Senate Research Center   S.B. 272
                                                                                                   By: Seliger
                                                                                          Natural Resources
                                                                                                   2/18/2013
                                                                                                    As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, neither the Texas Water Development Board (TWDB) nor most groundwater conservation districts (GCDs) require the reporting of water withdrawals. Water production numbers are known for entities that are subject to permitting, but Section 36.117 (Exemptions; Exception; Limitations), Water Code, provides for permit exemptions for water wells that are drilled solely for domestic use or to supply water for a rig. In an attempt to have a more accurate managed available groundwater number and to better achieve an aquifer's desired future condition, S.B. 272 attempts to capture those withdrawal numbers that are not provided through permitting. By directing TWDB to work with GCDs and stakeholders, and adopt rules and standards by which all well operators are required to report, S.B. 272 intends for there to be consistent reporting in all GCDs across the state. If a well is producing water in a "white area," an area of the state that is not managed by a GCD, then the well operator will be required to report to TWDB directly. In the development of these rules, TWDB is directed to consider all methods of tracking groundwater.

As proposed, S.B. 272 amends current law relating to water well recordkeeping and reporting requirements, including the production, use, and withdrawal of groundwater.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Water Development Board in SECTION 1 (Section 36.111, Water Code) and SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.111, Water Code, as follows:

> Sec. 36.111. RECORDS AND REPORTS. (a) Requires, rather than authorizes, a groundwater conservation district (district) to require that records be kept and reports be made of the drilling, equipping, and completing of water wells and of the production and use of groundwater.

>> (b) Authorizes a district to adopt rules, consistent with rules adopted by the Texas Water Development Board (TWDB) under Subsection (c), in implementing Subsection (a), that require an owner or operator of a water well that is required to be registered with or permitted by the district to report groundwater withdrawals, rather than to report groundwater withdrawals using reasonable and appropriate reporting methods and frequency. Deletes existing text excepting the owner or operator of a well that is exempt from permit requirements under Section 36.117(b)(1) (relating to exemption provided drilling and operating a well used solely for domestic use or for providing water for livestock or poultry) to report groundwater withdrawals.

>> (c) Requires TWDB, after consulting with representatives of districts regarding reasonable and appropriate reporting methods and frequency of reporting, to adopt rules requiring the owner or operator of a well to report groundwater withdrawals to the district in which the well is located. Requires TWDB, in adopting the rules under this subsection, to consider all methods of tracking

groundwater withdrawals, including metering and formulas; to provide for the exemption of a well that is exempt from permit requirements under 36.117(b)(1) (relating to an exemption from the district requirement to obtain a permit for drilling and operating a well used solely for domestic use or for providing water for livestock or poultry); to prohibit discrimination based on well type, but authorization to provide for the exemption of domestic wells, livestock wells, wells that have a capacity of less than 100 gallons per minute, and wells that produce less that 100 acre feet annually; and regarding wells that are not located in a district, to require the owner or operator of the well to report groundwater withdrawals to TWDB.

SECTION 2. Requires TWDB to adopt the rules required by Section 36.111(c), Water Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 3. Effective date: September 1, 2013.