

BILL ANALYSIS

C.S.H.B. 4258
By: Hilderbran
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, groundwater conservation districts provide for the conservation, preservation, and protection of groundwater and groundwater reservoirs or their subdivisions, and the control of subsidence caused by withdrawal of water from those groundwater reservoirs or their subdivisions. In order to minimize the drawdown of the water table or the reduction of artesian pressure, to control subsidence and to prevent interference between wells, degradation of water quality, or waste, a district by rule may regulate for the protection of groundwater resources.

C.S.H.B. 4258 regulates the drilling of water wells located in the portion of the territory of a district that is located within the boundaries of the Frio, North Llano, South Llano, Llano, West Nueces, Nueces, or San Saba River, or any tributary of one of those rivers that is a perennial stream, by a groundwater conservation district.

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

C.S.H.B. 4258 amends the Water Code to require a groundwater conservation district, in regulating the production of groundwater, to consider any existing water rights held by an applicant for or holder of a permit.

C.S.H.B. 4258 prohibits a person from drilling a well in the portion of the territory of a groundwater conservation district that is located within 100 feet of the gradient boundary of the Frio, North Llano, South Llano, Llano, West Nueces, Nueces, or San Saba River, or any tributary of any of those rivers that is a perennial stream, unless the well is exempt from permitting requirements as a well used solely for domestic use or for providing water for livestock or poultry on a tract of land larger than 10 acres that is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day, and that is drilled, completed, or equipped so that it is incapable of producing either 10 gallons of groundwater per minute or 16 acre-feet of groundwater per year.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4258 adds a provision not in the original requiring a groundwater conservation district to consider any existing water rights held by an applicant for or holder of a permit in regulating the production of groundwater.

C.S.H.B. 4258 differs from the original by adding the South Llano River to the list of rivers to which the well drilling restriction applies. The bill differs from the original by specifying that the restriction extends to any tributary of the listed rivers that is a perennial stream, rather than simply any tributary as in the original. The substitute differs from the original, in criteria for an exception to the drilling restriction, by increasing from more than five to more than 16 acre-feet, the amount of groundwater per year a drilled, completed, or equipped well must be incapable of producing.

C.S.H.B. 4258 removes a provision included in the original prohibiting a district from requiring any permit issued by the district for a well used solely for providing water to wildlife on a tract of land larger than 10 acres that is either drilled, completed, or equipped so that it is incapable of producing 25,000 gallons of groundwater a day.