

By: Ritter

H.B. No. 3233

A BILL TO BE ENTITLED

AN ACT

relating to interbasin transfers of state water.

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

SECTION 1. Sections 11.085(b), (e), (g), (l), (n), and (v),  
Water Code, are amended to read as follows:

(b) The application must include:

(1) the contract price of the water to be transferred;

(2) a statement of each general category of proposed  
use of the water to be transferred and a detailed description of the  
proposed uses and users under each category; and

(3) the cost of diverting, conveying, distributing,  
and supplying the water to, and treating the water for, the proposed  
users. ~~[, and]~~

~~[(4) the projected effect on user rates and fees for  
each class of ratepayers.]~~

(e) In addition to the public meetings required by  
Subsection (d) of this section, if the application is contested in a  
manner requiring an evidentiary hearing under the rules of the  
commission, the commission shall give notice and hold an  
evidentiary hearing, in accordance with commission rules and  
applicable state law. In any evidentiary hearing for an  
application to transfer water authorized under an existing water  
right, contested issues are limited to those issues related to the  
requirements under this section.

1 (g) The applicant shall cause the notice of application for  
2 an interbasin transfer to be published twice within a 30-day period  
3 [~~once a week for two consecutive weeks~~] in one or more newspapers  
4 having general circulation in each county located in whole or in  
5 part in the basin of origin or the receiving basin. The published  
6 notice may not be smaller than 96.8 square centimeters or 15 square  
7 inches with the shortest dimension at least 7.6 centimeters or  
8 three inches. The notice of application and public meetings shall  
9 be combined in the mailed and published notices.

10 (1) The commission may grant, in whole or in part, an  
11 application for an interbasin transfer only to the extent that:

12 (1) the detriments to the basin of origin during the  
13 proposed transfer period are less than the benefits to the  
14 receiving basin during the proposed transfer period based on  
15 consideration of factors in subsection (k) of this section.

16 (n) If the transfer of water is based on a contractual sale  
17 of water, the new water right or amended permit, certified filing,  
18 or certificate of adjudication authorizing the transfer shall  
19 contain a condition for a term or period not greater than the term  
20 of the contract, including any extension or renewal of the contract  
21 [~~term~~].

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

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

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

2 (3) a proposed transfer from a basin to its adjoining  
3 coastal basin;

4 (4) a proposed transfer from the part of the territory  
5 of [a basin to] a county or municipality, or the part of the service  
6 area of a retail water utility, [the municipality's retail service  
7 area] that is [~~partially~~] within the basin of origin for use in that  
8 part of the territory of the county or municipality, or that part of  
9 the service area of the retail water utility, [and the  
10 municipality's retail service area] not within the basin of origin;  
11 or

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

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

16 (B) for use in this state; and

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

19 SECTION 2. The changes in law made by this Act apply only to  
20 an application for an interbasin transfer filed with the Texas  
21 Commission on Environmental Quality on or after the effective date  
22 of this Act. An application filed before the effective date of this  
23 Act is governed by the law in effect on the date the application was  
24 filed, and the former law is continued in effect for that purpose.

25 SECTION 3. This Act takes effect September 1, 2013.