

By: Gerdes

H.B. No. 5052

A BILL TO BE ENTITLED

AN ACT

relating to the criteria considered by groundwater conservation districts before granting or denying a permit.

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

SECTION 1. Section 36.113(d), Water Code, is amended to read as follows:

(d) This subsection does not apply to the renewal of an operating permit issued under Section 36.1145. Before granting or denying a permit, or a permit amendment issued in accordance with Section 36.1146, the district shall consider whether:

(1) the application conforms to the requirements prescribed by this chapter and is accompanied by the prescribed fees;

(2) the proposed use of water unreasonably affects:
(A) existing groundwater and surface water resources; ~~[or]~~

(B) existing permit holders; or
(C) wells that are exempt from the requirement to obtain a permit under this chapter or district rules;

(3) the proposed use of water is dedicated to any beneficial use;

(4) the proposed use of water is consistent with the district's approved management plan;

(5) if the well will be located in the Hill Country

1 Priority Groundwater Management Area, the proposed use of water
2 from the well is wholly or partly to provide water to a pond, lake,
3 or reservoir to enhance the appearance of the landscape;

4 (6) the applicant has agreed to avoid waste and
5 achieve water conservation; and

6 (7) the applicant has agreed that reasonable diligence
7 will be used to protect groundwater quality and that the applicant
8 will follow well plugging guidelines at the time of well closure.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2023.