

By: Uresti

S.B. No. 1749

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the exemption of a water well from certain permitting by
3 and compliance with rules of a groundwater conservation district.

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:

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

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

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

19 (2) drilling a water well used ~~[solely]~~ to supply
20 water for ~~[a rig that is actively engaged in]~~ drilling or
21 exploration operations, including completions, for an oil or gas
22 well permitted by the Railroad Commission of Texas provided that
23 the person holding the permit is responsible for drilling and
24 operating the water well ~~[and the water well is located on the same~~

1 ~~lease or field associated with the drilling rig~~]; or

2 (3) drilling a water well authorized under a permit
3 issued by the Railroad Commission of Texas under Chapter 134,
4 Natural Resources Code, or for production from the well to the
5 extent the withdrawals are required for mining activities
6 regardless of any subsequent use of the water.

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

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

14 (2) the groundwater withdrawals that were exempted
15 under Subsection (b)(2) are no longer used [~~solely~~] to supply water
16 for [~~a rig that is actively engaged in~~] drilling or exploration
17 operations, including completions, for an oil or gas well permitted
18 by the Railroad Commission of Texas; or

19 (3) the groundwater withdrawals that were exempted
20 under Subsection (b)(3) are no longer necessary for mining
21 activities or are greater than the amount necessary for mining
22 activities specified in the permit issued by the Railroad
23 Commission of Texas under Chapter 134, Natural Resources Code.

24 (f-1) The owner or operator of a water well exempt under
25 Subsection (b)(2) shall comply with rules of the district that have
26 been adopted with general and uniform application to all wells,
27 except wells described by Subsection (b)(1), including those rules

1 that govern:

2 (1) registration of wells;

3 (2) production requirements as applied commensurately
4 to all wells;

5 (3) payment of production fees as assessed by the
6 district based on the amount of groundwater actually withdrawn from
7 the well; and

8 (4) recordkeeping and reporting of groundwater
9 withdrawals.

10 SECTION 2. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2013.