

1-1 By: Estes S.B. No. 692
1-2 (In the Senate - Filed February 14, 2011;
1-3 February 23, 2011, read first time and referred to Committee on
1-4 Natural Resources; March 23, 2011, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; March 23, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to exemptions from groundwater conservation district
1-9 permit requirements.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsections (a) through (d), (f), and (h)
1-12 through (k), Section 36.117, Water Code, are amended to read as
1-13 follows:

1-14 (a) A district by rule may provide an exemption [~~exempt~~
1-15 ~~wells~~] from the district's requirement to obtain [~~of obtaining~~]
1-16 a drilling permit, an operating permit, or any other permit required
1-17 by this chapter or the district's rules.

1-18 (b) Except as provided by this section, a [A] district shall
1-19 provide an exemption from the district requirement to obtain a [~~may~~
1-20 ~~not require any~~] permit [~~issued by the district~~] for:

1-21 (1) drilling or operating a well used solely for
1-22 domestic use or for providing water for livestock or poultry if the
1-23 well is:

1-24 (A) located or to be located on a tract of land
1-25 larger than 10 acres; and

1-26 (B) [~~that is either~~] drilled, completed, or
1-27 equipped so that it is incapable of producing more than 25,000
1-28 gallons of groundwater a day;

1-29 (2) [~~the~~] drilling [~~of~~] a water well used solely to
1-30 supply water for a rig that is actively engaged in drilling or
1-31 exploration operations for an oil or gas well permitted by the
1-32 Railroad Commission of Texas provided that the person holding the
1-33 permit is responsible for drilling and operating the water well and
1-34 the water well is located on the same lease or field associated with
1-35 the drilling rig; or

1-36 (3) [~~the~~] drilling [~~of~~] a water well authorized under
1-37 a permit issued by the Railroad Commission of Texas under Chapter
1-38 134, Natural Resources Code, or for production from the [~~such a~~]
1-39 well to the extent the withdrawals are required for mining
1-40 activities regardless of any subsequent use of the water.

1-41 (c) A district may not restrict the production of water from
1-42 any well described by [~~that is exempt from permitting under~~]
1-43 Subsection (b)(1).

1-44 (d) A [~~Notwithstanding Subsection (b), a~~] district may
1-45 cancel a previously granted exemption, and may require an operating
1-46 permit for or restrict production from a well, [~~to be permitted by~~
1-47 ~~the district and to comply with all district rules~~] if:

1-48 (1) the [~~withdrawals from a~~] well is located in the
1-49 Hill Country Priority Groundwater Management Area and the
1-50 groundwater withdrawals that were exempted under Subsection (b)(1)
1-51 are no longer used solely for domestic use or to provide water for
1-52 livestock or poultry;

1-53 (2) the groundwater withdrawals that were [~~purpose of~~
1-54 ~~a well~~] exempted under Subsection (b)(2) are [~~is~~] no longer used
1-55 solely to supply water for a rig that is actively engaged in
1-56 drilling or exploration operations for an oil or gas well permitted
1-57 by the Railroad Commission of Texas; or

1-58 (3) the groundwater withdrawals that were [~~from a~~
1-59 ~~well~~] exempted under Subsection (b)(3) are no longer necessary for
1-60 mining activities or are greater than the amount necessary for
1-61 mining activities specified in the permit issued by the Railroad
1-62 Commission of Texas under Chapter 134, Natural Resources Code.

1-63 (f) A [~~Notwithstanding Subsection (d), a~~] district may
1-64 [~~not~~] require compliance with the district's well spacing rules for

2-1 the drilling of any ~~[a]~~ well except a well exempted under Subsection
2-2 (b)(3) [to comply with the spacing requirements of the district].

2-3 (h) A district shall require the owner of a water well to
2-4 [exempted under Subsection (a) or (b) shall]:

2-5 (1) register the well [be registered] in accordance
2-6 with rules promulgated by the district; and

2-7 (2) equip and maintain the well [be equipped and
2-8 maintained so as] to conform to the district's rules requiring
2-9 installation of casing, pipe, and fittings to prevent the escape of
2-10 groundwater from a groundwater reservoir to any reservoir not
2-11 containing groundwater and to prevent the pollution or harmful
2-12 alteration of the character of the water in any groundwater
2-13 reservoir.

2-14 (i) The driller of a well [exempted under Subsection (a) or
2-15 (b)] shall file [the drilling log] with the district the well log
2-16 required by Section 1901.251, Occupations Code, and, if available,
2-17 the geophysical log.

2-18 (j) An exemption provided under Subsection (b) does not
2-19 apply to a [A] well if the groundwater withdrawn is used to supply
2-20 water for a subdivision of land for which a plat approval is
2-21 required by Chapter 232, Local Government Code[, is not exempted
2-22 under Subsection (b)].

2-23 (k) Groundwater withdrawn [from a well exempt from
2-24 permitting or regulation] under an exemption provided in accordance
2-25 with this section and subsequently transported outside the
2-26 boundaries of the district is subject to any applicable production
2-27 and export fees under Sections 36.122 and 36.205.

2-28 SECTION 2. This Act takes effect immediately if it receives
2-29 a vote of two-thirds of all the members elected to each house, as
2-30 provided by Section 39, Article III, Texas Constitution. If this
2-31 Act does not receive the vote necessary for immediate effect, this
2-32 Act takes effect September 1, 2011.

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