

By: Hilderbran

H.B. No. 1699

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the power of a groundwater conservation district to
3 regulate the use of groundwater so as to prevent waste.

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

5 SECTION 1. Sections 36.001(8) and (9), Water Code, are
6 amended to read as follows:

7 (8) "Waste" means any one or more of the following:

8 (A) withdrawal of groundwater from a groundwater
9 reservoir at a rate and in an amount that causes or threatens to
10 cause intrusion into the reservoir of water unsuitable for
11 agricultural, gardening, domestic, or stock raising purposes;

12 (B) the flowing or producing of wells from a
13 groundwater reservoir if the water produced is not used for a
14 beneficial purpose;

15 (C) the discharge, flowing, pumping, release,
16 or escape of groundwater from a groundwater reservoir to any other
17 reservoir or geologic strata that does not contain groundwater;

18 (D) pollution or harmful alteration of
19 groundwater in a groundwater reservoir by saltwater or by other
20 deleterious matter admitted from another stratum or from the
21 surface of the ground;

22 (E) wilfully or negligently causing, suffering,
23 or allowing groundwater to flow or escape or be discharged, pumped,
24 or released into any river, creek, natural watercourse, depression,

1 pond, lake, reservoir, drain, sewer, street, highway, road, or road
2 ditch, or onto any land other than that of the owner of the well
3 unless such discharge is authorized by permit, rule, or order
4 issued by the commission under Chapter 26;

5 (F) groundwater pumped for irrigation that
6 escapes as irrigation tailwater onto land other than that of the
7 owner of the well unless permission has been granted by the occupant
8 of the land receiving the discharge; or

9 (G) for water produced from an artesian well,
10 "waste" has the meaning assigned by Section 11.205.

11 (9) "Use for a beneficial purpose" means use for:

12 (A) agricultural, gardening, domestic, stock
13 raising, municipal, mining, manufacturing, industrial, commercial,
14 or recreational~~[, or pleasure]~~ purposes;

15 (B) exploring for, producing, handling, or
16 treating oil, gas, sulphur, or other minerals; or

17 (C) any other purpose that is useful and
18 beneficial to the user.

19 SECTION 2. Section 36.101(a), Water Code, is amended to
20 read as follows:

21 (a) A district may make and enforce rules, including rules
22 limiting groundwater production based on tract size or the spacing
23 of wells, to provide for conserving, preserving, protecting, and
24 recharging of the groundwater or of a groundwater reservoir or its
25 subdivisions in order to control subsidence, prevent degradation of
26 water quality, or prevent waste of groundwater and to carry out the
27 powers and duties provided by this chapter. A district may adopt

1 and enforce rules that define waste to include activities or uses in
2 addition to those included in the definition of waste provided by
3 Section 36.001(8). During the rulemaking process the board shall
4 consider all groundwater uses and needs and shall develop rules
5 that [~~which~~] are fair and impartial and that do not discriminate
6 between land that is irrigated for production and land that was
7 irrigated for production and enrolled or participating in a federal
8 conservation program. Any rule of a district that discriminates
9 between land that is irrigated for production and land that was
10 irrigated for production and enrolled or participating in a federal
11 conservation program is void.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.