

FAYETTE COUNTY GROUNDWATER NEWS

DISTRICT RULES NOW IN EFFECT

DISTRICT OFFICE

Fayette County Groundwater
Conservation District
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BOARD OF DIRECTORS

Paul Kohlleppel	President
Rodney Willis	Vice-President
Martin Manuel	Secretary
Clay Rightmer	Director
Carl Wendler	Director

OUR MISSION:

to provide for the conservation, preservation, protection, recharging, and prevention of waste of the groundwater and of groundwater reservoirs for the people of Fayette County.

Fayette County Groundwater News is a quarterly publication of the Fayette County Groundwater Conservation District. Subscriptions are free upon request.

The District offers free brochures and information sheets concerning many aspects of water conservation and protection. Just drop by the office at the above address during regular office hours.

On 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 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. and 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."

Well Registration and Permits

All existing wells **must** be registered with the District. 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. A blank copy of this form is included with this letter.

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 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. If a permit is issued, the permitted right to produce shall be limited to the extent of and for stated purposes in the permit. The permit is in effect and valid for the life of the well as permitted, unless the well is repaired or reworked, or unless the District determines that the permit owner is not in compliance with the permit conditions or District Rules. Violations of this process will be subject to monetary penalties and/or legal action.

Exempted wells are defined as:

1. wells for "domestic use" as defined in the District Rules, and wells used to supply the domestic needs of 10 or fewer households if each of the households is for the well owner, a person related to the well owner, or an employee of the well owner;
2. wells for watering or feeding livestock and poultry in connection with farming, ranching or dairy enterprises;
3. wells drilled or equipped such that it is incapable of producing more than 25,000 gallons of groundwater per day;
4. wells used to supply water for hydrocarbon production activities associated with any oil or gas well permitted by the Railroad Commission of Texas.

Domestic wells are defined in the District rules as "a well drilled, completed, or equipped such that it is incapable of producing more than 25,000 gallons of groundwater per day, used at and for a single-family household to support domestic activity. Such use may include water for drinking, bathing, sanitation, washing, or culinary purposes; for filling a pond or swimming pool which is entirely lined with permanent (non-degradable) man-made materials which stop and prevent leakage of water; for irrigation of single-family household lawns, or of a family garden and/or orchard; and for watering of domestic animals. Household lawns, family gardens, and/or orchards to be irrigated by a "domestic use" well shall not exceed two

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contiguous acres in the aggregate. Domestic use does not include water used to support activities for which payment or other consideration is given or received or for which the product of the activity is sold. Domestic use does not include (1) use by or for a public water system, (2) use for any commercial purpose or at any commercial establishment, or (3) use at any commercial establishment with a single-family household."

A well used solely for agricultural and/or domestic use that is capable of producing more than 25,000 gallons per day may obtain an exempt status if the owner signs an agreement stating that such well will not produce more than 25,000 gallons on any day. The agreement form can be obtained from the District office.

Spacing Requirements

No new well may be drilled within 50 feet from the property line of any adjoining landowner, including any new division of property, 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 acres.

Maximum Allowable Production

For permitted wells, the maximum allowable production 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.

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.

Waste

Underground water shall not be produced within, or used within or without the District, in such a manner or under such conditions as to constitute waste as defined in the District Rules. *Water shall not be produced from an abandoned or deteriorated well.*

Waste is defined by the District Rules in accordance and agreement with the definitions in Chapter 36, Texas Water Code. Additionally, the supply of groundwater to a surface reservoir of any nature (stock tank, lake, vanity pond, or other confinement) which has a capacity greater than 50,000 gallons is considered waste.

Reworking/Replacing a Well

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 g.p.m. rate by reworking, re-equipping, or re-drilling such well.

An emergency replacement or reworking of a well may be performed, with notice to the District afterward, so long as there is no change to the rate or amount of withdrawal. New driller's and completion logs must be filed with the district within the same period of time as the logs are required to be filed with the water well drillers' board, and the well must be re-registered within 14 calendar days, and may require that the well be re-permitted.

Fees and Deposits

The Board may charge a non-refundable fee for all applications,

registrations, inspections, and permits that are issued, 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, the District shall impose a reasonable fee or surcharge, established by Board resolution, for transportation of groundwater out of the District and for production of groundwater for non-agricultural commercial use.

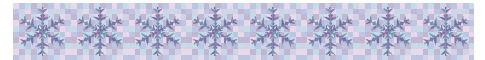
Penalties for Non-Compliance

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 rules. The Water Code authorizes the District to assess reasonable civil penalties for breach of any rule of the District, up to \$10,000 per violation per day for each day the violation continues.

Exceptions

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.



BREAKING NEWS!!!

The District has received word from the Texas Water Development Board that the District's Management Plan has been certified as administratively complete. This is a major achievement and milestone for the District.



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