

By: King of Zavala

H.B. No. 4776

A BILL TO BE ENTITLED

AN ACT

relating to certain rights of a person who holds an irrigation permit issued by the Edwards Aquifer Authority.

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

SECTION 1. Section 1.34, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Subsections (b-1), (d), (e), and (f) and amending Subsection (c) to read as follows:

(b-1) In this section:

(1) "Developed" means physically altered by the installation of utilities and:

(A) impervious cover, including streets, parking lots, driveways, foundations, structures, buildings, or similar improvements that prevent rainwater infiltration; or

(B) a large turf watering system for a golf course.

(2) "Historically irrigated land" means land irrigated during the historical period described by Section 1.16(a) of this Act and identified as the place of use in an initial regular permit for irrigation use.

(c) Except as otherwise provided by this section:

(1) a [A] permit holder may lease permitted water rights, but a holder of a permit for irrigation use may not lease more than 50 percent of the irrigation rights initially permitted;

1 and

2 (2) the [~~.—The~~] user's remaining irrigation water  
3 rights must be used in accordance with the original permit and must  
4 pass with transfer of the irrigated land.

5 (d) Notwithstanding Subsection (c) of this section:

6 (1) the remaining 50 percent of the irrigation rights  
7 initially permitted appurtenant to historically irrigated land is  
8 not required to pass with the transfer of historically irrigated  
9 land if, at the time of the transfer, the historically irrigated  
10 land is developed, to the extent that the land transferred is  
11 developed or is transferred for development; and

12 (2) subject to Subsection (e), the following persons  
13 may convert irrigation rights initially permitted appurtenant to  
14 historically irrigated land into a right to withdraw water from the  
15 historically irrigated land for another purpose:

16 (A) the owner of the historically irrigated land;

17 or

18 (B) the original holder of irrigation rights  
19 initially permitted appurtenant to the historically irrigated  
20 land, or the successor in interest of the original holder, if the  
21 holder reserves the authority to convert the permitted right at the  
22 time the historically developed land is transferred after being  
23 developed or is transferred for development.

24 (e) A person described by Subsection (d)(2) of this section  
25 may apply to the district to convert to another use the irrigation  
26 rights initially permitted appurtenant to historically irrigated  
27 land. The district shall provide that irrigation rights initially

1 permitted appurtenant to historically irrigated land that is not  
2 wholly developed may be converted only to the extent that the  
3 historically irrigated land is developed, so that the proportion  
4 the permitted right to withdraw water for irrigation purposes on  
5 the historically irrigated land bears to the permitted right to  
6 withdraw water for another purpose from the developed land is the  
7 same as the proportion of the acreage of historically irrigated  
8 land to which the irrigation water right is appurtenant bears to the  
9 acreage of the developed portion of the historically irrigated  
10 land.

11 (f) Water withdrawn from historically irrigated land after  
12 the irrigation rights initially permitted appurtenant to the  
13 historically irrigated land are converted to a right to withdraw  
14 the water for another purpose may be used only in the county in  
15 which the historically irrigated land is located.

16 SECTION 2. This Act takes effect September 1, 2009.