

BILL ANALYSIS

H.B. 2577
By: Larson
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties express concern that the Texas Water Development Board (TWDB) and most groundwater conservation districts do not require the reporting of water withdrawals by the owner or operator of a water well. The parties assert that water production numbers are known for entities that are subject to permitting but that current law establishes permitting exemptions for certain water wells. In an attempt to have a more accurate managed available groundwater number and provide for the consistent reporting of groundwater withdrawals across the state, H.B. 2577 seeks to require the TWDB to adopt certain rules requiring the owner or operator of a well to report groundwater withdrawals and revise provisions relating to groundwater conservation district recordkeeping.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Water Development Board in SECTIONS 1 and 2 of this bill.

ANALYSIS

SECTION 1. Amends Section 36.111, Water Code, as follows:

Sec. 36.111. RECORDS AND REPORTS. (a) Requires, rather than authorizes, the district to require that records be kept and reports be made of the drilling, equipping, and completing of water wells and of the production and use of groundwater.

(b) Authorizes a district, in implementing Subsection (a), to adopt rules, consistent with rules adopted by the Texas Water Development Board under Subsection (c), that require an owner or operator of a water well that is required to be registered with or permitted by the district to report groundwater withdrawals, rather than to adopt rules that require an owner or operator of a water well that is required to be registered with or permitted by the district, except for the owner or operator of a well that is exempt from permit requirements under Section 36.117(b)(1), to report groundwater withdrawals using reasonable and appropriate reporting methods and frequency.

(c) Requires the Texas Water Development Board (TWDB), after consulting with representatives of districts regarding reasonable and appropriate reporting methods and frequency of reporting, to adopt rules requiring the owner or operator of a well to report groundwater withdrawals to the district in which the well is located. Provides that, in adopting rules under this subsection, the TWDB:

(1) is required to consider all methods of tracking groundwater withdrawals, including metering and formulas;

(2) is required to provide for the exemption of a well that is exempt from permit requirements under Section 36.117(b)(1);

(3) is prohibited from discriminating based on well type, but is authorized to provide for the exemption of:

(A) domestic wells;

(B) livestock wells;

(C) wells that have a capacity of less than 100 gallons per minute;
and

(D) wells that produce less than 10 acre feet annually; and

(4) is required, regarding wells that are not located in a district, to require the owner or operator of the well to report groundwater withdrawals to the TWDB.

SECTION 2. Requires the TWDB to adopt the rules required by Subsection (c), Section 36.111, Water Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 3. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect September 1, 2013.