

## **BILL ANALYSIS**

C.S.H.B. 1824  
By: Price  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties argue that two issues have arisen regarding the requirements of current groundwater management law. First, they argue that in order for the managed available groundwater to be representative of how much groundwater may be produced while still achieving the desired future condition, the managed available groundwater cannot just represent how much groundwater is produced under permits issued by the district, but rather must also take into account exempt groundwater use. Second, the interested parties argue that a permit issued under certain provisions must focus on the total amount of production in a district and not just on how much groundwater is permitted. Finally, they argue that permitting decisions need to be based on the impact the permit will have on the ability of the district to achieve the desired future condition.

C.S.H.B. 1824 seeks to address these concerns by amending provisions relating to the definition of managed available groundwater and sets out several considerations to be taken by a groundwater conservation district in issuing permits.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Section 36.001 (25), Water Code, changing “Managed” available groundwater to “Modeled” available groundwater. Replaces the definition of "managed available groundwater," as the amount of water that may be permitted by a groundwater conservation district for beneficial use in accordance with the desired future condition of an aquifer, with a definition for "modeled available groundwater," as the amount of water that the executive administrator determines may be produced on an average annual basis to achieve an established desired future condition established under Section 36.108 (relating to joint planning in a management area).

SECTION 2. Amends Section 36.1071 (e), Water Code, by making conforming changes with respect to changing “managed” to “modeled” available groundwater.

SECTION 3. Amends Section 36.108 (o), Water Code, by making conforming changes with respect to changing “managed” to “modeled” available groundwater.

SECTION 4. Amends Section 36.1132, Water Code, by making conforming changes with respect to changing “managed” to “modeled” available groundwater and adding Subsection (b) and (c) as follows:

Sec. 36.1132. PERMITS BASED ON MODELED AVAILABLE GROUNDWATER.

(a) Requires that a groundwater conservation district, to the extent possible, must issue permits up to the point that the total volume of exempt and permitted groundwater production will achieve an applicable desired future condition under Section 36.108, rather than up to the point that the total volume of groundwater permitted equals the

managed available groundwater, if administratively complete permit applications are submitted to the district.

(b) Requires that a district, in issuing permits, must manage total groundwater production on a long-term basis to achieve an applicable desired future condition and consider the following: the modeled available groundwater determined by the executive administrator of the Texas Water Development Board; the executive administrator's estimate of the current and projected amount of groundwater produced under exemptions granted by district rules and applicable provisions; the amount of groundwater authorized under permits previously issued by the district; a reasonable estimate of the amount of groundwater that is actually produced under permits issued by the district; and yearly precipitation and production patterns.

(c) Requires the executive administrator to solicit information from each applicable district in developing the estimate of exempt use.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2011.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 1824 contains a provision not in the original requiring that a groundwater conservation district, in issuing permits, must manage total groundwater production on a long-term basis to achieve an applicable desired future condition. The substitute contains a provision not in the original requiring a district, in issuing permits, to consider yearly production patterns.