

BILL ANALYSIS

Senate Research Center
82R14505 PMO-D

H.B. 1547
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Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

To some parties in groundwater management areas, the definition of a desired future condition, criteria for establishing a desired future condition, and the authority of the Texas Water Development Board (TWDB) regarding desired future conditions are unclear. Considering the impact that the establishment of desired future conditions will have on the management of groundwater by groundwater conservation districts, and the availability of groundwater under the state water plan, a clear definition and clear criteria are needed.

H.B. 1547 intends to provide clarify by amending certain provisions relating to desired future conditions.

H.B. 1547 amends current law relating to the desired future conditions of groundwater resources within groundwater management areas.

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 16.053(e), Water Code, to require each regional water planning group to submit to the Texas Water Development Board (TWDB) a regional water plan that contains certain provisions, including that it identifies certain factors, including each source of water supply in the regional water planning area, including information supplied by the executive administrator of TWDB on the amount of modeled, rather than managed, available groundwater in accordance with the guidelines provided by TWDB under Subsections (d) (relating to requiring TWDB to provide guidelines for the consideration of existing regional planning efforts) and (f) (relating to requiring TWDB to adopt rules to provide certain procedures for regional water plans).

SECTION 2. Amends Section 36.001, Water Code, by amending Subdivisions (24) and (25) and adding Subdivision (30), to redefine "total estimated recoverable storage," to define "modeled available groundwater," and define "desired future condition," and to delete the existing definition of "managed available groundwater."

SECTION 3. Amends Section 36.1071(e), Water Code, to require the groundwater conservation district (district), in the management plan described under Subsection (a) (relating to requiring the district to develop a comprehensive management plan), to perform certain actions, including that it include estimates of certain information, including the amount of modeled, rather than managed, available groundwater in the district based on information described by Subsection (h) (relating to requiring the district to use the groundwater availability modeling information in developing its management plan) and on the desired future condition established under Section 36.108 (Joint Planning in Management Area).

SECTION 4. Amends Section 36.108, Water Code, by amending Subsections (d), (d-1), (d-2), and (o) and adding Subsections (d-3), (d-4), (d-5), and (d-6), as follows:

(d) Requires that the desired future conditions established under this section be for a period consistent with the planning cycles established under Section 16.051 (State Water Plan: Drought, Conservation, Development, and Management; Effect of Plan). Requires the districts, in establishing the desired future conditions of the aquifers under this section, to consider:

- (1) aquifer uses or conditions within the management area, including uses or conditions that differ substantially from one geographic area to another;
- (2) the water supply needs and water management strategies included in the state water plan;
- (3) whether the desired future conditions are physically possible;
- (4) socioeconomic impacts reasonably expected;
- (5) environmental impacts, including spring flow and other interactions between groundwater and surface water;
- (6) the impact on the interests and rights in private property, including ownership and rights of the owners of the land and their lessees and assigns in groundwater as recognized under Section 36.002;
- (7) the hydrogeological conditions, including the total estimated recoverable storage reported by the executive administrator, recharge, inflows, and discharge;
- (8) the impact on subsidence; and
- (9) any other information relevant to the specific desired future condition.

Deletes existing text relating to requiring the districts to consider uses or conditions of an aquifer within the management area that differ substantially from one geographic area to another; and authorizing the districts to establish different desired future conditions.

(d-1) Requires the districts to provide a written explanation of their determination of each consideration under Subsection (d).

(d-2) Requires that the desired future conditions established under this section provide a balance between the highest practicable level of groundwater production, and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the groundwater management area.

(d-3) Prohibits Subsection (d-2) from being construed to prohibit the establishment of desired future conditions that provide for reasonable long-term management of groundwater resources consistent with the management goals under Section 36.1071(a).

(d-4) Authorizes the districts to establish different desired future conditions for each aquifer, subdivision of an aquifer, or geologic strata located in whole or in part within the boundaries of the management area, or each geographic area overlying an aquifer in whole or in part or subdivision of an aquifer within the boundaries of the management area.

(d-5) Redesignates existing Subsection (d-1) as (d-5). Makes no further changes to this subsection.

(d-6) Redesignates existing Subsection (d-2) as (d-6). Makes no further changes to this subsection.

(o) Makes a conforming change.

SECTION 5. Amends Section 36.1132, Water Code, as follows:

Sec. 36.1132. New heading: PERMITS BASED ON MODELED AVAILABLE GROUNDWATER. Makes a conforming change.

SECTION 6. Effective date: upon passage or September 1, 2011.