

**CULBERSON COUNTY GROUNDWATER CONSERVATION DISTRICT
RULEMAKING**

Title: **CULBERSON COUNTY GROUNDWATER CONSERVATION DISTRICT RULES**
Ch. 1 (Definitions and General Provisions)
Ch. 3 (District Staff)
Ch. 5 (Groundwater Production)
 Subch. B (Groundwater Production Limitations)
 Subch. C (Groundwater Production Permits)
Ch. 6 Well Management
 Subch. A (General Provisions)
Ch. 7 (Fees)
Ch. 11 (Investigations and Enforcement)

Rule Type: **Proposed Rules (PRs) (redlined)**

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Approved By: Haley Davis, General Manager

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 Board approves FRs: Public Hearing on PRs: April 22, 2026
 GM approves PRs: April , 2026

| GLOBAL EDITORIAL CHANGES | |
|--|----------------|
| Edit | Example |
| Uniform capitalization where appropriate | - |
| Grammar, and formatting errors, including typos, spacing, section and subsection numbering | - |
| Renumber affected sections and subsections accordingly. | |

CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

§ 1.001 Definitions of Terms

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§ 1.007 Scope and Application of Rules

(a) These rules apply to the full extent of the District's geographical jurisdiction; however, except as provided in subsections (b) and (c) below, the rules governing non-exempt in-district groundwater production and in-district groundwater use apply only within the Wild Horse Flat and Lobo Flat Aquifers.

(b) Under the authority provided in Section 36.117(a), except as provided by subsection (c), the District hereby exempts from permitting groundwater produced within District boundaries that is outside the Wild Horse Flat and Lobo Flat Aquifers, but only to the extent such groundwater is used inside the District. This subsection (b) exemption shall be deemed a production authorization for purposes of any application for a groundwater exportation permit under these rules.

(c) Notwithstanding the exemption in the first sentence in subsection (b) of this section, if, following notice and an opportunity for potentially affected persons to be heard, and the presentation of evidence, the Board makes a preliminary determination that a well system outside the Wild Horse Flat and Lobo Flat Aquifers, as delineated by the District, is hydrologically connected to either aquifer or to a domestic or livestock well, and the well system does not meet the requirements of Section 5.401(a)(1)-(7) for an exempt well, the person claiming an exemption under the first sentence in subsection (b) of this section and Section 5.401, may present evidence to the Board to demonstrate that the well system is either not hydrologically connected or the impacts of any withdrawals the well system is capable of producing will be de minimis. After considering any information presented by the person claiming the exemption, the Board shall approve or deny the exemption. If the Board denies the exemption, a groundwater production permit to withdraw groundwater from the relevant aquifer shall be required prior to any withdrawals from the well. If the owner or operator of the well system would have qualified for a HUPP if the well system would have been determined to be hydrologically connected to a managed aquifer on April 2, 2012, he or she may apply for a HUPP in accordance with the rules in effect at that time, otherwise, he or she may apply for an NHUPP. If an exemption for the well system was previously granted, if the well system owner or operator files an application for a groundwater production permit within 90 days, he or she may continue to operate the well system until final action by the Board on the application.

CHAPTER 3. DISTRICT STAFF

§ 3.001 General Manager

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(b) The Board by resolution may delegate authority to act on behalf of the District on such applications and related matters to the general manager as it determines is appropriate and consistent with the District Act and Chapters 36 and 49 of the Texas Water Code, but in no event may it delegate to the general manager the authority to give final approval of applications for groundwater production permits, groundwater exportation permits, or preliminary determinations under Section 1.007(c) that a well system outside of the Wild Horse Flat or Lobo Flat Aquifers is hydrologically connected to the groundwater authorized for production by holders of HUPPs or NHUPPs in either of those two aquifers or to a domestic or livestock well.

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CHAPTER 5. GROUNDWATER PRODUCTION

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Subchapter C. Groundwater Production Permits

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§ 5.206 Contents of Historic Use Production Permits

(a) An Historic Use Production Permit issued by the District shall include the following terms and conditions:

- (1) the name of the person or entity to whom the permit is issued;
 - (2) the date the permit is issued;
 - (3) the location of the well;
 - (4) the purpose of use for which the water produced from the well will be used;
 - (5) the specific location of the place of use of the water produced from the well;
 - (6) except as provided in § 5.301(b), if the place of use is not within the District's boundaries, the permittee must obtain a groundwater exportation permit from the District prior to the withdrawal of groundwater under the permit;
- ...

§ 5.211 Basis for Granting Applications to Transfer or Amend Historic Use Production Permits

The Board shall grant an application to transfer or amend a Historic Use Production Permit if it finds that:

- ... (10) the proposed production of water will not unreasonably affect existing groundwater or surface water resources or existing holders of permits issued by the District;
- ...

§ 5.213 Applications for Non-Historic Use Production Permits (NHUPP)

No Non-Historic Use Production Permit applications will be accepted, processed, or considered by the District unless and until all applications for Historic Use Production Permit applications have been finally issued and the District has issued an NHUPP Authorization Order pursuant to § 5.212 for a given aquifer. An NHUPP applicant must use the application form prescribed by the District and include all relevant information required by these rules. A single NHUPP application

may, at the applicant's discretion, be submitted for multiple wells owned or operated by the applicant. In addition to the information specified in § 9.104, an application for an NHUPP application shall contain the following:

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(s) Qualified reports for certain applications: For any applications requesting a permit for an annual groundwater production amount greater than 25 acre-feet:

(1) A report from a qualified, Texas-licensed engineer, hydrologist, or geologist, which documents that the proposed production of water will not unreasonably affect existing groundwater or surface water resources or existing holders of permits issued by the District for the aquifer from which production would be made; and

(2) A report from a qualified, Texas-licensed engineer, hydrologist, or geologist, which documents that the proposed production of water will not cause unreasonable interference with any active well located within a 1-mile radius of any of the wells identified in the application as a source of production.

§ 5.214 Basis for Action on Non-Historic Use Production Permit Applications

(a) In the event that the District has issued an NHUPP Authorization Order pursuant to § 5.212(a) for a given aquifer, the Board shall grant an application for an Non-Historic Use Production Permit as to such aquifer if the Board finds that:

... (10) the proposed production of water will not unreasonably affect existing groundwater or surface water resources or existing holders of permits issued by the District or exceed the MAG for the aquifer from which production would be made;

(11) operation of the well will not cause unreasonable interference between wells; and

(12) the application is consistent with the District's certified groundwater management plan.

CHAPTER 6. WELL MANAGEMENT

§ 6.002 Well Construction and Pump Installation Standards

(a) All new wells located within the District's boundaries shall be installed, equipped, operated, maintained, and closed in accordance with Chapters 1901 and 1902 of the Texas Occupations Code, and Title 16, Chapter 76, of the Texas Administrative Code, as amended, the Texas Department of Licensing and Regulation's rules on water well drillers and water well pump installers, regardless of whether the well requires a drilling permit from the District. In addition, all new wells located within the District's boundaries that are completed so as to be capable of producing groundwater from the Wild Horse Flat or Lobo Flat Aquifers shall be located, drilled, equipped, and operated in accordance with the requirements of Title 30, Sections 290.41(c)(1)(A)-(D), (c)(2), (c)(3)(B) – (F)(i), (c)(3)(H) – (Q) of the Texas Administrative Code. To the extent that any of the applicable requirements cited in this section conflict, the well owner and operator, driller, and pump installer shall comply with the requirement that is more protective of groundwater and the environment.

CHAPTER 7. FEES

§ 7.001 Registration Fees

(a) For exempt wells completed so as, in the opinion of the District, to be capable of producing water from the Wild Horse Flat or Lobo Flat Aquifers, or for wells in areas in the District outside those two aquifers, the District shall assess a non-refundable fee per well to file a well registration with the District. The amount of such fee shall be set by Board resolution.

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Appendix C – Estimated Modeled Available Groundwater for Management Area

The Modeled Available Groundwater (MAG) for the portion of the West Texas Bolsons within CCGCD for the year 2020 is 35,634 ac-ft/year (Table 4, TWDB GR10-037_MAG.pdf). This includes the portions of the West Texas Bolson within Lobo, Michigan, and Wild Horse Flats. The TWDB's estimate of total aquifer storage the same area is 5.3 million acre-feet (Table 2, TWDB GAM Task 13-028).

The estimate of fresh water (TDS<1,000 mg/l) of the 5.3M acre-feet of total storage is 2.426 million acre-feet with 0.746, 1.365, 0.315 million acre-feet within the Lobo, Wild Horse, and Michigan Flat areas, respectively (2012, Texas Water Development Board, Draft of Total Estimate of Recoverable Storage GMA 4).

Table A-1 below list the estimated MAG for each of the management zones based on their respective percentage of fresh water in storage.

| Table A-1 Prorated MAG | HUPP Permits | % | TWDB GAM Estimate of Fresh Water in Storage | % | MAG |
|--|--------------|------|---|------|-----------|
| | acres | | acre-feet | | acre-feet |
| Lobo Flat Management Area | 6,250 | 33% | 746,000 | 31% | 10,958 |
| Wild Horse Management Area* | 12,840 | 67% | 1,680,000 | 69% | 24,676 |
| Total | 19,091 | 100% | 2,426,000 | 100% | 35,634 |
| * combined area of Wild Horse and Michigan flats areas | | | | | |

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