

By: Mowery

H.B. No. 2716

A BILL TO BE ENTITLED

AN ACT

relating to exemptions from permitting requirements for dams and reservoirs on private property.

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

SECTION 1. Amend Section 11.142, Water Code, to read as follows:

Sec. 11.142. PERMIT EXEMPTIONS. (a) Without obtaining a permit, a person may construct on the person's own property a dam or reservoir with normal storage of not more than 200 acre-feet of water for domestic and livestock purposes. A person who temporarily stores more than 200 acre-feet of water in a dam or reservoir described by this subsection is not required to obtain a permit for the dam or reservoir if the person can demonstrate that the person has not stored in the dam or reservoir more than 200 acre-feet of water on average in any 12-month period. A reservoir shall be considered to be for livestock and domestic purposes if water is consumed from the reservoir by livestock or for domestic purposes and water is not removed from the reservoir for any other purpose. [~~This exemption does not apply to a commercial operation.~~]

(b) Without obtaining a permit, a person may construct on the person's property a dam or reservoir with normal storage of not more than 200 acre-feet of water for fish and wildlife purposes if the property on which the dam or reservoir will be constructed is

1 qualified open-space land, as defined by Section 23.51, Tax Code.

2 [~~This exemption does not apply to a commercial operation.~~]

3 (c) Without obtaining a permit, a person may construct and
4 maintain on the person's own property a dam or reservoir if:

5 (1) the total amount of water stored does not exceed
6 200 acre-feet;

7 (2) the total amount of water stored does not exceed
8 .25 acre-feet per acre of land owned contiguous to the reservoir, or
9 per acre of contiguous land devoted to the reservoir by written
10 instrument executed by the owner or owners of the contiguous land;
11 and,

12 (3) no water is pumped out of the reservoir or diverted
13 so that it is removed from the reservoir and not allowed to flow
14 back into the natural drainage way of its origin.

15 (d) Without obtaining a permit, a person who is drilling and
16 producing petroleum and conducting operations associated with
17 drilling and producing petroleum may take for those purposes state
18 water from the Gulf of Mexico and adjacent bays and arms of the Gulf
19 of Mexico in an amount not to exceed one acre-foot during each
20 24-hour period.

21 (e) [~~(d)~~] Without obtaining a permit, a person may
22 construct or maintain a reservoir for the sole purpose of sediment
23 control as part of a surface coal mining operation under the Texas
24 Surface Coal Mining and Reclamation Act (Article 5920-11, Vernon's
25 Texas Civil Statutes).

26 SECTION 2. This Act takes effect September 1, 2003.