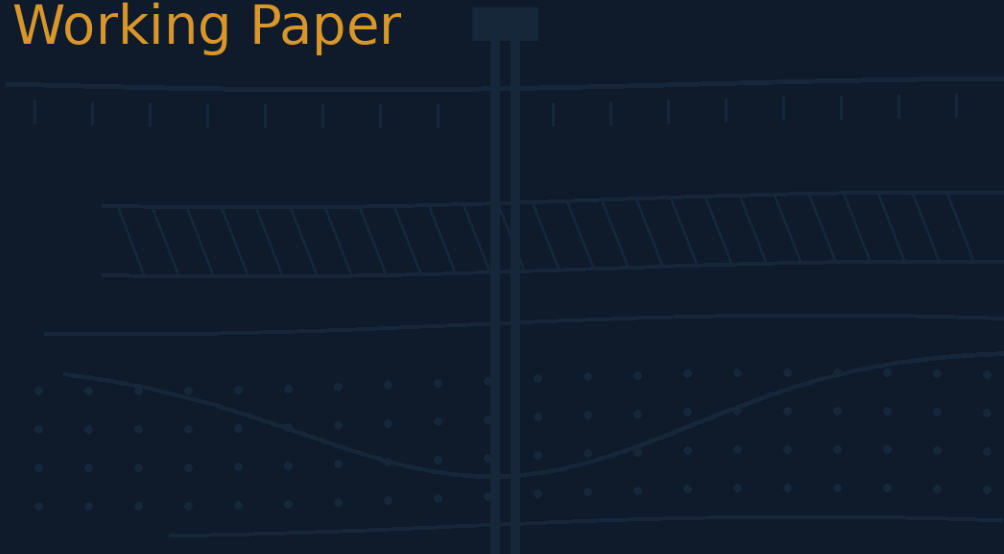

INDEPENDENT ANALYSIS

Declared, Not Measured

Volumetric Permit Triggers and Sub-Threshold
Industrial Water Demand in Georgia

An Independent Working Paper



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Declared, not measured: Volumetric permit triggers and sub-threshold industrial water demand in Georgia

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Evidence snapshot September 1, 2026. Rules of Ga. Comp. R. & Regs. Department 391 are read as compiled through rules filed August 14, 2026; statutory text is quoted as the 2025 codification. Section 3 is accompanied by the claim-and-source table appended to this paper. The author serves on the advisory board of a Sloan Foundation-funded study at Emory University; the study had no role in this article, and the About the Author section at the end states the role in full.

Abstract

What an allocation regime can know about the withdrawals it does not permit is a question of institutional design. This article examines it through Georgia's Ground Water Use Act, which requires a permit of any person withdrawing more than 100,000 gallons of groundwater per day, and the 16 rules adopted under it, read provision by provision. Three features of the trigger are established from the text. It runs per person, and no rule in the Act as read combines withdrawal volumes among separately titled persons for threshold purposes. It carries no averaging qualifier for non-farm use, where Georgia's surface-water trigger is averaged monthly by statute. And every recurring duty in the rule subject to measure or report withdrawals attaches to an applicant or a permittee. Permit status therefore turns on a quantity that, before a permit issues, exists only as the withdrawer's declaration. The regime, on the Act and rules as read, routinely produces no measurement of the quantity its own trigger depends on, a limiting case of the reporting-threshold truncation Bennear (2008) measured. The figure is the one the Regulated Riparian Model Water Code later recommended. The Code pairs it with an express aggregation rule, which Georgia's Act as read lacks, and a registration channel, for whose Georgia counterpart no instrument was located in the codified rules as searched. Data center filings declaring sub-threshold demand, and the advocacy responses to them, show the instrument recording declarations rather than allocating.

Keywords: water withdrawal permitting; regulatory thresholds; self-reported compliance; regulated riparianism; data centers; Georgia (United States)

1. Introduction

An allocation regime that requires a permit only above a stated volume must learn, for each withdrawer, which side of that volume the withdrawal falls on. In some regimes the regulator holds data on both sides of the line, generated by an obligation independent of it. In others the volume that triggers regulation is also the volume that triggers measurement. This article shows, from the text of Georgia's Ground Water Use Act and the 16 rules adopted under it, that the rule subject requires recurring actual-withdrawal reporting only of permittees. It also shows that permit status turns on a withdrawal quantity which, before a permit issues, exists only as a declaration. Three features of the trigger produce that result, and § 3 traces each to instrument text. In the Act as read the trigger runs per person, with no rule combining or attributing withdrawal volumes among separately titled persons for threshold purposes. It carries no averaging qualifier for non-farm use, where Georgia's surface-water trigger is averaged monthly by statute. And every recurring duty in the rule subject to measure or report quantities actively withdrawn attaches to an applicant or a permittee. The statute's one directly imposed filing duty reaches persons required to secure a permit and presupposes Division forms and regulations. Every routine route by which the Division receives a figure for a withdrawal runs through the permit status the figure would settle. The finding holds whichever way Rule 391-3-2-.04(4) is read. That rule directs the intended user of a newly constructed well to apply for a permit before any use and carries no threshold qualifier of its own. Section 6.1 shows that on its widest reading it brings the Division a declaration earlier and not a measurement.

The problem is one of institutional design rather than of hydrology, and statutory text is the evidence for it. A permit instrument built this way routinely produces no measurement of the quantity its own trigger depends on. What remains to the agency produces no periodic measure. That is case-specific authority it must invoke, including compulsory metering against a permit-required person who has not applied, and a rulemaking authority for which § 3.4 located no instrument in the codified rules as searched. Data centers are the occasion, because Georgia's planning review asks each of them to declare a water figure and 16 did so in the first 7 months of 2026. The American Society of Civil Engineers' Regulated Riparian Model Water Code later recommended the same figure and paired it with an express aggregation rule and a registration channel for exempt withdrawals. Georgia's Act as read has no express aggregation rule, and for its comparable authority to require reporting by non-permittees § 3.4 located no instrument in the codified rules as searched. The Code's own aggregation rule, in the edition read here, reaches only a single person, so the national model is likewise unequipped for fragmentation across affiliated persons.

Georgia's Ground Water Use Act, enacted in 1972 and codified at O.C.G.A. §§ 12-5-90 through 12-5-108, requires a permit from the Environmental Protection Division, the state environmental agency, before any person withdraws more than 100,000 gallons of groundwater per day. The figure is not unusual: § 2.1 records that Naseri and Marston (2025) list it as a reporting threshold in four other states, and no claim about the prevalence of permit triggers at this figure is made here.

Sixteen data center applications for Development of Regional Impact review were filed with the Georgia Department of Community Affairs between January 6 and July 22, 2026 [P]. The review runs once, before construction, and its own rule provides that “[t]he materials presented in the DRI report are purely advisory and under no circumstances should be considered as binding” (Ga. Comp. R. & Regs. r. 110-12-3-.02(5)) [P]. Its thresholds are stated in square footage and acreage [P], and it nonetheless asks every applicant for a water number and an electrical number. In April 2026 Premier Data Center Development, LLC, filed such an application for a project in Irwin County called Project Arrowhead, giving estimated peak connected electrical load as “1250 MW (1.25 GW)” [P]. In the water supply section it entered “Floridian Aquifer” [sic] as the provider and answered “No” to whether a water line extension is required. It gave estimated water supply demand as “.05” in a field denominated in millions of gallons per day [P]. Naming an aquifer where the form asks for a provider, and reporting that no line extension is required, marks the withdrawal as self-supplied, which is the first thing § 3’s user class requires.

On the instruments read for this study, Arrowhead’s water figure cannot be tested against the one that would give it legal meaning. A declared facility demand is not a person’s withdrawal, the statutory sentence stating the permit requirement names no averaging convention, and the Act as read contains no rule combining or attributing volumes among separately titled persons for threshold purposes. So 0.05 million gallons per day is a declaration rather than a position relative to the permit line. The only review of the project examined here, the regional commission’s advisory review, did not determine which side of the line it falls on. The application drew comments from three organizations. The two advocacy letters, from the Georgia Water Coalition and WWALS Watershed Coalition, also known as Suwannee Riverkeeper, both ask the regional commission to secure conditions on a withdrawal permit from the Division. On a full-text search of both letters, neither raises the 100,000 gallons per day threshold in connection with this project, and neither asks whether a permit would be required [P, negative].

This article does not establish four things. It does not show that any declarant understated its demand. It does not place any project’s withdrawal above or below the trigger, since the features that leave that question unresolved on the Division’s routine record leave it unresolved here. It makes no claim about behavioral response to the threshold. And it does not claim that no figure exists in Georgia’s administrative record, which § 6.2 examines. The two negatives on which the finding rests, on aggregation and on recurring duties, were established against the 19 sections of the Act and the 16 rules of the subject as compiled at August 14, 2026. Neither reaches beyond them or reaches any county instrument.

Sources and method. Rules of Department 391 are quoted from the Secretary of State’s compilation of rules filed through August 14, 2026, and nothing filed after that date was searched. Rules of other departments, including the Development of Regional Impact rules cited above, carry no compilation date here. Statutory text is quoted as the 2025 codification, from free commercial publishers rather than from the official Code. Sources were retrieved between August 5 and September 1, 2026. The 16 rules of Subject 391-3-2 were compared across three renderings from two publishing pipelines, with no substantive differences, which establishes agreement across two pipelines and no more. Promulgated typographic errors are quoted as promulgated and flagged, never repaired. Evidence

grades appear inline: [P] primary, [S] corroborated secondary, [S¹] single source, [I] author inference; [P, negative] marks a primary-source search that found nothing, with the search stated beside it, and [NOT FOUND] a record not located. A claim-and-source table for § 3 is appended; §§ 1, 2 and 4 to 7 rest on citation at the point of claim and carry no separate apparatus.

2. Two literatures

2.1 Disclosure and self-reported compliance

de Marchi and Hamilton (2006) find reported emission declines under the United States Toxics Release Inventory unmatched by ambient monitor concentrations. Duflo et al. (2013) show experimentally that auditors paid by the audited plant report emissions just below the standard when true emissions are higher. Each had an instrument generating a figure independently of the disclosure tested, and § 6.2 shows that neither has a Georgia equivalent.

Benneer (2008) is the nearest prior treatment, and her method matters as much as her result. Massachusetts reporting under the Toxics Use Reduction Act gave her three things. The first is a panel of 3,758 reporting spells that end. The second is an optional form question asking why, answered on 1,271 of them and attributing 844 to use below the threshold but above zero. The third is use-quantity data giving each reporter's distance from the line. She estimates bounds rather than the missing quantity, and reports that the size of the non-reported quantity cannot be known, precisely because it goes unreported. Non-reported releases may account for roughly 40 percent of the observed decline in reported on-site releases from 1990 to 1999, and 52 percent of facilities change quartile rank between her bounds. Georgia's withdrawal-permitting regime routinely generating no number below the line is a limiting case of the same truncation mechanism, not a different phenomenon, and this article does not rest on a distinction between them. What this article adds is doctrinal. Benneer's leverage came entirely from facilities once inside the regime that left it, and a declarant who files no application generates no reporting record of the kind her method requires: no exit form, and no reported quantity.

Richardson (2012) indicates the absence is not peculiar to Georgia. Across the 16 states whose exempt-well provisions he surveys, none requires measurement of actual withdrawal below its threshold. Registration, present in five of those states, is thin, requiring a permit application in Wyoming and notification of location and capacity in North Dakota [S¹]. Naseri and Marston (2025) compile self-supplied withdrawal reporting at user level across 42 states. They record thresholds above which users must report "ranging from 10,000 gallons per day (such as Pennsylvania and Tennessee) to 100,000 gallons per day (such as Florida, Georgia, Nevada, Indiana, and Massachusetts)." They caution that the criteria are more involved in some states, "making these thresholds not directly comparable across states." That warning travels with every use of their figures here. Their paper does not test self-report accuracy against independent measurement, and names that as future work not performed. Absence of a meter is not absence of discipline.

Benneer and Olmstead (2008) find that disclosure alone reduced drinking water violations by more than a third, and Short and Toffel (2008) find corporate self-disclosure of violations rising with the perceived probability and severity of enforcement.

2.2 Regulated riparianism and eastern water allocation

Georgia is a regulated riparian state. A withdrawal permit conveys a usufructuary right to reasonable use and no property right in the water, and Dellapenna (2002) surveys the doctrine and its statutory implementations. He states that both Georgia statutes at core require a user withdrawing more than 100,000 gallons per day to obtain a permit, and that the two statutes are separate, separately administered, and not identical in all respects. Barmeyer (2005) states the trigger, cites both sections, and observes that below-threshold withdrawals fall back to common law riparian rights.

The ASCE Regulated Riparian Model Water Code recommends the same figure at § 6R-1-02(1). In Wald's (2005) reproduction it reads: "No permit shall be required for withdrawal of less than 100,000 gallons per day from the waters from the State," the doubled preposition being Wald's and probably a slip for "waters of the State." Section 6R-3-03 is headed "Aggregation of Multiple Withdrawals." It directs that in calculating a withdrawal "qualifying for an exemption from the permit requirement of this Code, the State Agency shall include all separate withdrawals by a single person for a single use or for related uses." Section 6R-1-06 provides that the agency "may, by regulation, require some or all persons whose withdrawal is exempt from allocation or from the permit requirement to register their withdrawal of the waters of the State periodically." All three provisions are quoted from Wald's reproduction of the 1997 edition (Dellapenna, 1997) rather than from the Code [S¹]; whether the later standards, ASCE/EWRI 40-03 (2003) and 40-18 (2018), altered them is not established here. The Model Code's figure carries no averaging qualifier, which corroborates the drafting asymmetry established in § 3.3.

Wald (2005) compared Georgia's surface water code with the Model Code and published the aggregation gap in terms: the Model Code deals with the issue of multiple withdrawals, while this issue is not addressed directly in the Georgia Code. His comparison covers surface water and O.C.G.A. § 12-5-31 only and does not reach the Ground Water Use Act or Rule 391-3-2-.03.

This article adds a correction and an extension. Dellapenna (2002) does not say how the two statutes differ. Barmeyer (2005) imports the surface rule's averaging qualifier onto the groundwater trigger, footnoting § 12-5-96(a)(1) alongside § 12-5-31(a)(1). Section 3.3 shows that the qualifier is written into the surface-water statute and not into the groundwater statute. The works read for this study are the retrieved full texts of Dellapenna (2002), Barmeyer (2005), Wald (2005) and Ruhl (2005), an account of interstate allocation in the Apalachicola-Chattahoochee-Flint basin. They were supplemented by statute-cite and rule-number searches of Georgia repositories (searched August 29, 2026). Among those works, none analyzes § 12-5-96(a)(1) as a threshold-design problem, none notes the surface-groundwater averaging asymmetry, and none discusses aggregation of affiliated withdrawers under Georgia law [P, negative, searched]. Rogers et al. (2026), the nearest recent policy work on Georgia's data center expansion, does not

treat the instrument analyzed here; a full-text search for “100,000,” “12-5-96” and “Ground Water Use Act” returned zero hits (searched August 29, 2026). The extension is the groundwater side of Wald’s comparison, which none of those works makes.

3. The regime and the trigger

Georgia regulates surface water withdrawal under O.C.G.A. § 12-5-31 and groundwater withdrawal under the Ground Water Use Act, Part 2 of Article 3 of the state’s water title, and the Environmental Protection Division administers both. Each turns on a figure of 100,000 gallons per day, framed differently in the two statutes, and § 3.3 turns on the difference. The Water Well Standards Act, Part 3 of the same article, governs well construction.

This section concerns one class of user. It is a facility that supplies its own groundwater and is not a public water system or a farm. It withdraws for processing and cooling rather than for drinking, draws from newly constructed wells, and withdraws at or below 100,000 gallons per day. The question is not whether the Division can obtain information about such a withdrawal. It is whether current law routinely causes facility-level data on actual withdrawal to be generated and delivered to the agency without a case-specific intervention, a condition called here administrative visibility.

The corpus is Part 2 at §§ 12-5-90 through 12-5-108, Part 3 at §§ 12-5-120 through 12-5-138, the 16 rules of Ga. Comp. R. & Regs. Subject 391-3-2, and the 31 rules of Department 770. Those are the Water Well Standards Advisory Council’s own regulations. To those are added the forms published by the Division and by the Council, and the Division’s Lower Flint permitting materials of October 2024. Every finding below about a rule is current through Rules and Regulations filed through August 14, 2026, the compilation date printed on the cover of the Secretary of State’s Department 391 volume and on its per-rule pages. Nothing filed after that date was searched. Statutory text is quoted as the 2025 codification, from free publishers rather than from the official Code. Named provisions of Subject 391-3-5 are cited for comparison at § 3.6; that subject was not read in full, and no claim is made about what it contains beyond the provisions cited. Statements below that a provision or document was not located refer to the corpus just described, which contains no county instrument.¹

¹ Every source named above was retrieved between August 19 and August 31, 2026, and where a finding rests on an earlier reading the sentence stating it says so. The 16 rules of Subject 391-3-2 and the 31 rules of Department 770 were read provision by provision against the official compilation. Negatives below that are limited to “Part 2 as read” reach the provisions of Part 2 quoted in this section, together with a term search across the full text of all 19 sections. No other provision of Part 2 was read. Negatives that reach the whole of Department 391 rest on string searches of that compilation and report the absence of a search term. Reported Georgia decisions were searched by free full-text query only, without a citator, so statements about judicial construction reach the decisions located and no further. The Office of State Administrative Hearings is structurally unreachable: its

3.1 The trigger runs per person

O.C.G.A. § 12-5-96(a)(1) provides in full: “No person shall withdraw, obtain, or utilize ground waters in excess of 100,000 gallons per day for any purpose unless such person shall first obtain a permit therefor from the division.”

The trigger runs per person, for any purpose, and states no averaging period, no aggregation clause, and no reference to wells. A user at or below 100,000 gallons per day is not exempted from the permit requirement. The requirement does not reach that user at all. Subject 391-3-2 uses “exempt” in the ordinary sense, for carve-outs from a requirement that would otherwise apply.² What this section describes is non-coverage rather than exemption.

3.2 Aggregation

Section 12-5-96(a)(1) addresses the person rather than the well, which supports combining withdrawals attributable to one person without an aggregation clause. Its only aggregating language is “for any purpose,” which runs across one person’s uses; § 12-5-96(d)(1) speaks of withdrawers’ “respective withdrawals,” and § 12-5-97(e) sums “his pumps.” No per-well, per-site or per-facility qualifier is tied to the threshold anywhere in Part 2 as read. What Part 2 as read does not supply is the unit over which withdrawals combine.

The words “aggregate,” “combined,” “affiliate,” and their variants appear nowhere in the 16 rules of Subject 391-3-2; the nearest term, “combination” at Rule .03(3), classifies any mix of farm and non-farm use as non-farm use and combines no volumes. Across all 19 sections of Part 2, 24 terms of affiliation, common control and aggregation return no hits. Part 2 as read does contain one rule of attribution between legal persons. Section 12-5-105(b.1)(9), in the subsection governing farm-use metering, exposes a permittee to enforcement action where the permittee’s “employees, tenants, licensees, or agents” have dismantled or removed a water-measuring device. It attributes conduct rather than volumes, and it runs only inward to the permittee. The negative that survives is the one the present question needs: Part 2 as read contains no rule combining or attributing withdrawal volumes among separately titled persons for threshold purposes.

O.C.G.A. § 12-5-92(8) defines “person” broadly and supplies no rule of attribution. The Division has construed “person” in a farm-use program, letting commonly owned entities be treated as one for consolidating existing permits and transferring acreage, a flexibility for permittees. The document stating it is a farm-use permitting strategy confined to 17 counties and addresses no industrial user. Neither it nor its response to comments states

decisions page requires a docket number and the non-agency party’s ZIP code, and nothing issued on or before June 30, 2016 is online. Textual analysis establishes what the rules require, not what the Division does.

² Rule .03(1)’s saving clause and Rule .13’s exemption of Division-drilled test wells are the only two occurrences of the term in the subject. Rule .09 excludes certain above-threshold construction dewatering, in the vocabulary of exclusion rather than exemption.

that withdrawals by separately titled affiliates are summed for the purpose of crossing the threshold.³

None of the decisions located construes the threshold, “person,” or aggregation. Whether volumes combine across one person’s wells and whether they combine across affiliated entities are two questions, and a third sits beneath both: who withdraws when title and operation diverge. Nothing located in Part 2 as read or in the 16 rules of Subject 391-3-2 supplies a test of operation or control, and the Division’s beneficial-owner construction addresses common ownership rather than operation.

3.3 The non-farm trigger carries no averaging qualifier

The second sentence of Rule 391-3-2-.03(1) provides that “[f]or farm use, no person shall after July 1, 1991 withdraw, obtain, or utilize ground water in excess of 100,000 gallons per day on a monthly average” without a permit. The phrase qualifies farm use and does not appear in the first sentence, which governs every other use.

Subject 391-3-2 defines “Monthly average withdrawal,” “Annual average withdrawal,” and “Maximum day withdrawal” at Rule .02(n) to (p), and none of the three appears in the operative text of any of the 16 rules: they are defined and never used. The farm sentence says “on a monthly average,” which is not the defined phrase. The non-farm sentence names no convention at all, so it selects no measurement window, and the text does not resolve whether the governing day is a calendar day or a rolling period.

The point cuts symmetrically. The absence of “monthly average” from the non-farm sentence cannot show that the sentence selects a maximum-day measure, because Rule .02(p) defines “Maximum day withdrawal” and that sentence does not use the defined term either.

The comparison that carries runs statute to statute rather than rule to rule. O.C.G.A. § 12-5-31(b)(1)(A) provides that no surface-water permit is required for “[a]ny such withdrawal which does not involve more than 100,000 gallons per day on a monthly average.” Section 12-5-96(a)(1) sets the groundwater trigger at the same figure with no averaging convention. The legislature wrote the qualifier into one trigger sentence and not into the other. The convention was available to it inside the Ground Water Use Act: § 12-5-105(a) measures grandfathered farm-use capacity “in gallons per day on a monthly average for a calendar year,” for a different purpose and a closed class of applications. The two provisions are not symmetrical in form, because the surface-water figure marks an exemption from a permit requirement while the groundwater figure states an affirmative prohibition, and the contrast does not rest on their form. It rests on the presence of an averaging convention in one statutory sentence and its absence from the other.

³ The Division’s October 2024 permitting strategy for the Lower Flint River Basin provides that, for permit corrections and modifications, “EPD considers the entities the same if both entities have the same Beneficial Owner” (Georgia EPD, 2024: 12). The reading of that document reported here was made on an earlier pass of this study and was not repeated in the retrieval that fixed the compilation date given above.

A projected monthly average below 100,000 gallons per day does not establish that a non-farm groundwater withdrawal falls outside the trigger, because the sentence governing that withdrawal contains no averaging qualifier to satisfy.

3.4 What the permitting regime produces below the threshold

Every recurring duty in Subject 391-3-2 to measure or report quantities actively withdrawn attaches to an applicant or a permittee. Rule .08(1) requires certified statements from “every person who has obtained a permit to use ground water (except a permit for farm use),” and reports volume by aquifer rather than by well. Rule .04(7) provides that a person who submits a permit application, who is withdrawing at the time of application, and who is unable to furnish accurate information about the amounts withdrawn “shall be required” to meter. Its three conditions are cumulative, and all are application-bound. Rules .08(3) and .04(8) permit the Division to estimate quantities, and both reach applicants or permittees.

The statute is broader than the rules adopted under it. Section 12-5-97(e) reaches “any person who is required to secure a permit under this part,” so compulsory metering is available against permit-required users whether or not they have applied, on one of the subsection’s three grounds.⁴ No express metering authority reaching users below the threshold was located in Part 2 as read or in the 16 rules of Subject 391-3-2.

Other instruments reach beyond the permitted population. Sorting them by what stands between the Division and their use separates two kinds, with one provision falling outside both. Table 1, in § 3.5, sets them out together with the well construction instruments taken up there.

The first kind is presently available and needs no implementing regulation. Section 12-5-98(a) authorizes the Division to enter “any property, public or private,” at reasonable times, to investigate “the condition, withdrawal, or use of any waters” and “the installation or operation of any well.” The same sentence empowers the Division “to require written statements or the filing of reports under oath,” a power narrower than the entry right beside it. It runs to “pertinent questions relating to the installation or operation of any well,” where the entry right names “the condition, withdrawal, or use of any waters”; whether “operation” reaches the quantity withdrawn is open on the text. Both are subject to a proviso protecting trade secrets and confidential business information. Rules .10 and .11 direct that the Division “shall require the user” to act against salt water intrusion or adverse effects, and neither operative sentence carries a permittee or threshold limitation. Compulsory metering under § 12-5-97(e)’s first sentence, discussed above, is of the same kind. Each of these instruments operates case by case on a Division decision, and none produces a periodic measure.

⁴ Of the first sentence’s three grounds, only inability to furnish accurate information is available against a person required to secure a permit who has not applied; the other two presuppose a filed certified statement or an existing authorization. The subsection’s second sentence, governing estimation methods, reaches only “a permit holder or applicant.”

The second kind depends on an instrument the statute does not itself supply. Section 12-5-95(a) directs the Board of Natural Resources to prepare proposed regulations containing such of four listed provisions as it finds appropriate, adopted under § 12-5-95(b) after hearings. The first of the four is provisions requiring “water users within the area” to submit reports “not more frequently than at 30 day intervals.” The reports cover the quantity of water used or withdrawn, sources of water, and the nature of the use. Its subjects are water users rather than permittees. Section 12-5-97(d) requires water users “not required to secure a permit” to comply with procedures established after public hearing, excepting individual domestic use, a carve-out confirming that the non-permittee category is broader than households. Section 12-5-97(d)’s first sentence fits neither kind exactly. It imposes a filing duty directly by statute, on “every person who is required by this part to secure a permit,” a class broader than permittees. So far as that class holds no permit, it consists of persons not yet withdrawing or withdrawing in violation of § 12-5-96(a)(1). The statement is a certified statement of the quantities of water used and withdrawn, the sources of water, and the nature of the use, filed “not more frequently than at 30 day intervals.” The duty is statutory, but the sentence defers its manner to the Division, and the next sentence provides that statements are filed on forms the Division furnishes “within 90 days after the issuance of regulations.” Whether that clause is a first-filing deadline or a standing condition is not settled by the text. Rule .08(1) implements the duty for permittees, and the next paragraph records that no other rule in the compilation cites § 12-5-97.

No codified instrument applying § 12-5-97(d) to water users not required to secure a permit was located in the Georgia Administrative Code as compiled at August 14, 2026. On the Secretary of State’s all-agency search of that compilation, Rule 391-3-2-.08 is the only rule in the Code that cites § 12-5-97, and it runs to persons who have obtained a permit. That search reaches the codified rules at that compilation date, and no further. Whether procedures within the meaning of § 12-5-97(d) were adopted outside the codified rules was not determined, and nothing here should be read as asserting that the Board has not acted. No archive of the Board’s rulemaking was searched. The one partial view available without charge, the Division’s own table of proposed rules, showed on August 31, 2026 an earliest entry from 2021 and a 60-day retention period. The reservation therefore holds for the record before 2021, for chapters of Department 391 the Division does not administer, and for any package the retention period may have removed.

Subject 391-3-2 contains three reporting instruments whose duty arises on the issuance of a permit rather than on a Division decision, and each names a permittee or a permit holder as its subject. Rule .08(1) requires the certified statement of quantities withdrawn quoted above, semiannually unless the Division designates otherwise. Rule .08(2) requires the permit holder to have a specific conductance analysis performed and submitted annually, which measures water quality rather than use. Rule .04(11)(i) requires permittees to submit to the Director “an annual water use data report that includes information on unaccounted for water for the past 12 months,” beginning 12 months after issuance of a new or modified permit. Three limits belong with these three instruments. The verb in Rule .04(11)(i) is “includes,” which is not exhaustive, so its text can be said neither to require a withdrawal volume as a reported element nor to exclude one. Rules .08(1) and .08(2) each

set their cadence “unless otherwise designated by the Division,” so the duty in each arises without a Division decision while the cadence remains adjustable by one. How far Rule .04(11)(i) reaches is unresolved on the text. The opening clause of Rule .04(11) confines the paragraph to applications for a new permit or for a modification increasing permitted use, while subparagraph (i) says “Permittees” without repeating that limit.

No rule of Subject 391-3-2 imposes registration, metering, or periodic reporting of withdrawal volume merely because an active industrial withdrawal remains at or below 100,000 gallons per day. One rule qualifies that account at the point of application rather than at the point of reporting. Rule .04(4) provides that “[u]pon completion of the construction of the well or wells and prior to any ground water use, the intended user shall submit an application for a ground water use permit to the Division.” It cites Rules 391-3-2-.05 and 391-3-2-.06. Paragraphs (1) through (3) of the same rule each carry the qualifier “and who is required under Rule 391-3-2-.03 of this Chapter to obtain a permit,” and paragraph (4) does not. The paragraph otherwise describes a planning-stage conference and a letter of concurrence the Division may issue, both addressed to “the intended user.” Read on its own terms, paragraph (4) states an application duty triggered by the construction of a well rather than by crossing the threshold. Its cross-reference runs to Rules .05 and .06, which govern the Division’s consideration of applications and its granting of permits. Neither imposes a permit requirement on anyone and neither contains the threshold, so the cross-reference does not route the duty back to the permit-requirement rule at .03, as the three preceding paragraphs do expressly. Whether a threshold limitation arrives by chapter context is a question this study does not resolve. It is a question about who must apply, and not about what a person who has filed no application must report.⁵

⁵ Paragraph (4) has six sentences. Four are not mandatory: two say what “the intended user” should do, one says what the Division may issue, and one states that the user proceeds at his own risk without a letter of concurrence. They describe a planning-stage conference with the Division on “the amount of intended ground water use,” documented evidence before construction, and “a letter of concurrence” the Division may issue setting terms and conditions. Two are mandatory: the conference “shall be granted within thirty (30) days after request,” and the application sentence quoted in the text. The rule numbers in its application sentence, .05 and .06, were read from the Secretary of State’s Department 391 compilation in PDF form, current through rules filed through August 14, 2026 and retrieved August 31, 2026. That compilation prints those two numbers and never mentions .03. Cornell Legal Information Institute’s rendering resolves the same cross-references to .05 and .06. The Secretary of State’s per-rule web rendering of paragraph (4), which requires JavaScript, was not retrieved for this study. No construction of Rule .04(4) by a court, by the Office of State Administrative Hearings, by the Attorney General, by Division guidance, or by a Board document was located, and none appears in the secondary literature read here. That negative reaches free full-text sources searched on September 1, 2026 and no further, under the limits footnote 1 states. In addition, a free case-law search returned empty document bodies, a tooling failure rather than a confirmed absence, and one commercial full-text service is blocked to this study’s retrieval. How the Division applies paragraph (4) to users believed to be below the threshold is left open here.

3.5 What well construction produces, and on what authority

O.C.G.A. § 12-5-122(20) defines an “[i]ndustrial well” as one “constructed for the purpose of withdrawing 100,000 gallons of ground water or less on any one day for processing or cooling water or for purposes other than drinking water.” The definition classifies a well by the purpose for which it is constructed, while § 12-5-96(a)(1) runs to a person and to that person’s withdrawal for any purpose. A well answering the definition may therefore belong to a person whose total withdrawal exceeds the threshold. In the four sections read in full for this study, §§ 12-5-122, 12-5-124, 12-5-130 and 12-5-134, the Water Well Standards Act regulates construction rather than ongoing use; the remaining 15 sections were read by title only.

Whether the information duties in the sections read reach industrial wells is not settled by the statute. Section 12-5-134(4) provides only that industrial wells “shall be constructed in accordance with the standards established for individual and nonpublic wells.” The notice of intent to drill at § 12-5-134(1)(A)(i) and the completion record at (1)(L) sit within a paragraph introduced by “In the case of individual and nonpublic water wells.” The notice has the stronger route into paragraph (4): it operates “prior to actual construction” and governs siting, and § 12-5-122(6) defines “construction” to include “locating.” The completion record’s route is weaker, because a records duty discharged 30 days after the well is finished is not a construction standard, though the opening clause of § 12-5-134 applies its standards to “all wells and boreholes.”

The Council’s notice form lists “Industrial Well” among the purposes a contractor may check, on both its March 2017 and January 2026 versions. It routes the notice to a county health department and collects identity, start date and location but no capacity, yield, depth or volume. Section 12-5-124 confines the Council’s rulemaking to contractor licensing, its own proceedings and powers assigned under Part 3. The form therefore evidences how the administering body reads the provision without establishing that industrial wells fall within paragraph (1) as a matter of law.

Capacity and yield figures, where they exist at all, sit in the completion record rather than in the notice. Section 12-5-134(1)(L) requires the drilling contractor to maintain well construction data and furnish the owner a copy within 30 days. Two of its fields are conditional: “size of pump installed if pump is installed by the drilling contractor” and “yield if test pumped.” Two located forms bear on it. The first is the 2017 notice form, which instructed the contractor to send construction data to the owner and the local health department under (1)(L), an instruction the January 2026 form does not carry. The second is the Well Completion Data Form of November 2014 that the Division’s water well program page links, which lists “Industrial” among its well classes. Both indicate that the agencies have at times treated the completion record as reaching industrial wells. Neither establishes a present duty or custodian, and none of the 31 rules of Department 770 imposes a filing requirement for completion records for any class of well. Whether such forms are received or retained by any county or state body is not established by the statute, by any located Council rule, or by the forms themselves. None of the four sections read in full requires a periodic report of withdrawal.

Table 1 collects the instruments discussed in §§ 3.4 and 3.5 that generate or compel information about a withdrawal or a well. It adds two provisions of Subject 391-3-2 that do the same, Rule .06(6) on notice of a change in use or an increased withdrawal and Rule .14(3) on the sealing of an abandoned well.

Table 1. Instruments that generate or compel information about a withdrawal or a well, by triggering event, recurrence, and what must happen before the instrument operates. The last column states that last matter: *automatic* where the duty arises on its own trigger, *case-specific* where it awaits a Division decision, and *implementation-dependent* where it awaits an instrument not located in this corpus. Activation describes what stands between the Division and the instrument's use. Whether an instrument reaches the user this section describes is a separate matter, taken up in the text of §§ 3.4 and 3.5 for the instruments discussed there. Where the governing text leaves that question open, the column reads *unresolved* rather than classifying the activation. A dash marks a matter the governing text leaves unspecified; where a cell rests on an agency form rather than on statute or rule, it says so. Omitted from the table are the estimation provisions at Rules .08(3) and .04(8) and the second sentence of § 12-5-97(e), which reach applicants and permittees only. Also omitted are Rule .04(4); the public water system duties of Subject 391-3-5 at § 3.6; and § 12-5-134(5)(D)(vii), a duty to inspect rather than to report. The remaining omissions are three provisions that operate at application and bind only applicants, Rules .04(5)(f), .04(9) and .12(2), and Rule .04(11)(h), whose progress report is a single event 5 years after issuance rather than a cycle. The first two sentences of Rule .13 are also omitted; they use "should" rather than "shall."

Instrument	Triggering event	Information produced	Recipient	Recurrence	Activation
Rule .08(1)	Permit issued, other than for farm use	Volume withdrawn, by aquifer	Division	Semiannual, unless the Division designates otherwise	Automatic
Rule .08(2)	Permit issued; no farm-use exclusion	Specific conductance analysis: water quality, not use	Division	Annual, unless the Division designates otherwise	Automatic
Rule .04(11)(i)	Permit issuance or modification, 12 months on	Annual water use data report “that includes information on unaccounted for water”; the text names no withdrawal volume and excludes none	The Director	Annual	Unresolved
Rule .06(6)	Change in beneficial use, or a greater amount to be withdrawn	Notice by registered letter	—	Per event	Automatic, for permit holders
Rule .14(3)	Sealing of an abandoned well	Certified statement that the well was sealed, within 30 days	Division, from the contractor	Per sealing	Automatic on the sealing
Rule .04(7)	Applicant already withdrawing who cannot furnish accurate information	Measured use	—	Metering, once installed	Case-specific

Instrument	Triggering event	Information produced	Recipient	Recurrence	Activation
§ 12-5-97(e) sent. 1	Inability to furnish accurate information, suspect certified statement, or excessive withdrawal	Measured use	—	Metering, once installed	Case-specific; reaches permit-required non-applicants on the first ground
§ 12-5-98(a)	Division decision to investigate	Written or sworn statements on pertinent questions relating to the installation or operation of a well, subject to a trade-secret proviso	Division	Case-specific	Case-specific
Rules .10, .11	Division determination of intrusion or adverse effect	Control measures the Division requires; the rules state no reporting duty	—	Case-specific	Case-specific
§ 12-5-97(d) sent. 1	Requirement to secure a permit under Part 2	Certified statement of quantities used and withdrawn, sources of water, and the nature of the use	Division, on its forms	Not more frequently than at 30 day intervals	Automatic in terms, for persons required to secure a permit; Division forms and regulations presupposed
§ 12-5-95(a)(1)	Regulations prepared under § 12-5-95(a) and adopted under (b), for water users “within the area”	Quantity of water used or withdrawn, sources of water, and the nature of the use thereof	—	Not more frequently than at 30 day intervals	Implementation-dependent

Instrument	Triggering event	Information produced	Recipient	Recurrence	Activation
§ 12-5-97(d), procedures sentences	Procedures established after public hearing, for water users not required to secure a permit; individual domestic use excepted	—	—	—	Implementation-dependent
§ 12-5-134(1)(A)(i)	Intent to drill	Per the Council's form: identity, start date and location, and, on the January 2026 version only, two nominal casing diameters	A county health department, entered by the contractor in a blank on the same form	Once	Unresolved
§ 12-5-134(1)(L)	Well completion	Construction data; pump size and test yield, conditionally	Owner, by statute	Once	Unresolved

The regime differs above and below the threshold on four dimensions: record generation, custody, informational content, and periodicity. Above it, the Division receives a recurring series of declared withdrawals. Below it, the records that construction may generate are decentralized and one-time, they are concerned with capacity rather than use, and whether the completion record's duty reaches an industrial well is unresolved on the statute's text. Capacity is not use. Section 12-5-134(1)(L) does not draw that distinction in terms, but it disclaims the reliability of the yield figure the record may carry. Any estimate of gallons per minute that the well is expected to produce "shall not be considered under any circumstances to be a guarantee of the quantity of the water produced by the well." Pump size and test yield are recorded once, carry no duty to update in the four sections of Part 3 read in full, and measure capacity.

3.6 The same water under two regimes

The public water system boundary stated at the outset does analytical work. Had the same facility drawn the same water from the same aquifer for drinking rather than for cooling, and served 15 service connections or 25 people for the periods the rules specify, it would have become a public water system. It would then have owed a duty, as the Division may require, to maintain daily records including the amount of water treated daily, with a copy going to the Division.⁶ Nothing about the aquifer changes across that line; what changes is the purpose the water serves and the population it reaches, and with it whether a facility-level daily quantity reaches the agency at all. Water treated is not water withdrawn, so the quantity differs from the one at issue here, and the contrast runs on two of the four dimensions above, record generation and periodicity.

Beyond the rules, the Ground Water Use Act imposes one filing duty directly, at § 12-5-97(d)'s first sentence. It reaches persons required to secure a permit, so it runs through the permit status it would settle, and it presupposes Division forms and regulations. The Act's other authority over persons holding no permit is of two sorts, neither of which runs on its own. The first is case-specific, each instrument awaiting a Division decision. It comprises a right of entry onto any property, exercisable to investigate the withdrawal or use of any waters, and a power to compel written or sworn statements on a well's installation or operation. It also comprises compulsory metering under § 12-5-97(e) against a permit-required person who has not applied. The second is a rulemaking authority for reporting rules and procedures that could reach users holding no permit, for which no instrument was located in the codified rules as searched.

⁶ Rule 391-3-5-.14(7) provides that "[t]he supplier of water shall maintain daily records of the operation of the water treatment facility and water distribution system as may be required by the Division including the amount of water treated daily." A copy of the record is to be submitted to the Division. Its proviso for "less frequent maintenance of record requirements for small groundwater systems" reaches maintenance and not submission. A public water system is defined at Rule 391-3-5-.02(99). Both rules were read against the compilation current through August 14, 2026.

The Water Well Standards Act contributes two records in the sections read, and whether either duty extends to industrial wells is unresolved on the statute's text. The notice carries no quantity, and for the completion record, where the quantities sit, the located forms establish no present duty or custodian. The gap the threshold opens is therefore not legal inaccessibility but the absence of routine administrative visibility, against retained authority that must be invoked case by case. That holds on the instruments located in this corpus, which is a corpus of state-level instruments containing no county ordinance.

One consequence governs the sections that follow. The legally relevant quantity is one person's withdrawal, measured on a convention the governing text supports, and § 3.3 has shown that the non-farm sentence supplies no such convention. Where the evidence available about a project cannot establish that quantity, the project's permit status is unresolved rather than below threshold. A facility-level estimate does not establish it, because the facility is not the person, and a projected monthly average does not, because the non-farm sentence names no averaging convention.

4. The declarations, the advocates, and the line

4.1 Six declarations, and what the disclosure record can carry

The Georgia Water Coalition's comment letter of May 11, 2026 on Development of Regional Impact 4689 tabulates declared water demand and nameplate load for five Georgia data center projects, and the Arrowhead filing supplies a sixth. Declared demand per megawatt runs from 2,280 gallons per megawatt per day for QTS Fayetteville, at 570,000 gallons per day against 250 MW, to 16 for Rocky Creek, at 4,000 gallons per day against 250 MW, a ratio of 142.5. Five figures are from the Coalition's table [S] and Arrowhead's from the filing [P]; the calculations are the author's, and megawatts are nameplate rather than served load. Two projects declare an identical 50,000 gallons per day at 324 MW and 1,250 MW. The dispersion is consistent with several data-generating processes, among them cooling design, supply regime and project stage, and discriminates among none; no declaration is described here as low, strategic, or lowest.

Every declared figure is a facility demand rather than a withdrawal by a person. Two of the six exceed the trigger figure on their face. That does not place either project inside the permit requirement, for the same reason that the four smaller figures do not place their projects outside it. A facility's declared demand is not the quantity the trigger measures, and the supply regime of five of the six projects is unestablished here. The regional commission's review of the Arrowhead application describes an on-site well [S¹], and the application names an aquifer as its provider and reports that no water line extension is required [P]. Arrowhead is therefore the one project among the six for which the record identifies a self-supplied withdrawal. Of the six elements § 3's user class states, the record examined here establishes two for that project, self-supply and non-farm use, and none of the other four, the last of which is position relative to the trigger. Section 3's analysis applies so far as the record establishes those elements and no further, and that the record does not establish the last of them is this article's finding rather than a gap in the filing. No

project named in this article instantiates all six elements of § 3's user class on the record examined here, and none is offered as a demonstration of the mechanism.

The register that collected these figures is not built to test one. Its own rule makes the review advisory, as quoted in § 1. No provision located in the two rule subjects governing the process, as read on August 30, 2026, empowers a regional commission or the Department of Community Affairs to deny or condition a project [P, negative].

4.2 What the advocates asked for

Development of Regional Impact 4689 drew comments from three organizations, all dated May 11, 2026: the Georgia Water Coalition, the Suwannee-Satilla Regional Water Planning Council, and WWALS Watershed Coalition. No comment from the Environmental Protection Division appears in that record [P, negative]. Both advocacy letters are addressed to the regional commission's planning director and ask it to secure action by the Division. The Georgia Water Coalition, in its recommendations:

The Georgia EPD—when evaluating the water withdrawal permit—must conduct an aquifer drawdown study to assess impacts on surrounding users (i.e. adjacent agricultural withdrawals). EPD has conducted similar studies and evaluations, most recently in conjuncture with groundwater withdrawal permits adjacent to the Bryan County Hyundai Motor Group Metaplant America (HMGMA).

The word “conjuncture” is the original's error, quoted as written. The Coalition also asks the Division to “include specific drought conditions on withdrawal amounts” and to “require a drought contingency plan,” and WWALS asks for both in nearly the same words. That near-identity indicates shared drafting, so the letters are not independent evidence of two organizations reaching the same conclusion. Both ask for an aquifer drawdown study, the Coalition writing that the Division “must conduct” one and WWALS that it “should also conduct” one [P].

Both letters presuppose that an application for a groundwater withdrawal permit will reach the Division and be evaluated there. Whether one is required cannot be determined from the filing they respond to, for the three reasons § 3 establishes. The declared figure is a facility estimate rather than a person's withdrawal, the non-farm sentence names no averaging convention, and Part 2 as read supplies no rule fixing the unit over which withdrawals combine. Rule 391-3-2-.04(4) may put an application in front of the Division whether or not the trigger is crossed, and if it does, the letters' premise is met and their request is coherent. It does not follow that the resulting proceeding can test the figure, because the quantity an application carries under Rule .04(5)(f) is “the amount withdrawn or proposed to be withdrawn” as the applicant states it. No application, permit, or Division proceeding for this project was located in the record examined here [NOT FOUND], which is the review binder and the filing and not the Division's permit files, which were not searched for this project.

Neither letter raises the 100,000 gallons per day threshold in connection with this project, and neither states that the project falls below it [P, negative]. That was established by full-text search of both letters for “threshold,” “exempt,” “no permit,” “not require,” and “less

than 100,000” (searched August 30, 2026); the single occurrence of “100,000 gallons per day” in the Coalition’s letter describes a different project.

4.3 What the Division does above the line

The reach of the trigger is easiest to see beside a withdrawal plainly above it. On October 7, 2024 the Division issued two groundwater withdrawal permits for Floridan aquifer wells serving an industrial site in coastal Georgia [P]. Permit 016-0013 is held by the “Bryan County Board of Commissioners – Bulloch County Operations” and authorizes “3.500 million gallons per day monthly average and 3.500 million gallons per day annual average.” Permit 016-0014 is held by the Bulloch County Board of Commissioners and authorizes “3.500 million gallons per day monthly average and 3.125 million gallons per day annual average” [P]. The combined annual average is 6.625 million gallons per day, approximately 66 times the permit trigger (author’s calculations: $3.500 + 3.125 = 6.625$; $6,625,000 / 100,000 = 66.25$); neither figure appears on either permit. Section 3.2 finds no rule in Part 2 as read combining or attributing withdrawal volumes among separately titled persons for threshold purposes, so this sum is an outside calculation rather than a quantity the regime produces.

For those applications the Division published drawdown-contour modeling and notices of two public meetings [P]. The permits require a jointly managed fund to address potential impacts to existing Floridan aquifer wells and compliance with the coastal saltwater intrusion plan. They also require full replacement of the groundwater withdrawal by surface water or an alternative source within 25 years of issuance [P]. A demonstration is not a practice: one permit pair establishes that the Division can model cumulative drawdown and write conditions of this reach, not that it does so routinely, and there is no denominator here. The modeling informed a reasonable-use judgment rather than a numerical criterion, because no promulgated ceiling that the model had to clear appears in the 16 rules of Subject 391-3-2 as compiled at August 14, 2026. Rule .06(4) allows a permit to carry a maximum pumping rate or a pumping level as a condition, and § 12-5-95(a)(3) authorizes rules prescribing them, but neither text sets a figure. This is an illustration of what one above-line permitting record contains, and not a controlled comparison, since the two settings differ in location, hydrogeology, declared volume, applicant, and exposure to saltwater intrusion. For Project Arrowhead the only proceeding located here is a planning review whose own rule makes it advisory, and which recommended nothing about the withdrawal.

5. A contrast in instrument type: a state that wrote a number

Virginia regulates groundwater withdrawal in designated management areas through a permit program whose criteria include a numerical test. Under 9VAC25-610-110 D 3 h, a permit may issue only where:

[t]he department’s technical evaluation demonstrates that the stabilized effects from the proposed withdrawal in combination with the stabilized combined effects of all existing lawful withdrawals will not lower water levels, in any

confined aquifer that the withdrawal impacts, below a point that represents 80% of the distance between the land surface and the top of the aquifer. Compliance with the 80% drawdown criteria will be determined at the points where the predicted one-foot drawdown contour is predicted for the proposed withdrawal.

The quotation was verified character for character against the Virginia Legislative Information System on August 5, 2026 [P]. Turner (2026) analyzes the same provision to a different end, showing it is written for confined aquifers only; here it serves as a contrasting instrument type.

What the criterion tests is not a sum of volumes but a modeled water level, taking existing lawful withdrawals into account, and no provision of 9VAC25-610-110 sums volumes against a numerical cap. Case-by-case reasonable-use balancing produces no such computation, and no numerical drawdown criterion appears in the 16 rules of Subject 391-3-2 as compiled at August 14, 2026; whether any procedure establishing one was adopted outside those rules was not determined. The permit conditions and rulemaking authority for pumping rates and levels noted at § 4.3 are authorizations rather than criteria, and neither sets a figure.

Virginia's criterion reaches only designated management areas, and Turner (2026) finds 257 of 286 inventoried Virginia data center facilities sitting outside every declared area [S¹]. The same work establishes that Virginia's statewide reporting regulation attaches at 10,000 gallons per day by rate rather than geography, so it collects figures far below its own permit trigger. Virginia counts statewide while allocating only inside its declared areas, and Georgia allocates while the recurring reporting duties of Subject 391-3-2 name a permittee or a permit holder as their subject. Of the two instrument types compared here, only the modeled criterion obliges the agency to compute a figure of its own.

6. Discussion

6.1 Measurement-coincident thresholds

The design property can be stated independently of Georgia. Where every obligation to measure a withdrawal is keyed to permit status, the agency holds a measured figure only for parties whose status is already settled. Such a regime routinely produces no measurement of the quantity its own trigger depends on. Subject 391-3-2 is an instrument of that kind, on the findings of § 3.4. The finding is narrower than a claim about what any institution could learn, since the Division retains the case-specific authority § 3.4 describes and § 6.2 examines figures generated elsewhere in the record.

One rule of the subject appears to cut against that account and does not. Rule 391-3-2-.04(4) directs the intended user of a newly constructed well to apply for a permit before any ground water use, and carries no threshold qualifier of its own. Read at its widest, it places every such user in front of the Division before withdrawal begins. That reading is available on the text and unresolved on the located record, and the finding does not turn on which way it goes, because paragraph (4) requires an application. What an application

delivers, under Rule .04(5)(f), is “the amount withdrawn or proposed to be withdrawn with a statement of necessity,” a figure the applicant states [P]. Metering enters under Rule .04(7) only against an applicant already withdrawing who cannot furnish accurate information about the amounts withdrawn [P], so it reaches a person inside the application process rather than the sub-threshold user as such. On the widest reading of paragraph (4), the Division receives the declaration earlier. It does not receive a measurement.

The analysis turns on two properties of the instrument, a permit obligation switching on above a stated volume and measurement obligations keyed to permit status, and one of the user, self-supply. Whether the second feature holds elsewhere is not established here, and testing it requires reading each state’s measurement provisions rather than its threshold.

6.2 What the rest of the administrative record does and does not supply

A regime is not a state. That the reporting duties of Georgia’s withdrawal-permitting subject run to permittees does not mean the state holds no number bearing on a withdrawal beneath the trigger. This article examines three channels outside the subject that generate figures, and a county requirement beside them. None is a benchmark of the kind the studies in § 2.1 relied on, and the three are not an exhaustive account of what Georgia holds.

Discharge permitting. A facility discharging treated wastewater to surface waters requires an individual permit under the National Pollutant Discharge Elimination System, administered in Georgia by the same Division and carrying metered effluent monitoring reports. The Arrowhead filing declares a sewage flow of 0.03 million gallons per day against a water supply demand of 0.05, to be “[t]reated on-site and discharged to surface waters under a state-issued NPDES wastewater discharge permit” [P]. If such a permit issues the Division would hold a measured discharge figure. That figure is a floor under the withdrawal only where the discharge’s reporting period matches the withdrawal’s measurement period, both are drawn on a common system boundary, and the effluent derives from the withdrawal at issue [I]. Where those conditions fail, the inference is unavailable. Even where it holds, it is not a benchmark. Any withdrawal above 30,000 gallons per day is consistent with the same discharge, so a lower bound beneath the trigger places the withdrawal on neither side of it. No provision in the corpus described at § 3 requires anyone to compare it against a declaration made in a planning review.

Municipal supplier metering. Where a public water system serves a project, the supplier rather than the project is the withdrawer and the mechanism does not reach it. Where the mechanism operates, a self-supplied withdrawal has no supplier and the channel is unavailable.

Ambient aquifer monitoring. The Floridan is intensively monitored by the United States Geological Survey and through the Division’s own coastal programs, and the obstacle is attribution rather than absence. Ambient water-level networks measure an aquifer’s aggregate response to all stresses, and neither the Survey’s Floridan networks nor the Division’s coastal programs are designed to resolve one withdrawer’s contribution against pumping by every other user, recharge variation, and regional trend.

A county requirement, and what kind of figure it collects. Irwin County Ordinance No. 1 of 2026, passed April 6, 2026, is the county instrument analyzed here and no part of the state-level corpus described at § 3. Two extraction paths agree on its text word for word [P]. A limited sweep of other county instruments, recorded in the appended table, reached a handful of counties; one is noted here and not analyzed. The Chatham County well ordinance was read in a chapter text whose currency was not verified beyond an internal note reading “(Amended April 24, 2009).” Its § 15-617(3) provides that county well construction permits “issued for wells below the 100,000 gallon per day standard shall be reported to the GEPD.” It shows what a county instrument can contain and what a state-level corpus cannot rule out; nothing here states it as current law. Section 27-4(d) permits only closed-loop cooling systems, bars discharge of cooling water “into public sewers or ground without treatment,” and provides at subsection (d)(3):

Before a certificate of occupancy is provided, all data centers shall submit a hydrogeologic study conducted by an independent third-party engineering firm showing estimated annual water usage. Such report should compare estimated water usage to the prior owner/user of the subject property or of that of similar surrounding areas.

The mandatory verb attaches to submission of the study; the comparison sentence is “should.” The discharge prohibition is conditional on treatment and reaches sewers and ground rather than surface water, so on that subsection the ordinance leaves the discharge channel open for this project [I]. Subsection (d)(3) is an instance of the pattern § 6.1 describes rather than a counterexample. What it requires, before occupancy and in advance of any withdrawal, is an estimate produced by a firm the applicant retains: a declaration rather than a measurement, in a unit that § 12-5-96(a)(1) does not state. Neither Municode nor American Legal publishes Irwin County, and county minutes after April 2026 were not searched, so a later amendment or repeal would not have been located here.

None of the three channels produces a measured figure that tests a particular declaration or places it relative to the trigger, and the county requirement produces an estimate rather than a measurement. No instrument in the corpus described at § 3, which contains no county ordinance, obliges anyone to make the comparison.

6.3 What the Model Code paired with the number

The argument does not depend on 100,000 gallons per day being an unusual figure. Section 2.1 records it as a reporting threshold in four other states and § 2.2 as the Model Code’s exemption ceiling, and neither supports a claim about how many states use it as a permit trigger. Georgia’s Act carries the same figure without the two express provisions the Model Code pairs with it, the aggregation rule at § 6R-3-03 and the registration channel for exempt withdrawals at § 6R-1-06. No aggregation rule appears in the Act as read or in the 16 rules of Subject 391-3-2. The registration channel differs in exercise rather than in kind. Section 6R-1-06 provides that the agency “may, by regulation, require” registration; §§ 12-5-95(a)(1) and 12-5-97(d) confer a comparable authority, on which § 3.4 located no instrument in the codified rules as searched. In the 1997 edition, as Wald reproduces it, the exemption figure, the aggregation rule and the registration channel appear together [S¹];

why they do is not established here. No drafting history for either instrument was located, and Georgia's 1972 statute predates the Model Code's 1997 edition by 25 years. The Code's provisions therefore function here as a standard of adequacy rather than a source Georgia is alleged to have departed from.

Section 6R-3-03 aggregates separate withdrawals "by a single person." It reaches fragmentation by one withdrawer across wells or related uses, not across distinct legal persons under common control. Two American examples show where the limit falls. Richardson (2012) reports that Washington's Supreme Court, in *Department of Ecology v. Campbell & Gwinn*, held the state's domestic exemption to be "a use exemption regardless of the number of wells," so that a development's wells are aggregated. He reports that Montana defines a combined appropriation by whether wells are physically connected into one system [S¹]. Neither rule is entity-based: one turns on the development, the other on the plumbing. No regime in Richardson's 16-state survey aggregates by ownership or control. The gap is therefore in the model rather than peculiar to Georgia, and marks where reform would have to operate.

6.4 Georgia's 2026 legislative session

The Georgia General Assembly adjourned sine die on April 3, 2026. Twelve data center bills were introduced across the biennium and none passed: SB 34, HB 559, SB 408, SB 410, SB 421, SB 436, HB 528, HB 1012, HB 1059, HB 1063, HB 1323, and HB 1387 [P]. That is established on a full scan of every legislation record in the 2025-2026 Regular Session and the 2026 Special Session, and it is a statement about those 12 bills rather than about everything the session enacted. Whether the state-wide water management plan amendments ratified by House Resolution 1008, Act 425, which are incorporated by reference and not reproduced, address data centers is not established here [NOT FOUND]. None of the 12 proposes an aggregation rule, a sub-threshold registration requirement, an averaging qualifier, or a numerical withdrawal criterion of the kind § 5 describes [P, negative]. That is a statement about the contents of 12 bills, and no legislative history behind either the 1972 threshold or the 2026 bills was located.

7. Conclusion

In Georgia's Ground Water Use Act as read the permit trigger runs per person, and no rule there supplies the unit over which withdrawals combine or attributes volumes among separately titled persons for threshold purposes. For non-farm use the trigger carries no averaging qualifier, unlike Georgia's own surface water trigger. Every recurring duty in Subject 391-3-2 to measure or report quantities actively withdrawn attaches to an applicant or a permittee. The statute's one directly imposed filing duty reaches persons required to secure a permit and presupposes Division forms and regulations. Beyond those routine routes the Act supplies case-specific authority the Division must invoke, including compulsory metering against a permit-required person who has not applied. It also supplies a rulemaking authority for which § 3.4 located no instrument in the codified rules as searched.

Those three features produce something narrower, and harder, than an unaudited declaration. Subject 391-3-2 requires recurring actual-withdrawal reporting only of permittees, and permit status turns on a withdrawal quantity that, before a permit issues, exists only as a declaration. That holds whichever way Rule 391-3-2-.04(4) is read, because what the widest reading of that paragraph brings to the Division is the amount “withdrawn or proposed to be withdrawn” as the applicant states it under Rule .04(5)(f). A self-supplied person who declares a volume beneath the trigger is not thereby outside the permit requirement, and such a withdrawal’s permit status is unresolved rather than settled beneath the line. Figures generated elsewhere in the administrative record may bound the withdrawal from below, on the conditions § 6.2 states, and do not place it. The number itself is ordinary. Section 6.3 records that the model instrument recommending it pairs it with an express aggregation rule, which Georgia’s Act as read lacks, and a registration channel, for whose Georgia counterpart no instrument was located in the codified rules as searched.

The advocates’ letters illustrate the opacity more plainly than the declared numbers do. Two water-advocacy organizations read the Arrowhead filing and asked a regional planning commission to have the Division condition a withdrawal permit and study aquifer drawdown. On a full-text search of both letters neither asks whether a permit would be required [P, negative]. Why they did not is not established here. What the review itself establishes is enough: nothing in that proceeding determined whether the instrument applied to the project, and nothing in it obliged anyone to find out. In that proceeding the threshold allocated nothing and recorded a declaration.

Two reforms follow, and neither requires changing the number. An aggregation provision testing eligibility against a person’s related withdrawals would supply the unit over which withdrawals combine, which the Act as read does not, and would close fragmentation by a single withdrawer. A registration duty for withdrawals beneath the threshold would add a reporting channel that does not run through permit status, which Subject 391-3-2 does not now contain. Registration of location and capacity, its form in the states Richardson (2012) surveys, records what a well can produce and not what a person withdraws. Both are drafted in the model instrument that recommends the threshold Georgia adopted, and neither answers the affiliated-entity case.

About the author

Tommy N. Turner is an independent researcher and writer who documents the local-government and energy dimensions of the data center build-out. His series of jurisdiction-level case studies covers the counties and the fall-line corridor where Virginia’s data center decisions have been made, refused, or contested, and the analytical volumes extend that work into the systems those decisions run on: the transmission network and the cost-allocation machinery in the first volume, generation in the second, and a federal corporation’s siting practice in the third. Like the rest of the series, this paper is assembled from primary records: the Ground Water Use Act and the 16 rules of Ga. Comp. R. & Regs. Subject 391-3-2, the Water Well Standards Act and the 31 rules of Department 770, the forms the Division and the Water Well Standards Advisory Council publish, a Development of Regional Impact filing and the regional commission’s review binder, two groundwater

withdrawal permits and their drawdown modeling, two advocacy comment letters, a county ordinance, and the 2025-2026 legislative record. His work spans data center fiscal and environmental policy, local public finance, and the governance questions the two raise, and he writes opinion and analysis on Virginia public affairs for outlets including the *Richmond Times-Dispatch*, the *Virginia Mercury*, the *Virginian-Pilot*, the *Roanoke Times*, *Cardinal News*, and *RTO Insider*. Since July 2026 he has served on the advisory board of *Data Centers and the Southern Energy Buildout: Implications for Electricity Costs, Energy Transition, and Energy Justice*, a three-year study at Emory University funded by the Alfred P. Sloan Foundation. The study had no role in this article. The case studies and analytical volumes are published as open, citable editions, each pinned to a deposited evidence archive. He works from Williamsburg and Christiansburg, Virginia.

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Appendix. Claim-and-source table for section 3

The working table for § 3 is reproduced as it stood on September 1, 2026, unedited. It is the source apparatus for § 3 only; §§ 1, 2 and 4 to 7 carry citation at the point of claim and no separate apparatus. Its internal headings, row numbers and operating notes are retained because they are the record.

§ 3 claim table: Window A output, frozen

Built 31 August 2026; repaired the same day in a second retrieval window, A.2.

Window A: retrieval and verification only. No article prose was written in either window and none appears below. Column 2 states each claim in the form § 3 currently asserts it, so that it can be verified and repaired in place. **It is not draft text**, and no sentence below is offered as § 3's wording. Three kinds of passage do prescribe, and they are the only three: Part V, a specification for rewriting Table 1; the **REPLACEMENT** field of a NARROWED or DEFEATED row, which states what must stand in the defeated claim's place; and Parts VI and VII, which bind the drafting window. Everything else is a finding.

Window B consumes this file and may not retrieve. If Window B needs a fact this table does not carry, it writes the sentence without it or stops. It does not go looking.

This file is self-contained. Everything Window B needs is inside it. § 3's Table 1 is reproduced verbatim at Part V. The operating conventions are restated at Part VII.0, and the settled findings and restructuring requirements carried forward from the 31 August handoff are restated at Part VII.1. **No other file need be open to execute Parts I through VII**, which are what Window B consumes. Where an outside document is named in those Parts, it is named as provenance for a finding already stated here, never as a dependency Window B must go and read. **Part VIII is a change log addressed to this project's record rather than to Window B**, and it does cite the audit it answers; Window B may skip it without losing anything.

Compilation date for every rule-level finding below: current through Rules and Regulations filed through 14 August 2026. Retrieval date for everything: 31 August 2026.

What “verbatim” and “exact” mean in this file

Two different certifications run through the rows and they are not equal. **Every row using either word must be read against this paragraph rather than against the ordinary meaning of the word.**

- **Rule text of Subject 391-3-2 and Department 770, and administrative-history footers.** Checked against the Secretary of State’s own compilation, current through Rules and Regulations filed through 14 August 2026. That compilation is the official publication of the rules, so “verbatim” and “exact” carry full weight here.
 - **Statutory text of O.C.G.A. Titles 12 and 50.** Checked against free publishers only: Justia, stated vintage “2025 Code of Georgia”, and FindLaw, stated vintage 28 March 2024. **No statutory provision in this window was checked against Georgia’s official Code**, which is a LexisNexis product and unavailable, and no statutory text here reflects HB 1268 / Act 723, the 2026 editorial Code revision act effective 1 July 2026. Where a statutory row says “verbatim”, “exact”, “confirmed word for word” or “two sources, identical”, it means those two free publishers agreed and nothing more. **Assert every statutory quotation as the 2025 codification. Do not present any of it as the text as reenacted.** See FORBIDDEN VI.1-35.
 - **“Two sources, identical” is weaker than it reads** wherever the two are Justia’s 2025 text and FindLaw’s 28 March 2024 text. That pairing is two publishers, not two vintages, and an amendment after March 2024 would not necessarily surface as a disagreement between them.
-

Part I. Retrieval provenance, and what changed since the stale snapshot

I.1 The compilation date, and where it is printed

Verbatim, as printed:

“Current through Rules and Regulations filed through August 14, 2026”

It appears on four surfaces, and the distinction matters for how § 3 cites it:

Surface	Carries the stamp
rules.sos.ga.gov site root and Download_pdf.aspx	Yes
Cover page of the official Department 391 PDF, page 1	Yes
rules.sos.ga.gov/gac/391-3-2-.08, the per-rule page (JavaScript-rendered)	Yes , above the rule text
rules.sos.ga.gov/GAC/391-3-2, the subject page (renders without JavaScript)	No

§ 3 may therefore cite the date as printed on the page bearing the rule and on the cover of the official Department 391 compilation. It is not a site-root inference.

Why an earlier pass could not find it. The no-JavaScript subject page suppresses both the currency stamp and every administrative-history footer. That same suppression is why a subject-page reading of “12-5-97” would have returned one hit rather than two: the second occurrence sits in Rule .08’s authority footer, which the subject page does not render.

1.2 The corpus actually searched

The official Secretary of State compilation of the **entire Department 391**, current through 14 August 2026, retrieved as a single PDF of **2,907 pages** and converted to 125,729 lines of text:

[https://rules.sos.ga.gov/Download_pdf.aspx?
st=GASOS&year=2026&dept=Departments
&pdf=Department 391 RULES OF GEORGIA DEPARTMENT OF NATURAL
RESOURCES](https://rules.sos.ga.gov/Download_pdf.aspx?st=GASOS&year=2026&dept=Departments&pdf=Department%20391%20RULES%20OF%20GEORGIA%20DEPARTMENT%20OF%20NATURAL%20RESOURCES)

Department 770 was retrieved the same way (22 pages), title string
Department%20770%20WATER%20WELL%20STANDARDS%20ADVISORY%20CO
UNCIL. Note the title is not “RULES OF...” and +-encoding returns 403. year=2023, 2024
and 2025 all return 403, so **no text-to-text diff of the 2023 against the 2026
compilation was possible**. See FORBIDDEN VI.1-41.

Every department-scale search below was cross-checked against the Secretary of State’s own full-text search facility (rules.sos.ga.gov/search/<term>, JavaScript-rendered), which searches all Georgia agencies and is therefore a strictly broader corpus.

1.3 Task 1 result: do the substantive negatives survive at the current date?

Yes. All three re-ran clean, and two came back stronger. The reviewer's spot-check is confirmed.

Negative	At 10 Aug 2023	At 14 Aug 2026	Change
"12-5-97" in Department 391	exactly 2, both in Rule 391-3-2-.08	exactly 2, both in Rule 391-3-2-.08	none, and now stronger : the Secretary of State's all-agency search returns 391-3-2-.08 as the only rule in the whole Georgia Administrative Code citing § 12-5-97
"not required to secure" in Department 391	0	0	none. All-agency search finds exactly one hit statewide, Rule 672-10-.05, hazardous-materials movers, outside Department 391
"12-5-95" in Department 391	not previously run	1 , the authority footer of Rule 391-3-2-.03; nowhere in any rule's body text	new

The two Department 391 occurrences of "12-5-97", verbatim:

1. Rule 391-3-2-.08(2), closing parenthetical: "The specific conductance analysis shall be according to a method acceptable to the Division. (**Authority O.C.G.A. Section 12-5-97**)"
2. Rule 391-3-2-.08 authority footer: "...Effective June 3, 1974. **O.C.G.A. Sec. 12-5-97.**"

Full Ground Water Use Act citation profile across Department 391: § 12-5-90 ×15, § 12-5-91 ×6, § 12-5-92 ×2, § 12-5-95 ×1, § 12-5-96 ×18, **§ 12-5-97 ×2**, § 12-5-99 ×1.

1.4 Did Subject 391-3-2 itself change?

No. All sixteen administrative-history footers were read from the official compilation. The most recent amendment anywhere in the subject is Rule .04, "Amended: F. July 15, 2015; eff. August 4, 2015." **No history line in any of the sixteen records a repeal.** No rule shows an amendment after 10 August 2023. Cornell LII's footers, used by an earlier pass, are accurate and complete.

One artifact resolved: Rule .07 prints "Amended: F. Apr. 23, 1990; eff. Apr. 23, 1990" against the fifteen siblings' "F. Apr. 3, 1990; eff. Apr. 23, 1990." **That is the Secretary of State's own text**, not a transcription error by LII. A twenty-day filing-to-effective interval is the pattern across the whole 1990 package, so this reads as an uncorrected typographic error in the official compilation. Do not build anything on the .07 filing date.

1.5 What DID change in Department 391 between the two compilations

117 filings post-date 10 August 2023 department-wide. **None touches Subject 391-3-2**, and none touches Subjects 391-3-16, 391-3-28, 391-3-30, 391-3-31 or 391-3-32. The department grew from roughly 2,878 pages to 2,907, about 29 pages net, none of it in the subject.

One change bears on § 3.6 and must not be missed. Rule **391-3-5-.07 “Wells”** was amended twice inside the window: F. Sept. 14, 2023, eff. Oct. 4, 2023; and F. Sept. 9, 2025, eff. Sept. 29, 2025. Subject 391-3-5 is the public water system subject § 3.6 draws its contrast from. § 3.6’s cited provisions are .14(7), .30 and .04(1) rather than .07, so nothing quoted is known to be disturbed, **but § 3.6’s provisions were last verified against the stale compilation and have not been re-read at 14 August 2026.** See FORBIDDEN VI.1-43.

Also amended in the window, none withdrawal-related: 391-3-5-.04, .25, .39; 391-3-6-.03; 391-3-11-.01.

1.6 A partial free surface onto proposed rules, and what it will and will not bear

The prior finding that the comprehensive archive is a LexisNexis product holds for the Georgia Register itself. But EPD publishes a free rulemaking table at <https://epd.georgia.gov/public-announcements-0/proposed-rules>, giving hearing date, comment deadline, Board action date and disposition for the EPD rule packages it lists. **As retrieved on 31 August 2026, its earliest entry dated from 2021 and no Subject 391-3-2 package appeared on it.**

What that supports, and what it does not. It supports one sentence: no Subject 391-3-2 package appeared on EPD’s proposed-rules table as retrieved on 31 August 2026. **It does not support “no Subject 391-3-2 package was proposed since 2021.”** The page’s own retention statement promises only sixty days past final Board action, so a package proposed and disposed of inside the window could have been removed before retrieval. Whether the page in fact retains everything back to 2021, or merely happens to still show entries from 2021, was not established, and the two are not the same thing. **The table is a partial surface, not a register.** It narrows the unsearched-rulemaking-record bound to that extent and no further: one absence, on one EPD page, on one date.

1.7 Statutory currency: the 2025 and 2026 sessions are CHECKED, not merely unsearched

Both publishers relied on for statutory text (Justia, “2025 Code of Georgia”; FindLaw, “Current as of March 28, 2024”) predate the current session. The gap was closed against the official Office of Legislative Counsel enacted-statute summaries, whose Code-section indexes list amended, enacted and repealed sections alike.

- **2025 session.** Title 12 Chapter 5 entries: exactly two, §§ 12-5-31 and **12-5-105**, both by HB 143 / Act 72, effective 1 July 2025, revising water-measuring-device provisions for farm use of ground and surface water.

- **2026 session.** Title 12 Chapter 5 entries: exactly one, **§ 12-5-105**, by HB 1268 / Act 723, the annual editorial Code revision act, effective 1 July 2026.
- **No 2025 or 2026 amendment to any of §§ 12-5-90 through 12-5-104, §§ 12-5-106 through 12-5-108, or §§ 12-5-120 through 12-5-138.** This is an affirmative absence from the official index, not a failed search.

§ 12-5-105 was amended twice in the window and was not retrieved. §§ 12-5-97(a), (c) and (d) all cross-refer to it. See FORBIDDEN VI.1-38.

I.8 Two long-standing gaps CLOSED in this window

- **§ 12-5-92, the Part 2 definitions section**, previously on the forbidden list, was retrieved in full from two sources. It has ten paragraphs, (1) through (9) plus (5.1). “Person” is (8); “Ground water” is (6); “Area of the state” is (2). **“Withdrawal” is not a defined term anywhere in § 12-5-92.**
 - **Ga. Comp. R. & Regs. Department 770**, previously reachable only as a chapter listing, was retrieved in full. **Exactly 31 rules across eight chapters**, counted mechanically: 770-1 (4), 770-2 (1), 770-3 (3), 770-4 (2), 770-5 (9), 770-6 (8), 770-7 (2), 770-8 (2). § 3’s “thirty-one rules” is correct.
-

Part II. The instrument inventory, Subject 391-3-2

This has never been completed before. All sixteen rules were read provision by provision against the official compilation.

How to read this Part, because the ordering is not obvious. §§ II.1 and II.2 are the **delta**: instruments absent from § 3’s Table 1. They are not the whole inventory. **§ II.4 carries the complete roster**, both the information-producing provisions and the provisions that produce none, so that every provision of all sixteen rules is accounted for exactly once. Rows 26, 43 and 62 rest their negatives on § II.4’s roster, not on §§ II.1 and II.2.

Five provisions were named for checking before this window opened — Rules .04(5) (f), .04(9), .04(11)(i), .12(2) and .14(3) — on a reviewer’s report that § 3’s Table 1 omits them. All five are real. **One of them, Rule .04(11)(i), defeats a claim § 3 makes. The other four do not**, and one of those four, Rule .12(2), is narrower than the reviewer’s description of it. Beyond the five, the sweep found **four further instruments absent from Table 1**, listed at § II.2, and six weaker ones noted at the end of that section.

II.1 The five named provisions, verified

Rule 391-3-2-.04(11)(i): CONFIRMED TO EXIST. This is the consequential one.
Verbatim:

“(i) Water use data; Permittees must submit to the Director an annual water use data report that includes information on unaccounted for water for the past 12 months. The report must be submitted annually starting 12 months after new or modified permit issuance.”

- Binds: “Permittees”, unqualified inside the subparagraph, but sitting under the .04(11) chapeau, which limits the paragraph to a permit application “for a new permit or modification of an existing permit which includes an increase in the permitted water use (except for a farm use permit application)”. The chapeau’s flow-down to (i) is a construction question the text does not settle. See FORBIDDEN VI.1-15.
- Runs to: **“the Director”**, not “the Division”. Rule .08 runs to the Division. The contrast is real.
- Interval: expressly annual and open-ended.
- Content: **the verb is “includes”, which is non-exhaustive**. Unaccounted-for-water information is the only content element the text names; the rest of the report’s contents are left unspecified, and the subparagraph is headed “Water use data”. **What can be said: the text does not on its face name a withdrawal volume as a required element. What cannot: that a withdrawal volume is excluded.** “Includes” will not carry that weight, and the distinction bears directly on how much of § 3’s claim this provision defeats.

Rule 391-3-2-.04(5)(f): real, and information-producing. Verbatim:

“(f) the amount of water withdrawn or proposed to be withdrawn or used, and a statement to indicate the extent to which such use or withdrawal is reasonably necessary to meet the needs of the applicant;”

One-time, application-bound, no interval, reaches no one who has filed nothing.

Rule 391-3-2-.04(9): real, information-producing, and additive. Non-farm applicants with wells constructed after 18 April 1973 “shall submit, in addition to the information required in paragraph (5) of this Rule, well construction details and specifications, as the Division deems necessary”, itemising (a) total depth, (b) size of drilled hole, (c) casing size/depth/material, (d) screen, (e) grouting depth, (f) “deep well air line of steel, iron or heavy gage copper material, with screw cap, for water level measurements”, (g) plugging procedures. Subparagraph (f) **is not a datum but a hardware mandate**: the permanent air line that makes Rule .08(1)(f)’s static and pumping level readings physically possible. Applicant-bound, one-time.

Rule 391-3-2-.12(2): real, but NARROWER than the reviewer’s description. Verbatim:

“(2) Any person who drills a well to obtain ground water and who is required under this Chapter to obtain a permit to use ground water shall furnish the Division at the time of application for a permit to use ground water such geologic and hydrologic information and well construction data as the Division requires.”

Doubly limited on its face: the subject must be permit-required, **and** the duty attaches only at application. Its content is open-ended and Division-set, which makes it substantively broad, but it is one of only two provisions in Rules .09 through .16 carrying an express permit-status limitation. **It cannot reach a person who holds no permit and has filed no application, so it defeats nothing in § 3.**

Rule 391-3-2-.14(3): real, and it is the broadest-reaching information instrument in the subject. Verbatim:

“(3) Upon the filing, plugging and sealing of an abandoned well or wells, the Division shall be informed by certified statement from the contractor within thirty (30) days after the sealing that the well or wells have been sealed according to the procedure approved by the Division.”

Read carefully: the sentence is passive and its grammatical subject is the Division.

“The Division shall be informed... from the contractor.” The contractor is named as the source of the statement, not as the subject of a “shall”. So the provision identifies a person who holds no permit, has filed no application and withdraws no water as the origin of a record that reaches the Division within thirty days. **Whether that imposes an enforceable duty on the contractor, as against merely describing where the Division’s information comes from, is not settled by the words.** Event-triggered, not periodic. No threshold, no permit nexus. The reach point stands on either reading; the duty point does not.

II.2 Four further instruments the sweep found, absent from § 3’s Table 1

Rule .08(2): an ANNUAL specific-conductance duty on every permit holder. Verbatim in part: “The permit holder shall have a specific conductance analysis of the ground water from the well or wells performed by a laboratory acceptable to the Division, starting sixty (60) days after the date of the permit, **and annually thereafter**, unless otherwise designated by the Division, and a copy of the report shall be submitted to the Division not later than fifteen (15) days after the reporting date”. Note it carries **no farm-use exclusion**, unlike .08(1). It is a water-quality measure, not a measure of use, which is why it does not defeat § 3.4’s “quantities actively withdrawn” sentence.

Rule .04(11)(h): a five-year progress report. “Five years after issuance of a new or modified Ground Water Use Permit, the permittee must submit to the Director a progress report...” On its face **a single event at year five, not a recurring five-year cycle**; the text says “Five years after issuance,” not “every five years.”

Rule .13, sentences 1 and 2: test-well information, binding by purpose of drilling rather than permit status. “Any person drilling a well for the purpose of obtaining geologic and hydrologic information for the study of ground water availability **should** submit to the Division all information obtained from the testing program. Prior approval of the testing program **should** be obtained from the Division.” **The verb is “should”, not “shall”,** in a rule whose next sentence but one uses “shall be plugged and sealed”. Hortatory, one-time, and about hydrologic information rather than withdrawal volume, but it reaches a non-permittee.

Rule .10(g): monitoring wells as a data-generating control measure. The only affirmative data-generating item among .10’s twelve measures: “use of observation or monitoring wells... **to detect the inward movement of salt water or to detect the deterioration of water quality**”. Imposed on “the user” by .10’s chapeau, which carries no

permittee, applicant or threshold limitation. **No recipient and no cadence are stated anywhere in Department 391.**

Also worth carrying, though weaker: **.09(1)**’s two approval hooks (depth beyond thirty feet “if approved by the Division”; extension beyond sixty days “approved by the Division for a justifiable reason”), which address a class of persons expressly “excluded from obtaining a permit”; **.14(1)**, plugging “in a manner acceptable to and approved by the Division”, binding “the owner” by well condition; **.14(2)**, Division notice to owner and a five-day window in which “the owner may file an objection”; **.06(6)**, “The permit holder shall notify the Division by registered letter of any changes in the beneficial use, or if a greater amount of water is to be withdrawn,” the only prescribed transmission mode in the subject; **.07(4)**, written notification of change of ownership for farm-use permits; and **.04(13)**, the open-ended catch-all, “Any other information deemed necessary”, the widest hook in the subject and scoped entirely to the application.

II.3 Reach: who can be bound without a permit and without an application

Across all sixteen rules, the provisions that on their face reach a person holding no permit who has filed no application are:

Provision	What it compels	Recurring	Information about withdrawal volume
.03(1)	nothing; it prohibits	continuous prohibition	no
.04(4)	conference (“should”); evidence (“should”); application after construction (“shall”)	one-time	no
.09(1)	Division approval of depth / of extension	per event	no
.09(2)	a Rule .04 application, above 100,000 gpd	one-time	via the application
.10 chapeau, .10(g), .10(1)	control measures on “the user”, incl. monitoring wells	none stated	no
.11 chapeau	control measures on “the user”	none stated	no
.13 sent. 1, 2	testing-program information (“should”)	per program	no
.14(1), .14(2)	plugging in an approved manner; objection window	per well	no
.14(3)	contractor’s certified statement of sealing	per sealing	no

Every one of the nine entries is either hortatory, event-triggered, or conditioned on an antecedent Division decision. None is periodic. None reports a withdrawal volume. That is the finding that keeps § 3.4's central negative alive.

What this table supports, at its own strength and no higher. The nine entries are the provisions that, on the roster at II.4, reach a person holding no permit who has filed no application. The roster accounts for every numbered and lettered provision of all sixteen rules as two independent sources render them, subject to the single caveat recorded at the end of II.4 about Rule .16's tail. So this is an enumeration of the subject's provisions rather than a search for absent words. **That is a difference in method, not a difference in strength, and it licenses no claim broader than the one § 3 already makes.** What it does supply is a different kind of check: a reader can test the finding by walking the roster, instead of having to trust that the right words were searched for. Rows 43 and 62 rest on II.4(a) and on this table; row 26, whose claim is about recurring duties rather than reach, rests on II.4(a) alone. Each of the three states its own scope and none of the three may be restated anywhere without it.

II.4 The complete roster: every provision of all sixteen rules, accounted for once

(a) Information-producing provisions. These generate, compel or report information about a withdrawal or a well. Marked ♦ where absent from § 3's Table 1.

Rule	Provisions	Subject bound	Recurring
.04(1), (2), (3)	permit application on three trigger dates	permit-required persons	one-time
.04(4) ♦	conference and evidence (“should”); application after construction (“shall”)	“intended user”	one-time
.04(5)(a)–(e), (g)–(k)	identity, siting, impact, use, aquifer, well dossier	applicant	one-time
.04(5)(f) ♦	withdrawal quantity and necessity statement	applicant	one-time
.04(6)(a)–(i)	farm-use evidence set incl. well construction data	farm applicant	one-time
.04(7)	metering on inability to furnish accurate amounts	applicant already withdrawing	continuing measurement
.04(8)	Division estimation	applicant	as needed
.04(9) chapeau, (a)–(e), (g) ♦	additional well construction details: total depth, drilled-hole size, casing, screen, grouting depth, plugging procedures	non-farm applicant, post-1973 wells	one-time
.04(9)(f) ♦	mandates a permanent deep-well air line; hardware, not a datum	non-farm applicant, post-1973 wells	one-time
.04(11) chapeau, (a)–(g), (k)	water conservation plan, incl. 12 months UAW data at (a)1	applicant for new or increase-modified permit	one-time
.04(11)(h) ♦	progress report	permittee	at year five
.04(11)(i) ♦	annual water use data report	permittees	annual

Rule	Provisions	Subject bound	Recurring
.04(11)(j)	20-year demand projections; no submission stated	all permittees	none stated
.04(12)	permitted treatment-plant capacities	applicant	one-time
.04(13)	“Any other information deemed necessary”	applicant	per application
.05(1)(j)	“documentation of effective water conservation”; no filing duty stated	applicant, by implication	none
.05(2), .05(4)	proof of pre-1973 use; pre-1988 farm capacity (window expired 1991)	applicant	one-time
.06(4)(h)	monitoring wells for levels and quality; no recipient, no cadence	permittee	none stated
.06(6) ♦	registered-letter notice of changed use or increased withdrawal	permit holder	per event
.07(2)	renewal re-triggers the .04 battery	permittee	at expiry
.07(4) ♦	written notification of ownership change	transferee / farm permittee	per event
.08(1)	semiannual Ground Water Use Report, (a)–(g)	“Every person who has obtained a permit (except... farm use)”	semiannual
.08(2) ♦	specific conductance analysis	“The permit holder”	annual
.08(3)	estimation and metering on bad or missing data	person required to submit a Report	as needed
.09(1) ♦	Division approval of depth; of extension	person excluded from permitting	per event
.09(2)	compelled .04 application	above-threshold dewaterer	one-time
.10 chapeau, (g), (l) ♦	control measures; (g) monitoring wells detect intrusion and quality	“the user”	none stated

Rule	Provisions	Subject bound	Recurring
.11 chapeau ♦	control measures; none of (a)–(d) is data-generating	“the user”	none stated
.12(1)	Division’s own duty to gather geologic and hydrologic information	the Division	standing
.12(2) ♦	geologic, hydrologic and well construction data	permit-required person, at application	one-time
.13 sents. 1, 2 ♦	testing-program information and prior approval (“should”)	any person drilling for hydrologic information	per program
.14(1), (2) ♦	plugging in an approved manner; notice and objection window	“the owner”	per well
.14(3) ♦	certified statement of sealing	Division informed, from “the contractor”	per sealing
.16(3)(d)	plan-level data definition; binds no person	n/a	none
.16(4)(a)	Director must base permits on the plans	the Director	none

(b) Provisions producing no information about a withdrawal or a well. .01 entire (purpose clause, imposes no duty). .02 entire (definitions only, though (n), (o), (p), (q) and (s) supply units used elsewhere). .03(1) (prohibition only), .03(2), .03(3). .04(10) (Division design authority). .05(1)(a)–(i), .05(3), .05(5) (Division-side consideration and notice out). .06(1)–(3), .06(4)(a)–(g), .06(5), .06(7). .07(1), .07(3). .10(a)–(f), (h)–(k) (physical control measures). .11(a)–(d) (withdrawal arrangement and curtailment). .13 sentence 3 (plugging cross-reference to .14) and sentence 4 (Division test wells exempt from permitting but subject to the rule’s other requirements, which routes them back into sentences 1 and 2 rather than generating anything new). .14(4) (observation-well carve-out). .15 entire (enforcement modality). .16(1), (2), (3)(a)–(c), (e), (f).

Both lists together account for every numbered and lettered provision of all sixteen rules that two independent sources render. One caveat: both sources end Rule .16 at paragraph **(4)(a)**, with no (4)(b) and no paragraph (5). A rule ending at a lone “(a)” under “(4)” is structurally odd, the official compilation was not eyeballed on this point, and a truncated tail to .16 cannot be excluded. Nothing in this table depends on it. Where a provision’s classification is arguable, it appears in (a) rather than (b), so (a) is over-inclusive and (b) is the conservative list. **Rows 26, 43 and 62 depend on (a) being complete, not on (b).**

II.5 String-search results across all sixteen rules, at 14 August 2026

Term	Hits in .01–.08	Hits in .09–.16
“aggregate”	0	0
“combined”	0 (nearest: “combination”, .03(3), a use-classification rule)	0
“affiliate”	0	0
“not required to secure”	0	0
“exempt”	1 (.03(1) saving clause)	1 (.13, Division test wells)
“Maximum day withdrawal”	1, .02(p) only	0
“Monthly average withdrawal”	1, .02(n) only	0
“Annual average withdrawal”	2, both inside .02	0
“report”	14	0
“meter”	11 true (4 false positives on “diameter”)	0
“annual”	6, of which 2 are true annual duties (.04(11)(i), .08(2))	0
“record”	not searched separately	0
“100,000”	.03(1) ×2	2, both in .09

Rules .09 through .16 contain no metering requirement, no provision using the word “report”, no recordkeeping requirement, and no periodic obligation of any kind.

The three defined averaging terms at .02(n), (o) and (p) **appear nowhere in the operative text of any of the sixteen rules.** They are defined and never used. This confirms the symmetry finding at § 3.3 note 3 and extends it: the drafters attached no defined measurement convention to anything in the subject, not merely to Rule .03(1).

II.6 Authority footers

No authority footer anywhere in Subject 391-3-2 pin-cites a subsection. Every O.C.G.A. reference is whole-section, and three broaden further with “et seq.” The earlier withdrawal of the pin-cite inference was correct and stands.

One qualification to absorb: subsection pin-cites **do** occur in the subject, in rule text rather than in footers. Rule .16(3)(d) reads “as provided in O.C.G.A. §§ **12-5-31(h)** and **12-5-96(e)**”. So the drafters used subsection cites in bodies while not using them in footers. If the finding is deployed narrowly, about footers, it holds without exception. If it is deployed to say the drafters had no practice of subsection-level citation, .16(3)(d) refutes it.

Note also: Rule .03’s footer cites O.C.G.A. § 12-5-95 while the authority citation printed **inside** .03(1) cites § 12-5-105. The two do not match. See FORBIDDEN VI.1-16.

Part III. The two legal questions

III.1 Does § 12-5-97(d) require its procedures to be filed?

Answer: expressly left open, with reasons. Both the assertion and its negation remain forbidden. But the draft's current sentence must go, because it asserts one side of an open question as a limit.

The reviewer is right that the sentence is a defect. **The reviewer's proposed correction overstates.** This is the third recorded instance of that pattern and it was caught the same way as the others, by routing the correction through primary text.

First, the subsection in full, which § 3 has never quoted and which turns out to matter:

“(d) Except as provided in subsection (b) of Code Section 12-5-105, every person who is required by this part to secure a permit shall file with the division, in the manner prescribed by the division, a certified statement of quantities of water used and withdrawn, sources of water, and the nature of the use thereof not more frequently than at 30 day intervals. Such statements shall be filed on forms furnished by the division within 90 days after the issuance of regulations. **Water users not required to secure a permit shall comply with procedures established to protect and manage the water resources of the state. Such procedures shall be within the provisions of this part and shall be adopted after public hearing.** The requirements embodied in the two preceding sentences shall not apply to individual domestic water use.”

Two things § 3 does not currently notice. The subsection's **first** sentence imposes a filing duty directly by statute on “every person who is **required by this part to secure a permit**”, which is a broader class than permittees. And the thirty-day interval language appears **here** as well as in § 12-5-95(a)(1).

What the authorities support:

1. **§ 50-13-2(6) defines “rule” broadly and the word “procedure” sits inside the inclusive half:** “each agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, **procedure**, or practice requirements of any agency.” **There is no carve-out for forms and none for procedures.** Ten exclusions, (A) through (J), were read in full; the only two arguable candidates are (A), internal management “and not affecting private rights”, which is hard to satisfy for a directive with which non-permittees “shall comply”; and (F), rules relating to management of state property, which is a genuine long shot but is the one nobody had spotted.
2. **§ 50-13-6(a) makes filing a condition of effectiveness**, verbatim: “Each rule adopted after July 1, 1965, shall not become effective until the expiration of 20 days after the rule is filed in the office of the Secretary of State.”

3. **DNR, the Board and EPD are not among § 50-13-2(1)'s exclusions.** § 50-13-4(g)(1) and (i) both presuppose EPD is an agency; § 12-5-96(h)(1) applies Chapter 13 to Board proceedings by name.

What the authorities do not support, and this is where the reviewer overstates:

1. **Hill v. Owens, 292 Ga. 380 (2013), is real authority the other way.** Its “[f]ailure of an agency to comply with these requirements renders a rule invalid” is a framework recital in Division 1, delivered before the Court decided the case on the ground that **no rule existed at all**. The holding is that a generally-applicable written procedure issued by an agency head, governing conduct, can be a non-rule “management directive” outside the APA: **“None of his directives given in managing the prison system, whether committed to writing or not, are subject to the APA’s requirements, because they are not legally-binding rules.”** That is precisely the shape of instrument the draft’s hedge contemplates. Two caveats travel with it: the Board of Corrections is expressly excluded from “agency”, and the Court drew a sharp line between the prison system and agencies “that govern only certain aspects of the lives of free persons.”
2. **State v. Holton, 173 Ga. App. 241 (1984), cuts against invalidation on its disposition.** Its APA-coverage reasoning helps the reviewer, and it rejected an internal-management argument as “wholly lacking in merit.” But it **upheld** rules published under the wrong agency’s name, on O.C.G.A. § 1-3-1(c) substantial compliance: “the implied consent rules have been promulgated in substantial compliance... and, thus, **are valid and effective against Holton.**” And it is not a true non-filing case; the rules had been filed.
3. **Ponce v. State, 279 Ga. App. 207 (2006), is the closest holding and it is narrower than it reads.** The sentence is on the page: **“Because it appears that the PSC’s transportation rules have not been filed with the Secretary of State, they have not ‘become effective’ pursuant to the APA.”** But the operative disposition concerns **judicial notice** under § 50-13-8 and what an appellate record may carry; the court added an independent non-publication ground under § 50-13-7; and it did not adjudicate whether a regulated party could be sanctioned for violating an unfiled rule. *Ponce* cites neither *Holton* nor § 1-3-1(c). **Whether Ponce silently displaced Holton’s substantial-compliance approach for filing defects is exactly what a citator would answer, and none was available.**
4. **A drafting contrast exists within the Part, and it is evidence, not proof.** §§ 12-5-94, 12-5-95, 12-5-96 and § 12-5-97(a) all say “rules and regulations” or “regulations”, name the Board of Natural Resources as actor, and twice cross-reference Chapter 13 of Title 50 by name. **§ 12-5-97(d) alone says “procedures”, names no actor, and makes no Chapter 13 cross-reference.** Cutting the other way within the same sentence: (d) says the procedures “shall be within the provisions of this part”, which can be read as routing them through the Part’s existing § 12-5-94 and § 12-5-95 machinery rather than outside it.
5. **§ 50-13-4(a) exempts “interpretive rules or general statements of policy” from notice and comment,** while § 50-13-6(a) attaches to “[e]ach rule adopted” without

qualification. **Whether such a statement must nonetheless be filed to take effect is a seam neither side has closed**, and no located decision addresses it.

Does any decision construe § 12-5-97(d)? No. Confirmed across two independent adversarial sweeps. CourtListener (Atom feed endpoint; the HTML search is bot-gated and the REST API returns 401), Justia, FindLaw, and general web search. Queries run and returned nothing: "O.C.G.A. § 12-5-97", "OCGA § 12-5-97", "Code Section 12-5-97", "procedures established to protect and manage the water resources", "certified statement of the quantities of water". A bare "12-5-97" returns 27 opinions, **all date matches on 5 December 1997**. "Ground Water Use Act" returns exactly one case, *City of Rincon v. Couch*, 276 Ga. App. 567 (2005), read in full: it construes § 12-5-96(d) and Rules .05 and .06, and **does not mention § 12-5-97 at all**. Its Division 2 expressly pretermits whether EPD would be bound by an alleged "longstanding policy", which is a pretermission, not a holding.

The bound, and it must travel with the finding: no decision located by free full-text search of CourtListener, Justia and FindLaw construes § 12-5-97(d). **Georgia OSAH is structurally unreachable** and is the likeliest forum for such a construction: its decisions page requires both a docket number and the non-agency party's ZIP code as mandatory fields, and decisions issued on or before 30 June 2016 are not online in any form. *Rincon* establishes that groundwater permit appeals do go to OSAH. Google Scholar, Casetext and anylaw were unreachable. Four of five candidate Attorney General opinions were unread, and the AG site's own search index returns zero for "12-5-96" and for "aquifer", so it is demonstrably unreliable.

What this means for the draft. The narrowing move, not a re-hedge: § 3 should state what was searched and what the search reached, and stop. The legal characterisation of the instrument is not needed for § 3's argument and cannot be supported either way on this record.

III.2 What the completion and notice forms establish, four questions kept apart

The draft collapses present form design, legal duty, intended recipient, and actual custody. Separated:

Q1 PRESENT FORM DESIGN: ESTABLISHED, by complete extraction.

Notice of Intent to Drill a Water Well, Version: January 21, 2026, one page, extracted completely by two independent extractors returning matching output; no page 2, no hidden form layer. It is the current form: EPD's Water Well Standards page links it and no other NOI. Two statutory citations only:

"In accordance with the requirements of O.C.G.A. § 12-5-134(1)(A)(i), the undersigned Water Well Contractor intends to drill a water well in your county for the following purpose (check one): ☐ Individual Water Well ☐ Small Multiple-Connection Water Well, Non-Municipal ☒ **Industrial Well** ☐ Agricultural Irrigation Well (Provide LOC# _____) ☐ Public Water System (Number of well connections: _____)"

and “I certify that the water well will be located and constructed according to the standards for water wells as stated in Subsection 12-5-134 of the Water Well Standards Act of 1985.”

Corrections to § 3.5’s description of this form. The 2026 form has **five** classes; the March 2017 form has **four** (“Public Water System” is new). And the 2026 form is **not** free of dimensional data: it collects “Nominal diameter of the primary casing of the groundwater well at the surface” and a secondary casing diameter if applicable. § 3.5’s “identity, casing diameter, start date and location, and no capacity, yield, depth or volume” is right on the exclusions and understates the casing fields, which are now two.

The (1)(L) instruction: CONFIRMED ABSENT from the 2026 form. The 2026 form contains no occurrence of “12-5-134 (1)(L)”, none of “Well Construction Data”, and none of “within 30 days”. The entire six-bullet “Information for the Water Well Contractor” block is gone. The 2017 form carried it:

“As per § 12-5-134 (1)(L) send a copy of the Well Construction Data to the owner and the local health department within 30 days of completion. Completion will be considered as physical completion of the well and full payment by the owner.”

Well Completion Data Form, Revised November 2014, two pages, AcroForm with 246 named fields, all dumped and cross-checked against the text layer. Eleven well classes including “☐ Industrial”. It **collects** total depth, “Pump Capacity: ____ GPM”, “Sustained Yield: ____ GPM”, “Specific Capacity: ____ GPM/ft.”, pump diameter, motor HP, and a driller’s lithologic log. It has **no gallons-per-day or total-volume field of any kind**. It cites “O.C.G.A. 12-5-120 et seq.” and **never cites (1)(L)**. It states no deadline. Page 1 footer reads “Revised November 2014”; page 2 footer reads “Revised November 2012”.

Q2 LEGAL DUTY: ESTABLISHED as to individual and nonpublic wells; NOT ESTABLISHED as to industrial wells; and no filed rule supplements either.

§ 12-5-134(1)(A)(i): “prior to actual construction, the water well contractor shall notify the county health department of the intent to drill a water well, providing such information as is required on forms prepared by the council.” § 12-5-134(1)(L): “The drilling contractor shall maintain in his or her office and shall furnish the owner a copy of the well construction data within 30 days of the well completion.” Both sit under (1)’s chapeau, “In the case of individual and nonpublic water wells:”. § 12-5-134(4) reaches industrial wells only as to how they “shall be constructed”.

Department 770, read in full at 14 August 2026, imposes nothing. Across all 31 rules: “completion data” 0, “well construction data” 0, “Notice of Intent” 0, “intent to drill” 0, “county health” 0, “health department” 0, “record”/“records” 0, “retain” 0, “industrial” 0, “12-5-134” 0, “furnish” 0. The two hits for “retention” both mean retention of a licence. **The sharper finding available here, bounded to the two state-level bodies in this corpus: the notice and completion-record duties Georgia imposes on well contractors sit in Part 3 and on a Council form, and not in the Council’s filed rules. Department 770, on its own text, is a licensing code.** The bound is not decoration. No county instrument was searched for this finding, and at least one county ordinance does impose well-record filing and retention. See row 63.

Q3 INTENDED RECIPIENT: ESTABLISHED, and the sources conflict three ways on the completion record.

Duty	Statute	2017 NOI	2026 NOI	2014 Completion Form
(1)(A)(i) notice	"the county health department"	"To: ____ County Health Department"	same	n/a
(1)(L) record	the owner, and the contractor's own office. No government recipient.	"to the owner and the local health department"	duty not mentioned	"Original – Property Owner File Copy – Water Well Contractor Copy – Regulatory Agency "

Neither added government recipient, "local health department" or "Regulatory Agency", appears in the statute or in any filed rule. **The 2014 form names no agency and gives no address for its "Regulatory Agency" copy.** Neither NOI gives the county health department's address either.

Q4 ACTUAL CUSTODY: NOT ESTABLISHED at state level, and DEFEATED as a general proposition by one county.

What EPD says it holds, verbatim from its own programme page: "EPD also maintains **listings of active licensed water well drillers and active certified pump installers.**" Not wells, not notices, not completion records.

The **Georgia Archives Local Government Records Retention Schedule, Health Services (09)**, read in full: no water-well series of any kind. Across the entire local-government schedule the word "well" appears exactly once, inside "as well as". **A county health department that receives a § 12-5-134(1)(A)(i) notice has no state-approved retention period for it.**

The EPD state schedule (Georgia Archives series 0462) has three well-adjacent series and none captures this facility: contractor licensing and complaint files, 6 years; non-agricultural water use permit files, 30 years, which do hold "well and withdrawal location information" **but only for permitted withdrawals**; "Well data sheets: Permanent", **but within Drinking Water Engineering Review Files**; and oil and gas deep drilling files, permanent.

DPH's *Interpretation of Memorandum of Understanding for Non-Public Water Supplies*, rev. 22 May 2025, is the one document describing actual receipt: "the local county health department must receive notification (Intent to Drill Form) from the water well contractor

prior to drilling.” **Its scope is the facility type, not the well type:** it applies to food service establishments, public pools, tourist accommodations and body art studios, all DPH-permitted. An industrial well serving a plant is outside it entirely.

The bound, and it is load-bearing: nothing located is not nothing existing. No records request was made, no county was contacted, no district office was inspected. The supportable assertion is “no publicly documented custodian was located”, never “no records exist”.

Part IV. The claim table

Format. Each row carries the five columns as five labelled fields, because verbatim primary text does not survive a markdown table cell. The mapping is: **CLAIM** = column 2, **SCOPE** = column 3, **SOURCE** = column 4, **DEFEAT TEST** = column 5, **HUNT** = the result of going looking. Column 5 was written before the hunt in every case.

Verdicts. SURVIVES, the hunt failed to break it. NARROWED, part of it falls and the replacement is stated. DEFEATED, it falls and the replacement is stated.

Tally: 70 rows. A single “58 SURVIVE” would conceal the fact that the survivals are not uniform, so the distribution is given in full. **Read the qualified verdicts as qualified.**

Verdict family (row headings carry longer wording)	Rows	Count
SURVIVES, unqualified	4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21, 23, 24, 25, 27, 28, 29, 30, 31, 33, 35, 37, 43, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 61, 62, 66, 67, 68, 69, 70	46
SURVIVES as to groundwater; NOT VERIFIED as to surface water	1	1
SURVIVES, unverified this window	15, 17	2
SURVIVES, unverified at the current compilation	60	1
SURVIVES, at a broader scope than § 3 claims	38, 39	2
SURVIVES, and is now stronger than § 3 states	22	1
SURVIVES, on a narrowed bound	41	1
SURVIVES, narrowly	58	1
SURVIVES, and the weakness is real	44	1
SURVIVES: the row the whole section rests on	26	1
SURVIVES as scoped, with a counterexample outside the scope	63	1
SURVIVES family, total		58
NARROWED	2, 6, 32, 34, 36, 51, 64	7
DEFEATED	3, 40, 42, 59, 65	5

Four rows carry a verdict although no hunt was run on them in this window: rows 2, 15, 17 and 60. Row 2 is NARROWED with “HUNT: Not run”; rows 15 and 17 were carried forward from prior passes and not re-run; row 60’s cited provisions were not re-read, and the subject they sit in is known to have changed inside the window. **A verdict on an unrun hunt is a carry-forward, not a test.** Rows 15 and 60 are separately barred at the current date by FORBIDDEN VI.1-14 and VI.1-43 respectively, so the SURVIVES marker on each cannot be converted into a present-tense assertion.

Three further rows were checked against the record but not adversarially hunted: row 1’s surface-water half, where § 12-5-31 was not retrieved at all; row 4; and row 61.

Six rows derive their hunt wholly or partly from another row and inherit that row's bounds: row 9 (from row 10), 47 (from row 58, which carries the bound that seventeen Part 3 sections were read by title only), 53 (from rows 51 and 52), 57 (from Part III.2 Q4), 61 (from row 60) and 67 (from rows 51 to 53). A bound does not weaken by being inherited.

Rows 40 and 65 are **two separate sentences** making the same forbidden move in two different subsections, and a Table 1 cell makes it a third time. All three must be struck independently. See Part V.

§ 3, opening: corpus, scope and method

1. SURVIVES as to groundwater. NOT VERIFIED as to surface water. - CLAIM: Georgia regulates surface water withdrawal under O.C.G.A. § 12-5-31 and groundwater withdrawal under the Ground Water Use Act, Part 2 of Article 3; each sets its permit threshold at 100,000 gallons per day. - **SCOPE:** Two statutes, as to the threshold figure only. - **SOURCE:** § 12-5-96(a)(1), verbatim: “No person shall withdraw, obtain, or utilize ground waters in excess of 100,000 gallons per day for any purpose unless such person shall first obtain a permit therefor from the division.” Two sources, identical, 31 Aug 2026. - **DEFEAT TEST:** A different threshold in either statute. - **HUNT:** § 12-5-96(a)(1) confirmed word for word. **§ 12-5-31 was NOT retrieved in this window, and I.7 records that it WAS amended in 2025 by HB 143 / Act 72.** The surface-water half of the sentence rests on prior work done against a pre-amendment text. **Do not treat the surface-water half as verified.** This is cheap to close and should be, because a stale threshold in the section's first sentence is the kind of defect a referee opens with. See FORBIDDEN VI.1-39.

2. NARROWED - CLAIM: “The Environmental Protection Division's Watershed Protection Branch administers both.” - **SCOPE:** Administrative allocation within EPD. - **SOURCE:** Not retrieved this window. - **DEFEAT TEST:** Administration lodged in a different branch, or in more than one. - **HUNT:** Not run. The branch attribution is unverified at 14 Aug 2026. **Replacement: attribute to “the Environmental Protection Division” unless the branch is separately verified.** See FORBIDDEN VI.1-40.

3. DEFEATED - CLAIM: “Each rests on a string search of the Secretary of State's compilation of that department, current through rules filed in **August 2023.**” - **SCOPE:** Every Department-391-wide negative in § 3. - **SOURCE:** Superseded. The current compilation reads: “Current through Rules and Regulations filed through **August 14, 2026**”, printed on the Department 391 PDF cover and on the per-rule pages. - **DEFEAT TEST:** A later compilation. There is one. - **HUNT: DEFEATED.** All three Department-wide negatives were re-run against the official 2,907-page Department 391 compilation at 14 August 2026 and all three survive; two are stronger. **Replacement: the date becomes 14 August 2026 throughout, and the “12-5-97” negative can now be stated at all-agency scope rather than department scope.** See Part I.3.

4. SURVIVES - CLAIM: Every source named was retrieved between 19 August and 31 August 2026. - **SCOPE:** Retrieval window. - **SOURCE:** This window's retrievals are all dated

31 August 2026. - **DEFEAT TEST:** A source in the corpus retrieved outside the window. - **HUNT:** No exception found. The window stands, extended to include this window's work.

5. SURVIVES - CLAIM: Reported Georgia decisions were searched by free full-text query only, without a citator, so statements about judicial construction reach the decisions located and no further. - **SCOPE:** All case-law negatives in § 3. - **SOURCE:** No citator was available in any pass. CourtListener's REST API returns 401 to anonymous users and its HTML search bot-blocks after one request; only the Atom feed endpoint worked, and it truncates at 20 to 25 results per query. - **DEFEAT TEST:** A citator becoming available, or a decision surfacing that the free searches missed. - **HUNT:** No decision surfaced. **The bound needs one addition § 3 does not currently make: Georgia OSAH is not merely unsearched but structurally unreachable,** requiring a docket number and a party ZIP code as mandatory fields, with nothing before 30 June 2016 online at all. See FORBIDDEN VI.1-7.

6. NARROWED - CLAIM: "The Board of Natural Resources' rulemaking record and the legislative history of either Part were not examined at all." - **SCOPE:** Every claim about what the Board has adopted. - **SOURCE:** Still true of the Georgia Register, which is a LexisNexis product. - **DEFEAT TEST:** A free route into the rulemaking record. - **HUNT: A partial surface was found, not a route.** EPD publishes a free table of its own rule packages, with hearing dates, Board action dates and dispositions, at epd.georgia.gov/public-announcements-0/proposed-rules. **As retrieved on 31 August 2026 its earliest entry dated from 2021 and no Subject 391-3-2 package appeared on it.** Per I.6, that supports only "no Subject 391-3-2 package appeared on EPD's proposed-rules table as retrieved on 31 August 2026", because the page's own retention statement promises sixty days past final Board action and its completeness back to 2021 was not established. Replacement: the bound narrows to the pre-2021 rulemaking record, to non-EPD DNR chapters, and to whatever the retention statement may have dropped. The scope statement must be updated. **Adding a bound retroactively falsifies sentences written under the old one,** so before § 3 goes out, every negative in it that cites the unsearched rulemaking record must be re-read against this narrower bound as the bound now stands, not as it stood when the sentence was written. **That re-check is a drafting-window task and was not performed here.** The reservation is the subject of row 41 and appears again inside row 65's quoted claim; § 3 states it three times in prose, at § 3.4 twice and at § 3.6 once.

§ 3.1 The trigger runs per person

7. SURVIVES - CLAIM: § 12-5-96(a)(1) provides in full: [the quoted sentence]. - **SCOPE:** Paragraph (a)(1), not subsection (a). - **SOURCE:** Confirmed word for word in two sources, and identical across Justia's 2024 and 2025 renderings. - **DEFEAT TEST:** A discrepancy in the quotation, or more text in the provision than quoted. - **HUNT:** Quotation exact. **One trap: subsection (a) also contains (a)(2),** the water-conservation-plan requirement. "In full" is correct for (a)(1) and false for (a). The draft cites (a)(1), so it is correct as written. Do not let a later edit drop the paragraph number.

8. SURVIVES - CLAIM: The trigger runs per person, for any purpose, and states no averaging period, no aggregation clause, and no reference to wells. - **SCOPE:** The text of § 12-5-96(a)(1). - **SOURCE:** The quoted sentence contains “person”, “for any purpose”, and no other qualifier. - **DEFEAT TEST:** An averaging, aggregation or well reference in (a)(1). - **HUNT:** None present.

9. SURVIVES - CLAIM: A user at or below 100,000 gpd is not exempted from the permit requirement; the requirement does not reach that user at all. Non-coverage rather than exemption. - **SCOPE:** Characterisation of § 12-5-96(a)(1) and Rule .03(1). - **SOURCE:** Both are framed as prohibitions on withdrawal “in excess of” the figure. - **DEFEAT TEST:** Text treating sub-threshold users as exempted from an otherwise-applicable requirement. - **HUNT:** None found. Confirmed by row 10.

10. SURVIVES - CLAIM (note 1): Rule .03(1)’s saving clause and Rule .13’s exemption of Division-drilled test wells “are the only two occurrences of the term in the subject.” - **SCOPE:** The word “exempt” and its variants, in the sixteen rules of Subject 391-3-2. - **SOURCE:** .03(1): “unless exempted by law or these Regulations.” .13: “Test wells drilled by the Division, or its authorized agent, shall be exempt from the permit requirements, but shall meet the other requirements of this Rule.” - **DEFEAT TEST:** A third occurrence of “exempt” anywhere in the subject. - **HUNT:** Searched all sixteen rules at 14 Aug 2026. **Exactly two. Confirmed.**

11. SURVIVES - CLAIM (note 1): Rule .09 excludes certain above-threshold construction dewatering, in the vocabulary of exclusion rather than exemption. - **SCOPE:** Rule .09(1). - **SOURCE:** Verbatim: “shall be **excluded** from obtaining a permit to withdraw ground water, provided such use is for a period of not more than sixty (60) days”. - **DEFEAT TEST:** .09 using “exempt”, or not being above-threshold. - **HUNT:** Confirmed. Both .09(1) and .09(2) are keyed to “in excess of 100,000 gallons per day”. **Worth noting for § 3’s benefit: .09(1) creates a class of persons actively withdrawing ABOVE the threshold, for dewatering, who are excluded from permitting, and no duty in Subject 391-3-2 requires them to report a withdrawal volume.** Both bounds are needed: the class is dewatering-specific, and the negative is scoped to the subject. Currently unused in § 3.

§ 3.2 Aggregation

12. SURVIVES - CLAIM: § 12-5-96(a)(1) addresses the person rather than the well, which supports combining withdrawals attributable to one person without an aggregation clause. - **SCOPE:** An inference from the statutory subject, offered as support rather than as a holding. - **SOURCE:** “No person shall withdraw, obtain, or utilize ground waters in excess of 100,000 gallons per day”. - **DEFEAT TEST:** Text making the well the unit. - **HUNT:** None found in Part 2 or in the subject.

13. SURVIVES - CLAIM: The statute does not specify the unit over which withdrawals combine. - **SCOPE:** Part 2. - **SOURCE:** Absence, across §§ 12-5-92 and 12-5-96. - **DEFEAT TEST:** A unit specified anywhere in Part 2. - **HUNT:** § 12-5-92 now retrieved in full for the first time. Ten paragraphs. **No unit of aggregation, and “withdrawal” is not a defined**

term at all. Bound: §§ 12-5-90, 12-5-91, 12-5-93 and 12-5-99 to 12-5-108 were not read. See FORBIDDEN VI.1-13.

14. SURVIVES - CLAIM: “The words ‘aggregate,’ ‘combined,’ ‘affiliate,’ and their variants appear nowhere in Subject 391-3-2.” - **SCOPE:** The sixteen rules. - **SOURCE:** Zero hits for each, across .01 through .16, at 14 Aug 2026. - **DEFEAT TEST:** Any occurrence. - **HUNT: Confirmed, zero.** Nearest is “combination” at .03(3), “Any combination of farm and non-farm use... shall be considered a non-farm ground water use”, which is a use-classification rule and not an aggregation rule. That near-miss should be disclosed rather than left for a referee to find.

15. SURVIVES, unverified this window - CLAIM: Searches of Part 2 for affiliation and common-control vocabulary returned no hits. - **SCOPE:** Part 2, on the terms searched. - **SOURCE:** Prior work. Not re-run in this window. - **DEFEAT TEST:** An affiliation or common-control term in Part 2. - **HUNT: Not re-run.** Carried forward on the earlier pass. See FORBIDDEN VI.1-14.

16. SURVIVES - CLAIM: § 12-5-92(8) defines “person” broadly and supplies no rule of attribution. - **SCOPE:** § 12-5-92(8). - **SOURCE:** Verbatim: “‘Person’ means any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized under the laws of this state or any other state or country.” - **DEFEAT TEST:** An attribution rule inside the definition, or a paragraph number other than (8). - **HUNT: Confirmed, and the paragraph number is (8).** No attribution language. This closes a forbidden-assertion line that had stood since 30 August.

17. SURVIVES, unverified this window - CLAIM (note 2): The Lower Flint beneficial-owner construction runs one way, permits consolidation of existing permits, and says nothing about summing withdrawals to cross the threshold. - **SCOPE:** One farm-use document, seventeen counties, no industrial user. - **SOURCE:** Prior work; the quoted phrase is “EPD considers the entities the same if both entities have the same Beneficial Owner” at p. 12. - **DEFEAT TEST:** Language in that document or its comment responses summing affiliate withdrawals. - **HUNT:** Not re-run this window. The prior verification of this point was itself a correction of a reviewer overstatement and is recorded as reliable.

18. SURVIVES - CLAIM: No located decision resolves aggregation; in *City of Rincon v. Couch* the court did not ask whether two withdrawals combine. - **SCOPE:** Decisions located by free full-text search, no citator. - **SOURCE:** *City of Rincon v. Couch*, 276 Ga. App. 567 (2005), read in full. It construes § 12-5-96(d) and Rules .05 and .06. - **DEFEAT TEST:** A decision construing the threshold, “person”, or aggregation. - **HUNT:** Two independent sweeps. “Ground Water Use Act” returns exactly one case in CourtListener, and it is *Rincon*. Nothing else surfaced. **Survives on the stated bound.**

19. SURVIVES - CLAIM: Nothing in Part 2 or Subject 391-3-2 supplies a test of operation or control for who withdraws when title and operation diverge. - **SCOPE:** Part 2 as read, and the sixteen rules. - **SOURCE:** § 12-5-92 has no “withdrawal” definition and no attribution rule; the subject has no aggregation or affiliate vocabulary. - **DEFEAT TEST:** An operation-

or-control test in either body. - **HUNT:** None found. Strengthened by row 13's retrieval of § 12-5-92.

§ 3.3 The non-farm trigger carries no averaging qualifier

20. SURVIVES - CLAIM: Rule .03(1)'s second sentence provides that "[f]or farm use, no person shall after July 1, 1991 withdraw, obtain, or utilize ground water in excess of 100,000 gallons per day on a monthly average" without a permit. - **SCOPE:** Rule .03(1), second sentence. - **SOURCE:** Confirmed verbatim against the official compilation at 14 Aug 2026, including the date. - **DEFEAT TEST:** A misquotation, or a different date. - **HUNT:** Exact.

21. SURVIVES - CLAIM: The phrase qualifies farm use and does not appear in the first sentence, which governs every other use. - **SCOPE:** Rule .03(1). - **SOURCE:** First sentence verbatim: "No person shall after December 1, 1974, withdraw, obtain or utilize ground water in excess of one hundred thousand (100,000) gallons per day for any purpose unless such person has first obtained a permit therefor from the Division, unless exempted by law or these Regulations." - **DEFEAT TEST:** An averaging qualifier in the first sentence. - **HUNT:** None. The first sentence is bare.

22. SURVIVES, and is now stronger than § 3 states - CLAIM: The subject defines the three averaging terms at .02(n) to (p) and attaches none of the three to either sentence of the trigger. - **SCOPE:** Rule .02 and Rule .03(1). - **SOURCE:** All three definitions retrieved verbatim. Each is keyed to "a water source or water system", not to a person, permittee or facility. - **DEFEAT TEST:** Any of the three defined terms used in .03(1). - **HUNT:** **Confirmed, and extended: none of the three appears anywhere in the operative text of ANY of the sixteen rules.** They are defined and never used. § 3 currently claims only that they are not attached to the trigger. The stronger and equally supportable version is available.

23. SURVIVES - CLAIM: The farm sentence says "on a monthly average," which is not the defined phrase, and the non-farm sentence names no convention at all. - **SCOPE:** Rule .03(1), both sentences. - **SOURCE:** Defined phrase is "Monthly average withdrawal", initial capital, at .02(n). The farm sentence uses lower-case "on a monthly average". - **DEFEAT TEST:** The defined phrase appearing in either sentence. - **HUNT:** Confirmed. This is the symmetry finding and it holds.

24. SURVIVES - CLAIM (note 3): The absence of "monthly average" from the non-farm sentence cannot show that the sentence selects a maximum-day measure, because Rule .02(p) defines "Maximum day withdrawal" and the sentence does not use that term either. - **SCOPE:** The symmetry limit. **This belongs in the body rather than in a footnote**, because it governs what the averaging contrast at rows 20 to 23 is allowed to establish. - **SOURCE:** .02(p) verbatim; .03(1) first sentence verbatim. - **DEFEAT TEST:** "Maximum day withdrawal" appearing in .03(1). - **HUNT:** Confirmed absent. **Related and currently unused: Rules .09(1) and .09(2) also say "100,000 gallons per day" with no averaging qualifier, which is a second instance of the same drafting pattern.**

25. SURVIVES - CLAIM: A projected monthly average below 100,000 gpd does not establish that a non-farm groundwater withdrawal falls outside the trigger, because the sentence governing that withdrawal contains no averaging qualifier to satisfy. - **SCOPE:** What the contrast establishes, and no more. - **SOURCE:** Rows 21 to 24. - **DEFEAT TEST:** Text or authority selecting a measurement window for the non-farm sentence. - **HUNT:** None found. **This is the load-bearing sentence of § 3.3 and it is the version that survives the symmetry problem. The stronger form, “on the text as written, peak day controls,” remains defeated.**

§ 3.4 What the permitting regime produces below the threshold

26. SURVIVES: and this is the row the whole section rests on - CLAIM: “Every recurring duty in Subject 391-3-2 to measure or report quantities actively withdrawn attaches to an applicant or a permittee.” - **SCOPE:** Subject 391-3-2; recurring duties only; quantities **actively withdrawn** only. - **SOURCE:** The roster at Part II.4(a), from which the duties bearing on this claim are drawn with their cadences and subjects, the recurring ones set against the nearest non-recurring ones for contrast. (II.4(a) lists further quantity-measuring provisions that are not recurring, among them .04(5)(f), .04(7) and .08(3); they are outside the claim’s scope, not omissions from it.) .08(1) semiannual, “Every person who has obtained a permit”; .08(2) annual, “The permit holder”; .04(11)(i) annual, “Permittees”; .04(11)(h) at year five, “the permittee”; .04(11)(a)1 twelve months of data, applicant at application; .07 renewal at expiry, permittee. - **DEFEAT TEST:** A recurring measure-or-report duty in Subject 391-3-2 whose subject is neither an applicant nor a permittee. - **HUNT:** Adversarial agent read all sixteen rules line by line, then grepped the full 2,907-page Department 391 text for “monitoring well” (35 hits), “annual report”, “report annually”, “semiannual”, “monthly”, “quarterly”, “periodic”, “every person”, “water use report”. **No recurring duty was found in Subject 391-3-2 whose subject is neither an applicant nor a permittee. SURVIVES.** (The six duties listed under SOURCE are the complete set found; an earlier wording of this line said “no fourth duty”, which miscounted them.) - Rule .06(4)(h) is a discretionary permit condition and **no cadence attaches to it anywhere in Department 391.** Rule .10(g) likewise has no cadence. - **Nearest miss, and § 3 should pre-empt it:** § 12-5-134(5)(D)(vii) binds “the owner of the property on which a monitoring well is constructed”, who need be neither applicant nor permittee. It sits outside Subject 391-3-2 and is an inspection rather than a measure of quantities withdrawn. **Both of this claim’s qualifiers are doing real work. Neither may be relaxed anywhere in the section.**

27. SURVIVES - CLAIM: Rule .08(1) requires certified statements from “every person who has obtained a permit to use ground water (except a permit for farm use),” and reports volume by aquifer rather than by well. - **SCOPE:** Rule .08(1) and its subparagraphs. - **SOURCE:** .08(1)(c): “source of ground water, identifying the aquifer or aquifers utilized and identify the well or wells using each aquifer”. .08(1)(d): “quantity of water used or withdrawn monthly from each aquifer (if a well penetrates more than one aquifer, it is to be noted)”. - **DEFEAT TEST:** Per-well volume required anywhere in .08. - **HUNT:** Confirmed: (c) maps wells to aquifers without a quantity, (d) attaches the quantity to the

aquifer. **One nuance § 3 does not use: (d) yields MONTHLY resolution despite the semiannual filing cadence.**

28. SURVIVES - CLAIM: Rule .04(7) imposes metering on an applicant already withdrawing who cannot furnish accurate information. - **SCOPE:** Rule .04(7). - **SOURCE:** Verbatim: “Any person submitting an application for a ground water use permit who is at the time of application withdrawing, obtaining, or utilizing ground water, and who is unable to furnish accurate information concerning the amounts of ground water being withdrawn or used shall be required...” - **DEFEAT TEST:** .04(7) reaching a non-applicant. - **HUNT:** It does not. Both conditions are cumulative and application-bound.

29. SURVIVES - CLAIM: Rules .08(3) and .04(8) permit the Division to estimate quantities, and both reach applicants or permittees. - **SCOPE:** Those two rules. - **SOURCE:** .04(8): “in determining the amount of ground water withdrawn or used by **an applicant**”. .08(3): “If any person who is **required to submit a Ground Water Use Report...**”, a class defined by .08(1). - **DEFEAT TEST:** Either reaching outside those classes. - **HUNT:** Neither does. **Flag for § 3’s benefit: .08(1) excludes farm-use permits from the report duty, yet .08(3) twice contemplates farm use inside the class required to submit one. Nothing in the subject creates a farm-use report obligation. Do not assert one exists; do not assert one does not exist elsewhere.**

30. SURVIVES - CLAIM: § 12-5-97(e) reaches “any person who is required to secure a permit under this part,” so compulsory metering is available against permit-required users whether or not they have applied, on one of the subsection’s three grounds. - **SCOPE:** § 12-5-97(e), first sentence. - **SOURCE:** Verbatim: “If any person who is required to secure a permit under this part is unable to furnish accurate information concerning amounts of water being withdrawn or used, or if there is evidence that his certified statement is false or inaccurate or that he is withdrawing or using a larger quantity of water or under different conditions than has been authorized by the division, the division shall have the authority to require such person to install water meters...” - **DEFEAT TEST:** The subsection reaching sub-threshold users, or not reaching non-applicants. - **HUNT:** Confirmed exactly as § 3 and note 4 describe. Two sentences; the first reaches permit-required persons, the second reaches “a permit holder or applicant”. Note 4’s parse is accurate.

31. SURVIVES - CLAIM: “No express metering authority reaching users below the threshold was located in Part 2 or in Subject 391-3-2.” - **SCOPE:** Part 2 as read, and the sixteen rules. - **SOURCE:** “meter” returns zero hits across Rules .09 through .16; in .01 through .08 it is compelled only at .04(7) and .08(3)(a)1, both class-limited. - **DEFEAT TEST:** A metering authority reaching a sub-threshold user. - **HUNT:** None found in either body. SURVIVES.

32. NARROWED: the largest substantive correction in § 3.4 - CLAIM: § 12-5-98(a) authorizes the Division to enter “any property, public or private,” to investigate “the condition, withdrawal, or use of any waters” or “the installation or operation of any well.” “The same subsection empowers it to ‘require written statements or the filing of reports under oath.’” - **SCOPE:** As written, none; the sentence reads as a general sworn-reporting power. - **SOURCE:** The full subsection, one sentence, verbatim: “The division shall have the

right to conduct such investigations as may reasonably be necessary to carry out its duties prescribed in this part and for this purpose to enter at reasonable times any property, public or private, for the purpose of investigating the condition, withdrawal, or use of any waters, investigating water sources, or investigating the installation or operation of any well, **and to require written statements or the filing of reports under oath, with respect to pertinent questions relating to the installation or operation of any well**, provided that no person shall be required to disclose any secret formula, processes, or methods used in any manufacturing operation or any confidential information concerning business activities carried on by him or under his supervision.” - **DEFEAT TEST:** The compelled-statement clause being narrower than the entry clause. - **HUNT: It is.** The four quoted fragments all appear verbatim, so § 3’s quotations are accurate. But § 3 places them side by side in a way that carries the sworn-report power across the whole list of investigation objects, and the statute does not. **The entry clause reaches three objects: waters, water sources, and wells. The compelled-statement clause reaches ONE: “the installation or operation of any well.”** § 12-5-98(a) does not authorize compelled sworn reports about water withdrawal or use as such. A trade-secret proviso and an “at reasonable times” limit also apply and are currently unstated. - **REPLACEMENT:** The retained investigative authority reaching any well is a right of entry, plus a power to compel written or sworn statements limited to the installation or operation of a well, subject to a trade-secret proviso. **This narrows § 3’s counterweight.** It also qualifies a correction this project recorded earlier, which described § 12-5-98 as conferring “entry and sworn-report power over any well”: right about wells, and not extending to withdrawal or use. **Window B must not treat a narrowing as automatically free.** Whether this one costs § 3 anything depends on how § 3 deploys the counterweight, and that is a drafting decision, not a finding.

33. SURVIVES - CLAIM: Rules .10 and .11 direct that the Division “shall require the user” to act against salt water intrusion or adverse effects, neither operative sentence carrying a permittee or threshold limitation. - **SCOPE:** The operative sentences of .10 and .11. - **SOURCE:** .10: “shall require the user to take such action as it deems necessary”. .11: “shall require the user to take such actions as it deems necessary.” - **DEFEAT TEST:** A permittee, applicant or threshold limitation in either. - **HUNT: None. The word “permit” does not appear anywhere in .10 or in .11.** Confirmed against the official compilation. The only qualifier on the subject in .10 is geographic, “of the area involved.”

34. NARROWED - CLAIM: “Section 12-5-136(c) adds a right of entry with access to drilling and abandonment records.” - **SCOPE:** § 12-5-136(c). - **SOURCE:** Verbatim, one sentence: “The director or designated representatives of the division shall be permitted access in or upon any private or public property at all reasonable times for the purpose of inspecting and investigating conditions of wells, methods of drilling, and records relating to the drilling and abandonment of wells and boreholes.” - **DEFEAT TEST:** A records-production power in the text, or the absence of any records reference. - **HUNT: Both prior characterisations are half right.** The single operative verb phrase is “shall be permitted access”. There is no verb of compulsion: no “require”, no “produce”, no “furnish”, no “under oath”, no subpoena, no penalty. Contrast § 12-5-98(a), which does pair entry with an express compulsion clause. **But records are a named object of the access**, so the

subsection is not confined to physical inspection. - **REPLACEMENT:** A right of access to premises at all reasonable times, one stated purpose of which is inspecting and investigating records relating to drilling and abandonment, conferring no power to compel anyone to produce, create or swear to those records. Do not assert it requires production; do not assert it is limited to physical inspection.

35. SURVIVES - CLAIM: Each of these instruments operates case by case on a Division decision, and none produces a periodic measure. - **SCOPE:** § 12-5-98(a), Rules .10 and .11, § 12-5-136(c). - **SOURCE:** Each is triggered by a Division determination or a Division decision to investigate; none states an interval. - **DEFEAT TEST:** A cadence attached to any of them. - **HUNT:** None found anywhere in Department 391, including for the monitoring wells at .10(g).

36. NARROWED: the quotation is wrong - CLAIM: § 12-5-95(a)(1) “authorizes the Board of Natural Resources to adopt provisions requiring ‘water users within the area’ to report quantity, source, and nature of use at intervals no more frequent than once in thirty days.” - **SCOPE:** § 12-5-95(a)(1). - **SOURCE:** Verbatim: “(1) Provisions requiring **water users within the area** to submit reports **not more frequently than at 30 day intervals** concerning **quantity of water used or withdrawn, sources of water, and the nature of the use thereof**”. Chapeau: “The Board of Natural Resources **shall prepare** proposed regulations to be applied, containing such of the following provisions as the board finds appropriate...” - **DEFEAT TEST:** The quoted phrase not appearing, or the interval living elsewhere. - **HUNT:** Three findings. 1. **“water users within the area” is verbatim correct.** It also appears in (a)(2). 2. **“quantity, source, and nature of use” is NOT statutory language and must not sit inside quotation marks.** The statute says “quantity of water used or withdrawn, sources of water, and the nature of the use thereof”. “Sources” is plural. 3. **The thirty-day limit IS in (a)(1),** and also in § 12-5-97(d). The Code writes “30 day”, not “thirty”. 4. **“authorizes the Board to adopt” collapses two subsections.** (a) is mandatory as to preparation, “shall prepare”, with discretion only over which listed provisions to include; adoption happens under (b) after hearings. - **REPLACEMENT:** § 12-5-95(a) directs the Board to prepare proposed regulations containing such of four listed provisions as it finds appropriate, the first of which is provisions requiring “water users within the area” to submit reports “not more frequently than at 30 day intervals” concerning quantity of water used or withdrawn, sources of water, and the nature of the use thereof. Its subjects are water users rather than permittees.

37. SURVIVES - CLAIM: § 12-5-97(d) requires water users “not required to secure a permit” to comply with procedures established after public hearing, excepting individual domestic use, a carve-out confirming the non-permittee category is broader than households. - **SCOPE:** § 12-5-97(d), third through fifth sentences. - **SOURCE:** Full subsection quoted at Part III.1. “The requirements embodied in the two preceding sentences shall not apply to individual domestic water use.” - **DEFEAT TEST:** The carve-out attaching to something else, or the category being households only. - **HUNT:** Confirmed. The two preceding sentences are the procedures sentences, so the carve-out does attach to them, and a carve-out for individual domestic use would be surplusage if the category were households alone. **Unused and available: the subsection’s FIRST sentence imposes a**

filing duty directly by statute on “every person who is required by this part to secure a permit”, a class broader than permittees.

38. SURVIVES, at a broader scope than § 3 claims - CLAIM: “No codified instrument applying either authority was located.” - **SCOPE:** Department 391. - **SOURCE:** Substance-first search of all 125,729 lines of the official Department 391 text, not citation strings. Strings run: “water user”, “self-supplied”, “non-permitted”, “nonpermitted”, “unpermitted”, “registration”, “register”, “water use survey”, “annual report”, “report annually”, “water use report”, “water withdrawal report”, “every person”, “all water users”, “each water user”, “any person who withdraws”. - **DEFEAT TEST:** A rule anywhere in Department 391 requiring non-permittee water users to report water use, whether or not it cites the statute. - **HUNT: SURVIVES, and the hunt was thorough.** Subject 391-3-31 (Water Conservation BMPs) has three rules and they are **entirely about car washes**. 391-3-32 runs to Regional Water Planning Councils. 391-3-30 and 391-3-28 run to permittees. 391-3-16 runs to local governments. The only “unpermitted” hits department-wide are 391-3-6.13(11)(e) and (i), Class V **injection** wells, one-time application, not withdrawal reporting. - **CAVEAT § 3 must absorb:** Subject **391-3-13** (Oil and Gas and Deep Drilling) reaches a non-391-3-2-permitted water user. O.C.G.A. § 12-4-43(2) gives the board jurisdiction over “any well for the production of fresh water drilled to a depth greater than 1,800 feet”, and (3)’s carve-out for industrial fresh-water wells is expressly subject to (2). **A fresh-water well drilled DEEPER than 1,800 feet is inside that jurisdiction; a shallower one is outside it.** A sub-threshold industrial well drilled deeper than 1,800 feet attracts a \$500 drilling permit, a \$20,000 to \$80,000 bond, a Well Information Form within 45 days of rig removal, and a “Well Completion Report... submitted to the Director within forty-five (45) days of well completion” under Rule 391-3-13.15. **There is no recurring production report for fresh-water wells.** § 3’s claim is untouched, because 391-3-13 implements neither § 12-5-95(a)(1) nor § 12-5-97(d) and imposes no water-use report. **But § 3 must never say “nothing in Department 391 reaches a non-permitted groundwater user.”** See FORBIDDEN VI.1-5.

39. SURVIVES, at a broader scope than § 3 claims - CLAIM: “Rule .08 is the only rule in Department 391 that cites § 12-5-97, and it runs to persons who have obtained a permit; the phrase ‘not required to secure’ does not appear anywhere in the compilation searched.” - **SCOPE:** Department 391, at 14 August 2026. - **SOURCE:** Part I.3. Exactly two occurrences of “12-5-97”, both in Rule 391-3-2-.08. Zero occurrences of “not required to secure”. - **DEFEAT TEST:** A third occurrence, or a hit on the phrase. - **HUNT: SURVIVES, and is now stronger.** The Secretary of State’s all-agency search returns 391-3-2-.08 as the only rule **in the entire Georgia Administrative Code** citing § 12-5-97. The phrase “not required to secure” returns exactly one hit statewide, Rule 672-10-.05, hazardous-materials movers, outside Department 391. **Replacement available: the scope can be raised from “Department 391” to “the Georgia Administrative Code”, and the date from August 2023 to 14 August 2026.**

40. DEFEATED: the forbidden hedge - CLAIM: “Section 12-5-97(d) requires only that procedures be ‘adopted after public hearing,’ naming no actor and requiring no codification, **so procedures satisfying it could exist outside the rules entirely.**” - **SCOPE:** As written, a legal conclusion about Georgia administrative law. - **SOURCE:** The

first two clauses are textually accurate: (d) says “procedures”, “shall be adopted” is passive and names no actor, and the subsection contains no APA cross-reference. **The final clause is a legal conclusion the record does not support in either direction.** See Part III.1. - **DEFEAT TEST:** Georgia authority making filing a condition of a generally applicable mandatory procedure’s effectiveness. - **HUNT: Found, and found against it, but not conclusively.** § 50-13-2(6) defines “rule” to include statements describing “procedure” requirements, with no forms and no procedures carve-out; § 50-13-6(a) says an unfiled rule “shall not become effective”; *Ponce* applies exactly that sentence. **Against that: *Hill v. Owens* holds a generally applicable written procedure can be a non-rule management directive outside the APA, and *Holton* upheld a misfiled rule on substantial compliance. No decision construes § 12-5-97(d). No citator was available to test whether *Ponce* displaced *Holton*.** - **REPLACEMENT:** The clause is deleted, not re-hedged. **Both the assertion and its negation stay forbidden.** What replaces it is a scope statement, not a legal characterisation: the codified rules of the whole Georgia Administrative Code were searched at 14 August 2026 and contain no such instrument; whether procedures within the meaning of § 12-5-97(d) were adopted outside the codified rules was not determined. **Narrow the claim; never append a qualifier to rescue it. This is the row that rule was written for.** The defect being repaired here was produced by the opposite move: a qualifier appended for caution, which turned out to assert a contested position on Georgia administrative law and hands a hostile referee its best objection.

41. SURVIVES, on a narrowed bound - CLAIM: “the Board’s rulemaking record was not searched, so nothing here should be read as asserting that the Board has not acted.” - **SCOPE:** The reservation. - **SOURCE:** True of the Georgia Register. - **DEFEAT TEST:** A free route into the rulemaking record. - **HUNT:** Partially defeated by row 6: as retrieved on 31 August 2026, EPD’s own proposed-rules table showed an earliest entry from 2021 and no Subject 391-3-2 package. Per I.6, that absence does not establish that no package was proposed since 2021. **The reservation stands for pre-2021, for non-EPD DNR chapters, and for anything the table’s sixty-day retention statement may have dropped, and must be re-worded to say so. A separate finding, not a suggestion:** § 3 states this reservation twice in adjacent paragraphs at § 3.4 and once more at § 3.6, three times in all. One statement of it is enough. Delete the other two.

42. DEFEATED - CLAIM: “Rule .08 is **the only instrument** in Subject 391-3-2 producing a recurring measure of actual use without a Division decision, and it runs to permittees.” - **SCOPE:** Subject 391-3-2; recurring; without a Division decision. - **SOURCE:** Defeated by Rule .04(11)(i), quoted in full at Part II.1, and by Rule .08(2). - **DEFEAT TEST:** A second instrument in Subject 391-3-2 producing a recurring measure of actual use without a Division decision. Written before the hunt. - **HUNT: DEFEATED. The hunt found two further instruments, plus a third that is recurring only in a loose sense.** (i) **Rule .04(11)(i)**, an annual water use data report to the Director, expressly recurring. (ii) **Rule .08(2)**, an annual specific-conductance analysis submitted to the Division, carrying no farm-use exclusion. (iii) **Rule .04(11)(h)**, a report at year five, which on its face is a single event rather than a cycle and so is the weakest of the three. - **A qualification on (ii) that the “without a Division decision” limb needs.** .08(2)’s cadence reads “annually thereafter, **unless otherwise designated by the Division**”. The same override sits in

.08(1) (“semiannually... unless otherwise designated by the Division”). So neither is wholly independent of the Division; what is independent is that the duty arises without one. **Do not write that these instruments operate with no Division involvement.** - **REPLACEMENT:** Subject 391-3-2 contains three reporting instruments whose duty arises on permit issuance rather than on a Division decision: Rules .08(1), .08(2) and .04(11)(i). **Each names a permittee or permit holder as its subject.** Rule .04(11)(h) is excluded from the three because its text states a single event at year five rather than a cycle; FORBIDDEN VI.1-17 bars calling it recurring. **Four qualifications belong with the replacement and none may be dropped:** 1. .08(2) measures water **quality** rather than use. 2. .04(11)(i) names unaccounted-for-water information as the only content element its text specifies, on a non-exhaustive “includes”, so it can be said neither to require nor to exclude a withdrawal volume. 3. Both .08(1) and .08(2) let the Division designate a different cadence, so neither operates with no Division involvement. 4. **How far .04(11)(i) reaches is unresolved.** The .04(11) opening clause confines the paragraph to new-permit and increase-modification applications while subparagraph (i) says “Permittees” without repeating the limit. FORBIDDEN VI.1-15 bars settling it, so “runs to permittees” states the text’s named subject and must not be written as a statement about which permittees. **The uniqueness claim falls. The reach claim, which is what the argument needs, rests on three instruments pointing the same way rather than on an assertion that only one exists.**

43. SURVIVES - CLAIM: “No rule of the subject imposes registration, metering, or periodic reporting of withdrawal volume merely because an active industrial withdrawal remains at or below 100,000 gallons per day.” - **SCOPE:** Subject 391-3-2; the three named duty types; “merely because” of sub-threshold status. - **SOURCE:** The roster at Part II.4(a) and the reach table at II.3, read together. II.4(a) and II.4(b) between them account for every numbered and lettered provision of all sixteen rules as two independent sources render them, so the negative is drawn from an enumeration of provisions rather than from a search for absent words. **The roster’s one open edge travels with this row:** both sources end Rule .16 at paragraph (4)(a), and a truncated tail to .16 cannot be excluded. Rule .16 governs regional plans and the Director’s use of them; nothing located in it imposes registration, metering or periodic reporting on any person, so the open edge is recorded rather than load-bearing. - **DEFEAT TEST:** A rule in Subject 391-3-2 imposing registration, metering or periodic withdrawal reporting on a person holding no permit who has filed no application. - **HUNT: SURVIVES, weakened at one point.** Rules .10, .11, .13 and .14 do bind by well condition or role rather than permit status, and were pressed hard: **.10 and .11 require an antecedent Division finding; .13 is hortatory (“should”) and one-time; .14(3) has no construction or operation analogue; .12(2) expressly forecloses one; .09 is keyed to above-threshold withdrawals.** The weak point is **Rule .04(4)**, whose application sentence is unqualified. See row 44.

44. SURVIVES, and the weakness is real - CLAIM: Rule .04(4) provides that an “intended user” “shall submit an application for a ground water use permit” after construction; paragraphs (1) through (3) each carry a qualifier, “required... to obtain a permit,” that paragraph (4) does not. - **SCOPE:** Rule .04(4) against .04(1) to (3). - **SOURCE:** .04(4) verbatim: “Upon completion of the construction of the well or wells and prior to any

ground water use, the intended user shall submit an application for a ground water use permit to the Division pursuant to Rules 391-3-2-.05 and 391-3-2-.06 of this Chapter.” (1), (2) and (3) each read “and who is required under Rule 391-3-2-.03 of this Chapter to obtain a permit.” - **DEFEAT TEST:** The qualifier appearing in (4), or the contextual reading being compelled by text. - **HUNT:** Confirmed exactly. **The adversarial agent’s assessment: read on its own terms, (4) imposes a registration event triggered by well construction rather than by crossing the threshold. The contextual reading is the better one, but it is a reading, not the text. “A hostile reviewer will find this in five minutes.”** § 3’s treatment, leaving the scope open, is correct and should not be softened.

45. SURVIVES - CLAIM (note 5): .04(4)’s application sentence cross-references Rules .05 and .06, which govern the Division’s consideration of applications and its granting of permits; neither imposes a permit requirement nor contains the threshold, so the cross-reference does not route the duty back to .03, as the three preceding paragraphs do expressly. - **SCOPE:** The cross-reference targets of .04(4). - **SOURCE:** Confirmed twice: Cornell LII’s preserved anchors resolve to 391-3-2-.05 and 391-3-2-.06, and the official Department 391 PDF prints the same rule numbers. **.03 is not mentioned in .04(4) at all.** - **DEFEAT TEST:** A cross-reference to .03 in .04(4). - **HUNT:** None. **This closes a defect recorded earlier in the project, where a footnote asserted the cross-reference ran to .03 although the retrieval had said the target could not be confirmed without a JavaScript-capable read. The target is now verified in the official compilation and not only in LII, and the earlier footnote was wrong.** Full anchor census for the subject: .04 references .03 three times, in (1), (2) and (3), and .05/.06 once, in (4); .06 references .02 and .05; .07 references .06; **.08 contains no rule cross-references at all**, so the reporting duty is not tied by citation to the threshold or to the application battery.

§ 3.5 What well construction produces, and on what authority

46. SURVIVES - CLAIM: § 12-5-122(20) defines an “[i]ndustrial well” as one “constructed for the purpose of withdrawing 100,000 gallons of ground water or less on any one day for processing or cooling water or for purposes other than drinking water.” - **SCOPE:** § 12-5-122(20). - **SOURCE:** Verbatim: “(20) ‘Industrial well’ means any well constructed for the purpose of withdrawing 100,000 gallons of ground water or less on any one day for processing or cooling water or for purposes other than drinking water.” Two sources, identical. - **DEFEAT TEST:** A misquotation, or a different paragraph number. - **HUNT:** **Exact, and the paragraph number is (20).** § 12-5-122 has 35 paragraphs including two decimal insertions at (17.1) and (27.1), neither of which falls before (20), so the numbering is stable. Sequence confirmed: (19) “Individual water well”, (20) “Industrial well”, (21) “Irrigation well”.

47. SURVIVES - CLAIM: The statute expressly recognizes the band the permitting statute does not reach, and regulates construction rather than ongoing use. - **SCOPE:** § 12-5-122(20) against § 12-5-96(a)(1). - **SOURCE:** Rows 46 and 7 read together: (20) covers 100,000 gallons “or less”; (a)(1) covers “in excess of” 100,000 gpd. - **DEFEAT TEST:** Part 3 regulating ongoing use. - **HUNT:** It does not. See row 58.

48. SURVIVES - CLAIM: Whether Part 3's information duties reach industrial wells is not settled by the statute, and the two candidate duties do not stand alike. - **SCOPE:** § 12-5-134(1)(A)(i) and (1)(L) against (4). - **SOURCE:** Section chapeau: "The following standards shall apply to all wells and boreholes:". Paragraph (1) chapeau: "(1) In the case of individual and nonpublic water wells:". Paragraph (4): "Industrial wells shall be constructed in accordance with the standards established for individual and nonpublic wells. The minimum depth of the grout seal shall be the same as for nonpublic wells;". The section has **seven** paragraphs. - **DEFEAT TEST:** Text or authority settling the incorporation question. - **HUNT:** Nothing resolving it was located, in two independent sweeps: no case, no Council rule, no agency guidance. **The Attorney General opinions are NOT a clean negative and must not be reported as one.** Four of five candidate ground-water opinions were unread, and the AG site's own search index returns zero for "12-5-96" and for "aquifer", so a null result there is not evidence. See FORBIDDEN VI.1-10.

49. SURVIVES - CLAIM: The notice has the stronger route into paragraph (4): it operates "prior to actual construction" and governs siting, and § 12-5-122(6) defines "construction" to include "locating." - **SCOPE:** The comparative strength of the two routes. - **SOURCE:** § 12-5-122(6) verbatim: "'Construction' means all acts necessary to construct a well or borehole for any intended purpose or use, including locating and drilling and the installation of pumps and pumping equipment." § 12-5-134(1)(A)(i) verbatim: "prior to actual construction, the water well contractor shall notify the county health department of the intent to drill a water well, providing such information as is required on forms prepared by the council." - **DEFEAT TEST:** "locating" absent from the definition, or the notice not being pre-construction. - **HUNT:** Both confirmed.

50. SURVIVES - CLAIM: The completion record has a weaker route that must be argued against rather than dismissed, because the section's chapeau applies its standards to "all wells and boreholes," and (1)(L) sits within the catalogue that chapeau governs. Against that: (4)'s verb is "shall be constructed in accordance with," a records duty is not a construction standard, and the duty is discharged thirty days after the well is finished. - **SCOPE:** The incorporation argument, both directions. - **SOURCE:** § 12-5-134(1)(L) verbatim: "The drilling contractor shall maintain in his or her office and shall furnish the owner a copy of the well construction data within 30 days of the well completion." - **DEFEAT TEST:** Either direction of the argument being unavailable on the text. - **HUNT:** Both remain available. **The argument that carries is the chapeau's "all wells and boreholes", quoted above.** An earlier analysis in this project ran the incorporation argument partly on § 12-5-134(3) and called that its strongest point; that characterisation was withdrawn and must not be revived. **§ 12-5-134(3) is not reproduced anywhere in this table, so nothing about its content may be asserted from this file.** § 3's current text already runs on the chapeau and not on (3), which is correct, and no change is needed there.

51. NARROWED - CLAIM: "The Council's notice form invokes § 12-5-134(1)(A)(i) by number, directs the contractor to check one of five purposes of which 'Industrial Well' is one, and is addressed to a named county health department. It collects identity, casing diameter, start date and location, and no capacity, yield, depth or volume. The industrial option appears on the January 2026 form and its March 2017 predecessor." - **SCOPE:** The

two NOI forms. - **SOURCE:** Complete single-page extractions of both, two independent extractors each, matching. - **DEFEAT TEST:** A misdescription of either form's content. - **HUNT:** Three corrections, all small, all findable by a referee. 1. **The 2026 form has five classes; the 2017 form has four.** "Public Water System" is new in 2026. "One of five" is right for the current form and wrong for the predecessor. 2. **The 2026 form collects TWO casing diameters, not one:** "Nominal diameter of the primary casing of the groundwater well at the surface" and a secondary casing diameter "(if applicable)". **The 2017 form collects no dimensional data at all.** 3. **"addressed to a named county health department" overstates.** The routing line is a blank: "To: _____ County Health Department". **No address is printed on either form.** - **REPLACEMENT:** The exclusions claim, no capacity, yield, depth or volume, is confirmed exactly and is the part that carries the argument. The class count and the casing fields need restating per form.

52. SURVIVES - CLAIM: § 12-5-134(1)(A)(i) directs that the notice supply "such information as is required on forms prepared by the council," so the statute assigns the form to the body that prepared it. But § 12-5-124(1) confines the Council's rulemaking to contractor licensing, to proceedings before it, and to carrying out powers assigned under Part 3, and § 12-5-124(6) lets it recommend adjustments in the construction standards rather than make them. - **SCOPE:** The form's evidentiary weight. - **SOURCE:** § 12-5-124(1) verbatim: "To adopt and amend rules and regulations which may be reasonably necessary to govern the licensing of water well contractors and the regulation of proceedings before the council **and to carry out such other powers and duties assigned to the council under this part.**" The council and all of its rules, regulations, and procedures are subject to and shall comply with the provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act';. § 12-5-124(6): "To review the effect and practicality of standards set up in this part and recommend to the General Assembly adjustments and changes to achieve the purposes of this part;". - **DEFEAT TEST:** The Council having power to make the standards. - **HUNT:** It does not. § 3 correctly carries the third branch of (1) that an earlier draft omitted.

53. SURVIVES - CLAIM: On those grants, a form the Council prepares does not enlarge the statutory duty. It evidences how the administering body reads the provision without establishing that industrial wells fall within paragraph (1) as a matter of law. - **SCOPE:** What the form can and cannot establish. - **SOURCE:** Rows 51 and 52. - **DEFEAT TEST:** Authority giving a Council form the force of a standard. - **HUNT:** None found. **Supporting evidence § 3 does not use: the September 2023 WWSAC minutes record the Council contemplating an amendment to the NOI form, to add a complaint-deadline notice, with no rulemaking at all. That is direct evidence the form is treated as an administrative instrument rather than a legal one.**

54. SURVIVES - CLAIM: § 12-5-134(1)(L) requires the drilling contractor to maintain well construction data and furnish the owner a copy within thirty days; two of its fields are conditional, "size of pump installed if pump is installed by the drilling contractor" and "yield if test pumped." - **SCOPE:** (1)(L). - **SOURCE:** **§ 12-5-134(1)(L) in full**, reproduced here once because three rows quote fragments of it and row 50 quotes only its first sentence:

“(L) The drilling contractor shall maintain in his or her office and shall furnish the owner a copy of the well construction data within 30 days of the well completion. The data shall include: name of the owner of the well, location of the well, size of pump installed if pump is installed by the drilling contractor, total depth of well, borehole diameter, casing depth, size and type of casing material, grouting information, static water level, pumping water level and yield if test pumped, confirmation of well disinfection and description of method used for disinfection, dates of well construction, name and address and state certificate number of pump installer if the contractor does not install the pump, name and address of contractor, and water well contractor’s license number. Any estimate of gallons per minute of water that the well is expected to produce shall not be considered under any circumstances to be a guarantee of the quantity of the water produced by the well. The failure of any water well contractor to provide any of such written information shall subject such contractor to any applicable penalty by the council;”

- **DEFEAT TEST:** A misquotation, or a government recipient named in the statute.
- **HUNT:** Confirmed. **The statute names the owner and the contractor’s own office and NO government recipient.** Both conditional fields are as § 3 states them. Two sentences § 3 does not use sit in the same subparagraph: the gallons-per-minute disclaimer, which row 70 relies on, and the enforcement clause running to the Council, on which an earlier analysis in this project relied. Both are inside the block quoted above.

55. SURVIVES - CLAIM: The 2017 notice form instructed the contractor to send construction data to the owner and the local health department under § 12-5-134(1)(L), on the same form that listed industrial wells; the January 2026 form does not carry that instruction. The Division’s general Well Completion Data Form lists “Industrial” among its well classes. Those documents indicate the agencies have at times treated the completion record as reaching industrial wells. None establishes a present duty or custodian. - **SCOPE:** What the forms indicate, not what they establish. - **SOURCE:** 2017 form verbatim: “As per § 12-5-134 (1)(L) send a copy of the Well Construction Data to the owner and the local health department within 30 days of completion.” 2026 form: **zero occurrences of “12-5-134 (1)(L)”, “Well Construction Data”, or “within 30 days”**, on a complete single-page extraction by two matching extractors. Well Completion Data Form, Revised November 2014, eleven classes including “Industrial”. - **DEFEAT TEST:** The instruction surviving on the 2026 form, or a document establishing a present custodian. - **HUNT: Confirmed absent from the 2026 form.** No custodian document found. **Two additions available: the 2014 form’s distribution line reads “Original – Property Owner | File Copy – Water Well Contractor | Copy – Regulatory Agency”, naming no agency and giving no address; and the form cites “O.C.G.A. 12-5-120 et seq.” but never cites (1)(L) at all.** - **BOUND that must travel:** § 3 must not say the instruction was “removed in the January 2026 revision.” **No intermediate NOI version between March 2017 and January 2026 was located, so the removal date is unestablished.** It was present in 2017 and is absent in 2026. See FORBIDDEN VI.1-22.

56. SURVIVES - CLAIM: “None of the thirty-one rules of Department 770 imposes a filing requirement for completion records for any class of well.” - **SCOPE:** Department 770. - **SOURCE:** Full text retrieved at 14 August 2026, for the first time in this project. Across all 31 rules: “completion data” 0, “well construction data” 0, “Notice of Intent” 0, “intent to drill” 0, “county health” 0, “health department” 0, “record”/“records” 0, “retain” 0, “industrial” 0, “12-5-134” 0, “furnish” 0. - **DEFEAT TEST:** Such a rule. And separately: is the count of thirty-one right? - **HUNT: SURVIVES, and the count is right.** Counted mechanically from the official compilation: exactly **31** rules across eight chapters, 770-1 (4), 770-2 (1), 770-3 (3), 770-4 (2), 770-5 (9), 770-6 (8), 770-7 (2), 770-8 (2). A naive grep returns 28 because of PDF indentation on three headings; that is an extraction artifact, not a discrepancy in the source. The nearest thing to a filing duty is Rule 770-5-.08(2), “Any approved activity by the licensee shall be **posted at the site of the activity** on forms provided by the Council”, which is posting, not filing. - **STRONGER CLAIM AVAILABLE, bounded to state-level instruments:** the notice and completion-record duties Georgia imposes on well contractors sit in Part 3 and on a Council form, and not in the Council’s filed rules. Department 770’s 31 rules are, on their own text, a licensing code. **This must never be stated as a claim about Georgia’s well-records architecture generally.** No county instrument was searched for it, and Chatham County’s ordinance does impose filing and retention. See row 63. - **ONE SOURCE CONFLICT:** Harris County Board of Health’s draft well rule states that the intent-to-drill form must be submitted to the county board **“as stated in Rule 770-5-.08”**. Current 770-5-.08 says no such thing; it requires site posting. Either the Harris draft cites a superseded version or it is wrong. **Do not rely on it for the location of the notice duty.**

57. SURVIVES - CLAIM: “Whether completion forms for sub-threshold industrial wells are received or retained by any county or state body is not established by the statute, by any located Council rule, or by the forms themselves.” - **SCOPE:** A “not established” claim, bounded to three named sources. - **SOURCE:** Part III.2, Q4. - **DEFEAT TEST:** A statute, Council rule, or form establishing receipt or retention. - **HUNT: SURVIVES as worded, because of the three-source bound.** Positive evidence the other way was found and is recorded at row 63; it comes from a county ordinance, which is none of the three named sources. **The bound is what saves this sentence. It must not be dropped anywhere in the section.**

58. SURVIVES, narrowly - CLAIM: “Nothing in Part 3, §§ 12-5-120 through 12-5-138, requires a periodic report of withdrawal.” - **SCOPE:** Part 3; periodic; of withdrawal. - **SOURCE:** § 12-5-124, the section most likely to have carried such a power, has eight paragraphs and none is a record-collection or reporting power. - **DEFEAT TEST:** Any periodic withdrawal report in Part 3. - **HUNT: SURVIVES.** Both qualifiers are load-bearing. See row 59 for the recurring duties that do exist. **Bound: seventeen sections of Part 3 were read by title only.** See FORBIDDEN VI.1-21.

59. DEFEATED - CLAIM: “Its single recurring obligation of any kind is a five-yearly **structural** inspection of monitoring wells at § 12-5-134(5)(D)(vii). That is a duty to inspect rather than to report, and it sits in **the paragraph governing wells other than water wells**, so it does not reach an industrial well.” - **SCOPE:** “Recurring obligation of any kind” in Part 3. - **SOURCE:** § 12-5-134(5)(D)(vii) verbatim: “At least once every five years, the

owner of the property on which a monitoring well is constructed shall have the monitoring well inspected by a professional engineer or professional geologist, who shall direct appropriate remedial corrective work to be performed if the well does not conform to standards.” - **DEFEAT TEST:** A second recurring obligation anywhere in Part 3. - **HUNT:** **DEFEATED three times over, on three independent points.** 1. **A second recurring obligation exists.** § 12-5-130: “All licenses expire **biennially**. All applications for renewal shall be filed with the division prior to the expiration date, accompanied by a renewal fee not exceeding \$400.00...” That is recurring, it is in Part 3, and “of any kind” does not survive it. It captures no well-level data whatever, which is why the underlying argument is untouched. 2. **“structural” is not in the text.** The word does not appear in (vii). It appears at (5)(D)(i), “durable and sufficient to protect the well against structural deficiencies”. Do not put it in quotation marks. 3. **The paragraph attribution is wrong. Paragraph (5) has no chapeau.** It opens directly with subparagraph (A), whose own chapeau reads “Wells and boreholes other than water wells shall be constructed:”. **(5)(D) is a SIBLING of (5)(A), not subordinate to it.** Paragraph (5) runs (A) through (G): (A) general non-water-well construction, (B) engineering boreholes, (C) geologic boreholes, (D) monitoring wells, (E) dewatering wells, (F) seismic shot holes, (G) geothermal boreholes. The chapeau that does govern (vii) is (5)(D)’s own: “Monitoring wells shall be constructed under the direction of a professional engineer or a professional geologist and shall be constructed in accordance with the following minimum requirements:”. - **REPLACEMENT:** Part 3’s recurring obligations are the biennial contractor licence renewal at § 12-5-130, which captures no well data, and the inspection at § 12-5-134(5)(D)(vii), which is required “at least once every five years”, binds “the owner of the property on which a monitoring well is constructed”, and is a duty to inspect rather than to report. **Neither reaches an industrial well’s withdrawal.** The conclusion survives intact. The route to it was wrong in three places, and each was findable by reading the statute.

§ 3.6 The same water under two regimes, and the closing negatives

60. SURVIVES, unverified at the current compilation - CLAIM (and note 6): Had the same facility served fifteen service connections or twenty-five people for the periods the rules specify, it would have become a public water system and owed a duty to keep daily records of the amount of water treated and to submit them, subject to a director’s discretion over small groundwater systems. Rule 391-3-5-.14(7); submission under Rule .30; operating permit under Rule .04(1). - **SCOPE:** Named provisions of Subject 391-3-5, cited for comparison. § 3 says the subject was not read in full and makes no claim about what else it contains. - **SOURCE:** Prior work. **Not re-verified in this window.** - **DEFEAT TEST:** Any of the cited provisions having changed since the stale compilation. - **HUNT:** **The cited provisions were not re-read, and Subject 391-3-5 DID change inside the window.** Rule 391-3-5-.07 “Wells” was amended twice: F. Sept. 14, 2023, eff. Oct. 4, 2023; and F. Sept. 9, 2025, eff. Sept. 29, 2025. **Rule .07 is not among the provisions § 3.6 cites,** so nothing quoted is known to be disturbed. But this is the one place in § 3 where a cited body is known to have moved after the stale snapshot, and the provisions have not been re-read at 14 August 2026. See FORBIDDEN VI.1-43. **Cheap to close; should be closed before Window B drafts.**

61. SURVIVES - CLAIM: Nothing about the aquifer changes across that line. What changes is the purpose the water serves and the population it reaches, and with it whether a facility-level daily quantity reaches the agency at all. The quantity is not identical, because water treated is not water withdrawn. The contrast runs on two of the four dimensions, record generation and periodicity. - **SCOPE:** The contrast, and its two named limits. - **SOURCE:** Row 60. - **DEFEAT TEST:** The contrast running on more or fewer dimensions, or the two limits being wrong. - **HUNT:** No adversarial search was run against this row; the finding is that no challenge to it surfaced in the work done on rows 60 and 27. **Both self-imposed limits are load-bearing and must be kept.** Without the first, a reader concludes the two regimes measure the same quantity; without the second, a reader concludes the contrast runs on custody and informational content as well, which rows 60 and 27 do not establish.

62. SURVIVES - CLAIM: “No rule located in Subject 391-3-2 requires that user to register a well with the Division or to report an actual withdrawal, and the one rule that might bear otherwise, Rule .04(4), is of open scope.” - **SCOPE:** Subject 391-3-2; the defined user class; registration and withdrawal reporting. - **SOURCE:** The roster at Part II.4(a) and the reach table at II.3, read together, on the same basis and with the same open edge at Rule .16’s tail stated at row 43. - **DEFEAT TEST:** A rule in the subject requiring that user to register a well or report a withdrawal. - **HUNT: SURVIVES, because of the .04(4) concession.** Three near-misses the section should be aware it is surviving past: **Rule .14(3)** provides that the Division be informed by certified statement from a contractor within thirty days of sealing an abandoned well, which is neither registration nor withdrawal reporting and whose named source is a contractor rather than the user (and whose character as a duty on the contractor is unsettled, see II.1); **Rule .13** invites test-well information with “should”; and **Rule .04(9)(f)** compels installation of a permanent air line for water-level measurement, which is hardware rather than a report and binds applicants. None defeats the claim as scoped. All three would defeat a looser version.

63. SURVIVES as scoped: and a counterexample landed OUTSIDE the scope that Window B must not walk into - CLAIM: The gap the threshold opens is not legal inaccessibility. On the instruments located in this corpus, it is the absence of routine administrative visibility, against a retained investigatory authority that must be invoked case by case. - **SCOPE:** “On the instruments located in this corpus.” The corpus is Part 2, Part 3, Subject 391-3-2, Department 770, the forms, and the Lower Flint materials. **It contains no county instrument.** - **SOURCE:** Rows 26 to 62. - **DEFEAT TEST:** A routinely generated record of actual withdrawal, or of a well, reaching a government body for this user class. - **HUNT: The adversarial agent found one, and it is the most dangerous finding in this window.** The Code of Chatham County, Georgia, ch. 15, art. VI, the Chatham County Well Ordinance, § 15-604(26), adopts the statutory industrial-well definition verbatim; § 15-614(4) applies industrial well standards; § 15-607 requires a county construction permit for any well ten working days in advance, with the application to state “Purpose for which well is to be used and desired yield”; § 15-615(1) requires the constructor to “send a copy of the data to the owner and the Administrator”; § 15-615(4) requires the Administrator to “keep a record of the water well, pertinent information thereof, and its location for future reference and reinspection”; and most

damagingly, § 15-617(3): “Chatham County Water Well Construction Permits issued for wells below the 100,000 gallon per day standard shall be reported to the GEPD for general information and water management purposes.” - **WHY THE CLAIM SURVIVES:** every clause of it is bounded to the corpus, and the corpus is state-level. § 3 as written does not assert a statewide or all-instruments negative. **The bound is doing all the work.** - **WHAT WINDOW B MUST NOT DO:** restate this conclusion, which is row 63’s own, or any of rows 38, 39, 43, 57 or 62, without its bound, in an abstract, an introduction, a conclusion, a headline, or a transition sentence. **This is the bound-drop this project has produced repeatedly: a search correctly bounded, the bound stated where the finding is made, and then a summary sentence somewhere else restating the finding without it. Chatham is exactly the counterexample that failure produces.** Two caveats keep a narrower reading alive and should be recorded rather than relied on: § 15-615(4)’s record-keeping duty is framed around a certificate of compliance issued “for the approved water well” (the quotation reproduced above begins at “keep a record” and does not itself carry that phrase; the phrase is from the preceding clause of the same subsection), and § 15-615(3)’s approval gate runs to wells “for human consumption”; § 15-615(1)’s field-log duty and § 15-617(3) carry no such qualification. - **WHERE THIS BELONGS:** § 4, with Lumpkin, as evidence that counties are improvising instruments the state series does not supply. Not in § 3, whose corpus excludes it. Chatham’s currency was not verified beyond an internal “(Amended April 24, 2009)” note; the county is not on Municode. See FORBIDDEN VI.1-30.

64. NARROWED - CLAIM: “The Ground Water Use Act supplies case-specific investigative authority reaching any well.” - **SCOPE:** As written, general. - **SOURCE:** Row 32. - **DEFEAT TEST:** The authority being narrower than “any well”. - **HUNT:** The entry right does reach any well and any property. **The compelled-statement power does not reach withdrawal or use;** it is limited to “pertinent questions relating to the installation or operation of any well”, subject to a trade-secret proviso. **Replacement: the Act supplies case-specific investigative authority, comprising a right of entry reaching any well and a power to compel written or sworn statements limited to a well’s installation or operation.**

65. DEFEATED: the forbidden hedge, second occurrence - CLAIM: “no codified instrument applying either was located in Department 391, **though procedures under § 12-5-97(d) need not be codified** and the rulemaking record was not searched.” - **SCOPE:** As written, a legal conclusion. - **SOURCE:** Same as row 40. - **DEFEAT TEST:** Same as row 40. - **HUNT: DEFEATED for the same reasons as row 40.** § 3 makes this move in three places, not two: the § 3.4 sentence at row 40, this § 3.6 clause, and Table 1’s § 12-5-97(d) row, whose final cell reads “Yes; no codified procedures located, and none need be codified”. **All three go. None is replaced by its negation.** The rulemaking reservation is separately stated three times across the section; see row 41.

66. SURVIVES - CLAIM: The Water Well Standards Act contributes two records, and they are of unequal standing; whether either duty extends to industrial wells is unresolved on the statute’s text. - **SCOPE:** (1)(A)(i) and (1)(L). - **SOURCE:** Rows 48 to 50. - **DEFEAT TEST:** The two standing alike, or the question being resolved. - **HUNT:** Confirmed unequal and unresolved, on rows 48 to 50, which quote every provision the finding turns on. An earlier

analysis in this project reached the same conclusion by a partly different route; the route is superseded by rows 48 to 50 and the conclusion holds.

67. SURVIVES - CLAIM: The Council's form applies the pre-construction notice to industrial wells, which shows how the administering body reads the provision rather than how often the notice is filed, received, or enforced. - **SCOPE:** What the form shows. - **SOURCE:** Rows 51 to 53, and Part III.2 Q1 and Q4. - **DEFEAT TEST:** Evidence of filing frequency, receipt, retention or enforcement. - **HUNT: None found**, which is the point. DPH's MOU document does state that county health departments "must receive notification (Intent to Drill Form)", but its scope is DPH-permitted facility types, food service, pools, tourist accommodations and body art studios, and it does not reach an industrial well serving a plant.

68. SURVIVES - CLAIM: That notice goes to a county health department and carries no quantity. - **SCOPE:** The NOI form. - **SOURCE:** Both forms route "To: ___ County Health Department"; neither collects capacity, yield, depth, volume or gallons per minute. - **DEFEAT TEST:** A quantity field on the form. - **HUNT:** None. Confirmed against complete extractions of both versions. The 2026 form's two nominal casing diameters are dimensional but are not a quantity of water.

69. SURVIVES - CLAIM: For the completion record, where the quantities sit, the located forms suggest the agencies have treated it as reaching industrial wells without establishing a present duty or custodian. - **SCOPE:** The located forms. - **SOURCE:** The 2014 Well Completion Data Form collects "Total depth of well", "Pump Capacity: ___ GPM", "Sustained Yield: ___ GPM", "Specific Capacity: ___ GPM/ft." and a driller's lithologic log, and lists "Industrial" among eleven classes. - **DEFEAT TEST:** A document establishing a present duty or custodian. - **HUNT:** None found. **One reinforcement available: the 2014 form has no gallons-per-day or total-volume field of any kind, across a complete 246-field AcroForm dump. It captures instantaneous rate and never a withdrawal volume.** That is the sharpest available support for "capacity is not use", and § 3 does not currently use it.

70. SURVIVES - CLAIM: The regime differs above and below the threshold on four dimensions: record generation, custody, informational content, and periodicity. Capacity is not use. Pump size and test yield could test the physical plausibility of a declared withdrawal, but they are recorded once, carry no Part 3 duty to update, and measure what a well could produce rather than what it does. - **SCOPE:** The four dimensions and the capacity/use distinction. - **SOURCE:** Row 69, plus § 12-5-134(1)(L)'s disclaimer: "Any estimate of gallons per minute of water that the well is expected to produce shall not be considered under any circumstances to be a guarantee of the quantity of the water produced by the well." - **DEFEAT TEST:** A Part 3 duty to update, or a volume measure in the construction records. - **HUNT: Neither was located.** No Part 3 duty to update appears in the four sections of Part 3 read in full, §§ 12-5-122, -124, -130 and -134; seventeen further sections were read by title only (FORBIDDEN VI.1-21), so this is bounded, not absolute. No volume measure appears on the 2014 completion form across a complete 246-field dump. **The statute's own disclaimer, quoted above and reproduced inside the full text of (1)(L) at row 54, is stronger support for "capacity is not use" than anything § 3 currently cites for it.** § 3 presently quotes it only in the material cut to the draft's

Appendix A; the cut text is reproduced at Part VII.7 so that no other file need be opened to restore it.

Part V. Table 1, reproduced, and the repair schedule keyed to it

V.1 Table 1 as it currently stands, reproduced verbatim

Retrieved from the current draft on 31 August 2026 and reproduced here so that Window B can execute V.2 without opening another file. **Every cell named in V.2 is in this reproduction.** The caption note comes first, then the table, then the paragraph that currently follows it.

Caption note, immediately above the table, verbatim:

Table 1. Instruments that generate or compel information about a withdrawal or a well, by triggering event and recurrence. An em dash marks a matter the governing text leaves unspecified; where a cell rests on an agency form rather than on statute or rule, it says so. Instruments discussed in this section but omitted here are Rule .04(4), whose scope § 3.4 leaves open; the estimation provisions at Rules .08(3) and .04(8) and § 12-5-97(e), which reach applicants and permittees only; the public water system duties of Subject 391-3-5 at § 3.6; and § 12-5-134(5)(D)(vii), which reaches monitoring wells only.

The table, verbatim. Six columns, ten body rows:

Instrument	Triggering event	Information produced	Recipient	Recurring	Reaches user below threshold
Rule .08(1)	Permit issued, other than for farm use	Volume withdrawn, by aquifer	Division	Recurring	No
Rule .04(7)	Applicant already withdrawing who cannot furnish accurate information	Measured use	—	Metering, once installed	No
§ 12-5-97(e) sent. 1	Inability to furnish accurate information, suspect certified statement, or excessive withdrawal	Measured use	—	Metering, once installed	No; but reaches permit-required non-applicants on the first ground
§ 12-5-98(a)	Division decision to investigate	Statements and sworn reports as required	Division	Case-specific	Yes
Rules .10, .11	Division determination of intrusion or adverse effect	Compliance with control measures	—	Case-specific	Yes
§ 12-5-136(c)	Entry under Part 3	Access to drilling and abandonment records	—	Case-specific	Yes

Instrument	Triggering event	Information produced	Recipient	Recurring	Reaches user below threshold
§ 12-5-95(a)(1)	Board rulemaking, for water users “within the area”	Quantity, source, and nature of use	—	No more frequent than once in 30 days	Yes; no applying rule located in Dept. 391
§ 12-5-97(d)	Procedures established after hearing; individual domestic use excepted	—	—	—	Yes; no codified procedures located, and none need be codified
§ 12-5-134(1)(A)(i)	Intent to drill	Identity, casing, start date, location, per the Council’s form	County health department, per the same form	Once	Unresolved on the statute; the Council’s form applies it to industrial wells
§ 12-5-134(1)(L)	Well completion	Construction data; pump size and test yield, conditionally	Owner, by statute	Once	Unresolved on the statute; the forms have treated it as reaching industrial wells

Paragraph currently following the table, verbatim (row 70 covers its claims):

The regime differs above and below the threshold on four dimensions: record generation, custody, informational content, and periodicity. Above it, the Division receives a recurring series of declared withdrawals. Below it, construction generates records that are decentralized, one-time, and concerned with capacity rather than use. Capacity is not use. Pump size and test yield could test the physical plausibility of a declared withdrawal, but they are recorded once, carry no Part 3 duty to update, and measure what a well could produce rather than what it does.

V.2 The repair schedule

Each edit below names a row of the table above and a column of that row. **The two structural changes come first, because they affect every row.**

Structural change 1: the sixth column is replaced. “Reaches user below threshold” currently answers with “Yes”, “No” or a phrase, and “Yes” conflates four different things: a duty that arises automatically, one that arises only on a case-specific Division decision, one that depends on an implementing instrument that was not located, and one whose reach is unresolved on the text. **Replace the column with an activation status: automatic, case-specific, implementation-dependent, or unresolved.** The status for each existing row is given in the table below.

Structural change 2: the caption note contradicts the table and must be corrected before it is extended. Reproducing Table 1 exposed this; it was not visible while the table sat in another file. The note says the instruments omitted from the table include “the estimation provisions at Rules .08(3) and .04(8) and **§ 12-5-97(e)**, which reach applicants and permittees only”. **But § 12-5-97(e) sentence 1 is a body row of the table**, and per row 30 it reaches persons “required to secure a permit under this part” whether or not they have applied — which the table’s own sixth column says, and which is not “applicants and permittees only”. Two edits: **strike § 12-5-97(e) from the note’s exclusion list**, since it is not excluded; and confine the “applicants and permittees only” characterisation to the two estimation provisions, Rules .08(3) and .04(8), which is where row 29 supports it.

Then extend the note. Every instrument in V.3 that is not added as a row must be named in it, and § 12-5-134(5)(D)(vii)’s description must be corrected per row 59: it binds the owner of the property on which a monitoring well is constructed, who need be neither applicant nor permittee, and it is a duty to inspect at least once every five years rather than a duty to report.

Six of the ten existing rows need a substantive cell change. Four are correct as they stand and need only the sixth-column replacement.

Table row	Column	Edit
Rule .08(1)	—	No cell change. Sixth column becomes automatic .
Rule .04(7)	—	No cell change. The Recipient cell's em dash is correct: the measurement runs to no one until a report falls due. Sixth column becomes case-specific .
§ 12-5-97(e) sent. 1	—	No cell change; note 4's parse is verified at row 30. Sixth column becomes case-specific .
§ 12-5-98(a)	Information produced	Overstates. Replace "Statements and sworn reports as required" with wording limited to a well's installation or operation, and note the trade-secret proviso. Per row 32, entry reaches waters, water sources and wells, but the compelled-statement clause reaches only "the installation or operation of any well". Sixth column becomes case-specific .
Rules .10, .11	Information produced	Correct as to reach. Add Rule .10(g), monitoring wells, as the one data-generating measure among them , and record in the same cell that the rule states no recipient and no cadence for it and that none was located elsewhere in the Department 391 compilation searched. Do not describe .10(g) as producing a reporting obligation ; FORBIDDEN VI.1-19 bars that, and placing it in this table without the qualifier implies it. Sixth column becomes case-specific .

Table row	Column	Edit
§ 12-5-136(c)	Information produced	Recharacterise per row 34. “Access to drilling and abandonment records” reads as a records-production power and is not one. The subsection confers a right of access to premises at all reasonable times, one named purpose of which is inspecting and investigating records relating to drilling and abandonment. It confers no power to compel anyone to produce, create or swear to those records. Sixth column becomes case-specific .
§ 12-5-95(a)(1)	Information produced, and Triggering event	The quotation is wrong. “Quantity, source, and nature of use” is not statutory language. Replace with the statutory words per row 36: quantity of water used or withdrawn, sources of water, and the nature of the use thereof. Note “sources” is plural. In the Triggering event cell, “Board rulemaking” understates: (a) directs that the Board “shall prepare” proposed regulations containing such of four listed provisions as it finds appropriate, and adoption happens under (b) after hearings. Sixth column becomes implementation-dependent .
§ 12-5-97(d)	Reaches user below threshold	Delete “and none need be codified”. This is the third occurrence of the move struck at rows 40 and 65 and it goes with them. What remains of the cell is subsumed by the sixth-column replacement: the status is unresolved . Separately, in the Triggering event or Information produced cell, either add the subsection’s first sentence — which imposes a filing duty directly by statute on “every person who is required by this part to secure a permit”, a class broader than permittees — or name it in the caption note as expressly excluded. It is currently neither.

Table row	Column	Edit
§ 12-5-134(1)(A)(i)	Recipient	“County health department, per the same form” overstates. Per row 51 correction 3, the form’s routing line is a blank: “To: _____ County Health Department”, and no address is printed on either version. The cell should say the form supplies a blank rather than a named department. Sixth column becomes unresolved .
§ 12-5-134(1)(L)	—	No cell change. Sixth column becomes unresolved .

V.3 Instruments that must be ADDED as rows, or named in the caption note as excluded

Nine instruments, none of them in Table 1 now. Rule .04(11)(i) **must** be added, because it defeats the claim at row 42 that Rule .08 is the only instrument in Subject 391-3-2 producing a recurring measure of actual use without a Division decision, and a table that omits it leaves the defeated claim standing in the very place a reader checks it. The other eight may be added as rows or named in the caption note as excluded, but **each must be disposed of one way or the other**, and the note must say which.

Two instruments outside this list are already provided for and need no further disposition: **Rule .10(g)**, which V.2 folds into the existing Rules .10/.11 row, and **Rule .06(6)**, which appears in the table below. Part II.2 records five weaker instruments beyond both — Rules .09(1), .14(1), .14(2), .07(4) and .04(13) — which need no disposition in Table 1.

Instrument	Information produced	Recipient	Activation
Rule .04(11)(i)	Annual water use data report. Text names unaccounted-for-water information on a non-exhaustive “includes” and does not on its face name a withdrawal volume	the Director, not the Division	automatic, for permittees covered by it. Do not state how far the coverage runs: FORBIDDEN VI.1-15 bars settling whether the .04(11) chapeau’s new-permit-or-increase limit flows down to (i)
Rule .08(2)	Annual specific-conductance analysis. Water quality, not use	Division	automatic. Carries no farm-use exclusion, unlike .08(1); but the cadence reads “annually thereafter, unless otherwise designated by the Division”, so “every permit holder, annually” must not be written flat
Rule .14(3)	Certified statement that an abandoned well was sealed, within thirty days	Division	automatic on the sealing. The one instrument in the subject under which a certified statement reaches the Division from a person with no permit, no application and no withdrawal. II.3 lists thirteen provisions across nine entries reaching that class in some way, and Rule .13 sentence 1 also routes information to the Division from it, on “should” — so this is the only <i>certified statement</i> , not the only instrument. Whether .14(3) imposes an enforceable duty on the contractor is unsettled (see II.1); do not describe it as a mandatory contractor duty

Instrument	Information produced	Recipient	Activation
Rule .12(2)	Geologic, hydrologic and well construction data, Division-specified	Division	automatic at application. Permit-required persons only
Rule .04(5)(f)	Amount withdrawn or proposed to be withdrawn, and a necessity statement	Division, via the application	automatic at application
Rule .04(9)	Well construction details and specifications; (f) mandates a permanent air line rather than a datum	Division, via the application	automatic at application. Non-farm applicants, wells constructed after 18 April 1973
Rule .06(6)	Notice of changed beneficial use or increased withdrawal, by registered letter	Division	automatic on the event. Permit holders
Rule .04(11)(h)	Progress report	the Director	automatic, once , at year five. Not a five-year cycle ; the text says “Five years after issuance”. FORBIDDEN VI.1-17 bars asserting recurrence
Rule .13 sents. 1, 2	Testing-program information and prior approval	Division	hortatory : the verb is “should”, not “shall”. If added, the cell must say so

Part VI. FORBIDDEN ASSERTIONS

Every “could not retrieve” line from every retrieval run in this window, consolidated with the forbidden lists carried forward from earlier passes. **This list is complete as it stands and needs no other file to read it. Window B may assert nothing on it.**

VI.0 Items CLOSED in this window, and removed from the list

These no longer bind. Each was closed by primary text, not by inference.

C1. ~~§ 12-5-92's definitions of “person,” “ground water,” and “withdrawal,” which Rule .02 incorporates by reference and which were not retrieved.~~ **CLOSED.** Section retrieved in full, two sources, ten paragraphs. “Person” is (8), “Ground water” is (6), “Area of the state” is (2). **“Withdrawal” is not defined**, which is itself now an assertable finding rather than a gap. C2. ~~Any paraphrase of the three measurement concepts in Rules .10 through .16, which were regex-swept rather than read.~~ **CLOSED.** All of .09 through .16 read in full from the official compilation, and separately by an adversarial agent. C3. ~~The individual rule texts of Ga. Comp. R. & Regs. Department 770. Chapter listing only.~~ **CLOSED.** Full text retrieved at

14 August 2026. 31 rules confirmed. C4. ~~Whether the target of Rule .04(4)'s cross-reference is .03 or .05/.06.~~ **CLOSED** and verified twice, in Cornell LII's anchors and in the official Department 391 PDF. It is .05 and .06, and .03 is never mentioned. C5. ~~Whether the January 2026 NOI form retains the (1)(L) instruction.~~ **CLOSED.** Complete single-page extraction, two matching extractors, in two separate windows. It does not. C6. ~~Whether Subject 391-3-2 changed between the 10 August 2023 and 14 August 2026 compilations.~~ **CLOSED as to adopted rules.** All sixteen history footers read from the official compilation; no filing after 2015 and no repeal. **Not closed as to proposed or withdrawn rules before 2021.** See FORBIDDEN VI.1-4. C7. ~~Whether the 2025 or 2026 legislative sessions amended the statutes relied on.~~ **CLOSED.** Official Office of Legislative Counsel enacted-statute indexes checked for both sessions. Neither session touched §§ 12-5-90 to 12-5-104, §§ 12-5-106 to 12-5-108, or §§ 12-5-120 to 12-5-138. Only § 12-5-105 was amended.

VI.1 The standing list

On § 12-5-97(d) and the APA

1. That no procedure under § 12-5-97(d) has ever been adopted, by whom, or after what hearing. The search reaches the whole Georgia Administrative Code at 14 August 2026, and EPD's proposed-rules table **as that page stood on 31 August 2026.** It does not reach uncodified instruments, the pre-2021 rulemaking record, anything the proposed-rules page's sixty-day retention statement may have dropped, the Georgia Register, regional water plans adopted under the 2008 State Water Plan, or EPD guidance beyond search-surfaced titles.
2. **That Georgia law requires every § 12-5-97(d) procedure to be filed. The contrary hedge is equally forbidden.** Both remain forbidden, but the reasons are now documented rather than asserted. See Part III.1. Specifically forbidden: relying on *Hill v. Owens's* "renders a rule invalid" sentence as a holding; relying on *Ponce* as holding an unfiled rule unenforceable against a regulated party; asserting that *Ponce* displaced *Holton's* substantial-compliance approach; asserting that "procedures" is or is not a term of art distinct from "regulations."
3. That subsection (d)'s operative language is unchanged since 1973. The comparison runs 2016 to 2024 plus the face of the 2018 bill. What the 1988 and 1995 amendments did to (d) was not retrieved.
4. Anything about what the Board of Natural Resources or the Council considered, proposed, or withdrew **before 2021**, or in non-EPD DNR chapters, **or in any package the EPD proposed-rules page's sixty-day retention statement may have removed before 31 August 2026.** On that page as retrieved, the earliest entry dated from 2021 and no Subject 391-3-2 package appeared. The Georgia Register remains a LexisNexis product and unreachable.
5. **That nothing in Department 391 reaches a non-permitted groundwater user.** Subject 391-3-13 does, for fresh water production wells drilled deeper than 1,800 feet, under O.C.G.A. § 12-4-43(2). The supportable claim is about periodic water-use reporting, not about reach.

On case law

6. Anything requiring a citator. None was available in any pass. This specifically bars asserting that *Holton*, *Hill v. Owens*, *Ponce*, *Rincon*, *Haggard*, *Dix* or *McCoy* remains good law, or that any has not been overruled, limited or distinguished.
7. That no decision construes § 12-5-97(d) full stop. The assertable form is bounded: no decision located by free full-text search of CourtListener, Justia and FindLaw. **Georgia OSAH is unreachable, not merely unsearched**: its decisions page requires a docket number and the non-agency party's ZIP code as mandatory fields, and nothing issued on or before 30 June 2016 is online. Google Scholar, Casetext and anylaw were unreachable. CourtListener's Georgia court filter errored in one pass and its REST API returns 401; the Atom feed used instead truncates at 20 to 25 results.
8. Whether any court or the Division has construed Rule .04(4) as implicitly threshold-limited.
9. How EPD applies Rule .04(4) to a user believed to be below the threshold.
10. Four of five candidate Georgia Attorney General opinions on ground water were unread. The AG site's own search index returns zero for "12-5-96" and for "aquifer" and is demonstrably unreliable, so a null result there is not evidence.
11. The full text of *McCoy v. State*; *State v. Ponce*, 279 Ga. 651 (2005); *Haggard*; *Dix*; *Owens v. Hill*, 295 Ga. 302 (2014). None retrieved.

On the threshold and aggregation

12. How Georgia aggregates wells, affiliates, sites, or divided ownership for the non-farm threshold.
13. Whether "withdrawal" is undefined anywhere in Part 2. It is undefined in § 12-5-92, which was read in full. §§ 12-5-90, 12-5-91, 12-5-93 and 12-5-99 through 12-5-108 were not read.
14. That searches of Part 2 for affiliation and common-control vocabulary returned no hits **at the current date**. That search was not re-run in this window.

On the rules

15. Whether the .04(11) chapeau's limitation flows down to .04(11)(i). The chapeau confines the paragraph to preparation of a new-permit or increase-modification application, non-farm; subparagraph (i) says "Permittees" without repeating the limit. **The text does not settle it, and the same ambiguity affects .04(11)(h) and .04(11)(j)**. Do not assert how far the annual water-use-data duty reaches.
16. Which of Rule .03's two conflicting authority citations is correct. The footer cites O.C.G.A. § 12-5-95; the citation printed inside .03(1) cites § 12-5-105.
17. That .04(11)(h) recurs every five years. The text says "Five years after issuance," which states a single event. EPD practice was not established.
18. That .04(11)(j) is a reporting instrument. It requires permittees to "develop" 20-year demand projections using a Director-approved method and never says they are submitted.
19. That a monitoring-data reporting obligation arises from Rule .06(4)(h) or Rule .10(g). Neither states a recipient or a cadence, and none exists anywhere in Department 391.

20. That a farm-use Ground Water Use Report obligation does or does not exist. Rule .08(1) excludes farm permits; .08(3) twice contemplates farm use inside the class required to submit one. The subject does not resolve it.
21. Anything about the seventeen sections of Part 3 read by title only: §§ 12-5-120, -121, -123, -125, -126, -127, -128, -129, -131, -131.1, -132, -133, -133.1, -135, -137, -138, and § 12-5-136 apart from (c). §§ 12-5-122, -124, -130 and -134 were read in full.

On the forms and custody

22. **When the § 12-5-134(1)(L) instruction was dropped from the NOI form.** No version between March 2017 and January 2026 was located. Present in 2017, absent in 2026; the removal date is unestablished, and no motive may be attributed.
23. Whether industrial-well notices or completion forms are filed, received, retained or enforced **at state level**. No publicly documented custodian was located. No records request was made, no county was contacted, no district office was inspected. **The assertable form is “no publicly documented custodian was located,” never “no records exist.”**
24. That the “Copy – Regulatory Agency” line on the 2014 Well Completion Data Form means EPD. The form names no agency and gives no address, notwithstanding the EPD letterhead.
25. That the November 2014 Well Completion Data Form is the latest. It is the one EPD’s programme page links and no newer one was found. Its page-1 footer reads “Revised November 2014” and its page-2 footer reads “Revised November 2012”; the November 2012 predecessor was not located.
26. What the February 2024 Department 770 amendments did, beyond the NGWA-exam change. **Department 770’s current text is now known; the delta is not.** Twelve of at least fourteen WWSAC meetings remain unretrieved, including the 17 January 2024 meeting that voted the current rules.
27. Whether § 12-5-134(4) legally incorporates either information duty.
28. That the Harris County draft well rule accurately locates the intent-to-drill duty. It cites Rule 770-5-.08, which requires site posting and nothing else.

On counties

29. **Any statewide claim about county practice.** Coverage reached roughly eleven of eighteen health districts at varying depth and a handful of the 159 counties. **Hall County’s rules, as posted, reach industrial wells. Chatham County’s, as codified in the chapter PDF retrieved, reach them expressly and provide that below-threshold well permits be reported to EPD. Neither county’s currency was verified; see items 30 and 31, which bar asserting either as in force today.** Thirteen of fifteen priority data-centre counties yielded no well document, **and that is not evidence they publish none.** The adversarial sweep reached only Chatham, Harris and District 4 and did not touch Douglas, Bartow, Bulloch, Cherokee, Fulton, Gwinnett, Newton, Walton, Paulding, Twiggs, Talbot, Rockdale, Jackson, Barrow, Effingham or Screven. **The agent’s own assessment: “I would not publish ‘uneven, with Hall as the outlier’ without sweeping the rest.”**

30. That Chatham County's codified ordinance is current. The chapter PDF carries an internal "(Amended April 24, 2009)" note; Chatham is not on Municode and currency was not verified.
31. That the Hall County rules remain in force in 2026, beyond the inference from continued posting.
32. That Lumpkin's codified text matches Res. 2025-15 as adopted, or that any computer there has triggered the monthly duty. Nor was Lumpkin's authority to zone by resolution verified.
33. That no county health department holds these records. No county publishes a retention practice or a record-search facility for them; that is a different statement.

On sources and currency

34. **Anything filed after 14 August 2026.** The compilation date is a hard boundary.
35. **No provision in this window was verified against Georgia's official Code.** LexisNexis is unavailable. Justia's stated vintage is the 2025 Code; FindLaw's is 28 March 2024. **Neither reflects HB 1268 / Act 723, the 2026 editorial Code revision act, effective 1 July 2026.** Do not assert any quotation is the text as reenacted; assert it is the 2025 codification.
36. **Do not cite unpinned law.justia.com/codes/georgia/title-12/... URLs.** Vintage instability was observed live: the unpinned § 12-5-96 URL returned a 2024 page while sibling unpinned URLs returned 2025 minutes apart. Use year-pinned paths. In an earlier pass Justia served two different vintages of the same Part minutes apart, with effective-date brackets differing on §§ 12-5-105 and 12-5-108.
37. Every amendment date reported for these sections is **single-source to Justia.** FindLaw carries no history apparatus for any of them. Do not present any "last amended" date as a two-source finding. Do not cite a specific Ga. Laws page or Act number for the 2007 or 2008 amendments to § 12-5-96; Justia's own two vintages disagree on the citation form.
38. Anything about § 12-5-105, which was amended in both 2025 and 2026 and was not retrieved. §§ 12-5-97(a), (c) and (d) all cross-refer to it.
39. Anything about O.C.G.A. § 12-5-31, not retrieved in this window. The surface-water half of § 3's opening sentence rests on prior work.
40. That the Watershed Protection Branch administers both regimes. Not verified at the current date.
41. That the 2023 and 2026 compilations were compared text to text. **They were not.** Download_pdf.aspx returns 403 for every prior year. The no-change finding rests on the 2026 compilation's own administrative history and per-rule footers, plus the absence of any 391-3-2 item on EPD's proposed-rules table. That is inference from the current compilation, not a diff.
42. That the currency stamp appears on every page bearing the rules. It appears on the Department 391 PDF cover and on the JavaScript-rendered per-rule pages, and **not** on the no-JavaScript subject page.
43. That Subject 391-3-5's cited provisions are current. **Subject 391-3-5 changed twice inside the window** at Rule .07, which § 3.6 does not cite. § 3.6's cited provisions,

Rules .14(7), .30 and .04(1), were last verified against the stale compilation and were not re-read at 14 August 2026.

44. That any page of the Department 391 PDF lacking a text layer was searched. pdftotext extracts the embedded layer only; no OCR backstop was run. Extraction density was consistent with a fully text-layered document.
 45. That the trade association's legislative claims describe real bills. No bill from 1995 to 2026 would have done what it describes; the pre-1995 record is unavailable and the 1997-98 session is a dead link.
 46. That the 1995 pamphlet "What You Need to Know About Water Wells in Georgia" contains or omits anything. It was retrieved as a scanned image with no machine-readable text.
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Part VII. Handoff to Window B

Frozen as an evidence base. Window B may not retrieve. Three rows named at VII.5 require a short Window A round rather than retrieval by Window B.

Window B needs no other file open. § 3's Table 1 is reproduced at Part V. The operating conventions are at VII.0 and the settled findings and restructuring requirements are at VII.1. **Every statement of fact in this Part is either sourced to a numbered row above or carries its own bound in the sentence**, and where a row is cited the row's scope travels with it and may not be dropped. VII.0 and VII.1 are instructions rather than findings; they come from this project's operating record and from the 31 August handoff, and they are restated here so that neither file need be opened.

VII.0 Operating conventions, restated so they need not be looked up

1. **Every negative and every universal carries its scope in the same sentence, or in the sentence beside it, everywhere it appears — not once at the point of the finding.** Before the section goes out, grep it for its own negatives and check each against the scope statement it derives from, as that statement now stands. Trigger words: *no, none, never, nothing, cannot, unauditably, untestable, unavailable, forecloses, by construction, at any level, always, every, only*.
2. **Adding a bound retroactively falsifies sentences written under the old one.** So the check runs twice: before delivery, and again after any change to a scope statement.
3. **When a claim is too broad, narrow the claim. Never append a qualifier to rescue it.** Every hedge is an assertion and is verified like any other. A hedge that is legally wrong is worse than the overclaim it replaced, because it looks like rigour. Rows 40 and 65 exist because that rule was broken.
4. **Audit in both directions.** Over-hedging is this author's standing reviewer-facing defect; the bound-drop is the standing local one. For every qualification ask what work it does and what a reader could wrongly conclude without it. Delete any that does not change the answer. Keep every one that does.
5. **Length is a finishing constraint.** Window B drafts to completeness and is given no word target. Cutting before the claims stop moving is what converted six correction rounds into a loop.

6. **The author of a claim is the wrong checker for it.** Route the bound-check to a reader with no drafting memory.
7. **A repair round is a drafting round** and gets the same audit as original prose.

VII.1 *What is settled and must survive the rewrite*

- **The narrow claim.** No identified rule in Subject 391-3-2 routinely requires the specified sub-threshold industrial user to submit periodic actual-withdrawal data absent a Division intervention. Scope: non-PWS, process and cooling, new construction.
- **Non-coverage rather than exemption**, and its footnote. Rows 9 to 11.
- **“Capacity is not use.”** Rows 69 and 70.
- **The averaging asymmetry, and the symmetric limit that travels with it:** the absence of “monthly average” from the non-farm sentence cannot show that the sentence selects a maximum-day measure, because Rule .02(p) defines “Maximum day withdrawal” and the sentence does not use that term either. Rows 20 to 25. **That limit belongs in the body, not in a footnote.**
- **The § 12-5-134(4) analysis:** the two information duties do not stand alike, the notice has the stronger textual route, and the Council’s form evidences administration rather than legal coverage. Rows 48 to 53, 66,
- **The public water system contrast** at § 3.6 — subject to row 60’s unverified status.
- **The four dimensions:** record generation, custody, informational content, periodicity. Row 70.
- **The bridge rule, and it protects the whole paper.** Where project evidence cannot establish the legally relevant person-level total under a supported measurement convention, a project’s permit status is **unresolved**, not “below threshold”. §§ 4 through 7 will otherwise apply a category § 3 has just shown cannot be applied on facility estimates.

Structural requirements carried into the rewrite:

- Put the research question immediately after the defined user class, and condense the source-and-scope material into a note with the compilation cutoff kept visible.
- Move Table 1 to where it is introduced, or introduce it where it appears.
- **Invert the footnote hierarchy.** Notes 2, 3 and 5 carry conditions governing the argument’s validity and belong above the line; the opening’s retrieval mechanics belong below it.
- **Fix the register.** “Statutory parent”, “chapeau”, “the other record”, “travel with”, “the weaker one” all make the reader recover an unstated noun. Name the statute, rule, form or duty each time. “Chapeau” becomes “opening clause”.

VII.2 *The verdict distribution*

The full distribution is at the head of Part IV and is not repeated here. **What must not be compressed:** four rows carry a verdict on which no hunt was run in this window — rows 2, 15, 17 and 60 — and three more were checked against the record but not adversarially hunted: row 1’s surface-water half, row 4 and row 61. Rows 15 and 60 are separately

barred at the current date by FORBIDDEN VI.1-14 and VI.1-43, so neither may be stated in the present tense however its verdict reads. **Six of the fifty-eight survivals are therefore weaker than the other fifty-two: rows 1, 4, 15, 17, 60 and 61.** Row 2, which carries no hunt either, is NARROWED and is dealt with at VII.6.

VII.3 The five defeated rows and what replaced them

Row	Claim defeated	Replacement
3	Compilation current through August 2023	14 August 2026 , printed on the Department 391 PDF cover and the per-rule pages, not on the no-JavaScript subject page. All three department-wide searches re-run; all three hold.
40	§ 3.4's "so procedures satisfying it could exist outside the rules entirely"	Deleted, not re-hedged. Replaced by a scope statement, matching row 40's own REPLACEMENT field: on the Secretary of State's all-agency search at 14 August 2026, Rule 391-3-2-.08 is the only rule in the Georgia Administrative Code citing § 12-5-97, and the codified rules searched at that date contain no rule establishing procedures for water users not required to secure a permit. Whether procedures were adopted outside the codified rules was not determined. Both the assertion and its negation stay forbidden. Part III.1 carries the reasons, including the <i>Ponce / Hill v. Owens / Holton</i> tension, which must not be compressed away.
65	§ 3.6's "though procedures under § 12-5-97(d) need not be codified"	Same treatment. This is a different sentence from row 40's, in a different subsection. Table 1's § 12-5-97(d) row makes the move a third time, in the words "and none need be codified". All three are struck independently ; see Part V.2.

Row	Claim defeated	Replacement
42	“Rule .08 is the only instrument in Subject 391-3-2 producing a recurring measure of actual use”	Subject 391-3-2 contains three reporting instruments whose duty arises on permit issuance rather than on a Division decision: Rules .08(1), .08(2) and .04(11)(i). Each names a permittee or permit holder as its subject. Four qualifications travel with the replacement and none may be dropped : .08(2) measures water quality rather than use; .04(11)(i) names unaccounted-for-water information as the only content element the text specifies, on a non-exhaustive “includes”, so it cannot be said either to require or to exclude a withdrawal volume; .08(1) and .08(2) both let the Division designate a different cadence, so neither operates with no Division involvement; and how far .04(11)(i) reaches is unresolved , because the .04(11) opening clause confines the paragraph to new-permit and increase-modification applications while subparagraph (i) says “Permittees” without repeating the limit — FORBIDDEN VI.1-15 bars settling it. The uniqueness claim falls. The reach claim, which is what the argument needs, rests on three instruments pointing the same way.
59	“Its single recurring obligation of any kind is a five-yearly structural inspection... in the paragraph governing wells other than water wells”	§ 12-5-130’s biennial licence renewal is a second recurring obligation. “Structural” is not in the text. Paragraph (5) has no chapeau; the quoted language is (5)(A)’s, and (5)(D) is its sibling. The conclusion survives; the route was wrong three ways.

VII.4 The four things most likely to break the draft

1. **The Chatham County ordinance at row 63.** Every closing negative in § 3 survives only because it is bounded to a state-level corpus. The chapter PDF retrieved in this window carries at § 15-617(3) a provision that county well construction permits issued below the 100,000 gpd standard “shall be reported to the GEPD”. **Its currency was not verified**: that PDF carries an internal “(Amended April 24, 2009)” note and Chatham is not on Municode. **So this is a counterexample of unestablished currency, and it may not be stated in the present tense as a fact about Georgia today.** FORBIDDEN VI.1-30 bars that. Its force here does not depend on currency: it shows what a county instrument can contain, and therefore what a corpus excluding counties cannot rule out. Restate any of rows 38, 39, 43, 57, 62 or 63 without its bound, anywhere, and Chatham defeats it.
2. **The two hedge sentences at rows 40 and 65, and the Table 1 cell that makes it three.** Different sentences, different subsections, one table cell; all struck. Do not

replace any of them with its negation, and do not append a new qualifier to rescue the surrounding sentence. Narrow the claim instead.

3. **Row 26's three qualifiers:** "in Subject 391-3-2", "recurring duties only", and "quantities actively withdrawn". § 12-5-134(5)(D)(vii) binds a property owner who is neither applicant nor permittee and sits outside the subject; Rule .08(2) is a recurring permittee duty that measures quality rather than use; and II.4(a) carries further quantity-measuring provisions, among them Rules .04(5)(f) and .08(3), that are outside the claim because they are not recurring. **Relax any of the three anywhere in the section and the claim falls.**
4. **The well-records claim at Part III.2 Q2 and row 56.** It is available in one form only, and the bound is part of the claim, not decoration: **the notice and completion-record duties Georgia imposes on well contractors sit in Part 3 and on a Council form, and not in the filed rules of the two state-level bodies searched, the Water Well Standards Advisory Council at Department 770 and EPD within Department 391.** No county instrument was searched for it. **Stated as a claim about Georgia's well-records architecture generally it violates FORBIDDEN VI.1-29 and is refuted by row 63.**

VII.5 Three rows that warrant one short Window A round before drafting

Row 1's surface-water half is the most urgent. § 12-5-31 was not retrieved in this window and was amended in 2025 by HB 143 / Act 72, so the section's opening sentence rests on a pre-amendment reading of half of what it asserts. A stale threshold in the first sentence is what a referee opens with.

Row 60. § 3.6's three cited provisions of Subject 391-3-5 — Rules .14(7), .30 and .04(1) — were last verified against the superseded compilation, and Subject 391-3-5 changed twice inside the window at Rule .07. Rule .07 is not among the three cited, but the three have not been re-read at 14 August 2026, and FORBIDDEN VI.1-43 bars asserting they are current.

Row 15. The Part 2 affiliation and common-control search was not re-run. FORBIDDEN VI.1-14 bars asserting its negative at the current date.

If no such round happens, none of the three is a reason to stop drafting, because each can be written around: row 1 by confining the opening sentence to groundwater, row 60 by dating the § 3.6 comparison to the prior compilation in the sentence that makes it, and row 15 by attributing the affiliation finding to the earlier pass. **What Window B may not do is state any of the three flat and current.**

VII.6 Two rows Window B must not silently resolve

Row 2, the Watershed Protection Branch attribution. Unverified, and no hunt was run. **The safe move is to attribute administration to the Environmental Protection Division** and to say nothing about which branch. FORBIDDEN VI.1-40 bars the branch attribution.

Row 17, the Lower Flint beneficial-owner treatment. Carried forward from prior work without re-verification in this window. The proposition it supports is a negative — that the

document says nothing about summing withdrawals to cross the threshold — and the bound on it is that one farm-use document covering seventeen counties and no industrial user was read, on the earlier pass and not this one.

VII.7 Three findings § 3 does not currently use and could

1. **Rule .09(1)'s excluded class.** .09(1) and .09(2) are both keyed to withdrawals “in excess of 100,000 gallons per day”, and .09(1) excludes from permitting a person withdrawing above that figure for construction dewatering for not more than sixty days. **No duty in Subject 391-3-2 requires that person to report a withdrawal volume.** Both bounds travel with it and neither may be dropped: the class is dewatering-specific, and the negative is scoped to Subject 391-3-2. **It is not scoped to the statute** — § 12-5-97(d)'s first sentence imposes a filing duty on “every person who is required by this part to secure a permit”, and whether that reaches a person the rules exclude from permitting was not determined. Row 11.
2. **The 2014 Well Completion Data Form has no gallons-per-day or total-volume field,** across a complete dump of its 246 named AcroForm fields cross-checked against the text layer. It captures instantaneous rate and never a withdrawal volume. **The bound is the form:** that is a finding about the November 2014 form EPD's programme page links, and FORBIDDEN VI.1-25 records that no newer version was located and that the form's own two page footers disagree on its vintage. Row 69.
3. **§ 12-5-134(1)(L)'s gallons-per-minute disclaimer,** reproduced inside the full text of (1)(L) at row 54: “Any estimate of gallons per minute of water that the well is expected to produce shall not be considered under any circumstances to be a guarantee of the quantity of the water produced by the well.” **This is the strongest support available in the located record for “capacity is not use”, and it is statutory rather than inferential.** § 3 currently quotes it only in the material cut to Appendix A, at the entry labelled *From § 3.5, fifth paragraph*, where it reads: “The statute disclaims the second. Any estimate of gallons per minute ‘shall not be considered under any circumstances to be a guarantee of the quantity of the water produced by the well.’” **Assert it as the 2025 codification,** per the certification note at the head of this file.

VII.8 The certification limit that governs the whole file

Set out in full at the head of this file, in three bullets, and summarised here because it is the limit most likely to be dropped. **Read the head, not only this paragraph.**

Rule text — Subject 391-3-2, Department 770, and the administrative-history footers — was checked against the Secretary of State's official compilation at 14 August 2026, and “verbatim” carries full weight for it. Statutory text was checked against two free publishers only, Justia's 2025 Code and FindLaw's 28 March 2024 text, and against no official source. Rules quoted from outside those two bodies, such as Rule 391-3-13-.15 at row 38 and Rule 672-10-.05 at I.3, come from the same official compilation but were not double-checked, and carry the weaker certification. No statutory quotation in this file reflects HB 1268 / Act 723, the 2026 editorial Code revision act effective 1 July 2026. **Assert every statutory quotation as the 2025 codification.** And note the head's third bullet: where the two publishers are Justia's 2025 text and FindLaw's 28 March 2024 text,

“two sources, identical” means two publishers rather than two vintages. See FORBIDDEN VI.1-35.

Part VIII. Change log, Window A.2, 31 August 2026

Window A.2 was a repair window against a fixed work order: the MUST FIX table of GA_Threshold_claim_table_AUDIT.md. **SHOULD FIX and NOTE items were out of scope and were not touched except where one blocked a MUST FIX.** No new claim was added to the table. One retrieval was performed: § 3's Table 1, required by 1.27 / 3.37.

Audit ID	What was done
1.12	Part II.4's roster now accounts for every numbered and lettered provision of all sixteen rules exactly once, across list (a) and list (b), with the Rule .16 tail recorded as the single open edge. Rule .04(9) is itemised to its lettered subparagraphs, which the roster's own standard requires and which the earlier entry did not do. Rows 43 and 62 are re-sourced onto II.4(a) and II.3 by name and carry the .16 open edge in their SOURCE field; row 26, whose claim is about recurring duties rather than reach, is re-sourced onto II.4(a) alone. Row 26's SOURCE names its six duties and records that the earlier "no fourth duty" miscounted them.
4.6	The sentence at II.3 claiming the result "is a stronger result than § 3 currently claims, because it now rests on a closed enumeration" is deleted . Replaced by a statement of what the enumeration does support: a difference in method, not in strength, licensing no claim broader than § 3 already makes.
1.26	The file is now self-contained. Table 1 reproduced verbatim at V.1. Operating conventions restated at VII.0. Settled findings and structural requirements restated at VII.1. The Appendix A passage carrying the (1)(L) disclaimer reproduced at VII.7. References to CLAUDE.md, the handoff, the § 12-5-134(4) resolution file, Appendix A and GA_Threshold_v0_7_section3.md removed as dependencies and, where the underlying finding was needed, restated in place. Three instructions to an unseeable "hedge audit" (rows 41, 61, 65) converted into findings. Row 50 no longer characterises § 12-5-134(3), which this table does not reproduce; it now says so.
1.27 / 3.37	Part V rebuilt in three sections. V.1 reproduces Table 1 verbatim — caption note, six columns, ten body rows, following paragraph. All four previously unlocatable strings were located and are present in the reproduction: "Statements and sworn reports as required" (§ 12-5-98(a), Information produced); "and none need be codified" (§ 12-5-97(d), final column); the em-dash Recipient cell (Rule .04(7)); and the caption note. V.2 names a row and a column for every edit. V.3 gives the additions with recipient and activation.

Audit ID	What was done
1.30	Part V's ".14(3) is the only instrument binding a person with no permit or application" replaced. It is now the only <i>certified statement</i> reaching the Division from that class, against II.3's thirteen provisions across nine entries, with Rule .13 sentence 1 named as also routing information from the same class. The unsettled duty point from II.1 travels with it.
5.1	Chatham § 15-617(3) no longer appears in the present tense in the handoff. VII.4 attributes it to the chapter PDF retrieved, states that currency was not verified, and states what the finding is good for without currency.
5.2	Row 42's REPLACEMENT field and VII.3's summary of it now carry the same four qualifications: .08(2) measures quality; .04(11)(i)'s "includes" supports neither requiring nor excluding a volume; both .08(1) and .08(2) allow a Division-designated cadence; and how far .04(11)(i) reaches is unresolved under FORBIDDEN VI.1-15. In both places "Every one runs to a permittee" is replaced by "Each names a permittee or permit holder as its subject", which states the text's named subject without settling reach. Row 42 also now says why .04(11)(h) is excluded from the three.
5.5	Part VII now surfaces every untested row. VII.2 names rows 2, 15, 17 and 60 as carrying verdicts on unrun hunts and rows 1, 4 and 61 as checked but not hunted. VII.5 covers rows 1, 60 and 15 and says how to draft around each. VII.6 covers rows 2 and 17.
5.6	Row 48 already carried the correction; verified in place and left standing. Row 48 states that the AG opinions are not a clean negative, that four of five were unread, and that a null result on that index is not evidence.
5.7 / 5.8	Verified fixed in place and left standing: Part III.2 Q2 and row 56 now bound the well-records finding to the two state-level bodies searched; FORBIDDEN VI.1-29 now says "as posted" and "as codified in the chapter PDF retrieved" and points to items 30 and 31. VII.4 item 4 restates the bounded form so the drafting window meets it without reconstructing it.
1.1-1.10	Verified fixed in place. Every in-text cross-reference now uses the unambiguous FORBIDDEN VI.1-n form, and all of them were checked against the item named in a full pass over Part VI.1.
1.11	Verified fixed in place. VI.0's list is now lettered C1-C7 and VI.1's is numbered 1-46, so no citation is ambiguous between the two.

Audit ID	What was done
3.22, 3.23, 3.24, 3.26, 3.27, 3.32	Verified fixed in place and left standing. Chatham § 15-615(4)'s "approved water well" is now attributed to the preceding clause and not to the quotation supplied. .04(11)(i)'s "includes" is now read as non-exhaustive in both directions. .14(3) is now described as passive with the Division as grammatical subject, the duty point left unsettled. Row 54 reproduces (1)(L) in full, so the enumerated data list and the gallons-per-minute disclaimer are both in evidence. The 1,800-foot gloss now reads "deeper", matching the statute.
1.43 / 3.11	Rows 40 and 65 are stated as two different sentences in two different subsections, and Table 1's § 12-5-97(d) cell is named as the third occurrence. Part IV's tally, row 65 and VII.3 all now say three, and Part V.2 executes the third.
1.35 / 3.9	Verified fixed in place. Row 42's HUNT reports the instruments found in addition to .08; the REPLACEMENT reports the full set of three. The two "threes" are no longer in conflict.
1.50 / 3.8	Verified fixed in place. Row 26 records six duties and states that "no fourth duty" miscounted them.
1.17	Verified fixed in place. Row 1's verdict reads "SURVIVES as to groundwater. NOT VERIFIED as to surface water."
1.22	"58 SURVIVE" replaced with a full verdict distribution: eleven SURVIVES variants plus NARROWED and DEFEATED, thirteen rows in all, with row numbers under each. The counts sum to 58, 7 and 5, and every row from 1 to 70 appears exactly once. The four rows with no hunt are named — 2, 15, 17, 60 — along with the three checked but not hunted and the six deriving a hunt from another row.
3.38	The certification limit moved from the end of the file to the head of it, where every row is read against it, and restated at VII.8. It now separates rule text, checked against the official Secretary of State compilation, from statutory text, checked against two free publishers and against no official source. It states that "two sources, identical" means two publishers rather than two vintages.
1.57	The EPD proposed-rules table is no longer called complete. I.6, row 6, FORBIDDEN VI.1-1 and FORBIDDEN VI.1-4 now all say the same thing: one absence, on one page, on one date, with the sixty-day retention statement recorded as the reason the page cannot support "no package was proposed since 2021".

Audit ID	What was done
4.12	The “gets stronger” reassurances deleted at row 3 (“this is the good kind”), row 32 (“so the section gets stronger rather than weaker”) and row 64 (“The narrowing runs in § 3’s favour”). Row 32 now says instead that a narrowing is not automatically free. The load-bearing hedges the audit listed at Pass 4 were left intact and none was stripped.

Blocking items taken in scope, and why. Audit 1.23 (“not a specification for a rewrite” against Part V) was corrected in the opening paragraph, because rebuilding Part V into an explicit edit schedule would otherwise have authored the contradiction afresh. Audit 3.5’s count of the additions was corrected in Part V.3 for the same reason. Audit 4.15’s three instructions to a “hedge audit” were converted to findings under 1.26, because the audit they invoke is defined in a file Window B will not have. Audit 1.44’s two disagreeing protected-row lists were reconciled at row 63 and VII.4, because Part VII’s rebuild would otherwise have carried one of them forward against the other.

One defect found by doing the work, not listed in the audit. Reproducing Table 1 verbatim exposed a contradiction inside § 3’s own table that was invisible while the table sat in another file: **the caption note lists § 12-5-97(e) among the instruments omitted from the table, and § 12-5-97(e) sentence 1 is a body row of it.** The note also characterises the omitted instruments as reaching “applicants and permittees only”, which row 30 contradicts as to § 12-5-97(e). Both are recorded as Part V.2’s second structural change. This is the argument for reproduction rather than reference: a schedule keyed to a table it cannot display cannot catch a defect in the table.

Not done, and deliberately. Every SHOULD FIX and NOTE item in the audit that is not named above stands unrepaired. Four closed questions were not reopened: § 12-5-97(d) remains expressly open in both directions, with reasons, at Part III.1; the compilation date remains 14 August 2026; the three department-wide searches recorded at I.3, having been re-run in the first window, were not run a third time here; and **rows 1, 15 and 60 remain unverified**, since closing them needs a retrieval round no MUST FIX item authorised. Part VII.5 says how to draft around all three.

One audit of these repairs was run, by a cold reader with no drafting memory, over the same four passes: linear contradiction sweep, scope audit of every negative, quantifier and arithmetic audit, internal attribution check. Its arithmetic pass independently walked the II.4 roster rule by rule and the verdict distribution row by row and found both to close. Fifteen defects it found were traceable to this window’s own repair text and are fixed above; the rest were pre-existing SHOULD FIX and NOTE items and were left, per the work order. **The audit ran once. It was not iterated**, because a second repair round against a fresh audit is the loop this window exists to break.

Part IX. Addendum — the three open rows, closed 31 August 2026

Run after Window A.2, against the three rows Part VII.5 and VII.6 flagged as unverified. **All three are now closed.** Each changed something, and two of the three correct the draft rather than merely refreshing it. Retrieval date for everything below: 31 August 2026.

IX.1 Row 1 — § 12-5-31, surface water. CLOSED, and it strengthens § 3.3.

The threshold is unchanged and HB 143 did not touch it. § 12-5-31(b)(1)(A), verbatim, identical on Justia's 2025 vintage and FindLaw:

“(b)(1) No person shall make any withdrawal, diversion, or impoundment of any of the surface waters of the state for whatever use without obtaining a permit from the director; provided, however, that no permit shall be required for: (A) Any such withdrawal which does not involve more than 100,000 gallons per day **on a monthly average;**”

Three findings the draft must absorb.

1. **The averaging qualifier is statutory, not rule-only.** § 3.3 currently compares the groundwater *rule* to the surface-water *rule*. The stronger comparison is available and is statute to statute: § 12-5-96(a)(1) sets the groundwater trigger with no averaging convention; § 12-5-31(b)(1)(A) sets the surface-water exemption “on a monthly average.” The legislature wrote the qualifier into one statute and not the other.
2. **The surface-water provision is framed as an exemption from permitting, not as an affirmative threshold.** Do not describe the two regimes as symmetrical in form.
3. **HB 143 / Act 72 (2025) revised § 12-5-31(b)(3) and (m.1) only** — measuring devices and farm use. It did not reach (b)(1) or the averaging convention. Amendment history now runs to “Ga. L. 2025, p. 244, § 1/HB 143, effective July 1, 2025.”

Rule 391-3-6-.07(3)(a) is confirmed word for word as previously quoted, including the “withdrawals” verb form and a “perday” typo in the official text. Statute and rule agree on the averaging convention.

Row 1's verdict changes from “SURVIVES as to groundwater, NOT VERIFIED as to surface water” to SURVIVES, both halves, at the current date.

IX.2 Row 60 — Subject 391-3-5. CLOSED, and it corrects § 3.6's footnote.

All three relied-on provisions are **word-for-word identical** to the 10 August 2023 compilation. Rule .04 was amended in May 2025 but the change fell in ¶¶(3), (5), (6) and (9)(a)2, not in (1).

But the footnote as § 3 currently writes it overstates in two places.

1. **Rule .14(7)'s duty is qualified.** Verbatim: “The supplier of water shall maintain daily records of the operation of the water treatment facility and water distribution system **as may be required by the Division** including the amount of water treated daily...” The draft states the duty flat.

2. **Rule .30 does not mention volumes.** Rule .14(7) routes the submitted copy “in accordance with Rule 391-3-5-.30,” and § 3’s footnote presents that as the route by which a daily volume reaches the agency. **Across the whole of .30, no paragraph mentions a monthly operating report, daily operating records, or volumes produced or treated.** Its ¶(1) reaches “the results of any test measurement or analysis required by this Chapter”; its ¶(5) reaches records under Rule .15 on request. **The routing rule’s own terms are about test results.** The contrast survives on .14(7)’s own words — “a copy of the record submitted to the Division” — but it may not be built on .30.
3. **The proviso is narrower than the draft has it.** The Director may establish “less frequent **maintenance of record** requirements for small groundwater systems” — a record-keeping relaxation, not a submission relaxation.

Two gains. The definitions the draft could not previously cite now have numbers: **Rule 391-3-5-.02(99)** for “public water system” and **.02(89)** for “non-transient, non-community water system.” The PWS definition says “regularly serves **an average of** twenty-five (25) individuals daily at least 60 days out of the year.” And **Rule 391-3-5-.17 is the dedicated operating-permit rule**; .04 is titled “Approval Required.” Rule .17 was not retrieved. See FORBIDDEN item added below.

IX.3 Row 15 — Part 2 affiliation search. CLOSED, and it narrows one sentence.

Full text obtained for all nineteen sections, §§ 12-5-90 through 12-5-108. Twenty-four terms searched across all nineteen: *affiliate, affiliated, affiliation, subsidiary, parent, common control, controlled, common ownership, commonly owned, beneficial owner, beneficial ownership, attribution, attributable, aggregate, aggregated, aggregation, combined, combine, consolidate, consolidation, related entity, same person, single person, under common.* **All 456 cells zero.** Near-misses checked and excluded: “spacing controls,” “beneficial use,” “aggrieved,” “Water Pollution Control Act,” “the same withdrawal,” “their respective withdrawals.”

One hit in a different vocabulary, and it narrows the claim. § 12-5-105(b.1)(9) provides that where “the permittee or the permittee’s **employees, tenants, licensees, or agents**” have dismantled or removed a water-measuring device, “the permittee may be subject to enforcement action.” **That is an attribution rule between legal persons.** It attributes conduct rather than volumes, runs only inward to the permittee, has enforcement exposure as its sole consequence, and sits in the farm-use metering subsection.

Consequence for the draft. A sentence saying Part 2 contains no language of attribution between legal persons is now **false**. The sentence that survives, and it is the one § 3 needs: **Part 2 contains no rule combining or attributing withdrawal volumes among separately titled persons for threshold purposes.**

Affirmative support for the per-person reading is stronger than previously recorded: § 12-5-96(a)(1)’s only aggregating language is “for any purpose,” across one person’s uses; § 12-5-96(d)(1) speaks of “their **respective** withdrawals”; § 12-5-97(e) sums “**his** pumps.” No

“per well,” “per site,” “per facility,” or point-of-withdrawal qualifier is tied to the threshold anywhere in Part 2.

§ 12-5-105 is now retrieved, closing FORBIDDEN VI.1-38. HB 143 struck (b)(2)(D) and the five-year backstop in (b.1)(2)(D); HB 1268 substituted “section,” for “Section,” in (b.1)(9). Neither introduced any searched term into Part 2.

IX.4 Forbidden list, updated

CLOSED by this addendum: VI.1-38 (§ 12-5-105 unretrieved); VI.1-43 (§ 3.6’s provisions not current); VI.1-14 (Part 2 affiliation search not re-run); and row 1’s surface-water half.

ADDED, and the draft may assert none of these:

- **A-1.** That Rule 391-3-5-.30 requires submission of water volumes. Its text reaches test results and records under Rule .15. § 3.6 may cite .14(7) for the submitted copy and may not cite .30 for volumes.
- **A-2.** Anything resting on Rule 391-3-5-.17, the dedicated operating-permit rule, which was not retrieved. § 3.6 cites .04(1), which is titled “Approval Required” and supports the proposition; do not upgrade the citation without reading .17.
- **A-3.** That Part 2 contains no attribution rule between legal persons. § 12-5-105(b.1)(9) is one. Only the volume-attribution negative survives.
- **A-4.** That the official O.C.G.A. was consulted. Statutory text throughout rests on two free commercial publishers plus enrolled bill PDFs. The official LexisNexis text is JavaScript-gated and was not read.
- **A-5.** Any currency date for Cornell LII, which publishes none.

A publisher hazard now confirmed live and twice. Justia served **three vintages of § 12-5-31 under one canonical URL**, and served § 12-5-105 at two different vintages on the same day — the 2024 vintage showing no 2025 or 2026 history at all. **Cite Justia only with the vintage as it declared itself at fetch.**