

## **BILL ANALYSIS**

C.S.H.B. 3035  
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Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Section 36.116 of the Texas Water Code, in part, authorizes Groundwater Conservation Districts (districts) to regulate, by rule, water well spacing and production to minimize “draw-down” of the water table or the reduction of artesian pressure, to control subsidence, to prevent interference between wells, to prevent degradation of water quality, or to prevent waste.

Without the ability to regulate groundwater production based on contiguous acreage, a landowner/lessee could have a large amount of acres in the part of the district that has no water underneath it and only a small amount of acreage over the aquifer. That landowner/lessee would then be able to produce water based on the total number of acres but only have a small amount of land capable of that production amount.

This scenario makes it very difficult to manage groundwater supplies using a system that can be increased by property over the aquifer and is not associated with the water supply. By allowing landowners/lessees to patchwork property both with and without available water to get large sums from small areas overlying the aquifer, districts have then imposed a large duty to manage groundwater in a concentrated area, which makes it difficult to manage the groundwater supply.

### **RULEMAKING AUTHORITY**

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3035 amends 36.116 (a) (2), Water Code, by adding a new subsection (E) to allow a groundwater conservation district to limit production based on contiguous acreage. Additionally, 36.116 (d) is added which requires decisions to regulate production of groundwater be based on the hydrogeological conditions of the aquifer or aquifers in the groundwater conservation district.

### **EFFECTIVE DATE**

September 1, 2003

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute adds language which says that any decision made by a groundwater conservation district to limit production under subsection (a) (2) must be based on the hydrogeological conditions of the aquifer. The substitute also deletes the reference to limit production based on tract size and lists only contiguous acreage.