

1-1 By: Perry S.B. No. 864  
 1-2 (In the Senate - Filed February 14, 2017; February 27, 2017,  
 1-3 read first time and referred to Committee on Agriculture, Water &  
 1-4 Rural Affairs; March 21, 2017, reported favorably by the following  
 1-5 vote: Yeas 7, Nays 0; March 21, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the procedure for obtaining a right to use state water  
 1-18 if the applicant proposes an alternative source of water that is not  
 1-19 state water.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Sections 11.132(c) and (d), Water Code, are  
 1-22 amended to read as follows:

1-23 (c) In the notice, the commission shall:

1-24 (1) state the name and address of the applicant;

1-25 (2) state the date the application was filed;

1-26 (3) state the purpose and extent of the proposed  
 1-27 appropriation of water;

1-28 (4) identify the source of supply and the place where  
 1-29 the water is to be stored or taken or diverted from the source of  
 1-30 supply;

1-31 (5) identify any proposed alternative source of water,  
 1-32 other than state water, identified by the applicant;

1-33 (6) specify the time and location where the commission  
 1-34 will consider the application; and

1-35 (7) ~~(6)~~ give any additional information the  
 1-36 commission considers necessary.

1-37 (d) The commission may act on the application without  
 1-38 holding a public hearing if:

1-39 (1) not less than 30 days before the date of action on  
 1-40 the application by the commission, the applicant has published the  
 1-41 commission's notice of the application at least once in a newspaper  
 1-42 regularly published or circulated within the section of the state  
 1-43 where the source of water is located;

1-44 (2) not less than 30 days before the date of action on  
 1-45 the application by the commission, the commission mails a copy of  
 1-46 the notice by first-class mail, postage prepaid, to:

1-47 (A) each claimant or appropriator of water from  
 1-48 the source of water supply, the record of whose claim or  
 1-49 appropriation has been filed with the commission; ~~and~~

1-50 (B) each groundwater conservation district with  
 1-51 jurisdiction over the proposed groundwater production, if the  
 1-52 applicant proposes to use groundwater from a well located within a  
 1-53 groundwater conservation district as an alternative source of  
 1-54 water; and

1-55 (C) all navigation districts within the river  
 1-56 basin concerned; and

1-57 (3) within 30 days after the date of the newspaper  
 1-58 publication of the commission's notice, a public hearing has not  
 1-59 been requested in writing by a commissioner, the executive  
 1-60 director, or an affected person who objects to the application.

1-61 SECTION 2. Section 11.135(b), Water Code, is amended to

2-1 read as follows:

2-2 (b) The permit shall be in writing and attested by the seal  
2-3 of the commission, and it shall contain substantially the following  
2-4 information:

2-5 (1) the name of the person to whom the permit is  
2-6 issued;

2-7 (2) the date the permit is issued;

2-8 (3) the date the original application was filed;

2-9 (4) the use or purpose for which the appropriation is  
2-10 to be made;

2-11 (5) the amount or volume of water authorized to be  
2-12 appropriated for each purpose; if use of the appropriated water is  
2-13 authorized for multiple purposes, the permit shall contain a  
2-14 special condition limiting the total amount of water that may  
2-15 actually be diverted for all of the purposes to the amount of water  
2-16 appropriated;

2-17 (6) a general description of the source of supply from  
2-18 which the appropriation is proposed to be made, including any  
2-19 alternative source of water that is not state water;

2-20 (7) the time within which construction or work must  
2-21 begin and the time within which it must be completed; and

2-22 (8) any other information the commission prescribes.

2-23 SECTION 3. Sections 11.143(e) and (f), Water Code, are  
2-24 amended to read as follows:

2-25 (e) In the notice, the commission shall:

2-26 (1) state the name and post-office address of the  
2-27 applicant;

2-28 (2) state the date the application was filed;

2-29 (3) state the purpose and extent of the proposed  
2-30 appropriation of water;

2-31 (4) identify the source of supply, including any  
2-32 proposed alternative source of water, other than state water,  
2-33 identified by the applicant, and the place where the water is  
2-34 stored; and

2-35 (5) specify the time and place of the hearing.

2-36 (f) The notice shall be published only once, at least 20  
2-37 days before the date stated in the notice for the hearing on the  
2-38 application, in a newspaper having general circulation in the  
2-39 county where the dam or reservoir is located. At least 15 days  
2-40 before the date set for the hearing, the commission shall transmit a  
2-41 copy of the notice by first-class mail to each person whose claim or  
2-42 appropriation has been filed with the commission and whose  
2-43 diversion point is downstream from that described in the  
2-44 application. If the notice identifies groundwater from a well  
2-45 located in a groundwater conservation district as a proposed  
2-46 alternative source of water, the notice shall be:

2-47 (1) sent to the groundwater conservation district in  
2-48 which the well is located; and

2-49 (2) published, at least 20 days before the date stated  
2-50 in the notice for the hearing, in a newspaper having general  
2-51 circulation in each county in which the groundwater district is  
2-52 located.

2-53 SECTION 4. The changes in law made by this Act apply only to  
2-54 an application for a new or amended water right received by the  
2-55 Texas Commission on Environmental Quality on or after the effective  
2-56 date of this Act. An application received before the effective date  
2-57 of this Act is governed by the law in effect on the date the  
2-58 application was received, and the former law is continued in effect  
2-59 for that purpose.

2-60 SECTION 5. This Act takes effect September 1, 2017.

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