

By: Swinford

H.B. No. 3185

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

21 (b) Without obtaining a permit, a person may construct on
22 the person's property a dam or reservoir with normal storage of not
23 more than 200 acre-feet of water for fish and wildlife purposes if
24 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 it does
5 not exceed 200 acre feet and water is not removed from the dam or
6 reservoir.

7 (d) Without obtaining a permit, a person who is drilling and
8 producing petroleum and conducting operations associated with
9 drilling and producing petroleum may take for those purposes state
10 water from the Gulf of Mexico and adjacent bays and arms of the Gulf
11 of Mexico in an amount not to exceed one acre-foot during each
12 24-hour period.

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

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