

## 20251118 KCGCD Rule Amendments (DRAFT)

### RULE 5.02 PERMIT AMENDMENTS

- A) Permit Amendment:** A permit owner is required to obtain a permit amendment prior to (i) any change in the maximum amount of groundwater to be produced from a well, (ii) the location of a proposed well, (iii) the purpose of use of the groundwater allowed to be pumped under the permit, (iv) the location of use of the groundwater allowed to be pumped under the permit, or (v) the drilling and operation of additional wells even if aggregate withdrawals remain the same. The Board will consider applications for permit amendments in the manner prescribed for Test Well Permit applications. The fee to be assessed for any additional withdrawal granted shall be the fee rate in effect at the time of issuance of the amended permit multiplied by the additional withdrawal granted. Only a permit owner may seek a permit amendment.
- B) Administrative Permit Amendment.**
- 1) **Transfer of Wells.** Absent an express reservation of rights of the transferor, the transfer of ownership of the well(s) designated by a permit is presumed to transfer ownership of the permit.
  - 2) **Administrative Permit Amendment.** To bring about an Administrative Permit Amendment, the permit holder must file notice of the contemplated amendment with the District within ninety (90) days from the date of the change in ownership, along with any legal documents establishing the change in ownership. Upon receipt of the requisite notice, the District President or Office Staff, at the District President's direction, shall, upon determination that the proposed amendment is, in fact, a Ministerial Permit Amendment, grant the permit amendment and issue a revised permit. The District's issuance of a permit amendment shall be made within thirty (30) calendar days after receipt of the requisite notice and the documentation required.
- C) Change in Purpose of Use or Place of Use.** The scope of any review or hearing on an amendment to change the purpose of use or place of use authorized in the permit is limited to those elements that would have been different if the original permit application had included the provisions in the amendments related to the contemplated new purpose of use or place of use and may subject the permit holder to additional permitting hearings, including contested case hearings, as the Board may deem appropriate and as required by Chapter 36, Water Code.
- D) Change in a Historic or Existing Use Permit.** A Historic or Existing Use Permit may only be amended to reflect a change in ownership of the permit and well or well system, or permanently reduce the amount of authorized production. A historic or existing use permit holder must obtain a regular test well permit and operating permit, or amend a regular operating permit, under the same rules and regulations as non-historic users of groundwater to implement any of the following changes:

- 1) Amend the purpose of use;
- 2) Amend the place of use;
- 3) Increase the rate of withdrawal;
- 4) Add a new well to an existing system that is not a replacement well;
- 5) Increase the annual groundwater production authorization above the historic or existing permitted use.

**E) Application Fee and Other Fees.** Each application for a permit amendment must be accompanied by the appropriate fees, as established by the Board.