

By: Martinez Fischer

H.B. No. 2739

A BILL TO BE ENTITLED

AN ACT

relating to permitting requirements of groundwater conservation districts, including permits to transfer water.

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

SECTION 1. Section 36.113(c), Water Code, is amended to read as follows:

(c) A district may require that the following be included in the permit or permit amendment application:

(1) the name and mailing address of the applicant and the owner of the land on which the well will be located;

(2) if the applicant is other than the owner of the property, documentation establishing the applicable authority to construct and operate a well for the proposed use;

(3) a statement of the nature, location, and purpose of the proposed use and the amount of water to be used for each purpose;

(4) a water conservation plan or a declaration that the applicant will comply with the district's management plan;

(5) the location of each well and the estimated rate at which water will be withdrawn;

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

(7) a drought contingency plan.

SECTION 2. Section 36.1131(b), Water Code, is amended to read as follows:

(b) The permit may include:

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

(2) the location of the well;

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

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

(5) a requirement that the water withdrawn under the permit be put to beneficial use at all times;

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

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

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

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

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

(11) other terms and conditions as provided by Section 36.113 or 36.122.

SECTION 3. Sections 36.122(b), (c), (d), (g), (h), (i), and (k), Water Code, are amended to read as follows:

(b) A district may promulgate rules requiring a person to

1 obtain, under Section 36.113, a well permit or an amendment to a
2 well permit [~~under Section 36.113~~] from the district authorizing
3 [~~for~~] the transfer of groundwater produced from the well out of the
4 district to:

5 (1) increase, on or after March 2, 1997, the amount of
6 groundwater to be transferred under a continuing arrangement in
7 effect before that date; or

8 (2) transfer groundwater out of the district on or
9 after March 2, 1997, under a new arrangement.

10 (c) Except as provided in Section 36.113(e), the district
11 may not impose more restrictive permit conditions on transfers out
12 of the district [~~transporters~~] than the district imposes on
13 existing in-district uses [~~users~~].

14 (d) The district may impose a reasonable fee for processing
15 a well permit [~~an~~] application that proposes transferring
16 groundwater outside the district's boundaries [~~under this~~
17 ~~section~~]. The fee may not exceed fees that the district imposes for
18 processing other applications under Section 36.113. An application
19 filed to comply with this section shall be considered and processed
20 under the same procedures as other applications for permits under
21 Section 36.113 and shall be combined with applications filed to
22 obtain a permit for in-district water use under Section 36.113 from
23 the same applicant.

24 (g) The district may not deny a permit based on the fact that
25 the applicant proposes transferring [~~seeks to transfer~~]
26 groundwater outside [~~of~~] the district but may limit the amount of
27 water that may be transferred [~~a permit issued under this section~~]

1 if conditions in Subsection (f) warrant the limitation, subject to
2 Subsection (c).

3 (h) In addition to conditions provided by Section 36.1131,
4 the permit shall specify:

5 (1) the amount of water that may be transferred out of
6 the district; and

7 (2) the term [~~period~~] for which the water may be
8 produced and transferred.

9 (i) The term [~~period~~] specified by Subsection (h)(2) shall
10 be:

11 (1) at least three years if construction of a
12 conveyance system has not been initiated prior to the issuance of
13 the permit; or

14 (2) at least 30 years if construction of a conveyance
15 system has been initiated prior to the issuance of the permit.

16 (k) Notwithstanding the term [~~period~~] specified in
17 Subsections (i) and (j) during which water may be transferred under
18 a permit, a district may periodically review the amount of water
19 that may be transferred under the permit and may limit the amount if
20 additional factors considered in Subsection (f) warrant the
21 limitation, subject to Subsection (c). The review described by
22 this subsection may take place not more frequently than the period
23 provided for the review or renewal of [~~regular~~] permits issued by
24 the district under Section 36.113 for in-district uses. In its
25 determination of whether to renew a permit at the end of the term
26 specified by Subsection (h)(2) [~~issued under this section~~], the
27 district shall consider relevant and current data for the

1 conservation of groundwater resources and shall consider the permit
2 in the same manner it would consider any other permit in the
3 district.

4 SECTION 4. Sections 36.1131(b) and 36.122, Water Code, as
5 amended by this Act, apply only to an application for a permit
6 submitted to a groundwater conservation district on or after the
7 effective date of this Act. An application for a permit submitted to
8 a district before that date is governed by the law in effect on the
9 date the application was submitted, and the former law is continued
10 in effect for that purpose.

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