



Confidential
Attorney-Client Privileged

MEMORANDUM

TO: Brush Country GCD Directors

FROM: Luis Pena, GM
Bill Dugat

RE: Approaches to Ensuring proper Well Construction

DATE: April 12, 2021

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The purpose of this memorandum is to provide a list of proposed steps for the Brush Country Groundwater Conservation District (District) to ensure proper well construction.

**Letter to Licensed Drillers Pointing out Well Construction Standards Requiring Pressure Cementing and Potential for Enforcement Referral to TDLR for Noncompliance**

The District General Manager send a letter to all licensed well drillers that operate within the District that describes instances when wells have not been pressure cemented and that led to the production of unusable water. The letter would describe the TDLR Rules requiring pressure cementing and warn that the District will refer to TDLR for enforcement all instances of drillers that improperly construct wells.

**Workshop for Licensed Drillers**

The District host a workshop, including a meal, for licensed well drillers to discuss well construction standards and stress the need to pressure cement. The workshop could include a representative from TDLR. The District could conduct the workshop with neighboring districts.

**Adopt District Rules Requiring Pressure Cementing and Take Enforcement Action**

The District amend District Rule 13.b, which currently requires compliance with TDLR well construction standards, to include the District's own well construction standards that require pressure cementing for all wells. The rulemaking could include: drafting a proposed rule with the assistance of a licensed professional geoscientist or licensed well driller; seeking the Board input on the draft rule; and, sending the draft rule for comments to all licensed well drillers who operate in the District. The District could host a workshop to discuss the proposed rule. After compiling

the comments, the GM would bring the rule to the Board for final adoption after proper notice and a hearing. As an example, a copy of well construction standards of the Gonzales County GCD are attached as Exhibit A.

The new rules make it clear that drillers must comply with the rule and the District may undertake its own enforcement action in District Court to enforce the rule. The enforcement action would be against the well driller, not the landowner (unless the landowner is the driller), under Water Code Section 36.102 (a) and (b), which provides the District may enforce against “any person for breach of any rule of the district.” The District enforcement authority includes injunction, mandatory injunction, and other appropriate remedies. The District may also obtain its attorney’s fees. As an example, a copy of a District Court petition by Gonzales County GCD against a well driller is attached as Exhibit B.

Because the District may also recover civil penalties not to exceed \$10,000 per day per violation, and each day of a continuing violation constitutes a separate violation, as a part of the rulemaking, the District should adopt a penalty matrix describing violations and the level of penalty associated with each violation. The penalty matrix would be an exhibit referenced in District Rule 10 “Enforcement of Rules, Orders, Permits.” As an example, a copy of the penalty matrix is attached as Exhibit C.

# EXHIBIT A

- J. The District may, every five years, review the amount of water that may be transferred out of the District under a permit and may limit the amount of water which may be transferred, after a consideration of the factors set forth in Rule 15.D. and all relevant and current data for conservation of groundwater resources in the District. At any time during the term of an export permit, the District may revise or amend the permit if the use of water unreasonably affects existing groundwater and surface water resources or existing Permit Holders.
- K. A permittee holding an export permit shall submit an application to renew the permit to the General Manager no later than thirty (30) days prior to the expiration of the permit. 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.
- L. An application for an export permit may be considered by the Board contemporaneously and in conjunction with Board consideration of related water well drilling and operating permit applications.
- M. It shall be considered to be a fraud upon the District and on the adjacent landowners and or owners of water rights for any person to willfully give erroneous information on an export permit application.
- N. An application for an export permit shall be accompanied by a certified check or postal money order in an amount, set by the Board, per acre/foot requested to be exported in a year and payable to the District for a permit application processing fee.
- O. Any provision of an export permit, other than the permit term, may be amended by filing an application and following the same process used to consider permit amendments.

#### **RULE 16 – REQUIREMENTS FOR DRILLING, COMPLETING, EQUIPPING AND REWORKING WELLS**

- A. No person may drill, complete, equip or rework a well or borehole without having a current Texas Water Well Driller's license or Texas Pump Installer's license. Any person who drills, completes, equips or reworks a well or borehole shall comply with the Rules and Regulations of the District, State or Federal agencies or political subdivisions having jurisdiction, including but not limited to the statutes and rules of the Texas Department of Licensing and Regulation (TDLR) and the Texas Commission on Environmental Quality (TCEQ).
- B. Drilling Notification Requirement  
No later than 3 days prior to commencement of drilling any new well, a well construction notification must be completed and submitted to the District along with a map indicating the well location, so that a representative of the District may attend and observe the activities, at the District's discretion. The District may waive the 3 day notice requirement upon receipt and approval of an emergency request received at least 8 eight hours before commencement of drilling.

The District must also be notified the day before setting the well casing, installing the filter media, or cementing the well. Notifications to the District may be made by phone, fax, or email.

C. Drilling and Completion Standards

Confined Aquifer Wells

All water wells that are to be completed in the confined portion of an aquifer shall be completed so that water from other strata or zones not allowed to come through the casing or the annular space. The annular space of the screened interval must be at least 1.5 inches on all sides of the casing (using casing O.D.) and a filter media set around the well screen. Casing and screen centralizers should be installed at a minimum of two (2) points and spaced to ensure the screen and casing is properly centered in the borehole. The filter media must be compatible with the screen slot size and formation sands. Where practical, the filter media should extend a minimum of two feet above the top of the screen. This extra filter media is meant to prevent cement intrusion into the well screen and allow proper development. However, the filter media interval should not be so high as to allow vertical movement of water along the well annulus or between strata, formations, or aquifers.

The annular space between the borehole and casing shall be pressure pumped through a tremie pipe with cement, a cement slurry, or bentonite grout from the top of the filter media to ground surface.

Outcrop Wells

All water wells that are to be completed in the outcrop portion of an aquifer shall be completed so that surface pollution is not allowed to enter the borehole-casing annulus. The annular space of the screened interval must be at least 1.5 inches on both sides of the casing (using casing O.D.) and a filter media set around the well screen. Casing and screen centralizers should be installed at a minimum of two (2) points and spaced to ensure the screen and casing is properly centered in the borehole. The filter media must be compatible with the screen slot size and formation sand and may not extend more than 20 feet above the top of the well screen.

The annular space between the borehole and casing shall be pressure pumped through a tremie pipe with cement, a cement slurry, or bentonite grout from the top of the filter media to ground surface.

D. Well Development

To the extent it is practicable, wells shall be developed to remove fine sands, silts, clays and rock particles from the water bearing zone surrounding the well screen. The purpose of proper well development is to ensure that the well will yield a representative and sufficient quantity of turbidity-free water. Development shall continue until all formation cuttings, drilling fluids, and additives are removed from the well.

The District will consider a well to be improperly completed if the sand content exceeds 0.5 milligrams per liter (mg/L) by weight for a complete pumping cycle of 2-hour duration when pumping at the designed capacity in any well completed within the District. Measurements may be taken at equal intervals to permit plotting of sand content as a function of time and production rate and to determine the average sand content for each cycle.

E. Well Completion Records and Reporting Requirements

Complete records shall be kept and reports thereof made to the District concerning the drilling, equipping and completion of all water wells drilled or reworked. Such records shall include an accurate Driller's log, any electric log that has been made and such additional data concerning the description and completion of the water well, its pumping capacity, and its equipment as may be required by the Board. Such records shall be filed with the District, within sixty (60) days after the casing is set. If this information is not received by the District within sixty (60) days production from the well must cease.

F. Rule Conflicts

If a conflict between the requirements of this Rule and the requirements of the TCEQ Rules or TDLR Rules occur, the requirements of the District shall prevail.

G. Improperly Completed Water Wells

The District will conduct periodic audits of the drilling completion records and may also conduct field audits to verify wells are completed according to the requirements of this Rule. Water wells that are identified as improperly completed must either be recompleted to comply with the requirements of this Rule or be permanently plugged. Depending on the severity and number of instances of improperly completed water wells the Board may also file a complaint against the water well driller with the TDLR and seek penalties against the water well drilling company.

If the water well driller or the drilling company responsible for the improperly completed well fails or refuses to recomplete or plug the water well within ten (10) days after being notified in writing by the District, an Enforcement Action in accordance with Rule 27 will be taken against the water well driller and drilling company responsible for the improperly completed well. Upon finding that a well is in violation of this Rule, the Board will instruct District personnel to employ any person, firm, or corporation to enter the land and recomplete or plug the water well and may hold the water well driller, drilling company, lessee, well owner or land owner financially responsible for the cost of recompleting or plugging the well.

The Board shall consider the availability of state funds to assist in plugging any improperly completed or deteriorated water well and may on its own motion bear some or all of the expense of the plugging of any improperly completed or deteriorated water well.

**RULE 17 – REQUIRED EQUIPMENT ON WATER WELLS FOR PROTECTION  
OF GROUNDWATER**

The following equipment must be installed when a pump is installed or repaired on existing wells or when a new well is drilled, and on all wells having a chemical injection, chemigation or foreign substance unit in the water delivery system

- A. An in-line, automatic quick-closing check valve capable of preventing pollution or harmful alteration of the groundwater. The type of check valve installed shall meet the following specifications:
1. The body of the check valve shall be constructed of cast iron, stainless steel, cast aluminum, cast steel, steel or of a material and design that provides a sturdy integrity to the unit and is resistant to the foreign substance being injected. All materials shall be corrosion resistant or coated to

prevent corrosion. The valve working pressure rating shall exceed the highest pressure to which the valve will be subjected.

2. The check valve shall contain a suitable automatic, quick-closing and tight-sealing mechanism designed to close at the moment water ceases to flow in the downstream direction. The device shall, by a mechanical force greater than the weight of the closing device, or hydraulic backpressure from the system and provide drip-tight closure against reverse flow.
  3. The check valve construction should allow for easy access for internal and external inspection and maintenance. All internal parts shall be corrosion resistant. All moving parts shall be designed to operate without binding, distortion, or misalignment.
  4. The check valve shall be installed in accordance with the manufacturer's specifications and maintained in a working condition during all times in which any fertilizer, pesticide, chemical, animal or human waste or other foreign substance is injected into the water system. The check valve shall be installed between the pump discharge and the point of chemical or foreign substance injection.
- B. A vacuum-relief device shall be installed between the pump discharge and the check valve in such a position and in such a manner that insects, animals, floodwater, or other pollutants cannot enter the well through the vacuum-relief device. The vacuum-relief device may be mounted on the inspection port as long as it does not interfere with the inspection of other anti-pollution devices.
- C. An automatic low pressure drain shall also be installed between the pump discharge and the check valve in such a position and in such a manner that any fluid which may seep toward the water well around the flapper will automatically drain out of the pipe. The drain must discharge away from rather than flow toward the water supply. The drain must not collect on the ground surface or seep into the soil around the well casing.
1. The drain shall be at least three-quarter inch in diameter and shall be located on the bottom of the horizontal pipe between the pump discharge and the check valve.
  2. The drain must not extend beyond the inside surface of the bottom of the pipe unless special provisions, such as a dam made upstream of the drain, forces seepage to flow into the drain.
  3. The outside opening of the drain shall be at least two inches above the grade.
- D. An easily accessible inspection port shall be located between the pump discharge and the check valve, and situated so the automatic low-pressure drain can be observed through the port and the flapper can be physically manipulated.
1. The port shall allow for visual inspection to determine if leakage occurs past the flapper, seal, seat, or any other components of the checking device.
  2. The port shall have a minimum four-inch diameter orifice or viewing area. For irrigation distribution systems with pipe lines too small to install a four-inch diameter inspection port, the check valve and other anti-pollution devices shall be mounted with quick disconnects, flange fittings, dresser couplings, or other fittings that allow for easy removal of these devices.
- E. Water Wells under artesian pressure (flowing wells) shall be equipped with a valve in good working order capable of stopping the flow of said well.

# EXHIBIT B

No. 27,278

**GONZALES COUNTY UNDERGROUND  
WATER CONSERVATION DISTRICT,  
PLAINTIFF,**

**v.**

**LEON EUGENE DAVIS D/B/A  
LEON DAVIS WATER WELL  
SERVICE CO.,  
DEFENDANT.**

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**IN THE DISTRICT COURT**

**GONZALES COUNTY, TEXAS**

25th **JUDICIAL DISTRICT**

**PLAINTIFF'S ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, **Gonzales County Underground Water Conservation District**, Plaintiff in the above-entitled and numbered cause, and files this, its Original Petition, and as grounds therefore would respectfully show the Court as follows:

**I. DISCOVERY**

1. Plaintiff requests that discovery be conducted under Discovery Level 2, pursuant to Rule 190.3 of the Texas Rules of Civil Procedure.

**II. PARTIES AND SERVICE**

2. Plaintiff **Gonzales County Underground Water Conservation District** ("District") is a special law district and political subdivision of the State of Texas created by petition to the Texas Natural Resource Conservation Commission (now the Texas Commission on Environmental Quality) on November 19, 1993. The main office is located at 522 Saint Matthew Street, Gonzales, TX 78629.

3. Defendant **Leon Eugene Davis, Individually and d/b/a Leon Davis Water Well Service Co.**, is a resident of Gonzales County, Texas, and may be served with process at 1328 County Road 103, Smiley, Texas 78159 or 740 County Road 190 Smiley, Texas 78159.

### **III. JURISDICTION AND VENUE**

4. The Gonzales County Underground Water Conservation District may sue a defendant in the courts of Texas in the name of the District by and through the board. § 36.066, Water Code.

5. In the event any person violates the District rules or other orders issued by the District, the District may institute an action in the state district courts for injunctive relief and civil penalties. § 36.102, Water Code.

6. Venue is proper in Gonzales County. All actions have taken place in the county, and all parties are located and operate in the county.

### **IV. FACTUAL BACKGROUND**

7. The Gonzales County Underground Water Conservation District was created by the Texas Natural Resource Conservation Commission in 1993 to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, in Gonzales County.

8. The District has “all the rights, powers, privileges, authority, and functions conferred by, and be subject to all duties imposed by, the Texas Natural Resource Conservation Commission and the general law of the State of Texas relating to underground water conservation districts.” Paragraph 3, Page 8, “Order approving the petition for creation of Gonzales County Underground Water Conservation District; IC No. 101692-DO4,” Texas Natural Resource Conservation

Commission, November 12, 1993. (Hereinafter “TNRCC Order” and included herein as Exhibit 1).

9. The District is a benefit to the land in the District, and protects the groundwater by preventing over-pumping and contamination by saline water. Finding of Fact 15, page 6, TNRCC Order.

10. Defendant drilled water wells inside the jurisdictional boundaries of the Gonzales County Underground Water Conservation District.

#### **V. CAUSES OF ACTION**

11. Defendant has violated and continues to violate the District Rules of the Gonzales County Underground Water Conservation District, as well as the further requirements of Chapter 36, Water Code. Specifically, the Defendant has failed to properly drill and complete the water wells in accordance with the requirements of the District rules and the rules of the Water Well Driller’s Board. (The District Rules are attached hereto as Exhibit 2.)

12. Under the District’s rules, Defendant was required to complete a well drilled within the jurisdictional boundaries of the District to ensure that water from other strata or zones is not allowed to comeingle with water in the intended production zone, and that the annular space between the borehole and casing is pressure grouted with cement or a bentonite slurry from the top of the water bearing surface to ground surface. However, the Defendant failed to properly drill and complete one or more water wells within the jurisdictional boundaries of the District and thereby directly violated the District rules. District Rule 16(b).

## **VI. RELIEF SOUGHT**

13. In response to these violations, the District requests that the Court grant an injunction to authorize the District to properly plug the offending wells to prevent any contamination of groundwater and surface water within the District.

15. At the time of the filing of this petition, the potential civil penalties of \$10,000 per day per violation exceeds \$1,000,000 for the purposes of selecting a category of monetary relief in order to comply with Texas Rule of Civil Procedure 47.

16. Further, the District requests that the Court require the Defendants to pay the maximum penalties allowed by law, which damages sought are within the jurisdictional limits of the Court.

19. Finally, the District requests that the Court order the Defendants to pay all attorneys' fees, costs for expert witnesses, and other costs incurred by the district before the court to enforce the District's Rules. § 36.102(d), Water Code.

## **VII. PRAYER**

20. Plaintiff Gonzales County Underground Water Conservation District, respectfully prays that the Court grant any and all appropriate relief to which the Plaintiff may be entitled.

Respectfully submitted,

**GREGORY M. ELLIS,**  
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/s/ Gregory M. Ellis  
Gregory M. Ellis  
State Bar No. 06562500

ATTORNEY FOR PLAINTIFF  
GONZALES COUNTY UNDERGROUND  
WATER CONSERVATION DISTRICT

# EXHIBIT C

## **APPENDIX A**

### **Penalties and Sanctions**

| Rule Violation                                                                                                                                                                                                                                                                                                                                                                                           | 1st Violation             | 2nd Violation      | 3rd Violation      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------------|--------------------|
| Failed to register an exempt well according to District Rules                                                                                                                                                                                                                                                                                                                                            | \$500                     | \$1,000            | \$1,500            |
| Failed to permit a non-exempt well according to District Rules, (This penalty will be assessed against both the well owner and well driller for equipping a well without first having the appropriate well permit from the District. The District shall notify the Texas Department of Licensing and Regulation of well drillers receiving this penalty along with the District rule that was violated.) | \$1,500                   | \$3,000            | \$4,500            |
| Use of groundwater that constitutes waste                                                                                                                                                                                                                                                                                                                                                                | \$1,500                   | \$3,000            | \$4,500            |
| False statement on records or permit applications                                                                                                                                                                                                                                                                                                                                                        | \$1,500                   | \$3,000            | \$4,500            |
| Failed to file required documentation with the District within the required time period                                                                                                                                                                                                                                                                                                                  | \$500                     | \$1,000            | \$1,500            |
| Failed to timely submit Well Report (within 60 days)                                                                                                                                                                                                                                                                                                                                                     | Warning letter to \$1,000 | \$1,000 to \$2,000 | \$2,000 to \$3,000 |
| Failed to timely notify the landowner when undesirable water encountered (within 24 hours)                                                                                                                                                                                                                                                                                                               | Warning letter to \$1,000 | \$1,000 to \$2,000 | \$2,000 to \$3,000 |
| Failed to timely submit report to when undesirable water encountered (within 30 days)                                                                                                                                                                                                                                                                                                                    | Warning letter to \$1,000 | \$1,000 to \$2,000 | \$2,000 to \$3,000 |
| Failed to notify landowner of abandoned well responsibilities                                                                                                                                                                                                                                                                                                                                            | Warning letter to \$1,000 | \$1,000 to \$2,000 | \$2,000 to \$3,000 |
| Failed to timely submit Plugging Report (within 30 days)                                                                                                                                                                                                                                                                                                                                                 | Warning letter to \$1,000 | \$1,000 to \$2,000 | \$2,000 to \$3,000 |
| Failed to properly mix cement for annular seal/plugging                                                                                                                                                                                                                                                                                                                                                  | Warning letter to \$1,000 | \$1,000 to \$2,000 | \$2,000 to \$3,000 |
| Failed to have license or apprentice registration in possession at all times while performing drilling or pump installation services                                                                                                                                                                                                                                                                     | Warning letter to \$1,000 | \$1,000 to \$2,000 | \$2,000 to \$3,000 |
| Failed to present a license or apprentice registration upon request                                                                                                                                                                                                                                                                                                                                      | Warning letter to \$1,000 | \$1,000 to \$2,000 | \$2,000 to \$3,000 |
| Failed to maintain a legible and accurate Well Report                                                                                                                                                                                                                                                                                                                                                    | Warning letter to \$1,000 | \$1,000 to \$2,000 | \$2,000 to \$3,000 |

| Rule Violation                                                                                                                    | 1st Violation                                   | 2nd Violation                            | 3rd Violation                            |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|------------------------------------------|------------------------------------------|
| Failed to include information on each copy of the Well Report                                                                     | Warning letter to \$1,000                       | \$1,000 to \$2,000                       | \$2,000 to \$3,000                       |
| Failed to complete a PWS well according to approved TCEQ plans                                                                    | Warning letter to \$1,000                       | \$1,000 to \$2,000                       | \$2,000 to \$3,000                       |
| Failed to comply with TCEQ rules and specifications and TDLR rules and regulations in construction of a PWS                       | Warning letter to \$1,000                       | \$1,000 to \$2,000                       | \$2,000 to \$3,000                       |
| Failed to make known to a prospective client all adverse conditions concerning the quantity or quality of groundwater in the area | Warning letter to \$1,000                       | \$1,000 to \$2,000                       | \$2,000 to \$3,000                       |
| Failed to furnish violation information                                                                                           | Warning letter to \$1,000                       | \$1,000 to \$2,000                       | \$2,000 to \$3,000                       |
| Failed to provide information on all invoices/proposals                                                                           | Warning letter to \$1,000                       | \$1,000 to \$2,000                       | \$2,000 to \$3,000                       |
| Failed to properly complete a well within a PWS sanitary easement according to the public well standards in 30 TAC, Chapter 290   | Warning letter to \$1,000                       | \$1,000 to \$2,000                       | \$2,000 to \$3,000                       |
| Failed to submit accurate Well Report                                                                                             | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to properly mark rigs or pump installer vehicles with license number                                                       | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to place proper cap/cover over a newly drilled unattended well                                                             | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to properly cement annular space of a water well                                                                           | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |

| Rule Violation                                                         | 1st Violation                                   | 2nd Violation                            | 3rd Violation                            |
|------------------------------------------------------------------------|-------------------------------------------------|------------------------------------------|------------------------------------------|
| Failed to locate a water well at least 50' from a property line        | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to provide proper well seal for a well located in flood zone    | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to provide proper steel sleeve for a well located in flood zone | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to provide proper surface completion on a water well            | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to provide proper completion for monitor well in a vault        | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to provide proper completion for a temporary monitor well       | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to complete or plug a temporary monitor well w/in 48 hours      | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to cap or complete well to prevent pollutants from entering     | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |

| Rule Violation                                                                                                         | 1st Violation                                   | 2nd Violation                            | 3rd Violation                            |
|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|------------------------------------------|------------------------------------------|
| Failed to use potable water in drilling fluids                                                                         | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to prevent drilling fluids from entering adjacent property                                                      | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to prevent drilling fluids from entering surface water                                                          | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to properly disinfect newly drilled/repaired well                                                               | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Placed pump column material that has been used in oil or gas production or has been exposed to contamination in a well | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to properly cap a well                                                                                          | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to comply with requirements for water distribution systems                                                      | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Failed to comply with requirements for chemical injection systems                                                      | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |

| Rule Violation                                                                                                                                                                                                         | 1st Violation                                   | 2nd Violation                            | 3rd Violation                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|------------------------------------------|------------------------------------------|
| Failed to ensure no unprotected openings for a serviced well/pump                                                                                                                                                      | Warning letter to \$2,000 per day not corrected | \$1,000 to \$4,000 per day not corrected | \$2,000 to \$5,000 per day not corrected |
| Performing or offering to perform drilling or pump installation without a license                                                                                                                                      | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Performing or offering to perform drilling or pump installation with an expired license                                                                                                                                | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Landowner failed to cap or plug abandoned well w/in 180 days of notice                                                                                                                                                 | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Made false or misleading representations in installing well/pump                                                                                                                                                       | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Made an intentional misstatement or misrepresentation in a well log                                                                                                                                                    | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Apprentice performing or offering to perform drilling or pump installation while not under the direct supervision of a licensed driller or pump installer, or not according to expression directions of the supervisor | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Failed to provide proper supervision of registered apprentice                                                                                                                                                          | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Landowner failed to complete well within ten days of notification to the District that driller had been denied access to well                                                                                          | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Failed to notify the District within 48 hours of a landowner's refusal to allow the driller access to complete a well that had encountered undesirable water or constituents                                           | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Entered into partnership with or aiding and abetting unqualified or unlicensed person                                                                                                                                  | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Offering to perform services not competently qualified for                                                                                                                                                             | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Failed to accurately represent qualifications and capabilities                                                                                                                                                         | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Performed or offered to perform services not properly qualified for                                                                                                                                                    | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Failed to inform the District of any unauthorized well drilling or pump installation practice of which the licensee has knowledge                                                                                      | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Failed to select proper slot size for manufactured screen                                                                                                                                                              | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Failed to adhere to manufacturers' specs for pump wiring and sizing                                                                                                                                                    | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Failed to select proper hydraulic collapse pressure for casing                                                                                                                                                         | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |
| Failed to located a water well at least 50' from of septic tank/tightline                                                                                                                                              | \$500 to \$3,000                                | \$1,500 to \$5,000                       | \$3,500 to \$5,000                       |

| <b>Rule Violation</b>                                                                                                             | <b>1st Violation</b> | <b>2nd Violation</b> | <b>3rd Violation</b> |
|-----------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------|----------------------|
| Performed or offered to perform services not properly qualified for                                                               | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |
| Failed to inform the District of any unauthorized well drilling or pump installation practice of which the licensee has knowledge | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |
| Failed to select proper slot size for manufactured screen                                                                         | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |
| Failed to adhere to manufacturers' specs for pump wiring and sizing                                                               | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |
| Failed to select proper hydraulic collapse pressure for casing                                                                    | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |
| Failed to located a water well at least 50' from of septic tank/tightline                                                         | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |
| Failed to located a water well at least 150' from contamination source                                                            | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |
| Failed to located a water well at least 100' from septic drain field                                                              | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |
| Failed to complete water well to prevent commingling of water production zones                                                    | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |
| Failed to complete or plug a test well within 6 months                                                                            | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |
| Failed to properly complete a well that encountered undesirable water                                                             | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |
| Failed to complete well producing undesirable water to prevent flow onto land surface                                             | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |
| Failed to properly plug well that penetrates undesirable water zone                                                               | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |
| Failed to properly plug well                                                                                                      | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |
| Failed to properly plug large diameter hand dug well                                                                              | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |
| Failed to properly cap a well which did not encounter dry hole                                                                    | \$500 to \$3,000     | \$1,500 to \$5,000   | \$3,500 to \$5,000   |