

By: Cook of Colorado

H.B. No. 3035

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the power of groundwater conservation districts to
3 regulate the spacing of water wells and the production of
4 groundwater.

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

6 SECTION 1. Section 36.116, Water Code, as amended by
7 Chapters 966 and 1164, Acts of the 77th Legislature, Regular
8 Session, 2001, is reenacted and amended to read as follows:

9 Sec. 36.116. REGULATION OF SPACING AND PRODUCTION. (a) In
10 order to minimize as far as practicable the drawdown of the water
11 table or the reduction of artesian pressure, to control subsidence,
12 to prevent interference between wells, to prevent degradation of
13 water quality, or to prevent waste, a district by rule may regulate:

14 (1) the spacing of water wells by:

15 (A) requiring all water wells to be spaced a
16 certain distance from property lines or adjoining wells;

17 (B) requiring wells with a certain production
18 capacity, pump size, or other characteristic related to the
19 construction or operation of and production from a well to be spaced
20 a certain distance from property lines or adjoining wells; or

21 (C) imposing spacing requirements adopted by the
22 board; and

23 (2) the production of groundwater by:

24 (A) setting production limits on wells;

1 (B) limiting the amount of water produced based
2 on acreage or tract size;

3 (C) limiting the amount of water that may be
4 produced from a defined number of acres assigned to an authorized
5 well site;

6 (D) limiting the maximum amount of water that may
7 be produced on the basis of acre-feet per acre or gallons per minute
8 per well site per acre; [~~or~~]

9 (E) limiting the amount of water produced based
10 on contiguous acreage; or

11 (F) any combination of the methods listed above
12 in Paragraphs (A) through (E) [~~(D)~~].

13 (b) In promulgating any rules limiting groundwater
14 production, the district may preserve historic use before the
15 effective date of the rules to the maximum extent practicable
16 consistent with the district's comprehensive management plan under
17 Section 36.1071.

18 (c) In regulating the production of groundwater based on
19 tract size or acreage, a district may consider the service needs or
20 service area of a retail water utility. For the purposes of this
21 subsection, "retail water utility" shall have the meaning provided
22 at Section 13.002.

23 (d) In regulating the production of groundwater, a district
24 shall select a method under Subsection (a)(2) that is appropriate
25 based on the hydrogeological conditions of the aquifer or aquifers
26 in the district.

27 SECTION 2. To the extent of any conflict, this Act prevails

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1 over another Act of the 78th Legislature, Regular Session, 2003,
2 relating to nonsubstantive additions to and corrections in enacted
3 codes.

4 SECTION 3. This Act takes effect September 1, 2003.