

By: Eltife
(Paddie)

S.B. No. 1101

A BILL TO BE ENTITLED

AN ACT

relating to the authority to determine the supply of groundwater in certain regional water plans.

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

SECTION 1. Section 16.053(e), Water Code, is amended 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; provided, however, that if no groundwater conservation district exists within the area of the regional water planning group, the regional water planning group shall determine the supply of groundwater for regional planning purposes;

(3) identifies:

(A) each source of water supply in the regional water planning area, including information supplied by the executive administrator on the amount of modeled available groundwater in accordance with the guidelines provided by the development board under Subsections (d) and (f);

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

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

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

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

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

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

(B) approved groundwater conservation district management plans and other plans submitted under Section [16.054](#);

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

1 (D) protection of existing water rights in the
2 region;

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

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

10 (G) provisions in Section [11.085\(k\)\(1\)](#) if
11 interbasin transfers are contemplated;

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

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

20 (6) identifies river and stream segments of unique
21 ecological value and sites of unique value for the construction of
22 reservoirs that the regional water planning group recommends for
23 protection under Section [16.051](#);

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

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

3 (9) includes information on:

4 (A) projected water use and conservation in the
5 regional water planning area; and

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

9 SECTION 2. This Act takes effect September 1, 2015.