

AN ACT

relating to the authority of the Lower Neches Valley Authority to acquire, own, operate, maintain, and improve the Devers Canal System, its water rights, and associated property.

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

SECTION 1. Chapter 63, Acts of the 43rd Legislature, 1st Called Session, 1933, is amended by adding Section 13C to read as follows:

Sec. 13C. (a) In this section:

(1) "Canal system" means the canal system and associated properties generally known as the Devers Canal System.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Navigation district" means the Chambers-Liberty Counties Navigation District.

(b) The district may:

(1) acquire, own, operate, maintain, and improve the canal system; and

(2) enlarge and extend the canal system east of the Trinity River in Chambers, Liberty, and Jefferson Counties.

(c) The district may own the water rights and appropriate and divert water of this state under the permits and contracts previously owned by and acquired from the Devers Canal Rice Producers Association, Inc.

1       (d) Except as provided by Subsection (e) of this section,  
2 the district may distribute, sell, and use water of this state for  
3 any purpose approved by the commission.

4       (e) Before entering into a contract to sell or provide water  
5 for any use other than irrigation in Chambers County outside the  
6 district's boundaries that the navigation district had authority to  
7 provide or sell under the navigation district's water rights on  
8 May 1, 2009, the district must:

9           (1) send to the navigation district a written notice  
10 of intent to sell or provide water for nonirrigation use in Chambers  
11 County outside the district's boundaries; and

12           (2) allow the navigation district 30 days to exercise  
13 a right of first refusal to provide the water.

14       (f) Not later than the 30th day after the date the  
15 navigation district receives the notice of intent under Subsection  
16 (e) of this section, the navigation district may exercise its right  
17 of first refusal under Subsection (e) of this section by delivering  
18 to the district notice that it intends to exercise that right.

19       (g) The district may enter into a contract described by  
20 Subsection (e) of this section only if the navigation district:

21           (1) fails to comply with Subsection (f) of this  
22 section; or

23           (2) complies with Subsection (f) of this section and  
24 does not enter into a contract to sell or otherwise provide water  
25 for the use described by the district's notice of intent under  
26 Subsection (e) of this section before the expiration of four months  
27 after the date the navigation district receives the notice of

1 intent.

2           SECTION 2. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2009.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2666 was passed by the House on April 8, 2009, by the following vote: Yeas 148, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2666 was passed by the Senate on April 30, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor