

## **BILL ANALYSIS**

C.S.H.B. 2888  
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Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, there is a domestic and livestock exemption that allows a person to construct a dam or reservoir on that person's property without obtaining a permit if the dam has normal storage of not more than 200 acre-feet of water and is for domestic and livestock purposes. Many of these reservoirs are being created strictly for an aesthetic purpose, a purpose which was most likely not contemplated by the original drafters of the statute. C.S.H.B. 2888 amends the Water Code to clarify that a dam or reservoir constructed predominantly to enhance the appearance of the landscape is not exempt from permit requirements.

Additionally, a number of groundwater conservation districts (districts) have experienced problems with landowners using groundwater to fill amenity lakes or vanity ponds. Often, these wells are exempt based on the domestic and livestock exemption; and, as a result, very large amounts of groundwater are pumped without any ability by the district to monitor or manage the pumping. In areas where groundwater supplies are limited, the use of groundwater in vanity ponds can be wasteful, and districts should have the ability to limit this type of pumping.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2888 amends Chapter 11 and Chapter 36 of the Water Code to clarify that water stored in a dam or reservoir predominantly for purposes of enhancing the appearance of the landscape is not eligible for the domestic and livestock permit exemption. This legislation also modifies the domestic and livestock exemption to clarify that a well used solely or partly to provide water for a pond or lake used predominantly to enhance the appearance of the landscape is not eligible for a permit exemption.

C.S.H.B. 2888 also provides that the changes in law made by this Act apply to a dam or reservoir regardless of the date of construction and to a well regardless of the date of drilling.

### **EFFECTIVE DATE**

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 2888 changes the word "solely" to "predominately" in both Section 11.142(a), Water Code, and Section 36.117, Water Code.

