By: Keffer H.B. No. 3317

A BILL TO BE ENTITLED

AN ACT

relating to the exemption of a water well from certain permitting by
and compliance with rules of a groundwater conservation district.

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

SECTION 1. Section 36.117, Water Code, is amended by
amending Subsections (b) and (d) and adding Subsection (f-1) 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, including completions, 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.

(d) A district may cancel a previously granted exemption,
and may require an operating permit for or restrict production from
a well, if:

(1) the well is located in the Hill Country Priority
Groundwater Management Area and the groundwater withdrawals that
were exempted under Subsection (b)(1) are no longer used solely for
domestic use or to provide water for livestock or poultry;

(2) the groundwater withdrawals that were exempted
under Subsection (b)(2) are no longer used [solely] to supply water
for [a rig that is actively engaged in] drilling or exploration
operations, including completions, for an oil or gas well permitted
by the Railroad Commission of Texas; or

(3) the groundwater withdrawals that were exempted
under Subsection (b)(3) are no longer necessary for mining
activities or are greater than the amount necessary for mining
activities specified in the permit issued by the Railroad
Commission of Texas under Chapter 134, Natural Resources Code.

(f-1) The owner or operator of a water well exempt under
Subsection (b)(2) shall comply with rules of the district that have
been adopted with general and uniform application to all wells,
except wells described by Subsection (b)(1), including those rules
that govern:

(1) registration of wells;

(2) production requirements as applied commensurately to all wells;

(3) payment of production fees as assessed by the district based on the amount of groundwater actually withdrawn from the well; and

(4) recordkeeping and reporting of groundwater withdrawals.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.