

By: Averitt

S.B. No. 2318

A BILL TO BE ENTITLED

AN ACT

relating to the use and management of surface water resources.

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

SECTION 1. Section 11.002, Water Code, is amended by amending Subdivision (1) and adding Subdivision (7) to read as follows:

(1) "Commission" means the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality.

(7) "Developed water" means:

(A) groundwater that is in a watercourse or stream, that would not be in the watercourse or stream but for the efforts of the developer, and that is intended for subsequent diversion and use by the developer;

(B) surface water obtained through an approved interbasin transfer of water that is in a watercourse or stream, that would not be in the watercourse or stream but for the efforts of the developer, and that is intended for subsequent diversion and use by the developer;

(C) waters imported from another state; and

(D) waters originating in the bays or arms of the Gulf of Mexico.

SECTION 2. Subsection (e), Section 11.023, Water Code, is amended to read as follows:

(e) The amount of water appropriated for each purpose

1 mentioned in this section shall be specifically appropriated,
2 stored, or diverted for that purpose, subject to the preferences
3 prescribed in Section 11.024 of this code. The commission may
4 authorize appropriation of a single amount or volume of water for
5 more than one purpose of use. In the event that a single amount or
6 volume of water is appropriated for more than one purpose of use,
7 the total amount of water actually diverted for all of the
8 authorized purposes may not exceed the total amount of water
9 appropriated.

10 SECTION 3. Subsection (b), Section 11.042, Water Code, is
11 amended to read as follows:

12 (b) A person who wishes to discharge and then subsequently
13 divert and reuse the person's existing return flows derived from
14 developed water [~~privately owned groundwater~~] must obtain prior
15 authorization from the commission for the diversion and the reuse
16 of these return flows. The authorization may allow for the
17 diversion and reuse by the discharger of existing return flows,
18 less carriage losses, and shall be subject to special conditions if
19 necessary to protect an existing water right that was granted based
20 on the use or availability of these return flows. Special
21 conditions may also be provided to help maintain instream uses and
22 freshwater inflows to bays and estuaries. A person wishing to
23 divert and reuse future increases of return flows derived from
24 developed water [~~privately owned groundwater~~] must obtain
25 authorization to reuse increases in return flows before the
26 increase.

27 SECTION 4. Subsection (c), Section 11.126, Water Code, is

1 amended to read as follows:

2 (c) If the application proposes construction of a dam
3 greater than six feet in height measured from the channel invert
4 elevation to the top of the dam either for diversion or storage, the
5 executive director may also require filing a copy of all plans and
6 specifications and a copy of the engineer's field notes of any
7 survey of the lake or reservoir. No work on the project shall
8 proceed until approval of the plans is obtained from the executive
9 director.

10 SECTION 5. This Act takes effect September 1, 2009.