

By: Hegar

S.B. No. 873

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the permitting authority of a groundwater conservation
3 district for the drilling or operation of a water well used to
4 supply water for the drilling, exploration, or production of oil or
5 gas.

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

7 SECTION 1. Subchapter D, Chapter 36, Water Code, is amended
8 by adding Section 36.1133 to read as follows:

9 Sec. 36.1133. WELLS RELATED TO OIL AND GAS. (a) This
10 section applies to a water well that is to be used solely to supply
11 water for an activity associated with the drilling, exploration, or
12 production of oil or gas.

13 (b) An applicant for a permit, permit amendment, or permit
14 renewal for a water well under this section shall submit to the
15 district in which the well is to be located an application that:

16 (1) is written and sworn to; and

17 (2) contains:

22 (c) An application filed under Subsection (b) is considered
23 administratively complete if it conforms to the requirements under
24 Subsection (b). An application for which no determination of

1 administrative completeness is made within six days after receipt
2 of the application is considered administratively complete.

3 (d) Not later than the fifth business day after the date the
4 district finds that an application for a water well permit under
5 this section is administratively complete, the district by rule
6 shall provide an interim authorization to the applicant. No
7 further district action or approval is required before the
8 applicant may drill, equip, operate, complete, or otherwise use the
9 water well under the terms of the interim authorization and
10 district rules during the period the district is considering the
11 application. The interim authorization is valid until the district
12 makes a final determination on the application.

13 (e) Except as provided in Subsections (c) and (d), the
14 district shall process and make a final determination on an
15 application under this section in the same manner that the district
16 processes and makes a final determination on a water well used for
17 another purpose.

18 (f) A district may apply to the owner or operator of a water
19 well to which this section applies the district's rules,
20 requirements, terms, conditions, or restrictions to the extent that
21 the rules, requirements, terms, conditions, or restrictions are
22 applied to owners and operators of water wells that are permitted by
23 the district and used for other purposes. A district may enforce
24 its rules adopted under this chapter or other law applicable to the
25 district against a water well to which this section applies in the
26 same manner as the district enforces its rules against water wells
27 used for other purposes.

1 SECTION 2. Subsections (b) and (d), Section 36.117, Water
2 Code, are amended to read as follows:

3 (b) Except as provided by this section, a district shall
4 provide an exemption from the district requirement to obtain a
5 permit for:

6 (1) drilling or operating a well used solely for
7 domestic use or for providing water for livestock or poultry if the
8 well is:

9 (A) located or to be located on a tract of land
10 larger than 10 acres; and

11 (B) drilled, completed, or equipped so that it is
12 incapable of producing more than 25,000 gallons of groundwater a
13 day; or

14 (2) ~~drilling a water well used solely to supply water
for a rig that is actively engaged in drilling or exploration
operations for an oil or gas well permitted by the Railroad
Commission of Texas provided that the person holding the permit is
responsible for drilling and operating the water well and the water
well is located on the same lease or field associated with the
drilling rig; or~~

21 ~~(3)~~ drilling a water well authorized under a permit
22 issued by the Railroad Commission of Texas under Chapter 134,
23 Natural Resources Code, or for production from the well to the
24 extent the withdrawals are required for mining activities
25 regardless of any subsequent use of the water.

26 (d) A district may cancel a previously granted exemption,
27 and may require an operating permit for or restrict production from

1 a well, if:

2 (1) the well is located in the Hill Country Priority
3 Groundwater Management Area and the groundwater withdrawals that
4 were exempted under Subsection (b)(1) are no longer used solely for
5 domestic use or to provide water for livestock or poultry;

6 ~~(2) the groundwater withdrawals that were exempted~~
7 ~~under Subsection (b)(2) are no longer used solely to supply water~~
8 ~~for a rig that is actively engaged in drilling or exploration~~
9 ~~operations for an oil or gas well permitted by the Railroad~~
10 ~~Commission of Texas,~~] or

11 (2) ~~(3)~~ the groundwater withdrawals that were
12 exempted under Subsection (b)(2) ~~(b)(3)~~ are no longer necessary
13 for mining activities or are greater than the amount necessary for
14 mining activities specified in the permit issued by the Railroad
15 Commission of Texas under Chapter 134, Natural Resources Code.

16 SECTION 3. Subsection (g), Section 36.117, Water Code, is
17 amended as follows:

18 (g) A district may not deny an application for a permit to
19 drill and produce water for hydrocarbon drilling, exploration, or
20 production activities if the application meets all applicable rules
21 as promulgated by the district.

22 SECTION 4. Section 36.1133, Water Code, as added by this
23 Act, and Section 36.117, Water Code, as amended by this Act, apply
24 only to a water well for which drilling is begun on or after the
25 effective date of this Act. A water well for which drilling was
26 begun before the effective date of this Act is governed by the law
27 in effect at the time drilling was begun, and the former law is

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1 continued in effect for that purpose.

2 SECTION 5. This Act takes effect September 1, 2013.