

CHAPTER 5. WELL REGISTRATION AND DRILLING AUTHORIZATION

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The District reserves the authority, to the extent allowed by law, to adopt, revise, and supersede its Rules applicable to wells subject to registration within the District. The purpose of these registration and authorization requirements is to promote groundwater conservation, provide for long-term availability of groundwater resources, reduce localized depletion of groundwater, prevent interference between wells, and prevent the degradation of groundwater.

5.1 Registration of Existing Non-Exempt Wells

(1) As of January 1, 2016, and in accordance with the District's enabling act, HB2407 [84th R.S. (2015)], all non-exempt wells located within the Comal Trinity Groundwater Conservation District (District) are required to be registered with the District on the appropriate District form. There is no fee charged for registering an existing well.

(2) The owner or authorized agent of an existing non-exempt well(s) shall provide to the District all information required on the registration form, a picture of the face of the measuring device associated with each well that is being registered, and a copy of the completed State of Texas Well Report, if available. Failure to take these steps may result in issuance of a notice of violation and assessment of a penalty.

(3) Forms for registering existing wells are available from the District Office or they are downloadable from the District's website at www.ComalTrinityGCD.com.

5.2 Drilling Authorization General Requirements

(1) In accordance with Texas Water Code 36.113, written authorization must be obtained from the District before any well is drilled, or an existing well is altered. All authorizations issued by the District shall be subject to the District's Rules and to terms and conditions regarding the boring, completion, re-completion, reconditioning, or alteration of wells.

(2) A new well or a well that is altered after January 1, 2019 must comply with the requirements of Chapter 6.

(3) The owner or authorized agent of a new well proposed to be located within the District shall submit an Authorization to Drill form to the District and pay the application fee(s) as outlined in Chapter 11 prior to commencement of drilling. This drilling authorization shall

also serve as the well registration. Forms for registering new wells are available from the District Office or are downloadable from the District's website at www.ComalTrinityGCD.com.

(4) The owner or authorized agent of an existing well that will be altered shall seek authorization from the District, as required by this Chapter 5, prior to altering the well.

(5) A copy of the drilling authorization shall be on-site while the well is being drilled. The well shall comply with all State and District well construction and spacing requirements. The owner or authorized agent shall ensure that the driller files a copy of the State of Texas Well Report with the District within 60 days of well completion.

(6) The District may conduct well and well site inspections during the application, drilling, or completion process, or conduct other appropriate well-related investigations and inspection activities deemed necessary by the District. All well and well site access shall be conducted in accordance with Chapter 6.10.

(7) The District makes no representations and shall have no responsibility with respect to the availability or quality of water.

(8) Drilling shall be completed within one year of the issuance of the drilling authorization. At that time, if drilling has not been completed, the drilling authorization expires. The application fee is non-refundable. After expiration of a drilling authorization, an owner shall submit a new application for drilling authorization accompanied by the appropriate application fee prior to drilling the well.

5.3 Drilling Authorization for Exempt Wells

(1) The owner or authorized agent of an exempt domestic or livestock well shall provide all information required on the appropriate District form. This information shall include, but not limited to:

- a) The name of the well owner, mailing address, and telephone number;
- b) The proposed well location, including a location map or property plat drawn on a scale that adequately details the well site, the property lines, the location of other existing wells, any existing or proposed wastewater systems, and other known potential sources of contamination within one hundred fifty feet (150') of the proposed well showing compliance with Chapter 7 spacing requirements. This map or plat shall provide adequate detail to allow the District to determine compliance with Chapter 7, if applicable;
- c) Casing size, well depth, pump size, and production capability;
- d) The purpose of the well; and
- e) A statement as to whether groundwater produced from the well will be in accordance with TWC 36.001(9) definition of "beneficial purpose".

(2) Once the completed application for an exempt domestic or livestock well has been submitted to the District, the application fee has been paid in full, and a variance, if required has been obtained, the District shall issue a drilling authorization.

5.4 Drilling Authorization for Non-Exempt Wells

(1) The owner or authorized agent of a well drilled, completed, or equipped so that it is capable of producing greater than 25,000 gallons per day, shall provide all information below, including, but not limited to:

- a) The name of the well owner, mailing address, and telephone number;
- b) The proposed well location, including a location map or property plat drawn on a scale that adequately details the well site, the property lines, the location of other existing wells, any existing or proposed wastewater systems, and other known potential sources of contamination within one hundred fifty feet (150') of the proposed well showing compliance with Chapter 7 spacing requirements. This map or plat shall provide adequate detail to allow the District to determine compliance with Chapter 7, if applicable;
- c) Casing size, well depth, pump size, and production capability;
- d) The purpose of the well;
- e) A statement as to whether groundwater produced from the well will be in accordance with TWC 36.001(9) definition of "beneficial purpose use";
- f) If the applicant is not the owner of the property, documentation establishing the applicable authority to construct and operate a well(s) on the owner's property for the proposed use;
- g) Report by a registered professional in hydrogeology be submitted with drilling authorization application to evaluate the projected effect of the proposed withdrawal on the aquifer or any other aquifer conditions, depletion, subsidence, or effects on existing groundwater users within the District;
- h) A water conservation plan;
- i) A drought contingency plan;
- j) Responses to the following questions:
 - i. Is the well located within 50 feet or within the service area of a retail public water utility or community water system? If so, has the applicant shown that the utility or community water system is unable or unwilling to provide water service or that it has no objection to the location of the well?
 - ii. Has the applicant considered other sources of water available for the requested use and production amount?
 - iii. Can the applicant demonstrate that well production will minimize as far as practicable the drawdown of the water table, minimize the reduction of artesian pressure, and minimize interference between existing wells;
- k) Any other information deemed necessary by the District to comply with the requirements of the Texas Water Code, Chapter 36, and address specific District needs.

(2) For a well drilled, completed, or equipped so that it is capable of producing greater than 25,000 gallons of groundwater per day, the District shall promptly act on each administratively complete application within 60 days after the date an application is determined to be administratively complete.

5.5 Change in Well Conditions, Authorization Renewal, Amendment, and Revocation

(1) No person shall take any of the following actions related to a well located in the District without notifying and receiving prior authorization from the District:

- a) Change the type of use of a well;
- b) Change the capacity of a well such that the well produces more than 25,000 gallons per day;
- c) Alter the size or depth of a well;
- d) Plug a well.
- e) Changes that affect compliance with spacing requirements of Chapter 7.

(2) Well spacing requirements will be denied unless a variance is obtained under Chapter 10.

5.6 Replacing a Well

(1) The replacement well must be no nearer to adjoining property lines than the well it is replacing unless the replacement well is an exempt well and the owner of the replacement well complies with Chapter 7.

(2) Prior to drilling a replacement well, the well owner, or authorized agent, must submit a drilling authorization form and pay appropriate fees to the District.

(3) In the event of an emergency with the potential to affect human or livestock health or safety which requires reconditioning or re-completing of a well, the appropriate application and fee must be submitted to the District office within 2 business days of such reconditioning or re-completing.

(4) A well that has been replaced under Chapter 7.4 must be plugged once the new well is placed into operation.

(5) The drilling and completion standards in effect at the time of drilling the replacement well shall apply to the replacement well.

5.7 Administrative Completeness of Application

(1) The applicant shall be notified when the application and its accompanying documentation have been reviewed by the District and deemed administratively complete.

(2) No application will be administratively complete if the applicant has unpaid fees or has unresolved compliance issues with the District, or if any of the information required by District Rules in this Chapter is missing or incomplete, unless waived by the General Manager.

(3) If an application remains administratively incomplete for more than 180 days following the original application date, the application shall expire.

Adopted March 19, 2018 by Board Order; effective January 1, 2019.