check valve.~~

PLUM CREEK CONSERVATION DISTRICT RULES

“Foreign substance” means any element or combination of elements in excess of that naturally occurring in the groundwater, including re-used or re-claimed water and tailwater, and may also include instances where open-ditch water is treated when a pump discharge pipe is submerged in the ditch.

“Fresh, Brackish & Saline Zones”

Period	Epoch	Group/Formation/Member	Description
Quaternary	Holocene	Alluvium	Sand, silt, clay
	Pleistocene	Leona	Gravel, sand, silt, clay
Tertiary	Eocene/ Paleocene	Weches	Clay, silt, sand
		Queen City	Sand, clay
		Reklaw	Clay, sand, silt
		Carrizo	Sand, clay
		Wileox	Sand, clay
		Midway	Clay, silt
Cretaceous	Late	Navarro	Clay, silt
		Pecan Gap	Chalk
	Early	Eagle Ford	Clay
		Buda	Limestone
		Del Rio	Clay
		Georgetown	Limestone
		Edwards	Limestone, dolomite
		Glen Rose	Marl, limestone
		Hensell	Sand, silt, clay, dolomite
		Bexar	Clay, silt
		James (Cow Creek)	Limestone
		Pine Island (Hammett)	Clay
		Sligo	Limestone, silt
		Hosston	Sand, gravel, silt, clay

Note: blue indicates primary, secondary and tertiary potential fresh, brackish and saline aquifers.

“GPD” means gallons per day.

“GMA” means a groundwater management area designated by the TWDB.

“Groundwater” means water percolating below the surface of the earth.

“Groundwater Reservoir” means a specific subsurface water-bearing reservoir having ascertainable boundaries containing groundwater.

PLUM CREEK CONSERVATION DISTRICT RULES

~~“Guidance Document” means a statement prepared and revised by the District from time to time that is a communication between the District and others detailing the District’s views on interpretations of these Rules. Any Guidance Document will be made available in the offices of the District and on the District’s Web Site and is not a Rule.~~

“Historic Use” means the amount of production of groundwater from a non-exempt well for beneficial use without waste prior to 2004.

“Injection well” means a non-ASR Project Well that is an artificial excavation or opening in the ground made by digging, boring, drilling, jetting, driving, or some other method, and used to inject, transit or dispose of water, or any other fluid, into a water bearing subsurface stratum; An Injection Well may be regulated pursuant to Chapter 27, Texas Water Code and subject to the jurisdiction of either the Texas Commission on Environmental Quality and/or the Texas Railroad Commission.

~~“Irrigation distribution system” means a device or combination of devices having a hose, pipe or other conduit that connects directly to any water well through which water or a mixture of water and chemicals is drawn and applied to land. The term does not include any hand held hose sprayer or other similar device which is constructed so that an interruption in water flow automatically prevents any backflow to the water source.~~

“Lithologic Log” means a log constructed from cuttings and/or cores describing the sediments and rocks encountered in the borehole.

“Livestock Use” means the use of groundwater for the open-range watering of animals, including exotic livestock, game animals or fur-bearing animals on property designated for agricultural use and holding agricultural use or wildlife management status associated with open space land devoted to farm, ranch or wildlife purposes on the basis of its production capacity from the appropriate appraisal district.

~~“MAG” means Modeled Available Groundwater as calculated by the TWDB.~~

“Maximum Historic Use” means the maximum amount of groundwater pumped from a non-exempt well without waste during any consecutive twelve-month period ending prior to December 31, 2003.

“Mitigation Plan” means the procedures and actions to address impacts of permitted ~~wells on or~~ registered groundwater wells except those having permits issued under the provisions of Rule 5 of these Rules located on properties in the ~~Area of Influence of a permitted well’s operation at maximum capacity-District.~~ A Mitigation Plan can be one adopted by Rule by the District; or approved by the District in connection with an application for ~~a permit~~ an Operating Permit for a well; or Well Field Project, or one mandated by the District’s Mitigation Requirements. Any Mitigation Plan can include a request for consideration of the Applicant’s mitigation efforts in place with other groundwater districts or Well Field Projects.

PLUM CREEK CONSERVATION DISTRICT RULES

“Modeled Available Groundwater” or “MAG” means the amount of water that the Executive Administrator of the Texas Water Development Board determines may be produced on an annual average basis to achieve a desired future condition established under Section 36.108 of the Texas Water Code.

“~~Monitoring~~ Monitor well” means a producing or non-producing well designated or constructed to measure, or monitor, either the quality, or quantity or movement, of substances, elements, chemicals or fluids beneath the surface of the ground. The term does not include any monitoring well which is used in conjunction with the production of oil, gas or any other minerals.

“Native Groundwater” means groundwater that is under the surface of property in a volume and quality that is present without consideration of water in place because of injection into the subsurface from operation of an ASR Project.

“Owner” means, and includes, any Person having the right to produce groundwater either by land or groundwater ownership, contract, lease, easement or any other estate in the land or water.

“On-Site” means on property owned or controlled by a holder of a groundwater production permit or registration even if such property is not contiguous to the property tract where the well producing the permitted or registered water is located if the permit holder desires to have additional land included within any application submitted to the District. If such land is considered to be “on-site” land for any particular application or permit, then such land cannot be used for land surface area calculations for any other application submitted to the District or any other Groundwater District.

“Operating Permit” means a permit for production of groundwater from a non-exempt well issued by the District under these Rules.

“Permit Holder” means a person to whom the District has issued an Operating Permit, or a person to whom an Operating Permit has been transferred in compliance with these Rules.

“Permitted Well” means a non-exempt well that has been issued ~~a permit or~~ an Operating Permit under these Rules or has received other authorization by the District.

“Person” means any individual, partnership, corporation, organization, government, government subdivision or agency, business trust, estate or any other legal entity or association.

“Pollution” means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, groundwater in the District that renders the groundwater harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

“Railroad Commission” means the Texas Railroad Commission.

PLUM CREEK CONSERVATION DISTRICT RULES

“Re-equip” means to replace any portion of the water producing equipment in a well.

~~“Recharge Well” means a well other than a disposal well, including an “Aquifer Storage and Recovery Well” and “ASR Well”, used to allow or cause water to flow out of the well into the aquifer either under a gravity head or a head maintained by an injection pump in order to replenish the groundwater.~~

“Registered Well” means an exempt well ~~or an Agricultural Use well~~ that has been registered with the District.

“Rework” means any alteration of a well whether accomplished by mechanical or chemical means.

“Saturated thickness” means the vertical distance between the water table and the base of the groundwater reservoir.

“SOAH” means the State Office of Administrative Hearings.

“Storage Coefficient” means a unitless number used by the District in evaluating permit applications. To be valid for use by the District in such evaluations a “Storage Coefficient” must be larger than 1.0E -6.

“Subsidence” means the lowering in elevation of the land surface caused by withdrawal of groundwater.

“TCEQ” means the Texas Commission on Environmental Quality.

“Test Hole” means an excavation into a ~~water producing~~geological formation that is intended to determine the formation’s characteristics for the purposes of producing groundwater to be put to some lawful purpose.

“Test Well” means a Well drilled and completed for the purpose of determining aquifer characteristics through water production during a short period of time. A Test Well is not a Production Well having an associated Operating Permit. A Test Well can ~~be~~ subsequently ~~permitted~~receive an Operating Permit as a non-exempt production well or be converted into a monitor well ~~if an appropriate permit is granted~~ following submission of an appropriate application. An application for a Tier II Operating Permit requires Test Well results for permit issuance, and the District may request Test Well results for consideration of some Tier I well applications.

“Tier I Well” means a well that has an Operating Permit with annual pumping limit of 300~~-~~acre feet or less. An Agricultural Use Well permitted under Rule 5 is considered to be a Tier I Well.

“Tier II Well” means any well having an Operating Permit that does not qualify as a **Tier I** well.

PLUM CREEK CONSERVATION DISTRICT RULES

“Transportation Facility” means any system used for transporting any quantity of native groundwater produced from a well(s) located, or to be located, within the District. ~~An ASR Well that is part of a Transportation Project is not a well permitted by the District unless water is being produced from the well in excess of water quantities injected into the storage facility in which case the well requires a permit issued by the District.~~

“TWDB” means the Texas Water Development Board.

“Underground Water” means native groundwater- but does not include the volume of water injected as a part of an ASR Project.

“Waste” means any one, or more, of the following as applied to wells:

1. Withdrawal of groundwater from a groundwater reservoir at a rate, and in an amount, that causes, or threatens to cause, intrusion into the reservoir of water unsuitable for ~~beneficial~~agricultural, gardening, domestic, or stock raising purposes;
2. The flowing, or producing, of water from wells completed in a groundwater reservoir if the water produced is not used for a beneficial purpose;
3. The escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater-~~as.~~ As used herein, the term “escape” does not include water intentionally transferred from a groundwater reservoir into another groundwater reservoir for beneficial use in connection with an ASR project or groundwater discharging to the surface in natural springs;
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 from a well 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 for a non-beneficial purpose, unless the same is authorized by a permit, rule or order issued by the District, or by the ~~Commission~~TCEQ under either Chapter 11 or 26 of the Texas Water Code;
6. Groundwater pumped for irrigation that is not contained in tailwater retention ponds and escapes as irrigation tailwater onto land, other than that of the owner of the well(s), unless permission has been granted by the occupant of the land receiving the tailwater, and the same is used for a beneficial purpose;

PLUM CREEK CONSERVATION DISTRICT RULES

7. For water produced from an artesian well “~~waste,~~ Waste,” also has the meaning assigned by Section 11.205 of the Texas Water Code; or

~~8. Production of groundwater from a Non-Exempt Existing Well without first registering the well or obtaining a permit from the District.~~

~~“Water” means groundwater or underground water.~~

PLUM CREEK CONSERVATION DISTRICT RULES

“Water Classes”:

PCCD Definition Water Classes	Total Dissolved Solids (mg/l)
Fresh	<1,000
Brackish	1,000-10,000
Very Saline	10,001-35,000
Sea Water	35,000
Brine	> 35,000

USGS: Davis & De Wiest (1996). Subsurface saline water has been found as high as 400,000 mg/l. Most subsurface brine ranges between 50,000 and 200,000 mg/l.

“Water Well” means any artificial excavation including a well permitted and operated as a part of an ASR Project constructed for the purpose of exploring for, monitoring, recharging, storing or producing, groundwater other than: ~~(i)~~ test or blast holes in quarries or mines; (ii) any well(s) or excavation(s) for the purpose of exploring for, or producing oil, gas or any other minerals, unless the ~~hole(s) is used to produce~~ produced groundwater; is exempt from regulation of a groundwater district under Chapter 36; or (iii) any injection well regulated by the Railroad Commission or an ASR Project injection Well regulated by TCEQ. The term “Water Well” includes Test Holes as described in Rule 3 of these Rules and Dewatering Wells as described in Rule 5 of these Rules.

“Well” includes any “Water Well” ~~described or~~ defined in these Rules.

“Well Field” means ~~any permitted well or a~~ group of two or more non-ASR wells ~~whether permitted or exempt~~ having Operating Permits issued by the District all of which wells being under the ownership or control of one owner and existing a common Operating Permit holder with each Well in the group being located within a 5,000 feet ~~foot~~ radius of another permitted at least one other well in the group.”

PLUM CREEK CONSERVATION DISTRICT RULES

"Well Field Project" means an application submitted to the District for Operating Permits in a single purpose water supply project that will use multiple water wells installed and developed over a period of time for use in connection with the Well Field Project. A Well Field Project can include wells that are to receive Operating Permits issued by the District and ASR Wells permitted by TCEQ. Multiple exempt wells used for a single purpose do not require a Well Field Project application or permit.

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PLUM CREEK CONSERVATION DISTRICT RULES

~~Rule 2~~ Rule 2 - ~~Waste~~ or, Pollution

- A. Groundwater shall not be produced, or used, within the District in such a manner, or under such conditions, as to constitute ~~waste~~ Waste. Groundwater shall not be produced from an abandoned or deteriorated well; or from any permitted or registered well ~~or unpermitted exempt well~~ at greater rates or in greater quantities than authorized by law or these Rules for such well.
- B. Any person producing, or using groundwater, shall use every possible precaution to avoid and prevent ~~waste~~ Waste.
- C. Within thirty (30) days following written notification from ~~Plum Creek Conservation~~ the District, the owner of a well(s) identified as an abandoned or deteriorated well must initiate action to ensure that the abandoned or deteriorated well is plugged, covered, or reworked in accordance with the requirements of the District and any applicable statewide law, or any rule of an agency or political subdivision having jurisdiction including, but not limited to the Texas Water Well Driller's Act, Chapters 35 and 36, Texas Water Code, the TCEQ, and Railroad Commission. Final plugging, covering or re-working shall be accomplished within ninety (90) days of the well owner receiving notice.
- D. Groundwater produced from ~~an Existing~~ a Well that ~~is~~ does not ~~permitted~~ have an associated Operating Permit issued by the District is Waste unless the well (i) qualifies and is registered as an Exempt Well in accord with Rule ~~11~~ 10 of these Rules.

**PLUM CREEK CONSERVATION DISTRICT
RULES**

- , is permitted under Rule 5 of these Rules, or (ii) is an ASR Well in an ASR Project that is recovering a quantity of water within the limits of the ASR Project's TCEQ permit.
- E. Long term production of quantities of water in excess of recharge rates for an aquifer or for a group of aquifers that result in declines in water levels in an area or aquifer in excess of those following determinations made pursuant to the provisions of Rule 20, or production of water causing or leading to Pollution, may be determined to be Waste under, these Rules.
- F. "Waste" can result in the well Owner or Operator being subject to an order to cease the activity considered to be Waste and also being required to address impacts of the wasteful production following a determination made by the District in accord with Rule 20 of these Rules and the District's Mitigation Rules.

PLUM CREEK CONSERVATION DISTRICT RULES

~~Rule 3~~ Rule 3 - Test Holes

- A. A test hole can be used to determine some subsurface characteristics for use with other types of well applications. A test hole ~~is not a well and, unless converted into a well,~~ cannot be used to produce water for any purpose except that of characterizing the subsurface formation and water contained in those formations unless it is converted into a water well having an Operating Permit issued after consideration of an appropriate application, or a monitor well, or a registered exempt well.
- B. A person wishing to explore for groundwater by using one or more test holes must file with the District an application for authority to drill ~~a~~the number of desired test ~~hole~~holes prior to commencement of drilling ~~a~~each test hole ~~for a well~~. The application for authority to drill ~~a~~one or more test ~~hole~~holes shall be accompanied by payment of the prescribed fee(s), and include all of the following additional information:
1. A legal description of the tract upon which the test hole is proposed to be drilled;
 2. The ~~proposed~~ date for commencing drilling of the test hole or the time period during which all test holes will be drilled;
 3. The exact location of ~~the~~each test hole, including longitude and latitude coordinates, the name of the current landowner as listed on the tax roll with the volume and page data from the Caldwell or Hays County Deed Records, and the approximate distance and location in fact to the nearest public road, property line or other landmark; and the survey in which the land is located~~;~~;
 4. If the person proposing to obtain permission for the test hole is not the owner of the Property on which the drilling activity is to take place, the person seeking authority for the test hole must furnish some written document evidencing authority to be on the property for the purposes of exploring for groundwater through test holes;
 5. The name and address of the driller or contractor;
 6. The date the test hole(s) is to be ~~drilled~~completed;
 7. An acknowledgement that the person(s) responsible for drilling of the test hole will provide drilling logs and/or plugging reports to the District upon completion of the test hole operation;
 8. An acknowledgment that ~~the~~each test hole will either be properly plugged ~~or, if on or before the expiration of the test hole will be converted~~permit or, if a decision is made to a convert a test hole to a permitted water well having an Operating Permit or into a monitor well, that the test hole will be capped with a

PLUM CREEK CONSERVATION DISTRICT RULES

covering capable of sustaining a weight of at least 400 pounds until the test hole is converted into ~~and permitted as a water well; and~~ an exempt well, a well having an Operating Permit or into a registered monitor well;

9. An acknowledgment that the owner will make appropriate applications to the District pursuant to Rule 4 for conversion of the test hole into a well having an Operating Permit or into a Monitor Well or registered exempt well within sixty (60) days of completion of drilling if the test hole(s) is not plugged; ~~and~~

10. ~~C~~ — Any other information deemed necessary by the District.

~~D.C.~~ If the test hole is not completed as an exempt well or no ~~Application~~ application is received by the District to convert the Test Hole into a ~~permitted well~~ Monitor Well or a well having an Operating Permit within one (1) year after ~~permission is granted~~ the stated date for completion of the test hole, the test hole must be plugged; provided, however, that the District may grant authority to further extend the period during which the test hole may remain unplugged.

~~E.D.~~ Authority to drill Test Holes may be granted by the District's Executive Manager if the Manager determines that all required information has been submitted and that the fees have been paid. Any extension of time for a Test Hole to remain unplugged must be submitted to and approved by the District's Board.

~~F.~~ ~~Notice associated with Applications to drill test holes is described in Rule 27.~~

~~G.E.~~ Drilling activities pursuant to the authority granted for a Test Hole must commence within one hundred twenty (120) days following the issuance of authority to drill a Test Hole.

~~H.F.~~ If the person to whom Test Hole authority is issued fails to plug the Test Hole as required, the District may act to plug the Test Hole and seek to recover its costs from the Applicant.

PLUM CREEK CONSERVATION DISTRICT RULES

~~Rule 7~~ Rule 4 - Well Applications & Registrations

- A. All wells, including exempt wells, ASR Project wells authorized pursuant to Chapter 27 of the Texas Water Code, and Monitor Wells, must be registered with or permitted by the District in order for the District to consider the effects of other permit applications on the well. Failure to register a well with the District or to obtain ~~a permit~~ an Operating Permit for a well will result in the well without a registration or permit not being considered ~~when the~~ in a decision of the District to ~~permit~~ issue Operating Permits for wells ~~are made~~. If the District becomes aware of an existing Exempt Well or an ASR Project Well, it may invite the owner to submit a registration for the well. However, until a registration request is received from the owner the District will not consider the ~~Exempt~~ well to be registered.
- B. All applications submitted to the District for Operating Permits for new ~~well permits~~ wells other than Monitor Wells, and Dewatering wells, are subject to spacing requirements, if any, relative to any approved well permit(s) or existing registered well(s) if the new well application request is to produce from the same formation as the existing registered, or permitted, well. Existing Wells are not subject to spacing limits; provided however, that any permit ~~or well registration~~ renewals or amendment requests to increase the well size, amount of production or rate of production, of an Existing Well shall be subject to the District's spacing and production requirements then in effect. ASR Project recovery wells are not subject to the permitting, spacing and production requirements of the District so long as the amount of groundwater recovered from the wells does not exceed the volume authorized by the Commission to be recovered under the Project. Should production exceed the amount authorized by the Commission for the Project, the District's permitting, spacing and production requirements apply.
- C. All exempt Existing Wells, including ~~exempt~~ Exempt Wells, Monitor Wells and wells used in connection with continuing oil and gas operations, shall be registered with the District. If a person desires to drill a new ~~exempt well~~ Exempt Well, including a new ~~well~~ Exempt Well being drilled or to be used in connection with oil and gas or mineral operations, ~~they~~ the well owner or operator must register such new well ~~prior to the commencement of drilling~~.
- D. All wells, whether exempt, registered or permitted, shall be equipped and maintained in accordance with all applicable state laws and these Rules as to drilling, installation of casing, completion, and pipe and fittings to prevent (i) the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater ~~and to prevent~~, (ii) the pollution or harmful alteration of the character of the water in any groundwater reservoir, and (iii) waste.
- E. Forms for permit applications and registrations approved by Board Resolution will be made available by the District.

PLUM CREEK CONSERVATION DISTRICT RULES

- F. Each registration and/or permit application filed with the District shall be accompanied by the applicable prescribed fee(s).
- G. All applications shall be sworn to by the applicant.
- H. Unless the drilling and/or operation of a well is exempt, either by law or by these Rules, or is associated with the drilling and/or operation of an ASR Project that is recovering a quantity of water within the limits of the ASR Project's TCEQ permit, no person shall (i) operate a well, (ii) begin to drill a well, (iii) perforate or screen an existing well, or (iv) increase the size of an existing well or a pump therein, without first applying to the District for, and receiving ~~a registration or permit~~ an Operating Permit for groundwater production. Monitor Wells must be registered with the District and must comply with the District's reporting requirements for results from that well as established with the registration.
- I. Owners of Existing Wells that do not qualify as Exempt Wells ~~, and owners of wells in ASR Projects that are recovering a quantity of water in excess of the ASR Project's TCEQ permit~~ must apply to the District for ~~a registration or permit~~ an Operating Permit to continue operating the ~~Well~~ Wells. An application for each such well must be filed with the District within one (1) year after the date these Rules are adopted. An Existing Exempt Well for which a registration application has been filed may continue to be operated in a non-wasteful manner.
- J. All applications for ~~permits~~ Operating Permits, groundwater production authority under Rule 5, and registrations filed with the District shall include all of the following information unless noted otherwise in these Rules:
1. Name and mailing address of the applicant/registrant and, if different, the owner of land on which the well is or will be located;
 2. If the applicant/registrant is other than the owner of the property, documentation establishing the applicable authority to construct and/or operate on the property described in the application for the proposed use;
 3. The location of the Existing Well or the location where a new well, test well or test hole is to be drilled, ~~including longitude and latitude coordinates~~; in sufficient detail to allow the ~~name~~ District to locate the placement of the ~~current landowner as listed on the tax rolls~~ well with ~~the Volume and Page data from the Caldwell or Hays County Deed Records; the approximate distance~~ reference to property ownership records and location ~~in feet to the nearest public road, property line or other landmark; and the survey in which the land is located~~; from access points;
- ~~4.A~~ statement of the nature and purpose of the existing/proposed action ~~and~~, the amount of water to be used for each purpose. ~~Multiple uses of the same quantity of water may be requested, provided that the total cumulative volume used annually does not exceed the amount authorized by any permit or exemption issued by the District or authorized by these Rules. Groundwater produced~~

PLUM CREEK CONSERVATION DISTRICT RULES

~~from any exempt well(s) may only be used for domestic and livestock purposes; [Rule 11], and the estimated~~

~~5.4. The proposed rate at which water is or will be withdrawn from a new well, or the actual production rate for an Existing Well;~~produced from the well;

~~6. The name and address of the driller or contractor;~~

~~7. The date proposed drilling operations are to commence for a new well(s), or the date on which the well(s) was completed for an Existing Well;~~

~~8. A statement of the location of all permitted or registered wells within the Area of Influence of the proposed well(s) location, together with the names and addresses of the owners of the Property on which such wells are located based upon the most current tax rolls, and the district well number associated with each such well identified;~~

~~9.5.~~ An acknowledgment by the applicant/registrant that required information in any Operating Permit will be furnished to the District by the applicant/registrant upon completion of the well(s) and prior to production of water therefrom under any Operating Permit;

~~10.6.~~ A water conservation and drought contingency plan, or a declaration that the applicant/registrant will comply with the District's Groundwater Management Plan, ~~including any water conservation and drought contingency plans;~~

~~11. A list of landowners as listed on the tax rolls of Caldwell or Hays County, as applicable of all tracts of land not owned by the applicant within the area of influence of the proposed well;~~

~~12.7.~~ A water well closure plan, or a declaration that the applicant/registrant will comply with well plugging guidelines and report closure to the TCEQ and the District;

~~13. A representation that the well(s) was, or will be, drilled, equipped and completed in accordance with District Rules;~~

~~14. Acknowledgment that the well(s) will be properly plugged in accordance with District Rules;~~

~~15. A mitigation plan for a Tier II well;~~

~~16. A mitigation plan for a Tier I well when required by the Executive Manager pursuant to Rule 4.19 or a statement that the applicant will comply with any mitigation plan promulgated by the District;~~

~~17. Well testing requirements for wells to be used for public drinking water supply purposes and subject to requirements of provisions contained in 30 TAC 290~~

PLUM CREEK CONSERVATION DISTRICT RULES

~~governing Public Drinking Water Systems shall include interval time drawdown data and calculations of producing formation characteristics shall include transmissivity, hydraulic conductivity, and storage coefficients; and~~

~~18. Well testing requirements for Tier II wells not used for public drinking water supply purposes shall include information allowing the District to verify its calculations of the Area of Influence of the well.~~

8. For Well Fields the following additional information: (i) the total number of wells within the Well Field; (ii) the location of each well within the Well Field; (iii) the cumulative maximum production limit from all wells in the Well Field; (iv) the anticipated maximum instantaneous production rates for each well in the Well Field; (v) the proposed construction completion date for all wells in the Well Field, including the construction completion date for each Well in the Well Field if available; and

~~19.~~9. Any other additional information deemed necessary by the District and authorized by Chapter 36, of the Texas Water Code.

**PLUM CREEK CONSERVATION DISTRICT
RULES**

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**PLUM CREEK CONSERVATION DISTRICT
RULES**

Rule 5 – Non-~~exempt~~Exempt Agricultural Use Well ~~Registrations~~Permits and Dewatering Well Permits

~~A~~I. Non-Exempt Agricultural Use Wells

- A. In lieu of making an application for a standard Operating Permit an owner of land seeking to use groundwater for agricultural or livestock use purposes on-site may apply for ~~a registration of a well for use of no~~ an Operating Permit under the provisions of this Rule 5. To qualify for an Operating Permit under this Rule 5 the applicant may seek an Operating Permit for one well to produce not more than a total of 100 acre feet per year ~~at~~if the property on which the well is to be located contains at least 200 acres. If the tract of land on which the well is to be located contains less than 200 acres, the application can be made under this Rule for an Operating Permit for a lesser annual production quantity of one-half acre foot per acre for the owned tract. Production rates for such wells are limited to production rates no greater than those allowed for Tier I wells producing the same total annual quantity or water from the same aquifer as the well to be ~~registered~~permitted under the terms of this Rule-~~in lieu of making an application for a Tier I permit for such a well~~. To qualify for an Operating Permit under this Rule, separate tracts of land can be totaled by an applicant but the separately tracts must be contiguous and under the same ownership or all of the lands leased by the applicant. No permit under this Rule 5 may be issued for production of more than 100 acre feet per year. If lands sought to be included in the land area for which an application is sought under this Rule 5 are leased, the lease supporting the application must be provided with the Application and the lands supporting the application for a permit issued under the terms of this Rule must not have been used to support another Operating Permit for groundwater production issued by the District or a different groundwater district.
- B. Only a single Non-Exempt Agricultural Use Well Permit may be issued for a single or for contiguous tract(s) of contiguous property that is/are under one ownership.
- ~~B.C.~~ The water produced from a non-exempt agricultural well-~~registered~~ under this Rule must be used for agricultural or livestock use on-site for the non-exempt agricultural Well ~~Registration~~permit to remain valid.
- D. The District will develop and make available a form for an application for a non-exempt agricultural use well.
- ~~C.E.~~ An application for ~~registration of~~ a non-exempt Agricultural Use well permit under this Rule is not a contested case.
- ~~D.F.~~ All of the requirements in the District's ~~Groundwater Management and Protection Rules~~Rules are applicable to wells ~~registered~~permitted under Rule 5 in accordance with the provisions of each of ~~the~~those Rules.

PLUM CREEK CONSERVATION DISTRICT RULES

G. Should leased lands be included in the application for such well, any permit issued shall require a verified annual statement that the lease over such lands is still valid. If a lease terminates or a required annual report stating that the lease is still in effect is not received by the end of January after a calendar year concludes, the lease shall be deemed to be terminated and the pumping permit amount shall be proportionally reduced by the lease land that was included in the original amount of acres supporting the grant of the permit under this Rule.

~~E.H.~~ A non-exempt Agricultural Use Well ~~registered under this Rule is a "Permitted Well" that is authorized by,~~ under the terms of this Rule is a Tier I well that has obtained an Operating Permit that is limited to water production and ~~limited to, water production under the~~ specific uses authorized under the terms of this Rule 5.

II. Dewatering Wells

A. Should a contractor or landowner encounter groundwater within fifty (50) feet below the normal ground surface during an excavation for any construction project that requires the groundwater to be addressed to complete the construction project, the Owner or Contractor may apply to the Executive Manager for a permit of temporary duration to allow the groundwater to be produced to allow the construction project to continue to completion.

B. The Request for authorization does not need to contain the information described in Rule 4 but must contain the information stated in this Section of these Rules. A Request for authorization to dewater must be submitted in writing to the Executive Manager. Any Request must identify the depth of the anticipated excavation, the dimensions of the proposed dewatering excavation of well, the location and owner of the property on which the construction is taking place, note any nearby streams, and give an estimated time for completion of the required period for which the authority is requested. The Request must also identify the use to which the water removed during the dewatering is to be put, must confirm the applicant's intent to comply with the prohibition against waste in these Rules, and must provide enough information so that the District and, if necessary, TCEQ can make a determination that the water being encountered is groundwater owned by the owner of the surface of the tract involved and is not State-owned surface water. If the proposed produced groundwater is to be used in the Construction Project, the Contractor must provide the District with documentation that the Contractor has authority from the Property owner to produce and use the groundwater in the project. If the District has any question about the classification of the water as Groundwater or Surface water, the person submitting the request may be asked to furnish documentation from TCEQ that the character of the water encountered is groundwater and not surface water.

C. The Request is not a contested case matter and Authority for the dewatering may be issued by the Executive Manager after giving a minimum of 10 days' notice to the Property owner of the receipt of the Request to allow the Property owner to submit

**PLUM CREEK CONSERVATION DISTRICT
RULES**

comments or objections, or to state that the owner is consenting to the use of the produced groundwater in the Construction project. Any authorization issued by the Executing Manager for the use of groundwater under this Rule must contain a date and time when the authorization will automatically expire.

- D. An authorization issued under this Rule may not be renewed. If more time for groundwater dewatering is requested, a new application must be submitted. In no event shall this Rule be used to authorize groundwater production from one location and project for a term of more than sixty (60) days.

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PLUM CREEK CONSERVATION DISTRICT RULES

Rule 6 – Test Well ~~Permit Applications~~ Permits

- A. An Application for a Test Well Permit may include all of the information required in 4.J of these Rules.
- B. An application for a Test Well Permit is not a contested case and can be issued by the Executive Manager of the District or may be referred by the Executive Manager to the Board for consideration and action. A test well Application does not require formal notice to other landowners prior to action on the Application.
- ~~C.~~ Test Well results shall be required for completion of processing and issuance of an Operating Permit for any Tier II well, and may be necessary for processing and permitting of Tier I wells in some instances (such as a request for a deviation or a variance from requirements in these Rules), depending on the geologic facts related to the application being considered.
- D. Test Well Parameter Reporting Requirements supporting applications are as follows:

<u>TEST REPORTING REQUIREMENTS</u>				
<u>Test Well Drawdown</u>	<u>Hydraulic Conductivity (K)</u>	<u>Transmissivity (T)</u>	<u>Regional Drawdown Maps</u>	<u>Storage Coefficient</u>
<u>Feet</u>	<u>Ft/day</u>	<u>Ft²/day</u>	<u>Feet</u>	<u>Unitless</u>
	<u>If the Cooper-Jacob method is used, divide gpd/ft by 7.48 to obtain the required units shown above.</u>		<u>50' contours or less.</u>	<u>A number below 1.0E6.</u>

- E. Drilling activities pursuant to a Test Well Permit must commence within one hundred twenty (120) days following the issuance of the Test Well Permit ~~or the Permit expires.~~ The Test Well must be completed within 120 days following the initial drilling date or the Test Well Permit shall expire. The Executive Manager or Board may extend the initial period of a Test Well Permit for one additional one hundred twenty (120) day period.
- ~~D.F.~~ A Test Well ~~permit is issued~~ Permit may be extended for a term of ~~two (2) years~~ no more than five (5) years from the first date any Test Well Permit for the well in question was first issued conditioned upon drilling activity commencing within one hundred twenty (120) days. ~~The term of~~ and completion of the Test Well within an additional 120 day period or some other period allowed pursuant to Rule 6.E. No extension of the initial period of a Test Well Permit ~~is extended~~ for a period ~~term~~ of more than five (5) years

PLUM CREEK CONSERVATION DISTRICT RULES

from the date of first ~~date it was issued if~~ issuance of the Permit shall be considered by the District unless the District receives an application to convert the Test Well into a production well with an Operating Permit, or into a Monitor Well ~~or a Production Well is received within the term of the Test Well Permit and drilling activity commenced within one hundred twenty (120) days of the date~~, during the period when the Test Well Permit ~~was issued.~~ is valid.

- ~~E. A Test Well~~ GA Test Well can be converted to a production well with an Operating Permit, or to a Monitor Well or exempt well after submission and processing of an appropriate application or registration. If the District has not received and application to convert a test well into a well having an Operating Permit, or into a Monitor Well, during the Test Well Permit term, the Test Well must be ~~plugged~~ either plugged or completed and registered as an exempt well within one hundred twenty (120) days after the expiration of the Test Well Permit ~~for~~. If the Test Well ~~If the Applicant~~ Permit holder fails to complete and register the test well as an exempt well or properly plug ~~the Test Well~~ it as required, the District may act to plug the Well and recover its costs from the Applicant.

PLUM CREEK CONSERVATION DISTRICT RULES

Rule 7 – ~~Production~~Additional Operating Well Permit ~~Applications~~Application Requirements

- A. An application for a ~~“Water Well Production~~an Operating Permit² for a new non-Exempt well ~~or except a well (other than a well authorized under the provisions of Rule 5 of these Rules), for a Well Field, for a Test Well that is to be converted into a monitor well or into a non-Exempt Production Well~~Monitor Well under Rule 6, or for an Operating Permit for an ASR Well that is subject to the Rules of the District because its production will exceed that amount of injected water as authorized in a permit issued by TCEQ, must include all of the following additional information:
1. Copies of any either (i) other applications for permits previously submitted to, and/or (ii) permits issued by the District for the subject well;
 2. All information required in 4.J of these Rules to the extent such information has not been previously supplied;
 3. The drilling log, lithologic log or geophysical log(s) (in TIFF format if available) prepared during the drilling of the subject well;
 4. Results and information from any and all Test Wells related to the Application performed in accord with the provisions of Rule 6 of these Rules;
 - ~~4.5.~~ Identification of the aquifer(s) from which water will be produced and the screening or perforation interval(s);
 - ~~5.6.~~ The proposed use of the well(s);
 - ~~6.7.~~ The total number of gallons per minute the pump(s) is capable of producing;
 - ~~7.8.~~ The maximum rate and duration of the period at which the well(s) is going to be produced in gallons per minute;
 - ~~8.9.~~ The volume of water to be produced annually;
 - ~~9.10.~~ The number of ~~contiguous~~ acres owned or leased for water production by the applicant/~~registrant~~ from which groundwater is to be produced as recorded in the ~~Caldwell or Hays~~Official Records of the appropriate County ~~Deed Records; or~~Counties where the lands are located. The acres that the Applicant requests be considered must not be included in an area of land calculation required for permit issuance by the District or any other groundwater district that has issued an Operating Permit for production of groundwater or has such an application under consideration. Land used for calculation of acreage under this Provision does not have to be within the boundaries of the District.;

**PLUM CREEK CONSERVATION DISTRICT
RULES**

~~10.~~11. The number of acres owned or leased for water production by the applicant ~~in the Area of Influence; and~~ associated with and dedicated to production solely from the proposed Well or Well Field;

12. Historic use if the well qualifies for such consideration and permitting is not being requested under Rule 5 of these Rules; and

~~11.~~13. Additional information that may be required by the Board, and authorized by Chapter 36, Texas Water Code.

B. To obtain ~~a Water Well Production~~ an Operating Permit for an Existing Well based upon its Historic use the following additional information shall be provided to the District on forms provided by the District:

1. All information required in 4.J of these Rules if it has not been previously supplied;
2. If available; ~~a technical description of the well(s) that are producing water for transportation~~ including, but not limited to, all of the following:
 - (a) a copy of the driller's lithologic log and geophysical log(s) for ~~each the well anticipated to contribute groundwater to the transportation facilities;~~ each the well;
 - (b) a completion record showing the depth of the well(s); the casing diameter, type and setting, and the perforated ~~interval(s);~~ intervals;
 - (c) the size of the pump(s) used to produce groundwater ~~to be transported from the well;~~ and the date the well(s) was drilled;
3. The purposes of use for which water has historically been produced;
4. The highest volume of water produced during any consecutive twelve (12) month period; ~~including prior to January 1, 2004 supported by~~ documentary evidence corroborating such production and use;
5. If known, monthly production during a period of twenty-four (24) consecutive months or for the number of months less than 24 during which the well has operated;
6. The number of contiguous acres owned or leased for water production from which the groundwater has been produced from the Existing Well;
7. The number of acres owned or leased for water production by the applicant ~~in the Area of Influence;~~ and

**PLUM CREEK CONSERVATION DISTRICT
RULES**

8. Additional information that may be required by the Board, and authorized by Chapter 36, Texas Water Code.
- C. If any information listed is not available, a statement by the applicant that the information could not be located. If the listed information could not be located, the ~~General~~Executive Manager may determine that the application is ~~not~~ Administratively Complete, but the Application could not be properly evaluated, and return it to the applicant, or present the application to the Board for action. The Board may either deny such an application without a hearing or set such an application for a hearing— to be considered on the basis of the information contained in the application

PLUM CREEK CONSERVATION DISTRICT RULES

Rule 8 – Transportation Permit Applications

- A. An application to obtain a “Transportation Permit” for water produced from a well or from a group of wells in a Well Field Project within the District pursuant to Operating Permits must include all of the information described in Rule 4.J and Rule 7 of these Rules, as well as the following information to the extent it has not been furnished in any other application:
1. The name and address of the owner(s) and/or operator(s) of the transportation facility;
 2. The ~~legal description of the~~ location of the well(s), ~~including the longitude and latitude coordinates,~~ or wells from which groundwater to be transported is to be produced;
 3. A map reflecting the location of the well(s) and the transportation ~~facilities~~ facility;
 4. The name(s) and address(es) of the owner(s) of the land(s) upon which the well(s) from which water is to be produced and transported ~~is located including the names and addresses of water rights owners if there has been a severance or lease of water production rights on the lands where the well or well field is~~ are located;
 5. The ~~permit registration~~ Operating Permit number(s) of ~~the any currently permitted well(s) or wells~~ used to produce water to be transported;
 - ~~6. A technical description of the well(s) that are producing water for transportation including, but not limited to all of the following:~~
 - ~~(a) a copy of the driller’s log, lithologic and geophysical log(s) for each well anticipated to contribute groundwater to the transportation facilities;~~
 - ~~(b) a completion record showing the depth of the well(s), the casing diameter, type and setting, and the perforated or screened interval(s);~~
 - ~~(c) the size of the pump(s) used to produce groundwater to be transported; and the date the well(s) was drilled;~~
 - ~~7. The proposed use of groundwater transported;~~
 - ~~8. The volume of groundwater transported, if any, during the previous calendar year;~~
 6. Applications associated with Well Field Projects shall state that the information required in Rule 7 A, B and C for each well shall be supplied within 120 days following the completion of each well in the permitted Well Field Project. Upon

PLUM CREEK CONSERVATION DISTRICT RULES

submission of such information and approval by the District each well in the Well Field Project shall then be considered a well having an Operating Permit;

- ~~9.7.~~ 7. A description of the facilities used to transport groundwater;
- ~~10.~~ 10. ~~The names and addresses of the property owner(s) within one-half (1/2) mile of the location of the well(s) from which water to be transported is to be produced, and the location of any well(s) on those properties;~~
- ~~11.8.~~ 8. The time schedule for construction and/or operation of any new transportation ~~facilities~~ facility;
- ~~12.9.~~ 9. A copy of the construction and operation plans, including but not limited to, all of the following:
- ~~(a)~~ (a) ~~A description of the existing or proposed well(s) and production facilities, including depth of the well(s) the casing diameter, type and setting, the perforated or screened interval(s), and the size of pump(s);~~
 - ~~(b)~~ (a) A technical description of the ~~facilities to be used for transportation of water~~ Transportation Facility;
 - ~~(c)~~ (b) Information showing the effect, if any, of the proposed transportation on the quantity and quality of water available within the District under the appropriate MAG;
- ~~13.~~ 13. ~~A discussion about any other water sources, including treated effluent, brackish water and grey water, that could be substituted for the fresh groundwater and possible sources of such water sources including quantity and quality;~~
- ~~14.10.~~ 10. Credible scientific evidence that the proposed operation will not cause pollution, waste, or subsidence;
- ~~15.11.~~ 11. A Mitigation Plan, ~~to the extent there is no such plan associated with the wells producing water~~ for the ~~transportation facility~~ well or Well Field Project; and
- ~~16.12.~~ 12. Additional information that may be required by the District, and authorized by Chapter 36, Texas Water Code.

PLUM CREEK CONSERVATION DISTRICT RULES

Rule 9—~~Recharge Permit Applications~~

- ~~A. An application for a “Recharge Well Permit,” for any well, whether an Existing Well or a new well, shall include any permit number assigned to that well by the District and all of the following additional information:~~
- ~~17. The name and address of the water right owner(s) of the land upon which the recharge facility will be located;~~
 - ~~18. The legal description, including longitude and latitude coordinates, of the exact proposed location of the recharge facility;~~
 - ~~19. Copies of all permit(s) for any well(s) intended to be used for recharge;~~
 - ~~20. The time schedule for construction and/or operation of the recharge facility;~~
 - ~~21. The names and addresses of the property owner(s) within the Area of Influence of the proposed recharge facility location, and the location of any permitted or registered well(s) on those properties;~~
 - ~~22. A copy of construction and operation plans for the recharge project including, but not limited to, all of the following information:~~
 - ~~(a) A technical description of the facilities to be used for recharge;~~
 - ~~(b) The source of the water to be recharged;~~
 - ~~(c) The quality of water to be recharged;~~
 - ~~(d) The volume of water to be recharged;~~
 - ~~(e) The rate at which the water will be recharged;~~
 - ~~(f) The formation into which water will be recharged;~~
 - ~~(g) Technical analysis of the applicant’s ability to recover the recharged water for beneficial purposes, less reasonably predictable losses, including beneficial use by third parties; and~~
 - ~~(h) A technical analysis of the source and recharge estimates;~~
 - ~~23. Credible scientific evidence showing that the proposed operation will not:~~
 - ~~(a) Endanger the structural characteristics of the formation receiving the recharged water;~~

**PLUM CREEK CONSERVATION DISTRICT
RULES**

~~(b) Cause waste; and~~

~~(c) Cause pollution; and~~

~~24. Any additional information that reasonably may be required by the District.~~

~~B. To the extent any information required by this Rule previously has been provided to the District, the applicant can satisfy said requirements of this Rule by reference to the prior filing, and attaching a copy thereof to the current application.~~

**PLUM CREEK CONSERVATION DISTRICT
RULES**

~~Rule 10~~ – Miscellaneous Applications

- A. Applications for permits for non-Exempt Wells or operations affecting groundwater resources in the District not described in any other Rule must include the information described in Rule 4, if the information has not been previously provided to the District. If the information has been provided, an application made under this provision may reference the information by owner and date or by another reference clearly identifying where the information can be located.

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PLUM CREEK CONSERVATION DISTRICT RULES

Rule ~~11~~10 – Exempt Wells

- A. Wells ~~exempt from permitting under~~ completed and operating under the provisions of Section 36.117 of the Texas Water Code are exempt from permitting by the District. However, all such wells are subject to the other applicable terms of these Rules, including notices, reporting and completion requirements that apply to the appropriate type of well that is exempted from permitting. The owner or driller of any Exempt well is required to file with the District the well log required by Section 1901.251 of the Texas Occupations ~~code~~ Code, the completion report for the well, and, if available, the well's geophysical log. Water produced from Exempt Wells can be used only for purposes related to the claimed exemption.

~~B.B.~~ Domestic Use Wells

- ~~1.~~ 1. A well used solely for domestic use is exempt from the need to obtain ~~a production permit~~ an Operating Permit from the District as long as all the requirements of ~~paragraph 11.B of these Rules~~ this Rule 10.B are met. Groundwater produced from any exempt well under this Rule 10.B may be used only for domestic and livestock purpose.
2. Any domestic use well producing water from any formation in the District must be drilled, completed and equipped so that it is incapable of producing more than 25,000 gallons of groundwater per day.
3. A well producing water for domestic use purposes is not exempt from the ~~requirements of~~ requirement to obtain an Operating Permit from the District if the well is used solely to supply water to a subdivision of land for which a plat approval is required by Chapter 232 of the Texas Local Government Code. If a well is used to supply water for domestic use to a subdivision of land requiring plat approval pursuant to the provisions of Chapter 232 of the Texas Local Government Code at the time the well is drilled or at some later time, all of the permitting requirements applicable to the well based on its production capacity apply to the well.
4. The driller of a domestic use well that is exempt from permitting under the provisions of this Rule and of Chapter 36 of the Texas Water Code is required to file the drilling log of and a completion report for the well with the District.
5. The owner or operator of a domestic well exempt from permitting under the provisions of this Rule and of Chapter 36 of the Texas Water Code must ~~be registered~~ register the well with the District. Registration shall not be complete until information required to be submitted to the District has been furnished or the

PLUM CREEK CONSERVATION DISTRICT RULES

Executive Manager has agreed to designate the well as being registered. An exempt well that is not registered with the District will not be considered in evaluating applications submitted to the District.

6. Any domestic well exempt from permitting under the provisions of Section 10.B of these Rules and of Chapter 36 of the Texas Water Code must be equipped and maintained so as to conform to the District's rules requiring the installation of casing, pipe and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir.
7. Any alteration of ~~the~~an exempt well to increase its capacity to produce water, or to change the use of water begin produced from domestic use to any other non-exempt use, requires the submission of an appropriate application for the well. Use of the exempt well for the new use or for the greater production may continue until the District has made a decision on the application for a permit for the well or for one year after the change in use or alteration occurs, whichever is the shorter period.
8. Water transported outside the District that is produced for domestic purposes from an exempt well located within the District is subject to export fees imposed by the District.
9. The District may not restrict production from a well that is exempt from the need to obtain a permit because it is a domestic use well drilled, completed and equipped so that it is incapable of producing more than 25,000 gallons per day of groundwater.

~~C.C.~~ Livestock and Poultry Use Water Wells

1. A well used to provide water for livestock or poultry use on a tract of land larger than ten (10) acres is exempt from the need to obtain ~~a drilling or operating permit~~an Operating Permit from the District for the production of water from the well as long as all the requirements of ~~Section 11.C of these Rules~~this Rule 10.C are met.
2. Exempt livestock and poultry use water wells are subject to the District's spacing rules. ~~[need to establish]~~ in Rule 20 of these Rules.
3. Any Exempt well producing water from any formation in the District for livestock and poultry use on a tract of land larger than ten (10) acres must be drilled, completed ~~and,~~ equipped ~~so that it is incapable of producing~~and/or operated to limit its production to no more ~~that~~than 25,000 gallons of groundwater per day.

PLUM CREEK CONSERVATION DISTRICT RULES

4. The driller of well that is exempt from permitting under the provisions of this Rule and of Chapter 36 of the Texas Water Code because the produced groundwater is being used for livestock and poultry use on a tract of land larger than ten (10) acres is required to file the drilling log of and a completion report for the well with the District.
5. The owner or operator of a livestock and poultry use well that is exempt from permitting under the provisions of this paragraph of these Rules and of Chapter 36 of the Texas Water Code must ~~be registered~~register the well with the District. Registration shall not be complete until information required to be submitted to the District has been furnished or the Executive Manager has agreed to designate the well as being registered with incomplete information. An exempt well that is not registered with the District will not be considered in evaluating applications submitted to the District.
6. Any well that is producing groundwater and is exempt from permitting under the provisions of ~~paragraph~~this Rule 10.C ~~of these Rules~~ and of Chapter 36 of the Texas Water Code must be equipped and maintained so as to conform to the District's rules requiring the installation of casing, pipe and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir.
7. Any alteration of a well exempt from permitting by operation of the provisions of this paragraph of these Rules to increase its capacity to produce water, or to change the use of water begin produced from livestock or poultry use on a tract of land larger than ten (10) acres to any other non-exempt use, requires the submission of an appropriate application for the well. Operation of the exempt well to produce groundwater for the non-exempt use or for the greater production may continue until the District has made a decision on the application for a permit for the well or for one year after the change in use or alteration occurs, whichever is the shorter period.
8. The amount of water transported outside the District that is produced from an exempt livestock and poultry use well located within the District is subject to export fees imposed by the District.
9. Multiple livestock and poultry Exempt use wells in a ~~well field~~Well Field Project will be considered together for the purpose of determining production capacity for reporting requirements and for determination of spacing of wells in such ~~well field~~Well Field Project.

~~D.D.~~ Wells used in Oil and Gas Production

PLUM CREEK CONSERVATION DISTRICT RULES

1. No ~~permit~~Operating Permit is required by the District for a well used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas provided that the person holding the Railroad Commission drilling permit is responsible for drilling and operating the water well and the water well is located on the same lease or within the same field associated with drilling operations of the oil or gas drilling rig.
2. If a well exempt from permitting under the provisions of ~~Section 11~~this Rule 10.D ~~of these Rules~~ begins to provide water for any purpose other than drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas, then the well producing the groundwater is no longer exempt from the other requirements of the District and of these Rules. Production of ~~groundwater~~water from the ~~well~~ exempt ~~well~~ under this Section 10.D for any use other than the ~~new use~~use allowed under the Exemption is prohibited until the District has made a decision on ~~the~~any application for ~~a permit~~an Operating Permit for the well ~~for the new use of water produced from the well.~~
3. The District will not deny an application for ~~a production permit~~an Operating Permit for a groundwater well solely because the water produced will be used for hydrocarbon production activities if the application meets all applicable District Rules for the appropriate Tier of well for which the application is submitted.
4. The owner or operator of a well that is exempt from permitting under the provisions of ~~Section~~this Rule 10.D ~~of these Rules~~ and of Chapter 36 of the Texas Water Code must ~~be registered~~register the well with the District. Registration shall not be complete until information required to be submitted to the District has been furnished or the Executive Manager has agreed to designate the well as being registered with incomplete information. An exempt well that is not registered with the District will not be considered in evaluating applications submitted to the District.
5. Any well that is producing groundwater and is exempt from permitting under the provisions of ~~Section 11~~this Rule 10.D ~~of these Rules and~~ nd of Chapter 36 of the Texas Water Code must be equipped and maintained so as to conform to the District's Rules requiring the installation of casing, pipe and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir or aquifer.
6. Any well that is producing groundwater and is exempt from permitting under the provisions of ~~Section 11~~this Rule 10.D of these Rules and of Chapter 36 of the

PLUM CREEK CONSERVATION DISTRICT RULES

Texas Water Code must comply with the spacing requirements of the District's Rules.

7. The driller of well that is exempt from permitting under the provisions of ~~Section 11.D of these Rules~~ this Rule 10.D and of Chapter 36 of the Texas Water Code is required to file the drilling log of and a completion report for the well with the District.
8. The amount of water transported outside the District that is produced from a well located within the District that is exempt from permitting under the provisions of ~~Section 11.D of these Rules~~ this Rule 10.D and of Chapter 36 of the Texas Water Code is subject to export fees imposed by the District.

E. Water Wells used in Surface Coal Mining

- ~~1.~~ 1. Drilling of or production from a water well completed in any formation within the District that is authorized under a permit issued by the Railroad Commission of Texas under the terms of Chapter 134 of the Texas Natural Resources Code is exempt from any permitting requirements of the District to the extent the withdrawals of groundwater from the well so exempted are required for mining activities regardless of any subsequent use of the water. Use of water for mining activities includes dewatering activities associated with surface coal mining.
- ~~2.~~ 2. Production of quantities of water from a water well completed in any formation within the District that is no longer necessary for mining activities as specified in the permit for such activities issued by the Railroad Commission of Texas, or in quantities that are greater than the amount necessary for activities specified in the permit issued by the Railroad Commission of Texas under Chapter 134 of the Texas Natural Resources Code are not exempt from ~~all~~ any appropriate permitting requirements of the District. If the operator desires to produce more water from the well than quantities authorized, or if the operator seeks to continue to produce water from the well that is no longer necessary for mining activities, both the well and the production of water from the well are subject to the Rules of the District and production of water from such a well may not continue until the District has issued an Operating Permit for the well.
- ~~3.~~ 3. Water wells exempt from permitting by the District under the terms of ~~Section 11.E of these Rules~~ this Rule 10.E need not comply with the spacing requirements of ~~the District's~~ these Rules.
- ~~4.~~ 4. The owner or operator of a well that is exempt from permitting under the provisions of ~~Section 11.E of these Rules~~ this Rule 10.E and of Chapter 36 of the Texas Water Code must ~~be registered~~ register the well with the District.

PLUM CREEK CONSERVATION DISTRICT RULES

Registration shall not be complete until information required to be submitted to the District has been furnished or the Executive Manager has agreed to designate the well as being registered with incomplete information. An exempt well that is not registered with the District will not be considered in evaluating applications submitted to the District.

~~5.5.~~ 5.5. The driller of well that is exempt from permitting under the provisions of Section ~~11.10.E~~ 10.E of these Rules and of Chapter 36 of the Texas Water Code is required to file the drilling log of and a completion report for the well with the District.

~~6.6.~~ 6.6. Any well that is producing groundwater and is exempt from permitting under the provisions of ~~Section 11.10.E of these Rules~~ this Rule 10.E and of Chapter 36 of the Texas Water Code must be equipped and maintained so as to conform to the District's Rules requiring the installation of casing, pipe and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir.

~~7.7.~~ 7.7. The amount of water transported outside the District that is produced from a well located within the District that is exempt from permitting under the provisions of ~~Section 11.E of these Rules~~ this Rule 10.E and of Chapter 36 of the Texas Water Code is subject to export fees imposed by the District.

~~8.8.~~ 8.8. The ~~entity~~ person holding the permit issued by the Railroad Commission ~~of Texas~~ under Chapter 134 of the Texas Natural Resources Code that authorized the drilling of a water well inside the District's Boundaries shall report to the District before the close of the succeeding calendar month:

~~a.~~ (a) The total amount of water withdrawn during the month;

~~b.~~ (b) The quantity of water necessary for mining activities; and

~~c.~~ (c) The quantity of water withdrawn for other purposes.

F. Nothing in these Rules other than registration requirements applies to production of groundwater from wells to be used for oil and gas production as described in this Rule 10.D ~~11.10.D of these Rules~~, nor to injection wells drilled for oil, gas, sulphur, uranium, or brine production, or for core tests associated with, or for injection of water, gas, saltwater, or other fluids, in wells that are authorized under permits issued by the Railroad Commission ~~of Texas~~ or the ~~Texas Commission on Environmental Quality~~ TCEQ, as appropriate. However, the ~~District is to be notified of the locations~~ driller of such an injection ~~well~~ well shall notify the District of the location of

**PLUM CREEK CONSERVATION DISTRICT
RULES**

[the injection well](#) at the time application for a permit for drilling such a well is made to the appropriate State agency.

- G. [Absent an appropriate TCEQ ASR Project Permit for injection of or production of stored water or Texas Railroad Commission Permit authorizing injection of water the Owners or Operators of wells used for such purposes must obtain Operating Permits for such Wells from the District.](#)

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**PLUM CREEK CONSERVATION DISTRICT
RULES**

Rule ~~12~~–11 - Well Requirements

- A. The following requirements shall apply to all new wells or Well Field Projects permitted by the District, whether permitted for testing purposes, ~~for production~~, or for operation:
1. Both lithologic and geophysical logs shall be run for all Tier II wells & for other permitted wells when requested by the District;
 2. Geophysical logs shall be provided to the District in TIFF format if available;
 - ~~2.3.~~ Monitor well(s) shall be drilled at ~~distance~~locations and at distances to be determined by the District related to operations associated with the particular application being considered as stated in the permit issued for the well;
 - ~~3.4.~~ All Tier II production wells shall be equipped with an open ended one and one-quarter inch (1.25”) or District approved PVC access port strapped to the drop pipe to provide measurement with an e-line and/or a transducer; ~~and~~
 - ~~4.5.~~ Totalizing flow meters ~~for~~shall be installed on all Tier II wells; ~~for~~ For all other wells permitted by the District either totalizing flow meters, correlated Kw hours for each well or some other acceptable measurement means shall be installed ~~and~~ utilized to produce records of volumes, rates and times of operation of the well; and

**PLUM CREEK CONSERVATION DISTRICT
RULES**

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~~PLUM CREEK CONSERVATION DISTRICT~~

RULES

Rule ~~13~~—Application for 12 - Drilling Permits

- A. There is no separate application for a drilling permit required by the District. All drilling operations are to be conducted either pursuant to Exemptions for wells considered Exempt under Rule 10 and Rule 11 or pursuant to appropriate well registration or ~~permits~~appropriate permit issued by the District after consideration of an application for the particular type of registration or permit requested. Although no drilling permits are required for exempt or registered wells, the provisions on information reporting and all applicable requirements in Rule 10 and Rule 11 of these Rules apply and the District is to be given ~~notice of~~the location and dates for beginning the drilling of exempt wells and required information about the locations, depths, drilling and completion ~~of~~details associated with such wells.

PLUM CREEK CONSERVATION DISTRICT RULES

Rule ~~14~~13 - Issuance of New or Amended Operating Permits

- A. The District shall provide notice of applications in accord with the provisions of Rule 27 of these Rules.
- B. Before granting or denying any permit, the District will consider whether:
 - 1. The application contains all the information required to be submitted to the District pursuant to these Rules;
 - 2. Notice of the proposed action issuing the Operating Permit has been given as required by Law and these Rules;
 - ~~2.3.~~ The application of a well or for wells in a Well Field Project is for a location or locations that will be or are in conformance with any applicable spacing requirements established by the District or, if any deviation from those requirements is requested, whether there are measured data supporting the request for deviation in accord with the provisions of Rule 20.D of these Rules;
 - ~~3.4.~~ The proposed use of groundwater unreasonably affects existing groundwater or surface water resources;
 - ~~4.5.~~ The proposed use will allow the District to manage total groundwater production on a long term basis to achieve desired future conditions when considering:
 - (a) the modeled available groundwater determined by the Executive Administrator;
 - (b) the Executive Administrator's estimate of the current and projected amount of groundwater being produced under exemptions granted under Rule 11 of these Rules and Section 36.117 of the Texas Water Code;
 - (c) the amount of groundwater authorized under permits previously issued by the District;
 - (d) a reasonable estimate of the amount of groundwater that is actually being produced under permits issued by the District; and
 - (e) yearly precipitation and production patterns.
 - ~~5.6.~~ The proposed use of groundwater is a beneficial use and is consistent with District's Approved Groundwater Management Plan;
 - ~~6.7.~~ The applicant has agreed to avoid waste ~~and~~to achieve water conservation through practices appropriate for the permit being sought;

PLUM CREEK CONSERVATION DISTRICT RULES

- ~~7.8.~~ The proposed use of the groundwater will result in subsidence;
- ~~8.9.~~ The applicant has agreed that reasonable diligence will be used to protect groundwater quality, and that the applicant will follow well plugging guidelines at the time of well closure;
- ~~9.10.~~ If the application is for the renewal of a permit, whether the requirements of the Existing permit and of the District's Rules have been followed, whether the appropriate fees associated with the permit or project, if any have been paid, and the pattern and extent of use of the existing permit;
- ~~10.11.~~ Applications for renewals of permits will be considered for renewal under the same terms, conditions, and requirements as those in use when the permit was originally issued to the extent such requirements are still authorized under State law ~~and~~ well operations have not compromised or adversely impacted any other registered exempt well or permitted well ~~or any non-exempt agricultural use well registered with the District under Rule 5 of these Rules.~~ under the guidelines of the District's mitigation plan or alternate mitigation plan that was approved in conjunction with a specific permit, and to the extent that aquifers being pumped can continue to produce permitted water on a sustainable basis;
- ~~11.~~ ~~The Board may consider information related to the applicant's efforts to address landowner concerns in the Area of Influence of any proposed well or for renewals of permits of existing wells.~~
12. Nothing in this provision of this Rule shall prevent the Board from imposing any new requirements associated with permit renewals in response to information brought to the Board's attention during the process of consideration of the renewal application;
- ~~13.~~ ~~The Board may consider actual production patterns and volumes associated with wells using water for similar purposes or from the well for which renewal is requested or both in connection with any renewal application.~~
- ~~14.13.~~ Applications for Tier I wells that receive no comments within 20 days after notice is issued may be issued by the Executive Manager or brought before the Board for consideration;
14. Whether the Applicant for a Well Field Project has agreed to provide information on wells in the Project at the times required by these Rules related to such permits;
15. If the Application is for renewal of an existing permit, whether the Application for renewal was submitted in a timely manner, whether the Application was accompanied by any required fees, and whether the Applicant is requesting a change related to the renewal that would require a permit amendment.

**PLUM CREEK CONSERVATION DISTRICT
RULES**

C. For Transportation Permits, the Board shall also consider:

1. The availability of water in the District and in the proposed receiving area during the period for which the water supply is requested;
2. The availability of feasible and practicable alternative supplies to the applicant;
3. The amount and purposes of use in the proposed receiving area for which water is needed;
4. The projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District; ~~and~~
5. The approved State Water Plan, regional water plan and Certified District Groundwater Management Plan-; and

**PLUM CREEK CONSERVATION DISTRICT
RULES**

6. The method of calculating any transportation fee, including any method suggested by the Applicant.

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**PLUM CREEK CONSERVATION DISTRICT
RULES**

Rule ~~15~~ 14 - Permit ~~Shall Remain Valid~~ Duration and Transfers

- A. Any drilling ~~work required by any permit~~ construction activities associated with individual (non-Well Field Project) Operating Permits must be commenced within one hundred twenty (120) days from the date the permit is granted. Thereafter, the permit shall be valid for the term stated in the ~~permit issued~~ Permit. The Executive Manager may extend a permit for a Test Hole or Test Well ~~for an additional one hundred twenty (120) day period~~ in accord with the provisions of Rule 6 of these Rules.
- B. An applicant for any type of permit may request as part of an application, or in a separate written request, that the Board grant a longer period of time for commencement of ~~required~~ drilling activity under the permit if a proposed drilling project will take more time to ~~complete~~ commence, and the Board may grant such time as is reasonably necessary to ~~complete~~ commence such project.
- ~~C. Agricultural use non-exempt well registrations remain valid as long as there are no changes in well location, design, pumping capacity, owned land area or location, or water use, fees are paid currently, and there is no violation of applicable District Rules by the holder of the Registration.~~
- ~~D. Well Production Permits not producing any water except water being produced for transfer outside the boundaries of the District~~ C. Well Field Project applications shall contain a schedule for development of the wells in the Project and individual wells drilled as a part of the Well Field Project shall be in accord with the initial or modified well drilling schedules and location.
1. All Well Operating Permits including Well Field Project Permits shall remain valid for ~~up to Five (5) years~~ a term of thirty (30) years ~~and after that period~~. Permits for individual wells within a Well Field Project have the same duration as for the Well Field Project permit and expire when the Well Field Project Permit expires. Test Well Permits and Dewatering Permits are for the terms specified in those Permits when they are issued.
2. After the initial permit term for existing permits as of the date these Rules are adopted all permits other than Dewatering permits issued under Rule 5 of these Rules and Test Well Permits shall be renewed by the Board ~~if~~ for terms of such duration for the ~~permittee is in compliance with the type of permit, being renewed in~~ the District's Rules and applicable statutes, and all applicable fees, if any, are paid current to the District. If as the time the permit renewal procedures have been initiated before the permit is requested, or if the District's Rules provide no shorter term, for a period of thirty (30) years from the initial expiration date, of the original permit provided that:
- (a) The well has been drilled and completed within the required time period if the permit is for an individual well;

**PLUM CREEK CONSERVATION DISTRICT
RULES**

- (b) Wells in a permitted Well Field Project have been drilled in accord with the currently approved development plan for the Project;
 - (c) Each drilled and completed permitted well or Well Field Project well has been used to produce water at least once during the five year period following the permits' issuance for the production of water without waste as reflected in reports filed with the District unless the District has granted an exception to this requirement;
 - (d) The well has been operated in accordance with the representations in the application that was submitted and used for the basis of permit issuance and in accordance with the permit's terms, the District's Rules and all applicable statutes; and
 - (e) All fees or other assessments levied by the District, if any, have been paid.
- 3. If an application for renewal of an Operating Permit or Well Field Permit is filed with the District at least one month before the expiration date of the existing permit, then the existing permit will remain in full force and effect and will not expire until Board action on the renewal application is final. ~~A permit for a well producing water solely for transfer outside the boundaries of the District shall be valid for the period specified in Section 36.122 of the Texas Water Code.~~
- A
- 4. Permits existing as of the Date of Adoption of these Rule shall have terms of thirty (30) years from the date of issuance of the permit in existence as of the date these Rules are adopted and will then be subject to renewal under the terms of these Rules.
- 5. All permits, including Agricultural Use Well ~~Production~~ Operating Permits, individual well Operating Permits, and Well Field Project Permits will be reviewed by the Board at least every five (5) years, or more often if conditions require, including determinations made pursuant to Rule 20 of these Rules.
- 6. Well Operating Permits issued by the District are not vested property rights but licenses subject to the continuing jurisdiction of the District. Regardless of the stated term and conditions in an Operating permit, Operating permit provisions are subject to modification including modification mandating reductions in production rates and quantities on a permanent or temporary basis if the District determines that aquifer conditions associated with the permit are such that modification is necessary in order to conserve water or to react to weather conditions, pumping within or outside the boundaries of the District that has impacted the supply or quality of water in the aquifer from which the permitted production is taking place, if the continued pumping at rates or at the quantities permitted would cause the groundwater in the District to be at levels that would

PLUM CREEK CONSERVATION DISTRICT RULES

violate the Desired Future Conditions applicable to the permitted water well, or if conditions exist as determined under Rule 20.

7. Non-production from a well having an Operating Permit ~~or Registration~~ that is not part of a Well Field Project during the five years following issuance of an Operating Permit may result in termination of the Operating permit unless the Board finds valid reasons for the lack of production when considering an initial application or an application to renew the permit.

~~E.D.~~ An Operating Permit issued by the District is transferable ~~upon application to the District~~ to a new Permit Holder in the event of a change of ownership of the well or Project related to the Permit by the parties to the transfer giving notice to the District. The Notice shall include the name of the name and mailing address for both the new and old permit holders. Telephone contact information and any email information shall also be provided to the District. Unless the Permit is modified in response to an appropriate application, the transferred Permit is for the remainder of the term and subject to all other terms and conditions of the transferred Permit. Acceptance of the Permit ~~or Registration~~ by the person to whom it is issued or transferred constitutes acknowledgment of and agreement to comply with all of the existing terms, provisions, conditions, limitations, and restrictions of the Permit and of these ~~rules.~~ Rules.

~~F.E.~~ Acceptance of a permit(s) constitutes an acknowledgment and agreement that the permittee shall comply with all the terms and conditions embodied in the permit, including any subsequent pro rata reductions or modifications thereof, the Rules of the District, and Chapter 36 of the Texas Water Code, all as the same may be amended from time-to-time.

~~Non-production from a permitted well during its permit life shall cause the permit to expire at the end of the term of the permit unless the Board finds valid reasons for the lack of production when considering an application to renew the permit.~~

**PLUM CREEK CONSERVATION DISTRICT
RULES**

Rule ~~16~~15 - Location of Well

- A. ~~A.~~ After ~~the application for a well permit or a~~ registration has been filed or an Application for an Operating Permit has been granted for a new ~~well~~Well or a Well that is a part of a Well Field Project any replacement ~~well the well~~Well for the Registered Well or any Well having such a Permit must be within ~~thirty (30)~~ one hundred fifty (150) feet of and ~~no closer to a~~ at the same distance from a property boundary ~~than~~as the Authorized Well Site location ~~specified in the permit or registration for the Well that is to be replaced~~ If the well is commenced or drilled at a different location, absent an amendment to the ~~permit~~Operating Permit or ~~registration~~Registration for the Well, the Board may seek to enjoin the drilling or ~~subsequent~~ operation of such ~~well may be enjoined by the Board~~Well pursuant to Chapter 36.102 of the Texas Water Code and these Rules.
- B. Any Authorized Well Site Location must be one having Easy Access to the Well Site Location.

**PLUM CREEK CONSERVATION DISTRICT
RULES**

Rule ~~17~~16 - Deposits and Administrative Fees

- A. Each well registration, application for authority to drill a test hole, a test well, and/or application for a permit shall be accompanied by the required deposit and/or any applicable fee(s) specified in a Resolution adopted by the Board. Copies of the current District fee schedule are to be available at the District's offices and by mail. Said deposit and/or administrative fees shall be paid by cash or certified check only, made payable to the "Plum Creek Conservation District."
- B. The Board may change the amount of any deposits and fees established by Board Resolution, and may modify its refund policies for deposits from time to time by Resolution upon giving proper public notice as required for actions taken to amend Board Rules.
- C. Each year, and at least once in conjunction with the development of its annual audit, the Board shall review and adopt any changes to these fees, or establish any new fees, by Resolution.
- D. Unless a permit allows some other schedule, the District's Transportation Fee is payable monthly within thirty (30) days after the end of each calendar month and shall be calculated on the basis of one-twelfth (1/12) of the quantity of water permitted for annual transport.
- E. The District will recover the actual costs incurred by the District in conducting any contested hearing conducted in accord with the provisions in Rule 31.
- F. The District will recover from Applicants the actual costs in excess of \$500 incurred by the District for notice required by Rule 27.B.

PLUM CREEK CONSERVATION DISTRICT RULES

Rule ~~18~~17 - Reporting & Record Keeping Requirements

- A. Both water well drillers and applicants shall keep complete records concerning the drilling, equipping and completion of all wells drilled or reworked and such records shall be furnished to the District. Such records shall include an accurate Driller's log, any electric log that has been made and such additional data concerning the description and completion of the well, its pumping capacity and its equipment as may be required by the Board. Such records shall be filed with the District, on forms furnished by this District or on forms used for reporting such information to appropriate regulatory agencies, within thirty (30) days after completion of the well or activity requiring such reports. The requirements of this rule are in addition to any other applicable state or local law or regulation.
- B. Within thirty (30) days following the expiration of an authorization for a Dewatering Well the applicant shall file a report with the District noting that dewatering has ceased. Such a report shall state how the excavation was closed or report that the encountered water was totally removed.
- ~~B.C.~~ No person shall produce water from any well hereafter drilled and equipped within the District, except that necessary for the testing and equipping of such well and equipment, unless or until the District has been furnished the information required by the Board on the form furnished by the District.
- ~~C.D.~~ On or before January 31st of each year, all **Tier I** ~~well~~and Non-Exempt Agricultural Use Well owners shall file a report with the District stating the total amount of water produced during the prior calendar year. Such reports shall show production by month if such record keeping is required by the Permit for the well.
- ~~D.E.~~ **Tier II** ~~well~~Well owners and Well Field Project permit holders shall file monthly reports with the District of pumped water volume for each permitted well within thirty (30) days after the end of each calendar ~~month~~quarter unless some other schedule is authorized by the District.

**PLUM CREEK CONSERVATION DISTRICT
RULES**

- F. Aquifer Storage and Recovery Wells or Projects authorized by an agency other than the District shall report monthly the injected and produced volumes and maximum and average rates of injection and production of water in the ASR Project, and the source or sources of the injected water. Such reports shall be submitted within thirty (30) days after the end of each calendar quarter unless some other schedule is authorized by the District. As specified in Section 36.453(2) of the Texas Water Code, the Operator shall provide the District with a copy of a report both of normal operations and of the volume of groundwater recovered that exceeds the volume authorized to be recovered for use by the District in determinations of whether Native Groundwater is being produced as a part of ASR Project operations.

~~PLUM CREEK CONSERVATION DISTRICT~~

RULES

Rule ~~19~~18 - Water Well Driller/Pump Installer Licenses

- A. Pursuant to Chapters 32 and 33, Texas Water Code, unless otherwise authorized by law, no person shall drill, complete, equip or rework any well or borehole without having a current Texas Water Well Driller's license and/or Texas Pump Installer's license.
- B. Any person who drills, completes, equips or reworks a well shall comply with the Rules and Regulations of the District, and any state or federal agencies or political subdivisions having jurisdiction, including but not limited to the ~~Texas Water Well Driller's Board~~Department of Licensing and Regulation, the ~~Texas~~ Railroad Commission, and the ~~Commission on Environmental Quality~~TCEQ, all of which are incorporated herein by reference for all purposes.
- C. Any person who drills, completes, equips, or reworks a well shall file with the District the information required by these Rules within thirty (30) days after the completion of the work.
- D. Any person who drills or performs any work on any well in the District who is required to file reports of such activity and fails to provide it is in violation of these Rules and subject to any enforcement or penalties allowed by law.

PLUM CREEK CONSERVATION DISTRICT RULES

Rule ~~2019~~ - Classification, Spacing and Production Provisions

- ~~A.~~ To reduce the drawdown of the water table ~~and/or the reduction in~~ artesian pressure, ~~to control subsidence, and to prevent waste, in aquifers underlying~~ the District as of the effective date of these Rules, the District is enacting well spacing and/or production limits ~~in these Rules.~~
- ~~A.~~ ~~Tier I rules~~ as shown in the tables in this Rule. The limits established for spacing requirements and production limits apply to vertical well completions only. If some other completion technique is used, the Operating Permit will specify spacing requirements and production limits.
- ~~B.~~ Tier I Rules apply to Non-Exempt Agricultural Use Wells permitted ~~or non-exempt registered wells~~ pursuant to the terms of Rule 5 of these Rules and to individually permitted Wells producing not more than 300 acre feet ~~per year~~ of water ~~not per year~~ none of which is used for municipal purposes. ~~Tier II rules~~ Rules apply to operating permits for wells Wells producing more than 300 acre feet ~~per year~~ of water ~~and to non-per year~~; and to all Wells producing any amount of water used for Municipal Purposes.
- ~~C.~~ Dewatering Wells authorized pursuant to Rule 5 of these Rules are not subject to this Rule.
- ~~B.D.~~ Non-exempt Wells having Operating Permits are not issued under Rule 5 of these Rules used solely to produce water for agricultural ~~use or to municipal use wells of any producing quantity. As of the effective date of these Rules, the following spacing and production requirements are established:~~ purposes are subject to the requirements in this Rule applicable to Tier I Wells.
- ~~E.~~ ~~Registered non-exempt agricultural use wells are subject to the setback requirements and limits on production based upon tract size (permit limits feet/acre/year) for Tier I wells shown in the chart for Tier I permits.~~ Applications for Tier I, Tier II and Agricultural Use Well Permits may use the Brackish-Saline Table in lieu of using the Tier I & II tables, if the well's TDS level is shown to be equal or above 1000 MG/L.
- ~~F.~~ Before the Brackish-Saline Table can be used, an applicant will be required to furnish the District with results of their TDS water quality test from a NELAP accredited lab. Numbers in the tables are presumptive numbers but are subject to being modified if Test Well results indicate that different numbers should be stated in any Operating Permit.

~~G.~~

**PLUM CREEK CONSERVATION DISTRICT
RULES**

**[SEE FOLLOWING PAGE FOR CHARTS OF
TIER I PERMITS and TIER II PERMITS]**

PLUM CREEK CONSERVATION DISTRICT RULES

TIER I PERMITS

Tier I Table as shown below applies only to permitted wells producing 300 acre feet per year or less for other than municipal use:

Aquifers	Setback of Property Lines	Permit Limits gpm/well	Permit Limits feet/acre/year	Permit spacing (minimum)
Alluvium	50'	100 gpm	½ ac ft/ac/year	450'
Leona	50'	50 gpm	½ ac ft/ac/year	450'
Wilcox	50'	100 gpm	½ ac ft/ac/year	100'
		200 gpm	½ ac ft/ac/year	200'
Carrizo	50'	100 gpm	½ 1 ac ft/ac/year	100'
		200 gpm	½ ac ft/ac/year	200'
Reklaw	50'	50 gpm	½ ac ft/ac/year	450'
Queen City	50'	50 -gpm	½ ac ft/ac/year	450'
Brackish Edwards-Trinity	N/A	1,000 gpm	2 ac ft/ac/year	3,000'

TIER II PERMITS

Tier II Table as shown below applies to wells that are intended to have a capacity of more than 300 acre-feet per year, or wells that are considered to be **Tier II** wells because of proposed use for municipal purposes:

Aquifers	Setback of Property Lines	Permit Limits gpm/well	Permit Limits feet/acre/year	Permit spacing (minimum)
Alluvium	300'	100 gpm	½ ac ft/ac/year	600'
Leona	100'	50 gpm	½ ac ft/ac/year	200'
Wilcox	300'	Dependent upon <u>Dependent upon</u> drawdown test <u>well</u> results, well field design and proposed operations	½ ac ft/ac/year	3000' <u>or, alternatively, dependent</u> <u>Dependent</u> upon drawdown test results well field design and proposed operations

**PLUM CREEK CONSERVATION DISTRICT
RULES**

Aquifers	Setback of Property Lines	Permit Limits gpm/well	Permit Limits feet/acre/year	Permit spacing (minimum)
Carrizo	500'	Dependent upon drawdown test results, well field design and proposed operations	1 <u>1</u> ac ft/ac/year	3,000' or, alternatively, dependent <u>Dependent</u> upon drawdown test results, well field design and proposed operations
Reklaw	100'	50 gpm	1/2 ac ft/ac/year	450'
Queen City	100'	100 -gpm	1/2 ac ft/ac/year	450'
Brackish/Saline Edwards-Trinity	N/A	1,000-gpm	1/2 ac ft/ac/year	3,000'
Hosston	500'	Dependent upon drawdown test results, well field design and proposed operations	1/2 ac ft/ac/year	3,000' or, alternatively, dependent upon drawdown test results well field design and proposed operations

PLUM CREEK CONSERVATION DISTRICT RULES

D. Brackish – Saline Table

<u>Aquifers</u>	<u>Setback of Property Lines</u>	<u>Permit Limits gpm/well</u>	<u>Permit Limits feet/acre/year</u>	<u>Permit spacing (minimum)</u>
<u>Any Aquifer within the PCCD</u>	<u>Dependent upon drawdown test results, well field design and proposed operations</u>	<u>Dependent upon drawdown test results, well field design and proposed operations</u>	<u>Dependent upon drawdown test well results, well field design and proposed operations</u>	<u>Dependent upon drawdown test results, well field design and proposed operations</u>

PLUM CREEK CONSERVATION DISTRICT RULES

- G. The limitations in the ~~Tier I~~ **and**, Tier II and Brackish-Saline Tables may be modified based upon credible scientific evidence by amendment of these Rules and all permits issued by the District ~~shall~~may be subject to ratable reductions and/or increases in production authorizations based upon those modifications.
- H. ~~E.~~—The Board may allow deviation from the limits for production rates, annual production limits or spacing requirements for individual ~~Tier I and for~~ Tier II wellsWells upon application based on data developed by measurements in and data produced from test wells, production wells and ~~observation~~monitor wells demonstrating production capacity and impacts for the ~~well or wells on land within the area of influence of the~~ proposed well or wells.
- I. ~~F.~~—The limitations in the Tier I, Tier II, and Brackish-Saline Tables in these Rules may be modified by the Board for Well Field Operating Permits. Well Field Operating Permits may have different production rates, annual production limits and spacing requirements based upon the configuration and operation of the Well Field based upon data developed by measurements in and data produced from test wells, or may be modified upon the basis of data from production wells, and monitor wells demonstrating production capacity and impacts for the wells. Well Field Operating Permits shall contain a cumulative annual production limit for all Wells in the Well Field Project. A Well Field Project Operating Permit may, but is not required to, include maximum anticipated instantaneous production rates for each Well in a Well Filed Project. If a Well Field Operating Permit includes maximum anticipated instantaneous production rates the instantaneous production rate for the one or more individual Wells may exceed the listed values as long as the cumulative production limit for the Well Field Project is not exceeded on an annual basis.
- J. All wells will be classified according to the guidelines set forth in either ~~Tier I~~ **or**, Tier II or Brackish Tables.
- GK. It shall be considered to be a fraud upon ~~both~~ the District ~~and the adjacent landowners, and or owners of water rights,~~ for any person willfully giving erroneous information on a well permit application. If any ~~applicant~~permit holder willfully produces water from a well at a higher rate than authorized in a Permit, such action ~~may be enjoined~~is subject to action by the Board ~~to address the violation of Rules and Permit terms.~~
- HL. Water wells drilled after December 31, 2003, to supply water for hydrocarbon production must meet the spacing requirements of the District in effect from time-to-time unless no space is available within 300 feet of the production well or the central injection station.
- IM. No commingling of water in separate aquifers shall occur for any completion.

PLUM CREEK CONSERVATION DISTRICT RULES

- ~~J.N.~~ Water availability testing is required for **Tier II** well permitting, for Tier I Well permitting if deviation from the Tier I table is requested, and for Well Field Project applications.
- ~~K.~~ O. Permit limits are dependent upon ~~formal well testing~~ Test Well results for **Tier II** well permits, Tier I well permits if deviation from the Tier I table is requested in the application for permitting for such a well, and for Well Field Project permits.
- ~~L.P.~~ **Brackish and Saline Groundwater management zone** ~~for the Edwards-Trinity is is~~ established from the Edwards Aquifer “Bad Water Line” (\Rightarrow 1000 TDS) down gradient to the southern extremities of the ~~PCCD~~ District for the application of special provisions for the Brackish and Saline aquifers.
- ~~M.Q.~~ Two types of permits ~~shall~~ may be issued for ~~requests~~ applications for **Tier II** wells:
1. **Permit Test Well** ~~Hole~~ or Test Wells shall be drilled and completed and tested utilizing the requirements as stated above in Rule 4 and in this Rule 19 ~~herein~~. The test well period shall be in effect for a period of 6 months to 12 months or as stated in the Test Well permit, dependent upon the circumstances; and
 2. **Production Operating Permits** ~~shall~~ will be issued upon the completion, logging and analysis to the satisfaction of the PCCD and limits will then be set by the PCCD upon Board approval. Operating Permit limits for Tier II wells and exceptions to the Tier I table limits for Tier I well Operating Permits require Test Well results.
- ~~N.~~ ~~MAGs~~ R. **Limited Duration Operating Permit:** Once the ~~MAGs~~ DFCs have been ~~set~~ established by Rule by the District, any application for ~~a~~ an Operating Permit that would cause water to be produced in excess of ~~MAG~~ quantities that could result in failure to achieve DFC limits then in place will be considered and may be granted by the Board for limited duration and may contain special conditions addressing ~~MAG~~ DFC impacts of the Operating Permit.

**PLUM CREEK CONSERVATION DISTRICT
RULES**

- S. Should the District determine that management of groundwater resources in the District or that conditions in or use of an aquifer differ substantially from one geographic area to another the District may consider those differences from those in these Rules when considering issuance of permits or in connection with permit amendments or renewals.

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PLUM CREEK CONSERVATION DISTRICT RULES

Rule ~~21~~20 - Rate of Decline

- ~~E. The District may restrict production from any permitted or exempt well(s) or well field of permitted or exempt wells within the District that depletes the groundwater at a rate greater than an amount determined by the Board based upon credible scientific information to be an allowable decline in any given aquifer(s) subject to the District's jurisdiction.~~
- A. The District recognizes that Texas vests ownership of groundwater in the owner of the surface rights. Nonetheless, it is a hydrologic fact that groundwater moves. Therefore, depending on the geologic and hydrogeologic conditions, almost any permit application considered by the Board may result in declines in water in an aquifer that is not under the ownership or control of the Applicant for an operating or Well Field Permit. The issuance of an Operating Permit does not mean that the person who holds the Permit, or the person who operates the well pursuant to the terms of the Permit, is violating Texas law on groundwater production. Texas groundwater production law is the "English Rule" of capture and is subject to limitations established under Common Law as applied and determined to exist in Texas. Generally, that means that one who owns land can produce water from beneath the land for beneficial use as long as the production is done in a manner that is not negligent, is not chosen to deliberately harm a neighbor, and does not negligently result in subsidence to neighboring property. So even if the water on a neighboring property becomes unavailable, that does not mean that the production is against Texas law.
- B. The District is also aware that Texas Law requires groundwater conservation districts to consider the amount of Modeled Available Groundwater as determined by the TWDB executive administrator, and also charges districts with the responsibility of managing the production of groundwater to achieve the DFCs. DFCs are determined within a Groundwater Management Area (GMA) and Texas Law and Texas Water Development Board Rules require that those determinations then be adopted by individual districts for the aquifers within its boundaries.
- C. As currently expressed, DFCs are averages over the entire GMA area for aquifers. The District's data and studies indicate that there can be aquifer or subdivisions of groundwater reservoirs in areas of the District where groundwater level declines that result from production of groundwater are greater or less than the averages in DFC determinations.
- D. The District also has data indicating that because of geologic conditions there could be aquifers or subdivisions of groundwater reservations that may experience groundwater level declines because of pumping outside the boundaries of the District.
- E. Because of the considerations and factors stated in this Rule, the District has determined that it will take into account groundwater level declines in the following manner:

PLUM CREEK CONSERVATION DISTRICT RULES

- ~~B.1.~~ The Board shall ~~determine if there has been a~~ develop information on any decline in groundwater levels in aquifers or subdivisions of groundwater reservoirs within the District based on information gathered by the District personnel, the ~~Texas Water Development Board~~ TWDB, the TCEQ, the Railroad Commission, ~~and other state or local agencies or political subdivisions, and by groundwater levels in the District gathered by District personnel and authorized representatives.~~
- ~~C.2.~~ Annually the Board shall review the credible scientific data, and related information, available to it on groundwater levels within the District. If the Board determines that an area(s) ~~exceeded in the allowable decline rate for~~ areas in the District are experiencing average drawdown levels during production from initial measurements of 25% of the aquifer thickness in Monitor wells, or there is drawdown of 50% between the aquifer bottom and the initial water levels in the wells having Operating Permits issued by the District, the Board may delineate ~~as~~ a proposed study area(s) any portion of the District that the Board deems in danger of overproduction of groundwater.
- ~~D.3.~~ If the Board determines that, based upon the available credible scientific evidence, ~~that water levels in an area(s) has an unacceptable rate~~ aquifer or subdivision of decline, its groundwater reservoir in the District are exceeding the declines in Rule 20.E.2 the Executive Manager shall ~~notify then~~ provide written notice of the findings of declines and the proposed study area to registered well owners ~~and permit~~, Operating Permit Well owners, and Well Field Project Permit holders of record in the ~~affected area(s) in writing~~ study area proposed under the provisions of Rule 20.E.2.
- ~~I.~~ ~~The Board shall hold a public hearing to receive comment concerning the intent of the Board to limit production in the affected area(s). After the public hearing the Board shall take action within thirty (30) days, if necessary, to initiate adoption of Rules limiting production in the designated area or areas.~~
- ~~The Board~~ F. The District shall schedule a hearing on the District's findings of water level declines and what actions, if any, should be taken to address the findings if they are confirmed after the hearing. Possible action to be taken shall include, without limitation on topics, addressing average or instantaneous pumping limits for a temporary or permanent time interval in permits for pumping from aquifers or subdivisions of groundwater reservoirs. Notice of the public hearing must be published at least once in a newspaper having general circulation in each of the Counties having territory in the District and mailed to all registrants and Permit holders in the proposed study area at least fifteen (15) days before the Public Hearing. The Public Hearing may be continued as the Board deems necessary to receive additional information.
- G. Nothing in this Rule shall impede the Board's ability to review permits and make required changes in accord with Rule 14 or Rule 19 of these Rules. The determinations

PLUM CREEK CONSERVATION DISTRICT RULES

made under the provisions of this Rule may be used by the Board in connection with its review of permits under the terms of Rule 14 and/or Rule 19.

H. The Board, after enacting changes after any hearing under Rule 20.F shall continue to collect and review credible scientific ~~data, and related information, or more, each succeeding year after the Board has delineated such~~ date and measurements and, at least annually following enacting any changes in permits or pumping, and make determinations to:

1. Continue any restrictions in place;
2. Determine what any modifications to production limits that have not already expired should end or should be adjusted;
3. Determine whether the area of the Study should be expanded and, if that determination is made, start proceedings for the new area as specified in Rule 20.E and 20.F;

~~F.4. Determine that there is no need for continued study and action in the area(s), and shall take one of the following actions with respect to any Rules adopted under Rule 20 E: when restrictions have been instituted under the provisions of this Rule and have restrictions cease ;~~

- ~~1. Proposed to continue to monitor the area(s);~~
- ~~2. Determine that any production limitation should be ended or adjusted;~~
- ~~3. Determine that the area(s) should not be under Rules and that any ongoing monitoring shall be terminated;~~
- ~~4. Propose an expansion of the area(s) under Rules to include an additional area or areas adjacent to the original area(s), in which case the Board is required to follow the provisions of Section E;~~

~~5. Amend the Rules to incorporate the new data; and~~

~~6.~~5. Take other action as determined to be appropriate by the Board.

PLUM CREEK CONSERVATION DISTRICT RULES

Rule ~~22~~21 - Reworking or Replacing a Well

- A. No person shall alter, rework, redrill, or re-equip a well an exempt domestic and livestock well or exempt well used for production of livestock and poultry in such a manner that would increase the rate or volume of production from such well above the amount then authorized by permit the applicable exemption or so as to raise its pumping capacity to more than 25,000 gpd if it is an exempt domestic well without first having made an application to the District, and having been granted a ~~registration, a permit, or a permit amendment by the Board to do so when the well is not exempt.~~ permit, or a permit amendment by the Board to do so when the well is not exempt. No person shall alter, rework, redrill, or re-equip a permitted well to alter its production zone nor to increase its production capacity from that specified in the permit for such a well without first applying for and being issued a permit for such work. Wells associated with Well Field Project permits must be maintained in accordance with the current approved development plan for the Project. No District permit shall be required to maintain or repair a well if the maintenance or repair does not increase the production capability of the well to more than its authorized o permitted production rate.
- B. No person shall replace a well without a ~~registration or~~ permit from the Board.
1. A replacement well ~~registration or~~ permit shall be granted by the Board without an opportunity for a contested case hearing if the replacement well is to be drilled within one hundred fifty (150) feet of the old well; provided, however, that such replacement well shall ~~not be located toward any other well unless the new location complies~~ comply with the District's applicable spacing and property line requirements, ~~if any, then~~ as those existed and in ~~force and effect; and~~ use when the permit was originally issued, to the extent such requirements are still authorized under State law and well operations have not compromised or adversely impacted any other registered exempt well or permitted well.
 2. If the replacement well does not come within the provisions of Rule 22.B.1, the replacement well shall be considered to be a new well for which a permit application ~~for registration or permitting~~ must be ~~made and if a permit~~ for submitted. If the altered well ~~is required,~~ would require an Operating Permit the application is subject to consideration in a contested case hearing.
- C. Within thirty (30) days following completion of a replacement well, the well replaced by the new well shall be:
1. Plugged and abandoned; or
 2. Properly equipped in such a manner that it cannot produce more than 25,000 gallons of water per day; and then registered with the District as an exempt well; or

**PLUM CREEK CONSERVATION DISTRICT
RULES**

3. Converted into a Monitoring Well.

- D.
1. The size or actual pumping capacity of any well in the District shall not be modified so as to increase the rate of production of the well above the maximum pumping capacity for which the well was permitted without a permit amendment.
 2. Any such permit amendment may be granted only after written notice and action as required for new well applications for wells of the type and capacity of the replacement well.

PLUM CREEK CONSERVATION DISTRICT RULES

Rule ~~23~~22 - Protection of Groundwater Quality - Required Equipment on Wells

- A. When a pump is installed, or repaired on wells having a chemical injection, chemigation or foreign substance unit in the water delivery system, an in-line, automatic quick-closing check valve capable of preventing pollution or harmful alteration of the groundwater shall be installed.
- B. Any open, or uncovered, well(s) shall be required to be closed or capped, either permanently or temporarily, in accordance with Chapter 36, Texas Water Code, as set forth below:
1. The District may require the owner or lessee of land on which an open or uncovered well is located to cap the well permanently closed or capped with a covering capable or sustain a weight of at least 400 pounds, except when the well is in actual use;
 2. As used in this section, "open or uncovered well" means an artificial excavation that is dug or drilled for the purpose of exploring for [injecting](#) or producing water from the ~~underground water~~[groundwater](#) reservoir and is not capped or covered as required;
 3. If the owner or lessee fails or refuses to close or cap the well in compliance with this Rule within 10 days after being requested to do so in writing by an officer, agent, or employee of the District; any person, firm, or corporation employed by the District may go on the land and close or cap the well safely and securely;
 4. [In accord with the Provisions in Chapter 36.118 of the Texas Water Code:](#) Reasonable expenses incurred by the District in closing or capping a well constitute a lien on the land on which the well is located;
 5. The lien is perfected by filing an affidavit, executed by any person conversant with the facts, in the deed records of the county where the well is located, stating the following:
 - (a) The existence of the well;
 - (b) The legal description of the property on which the well is located;
 - (c) The approximate location of the well on the property;
 - (d) The failure or refusal of the owner or lessee, after notification, to close the well within 10 days after the notification;
 - (e) The closing of the well by the District, or by an authorized agent, representative, or employee of the District; and

**PLUM CREEK CONSERVATION DISTRICT
RULES**

- (f) The expense incurred by the District in closing the well.
- C. Nothing in this Rule affects the enforcement of Subchapter A, Chapter 756, Health and Safety Code.

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PLUM CREEK CONSERVATION DISTRICT RULES

Rule ~~24~~23 - Transportation of Groundwater From the District

- A. An application for a permit to transport water produced from wells in the District must be made in accord with Rule 8 of these Rules, and a permit must be obtained before water produced from wells within the District can be transported outside the boundaries of the District for delivery to wholesale or retail customers outside of the District.
- B. Notice of an application for a permit to transport water produced within the District for delivery to wholesale or retail water customers outside the District is described in Rule ~~28~~26.
- C. No permit is required to transport groundwater produced from wells permitted by the District to locations outside of the District for the purpose of treatment or temporary storage if the ~~ultimate~~ beneficial use of the water occurs within the District.
- D. As a result of an application, the Board may enact special conditions in any permit authorizing transport of water produced within the District for use outside the District to exempt a permittee from total or partial payment of out-of-District transport fees if the water produced in the District is produced by an entity having its primary water supply in the District, ~~having and~~ at least seventy-five percent (75%) of its the water produced in the District is consumed by retail CCN customers inside the District, ~~and the water produced in the District is delivered to retail customers~~ or, alternatively, if there is agreement reached in connection with the Transportation Permit holder and the District on a methodology of the applicant apportioning volumes of water produced within the applicant's CCN-District to retail service inside the District and outside the District on an annual basis that addresses the amount of fees..

**PLUM CREEK CONSERVATION DISTRICT
RULES**

**Rule ~~25~~²⁴ - Recharge Wells and Facilities,
Including Aquifer Storage and Recovery Wells and Projects**

~~A. Applications shall be made to, and permits must be obtained from, the District before installing and/or operating a recharge well and/or facility within the District, including an aquifer storage and recovery well or project within the District injecting water into or removing stored water from an aquifer regulated by the District in the location of the ASR project. Such applications shall be on forms provided by the District and contain the information prescribed by these Rules for well permits and recharge wells.~~

**PLUM CREEK CONSERVATION DISTRICT
RULES**

~~Rule 26~~A. Aquifer Storage and Recovery Wells and Projects are subject to reporting requirements in State Law and in Rule 18 of these Rules.

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**PLUM CREEK CONSERVATION DISTRICT
RULES**

Rule 25 - Right to Inspect and Test Wells

- A. Any authorized officer, employee, agent or representative of the District shall have the right at all reasonable times to enter lands upon which a well or wells may be located within the District for the purpose of conducting inspections authorized by ~~Chapter~~ Chapters 36, 49 and/or 51 of the Texas Water Code, as the same may be amended from time-to-time.
- B. If any District officer, employee, agent or representative is refused the right to enter lands under this authority, the District may invoke the remedies authorized by law, including Section 36.102 of the Texas Water Code.

PLUM CREEK CONSERVATION DISTRICT RULES

Rule ~~27~~26 – Notice Requirements

A. Applications for Test Holes and Test Wells

1. No general notice is required prior to issuance of permits authorizing a Test Hole or a Test Well; and
2. Should the Executive Manager or other appropriate staff refer an application for a permit to drill a Test Hole or install a Test Well to the Board, notice of proposed Board action on the application shall be given as for Board meetings with the agenda item listed separately.

B. All Applications for new or amended conditions in Operating Permits for wells other than ~~for those intended for Non-exempt Agricultural Use Wells, Test Holes and Test Wells, Dewatering Wells, and certain amendments to Well Field Operating Permits, shall be processed as follows:~~

1. At the time that an application for a new or for an amended Operating Permit has been determined to be Administratively Complete, the District shall mail notice of that fact to the Applicant. The notice that the Application has been determined to be Administratively Complete shall include the date of initial Board consideration of the application;
2. Not less than Fifteen (15) days before the date set for Board's initial consideration of an application ~~or a registration~~ for an ~~agricultural use~~ Agricultural Use non-exempt well or for a Dewatering Well, notice shall be mailed by first-class mail, postage prepaid, to the applicant ~~and to those landowners listed as adjacent landowners on the application form submitted by the applicant;~~
3. Not less than fifteen (15) days in advance of the date set for Board's initial consideration of an application for issuance of a ~~permit~~ new or amended Operating Permit for any well or ~~project requiring issuance of~~ Well Field Project other than for a permit pursuant to these Rules under the provisions of Rule 5, notice of the proposed action shall be:
 - (a) Posted on the District's Web Site;
 - (b) Given by electronic mail, regular mail, or by FAX to any person who has requested receipt of notice for issuance of Operating Permits or Well Field Permits for the current calendar year;
 - (c) Provided to the County Clerk of each County in which the District's territory is located;
 - (d) Posted at the District's Office in a readily accessible place;

PLUM CREEK CONSERVATION DISTRICT RULES

(e) For Operating Permits for new Tier II wells and for new Well Field Project applications, published in at least two local newspapers that are published in the County or Counties where the well or Well Field Project is to be located;

~~(f)~~(f) Mailed to ~~owners of property located in the Area of Influence~~adjacent landowners.

4. The notice shall contain the following:

- (a) The name and address of the applicant;
- (b) The date the application was filed;
- (c) The time and place of the hearing;
- (d) The location or address of any proposed well or wells;
- (e) An explanation of the proposed permit or amendment, including the amount of requested groundwater, rate of proposed groundwater production, the depth or name of the formation from which the proposed production will be made if known, the proposed purpose or purposes for which the groundwater production is to be used, the location of the proposed use and, when appropriate, any proposed change in use that is begin requested;
- (f) For any Transportation Permit, a description of the Transportation Facility, including its proposed route and location of the point or points of delivery or use outside the District's boundaries; and
- (g) A brief summary of the information in the application.

5. ~~5.~~ The published notice required in Rule ~~27~~26.B.3(e) may be in the legal notices section.

**PLUM CREEK CONSERVATION DISTRICT
RULES**

6. Renewals of Operating Permits are governed by Section 36.1145 of the Texas Water Code and no notice of action to renew permits is required under those provisions unless the conditions for renewal under the provisions of that Section are not being met at the time of the renewal, or if the Applicant is seeking a change in terms of the Operating Permit that would require an amendment to be initiated by the Applicant or sought by the District.

If a Well Field Permit includes construction completion deadlines for each Well in a Well Field, the Executive Manager may, without notice or hearing, approve changes to the construction completion deadline for one or more individual Wells in the Well Field Project as long as the construction completion date for the last of the Wells in the Well Field _____ Project _____ is _____ not _____ extended.

~~PLUM CREEK CONSERVATION DISTRICT~~

RULES

Rule ~~28~~27 – Permit Consideration

- ~~A.~~ A. When granting or denying any permit application the Board shall consider the items listed in Rules 5, 14, ~~Rule~~ and 20 for the type of permit applied for, and whether appropriate notice has been issued as required by Rule ~~27~~.26.
- B. For transportation permits, in addition to the matters listed above, the Board will consider the items listed in Rule 14.C.
- ~~C. For recharge wells and facilities, including Aquifer storage and recovery wells and Projects, the Board shall consider the following:~~
- ~~1. The items listed in rule 14.B;~~
 - ~~2. Whether operations of the recharge well or facility will result in waste;~~
 - ~~3. Whether operations of the recharge well or facility will result in pollution;~~
 - ~~4. Whether operations of the recharge well or facility will result in significant subsidence; and~~
 - ~~5. Whether the recharge well or facility will endanger the structural characteristics of the formation.~~

PLUM CREEK CONSERVATION DISTRICT RULES

Rule ~~29~~28 – Permit Conditions

- A. ~~For~~ Following the adoption of these Rule Revisions, either upon current permit renewal or on issuance all permits ~~or registrations the Board~~ shall list the:
1. Name and mailing address of the person to whom the permit is issued;
 2. The location of the well or areas in a Well Field Project and the locations of facilities permitted;
 3. The date the permit or registration is to expire if activities authorized by the permit or registration are not commenced;
 4. The purpose for which the water is to be used;
 5. A statement that the water withdrawn is to be put to beneficial use at all times;
 6. The location of the use of the water from permitted wells within the District or to the extent known for Well Field Projects;
 7. A water well closure plan or a declaration that the applicant will comply with well plugging guidelines and report closure to the Commission;
 8. Any conditions and restrictions on water withdrawal;
 9. Any conservation oriented methods of drilling and operation imposed by the District;
 10. Any drought contingency plan requirements of the District;
 11. Statements that the permit is subject to the District's rules as those may be amended from time to time; and
 12. Other terms and conditions authorized by the Texas Water Code.
- B. For transportation permits, in addition to the matters listed above, the ~~Board~~permit may ~~provide~~include:
1. The name and address of the person to whom the permit is issued;
 2. The location of the pipeline facility;
 3. The date the permit is to expire if no Transportation Facility is constructed;
 4. A statement of the purpose for which the Transportation Facility will be used;

PLUM CREEK CONSERVATION DISTRICT RULES

- ~~6.5.~~ A requirement that the water transported under the permit will be put to a beneficial use at all times;
- ~~7.6.~~ The location of the use of the water from the Transportation Facility to the extent known at the time of permit issuance;
7. The method of calculating in district and out of district use quantities;
8. Conditions and restrictions, if any, placed on the rate and amount of water transported;
9. Any conservation oriented methods of constructing and operating the transportation facility;
10. A drought contingency plan approved by the District;
11. The amount of water that may be transferred out of the District;
12. The period for which the water may be transferred;
13. ~~All Transportation Facilities shall be equipped with~~ A requirement for flow monitoring devices approved by the District ~~and, which~~ shall be available at all reasonable times for inspection by District personnel. The operator of a Transportation Facility shall be required to keep records and make quarterly reports to the District as to the operation of the transportation facility, including the volume of water transported during the preceding quarter;
- ~~14. All Transportation Facilities shall~~ A requirement for the Permit holder to reimburse the District for expenses incurred for administration in connection with ~~this facility~~ their respective Transportation Facilities as outlined in Chapter 36, Texas Water Code; ~~and~~
14. 15. This Rule does not apply to groundwater produced from wells located outside of the District; and
- ~~C. For recharge wells and facility permits, including Aquifer storage, in addition to items listed in Rule 29.A, the Board may require:~~
 - ~~1. The operator of a recharge well or facility shall be required to keep records and make reports to the District as to the operation of the recharge well or facility. Reports to the District shall be made on a quarterly basis, beginning at the time a permit is issued to operate. Such reports shall include, but are not limited to, the following:~~
 - ~~(a) Volumes of water recharged through the recharge well or facility;~~

**PLUM CREEK CONSERVATION DISTRICT
RULES**

- ~~—— (b) The source of the water recharged through the recharge well or facility;
and~~
- ~~(c) The quality of the water recharged through the recharge well or facility.~~
- ~~2. Additional information as may be specifically required by a permit to operate a
recharge well or facility.~~
- ~~3. The owner of a recharge well or facility shall assume, and shall be charged with,
strict liability for the prevention of pollution and waste from such well or facility,
as well as, damage to the recharged formation by reason of the operations of said
well or facility.~~

**PLUM CREEK CONSERVATION DISTRICT
RULES**

15. ~~Rule 30~~ If water transported through or from the District originates from wells located outside the District, the Permit holder must allocate the quantities of water originating inside the District and outside the District in a manner acceptable to the District's Executive Manager.

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PLUM CREEK CONSERVATION DISTRICT RULES

Rule 29 – Test Hole, and Test Well Applications and Agricultural Use Well Registration Determinations: Applications Submitted under Rule 5

- A. ~~A~~ Applications for test ~~hole~~holes or test ~~well determination and an application for a non-exempt agricultural use well registration grant of authority by the Executive Manager of the District wells and applications for permits under Rule 5~~ are not contested cases.
- A.B. Any test well ~~or permit~~, test hole authority or dewatering well authority granted is for limited duration and carries with it no rights to produce groundwater in quantities more than needed to dewater or to conduct the test in accordance with the terms contained in the authority ~~granted pursuant to the application or permit~~.
- B.C. Should an applicant disagree with ~~the decisions~~ a decision of the Executive Manager contained in the authority to drill a test hole or the permit to drill and complete a test well, or ~~in a registration for a non-exempt agricultural use well permit under Rule 5~~, the applicant may request a review by the Board of the ~~executive manager's determinations contained in the authority~~ Executive Manager's decision by submitting a written request to the Executive Manager within ten (10) days following the date of the letter ~~or other~~, authority ~~granting permission to install a test hole or a test well or granting the registration or permit~~. Any letter submitted to the Executive Manager under this provision must identify the test hole, test well or ~~test~~ Rule 5 well or registration that is the subject of the request by reference to a date or description such as an application number, and also state with specificity the particular provisions in the authority ~~issued~~ or permit to which the applicant objects and give a reason for the objection.
- C.D. If ~~an objection and~~ a request for Board review ~~to~~ of the Executive Manager's decision ~~to issue authority for a test hole, test well or registration~~ is received, the Executive Manager shall schedule the ~~applicant's objection~~ review for consideration by the Board ~~of the District~~ at the next possible Board meeting for which an agenda has not yet been prepared or posted.
- D.E. At the Board meeting considering the objection, the Board may affirm the Executive Manager's ~~authority~~ decision, reject the ~~protest by the Applicant~~ Applicant's request, or modify the Executive Manager's ~~determination~~ decision.
- E.F. Should the Applicant still desire to contest the ~~final determination granting~~ Board's decision on the authority ~~for a test hole or test well or registration, additional protests shall be~~ permit, the applicant may proceed in accord with the provisions in Rule 31 governing appeals of Board decisions.
- F.G. Failure of an applicant to file a ~~protest~~ request for review within the 10 day period ~~allowed~~ after the date of the authority ~~granted for a test hole or test well or registration~~ permit establishes that the applicant accepts the terms and conditions expressed in the Executive Manager's ~~determination and grant of authority~~ decision.

PLUM CREEK CONSERVATION DISTRICT RULES

Rule ~~31~~30 - Contested Applications

- A. Every application ~~submitted~~ to the District for any Operating Permit for any type of well ~~drilling or production authority~~ submitted pursuant to these Rules and ~~to~~ Chapter 36 of the Texas Water Code other than ~~for a test hole, a test~~ well ~~or a registration for a non-exempt agricultural use well~~ permit that is submitted pursuant to Rule 5 of these Rules, is considered to be a contested application. Applications submitted for wells in accord with Rule 5 are not contested applications but, rather, are Operating Permits issued pursuant to the terms of Rule 5.
- A.B. If an application for an Operating Permit for a Tier I well other than one to be permitted under Rule 5 of these Rules receives no comment from any person within twenty days following issuance of notice about the application, the permit for such well may be issued by the Executive Manager or may be brought before the Board for consideration.
- B.C. At the time of the initial consideration of a contested application by the Board the Board may conduct the hearing itself or, in appropriate circumstances, refer the application and hearing process to an individual to whom the Board has ~~designated~~delegated responsibility for conducting the hearing or to the State, or, where appropriate and where agreements have been entered into for hearings or a particular hearing, to the State Office of Administrative Hearings.
- C.D. At the time of the Board meeting on which the initial contested application is heard, ~~those persons~~ having an interest in the application who wish to address the Board on the application shall submit a form ~~conveying information about~~containing the person's name, mailing address, telephone number, and, if available, e-mail address or fax number; and the person or group who the person registering represents if the person registering is not appearing in ~~their individual capacities~~his or her individual capacity. The form may also request information about whether the person registering resides within the limits of the District and whether the person has a well permitted by or registered with the District.
- ~~D. The applicant and the staff of the District are always parties to contested hearings.~~
- ~~E. If an application for a permit for a Tier I well receives no comment from any person within twenty days following issuance of notice about the application, the permit for such well may be issued by the Executive Manager or may be brought before the Board for consideration.~~
- F.E. If no person registers as protesting the issuance of the contested application, the Board may proceed to informally conduct a hearing on the application at the time of the Board's meeting and initial consideration of the application. If no formal protests are received, or no registration forms are ~~assigned~~submitted indicating an individual is opposed to the issuance of the permit requested by the Applicant, the Board may allow those present to submit comments about the application at the conclusion of the presentation of the

PLUM CREEK CONSERVATION DISTRICT RULES

material supporting the application to the Board but the application is no longer considered contested.

~~G.F.~~ The Board's President, or in the absence of the President a Board Member selected by the Directors who are present, shall preside at hearings.

~~G.~~ If no person protests an application either in writing or by appearing at the initial hearing and registering a protest, the Board may act at that meeting to issue an order approving the application and issue a permit with or without special conditions, or adopt an order to deny the application.

~~H.~~ If the Board issues an Order on an uncontested application, the applicant may, not later than the 20th day after the date the Board issues an order granting or denying the application, demand a contested case hearing if the Order includes special conditions that were not part of the application as finally submitted, grants a maximum amount of groundwater production that is less than the amount requested in the application or denies the application.

~~H.I.~~ Should the Board determine that the application is protested, the Board will then determine whether any hearing should be conducted by the Board, by an individual to whom the Board ~~designates delegates~~ responsibility for conducting the hearing, or ~~to by~~ SOAH, in which case the individual selected or the SOAH Administrative Law Judge is the presiding officer at the hearing.

~~J.~~ All hearings on applications that are protested shall be conducted in accord with the provisions of Section 36.406 of the Texas Water Code, specifically including referral of any contested case matters to alternative dispute resolution in accordance with Chapter 2009 of the Texas Government Code.

~~I.K.~~ The presiding officer at the hearing has the authority to determine and designate parties in addition to the Executive Manager and the applicant on any contested application. Any person requesting to be a party to any contested hearing other than the applicant or executive manager must be able to demonstrate that the person has a personal justiciable interest related to a legal right, duty, privilege, power or economic interest that is within the District's regulatory authority and affected by the action of the District in response to the permit or permit amendment application, with such interest being one that is not in common with members of the general public. standing to be a party to the hearing under applicable provisions of Texas State Law.

~~J.L.~~ At the time the Board has its initial consideration of any contested application, the Executive Manager shall furnish the Board with an affidavit of an officer or employee of the District establishing attempted service by first class mail, facsimile or e-mail to those person(s) who have requested notice from the District of hearings on permit or permit amendment applications and that demonstrates compliance with the other notice provisions of these rules.

PLUM CREEK CONSERVATION DISTRICT RULES

~~K.M.~~ If an applicant submits multiple applications for authority, and if the applicant requests in writing that the separate applications for drilling, equipping operating, or completing a well or substantially altering the size of a well or well pump, or for separate spacing of water wells for production of groundwater or transferring groundwater out of the District, then the applicant may request that all of the applications related to its project be consolidated and considered under one notice and hearing. A Well Field Project application is considered as a single application. The District is not required to use a consolidated hearing or notice to process separate permit or permit amendment applications from a single applicant if the Board cannot adequately evaluate one application until it has acted on another. If a consolidated action request is received from an applicant, ~~when the hearing is initiated the Board~~ the Executive Manager shall make a determination about proceeding on the consolidated applications or the order in which the applications ~~and Board actions will be made~~ will be considered. The Executive Manager will then proceed to schedule one or more hearings on the applications and prepare and publish notice or notices appropriate to the determination.

~~L.N.~~ If the District contracts with SOAH, the hearing on the applications ~~on the hearings~~ referred to SOAH shall be conducted as provided by subchapters C, D and F of Chapter 2001 of the ~~Gov't~~ Texas Government Code.

~~M.O.~~ For hearings conducted by the Board or by an individual designated by the Board, the Presiding Officer of the hearing shall after determining party status of those requesting such status:

1. Determine the admissibility of evidence as authorized in Section 36.407 of the Texas Water Code. Evidence will be admitted if it is of that quality upon which reasonable persons are accustomed to ~~rely~~ relying in the conduct of serious affairs. Evidence may be stipulated by agreement of all parties admitted to the hearing;
2. Provide for making a record of the proceedings and allocating the costs of the record in accord with the provisions of Chapter 36.408 of the Texas Water Code. The record of the proceeding shall include a statement by the presiding officer of the hearing of the date on which the hearing is considered concluded;
3. Authorize continuances without requiring new notice in accord with the provisions of Section 36.409 of the Texas Water Code; provided, however, that if no announcement is made at the time the continuance is granted of the date, time and place for the next hearing session, then notice to all parties admitted to the hearing must be provided by regular mail at least ten (10) days in advance of the resumption of the next hearing session;
4. Confine testimony to the subject matter contained in the application or matter under consideration. In the event that any party at a hearing pursues a line of testimony or interrogation of a witness that is clearly irrelevant, incompetent or immaterial, the presiding officer may terminate such line of interrogation; and

**PLUM CREEK CONSERVATION DISTRICT
RULES**

5. In any proceeding the presiding officer may limit the number of witnesses appearing to prevent testimony from becoming cumulative.

NP. The presiding officer shall prepare a report of the hearing for consideration by the Board in accord with the provisions and within the time specified in Section 36.410 of the Texas Water Code. The Board shall act on the application not later than the sixtieth (60th) day after the final hearing on the application is concluded.

EQ. Requests for rehearing or requests for findings of facts and conclusions of law ~~can~~may be submitted by any party to the hearing within the 20th day after the date of the Board's decision on the application. ~~–~~ The request must contain the information specified, and actions on the requests must be taken within the time limit specified in Section 36.412 of the Texas Water Code. A motion for rehearing may be granted in whole or in part ~~when~~. When a motion for rehearing is granted the decision or order or permit is nullified. The Board may reopen the hearing to the extent it deems necessary and, thereafter, the Board shall render a decision as required by these Rules.

PR. A decision on any application, or a group of applications if there is a consolidated hearing is final if a request for rehearing is not filed on time or if a request is filed on time and the Board denies the request or if the Board renders a written decision after a rehearing.

ES. Timeliness and the ability to appeal this final decision ~~is~~are subject to the provisions of Section 36.413 of the Texas Water Code.

PLUM CREEK CONSERVATION DISTRICT RULES

Rule ~~32~~31 - Changed Conditions

A. The Board has continuing jurisdiction and authority to act on any matter related to any permit, authorization, registration or other action within the jurisdiction of the Board authorized by law, and these Rules. Upon ~~motion of~~ receiving a complaint from any person alleging changed conditions or changes in any aquifer within the District as a result of issuance of an Operating Permit, or other matter affecting the availability, use or pollution of groundwater within the District, or upon the discovery by the District of ~~new or different~~ changed conditions or ~~facts~~ changes in any aquifer after a decision on ~~such matter~~ any application is made, including an application under the Provisions of Rule 5, then, on the recommendation of the Board's Executive Manager, or on its own Motion, the Board ~~may schedule a hearing~~ will decide at a regular Board meeting ~~in response~~ whether to ~~such a Request. Notice of any such hearing shall be given as provided by Rule 27 for new applications. At the time as the Board considers the request the Board may deny it or, if it grants the request in whole or in part, initiate~~ conduct a hearing on ~~such request. Any such hearing~~ the new information or the Complaint. If the Board decides to conduct a hearing to ascertain the validity and effect of any complaint or new information, any such hearing on changed conditions is a contested case and the hearing will be conducted pursuant to these Rules governing hearings on contested cases.

**PLUM CREEK CONSERVATION DISTRICT
RULES**

Notice shall be given to all affected Operating Permit holders in addition to notice required under the provisions of Rule ~~33~~26.

B. Nothing in this Rule alters the authority or ability of the Board to periodically review issued permits in accord with the provisions of Rule 15.

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PLUM CREEK CONSERVATION DISTRICT RULES

Rule 32 - General

- A. COMPUTING TIME: In computing any period of time prescribed or allowed by these Rules, by Order of the Board, or by any applicable statute, the period shall begin on the first day following the day of the act, event, or event of default in question occurs, and shall conclude on the last day of that period, unless the last day falls on a Saturday, Sunday or legal holiday on which the District Office is closed, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday on which the District Office is closed.
1. TIME LIMIT: Applications, requests, or other papers or documents required or permitted to be filed with the District under these Rules or by law must be received for filing at the District Office within the time limit, if any, for such filing. The date of receipt and not the date of posting shall be determinative;.
 2. 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(s) operating~~ the owner or operator of a well within the District to appear before ~~it~~ the Board and require ~~him~~ the owner or operator to show cause why ~~his operating authority or a permit or other authorization~~ should not be suspended, canceled, revoked or otherwise restricted and or limited, for failure to comply with the Rules or Orders of the Board, or any relevant rule (s), regulation(s) or statute(s) of any local, state or federal governmental body of competent jurisdiction. The Board may address the matter of ~~informally at a Board meeting, or as a contested case hearing, in which event issues of party status,~~ evidence and all other procedural matters at ~~any such~~ the hearing will be ~~conducted~~ determined in accordance with the contested case hearing provisions of these Rules ~~of procedure and practice;~~.
 3. SAVINGS CLAUSE: If any section, sentence, paragraph, clause, or part of these Rules should be held or declared invalid for any reason by a final judgment of the courts of this state or of the United States, such decision or holding shall not affect the validity of the remaining portions of these Rules, and the Board does hereby declare that it would have adopted and promulgated such remaining portions of such Rules irrespective of the fact that any other sentence, section, paragraph, clause, or part thereof may be declared invalid.
 4. The Board shall have the right to revise or restructure, after due public notice, any portion of these Rules it deems necessary.

PLUM CREEK CONSERVATION DISTRICT RULES

Rule ~~34~~33 - Enforcement of Rules

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

- A. The District may enforce Chapter 36, Texas Water Code and ~~its~~these Rules by injunction, mandatory injunction, or other appropriate remedy in a court of competent jurisdiction.
1. The Board may set reasonable civil penalties for breach of any rule of the District pursuant to which penalty shall not exceed \$10,000.00 per day, per violation and each day of continuing violation constitutes a separate violation.
 2. A penalty under Chapter 36, Texas Water Code, or the District's Rules is in addition to any other penalty provided by the law of this state and may be enforced by complaints filed in a court of competent jurisdiction in Caldwell or Hays County.
 3. If the District prevails in any suit to enforce its Rules, it may, in the same action, recover reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court. The amount of the attorney's fees shall be fixed by the court.

**PLUM CREEK CONSERVATION DISTRICT
RULES**

Rule ~~35~~34 - Effective Date of These Rules

These Rules are adopted at a duly noticed, public meeting of the Board of Directors of the Plum Creek Conservation District held on ~~June 19, 2012,~~ _____, at the District's Offices in Lockhart, Caldwell County, Texas, to become effective on ~~August 1, 2012,~~ _____. Penalties for violations of the Amended Rules will become effective five (5) days following publication of the second of the two notices required by Sections 51.129 and 51.130 of the Texas Water Code.

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**PLUM CREEK CONSERVATION DISTRICT
RULES**

**Plum Creek Conservation District
Board of Directors**

James A. Holt, Jr., President

James O. Lipscomb, Vice President

Treasurer

~~Peter Reinecke~~ Lucy Knight, Secretary-

Ben Twidwell, Director

~~Lucy Knight~~ Peter Reinecke, Director

Fred Rothert, Director

Attested by: _____

Johnie Halliburton,
Executive ~~Manager~~

**PLUM CREEK CONSERVATION DISTRICT
RULES**

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