

By: Lucio III

H.B. No. 3166

Substitute the following for H.B. No. 3166:

By: Larson

C.S.H.B. No. 3166

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of modeled sustainable groundwater pumping in the adoption of desired future conditions in groundwater conservation districts.

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

SECTION 1. Section 36.001, Water Code, is amended by adding Subdivision (32) to read as follows:

(32) "Modeled sustainable groundwater pumping" means the maximum amount of groundwater that the executive administrator determines may be produced in perpetuity from an aquifer on an annual basis using the best available science.

SECTION 2. Section 36.108, Water Code, is amended by amending Subsection (d) and adding Subsection (d-6) to read as follows:

(d) Not later than September 1, 2010, and every five years thereafter, the districts shall consider groundwater availability models and other data or information for the management area and shall propose for adoption desired future conditions for the relevant aquifers within the management area. Before voting on the proposed desired future conditions of the aquifers under Subsection (d-2), the districts shall consider:

(1) aquifer uses or conditions within the management area, including conditions that differ substantially from one geographic area to another;

(2) the water supply needs and water management strategies included in the state water plan;

(3) hydrological conditions, including for each aquifer in the management area the total estimated recoverable storage and modeled sustainable groundwater pumping as provided by the executive administrator, and the average annual recharge, inflows, and discharge;

(4) other environmental impacts, including impacts on spring flow and other interactions between groundwater and surface water;

(5) the impact on subsidence;

(6) socioeconomic impacts reasonably expected to occur;

(7) the impact on the interests and rights in private property, including ownership and the rights of management area landowners and their lessees and assigns in groundwater as recognized under Section [36.002](#);

(8) the feasibility of achieving the desired future condition; and

(9) any other information relevant to the specific desired future conditions.

(d-6) Notwithstanding Subsection (d)(3), the executive administrator may not calculate the modeled sustainable groundwater pumping for an aquifer located in a management area that wholly or partly overlies an aquifer with a recharge rate such that an owner of land that overlies the aquifer qualifies under federal tax law for a cost depletion deduction for the groundwater

1 withdrawn from the aquifer for irrigation purposes.

2 SECTION 3. This Act takes effect September 1, 2017.