

By: Gallego

H.B. No. 3209

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the rights of landowners and their lessees and assigns  
3 in groundwater.

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

5 SECTION 1. Section 36.002, Water Code, is amended to read as  
6 follows:

7 Sec. 36.002. OWNERSHIP OF GROUNDWATER. (a) The ownership  
8 and rights of the owners of the land and their lessees and assigns  
9 in groundwater are hereby recognized, and nothing in this code  
10 shall be construed as depriving or divesting the owners or their  
11 lessees and assigns of the ownership or rights, except as those  
12 rights may be limited or altered by rules promulgated by a district,  
13 which rules must comply with Subsections (b) and (c).

14 (b) Each owner of land above a particular aquifer shall have  
15 the right to withdraw an equal amount of water per acre of land  
16 owned above that aquifer.

17 (c) A landowner may exceed the amount described in  
18 Subsection (b) provided no other owner of land above the same  
19 aquifer is deprived of the amount described in Subsection (b) as a  
20 result of such excess withdrawal.

21 SECTION 2. This Act takes effect September 1, 2005.