

By: Larson

H.B. No. 1547

A BILL TO BE ENTITLED

AN ACT

relating to the desired future conditions of groundwater resources within groundwater management areas.

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

SECTION 1. Section 16.053(e), Water Code, is amended to read as follows:

(e) Each regional water planning group shall submit to the development board a regional water plan that:

(1) is consistent with the guidance principles for the state water plan adopted by the development board under Section 16.051(d);

(2) provides information based on data provided or approved by the development board in a format consistent with the guidelines provided by the development board under Subsection (d);

(3) identifies:

(A) each source of water supply in the regional water planning area, including information supplied by the executive administrator on the amount of modeled ~~[managed]~~ available groundwater in accordance with the guidelines provided by the development board under Subsections (d) and (f);

(B) factors specific to each source of water supply to be considered in determining whether to initiate a drought response;

(C) actions to be taken as part of the response;

1 and

2 (D) existing major water infrastructure  
3 facilities that may be used for interconnections in the event of an  
4 emergency shortage of water;

5 (4) has specific provisions for water management  
6 strategies to be used during a drought of record;

7 (5) includes but is not limited to consideration of  
8 the following:

9 (A) any existing water or drought planning  
10 efforts addressing all or a portion of the region;

11 (B) approved groundwater conservation district  
12 management plans and other plans submitted under Section 16.054;

13 (C) all potentially feasible water management  
14 strategies, including but not limited to improved conservation,  
15 reuse, and management of existing water supplies, conjunctive use,  
16 acquisition of available existing water supplies, and development  
17 of new water supplies;

18 (D) protection of existing water rights in the  
19 region;

20 (E) opportunities for and the benefits of  
21 developing regional water supply facilities or providing regional  
22 management of water supply facilities;

23 (F) appropriate provision for environmental  
24 water needs and for the effect of upstream development on the bays,  
25 estuaries, and arms of the Gulf of Mexico and the effect of plans on  
26 navigation;

27 (G) provisions in Section 11.085(k)(1) if

1 interbasin transfers are contemplated;

2 (H) voluntary transfer of water within the region  
3 using, but not limited to, regional water banks, sales, leases,  
4 options, subordination agreements, and financing agreements; and

5 (I) emergency transfer of water under Section  
6 11.139, including information on the part of each permit, certified  
7 filing, or certificate of adjudication for nonmunicipal use in the  
8 region that may be transferred without causing unreasonable damage  
9 to the property of the nonmunicipal water rights holder;

10 (6) identifies river and stream segments of unique  
11 ecological value and sites of unique value for the construction of  
12 reservoirs that the regional water planning group recommends for  
13 protection under Section 16.051;

14 (7) assesses the impact of the plan on unique river and  
15 stream segments identified in Subdivision (6) if the regional water  
16 planning group or the legislature determines that a site of unique  
17 ecological value exists; and

18 (8) describes the impact of proposed water projects on  
19 water quality.

20 SECTION 2. Section 36.001, Water Code, is amended by  
21 amending Subdivisions (24) and (25) and adding Subdivision (30) to  
22 read as follows:

23 (24) "Total estimated recoverable [~~aquifer~~] storage"  
24 means the total calculated volume of groundwater that an aquifer is  
25 capable of producing.

26 (25) "Modeled [~~Managed~~] available groundwater" means  
27 the amount of water that the executive administrator determines may

1 be produced on an average annual basis to achieve a ~~[permitted by a~~  
2 ~~district for beneficial use in accordance with the]~~ desired future  
3 condition established ~~[of the aquifer as determined]~~ under Section  
4 36.108.

5 (30) "Desired future condition" means a quantitative  
6 description of the desired condition of the groundwater resources  
7 in a groundwater management area at a specified time in the future.

8 SECTION 3. Section 36.1071(e), Water Code, is amended to  
9 read as follows:

10 (e) In the management plan described under Subsection (a),  
11 the district shall:

12 (1) identify the performance standards and management  
13 objectives under which the district will operate to achieve the  
14 management goals identified under Subsection (a);

15 (2) specify, in as much detail as possible, the  
16 actions, procedures, performance, and avoidance that are or may be  
17 necessary to effect the plan, including specifications and proposed  
18 rules;

19 (3) include estimates of the following:

20 (A) the amount of modeled ~~[managed]~~ available  
21 groundwater in the district based on information described by  
22 Subsection (h) and on the desired future condition established  
23 under Section 36.108;

24 (B) the amount of groundwater being used within  
25 the district on an annual basis;

26 (C) the annual amount of recharge from  
27 precipitation, if any, to the groundwater resources within the

1 district;

2 (D) for each aquifer, the annual volume of water  
3 that discharges from the aquifer to springs and any surface water  
4 bodies, including lakes, streams, and rivers;

5 (E) the annual volume of flow into and out of the  
6 district within each aquifer and between aquifers in the district,  
7 if a groundwater availability model is available;

8 (F) the projected surface water supply in the  
9 district according to the most recently adopted state water plan;  
10 and

11 (G) the projected total demand for water in the  
12 district according to the most recently adopted state water plan;  
13 and

14 (4) consider the water supply needs and water  
15 management strategies included in the adopted state water plan.

16 SECTION 4. Section 36.108, Water Code, is amended by  
17 amending Subsections (d), (d-1), (d-2), and (o) and adding  
18 Subsections (d-3), (d-4), (d-5), and (d-6) to read as follows:

19 (d) Not later than September 1, 2010, and every five years  
20 thereafter, the districts shall consider groundwater availability  
21 models and other data or information for the management area and  
22 shall establish desired future conditions for the relevant aquifers  
23 within the management area. The desired future conditions  
24 established under this section must be for a period consistent with  
25 the planning cycles established under Section 16.051. In  
26 establishing the desired future conditions of the aquifers under  
27 this section, the districts shall consider ~~[uses or conditions of~~

~~an aquifer within the management area that differ substantially from one geographic area to another. The districts may establish different desired future conditions for]~~:

(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.

(d-1) The districts shall provide a written explanation of their determination of each consideration under Subsection (d).

(d-2) The desired future conditions established under this section must provide a balance between:

1           (1) the highest practicable level of groundwater  
2 production; and

3           (2) the conservation, preservation, protection,  
4 recharging, and prevention of waste of groundwater and control of  
5 subsidence in the groundwater management area.

6           (d-3) Subsection (d-2) may not be construed to prohibit the  
7 establishment of desired future conditions that provide for  
8 reasonable long-term management of groundwater resources  
9 consistent with the management goals under Section 36.1071(a).

10          (d-4) The districts may establish different desired future  
11 conditions for:

12           (1) each aquifer, subdivision of an aquifer, or  
13 geologic strata located in whole or in part within the boundaries of  
14 the management area; or

15           (2) each geographic area overlying an aquifer in whole  
16 or in part or subdivision of an aquifer within the boundaries of the  
17 management area.

18          (d-5) [~~(d-1)~~] The desired future conditions established  
19 under Subsection (d) must be adopted by a two-thirds vote of the  
20 district representatives present at a meeting:

21           (1) at which at least two-thirds of the districts  
22 located in whole or in part in the management area have a voting  
23 representative in attendance; and

24           (2) for which all districts located in whole or in part  
25 in the management area provide public notice in accordance with  
26 Chapter 551, Government Code.

27          (d-6) [~~(d-2)~~] Each district in the management area shall

1 ensure that its management plan contains goals and objectives  
2 consistent with achieving the desired future conditions of the  
3 relevant aquifers as adopted during the joint planning process.

4 (o) The districts shall submit the conditions established  
5 under this section to the executive administrator. The executive  
6 administrator shall provide each district and regional water  
7 planning group located wholly or partly in the management area with  
8 the modeled [~~managed~~] available groundwater in the management area  
9 based upon the desired future condition of the groundwater  
10 resources established under this section.

11 SECTION 5. Section 36.1132, Water Code, is amended to read  
12 as follows:

13 Sec. 36.1132. PERMITS BASED ON MODELED [~~MANAGED~~] AVAILABLE  
14 GROUNDWATER. A district, to the extent possible, shall issue  
15 permits up to the point that the total volume of groundwater  
16 permitted equals the modeled [~~managed~~] available groundwater, if  
17 administratively complete permit applications are submitted to the  
18 district.

19 SECTION 6. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2011.