

- SUBJECT:** Well permitting by the Menard County Underground Water District
- COMMITTEE:** Natural Resources — favorable, without amendment
- VOTE:** 9 ayes — Puente, Callegari, Bonnen, Campbell, Geren, Hardcastle, Hilderbran, Hope, Laney
- 0 nays
- WITNESSES:** For — Caroline Runge, Menard County Underground Water District
- Against — None
- BACKGROUND:** Ch. 180, Acts of the 72nd Legislature, 1991, governs the Menard County Underground Water District. Sec. 1A, Ch. 31, Acts of the 55th Legislature, 1st Called Session, 1957, governs the Menard County Water Control and Improvement District No. 1.
- DIGEST:** HB 1299 would authorize the Menard County Underground Water District to require a permit for a well used for domestic purposes or to provide water for livestock, poultry, or wildlife if the well was:
- on a tract of land smaller than 100 acres;
  - less than 500 feet deep; and
  - capable of producing more than 9,000 gallons of groundwater per day.

The bill also would specify that a director of the Menard County Underground Water District who served on the board of the Menard County Water Control and Improvement District No. 1 would not violate the common-law doctrine of incompatibility.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS  
SAY:**

HB 1229 would require permitting for domestic and other low yield wells in Menard County, protecting streamflows and groundwater resources in the region. Menard County relies primarily upon agriculture, but many people have bought vacation and retirement homes in the county. With rangeland being subdivided into smaller residential tracts, the proliferation of domestic wells has placed a strain on aquifers in the region. Groundwater depletion has led to reduced streamflows, with the San Saba River going dry completely in some areas during the recent years of drought. Requiring permits for low-yield wells would allow this rural community to protect its water resources and aid in the diversification of its agricultural economy.

The Legislature has long favored a policy of local control as the basis for water resource management, and HB 1229 would enable the citizens of Menard County to control the water resources that are vitally important to their community. The bill would be only a modest enhancement of the district's permitting ability and would protect the economic future of this rural community.

"Slippery-slope" arguments against granting Menard County increased permitting authority because it may set a precedent ignore the fact that the Legislature could deny any more general expansion of this authority in the future. Menard County represents a unique case, in that homes are being built outside city limits, along the San Saba river. The wells to service those homes are draining the springs that feed the river. Municipalities across the state already are able to set restrictions on residential water use, and it is imperative that Menard county have this limited authority as well.

**OPPONENTS  
SAY:**

HB 1229 would allow Menard County to be the first groundwater district to require permitting on this type of low-yield well on land less than 100 acres but more than 10 acres, and the state should hesitate to grant this authority. Expanding the permitting authority beyond what was envisioned under Water Code, ch. 36, which governs groundwater conservation districts, could encourage other districts to seek similar expanded power in the future.