

## **Rule 10 Groundwater Production Limits**

### ***Rule 10.1 Preamble***

Rule 10 limits the production of groundwater as authorized by the District's Enabling Legislation and Texas Water Code Sections 36.101 and 36.116. This method of limiting groundwater is appropriate based on the hydrogeological conditions of the aquifers in the District and is consistent with the District's comprehensive Groundwater Management Plan developed and adopted under Texas Water Code Section 36.1071.

*Adopted May 17, 2005 by Board Order; effective May 17, 2005.*

### ***Rule 10.2 Production Limits for All Wells Requiring an Operating Permit***

**10.2.A.** The District shall set production limits on all wells requiring an operating permit under Rule 3.5. during the permitting process set out in Rule 3. Production limits shall comply with the limits enumerated within this rule, if applicable. Maximum production rates may be limited in the Operating Permits based on the evaluation of the studies that may be required to be submitted with the permit application in Rule 3.3(a) to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, including but not limited to enforce the adopted desired future conditions of the aquifer(s), and lessen interference between wells.

**10.2.B.** These production limits shall be established on the basis of beneficial use without waste. Establishing a production limit on the basis of beneficial use without waste shall be based on, in the following order:

- (1) a demonstration of beneficial use without waste based on industry standards of water use for the same purpose;

- (2) a demonstration that the purpose of use and production amount are consistent with the approved District Management Plan;
- (3) a consideration of other sources of water available for the requested use and production amount; and
- (4) the well's production capability, which shall be verified by the District and the permit shall be adjusted accordingly.

#### **10.2.C. Maximum Production Limits:**

If an administratively complete permit application for a well or a permit amendment application to increase use of a permitted well is submitted to the District after May 16, 2022, the following maximum production limits apply, regardless of type or location of use:

- (1) **for wells in all aquifers, except the Lower Trinity Unit:** a maximum production limit on a well in an operating permit shall not exceed 0.8 acre-feet/acre/year for contiguous groundwater rights owned or controlled, but may be less than that amount based on the considerations of 10.2.A. and 10.2.B; and
- (2) **for wells in the Lower Trinity Unit:** a maximum production limit on a well in an operating permit shall not exceed 0.4 acre-feet/acre/year for contiguous groundwater rights owned or controlled, but may be less than that amount based on the considerations of 10.2.A. and 10.2.B.

*Adopted May 17, 2005 by Board Order; effective May 17, 2005. Amended May 20, 2008, by Board Order 2008-007; effective May 23, 2008. Amended August 9, 2010 by Board Order 2010016; effective August 12, 2010. Amended June 10, 2019 by Board Order 2019-001; effective June 10, 2019. Amended November 8, 2021 by Board Order 2021-005; effective November 8, 2021. Amended May 16, 2022 by Board Order 2022-001; effective Amended May 16, 2022.*

#### **10.2.D. Maximum Production Limits for Permitted Non-Exempt Domestic and Livestock Wells:**

The maximum production limits in Rule 10.2.C apply to groundwater wells that are used solely for domestic or livestock purposes that are not exempt under Rule 3.2.A(1) and are drilled after October 10, 2023.

(1) A permitted non-exempt domestic and livestock well shall be mechanically limited to be either drilled, completed, or equipped so that it is incapable of producing more than 5 gallons per minute.

(a) The District shall require the permittee to verify that the well's production capabilities and may require verification of the well's production capabilities, thereafter.

(b) A permitted domestic and livestock well is not required to be metered.

(2) A permitted non-exempt domestic and livestock well shall be spaced 100 feet from the nearest property line and 200 feet from the nearest groundwater well.

(3) Once the permit application is deemed administratively complete, the General Manager will either deny the application or determine the production amount under Rule 10 and issue the permit. Per Rule 8.3, the application will be referred to the Board for a public hearing if the General Manager denies the application or if requested by the applicant.

*Amended October 10, 2023 by Board Order 2023-010; effective Amended October 10, 2023.*

### **Rule 10.3 Production Limits for Wells Supplying Retail Water Utilities**

*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 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 November 8, 2021 by Board Order 2021-005; effective November 8, 2021. Repealed on May 16, 2022 by Board Order 2022-001; effective Amended May 16, 2022.*

### **Rule 10.4 Maximum Production Limits for Exempt Domestic or Livestock Wells Incapable of Producing More Than 25,000 Gallons Per Day Drilled on Real Property Platted or Subdivided Before October 10, 2023**

#### **10.4.A. Applicability**

This Rule 10.4 applies to a well used for domestic or livestock purposes, as these terms are defined in Rule 2, and which is incapable of producing more than 25,000 gallons per day or 17.36 gallons per minute and registered under Rule 3.2(A)(1)(a), that was drilled on real property platted or subdivided prior to October 10, 2023.

**10.4.B.** A well subject to this Rule 10.4 shall not be drilled on a tract or property of less than six (6) acres. There shall not be another water well located on the

same six acres. Recognizing that a subdivision using groundwater as a source of potable water and platted before May 17, 2005 may include tracts smaller than six (6) acres, this Rule 10.4.B is modified for such existing subdivisions as follows. In an existing subdivision, tracts of six (6) acres or larger shall comply with the one well per six (6) acre tract restriction. Wells shall be limited on tracts smaller than six (6) acres to no more than one well per tract.

**10.4.C.** This Rule 10.4.C applies to a well subject to the six-acre tract size restriction of Rule 10.4.B that is located within a subdivision that uses groundwater as a source of potable water and that is platted after May 17, 2005. The six (6) acre restriction shall be modified so that the total number of wells located in the subdivision, or section thereof, shall be no more than the total acres in the subdivision, or section thereof, divided by six. When computing the average density of wells for compliance with this Rule 10.4.C, the owner may include in the area calculation all property within the subdivision. This includes all lots, easements, roadways, park areas, dedications, and common areas under common ownership.

**10.4.D.** Rule 10.4 applies to wells located in subdivisions and on land described in abstract and survey. A parcel or tract of land shall only have one domestic or livestock well per six acres. The total number of wells located on the parcel or tract shall be no more than the total acreage of the tract divided by six.

*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 November 8, 2021 by Board Order 2021-005; effective November 8, 2021. Amended October 10, 2023 by Board Order 2023-010; effective Amended October 10, 2023.*

***Rule 10.5 Maximum Production Limits for Exempt Domestic or Livestock Wells Incapable of Producing More Than 25,000 Gallons Per Day Drilled on Real Property Platted or Subdivided After October 10, 2023***

**10.5.A. Applicability**

This Rule 10.4 applies to a well used for domestic or livestock purposes, as these terms are defined in Rule 2, and which is incapable of producing more than 25,000 gallons per day or 17.36 gallons per minute and registered under Rule 3.2(A)(1)(b), that was drilled on real property platted or subdivided after October 10, 2023.

**10.5.B.** A well subject to this Rule 10.5 shall not be drilled on a tract or property of less than ten (10) acres. There shall not be another water well located on the same ten acres.

**10.5.C.** This Rule 10.5.C applies to a well subject to the ten-acre tract size restriction of Rule 10.5.B that is located within a subdivision that uses groundwater as a source of potable water and that is platted after October 10, 2023. The ten (10) acre restriction shall be modified so that the total number of wells located in the subdivision, or section thereof, shall be no more than the total acres in the subdivision, or section thereof, divided by ten. When computing the average density of wells for compliance with this Rule 10.5.C, the owner may include in the area calculation all property within the subdivision. This includes all lots, easements, roadways, park areas, dedications, and common areas under common ownership.

**10.5.D.** Rule 10.5 applies to wells located in subdivisions and on land described in abstract and survey. A parcel or tract of land shall only have one domestic or livestock well per ten acres. The total number of wells located on the parcel or tract shall be no more than the total acreage of the tract divided by ten.

*Amended October 10, 2023 by Board Order 2023-010; effective Amended October 10, 2023.*