

By: Hall

S.B. No. 59

A BILL TO BE ENTITLED

AN ACT

relating to the liability of a landowner for the withdrawal and beneficial use of groundwater.

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

SECTION 1. The heading to Section 36.002, Water Code, is amended to read as follows:

Sec. 36.002. OWNERSHIP AND LIABILITY FOR WITHDRAWAL AND BENEFICIAL USE OF GROUNDWATER.

SECTION 2. Section 36.002, Water Code, is amended by amending Subsection (b) and adding Subsection (b-2) to read as follows:

(b) The groundwater ownership and rights described by this section entitle the landowner, including a landowner's lessees, heirs, or assigns, to:

(1) drill for and produce the groundwater below the surface of real property, subject to the other provisions of this section [~~Subsection (d)~~], without causing waste or malicious drainage of other property or negligently causing subsidence; and

(2) have any other right recognized under common law.

(b-2) This subsection applies only to a landowner, including a lessee, heir, or assign of a landowner, who withdraws groundwater from a well capable of producing 25,000 gallons or more of groundwater a day. A landowner, including a lessee, heir, or assign of a landowner, who withdraws groundwater from the land and

1 uses it for a beneficial purpose is not liable for interference with
2 the use of water by another unless the withdrawal of groundwater:

3 (1) causes harm to an owner of neighboring land by
4 lowering the water table or reducing artesian pressure; or

5 (2) has a direct and substantial effect on a
6 watercourse or lake and unreasonably causes harm to a person
7 entitled to the use of water from the watercourse or lake.

8 SECTION 3. Section 36.002, Water Code, as amended by this
9 Act, applies only to a cause of action that accrues on or after the
10 effective date of this Act.

11 SECTION 4. This Act takes effect on the 91st day after the
12 last day of the legislative session.