

What is a Groundwater Conservation District (GCD) ?

Local groundwater conservation districts (GCDs) are the state's preferred method of groundwater management. GCDs are charged to manage groundwater by providing for the conservation, preservation, protection, recharging, and prevention of waste of the groundwater resources within their jurisdictions. GCDs can be created by one of four procedures:

1. GCDs can be established through the action of the legislature. Typical legislation follows a consistent framework for authorizing district powers and duties, appointing temporary directors, and establishing procedures for confirmation and subsequent director's elections. However, the legislation may enable a district with additional authorities, such as water control and improvement, or limit a district's powers, such as eminent domain, or limit ad valorem tax rates.
2. A GCD can be created through a landowner petition procedure based on State Law in Subchapter B, Chapter 36 of the Texas Water Code. This procedure begins with a petition filed by property owners within the proposed district's area and continues with consideration by the Texas Commission on Environmental Quality (TCEQ) of first, that the boundaries of the proposed GCD provide for effective management of the groundwater resources, and then whether the proposed GCD can be adequately funded to carry out its purposes. The TCEQ considers the benefit of the proposed district and the feasibility of the proposed district's programs. If the TCEQ acts favorably with regard to the petition, temporary directors are named and a confirmation election is held.
3. A GCD can be created by the TCEQ on its own motion in a designated Priority Groundwater Management Area (PGMA) through a procedure similar in principle to procedure (2) above, but in which action is initiated by the TCEQ rather than by petition. This method of creation is only authorized when local actions are not taken to create a GCD following the designation of a PGMA. The PGMA designation procedure includes extensive local participation through stakeholder outreach. If the TCEQ creates a GCD on its own motion in a PGMA, temporary directors are appointed by the county commissioner's court(s) and an election is then held to elect directors.
4. An alternative to creating a new GCD is to add territory to an existing district, if an existing district is willing to accept the new territory. One form of addition of territory begins with a petition from an individual landowner directly to the GCD's board of directors. In this case, the board's decision is sufficient to include the property. For larger areas, groups of landowners or entire counties can petition a GCD's board for inclusion. After hearings and the board's acceptance of the petition, a confirmation election is held.

GCDs are authorized with powers and duties that enable them to manage groundwater resources. The three primary GCD legislatively-mandated duties include: permitting water wells; developing a comprehensive management plan; and adopting the necessary rules to implement the management plan.

The principal power that a GCD has to prevent waste of groundwater is to require that all wells, with certain exceptions, be registered and permitted. Wells with permits are subject to GCD rules governing spacing, production, drilling, equipping, and completion or alteration. Even exempt registered wells are subject to GCD rules governing spacing, tract size, and well construction standards to prevent the unnecessary discharge of groundwater or pollution of the aquifer. Permits may be required by a GCD for all wells except for wells specifically exempted by a GCD and statutorily-exempt wells (i.e., wells used solely for domestic use or for providing water for livestock or poultry purposes; the drilling of a water well used solely to supply water for a rig actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas (RRC); and the drilling of a water well authorized by the RRC for mining activities).

As of September 2021, a total of 101 GCDs have been created in the state. The total includes 101 established (confirmed) districts that cover all or part of 181 of the state's 254 counties.

For maps, publications, and additional information, go to:

- TCEQ's GCD webpage at <https://www.tceq.texas.gov/groundwater/groundwater-planning-assessment/districts.html>;
- The Texas Water Development Board's GCD webpage at https://www.twdb.texas.gov/groundwater/conservation_districts/index.asp;
- The RRC at <https://www.rrc.texas.gov/>;
- The Texas A&M AgriLife Extension Service's *Questions about Groundwater Conservation Districts in Texas* (B-6120) at <https://www.agrilifebookstore.org/Default.asp>;
- The Texas Alliance of Groundwater Districts at <https://www.texasgroundwater.org/>; and,
- The Texas Groundwater Protection Committee's FAQ webpage at <https://tgpc.texas.gov/frequently-asked-questions-faqs/>.