

By: Oliveira

H.B. No. 2898

A BILL TO BE ENTITLED

AN ACT

1
2 relating to allocations involving excluded irrigation land in
3 certain counties.

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

5 SECTION 1. Subchapter J, Water Code, is amended by adding
6 Section 49.3141 to read as follows:

7 Sec. 49.3141. WATER ALLOCATIONS IN CERTAIN COUNTIES. (a)
8 Notwithstanding any other section of this subchapter, after a
9 district in a county that borders the Gulf of Mexico and the United
10 Mexican States or in a county or is adjacent to a county that
11 borders the Gulf of Mexico and the United Mexican States adopts an
12 order excluding property, whether such exclusion took place under
13 the Water Code or under Article 8280-3.2 or under Article 8280-3.5
14 or under Article 973c since its adoption or any subsequent
15 amendment, or any other exclusion statute granting to a district
16 the right to exclude land if such exclusion occurred after the
17 effective date of such other exclusion statute, a city or water
18 supply corporation that serves the excluded land with a potable
19 water supply may petition the district to convert the proportionate
20 irrigation water right previously associated with the excluded land
21 from irrigation use to municipal use for the use and benefit of the
22 city or water supply corporation. The district shall compute the
23 proportionate amount of water rights that are associated with the
24 land and shall proceed with appropriate administrative proceedings

1 to convert the irrigation use to municipal use. The city or water
2 supply corporation shall have the right to appeal the district's
3 computation of the proportionate amount of water rights that are
4 associated with the land.

5 (b) The district shall make such application to the
6 commission within 30 days of the filing of a petition by the city or
7 water supply corporation that serves the land with a potable water
8 supply and the district shall provide to the city or water supply
9 corporation with an estimate of the district's reasonable costs in
10 proceeding with appropriate administrative proceedings to convert
11 the irrigation use to municipal use and the amount of the estimate
12 shall be deposited with the district before the district is
13 obligated to initiate the administrative proceedings. In such
14 commission proceeding, the city or water supply corporation shall
15 provide evidence to the commission of the current or projected need
16 within a five year period for the municipal-use water allocation
17 after such conversion as a condition of such conversion of use of
18 the district's water rights from irrigation use to municipal use.

19 (c) On approval of the conversion by the Commission, the
20 water shall be supplied to the city or water supply corporation by
21 the district and the district will charge a just and reasonable
22 amount for this supply. The amount shall not be unreasonably
23 preferential, prejudicial, or discriminatory but shall be
24 sufficient, equitable, and consistent for the supply of water based
25 on the cost of the district's services. The amount of the
26 district's charge may be appealed to the commission by the city or
27 water supply corporation.

1 SECTION 2. This Act takes effect September 1, 2005.