

By: Hegar

S.B. No. 2006

A BILL TO BE ENTITLED

AN ACT

relating to the matters to be taken into consideration by a groundwater conservation district in determining whether to grant or deny a permit or permit amendment.

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

SECTION 1. Section 36.113, Water Code, is amended by amending Subsection (d) and adding Subsection (j) to read as follows:

(d) Before granting or denying a permit or permit amendment, the district shall consider whether:

(1) the application conforms to the requirements prescribed by this chapter and is accompanied by the prescribed fees;

(2) the proposed use of water unreasonably affects existing groundwater and surface water resources or existing permit holders;

(3) the proposed use of water is a dedicated ~~[dedicated to any]~~ beneficial use;

(4) the proposed use of water is consistent with the district's approved ~~[certified]~~ water management plan;

(5) if the well will be located in the Hill Country Priority Groundwater Management Area, the proposed use of water from the well is wholly or partly to provide water to a pond, lake, or reservoir to enhance the appearance of the landscape;

1 (6) the applicant has agreed to avoid waste and
2 achieve water conservation; and

3 (7) the applicant has agreed that reasonable diligence
4 will be used to protect groundwater quality and that the applicant
5 will follow well plugging guidelines at the time of well closure.

6 (j) In issuing a permit or permit amendment, a district
7 operating under an adopted limit on available or managed available
8 groundwater may consider whether the water supply needs as
9 determined in the most recent regional water plan can be met.

10 SECTION 2. The change in law made by this Act applies only
11 to a permit or permit amendment issued by a groundwater
12 conservation district on or after the effective date of this Act. A
13 permit or permit amendment issued before the effective date of this
14 Act is governed by the law in effect on the date the permit or permit
15 amendment is issued, and that law is continued in effect for that
16 purpose.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2009.