

By: Cook of Colorado

H.B. No. 3035

Substitute the following for H.B. No. 3035:

By: Puente

C.S.H.B. No. 3035

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 36.116. REGULATION OF SPACING AND PRODUCTION. (a) In order to minimize as far as practicable the drawdown 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, a district by rule may regulate:

(1) the spacing of water wells by:

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

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

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

(2) the production of groundwater by:

(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.