

## SECTION 5. WASTE AND BENEFICIAL USE

### RULE 5.1 DEFINITION OF WASTE

"Waste", as defined in Chapter 36, Texas Water Code, as amended, means any one or more of the following:

1. Withdrawal of groundwater from a groundwater bearing sand or strata or from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the groundwater or reservoir of water unsuitable for agricultural, gardening, domestic or stock raising purposes;
2. The flowing or producing of wells from groundwater or a groundwater reservoir if the water produced is not used for a beneficial purpose;
3. Escape of groundwater from a groundwater bearing sand or strata or from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater;
4. 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 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 Texas Commission on Environmental Quality under Chapter 26;
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 owner of the land receiving the discharge; or
7. For water produced from an artesian well, waste has the meaning assigned by Section 11.205 Texas Water Code.