

By: Kuempel

H.B. No. 4826

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the issuance of permits by the Gonzales County  
3 Underground Water Conservation District for certain water supply  
4 projects.

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

6 SECTION 1. Chapter 368, Acts of the 74th Legislature,  
7 Regular Session, 1995, is amended by adding Section 3A to read as  
8 follows:

9 Sec. 3A. WATER SUPPLY PROJECTS INVOLVING TRANSFERS OF  
10 GROUNDWATER OUTSIDE DISTRICT. (a) In this section:

11 (1) "Engineering report" means the engineering plans  
12 and specifications provided on or about the project start date that  
13 describe the scope and capacity of the proposed water supply  
14 project.

15 (2) "Initial permit" means the first of one or more  
16 water supply permits granted by the district for the construction  
17 of a water supply project.

18 (3) "Project start date" means the earlier of the date  
19 on which:

20 (A) an application for an initial permit is  
21 submitted to the district for any purpose, including a review for  
22 administrative completeness; or

23 (B) a plan for a project to transfer groundwater  
24 out of the district is submitted to the district.

1           (4) "Water supply permit" includes any permit or other  
2 authorization granted by the district related to and required for a  
3 water supply project.

4           (5) "Water supply project" means a project that  
5 supplies groundwater from one or more wells in the district to a  
6 retail water utility. A water supply project includes any permits,  
7 plans, and engineering reports and specifications required for the  
8 design, construction, testing, and completion of the project during  
9 all phases of the project from obtaining district permission to  
10 drill test wells and construct the conveyance system to the  
11 permitting and completion of all wells necessary to supply the  
12 groundwater needed to meet the design capacity of the completed  
13 conveyance system.

14           (b) This section applies only to a water supply project:

15           (1) that is intended to transfer groundwater from one  
16 or more wells in the district to a retail water utility outside the  
17 district; and

18           (2) for which the supply of groundwater available in  
19 the district on the project start date exceeds the amount of  
20 groundwater specified for transfer by the conveyance system  
21 described in the engineering report.

22           (c) The rights to which a permit applicant is entitled under  
23 this section accrue on the project start date. For purposes of  
24 determining the project start date, the date an application for a  
25 water supply permit or a plan to transfer groundwater is submitted  
26 to the district is considered to be the date the applicant actually  
27 files the application or plan with the district or deposits the

1 application or plan with the United States Postal Service by  
2 certified mail addressed to the district's office.

3 (d) The rules of the district in effect on the project start  
4 date include any order, ordinance, rate, expiration date, limit, or  
5 other properly adopted district requirement in effect on that date.  
6 If a water supply project requires a series of permits, all permits  
7 required for the project are considered to be a single series of  
8 permits, and each application for a permit subsequent to the  
9 initial permit is subject to consideration based solely on the  
10 rules in effect on the project start date.

11 (e) After the initial application for a water supply permit  
12 in a series is approved, the district shall approve an application  
13 for a subsequent water supply permit in the same series not later  
14 than the 180th day after the date of receiving the application if  
15 the application is administratively complete and in compliance with  
16 the rules of the district in effect as of the project start date.

17 (f) A water supply permit issued under this section and  
18 required for the continuous operation of the water supply project  
19 for which the permit was issued shall be in effect for the period  
20 required by Section 36.122(i)(2), Water Code, beginning with the  
21 date of issuance of the final permit in the series of permits  
22 required for the project.

23 SECTION 2. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2009.