

SECTION 5. ENFORCEMENT OF RULES

RULE 5.1 - SHOW CAUSE ORDERS AND COMPLAINT.

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

RULE 5.2 - INSTITUTION OF SUIT

If it appears that a person has violated, is violating, or is threatening to violate any provision of the District Rules, the District may institute and conduct a suit for enforcement of these rules through provisions of §36.102 of the Texas Water Code. Subject to §36.102 of the Texas Water Code as amended:

- a. the District may enforce these rules by injunction, mandatory injunction, or other appropriate remedy in court;
- b. the Board may set reasonable civil penalties for breach of any rule of the District not to exceed \$10,000 per day per violation, and each day of a continuing violation constitutes a separate violation.
- c. a penalty under this rule is in addition to any other penalty provided by the law of this State; and
- d. if the District prevails in any suit to enforce its rules, the District may seek and the Court shall grant, in the same action, recovery of attorney's fees, costs for expert witnesses, and other costs incurred by the District before the Court. The amount of the attorney's fees shall be fixed by the court.

RULE 5.3 - SEALING OF PROHIBITED WELLS.

- (a) Pursuant to a court order, the District may, upon orders from the judge of the courts, seal wells that are prohibited from withdrawing groundwater within the District, to ensure that a well is not operating in violation of the District Rules. A well may be sealed when:
- (1) no application has been made for a permit to drill a new water well which is not excluded or exempted; or
 - (2) no application form has been filed for a permit to withdraw groundwater from an existing well which is not excluded or exempted from the requirement that a permit be obtained in order to lawfully withdraw groundwater; or
 - (3) no application form has been filed for a change to a permit to withdraw groundwater from an existing well.
 - (4) no permit has been issued prior to the operation of a non-exempt well; or
 - (5) the Board has denied, canceled or revoked a drilling permit or the operating authority to produce groundwater from a well .
- (b) The well may be sealed by physical means, and tagged to indicate that the well has been sealed by the District, and other appropriate action may be taken as necessary to preclude operation of the well or to identify unauthorized operation of the well.
- (c) Tampering with, altering, damaging, or removing the seal of a sealed well, or in any other way violating the integrity of the seal, or pumping of groundwater from a well that has been sealed constitutes a violation of these rules and subjects the person performing that action, as well as any well owner or primary operator who authorizes or allows that action, to such penalties as provided by the District Rules.

RULE 5.4 - CONTINUING RIGHT OF SUPERVISION.

All District permits are issued subject to the rules of the District and to the continuing right of the District to supervise the depletion of the aquifer within the District's boundaries as authorized by Chapter 36, Texas Water Code, as amended, provided that such regulation does not discriminate, based upon purpose or location of water use.

RULE 5.5 - RIGHT TO INSPECT, TEST, CAP, LOCATE, AND SEAL WELLS

- (a) Any authorized officer, employee, agent, or representative of the District shall have the right at all reasonable times to enter upon the lands on which a well or wells may be located within the boundaries of the District to:
- (1) inspect such well or wells;
 - (2) read or interpret any meter, weir box or other instrument for the purpose of measuring production of water from said well or wells;
 - (3) determine the pumping capacity of said well or wells;
 - (4) measure the water level or obtain water samples for determining the water quality of said well or wells;
 - (5) test the pump and the power unit of the well or wells;
 - (6) cap wells that are open in violation of §36.118, Texas Water Code, as amended, or §76.702, Texas Department of Licensing and Regulation, Water Well Drillers and Water Well Pump Installers Rules, as amended;
 - (7) determine the coordinates (location) of said well or wells using GPS or other available methods;
 - (8) make any other reasonable and necessary inspection and/or test that may be required or necessary for the information or enforcement of the rules and regulations of the District; or
 - (9) seal wells as authorized by court order under Rule 5.3.
- (b) The operation of any well may be enjoined by the Board immediately upon refusal to permit the gathering of information as above provided from such well or wells.