

AN ACT

relating to exemptions from groundwater conservation district permit requirements.

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

SECTION 1. Subsections (a) through (d), (f), and (h) through (k), Section 36.117, Water Code, are amended to read as follows:

(a) A district by rule may provide an exemption [~~exempt wells~~] from the district's requirement to obtain [~~of obtaining~~] a drilling permit, an operating permit, or any other permit required by this chapter or the district's rules.

(b) Except as provided by this section, a [A] district shall provide an exemption from the district requirement to obtain a [~~may not require any~~] permit [~~issued by the district~~] for:

(1) drilling or operating a well used solely for domestic use or for providing water for livestock or poultry if the well is:

(A) located or to be located on a tract of land larger than 10 acres; and

(B) [~~that is either~~] drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day;

(2) [~~the~~] drilling [~~of~~] a water well used solely to supply water for a rig that is actively engaged in drilling or

1 exploration operations for an oil or gas well permitted by the  
2 Railroad Commission of Texas provided that the person holding the  
3 permit is responsible for drilling and operating the water well and  
4 the water well is located on the same lease or field associated with  
5 the drilling rig; or

6 (3) ~~[the]~~ drilling ~~[of]~~ a water well authorized under  
7 a permit issued by the Railroad Commission of Texas under Chapter  
8 134, Natural Resources Code, or for production from the ~~[such a]~~  
9 well to the extent the withdrawals are required for mining  
10 activities regardless of any subsequent use of the water.

11 (c) A district may not restrict the production of water from  
12 any well described by ~~[that is exempt from permitting under]~~  
13 Subsection (b)(1).

14 (d) A ~~[Notwithstanding Subsection (b), a]~~ district may  
15 cancel a previously granted exemption, and may require an operating  
16 permit for or restrict production from a well, ~~[to be permitted by~~  
17 ~~the district and to comply with all district rules]~~ if:

18 (1) the ~~[withdrawals from a]~~ well is located in the  
19 Hill Country Priority Groundwater Management Area and the  
20 groundwater withdrawals that were exempted under Subsection (b)(1)  
21 are no longer used solely for domestic use or to provide water for  
22 livestock or poultry;

23 (2) the groundwater withdrawals that were ~~[purpose of~~  
24 ~~a well]~~ exempted under Subsection (b)(2) are ~~[is]~~ no longer used  
25 solely to supply water for a rig that is actively engaged in  
26 drilling or exploration operations for an oil or gas well permitted  
27 by the Railroad Commission of Texas; or

1           (3) the groundwater withdrawals that were ~~[from a~~  
2 ~~well]~~ exempted under Subsection (b)(3) are no longer necessary for  
3 mining activities or are greater than the amount necessary for  
4 mining activities specified in the permit issued by the Railroad  
5 Commission of Texas under Chapter 134, Natural Resources Code.

6           (f) A ~~[Notwithstanding Subsection (d), a]~~ district may  
7 ~~[not]~~ require compliance with the district's well spacing rules for  
8 the drilling of any ~~[a]~~ well except a well exempted under Subsection  
9 (b)(3) ~~[to comply with the spacing requirements of the district].~~

10          (h) A district shall require the owner of a water well to  
11 ~~[exempted under Subsection (a) or (b) shall]:~~

12           (1) register the well ~~[be registered]~~ in accordance  
13 with rules promulgated by the district; and

14           (2) equip and maintain the well ~~[be equipped and~~  
15 ~~maintained so as]~~ to conform to the district's rules requiring  
16 installation of casing, pipe, and fittings to prevent the escape of  
17 groundwater from a groundwater reservoir to any reservoir not  
18 containing groundwater and to prevent the pollution or harmful  
19 alteration of the character of the water in any groundwater  
20 reservoir.

21           (i) The driller of a well ~~[exempted under Subsection (a) or~~  
22 ~~(b)]~~ shall file ~~[the drilling log]~~ with the district the well log  
23 required by Section 1901.251, Occupations Code, and, if available,  
24 the geophysical log.

25           (j) An exemption provided under Subsection (b) does not  
26 apply to a ~~[A]~~ well if the groundwater withdrawn is used to supply  
27 water for a subdivision of land for which a plat approval is

1 required by Chapter 232, Local Government Code [~~is not exempted~~  
2 ~~under Subsection (b)~~].

3 (k) Groundwater withdrawn [~~from a well exempt from~~  
4 ~~permitting or regulation~~] under an exemption provided in accordance  
5 with this section and subsequently transported outside the  
6 boundaries of the district is subject to any applicable production  
7 and export fees under Sections 36.122 and 36.205.

8 SECTION 2. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2011.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 692 passed the Senate on April 7, 2011, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 692 passed the House on April 27, 2011, by the following vote: Yeas 146, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor