Prairielands Groundwater Conservation District

District Rules for Water Wells in Ellis, Hill, Johnson, and Somervell Counties, Texas

As Amended and Effective on
August 17, 2026

Procedural History of Rules Adoption

These rules of the Prairielands Groundwater Conservation District were initially adopted by the Board of Directors on December 17, 2018, at a duly posted public meeting in compliance with the Texas Open Meetings Act and following notice and hearing in accordance with Chapter 36 of the Texas Water Code. Amendments to the rules were adopted by the Board of Directors on October 21, 2019, on November 16, 2020, on December 20, 2021, on July 18, 2022, on January 17, 2023, on September 18, 2023, on April 21, 2025, and on August 17, 2026. In accordance with Section 59 of Article XVI of the Texas Constitution, the District Act, and Chapter 36 of the Texas Water Code, the following rules are hereby adopted as the rules of this District by its Board. Prior to its adoption of these permanent rules, the District operated under its Temporary Rules for Water Wells, initially adopted by the District's Board of Directors on November 15, 2010.

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SIMPLIFIED SUMMARY OF DISTRICT RULES FOR WATER WELLS

If you're in Ellis, Hill, Johnson, or Somervell counties and plan to drill a well for the purpose of pumping groundwater, or if you have a well drilled prior to 2019 that is capable of pumping more than 25 gallons per minute or any well supplying public water, the Prairielands Groundwater Conservation District (the "District") has rules that you need to comply with. Because the rules are quite lengthy, this Summary will give you an overview of the process and guide you through the basic steps that apply to your particular situation. **This Summary is not intended as an actual rule of the District or as a substitute for a careful review of the rules, but rather only as a tool to help you get started and understand the basics of the District rules.**

I. What Do I Need to Know Before Drilling a Well?

General Rule: You may not drill, complete, alter, operate, or produce groundwater from a well without the District's prior approval.

(a) Different rules apply depending on when your well was drilled. In this summary, note the difference between the requirements for "existing" and "new" wells:

(1) Existing well: a well that was in existence or for which drilling was approved by the District prior to January 1, 2019.

(2) New well: a well for which drilling commenced or for which an application to drill was submitted on or after January 1, 2019.

(b) If you want to drill a groundwater well on your property, you must:

- have a minimum tract size of two (2) acres upon which to drill a well. There can only be one (1) well, regardless of type, per two (2) acres. However, for a single domestic well serving two (2) or more residential households, the required minimum tract size for the well is calculated by multiplying two (2) acres by the number of households served by the well. *Rule 4.4*

- meet spacing requirements to maintain certain distances from your well to your property lines and from other wells in existence at that time. *Rule 4.3*
  **Under certain limited circumstances, you may seek an exception to the well spacing and minimum tract size requirements. Rules 4.6 and 4.7*

- register the well, and get a permit if applicable, prior to drilling the well (*See more in Section II. below*.)

- comply with the well completion standards of the State of Texas and the District. Assistance is available from the District or from the Texas Department of Licensing and Regulation, which regulates Water Well Drillers and Pump Installers. *Rule 4.5.* Also, new wells must be completed and equipped to certain depths to help protect well owners from water level declines in the aquifer.

II. Will I Need to Register or Permit My Well?

General Rule: There are two types of authorizations issued by the District for groundwater wells: registrations and permits. All wells that require a permit must also be registered. You must obtain a well registration before you drill a well, substantially alter a well or pump, or operate or produce groundwater from a well that is required to obtain a registration and/or permit. You are also required to get a permit for your well unless an exemption applies (mostly for small household wells).

Exceptions to registration and permitting apply to certain domestic (or household), wells; see the following page.

(a) Registration | Rule 3.2

(1) You *must* register your well if:

- it was drilled on or after April 1, 2011 (regardless of production capacity or type of use), including wells that are exempt from permitting and certain other regulatory requirements under Section 2;
- it was drilled before April 1, 2011, and is not listed as exempt from permitting and certain other regulatory requirements under Rule 2.1(a)(1), (2), (3), or (5).
- it is a public water supply well (regardless of production capacity or date drilled);
- it is a replacement well under Rule 3.17; or
- the well was otherwise required to be registered under the District's previous Temporary Rules for Water Wells.

(2) You *may* register your well if it existed prior to April 1, 2011, and is not otherwise required to be registered. Rule 3.2(b) explains the benefits of registering your well to protect it from encroachment by other new wells.

Guidance for Household Well Owners

The majority of wells within the District are small household wells. If that is your situation, you will not be subject to some of the rules of the District. This section helps you determine what rules apply to you.

1. Exempt from Registration

   You *are not* required to register or permit your household well with the District, *regardless of its production capacity,* if:

   - your well existed or drilling started on the well prior to April 1, 2011; and
   - the well is used solely for domestic use, livestock use, poultry use, or agricultural use.

   Existing household wells are exempt from registration and permitting by the District if they meet the above criteria. If your household well is exempt from permitting, you do not have to pay water use fees, meter the well, or submit water production reports on the well. There are certain other existing wells that are exempt from registration depending on when they were drilled, their size, and the their type of use. (See Rule 3.2)

   Even if not required by the rules, you may voluntarily register your well with the District to protect it from encroachment from new wells. (See Rule 3.2(b))

2. Not Exempt from Registration

   You *are* required to register your household well if it was drilled on or after April 1, 2011. These household wells:

   - must be registered in accordance with Rule 3.2
   - must comply with the two (2) acre minimum tract size per household served by the well requirement and the well spacing requirements of Section 4 of the rules
   - are exempt from permitting, water use fees, metering, and water production reports if (1) drilling commenced before January 1, 2023, and the well is used solely for domestic, livestock, or poultry purposes, regardless of the well's production capacity; or (2) for a well drilled after that date, the well does not have the capacity to produce more than 17.36 gallons per minute and the well is used solely for domestic, livestock, or poultry purposes. See the following page for more detail on permit exemptions.

No household well with a production capacity of 17.36 gallons per minute or less, whether new or existing, is required to obtain a permit from the District to operate the well, but must obtain registration approval before drilling commences.

Part II. Cont.

(b) Permits | Rules 3.4 and 3.5

(1) If required to register your well, you *must* also permit your well *unless* an exemption applies. These wells are exempt from permitting, reporting, fees, and metering requirements under Rule 2.1:

- all wells of any production capacity for which drilling commenced before January 1, 2023, that are used solely for domestic, livestock, poultry, or agricultural use;

- wells drilled prior to January 1, 2019, that don't produce more than 25 gallons per minute and are used for any purpose other than solely for domestic, livestock, poultry, or agricultural use, and are not public water supply wells; *provided, however*, that the well will lose its exemption if the purpose for which the water from the well was used prior to January 1, 2019, changes to something other than solely domestic use, livestock use, or poultry watering use.

- wells for which drilling commenced before January 1, 2023, that does not have the capacity, as equipped, to produce more than 17.36 gallons per minute and is used for any purpose of use other than public water supply;

- wells drilled after January 1, 2019, with a production capacity of 17.36 gallons per minute or less used solely for domestic use, livestock use, or poultry use;

- leachate wells, monitoring wells, observation wells, and piezometers.

** Even if exempt from permitting and other requirements of the rules, most wells must still be registered unless an exemption applies.*

(2) These wells are exempt from permitting requirements only (must still register, report, pay fees, meter and meet the well completion, spacing and location requirements of the rules) under Rule 2.3:

- wells used to supply water for drilling rigs in oil and gas drilling or exploration if the water well is on the oil and gas lease (but not wells supplying water for hydraulic fracking for oil and gas);

- wells used for coal mining and authorized by a permit issued by the Railroad Commission of Texas;

- A well drilled for temporary use to supply water for a rig that is actively

engaged in drilling another water well that requires a permit under these rules.

(c) Multiple Wells on One Tract – Well System | Rule 2.1(b) or as defined in Rule 1.1

Wells feeding into a common distribution system, common storage, or common purpose of use will be considered a well system. The combined capacity of the wells in the system will be considered to determine whether it is above or below the threshold capacity for permitted or exempt.

III. Types of Permits

Depending on when your well will be or was drilled and other considerations, you must have an approved Historic Use Permit, an Operating Permit, or both, unless your well is exempt from the requirement to obtain a permit. The District has the authority to regulate the amount of groundwater produced from a well in accordance with the amount authorized in the permit.

(a) Historic Use Permit – Existing Wells | Rule 3.8

If you own a well that was completed and operational prior to January 1, 2019, you were required to apply for a Historic Use Permit from the District prior to November 1, 2019, if:

- The well was not exempt from registration or permitting requirements as set forth above (*see Rule 2.1(a) and Rule 2.3(a)*), **and** the well produced and used groundwater for a beneficial use in any year during the prior 15 years (calendar years 2004 through 2018) (the "existing and historic use period"); **or**

- If you were otherwise authorized to file an application for a Historic Use Permit under Rule 3.8.

How Much Can I Pump Each Year Under a Historic Use Permit?

The District Board of Directors considered Historic Use Permit applications in permit hearings and approved the total amount historic well owners can pump annually from a well or well system based on the Maximum Historic Use of the well owner, as defined by Rule 1.1. If there was not a full year of use because the well was drilled or well drilling authorization was approved by the District during the last year of the 15-year period, extrapolation for a full year of historic use was allowed.

Historic users who seek increases in groundwater production are limited to the greater of the following:

- Their Historic Use Permit amount; or
- Their production allowable based upon acreage.

(b) Operating Permits – New Wells/Certain Existing Wells | Rule 3.9

1. If you are drilling a new well, an Operating Permit is required unless the well is exempt from permitting requirements (*see Rule 2.1(a) and Rule 2.3(a)*).

2. If you have an existing well for which you have a Historic Use Permit and want to increase the amount of water you pump annually above the amount authorized under your Historic Use Permit, you must obtain an Operating Permit for the amount of the increased pumping. *Rule 3.9*

**Increased production may be authorized for Historic Use Permit or Operating Permit holders: (1) during extreme drought or other emergency condition (Rule 5.10); or (2) under a compliance order issued by the Board (Rule 5.5)*

What Happens to My Permit if I Sell or Lease Some of My Land Acreage Associated with the Well?

Regardless of whether you hold a Historic Use Permit or an Operating Permit, it is critical that you consider the impacts of selling or leasing your land (or your groundwater rights) on your continued ability to produce water under the permit. Simply stated, the rules do not allow "double dipping" when it comes to the right to produce groundwater from an acre of land.

This means that, if you sell or lease to another person any of the land or groundwater rights you own or lease that are associated with your Historic Use Permit or Operating Permit, the District may reduce the amount of groundwater you can produce under the permit to reflect the loss of the acreage. Additionally, if you subdivide your land, your well may no longer meet spacing requirements from property lines, and may have to be reduced in production capacity or plugged. All water well owners should be very careful when selling or leasing all or part of their land because of the potential impacts on water wells and the ability to produce groundwater.

How Big of a Well Can I Drill?

The size of well you can drill on your land generally depends on the amount of land you own, because of well spacing requirements. *Rule 4.3*. The larger the well, the further your well has to be from your property lines and from other wells.

How Much Can I Pump Each Year Under an Operating Permit?

- The District Board of Directors will consider your Operating Permit application in a hearing. The maximum annual amount you will be authorized to pump under an Operating Permit will be limited by the Board to a reasonable amount based upon your need for the water using reasonable conservation measures and the number of surface acres of land you own (or lease for the right to produce groundwater) over the aquifer at the well site.

- The maximum annual amount that can be authorized in an Operating Permit is 50,000 gallons per surface acre of land around the well, which can be reduced in the future if necessary to meet adopted aquifer management goals. If you also have a Historic Use

Permit for wells on the same land that the Operating Permit is based on (i.e. land you had and based your Historic Use Permit application on as of December 31, 2018), the amount of annual pumping authorized under the Historic Use Permit will be subtracted from the amount you would otherwise be able to produce under an Operating Permit. If your Historic Use Permit annual pumping authorization is greater than 50,000 gallons per surface acre of land around the well, you will not be eligible for an Operating Permit. Such authorized Historic Use Permit pumping will not be deducted from your Operating Permit for a well on land you first acquired after January 1, 2019.

- Special rules apply to retail public utilities who supply water to properties within their boundaries, and who are generally eligible to produce groundwater based on the acreage within their boundaries that does not have other private wells located on such acreage.

**Increased production may be authorized during extreme drought or other emergency conditions. Rule 5.10*

**Increased production may be authorized under a compliance order issued by the Board. Rule 5.5*

What Additional Requirements Apply to High-Volume Permit Applications?

- Because of their greater potential to cause unreasonable impacts, certain high-volume permit applications must be accompanied by site-specific scientific data and information to assist the District in determining how the proposed use of water will impact groundwater, surface water resources, well owners and other landowners.

- For a new Operating Permit or amendment to an existing Operating Permit, an application that would increase total annual groundwater production authorization by 50,000,000 gallons or more above the applicant's then-current Production Baseline is a High-Volume Application. The Production Baseline is generally the total annual groundwater production already authorized for the affected well or well system under the permit holder's Historic Use and Operating Permits as of August 17, 2026; for a person with no such permit as of that date, the initial baseline is zero. After the Board takes final action on a High-Volume Application, the total annual groundwater production authorization approved by the Board through that final action becomes the applicant's new Production Baseline. *Rule 3.18*

- The General Manager or Board may also require the high-volume procedures for a lower-volume application when site conditions or the proposed pumping indicate a material potential for unreasonable impacts. *Rule 3.18*

- Such applications must follow a site-specific aquifer testing and Hydrogeologic Report plan that will be developed by the applicant in coordination with the District and will gather actual hydrogeologic data at the location of the proposed well and model its anticipated future impacts to the aquifer and other wells. Testing and the report must be

performed under the responsible charge of a Texas licensed professional geoscientist or professional engineer. The applicant bears the costs of drilling all production and observation wells associated with conducting the aquifer test, and of data development and analysis, reporting, additional public notices, and any monitoring well maintenance or plugging. *Rule 3.19*

- The General Manager will review the Hydrogeologic Report and make a preliminary finding of whether the proposed pumping presents a material potential for causing unreasonable impacts. If so, the applicant may propose a number of changes to the application or measures to minimize or mitigate the impacts, which can become conditions in any permit that may be approved by the Board pursuant to the application. *Rule 3.20*

IV. What is the Approval Process?

The approval process varies depending on the type of authorization sought from the District. The District will walk you through the applicable requirements as you begin the application process.

In general:

- The General Manager and District staff will review applications for a registration or permit for administrative completeness, and work with you to make sure that you've met the requirements of the rules for your specific application. *Rules 3.2 and 3.*

- For registration applications, the General Manager of the District may, in most situations, approve the application without notice or hearing before the Board of Directors. *Rule 3.2(d)*

- For permit applications requiring a hearing under Section 3 of the rules, the District Board of Directors will decide on the permit at a public hearing held by the Board. Notice to the public is required, and certain permit applications can be contested. A hearing can be very simple or very complex, depending on the type of permit and whether the permit application is contested. *Section 10: Hearings Processes and Procedures*

V. What Happens After I Get My Registration or Permit?

(a) Once any registered or permitted well is drilled or substantially altered, the rules require you to file a well completion report with the District within 60 days of completion. *Rule 3.13.* For wells that are exempt from the requirement to have a meter and pay fees (mostly domestic [household] and livestock wells), the submission of your well report is your final requirement under the rules, unless you change the purpose of use, and so long as you do not commit waste of groundwater (typically, overwatering such that water flows off of your property).

(b) Well registrations are perpetual in nature (they do not expire); however, if you sell your property, you and the new owner must change the well registration to the name of the new owner. Also, if you sell parts of your property in the future, you must maintain minimum

well spacing and tract size requirements, or the District may order that the well be plugged or production reduced (although you may be able to reduce the production capacity of your well to reduce the minimum well spacing distances).

(c) Unless a well is exempt (typically small domestic [household] and livestock wells) from the following requirements under Rule 2.1, you must also:

- Install a meter on your well prior to operating it, keep a log of meter readings monthly, and report the readings to the District monthly in the Water Production Report required under Rule 3.15. *Section 8 and Rule 3.15.* The meter must be read at some time during the last seven (7) days of each month, and the log should include the date of the reading*. Rule 3.15*

- Timely file a Water Production Report with the District monthly indicating the amount of groundwater produced and the purposes for which the water was used. *Rule 3.15* **Some low-production permittees may be eligible to report semiannually. Rule 3.16*

- Pay fees for your water usage to the District either annually, quarterly, or monthly, at the rate set by the District. *Section 7*

- Eligible permittees may receive a conservation-based refund for authorized groundwater that was not actually produced, subject to the Rule 7.4 cap and eligibility requirements. *Rule 7.4*

- For Operating Permit holders:
    - Renew your Operating Permit every five (5) years
    - Maintain the required acreage associated with your permit or face reductions in your production authorization
    - Obtain a permit amendment in the future prior to changing the type of use for the water, increasing the capacity of the well or the annual amount of water produced to an amount that is higher than your permitted capacity or amount, or changing ownership

- For Historic Use Permit holders:
    - Renew your Historic Use Permit every five (5) years
    - Maintain the required acreage associated with your permit or face possible reductions in your production authorization
    - Obtain a permit amendment in the future prior to changing ownership (the type of use may not be amended for Historic Use Permits)
    - Obtain an Operating Permit prior to changing the type of use for the water, or increasing the capacity of the well or the annual amount of water produced to an amount that is higher than your permitted capacity or amount

VI. What About Retail Public Water Suppliers?

General Rule: Public water supply wells of any capacity are subject to the permitting, reporting, fees, and metering requirements of the rules.

Some special rules apply to retail public water systems:

- For retail public utilities, the maximum acreage that can be assigned to an Operating Permit for production limits will be the acreage within their retail water CCN, or acreage within their corporate boundaries if they do not have a retail water CCN, or the acreage located in the area defined by both its CCN and its corporate boundaries for a political subdivision that has a CCN and corporate boundaries that are not coterminous, subtracting out all acreage assigned for groundwater production authorization recognized under any Operating Permit held by an individual landowner within those boundaries, up to two acres per well for a tract with one or more registered exempt domestic or livestock wells, certain acreage associated with exempt agricultural irrigation wells, and certain acreage associated with production under a Historic Use Permit of another landowner within those boundaries in certain situations as specifically described in Rule 5.3. In situations where a retail public utility has a retail water CCN that is wholly or partly inside another political subdivision's corporate boundaries, the overlapping acreage not assigned to the permits of individual landowners within those boundaries will be assigned to the CCN holder unless certain conditions exist. Like any other Operating Permit holder, retail public utilities must subtract the amount of any production authorization recognized under a Historic Use Permit they hold within the boundaries from the amount that they could otherwise produce under an Operating Permit for wells located on land on which the Historic Use Permit was based. *See Rule 5.3 for details regarding production limits for retail public utilities.*

- When drilling a new well, a retail public utility must meet well spacing requirements from other wells completed in the same aquifer or layer of an aquifer as the proposed well, just like with all other wells. However, for well spacing requirements from property lines, a retail utility may use its CCN or political subdivision boundary as its external property line. However, such a well not drilled in compliance with normal spacing distances from property lines will not be considered as a well already in existence and eligible for protection by well spacing rules from encroachment from future wells by other landowners. *Rule 4.3*

- Each retail public utility must also submit a water loss audit on or before May 1 of each year that calculates the system water losses for the previous calendar year. Failure to submit the required audit is a violation of the District rules and may result in penalties. Also, any retail public utility that applies for an increase in authorized annual groundwater production for an existing system, or for renewal of an Operating Permit or Historic Use Permit after January 1, 2023, are required to submit a water loss audit to the District for each of the previous five (5) calendar years and will be required to pay a disincentive fee of ten (10) times the regular water use fee for that portion of its average annual use over the previous five (5) years calculated to be wasteful system water loss until such time as the wasteful losses are eliminated by the utility. *Rule 5.8*

The General Manager may require the utility's waterloss audits to be validated by a Texas licensed professional engineer who is also a certified water-loss-audit validator. Finally, the Board may, in its sole discretion, allow some of the disincentive fee payment funds to be used to assist the utility with system repairs to reduce water loss; a utility is not entitled to such an adjustment. *Rule 5.8*

VII. May I Transport Groundwater Out of the District?

Yes, but special rules apply to transport groundwater outside District boundaries. *Section 6*

VIII. Are There Other Rules?

Yes! In addition to the registration and permitting process and requirements included in this summary, the District rules address in detail:

- Definitions of Terms
- Renewals, Amendments, and Changes to Well Ownership
- Inspections, Penalties, and Enforcement of Rules
- Drilling Records
- Metering
- Enforcement Policy and Penalty Schedule
- Hearings Processes and Procedures
- Appeals of Decisions
- How to Petition to Amend Rules