

By: Gooden

H.B. No. 1460

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the use of land and water for wildlife management.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 11.002(12), Water Code, is amended to
5 read as follows:

6 (12) "Agriculture" means any of the following
7 activities:

8 (A) cultivating the soil to produce crops for
9 human food, animal feed, or planting seed or for the production of
10 fibers;

11 (B) the practice of floriculture, viticulture,
12 silviculture, and horticulture, including the cultivation of
13 plants in containers or nonsoil media, by a nursery grower;

14 (C) raising, feeding, or keeping animals for
15 breeding purposes or for the production of food or fiber, leather,
16 pelts, or other tangible products having a commercial value;

17 (D) raising or keeping equine animals;

18 (E) wildlife management, including the use of
19 land or water to propagate a sustaining breeding, migrating, or
20 wintering population of indigenous mammals, birds, fish, or other
21 wild animals for human use, including food, medicine, or
22 recreation;

23 (F) planting cover crops, including cover crops
24 cultivated for transplantation, or leaving land idle for the

1 purpose of participating in any governmental program or normal crop
2 or livestock rotation procedure; and

3 (G) aquaculture, as defined by Section 134.001,
4 Agriculture Code.

5 SECTION 2. Sections 36.001(8) and (19), Water Code, are
6 amended to read as follows:

7 (8) "Waste" means any one or more of the following:

8 (A) withdrawal of groundwater from a groundwater
9 reservoir at a rate and in an amount that causes or threatens to
10 cause intrusion into the reservoir of water unsuitable for
11 agricultural, gardening, domestic, or stock raising purposes;

12 (B) the flowing or producing of wells from a
13 groundwater reservoir if the water produced is not used for a
14 beneficial purpose;

15 (C) escape of groundwater from a groundwater
16 reservoir to any other reservoir or geologic strata that does not
17 contain groundwater;

18 (D) pollution or harmful alteration of
19 groundwater in a groundwater reservoir by saltwater or by other
20 deleterious matter admitted from another stratum or from the
21 surface of the ground;

22 (E) wilfully or negligently causing, suffering,
23 or allowing groundwater to escape into any river, creek, natural
24 watercourse, depression, lake, reservoir, drain, sewer, street,
25 highway, road, or road ditch, or onto any land other than that of
26 the owner of the well unless:

27 (i) such discharge is authorized by permit,

1 rule, or order issued by the commission under Chapter 26; or
2 (ii) the discharge is for the purpose of
3 wildlife management, as described by Subdivision (19);

4 (F) groundwater pumped for irrigation that
5 escapes as irrigation tailwater onto land other than that of the
6 owner of the well unless permission has been granted by the occupant
7 of the land receiving the discharge; or

8 (G) for water produced from an artesian well,
9 "waste" has the meaning assigned by Section 11.205.

10 (19) "Agriculture" means any of the following
11 activities:

12 (A) cultivating the soil to produce crops for
13 human food, animal feed, or planting seed or for the production of
14 fibers;

15 (B) the practice of floriculture, viticulture,
16 silviculture, and horticulture, including the cultivation of
17 plants in containers or nonsoil media, by a nursery grower;

18 (C) raising, feeding, or keeping animals for
19 breeding purposes or for the production of food or fiber, leather,
20 pelts, or other tangible products having a commercial value;

21 (D) planting cover crops, including cover crops
22 cultivated for transplantation, or leaving land idle for the
23 purpose of participating in any governmental program or normal crop
24 or livestock rotation procedure;

25 (E) wildlife management, including the use of
26 land or water to propagate a sustaining breeding, migrating, or
27 wintering population of indigenous mammals, birds, fish, or other

1 wild animals for human use, including food, medicine, or
2 recreation; and

3 (F) raising or keeping equine animals.

4 SECTION 3. Section 36.1131(b), Water Code, is amended to
5 read as follows:

6 (b) The permit may include:

7 (1) the name and address of the person to whom the
8 permit is issued;

9 (2) the location of the well;

10 (3) the date the permit is to expire if no well is
11 drilled;

12 (4) a statement of the purpose for which the well is to
13 be used;

14 (5) a requirement that the water withdrawn under the
15 permit be put to beneficial use at all times;

16 (6) the location of the use of the water from the well;

17 (7) a water well closure plan or a declaration that the
18 applicant will comply with well plugging guidelines and report
19 closure to the commission;

20 (8) the conditions and restrictions, if any, placed on
21 the rate and amount of withdrawal;

22 (9) any conservation-oriented methods of drilling and
23 operating prescribed by the district;

24 (10) a drought contingency plan prescribed by the
25 district; ~~and~~

26 (11) other terms and conditions as provided by Section
27 36.113; and

1 (12) conditions related to wildlife management, as
2 described by Section 36.001(19).

3 SECTION 4. This Act takes effect September 1, 2013.