

SECTION 8. DRILLING PERMITS

RULE 8.1 - DRILLING PERMIT REQUIRED FOR NON-EXEMPT WELLS.

- (a) No person shall begin to drill a well or increase the rate of production of an existing well without having first applied to the District and been issued a permit to do so, unless the well after drilling or after other modifications, will be exempt under Rule 2.1.
- (b) Domestic and livestock wells located on 10 acres or less are NOT exempt by Chapter 36, Texas Water Code, and a Drilling Permit must be applied for and approved by the District prior to drilling.
[Rule amended by Board Action - November 1, 2006.]
- (c) Drilling a well without a permit or operating a well at a higher rate of production than the rate approved for the well is declared to be illegal, wasteful per se, and a nuisance.
- (d) It is a violation of the District Rules for a well owner, well operator, or water well driller to drill a non-exempt well until an application for a Drilling Permit has been filed with the District and approved. It is also a violation of the District Rules for a water well driller to fail to submit an approved copy of the Drilling Permit along with the Well Report that is required to be submitted to the District. A violation occurs on the first day the drilling, alteration, or operation begins and continues each day thereafter until the appropriate permits are approved.

RULE 8.2 - ISSUANCE OF DRILLING PERMITS FOR NON-EXEMPT WELLS.

- (a) The Board shall issue or cause to be issued a drilling permit for a properly spaced well upon proper application executed and filed by the owner or his/her agent with the District and accompanied by the required deposits or fees and containing the matters specified below. A drilling permit is required for each new non-exempt well. All applications shall be in writing, on forms provided by the District and contain the information called for in the application form and shall be prepared in accordance with all instructions which may have been issued by the Board with respect to the filing of an application. An application shall be considered properly filed when administratively complete, signed, and tendered to the District or to a person duly designated by the District to receive the same. Applications shall not be considered until the application is administratively complete.
[Rule amended by Board Action - November 1, 2006.]
- (b) Rules for the filing of applications:
 - (1) If the applicant is an individual, the application shall be signed by the applicant or his duly appointed agent. The agent may be requested to present satisfactory evidence of his authority to represent the applicant.
 - (2) If the application is by a partnership, the applicant shall be designated by the firm name followed by the words "a Partnership" and the application shall be signed by at least one of the general partners who is duly authorized to bind all of the partners.
 - (3) In the case of a corporation, public district, county or municipality, or political sub-division of the State, the application shall be signed by a duly authorized official. A copy of the resolution or other authorization to make the application may be required by the officer or agent receiving the application.
 - (4) In the case of an estate or guardianship, the application shall be signed by the duly appointed guardian or representative of the estate.
- (c) Upon receipt of a properly completed drilling permit application and prior to the issuance of a permit, District staff may inspect the proposed well location to verify compliance with District rules. After inspection or upon verification of the information in the application, if the completed permit application does not comply with District rules, the application must be either amended to bring it into compliance with the rules or a properly completed application for an exception

to the Rules must be filed with the District and presented to the Board so that, following notice and hearing, a ruling can be made on the permit application.

[Rule amended by Board Action - November 1, 2006.]

- (d) The Board of Directors delegates to the general manager the authority to act on completed permit applications for which no hearing is required and that comply with District rules.

[Rule amended by Board Action - November 1, 2006.]

- (e) Failure to abide by the rules of the district concerning drilling permits is a violation of the law and/or the rules of the district and subjects the land owner, the driller, and the pump installer to legal action by the district. A violation occurs on the first day the drilling, alteration, or operation of a well begins and continues each day thereafter until the appropriate permits are approved.

RULE 8.3 - PLACE OF DRILLING OF WELL.

After an application for a drilling permit has been granted, the well, if drilled, must be drilled in compliance with all District rules. If the well should be commenced or drilled at a different location greater than 30 feet from the location given on the drilling permit application, the drilling or operation of such well may be enjoined by the District pursuant to Chapter 36, Texas Water Code, as amended and/or the District may initiate enforcement proceedings under Rules 5.1 and 5.2. The District shall have the right to confirm reported distances and inspect the wells or well locations.

RULE 8.4 - REWORKING OR REPLACING OF WELL.

- (a) An existing well may be reworked, re-drilled, or re-equipped in a manner that will not change the status of the existing well as either an exempt well or a permitted (non-exempt) well. Preregistration is required when reworking, re-drilling, or re-equipping any existing well in the District. Subject to Rule 8.1, a drilling permit is required when reworking or re-drilling an existing non-exempt well to increase the rate of production.

[Rule amended by Board Action - November 1, 2006.]

- (b) No person shall rework, re-drill, or re-equip an exempt well in a manner that would change the status of the well without first having made an application to the Board, and having been granted a permit by the Board to do so. In the event the application to change the status of an existing exempt well meets the Minimum Spacing of Wells (Rule 9.1), the District may grant a permit without notice or hearing.

- (c) A drilling permit must be applied for and granted by the District to replace an existing well with a replacement well. A replacement well must not be located toward any other well, authorized well site, or property line unless the new location complies with the minimum spacing requirements set out in Rule 9.1.

(1) If the new location cannot comply with the minimum spacing of wells, then the replacement well, in order to be considered as such, must be drilled within **thirty (30) feet** of the old well and not elsewhere. The new well shall not be drilled nearer the property line than the old existing well nor located toward any other well or authorized well site within **three hundred and thirty (330) feet** or within **six hundred and sixty (660) feet** along a property line unless the original well was "grandfathered" inside the spacing requirements of Rule 9.1.

(2) The location of the old well (the well being replaced) shall be protected in accordance with the spacing rules of the District until the replacement well is drilled and tested. The landowner or his agent must within **four (4) months** of the issuance of the permit declare in writing to the District which one of these two wells he desires to produce. If the landowner does not notify the District of his choice within this period, then it will be conclusively presumed that the new well is the well he desires to retain. Within 30 days after the four (4) month period or extension thereof and the determination of which well will be retained for production:

- (i) if the tract of land is drilled to density, the well that is not to be produced shall be abandoned and plugged and a properly completed Plugging Report shall be submitted to the District;
- (ii) If the tract of land is not drilled to density, the old permitted well shall be either:
 - (a) Abandoned and plugged; or
 - (b) Properly equipped in such a manner that it cannot produce more than 25,000 gallons of water a day and used solely for domestic or livestock use; or
 - (c) Closed in accordance with Texas Health and Safety Code §756.01 et seq., as amended.
- (iii) During the 4 month testing period, either the old well or the new well may be operated but not both.

RULE 8.5 - TIME LIMIT FOR DRILLING PERMITS.

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

RULE 8.6 - REQUIREMENT OF DRILLER'S WELL REPORT, CASING AND PUMP DATA.

- (a) Complete records shall be kept and reports thereof made to the District concerning the drilling, maximum production potential, equipping and completion of all wells drilled either by a licensed driller or an individual land owner. Such records shall include an accurate driller's log, any electric log which shall have been made, and such additional data concerning the description of the well, its potential, hereinafter referred to as "maximum rate of production" and its actual equipment as may be required by the District. Such records shall be filed with the District within sixty (60) days after the completion of the well.
- (b) Subject to the Water Well Drillers rules, every licensed well driller shall deliver either in person, by fax, email, or send by first-class mail, a photocopy of the State Well Report to the District within sixty (60) days from the completion or cessation of drilling, deepening, or otherwise altering a well.
- (c) No person shall produce water from any well hereafter drilled and equipped within the District, except that necessary to the drilling and testing of such well and equipment, unless or until the District has been furnished an accurate driller's log, any electric log which shall have been made, and a registration of the well correctly furnishing all available information required on the forms furnished by the District.