

A BILL TO BE ENTITLED
AN ACT

Relating to the liability of a groundwater conservation district when issuing permits based on modeled available groundwater.

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

SECTION 1. Section 36.1132, Water Code, is amended by
Adding Subsection (d) to read as follows:

Sec. 36.1132. PERMITS BASED ON MODELED AVAILABLE GROUNDWATER.

(a) A district, to the extent possible, shall issue permits up to the point that the total volume of exempt and permitted groundwater production will achieve an applicable desired future condition under Section 36.108.

(b) In issuing permits, the district shall manage total groundwater production on a long-term basis to achieve an applicable desired future condition and consider:

- (1) the modeled available groundwater determined by the executive administrator;
- (2) the executive administrator's estimate of the current and projected amount of groundwater produced under exemptions granted by district rules and Section 36.117;
- (3) the amount of groundwater authorized under permits previously issued by the district;
- (4) a reasonable estimate of the amount of groundwater that is actually produced under permits issued by the district; and
- (5) yearly precipitation and production patterns.

(c) In developing the estimate of exempt use under Subsection (b) (2), the executive administrator shall solicit information from each applicable district.

(d) The district shall issue no new permits and deny permit amendments for increased production once the total volume of exempt and permitted groundwater production is shown to achieve the desired future conditions and shall not be held liable in an action for damages from takings when a permit is denied for this reason.

A BILL TO BE ENTITLED
AN ACT

Relating to the liability of a groundwater conservation district when issuing permits based on modeled available groundwater.

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

SECTION 1. Section 36.1132, Water Code, is amended by
Adding Subsection (d) to read as follows:

Sec. 36.1132. PERMITS BASED ON MODELED AVAILABLE GROUNDWATER.

(a) A district, to the extent possible, shall issue permits up to the point that the total volume of exempt and permitted groundwater production will achieve an applicable desired future condition under Section 36.108.

(b) The district shall issue no new permits and deny permit amendments for increased production once the total volume of exempt and permitted groundwater production is shown to achieve the desired future conditions and shall not be held liable in an action for damages from takings when a permit is denied for this reason.

~~(b)~~(c) In issuing permits, the district shall manage total groundwater production on a long-term basis to achieve an applicable desired future condition and consider:

- (1) the modeled available groundwater determined by the executive administrator;
- (2) the executive administrator's estimate of the current and projected amount of groundwater produced under exemptions granted by district rules and Section 36.117;
- (3) the amount of groundwater authorized under permits previously issued by the district;
- (4) a reasonable estimate of the amount of groundwater that is actually produced under permits issued by the district; and
- (5) yearly precipitation and production patterns.

(c) In developing the estimate of exempt use under Subsection (b) (2), the executive administrator shall solicit information from each applicable district.

89S20112 ANG-F

By: Ashby

H.B. No. 193

A BILL TO BE ENTITLED

AN ACT

relating to the volume of groundwater production authorized through the issuance of permits by a groundwater conservation district.

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

SECTION 1. Section 36.1132(a), Water Code, is amended to read as follows:

(a) A district may not~~[, to the extent possible, shall]~~ issue permits that hinder the achievement of ~~[up to the point that the total volume of exempt and permitted groundwater production will achieve]~~ an applicable desired future condition under Section 36.108 by authorizing a volume of groundwater production that, when considered together with exempt groundwater production, exceeds the volume of modeled available groundwater determined by the executive administrator.

(b) The district shall not be held liable in an action for damages from takings when a permit is denied for this reason.

SECTION 2. This Act takes effect on the 91st day after the last day of the legislative session.