

By: Callegari

H.B. No. 3250

A BILL TO BE ENTITLED

AN ACT

relating to protecting landowners against aquifer depletion.

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

SECTION 1. Section 36.002, Water Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) Within a particular aquifer subdivision, at any particular location where groundwater was available on or after September 1, 2013, the annual production capability of groundwater per acre of land that is owned and that overlies an aquifer subdivision shall not be reduced, as a result of the rate of permitted groundwater production of the aquifer subdivision, to less than the proven production capability on or after September 1, 2013, or an authorized common production rate per acre applied to the aquifer subdivision throughout the management area the land is within, whichever is less. Where the ability to produce groundwater has been reduced by permitted production of the aquifer subdivision below these amounts, the district or districts having authority over the particular aquifer subdivision shall:

(1) reduce permitted production of groundwater by the same percentage for all permit holders sufficiently to restore production capability to these amounts;

(2) supply water to the particular location in these amounts by pipeline at the rate of proven production or the authorized production rate, whichever is less;

1 (3) revise established desired future conditions and
2 modeled available groundwater and establish a common production
3 rate for the particular aquifer subdivision throughout the
4 management area as necessary to allow the affected landowner to
5 produce at that rate.

6 (g) To comply with Subsection (f), districts and management
7 areas may at any time revise desired future conditions established
8 under Section 36.108, modeled available groundwater, and
9 production permits.

10 (h) A district may charge a production fee to cover the cost
11 of supplying water to landowners, lessees, or assigns for losses
12 and damages described by Subsection (f).

13 SECTION 2. This Act takes effect September 1, 2013.