

EXHIBIT B

not invalidate the adoption of a desired future condition by a district that did not participate as a party in the hearing conducted under this section.

- (p) The administrative law judge may consolidate hearings requested under this section that affect two or more districts. The administrative law judge shall prepare separate findings of fact and conclusions of law for each district included as a party in a multidistrict hearing.
- (q) **Judicial Appeal of Desired Future Conditions.**
 - (1) A final district order issued under Section 36.1083 may be appealed to a district court with jurisdiction over any part of the territory of the district that issued the order. An appeal under this subsection must be filed with the district court not later than the 45th day after the date the district issues the final order. The case shall be decided under the substantial evidence standard of review as provided by Section 2001.174, Government Code. If the court finds that a desired future condition is unreasonable, the court shall strike the desired future condition and order the districts in the same management area as the district that received the petition to reconvene not later than the 60th day after the date of the court order in a joint planning meeting for the purpose of revising the desired future condition. The districts in the management area shall follow the procedures in Section 36.108 to adopt new desired future conditions applicable to the district that received the petition.
 - (2) A court's finding under this section does not apply to a desired future condition that is not a matter before the court.

RULE 5.4 MODELED AVAILABLE GROUNDWATER

- (1) The Texas Water Development Board shall require the districts in a management area to submit to the Texas Water Development Board not later than the 60th day after the date on which the districts adopted desired future conditions under Section 36.108(d-3):
 - (A) the desired future conditions adopted under Section 36.108;
 - (B) proof that notice was posted for the joint planning meeting; and
 - (C) the desired future conditions explanatory report.
- (2) The Texas Water Development Board shall provide each district and regional water planning group located wholly or partly in the management area with the modeled available groundwater in the management area based upon the desired future conditions adopted by the districts.

SECTION 6. SPACING REQUIREMENTS

RULE 6.1. REQUIRED SPACING

- (a) To minimize as far as practicable the drawdown of the water table and the reduction of artesian pressure, to control subsidence, to prevent interference between wells, to prevent degradation of water quality, and to prevent waste, the District will enforce spacing requirements on all new wells in the District.

Spacing requirements do not apply to: wells drilled in the Brazos River Alluvium formation; domestic and livestock wells that are exempt under Rule 8.1(a); and mining related water wells under a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code; and other water well permits issued by the Railroad Commission of Texas.

- (b) As stated below, there are two types of spacing requirements, both of which apply to all new non-exempt wells in the District, other than those in the Brazos River Alluvium. The first spacing rule is the distance that the well site must be from the perimeter of the real property that is assigned to that well under Rule 7.1. The second spacing rule is the distance that the well site must be from all permitted non-exempt wells and all registered exempt wells.

(1) Spacing of new non-exempt wells completed in the Simsboro Formation shall be one-half foot per gallon per minute ($\frac{1}{2}$ ft / gpm) of average annual production rate or capacity from the perimeter of the property that is legally assigned to that well.

(2) Spacing of all new non-exempt wells completed in the District, other than the Brazos River Alluvium and Simsboro aquifers, shall be one foot per gallon per minute (1 ft/gpm) of average annual production rate or capacity from the perimeter of the property that is legally assigned to that well.

A new well may not be drilled within a minimum of 50 feet from the perimeter of the property that is legally assigned to that well.

(3) Spacing of new non-exempt wells completed in the Simsboro Formation in the District shall be one foot per gallon per minute (1 ft / gpm) of average annual production rate or capacity from a permitted or registered well in the Simsboro Formation that is in the District.

(4) Spacing of all new non-exempt wells completed in the District, other than the Brazos River Alluvium and Simsboro aquifers, shall be two feet per gallon per minute (2 ft / gpm) of average annual production rate or capacity from a permitted or registered well in the same aquifer formation that is in the District.

RULE 6.2. EXCEPTIONS TO SPACING REQUIREMENTS

- (a) If the applicant presents waivers signed by the landowners and/or registration/permit holders that are located within the spacing-requirement circumference of the applied-for