

By: Workman

H.B. No. 3037

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the definition of groundwater management areas to
3 coincide with major and minor aquifers and the joint planning
4 process in those areas.

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

6 SECTION 1. Section 35.004(a), Water Code, is amended to
7 read as follows:

8 (a) The Texas Water Development Board, with assistance and
9 cooperation from the commission, shall designate groundwater
10 management areas so that each major aquifer and each minor aquifer
11 in this state is assigned to a groundwater management area
12 designated solely for that aquifer [~~covering all major and minor~~
13 ~~aquifers in the state. The initial designation of groundwater~~
14 ~~management areas shall be completed not later than September 1,~~
15 ~~2003. Each groundwater management area shall be designated with the~~
16 ~~objective of providing the most suitable area for the management of~~
17 ~~the groundwater resources. To the extent feasible, the groundwater~~
18 ~~management area shall coincide with the boundaries of a groundwater~~
19 ~~reservoir or a subdivision of a groundwater reservoir. The Texas~~
20 ~~Water Development Board also may consider other factors, including~~
21 ~~the boundaries of political subdivisions].~~

22 SECTION 2. Sections 36.108(c), (d), and (d-1), Water Code,
23 are amended to read as follows:

24 (c) The district representatives shall meet at least

1 annually to conduct joint planning with the other districts in each
2 [~~the~~] management area to which the district belongs and to review
3 the management plans, the accomplishments of the management area,
4 and proposals to adopt new or amend existing desired future
5 conditions. In reviewing the management plans, the districts
6 shall consider:

7 (1) the goals of each management plan and its impact on
8 planning throughout the management area;

9 (2) the effectiveness of the measures established by
10 each district's management plan for conserving and protecting
11 groundwater and preventing waste, and the effectiveness of these
12 measures in the management area generally;

13 (3) any other matters that the boards consider
14 relevant to the protection and conservation of groundwater and the
15 prevention of waste in the management area; and

16 (4) the degree to which each management plan achieves
17 the desired future conditions established during the joint planning
18 process.

19 (d) Not later than August 1, 2020 [~~September 1, 2010~~], and
20 every five years thereafter, the districts shall consider
21 groundwater availability models and other data or information for
22 the management area and shall propose for adoption desired future
23 conditions for the aquifer [~~relevant aquifers~~] within the
24 management area. Before voting on the proposed desired future
25 conditions of the aquifer [~~aquifers~~] under Subsection (d-2), the
26 districts shall consider:

27 (1) aquifer uses or conditions within the management

1 area, including conditions that differ substantially from one
2 geographic area to another;

3 (2) the water supply needs and water management
4 strategies included in the state water plan;

5 (3) hydrological conditions, including [~~for each~~
6 ~~aquifer in the management area~~] the total estimated recoverable
7 storage for the aquifer as provided by the executive administrator,
8 and the aquifer's average annual recharge, inflows, and discharge;

9 (4) other environmental impacts, including impacts on
10 spring flow and other interactions between groundwater and surface
11 water;

12 (5) the impact on subsidence;

13 (6) socioeconomic impacts reasonably expected to
14 occur;

15 (7) the impact on the interests and rights in private
16 property, including ownership and the rights of management area
17 landowners and their lessees and assigns in groundwater as
18 recognized under Section 36.002;

19 (8) the feasibility of achieving the desired future
20 condition; and

21 (9) any other information relevant to the specific
22 desired future conditions.

23 (d-1) After considering and documenting the factors
24 described by Subsection (d) and other relevant scientific and
25 hydrogeological data, the districts may establish different
26 desired future conditions for:

27 (1) each [~~aquifer,~~] subdivision of an aquifer[~~7~~] or

1 geologic strata located in whole or in part within the area
2 overlying the aquifer [~~boundaries of the management area~~]; or

3 (2) each geographic area overlying the [~~an~~] aquifer
4 [~~in whole or in part or subdivision of an aquifer within the~~
5 ~~boundaries of the management area~~].

6 SECTION 3. Section 36.1085, Water Code, is amended to read
7 as follows:

8 Sec. 36.1085. MANAGEMENT PLAN GOALS AND OBJECTIVES. Each
9 district in the management area shall ensure that its management
10 plan contains goals and objectives consistent with achieving the
11 desired future conditions for the aquifer [~~of the relevant~~
12 ~~aquifers~~] as adopted during the joint planning process.

13 SECTION 4. Section 35.004(b), Water Code, is repealed.

14 SECTION 5. Not later than May 1, 2018, the Texas Water
15 Development Board shall designate groundwater management areas
16 under Section 35.004, Water Code, as amended by this Act.

17 SECTION 6. This Act takes effect September 1, 2017.