

Amend CSHB 1541 by adding a new Section 56 as follows and renumber Sections accordingly:

SECTION 56. Section 36.002, Water Code, is amended to read as follows: Sec. 36.002. OWNERSHIP OF GROUNDWATER. The ownership and rights of the owners of the land and their lessees and assigns in groundwater are hereby recognized, and nothing in this code shall be construed as depriving or divesting the owners or their lessees and assigns of the ownership or rights, except as those rights may be limited or altered by rules promulgated by a district. A rule promulgated by a district may not discriminate against owners of land or their lessees and assigns whose land is enrolled or participating in the federal conservation reserve program.

SECTION 57. Section 36.101(a), Water Code, is amended to read as follows: (a) A district may make and enforce rules, including rules limiting groundwater production based on tract size or the spacing of wells, to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater and to carry out the powers and duties provided by this chapter. During the rulemaking process the board shall consider all groundwater uses and needs and shall develop rules that [which] are fair and impartial and do not discriminate between land in production and land enrolled or participating in the federal conservation reserve program.

SECTION 58. Section 36.113, Water Code, is amended by adding Subsection (h) to read as follows: (h) In issuing a permit for an existing or historic use, a district may not discriminate against land or wells on land enrolled or participating in the federal conservation reserve program. If a district adopts rules related to the protection of existing or historic use, any land in a federal conservation reserve program shall be treated as having an existing and historic use.

To the existing SECTION 57, add (e) Except as provided by Subsection (c) of this section, the change in law made by this Act to Section 36.002, Section 36.101(a), and Section 36.113, Water Code, applies to all rules adopted by a groundwater conservation

district before, on or after the effective date of this Act.

(f) The change in law made by this Act to Section 36.002, Section 36.101(a), and Section 36.113, Water Code, does not apply to rules adopted by the Edwards Aquifer Authority.