

By: Hinojosa

S.B. No. 1441

A BILL TO BE ENTITLED

AN ACT

1
2 relating to water allocations involving excluded irrigation land in
3 areas which are within 30 miles of the Rio Grande and within 50
4 miles of the Laguna Madre.

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

6 SECTION 1. Section 49.314, Water Code, is amended to read as
7 follows:

8 Sec. 49.314. WATER ALLOCATIONS. (a) After the district in
9 a county within 30 miles of the Rio Grande and within 50 miles of the
10 Laguna Madre adopts an order excluding property, whether such
11 exclusion took place under the Water Code or under Article 8280-3.2
12 or under Article 8280-3.5 or under Article 973c since its adoption
13 or any subsequent amendment, or any other exclusion statute
14 granting to a district the right to exclude land if such exclusion
15 occurred after the effective date of such other exclusion statute,
16 a city or water supply corporation that serves the excluded land
17 with a potable water supply may petition the district [~~to apply to~~
18 ~~the commission~~] to convert the proportionate irrigation water right
19 previously associated with the excluded land from irrigation use to
20 municipal use for the use and benefit of the city or water supply
21 corporation. The district shall compute the proportionate amount
22 of water rights that are associated with the land and shall proceed
23 with appropriate administrative proceedings to convert the
24 irrigation use to municipal use [~~of the land excluded as~~

1 ~~non-irrigated property, as determined by the district, from~~
2 ~~irrigation use to municipal use allocation]~~ The city or water
3 supply corporation shall have the right to appeal the district's
4 computation of the proportionate amount of water rights that are
5 associated with the land.

6 (b) The district shall make such application to the
7 commission within 30 days of the filing of a petition by the city or
8 water supply corporation that serves the land with a potable water
9 supply and the district shall provide to the city or water supply
10 corporation with an estimate of the district's reasonable costs in
11 proceeding with appropriate administrative proceedings to convert
12 the irrigation use to municipal use and the amount of the estimate
13 shall be deposited with the district before the district is
14 obligated to initiate the administrative proceedings [~~provided the~~
15 ~~city or other water supply corporation pays the district the amount~~
16 ~~the district estimates will its reasonable expenses and attorneys~~
17 ~~fees incurred in the commission conversion proceedings and enters~~
18 ~~into an agreement with the district setting forth the basis on which~~
19 ~~the water allocation shall be delivered, or made available, to the~~
20 ~~city or water supply corporation covering such terms as the~~
21 ~~entities may agree to, and in the event the parties cannot agree,~~
22 ~~such dispute shall not be subject to the jurisdiction of the~~
23 ~~commission, or its successors, under this code but subject to~~
24 ~~resolution through alternative dispute resolution)]. In such
25 commission proceeding, the city or water supply corporation shall
26 provide evidence to the commission of the current or projected need
27 within a five year period for the municipal-use water allocation~~

1 after such conversion as a condition of such conversion of use of
2 the district's water rights from irrigation use to municipal use.

3 (c) On approval of the conversion by the Commission, the
4 water shall be supplied to the city or water supply corporation by
5 the district and the district may charge a just and reasonable
6 amount for this supply. The amount may not be unreasonably
7 preferential, prejudicial, or discriminatory but shall be
8 sufficient, equitable, and consistent for the supply of water based
9 on the cost of the district's services. The amount of the
10 district's charge may be appealed to the commission by the city or
11 water supply corporation.

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