

By: Cook of Colorado

H.B. No. 1618

A BILL TO BE ENTITLED

1 AN ACT

2 relating to allowing groundwater conservation districts to limit
3 the export of water.

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

5 SECTION 1. Section 36.122, Water Code, is amended by
6 amending Subsections (c), (f), (g), and (o) and adding Subsection
7 (r) to read as follows:

8 (c) Except as provided in Section 36.113(e) and Subsection
9 (r), the district may not impose more restrictive permit conditions
10 on transporters than the district imposes on existing in-district
11 users.

12 (f) In reviewing a proposed transfer of groundwater out of
13 the district, the district shall consider:

14 (1) the availability of water in the district and in
15 the proposed receiving area during the period for which the water
16 supply is requested;

17 (2) the projected effect of the proposed transfer on
18 aquifer conditions, depletion, subsidence, or effects on existing
19 permit holders or other groundwater users within the district;
20 [~~and~~]

21 (3) the approved regional water plan and certified
22 district management plan; and

23 (4) studies of the area concerning the district's
24 ability to meet its projected future water demand.

1 (g) The district may not deny a permit based on the fact that
2 the applicant seeks to transfer groundwater outside of the district
3 but may limit a permit issued under this section if conditions in
4 Subsection (f) or (r) warrant the limitation, subject to Subsection
5 (c).

6 (o) A district shall adopt rules as necessary to implement
7 this section but, except as authorized by Subsection (r), may not
8 adopt rules expressly prohibiting the export of groundwater.

9 (r) A district may restrict the export of groundwater if the
10 district determines that studies of the area indicate that the
11 district will be unable to meet its projected future water demand.

12 SECTION 2. This Act takes effect September 1, 2003, and
13 applies to a permit application filed with the Texas Commission on
14 Environmental Quality on or after or pending before the commission
15 on the effective date of this Act.