

By: Puente

H.B. No. 2424

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of historic or existing use in the regulation of pumping by a groundwater conservation district.

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

SECTION 1. Section 36.113, Water Code, is amended by amending Subsections (a), (c), and (e) and adding Subsections (h), (i), and (j) to read as follows:

(a) A district shall require permits for the drilling, equipping, ~~or~~ completing, or operating of wells or for substantially altering the size of wells or well pumps.

(c) A district may require that the following be included in the permit application:

(1) the name and mailing address of the applicant and the owner of the land on which the well will be located;

(2) if the applicant is other than the owner of the property, documentation establishing the applicable authority to construct and operate a well for the proposed purpose of use;

(3) a statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose;

(4) a water conservation plan or a declaration that the applicant will comply with the district's management plan;

(5) the location of each well and the estimated rate at which water will be withdrawn;

(6) a water well closure plan or a declaration that the

1 applicant will comply with well plugging guidelines and report
2 closure to the commission; and

3 (7) a drought contingency plan.

4 (e) The district may impose more restrictive permit
5 conditions on new permit applications and increased use by historic
6 or existing users if the limitations:

7 (1) apply to all subsequent new permit applications
8 and increased use by historic or existing users, regardless of type
9 or location of use;

10 (2) bear a reasonable relationship to the existing
11 district management plan; and

12 (3) are reasonably necessary to protect existing use.

13 (h) A district shall require that changes to the purpose of
14 use under a permit not be made without the prior approval of a
15 permit amendment if the permit was granted for a historic or
16 existing use. In determining whether to grant or deny the permit
17 amendment, the district shall apply the rules applicable to new
18 permits issued by the district that are not based on historic or
19 existing use.

20 (i) A district that grants a permit for a historic or
21 existing use shall issue the permit:

22 (1) based on evidence of use, without regard to the
23 date or cessation of use, for the purpose for which the water was
24 previously used; and

25 (2) for the maximum annual amount of use before the
26 date the district was created.

27 (j) A permit for historic or existing use granted by a

1 district:

2 (1) is limited to the purpose and place of use stated
3 in the permit application;

4 (2) is subject to cancellation for nonuse of 10 years
5 or more; and

6 (3) must be consistent with the district's management
7 plan under Section 36.1071.

8 SECTION 2. Section 36.116(b), Water Code, is amended to
9 read as follows:

10 (b) In promulgating any rules limiting groundwater
11 production, the district may preserve historic or existing use
12 before the effective date of the rules to the maximum extent
13 practicable consistent with the district's comprehensive
14 management plan under Section 36.1071. A rule promulgated under
15 this section to preserve historic or existing use does not apply to
16 a historic or existing use if the purpose or place of use changes
17 from the historic or existing purpose or place to a new purpose or
18 place of use.

19 SECTION 3. This Act takes effect September 1, 2005.