

AN ACT

relating to an exemption from the requirement to obtain a permit from a groundwater conservation district for certain temporary water wells.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 36.117, Water Code, is amended by amending Subsections (b) and (d) and adding Subsection (d-1) to read as follows:

(b) Except as provided by this section, a district shall provide an exemption from the district requirement to obtain a permit for:

(1) drilling or operating a well used solely for domestic use or for providing water for livestock or poultry if the well is:

(A) located or to be located on a tract of land larger than 10 acres; and

(B) drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day;

(2) drilling a water well used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas provided that the person holding the permit is responsible for drilling and operating the water well and the water

1 well is located on the same lease or field associated with the
2 drilling rig; ~~[or]~~

3 (3) drilling a water well authorized under a permit
4 issued by the Railroad Commission of Texas under Chapter 134,
5 Natural Resources Code, or for production from the well to the
6 extent the withdrawals are required for mining activities
7 regardless of any subsequent use of the water; or

8 (4) drilling a water well for temporary use to supply
9 water for a rig that is actively engaged in drilling a groundwater
10 production well permitted by the district.

11 (d) A district may cancel a previously granted exemption and
12 may require an operating permit for or restrict production from a
13 well and assess any appropriate fees if:

14 (1) the groundwater withdrawals that were exempted
15 under Subsection (b)(1) are no longer used solely for domestic use
16 or to provide water for livestock or poultry;

17 (2) the groundwater withdrawals that were exempted
18 under Subsection (b)(2) are no longer used solely to supply water
19 for a rig that is actively engaged in drilling or exploration
20 operations for an oil or gas well permitted by the Railroad
21 Commission of Texas; ~~[or]~~

22 (3) the groundwater withdrawals that were exempted
23 under Subsection (b)(3) are no longer necessary for mining
24 activities or are greater than the amount necessary for mining
25 activities specified in the permit issued by the Railroad
26 Commission of Texas under Chapter 134, Natural Resources Code; or

27 (4) the groundwater withdrawals that were exempted

1 under Subsection (b)(4) are no longer used solely to supply water
2 for a rig that is actively engaged in drilling a groundwater
3 production well permitted by the district.

4 (d-1) Except as provided by this subsection, an exemption
5 for a well described by Subsection (b)(4) may not exceed 180 days.

6 A district may grant an extension of the exemption until the well is
7 complete.

8 SECTION 2. This Act takes effect September 1, 2023.

S.B. No. 1746

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1746 passed the Senate on April 12, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1746 passed the House on May 24, 2023, by the following vote: Yeas 120, Nays 18, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor