

BILL ANALYSIS

H.B. 1229
By: Hilderbran
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Menard County Underground Water District does not have the authority to permit wells 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 7 gallons per minute (gpm), enough to provide water for household and livestock watering but nothing more. Moreover, many wells have yields less than 1 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 would give the Menard County water district authority to permit wells to be used for domestic, livestock, poultry, or wildlife purposes.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1229 amends Chapter 180, Acts of the 72nd Legislature, Regular Session, 1991, to allow the district to permit a domestic well or a well used for livestock, poultry, or wildlife if the well is:

- on a tract of land smaller than 100 acres;
- less than 500 feet deep; and
- capable of producing over 9,000 gallons of groundwater per day.

The bill also amends Section 1A, Chapter 31, Acts of the 55th legislature, 1st called Session, 1957 to provide that a director of the Menard County Underground Water District 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. The bill also specifies that a director

may not be compensated by either board but may be reimbursed for expenses incurred in carrying out the business of the districts.

EFFECTIVE DATE

H.B. 1229 takes effect immediately if it receives a 2/3rds vote in both chambers, otherwise it takes effect Sept. 1, 2005.