

By: Craddick

H.B. No. 2132

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain exemptions from the requirement to obtain a  
3 permit from a groundwater conservation district; authorizing a fee.

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

5 SECTION 1. Section 36.117, Water Code, is amended by  
6 amending Subsections (b) and (d) and adding Subsection (f-1) to  
7 read as follows:

8 (b) Except as provided by this section, a district shall  
9 provide an exemption from the district requirement to obtain a  
10 permit for drilling or operating a well and producing groundwater  
11 for beneficial use from a well:

12 (1) [~~drilling or operating a well~~] used [~~solely~~] for  
13 domestic use or for providing water for livestock or poultry if the  
14 well is:

15 (A) located or to be located on a tract of land  
16 larger than 10 acres; and

17 (B) drilled, completed, or equipped so that it is  
18 incapable of producing more than 25,000 gallons of groundwater a  
19 day;

20 (2) [~~drilling a water well~~] used [~~solely~~] to supply  
21 water for operations related to oil and gas exploration,  
22 development, or production, including hydraulic fracturing or [~~a~~  
23 ~~rig that is actively engaged in~~] drilling, completing,  
24 recompleting, stimulating, reworking, or deepening [~~or exploration~~

1 ~~operations for~~] an oil or gas well permitted by the Railroad  
2 Commission of Texas provided that the person seeking the exemption  
3 is responsible for drilling or operating the oil, gas, or water well  
4 ~~[holding the permit is responsible for drilling and operating the~~  
5 ~~water well and the water well is located on the same lease or field~~  
6 ~~associated with the drilling rig]~~; or

7           (3) used as ~~[drilling a water well]~~ authorized under a  
8 permit issued by the Railroad Commission of Texas under Chapter  
9 134, Natural Resources Code, ~~[or]~~ for production ~~[from the well]~~ to  
10 the extent the withdrawals from the well are required for mining  
11 activities regardless of any subsequent use of the water.

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

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

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

24           (3) the groundwater withdrawals that were exempted  
25 under Subsection (b)(3) are no longer necessary for mining  
26 activities or are greater than the amount necessary for mining  
27 activities specified in the permit issued by the Railroad

1 Commission of Texas under Chapter 134, Natural Resources Code.

2 (f-1) The owner or operator of a water well exempt under  
3 Subsection (b)(2) shall comply with rules adopted by the district  
4 for wells described by Subsection (b)(2) that govern:

5 (1) registration of wells;

6 (2) production requirements with uniform application  
7 to all wells in the district, provided that the allowable  
8 production must equal or exceed the highest production amount  
9 allowed for any well in the district regardless of the water's use  
10 or whether the well is exempt under district rules;

11 (3) payment of production fees assessed by the  
12 district based on the amount of water actually withdrawn from a  
13 well, provided that the production fee may not exceed a fee adopted  
14 by the district under Section 36.205(c)(2) for municipal purposes  
15 inside the district;

16 (4) recordkeeping and reporting related to  
17 groundwater withdrawals consistent with the requirements uniformly  
18 imposed on nonexempt wells; and

19 (5) filing an accurate drillers' log and electronic  
20 log for any exempt well drilled under Subsection (b)(2) after  
21 September 1, 2015.

22 SECTION 2. This Act takes effect September 1, 2015.