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## PRESS RELEASE

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### ***Lone Star Groundwater Conservation District***

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### **SPACING, PROPORTIONAL ADJUSTMENTS, & MANAGEMENT ZONES – OH MY!**

October 16, 2020 – Congrats, you have made it through “Lone Star GCD’s Rules 101”! It wasn’t that bad, was it? Today, we will wrap up the last of the major rule changes. Specifically, well spacing, proportional adjustments and management zones —what they mean and how the Desired Future Conditions (DFCs) approved by GMA 14 may affect them.

The District adopted a new well-to-well spacing rule that applies to all new, non-exempt wells. As a reminder, non-exempt wells are wells that are required to be permitted and typically used for commercial, public supply, industrial, and irrigation uses. These wells are also capable of producing more than 25,000 gallons of groundwater per day. The new rule requires them to be spaced a certain distance from all registered exempt and permitted wells completed in the same aquifers. The spacing distance is based on the proposed pumping capacity of the new, non-exempt well. New exempt wells are not required to comply with the gallons per minute (GPM) spacing requirements. The GPM spacing requirement seeks to protect all registered exempt and permitted wells and will help maintain artesian pressure (water level) in existing wells and lessen interference between wells. The District has maintained the property line spacing rule that has been in place since 2002. The property line spacing rule applies to all wells, exempt and non-exempt, and requires them to be drilled more than 50-feet from the property line. The requirement ensures that all wells are at least 100 feet from one another. The 50-foot property line spacing rule is not new and is actually a requirement from the Texas Department of Licensing and Regulation.

Also, in the District’s recently adopted rules, we maintained the option to institute management zones and proportional adjustments. Both have been in the District’s rules since 2002. Management zones and proportional adjustments are allowed by way of Chapter 36 and are commonly used by GCDs. Per the District’s rules, the District will only implement these after examining monitoring well data (to be done at least once every two years) and historical data. Only after reviewing this data and the District’s approved Management Plan will the Board of Directors be able to decide whether or not DFCs are being met and if there is a need for proportional adjustments or establishing management zones. Before instituting a management zone or a proportional adjustment, the District will hold a public hearing on the proposed change(s).

## **Establishing a Management Zone**

To put it in very general terms, a management zone is an area designated by a GCD that has special rule(s) and/or is required to meet a certain limitation put in place. The Board has included in its rules a set of guidelines to help it determine whether a specific area needs a management zone. First, the District will use the best available science, including Hydrogeological Reports and other scientific studies (historical and current). Second, the District must hold a hearing; and third, the management zone has to be established by way of resolution passed by the District's Board of Directors. The District may create a zone based on a specific aquifer or aquifers, an aquifer subdivision, or a hydrogeologically defined area. Once this zone is established, the District has the ability to review and assess water quality; assess water availability; authorize total production and make proportional adjustments to annual production limitations associated with permits in that zone; establish more restrictive spacing requirements; and/or take measures to manage the groundwater in a manner that helps to achieve the DFCs established for the specific aquifer(s). Rest assured that if it ever gets to a point where data shows a need to establish a management zone, the District will thoroughly review all data and science and the public will have an opportunity to provide input before a management zone is established.

## **Proportional Adjustments**

Proportional adjustments (for purposes of the District's rules) are a reduction on a set of permits that are producing from a particular aquifer or management zone. If you are familiar with the District's previous regulatory plan, which were declared void and unenforceable, you may be wondering how this is any different – and it's a good question, too. The main difference is that if and when proportional adjustments are put into effect, they will affect all permit holders within the designated aquifer or management zone and will be implemented primarily to achieve desired aquifer conditions. The old rules treated the entire Gulf Coast aquifer as one management area regardless of varying aquifer conditions, set the management standard as a predetermined amount of pumping, and instituted cutbacks against large volume users alone.

Like the management zone guidelines, proportional adjustments will be based on the best available science and thorough review of scientific studies and data (historical and current) will be done. Adjustments will occur if reductions are necessary to avoid impairment of or to achieve the approved DFCs for that specific aquifer or management zone. There are a few additional guidelines the new rules set out regarding the implementation of proportional adjustments:

1. The Board must first set aside an amount of groundwater equal to an estimate of actual exempt use for the specific aquifer or management zone being adjusted – this will ensure that the exempt users (who cannot be cut back per Chapter 36) can still produce their authorized amount;
2. After setting aside the exempt use allocation, the Board must then determine how much water in the specific aquifer or management zone remains to be allocated to the permitted users;

3. The Board must decide how to proportionately reduce permits and may choose to do so on a pro rata basis; and
4. The District must issue a Proportional Adjustment Order which identifies and sets out the specific aquifer or management zone that will be affected and the factor (or amount) to be applied to reduce the annual production limitations in the affected permits – to put it simply, from which aquifer permits the reductions will occur and how much the permit holders must reduce.

All permits that are required to adjust per the Proportional Adjustment Order will have 5 years to comply and will be required to abide by all other District rules. Should the District need to implement adjustments, it does not mean that a moratorium (or a freeze) for that specific aquifer goes into effect; rather, the District can issue permits for production from the adjusted aquifer or management zone but those new permits will be bound by the Proportional Adjustment Order, just as the existing permits are.

### **What do the DFCs have to do with Management Zones and Proportional Adjustments?**

That's an easy question. The DFCs represent what the GCDs within GMA 14 want their aquifers to look like in the future (usually 50 years into the future). Therefore, if the data shows that the District is not on track to meet its DFCs in a specific aquifer on a projected date, then the District can implement either, or both, of these options. These options were created and are used as a safeguard to ensure our groundwater resources are protected for years to come while still providing every owner an opportunity to produce groundwater.

While these educational releases have only touched on the more substantial changes to the District's rules, it is the District's hope that you were able to gain a little bit better understanding of the changes and reasons behind them. We hope you were able to see how GCD rules and management plans are affected by and related to the joint planning process. GCDs were put in place for a reason and are a critical part to ensuring that we have affordable, reliable and available groundwater supplies for years to come.

A copy of the approved District Rules, a summary of the amendments and Frequently Asked Questions on the new rules can be found on the District's Management & Rules page. For more information on the Lone Star Groundwater Conservation District, please visit [www.LoneStarGCD.org](http://www.LoneStarGCD.org) or follow us on [www.Facebook.com/LoneStarWater](https://www.Facebook.com/LoneStarWater). For questions, please contact the District at (936) 494-3436.

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