

BILL ANALYSIS

Senate Research Center

S.B. 1714
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, groundwater districts are the state's preferred method of managing groundwater through rules developed, adopted, and promulgated by a district in accordance with Chapter 36 (Groundwater Conservation Districts), Water Code.

While Chapter 36, Water Code, defines "use for a beneficial purpose" to include any other purpose that is useful and beneficial to the user, it does not clarify what evidence may be used to support a proposed beneficial use. The clarification provided by this bill is similar to the definition of "evidence of historic use" added by Acts of the 79th Legislature, Regular Session, 2005, which is used when a groundwater district considers historic use permit applications.

As proposed, S.B. 1714 defines "evidence of beneficial use" and prohibits a groundwater district from granting a permit unless the applicant has provided evidence of beneficial use.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.001, Water Code, by adding Subsection (30), to define "evidence of beneficial use."

SECTION 2. Amends Section 36.119, Water Code, by adding Subsection (i), to prohibit a groundwater conservation district (district) from granting a permit unless the applicant has provided evidence of beneficial use.

SECTION 3. Amends Section 36.122, Water Code, by amending Subsections (f) and (i) and adding Subsections (r)-(t), as follows:

(f) Requires the district, in reviewing a proposed transfer of groundwater out of the district, to consider certain information, including the certified management plan, rather than the approved regional water plan and certified management plan.

(i) Requires that the period specified by Subsection (h)(2) (relating to the period for which the water may be transferred) be at least two years, rather than three years, if substantial construction of a conveyance system has not commenced, rather than been initiated, prior to the issuance of the permit; or at least 30 years if substantial construction, rather than construction, of a conveyance system has been initiated prior to the issuance of the permit.

(r) Requires that substantial construction of the proposed facilities to transport the groundwater, if a permit is for the transfer groundwater outside of the district for municipal use, begin within two years after the date the permit is issued.

(s) Requires a district to deny a permit to transfer groundwater outside of the district for municipal use unless the municipal use is part of a water supply project which is included in the approved regional water plan.

(t) Provides that a person with a legally defined interest in the groundwater in a management area has standing to file suit against a district in the management area to challenge a determination made by a district, including a permit renewal, that a contract which forms the basis for the issuance of a transportation permit can be reasonably performed as written or that substantial construction of the proposed facilities to transport groundwater has occurred within the time periods required by this section.

SECTION 4. Effective date: upon passage or September 1, 2009.