

## BILL ANALYSIS

Senate Research Center  
81R5438 HLT-D

S.B. 2102  
By: Wentworth  
Natural Resources  
4/5/2009  
As Filed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Edwards Aquifer Authority was created by the Edwards Aquifer Authority Act to preserve, protect and manage the Edwards Aquifer. The aquifer provides water for municipal, industrial, and irrigation use in central and south Texas and spring-flow in San Marcos and New Braunfels.

The authority is charged with regulating withdrawals of groundwater from the aquifer. Currently, a well is considered exempt, and therefore may pump up to 25,000 gallons per day without a permit and free of charge, if the water is used for domestic purposes or to provide water for livestock. Any other well, regardless of the amount or purpose of usage, is nonexempt, and the owner of the well must therefore enter the private market to purchase a water right from a current permit holder in order to pump water from that well.

As proposed, S.B. 2102 provides that a well that was in existence prior to January 1, 2008, is owned by a nonprofit organization, and produces less than one-acre foot of water per year, is classified as exempt. The bill provides that the well would be subject to metering requirements and reductions in times of drought.

### 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 1.15(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to prohibit a person, except as provided by Sections 1.17 (Interim Authorization), 1.33 (Well Metering Exemption), and 1.337 of this article, from withdrawing water from the aquifer or beginning construction of a well or other works designed for the withdrawal of water from the aquifer without obtaining a permit from the Edwards Aquifer Authority (authority).

SECTION 2. Amends Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, by adding Section 1.337, as follows:

Sec. 1.337. EXEMPTION FOR CERTAIN WELLS OWNED BY CHARITABLE ORGANIZATIONS FROM PERMIT REQUIREMENTS. (a) Provides that, notwithstanding Section 1.14(e) (relating to the withdrawals from the aquifer through wells drilled after June 1, 1993) of this article, an owner of a well is exempt from the requirement to obtain a permit for the well from the authority if the well:

- (1) is owned by an organization recognized by the Internal Revenue Service as a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986;
- (2) was in existence and owned by the charitable organization before January 1, 2008; and
- (3) produces less than one acre-foot of water per year.

(b) Provides that a well described by Subsection (a) of this section is not exempt from metering requirements applicable to a nonexempt well under Section 1.31 (Measuring Devices) of this article.

(c) Requires an owner of a well described by Subsection (a) of this section to file with the authority a written report of water use in the manner required by Section 1.32 (Reports) of this article for a holder of permit.

(d) Authorizes the authority, when a critical period stage is in effect, to require an owner of a well that qualifies for exemption under Subsection (a) of this section to reduce groundwater withdrawals from the well.

SECTION 3. Effective date: upon passage or September 1, 2009.