

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 36.001, Water Code, is amended by adding Subdivision (30) to read as follows:

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

SECTION 2. Section 36.1071(e), Water Code, is amended to read as follows:

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

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

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

(3) include estimates of the following:

(A) the amount of ~~managed~~ available groundwater in the district based on information described by Subsection (h) and on the desired future condition established

1 under Section 36.108;

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

4 (C) the annual amount of recharge from  
5 precipitation, if any, to the groundwater resources within the  
6 district;

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

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

13 (F) the projected surface water supply in the  
14 district according to the most recently adopted state water plan;  
15 and

16 (G) the projected total demand for water in the  
17 district according to the most recently adopted state water plan;  
18 and

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

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

24 (d) Not later than September 1, 2010, and every five years  
25 thereafter, the districts shall consider groundwater availability  
26 models and other data or information for the management area and  
27 shall establish desired future conditions for the relevant aquifers

1 within the management area. The desired future conditions  
2 established under this section must be for a period consistent with  
3 the planning cycles established under Section 16.051. In  
4 establishing the desired future conditions of the aquifers under  
5 this section, the districts shall consider [~~uses or conditions of~~  
6 ~~an aquifer within the management area that differ substantially~~  
7 ~~from one geographic area to another. The districts may establish~~  
8 ~~different desired future conditions for~~]:

9 (1) aquifer uses or conditions within the management  
10 area, including uses or conditions that differ substantially from  
11 one geographic area to another;

12 (2) the water supply needs and water management  
13 strategies included in the state water plan;

14 (3) the feasibility of the desired future conditions;

15 (4) socioeconomic impacts reasonably expected;

16 (5) environmental impacts, including spring flow and  
17 other interactions between groundwater and surface water;

18 (6) the impact on the interests and rights in private  
19 property, including ownership and rights of the owners of the land  
20 and their lessees and assigns in groundwater as recognized under  
21 Section 36.002;

22 (7) the hydrogeological conditions, including the  
23 average annual recharge, inflows, and discharge and the total  
24 calculated volume of groundwater that aquifers in the management  
25 area are capable of producing as provided by the executive  
26 administrator;

27 (8) the impact on subsidence; and

1           (9) any other information relevant to the specific  
2 desired future condition.

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

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

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

9           (2) the conservation, preservation, protection,  
10 recharging, and prevention of waste of groundwater and control of  
11 subsidence in the groundwater management area.

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

16           (d-4) The districts may establish different desired future  
17 conditions for:

18           (1) each aquifer, subdivision of an aquifer, or  
19 geologic strata located in whole or in part within the boundaries of  
20 the management area; or

21           (2) each geographic area overlying an aquifer in whole  
22 or in part or subdivision of an aquifer within the boundaries of the  
23 management area.

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

27           (1) at which at least two-thirds of the districts

1 located in whole or in part in the management area have a voting  
2 representative in attendance; and

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

6           (d-6) [~~(d-2)~~] Each district in the management area shall  
7 ensure that its management plan contains goals and objectives  
8 consistent with achieving the desired future conditions of the  
9 relevant aquifers as adopted during the joint planning process.

10           SECTION 4. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2011.