

By: Callegari

H.B. No. 911

Substitute the following for H.B. No. 911:

By: Puente

C.S.H.B. No. 911

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for interbasin water transfers.

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

SECTION 1. Sections 11.085(b), (g), (j), (l), and (u), Water Code, are amended to read as follows:

(b) The application must include:

(1) the contract price or cost per unit of the water to be transferred;

(2) a statement of each general category of proposed use of the water to be transferred and a detailed description of the proposed uses and users under each category;

(3) the cost of diverting, conveying, distributing, and supplying the water to, and treating the water for, the proposed users; and

(4) the projected effect on user rates and fees for each class of customers of the applicant ~~[ratepayers]~~.

(g) The applicant shall cause the notice of application for an interbasin transfer to be published once ~~[a week for two consecutive weeks]~~ in one or more newspapers having general circulation in each county located in whole or in part in the basin of origin ~~[or the receiving basin. The published notice may not be smaller than 96.8 square centimeters or 15 square inches with the shortest dimension at least 7.6 centimeters or three inches]~~. The notice of application and public meetings shall be combined in the

1 mailed and published notices.

2 (j) In addition to other requirements of this code relating  
3 to the review of and action on an application for a new water right  
4 or amended permit, certified filing, or certificate of  
5 adjudication, the commission may ~~[shall]~~:

6 (1) request review and comment on an application for  
7 an interbasin transfer from each county judge of a county located in  
8 whole or in part in the basin of origin. A county judge should make  
9 comment only after seeking advice from the county commissioners  
10 court; and

11 (2) give consideration to the comments of each county  
12 judge of a county located in whole or in part in the basin of origin  
13 prior to taking action on an application for an interbasin  
14 transfer.

15 (1) The commission may grant, in whole or in part, an  
16 application for an interbasin transfer only to the extent that:

17 (1) the detriments to the basin of origin during the  
18 proposed transfer period are less than the benefits to the  
19 receiving basin during the proposed transfer period; and

20 (2) in accordance with Sections 11.1271 and 11.1272  
21 and commission rules, the applicant for the interbasin transfer has  
22 prepared a drought contingency plan and has developed and  
23 implemented a water conservation plan ~~[that will result in the~~  
24 ~~highest practicable levels of water conservation and efficiency~~  
25 ~~achievable within the jurisdiction of the applicant]~~.

26 (u) An appropriator of water for municipal purposes in the  
27 basin of origin may, at the appropriator's option, be a party in any

1 hearings under this section if the appropriator is a person who may  
2 be affected by the proposed transfer.

3 SECTION 2. Section 11.085, Water Code, as amended by this  
4 Act, applies only to an application for a new water right or an  
5 amendment to a permit, certified filing, or certificate of  
6 adjudication authorizing an interbasin transfer filed on or after  
7 the effective date of this Act. An application filed before the  
8 effective date of this Act is governed by the law in effect on the  
9 date the application is filed, and the former law remains in effect  
10 for that purpose.

11 SECTION 3. This Act takes effect September 1, 2007.