

By: King of Zavala

H.B. No. 3393

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of groundwater permits by the Edwards Aquifer Authority to persons who establish that they beneficially used groundwater during a certain period.

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

SECTION 1. Section 1.03(10), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(10) "Existing user" means a person who has withdrawn and beneficially used underground water from the aquifer on or before June 28, 1996 [~~1, 1993~~]

SECTION 2. Article 1, Section 1.14(e), Chapter 626, Acts of 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(e) The authority may not allow withdrawals from the aquifer through wells drilled after June 28, 1996 [~~1, 1993~~], except additional water as provided by Subsection (d) and then on an interruptible basis.

SECTION 3. Sections 1.16(a) and (b), Chapter 626, Acts of 73rd Legislature, Regular Session, 1993, are amended to read as follows:

(a) An existing user may apply for an initial regular permit by filing a declaration of historical use of underground water withdrawn from the aquifer during the historical period from June 1, 1972, through June 28, 1996 [~~May 31, 1993~~].

1           (b) An existing user's declaration of historical use must be  
2 filed on or before February 28, 1997 [~~March 1, 1994~~], on a form  
3 prescribed by the board. An applicant for a permit must timely pay  
4 all application fees required by the board. An owner of a well used  
5 for irrigation must include additional documentation of the number  
6 of acres irrigated during the historical period provided by  
7 Subsection (a) of this section.

8           SECTION 4. Article 1, Section 1.18(b), Chapter 626, Acts of  
9 73rd Legislature, Regular Session, 1993, is amended to read as  
10 follows:

11           (b) The authority may not consider or take action on an  
12 application relating to a proposed or existing well of which there  
13 is no evidence of actual beneficial use before June 28, 1996 [~~1,~~  
14 ~~1993~~], until a final determination has been made on all initial  
15 regular permit applications submitted on or before the initial  
16 application date of February 28, 1997 [~~March 1, 1994~~].

17           SECTION 5.

18           (a) This Act takes effect immediately if it receives a vote  
19 of two-thirds of all the members elected to each house, as provided  
20 by Section 39, Article III, Texas Constitution. If this Act does  
21 not receive the vote necessary for immediate effect, this Act takes  
22 effect September 1, 2007.

23           (b) This Act shall not affect any initial regular permit  
24 issued by the authority after entry of a final order unless the  
25 applicant for an initial regular permit has initiated an appeal or  
26 any litigation against the authority prior to April 1, 2007.