By: Cook of Colorado   H.B. No. 2888

Substitute the following for H.B. No. 2888:

By: Cook of Colorado   C.S.H.B. No. 2888

A BILL TO BE ENTITLED

1   AN ACT

2   relating to removing exemptions for certain wells and impounded

3   water.

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

5   SECTION 1. Section 11.142(a), Water Code, is amended to

6   read as follows:

7   (a) Without obtaining a permit, a person may construct on

8   the person's own property a dam or reservoir with normal storage of

9   not more than 200 acre-feet of water for domestic and livestock

10   purposes. A person who temporarily stores more than 200 acre-feet

11   of water in a dam or reservoir described by this subsection is not

12   required to obtain a permit for the dam or reservoir if the person

13   can demonstrate that the person has not stored in the dam or

14   reservoir more than 200 acre-feet of water on average in any

15   12-month period. Water stored in a dam or reservoir and used in

16   place predominately to enhance the appearance of the landscape is

17   not being used for domestic or livestock purposes and is not

18   eligible for an exemption under this subsection [This exemption

19   does not apply to a commercial operation].

20   SECTION 2. Section 36.117, Water Code, is amended by adding

21   Subsection (b-1) to read as follows:

22   (b-1) A well used solely or partly to provide water for a

23   pond or lake the water in which is used in place predominately to

24   enhance the appearance of the landscape is not eligible for an

1 exemption under Subsection (b)(1).

2 SECTION 3. (a) This Act takes effect immediately if it

3 receives a vote of two-thirds of all the members elected to each

4 house, as provided by Section 39, Article III, Texas Constitution.

5 If this Act does not receive the vote necessary for immediate

6 effect, this Act takes effect September 1, 2003.

7 (b) The changes in law made by this Act apply to a dam or

8 reservoir regardless of the date of construction and to a well

9 regardless of the date of drilling.