AMENDMENT NO. 1

Regular Board Meeting, October 15, 2026

NECHES AND TRINITY VALLEYS GROUNDWATER CONSERVATION DISTRICT RULEMAKING

Title: **Neches & Trinity Valleys Groundwater Conservation District Rules**

Ch. 1 (Definitions and General Provisions)
Ch. 2 (Board)
Ch. 3 (District Staff)
Ch. 4 (District Records)
Ch. 5 (Groundwater Production)
Ch. 6 (Well Management)
Ch. 7 (Fees)
Ch. 8 (Meters and Reporting)
Ch. 9 (Procedures before the District)
Ch. 10 (Water Quality)
Ch. 11 (Groundwater Conservation Plans)
Ch. 12 (Drought Contingency Plans)
Ch. 13 (Investigations and Enforcement)

Rule Type: **Amendment to Proposed Rules (PRs) (redlined)**

Baseline: Proposed District Rules dated June 2026 (NTVGCD Proposed Rule Amendments, June 2026). All redlined text below shows changes from that baseline.

GLOBAL EDITORIAL CHANGES TO PROPOSED RULES

Edit	Example
Replace the rules-adoption placeholder date throughout	"May 1, 2026" and "[date of adoption of these rules]" / "[the date of rules adoption]" → "October 15, 2026"
Delete the acre-foot-per-acre allocation framework and all defined terms supporting it	"water allocation per acre factor," "initial water allocation per acre factor," "baseline water allocation per acre factor," "total annual groundwater availability"
Uniform capitalization where appropriate	"Non-Historic Operating Permit" → "Non-historic Operating Permit"

Correct grammar and typos	"an permit" → "a permit"; "firefighting" → "fire-fighting"; "Well Construction Permit" → "well construction permit"
Renumber affected sections and subsections accordingly	Definitions renumbered (1)–(76); §§ 5.101, 5.203, 5.204, 5.205, 5.216, 5.301, 6.101, 9.209 subsections relettered

SECTION-BY-SECTION AMENDMENTS

§ 1.001 Definitions of Terms

…

(6) ~~"Baseline water allocation per acre factor" means the minimum water allocation per acre factor established by the District for a managed aquifer and guaranteed for all landowners over an aquifer, calculated based on the total annual groundwater availability divided by the total acreage overlying that aquifer within the District.~~

(6) "Aquifer management zone" means a geographic surface area located within the District's boundaries designated by the District based on its hydrogeologic characteristics for different management approaches.

…

(20) "District monitoring well network" means the monitoring wells from which the District collects data and includes monitoring wells owned or operated by the TWDB, any other state or federal agency or permittee for which water level data is available to the District, and owned or operated by the District.

…

(28) "Groundwater management area" means an area delineated and designated by the TWDB as an area most suitable for management of groundwater resources through regional joint groundwater planning. The District is currently wholly located within Groundwater Management Area 11.

…

(31) "Historic use" or "existing use" means the lawful production and beneficial use of groundwater without waste occurring prior to ~~May 1,~~October 15, 2026, that has not been abandoned, and that forms the basis for reclassification as, or issuance of, a Historic Operating Permit under these rules.

(32) "Historic Operating Permit" or "HOP" means an operating permit that is based on historic use, including permits issued prior to ~~May 1,~~October 15, 2026, and reclassified pursuant to these rules.

…

(32) ~~"Initial water allocation per acre factor" means the starting water allocation per acre rate established by rule for each managed aquifer, subject to adjustment by the District by board order as necessary to achieve the DFC for that aquifer.~~

…

(41) "Non-historic Operating Permit" or "NOP" means an operating permit issued on or after ~~May 1, 2026, or issued for groundwater production not based on historic use, but rather production limits based on the contiguous acreage of the applicant and other criteria established by the District.~~October 15, 2026.

…

(45) "Operating Permit" means ~~an~~a permit issued by the District based on either historic use or non-historic use that may authorize the operation of or groundwater production from a well. The District requires a separate ~~Well Construction Permit~~well construction permit for construction activities related to drilling or altering a well.

…

(49) "Permittee" means a person holding a permit issued by the District.

…

(66) ~~"Total annual groundwater availability" means the total volume of groundwater that may be produced on an average annual basis from a managed aquifer, as determined by the District under § 5.101 of these rules, consistent with the modeled available groundwater and other factors under § 36.1132, Texas Water Code.~~

(68) Reserved

…

(70) ~~"Water allocation per acre factor" means the rate, expressed in gallons or acre-feet per acre per year, established by the District for a managed aquifer and used to calculate a maximum upper limit on the annual amount of groundwater that may be authorized for production under a Non-historic Operating Permit by multiplying the factor by the number of contiguous acres of land or groundwater rights of the applicant at the well site.~~

…

§ 3.001 General Manager

The board may employ or contract with a person to serve as general manager of the District and to perform such services as the board may from time to time specify. The board may delegate to the general manager full authority to manage and operate the affairs of the District subject only to these rules and the orders of the board. The general manager, with approval of the board, may employ all persons necessary for the proper handling of business and operation of the District and their salaries will be set by the ~~board.~~board and may delegate any duties assigned to the general manager to the assistant general manager or another member of District staff. If the position of general manager is vacant, the board may appoint a general manager, an interim general manager,

or act to manage the District and perform any function of the general manager identified by these rules to the extent consistent with the law.

§ 5.101 Groundwater ~~Available for~~ Production from the Carrizo-Wilcox, Queen City, ~~Sparta~~ and ~~Trinity River Alluvium~~Sparta Aquifers

(a) The aggregate, average annual volume of groundwater that may be produced from the Carrizo-Wilcox, Queen City, ~~Sparta or Trinity River Alluvium~~or Sparta Aquifers from:

…

shall be no greater than the amount necessary to achieve the DFC for each of the aquifers. ~~As soon as practicable, and when appropriate, after considering the MAG and the other factors in Texas Water Code § 36.1132, the District shall calculate and set forth in a board order the total volume of groundwater that may be produced annually on average for each managed aquifer, and until the District establishes this total annual groundwater availability for an aquifer by board order, the~~The District shall monitor actual total production from each of the aquifers to ~~determine if it exceeds the MAG and if so,~~ determine if any actions are required by the District to ensure achievement of the DFC.

…

(c) ~~The~~After considering the DFC and the other factors in Texas Water Code § 36.1132, the District may at its discretion calculate and set forth in a board order the estimated volume of groundwater that may be produced annually on average for each managed aquifer. If the board, by order, establishes the total annual groundwater available for a managed aquifer under this subsection, the total average annual volume of groundwater available from ~~each~~the aquifer for actual production under permits for non-exempt wells is calculated by subtracting the estimated exempt well production under Subsection (b) from the total annual groundwater ~~availability under Subsection (a).~~available. The District ~~shall~~may establish this volume available for actual production under permits by board order.

(d) ~~The District may authorize production through permits in excess of the volume established under Subsection (c), provided that actual average annual production does not exceed that volume.~~

(d) The board may designate aquifer management zones within aquifers in order to adopt different management approaches within different aquifer management zones, including adopting different indicators for District action with respect to groundwater production.

§ 5.201 Operating Permits

…

(e) The board may, in exceptional circumstances, consider a variance to the ~~production limits~~authorized permitted amount set forth in this subchapter in approving an application for an operating permit and grant a variance for a term of up to 3 years, if the applicant submits a request

for variance with the application for an operating permit supported by evidence showing that unnecessary hardship would result from the strict application of the ~~production limits,~~authorized permitted amount set forth in this subchapter, the hardship results from conditions particular to the property, the hardship is not the result of actions taken by the applicant, granting the variance is consistent with the intent of the rules, and substantial justice will be achieved.

§ 5.202 Historic Operating Permits and ~~Non-Historic~~Non-historic Operating Permits

…

(c) For purposes of differentiating whether an operating permit is historic or non-historic, all permits that were issued prior to ~~May 1,~~October 15, 2026, are hereby reclassified as Historic Operating Permits, and those issued on or after that date shall be classified as Non-historic Operating Permits.

(d) ~~In general terms, the more restrictive conditions to be imposed on NOPs are that, in addition to the other considerations set forth in these rules regarding how much groundwater production may be authorized by the District in granting or denying a particular permit application, NOPs will be subject to an overall maximum production limit that is based on the amount of acreage of the permit applicant where the well is located, as authorized under § 36.116(a)(2), Texas Water Code. HOPs are not based on the amount of acreage around the well site, but rather are based on setting production limits on wells based on historic use as authorized under § 36.116(a)(2) and (b) and under § 36.113(e), Texas Water Code. Additionally, for NOPs for retail public utilities, these rules limit groundwater production based on acreage, utilizing the acreage of a retail public utility's service area as authorized under § 36.116(c), Texas Water Code.~~

§ 5.203 Historic Operating Permits and Maximum Allowable Production

(a) All operating permits issued prior to ~~May 1,~~October 15, 2026, are hereby reclassified for the remainder of their permit length as Historic Operating Permits in the amount of their authorized annual production amount, for their historic purpose of use, on the terms previously approved by the District. ~~This reclassification is subject to a determination by the District that groundwater is available for all HOPs under § 5.101 and is subject to adjustment under this subchapter. (b) A permittee with a HOP may at any time file an application to amend the permit to permanently reduce the authorized annual production amount. However, once a reduction is approved by the District, the permittee may not in the future amend the permit to increase the reduced authorized annual production amount.~~

(b) A permittee with a HOP may at any time file an application to amend the permit to permanently reduce the authorized annual production amount. However, once a reduction is approved by the District, the permittee may not in the future amend the permit to increase the reduced authorized annual production amount.

…

(e) ~~If and to the extent that a HOP permittee sells or leases the land or groundwater rights or~~

~~acreage that, as of May 1, 2026, was contiguous to a well authorized by the HOP to another person, and that severed acreage is then authorized for production under a NOP, the authorized production amount in the HOP shall be reduced by the District in an amount equal to the number of severed acres multiplied by the then-current water allocation per acre factor described under § 5.204(b).~~

…

§ 5.204 ~~Non-Historic~~Non-historic Operating Permits ~~and Maximum Allowable Production~~

(a) ~~The maximum annual production amount that may be authorized under a NOP shall not exceed the lesser of the following:~~

(1) ~~the amount determined by the District under the considerations set forth under § 5.209; or~~

(2) ~~the product of the applicable water allocation per acre factor described under Subsection (b), multiplied by the number of contiguous acres of the applicant, then subtracting from that product the amount of annual production authorized under any HOP or NOP of the applicant that is associated with the wells or acreage.~~

(b) ~~An initial water allocation per acre factor for each managed aquifer will be established by board order. The District shall also establish by board order a baseline water allocation per acre factor for each managed aquifer, calculated by dividing total annual groundwater availability for that aquifer under § 5.101(a) by the total number of acres of land overlying that aquifer within the District. To achieve the applicable DFC, the District may, by board order issued not later than July 1 of a calendar year, reduce the initial water allocation per acre factor for all existing and new NOPs, to become effective on January 1 of the following calendar year. However, in order to provide all landowners overlying a managed aquifer an opportunity to produce their fair share of groundwater available from that aquifer, the board may not reduce the water allocation per acre factor to an amount lower than the baseline water allocation per acre factor.~~

(c) ~~An applicant that lacks sufficient contiguous acreage to obtain the desired production authorization under a NOP may acquire additional contiguous acreage of land or groundwater rights by purchase or lease to support that authorization. For a NOP applicant that also holds a HOP, the District shall not deduct HOP-authorized production from any acreage acquired after May 1, 2026.~~

The District may issue NOPs under these rules in a given aquifer to the extent that there is sufficient groundwater available, considering aquifer conditions and the DFCs.

§ 5.205 ~~Non-Historic~~Non-historic Operating Permits for Retail Public Utilities

(a) ~~In determining the number of contiguous acres under § 5.204(a)(2) for a NOP applicant that is a retail public utility and consistent with § 36.116(c), Texas Water Code, the District shall consider the total acreage in the service area of the retail public utility that is located within the District and overlying the applicable managed aquifer for the well, excluding all acreage associated~~

~~with any other HOP or NOP in the service area. The District may also subtract from the product described in § 5.204(a)(2) an estimate of the total groundwater produced annually by exempt wells or acreage associated with another HOP or NOP in the service area.~~

(b) ~~In determining total acreage of the service area of a utility under Subsection (a), the following calculations of contiguous acres apply:~~

(1) ~~for a utility with a bounded service area CCN, all acreage inside the bounded service area, except as provided under (b)(4) below;~~

(2) ~~for a utility with a Facilities +200 Feet or Facilities Only CCN, or that is an investor-owned utility or water supply corporation registered with the PUC as a utility exempt from the requirement to obtain a CCN, the total acreage of each property actually served;~~

(3) ~~for a utility that is a political subdivision without a CCN, all acreage within its corporate boundaries plus the acreage of each other property actually served;~~

(4) ~~for a political subdivision with a CCN that differs from its corporate boundaries, all acreage within the combined CCN and corporate boundaries plus any other acreage actually served;~~

(5) ~~for a utility with a CCN that overlaps the corporate boundaries of another political subdivision, the overlapping acreage will be assigned to the CCN holder unless the CCN holder has otherwise agreed in writing that it may be utilized by the political subdivision;~~

(6) ~~in dual-certified areas approved by the PUC, acreage will be allocated per any written agreement between the utilities; absent a written agreement, acreage actually served is assigned to the serving utility, and the remaining acreage is divided equally;~~

(7) ~~if a utility owns a well outside of its CCN and corporate boundaries, contiguous acreage for such well is limited to the acreage owned or controlled by the utility at the well site; and~~

(8) ~~for a utility with multiple stand-alone public water systems authorized under the same CCN or separate CCNs but not physically interconnected, the acreage of each system shall be considered and authorized separately under this rule.~~

(c) ~~A utility that lacks sufficient contiguous acreage to obtain the requested production authorization under a NOP may acquire additional contiguous acreage of land or groundwater rights by purchase, lease, or CCN expansion to support that authorization. For a utility NOP applicant that also holds a HOP, the District shall not deduct HOP-authorized production from any acreage acquired by CCN expansion, or by purchase or lease outside of the CCN, as it existed on May 1, 2026.~~

The District shall consider the service needs and service area of a retail public utility in evaluating the requested production authorization under a NOP.

§ 5.208 Applications for Non-Historic Operating Permits

…

(16) Hydrogeological study and impacts. ~~–~~ Information showing ~~water~~groundwater availability and the projected effect of the proposed pumping on aquifer conditions and depletion and supporting a finding that the proposed production of water will not unreasonably affect existing groundwater ~~or surface water~~ resources, existing holders of permits issued by the District or exempt wells that are registered with the ~~District, or result in pumping within the District exceeding the MAG or impairing achievement of the DFC for the aquifer from which production would be made.~~ District. For applications seeking to withdraw ~~100~~300 acre-feet annually or more, this information shall include ~~at least~~ a hydrogeological study prepared by a Texas licensed professional geoscientist or engineer with test wells, conducted in accordance with all technical guidelines issued by the District, which should include modeling ~~1,~~impacts near the well(s) for 1 year using the Theis drawdown equation, and modeling impacts for 10, 30 and 50 ~~year impacts,~~years using ~~at least~~ the ~~Theis equation, as requested~~TWDB GAM approved for GMA-11 or other groundwater model approved by the District. For applications seeking to withdraw 300 acre-feet annually or more, the applicant shall propose a test well to be used for purposes of the hydrogeological study, to be approved by the District, and the hydrogeological study shall include a quantitative assessment of the percentage of drawdown projected to occur within 3 miles of the proposed well location. The hydrogeologic study shall follow the guidelines provided by the District. The test well shall be geophysically logged to characterize the geologic unit(s) in the borehole and the aquifer in which the pumping test is performed. The geophysical log shall be submitted to the District within 30 days of well completion.

…

(b) All applicants for a NOP shall include documentation identifying the contiguous acres of land or groundwater rights owned or leased by the applicant for which a permit is sought, along with a record deed, lease, or other real property instrument showing the applicant's ownership or entitlement to produce groundwater from the acreage and a legal description or survey showing the location of such acreage and that demonstrates that all acres overly the aquifer in which the well will be completed. If the applicant also holds a HOP, the applicant shall also include a map and other information identifying the acreage and location of the applicant's contiguous acreage associated with the HOP as of ~~May 1,~~October 15, 2026.

…

(3) for political subdivisions and other retail public utilities, a map and other information identifying the amount and location of the contiguous acreage of the utility's retail water service area as determined under § 5.205 where the well is or will be located; additionally, for a utility that holds a HOP and is applying for a new or amended NOP, a map and other information identifying the acreage and location of the utility's contiguous acreage as of ~~May 1,~~October 15, 2026; and

…

§ 5.209 Basis for Action on Operating Permit Applications

(a) The general manager shall grant applications for a Non-historic Operating Permit of up to ~~15~~27.4 acre-feet and the board shall grant applications for a Non-historic Operating Permit of more than ~~15~~27.4 acre-feet only to the extent the board or general manager, respectively, finds that:

…

(6) the applicant has a legal right to produce groundwater from the ~~well;~~well for the term sought;

…

(12) the proposed production of water will not unreasonably affect existing groundwater or surface water resources, existing holders of permits issued by the District or exempt wells that are registered with the District, including by causing unreasonable interference between wells, or result in impairing achievement of the DFC for the aquifer from which production would be ~~made, considering the estimates under § 5.101;~~made;

…

(15) the application is consistent with the District's approved groundwater management plan and its goals of providing the most efficient use of groundwater, controlling and preventing the waste of groundwater and achieving the desired future conditions established for the aquifer from which water is proposed to be produced and with the state and regional water ~~plans.~~plans;

(16) for applications seeking to withdraw 300 acre-feet annually or more:

(a) the test well or another well at a location approved by the District will be used as a monitoring well and the applicant will submit quarterly water level data to the District and the District will record an initial water level reading from the well to be used as the base line for any future reductions associated with water levels;

(b) based on simulated impacts, the permit may include special conditions requiring groundwater production from the well to be reduced or ceased if the District determines based on the District monitoring well network or other hydrogeologic data that the measured drawdown occurring unreasonably impacts other wells or property;

(17) the permit may require monitoring of groundwater conditions at the location of the well and at the site of neighboring properties to ensure that sufficient groundwater is available to support pumping under the permit and to minimize the impacts of pumping on groundwater resources and other well owners;

(18) the permit may include special conditions requiring groundwater production rates and production from the well to be reduced or ceased if the District determines that such reduction is necessary based on the best available science, including from the District monitoring well network, to avoid unreasonable impacts to existing permittees, or result in impairing achievement of the DFC for the aquifer from which production would be made; and

(19) the permit may include special conditions that allow the District to permit additional pumping authorization(s) phased in over a period of time based on applicant providing verification to the District of the need for additional amounts of groundwater for the requested purposes of use.

…

(c) If the general manager recommends denial of an application for a Non-historic Operating Permit of up to 27.4 acre-feet, the application shall be processed in accordance with § 9.208.

§ 5.211 Standard Permit Conditions for Operating Permits

…

(v) any other conditions as the board may deem ~~appropriate.~~appropriate, including monitoring wells, phased production, and mitigation

§ 5.214 Operating Permit Transfers and Amendments and Renewals; Applications

…

(b) Any person seeking to amend a permit as provided in Subsection ~~(a)(1)-(4),~~(a)(1)-(3), must first file with the District an application to amend on a form prescribed by the District.

…

§ 5.216 Proportional Adjustment of Operating Permits Based on Desired Future Conditions

(a) In order to achieve the applicable desired future condition for each managed aquifer under § 5.101, the District ~~shall,~~may, to the extent necessary ~~and to the extent groundwater is determined by the District to be available,~~or appropriate, adjust the total volume of groundwater authorized to be produced under operating permits issued under this subchapter.

(b) To the extent the District determines that reductions in authorized production for a managed aquifer are necessary in order to achieve the applicable DFC under § ~~5.101(a),~~5.101, the District shall first implement such reductions with respect to NOPs issued under § ~~5.204 by reducing the applicable water allocation per acre factor for that aquifer established under § 5.204(a).~~5.204.

(c) ~~The District shall establish any reduction to the water allocation per acre factor under Subsection (b) by board order, and such reduced water allocation per acre factor shall apply to all existing and new NOPs for the applicable managed aquifer, to the extent groundwater is determined by the District to be available; provided, however, that the water allocation per acre factor for a managed aquifer shall not be reduced below the baseline water allocation per acre factor established by the District for that aquifer under § 5.204(a) in order to provide all landowners~~

~~overlying a managed aquifer an opportunity to produce their fair share of groundwater availability from that aquifer.~~

(d) ~~If, after the reduction of the water allocation per acre factor for NOPs to the baseline water allocation per acre factor under Subsection (c), the District determines that further reductions in authorized groundwater production are necessary to achieve the applicable DFC for a managed aquifer under § 5.101(a), the District shall reduce the maximum annual production amounts authorized under Historic Operating Permits.~~

(c) Any ~~reduction~~reductions under ~~Subsection (d)~~this section shall be applied by the District on a proportional, or pro rata, basis to all HOPs and/or NOPs, accordingly, for the applicable managed aquifer based on each permit's authorized annual production amount, as set forth in the permit, and shall be implemented by board order, to the extent groundwater is determined by the District to be available.

(d) The District shall implement any reductions under this section in a manner that, to the extent practicable, results in the total volume of groundwater ~~authorized to be~~actually produced under operating permits for the applicable managed aquifer, when considered together with estimated production from exempt wells under § 5.101(b), ~~not exceeding the total annual groundwater availability~~ necessary to achieve the applicable DFC for that aquifer ~~under § 5.101(a).~~and considering aquifer conditions. The board shall implement any reductions pursuant to this section by board order issued not later than ~~July 1 of a calendar year~~five months before the reductions are to become ~~effective on January 1 of the following calendar year.~~ effective.

…

§ 5.218 Variance from Well Spacing Required for Compliance with TCEQ Minimum Water System Capacity Requirements

(a) In regulating the production of groundwater, the District considers the service needs and service area of a retail public utility as authorized by § 36.116(c), Texas Water Code. The service area of a retail public utility is considered under § 5.205, and its service needs are considered under this section.

(b) Notwithstanding § 6.101(a) or §§ 5.204 or 5.205, the board may grant a retail public utility a variance from the well spacing requirements, from the maximum annual production amount, or from both, to the extent necessary to comply with the TCEQ minimum water system capacity requirements, 30 Texas Administrative Code Chapter 290, if the utility demonstrates that:

(1) the requested well capacity or annual production amount is reasonably necessary to comply with those requirements;

(2) no other reasonably and economically available location within the utility's CCN, corporate boundaries, or other retail water service area, and no other reasonably and economically available source of supply, storage, interconnection, groundwater rights, or certificated service area, would allow the utility to satisfy both the TCEQ requirements and these rules; and

(3) for a variance from § 5.204(b), the TCEQ requirement cannot be satisfied through well capacity, service pump capacity, or storage capacity without additional annual production authorization.

(c) A variance under this section does not relieve the utility of any other requirement of these rules, including the determinations required under §§ 5.209 and 6.204, and may not authorize production that would impair achievement of the applicable desired future condition. A variance under this section may be limited or conditioned as the board determines appropriate. The burden of proof is on the utility under § 1.006.

§ 5.301 Applicability

…

(1) ~~a groundwater export arrangement in effect on or before June 11, 2003~~groundwater that is incorporated into a finished, manufactured product, which would not include bottled water, within the District and ~~continuing thereafter, so long as there is no increase in~~then exported for sale outside the ~~annual amount exported after that date;~~District; or

(2) groundwater produced from an area within the portion of a retail public utility's CCN or political subdivision boundaries located inside the District that is ~~incorporated into a finished, manufactured product, which would not include bottled water,~~delivered to end users located anywhere within the ~~District and then exported for sale~~same CCN or political subdivision, whether inside or outside of the ~~District; or~~District.

(3) ~~groundwater that is delivered to end users outside of the District's boundaries pursuant to a HOP and a CCN that is also within the District's boundaries.~~

§ 5.401 Wells Exempt from Operating Permits

…

(1) a well drilled and operated solely for domestic use or for providing water for livestock, poultry, or wildlife, if the well is drilled, completed, or equipped so that it is incapable of producing ~~no~~ more than 25,000 gallons of groundwater a day and located on a tract of land equal to or greater than 10 acres, or a well that qualified as exempt prior to ~~[date of adoption of these rules],~~October 15, 2026, or a well that is drilled and operated solely for domestic use, ~~and~~or for providing water for livestock, poultry, or wildlife, if the well is drilled, completed, or equipped so that it is incapable of producing more than ~~1,500~~10,000 gallons of groundwater a day, meets the spacing requirements of these ~~rules~~rules, and ~~there is no public water supply available to the property;~~ is located on a tract of land smaller than 10 acres;

…

§ 6.101 Required Well Spacing and Location; Exceptions to Spacing Requirements

(a) All new wells must comply with the location requirements set forth in TDLR Rules in Chapter 76, 16 Texas Administrative Code, and must also be spaced not less than:

(1) the greater of 50 feet or one foot per gallon per minute (1 ft/gpm) of the authorized maximum production capacity for the well from the perimeter of the ~~property;~~property on which the well is located, provided, however, that for a well owned or operated by a retail public utility and located within a retail water service area, the applicable perimeter is the boundary of the utility's CCN, boundaries, or other retail water service area, as applicable under § 5.205; and

(2) two feet per gallon per minute (2 ft/gpm) of the authorized maximum production capacity for the well from any existing ~~well,~~well completed in the same aquifer, previously approved well site for which drilling has not yet commenced, or any other proposed wells in the same application or other pending applications associated with the owner or operator for any such existing wells or wells sites completed in the same managed aquifer in which the new well will be completed. The burden of proof that an existing well is completed in a different managed aquifer than the proposed well is on the owner or operator.

…

(d) A retail public utility may request a variance from the spacing requirements of Subsection (a) as provided under § 5.218.

§ 6.202 Wells Exempt from Well Construction Permits

…

(1) a well drilled and operated solely for domestic use or for providing water for livestock, poultry, or wildlife, if the well is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day and located on a tract of land equal to or greater than 10 acres or a well that qualified as exempt prior to ~~[date of adoption of these rules];~~October 15, 2026; or

…

§ 6.208 Multiple Test Wells Authorized

(a) A well construction permit authorizes the completion of a single well. However, a holder of a well construction permit may, within a radius of 50 yards from the authorized well location specified in a well construction permit, drill multiple test wells in order to identify the best location for the completed well. The coordinates of the location ultimately chosen must be provided to the District and the well construction permit will be modified as necessary to reflect the chosen location. The chosen location must comply with all applicable spacing and location requirements. All test wells must, within 60 days, be completely plugged in compliance with applicable well plugging ~~standards.~~standards, except as provided under Subsection (b).

(b) A test well that is intended to be used as a production well must meet all applicable well spacing requirements and be capped after testing unless and until it is authorized to withdraw groundwater by an operating permit. If an operating permit is not approved for production from the well, the test well must be plugged within 60 days of a final decision on the operating permit application. The District may also allow a test well to be converted into a monitoring well.

§ 6.211 Notice of Condition Affecting Groundwater Quality; Corrective Action

If at any time a well owner or operator has reason to believe that a well condition may exist that may cause the pollution, degradation, or harmful alteration of the character of the groundwater in an aquifer, then the owner and/or operator shall, within forty-eight (48) hours of learning of the fact(s), notify the District in writing of the well condition. The District may conduct an investigation and contact any appropriate state agency, and, if facts warrant, direct the owner and/or operator of the well, at the owner's or operator cost, to evaluate and test the well conditions and take appropriate corrective action, including replacement, to bring the well into proper working condition in conformance with this chapter.

§ 6.213 Replacement of Wells

…

(b) Immediately upon commencing operation of the replacement well, the well owner will cease all production from the well being replaced and will begin efforts to plug the well being replaced in accordance with Chapter 6, Subchapter E of these rules, which plugging shall be completed within 60 days of commencing operation of the replacement well.

§ 7.003 Groundwater Production Fees

…

(d) Beginning January 1, 2027, each permittee shall pay an annual production fee based on the maximum annual amount of groundwater authorized under the permit as of January 1. Such fee shall be due on or before January 31 of each calendar year, unless otherwise specified by ~~Board~~board order. The ~~Board~~board may authorize payment in quarterly installments for the annual authorized amount as of January 1 with such installment payments due on the last days of January, April, July, and October. Groundwater production fee payments for increases in production authorized during the year or for new permits are due at the time of permit or permit amendment issuance.

…

§ 8.001 Meters Required

(a) Duty to install: Except for a well that qualified as exempt prior to ~~[date of adoption of these rules],~~October 15, 2026, the owner and/or operator of a non-exempt well shall equip the well with a meter meeting the specifications of these rules and shall operate and maintain the meter to measure the instantaneous flow rate and cumulative amount of groundwater withdrawn from the well. No groundwater shall be withdrawn from a non-exempt well unless the well is equipped with a measuring method complying with these rules.

(b) Approved meters: Meters must be appropriately sized for the well, mechanically driven, digital, totalizing water meters. The digital totalizer must not be resettable by the permittee and must be capable of a maximum reading greater than the maximum expected pumping during a permit term. Battery operated registers must have a minimum five-year life expectancy and must be permanently hermetically sealed. Battery operated registers must visibly display the expiration date of the battery. All meters must meet the requirements for registration accuracy set forth in the American Water Works Association standards for cold-water meters.

(c) Installation and maintenance: Meters must be installed, operated, maintained and repaired according to the manufacturer's published specifications and shall ensure accuracy of not greater than plus or minus five percent. If no specifications are published, for meters installed after ~~[the date of rules adoption],~~October 15, 2026, there must be a minimum length of five pipe diameters of straight pipe upstream of the meter and one pipe diameter of straight pipe downstream of the meter. These lengths of straight pipe must contain no check valves, tees, gate valves, back-flow preventers, blow-off valves, or any other fixture other than those flanges or welds necessary to connect straight pipe to the meter. The pipe must be completely full of water throughout the area of the meter. All installed meters must measure only groundwater.

…

(e) Meter accuracy to be tested: The District may require the permittee, at the permittee's expense, to test the accuracy of the meter and submit a certificate of the test results. The certificate must be on a form provided by the District. The District may further require that the test be performed by a third party qualified to perform meter tests. Certification tests will be required no more than once every three years for the same meter and installation. If the test results indicate an accuracy outside the 95% - 105% of the actual flow, then appropriate steps must be undertaken by the permittee to repair or replace the meter within 90 calendar days from the date of the test. The District, at its own expense, may undertake further random tests and other investigations for the purpose of verifying meter readings. If the District's tests or investigations reveal that a meter is not registering within an accuracy of 95% - 105% of actual flow, is not appropriately sized for the well, or is not properly recording the total flow of groundwater withdrawn from the well, or well system, the permittee must reimburse the District for the costs of those tests and investigations and the permittee must take appropriate steps to remedy the problem within 90 calendar days from the date of the tests or investigations. If a water meter or related piping or equipment is tampered with or damaged so that the measurement accuracy is impaired, the District may require the permittee, at the permittee's expense, to take appropriate steps to remedy any problem and to retest the meter within 90 calendar days from the date the problem is discovered and reported to the permittee.

§ 8.004 Meter Reading and Groundwater Use Reporting

The well owner and/or operator must read the meter associated with the well and record the meter readings and the actual amount of withdrawals in a log at least monthly. The logs containing the recordings shall be available for inspection by the District during reasonable business hours. ~~Before January 30th of each year, each~~Each non-exempt well owner and/or operator must submit to the District an annual groundwater use report before January 30th of each year, and before the 30th of April, July, and October a quarterly groundwater use report, on a form provided by the

District. The report shall provide the following: (1) name of the well owner and/or operator; (2) the well number; (3) the total amount of groundwater produced by the well or aggregate system during the immediately preceding calendar year (January 1 through December ~~31);~~31) or quarterly period; (4) the total amount of groundwater produced by the well or aggregate system during each separate month of the immediately preceding calendar ~~year;~~year or quarterly period; (5) the purpose for which the groundwater was used; (6) if applicable, the amount of groundwater losses from main breaks and leaks, storage tank overflows, customer service line breaks, and line leaks in the year reported on, and (7) any other information requested by the District as indicated on the report form.

§ 9.207 General Manager's Proposed Action on Applications and Technical Summary

(a) Following completion of technical review, the general manager will determine whether to recommend granting or denying the application and will prepare a written statement summarizing the recommendation and the reasons for that recommendation. If the general manager recommends full or partial granting of a permit or permit amendment application, the general manager shall also prepare a draft ~~permit.~~permit or permits. The general manager's recommendation and any draft permits are subject to change by the general manager or board during the course of the proceedings on the application. The statement and any proposed permit shall be available for public review and inspection.

(b) In conjunction with ~~the~~any proposed permit or denial, the general manager will prepare a technical summary that will include the following, as appropriate:

…

(5) if applicable, a summary of ~~the~~any proposed permit;

…

(8) as may be authorized by this chapter, a statement that the applicant, or other affected persons may file a request for a contested case hearing on the application on or before the deadline set forth in § ~~9.304;~~9.303; and

…

§ 9.208 Action by Board on Applications Where There is No Right to a Contested Case Hearing

(a) Applicability. This section applies to all applications to be considered by the board, other than applications for groundwater exportation permits for more than 1,000 acre-feet per year or operating permits for more than 1,000 acre-feet per year.

(b) Scheduling the board meeting. Following technical review and the referral of the proposed action to the board, the general manager will schedule the presentation of the application and ~~the~~any proposed permit, approval, authorization or denial to the board. The board may reschedule

the presentation of the application and ~~the~~any proposed permit, approval, authorization or denial.

(c) Notice of board meeting. At least ten days prior to the board meeting, the District will notify the applicant of the date of the board meeting referred to above. In addition, the District will provide public notice that the application and ~~the~~any permit, approval, authorization or denial will be considered by the board by including an item on the board's agenda pursuant to the Open Meetings Act. Except to the extent that such items contain information excepted from public disclosure under the Public Information Act, copies of the application and ~~the~~any proposed permit, approval, authorization or denial will be made available to the public for inspection and copying at the offices of the District during the District's designated business hours and may be provided by email.

…

(e) Oral Presentation before the board. The applicant and the general manager or his or her designee may make an oral presentation at the board meeting at which the application and ~~the~~any proposed permit, approval, authorization or denial are presented to the board. Oral presentations before the board will be limited to 15 minutes each, excluding time for answering questions, unless the ~~chair~~presiding officer establishes other limitations. Before the board meeting, the ~~chair~~presiding officer may allot time for oral presentations. Oral presentations and responses to questions will be directed to the board.

(g) Public Comment. In addition, public comment on the application and ~~the~~any proposed permit, approval, authorization or denial will be accepted.

(h) Upon consideration of the application and ~~the~~any proposed permit, approval, authorization or denial at its meeting, the board may issue an order granting or denying an application in whole or in part, dismissing proceedings, amending or modifying a proposed permit, or taking any other appropriate action.

§ 9.209 Notice of Permit Hearing Where There is a Right to a Contested Case Hearing

(a) Applicability. This section applies only to applications for groundwater exportation permits for more than 1,000 acre-feet per year or operating permits for more than 1,000 acre-feet per year.

…

(7) a brief explanation of ~~the~~any permit or permit amendment sought, including any requested amount of groundwater, the purpose of the proposed use and the amount of groundwater for each requested purpose of use, and any change in use;

…

(12) a statement that the application will be presented to the board for action at the hearing unless a request for a contested case hearing is submitted at least five business days prior to the date of the hearing pursuant to § ~~9.304;~~9.303;

(13) a statement that the applicant or another affected person may request a contested case hearing on the application by filing a request with the District, at least five days before the date of the hearing, in accordance with § ~~9.304;~~9.303; and

…

(d) Any person may request to receive written notice of permit hearings by submitting a request to the District in writing. The request must identify with as much specificity as possible the types of permit hearings for which written notice is requested. The request remains valid for the remainder of the calendar year in which the request is received by the District, after which time a new request must be submitted. An affidavit of an officer or employee of the District establishing attempted service by first class mail or email to the person in accordance with the information provided by the person is proof that notice was provided by the District. Failure by the District to provide written notice to a person under this subsection does not invalidate any action taken by the ~~Board.~~board.

…

§ 9.303 Timing, Form and Contents of Requests for Contested Case Hearing

(a) A request for a contested case hearing may only be made for applications for groundwater exportation permits for more than 1,000 acre-feet per year or operating permits for more than 1,000 acre-feet per year.

…

§ 9.334 Oral Presentation before the Board

…

(c) Oral presentations before the board shall be limited to 15 minutes each, excluding time for answering questions, unless the ~~chair~~presiding officer establishes other limitations. Before the board meeting, the ~~chair~~presiding officer may allot time for oral presentations. Oral presentations and responses to questions shall be directed to the board.

§ 9.404 Notice of Proposed Desired Future Conditions for Managed Aquifers

(a) Not later than the 10th day before the date of a public hearing on the groundwater management area's adoption of any proposed DFC or a board meeting to adopt any DFC declared by the TWDB to be administratively complete, the general manager shall provide notice of the hearing or meeting as follows:

(1) post a notice in a place readily accessible to the public at the District Office;

(2) provide a copy of the notice to the Cherokee, Henderson and Anderson County Clerk, to be posted at the county courthouses;

(3) publish the notice in one or more newspapers of general circulation in the District; and

(4) make available a copy of the DFCs at a place accessible to the public during normal business hours and on the District's website.

(b) The notice shall include the following information:

(1) the DFCs and a list of any other agenda items;

(2) the date, time, and location of the hearing or meeting;

(3) the name, telephone number, and address of the person to whom questions or requests for additional information may be submitted;

(4) the names of the other districts in the District's groundwater management area; and

(5) information on how the public may submit comments and the location and website at which a copy of the DFCs may be reviewed or copied.

§ 12.004 Compliance with Drought Contingency Plans

…

(b) A permittee subject to ~~Subchapter~~Subsection (a) shall submit a copy of the drought contingency plan to the District.

…

§ 12.005 Reporting During Drought

…

§ 13.004 Enforcement Action by the General Manager

If the general manager determines that a person, or his or her predecessor in interest, is in violation of these rules, the terms or conditions of a permit, or TDLR Rules the District is authorized to enforce, he or she may suspend the processing of any application ~~or~~for any authorization that the person has pending before the District.

§ 13.005 Enforcement Action by the Board

…

(a) suspend the processing of any application ~~or~~for any authorization that the person has

pending before the District, until the violation is remedied;

…