

BILL ANALYSIS

Senate Research Center
79R3383 QS-F

H.B. 1229
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Natural Resources
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the Menard County Underground Water District does not have the authority to permit wells to be used for domestic, livestock, poultry, or wildlife purposes.

Menard County is the 11th poorest county in the state based on per capita income, and its economy relies primarily on livestock production. However, eco-tourism is a fast-growing part of the economy, and is attracting a number of people who are establishing vacation or retirement homes. County leaders recognize the need for economic diversification if this rural community is to survive, but are concerned that the increasing number of vacation and retirement homes will strain the county's extremely limited supply of both surface water and groundwater.

The maximum surface water use in the county in any year since 1984 was about 7,000 acre-feet. During the past five years of drought, the river had no flow at all in some areas. Typical well yield from the Edwards-Trinity Aquifer in Menard County is less than seven gallons per minute (gpm), enough to provide water for household and livestock watering but nothing more. Moreover, many wells have yields less than one gpm.

The Region F Regional Water Plan estimates that the total water supply for Menard County is 7,080 acre-feet/year during drought conditions. The maximum potential water supply is about 29,000 acre-feet/year, including about 10,000 acre-feet of surface water from the San Saba River, and 19,000 acre feet of groundwater from the Edwards-Trinity aquifer.

In the eastern one-quarter of the county the Hickory Sands aquifer can be accessed at depths of 1,000 to 2,500 feet, but there are currently only 12 wells in the aquifer. The \$50,000 to \$100,000 cost of drilling a Hickory well makes them uneconomical for most agricultural businesses, which are the county's only industry.

H.B. 1229 gives the Menard County water district the authority to permit wells to be used for domestic, livestock, poultry, or wildlife purposes.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 180, Acts of the 72nd Legislature, Regular Session, 1991, by amending Section 6 and adding Section 6A, as follows:

Sec. 6. POWERS. (a) Provides that the Menard County Underground Water District (district) has all the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 36 (Groundwater Conservation Districts) and 49 (Provisions Applicable to All Districts), rather than Chapters 36 and 52, Water Code.

(b) Provides that the rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Commission on Environmental Quality, rather than the Texas Water Commission.

Sec. 6A. PERMIT FOR WELL. Authorizes the district to require a permit for a well used for domestic purposes or to provide water for livestock, poultry, or wildlife if the well meets certain criteria.

SECTION 2. Amends Section 1A, Chapter 31, Acts of the 55th Legislature, 1st Called Session, 1957, to provide that a director of the Menard County Water Control and Improvement District No. 1, rather than each director of the Menard County Water Control and Improvement District No. 1, who serves on the board of directors of the Menard County Water Control and Improvement District No. 1 does not violate the common-law doctrine of incompatibility. Makes conforming changes.

SECTION 3. Effective date: upon passage or September 1, 2005.