

**RULE 8.1. EXCLUSIONS AND EXEMPTIONS**

The permit requirements in Section 8 do not apply to:

- (a) All groundwater wells in Brazos and Robertson counties used solely for domestic use or for providing water for livestock or poultry that are either drilled, completed, or equipped so that they are incapable of producing more than 50,000 gallons of groundwater per day;
- (b) all groundwater wells in Brazos and Robertson counties used for a beneficial use other than domestic use or providing water for livestock or poultry that are either drilled, completed, or equipped so that they are incapable of producing more than 25,000 gallons of groundwater per day;
- (~~b~~c) A groundwater well drilled or operated within the District under a permit issued by the Railroad Commission of Texas is under the exclusive jurisdiction of the Railroad Commission and is exempt from regulation by the District.
  - (1) Groundwater produced in an amount authorized by a Railroad Commission permit may be used within or exported from the District without a permit from the District.
  - (2) To the extent groundwater is produced in excess of Railroad Commission authorization, the holder of the Railroad Commission permit must apply to the District for the appropriate permit for the excess production and is subject to the applicable regulatory fees.
  - (3) Groundwater produced from a well under the jurisdiction of the Railroad Commission is generally exempt from District fees. However, the District may impose either a pumping fee or an export fee on groundwater produced from an otherwise exempt mine well that is used for municipal purposes or by a public utility. Any fee imposed by the District under this subsection may not exceed the fee imposed on other groundwater producers in the District.

The amendment adds a new category of exempt well allowing small commercial wells producing less than 25,000 gallon/day an exemption. This does not affect the current 50,000 gallon/day exemption for domestic or livestock use.