

# COW CREEK GROUNDWATER CONSERVATION DISTRICT RULES

## Rule 1.7 Groundwater Management Policies

*Repealed December 10, 2012 by Board Order 2012-008; effective December 12, 2012.*

## Rule 2 Definitions

Unless the context indicates a contrary meaning, the words hereinafter defined shall have the following meanings in the Rules of the Cow Creek Groundwater Conservation District:

**Abandoned Well** – a well that has not been used for six consecutive months. A well is considered to be in use in the following cases:

- (1) a non-deteriorated well which contains the casing, pump, and pump column in good condition; or
- (2) non-deteriorated well which has been capped.

**Administratively Complete Application** – a permit application received by the District that includes all documentation and fees required by Texas Water Code Sections 36.113 and 36.1131 and District Rules. In order for an application to be deemed administratively complete, it must include all administrative and technical information required by the District and there must be no unresolved compliance issues against the applicant or the well.

**Agent** – one who is authorized to act for or in place of another; a representative. The agent shall provide written proof of authorization.

**Aggrieved party** - for purposes of District Rule 7.1 and Texas Water Code Section 36.119, a landowner or other person who has a right to produce groundwater from land that is adjacent to the land on which the well subject to a complaint is located, or who owns or otherwise has a right to produce groundwater from land that lies within one-half mile of the subject well.

**Agricultural Use or Purpose** – means the use of groundwater for:

- (1) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;
- (2) practicing floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media, by a nursery grower;

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- (3) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;
- (4) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure;
- (5) engaging in wildlife management as defined in Texas Tax Code Section 23.51(7); and,
- (6) raising or keeping equine animals.

**Annual Water Production Report for Non-Exempt Wells** - A District form required to be completed and submitted under Rule 5.6.C.

**Annular Space** – the space between the casing and borehole wall.

**Aquifer** – a geologic formation that will yield water to a well in sufficient quantities to make the production of water from this formation feasible for beneficial use.

**Aquifer Mining or Groundwater Mining** – a condition where the average available recharge of an aquifer or portion of an aquifer is less than the annual production from that aquifer or that portion of that aquifer. For purposes of these Rules, the terms “aquifer overdrafting,” “reduction of artesian pressure,” “subsidence,” and the “drawdown of the water table or aquifer” shall mean aquifer mining.

**Aquifer storage and recovery project** means a project involving the injection of water into a geologic formation for the purpose of subsequent recovery and beneficial use by the project operator.

**ASR injection well** means a Class V injection well used for the injection of water into a geologic formation as part of an aquifer storage and recovery project.

**ASR recovery well** means a well used for the recovery of water from a geologic formation as part of an aquifer storage and recovery project.

**Application Fee** – a fee assessed under Rule 4.1. for processing applications for well registrations and permits.

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**Artesian Pressure** – where water is confined in an aquifer under pressure so that the water will rise in the well casing or drilled hole above the bottom of the confining bed overlying the aquifer.

**Beneficial Use** – the use of groundwater for domestic, municipal, stock raising, agricultural, industrial, commercial, mining, manufacturing, irrigation, gardening, recreational, or any other purpose that is useful and beneficial to the user.

**Best Available Science** – means conclusions that are logically and reasonably derived using statistical or quantitative data, techniques, analyses, and studies that are publicly available to reviewing scientists and can be employed to address a specific scientific question.

**Board** – the Board of Directors of the Cow Creek Groundwater Conservation District.

**Capping** – closing a well with a covering capable of preventing surface pollutants from entering the well and sustaining weight of at least 400 pounds and constructed in such a way that the covering cannot be easily removed by hand.

**Casing** – a watertight pipe installed in an excavated or drilled hole, temporarily or permanently, to maintain the hole sidewalls against caving; to advance the borehole; in conjunction with cementing and/or bentonite grouting, to confine groundwater to its respective zones of origin; and to prevent surface contaminant infiltration.

(1) Plastic casing--National Sanitation Foundation (NSF-WC) or American Society of Testing Material (ASTM) F-480 minimum SDR 26 approved water well casing.

(2) Steel Casing--New ASTM A-53 Grade B or better with a minimum weight and thickness of American National Standards Institute (ANSI) schedule 10.

(3) Monitoring wells may use other materials, such as fluoropolymer (Teflon), glass-fiber-reinforced epoxy, or various stainless steel alloys.

**Cave** - A natural underground open space formed by dissolution of limestone that is large enough for an average-sized person to enter. Note that caves are commonly partly filled by breakdown, loose rocks, debris, or soil.

**Chapter 36** – means Chapter 36 of the Texas Water Code, as amended.

**Closed Loop Geothermal Well** – a closed system well used to circulate water and other fluids or gases through the earth as a heat source or heat sink.

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**Commercial Use or Purpose** – the use of groundwater to supply water to properties or establishments that are in business to build, supply or sell products, or provide goods, services or repairs and that use water in those processes, or to supply water to the business establishment primarily for employee and customer conveniences (i.e. flushing of toilets, sanitary purposes, or limited landscape watering). Does not include agricultural, livestock, industrial, or irrigation use.

**Community Water System** – a public water system that has the potential to serve at least 15 residential service connections on a year-round basis or serves at least 25 residents on a year-round basis.

**Complaint Under Texas Water Code § 36.119** – a written complaint filed pursuant to Rule 7.1 by an aggrieved party citing to Texas Water Code §36.119 alleging drilling or operating a well without a required permit or producing groundwater in violation of a District Rule adopted under Texas Water Code § 36.116(a)(2).

**Completion or Complete** – sealing off access of undesirable water or constituents to the well bore by utilizing proper casing and annular space positive displacement or pressure tremie tube grouting or cementing (sealing) methods. Same as surface completion.

**Conservation** – those water saving practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

**Contested Case Hearing** – an operating permit hearing requested as authorized by Rule 8.4.I, which is noticed and conducted according to the procedures of Rule 8.5, and as applicable, Rule 8.6.

**Contested Case Hearing Fee** – a fee under Rule 4.2.A for administrative acts of the District, if the District receives a request for a contested case hearing.

**Contested Case SOAH Hearing Fee** – a fee under Rule 4.2.B for costs associated with the SOAH contract as authorized by Texas Water Code section 36.416(c).

**Contested Case Hearing Fee Deposit** - Under Texas Water Code 36.416(c) and District Rules 4.2.A and 4.2.B, the amount required to be provided to the District as determined at the preliminary hearing on the application.

**Contested Case Hearing Request** - A written request made within 10 days of issuance of an order under Rule 8.4.I ruling on an operating permit application, which asks that the District convene a contested case hearing.

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***Desired Future Conditions (DFC)*** - a quantitative description, adopted in accordance with Texas Water Code section 36.108, of the desired condition of the groundwater resources in a groundwater management area (GMA) at one or more specified future times.

***DFC Hearing Summary Report*** - the report required by Texas Water Code section 36.108(d-2), which includes a summary of relevant comments received on GMA-9's proposed DFC, any suggested revisions to the proposed DFC, and the basis for the revisions.

***DFC Explanatory Report*** - the report prepared by the groundwater conservation districts in GMA-9 after final adoption of the DFC, as required by Texas Water Code 36.108(d-4).

***Deteriorated Well*** – a well that, because of its condition, will cause or is likely to cause pollution of any water in the State, including groundwater.

***Dewatering Well*** – an artificial excavation that is constructed to produce groundwater to lower the water table or potentiometric surface and that is not used to produce or to facilitate the production of minerals under a state regulatory program.

***Director*** – an elected or appointed member of the Board of Directors of the District.

***Discharge*** – the volume of water that passes a given point within a given period of time. The amount of water that leaves an aquifer by natural or artificial means.

***District*** – the Cow Creek Groundwater Conservation District (CCGCD) or one of its authorized representatives.

***District Office*** – the main office of the District at such location as may be established by the Board.

***Domestic Use or Purpose*** – use of groundwater by a residence (not a business or other commercial structure) to support essential domestic activity, including but not limited to: uses inside the residence; watering of lawns, flower beds, shrubs, trees shading the residence, or of a garden or orchard that produces vegetables and fruit for consumption within the residence and not for sale; protection of foundations; and non-commercial recreation associated with the residence.

***Drill*** – drilling, equipping, completing wells, or modifying the size of wells or well pumps/motors (resulting in an increase in production volume capability) whereby a drilling or service rig must be on location to perform the activity.

***Drillers' Log*** - see definition of State of Texas Well Report.

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**Electric Log** - a record of certain electrical characteristics (such as resistivity and conductivity) of formations traversed by the borehole. It is made to identify the formations, determine the nature and amount of fluids they contain, and estimate their depth. It is a type of geophysical log.

**Drilling Permit** – authorization under Rule 3.2., which is required before drilling a new well or substantially altering an existing well located within the District.

**Drip System**- Drip or micro-irrigation is a generic term for a family of irrigation equipment that provides for distribution of water directly to the plant root zone by means of surface or sub-surface applicators or emitters. The three most common types of micro-irrigation used in Texas are micro-spray or bubblers, sub-surface (buried) drip and orchard surface drip or micro-spray irrigation.

**Emergency Rule** – a rule adopted under Rule 8.2.

**Enabling Legislation** – special law enactments that created the District, as summarized in Rule 1.1, which have been codified in Texas District and Local Laws Code chapter 8838, which becomes effective April 30, 2013, and as may be amended from time to time.

**Enforcement Action** – an action taken by the District to enforce District Rules, orders, or permits, or any other law within its enforcement authority.

**Enforcement Hearing** – a hearing held under Rule 8.7.

**Environmental Monitoring Well** – well drilled or developed to a depth of 30 feet or less for the purpose of collecting groundwater samples to ascertain the presence or absence of hazardous materials, hazardous waste, petroleum products, oils, solvents, or other hazardous constituents in groundwater.

**Environmental Sampling Well** – well or bore 30 feet or less in depth drilled or cored for the purpose of collecting subsurface soil samples to ascertain the presence or absence of hazardous materials, hazardous waste, petroleum products, oils, solvents, or other hazardous constituents in subsurface soils.

**Environmental Soil Boring** – a man-made excavation constructed to measure or monitor the quality and quantity or movement of substances, elements, chemicals, or fluids beneath the surface of the ground. The term shall not include any well that is used in conjunction with the production of oil, gas, or any other minerals.

**Exempt Domestic or Livestock Well** – a well used primarily for domestic or livestock uses that qualifies as exempt from obtaining an operating permit under Rule 3.5.

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A well used for domestic or livestock use is exempt under Rule 3.5 if the well is used solely for domestic use, as defined in this Rule 2, or for livestock use, as defined in this Rule 2, and is either drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day. However, a well is not an exempt domestic or livestock well if groundwater withdrawn from the well is transported outside the boundaries of the District.

A well is deemed capable of producing more than 25,000 gallons of groundwater per day unless the well is drilled, completed, or equipped so that it is incapable of producing more than 17.36 gallons per minute.

**Exempt Well** – a well exempted under Rule 3.5 for which the owner is not required to obtain an operating permit.

**Existing Well** – a well located within the District that was drilled and properly completed on or before May 17, 2005.

**Fees** – charges imposed by the District pursuant to Texas Water Code Chapter 36 and the District's Enabling Legislation.

**Geologic Exploration Well** – a well drilled for the purpose of exploring for, or otherwise determining the presence or absence of, subsurface minerals, including oil and natural gas.

**Geologic Formation** – the basic unit for the naming of rocks in stratigraphy: a set of rocks that are or once were horizontally continuous, that share some distinctive feature of lithology, and are large enough to be mapped.

**Geophysical Log** – physical measurements of various geophysical properties of subsurface rock formations. The log is made by instruments lowered into the borehole and can be open borehole or closed borehole. An electric log is one category of geophysical log.

**GMA-9 Joint Planning Committee** - the group comprised of all groundwater conservation districts in GMA-9 organized for the purposes required under Texas Water Code section 36.108, including adoption of a DFC.

**Geotechnical Well** – a well drilled or bored to determine engineering properties of soils or geologic formations for the purpose of construction.

**Groundwater Conservation District (GCD)** - a governmental entity formed by special legislation or through a petition to the Texas Commission on Environmental Quality with the power and duties to manage groundwater resources within its boundaries.

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***Groundwater or Underground Water*** – water percolating beneath the earth's surface, except the underflow of rivers, streams and lakes which is considered State water under Texas Water Code 11.021(a).

***Groundwater Management Plan or Management Plan*** – a management plan developed by the District and certified or approved by the Texas Water Development Board pursuant to Texas Water Code Section 36.1071.

***Groundwater Reservoir*** – a specific subsurface water-bearing reservoir having ascertainable boundaries and containing groundwater.

***Hand-Dug Well*** – a well installed by hand digging or by auger drilling.

***Hearings Examiner*** – a person, other than a Board member, appointed by the Board to conduct a hearing on a permit, rule, or enforcement action.

***Hydrologic Unit*** – The aquifers described as Alluvium; Edwards and associated limestones; Upper Trinity; Middle Trinity; and Lower Trinity.

***Industrial Use or Purpose*** – water used in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, including commercial fish and shellfish production, aquaculture, and the development of power by means other than hydroelectric, but does not include agricultural use. Water used in the oil and gas industry, other than for temporary rig supply or secondary recovery supply as defined in this District Rule 2, is considered industrial use or purpose.

***Injection Well*** – a well used to inject water or other material into a subsurface formation or into pipe or tubing placed in the formation for the purpose of storage or disposal of the fluid. Injection Well includes a well listed in 16 Texas Administrative Code Section 76.10(29).

***Investigation Report*** – a report prepared by the District summarizing its investigation of a possible violation of law and making a recommendation to the Board regarding any further action.

***Irrigation Use or Purpose*** – use of groundwater to supply water for application to plants or land in order to promote growth of plants, turf, or trees, other than for domestic lawn watering.

***Licensed Water Well Driller*** – a person who holds a license issued by the Executive Director of the Texas Department of Licensing and Regulation pursuant to Texas Occupations Code Chapter 1901.



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**Licensed Water Well Pump Installer** – a person who holds a license issued by the Executive Director of the Texas Department of Licensing and Regulation pursuant to Texas Occupations Code Chapter 1902.

**Lithological Log** – a graphic representation of geological formations being drilled through and drawn on a log called a mud log. As cuttings are circulated out of the borehole, they are sampled and examined to create the mud log or lithological log.

**Livestock Use or Purpose** – use of groundwater to provide water to domesticated horses, cattle, goats, sheep, swine, poultry, ostriches, emus, rheas, exotic deer and antelope, and other similar animals involved in farming or ranching operations. Dogs, cats, birds, fish, reptiles, small mammals, potbellied pigs, and other animals typically kept as pets are not considered livestock. Livestock-type animals kept as pets or in a pet-like environment are not considered livestock although providing water to such pets may be considered domestic use when associated with a residence. Water used for concentrated animal feeding operations (CAFOs) as defined in 30 Texas Administrative Code section 321.32(13), is not considered livestock use under these Rules; it is considered to be industrial use.

**Major Amendment** – a change to an operating permit to authorize an increase in the annual production limit, a change in the type of use, or a change in the location of withdrawal. See Rule 3.4.F(3).

**Management Plan** – see Groundwater Management Plan.

**Meter** - A District approved, totalizing flow meter properly sized for the well's production capability, which is not capable of being “reset” by the well owner.

**Minor Amendment** – a change to an operating permit to authorize a change in the ownership of the well; the size or depth of a well, well pump, or the well's pumping volume that does not increase the authorized annual production amount or the annual production capability of the well; or a change in the approved conservation and drought contingency plan. See Rule 3.4.F(4).

**Modeled Available Groundwater** - the amount of water calculated by the Texas Water Development Board under Texas Water Code section 36.1084(b) based upon the DFCs adopted by the GCDs in a groundwater management area and which is one of the elements to be considered by a district when making permitting decisions.

**Monitor or Monitoring Well** – an excavation constructed to measure or monitor the quality and/or quantity or movement of substances, elements, chemicals, or fluids beneath the surface of the ground. Included within this definition are piezometer wells, observation wells, and recovery wells. The term shall not include any well that is used in conjunction with the production of oil, gas, coal, lignite, or other minerals.

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**New Well** – a well that is drilled or properly completed after May 17, 2005 or an existing well that has been substantially altered after May 17, 2005.

**Non-exempt Domestic or Livestock Well** – a well used primarily for domestic or livestock use that must obtain an operating permit under Rule 3.5. A domestic or livestock well is non-exempt if it is drilled, completed, or equipped so that it is capable of producing 25,000 gallons or more of groundwater a day. A domestic or livestock well of any sized production capability is non-exempt if groundwater withdrawn from the well is transported outside the boundaries of the District.

**Non-exempt Well** – a well for which the owner is required to obtain an operating permit under Rule 3.5.

**Non-potable Water** – water that is not fit for human consumption due to dissolved solids, mineral content, hardness, turbidity, microbial or bacteriological level, or other chemical, physical, or biological parameter exceeding Maximum Contaminant Level (MCL) or Secondary Constituent Levels, as defined in 30 Texas Administrative Code Chapter 290.

**Notice of Violation (NOV)** – written correspondence from the District notifying a person that they are in violation of law, including violation of a District Rule, Order, or permit.

**One-Time Authorization** – a well used for a limited purpose, production volume, and duration specified in that authorization. Such authorization is limited solely to the terms specified in the authorization and does not create a right to produce water from the well in the future.

**Open Meetings Act** – Texas Government Code, chapter 551.

**Open or Uncovered Well** – an artificial excavation dug or drilled for the purpose of exploring for or producing water from the groundwater reservoir and that is not capped or covered as required by District Rules.

**Operate or Operations** – to produce or cause to produce water from a well or to use a well for injection or closed loop heat exchange purposes.

**Operating Permit** – authorization issued under Rule 3, which is required to operate within the District a water well described in Rule 3.5.

**Owner** – a person who has the right to produce groundwater from the land, either by ownership, contract, lease, easement, or any other estate in the land.

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**Party in Contested Case Hearing** – an applicant or other person defined under Rule 8.4.1.(2).

**Permit Amendment** – a District approved change in an operating permit under Rule 3.4.F.

**Permitted Well** – a well for which an operating permit under Rule 3 has been issued by the Cow Creek Groundwater Conservation District, as required by Rule 3.5.

**Permittee or Permit Holder**– a person who holds either a drilling permit or an operating permit issued by the District.

**Person** – a corporation, individual, organization, cooperative, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

**Piezometer Well** – a well of a temporary nature constructed to monitor well standards for the purpose of measuring water levels or used for the installation of a piezometer (a device constructed and sealed to measure hydraulic head at a point in the subsurface) resulting in the determination of locations and depths of permanent monitor wells.

**Plugging** – an absolute and permanent sealing of the well bore.

**Pollution** – the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animals, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any reasonable purpose.

**Pollution Source** – a person, business, corporation, industry, operation, activity, or event, whether intentional or unintentional that causes, allows, or enables contaminants to be discharged to the environment, thereby causing pollution.

**Pool** - A structure or impoundment with an impermeable lining used primarily for recreational or athletic purposes (includes spas and hot tubs).

**Potable Water** – water that is suitable for human consumption, or can be made suitable for human consumption by primary filtration or chemical or ultraviolet disinfection. Potable water must comply with Maximum Contaminant Levels (MCL) or Secondary Constituent Levels, as defined in Title 30 Texas Administrative Code Chapter 290.

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**Preliminary Hearing** - the hearing held under Rule 8.4.J to consider issues relevant to a contested case hearing request. It is considered to be the beginning of a contested case hearing unless it results in a finding that there are no parties under Rule 8.4.I.

**Presiding Officer** – Either the Director or the hearings examiner designated under Rule 8.5.G. to conduct a contested case hearing. Also refers to the person under Rule 8.7.F who is designated to conduct an enforcement hearing.

**Priority Groundwater Management Area (PGMA)** – an area designated and delineated by the State under Texas Water Code Chapter 35 as an area experiencing or expected to experience critical groundwater problems.

**Production Capability or Capacity** – the volume of water a well can produce as determined by either the rated pumping capability of the installed pump or as determined by the District.

**Production Fee** – a fee authorized under Texas Water Code Chapter 36 and required under Rule 4.4.

**Public Water System** – a system as defined in 30 Texas Administrative Code Chapter 290 for providing water for human consumption to the public.

**Pump Test** - a well test as described in District Rule 5.13.

**Pumping or Groundwater Production** – all water withdrawn from the ground, measured at the wellhead.

**Ornamental fountain** - a structure or excavation with an impermeable lining used primarily for aesthetic purposes containing water which is mechanically moved from one level to a higher elevation, either by being sprayed into the air or pumped to a higher level from which it flows or cascades to a lower elevation.

**Ornamental pond** - a structure or excavation with an impermeable lining used primarily for aesthetic purposes. It may contain fish and/or aquatic plants. Water may be re-circulated for filtration purposes but is not mechanically sprayed or moved to a higher elevation.

**Recharge**– the amount of water that infiltrates to the water table of an aquifer.

**Recovery Well** – a well constructed for the purpose of recovering undesirable groundwater for treatment or removal of contamination.

**Region L Water Plan** – regional water plan under Texas Water Code Section 16.053, which is generated every five years by the regional planning group within which

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the District is located. The plan must be approved by the Texas Water Development Board.

**Regional Water Planning Areas** – areas established by the Texas Water Development Board under Texas Water Code Section 16.053. Planning groups in these areas generate regional water plans every five years as required by Texas Water Code Section 16.053.

**Replacement Well** – a well designed to replace a registered or permitted well that fulfills the requirements of Rule 3.4.H.

**Remediation Well** – a well used to pump or vent contaminated air, water, or fluids from the ground.

**Respondent** – an individual who receives a Notice of Violation or other correspondence from the District regarding the individual's non-compliance with District Rules or other law within the District's enforcement authority.

**Retail Water Utility or Retail Public Water Utility** – as defined by Texas Water Code Section 13.002 and 30 Texas Administrative Code Section 291.3, any person, corporation, public utility, water supply corporation, municipality, political subdivision or agency operating, maintaining, or controlling within the District facilities for providing potable water service for compensation.

**Rules** – standards and regulations promulgated by the District.

**Seal** – an official seal, tag, or label placed on a well or its equipment, or the act of placing the tag or label, to indicate that further pumping of groundwater, or operation of the well, or continuing with other District regulated activities is not permitted by the District, shall be in violation of District Rules, and may subject the well owner to civil suit and/or penalties.

**Sensitive recharge feature** - a permeable geologic or manmade feature where a potential for hydraulic interconnectedness between the surface and the Aquifer exists and rapid infiltration to the subsurface may occur. These features include but are not limited to closed depressions, sinkholes, caves, solution cavities, solution-enlarged fractures, swallet holes, faults, fractures, bedding plane surfaces, and reef deposits.

**Sinkhole** - a shallow, broad topographic depression formed in response to karst processes. Sinkholes are pragmatically defined as features greater than 6 feet in diameter having more than 6 inches of topographic relief. Smaller karst features can be described as solution cavities. Sinkholes are usually circular or funnel shaped and sometimes have exposed rimrock at the perimeter. It is common for

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sinkholes to have other karst openings (caves, solution cavities, or solution-enlarged fractures) in the floor. Sinkhole implies that processes including collapse, subsidence, and soil sapping over geologic time have caused the land surface to sink below the surrounding area.

***Solution Cavity*** - a natural cavity or depression formed as a result of dissolution of limestone. This category is designed to capture features that are not large enough for a normal sized person to enter but appear to be part of a system of interconnected voids that connect the surface with the subsurface.

***Solution-enlarged fracture(s)*** - fractures that show evidence of being locally enlarged by dissolution of limestone. Solution enlargement can be recognized by mismatched fracture surface shapes on measurable (larger than hairline) openings.

***Swallet or swallow hole*** - a focused recharge feature in an intermittent drainage or stream in karst terrain. Some swallow holes have a surface expression, for example, a cave opening or formation of a whirlpool in the stream at high flow. The general case is that fine soil and sediment as well as gravel are deposited over the bedrock feature during falling stages of flow thereby intermittently or frequently obscure it.

***Single-Family Residence*** – an equivalent single-family connection or ESFC. An ESFC is defined as equaling a typical detached single-family house using an average of 600 gallons of water per day.

***SOAH Contested Case Hearing*** - a contested case hearing administered by the State Office of Administrative Hearings because of a request made under Texas Water Code 36.416(b).

***Special Provisions*** – conditions or requirements added to a drilling or operating permit, which may be more or less restrictive than the Rules as a result of circumstances unique to a particular situation.

***Spring*** – a point of natural discharge from an aquifer.

***State of Texas Plugging Report*** – the report that a person who plugs a well is required to complete under 16 Texas Administrative Code Section 76.700(2).

***State of Texas Well Report*** – the report that every well driller who drills, completes, deepens, or alters a well is required to complete under the Texas Department of Licensing and Regulation Rules as defined in 16 Texas Administrative Code Sections 76.10(45) and 76.700(1), which is also commonly referred to as the driller's log or well log.

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**State Office of Administrative Hearings (SOAH)** - the executive branch State agency with jurisdiction to hold contested case hearings for administrative agencies and for groundwater conservation districts as provided in Texas Water Code Chapter 36 and District Rule 8.6.

**Subdivision** – a tract or parcel of land for which a plat is required in accordance with Chapter 232 of the Texas Local Government Code.

**Substantial Alteration of a Well** – to change the physical or mechanical characteristics of a well, its equipment, production capabilities, or its purpose or location of use of the water produced in a way that may impact the level of fees the well is subject to or may impact whether an operating permit or amendment to an operating permit is required. This does not include repair of well equipment, well houses or enclosures, or replacement with comparable equipment.

**Surface Impoundment** – any excavation or manmade structure that impounds or stores groundwater and is open to the air allowing evaporation. A nonpermeable excavation or artificial structure that impounds less than 20,000 gallons of groundwater is not considered a surface impoundment.

**Temporary Permit** – see One-Time Authorization.

**Test Well** – a well drilled to explore for groundwater.

**Uncontested Matter or Uncontested Permit Application** - An application under District Rule 8.3 that is either decided by the District's General Manager or is referred to the Board of Directors for consideration under Rule 8.4, as defined in Rule 8.4.A.

**Variance** – an exception to requirements or provisions of the Rules granted by the District as authorized under District Rules.

**Waste** –

- (1) The withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes.
- (2) The flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose.
- (3) The escape of groundwater from one groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater.

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- (4) The pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground.
- (5) Willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the commission under Chapter 26 "Water Quality Control".
- (6) Groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge.
- (7) Unless the water from an artesian well is used for a purpose and in a manner in which it may be lawfully used on the owner's land, it is waste and unlawful to willfully cause or knowingly permit the water to run off the owner's land or to percolate through the stratum above which the water is found.

**Water Table** – the upper boundary of the saturated zone in an unconfined aquifer.

**Water Well** – a man-made excavation constructed to explore for or produce groundwater. The term does not include:

- (1) a test or blast hole in a quarry or mine or a well or excavation constructed to explore for or produce oil, gas, or other minerals unless the hole is also used to produce groundwater; or
- (2) an injection water source well associated with oil and gas activities that penetrates the base of usable quality water regulated under Section 91.101, Natural Resources Code.

**Well** – an excavation drilled or dug into the ground that may intercept or penetrate a water-bearing stratum or formation.

**Well Log or State of Texas Well Report** – the report that every well driller who drills, deepens, or alters a well is required to complete under the Texas Department of Licensing and Regulation Rules, as defined in 16 Texas Administrative Code Sections 76.10 and 76.700, including any special purpose geophysical log that may be available for any given well, such as a gamma ray log, a temperature log, an electric log, or a caliper log.



## COW CREEK GROUNDWATER CONSERVATION DISTRICT RULES

**Well Operator** – a person who has the right to produce or use groundwater, but who does not own the well.

**Well Owner** – a person who has the right to drill a well and to produce or use groundwater and who owns the well once drilled.

**Well Pumps and Equipment** – devices and materials used to obtain water from a well, including the seals and safeguards necessary to protect the water from contamination.

**Well Registration** – the creation of a record of a well, under Rule 3, for purposes of registering the well as to its geographic location and for notification to the well owner in cases of spills or accidents, data collection, record keeping, or future planning purposes. First step in the process required by Rule 3 for drilling or operating a well located within the District.

**Withdraw or Withdrawal** – the act of extracting groundwater by pumping or any other method, other than the discharge of natural springs.

*Adopted May 17, 2005 by Board Order; effective May 17, 2005. Amended September 12, 2005 by Board Order 2005-007; effective September 14, 2005. Amended August 20, 2007 by Board Order 2007-029; effective August 23, 2007. Amended May 20, 2008 by Board Order 2008-007; effective May 23, 2008. Amended August 9, 2010 by Board Order 2010-016; effective August 12, 2010. Amended December 10, 2012 by Board Order 2012-008; effective December 12, 2012. Amended February 13, 2017 by Board Order 2012-008; effective February 13, 2017. Amended November 8, 2021 by Board Order 2021-005; effective November 8, 2021.*