

BILL ANALYSIS

C.S.H.B. 2578
By: Larson
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that brackish groundwater desalination is among the water supply strategies planned to be used to meet the state's water demands over the next 50 years. Brackish groundwater desalination is the process of treating mostly inland water that contains a high level of total dissolved solids to a quality that can be used for drinking water, among other uses. Without treatment, brackish groundwater often is too salty to drink or to use for agriculture or other beneficial purposes. The parties note that there is an estimated 2.7 billion acre-feet of brackish groundwater in Texas, and that while expensive to develop, brackish groundwater supplies will provide an alternative to traditional development that is reliable and drought resistant and that will reduce reliance on fresh water supplies. C.S.H.B. 2578 seeks to encourage and facilitate the development of brackish groundwater.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to groundwater conservation districts in SECTION 3 of this bill.

ANALYSIS

SECTION 1. Amends Section 16.053(e), Water Code, as follows:

(e) Requires that each regional water planning group submit to the development board a regional water plan that:

(1) is consistent with the guidance principles for the state water plan adopted by the development board under Section 16.051(d);

(2) provides information based on data provided or approved by the development board in a format consistent with the guidelines provided by the development board under Subsection (d);

(2-a) is consistent with the desired future conditions adopted under Section 36.108 for the relevant aquifers located in the regional water planning area as of the date the board most recently adopted a state water plan under Section 16.051 or, at the option of the regional water planning group, established subsequent to the adoption of the most recent plan;

(3) identifies:

(A) each source of water supply in the regional water planning area, including information supplied by the executive administrator on the amount of modeled available groundwater in accordance with the guidelines provided by the development board under Subsections (d) and (f);

(B) factors specific to each source of water supply to be considered in determining whether to initiate a drought response;

(C) actions to be taken as part of the response; and

(D) existing major water infrastructure facilities that may be used for interconnections in the event of an emergency shortage of water;

(4) has specific provisions for water management strategies to be used during a drought of record;

(5) includes but is not limited to consideration of the following:

(A) any existing water or drought planning efforts addressing all or a portion of the region;

(B) approved groundwater conservation district management plans and other plans submitted under Section 16.054;

(C) all potentially feasible water management strategies, including but not limited to improved conservation, reuse, and management of existing water supplies, conjunctive use, acquisition of available existing water supplies, and development of new water supplies;

(D) protection of existing water rights in the region;

(E) opportunities for and the benefits of developing regional water supply facilities or providing regional management of water supply facilities;

(F) appropriate provision for environmental water needs and for the effect of upstream development on the bays, estuaries, and arms of the Gulf of Mexico and the effect of plans on navigation;

(G) provisions in Section 11.085(k)(1) if interbasin transfers are contemplated;

(H) voluntary transfer of water within the region using, but not limited to, regional water banks, sales, leases, options, subordination agreements, and financing agreements;

(I) emergency transfer of water under Section 11.139, including information on the part of each permit, certified filing, or certificate of adjudication for nonmunicipal use in the region that may be transferred without causing unreasonable damage to the property of the nonmunicipal water rights holder; and

(J) opportunities for and the benefits of developing large-scale desalination facilities for brackish groundwater or seawater that serve local or regional brackish groundwater production zones identified under Section 16.060(b)(5);

(6) identifies river and stream segments of unique ecological value and sites of unique value for the construction of reservoirs that the regional water planning group recommends for protection under Section 16.051;

(7) assesses the impact of the plan on unique river and stream segments identified in Subdivision (6) if the regional water planning group or the legislature determines that a site of unique ecological value exists;

(8) describes the impact of proposed water projects on water quality; and

(9) includes information on:

(A) projected water use and conservation in the regional water planning area; and

(B) the implementation of state and regional water plan projects, including water conservation strategies, necessary to meet the state's projected water demands.

SECTION 2. Amends Section 16.060, Water Code, by amending Subsections (a) and (b) and adding Subsection (d) as follows:

(a) Requires the board to undertake or participate in research, feasibility and facility planning studies, investigations, and surveys as it considers necessary to further the development of cost-effective water supplies from seawater or brackish groundwater, rather than seawater alone, desalination in the state.

(b) Requires the board to prepare a biennial progress report on the implementation of seawater or brackish groundwater, rather than seawater alone, desalination activities in the state and shall submit it to the governor, lieutenant governor, and speaker of the house of representatives not later than December 1 of each even-numbered year. Requires the report to include:

(1) results of the board's studies and activities relative to seawater or brackish groundwater, rather than seawater alone, desalination during the preceding biennium;

(2) identification and evaluation of research, regulatory, technical, and financial impediments to the implementation of seawater or brackish groundwater, rather than seawater alone, desalination projects;

(3) evaluation of the role the state should play in furthering the development of large-scale seawater or brackish groundwater, rather than seawater alone, desalination projects in the state;

(4) the anticipated appropriation from general revenues necessary to continue investigating water desalination activities in the state during the next biennium; and

(5) identification and designation of local or regional brackish groundwater production zones in areas of the state with moderate to high availability and productivity of brackish groundwater that can be used to reduce the use of fresh groundwater and that:

(A) are separated by hydrogeologic barriers sufficient to prevent significant impacts to water availability or water quality in other aquifers, subdivisions of aquifers, or geologic stratum;

(B) are not, at the time of the designation as a brackish groundwater production zone, serving as a primary source of water supply for any use other than a desalination project; and

(C) are not located in areas determined to be susceptible to subsidence, or within the Edwards Aquifer and within the boundaries of the Edwards Aquifer Authority.

(d) Requires the board to work together with groundwater conservation districts and stakeholders and to consider the Brackish Groundwater Manual for Texas Regional Water Planning Groups, and any updates to the manual, and other relevant scientific data or findings when identifying and designating brackish groundwater production zones under Subsection (b)(5).

SECTION 3. Amends Subchapter D, Chapter 36, Water Code, by adding Section 36.1015 as follows:

Sec. 36.1015. RULES FOR PERMITS IN BRACKISH GROUNDWATER PRODUCTION ZONES. (a) Defines "designated brackish groundwater production

zone" to mean an aquifer, subdivision of an aquifer, or geologic stratum designated under section 16.060(b)(5).

(b) Requires that a district located over any part of a designated brackish groundwater production zone, on receipt of a petition from a person with a with a legally defined interest in groundwater in the district, adopt rules related to the issuance of permits to withdraw brackish groundwater from a well in a designated brackish groundwater production zone for a project designed to treat brackish groundwater to drinking water standards. Requires the rules to:

(1) allow unlimited withdrawals and rates of withdrawal of brackish groundwater from a designated brackish groundwater production zone;

(2) provide for a minimum term of 30 years for a permit issued for a well that produces brackish groundwater from a designated brackish groundwater production zone;

(3) require reasonable monitoring of an aquifer, subdivision of an aquifer, or geologic stratum adjacent to the designated brackish groundwater production zones;

(4) allow the district to amend a permit issued under rules adopted under this section following receipt of a report requested under Subsection (c); and

(5) require reports from the holder of a permit issued under rules adopted under this section that must include:

(A) the amount of brackish groundwater withdrawn;

(B) the average monthly water quality of the brackish groundwater withdrawn; and

(C) aquifer levels in both the designated brackish groundwater production zone and in any aquifer, subdivision of the aquifer, or geologic stratum for which the permit requires monitoring.

(c) Requires the district to provide the reports required under Subsection (b)(5) to the Texas Water Development Board (board), and on request from the district, the development board is required to investigate and issue a report on whether brackish groundwater withdrawals from the designated brackish groundwater production zone are causing:

(1) significant aquifer level declines; or

(2) adverse impacts to water quality in an aquifer, subdivision of an aquifer, or geologic stratum.

(d) Authorizes the district, after receiving the report requested under Subsection (c), to, after notice and hearing:

(1) amend the applicable permit to establish a production limit necessary to mitigate any impacts identified by the report;

(2) approve a mitigation plan that alleviates any adverse impacts identified by the report; or

(3) both amend the permit to establish a production limit and approve a mitigation plan.

SECTION 4. Amends Section 36.1071(a), Water Code, as follows:

(a) Requires the district, following notice and hearing, to, in coordination with surface water management entities on a regional basis, develop a management plan that addresses the following management goals, as applicable:

- (1) providing the most efficient use of groundwater;
- (2) controlling and preventing waste of groundwater;
- (3) controlling and preventing subsidence;
- (4) addressing conjunctive surface water management issues;
- (5) addressing natural resource issues;
- (6) addressing drought conditions;
- (7) addressing conservation, recharge enhancement, rainwater harvesting, precipitation enhancement, or brush control, where appropriate and cost-effective;
- (8) addressing the desired future conditions adopted by the district under Section 36.108; and
- (9) identifying goals for the development of brackish groundwater desalination strategies in designated brackish groundwater production zones.

SECTION 5. Amends Section 36.108(d-2), Water Code, as follows:

(d-2) Requires that the desired future conditions proposed under Subsection (d) provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the management area. Prohibits the desired future condition from applying to brackish groundwater production in a designated brackish groundwater production zones. Provides that this subsection does not prohibit the establishment of desired future conditions that provide for the reasonable long-term management of groundwater resources consistent with the management goals under Section 36.1071(a). Requires that the desired future conditions proposed under Subsection (d) be approved by a two-thirds vote of all the district representatives for distribution to the districts in the management area. Provides that a period of not less than 90 days for public comments begins on the day the proposed desired future conditions are mailed to the districts. Requires that each district, during the public comment period and after posting notice as required by Section 36.063, hold a public hearing on any proposed desired future conditions relevant to that district. Requires that the district, during the public comment period, make available in its office a copy of the proposed desired future conditions and any supporting materials, such as the documentation of factors considered under Subsection (d) and groundwater availability model run results. Requires the district, after the public hearing, to compile for consideration at the next joint planning meeting a summary of relevant comments received, any suggested revisions to the proposed desired future conditions, and the basis for the revisions.

SECTION 6. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect September 1, 2013.

COMPARISON OF ORIGINAL TO SUBSTITUTE

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 16.053(e), Water

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Code, is amended to read as follows:

(e) Each regional water planning group shall submit to the development board a regional water plan that:

(1) is consistent with the guidance principles for the state water plan adopted by the development board under Section 16.051(d);
(2) provides information based on data provided or approved by the development board in a format consistent with the guidelines provided by the development board under Subsection (d);

(2-a) is consistent with the desired future conditions adopted under Section 36.108 for the relevant aquifers located in the regional water planning area as of the date the board most recently adopted a state water plan under Section 16.051 or, at the option of the regional water planning group, established subsequent to the adoption of the most recent plan;

(3) identifies:

(A) each source of water supply in the regional water planning area, including information supplied by the executive administrator on the amount of modeled available groundwater in accordance with the guidelines provided by the development board under Subsections (d) and (f);

(B) factors specific to each source of water supply to be considered in determining whether to initiate a drought response;

(C) actions to be taken as part of the response; and

(D) existing major water infrastructure facilities that may be used for interconnections in the event of an emergency shortage of water;

(4) has specific provisions for water management strategies to be used during a drought of record;

(5) includes but is not limited to consideration of the following:

(A) any existing water or drought planning efforts addressing all or a portion of the region;

(B) approved groundwater conservation district management plans and other plans submitted under Section 16.054;

(C) all potentially feasible water management strategies, including but not limited to improved conservation, reuse, and management of existing water supplies, conjunctive use, acquisition of available existing water supplies, and development of new water supplies;

(D) protection of existing water rights in the region;

(E) opportunities for and the benefits of developing regional water supply facilities or providing regional management of water supply facilities;

Code, is amended to read as follows:

(e) Each regional water planning group shall submit to the development board a regional water plan that:

(1) Same as introduced version.

(2) Same as introduced version.

(2-a) Same as introduced version.

(3) Same as introduced version.

(4) Same as introduced version.

(5) includes but is not limited to consideration of the following:

(A) Same as introduced version.

(B) Same as introduced version.

(C) Same as introduced version.

(D) Same as introduced version.

(E) Same as introduced version.

(F) appropriate provision for environmental water needs and for the effect of upstream development on the bays, estuaries, and arms of the Gulf of Mexico and the effect of plans on navigation;

(G) provisions in Section 11.085(k)(1) if interbasin transfers are contemplated;

(H) voluntary transfer of water within the region using, but not limited to, regional water banks, sales, leases, options, subordination agreements, and financing agreements; ~~and~~

(I) emergency transfer of water under Section 11.139, including information on the part of each permit, certified filing, or certificate of adjudication for nonmunicipal use in the region that may be transferred without causing unreasonable damage to the property of the nonmunicipal water rights holder; and

(J) opportunities for and the benefits of developing large-scale desalination facilities for brackish groundwater or seawater that serve local or regional brackish groundwater production zones identified under Section 16.060;

(6) identifies river and stream segments of unique ecological value and sites of unique value for the construction of reservoirs that the regional water planning group recommends for protection under Section 16.051;

(7) assesses the impact of the plan on unique river and stream segments identified in Subdivision (6) if the regional water planning group or the legislature determines that a site of unique ecological value exists;

(8) describes the impact of proposed water projects on water quality; and

(9) includes information on:

(A) projected water use and conservation in the regional water planning area; and

(B) the implementation of state and regional water plan projects, including water conservation strategies, necessary to meet the state's projected water demands.

SECTION 2. Section 16.060, Water Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) The board shall undertake or participate in research, feasibility and facility planning studies, investigations, and surveys as it considers necessary to further the development of cost-effective water supplies from seawater or brackish groundwater desalination in the state.

(b) The board shall prepare a biennial progress report on the implementation of seawater or brackish groundwater

(F) Same as introduced version.

(G) Same as introduced version.

(H) Same as introduced version.

(I) Same as introduced version.

(J) opportunities for and the benefits of developing large-scale desalination facilities for brackish groundwater or seawater that serve local or regional brackish groundwater production zones identified or designated under Section 16.060(b)(5);

(6) Same as introduced version.

(7) Same as introduced version.

(8) Same as introduced version.

(9) Same as introduced version.

SECTION 2. Section 16.060, Water Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) Same as introduced version.

(b) The board shall prepare a biennial progress report on the implementation of seawater or brackish groundwater

desalination activities in the state and shall submit it to the governor, lieutenant governor, and speaker of the house of representatives not later than December 1 of each even-numbered year. The report shall include:

- (1) results of the board's studies and activities relative to seawater or brackish groundwater desalination during the preceding biennium;
- (2) identification and evaluation of research, regulatory, technical, and financial impediments to the implementation of seawater or brackish groundwater desalination projects;
- (3) evaluation of the role the state should play in furthering the development of large-scale seawater or brackish groundwater desalination projects in the state; ~~and~~
- (4) the anticipated appropriation from general revenues necessary to continue investigating water desalination activities in the state during the next biennium; and
- (5) identification of local or regional brackish groundwater production zones in areas of the state with moderate to high availability and productivity of brackish groundwater that can be used to reduce the use of fresh groundwater.

(d) The board shall consider the Brackish Groundwater Manual for Texas Regional Water Planning Groups, and any updates to the manual, when identifying areas of moderate to high availability and productivity of brackish groundwater under Subsection (b)(5).

SECTION 3. Section 36.001, Water Code, is amended by adding Subdivision (31) to read as follows:

(31) "Brackish groundwater" means groundwater that has a salinity of more than 1,000 milligrams per liter but not more than

desalination activities in the state and shall submit it to the governor, lieutenant governor, and speaker of the house of representatives not later than December 1 of each even-numbered year. The report shall include:

- (1) Same as introduced version.
- (2) Same as introduced version.
- (3) Same as introduced version.
- (4) Same as introduced version.

(5) identification and designation of local or regional brackish groundwater production zones in areas of the state with moderate to high availability and productivity of brackish groundwater that can be used to reduce the use of fresh groundwater and that:

(A) are separated by hydrogeologic barriers sufficient to prevent significant impacts to water availability or water quality in other aquifers, subdivisions of aquifers, or geologic strata;

(B) are not, at the time of designation as a brackish groundwater production zone, serving as a primary water supply for any purpose other than supplying a desalination project; and

(C) are not located:

(i) in areas determined to be susceptible to subsidence; or

(ii) in the Edwards Aquifer and within the boundaries of the Edwards Aquifer Authority.

(d) The board shall work together with groundwater conservation districts and stakeholders and shall consider the Brackish Groundwater Manual for Texas Regional Water Planning Groups, and any updates to the manual, and other relevant scientific data or findings when identifying and designating brackish groundwater production zones under Subsection (b)(5).

No equivalent provision.

10,000 milligrams per liter.

SECTION 4. Section 36.0015, Water Code, is amended to read as follows:

Sec. 36.0015. PURPOSE. In order to provide for the conservation, preservation, protection, recharging, development, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and to control subsidence caused by withdrawal of water from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution, groundwater conservation districts may be created as provided by this chapter. Groundwater conservation districts created as provided by this chapter are the state's preferred method of groundwater management through rules developed, adopted, and promulgated by a district in accordance with the provisions of this chapter.

No equivalent provision.

SECTION 5. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1015 to read as follows:

Sec. 36.1015. MODEL RULES FOR BRACKISH GROUNDWATER REGULATION.

(a) The Texas Water Development Board shall develop and make available model rules for the permitting of brackish groundwater production. The model rules shall include:

(1) a prohibition on limiting the production of brackish groundwater to achieve a desired future condition unless the executive administrator has determined the amount of modeled available groundwater specifically attributed to brackish groundwater;

(2) a minimum term of 30 years for a permit issued for a well that produces brackish groundwater;

(3) a prohibition on reducing the authorized amount of brackish groundwater that may be withdrawn from a well during the term of the permit; and

(4) other provisions that the Texas Water Development Board considers appropriate to encourage the development of brackish groundwater desalination projects.

(b) The Texas Water Development Board shall consider the Brackish Groundwater Manual for Texas Regional Water Planning Groups, and any updates to the manual, in developing the rules under Subsection (a).

No equivalent provision, but see new SECTION 3 below.

No equivalent provision, but see former SECTION 5 above.

SECTION 3. Subchapter D, Chapter 36, Water Code, is amended by adding Section

36.1015 to read as follows:

Sec. 36.1015. RULES FOR PERMITS IN BRACKISH GROUNDWATER PRODUCTION ZONES.

(a) In this section, "designated brackish groundwater production zone" means an aquifer, subdivision of an aquifer, or geologic stratum designated under Section 16.060(b)(5).

(b) On receipt of a petition from a person with a legally defined interest in groundwater in the district, a district located over any part of a designated brackish groundwater production zone shall adopt rules for the issuance of permits to withdraw brackish groundwater from a well in a designated brackish groundwater production zone for a project designed to treat brackish groundwater to drinking water standards. The rules must:

(1) allow unlimited withdrawals and rates of withdrawal of brackish groundwater from a designated brackish groundwater production zone;

(2) provide for a minimum term of 30 years for a permit issued for a well that produces brackish groundwater from a designated brackish groundwater production zone;

(3) require reasonable monitoring of an aquifer, subdivision of an aquifer, or geologic stratum adjacent to a designated brackish groundwater production zone;

(4) allow the district to amend a permit issued under rules adopted under this section following receipt of a report requested under Subsection (c); and

(5) require reports from the holder of a permit issued under rules adopted under this section that must include:

(A) the amount of brackish groundwater withdrawn;

(B) the average monthly water quality of the brackish groundwater withdrawn; and

(C) aquifer levels in both the designated brackish groundwater production zone and in any aquifer, subdivision of an aquifer, or geologic stratum for which the permit requires monitoring.

(c) The district shall provide the reports required under Subsection (b)(5) to the Texas Water Development Board. On request from the district, the development board shall investigate and issue a report on whether brackish groundwater withdrawals from the designated brackish groundwater production zone are causing:

(1) significant aquifer level declines; or

(2) adverse impacts to water quality in an aquifer, subdivision of an aquifer, or geologic stratum.

(d) After receiving a report requested under Subsection (c), the district may, after notice

SECTION 6. Section 36.1071(a), Water Code, is amended to read as follows:

(a) Following notice and hearing, the district shall, in coordination with surface water management entities on a regional basis, develop a management plan that addresses the following management goals, as applicable:

- (1) providing the most efficient use of groundwater;
- (2) controlling and preventing waste of groundwater;
- (3) controlling and preventing subsidence;
- (4) addressing conjunctive surface water management issues;
- (5) addressing natural resource issues;
- (6) addressing drought conditions;
- (7) addressing conservation, recharge enhancement, rainwater harvesting, precipitation enhancement, or brush control, where appropriate and cost-effective; ~~and~~
- (8) addressing the desired future conditions adopted by the district under Section 36.108; and
- (9) identifying goals to pursue the reduction of fresh groundwater use through brackish groundwater desalination strategies in production zones identified under Section 16.060.

SECTION 7. Section 36.108(d-2), Water Code, is amended to read as follows:

(d-2) The desired future conditions proposed under Subsection (d) must provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the management area. To reduce reliance on fresh groundwater resources, the desired future condition must allow the highest level of brackish groundwater production in production zones identified under Section 16.060. This subsection does not prohibit the establishment of desired future conditions that provide for the reasonable long-term management of groundwater

and hearing:

(1) amend the applicable permit to establish a production limit necessary to mitigate any impacts identified by the report;

(2) approve a mitigation plan that alleviates any adverse impacts identified by the report;
or

(3) both amend the permit to establish a production limit and approve a mitigation plan.

SECTION 4. Section 36.1071(a), Water Code, is amended to read as follows:

(a) Following notice and hearing, the district shall, in coordination with surface water management entities on a regional basis, develop a management plan that addresses the following management goals, as applicable:

- (1) Same as introduced version.
- (2) Same as introduced version.
- (3) Same as introduced version.
- (4) Same as introduced version.
- (5) Same as introduced version.
- (6) Same as introduced version.
- (7) Same as introduced version.

- (8) Same as introduced version.

(9) identifying goals for the development of brackish groundwater desalination strategies in designated brackish groundwater production zones.

SECTION 5. Section 36.108(d-2), Water Code, is amended to read as follows:

(d-2) The desired future conditions proposed under Subsection (d) must provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the management area. The desired future condition does not apply to brackish groundwater production in designated brackish groundwater production zones. This subsection does not prohibit the establishment of desired future conditions that provide for the reasonable long-term management of groundwater resources consistent with the management goals under

resources consistent with the management goals under Section 36.1071(a). The desired future conditions proposed under Subsection (d) must be approved by a two-thirds vote of all the district representatives for distribution to the districts in the management area. A period of not less than 90 days for public comments begins on the day the proposed desired future conditions are mailed to the districts. During the public comment period and after posting notice as required by Section 36.063, each district shall hold a public hearing on any proposed desired future conditions relevant to that district. During the public comment period, the district shall make available in its office a copy of the proposed desired future conditions and any supporting materials, such as the documentation of factors considered under Subsection (d) and groundwater availability model run results. After the public hearing, the district shall compile for consideration at the next joint planning meeting a summary of relevant comments received, any suggested revisions to the proposed desired future conditions, and the basis for the revisions.

Section 36.1071(a). The desired future conditions proposed under Subsection (d) must be approved by a two-thirds vote of all the district representatives for distribution to the districts in the management area. A period of not less than 90 days for public comments begins on the day the proposed desired future conditions are mailed to the districts. During the public comment period and after posting notice as required by Section 36.063, each district shall hold a public hearing on any proposed desired future conditions relevant to that district. During the public comment period, the district shall make available in its office a copy of the proposed desired future conditions and any supporting materials, such as the documentation of factors considered under Subsection (d) and groundwater availability model run results. After the public hearing, the district shall compile for consideration at the next joint planning meeting a summary of relevant comments received, any suggested revisions to the proposed desired future conditions, and the basis for the revisions.

SECTION 8. Sections 36.117(b) and (c), 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;

(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; or

(4) drilling or operating a well associated with a desalination project located in a brackish groundwater production zone identified under Section 16.060, unless a

No equivalent provision.

district has adopted the model rules for the permitting of brackish groundwater wells developed by the Texas Water Development Board.

(c) A district may not restrict the production of water from any well described by Subsection (b)(1) or (b)(4).

SECTION 9. This Act takes effect September 1, 2013.

SECTION 6. Same as introduced version.