

SECTION 18. HEARINGS

RULE 18.1 - TYPES OF HEARINGS

The District conducts two general types of hearings: adjudicative and rule making.

- (a) **ADJUDICATIVE.** Adjudicative hearings are conducted in accordance with the Lipan Kickapoo Water Conservation District Manual of Hearing Procedures.
 - (1) Permit hearings: Applications, Amendments and Revocations, Exceptions to Spacing Rules. Permit hearings involve permit matters, in which the rights, duties, or privileges of a party are determined after an opportunity for an adjudicative hearing; and
 - (2) Other matters. A public hearing may be held on any matter within the jurisdiction of the duties and responsibilities of the Board, if the Board deems a hearing to be in the public interest, or necessary to effectively carry out the duties and responsibilities of the District. Any matter designated for hearing before the Board may be referred by the Board for hearing before a Hearings Examiner.
- (b) **RULE MAKING.** Rule making hearings involve matters of general applicability that implement, interpret, or prescribe the law or District policy. Rule making hearings are conducted in accordance with §36.101, Texas Water Code.

RULE 18.2 - GENERAL PROVISIONS.

- (a) **COMPUTING TIME.** If the day on which compliance is due under the terms and provisions of these Hearing Procedures is a Saturday, Sunday, or legal holiday, then compliance will be due the next day that is not a Saturday, Sunday, or legal Holiday.
- (b) **NOTICE AND SCHEDULING OF HEARINGS.** The General Manager is responsible for giving notice of all hearings and public meetings of the District in the following manner:
 - (1) Notice will be given to each person who requests copies of hearing notices pursuant to the procedures set forth in subsection (3), and any other person the General Manager or Board of Directors deems appropriate. The date of delivery or mailing of notice may not be less than ten (10) calendar days before the date set for the hearing.
 - (2) A copy of the notice must be posted at the District's office and the county courthouse of each county within the District in the place where notices are usually posted. The date of posting shall not be less than 10 business days before the date of the hearing.
 - (3) Any person having an interest in the subject matter of a hearing(s) may receive written notice of such hearing(s) by submitting a request in writing. The request must identify with as much specificity as possible the hearing(s) for which written notice is requested. The request remains valid for a period of one year from the date of the request, after which time a new request must be submitted. Failure to provide written notice under this section does not invalidate any action taken by the Board.
 - (4) After giving proper notice, hearings may be held in conjunction with any Regular or Special called meeting of the Board or hearings may be scheduled at other times as deemed appropriate by the Board. All hearings will be held at the District office unless the Board determines that another location would be more appropriate for a specific hearing.
- (c) **CONDUCT OF HEARINGS.**
 - (1) Hearings will be conducted in such a manner as the Board deems most suitable to the particular case. It is the purpose of the Board to obtain all the relevant information and testimony pertaining to the issue before it as conveniently, inexpensively and expeditiously as possible without prejudicing the rights of either applicants or contestants.

(2) All hearings will be conducted in conformance with the Lipan-Kickapoo Water Conservation District Manual of Hearings Procedures, the Texas Rules of Civil Procedure and the Texas Rules of Evidence. Where there is a conflict between the District's Manual of Hearings Procedures and the Texas Rules of Civil Procedure and the Texas Rules of Evidence, the procedures set forth in the Manual of Hearings Procedures will prevail.

(d) **CHANGED CONDITIONS.**

The decision of the Board on any matter contained herein may be reconsidered by it of its own motion or upon motion showing changed conditions, or upon the discovery of new and different conditions or facts after the hearing or decision of such matter. If the Board should decide to reconsider a matter after having announced a ruling or decision, or after having finally granted or denied an application, it shall give notice to persons who were proper parties to the original action and such persons shall be entitled to a hearing thereon if they file a request therefor within fifteen (15) days from the date of the mailing of such notice.