

SECTION 2. DEFINITIONS

RULE 2.1 - DEFINITIONS.

Unless the context hereof indicates a contrary meaning, the words hereinafter defined shall have the following meaning in these rules:

- (a) **"Abandoned Well"** means a well that has not been used for six consecutive months. A well is considered to be in use in the following cases:
 - (1) a non-deteriorated well which contains the casing, pump, and pump column in good condition; or
 - (2) a non-deteriorated well which has been properly capped.
- (b) **"Acre"** means the unit measure used to calculate the total land surface area under which the ownership of the water rights beneath the land surface are identical. An acre is equal to 43,560 sq. feet.
- (c) **"Acre-foot"** means the amount of water necessary to cover one acre of land one foot deep, or about 325,851 gallons of water.
- (d) **"Agent"** means the person authorized to act on behalf of the landowner with respect to transactions involving the Lipan-Kickapoo Water Conservation District.
- (e) **"Agricultural use"** means any use or activity involving agriculture, including irrigation.
- (f) **"Agricultural well"** means any well devoted solely to raising food for consumption by humans and animals, or fiber for clothing. If any part of the well production is used for any other purpose, including processing of food or fiber, the well does not qualify as an agricultural well.
- (g) **"Applicant"** means the owner of the land on which the well(s) or proposed well(s) are located, unless the landowner authorizes another person to act on his/her behalf with respect to transactions involving the Lipan-Kickapoo Water Conservation District.
- (h) **"Authorized Well Site"** shall be:
 - (1) The location of either a proposed non-exempt well on an application duly filed with the District until such application is denied or a proposed exempt well on a pre-registration form duly filed with the District (An authorized well site is not a permit to drill); or
 - (2) An exempt or non-exempt well that was in existence at the time the District was created or at the time the area was annexed into the District and is not considered to be an abandoned well or deteriorated well; or
 - (3) An exempt or non-exempt well drilled after the District was created or after the area was annexed into the District that has a properly completed Well Registration or Permit on file in the District office and such well has not been "abandoned" or "plugged" by the well owner.
- (i) **"Aquifer storage and recovery project"** means a process of storing water through injection wells or other means into a suitable aquifer for later recovery or retrieval.
- (j) **"Bentonite"** means a sodium hydrous aluminum silicate clay mineral (montmorillonite) commercially available in powdered, granular, or pellet form which may be mixed with potable water and used to provide a seal in the annular space between the well casing and borehole wall or used in the plugging of wells.
- (k) **"Beneficial use"** or **"Beneficial purpose"** shall mean use for:
 - (1) agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational, or pleasure purposes;
 - (2) exploring for, producing, handling, or treating oil, gas, sulphur, or other minerals; or
 - (3) any other purpose that is useful and beneficial to the users that does not commit waste as defined in these rule.
- (l) **"Board"** means the Board of Directors of the Lipan-Kickapoo Water Conservation District, consisting of seven (7) duly elected members.
- (m) **"Capped Well"** means a well that is closed or capped with a covering capable of preventing surface pollutants from entering the well and sustaining weight of at least 400 pounds and constructed in such a way that the covering cannot be easily removed by hand.
- (n) **"Casing"** means a tubular structure installed in the excavated or drilled hole, temporarily or permanently, to maintain the hole sidewalls against caving, and, along with cementing and/or bentonite grouting, prevent surface contaminant infiltration.

- (o) **"Cement"** means a neat Portland construction cement mixture of not more than seven (7) gallons of water per 94-pound sack of dry cement, or a cement slurry which contains cement along with bentonite, gypsum, or other additives.
- (p) **"Completion"** means sealing off the access of undesirable water to the well bore by proper casing and/or cementing procedures and adhering to State standards for completion.
- (q) **"Commission"** means the Texas Commission for Environmental Quality (TCEQ) or its successor.
- (r) **"Conservation"** shall mean:
 - (1) the development of water resources and the management of depletion of these resources as it relates to the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions; and
 - (2) those practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.
- (s) **"Deteriorated Well"** means a well, the condition of which will cause, or is likely to cause pollution of groundwater.
- (t) **"District"** means the Lipan-Kickapoo Water Conservation District.
- (u) **"District Office"** means the office of the District as established by the Board of Directors to which applications, reports, and other papers are required to be filed or sent.
- (v) **"Domestic Well"** or **"Domestic Use"** means a well that will produce water to be used solely to supply the needs of a single household. This includes the use of water for home landscapes and home gardening.
[Definition amended by Board Action - November 1, 2006.]
- (w) **"Drilling Permit"** means a permit issued by the District for the drilling of a properly spaced non-exempt well.
- (x) **"Drilled to Density"** means no more than a cumulative total of sixteen (16) non-exempt wells shall be permitted per survey section (640 acres).
- (y) **"Drought"** means:
 - (1) a long period of below normal rainfall resulting in a depletion in aquifer levels that has persisted for a period of a year or more following establishment of baseline water levels in the District; or
 - (2) a determination of drought conditions by an agency of the State or Federal Government.
- (z) **"Exempt Well"** means any well for which the District is prohibited from requiring a permit under Texas Water Code § 36.117. Wells used solely for domestic use or livestock or poultry on 10 acres or less are NOT exempt and must be permitted prior to drilling. For all purposes herein, an exempt well shall be exempt from permitting requirements, but shall not be exempt from either preregistration or registration requirements or spacing rules created hereunder.
[Definition amended by Board Action - November 1, 2006.]
- (aa) **"Groundwater"** means water percolating below the earth's surface within the District, but does not include water produced with oil in the production of gas and oil.
- (bb) **"GPM"** means gallons per minute and is a measurement of the yield or production capabilities of an individual well or pump unit.
- (cc) **"HP"** means horsepower and is a unit of power.
- (dd) **"Installer"** means an individual who installs or repairs pumps and equipment for hire or compensation and holds a current pump installers license with the Texas Department of Licensing and Regulation or its successors.
- (ee) **"Licensed Water Well Driller"** shall mean any person who holds a license issued by the State of Texas pursuant to the provisions of the Texas Water Well Drillers Act, as amended, and the substantive rules of the Texas Department of Licensing and Regulation or its successors.
- (ff) **"Manual of Hearings Procedures"** means the Lipan-Kickapoo WCD manual of hearings procedures as adopted by the District for:
 - (1) addressing public complaints and informal hearings, and
 - (2) adjudicative and rule making hearings.These procedures may be amended from time to time by the District.
- (gg) **"Monitor well"** is a well used to measure some property of the groundwater aquifer it penetrates.

- (hh) **“Non-Exempt well”** means any well not specifically exempted by §36.117 of the Texas Water Code or these rules. This includes domestic and livestock wells on a tract of land that is 10 acres or less.
[Definition amended by Board Action - November 1, 2006.]
- (ii) **“Notice of Intent to Drill”** means a preregistration form or other form that must be submitted to the District by the landowner or his agent prior to the drilling of an exempt well or monitor well.
- (jj) **“Open or Uncovered Well”** means any artificial excavation drilled or dug for the purpose of producing groundwater and that is not capped or covered as required by the Texas Water Code.
- (kk) **“Open Meetings Act”** means Chapter 551, Texas Government Code.
- (ll) **“Open Records Act”** means Chapter 552, Texas Government Code.
- (mm) **“Operator”** means and includes any person, firm, partnership, or corporation or other legal entity that has the right to produce water from the land either by ownership, contract, lease, easement or any other estate in the land.
- (nn) **“Owner”** means and includes any person, firm, partnership, or corporation that has the right to produce water from the land either by ownership, contract, lease, easement or any other estate in the land.
- (oo) **“Permitted Well”** means any artificial excavation drilled or dug for the purpose of producing groundwater that:
- (1) is not exempt by §36.117, Texas Water Code;
 - (2) is properly registered with the District.; and
 - (3) has been issued a permit by the District.
- (pp) **“Person”** means any individual, partnership, firm, state governmental agency, political subdivision, corporation or other legal entity.
- (qq) **“Plugging”** means an absolute sealing of the well bore.
- (rr) **“Pollution”** means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the District that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.
- (ss) **“Power of Attorney”** means the form signed by the owner of the land granting authority to another person to act on his/her behalf with respect to transactions involving the Lipan-Kickapoo Water Conservation District.
- (tt) **“Preregistration”** means the completion and submission of a preregistration form prior to the drilling of an exempt well and production of water.
- (uu) **“Presiding Officer”** means the President, Vice-President, Secretary, or other Board Member presiding at any hearing or other proceeding, or a Hearing Examiner conducting any hearing or other proceeding.
- (vv) **“Production”** means water withdrawn from the ground, measured at the well head and reported as gallons per minute (GPM).
- (ww) **“Pump installation”** means the procedures employed in the placement, and preparation for operation, of equipment and materials used to obtain water from a well, including construction involved in establishing seals and safeguards as necessary to protect the water from contamination. The term includes repairs to an existing pump.
- (xx) **“Recharge Facility”** means any system for recharge, injection, storage, pressure maintenance, cycling or recycling of water, which includes one or more wells, spreading dams, or percolation basins, or any other surface or subsurface system engineered and designed for the purpose of recharging water into a groundwater reservoir.
- (yy) **“Registered Well”** means and includes any artificial excavation to produce or that is producing water for any purpose that has been properly recorded with the District.
- (zz) **“Rules”** are the rules of the District compiled herein, as may be amended or supplemented from time to time.
- (aaa) **“Sealing of Wells”** means the physical sealing and tagging of a well to indicate that the well has been sealed by the District pursuant to a court order that prohibits the withdrawing of groundwater from a well to ensure that it is not operating in violation of District Rules.
- (bbb) **“Texas Rules of Civil Procedure” and “Texas Rules of Evidence”** mean the civil procedure and

evidence rules as amended and in effect at the time of the action or proceeding. Except as modified by the rules of the District, the rights, duties, and responsibilities of the Presiding Officer acting under the Texas Rules of Civil Procedure and the Texas Rules of Evidence are the same as a court acting under those rules.

- (ccc) **"Transport Permit"** means an authorization issued by the District for the transfer or transport of a specific amount of groundwater out of the District for a designated period of time for a designated purpose.
- (ddd) **"Transportation facility"** is any system for transporting water, which may include a pipeline, channel, ditch, watercourse or other natural or artificial facilities, or any combination of such facilities, pertaining to any or all water which is produced from a well or wells located or to be located within the District, any or all of which is used or intended for use outside the boundaries of the District.
- (eee) **"TCEQ"** means the Texas Commission for Environmental Quality, formerly, the Texas Natural Resource Conservation Commission.
- (fff) **"Undesirable Water"** means water that is injurious to human health, to vegetation, to land, or to fresh water, or water that can cause pollution.
- (ggg) **"Waste"** means any one or more of the following:
- (1) Withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes;
 - (2) The flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose;
 - (3) The escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater;
 - (4) The pollution or harmful alteration of groundwater in a groundwater reservoir by salt water or by other deleterious matter admitted from another stratum or from the surface of the ground;
 - (5) Willfully or negligently causing, suffering, or permitting groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road 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 Commission under chapter 26; or
 - (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 occupant of the land receiving the discharge; or
 - (7) for water produced from an artesian well, "waste" has the meaning assigned by §11.205, Water Code.
- (hhh) **"Water"** or **"Underground Water"** means groundwater.
- (iii) **"Well"** or **"Water Well"** means and includes any artificial excavation constructed for the purpose of exploring for or producing groundwater.
- (jjj) **"Well Owner or Well Operator"** means the Owner of the land upon which a well is located or is to be located or the person who operates a well or water distribution system supplied by a well.
- (kkk) **"Well Report" or "Driller's Log"** means a record, made at the time of drilling, showing the depth, thickness, character of the different strata penetrated, location of any water bearing strata, depth, size and character of casing installed, together with any other data or information required by the State or this Board and recorded on forms prescribed either by the State regulatory agency with jurisdiction thereof or by this Board.
- (lll) **"Well Status"** means either an Exempt Well or a Permitted Well.
- (mmm) **"Well System"** means a well or group of wells tied to the same distribution system.
- (nnn) **"Withdrawal"** means extracting groundwater by pumping or any other method.