

1-1 By: Hegar S.B. No. 737
1-2 (In the Senate - Filed February 16, 2011; February 23, 2011,
1-3 read first time and referred to Committee on Natural Resources;
1-4 March 28, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 28, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 737 By: Hegar

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the management of groundwater production by groundwater
1-11 conservation districts.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subdivision (25), Section 36.001, Water Code, is
1-14 amended to read as follows:

1-15 (25) "Modeled [~~Managed~~] available groundwater" means
1-16 the amount of water that the executive administrator determines may
1-17 be produced on an average annual basis to achieve a [~~permitted by a~~
1-18 ~~district for beneficial use in accordance with the~~] desired future
1-19 condition established [~~of the aquifer as determined~~] under Section
1-20 36.108.

1-21 SECTION 2. Subsection (e), Section 36.1071, Water Code, is
1-22 amended to read as follows:

1-23 (e) In the management plan described under Subsection (a),
1-24 the district shall:

1-25 (1) identify the performance standards and management
1-26 objectives under which the district will operate to achieve the
1-27 management goals identified under Subsection (a);

1-28 (2) specify, in as much detail as possible, the
1-29 actions, procedures, performance, and avoidance that are or may be
1-30 necessary to effect the plan, including specifications and proposed
1-31 rules;

1-32 (3) include estimates of the following:

1-33 (A) modeled [~~managed~~] available groundwater in
1-34 the district based on the desired future condition established
1-35 under Section 36.108;

1-36 (B) the amount of groundwater being used within
1-37 the district on an annual basis;

1-38 (C) the annual amount of recharge from
1-39 precipitation, if any, to the groundwater resources within the
1-40 district;

1-41 (D) for each aquifer, the annual volume of water
1-42 that discharges from the aquifer to springs and any surface water
1-43 bodies, including lakes, streams, and rivers;

1-44 (E) the annual volume of flow into and out of the
1-45 district within each aquifer and between aquifers in the district,
1-46 if a groundwater availability model is available;

1-47 (F) the projected surface water supply in the
1-48 district according to the most recently adopted state water plan;
1-49 and

1-50 (G) the projected total demand for water in the
1-51 district according to the most recently adopted state water plan;
1-52 and

1-53 (4) consider the water supply needs and water
1-54 management strategies included in the adopted state water plan.

1-55 SECTION 3. Subsection (o), Section 36.108, Water Code, is
1-56 amended to read as follows:

1-57 (o) The districts shall submit the conditions established
1-58 under this section to the executive administrator. The executive
1-59 administrator shall provide each district and regional water
1-60 planning group located wholly or partly in the management area with
1-61 the modeled [~~managed~~] available groundwater in the management area
1-62 based upon the desired future condition of the groundwater
1-63 resources established under this section.

2-1 SECTION 4. Section 36.1132, Water Code, is amended to read
2-2 as follows:

2-3 Sec. 36.1132. PERMITS BASED ON MODELED [~~MANAGED~~] AVAILABLE
2-4 GROUNDWATER. (a) A district, to the extent possible, shall issue
2-5 permits up to the point that the total volume of exempt and
2-6 permitted groundwater production will achieve an applicable
2-7 desired future condition under Section 36.108 [~~permitted equals the~~
2-8 ~~managed available groundwater, if administratively complete permit~~
2-9 ~~applications are submitted to the district~~].

2-10 (b) In issuing permits, the district shall manage total
2-11 groundwater production on a long-term basis to achieve an
2-12 applicable desired future condition and consider:

2-13 (1) the modeled available groundwater determined by
2-14 the executive administrator;

2-15 (2) the executive administrator's estimate of the
2-16 current and projected amount of groundwater produced under
2-17 exemptions granted by district rules and Section 36.117;

2-18 (3) the amount of groundwater authorized under permits
2-19 previously issued by the district;

2-20 (4) a reasonable estimate of the amount of groundwater
2-21 that is actually produced under permits issued by the district; and

2-22 (5) yearly precipitation and production patterns.

2-23 (c) In developing the estimate of exempt use under
2-24 Subsection (b)(2), the executive administrator shall solicit
2-25 information from each applicable district.

2-26 SECTION 5. This Act takes effect September 1, 2011.

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