

1-1 By: Perry S.B. No. 2658  
1-2 (In the Senate - Filed March 13, 2025; April 3, 2025, read  
1-3 first time and referred to Committee on Water, Agriculture and  
1-4 Rural Affairs; April 22, 2025, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 April 22, 2025, sent to printer.)

1-7 COMMITTEE VOTE

1-8	Yea	Nay	Absent	PNV
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2658 By: Perry

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the production and study of brackish groundwater.  
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-23 SECTION 1. Sections 16.060(b) and (e), Water Code, are  
1-24 amended to read as follows:  
1-25 (b) The board shall prepare a biennial progress report on  
1-26 the implementation of seawater or brackish groundwater  
1-27 desalination activities in the state and shall submit it to the  
1-28 governor, lieutenant governor, and speaker of the house of  
1-29 representatives not later than December 1 of each even-numbered  
1-30 year. The report shall include:  
1-31 (1) results of the board's studies and activities  
1-32 relative to seawater or brackish groundwater desalination during  
1-33 the preceding biennium;  
1-34 (2) identification and evaluation of research,  
1-35 regulatory, technical, and financial impediments to the  
1-36 implementation of seawater or brackish groundwater desalination  
1-37 projects;  
1-38 (3) evaluation of the role the state should play in  
1-39 furthering the development of large-scale seawater or brackish  
1-40 groundwater desalination projects in the state;  
1-41 (4) the anticipated appropriation from general  
1-42 revenues necessary to continue investigating water desalination  
1-43 activities in the state during the next biennium; and  
1-44 (5) identification and designation of local or  
1-45 regional brackish groundwater production zones in areas of the  
1-46 state with moderate to high availability and productivity of  
1-47 brackish groundwater that can be used to reduce the use of fresh  
1-48 groundwater and that:  
1-49 (A) are separated by hydrogeologic barriers  
1-50 sufficient to prevent significant impacts to water availability or  
1-51 water quality in any area of the same or other aquifers,  
1-52 subdivisions of aquifers, or geologic strata that have an average  
1-53 total dissolved solids level of 1,000 milligrams per liter or less  
1-54 at the time of designation of the zones; and  
1-55 (B) are not located in:  
1-56 (i) an area of the Edwards Aquifer subject  
1-57 to the jurisdiction of the Edwards Aquifer Authority;  
1-58 (ii) the boundaries of the:  
1-59 (a) Barton Springs-Edwards Aquifer  
1-60 Conservation District;  
1-61 (b) Harris-Galveston Subsidence  
1-62 District; or

(c) Fort Bend Subsidence District; or  
 (iii) an aquifer, subdivision of an  
 aquifer, or geologic stratum that:

(a) has an average total dissolved  
 solids level of more than 1,000 milligrams per liter; and

(b) is serving as a significant source  
 of water supply for municipal, domestic, or agricultural purposes  
 at the time of designation of the zones[~~, or~~

~~[(iv) an area of a geologic stratum that is  
 designated or used for wastewater injection through the use of  
 injection wells or disposal wells permitted under Chapter 27].~~

(e) In designating a brackish groundwater production zone  
 under this section, the board shall:

(1) determine the amount of brackish groundwater that  
 the zone is capable of producing over a 30-year period and a 50-year  
 period without causing a significant impact to water availability  
 or water quality as described by Subsection (b)(5)(A); and

(2) include in the designation description:  
 (A) the amounts of brackish groundwater that the  
 zone is capable of producing during the periods described by  
 Subdivision (1); ~~and~~

(B) recommendations regarding reasonable  
 monitoring to observe the effects of brackish groundwater  
 production within the zone; and

(C) an allocation of the available amounts of  
 brackish groundwater identified in Paragraph (A) to each  
 groundwater conservation district and county located in the zone.

SECTION 2. Section 36.117, Water Code, is amended by  
 amending Subsections (b) and (d) and adding Subsections (e-1),  
 (e-2), and (k-1) to read as follows:

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

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

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

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

(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;

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

(4) drilling a water well for temporary use to supply  
 water for a rig that is actively engaged in drilling a groundwater  
 production well permitted by the district; or

(5) drilling or operating a well for the withdrawal of  
 groundwater from a designated brackish groundwater production  
 zone, as defined by Section 36.1015, if:

(A) the operator of the well provides the  
 district with documentation:

(i) from an environmental testing  
 laboratory accredited under commission rules for water quality  
 analysis in permitting decisions demonstrating that the well  
 produces water with a total dissolved solids concentration of at  
 least 3,000 milligrams per liter; and

(ii) showing that the operator has acquired  
 a real property interest in the groundwater described by this  
 paragraph underlying the tracts of land within the spacing area  
 assigned to the well or the spacing distances required for the  
 drilling of other wells, as applicable, under the well spacing

rules of the district; and

(B) total brackish groundwater production from the area of the designated brackish groundwater production zone located in the district would not exceed the applicable estimated withdrawal amounts allocated to the district by the Texas Water Development Board pursuant to Section 16.060(e)(2)(C).

(d) A district may cancel a previously granted exemption and may require an operating permit for or restrict production from a well and assess any appropriate fees if:

(1) the groundwater withdrawals that were exempted under Subsection (b)(1) are no longer used solely for domestic use or to provide water for livestock or poultry;

(2) the groundwater withdrawals that were exempted under Subsection (b)(2) are no longer 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;

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

(4) the groundwater withdrawals that were exempted under Subsection (b)(4) are no longer used solely to supply water for a rig that is actively engaged in drilling a groundwater production well permitted by the district; or

(5) for groundwater withdrawals that were exempted under Subsection (b)(5):

(A) the withdrawals are no longer from a designated brackish groundwater production zone, as defined by Section 36.1015; or

(B) the groundwater produced no longer has an average total dissolved solids concentration of 3,000 milligrams per liter or more.

(e-1) A person owning or operating a well withdrawing water from a brackish groundwater production zone that is exempt from the requirement to obtain a permit under Subsection (b)(5) shall:

(1) implement a monitoring system approved by the district that accomplishes the purposes of Sections 36.1015(e)(4) and (5); and

(2) submit an annual report to the district that contains the information required by Section 36.1015(e)(6).

(e-2) Before approving a proposed monitoring system under Subsection (e-1), the district shall consult with the Texas Water Development Board to ensure that the proposed monitoring system aligns with the recommendations provided under Section 16.060(e)(2)(B) and with Sections 36.1015(e)(4) and (5). The district shall provide each report required under Subsection (e-1)(2) to the development board.

(k-1) Notwithstanding Subsection (k) or any other law, a district may not subject water withdrawn from a well exempted from a permit requirement by Subsection (b)(5) to a transport or export fee.

SECTION 3. Section 36.205, Water Code, is amended by adding Subsection (h) to read as follows:

(h) A district may not assess a production fee under this section for any water produced under an exemption under Section 36.117(b)(5).

SECTION 4. Sections 36.117(k-1) and 36.205(h), Water Code, as added by this Act, apply only to water withdrawn from a well on or after the effective date of this Act. Water withdrawn from a well before the effective date of this Act is governed by the law in effect on the date the water is withdrawn, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2025.

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