

**RULES OF THE
REEVES COUNTY
GROUNDWATER CONSERVATION
DISTRICT**

Amended:

Effective Date:

Adopted August 8, 2019	September 1, 2019
Amended March 19, 2020	March 19, 2020
Amended August 19, 2021	September 1, 2021
<u>Amended August 18, 2022</u>	<u>September 1, 2022</u>

from any other part of the reservoir, as indicated by known geological and hydrological conditions and relationships and on foreseeable economic development at the time the subdivision is designated or altered.

38. “Subsidence” means the lowering in elevation of the land surface caused by withdrawal of groundwater.
39. “Transport” means transferring or exporting out of the District Groundwater that is authorized by a District Permit. The Terms “transfer” or “export” of groundwater are used interchangeably within Chapter 36 and these Rules.
40. “Use for a beneficial purpose” means use described in Rule 2.2.
41. “Variance” means an authorized exception to requirements or provisions of the Rules that is approved by the District in accordance with Rule 1.2.
42. “Verification Period” means September 1, ~~2022-2023~~ to September 1, ~~2023-2024~~.
43. “Waste” means any one or more of the following:
 - A. Withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes;
 - B. The flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose;
 - C. Escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater;
 - D. Pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;
 - E. Willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the commission under Chapter 26;
 - F. Groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge; or
 - G. For water produced from an artesian well, “waste” has the meaning assigned by Section 11.205.

10. Any maximum allowable production;
11. A drought contingency plan prescribed by the district; and
12. Other terms and conditions as provided by the District rules.

RULE 9. PERMITS FOR EXISTING WELLS

- A. Any existing nonexempt well completed and not abandoned on or before the effective date of these rules September 1, 2019 is entitled to obtain a Historic Use Permit from the District in the manner provided by this Rule.
- B. Applications for a Historic Use Permit for existing nonexempt wells must be filed with the District by September 1, ~~2022-2023~~ (~~three-four~~ years after Effective Date of Rules). Failure of an owner of an existing nonexempt well to apply for an Historic Use Permit on or before September 1, ~~2022-2023~~ (~~three-four~~ years after Effective Date of Rules) shall preclude the owner from making any future claim or application to the District for an historic use under these rules. The failure of the well owner to file an application for an Historic Use Permit on or before September 1, ~~2022-2023~~ (~~three-four~~ years after Effective Date of Rules) shall cause the owner to forfeit the well owner's rights and ability to operate the well under these rules, unless the owner thereafter applies for and obtains an Operating Permit that authorizes production from the well. A well that meets the requirements for an Historic Use Permit is granted interim production authorization from the Effective Date of these Rules until September 1, ~~2022-2023~~ or the date the District grants an Historic Use Permit, whichever occurs first.
- C. For good cause shown, including a showing that the applicant did not have notice of the filing requirement of this Rule 9, the Board may grant an extension of the filing deadline.
- D. A sworn application for an Historic Use Permit shall include the well drilling and completion date, capacity, location, water use, legal description of the tract of land associated with the past production of the well, the maximum amount of water beneficially used without waste from the well in any twelve-month period before the Effective Date of the Rules, and such other information as may be required by the District under Rule 7.

RULE 10. OPERATING PERMITS

- A. An Operating Permit is required for the operation of or production from any new, nonexempt well drilled after September 1, 2019 (the Effective Date of the Rules)

- iv. Number/type of annual cropping
 - v. FSA records
 - vi. Other methodology approved by the Board
- b. In lieu of historic data, applicant may confirm metered volume during a 12-month Verification Period. A well must have produced water for a beneficial use without waste during a 12-month period before the Effective Date of these rules to obtain greater than 6 AF/acre using a Verification Period.
- i. Verification period is a one-year period after an application is filed beginning no later than September 1, ~~2022-2023~~ (deadline for filing an application) and ending no later than September 1, ~~2023-2024~~ (one year after deadline for filing application). The applicant must provide the District with monthly meter readings from the well(s) for each month during the Verification Period.
 - ii. Applicant is granted interim production authorization to withdraw and beneficially use an annual volume of water not to exceed the volume requested in the application from the beginning of the Verification Period until final issuance or denial of the Historic Use Permit. Any Historic Use Permit issued using the verification period will be limited to the volume determined during the Verification Period even if it is less than 6 AF/acre.
 - iii. The Board may limit the interim authorization as provided under subsection F of this section.
2. New wells drilled after Effective Date of the Rules or any existing nonexempt well completed and not abandoned on or before the Effective Date that has not produced water for a beneficial use without waste during a 12-month period before the Effective Date may be permitted for greater than 6 AF/acre if the applicant can demonstrate to the satisfaction of the District through a hydrological investigation and report conducted in accordance with the requirements of the District's Hydrogeologic Investigation and Report (Appendix A to these Rules) that the proposed production will not unreasonably affect existing groundwater resources and existing permittees.
3. In connection with any well(s) permitted for greater than 6 AF/acre, the District may require monitor well(s) (new monitor wells drilled by applicant or use existing wells) to monitor drawdown and aquifer levels.
4. Meter(s) are required and monthly production must be reported for any well(s) authorized to produce greater than 6 AF/acre.