

Amend CSSB 3 as follows:

On page 18, after line 2, add new Section 2.09 as follows and renumbering subsequent sections accordingly:

SECTION 2.09. Chapter 11, Water Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. REMEDIES FOR INTERFERENCE WITH
DOMESTIC OR AGRICULTURAL WATER WELL

Sec. 11.551. APPLICABILITY. This subchapter applies only to a high-capacity water well that is not owned by a municipality and that:

(1) is used for a purpose other than domestic or agricultural use; and

(2) is located outside a groundwater conservation district.

Sec. 11.552. PETITION FOR REVIEW. (a) An owner of a domestic or agricultural well may petition the applicable groundwater management area council for the groundwater management area in which the petitioner's well is located to review the operation of a high-capacity well subject to this subchapter and that may be interfering with petitioner's well.

(b) The petition must demonstrate how the operation of the high-capacity well is interfering with the operation or production rate of the petitioner's well.

(c) Within 60 days of receipt of the petition, the groundwater management area council shall decide whether to accept the petition for review. If the council decides to accept the petition, it shall notify the petitioner and the owner of the high-capacity well of the date and time of a public hearing at which the council shall gather all relevant information to evaluate the petition and evaluate the need for modification of the operation of the high-capacity well. If the council decides not to accept the petition, it shall so inform the petitioner and shall provide an explanation of why it has decided not to accept the petition. The council may request technical assistance from the executive director in their review of a petition.

(d) A hearing under this section is not subject to the provisions of Section 2001, Subchapter C of the Government Code.

(e) Based on the information in the petition and any relevant information gathered at a the public hearing held under subsection (c) of this section, the council shall, within 60 days of the public hearing, make findings and recommendations regarding:

i. The extent to which the operation of the high-capacity well is interfering with the operation of petitioner's well;

ii. The extent to which the operation of the high-capacity well is inconsistent with the desired future condition of the aquifer as adopted by the council; and

iii. The modifications that are necessary in the operation of the high-capacity well to ensure that its operation does not interfere with petitioner's well and that its operation is consistent with the desired future condition of the aquifer.

(f) A finding by the council that the operation of the high capacity well is not interfering with petitioner's well must be based on scientific information that clearly overcomes the information provided by the petitioner.

(g) The council shall provide its findings and recommendations in writing and by certified mail to both the petitioner and the owner of the high-capacity well. If the owner of the high-capacity well declines to make the modifications recommended by the council, the petitioner may file a request for relief in the district court for the county in which the petitioner's well is located seeking an injunction that requires the owner of the high-capacity well to implement the council's recommendations.

(h) The action for injunctive relief shall be a trial de novo, but the district court shall receive into evidence and consider the findings recommendations of the council.

(i) In such an action, the burden of proof to show why the council's recommendations should not be implemented shall be on the owner of the high-capacity well.