

By: Ritter, Callegari, Creighton, Branch

H.B. No. 4231

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the conveyancing or transfer in this state of water
3 imported into this state from a source located outside this state.

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

5 SECTION 1. Section 11.0237(b), Water Code, is amended to
6 read as follows:

7 (b) This section does not alter the commission's
8 obligations under Section 11.042(a-1), (b), [~~11.042(b)~~] or (c),
9 11.046(b), 11.085(k)(2)(F), 11.134(b)(3)(D), 11.147, 11.1471,
10 11.1491, 11.150, 11.152, 16.058, or 16.059.

11 SECTION 2. Section 11.042, Water Code, is amended by adding
12 Subsection (a-1) to read as follows:

13 (a-1) With prior authorization granted under rules
14 prescribed by the commission, a person, association of persons,
15 corporation, water control and improvement district, water
16 improvement district, or irrigation district supplying water
17 imported from a source located wholly outside the boundaries of
18 this state, except water imported from a source located in the
19 United Mexican States, may use the bed and banks of any flowing
20 natural stream in the state to convey water for use in this state.

21 The authorization must:

22 (1) allow for the diversion of only the amount of water
23 put into a watercourse or stream, less carriage losses; and

24 (2) include special conditions adequate to prevent a

1 significant impact to the quality of water in this state.

2 SECTION 3. Section 11.085(v), Water Code, is amended to
3 read as follows:

4 (v) The provisions of this section, except Subsection (a),
5 do not apply to:

6 (1) a proposed transfer which in combination with any
7 existing transfers totals less than 3,000 acre-feet of water per
8 annum from the same permit, certified filing, or certificate of
9 adjudication;

10 (2) a request for an emergency transfer of water;

11 (3) a proposed transfer from a basin to its adjoining
12 coastal basin; ~~or~~

13 (4) a proposed transfer from a basin to a county or
14 municipality or the municipality's retail service area that is
15 partially within the basin for use in that part of the county or
16 municipality and the municipality's retail service area not within
17 the basin; or

18 (5) a proposed transfer of water that is:

19 (A) imported from a source located wholly outside
20 the boundaries of this state, except water that is imported from a
21 source located in the United Mexican States;

22 (B) for use in this state; and

23 (C) transported by using the bed and banks of any
24 flowing natural stream located in this state.

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2009.