

Panhandle Water News

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April 1997

SENATE BILL 1

by C. E. Williams

As we here in the Panhandle know, water, more than any other natural resource, challenges our and Texas' future. Scarcity and competition for water, heightened environmental concerns, and the costliness of new water supply development make sound water management increasingly difficult to achieve; however, with Texas' population projected to double in the next 50 years and the water needs of its cities and industries increasing correspondingly, the balance of traditional uses such as agricultural irrigation and the increasing demands of the cities make our role ever more important.

The drought last summer, in almost all area's of Texas, heightened the concerns of many of the Legislative leadership in Texas. Starting late last summer, there has been an ongoing effort to look at Texas' water law and regulation. From this effort, Senate Bill 1 (SB1) was conceived. This bill addresses Texas water policy in six general areas: drought response management; water management, marketing, and transfers; surface water and groundwater supplies; financial assistance to local governments; small communities assistance, and water data collection and dissemination.

Article 1 - Water Planning: Drought, Conservation, Development, and Management

Requires the Texas Water Development Board (TWDB) to adopt a comprehensive state water plan to provide for the orderly development, management, and conservation of water resources and preparation for and response to drought conditions.

Provides for the development of regional water plans, a drought response plan, and projections for water availability during times of drought.

Provides that all surface water right holders having an annual appropriation of 1,000 acre-feet/year or more, or who have been found in violation of rules prohibiting the waste of water, must implement a water conservation plan.

Sets forth procedures for funding the cost of developing or revising regional water plans.

Article 2 - Water Management, Marketing, and Transfers

Requires a TNRCC permit to convey developed groundwater in a state watercourse or stream, and requires water discharged in such a manner to meet quality standards while causing no adverse environmental impacts.

Allows TNRCC to issue a consolidated permit for water quality and bed and banks conveyance, and includes provisions for return of surplus water as conditions for granting a water right. Specifies that once surface water has been diverted under a water right and returned to a water course or stream, it is considered surplus water and subject to other appropriation.

Confirms the continued authority of TNRCC to issue multipurpose surface water rights.

Lessens liability concerns of water sellers regarding intended temporary water sales.

Removes the limit (50 percent of a water right) on deposits in the State Water Bank.

Maintains notification and hearing requirements in the cancellation of a water right.

Outlines the criteria to be used in determining whether an application for an interbasin transfer should be granted and specifies the administrative aspects of a surface water rights application for an interbasin transfer.

Directs TNRCC to develop a regulatory process to evaluate transfers and consider ways of mitigating significant adverse impacts of transfers.

Article 3 - Emergency Authorizations; Enforcement

Authorizes the Texas Natural Resource Conservation Commission (TNRCC) to assess certain penalties for violations of surface water rights, dam safety, and levee construction provisions.

Allows TNRCC to issue emergency permits or temporarily suspend or amend permit conditions without notice or hearing to address emergency drought conditions for not more than 120 days.

Consolidates all TNRCC emergency order and permitting provisions for water, and allows TNRCC to authorize emergency rate increases for a utility in emergency drought conditions.

Allows TNRCC to mandate without notice or hearing, for not more than 120 days, and only in emergency drought conditions, the transfer of surface water from a permittee holding a permit for other than domestic or municipal use to a city or utility for domestic or municipal use.

Article 4 - Surface Water and Groundwater Supplies

Allows TWDB to make loans for improving water efficiency use in irrigation systems and promoting dryland farming.

Allows for locations in Texas where aquifer storage and recovery projects proved feasible to petition and acquire permanent permits from TNRCC prior to June 1, 1999.

Streamlines the Priority Groundwater Management Areas process by removing statutory requirements that delay or discourage the creation of districts.

Requires completion of TWDB and TNRCC Priority Groundwater Management Area studies by a certain date and mandates TNRCC to report biannually to the legislature on their findings.

Establishes that groundwater conservation districts are the state's preferred governmental entity for the management of groundwater resources in Texas; strengthens the districts' authority; and aids districts through TWDB loans and technical assistance.

Provides accountability for the groundwater management system by setting statutory criteria and time lines for management plan development; requiring TNRCC approval of the plans; authorizing TNRCC to dissolve inactive districts; and requiring legislative audit review of operational districts.

Article 5 - Financial Assistance to Local Governments

Pursuant to the passage of a constitutional amendment, provides for the consolidation of existing voter-

approved bond authorizations, including water quality, water supply, flood control, and state participation, to fully maximize funds available to local governments in developing water projects.

Creates the Texas Water Development Fund II in the state treasury and stipulates that all water financial assistance bond proceeds be deposited into this fund.

Authorizes TWDB to enter into bond enhancement agreements with commercial bonds in order to mitigate the risk of failure to recover the debt service cost of bond funds until the funds can be loaned.

Article 6 - Small Communities Assistance

Authorizes TWDB to administer the Safe Drinking Water Revolving Fund and provide low-interest loans to small communities.

Provides TNRCC rate-setting flexibility for small public water systems.

Allows TNRCC to facilitate the merging of non-viable systems; to order other retail utilities; and to avoid future problems through a stronger impetus toward regionalization and increased financial and planning requirements.

Article 7 - Water Data Collection and Dissemination

Improves coordination and reduces duplication between agencies using the Texas Natural Resources Information System (TNRIS) and merges the TNRIS Task Force and the GIS Planning Council into a single entity, the Texas Geographical Information Council.

I have had the opportunity to work with the drafting committee since early last fall, to ensure that our perspectives on groundwater issues have been considered. SB1 cleared the Senate earlier this month and is currently in the House of Representatives. I feel that we have made some good improvements in the bill and we are continuing to work on it and monitor its progress.

Arkansas River Shiner Meeting

A public meeting, discussing the possible actions and options to the listing of the Arkansas River Shiner as an endangered or threatened species will be held in Amarillo, TX on Friday, April 25, 1997 at 3:00 P.M. in The Texas A&M Research and Extension Center located at 6500 Amarillo Boulevard West.

The purpose of this meeting is to gather public input on the listing options of this species. Present will be representatives from Texas Parks and Wildlife, Governor Bush's Policy Office and others.

TNRCC Officials Visit District

Commissioner John Baker of the Texas Natural Resource Conservation Commission, Executive Director Dan Pearson, Division Director James Kowis, Executive Assistant John Hofmann, and Kenneth L. Petersen, of the Deputy Director of Resource Management's office were guests of North Plains and Panhandle Ground Water Conservation districts on April 7, 1997. Also on the tour was Texas Water Conservation Association Assistant General Manager Dean Robbins. During the day the officials toured the North Plains District office in Dumas, the Agricultural Research Center at Etter and the Panhandle District office in White Deer.

The purpose of the trip was to give the TNRCC officials a better understanding of the day to day operations of our districts and to learn how we conserve, preserve and protect the resource through our rules and programs. They were joined by several members of the Board of Directors of both Districts and other interested persons.

TEX*A*Syst: Rural Well Water Assessment

In a cooperative effort with Panhandle Ground Water Conservation District, the Texas Agricultural Extension Service has produced a program entitled TEX*A*Syst. This is a series of publications to help rural residents assess the risk of ground water pollution, and to describe Best Management Practices (BMPs) that can help protect ground water. These TEX*A*Syst bulletins and related materials were developed from the national Farm*A*Syst ground water protection program. The TEX*A*Syst system is designed to help the user learn more about the environment, existing environmental policies and regulations, and recommended management practices for household and agricultural activities. With this knowledge the user can voluntarily reduce the pollution risks associated with water wells.

You can help protect well waters by becoming familiar with the ways ground water can become polluted and the management practices that can prevent pollution.

Each TEX*A*Syst publication contains a questionnaire. This self-analysis will highlight practices that you may want to modify in your operation to reduce the risk of contaminating your ground water supply. It also contains an overview of important characteristics of aquifers and water well sites. You will also find a risk assessment survey to help you determine the potential for ground water pollution based on the characteristics of your property's soil and the subsurface geological materials on your property.

This valuable educational material is free. Stop by the PGWCD office and pick up your packet as soon as possible.

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There is no substitute for water.
When the well runs dry, there
is no more.



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