

**Draft Amendments to the Brazoria County
Groundwater Conservation District rules**

(1) Amend Rule 1 by adding Section 1.3 as follows:

§1.3 AMENDING RULES

(a) A person with a real property interest in groundwater in the District may file a petition with the District to request the adoption of a rule.

(b) Petitions must be submitted in writing to the District office and must comply with the following requirements:

(1) Each rule requested must be submitted by separate petition;

(2) Each petition must be signed and state the name and address of each person signing the petition;

(3) Each petition must include:

(A) a brief description of the petitioner's real property interest in groundwater in the District;

(B) a brief explanation of the proposed rule;

(C) the text of the proposed rule prepared in a manner to indicate the words to be added or deleted from the text of the current rule, if any; and

(D) an allegation of injury or inequity that could result from the failure to adopt the proposed;
and

(E) signed by at least 50 persons at least 18 years of age with a real property interest in groundwater in the District.

(c) The General Manager may reject any petition for failure to comply with the requirements of Subsection (b) of this section and shall provide notice to the petitioner of the reason for the rejection.

(d) Within 60 days after submission of a petition that complies with this section, the Board shall either deny the petition, stating its reasons for denial in the minutes of the board meeting or in a letter providing a written explanation to the petitioner, or initiate rulemaking proceedings as provided by Section 36.101, Water Code.

(e) The Board may, following notice and hearing, amend these Rules or adopt new rules from time to time.

(2) Amend Rule 3.24(b) to read as follows:

- (b) **Requests for Rehearing.** A decision of the Board made under this Rule may be appealed by requesting a rehearing before the Board within 20 calendar days of the Board's decision. Such a rehearing request must be filed at the District Office in writing and must state clear and concise grounds for the request. Such a rehearing request is mandatory with respect to any decision or action of the Board before an appeal may be

brought. The Board must consolidate requests for rehearing filed by multiple parties to one contested case hearing, but only one rehearing may be held per application. The Board's decision is final if no request for rehearing is made within the specified time, upon the Board's denial of the request for rehearing, or upon the Board's rendering of a decision after rehearing. If the rehearing request is granted by the Board, the date of the rehearing will be within 45 calendar days thereafter unless otherwise agreed to by the parties to the proceeding, and the Board shall make a final decision on the application not later than the 90th day after the date of the decision by the Board that was subject to the motion for rehearing. The failure of the Board to grant or deny a request for rehearing within 90 calendar days of the date of submission will be deemed to be a denial of the request.

(3) Amend Rule 3.4(a) to read as follows:

- (a) Well owners or operators are not required to have a permit to drill or operate a well for the following uses:
- (1) one new or existing water well on private property that serves no more than four single-family dwellings on the same property or adjoining properties and the groundwater is used only for domestic use;
 - (2) a new or existing water well used only for agriculture;
 - (3) one new or existing water well on private property drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day and used solely for domestic use or for providing water for livestock or poultry if the well is located or to be located on a tract of land larger than 10 acres;
 - ~~(4)~~ a well used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas provided that the person holding the Railroad Commission permit is responsible for drilling and operating the water well and the water well is located on the same lease or field associated with the drilling rig;
 - ~~(4)~~~~(5)~~ a temporary water well used solely to supply water for a rig that is actively engaged in drilling a groundwater production well permitted by the District;
 - ~~(5)~~~~(6)~~ a water well authorized under a permit issued by the Railroad Commission of Texas under Natural Resources Code Chapter 134, and to the extent the withdrawals are required for mining activities specified in the Railroad Commission permit, regardless of any subsequent use of the water;
 - ~~(6)~~~~(7)~~ wells powered by windmills or hand pumps; and
 - ~~(7)~~~~(8)~~ leachate wells, extraction wells, injection wells, relief wells, de-watering wells, and monitoring wells that produce less than 5,000 gallons per year.

(4) Amend Rule 3.45(c) to read as follows:

(c) If a contested case is presided over by a majority of the Board, then the Board's decision shall be rendered not later than the 60th day after the date on which the hearing is finally closed. If the Board refers a contested case to SOAH, then the Board's decision will be rendered no more than 60 days after the ~~date that the proposal for decision is presented at a final hearing~~ is concluded, unless the Board determines that there is good cause for extending the deadline. For contested case hearings conducted by SOAH, the Board decision on a Proposal for Decision must be made no later than the 180th day after the date the District received the final Proposal for Decision from SOAH. The Board is considered to have adopted a final proposal for decision of the administrative law judge as a final order on the 181st day after the date the administrative law judge issued the final proposal for decision if the board has not issued a final decision by:

(1) adopting the findings of fact and conclusions of law as proposed by the administrative law judge; or

(2) issuing revised findings of fact and conclusions of law.

(5) Amend Rule 3.51(b) to read as follows:

(b) **Export Fees.** The District may establish an export fee in accordance with Sec. 8826.151, Special District Local Laws Code ~~with the District Act~~. The export fee rate will be established by Board resolution, and the fee rate will be included in the District's fee schedule. Pursuant to Water Code section 36.122(e-2), the District opts into assessing an export fee under Sec. 8826.151, Special District Local Laws Code. Export fees ~~only~~ apply to the amount of groundwater exported ~~each calendar year as authorized by an Export Permit~~. Export fees will not be applied to:

(1) the export of groundwater from the District for incidental use as defined in Chapter 2 of these Rules;

(2) the export of groundwater for an agricultural operation that overlaps the District boundary; or

(3) the export of groundwater that occurs as a result of the distribution of water within a single aggregate system of a retail public utility that overlaps the District boundary where the amount of groundwater exported represents incidental use of the total groundwater production.