

Amend **SB 873** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1133 to read as follows:

Sec. 36.1133. WELLS RELATED TO OIL AND GAS. (a) This section applies to a water well that is to be used solely to supply water for an activity associated with the drilling, exploration, or production of oil or gas.

(b) An applicant for a permit, permit amendment, or permit renewal for a water well under this section shall submit to the district in which the well is to be located an application that:

(1) is written and sworn to; and

(2) contains:

(A) the information required by the district for permit applications for wells used for other purposes; and

(B) the application filing fee adopted by the district under Section 36.205(a), if applicable.

(c) An application filed under Subsection (b) is considered administratively complete if it conforms to the requirements under Subsection (b). An application for which no determination of administrative completeness is made within 6 days after receipt of the application is considered administratively complete.

(d) Not later than the fifth business day after the date the district finds that an application for a water well permit under this section is administratively complete, the district by rule shall provide an interim authorization to the applicant. No further district action or approval is required before the applicant may drill, equip, operate, complete, or otherwise use the water well under the terms of the interim authorization and district rules during the period the district is considering the application. The interim authorization is valid until the district makes a final determination on the application.

(e) Except as provided in Subsections (c) and (d), the district shall process and make a final determination on an application under this section in the same manner that the district processes and makes a final determination on a water well used for another purpose.

(f) A district may apply to the owner or operator of a water well to which this section applies the district's rules, requirements, terms, conditions, or restrictions to the extent that the rules, requirements, terms, conditions, or restrictions are applied to owners and operators of water wells that are permitted by the district and used for other purposes. A district may enforce its rules adopted under this chapter or other law applicable to the district against a water well to which this section applies in the same manner as the district enforces its rules against water wells used for other purposes.

SECTION 2. Sections 36.117(b) and (d), Water Code, are amended to read as follows:

(b) Except as provided by this section, a district shall provide an exemption from the district requirement to obtain a permit 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) drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day; or

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

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

(d) A district may cancel a previously granted exemption, and may require an operating permit for or restrict production from

a well, if:

(1) the well is located in the Hill Country Priority Groundwater Management Area and the groundwater withdrawals that were exempted under Subsection (b)(1) are no longer used solely for domestic use or to provide water for livestock or poultry;

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

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

SECTION 3. Section 36.117(g), Water Code, is amended as follows:

(g) A district may not deny an application for a permit to drill and produce water for hydrocarbon drilling, exploration or production activities if the application meets all applicable rules as promulgated by the district.

SECTION 4. Section 36.1133, Water Code, as added by this Act, and Section 36.117, Water Code, as amended by this Act, apply only to a water well for which drilling is begun on or after the effective date of this Act. A water well for which drilling was begun before the effective date of this Act is governed by the law in effect at the time drilling was begun, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2013.