

RESOLUTION AND ORDER NO. AAM20240626

OF THE BOARD OF DIRECTORS OF THE MEDINA COUNTY  
GROUNDWATER CONSERVATION DISTRICT ADOPTING FINAL RULE

WHEREAS, the Texas Legislature validated the creation of the Medina County Groundwater Conservation District (“District”) by its Act of May 14, 1991, 72nd Leg., R.S., ch. 177, 1991 Tex. Gen. Laws 792 (“Act”);

WHEREAS, as a groundwater conservation district created pursuant to Section 59, Article XVI, Texas Constitution, and having the authority to regulate the spacing of and production from water wells, the District is empowered to enforce Chapter 36, Water Code;

WHEREAS, the District may adopt rules to provide for conserving, preserving, protecting, and recharging of groundwater and groundwater reservoirs or subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater and to otherwise carry out the powers and duties provided by Chapter 36, Water Code (TEX. WATER CODE § 36.101(a));

WHEREAS, the District shall adopt and enforce rules in accordance with Chapter 36, Water Code (TEX. WATER CODE § 36.101(b));

WHEREAS, when it adopts rules, the District must comply with the applicable procedural rulemaking requirements of TEX. WATER CODE § 36.101;

WHEREAS, the District prepared a notice of the Rulemaking Hearing that has satisfied the requirements set forth in TEX. WATER CODE § 36.101(e) (the “Notice”);

WHEREAS, at least 20 days before the Rulemaking Hearing, the District posted, published, and distributed the Notice in conformity with the requirements set forth in TEX. WATER CODE § 36.101(d) and (i);

WHEREAS, on June 26, 2024, at 1607 Avenue K, Hondo, Texas, the District held a public rulemaking hearing in conformity with the requirements set forth in TEX. WATER CODE § 36.101(f), (g), and (h) (the “Rulemaking Hearing”);

WHEREAS, the District has prepared Final Rules (“FRs”) with amendments and additions to its current rules, which are set forth in Exhibit A, Exhibit B, and Exhibit C, and are attached hereto and incorporated for all purposes; and

WHEREAS, the Board has concluded that the FRs should be adopted.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE MEDINA COUNTY GROUNDWATER CONSERVATION DISTRICT:

Section 1. The FRs, which add to the District’s current rules, are attached to this Resolution and Order as Exhibit A, Exhibit B, and Exhibit C, and are hereby adopted and incorporated into the Rules of the District.

Section 2. The adoption of the Final Rules shall be effective immediately.

PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE MEDINA COUNTY GROUNDWATER CONSERVATION DISTRICT THIS 26th DAY OF JUNE 2024.

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Scott Saathoff  
President, Board of Directors

ATTEST:

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Robert J. Rothe  
Secretary, Board of Directors

## Exhibit A

### § 6.13 Location of Wells

(a) A well must be located a minimum horizontal distance of 50 feet from any water-tight sewage facility and liquid waste collection facility.

(b) A well must be located a minimum horizontal distance of ~~100~~50 feet from any source of contamination, such as existing or proposed livestock or poultry yards, privies, and septic system absorption fields.

(c) A well must be located at a site not generally subject to flooding; provided, however, that if a well must be placed in a flood prone area, it must be completed with a water-tight sanitary well seal and steel casing extending a minimum of 24 inches above the known flood level.

(d) No well may be located within five hundred (500) feet of a sewage treatment plant, solid waste disposal site, or land irrigated by sewage plant effluent, or within three hundred (300) feet of a sewage wet well, sewage pumping station, or a drainage ditch that contains industrial waste discharges or wastes from sewage treatment systems.

## **Exhibit B**

### **§ 11.33 Notice of Permit Hearing Where There is a Right to a Contested Case Hearing**

(a) **Applicability.** This section applies only to applications for operating permits, applications for groundwater exportation permits, and applications for variance from well spacing limitations.

(b) A notice of hearing on an application for a permit shall be prepared by the District. At a minimum, the notice shall state the following information:

- (1) the name and address of the applicant;
- (2) the name or names of the owner or owners of the land, if different from the applicant;
- (3) the date the application was filed and the number assigned to it;
- (4) the time, date and location of the hearing;
- (5) the address or approximate location of the well or proposed well;
- (6) a brief explanation of the permit or permit amendment sought, including any requested amount of groundwater, the purpose of the proposed use, and any change in use;
- (7) a summary of the action on the application recommended by the general manager pursuant to § 11.27 of these rules;
- (8) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- (9) a brief description of the technical summary;
- (10) a statement that a copy of the proposed action, technical summary, and application are available for inspection by the public at the offices of the District;
- (11) 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 10 days prior to the date of the hearing pursuant to § 11.43 of this chapter; and
- (12) 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 10 days before the date of the hearing, in accordance with § 11.43 of this chapter.
- (13) any other information the board or general manager considers relevant and appropriate.

- (c) The District shall, not less than ~~30~~10 days before the date of the hearing:
- office;
- (1) Post the notice in a place readily accessible to the public at the District's office;
  - (2) Provide the notice to the Medina County Clerk;
  - (3) Provide the notice:
    - (A) By regular mail to the applicant; and
    - (B) By regular mail, facsimile, or electronic mail to any person who has requested notice under subsection (d) below.

(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 of notice by first class mail, facsimile, or e-mail to a person required pursuant to Subsection (c)(3)(B), above, in accordance with the information provided by that person is proof that notice was provided by the District. Failure to provide notice under Subsection (c)(3)(B) does not invalidate an action taken by the District at the hearing.

## Exhibit C

### § 13.9 Monitoring Equipment Required

(a) Duty to Install: The owner and/or operator of a non-exempt well located within the District and capable of withdrawing water from any aquifer other than the Leona Gravel Aquifer, shall equip the well with groundwater monitoring equipment meeting the specifications of these Rules and shall operate and maintain such monitoring equipment to measure groundwater levels at the well. ~~For an existing, non-exempt well capable of withdrawing water from any aquifer other than the Leona Gravel, monitoring equipment shall be installed by the owner and/or operator of the well by no later than March 31, 2018.~~ For a new, non-exempt well capable of withdrawing water from any aquifer other than the Leona Gravel, monitoring equipment shall be installed before any groundwater is withdrawn from the well, and not later than 90 days following the date of completion of the well. At least three business days prior to the installation of any monitoring equipment required by this section, the owner and/or operator of the well shall provide notification to the District of the intent to install such monitoring equipment. Upon installing such monitoring equipment, the owner and/or operator of the well shall register the monitoring equipment with the District. All registrations required under this section shall identify the manufacturer and model of the monitoring equipment, and the serial number of the particular monitoring equipment installed.

(b) Approved Monitoring Equipment: Monitoring equipment must be on District's approved monitoring equipment list or approved in writing by the District prior to installation.

(c) Installation and Maintenance: Monitoring equipment must be installed, operated, maintained, and repaired according to the manufacturer's published specifications.

(d) Accuracy of Monitoring Equipment: The District may test the accuracy of the monitoring equipment. If the District's tests reveal that monitoring equipment is not sufficiently accurate, the District may require the permittee to take appropriate steps to remedy the problem within 90 calendar days from being notified of the test results indicating the inaccuracy.

(e) Waiver from Requirement to Install Monitoring Equipment. The owner and/or operator of a well subject to the requirements of this section may apply for a waiver from these requirements. Upon considering such an application, or on its own initiative, the Board may grant such a waiver if it finds good cause.