

Fayette County Groundwater Conservation District

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FOR IMMEDIATE RELEASE

From: Fayette County Groundwater Conservation District
Date: December 26, 2003
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Groundwater District Rules In Effect

La Grange, Texas—
By: William P. Kohlleppel, Jr.

On Friday, December 19, 2003, the Fayette County Groundwater Conservation District held a public hearing on the proposed District Rules. All comments at the public hearing were favorable to the rules and the District's general philosophies. No comments were submitted in writing. The District passed a Resolution adopting the District Rules at their meeting held on December 19, 2003 at 10:00 a.m., after the public hearing. The rules take effect on January 1st, 2004. These rules are applicable to all residents and property owners in Fayette County.

According to Paul Kohlleppel, president of the District's Board of Directors, "The District was created to protect and conserve the groundwater beneath Fayette County. It is important that all well owners, operators, and drillers be aware of and understand these new rules which the District has put in place. To that end, we have provided a summary of the key points in the new rules. We feel these rules enable all of us to be good stewards of this essential limited resource."

All existing wells must be registered with the District. Registration forms are available at the District office. The District offers a grace period, up to one year from the effective date of the District Rules, in which existing wells can be registered without requiring a well log deposit or any application fee. "One of the District's top priorities is to acquire accurate data on such things as the number of wells in Fayette County, their depth and production capabilities, and which aquifers are being drawn from", said Kohlleppel. Registering all wells is the most efficient way to start building this database.

For new wells, if the well is categorized as exempt and meets the spacing and minimum tract size requirements, the well driller may immediately commence drilling. A registration form must be filed with the District, along with a completed Well Driller's Log, within 14 calendar days after the well is drilled. For any other (non-exempt) wells, an application for a well permit must be filed by the well owner, well operator, or water well driller prior to drilling the well. A public hearing on the application for a permit will then be scheduled by the Board of Directors. Violations of this process could be subject to monetary penalties and/or legal action. Groundwater produced from within the District may not be transported outside the District's boundaries unless the Board has issued the well owner a transport permit.

Exempted wells are generally defined as wells for domestic use or for watering livestock and poultry, wells used to supply water for hydrocarbon production activities, or any wells incapable of producing more than 25,000 gallons of groundwater per day.

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SOURCE: FAYETTE COUNTY GCD

No new well may be drilled within 50 feet from the property line of any adjoining landowner. On any new division of property, new property lines shall also be fifty feet from any existing wells, unless otherwise approved by the District. Spacing requirements for permitted wells will be based on the distance of the well from the adjoining property lines as well as from other wells. A new well will not be allowed on properties of less than five contiguous acres.

Maximum allowable production for wells that require a permit will be determined based upon the number of contiguous acres in the property on which the well or well system is located, and upon the distance of that well from the adjoining property line as well as from other wells.

Kohlleppel stated that conservation and prevention of waste are key goals of the District. Therefore, it is prohibited to produce groundwater in such a manner or under such conditions as to constitute waste as defined in the District Rules and in Chapter 36 of the Texas Water Code. Water may not be produced from an abandoned or deteriorated well. Additionally, the supply of groundwater to a surface reservoir (stock tank, lake, vanity pond, or other confinement) which has a capacity greater than 50,000 gallons is considered waste.

Any improvement, alterations, or professional maintenance of a well or well system requires that the well be re-registered within 14 calendar days, and may require that the well be re-permitted. A permit must be applied for if a party wishes to increase the rate of production of an existing well to the point of increasing the size of the column pipe and/or gallons per minute rate by reworking, re-equipping, or re-drilling such well.

The Board may charge a non-refundable fee for all applications, registrations, inspections, and permits that are issued, renewed, or amended as well as fees for other services the District performs or fees to cover charges incurred by the District. The Board may also require a well log deposit for each well registration or application for a well permit, which would be refunded upon the receipt of correctly completed driller's log of the well or if the application is denied or withdrawn. In addition to well registration and permit application fees, the District will impose a reasonable fee or surcharge for transportation of groundwater out of the District and production of groundwater for non-agricultural commercial use.

If it appears that a person has violated, is violating, or is threatening to violate any provision of the District Rules the Board of Directors may institute and conduct a suit in the name of the District for enforcement of the rules. By state law, the penalty for violating a rule, permit term or condition or order of the board is up to \$10,000 per violation per day for each day the violation continues.

Kohlleppel said, "Exceptions may be granted to certain of the District Rules, such as spacing requirements or minimum tract size. An application for an exception to a District Rule may be obtained at the District office."

Please call the District office at (979) 968-3135 for more information about these rules.