

RULE 6.9 TRANSPORTATION OF WATER FROM THE DISTRICT:

a. PERMIT REQUIRED:

A permit is required to transport groundwater beyond the boundaries of the District. A person desiring a transportation permit must file an application prior to beginning construction of any transportation facilities. Such applications shall be on forms provided by the District and shall be in accordance with and contain the information called for in the application form or in these rules. If the application does not contain all the required information it will be returned as administratively incomplete. Water wells used or to be used for the transportation of water out of the District shall be subject to permitting requirements as described in Section 5 herein. The Board reserves the right to approve a transportation permit application at reduced rate based upon consideration of:

1. The projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users in the District; and
2. The approved regional water plan, certified District Management plan, and the approved future condition of the aquifer.
3. A permit application to transport groundwater out of the District shall be accompanied with a production permit application or production permit amendment for each well that is used to produce groundwater that is proposed to be transported out of the District.
4. Applications may only be approved for an amount below the sustainable yield of the aquifer and that the proposed use will not constitute waste.

b. PERMIT EVALUATION:

In evaluating an application to transport water, the District will:

1. Evaluate the projected total supply and demand of usable groundwater within the District, including managed groundwater available and the desired future condition of the aquifer; and
2. the amount of water that may be transferred out of the District; and
3. the period proposed for transport; and
4. the water to be transferred exceeds the amount authorized by the Non-Exempt Permit.

c. EXCEPTIONS:

A transportation facility permit is not required for transportation of water begun prior to September 1, 1997. To claim this exemption the transporter must register the project with the District and provide evidence of the project completion date. District Water

Purveyors that have customers both inside and outside the District are not required to obtain a transportation permit if no more than ten percent (10%) of their monthly water volume is delivered outside the boundaries of the District.

d. INFORMATION TO BE PROVIDED IN APPLICATION:

The following information shall be provided in or be submitted with an application:

1. The name and address of the applicant.
2. The legal description of the exact location of the well(s) from which water to be transported is to be produced.
3. The name and address of the fee owner(s) of the land upon which is located the well(s) which is to produce water to be transported.
4. The names and addresses of the property owners within one-half (1/2) mile of the location of the well from which water to be transported, and is to be produced and the location of any wells on these properties.
5. The time schedule for construction and/or operation of the facility.
6. A complete construction and operations plan that will include, but is not limited to, information as to:
 - (a) A technical description of the proposed well(s) and production facility, including depth of the well, the casing diameter, type and setting, the perforated interval, and the size of the pump;
 - (b) A technical description of the facilities to be used for transportation of water.
7. The use of water to be transported.
8. The volume of water to be transported annually.
9. Scientific evidence showing that the proposed operation will not:
 - (a) Cause pollution, as defined in Rule 1 herein;
 - (b) Cause waste, as defined in Rule 1 herein;
 - (c) Conflict with the desired future condition (DFC) or GMA-7 mandates, the District's Drought Contingency Plan and Rules, or the Non-Exempt Permit for Authorized Annual Groundwater Withdrawal Amount obtained by Applicant to withdrawal groundwater; and

(d) Detrimentially impact the aquifer during a drought condition; by quantifying the reduced pumpage when incorporating the trigger points described in the District's Drought Contingency Plan for each critical stage of drought conditions.

10. Provide information showing the effect of the proposed transportation on the quantity and quality of water available within the District.

11. Provide information showing the effect of the proposed transportation on existing wells in the District. Said information shall include a thirty-six (36) hour draw down test if the well is a new well, the cost of the test to be paid by the applicant.

12. Provide a copy of an "in force" water conservation plan and a drought management plan for the end-user of the water to be transported.

13. Additional information concerning the sought after permit that may be required by the Board.

14. Any mitigation plan developed by the applicant to offset adverse social economic or hydrologic impacts within the District.

e. NOTICE OF HEARING:

1. The District shall provide notice of a hearing on a transportation application as follows:

(a) By first class mail to the applicant and any person who owns property adjacent to or within one-half (1/2) mile of the applicant's property; and

(b) By publication in a newspaper of general circulation in each of the counties of the District.

2. The notice shall contain the following:

(a) the name and address of the applicant;

(b) the date the application was filed;

(c) the time and place of the hearing;

(d) the location of the proposed well(s) from which water to be transported is to be produced;

(e) a description of the transportation facility; and

(f) a brief summary of the information in the application.

f. HEARING:

A hearing on an application shall be heard without the necessity of issuing further notice other than the time and place where the Board meeting is to take place after the expiration of the time limits set forth herein above. Hearings shall be conducted in accordance with provisions stipulated in these rules.

g. MONITORING AND REPORTING:

1. All transportation facilities subject to registration or permitting shall be equipped with flow monitoring devices approved by the District and shall be available at all reasonable times for inspection by District personnel.

2. The operator of a transportation facility must keep records and make reports to the District as to the operation of the transportation facility.

3. Registered transportation facilities shall submit reports to the District on a monthly basis, beginning at the time of registration. Each report shall state the volume of water transported during the preceding month.

4. Permitted transportation facilities shall submit reports to the District on a monthly basis, beginning at the time a permit is issued to operate. Each report shall state the volume of water transported during the preceding month.

h. RESPONSIBILITY: The owner of a transportation facility shall be responsible for the prevention of pollution and waste and violations of Water District rules and regulations; those violations of Water District rules being in effect at the time of construction of the transportation facility and as amended from time to time; including specifically this rule 6.9.

i. TRANSPORTATION FEES: The District shall assess a fee based on the conditions at the time an application is submitted.