

PCCD Groundwater Rules Overview

This Overview is a summary of the PCCD Rules on types of groundwater wells. It is intended for use by an individual who seeks authority to produce water for use by the individual who is seeking the permit. This Overview is not intended to set out the complete list of requirements of the District's Rules and those using this Overview should be aware that all of the District's rules apply to applications, evaluations of applications, considerations of permitting, and hearing procedures.

There are Texas laws in place for use of both groundwater and surface water. For groundwater, the general legal considerations are that water must be used for beneficial purposes and there can be no waste associated with the production or use. Those laws then impact some of the legal framework that the Legislature has created. Because this is an overview of groundwater rules of the District, there is no discussion of surface water. Primarily this Overview is intended to give a glimpse at the District's Rules related to its charge of protecting groundwater particularly in connection with production from wells.

In general, districts having groundwater powers have the ability to issue "permits" for groundwater pumping. However, not all wells producing groundwater are exempt from requirements to have permits. Generally, and without repeating all of the Exemptions listed in State law, if a well is to be used for domestic and livestock use, meaning no commercial activity – like sale of livestock or livestock or orchard products but all production of such things is at a home where the water is used – and the well is completed and equipped so it is not capable of producing more than 25,000 gallons of water per day, the well does not need a permit. However, the water produced from the well is limited to domestic and livestock use, as those terms are defined, and also limited by the Texas prohibition against "waste" another defined term. There are also other exemptions, for things like oil and gas exploration and development and some special types of production, but most individuals would not be seeking those kinds of permits so they are not addressed in this Overview.

Exempt wells are required by the District's Rules to be registered with the District. A registration is not a "permit" but rather notice to the District that the well exists so it can be considered in the planning that the District has to accomplish. There is no penalty for not registering a well but the District's rules provide that if an exempt well is not registered with the District then the District has no duty to protect that well from adverse impacts of other wells in the area of the unregistered exempt well. A complete list of exempt wells is set out in Rule 10 of the District's rules.

With a few exceptions, all wells capable of producing water for beneficial use in the District must either be exempt, or have operating permits related to the production from the wells.

The District separates wells having permits into several different types. If a well is to be used for water production for beneficial use without waste, as State law requires, and it is not an exempt well under State law, then the well must have an Operating Permit associated with the well.

The District categorizes applications for operating permits into those for what it terms as either “Tier I” wells or “Tier II” wells.

“Tier I” wells are permitted to produce no more than 300 acre feet of water per year for use as long as the water is not used for municipal water supply, or water that has to meet public drinking water supply rules. All other wells permitted by the District are considered to be “Tier II” wells.

There are a couple of types of Tier I wells that can be authorized under a particular Rule of the District. Those kinds of wells are wells drilled for water that will be used for agricultural uses, and wells that have to be drilled to drain water from a water bearing formation for a short time for construction purposes. Permits for both of those kinds of wells come under Rule 5 of the District’s rules.

If a person is seeking water for agricultural use, there are some advantages of seeking a permit under Rule 5, but there are also limits on what can be permitted under Rule 5. The limits are that the quantity of water associated with a well permitted under Rule 5 is limited to ½ acre foot of water per year per acre owned up to a maximum of 100 acre feet per year. So someone seeking a Rule 5 permit would have a limit of 25 acre feet per year provided they owned 50 acres. While it is the intent of the Board for all of the water produced by the Rule 5 well to be used for agricultural purposes there is not a Rule restriction of use of some of the water for domestic purposes in a household if that is the desire of the applicant and the applicant is satisfied that the water quality is suitable.

The advantage of seeking a permit under Rule 5 is that the permit is not a “contested case” under the District’s Rules and the permit can be issued by the Executive Manager of the District. That action is subject to being challenged but the Board is not required to grant the permit. Additionally, the application process is simpler and shorter so there should be time savings.

If person has a well that does not qualify as an exempt well, or if a well to be drilled does not come within the provisions of Rule 5 of the District, then the person desiring a new well for water production has to apply for an operating permit for the proposed well.

The District has also prepared a summary of “permit and well types” that is attached to this Overview for additional information. That summary has a list of the various well types that are described in the District’s Rules, although the summary may not be inclusive.

This overview is not intended to convey information about things like the permitting process or evaluations of factors that would go into decisions on a particular application. Rather it is just a general explanation of the types of wells that may be sought, once a decision has been made that a well permit is required because a well is not considered “exempt”. The Complete set of Rules is intended to operate as the full structure governing applications, application evaluations, application factor considerations, and other requirements for permits once they are issued. For example, the time an operating permit is for, provisions about conveyance of a permit, hearings on applications, review of permits to make sure that the District’s obligations under State law are being fulfilled, and actions that might impact permit conditions if appropriate circumstances arise, are contained in the complete set of the District’s Rules.

A primary function of a groundwater conservation district is the permitting of non-exempt wells. Following below is the basic process* by which a well is permitted by Plum Creek Conservation District.

1. Determination if the well is either exempt or non-exempt. See Rule 11 that lists and describes exempt well types.
2. Determination if a water well is an existing well or a new well.
3. Determination of the type of well and permit application that one will seek. See the table “permit and well types” below for guidance.
4. Submit the appropriate application/s and/or other hydrogeological information: well logs, well testing, maps and etc. based on requirements. Some permits require numerous applications, while others may only require one.
5. Review of application by District. The District may request more information or determine that the application/s is “administratively complete”.
6. Appropriate notices are completed based on the permit type. See Rule 27 for more information.
7. The Board or the District manager will consider the application.
8. Following the consideration, a permit may be denied or granted, be protested by landowners and a hearing scheduled, or perhaps granted with less than the requested water amount.
9. Based on the permit type a permittee is granted the right to produce a certain amount of water. In addition, the permit will have several conditions that must be followed. Some permits require monthly water use reporting, while others must submit water use annually. Some permits have a mitigation plan, while others do not. Some permits are for 30 years, while other may only be for 120 days.
10. Every 5 five years a permit is reviewed

*This is only a basic outline and serves only as a guideline. There may be other requirements that are not listed.

Plum Creek Conservation District Permits & Well Types

Permit & Well Types	Primary Rule	Definition/Purpose
Dewatering	Rule 5	A temporary boring or opening in the ground surface made in connection with a construction project. *
Exempt Well	Rule 11	A well exempted from permitting by PCCD in Rule 11 of these Rules or exempted from permitting by the provisions of Chapter 36, Texas Water Code. *
Existing Well	Several Rules	A well that was drilled prior to December 31, 2003.
Miscellaneous	Rule 9	Applications for permits for non-Exempt Wells or operations affecting groundwater resources in the District not described in any other Rule.
Non Exempt Agricultural	Rule 5	In lieu of making an application for a standard Operating Permit an owner of land seeking to use groundwater for agricultural or livestock use purposes on-site
Replacement Well	Rule 21	Purpose is to replace a well without increasing the rate or amount of production.
Test Hole	Rule 3	An excavation into a geological formation that is intended to determine the formation's characteristics for the purposes of producing groundwater to be put to some lawful purpose.
Test Well	Rule 6	A Well drilled and completed for the purpose of determining aquifer characteristics through water production during a short period of time. *
Tier I Well	Rule 19	A well that has an Operating Permit with annual pumping limit of 300-acre feet or less. An Agricultural Use Well permitted under Rule 5 is considered to be a Tier I Well.
Tier II Well	Rule 19	Any well having an Operating Permit that does not qualify as a Tier I well.
Transportation Permit	Rule 23	...A permit must be obtained before water produced from wells within the District can be transported outside the boundaries of the District for delivery to wholesale or retail customers outside of the District*
Well Field	Several Rules	Any permitted non-ASR Project well or group of wells whether permitted or exempt under the control of one owner and existing within 5,000 feet of another permitted well.
Well Field Project	Rule 7	...A single purpose project that will use multiple water wells for the planned project that will be installed and developed over a period of time on an integrated basis.....*

* See The rules for a complete definition



START HERE

Is the well Exempt?

YES

Register Well

NO

Are you applying for more than one well?

YES

Apply for a well field or Well Field Project

NO

Is the well for dewatering?

YES

Apply for a Dewatering Permit

NO

Is the well for Agriculture - 100 acre ft. or less?

YES

Apply for a Non Exempt Agricultural well

NO

Is the request for over 300 acre feet?

NO

Tier I Well

YES

Tier II Well

Complete Test Well

Fill out Applications

Review by Staff

Is application Administratively Complete?

NO

Update Application

YES

Notices Sent & Permit Hearing Scheduled

Is the Application Protested?

YES

Contested Case Hearing see Rule 31

NO

Board Considers the Application

Is Permit Approved?

NO

Applicant Can Request a Rehearing

YES

Review of Permit Every 5 Years

YES

Is the Permit Granted?

NO

END