NTVGCD Board Response to Public Comments on 2026 proposed District Rules

October 14, 2026

The chart covers written and transcribed public comments on the proposed District Rules received by the District prior to October 10, 2026, grouped by subject without attribution.

Subject	Public Comment	Board Action	Rule(s) Changed
Availability / DFC	"Groundwater available for production" (MAG) should not be a cap; the DFC water level is the target and should be tracked with monitoring data; production limits must be set by rule, not board order.	**Adopted in substance.** Availability figure is now a discretionary estimate. District monitors actual production against the DFC and reduces permits only as necessary to achieve it.	§ 5.101(a), (c); § 5.209(a)(12); § 5.216(a)–(d)
Per-acre allocation	Per-acre factor should not be used; permits should reflect aquifer capability and actual need, not acreage.	**Adopted in substance.** Acreage-based allocation eliminated. Non-historic Operating Permits are based on a demonstrated real and current, economically reasonable need.	§§ 5.202, 5.204, 5.208(a)(7), 5.209(a)(8), (13); related § 1.001 definitions deleted
Historic permits	HOPs should be grandfathered at full authorized amounts, not reduced based on 2021–2025 use.	**Adopted.** HOPs keep full authorization and HOP status on renewal, reduction, and aggregation. Underuse review applies to NOPs, with listed reasons for nonuse considered.	§ 5.203(a); former § 5.203(c)–(d) deleted; §§ 5.204(b)–(c), 5.217(h)
Historic permits	HOP classification should turn on application date, not May 1, 2026 issuance; pending applications should be processed under prior rules.	**Adopted.** HOP cutoff moved to October 15, 2026. Applications submitted before that date are decided under the 2024 rules.	§ 1.007 (new); §§ 5.202(c), 5.203(a)
Historic permits	Acreage limit should not apply to existing use when an HOP holder expands; no path to increase an HOP.	**Acreage limit eliminated.** Increases are sought by NOP under need-based criteria; HOP amendments remain decrease-only. Multiple HOPs on the same contiguous acreage may be aggregated.	§§ 5.202(b), 5.203(b)–(c)
Utilities	Consider retail public utility service needs under Water Code § 36.116(c); remove deduction for exempt wells in a CCN.	**Adopted in substance.** Acreage formulas and exempt-well deduction deleted. District may consider service needs and service area, including amounts needed for public water supply regulatory compliance.	§§ 5.205, 5.208(a)(7), 5.204(b), 5.218(a)

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Utilities	Utility serving a CCN that spans the District boundary should not need an export permit.	**Adopted.** Deliveries within the same CCN or political subdivision, and emergency interconnects, are excluded from export permitting.	§ 5.301(b)(2)–(3)
Utilities / spacing	1 ft/gpm property-line setback is unworkable for public supply wells; requested a 150-foot standard or extension of waiver and hydrogeologic exceptions.	**Adopted in part.** Utility setback measured from the CCN or service-area boundary; adjoining-owner waiver added for all wells; TCEQ-capacity spacing variance added for utilities. 150-foot standard not adopted.	§ 6.101(a)(1), (d), (f); § 5.218 (new)
Fees	Production fees should be based on actual production, not permitted volume, particularly for utilities holding required reserve capacity.	**Not adopted.** Fees on authorized amount begin January 1, 2027. Board added a transition (2026 fees remain based on actual production) and exempted wells used only for domestic, agricultural, or wildlife purposes in the District.	§ 7.003(b), (d), (e)
Fees / meters	Reduce fees for rural WSCs; District should supply meters for private wells.	**Not adopted.**	§ 8.001(a)
Exempt wells	10-acre minimum is too large; allow 1–3 acres or aggregation of non-contiguous tracts.	**Adopted in part.** Wells under 10,000 gallons per day on tracts under 10 acres are exempt if spacing is met; previously exempt wells are grandfathered. Non-contiguous aggregation not adopted.	§ 5.401(a)(1)(B), (a)(9)
Exempt wells	Exempt status should not depend on lack of available public water service.	**Adopted.** Condition removed.	§ 5.401(a)(1)
Exempt wells	Restore the agricultural use exemption.	**Not adopted as requested.** Board added a limited-production well category (up to 9,125,000 gallons/yr, about 28 AF, on 10+ acres; metered and reported), fee-exempt when used only for domestic, agricultural, or wildlife purposes.	§§ 5.401(a)(3), 5.101(a)(2), 5.216(f), 7.003(b), 8.001(a)

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Exempt wells	Clarify whether the mining exemption covers salt-cavern leaching.	**Not addressed by rule; exemption text unchanged.**	None
Large projects	Rules lack protections for large projects: test wells, pump tests, monitoring wells, phasing, mitigation, cumulative-impact review, and a curtailment plan that reduces new use first.	**Adopted in substance.** Applications of 300 AF/yr or more require a test-well hydrogeologic study with a 3-mile drawdown assessment. Permits require a monitoring well with quarterly data and may be reduced or ceased based on drawdown or phased in. Board may impose mitigation. Pump test required before production. NOPs curtailed first, pro rata.	§§ 5.208(a)(16), 5.209(d), 5.211(u), 5.216(b)–(c), 6.210(o)
Large projects	Industrial applications over 500 AF/yr: notify all Cedar Creek watershed providers, analyze surface-water impacts, disclose the end user, and require approval of transfers.	**Adopted in part.** Applicants must file water sales contracts, options, and letters of intent; surface-water impacts remain a permitting criterion. Watershed-wide notice and transfer approval not adopted.	§ 5.208(a)(16)–(17)
Large projects	Contested-case threshold (1,000 AF/yr) should apply to aggregate well-system production.	**Not adopted.** Threshold clarified to apply per application for export and operating permits; splitting applications to avoid requirements remains prohibited.	§ 9.303(a) (clarifying only)
Short-term projects	Create non-renewable temporary permits; allow flexible use of the three-year variance; allow short-term modeling.	**Not adopted.**	§ 5.201(e) deleted; §§ 5.208(a)(19), 5.209(d)(4)
Proportional reductions	How long reductions last and whether short-term permits are affected.	**Partly addressed.** Reductions apply to NOPs first, pro rata, by board order at least five months before taking effect. Duration not specified.	§ 5.216(b)–(d)
Spacing	Well-to-well spacing should apply only within the same aquifer or layer; allow same-owner waivers.	**Adopted in part.** Spacing applies within the same managed aquifer, with the burden on the owner to show otherwise. No layer subdivision or same-owner waiver.	§ 6.101(a)(2)

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Drought	Require larger drought reductions and drought contingency plans for high-volume industrial users.	**Not adopted.** Existing drought plan and reporting provisions retained.	None