

By: White of Bell

H.B. No. 3540

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the groundwater rights of a landowner and the amount of
3 groundwater production for which a groundwater conservation
4 district may issue permits.

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

6 SECTION 1. Subchapter D, Chapter 36, Water Code, is amended
7 by adding Section 36.1165 to read as follows:

8 Sec. 36.1165. LIMITS ON REGULATION OF PRODUCTION. (a) In
9 this section:

10 (1) "Landowner" means any person who is entitled to
11 the rights recognized under Section 36.002 and includes the
12 landowner's lessees, heirs, or assigns.

13 (2) "Reduced capacity well" means a well described by
14 Subsection (b).

15 (b) This section applies only to a well located in a
16 district and for which the landowner on whose land the well is
17 located has proof that:

18 (1) the well's maximum annual groundwater production
19 capacity has been reduced from a capacity recorded for that well
20 before September 1, 2015; and

21 (2) the reduction in the well's capacity is caused by a
22 reduced amount of available groundwater in the applicable aquifer
23 or subdivision of the aquifer used by the well as a result of the
24 aggregate withdrawals of groundwater from that aquifer or aquifer

1 subdivision by wells for which permits have been issued.

2 (c) For any area in a district that has one or more reduced
3 capacity wells, the district and any other districts that have
4 regulatory authority over production from the applicable aquifer or
5 aquifer subdivision shall:

6 (1) revise if necessary the most recently adopted
7 desired future conditions for that aquifer or aquifer subdivision;
8 and

9 (2) establish a common production rate per acre for
10 permitted wells drawing from that aquifer or aquifer subdivision
11 throughout the groundwater management area as necessary to prevent
12 further reduction in the production capability of the reduced
13 capacity well or wells.

14 (d) A district that has one or more reduced capacity wells
15 shall reduce the permitted amount of groundwater production from a
16 well in the district to an amount allowed by applying a common
17 production rate per acre as authorized by district rule to all
18 permitted wells that withdraw groundwater from the applicable
19 aquifer or aquifer subdivision.

20 (e) Notwithstanding the timetable for the adoption of
21 desired future conditions prescribed by Section 36.108(d), a
22 district that is required to revise the district's desired future
23 conditions under Subsection (c) may do so at any time, provided that
24 the district notifies the other districts in the applicable
25 groundwater management area of the need for the revision and calls
26 for a joint meeting of the groundwater management area districts to
27 consider the revision as provided by Section 36.108.

1 (f) If a district's desired future conditions for an aquifer
2 or aquifer subdivision are revised under this section, the
3 district:

4 (1) may revise as necessary:

5 (A) the district's management plan; and

6 (B) district rules;

7 (2) shall revise individual permits issued by the
8 district in accordance with this section;

9 (3) shall, if necessary, submit the district's revised
10 management plan to the executive administrator for approval as
11 required by Section 36.1073; and

12 (4) shall request that the executive administrator:

13 (A) conduct any surveys or studies necessary to
14 determine a revised modeled available groundwater for the
15 particular subdivision of the aquifer; and

16 (B) provide the modeled available groundwater to
17 the district or districts affected as required by Section 36.1084.

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