

Mid-East Texas Groundwater Conservation District
2019 Proposed Rule Amendments

1) Rule 2 is amended as follows:

- a) The definition of “Agricultural Crop” is repealed.
- b) The definition of “Irrigating Agricultural Crops” is added to read as follows:

Irrigating Agricultural Crops – means the use of groundwater for irrigation of:

- (1) soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;
- (2) floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media, by a nursery grower; and
- (3) cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.

2) Rule 3.6 is repealed.

3) Rule 4.3 is amended to read as follows:

4.3 Water Wells Associated With Oil and Gas Activities

A. ~~Temporary~~ Rig Supply Wells

(1) No permit is required for the drilling of a water 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 Texas Railroad Commission if:

(a) the person holding the permit is responsible for drilling and operating the water well.

(b) the water well is located on the same lease or field associated with the drilling rig.

(2) In this Rule 4.3, a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Texas Railroad Commission includes a drilling or workover rig and “exploration operations” include well completion and workover operations.

~~(3) A well described in Rule 4.3.A.1 and 2 is referred to as a temporary rig supply well.~~

(4) A ~~temporary~~ rig supply well must register with the District as provided in Rule 8.1.

(5) A ~~temporary~~ rig supply well must comply with the well construction standards as provided in Rule 12.

(6) The driller of a ~~temporary~~ rig supply well must submit to the District the drilling log as provided in Rule 3.1.A.

~~(7) The production from a temporary rig supply well shall be recorded using a meter or other reliable water measuring device, installed at the well owner's expense. Exceptions to this requirement may be granted through the variance process as long as the well owner can demonstrate an alternate method of determining and recording monthly water production. Monthly water use shall be reported annually to the District as provided in Rule 3.2.~~

(8) A ~~temporary~~ rig supply well shall be plugged in accordance with Rule 7.1.

B. Other Water Wells Associated with Oil and Gas Activities

(1) A ~~rig supply~~ well that does not fall or no longer falls under the definition of a ~~temporary~~ rig supply well in this Rule 4.3.A must comply with all District Rules and must obtain an operating permit under Rule 8.

(2) An injection water supply well drilled for hydrocarbon activities associated with an oil or gas well drilled after September 1, 1985 that does not penetrate the base of usable quality water must comply with all District Rules and must obtain an operating permit under Rule 8.

4) Rule 6.3(C) is amended to read as follows:

C. In no event ~~may will~~ the annual production amount exceed three acre feet per year per acre of surface area designated in the application as production area for the well.

(1) The production area designated in the application must be owned by the applicant or must be area in which the applicant has acquired groundwater production rights, all of which must be contiguous to the property where the producing well is located.

(2) The production area may not include the production area assigned to any other well.

~~(3) This section does not apply to groundwater production from any groundwater reservoir or subdivision of a groundwater reservoir that does not have a designated Desired Future Condition.~~

5) Rule 10.3(E)(3) is repealed.

6) Rule 10.3 is amended by adding subsection (F) to read as follows:

(F) Well owners or well operators may make application to renew Export Permits required under these Rules prior to the expiration of the permit term. Export Permit renewals may be approved by the General Manager without notice or hearing if the amount of authorized export remains the same or decreases and the

conditions listed in the permit have not changed, or the General Manager may refer the permit renewal to the Board. Export permits will renew automatically to a term that is not shorter than the term of the operating permit for the production of water to be transferred that is in effect at the time of the extension and for each additional term for which that operating permit for production is renewed or remains in effect. The renewed Export Permit continues to be subject to conditions contained in the permit as issued before the renewal unless amended by Board action.

7) Rule 14.4, Subsections (A) and (B) are amended as follows:

14.4 Actions on Permits and Other Well Authorizations

- A. The District's General Manager-or the Board may approve a permit application or a permit renewal in application as provide by this section.
- (1) Once the application that is subject to the hearing requirement has been deemed administratively complete, the District shall notify the applicant to publish in a newspaper of general distribution a public notice to include: the application information, the General Manager's recommendations and the deadline date for submitting a protest.
 - (2) The District will accept written comments through the 10th day following the last date of the published notice. Written comments received by the deadline date will be considered in General Manager's recommendations; written comments received after the deadline date will not be considered in staff recommendations.
 - (3) A person with a personal, justiciable interest in groundwater may protest the permit application subject to the hearing requirement by filing a written protest by the deadline date stated in the published notice. If a timely protest is filed, the permit application shall be scheduled for a preliminary hearing within 60 days after the date it is deemed administratively complete.
 - (4) In the absence of a timely filed protest, the General Manager may approve the application subject to the hearing requirement for an amount up to the amount requested on the application without first scheduling a hearing or any further Board action. The General Manager may also refer the matter to the Board of Directors and schedule the application for the next available public hearing before the Board.
 - (5) The applicant may contest the permit action by filing a formal request for a contested case hearing within twenty (20) days after the General Manager's action on the permit. If contested by the applicant, the permit application shall be scheduled for a preliminary hearing.

B. An application that does not require a hearing and conforms with these rules may be approved by the General Manager without any further Board action. Within 60 days after the date it is deemed administratively complete by the District, an application for an amount greater than fifty-six (56) acre feet shall be scheduled for a public hearing.

(1) An application for an amount less than or equal to fifty-six (56) acre feet per year does not require a hearing.

(2) An application for a well used solely to supply water for activities related to the exploration or production of hydrocarbons permitted by the Texas Railroad Commission does not require a hearing if:

(a) The person holding the permit is responsible for drilling and operating the water well; and

(b) The well is located on the same lease or field on which the exploration or production of hydrocarbons is taking place.

(c) In this section, a well used solely to supply water for activities related to the exploration or production of hydrocarbons permitted by the Texas Railroad Commission includes operations necessary to drill, complete and maintain the well for the purpose of producing hydrocarbons and excludes secondary recovery and water flood operations.

8) Rule 14.9(D) is repealed.

9) The District rules are amended by adding an appropriately numbered section to read as follows:

RULE ____ . RULES OF PROCEDURE, CONDUCT, AND DECORUM AT MEETINGS OF THE BOARD OF DIRECTORS

§ ____ .1 All Regular, Special, and Emergency Board Meetings will be called and conducted in accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Government Code.

§ ____ .2 Regular, Special and Emergency Board Meetings are open to the public and to representatives of the press and media. Closed Board meetings (“Executive Sessions”) are not open to the public or the press and only those individuals expressly requested or ordered to be present are allowed to attend Executive Sessions.

§ ____ .3 Public participation at Board meetings is limited to that of observers unless the Board requests that a member of the public to address the Board or unless the person who wishes to address the Board submits a completed Public Participation Form prior to the beginning of the meeting. The Public Participation Form must list

each agenda item the person wishes to address or any item the person would like the Board to consider adding to a future agenda. A sample of the Public Participation Form is attached hereto as Exhibit "A."

A. The Presiding Officer of the meeting may limit the total amount of time each member of the public has to address the Board. The time limit, if any, must be announced at the beginning of the meeting.

B. Profane, insulting or threatening language directed toward any person or racial, ethnic, or gender slurs or epithets will not be tolerated during public comments. These Rules do not prohibit public criticism of the District, the Board of Directors, or the District staff, including criticism of any act, omission, policy, procedure, program, or service. Violation of these rules may result in the following sanctions:

1. cancellation of a speaker's remaining time;
2. removal from the Board meeting;
3. such other civil or criminal sanctions as may be authorized
under the Constitution, Statutes and Codes of the State of Texas.

§ .4 From time to time, the Board of Directors may conduct public hearings. These rules of procedure, conduct and decorum shall also apply to public hearings.

§ .5 These Rules of Procedure, Conduct and Decorum be effective immediately upon adoption by the Court and shall remain in full force and effect until amended or repealed.