

## BILL ANALYSIS

Senate Research Center  
78R9984 SGA-F

S.B. 1886  
By: Madla  
Natural Resources  
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As Filed

### DIGEST AND PURPOSE

Currently, the administration and operation, along with certain powers and duties, of the Kinney County Groundwater District (district) are not clearly defined. As proposed, S.B. 1886 directs the district to recognize historic use in the consideration of permits, prohibits a board member from being employed as general manager, and directs fees generated from groundwater exportation to be directed to economic development and education via the West Nueces-Las Moras Soil and Water Conservation District #236.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2, Chapter 1344, Acts of the 77th Legislature, Regular Session, 2001, by adding Subdivision (3), to define "historic use."

SECTION 2. Amends Chapter 1344, Acts of the 77th Legislature, Regular Session, 2001, by adding Sections 5A, 5B, and 5C, as follows:

5A. HISTORIC USE PERMITS. (a) Requires the Kinney County Groundwater Conservation District (district) to preserve historic use to the maximum extent practicable, in adopting rules limiting groundwater production.

(b) Authorizes the owner of a well that has been put to historic use to apply for a historic use permit from the district on or before October 1, 2003. Requires the application to be accompanied by an application fee in an amount set by the district and a declaration of historic use.

(c) Requires the district to issue a historic use permit to a well owner for the annual production of groundwater in an amount equal to the maximum amount of groundwater produced from the well for beneficial use without waste during any one calendar year of historic use if the well owner meets certain conditions.

(d) Requires the district, if the period of historic use of a well is less than one calendar year, to issue a historic use permit to the well owner for the annual production of groundwater in an amount equal to the amount of groundwater that would normally be used beneficially for a calendar year without waste for each purpose for which the groundwater had actually been used during the period of historic use.

(e) Requires the district, if the district issues a historic use permit, to issue the permit without a term, and provides that the permit remains in effect until the permit is abandoned, canceled, or retired.

(f) Authorizes the holder of a historic use permit to take certain actions for any purpose, on written notice of the district identifying each party or permit involved

and without being required to obtain a permit amendment.

5B. NEW PERMITS. (a) Authorizes the district to consider a new permit application after the district has taken certain actions.

(b) Requires the district to base a decision on a new permit application, including a decision regarding the imposition of spacing or production limitations, on specific hydrogeologic conditions occurring in any separate and distinct hydrogeologic units within aquifer formations in the district. Authorizes the district not to base a decision on a new permit application on the contiguity of the applicant's surface acreage.

(c) Requires the district, as a part of its procedures for acting on new permit applications, to develop a procedure for allowing an applicant to initiate district action to create a management zone for an area having hydrogeologic conditions that warrant special management considerations or a particularized management scheme.

Sec. 5C. METERING AND MEASURING WELL PRODUCTION. (a) Provides that a well that produces 25,000 gallons or less of groundwater a day for domestic or livestock use is exempt from district rules concerning metering a well or measuring well production.

(b) Requires the district to pay the costs of purchasing, installing, and maintaining any meter or measuring device that the district requires for a well.

SECTION 3. Amends Section 6, Chapter 1344, Acts of the 77th Legislature, Regular Session, 2001, by adding Subsections (j) and (k), as follows:

(j) Provides that Section 36.056(c), Water Code (regarding a director of a district also being employed as general manager of the district), does not apply to the district.

(k) Prohibits a person from serving as a director or manager of the district or as an engineer, attorney, or other person providing professional services to the district if the person meets certain conditions.

SECTION 4. Amends Section 11, Chapter 1344, Acts of the 77th Legislature, Regular Session, 2001, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Requires revenue generated from fees under this subsection to be used solely for purposes of economic development and primary and secondary education in the district. Requires the district, to ensure the fulfillment of those purposes, to transfer the revenue immediately after collection to a certain district, which is required to manage and dispense the revenue for the purposes stated.

(d) Prohibits the district from assessing a production fee for a well unless the district takes certain actions, notwithstanding Subsection (c) of this section.

SECTION 5. (a) Provides that any rules of the district that are inconsistent with this Act are superseded by this Act.

(b) Effective date: upon passage or September 1, 2003.