

By: Hilderbran

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 certain water wells.

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

5 SECTION 1. Subchapter D, Chapter 36, Water Code, is amended
6 by adding Section 36.1165 to read as follows:

7 Sec. 36.1165. RESTRICTION ON DRILLING OF WELLS NEAR CERTAIN
8 RIVERS AND THEIR TRIBUTARIES. A person may not drill a well in the
9 portion of the territory of a district that is located within 100
10 feet of the gradient boundary of the Frio, North Llano, Llano, West
11 Nueces, Nueces, or San Saba River, or any tributary of one of those
12 rivers, unless the well is:

13 (1) exempt from the permitting requirements of Section
14 36.117(b)(1); and

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

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

18 (B) five acre-feet of groundwater per year.

19 SECTION 2. Section 36.117(b), Water Code, is amended to
20 read as follows:

21 (b) A district may not require any permit issued by the
22 district for:

23 (1) a well used solely for domestic use or for
24 providing water for livestock, ~~or~~ poultry, or wildlife on a tract

1 of land larger than 10 acres that is either drilled, completed, or
2 equipped so that it is incapable of producing more than 25,000
3 gallons of groundwater a day;

4 (2) the drilling of a water well used solely to supply
5 water for a rig that is actively engaged in drilling or exploration
6 operations for an oil or gas well permitted by the Railroad
7 Commission of Texas provided that the person holding the permit is
8 responsible for drilling and operating the water well and the well
9 is located on the same lease or field associated with the drilling
10 rig; or

11 (3) the drilling of a water well authorized under a
12 permit issued by the Railroad Commission of Texas under Chapter
13 134, Natural Resources Code, or for production from such a well to
14 the extent the withdrawals are required for mining activities
15 regardless of any subsequent use of the water.

16 SECTION 3. The changes in law made by Section 36.1165, Water
17 Code, as added by this Act, apply only to a well for which drilling
18 is commenced on or after the effective date of this Act. A well for
19 which drilling is commenced before the effective date of this Act is
20 subject to the law in effect on the date drilling is commenced, and
21 that law is continued in effect for that purpose.

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