

By: Perry

S.B. No. 2658

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Sections 36.117(b) and (d), Water Code, are amended 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 well is located on the same lease or field associated with the

1 drilling rig;

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

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

10 (5) drilling or operating a well for the withdrawal of
11 groundwater from a designated brackish groundwater production
12 zone, as defined by Section 36.1015, if the operator of the well
13 provides the district with documentation from a licensed water well
14 driller or another similarly qualified third party showing that the
15 well produces water with an average total dissolved solids
16 concentration of at least 3,000 milligrams per liter.

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

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

23 (2) the groundwater withdrawals that were exempted
24 under Subsection (b)(2) are no longer used solely to supply water
25 for a rig that is actively engaged in drilling or exploration
26 operations for an oil or gas well permitted by the Railroad
27 Commission of Texas;

1 (3) the groundwater withdrawals that were exempted
2 under Subsection (b)(3) are no longer necessary for mining
3 activities or are greater than the amount necessary for mining
4 activities specified in the permit issued by the Railroad
5 Commission of Texas under Chapter 134, Natural Resources Code; ~~or~~

6 (4) the groundwater withdrawals that were exempted
7 under Subsection (b)(4) are no longer used solely to supply water
8 for a rig that is actively engaged in drilling a groundwater
9 production well permitted by the district; or

10 (5) for groundwater withdrawals that were exempted
11 under Subsection (b)(5):

12 (A) the withdrawals are no longer from a
13 designated brackish groundwater production zone, as defined by
14 Section 36.1015; or

15 (B) the groundwater produced has an average total
16 dissolved solids concentration of less than 3,000 milligrams per
17 liter.

18 SECTION 2. This Act takes effect September 1, 2025.