

Comparison of Water Availability Rules, Hill Country Counties
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	Comal County	Gillespie County	Kendall County	Kerr County
GW District	Southeast Trinity Groundwater Conservation District	Hill Country Underground Water Conservation District	Cow Creek Groundwater Conservation District	Headwaters Underground Water Conservation District
Special Designations	Hill Country Priority Groundwater Management Area	Hill Country Priority Groundwater Management Area	Hill Country Priority Groundwater Management Area	Hill Country Groundwater Management Area
Aquifers	Edwards and Trinity Group Aquifers	Ellenburger, Hickory, Edwards-Trinity, Hensell Aquifers	Edwards-Trinity and Trinity Group Aquifer	Edwards-Trinity and Trinity Group Aquifer
Subdivision Rules				
Exemptions	<ul style="list-style-type: none"> ▪ Subdivisions with lots > 10 acres ▪ Land is used primarily for agriculture ▪ Family transfers, where tract is divided into four or fewer parts ▪ Veteran’s Land Board sales ▪ One new part is retained by owner, and other part is subject to platting requirements ▪ Land is transferred to persons who owned undivided interests in original tract ▪ Land is used to secure an indebtedness ▪ Land is conveyed to an adjacent property owner 	<ul style="list-style-type: none"> ▪ Subdivisions with all lots > 20 acres ▪ Division of land by Court order ▪ Land is conveyed to an adjacent property owner ▪ Division by gift or bequest ▪ Division of inherited property between heirs, by agreement or action of probate ▪ Division of track into no more than 3 smaller tracts, not more than once each 12 month period 	No mention of exemptions from platting requirements.	<ul style="list-style-type: none"> ▪ Subdivisions with all lots > 10 acres, and no streets are laid out ▪ Land is used for agriculture, wildlife, timber, & no alleys or streets laid out ▪ Family transfer, where tract is divided into four or fewer parts ▪ Land is state owned & no streets laid out ▪ Owner is a political subdivision of the state ▪ Land is in flood plain ▪ Lots are sold to neighbors ▪ Land is transferred to persons who owned undivided interests in original tract
Lot Sizing	Platting exemptions: > 10 acres In Subdivision Rules: <ul style="list-style-type: none"> ▪ With public water supply and individual septic: lots must be at least 1 acre ▪ Private water supply and individual septic: at least 5.01 acres 	Platting exemptions: > 20 acres	Platting exemptions: none In Subdivision Rules: <ul style="list-style-type: none"> ▪ With public water and sewage systems: lots must be at least ½ acre ▪ Private water wells and individual septic: at least 3 acres ▪ Public water supply and individual OSSF: at least 1 acre ▪ Townhouses with multifamily served by public water system and public sewage system must have min. lot size of at least 5,000 ft² 	Platting exemptions: > 10 acres In Water Availability Rules: <ul style="list-style-type: none"> ▪ With private water well: lots must average 5 acres ▪ No acreage requirement if using public or community water system.

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Stormwater / Floodplain	Must designate flood plain with plat information.	No flood plain information required in the subdivision rules. Specific roadway and culvert requirements to accommodate runoff. Developer must leave small vegetation undisturbed for erosion control in rights-of-way or if deemed necessary must plant and maintain until final acceptance of road.	Subdivider must submit: <ul style="list-style-type: none"> ▪ Storm Drainage Plan ▪ Runoff figures indicated at the inlet side of drainage ditches and storm sewers ▪ Hydraulic calculations based on anticipated storm water flow Flood plain study needs to be submitted by a registered engineer when tracts lie within or partially within the 100-year flood plain.	County administers National Flood Insurance Act.
Landscaping Ordinances	None	None	None	None
Water Availability	<p>Lots served by <u>individual wells, or new water system</u> not utilizing water regulated by the EAA must submit Certification of Availability pursuant to 30 TAC § 230.1 – 230.11, documented by a Hydrogeologist (including a letter by TNRCC for new public supplies).</p> <p>Lots served by <u>individual wells and new water system</u> utilizing water regulated by EAA must provide analysis by engineer regarding projected water use; documentation from EAA regarding permit allocation (cannot involve leased water).</p> <p>Lots served by surface water for new system need TNRCC letter, engineer’s document, etc.</p> <p>In areas, where groundwater withdrawal is not regulated by EAA, a report by engineer certifying water availability for 20 years.</p>	Gillespie County does not have water availability rules. It relies on the Hill Country Underground Water Conservation District to oversee and make rules for water availability.	<p>Subdivisions with at least 10 lots, one well must be maintained and operated by subdivision homeowner’s association or have deed restriction. A storage tank with capacity of at least 4,000 gallons must be maintained alongside the well, and access must be provided for firefighters.</p> <p>Lots w/out public water system or w/out water supplied by developer, the developer must notify each purchaser in writing that no approved water is furnished to each lot. Developer should provide lot customer with information on water availability and water quality</p> <p>Where there is not sufficient water availability data, water well modeling is required for full built out of proposed development including information showing that proposed development would not negatively impact adjacent wells.</p> <p>Developments with no more than 10 lots and developments with all lot sizes > 20 acres: <ul style="list-style-type: none"> ▪ Submit Water Availability Report (see below) </p>	<p><u>Exemptions:</u></p> <ul style="list-style-type: none"> ▪ Lots in subdivision are at least 15 acres ▪ Maximum number of lots in the subdivision < 5 lots ▪ Revised plat does not exceed the original number of lots by more than 20% <p>Community & public systems that have more than 15 connections need letter from TNRCC Rate Analysis Team; fewer than 15 connections need letter from HUWCD certifying approval of business plan, and plans and specs of water system.</p> <p>Prohibition of individual wells with community or public system, except for agriculture or irrigation purposes.</p> <p>For individual wells where total acreage of subdivisions is at most 75 acres, need pump test centrally located; for a subdivision where the total acreage is > 75 acres need two spaced test wells, not closer than 1000 feet apart.</p>

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			<p>Developments containing 300 acres or more with all lot sizes < 20 acres:</p> <ul style="list-style-type: none"> ▪ Submit Water Availability Report ▪ Perform 24-hour pump test with 2 test wells and 1 monitoring well. <p>Developments up to 300 acres with all lot sizes < 20 acres:</p> <ul style="list-style-type: none"> ▪ Water Availability Report ▪ Two test wells and a monitor well are required, with an additional test well and monitor well for each additional square mile. <p>Water Availability Report must:</p> <ul style="list-style-type: none"> ▪ Be reviewed by Cow Creek Water Conservation District ▪ Be prepared by engineer or hydrologist; ▪ Be based on full built out of development with usage estimate based on minimum of 600 gpd per dwelling unit ▪ Cover area of at least 3 mile radius beyond development ▪ Include map showing known wells, water quality, pump test requirements ▪ Include results of 24-hour pump test, with pumpage rates for test wells (30 second and 1 minute mark, 1 minute intervals for the next 9 minutes, etc.) ▪ Include water quantity estimate of what a typical domestic well would produce in gpd ▪ Include water quality analysis results (conducted after pump test). 	<p>Water Availability Requirements:</p> <ul style="list-style-type: none"> ▪ 24-Hour Pump Test includes: <ul style="list-style-type: none"> ○ Lithologic and electronic logs of test wells ○ Certification by registered engineer or certified geologist ○ Determination of aquifer characteristics including transmissivity and storage coefficient ▪ Water quality analysis ▪ Map of subdivision with all wells delineated (including test well) ▪ Sufficient water proof — min. of 8-10 gpm ▪ District may charge fee for evaluating

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On-Site Sewage Treatment Rules				
On-site Sewage Treatment Facilities	Follow TNRCC rules-30 TAC Chapter 285.5 & 285.30	Follows TNRCC rules regarding on-site treatment facilities (30 TAC Chapter 285).	Follows modified version of 30 TAC Chapter 285, Table X Minimum Required Separation Distances for OSSF components.	
Groundwater Conservation District				
District	Southeast Trinity Groundwater Conservation District	Hill Country Underground Water Conservation District	Cow Creek Groundwater Conservation District	Headwaters Underground Water Conservation District
Management Plan	<i>No management plan</i>	Includes: <ul style="list-style-type: none"> ▪ Developing strategies that will provide for efficient use of groundwater ▪ Implementation of strategies to prevent waste ▪ Management strategies that will address conjunctive use, control of subsidence, and audit of water use 	No management plan other than a copy of appropriate sections of Chapter 36.	Implemented a program to: <ul style="list-style-type: none"> ▪ Register and monitor all new water wells ▪ Acquire and archive well drilling and completion records ▪ Identify and cap wells ▪ Monitor groundwater levels, quality, usage ▪ Public information program ▪ Study the feasibility of recharging the Edwards in western Kerr County <p>Offered options for water shortfalls, including obtaining additional surface water rights, evaluating off-channel surface storage, revise TNRCC surface water permits to allow higher diversion rates in off-peak demands, develop wells in remote locations, water conservation</p>
District Rules	Wells producing no more than 25,000 gallons: <ul style="list-style-type: none"> ▪ For new wells, must be submit an Application of Intent to Drill and pay a fee. ▪ Existing wells are not required to submit a well registration application, or pay the fee <p>Wells producing > 25, 000 gallons</p> <ul style="list-style-type: none"> ▪ Existing wells will receive permit w/no 	All Wells: <ul style="list-style-type: none"> ▪ Must be 75 feet from property line and 100 feet from sources of pollution <p>Permits required for:</p> <ul style="list-style-type: none"> ▪ Wells capable of producing > 25,000 gpd ▪ Well is used to supply groundwater to a surface reservoir that has a capacity of more than 50,000 gallons ▪ Supplies groundwater for irrigation of 	Private Well Construction rules require: Sanitary easement of 150 ft radius on each lot or tract, unless Cow Creek GCD grants a smaller one	Drillers must apply to HUWCD to drill a well, replace a well, or alter a well.
			All wells: <ul style="list-style-type: none"> ▪ Must be cased at 200 ft ▪ Must be located at least 50 feet from property line 	All wells: <ul style="list-style-type: none"> ▪ Must be registered with the district ▪ Must be located at least 75 ft from property line and 150 ft from source of pollution <p>Wells producing > 25,000 gallons:</p>

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<p>charge</p> <ul style="list-style-type: none"> ▪ For new wells, driller must submit well permit application signed by landowner along with \$175. <p>A Well Permit Application must-among other items-stipulate:</p> <ul style="list-style-type: none"> ▪ Water conservation plan or measures applicant is using ▪ Location of adjacent permitted wells ▪ Water use data, et al. <p>District:</p> <ul style="list-style-type: none"> ▪ Must hold a public hearing for each permitted well application. ▪ Has right to inspect and test wells <p>Well spacing requirements:</p> <ul style="list-style-type: none"> ▪ 17.36-200 gpm, minimum distance of 300 ft from existing well, 150 ft from property line ▪ 200-400 gpm, 750 ft from existing well, 200 ft from property line ▪ 400-800 gpm, 1,200 ft from existing well, 400 ft from property line ▪ > 800 gpm, 1,500 ft from existing well, 400 ft from property line <p>Note: there are separate spacing requirements for clusters of permitted wells.</p> <p>Rules also cover:</p> <ul style="list-style-type: none"> ▪ Well construction standards ▪ Registration of Well drillers/pump installers ▪ Well abandonment guidelines ▪ Right to inspect and test wells 	<p>crops used as seed for livestock</p> <ul style="list-style-type: none"> ▪ Supplies groundwater for hydrocarbon production ▪ Well is used to supply water for a subdivision of land for which a plat is required & is not exempted <p>No Permit required:</p> <ul style="list-style-type: none"> ▪ Well incapable of producing 25,000 gpd ▪ Wells supplying domestic needs of no more than 10 households & member of the household is owner or relative <p>For permitted wells:</p> <ul style="list-style-type: none"> ▪ The District shall determine before granting the permit the impact of the wells on over drafting the aquifer. ▪ The District may require the monitoring of permitted wells. ▪ The well permit holder must file annual reports on amount of water produced. <p>Well Permitting Application must have:</p> <ul style="list-style-type: none"> ▪ Information on water conservation measures ▪ Drought contingency plan, identification of permitted wells within 1 mile radius ▪ Identification of sources of water owned or could be owned of water sources technically & economically reasonable to substitute for groundwater <p>Water transfers out of District:</p> <ul style="list-style-type: none"> ▪ District permit is required, which is only good for one year. Before permit is issued, there must be a public hearing, public notification, and there must be information on how the transfer will 	<p>Permit rules follow Chapter 36 with exemptions as outlined in Chapter 36.117; Chapter 36.122 rules address groundwater transfers.</p>	<ul style="list-style-type: none"> ▪ Permit is required. Can be denied if well has a high probability of lowering the water levels of Trinity, Edwards et al. In regard to transfer of groundwater, a permit can be denied if water is used outside District boundaries unless applicant has complied with certain prerequisites, e.g., a public hearing, determination that there is available water, information about alternative supplies, state purpose and show effect on aquifer and regional plan ▪ Must be metered <p>District may require reduction of groundwater withdrawals by revoking or amending permits after a public hearing; there must be a contingency plan if there are water supply deficits.</p>

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		effect the aquifer and existing permit holders <ul style="list-style-type: none"> ▪ District can specify how much water can be transferred 		