

By: Reynolds

H.B. No. 3788

A BILL TO BE ENTITLED

AN ACT

relating to the information required to be included in a regional water plan and the use of that information by the regional water planning group in developing the plan.

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

SECTION 1. Section 16.053, Water Code, is amended by amending Subsection (e) and adding Subsection (s) to read as follows:

(e) Each regional water planning group shall submit to the development board a regional water plan that:

(1) is consistent with the guidance principles for the state water plan adopted by the development board under Section 16.051(d);

(2) provides information based on data provided or approved by the development board in a format consistent with the guidelines provided by the development board under Subsection (d);

~~[(2-a) is consistent with the desired future conditions adopted under Section 36.108 for the relevant aquifers located in the regional water planning area as of the date the board most recently adopted a state water plan under Section 16.051 or, at the option of the regional water planning group, established subsequent to the adoption of the most recent plan,]~~

(3) identifies:

(A) each source of water supply in the regional

1 water planning area[, ~~including information supplied by the~~
2 ~~executive administrator on the amount of modeled available~~
3 ~~groundwater in accordance with the guidelines provided by the~~
4 ~~development board under Subsections (d) and (f)~~];

5 (B) factors specific to each source of water
6 supply to be considered in determining whether to initiate a
7 drought response;

8 (C) actions to be taken as part of the response;
9 and

10 (D) existing major water infrastructure
11 facilities that may be used for interconnections in the event of an
12 emergency shortage of water;

13 (4) has specific provisions for water management
14 strategies to be used during a drought of record;

15 (5) includes but is not limited to consideration of
16 the following:

17 (A) any existing water or drought planning
18 efforts addressing all or a portion of the region;

19 (B) approved groundwater conservation district
20 management plans and other plans submitted under Section 16.054;

21 (C) all potentially feasible water management
22 strategies, including but not limited to improved conservation,
23 reuse, and management of existing water supplies, conjunctive use,
24 acquisition of available existing water supplies, and development
25 of new water supplies;

26 (D) protection of existing water rights in the
27 region;

1 (E) opportunities for and the benefits of
2 developing regional water supply facilities or providing regional
3 management of water supply facilities;

4 (F) appropriate provision for environmental
5 water needs and for the effect of upstream development on the bays,
6 estuaries, and arms of the Gulf of Mexico and the effect of plans on
7 navigation;

8 (G) provisions in Section 11.085(k)(1) if
9 interbasin transfers are contemplated;

10 (H) voluntary transfer of water within the region
11 using, but not limited to, regional water banks, sales, leases,
12 options, subordination agreements, and financing agreements; ~~and~~

13 (I) emergency transfer of water under Section
14 11.139, including information on the part of each permit, certified
15 filing, or certificate of adjudication for nonmunicipal use in the
16 region that may be transferred without causing unreasonable damage
17 to the property of the nonmunicipal water rights holder; and

18 (J) the amounts of modeled available groundwater
19 for the relevant aquifers in the regional water planning area as
20 provided by the executive administrator based on the desired future
21 conditions for the aquifers adopted under Section 36.108:

22 (i) as of the date the development board
23 most recently adopted a state water plan under Section 16.051; or

24 (ii) at the option of the regional water
25 planning group, after the date the development board most recently
26 adopted a state water plan under Section 16.051;

27 (6) identifies river and stream segments of unique

1 ecological value and sites of unique value for the construction of
2 reservoirs that the regional water planning group recommends for
3 protection under Section 16.051;

4 (7) assesses the impact of the plan on unique river and
5 stream segments identified in Subdivision (6) if the regional water
6 planning group or the legislature determines that a site of unique
7 ecological value exists;

8 (8) describes the impact of proposed water projects on
9 water quality; and

10 (9) includes information on:

11 (A) projected water use and conservation in the
12 regional water planning area; and

13 (B) the implementation of state and regional
14 water plan projects, including water conservation strategies,
15 necessary to meet the state's projected water demands.

16 (s) Amounts of modeled available groundwater as described
17 by Subsection (e)(5)(J) are intended to serve as guidelines and not
18 as limits on groundwater availability for purposes of development
19 of a regional water plan.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2015.