GOLIAD COUNTY GROUNDWATER CONSERVATION DISTRICT RULES

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GOLIAD COUNTY GROUNDWATER CONSERVATION DISTRICT RULES

Table of Contents

RULE 1 DEFINITIONS ……5

RULE 2 PURPOSE OF RULES ……9

2.1 Use and Effect of Rules

2.2 Amending of Rules

2.3 Petition for Rulemaking

2.4 Headings and Captions

2.5 Severability

2.6 General Rules

2.7 Change of Permit

RULE 3 BOARD ……10

3.1 Purpose of Board

3.2 Board Structure, Officers

3.3 Meetings

3.4 Committees

RULE 4 RURAL SUBDIVISIONS……11

RULE 5 DISTRICT STAFF ……11

5.1 District Employees

RULE 6 DISTRICT ……12

6.1 Minutes and Records of the District

RULE 7 OTHER DISTRICT ACTIONS AND DUTIES ……12

7.1 District Management Plan

RULE 8 TRANSFER OF GROUNDWATER OUT OF THE DISTRICT ……12

8.1 Permit Required

8.2 Applicability

8.3 Application: Transport Permiit

8.4 Hearing and Permit Issuance

RULE 9 TRANSPORTATION OF WATER WITHIN THE DISTRICT ……15

RULE 10 ENFORCEMENT OF RULES ……..……16

RULE 11 REGISTRATION/PERMITS ……...……17

11.1 Registration of New Wells

11.2 Requirement of Driller's Log, Casing, Pump Data, and Drilling Notification

11.3 Time During which a Drilling Permit or Registration Shall Remain Valid

11.4 Registration of Grandfathered Wells

RULE 12 GROUNDWATER USE……....…18

12.1 Historic Groundwater Use

12.2 General Permitting Policies and Procedures for Non-exempt Wells

12.3 Operating Permit Required

12.4 Operating Permit Provisions

12.5 Operating Permit Limitations

12.6 Production Limitations

12.7 Well Spacing Requirements

12.8 Exclusions and Exemptions

12.9 Mitigation

12.10 Geothermal Loops

RULE 13 REWORKING AND REPLACING A WELL …….28

13.1 Procedures

RULE 14 WELL LOCATION AND COMPLETION …….29

14.1 Responsibility

14.2 Location of Domestic and Livestock (or Exempt) Wells

14.3 Standards for Water Wells Drillers and Water Well Pump Installers

RULE 15 WASTE AND BENEFICIAL USE ……..30

15.1 Waste Means Any One or More of the Following

15.2 Uses for a Beneficial Purpose

RULE 16 FEES …….31

RULE 17 - DESIRED FUTURE CONDITIONS (DFC) ……..…..……31

RULE 18 HEARING ……31

18.1 Types of Hearings

18.2 Notice of Hearings

18.3 General Procedures

18.4 Uncontested Permit Hearings Procedures

18.5 Contested Permit Hearings Procedures

18.6 Conclusion of the Permit Hearing

18.7 Rule-Making Hearings Procedures

18.8 Final Decision; Appeal

RULE 19 INVESTIGATIONS AND ENFORCEMENT…….38

19.1 Notice and Access to Property

19.2 Conduct of Investigation

19.3 Sealing of Wells

GOLIAD COUNTY ROUNDWATER CONSERVATION DISTRICT DROUGHT CONTINGENCY PLAN……....39

Goliad County Groundwater Conservation District

RULES OF GOLIAD COUNTY GROUNDWATER CONSERVATION DISTRICT IN TEXAS ARE HEREBY PUBLISHED, AS OF February 6, 2003, Revised: January 20, 2004; August 17, 2004; March 21, 2006; August 4, 2008; October 19, 2009; August 2, 2010; April 16, 2012; October 21, 2013; June 16, 2014; February 16, 2015; July 18, 2016, August 20, 2018, January 20, 2020, February 19, 2024 and October ????.

In accordance with Section 59 of Article XVI of the Texas Constitution, H.B. No. 3651 effective September 1, 2001, and Chapter 36 of the Texas Water Code, as amended, the following rules are hereby ratified and adopted as the rules of the Goliad County Groundwater Conservation District, in Texas, by its Board.

The Rules are to fulfill the stated mission of the GCGCD as noted in its Management Plan in regard to the Gulf Coast Aquifer System. As stated in the GCGCD "Statement of Guiding Principles". This drinking water supply is the lifeblood for the county population and agricultural economy.

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

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

These rules are intended to provide guidance for the Board of Directors and for the Public to manage the groundwater in Goliad County so as to maintain a reasonable sustainable supply for the next 50 years to support the economy of Goliad County. This goal should be the Desired Future Condition for all interested parties. These rules are not intended to be punitive and any punitive action taken would be the result of a willful violation of these rules. The residents of Goliad County approved the establishment of a Groundwater Conservation District in 2001 for the purpose of protecting and managing the groundwater in Goliad County.

RULE 1 DEFINITIONS

1. **"Acre-foot"** means the amount of water necessary to cover one acre of land one foot deep, or 325,851 gallons of water.

2. **"Aesthetic water use"** water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

3. **"Agricultural Crop"** means food or fiber commodities grown for resale or commercial purposes that provide food, clothing, or animal feed.

4. **"Agricultural water use"** as defined under Chapter 36.001(20), (21), Texas Water Code, latest amendment.

5. **"Authorized Well Site"** shall be:
    a. The location of a proposed well identified by GPS coordinates on an application duly filed, until such application is denied, or

b. The location of a proposed well identified by GPS coordinates on a valid permit. (An authorized well site is not a permit to drill.)

6. **"Brackish Groundwater"**- Water that test above 1,000 ppm Chlorides and 2,000 ppm Total Dissolved Solids.

7. **"Commercial and institutional water use"** water use which is integral to the operations of commercial and non-profit establishments and governmental entities including but not limited to retail establishments, hotels and motels, restaurants, and office buildings.

8. **"Conservation"** those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

9. **"Domestic water use"** water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, cleaning a residence.

10. **"The Board"** shall mean the Board of Directors of the Goliad County Groundwater Conservation District, in Texas, consisting of duly appointed and henceforth elected members, as provided in Chapter 36, Texas Water Code, as amended and HB 3651.

11. **"Director"** means a member of the Board. To be eligible to serve as a temporary, initial, or regular director of the district, a person must be a resident of Goliad County and must be at least 18 years of age. Each director must qualify to serve as director in the manner provided by Section 36.055 of the Texas Water Code.

12. **"The District"** shall mean the Goliad County Groundwater Conservation District in Texas, created under Section 59, Article XVI Texas Constitution, maintaining its principal office in Goliad, Texas. Where applications, reports and other papers are required to be filed with or sent to "the District," this means the District office in Goliad, Texas.

13. **"District Act"** means an act relating to the creation, administration, powers, duties, operation and financing of the Goliad County Groundwater Conservation District (H.B. 3651 effective September 1, 2001).

14. **"Drilling Permit"** means a permit for water well issued or to be issued by the District allowing a water well to be drilled.

15. **"Drought"** A meteorological period of serious moisture (precipitation) deficiency and a resultant reduction in spring flow, stream flow, and groundwater level drop generally accompanied by an increase in demand.

16. **"Drought Indices"** those indicators selected for the purposes of this plan to initiate (trigger) drought stages.

17. **"Exempt well"** A domestic or livestock well equipped to produce less than 25,000 gallons of groundwater per day.

18. **"Existing Well"** means any well in the district that was drilled or properly completed on or before the adoption of the Goliad County Groundwater Conversation District Management Plan, Feb. 6, 2003.

19. **"Exploratory Hole"** shall mean any hole drilled to a depth greater than the top of any stratum containing groundwater, as "groundwater" as is defined in Chapter 36, Texas Water Code, as amended, for the purpose of securing geological or other information, which may be obtained by penetrating the earth with a drill bit and includes what is commonly referred to in the industry as "water well test holes", "slim hole test" or "seismograph test holes" and the like.

20. **"General Manager"** is the General Manager of the Goliad County Groundwater Conservation District. The General Manager may be a member of the board.

21. **"Groundwater"** means water percolating beneath the earth's surface within the District but does not include water produced with oil in the production of oil and gas.

22. **"Industrial water use"** the use of water in processes designed to convert materials of lower value into forms having greater usability and value

23. **"Landowner"** means the person who bears ownership of the land surface.

24. **"Landscape irrigation use"** water used for the irrigation and maintenance of landscaped area whether publicly or privately owned, including residential and commercial lawns, gardens, athletic fields, golf courses, parks, cemeteries, rights-of-way and medians

25. **"Monitoring Well"** shall mean a well installed to measure some property, usually water levels, and quality, of the groundwater or aquifer, which it enters that does not produce groundwater for the purpose of water supply.

26. **"New Well Application"** means an application for a permit or registration for a water well that has not yet been drilled.

27. **"Non-essential water use"** water uses that are non-essential, nor required for the protection of public health, safety, and welfare, including but not limited to:

    1. irrigation of landscape areas, including parks, athletic fields, cemeteries and golf courses, except as otherwise provided by this Plan;
    2. use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
    3. use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas except for the protection of public health, safety and welfare;
    4. use of water to wash down buildings or structures for purposes other than immediate fire protection or for the protection of public health, safety and welfare;
    5. use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
    6. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such a leak(s); and
    7. use of water from hydrants for construction purposes or any other purposes other than fighting fires.

28. **"Non-Exempt well"** a well capable of producing greater than 25,000 gallons of groundwater per day,

29. **"Open Meeting Law"** means Chapter 551, Texas Government Code.

30. **"Operating Permit"** means a permit issued by the District for a water well that is capable of pumping more than 25,000 gallons per day, allowing groundwater to be withdrawn from a water well for a designated period and at a maximum rate.

31. **"Owner"** shall mean and include any person that has the right to produce water from the land, by ownership, contract, lease, easement, or any other estate in the land.

32. **"Permitted Well"** shall mean a well subject to the District's drilling permit requirements, which includes any artificial excavation constructed to produce, or which produces, more than 25,000 gallons of water per day. See Non-exempt well as defined herein.

33. **"Person"** shall mean any individual, partnership, firm, state agency, political subdivision, corporation, or other legal entity.

34. **"Potable Groundwater"-** Water that is not brackish as defined by district rules.

35. **"Public Information Act"** means Chapter 552, Texas Government Code.

36. **"Public Water System"** as defined under 30 TAC Subchapter D Paragraph 290.38(41), latest revision.

37. **"Registered Well"** shall mean and include any artificial excavation to produce, or that is producing, water for any purpose that is not subject to the District's drilling permit requirements. See Exempt well as defined herein.

38. **"Rules"** means the rules of the District compiled in this document and as may be supplemented or amended from time to time.

39. **"Trigger Conditions"** Conditions that occur that will determine if a drought condition exists, such as lack of rainfall for a certain period of time, The Palmer Drought Index indicates that the area is suffering from drought conditions, the District monitors wells regarding static levels, etc.

40. The word **"Waste"** as used herein shall include but is not limited to; those defined by the Legislature in Chapter 36, Texas Water Code, latest amendment. Waste includes:

    a. Withdrawal of groundwater from a groundwater reservoir at a rate, and in an amount that causes, or threatens to cause, intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes; or, that threatens to deplete the historic supply.

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

    c. Escape of groundwater from a groundwater reservoir to any other reservoir that does not contain groundwater;

    d. pollution or harmful alteration of groundwater in a groundwater reservoir by introducing a substance harmful to health or well-being admitted from another stream, or from the surface of the ground, or from an industrial injection into the drinking water Gulf Coast Aquifer supply.

    e. willfully or negligently causing, suffering, or permitting groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well; or unless such discharge is authorized by permit, rule or order by the Commission under Chapter 26; or

f. groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well, unless the occupant of the land receiving the discharge has granted permission.

41. **"Water"** for the purposes of these rules is synonymous with groundwater or underground water.

42. **"Water Meter"** means a water flow-measuring device that can accurately record the amount of groundwater produced during a measured time.

43. **"Well"** means any facility, device, or method used to withdraw groundwater from the groundwater supply within the District.

RULE 2 PURPOSE OF RULES

These rules are adopted to achieve the provisions of the District Management Plan and accomplish its purposes.

These rules are intended to provide for the conservation, preservation, protection, and recharge of groundwater and aquifers within Goliad County. It is of utmost importance to maintain sustainable drinking water supplies for municipal, domestic, and livestock use.

RULE 2.1 USE AND EFFECT OF RULES

The District uses these rules as guides in the exercise of the powers conferred by law and in the accomplishment of the purposes of the District Management Plan. They may not be construed as a limitation or restriction on the exercise of any discretion nor be construed to deprive the District or Board of the exercise of any powers, duties or jurisdiction conferred by law, nor be construed to limit or restrict the amount and character of data or information that may be required to be collected for the proper administration of the District Management Plan.

RULE 2.2 AMENDING OF RULES

The Board may, following notice and hearing, amend these rules or adopt new rules from time to time.

RULE 2.3 PETITION FOR RULEMAKING

A. A person with a real property interest in groundwater in the District may file a petition with the District to request the adoption of a rule.
B. Petitions must be submitted in writing to the District office and ust comply with the following requirements:
   1. Each rule requested must be submitted by separate petition;
   2. Each petition must be signed and state the name and address of each person signing the petition;
   3. Each petition must include:
      a. A brief description of the petitioner's real property interest in groundwater in the District;
      b. A brief explanation of the proposed rule **or modification**;
      c. The text of the proposed rule prepared in a manner to indicate the works to be added or deleted from the text of the current rule, if any; and,
      d. An allegation of injury or inequity that could result from the failure to adopt the proposed rule.
C. The General Manager may reject any petition for failure to comply with the requirements of Subsection B of this section and shall provide notice to the petitioner of the reason for the rejection.
D. Within 120 days after submission of a petition that complies with this section, the Board shall either deny the petition, stating its reasons for denial in the minutes of the board meeting or in a letter providing a written explanation to the petitioner, or initiate rulemaking proceedings as provided by Section 36.101, Texas Water Code/

RULE 2.4 HEADINGS AND CAPTIONS

The section and other headings and captions contained in these rules are for reference purposes only. They do not affect the meaning or interpretation of these rules in any way.

RULE 2.5 SEVERABILITY

If any one or more of the provisions contained in these rules are for any reason held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability may not affect any other rules or provisions of these rules, and these rules must be construed as if such invalid, illegal or unenforceable rules or provision had never been contained in these rules.

RULE 2.6 GENERAL RULES

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

B. Time Limit: Applications, requests, or other papers or documents required or permitted to be filed under these rules, or by law, must be received for filing at the Board's office at Goliad, Texas, within the time limits, if any, for such filing. The date of receipt and not the date of posting is determinative.

C. Show Cause Orders and Complaints: The Board, either on its own motion, or upon receipt of sufficient written protest or complaint, may at any time, after due notice to all interested parties, cite any person operating within the District to appear before it in a public hearing and require him to show cause why a suit should not be initiated against him in a district court, for failure to comply with the orders or rules of the Board or the relevant statutes of the State or for failure to abide by the terms and provisions of the permit of operating authority itself. The matter of evidence, and all other matters of procedure at any such hearing, will be conducted in accordance with these rules of procedure and practice.

D. All Goliad County wells and well owners shall comply with all applicable rules, orders, regulations, requirements, resolutions, policies, directives, standards, guidelines, or any other regulatory measures implemented by the District.

RULE 2.7 CHANGE OF PERMIT

A. A Permittee may apply for a transfer of ownership of any permit or registration granted by the District, and such transfer may be approved as a ministerial act upon filing the required information. However, a transfer of ownership shall be approved as a ministerial act only if the transfer is to change the ownership of the permit and no other changes to the permit are requested. This transfer of ownership rule shall apply only where there is a change of ownership or operation of the property on which the well is located and there is no change in location where the water is used. (Form 2014-06-0002; 2014-06-0003-See Appendix A)

B. Any permittee requesting a change from the purpose or in the same location stated in a permit or registration shall apply to the Board for continuation of the permit for the proposed changed use at the same or reduced rate of production. The Board may request any additional relevant information the District considers necessary, to analyze the request for the amendment.

C. Any permit application requesting an increased use on an existing permit requires notice, public hearing and Board approval. A fee adjustment is required if the pumping rate increases to a new category.

RULE 3 BOARD

RULE 3.1 PURPOSE OF BOARD

The Board was created to determine policy and regulate the withdrawal of groundwater within the boundaries of the District for conserving, preserving, protecting, and recharging the groundwater within the district, and to exercise its rights, powers, and duties in a way that will accomplish the purposes of the District Act effectively and expeditiously. The Board's responsibilities include but are not limited to adoption and enforcement of reasonable rules and other orders.

RULE 3.2 BOARD STRUCTURE, OFFICERS

The Board consists of seven members qualified as required by the District Act. The Board will elect one of its members to serve as President, to preside over Board meetings and proceedings; one to serve as Vice President to preside in the absence

of the President; and one to serve as Secretary/Treasurer to keep a true and complete account of all meetings and proceedings of the Board. The Board may elect officers annually but must elect officers at the first meeting following the November election for directors of each even numbered year. Except for temporary or initial director of the District, a director serves a four-year term. Beginning in the second year following the confirmation election, an election shall be held on the first uniform election date in November every two years to select the appropriate number of directors to the board. At the first election, directors for places 2, 4, and 6 shall be elected, and at the next election, directors for places 1, 3, 5, and 7 shall be elected.

RULE 3.3 MEETINGS

The Board will hold regular meetings as the Board may establish from time to time. At the request of the President, or by written request of at least three members, the Board may hold special meetings. All Board meetings will be held according to the Texas Open Meetings Law.

RULE 3.4 COMMITTEES

The President may establish committees for formulation of policy recommendations to the Board and appoint the chair and membership of the committees. Committee members serve at the pleasure of the President. Committees shall not consist of more than three Board members and may include outside representation.

RULE 4 RURAL SUBDIVISION RULE

Rural Subdivision Rules dealing with groundwater use must comply with GCGCD Rules as to well spacing, pumping allowable and proximity to water quality contaminants. Groundwater availability is from the Gulf Coast Aquifer. While availability is generally good at varying depths, there is no 100 percent guarantee that United States drinking water standards groundwater is available at all locations.

RULE 5 DISTRICT STAFF

RULE 5 .1 DISTRICT EMPLOYEES

A. The Board of Directors, known as the Board, will employ a person to manage the District as the General Manager. The Board will set qualifications for the General Manager position and select the manager from qualified applicants. The Board will determine the duties and functions of the General Manager. The General Manager will have no powers, responsibility, authority or duties than those determined and bestowed on the General Manager by the Board. The Board will determine the compensation and allowances for the General Manager position and shall conduct yearly evaluations at a time so determined by the Board. The General Manager shall report to the President of the Board. The General Manager will participate in the selection and employing of additional employee(s) for the District. The General Manager will have the authority to supervise additional employee(s) as determined by the Board. The General Manager will assist in determining the duties and evaluating the performance of the additional employee(s) of the District. The General Manager will report on the activities and duties of the office of the General Manager to the Board at regular called and special called meetings. The General Manager will be responsible for compiling and setting the Agenda for each meeting and will prepare a monthly financial report to be presented to the Board at a regular meeting of the Board. The General Manager will maintain the District's office and supervise District employee(s) as set forth by the Board.

B. The Board may from time to time employ additional personnel as necessary for the proper handling and performance of the business of the District. The duties of the additional employee(s) will be determined by the Board with the participation of the General Manager. Additional employee(s) may be employed on a part-time basis for a specific project or performance of a specific duty as determined by the Board. The Board may designate an employee's title

or position by the duties performed or services provided, i.e.: Field Agent. The terms and conditions of employment for each employee will be described in the policies of the District.

RULE 6 DISTRICT

RULE 6 .1 MINUTES AND RECORDS OF THE DISTRICT

All documents, reports, records, and minutes of the District are available for public inspection and copying. Upon written application by any person, the District will furnish copies of its public records. A copying charge will be established by the District.

RULE 7 OTHER DISTRICT ACTIONS AND DUTIES

RULE 7.1 DISTRICT MANAGEMENT PLAN

The District Management Plan specifies the acts, procedures, performance, and avoidance necessary to prevent waste of groundwater, provide for the protection, preservation and conservation of groundwater and prevent the adverse drawdown of the water table of the Gulf Coast Aquifer. The District shall use the Rules of the District to implement the Management Plan. The Board will review and submit an updated-Management Plan every five years. If the Board considers a new plan necessary or desirable~~,~~ the board may submit a revised plan at any time. A plan, once adopted and approved by TWDB, remains in effect until the adoption of a new plan.

RULE 8 TRANSFER OF GROUNDWATER OUT OF THE DISTRICT

RULE 8 .1 PERMIT REQUIRED

Groundwater produced from within the District may not be transported outside the District's boundaries unless the board has issued the well owner a transport permit.

Every person who produces water from well(s) located, within the District, when all or any part of such water is transported for use, off the property from which the water is produced and transported our of District, must permit the production and obtain an Out of District Transport Permit under this Rule. The term "property from which water is produced," as used in this subsection, shall be construed to mean water rights owned by an entity within a continuous perimeter boundary situated within the District. Transportation of water requiring permitting under this Rule includes transportation by pipeline, vehicle, channel, ditch, watercourse or other natural or artificial facilities, or any combination of such facilities outside of the District.

1. Rule 8 is subject to any moratorium in effect.
2. Processed groundwater may be transported out of the District when there is a business located in the county that uses groundwater whose service area includes the county and extends beyond the Goliad County line. The business may transport processed groundwater, being groundwater, which has been extracted from a well situated in Goliad County, that has been treated with or to which a foreign substance has been added, outside the county with a limitation of no more than 25-acre feet per year

RULE 8.2 APPLICABILITY

A groundwater transport permit is not required for transportation if the groundwater is to be used on property that straddles the district boundary line. All in County utilities meeting the following requirements may be exempt from the requirement for a groundwater transport permit:

1. 95% of the total monthly volume of the water utility must be supplied within the district boundaries;

2. The monthly volume of water transported out of the district shall not exceed 5% of the utility's corresponding monthly demand.

RULE 8 .3 APPLICATION: TRANSPORT PERMIT

An application for a transport permit must be filed in the District office and must include the following information:

1. The name and mailing address of the owner and/or operator of the transportation facility.

2. A statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose.

3. A water-conservation plan and a drought contingency plan.

4. The legal description of the location of the well(s) and transportation facilities.

5. Proof of notification of all landowners adjacent to the property where the well or wells are located and all well owners within one-half mile of any of the proposed production wells.

6. A technical description of the transport facilities.

7. The permit number of the well or wells used to produce water to be transported.

8. The name and address of the water right owners(s).

9. The time schedule for construction and/or operation of the facility.

10. Any additional information required by the Board to process the permit.

11. The availability of water within the district and in the proposed receiving area during the period for which the water supply is requested.

12. The Applicant must show an analysis projecting the effect of the proposed transfer of water based on aquifer conditions, depletion, subsidence or effects on existing permit holders or other groundwater users within the district.

13. A comprehensive mitigation plan addressing Rule 12.9 mitigation.

RULE 8 .4 HEARING AND PERMIT ISSUANCE

A. Applications for transport permits are subject to the hearing procedures provided by these rules.

B. In determining whether to issue a permit to transfer groundwater out of the District, the Board shall consider;

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

2. Availability of feasible and practicable alternative supplies to the applicant;

3. The amount and purposes of use for which water is needed in the proposed receiving area;

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;

5. The indirect costs and economic and social impacts associated with the proposed transfer of water from the District;

6. The establishing of an export fee;

7. The approved regional and state water plan, and the certified District Management Plan;

8. Other facts and considerations considered necessary by the District's Board for protection of the public health and welfare and conservation and management of natural resources in the District.

9. The amount of groundwater required to sustain the current and future economic stability within the boundary of the Goliad County Groundwater Conservation District must be determined and allocated using the data compiled in the "GCGCD GROUNDWATER AVAIIBILTY EVALUATION STUDIES".

C. Under no circumstances shall a transport permit be issued for an amount of groundwater that jeopardizes future economic development within the boundaries of Goliad County Groundwater Conservation District.

D. The transport permit shall specify the amount of water that may be transferred out of the District and the period for which the water may be transferred, in accordance with Section 36.122 of the Texas Water Code.

E. Permit conditions. The transport permit, in addition to the application information and considerations, shall include the following terms and conditions:

1. The date that the permit is to expire if no transportation facility is constructed;

2. A requirement that the water will be put to a beneficial use at all times;

3. Conditions and restrictions, if any, placed on the rate and amount of water transported;

4. The period for which the groundwater production is permitted;

5. The export fee negotiated between the District and the producer/transporter.

F. The District shall impose a reasonable application fee and export fee for transport permits. Such fees shall comply with the requirements in Section 36.122(e).

G. The term for the initial transport permit shall be three years. If construction of a conveyance system is begun before the expiration of the initial 3-year permit, the term will be extended to a 30-year term from initial permit issuance.

H. The District may, every three years, review the amount of water that may be transferred out of the District under a permit and may limit the amount of water that may be transferred out of the District under permit and may limit the amount of water which may be transferred, after a consideration of the factors set forth in Rule 8 B & C and all relevant current data for conservation of groundwater resources in the District. At any time during the term of a transport permit, the District may revise or amend the permit if the use of water unreasonably affects existing groundwater and surface water resources or existing Permit Holders.

RULE 9 – TRANSPORTATION OF WATER WITHIN THE DISTRICT

A. This rule applies only to In District Transportation from an owned property to a property owned by others.

1. Every person who produces water from well(s) located, within the District, when all or any part of such water is transported for use, off the property from which the water is produced, but within District, must permit the production and obtain a In District Transport Permit under this Rule. The term "property from which water is produced," as used in this subsection, shall be construed to mean water rights owned by an entity within a continuous perimeter boundary situated within the District. Transportation of water requiring registration permitting under this Rule includes transportation by pipeline, vehicle, channel, ditch, watercourse or other natural or artificial facilities, or any combination of such facilities.

B. Transportation Application

1. The application provided for herein must be filed with the District, in the form or forms promulgated by the District hereunder, and such-application must be obtained from the District, prior to the proposed transporting of water, all in accordance with the provisions of this Rule.

2. An application for the transportation of water required under this Rule 9 must:

a. be in writing;

b. contain the name, post-office address and place of residence or principal office of the applicant;

c. identify the actual or anticipated number, location, pump size and production capacity of the wells from which the water to be transported is produced or to be produced;

d. describe as specifically as feasible the anticipated proposed transportation facilities;

e. state the nature and purposes of the proposed use and the anticipated amount of water to be used for each purpose;

f. state the anticipated time within which any proposed construction or alteration is to begin;

g. state the presently anticipated duration required for the proposed use of the water;

h. include the production well permit number

i. identify any other presently-owned sources of water, the availability of which is both technically feasible and economically reasonable for the entity, that could be reasonably used for the stated purposes, including quality and quantity of such alternate sources;

j. identify any other liquids, the availability of which is both technically feasible and economically reasonable for the entity, that could be reasonably substituted for the fresh ground water and possible sources of such liquid, including quantity and quality;

k. provide information showing what water conservation measures the entity has adopted, what water conservation goals the entity has established, and what measures and time frames are necessary to achieve the entity's established water conservation goals; and

l. if the water is to be ~~re~~sold to others, provide a description of the entity's service area, entity's metering and leak detection and repair program for its water storage, delivery and distribution system, entity's drought or emergency water management plan, and information on each customer's water demands, including population and customer data,

water use data, water supply system data, wastewater data, water conservation measures and goals, and the means for implementation and enforcement.

m. the transport application must be signed by the providing water rights owner and the receiving entity.

3. The application must be accompanied by a map or plat drawn on a scale that adequately details the proposed project showing substantially:

a. the location of the existing or proposed well(s);

b. the location of the existing or proposed meter(s) for compliance to section (k) of this Rule;

c. the location of the existing proposed water transporting facilities; and

d. the location of the proposed or increased use or uses.

4. The General Manager shall determine whether the application, maps, and other materials comply with the requirements of this rule and may require amendment of the application, maps, other.

5. Official Fire Departments in the district are exempt from this rule. An annual report of estimated groundwater usage is beneficial to assist the District in water management.

RULE 10 ENFORCEMENT OF RULES

A. 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.

B. If it appears that, a person has violated, is violating; or is threatening to violate any provision of the District Rules the Board of Directors may institute and conduct a suit in the name of the District for enforcement of Rules through the provisions of Chapter 36.102 Texas Water Code.

C. For any violation of the District Rules, the District may employ their attorney to enforce the rules. Any expense or cost of such employment shall be charged against the person that has violated the rule in addition to any other fines that the board may impose.

D. Violation of any District Rule shall be subject to a civil penalty not to exceed $10,000 per day per violation and each day of a continuing violation constitutes a separate violation. The district will use the following guidelines in implementing official action concerning violations of District Rules and Operating Permits:

1. First offense- an official letter from the district with statement to be signed and returned to the District with acknowledgement of: receipt of letter, noted violation, and understanding of District rules and penalties.

2. Hearing at regular Board meeting at which time the following penalties shall be considered:

   Second offense – Applicable operational penalties and a fine up to $1,000. An official letter of notification is to be sent to the State.
   Third offense – Applicable operational penalties and a fine up to $5,000. An official letter of notification is to be sent to the State. In the case of a violation by a water well driller, this would be a loss of the privilege to drill water wells in Goliad County.

Fourth offense – Applicable operational penalties and a fine up to $10,000.

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

E. The Board may set reasonable civil penalties for breach of any Rule of the District which penalty shall not exceed the jurisdiction of a justice court, as provided by Section 27.031, Government Code.

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

G. 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.

H. In the event that the violator of a District Rule refuses to pay a monetary fine or comply with other provisions of the fine imposed by the District, the District may deny the violator of future privileges provided by the District Rules until the conditions of the fine have been remedied.

RULE 11 REGISTRATION/ PERMITS

RULE 11 .1 REGISTRATION OF NEW WELLS

A. It is a violation of these Rules for a well owner, well operator, or water well driller to drill any well without the water well registration form being filed with and approved by the District. This includes the GPS location determined by a representative of the District.

B. All new wells must be registered by the well owner, well operator, or water well driller prior to being drilled. (Form 2014-06-0001- See Appendix A) The District staff will review the registration and make a preliminary determination on whether the well meets the exclusions or exemptions provided in Rule 12.8. Providing the preliminary determination is ruled the well is excluded or exempt, the registrant may begin drilling upon receiving the approved registration from the District. After an exempt well is completed and in operation, information required under Rule 11.2 must be provided to the District within 30 calendar days.

RULE 11.2 REQUIREMENT OF DRILLING NOTIFICATION, DRILLER'S LOG, CASING, AND PUMP DATA

Complete records shall be kept, and reports thereof made to the District, concerning the drilling, equipping and completion of all wells drilled. Such records shall include an accurate driller's log, any electric logs that have been made, and any additional data concerning the description of the well, its discharge, and its equipment as may be required by the Board. Such reports shall be filed with the District Board at its office in Goliad, Texas, within 30 days after completion of the well. The driller is to notify the District office 24 hours prior to commencing of drilling and is to allow non-contact observation of the drilling and casing of the well by District representative(s).

RULE 11.3 TIME DURING WHICH A DRILLING PERMIT OR REGISTRATION SHALL REMAIN VALID

Except as provided in the Rules, any drilling permit or registration granted shall expire if the work is not completed within 60 days from the date of approval by the Board. It shall thereafter be void. The Board, for good cause, may extend the life of such permit for an additional 60 days if an application for such extension shall have been made to the Board during the first 60-day period. When it is made known to the Board that a proposed project will take more time to complete, the

Board, upon receiving written application, may grant such time, as is reasonably necessary to complete such project. Well locating fees are not refundable.

RULE 11.4 REGISTRATION OF GRANDFATHERED WELLS

A. Registration of wells that are grandfathered under Rule 12.8(g) is voluntary. The Board recommends that all Grandfathered wells be registered so that these wells can be protected and that their Grandfathered status can be guaranteed.

B. If a well that qualifies to be grandfathered is not registered by Feb. 6, 2004, the owner must show proof of ownership of a well or wells, prior to this date, to receive Grandfathered status after that date for the purpose of establishing historical use. Proof can be well drillers logs, a drilling receipt, third party confirmation of existence of wells, or dated document showing ownership and existence of wells prior to February 6, 2003.

C. All Grandfathered wells are subject to verification by the Board.

RULE 12 GROUNDWATER USE

RULE 12.1 HISTORIC GROUNDWATER USE

A. A historic use well is a well that is "grandfathered" under the provisions of Rule 12.8(g), is registered under the provisions of Rule 11.4, and continues to be used for the same purpose(s) and quantity for which it was used prior to receiving grandfathered status. A historic use well applies only to wells that are producing groundwater for use within the District. A historic use well maintains an exempt status as long as it meets these requirements.

B. The District will review all registered grandfathered wells that exist on the date that this rule is adopted to identify those wells that are capable of producing more than 25,000 gallons per day. The District will verify the well data with the owner and after verification will issue a Historic Use Allocation Certificate (HUAC)(Form 2018-07-0001-See Appendix A) The purpose of a HUAC is to assist the District in accurately determining the amount of groundwater being used (allocated) in the District. In determining the amount of groundwater used, drought conditions need to be considered. Allocation of available groundwater is most critical during drought conditions.

C. The HUAC shall include the number of the grandfathered well registration, the name of the landowner, and the description of the tract of land on which the well or well system is located.

D. The HUAC shall include the following information to the extent that the information is available to the user through the exercise of reasonable and diligent efforts:

1. The use(s) of the water for which the well was drilled.

2. Annual average estimated groundwater production history of the well.

3. The maximum annual production of the well or well system, and in what year(s).

E. The HUAC is issued to the property owner and heirs for the use(s) designated. The HUAC is transferable to a new property owner only if the use(s) is (are) the same as that of the previous owner.

F. There is no known historic long-term export of groundwater from the District. A HUAC is intended for in District use of groundwater only and is not applicable to any export of groundwater from the District. Any

identification in the future of historic use of groundwater that is not covered under this rule will be addressed by the Board in a fair and equitable manner.

G. Historic use wells that have not been registered at the time of adoption of this rule must follow the procedure outlined in Rule 11.4(b) to establish grandfathered status before being eligible to receive a HUAC.

H. Registration for a HUAC is voluntary. The sign-up period to issue a HUAC for wells that are registered at the time this rule is adopted is until December 31, 2007. The initial sign up period for a HUAC for additional grandfathered wells established under Rule 12.1(g) is six (6) months or December 31. 2007. Granting of a HUAC in the future must follow the procedure outlined in Rule 11.4 B.

I. Change in use of a HUAC well and/or increased use over its production history invalidates the HUAC and subjects this groundwater use to permitting.

J. The District will send an update of status request every three (3) years to the landowner of record to maintain a valid HUAC list. Failure to respond to this request is considered an understanding that the well no longer is useable. Continued use without reporting is considered a violation of District rules and subject to a fine.

RULE 12 .2 GENERAL PERMITTING POLICIES AND PROCEDURES

A. Drilling Permit Requirement - The well owner, well operator, or any other person acting on behalf of the well owner, must file a completed well registration for a water well drilling permit before a well may be drilled. No person shall hereafter begin to drill a well, or perforate an existing well, or increase the size of a well, or a pump therein, so that the well could reasonably be expected to produce in excess of 25,000 gallons of water per day, without having first applied to the District and received a permit to do so, unless the drilling and operation of the well is exempt by law or by these Rules. An applicant may commence the drilling of a well when his application has been approved and a permit issued by the District Board of Directors. A permit issued by the District Board of Directors shall not be a guaranty of the availability of water. (Form 2014-06-0005; Form 2015-03-0001; Form 2014-06-0006; 2015-03-0002 See Appendix A)

1. An application for a well drilling permit is subject to spacing and production limitations.

2. Even though exempt by law from permitting under Chapter 36.117 of the Texas Water Code and amendments thereto all new wells must be registered with the District on a form provided by the District prior to the drilling of the well. All such wells shall be equipped and maintained in accordance with these Rules as to drilling, installation of casing, completion, 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. The District will designate the registration number for each exempt well located within the District Boundaries.

B. Operating Permit Requirement - Within 30 days after a well is drilled, the well owner or well operator must file a completed operating permit application, if not previously issued, prior to operating the well. The operating permit must be approved by the Board of Directors and remain permitted until an operating permit is no longer required for the well/well system.

C. Permit Applications - Each Original application for a water well drilling permit, operating permit, and permit renewal requires a separate application. Application forms will be provided by the District and furnished to the applicant upon request. The application for a permit must be in writing and sworn.

D. Notice of Permit Hearing - Once the District has received a completed original application for a water well drilling permit and/or operating permit, the General Manager, or Board will issue written notice indicating a date and time for a

hearing on the application in accordance with these rules. The District may schedule as many applications at one hearing as deemed necessary.

E. Decision and Issuance of Permit. In deciding whether or not to issue a permit, and in setting the terms of the permit, the Board must consider the District Rules and whether:

1. The application conforms to the requirements prescribed by Chapter 36 and is accompanied by the prescribed fee;

2. The proposed use of water unreasonably affects existing groundwater and surface water resources or existing permit holders;

3. The proposed use of water is dedicated to any beneficial use;

4. The proposed use of water is consistent with the District's certified Water Management Plan;

5. The applicant has agreed to avoid waste and achieve water conservation; and

6. 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.

F. Operating Permits. On approval of an application, the District shall issue an Operating Permit to the applicant. The permittee's right to produce shall be limited to the extent and purposes stated in the permit. The permit shall be valid for a period of 3 years, at which time the permit may be renewed. Operating permits are site specific, and a permitted groundwater production allowance is restricted to production from the permitted well. A permit shall not be transferable except as provide in Rule 12.4. Any change in use as stated on the permit will require a new application to the District and a new permit fee as per schedule.

G. Effect of Acceptance of Permit. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of an agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions contained in the permit.

H. An operating permit shall be considered for renewal if the permittee has been in compliance with the conditions of the permit and the District rules. After review of the permit and any public input related to the permitted well, the Board, at a scheduled meeting may grant a three-year permit renewal. A permit renewal can be granted only for the original or reduced pumping allocation. After review of public input, the Board may choose to subject the operating permit renewal to a public hearing. A new operating permit fee would not be applicable.

K. The Board may issue a drilling permit and operating permit at the same hearing. The Board reserves the right to defer a decision on the operating permit until after the well has been drilled and well data has been provided. The operating permit fee is payable at the time the operating permit application is filed. If the well is not drilled and the operating fee was paid prior to drilling, the operating fee will be refunded. If the well is drilled and the operating fee was paid prior to drilling, the operating fee will be refunded only if the drilling operation was unsuccessful and the hole is properly plugged.

RULE 12.3 OPERATING PERMIT REQUIRED

Within 30 days of completion of drilling a new non-exempt well, the owner or operator of the well shall file with the District, on forms provided by the District, an application for a Water Well Operating Permit. The application shall reference the drilling permit number assigned to that well by the District. The initial operating permit application for a 3-year permit shall be reviewed and approved by the Board of Directors after public hearing prior to operation of the well. The approved permit shall be reviewed every three years and Board renewal approval is required in order to continue operation of the well.

RULE 12.4 OPERATING PERMIT PROVISIONS

All permits are granted subject to these rules, orders of the Board, and the laws of the State of Texas. In addition to any special provisions or other requirements incorporated into the permit, each permit issued must contain the following standard permit provision:

A. This permit is granted in accordance with the provisions of the Rules of the District, and acceptance of this permit constitutes an acknowledgment and agreement that the permittee will comply with the Rules of the District.

B. This permit confers only the right to operate the permit under the provisions of Rule 12.6. To protect the permit holder from the illegal use by a new landowner, within 10 days after the date of sale, the operating permit holder must notify the District in writing the name and contact information of the new owner. Any person who becomes the owner of a currently permitted well must, within 20 calendar days from the date of the change in ownership, file a transfer of ownership application to affect a transfer of the permit.

C. Production from non-exempt wells except those covered under Rule 12.4 (E) shall be reported annually by the operator on a form provided by the District. If reports are not returned on time, penalties as described in Rule 10 of the District Rules will be applied and renewal of permit may be denied. The District will implement the following guidelines to obtain Annual Usage Reports:

1. First Request - The District will send Annual Usage Reports to permit holders as early as November 30th of each year with a deadline to respond of January 31st
2. Second Request - If Report is not received by January 31st, the District may send second request / reminder for Annual Usage Reports to permit holders.
3. Third Request - If Report is not received within fourteen (14) days from date of the Second Request, the District may send Certified Letters containing a third request for Annual Water Usage Reports. The letter shall also include a copy of the Rule(s) regarding the Annual Usage Reports, the Rule(s) regarding fine/fees for failure to report and a statement that their failure to report may result in escalation to the District's attorney which may result in additional fees charged to the Permit Holder. Permit Holder will be given a deadline of fourteen (14) days from postmark date of notice/letter to submit their Annual Water Usage Report.
4. If reports are not received on or before deadline contained in the Third Attempt, General Manager will report any permit holders that are still in violation to the Board of Directors at the next Board Meeting. with recommendation of escalation to attorney. All attorney fees and costs incurred by the District will be assessed against Permit Holder.

D. The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner.

E. Production from all non-exempt wells for water sales outside of the District must be metered by the owner or operator using a device that is within plus or minus 2% of accuracy. Measured water use shall be reported to the District monthly for the duration of the permit. Water use may be verified by the District. Water sales may be verified by the District.

F. Production from all non-exempt wells for water sales in the District must be metered by the owner or operator using a device or method that is within plus or minus 2% of accuracy. Measured or estimated water use shall be reported to the District monthly for the duration of the permit. Water use may be verified by the District. Water sales may be verified by the District.

G. The well site must be accessible to District representatives for inspection, and the permittee agrees to cooperate fully in any reasonable inspection of the well and well site by the District representatives.

H. The application pursuant to which this permit has been issued is incorporated in this permit, and this permit is granted based on and contingent upon the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of the permit.

I. Violation of this permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawal, is punishable by civil penalties as provided by the District Rules.

RULE 12.5 OPERATING PERMIT LIMITATIONS

A. Maximum Authorized Withdrawal. It is a violation of these rules to pump any amount of water over the authorized permit amount.

B. Operating Permit Required. It is a violation of these rules to pump a well while awaiting approval by the Board of Directors.

RULE 12.6 PRODUCTION LIMITATIONS

A. To fulfill its obligation for conservation and protection of groundwater for all in County users, Goliad County Groundwater Conservation District shall maintain rules to manage the Gulf Coast Aquifer on a sustainable basis. Water level data will also be used to consider compliance with GMA 15 Desired Future Conditions (DFC) criteria. To that end Goliad County Groundwater Conservation District shall work with other Groundwater Conservation Districts in the management area to achieve that common goal.

B. Individual permits shall specify allowable pumping rates subject to curtailed rates in the event that monitored water levels drop below levels designated in the permit. The maximum allowable drawdown is 10 feet at the permit boundary for wells screened at a depth of 300 feet or less. The District will maintain a water level monitoring program and use this data in determining approval of setting allowable pumping. The District may require a monitor well to be installed for large capacity wells to be utilized for monitoring drawdown.

C. Subject to pumping limits imposed due to water level decline, in no event may a well or well system be operated such that the total annual production exceeds the following allocations by depth of a well.

Depth of Well	**Acre Foot of Water Per Acre Per Year**
400'	3/8 (three eights)
400'- 800'	1/2 (one half)
800'or below'	3/4 (three quarter)

Pumping allowances for brackish groundwater will be established based on-site location and best available science for that location

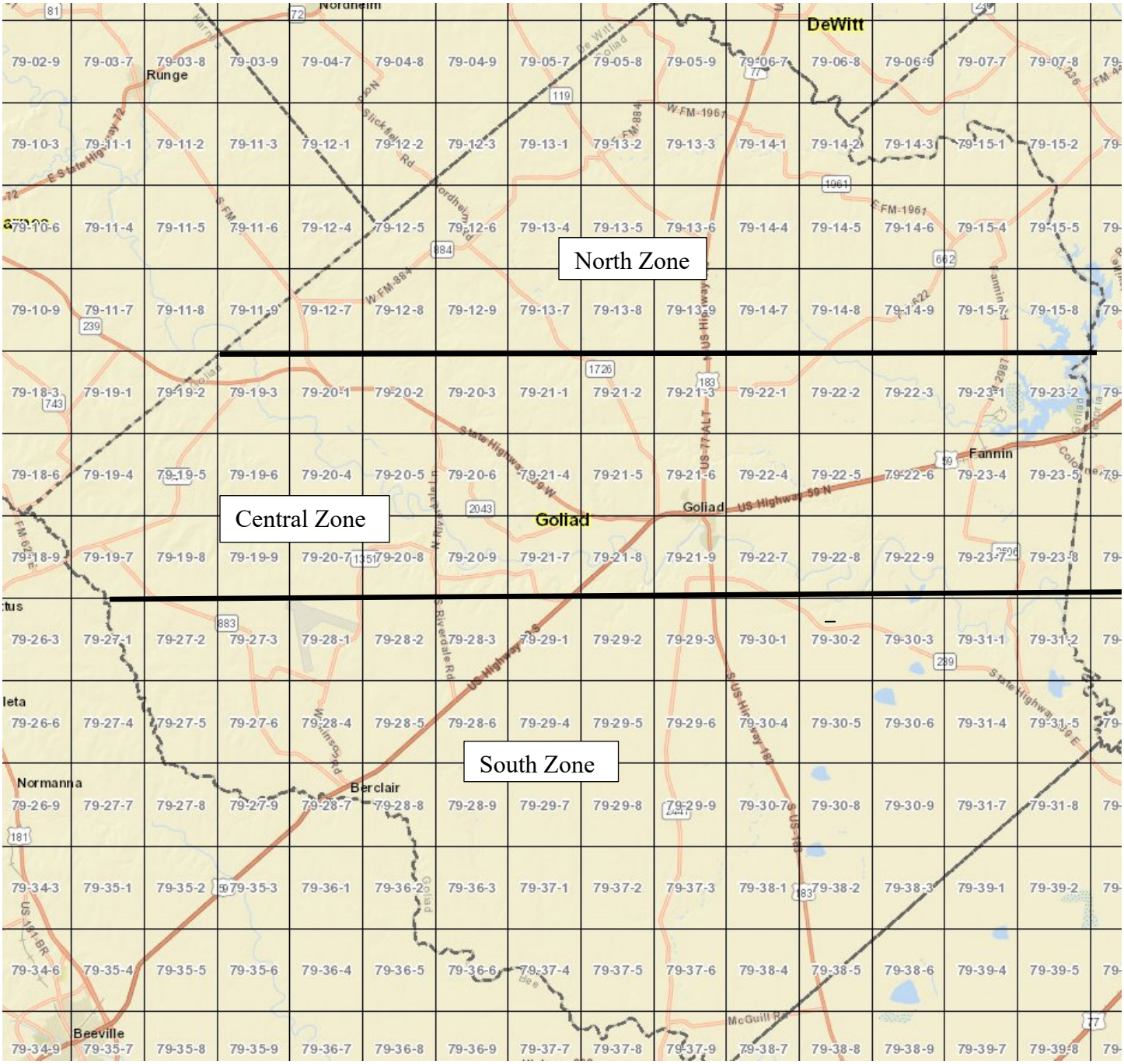
D. The operating permitted amount of water may be exceeded in any given year of the three-year permit by a maximum of 20% provided that the average of the three-year period does not exceed the annual pumping allowance.

E. A well or well system may only be permitted to be drilled and equipped for the production of a cumulative total of ten (10) gallons per minute (GPM) per contiguous acre owned or operated.

F. Due to the complexity and variable nature of the Gulf Coast Aquifer in Goliad County, the maximum allowable well size is based on the location in the county. Refer to the-map dividing the county into 3 sections: the north zone, the central zone (San Antonio River Basin), and the south zone.

FOR ALL REGISTERED AND PERMITTED WELLS IN GOLIAD COUNTY GCD

Zone	**Maximum Pumping gpm**	**Maximum AF/YR**	**Minimum Depth to Screen in feet**
North Evangeline	Exempt		None
	50	25	250
	100	50	400
	200	100	500
North, Central, and South Below Evangeline	50	400	Varies (Needs to Be Below Evangeline)
Central Evangeline	Exempt		None
	50	55	250
	100	50	400
	200	100	600
	600	200	800
South Chicot	Exempt		None
	50	25	200
	100	50	300
	200	200	400
South Evangeline	600	200	700
	600	400	900
Jasper/Burkeville			
North Seasonal	600	600	600
North Annual Average	400	600	600
Central Seasonal	1000	800	800
Central Annual Average	800	800	800
South Seasonal	1000	800	1000
South Annual Average	800	1000	1000



Reference Map showing Division of North, Central and South Zones.

G. These values are for single well systems and may be reduced for multiple well applications based on water quality and drawdown data. Wells screened in multiple aquifers can be permitted for greater capacities as determined by the Board at the operating permit hearing and approval.

H. In order to assure protection of upper aquifer zones and to avoid water channeling between the casing and a drilled hole, an industry approved seal is to be installed above the first screen depth allowed. An approved seal can include the total length cementing of the casing from the surface to just above the first screen depth allowed.

I. The use of brackish water is encouraged for oil and gas well fracturing and other non-potable operating requirements. The allowable amount of brackish groundwater use will be established based on science at individual site locations.

If no brackish groundwater is available then it is requested that production be from a formation below the Evangeline in north Goliad County, below 600' in Central Goliad County, and below the Chicot Aquifer in South Goliad County. The casing must be sealed to achieve production from the lower zones and to avoid draining of the upper zones by vertical channeling behind the casing.

The use of brackish groundwater is requested for all applications not requiring potable water. Pumping allowable will be determined by site location and available science.

J. In-County utilities that supply water to the public may use part of the acreage within their service area to meet the production acreage requirement if the well is located or to be located within their service area.

RULE 12.7 WELL SPACING REQUIREMENTS

A. For exempt domestic wells incapable of producing more than 25,000 GPD, a new well may not be drilled within 135 feet from the property line or water rights line of any adjoining landowner or the boundary line of a water rights owner. The minimum distance from the property line shall always be a minimum of 50 feet for those whose applications do not meet the 135-foot rule.

B. Minimum distance from any existing or proposed septic system whether on owner's property or adjacent property, must meet county standards.

C. The spacing for wells operating from the same screen interval is established by the permitted-flow in GPM and the cumulative rate established in Rule 12.6. The minimum distance from the property line of any non-participating adjoining landowners is one-half the minimum well spacing distance. Example: Multiple wells producing 500 GPM, 500 GPM = 807-acre feet per year = 1,614 acres owned, leased per well; 500 GPM divided by 10 GPM per contiguous acre = 50 acres per well spacing = 1,476 feet between wells. This rule does not apply to wells that are located on the same property if they are screened at different intervals.

D. All subdivisions platted after Jan. 1, 2003 shall meet district well spacing rules.

E. In determining the minimum distance from the property line for a new well, the District may grant a variance to the standard rules provided that the minimum water rights acreage requirement is met. The District shall apply reasonable judgment in applying this rule when the shape of the property or other obstacles would create a hardship to the well owner to meet the standard rules. A variance granted for a new water well to be drilled within a 50 foot-100-foot zone from a property boundary that does not meet the District's well spacing requirements, must have 100 feet of cement casing from the surface down with a minimum of 4 to 1 sand to cement ratio material.

The minimum distance of 50' from the property line referred to in 12.7(A) shall apply. To determine minimum distance to property line: Permit requested gpm/10gpm=acres per well spacing X 43,560 (sq.ft. in an acre)= total square feet. √ of total square feet=distance required between wells if multiple wells. If single well/2 = distance to property lines.

RULE 12.8 EXCLUSIONS AND EXEMPTIONS

The permit requirements in Rule 12.2 do not apply to:

A. A well drilled or equipped such that it is incapable of producing more than 25,000 gallons of groundwater per day for domestic use such as for drinking water, cooking, and washing; provided that the minimum acreage is 1.7 acres.

B. A well used for providing water for livestock or poultry on a tract of land larger than ten (10) acres that is either drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day;

C. A well used solely for domestic use on a tract of land less than 1.7 acres provided that the maximum pumping capability is adjusted on the basis of 10 gallons per minute per acre, i.e. a tract of 1.1 acres has a maximum pumping capacity of 11 gallons per minute and the minimum spacing requirements are met.

D. Irrigating a garden or orchard, if the produce of the garden or orchard is to be consumed by the individual, family or household;

E. The drilling of the water 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 permit is responsible for drilling and operation the water well and the well is located on the same lease of field associated with the drilling rig. (See Appendix 20.F) This exemption does not apply to the use of groundwater for the purpose of fracturing an oil or gas well or for the use of groundwater in any application during the production of an oil or gas well. Groundwater use for fracturing an oil or gas well or groundwater used in any way for the production of an oil or gas well is subject to the permitting rules of the District. If the landowner requests, no well shall be screened in the same aquifer zone or higher zone than the landowners domestic and livestock supply wells. The registration of an exempt water well used solely to supply water for a rig that is actively engaged in drilling or exploration operations may not provide a well suitable for production, such as a fracturing operation, which requires a permit. Potential future use of the well requiring an operating permit needs to be considered and addressed prior to the drilling of the supply well. The use of potable groundwater for oil and gas well fracturing and other operating requirements is discouraged. The potential use for this activity may exceed sustainability of potable groundwater which is vital for the support of the agriculture economy of Goliad County.

F. The drilling of a water well authorized under a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, or for production from such a well to the extent the withdrawal is required for mining activities regardless of any subsequent use of the water;

G. All wells drilled prior to adoption of the management plan approved Feb. 6, 2003 shall be "grandfathered", provided that the use of water is within the District.

H. Water produced by an exempt well may not be sold.

I. Rule 12.8 shall be in compliance with Chapter 36, State Water Code 36.117

J. All exempt wells are subject to the minimum screen depth limits outlined in Rule 12.6.E

K. A well used solely as a temporary water supply for drilling a permitted groundwater production well. This exemption may not exceed 180 days unless the District grants an extension not to exceed the time it takes to complete the

groundwater production well. This exemption is cancelled when the well is no longer used for the exempted purpose. This well can be used as a registration or permit application if it meets applicable District rules.

RULE 12.9 MITIGATION

In order to ensure no significant effects on existing groundwater and/or surface water resources, the District shall require the completion of an evaluation sheet for potential mitigation. (Form 2014-06-0007 See Appendix A) The purpose of this evaluation is to determine the possible effects of the application upon the registered or permitted well owners that could be potentially affected by the application. This evaluation must address the eight issues listed below. This evaluation sheet is to accompany and be part of the drilling/operating permit application hearing by the Board. Based on the provided data such as location of the well(s) in the District, proposed depth and completion zones, permitted acreage, proximity to adjacent landowners and natural features such as springs, the Board will determine for each application any applicable mitigation requirements. The evaluation shall include, but not be limited to the following:

1. The actions and procedures to be taken by the holder of the drilling and production permit in the event that pumping causes the water level in a registered or permitted well to drop to an unacceptable level as defined in the permit.

2. The actions and procedures to be taken by the holder of the drilling and production permit in the event that the pumping from the permitted well causes the water to become objectionable or renders the water unusable to the registered or permitted well owner as defined in the permit.

3. The actions and procedures to be taken by the holder of the drilling and production permit in the event that pumping causes the well casing or equipment to be damaged so that the recorded quality or quantity of water cannot be produced by the registered or permitted well owner.

4. The actions and procedures to be taken by the holder of the drilling and production permit in the event that pumping causes springs or artesian wells used for beneficial purpose to stop flowing.

5. The plan shall also include measures to be taken in cases where the reduction of artesian pressure causes an emergency to arise, which may threaten human or animal health, safety, or welfare.

6. The plan shall also contain a specifically enumerated time schedule for the execution of the mitigation plan as agreed to by the producer and the Board.

7. In the issuance of an operating permit, the Board may require of the operating permit holder the establishment of an escrow fund to protect existing users as required by Texas Water Code Chapter 36.113 and Chapter 36.1131. This escrow fund is to be deposited with the District. The administration and disbursement of this escrow fund is at the sole discretion of the Board.

8. The actions and procedures to be taken in the event that groundwater engagement contaminates a user's drinking water supply.

RULE 12.10 GEOTHERMAL LOOPS

A. Definition: Closed Loop Geothermal Well, TDLR Chapter 76.10 (10), "A vertical closed system well used to circulate water, and other fluids or gases through the earth as a heat source or heat sink".(The District) Application and fee must be submitted to the Goliad County Groundwater Conservation District office before drilling may begin. The District will charge a one-time administrative fee of $200 for the drilling application for the borehole and /or a series of boreholes. A

drilling log shall be filed with the State of Texas and the District. A file will be maintained in the District offices of the drilling and equipping.

1. The closed loop geothermal system shall be designed and installed by an accredited installer. The design shall be submitted to the District prior to approving the application. The installer shall notify the district prior to installation.

2. A license water well driller shall drill the boreholes. The driller shall notify the district prior to drilling.

3. A District representative shall be allowed on the property to inspect the drilling of the borehole, installation and sealing of the closed loop piping.

4. Construction of the borehole will follow TDLR regulation described in Technical Standards Chapter 76.1000 (b) (5) of the TDLR rules. "The annular space of a closed loop geothermal well used to circulate water or other fluids shall be backfilled to the total depth with impervious Bentonite or similar material"

Spacing: Any borehole shall be located a minimum horizontal distance of fifty (50) feet from any watertight sewage and liquid-waste collection facility, and a minimum horizontal distance of 100 feet from the nearest property line.

B. Definition: Open Loop Geothermal Well – Groundwater drawn from an aquifer through one well, passed through the heat pump's heat exchanger, and discharged to the same aquifer through a second well at a distance from the first.

1. An open loop geothermal heat sink system into the Chicot or Evangeline Aquifers is prohibited.

2. Groundwater is not to be used to pump into a surface pond for the purpose of serving as a cooling pond. There are limited groundwater supplies and evaporation from a surface cooling water application is categorized as a waste of groundwater

RULE 13 REWORKING AND REPLACING A WELL

RULE 13.1 PROCEDURES

A. An existing well may be reworked, re-drilled, or re-equipped in a manner that will not change the existing well status.

B. A permit must be applied for and the Board will consider approving the permit, if a party wishes to increase the rate of production of an existing well to the point of increasing the size of the column pipe and gpm by reworking, re-equipping such well.

C. A permit or well registration must be applied for and granted by the Board if a party wishes to replace an existing permitted well with a replacement well.

D. A replacement well, in order to be considered such, must be drilled within 30 feet of the existing well and shall not be drilled nearer the property line than 50 feet provided the original well was "grandfathered" by registration prior to February 6, 2004. The District may allow a greater distance of 30 feet from the existing well if there is good cause such as providing better safety or providing a greater distance from a potential pollution source. A well drill after February 6, 2004 cannot be considered as a replacement well if the well to be replaced was not registered prior to February 6, 2004. In this case, the newly drilled well will be classified as a new well. For a well to be considered a replacement well, the well that is replaced must be plugged or capped and not be used. A replacement well must be registered whether it is permitted or not.

RULE 14 WELL LOCATION AND COMPLETION

RULE 14.1 RESPONSIBILITY

After an application for a well permit has been granted, the well, if drilled, must be drilled within 30 feet of the location specified in the permit, meet other spacing requirements and not elsewhere. If the well should be commenced or drilled at a different location, the drilling or operation of such well may be enjoined by the Board pursuant to Chapter 36, Texas Water Code. As described in the Texas Water Well Drillers' Rules, all well drillers, and persons having a well drilled, deepened, or otherwise altered shall adhere to the provisions of the rule prescribing the location of wells and proper completion.

RULE 14.2 LOCATION OF DOMESTIC AND LIVESTOCK (OR EXEMPT) WELLS

A. A well must be located the minimum horizontal distance from any sewage facility or waste collection facility in compliance with regulations specified by Goliad County, the District and Texas Department of Licensing and Regulation rules. The District uses TDLR distance of 50' from a watertight sewage facility and liquid waste collection facility. The minimum distance required from the septic system drain field or spray area will be 100'.

B. A well must be located a minimum horizontal distance of 150 feet from any contamination, such as existing or proposed livestock or poultry yards, privies.

C. A well must be located at a site not generally subject to flooding; provided, however, that if a well must be placed in a flood prone area, it must be completed with a watertight sanitary well seal and steel casing extending a minimum of 24 inches above the known flood level or thirty-six(36) inches above ground level and twenty-four inches below ground surface.

D. No well may be located within five-hundred (500) feet of a sewage treatment plant, solid waste disposal site, or land irrigated by sewage plant effluent, or within three-hundred (300) feet of a sewage wet well, sewage pumping station, or a drainage ditch that contains industrial waste discharges or wastes from sewage treatment systems.

E. Special cementing is allowed when approved by the Goliad County or TDLR inspector for compliance with septic system installations regulations.

RULE 14.3 STANDARDS FOR WATER WELL DRILLERS AND WATER WELL PUMP INSTALLERS

All water wells drilled or re-completed for others in the District must be performed by a licensed driller in accordance with Chapter 340 TCEQ. All water wells drilled and water well pumps installed must be in accordance with Chapter 238 TCEQ. For added protection from contamination of groundwater a minimum of 20' of casing from the surface down is to be cemented with a minimum of 4 to 1 sand to cement ratio material.

RULE 15 WASTE AND BENEFICIAL USE

RULE 15.1 WASTE MEANS ANY ONE OR MORE OF THE FOLLOWING

A. Underground water shall not be produced within or used within or outside the District in such a manner as to constitute waste as defined in Rule Definition 40.

B. Pumping groundwater into a surface earthen tank that does not hold water is considered waste.

C. The use of groundwater when alternative water supplies are available may be considered waste.

D. The use of groundwater for cooling when alternative methods are available may be considered waste.

E. Any person producing or using groundwater shall use every possible precaution in accordance with reasonable methods to stop and prevent waste of such water.

F. Potable water is not to be used as a single pass cooling or heating media

RULE 15.2 USE FOR A BENEFICIAL PURPOSE

A. Agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, or recreational. The use of groundwater to pump into a surface stock tank is permitted for a beneficial use but is limited to 50 percent of the depth of the stock tank. Filling the stock tank to a higher level is considered waste.
A.1 To accomplish the obligation for conservation of groundwater (Rule 12.6.A) GCGCD is applying the following guidelines for ranging livestock water supply with groundwater. Industry standard is to provide fresh water for every 50 confined acres. The most efficient application (minimum waste) is an above ground holding tank with a level controlled feed to a trough. The Board of Directors will consider other reasonable and justifiable methods. If an earthen stock tank is used, limitations on the size of the stock tank will be required to minimize waste. An oversized stock tank (based on the example) will not be allowed to be used for groundwater supply for livestock due to the high evaporation waste. In sizing a stock tank, the following guidelines will be utilized. Industry standard is to consider 30-40 gallons per day, per head of cattle depending on atmospheric temperature. As an example, use a stocking rate of 6 acres per animal which equates to 50/6 x 40 = 333 gallons per day. To provide a month supply = 10,334 gallons ÷ 7.5 gallons/square foot = 1,378 cubic feet. A stock tank with a depth of 4' requires a footprint of 345 square feet. A 20' square area is required or a circle of just over 20' in diameter. These are the guidelines that will be used to approve a livestock well registration or permit.

B. Exploring for, producing, handling, or treating oil, gas, sulphur, or other minerals.

C. Beneficial use of groundwater is subject to meeting conditions defined in Rule 1 "Waste".

D. Beneficial use is subject to the provisions of Rule 12.9 "Mitigation".

E. Beneficial use is limited to the provisions of Rule 12.6 "Production Limitations".

F. When groundwater is considered for a beneficial purpose other than for drinking water, alternative water supplies should be utilized first.

G. When groundwater is used for a beneficial purpose, recovery and reuse in the area of withdrawal should be implemented when feasible

RULE 16 FEES

Registration of Grandfathered Wells, Replacement Wells and Wells existing prior to 2-4-03.		No charge
Registration of New Exempt Wells and Wells for Oil and Gas Exploration-Drilling permit for nonexempt well (applied to operating permit if applicable). Registration fees for "after the fact" registrations are double the regular registration fee.		As set by Board
Operating Permit Non-Exempt Wells with a Capacity of <50 GPM - $50.00 Operating Permit Non-Exempt Wells with a Capacity of 50+gpm = $1.00/gpm produced ($100 gpm=$100.00 fee)		
Administrative Fee for existing permit renewals. If all paperwork and fees filed timely - $25.00; 0-30 days late - $50.00; 30 – 60 days late - $75.00; 60 – 90 days late - $100.00. Fees to be collected prior to Board Review.		

RULE 17 - DESIRED FUTURE CONDITIONS (DFC)

The District is a member of GMA 15 and is required, along with the other member of GMA 15, to adopt a DFC to manage the groundwater resources.

The District has also adopted that the District will manage groundwater availability from the Gulf Coast Aquifer on a sustainable basis to the extent possible.

The District utilizes various tools to manage groundwater availability, including modeling, water level data, and water quality data. Rules will be implemented on a local or district-wide basis, as required. Empirical data will take precedence over modeled data.

The current DFC applies.

RULE 18 HEARINGS

RULE 18.1 TYPES OF HEARINGS

The District conducts two general types of hearing: **hearings involving permit matters**, in which the rights, duties, or privileges of a party are determined after an opportunity for an adjudicative hearing, and **rulemaking hearings** involving matters of general applicability that implement, interpret, or prescribe the law or District policy, or that describe the procedure or practice requirements of the District.

RULE 18.2 NOTICE OF HEARINGS

A. Rule Making Hearings shall be noticed and conducted according to Chapter 36.101 of the Texas Water Code and any future revisions to Code.

B. Permit Hearings: Permit Applications, Amendments, and Revocations: The District may hold hearings on original permit applications, applications for permit renewals or amendments and permit revocations or suspensions. Notice of permit hearings will be given in accordance with Chapter 36.401 – 419 of the Texas Water Code and any future revisions to Code.

RULE 18.3 GENERAL PROCEDURES

Presiding Officer: In hearings before the Board, the President of the Board or a Board member selected by the President of the Board shall be the presiding officer.

A. Authority of Presiding Officer: The presiding officer may conduct the hearing or other proceeding in the manner the presiding officer deems most appropriate for that particular proceeding. The presiding officer has the authority to:

1. Set hearing dates, other than the initial hearing date for permit matters set in accordance with Rule 18.1;

2. Convene the hearing at the time and place specified in the notice for public hearing;

3. Establish the jurisdiction of the District concerning the subject matter under consideration;

4. Rule on motions and on the admissibility of evidence and amendments to pleadings;

5. Designate and align parties and establish the order for presentation of evidence;

6. Administer oaths to all persons presenting testimony;

7. Examine witnesses;

8. Issue subpoenas when required to compel the attendance of witnesses or the production of papers and documents;

9. Compel discovery under these Rules;

10. Ensure that information and testimony are introduced as conveniently and expeditiously as possible, without prejudicing the rights of any party to the proceeding;

11. Conduct public hearings in an orderly manner, in accordance with these Rules;

12. Recess any hearing from time to time and place to place;

13. Reopen the record of a hearing for additional evidence, when necessary to make the record more complete; and

14. Exercise any other appropriate powers necessary or convenient, to effectively carry out the responsibilities of presiding officer.

B. Registration Forms: Each individual, attending a hearing or other proceeding of the District, must submit a form providing the person's name and address, whether the person plans to testify; and any other information becomes relevant to the hearing or other proceeding.

C. Appearance: Representative Capacity: Any interested person may appear in person, or may be represented by counsel, engineer, or other representative, provided the representative is fully authorized to speak and act for the principal. Such

person or representative may present evidence, exhibits, or testimony, or make an oral presentation in accordance with the procedures applicable to the particular proceeding. A person appearing in a representative capacity may be required to prove proper authority.

D. Alignment of Parties: Number of Representatives Heard: Participants in a proceeding may be aligned according to the nature of the proceeding and their relationship to it. The presiding officer may require the participants of an aligned class to select one or more persons to represent them in the proceeding, or on any particular matter or ruling, and may limit the number of representatives heard, but must allow at least one representative of an aligned class to be heard in the proceeding, or on any particular matter or ruling.

E. Appearance by Applicant or Movant: The applicant, movant or party requesting the hearing, or a representative, should be present at the hearing. Failure to appear may be grounds for withholding consideration of a matter and dismissal without prejudice or may require the rescheduling or continuance of the hearing, if the presiding officer deems it necessary in order to fully develop the record.

F. Reporting: Hearings and other proceedings will be recorded on audiocassette tape or, at the discretion of the presiding officer, may be recorded by a certified shorthand reporter. The District does not prepare transcriptions of hearings recorded on audiocassette tape on District equipment for the public but will arrange for a party at interest to have access to the recording. Subject to availability of space, any party at interest may, at its own expense, arrange for a reporter to transcribe or record the hearing. The cost of reporting or transcribing a permit hearing may be assessed in accordance with Rule 18.5(b). If a proceeding, other than a permit hearing, is recorded by a reporter and a copy of the transcript of testimony is ordered by any person, the testimony will be transcribed and the original transcript filed with the papers of the proceeding at the expense of the person requesting the transcript of testimony. Copies of the transcript of testimony of any hearing, or other proceeding thus reported, may be purchased from the reporter.

G. Continuance: The presiding officer may continue hearings from time to time and from place to place without the necessity of publishing, serving, mailing or otherwise issuing a new notice. If a hearing or other proceeding is continued and a time and place for the hearing to reconvene are not publicly announced at the hearing by the presiding officer before it is recessed, a notice of any further setting of the hearing or other proceeding must be delivered, at a reasonable time, to all parties and any other person the presiding officer deems appropriate, but it is not necessary to post at the county courthouses or publish a newspaper notice of the new setting.

H. Filing of Documents; Time Limit: Applications, motions, exceptions, communications, requests, briefs, or other papers and documents required to be filed under these Rules, or by law, must be received in hand at the District's office within the time limit, if any, set by these Rules, or by the presiding officer for filing. Mailing within the time period is insufficient, if the submissions are not actually received by the District within the time limit.

I. Affidavit: Whenever the making of an affidavit by a party to a hearing or other proceeding is necessary, it may be made by the party or the party's representative or counsel. This Rule does not dispense with the necessity of an affidavit being made by a party, when expressly required by statute.

J. Broadening the Issues: No person will be allowed to appear in any hearing or other proceeding that, in the opinion of the presiding officer, is for the sole purpose of unduly broadening the issues to be considered in the hearing or other proceeding.

K. Conduct and Decorum: Every person, party, representative, witness, and other participant in a proceeding must conform to ethical standards of conduct and will exhibit courtesy and respect for all other participants. No person may engage in any activity during a proceeding that interferes with the orderly conduct of District business. If, in the judgment of the presiding officer, a person is acting in violation of this provision, the presiding officer will first warn the person to refrain from engaging in such conduct. Upon further violation by the same person, the presiding officer may exclude that person from the proceeding for such time and under such conditions, as the presiding officer deems necessary.

18.4 UNCONTESTED PERMIT HEARINGS PROCEDURES

A. Informal Hearings: Permit hearings may be conducted informally when, in the judgment of the presiding officer, the conduct of a proceeding under informal procedures will result in a savings of time or cost to the parties, lead to a negotiated or agreed settlement of facts or issues in controversy, not prejudice the rights of any party, and is not objected to by any party.

B. Agreement of Parties: If all parties reach a negotiated or agreed settlement, that settles the facts or issues in controversy, the proceeding will be considered an uncontested case and the presiding officer will summarize the evidence, including findings of fact and conclusions of law based on the existing record and any other evidence submitted by the parties at the hearing.

C. Decision to Proceed as Uncontested or Contested Case: If the parties do not reach a negotiated or agreed settlement of the facts and issues in controversy, or if any party contests a staff recommendation, and the presiding officer determines these issues will require extensive discovery proceedings or hearings, the presiding officer may declare the case to be contested and convene a pre-hearing conference as set forth in Rule 18.5. The presiding officer may also recommend issuance of a temporary permit, for a period not to exceed 4 months, with any special provisions the presiding officer deems necessary, for the purpose of completing the contested case process. Any case not declared a contested case under this provision would be an uncontested case.

18.5 CONTESTED PERMIT HEARINGS PROCEDURES

A. Pre-hearing Conference: A pre-hearing conference may be held to consider any matter that may expedite the hearing or otherwise facilitate the hearing process.

1. Matters that may be considered at a prehearing conference include, but are not limited to:

    a. designation of parties;

    b. formulation and simplification of issues;

    c. necessity or desirability of amending applications or other pleadings;

    d. possibility of making admissions or stipulations;

    e. scheduling discovery;

    f. identification of and specification of the number of witnesses;

    g. filing and exchange of prepared testimony and exhibits; and

    h. procedure at the hearing

2. Notice: A pre-hearing conference may be held at a date, time and place stated in the notice given in accordance with Rule 18.2 or at the date, time, and place for hearing stated in the notice of public hearing and may be continued from time to time and place to place, at the discretion of the presiding officer.

3. Conference Action: Action taken at a pre-hearing conference may be reduced to writing and made a part of the record or may be stated on the record at the close of the conference.

B. Assessing Reporting and Transcription Costs: Upon the timely request of any party, or at the discretion of the presiding officer, the presiding officer may assess reporting and transcription costs to one or more of the parties. The presiding officer will consider the following factors in assessing reporting and transcription costs:

1. The party who requested the transcript;

2. The financial ability of the party to pay the costs;

3. The extent to which the party participated in the hearing;

4. The relative benefits to the various parties of having a transcript;

5. The budgetary constraints of a governmental entity participating in the proceedings;

6. Any other factor that is relevant to a just and reasonable assessment of costs.

In any proceeding where the assessment of reporting or transcription costs is an issue, the presiding officer will provide the parties an opportunity to present evidence and argument on the issue. A recommendation regarding the assessment of costs will be included in the presiding officer's report to the Board.

C. Designation of Parties: Parties to a hearing may be designated on the first day of hearing, or at such other time as the presiding officer determines. The General Manager and any person specifically named in a matter are automatically designated parties. Persons other than the General Manager or a person specifically named must, in order to be admitted as a party, appear at the proceeding in person or by representative, and seek to be designated by demonstrating a justiciable interest in the matter. After parties are designated, no other person may be admitted as a party unless, in the judgment of the presiding officer, there is good cause and the hearing will not be unreasonably delayed.

D. Rights of Designated Parties: Subject to the direction and orders of the presiding officer, parties have the right to conduct discovery, present a direct case, cross-examine witnesses, make oral and written arguments, obtain copies of all documents filed in the proceeding, receive copies of all notices issued by the District concerning the proceeding, and otherwise fully participate in the proceeding.

E. Persons Not Designated Parties: At the discretion of the presiding officer, persons not designated as parties to a proceeding may submit comments or statements, orally or in writing. Comments or statements submitted by non-parties may be included in the record but may not be considered by the presiding officer as evidence.

F. Furnishing Copies of Pleadings: after parties have been designated, the author must provide a copy of every pleading, request, motion, or reply filed in the proceeding to every other party or the party's representative. A certification of this fact must accompany the original instrument when filed with the District. Failure to provide copies may be grounds for withholding consideration of the pleading or the matters set forth therein.

G. Agreements to be in Writing: No agreement between parties or their representatives affecting any pending matter will be considered by the presiding officer unless it is in writing, signed, and filed as part of the record, or unless it is announced at the hearing and entered of record.

H. Discovery: Discovery will be conducted upon such terms and conditions, and at such times and places, as directed by the presiding officer. Unless specifically modified by these Rules or by order of the presiding officer, discovery will be governed by, and subject to the limitations set forth in, the Texas Rules of Civil Procedure. In addition to the forms of discovery authorized under the Texas Rules of Civil Procedure, the parties may exchange informal requests for information, either by agreement or by order of the presiding officer.

I. Ex Parte Communications: Neither the Presiding Officer nor the Board may communicate, directly or indirectly, in connection with any issue of fact or law with any agency, person, party, or their representatives, except on notice and opportunity for all parties to participate. This provision does not prevent communications with District staff not directly

involved in the hearing in order to utilize the special skills and knowledge of the District in evaluating the evidence and does not apply to proceedings other than a contested permit hearing.

J. Compelling Testimony; and Swearing Witnesses: The presiding officer may compel any person to testify who is necessary, helpful, or appropriate to the hearing. The presiding officer shall administer the oath in a manner calculated to impress the witness with the importance and solemnity of the promise to adhere to the truth.

K. Evidence: Except as modified by these Rules, the Texas Rules of Civil Evidence govern the admissibility and introduction of evidence; however, evidence not admissible under the Texas Rules of Civil Evidence may be admitted if it is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. In addition, evidence may be stipulated by agreement of all parties.

L. Written Testimony: When a proceeding will be expedited and the interests of the parties not substantially prejudiced, testimony may be received in written form. The written testimony of a witness, in either narrative or question and answer form, may be admitted into evidence upon the witness being sworn and identifying the testimony as a true and accurate record of what the testimony would be if given orally. The witness will be subject to clarifying questions and to cross-examination, and the prepared testimony will be subject to objection.

M. Requirements for Exhibits: Exhibits of a documentary character must be of a size that will not unduly encumber the files and records of the District. All exhibits must be numbered and, except for maps and drawings, may not exceed 8-1/2 by 11 inches in size.

N. Abstracts of Documents: When documents are numerous, the presiding officer may receive in evidence only those that are representative and may require the abstracting of relevant data from the documents and the presentation of the abstracts in the form of an exhibit. Parties have the right to examine the documents from which the abstracts are made.

O. Introduction and Copies of Exhibits: Each exhibit offered shall be tendered for identification and placed in the record. Copies must be furnished to the presiding officer and to each of the parties, unless the presiding officer rules otherwise.
P. Excluding Exhibits: In the event an exhibit has been identified, objected to, and excluded, it may be withdrawn by the offering party. If withdrawn, the exhibit will be returned and the offering party waives all objections to the exclusion of the exhibit. If not withdrawn, the exhibit shall be included in the record for the purpose of preserving the objection to excluding the exhibit.

Q. Official Notice: The presiding officer may take official notice of all facts judicially cognizable. In addition, official notice may be taken of generally recognized facts within the area of the District's specialized knowledge.

R. Documents in District Files: Extrinsic evidence of authenticity is not required as a condition precedent to admissibility of documents maintained in the files and records of the District.

S. Oral Argument: At the discretion of the presiding officer, oral arguments may be heard at the conclusion of the presentation of evidence. Reasonable time limits may be prescribed. The presiding officer may require or accept written briefs in lieu of, or in addition to, oral arguments. When the matter is presented to the Board for final decision, the Board may hear further oral arguments.

18.6 CONCLUSION OF THE PERMIT HEARING

A. Hearings before the Board

1. Closing the Record: At the conclusion of the presentation of evidence and any oral argument the presiding officer may either close the record or keep it open and allow the submission of additional evidence, exhibits, briefs, or proposed

findings and conclusions from one or more of the parties. No additional evidence, exhibits, briefs, or proposed findings and conclusions may be filed unless permitted or requested by the presiding officer.

2. Time for Board Action on Certain Permit Matters: In the case of hearings before the Board involving original permit applications, or applications for permit renewals or amendments, the Board must act by issuing a written order, within 35 calendar days after the close of the hearing record.

B. Hearings before a Hearing Examiner:

The board may refer contested case hearings to a hearing examiner. If a hearing examiner conducts the hearing, a brief written summary of the hearing and recommendation of the action shall be prepared by the hearing examiner and provided to the Board for its consideration and decision. A copy of the hearing examiner's report shall be provided to all parties. The hearing shall be considered to have concluded when the parties have had an opportunity to present their written or oral comments on the hearing officer's report to the Board and upon the close of the hearing record.

18.7 RULE-MAKING HEARINGS PROCEDURES

A. General Procedures: The presiding officer will conduct the rulemaking hearing in the manner the presiding officer deems most appropriate to obtain all relevant information pertaining to the subject of the hearing as conveniently, inexpensively, and expeditiously as possible.

B. Submission of Documents: Any interested person may submit written statements, protests or comments, briefs, affidavits, exhibits, technical reports, or other documents relating to the subject of the hearing. Such documents must be submitted no later than the time of the hearing, as stated in the notice of hearing given in accordance with Rule 18.2; provided, however, that the presiding officer may grant additional time for the submission of documents.

C. Oral Presentations: Any person desiring to testify on the subject of the hearing must so indicate on the registration form provided at the hearing. The presiding officer will establish the order of testimony and may limit the number of times a person may speak, the time for oral presentations, and the time for raising questions. In addition, the presiding officer may limit or exclude cumulative, irrelevant, or unduly repetitious presentations.

D. Conclusion of the Hearing; Closing the Record; Presiding Officer's Report: At the conclusion of the testimony, and after the receipt of all documents, the presiding officer may either close the record, or keep it open to allow the submission of additional information. If the hearing is before the Board, the Board shall adopt the rule, reject the rule, or reopen the matter for further consideration.

18.8 FINAL DECISION; APPEAL

A. Board Action: After the record is closed and the matter is submitted to the Board, the Board may then take the matter under advisement, continue it from day to day, reopen or rest the matter, refuse the action sought or grant the same in whole or part, or take any other appropriate action. The Board action takes effect at the conclusion of the meeting and is not affected by a motion for rehearing.

B. Requests for Rehearing: Any decision of the Board on a matter may be appealed by requesting a rehearing before the Board within 20 calendar days of the Board's decision. Such a rehearing request must be filed at the District Office, in writing, and must state clear and concise grounds for the request. Such a rehearing request is mandatory, with respect to any decision or action of the Board, before any appeal to State District Court. The Board's decision is final, if no request for rehearing is made within the specified time, or upon the Board's denial of the request for rehearing, or upon rendering a decision after rehearing. If the rehearing request is granted by the Board, the date of the rehearing will be within 45 calendar days thereafter, unless otherwise agreed to by the parties to the proceeding. The failure of the Board to grant or

deny the request for rehearing, within 90 calendar days of submission, will be deemed to be a denial of the request by operation of law.

RULE 19 INVESTIGATIONS AND ENFORCEMENT

RULE 19.1 NOTICES AND ACCESS TO PROPERTY

Board members and District agents and employees are entitled to access to all property within the District to carry out technical and other investigations necessary to the implementation of the District Rules. Prior to entering upon property for the purpose of conducting an investigation, the person seeking access must give notice in writing or in person or by telephone to the owner, lessee, or operator, agent, or employee of the well owner or lessee, as determined by information contained in the application or other information on file with the District. Notice is not required if prior permission is granted to enter without notice. Inhibiting or prohibiting access to any Board Member or District agents or employees who are attempting to conduct an investigation under the District Rules constitutes a violation and subjects the person who is inhibiting or prohibiting access, as well as any other person who authorizes or allows such action, to the penalties set forth in the Texas Water Code Chapter 36.102.

RULE 19.2 CONDUCT OF INVESTIGATION

Investigations or inspections that require entrance upon property must be conducted at reasonable times and must be consistent with the establishment's rules and regulations concerning safety, internal security, and fire protection. The persons conducting such investigations must identify themselves and present credentials upon request of the owners, lessee, operator, or person in charge of the well.

RULE 19.3 SEALING OF WELLS

Following due process, the District may, upon orders from the judge of the courts, seal wells that are prohibited from withdrawing groundwater within the District by the District Rules to ensure that a well is not operated in violation of the District Rules. A well may be sealed when:

1. No application has been made for a permit to drill a new water well which is not excluded or exempted; or
2. No application has been made for an operating permit to withdraw groundwater from an existing well that is not excluded or exempted from the requirement that a permit be obtained in order to lawfully withdraw groundwater; or

3. The Board has denied, canceled or revoked a drilling permit or an operating permit.

The well may be sealed by physical means and tagged to indicate that the well has been sealed by the District, and other appropriate action may be taken as necessary to preclude operation of the well or to identify unauthorized operation of the well. Tampering with, altering, damaging, or removing the seal of a sealed well, or in any other way violating the integrity of the seal, or pumping of groundwater from a well that has been sealed constitutes a violation of these rules and subjects the person performing that action, as well as any well owner or primary operator who authorizes or allows that action, to such penalties as provided by the District Rules.

GOLIAD COUNTY GROUNDWATER CONSERVATION DISTRICT DROUGHT CONTINGENCY PLAN
Adopted February 19, 2024

In order to conserve, preserve and protect the groundwater resources of Goliad County during drought conditions, the Board of Directors of the Goliad County Groundwater Conservation District has established the following Drought Contingency Plan Guidelines.

SECTION I: DEFINITION OF TERMS

For the purposes of this Plan, the following definitions shall apply in the use of groundwater:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Agricultural water use: as defined under Chapter 36.001(20), (21), Texas Water Code, latest amendment.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities including but not limited to retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, cleaning a residence.

Drought: A meteorological period of serious moisture (precipitation) deficiency and a resultant reduction in spring flow, stream flow, and groundwater level drop generally accompanied by an increase in demand.

Drought Indices: those indicators selected for the purposes of this plan to identify drought stages.

Exempt well: A domestic or livestock well equipped to produce less than 25,000 gallons of groundwater per day.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped area whether publicly or privately owned, including residential and commercial lawns, gardens, athletic fields, golf courses, parks, cemeteries, rights-of-way and medians

Non-essential water use: water uses that are non-essential, nor required for the protection of public health, safety, and welfare, including but not limited to:

1. irrigation of landscape areas, including parks, athletic fields, cemeteries and golf courses, except as otherwise provided by this Plan;
2. use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
3. use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas except for the protection of public health, safety and welfare;
4. use of water to wash down buildings or structures for purposes other than immediate fire protection or for the protection of public health, safety and welfare;
5. use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
6. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such a leak(s); and
7. use of water from hydrants for construction purposes or any other purposes other than fighting fires.

Non-Exempt well: a well capable of producing greater than 25,000 gallons of groundwater per day,

Permitted well: see Non-exempt well as defined herein.

Public Water System: as defined under 30 TAC Subchapter D Paragraph 290.38(41), latest revision.

Registered Well: See Exempt well as defined herein.

Trigger Conditions: Conditions that occur that will determine if a drought condition exists, such as lack of rainfall for a certain period of time, The Palmer Drought Index indicates that the area is suffering from drought conditions, the District monitors wells regarding static levels, etc.
Waste of Water: the use of groundwater for non-essential purposes as defined herein when Drought Stages 2-4 are in effect except as specifically allowed by this Plan.

SECTION II: PLANNING ACTIONS

The General Manager of the District will meet with city personnel in Goliad and the Goliad Water Supply Corporation to review those entities drought contingency plans to insure compatibility with the District Plan. This review should be conducted on an annual basis, or the time period may be extended to no more than three years. The District will work with the above entities in revising drought contingency plans as the need occurs. The District's Plan will be reviewed on an annual basis to ensure that it meets the needs of the District. Additions, deletions and/or corrections will be presented to the Board by the General Manager and will be acted upon at the following General Meeting of the Board.

SECTION III: TRIGGERING CITERIA FOR INITIATION AND TERMINATION OF DROUGHT STAGES

The District Board or the Board's designee shall monitor the defined drought trigger indices and shall advise the Board when potential action is to be considered. The Plan consists of four levels of drought and potential groundwater production restrictions as defined herein. The palmer Drought Severity Index, http://www.txwin.net/monitoring/ meteorological/Drought/pdsi.htm, which is an index based on regional meteorological and hydrological data such as rainfall, temperature and soil moisture content along with the District's water level monitoring program will be used as the primary information source.

SECTION IV: EVENT ACTIONS

After review by the Board of Directors of presented materials, and upon determining such drought conditions exist, the General Manager of the District may be instructed to take the following action.:

A. Within 48 hours of the Board decision that a drought condition exist, the General Manager will notify each public water system within the District that the Board has declared a drought condition and that each water supply entity should initiate its drought contingency plan.

B. The General Manager will provide articles to the newspapers within the District regarding the need to conserve groundwater and/or tips for groundwater conservation until such time as the Board declares that the drought period has ended.

SECTION V: DROUGHT STAGE RESPONSE

The Board of Directors, shall monitor the defined drought trigger indices and shall determine if conditions warrant initiation or termination of each stage of the Plan. Public notification by the District of the initiation or termination of drought stages shall be by means of notice posted in a newspaper of general circulation and by direct mailing and/or emails to owners/ operators of non-exempt wells.

(a) Restrictions on Exempt Wells – The Plan may place production restrictions on Exempt (Registered) wells. The district encourages voluntary compliance during each drought stage through compliance with the restrictions defined within the various stages as outlined in this Plan. Such voluntary compliance will contribute to the achievement of the desired level of conservation and reduce the impact of drought conditions and restrictions. However, nothing in this section excludes the district from exercising authority under District Rules Waste of Water.

(b) Restriction on Non-exempt Wells – The District has the authority to monitor and manage the production from all Non-exempt (Permitted) wells. These include non-exempt wells used as Public Water Supply (PWS) wells to provide for domestic use and all such wells used to support agricultural, industrial, commercial, institutional and other non-domestic uses. This Plan may place restrictions on the production from such wells as a function of drought stage.

DROUGHT SEVERITY LEVELS

PALMER DROUGHT SEVERITY INDEX (PDSI)
Mild Drought: -1 or less
Moderate Drought: -2 or less
Severe Drought: -3 or less
Extreme Drought: -4 or less
DROUGHT STAGES:
Stage 1 Mild Drought
Stage 2 Moderate Drought
Stage 3 Severe Drought
Stage 4 Extreme Drought

Stage 1 – Mild Drought Conditions
All Exempt and non-exempt well owners/operators and users of groundwater will be encouraged to voluntarily restrict the use of water. In the case of public water supply wells, owner/operators will be asked to initiate their drought management plans. News articles will be submitted as outlined in Section V of this document to inform the general public and exempt well owners that the district has declared a Stage 1 Drought for the County and asking for voluntary conservation.

Stage 2 – Moderate Drought conditions
All Non-exempt well owner/operators and public supply users of groundwater shall be notified through news articles that the District has gone to Stage 2 of the District's plan and are asked to reduce total monthly pumpage by ten percent (10%) and practice conservation measures. News articles will be submitted as outlined in Section V of this document to inform the general public, public supply entities, and exempt well owners that the district has gone to Stage 2 of the plan and ask people to restrict unnecessary pumping and practice conservation measures.

Stage 3 – Severe Drought conditions
All non-exempt well owners/ operators and users of groundwater shall be notified in writing that the District has gone to Stage 3 of the District's plan and are asked to reduce total monthly pumpage by twenty percent (20%) and practice conservation measures. News articles will be submitted as outlined in Section V of this document to inform the general public, public supply entities and exempt well owners that the District has gone to Stage 3 of the plan and ask people to restrict unnecessary pumping and practice conservation measures.

Stage 4 – Extreme Drought Conditions
All non-exempt well owner/operators and public supply users of groundwater shall be notified in writing that the District has gone to Stage 4 of the District's plan and will be asked to reduce total monthly pumpage by thirty percent (30%) and practice conservation measures. News articles will be submitted as outlined in Section V of this document to inform the general public, public supply entities and exempt well owners that the District has gone to Stage 4 of the plan and ask people to restrict unnecessary

pumping and practice conservation measures. The District will advise that the District has the authority under its rules to seek administrative penalties against individuals for wasting water.

SECTION VI: TERMINATION NOTIFICATION

Termination of the drought measures is when the Board determines that the trigger conditions which initiated the drought conditions have subsided. The public will be notified of the termination in the same manner they were informed of the initiation

Appendix A
Form Reference

2014-06-0001 New Water Well Registration
2014-06-0002 Oil and Gas Transfer of Exploration Water Well to Landowner

2014-06-0003 Transfer of Ownership to a Registration or Permit

2014-06-0004 Notice to Purchaser
2014-06-0005 Water Well Drilling Permit Application - Non- Exempt Well

2015-03-0001 Water Well Drilling Permit Non- Exempt Well
2014-06-0006 Water Well Operating Permit Application - Non-Exempt Well

2015-03-0002 Water Well Operating Permit Non-Exempt Water Well)

2014-06-0007 Mitigation Worksheet
2014-06-0008 Transport Permit Application
2015-04-0001 Transport Permit
2018-07-0001 Historic Use Groundwater Allocation Certificate

Additional forms may be used that are not listed on Reference.