

SECTION 9. WELL SPACING AND WELL DENSITY

RULE 9.1 - MINIMUM SPACING OF WELLS.

(a) Distance Requirements:

- a. All wells shall be drilled at least three hundred and thirty (330) feet from the nearest well or authorized well site and at least fifty (50) feet from the nearest property line. However, for wells used solely for domestic and livestock use, this distance may be decreased to a minimum of ten (10) feet from any property line provided the annular space between the casing and the borehole wall is cemented from the land surface to the top of the production layer.

[Rule amended by Board Action - September 5, 2007]

- b. In the event the well is being drilled within two hundred and eighty (280) feet of a property line, then the distance between the wells or authorized well sites along the property line shall be at least six hundred and sixty (660) feet and at least fifty (50) feet from the nearest property line.
- c. In the interest of protecting life and for the purpose of preventing waste and preventing confiscation of property, the Board reserves the right in particular subterranean water zones and/or reservoirs to enter special orders increasing or decreasing distances provided by this rule.

[Rule amended by Board Action - September 5, 2007]

RULE 9.2 - WELL DENSITY.

- (a) Subject to Rule 9.1, paragraph (a) (1) et seq. above, no more than a cumulative total of sixteen **16 non-exempt wells**, excluding non-exempt domestic or livestock wells located on 10 acres or less, whether drilled prior to or subsequent to enactment of this rule shall be permitted per survey section (640 acres) (hereinafter referred to as "drilled to density"). In the event the applicant owns less than a full section or the survey section contains more or less than 640 acres, then the number of wells permitted for said tract shall be proportionately increased or reduced so that the total number of wells permitted shall be established by dividing the number of acres owned by the number of acres in the section and multiplying by sixteen (16).

[Rule amended by Board Action - September 5, 2007]

- (b) In determining the total number of permitted wells allowed per tract over forty (40) acres, if the calculation indicates a fraction of a well up to and including 0.500 of a well, the number shall be rounded down to the last full well; if the calculation indicates a fraction of a well 0.501 of a well and above, the number shall be rounded up to the next full well. District personnel shall use the most current tax roll for obtaining the acreage involved. In the event, the acreage is not listed in the tax roll, then the acreage listed on the ownership map or other legal documentation provided by applicant shall be used.
- (c) In applying this rule, if the property is "Drilled to Density", and one of the existing non-exempt wells is incapable of producing in excess of 17.4 gpm, the District may issue an additional permit for that property. The land owner or his agent must within four **(4) months** of the issuance of the permit or extension date thereof declare in writing which well he desires to produce. Within thirty **(30) days** after determining which well will be retained for production, the well that is not to be produced shall be plugged and a properly completed Plugging Report shall be submitted to the District on forms supplied by the District. Failure to abide by the rules of the District concerning the plugging of these wells is a violation of the law and/or the rules of the District and subjects the land owner to legal action by the District. A violation occurs at the end of the thirty (30) day period and continues each day thereafter until the appropriate action is taken to plug the well.

(d) In the event the tract of land is less than forty (40) acres, subject to (a)(1) et seq. above, the district may issue a drilling permit for a well that shall be:

- (1) properly completed with 5 inch or smaller casing; and
- (2) equipped to produce 25 gallons per minute or less (maximum 1½ HP pump).

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

A land owner desiring a permit under this section must:

- (1) Indicate this request on the drilling permit application; and
- (2) Present well and pump data to District for approval of pump equipment prior to the equipping of the well and production of water.

RULE 9.3 - EXCEPTION TO SPACING AND DENSITY RULES.

(a) In order to protect vested property rights, to prevent waste, or to prevent confiscation of property, the Board may grant an exception to the above spacing and well density regulations. This rule shall not be construed so as to limit the power of the Board, and the powers stated are cumulative only of all other powers possessed by the Board.

(b) If an exception to such spacing and well density regulations is desired, the application shall be submitted by the applicant in writing to the Board at its District Office on forms furnished by the District. Such application and plat shall be signed and certified by some person actually acquainted with the facts who shall state that all the facts therein are true and correct. Incomplete applications will not be accepted by the District.

[Rule amended by Board Action - September 5, 2007]

(c) If the application is for an exception to the spacing requirements of Rule 9.1:

(1) for a well subject to Rule 8.1, other than a domestic or livestock well located on 10 acres or less, the application shall explain the circumstances justifying an exception to the spacing and well density provisions. The application shall be accompanied by a plat or sketch, drawn to scale of one (1) inch equaling six hundred and sixty (660) feet. The plat or sketch shall show thereon the property lines of the tract on which the proposed well is to be located and shall show accurately to scale all wells within (¼) mile of the proposed well site . The application shall also contain the names and addresses of all property owners adjoining the tract on which the well is to be located and all owners of wells within (¼) mile of the proposed well location. Written notice of the application shall be given by the District to any landowner whose property line is within 50 feet of the proposed well site and any well owner whose well is located within 330 feet of the proposed well site.

(2) for a domestic or livestock well subject to Rule 8.1(b) located on 10 acres or less, the application shall explain the circumstances justifying an exception to the spacing and well density provisions and shall be accompanied by a plat or sketch showing the property lines of the tract and the footage of the proposed well site to the property line and to all wells located on adjoining property. The application shall be reviewed by the District board of directors who shall either approve or deny the application at a properly noticed meeting, open to the public, without holding a hearing.

[Rule amended by Board Action - September 5, 2007]

(d) If the application is for an exception to the density requirements of Rule 9.2, then the plat or sketch shall show thereon the property lines of the tract on which the proposed well is to be located and the property lines of all other tracts within the survey section. The application shall also contain the names and addresses of all landowners within the survey section. Written notice of the application shall be given by the District to each landowner within the survey section.

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

(e) No sooner than ten (10) days after written notice has been given to the applicant and each landowner or well owner required to be notified under Paragraph (c) (1) or (d) above, the Board shall hold a public hearing at which all affected parties may appear and be heard. Following the hearing, the Board shall decide whether or not an exception should be granted. Provided, however, that if the Applicant presents waivers signed by the landowners or well owners required to be notified under Paragraph (c) (1) or (d) above stating that they have no objection to the proposed location of the well site, then the Board may thereupon proceed to decide upon the granting or refusing of such application without holding a hearing.

[Rule amended by Board Action - September 5, 2007]

(f) In deciding to grant an exception, the board may add such conditions or restrictions to the permit application as it deems necessary to prevent waste, or to protect the aquifers. Such conditions or restrictions may include, but are not limited to, the use of the groundwater, the amount of water that can be produced, metering, annual production reports, or other conditions as deemed necessary and prudent by the board.

[Rule added by Board Action - September 5, 2007]

(g) Any changes desired by a landowner to conditions placed on the original permit must be resubmitted to the board by the permittee for a new exception prior to making any change. Failure to file a request for a new exception is a violation of the District Rules and subjects the land owner to legal action by the district. A violation occurs on the first day the alteration or operation of the well begins and continues each day thereafter until the appropriate permits are approved.

[Rule added by Board Action - September 5, 2007]