

**Draft Amendments to the Gonzales County
Underground Water Conservation District rules**

(1) Amend Rule 1 A. by adding Subsection 11 as follows:

11. 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.

a. 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;

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

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

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

c. 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.

(2) Amend Rule 15 F. 3. to read as follows:

3. Permittees shall pay a fee to the District in accordance with Water Code section 36.122(e-2). The export fee rate will be established by Board resolution, and the fee rate will be included in the District's fee schedule. Export fees will be assessed monthly based on the amount of groundwater equal to 2.5 cents per one thousand gallons for the water exported from the District in the preceding month. Monthly fees are due in the District office by the 30th day of the following month. If the amount of groundwater produced and exported is not metered during the month reported, or if any meter fails during that month, the fee shall be based on 1/12 of the annual authorized export permit amount.

(3) Amend Rule 25 T. 4. to read as follows:

4. 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 one hundred twenty 120 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.

(4) Amend Rule 25 V to read as follows:

1. For any matter considered during a contested case hearing, only a party to the contested case proceeding may file a motion for rehearing. A person who withdraws as a party in a contested case proceeding no longer has the rights of a party after withdrawing and does not have the right to request a rehearing or to appeal the decision. The motion shall be filed with the District by no later than the 20th day after the date of the Board's decision. On or before the date of filing of a motion for rehearing, the party filing the motion shall mail or deliver a copy of the motion to all parties with certification of service furnished to the District. 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 motion shall contain:
 - a. The name and representative capacity of the person filing the motion;
 - b. The style and official docket number assigned by the hearing's examiner;
 - c. The date of the decision or order; and
 - d. The grounds for the motion, including a concise statement of each allegation of error.
2. Only a party to the contested case proceeding may reply to a motion for rehearing. A reply must be filed with the District within twenty (20) days after the date the motion for rehearing is filed.
3. The motion for rehearing will be scheduled for consideration during a Board meeting. A motion for rehearing may be granted in whole or in part. When a motion for rehearing is granted, the decision or order is nullified. The Board may reopen the hearing to the extent it deems necessary. If the Board grants a motion for rehearing, District staff shall schedule the rehearing not later than the 45th day after the date the motion is granted, 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. ~~Thereafter, the Board shall render a decision or order.~~
4. The failure of the Board to grant or deny a motion for rehearing before the 91st day after the date the motion is submitted constitutes a denial of the motion by operation of law.