

By: Cook of Colorado

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. This exemption does not apply to a commercial
16 operation. Water stored in a dam or reservoir and used in place
17 solely to enhance the appearance of the landscape is not being used
18 for domestic or livestock purposes and is not eligible for an
19 exemption under this subsection.

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 solely to enhance
24 the appearance of the landscape is not eligible for an exemption

1 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.