

By: Hilderbran

H.B. No. 4258

Substitute the following for H.B. No. 4258:

By: Frost

C.S.H.B. No. 4258

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation by groundwater conservation districts of
3 the drilling of and the production of groundwater by certain water
4 wells.

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

6 SECTION 1. Section 36.116(e), Water Code, is amended to
7 read as follows:

8 (e) In regulating the production of groundwater under
9 Subsection (a)(2), a district:

10 (1) shall select a method that is appropriate based on
11 the hydrogeological conditions of the aquifer or aquifers in the
12 district; ~~and~~

13 (2) shall consider any existing water rights held by
14 an applicant for or holder of a permit; and

15 (3) may limit the amount of water produced based on
16 contiguous surface acreage.

17 SECTION 2. Subchapter D, Chapter 36, Water Code, is amended
18 by adding Section 36.1165 to read as follows:

19 Sec. 36.1165. RESTRICTION ON DRILLING OF WELLS NEAR CERTAIN
20 RIVERS AND THEIR TRIBUTARIES. A person may not drill a well in the
21 portion of the territory of a district that is located within 100
22 feet of the gradient boundary of the Frio, North Llano, South Llano,
23 Llano, West Nueces, Nueces, or San Saba River, or any tributary of
24 one of those rivers that is a perennial stream, unless the well is:

1 (1) exempt from the permitting requirements of Section
2 36.117(b)(1); and

3 (2) drilled, completed, or equipped so that it is
4 incapable of producing more than:

5 (A) 10 gallons of groundwater per minute; or

6 (B) 16 acre-feet of groundwater per year.

7 SECTION 3. The changes in law made by Section 36.1165, Water
8 Code, as added by this Act, apply only to a well for which drilling
9 is commenced on or after the effective date of this Act. A well for
10 which drilling is commenced before the effective date of this Act is
11 subject to the law in effect on the date drilling is commenced, and
12 that law is continued in effect for that purpose.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2009.