

By: Ritter, Callegari, Creighton

H.B. No. 4231

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 11.042(a), Water Code, is amended to read as follows:

(a) Under rules prescribed by the commission, a person, association of persons, corporation, water control and improvement district, water improvement district, or irrigation district supplying stored or conserved water under contract as provided in this chapter, including water imported from a source located wholly outside the boundaries of this state, may use the bank and bed of any flowing natural stream in the state to convey the water from the place of storage to the place of use or to the diversion point of the appropriator.

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

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

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

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

1           (3) a proposed transfer from a basin to its adjoining  
2 coastal basin; ~~[or]~~

3           (4) a proposed transfer from a basin to a county or  
4 municipality or the municipality's retail service area that is  
5 partially within the basin for use in that part of the county or  
6 municipality and the municipality's retail service area not within  
7 the basin; or

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

9                       (A) imported from a source located wholly outside  
10 the boundaries of this state;

11                      (B) for use in this state; and

12                      (C) transported by using the bed and banks of any  
13 navigable stream located in this state.

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