

Rule 6 Well Spacing

The purpose of these well spacing requirements is to promote groundwater conservation, provide for long-term availability of groundwater resources, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, lessen interference drawdown between wells, and prevent the degradation of groundwater quality.

Adopted May 17, 2005 by Board Order; effective May 17, 2005. Amended April 12, 2021 by Board Order 2021-001, effective April 12, 2021.

Rule 6.1 Applicability

The requirements of this Rule 6 apply to all wells drilled within the District unless specifically noted. As authorized by Texas Water Code Section 36.116, some of the required distances are more stringent than those required by 16 Texas Administrative Code Section 76.100, as amended.

Adopted May 17, 2005 by Board Order; effective May 17, 2005. Amended April 12, 2021 by Board Order 2021-001, effective April 12, 2021.

Rule 6.2 Determining Distances of a Tract Bordered by a Public Roadway

In determining the minimum distances set out in this Rule 6, it is permissible to use the public roadway or right-of-way to calculate the distance required for the setback of a tract bordered by such a roadway. Note that any setback imposed by subdivision, plat, AOL, deed, or covenant must be respected.

Adopted May 17, 2005 by Board Order; effective May 17, 2005, Amended December 10, 2012 by Board Order 2012-008, effective December 12, 2012. Amended April 12, 2021 by Board Order 2021-001, effective April 12, 2021.

Rule 6.3 Spacing from Potential Sources of Pollution

6.3.A. All wells must comply with the location standards of 16 Texas Administrative Code § 76.100 and with the minimum required separation distance for on-site sewage facilities of 30 Texas Administrative Code §285.91(10), which dictate horizontal distance from potential sources of pollution. In the case of a conflict between these two standards, the most stringent shall apply. Section 76.100 excludes monitoring wells, environmental soil borings,

dewatering wells, piezometer wells, and recovery wells from these requirements. Such wells may be located where necessity dictates.

6.3.B. Public Water System Wells must comply with the 150-foot sanitary control easements as required by Title 30 Texas Administrative Code Chapter 290.

Adopted May 17, 2005 by Board Order; effective May 17, 2005. Amended December 10, 2012 by Board Order 2012-008; effective December 12, 2012. Amended April 12, 2021 by Board Order 2021-001, effective April 12, 2021.

Rule 6.4 Spacing from Property Lines and Other Wells

6.4.A. All new wells shall be located a minimum horizontal distance from existing wells and property lines as required by 16 Texas Administrative Code Section 76.100, unless covered by the more stringent spacing requirements of this Rule 6.4.

6.4.B. All new water wells shall be located a minimum horizontal distance from existing water wells as specified in the following Table.

Any subdivision of existing tracts of land shall be done in such a fashion that new property lines shall be located no closer than the spacing requirements of this Rule from any existing or proposed water well.

| Actual Pumping Capacity of Well as Equipped (gallons per minute or gpm) | Minimum Distance (in feet) Between Existing Water Wells and the New Water Well | Distance of new Water Well from Property Lines (in feet) |
|--|---|---|
| Less than 17.36 gpm | 100 ¹ | 50 |
| 17.36 gpm through 25 gpm | 200 | 100 |
| 25 gpm through 35 gpm | 300 | 150 |
| 35 gpm through 50 gpm | 1,000 | 500 |
| 50 gpm through 100 gpm | 1,200 | 600 |
| 100 gpm through 200 gpm | 1,500 | 750 |
| 200 gpm through 400 gpm | 2,000 | 1,000 |
| greater than 400 gpm | 2,400 | 1,200 |

¹ unless on the same property but completed into two different aquifers

6.4.C. Geothermal wells are exempt from the requirements of Rule 6.4.B.

6.4.D. For the purposes of well spacing, in issuing an operating permit, the authorized withdrawal for a given well may be aggregated with the authorized withdrawal from other permitted wells designated by the District, at the discretion of the District.

6.4.E. Wells that were gravity grouted prior to April 12, 2021 shall have a one hundred (100') foot sanitary control easement.

Adopted May 17, 2005 by Board Order; effective May 17, 2005. Amended August 20, 2007 by Board Order 2007-029; effective August 23, 2007. Amended August 9, 2010 by Board Order 2010-016; effective August 12, 2010. Amended April 12, 2021 by Board Order 2021-001, effective April 12, 2021.

Rule 6.5 Spacing from Retail Water Utility Service Area or Community Water System

In order to minimize the drawdown of the water table, minimize the reduction of artesian pressure, control subsidence, prevent interference between wells, prevent the degradation of the quality of groundwater, prevent waste of groundwater, preserve historic use of groundwater, and give consideration to the service areas of retail water utilities, all new wells other than those belonging to the retail water utility or the community water system shall be required to be spaced such that they are located a minimum of fifty feet (50 feet) outside the service area of a retail water utility or community water system unless additional spacing is required under this Rule 6.

Adopted May 17, 2005 by Board Order; effective May 17, 2005. Amended September 12, 2005 by Board Order 2005-007; effective September 14, 2005.

Rule 6.6 Variance Procedures

The owner of a proposed new water well or someone desiring to subdivide existing tracts of land who, due to the peculiarities of the property shape or the local geology or hydrology, may need to locate a well closer than the spacing requirements of Rule 6.4., may apply for a variance. The owner shall obtain a waiver or easement of the property line distances from adjoining, affected property owners. The owner shall prepare a plat and legal description of the affected property, and such plat shall be signed and sealed by a Registered Professional Land Surveyor. The deed, plat, and waiver shall be notarized, filed with the Kendall County Clerk, and copies shall be submitted with the application for a variance to the District office prior to drilling the proposed water well or subdividing the land. If the property is

within a recorded subdivision, an amending plat approved by Kendall County may be required. Such a waiver or easement will affect drilling options on the property of the owner granting it by causing the distance requirements from property lines and between water wells to be adjusted inward on the property for which the waiver is granted. The District shall not accept reciprocal waivers or easements from adjoining property owners if the waivers or easements would involve the same portion of the adjoining properties.

Adopted May 17, 2005 by Board Order; effective May 17, 2005. Amended April 12, 2021 by Board Order 2021-001, effective April 12, 2021.