

By: King of Uvalde

H.B. No. 1479

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of certain permitted irrigation water rights related to a certain portion of the Edwards Aquifer.

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 to read as follows:

Sec. 1.34. TRANSFER OF RIGHTS. (a) In this section:

(1) "Development" means:

(A) actual construction on and physical alteration of land caused by the installation of utilities, the construction of roads, parking lots, driveways, foundations, structures, buildings, stormwater collection systems, public parks, athletic fields, or similar improvements, and the rezoning of the land so that it can no longer be used for agricultural purposes; and

(B) that:

(i) the owner of the land no longer seeks to designate the land as qualified open-space land or for agricultural use in accordance with Subchapters C and D, Chapter 23, Tax Code; and

(ii) the chief appraiser in the county in which the land is located has made a determination that a change in land use has occurred under Section 23.46 or 23.55, Tax Code.

(2) "Irrigated land" means the lands irrigated during

1 the historical period, as described by Section 1.16, that provided  
2 the basis for the issuance of an initial regular permit for  
3 irrigation use and identified as the place of use in the initial  
4 regular permit.

5 (b) Water withdrawn from the aquifer must be used within the  
6 boundaries of the authority.

7 (c) [~~(b)~~] The authority by rule may establish a procedure by  
8 which a person who installs water conservation equipment may sell  
9 the water conserved.

10 (d) [~~(c)~~] Except as otherwise provided by this section, a  
11 [A] permit holder may lease permitted water rights, but a holder of  
12 a permit for irrigation use may not lease more than 50 percent of  
13 the irrigation rights initially permitted. The user's remaining  
14 irrigation water rights must be used in accordance with the  
15 original permit and must pass with transfer of the irrigated land.

16 (e) Except as provided by Subsection (f), the owner of the  
17 irrigated land may sever the remaining water rights for use in  
18 irrigation in the same proportion as the proportion of developed  
19 and undeveloped land. Water rights used for irrigation tied to  
20 portions of land that cannot be developed due to location within a  
21 floodplain or are impractical to develop due to shape or topography  
22 may be included in the proportion of land considered developed.  
23 Water rights for use in irrigation severed under this subsection  
24 may change in use, so long as the use is in the same county as the  
25 original use and consistent with authority rules. Rules adopted to  
26 implement this subsection may not expand the type of land  
27 considered developed.

1        (f) The authority may adopt rules to provide for a holder of  
2 an initial regular permit for use in irrigation to lease the full  
3 amount of the water rights for use in irrigation granted in the  
4 initial permit to another person for irrigating land located in the  
5 authority.

6        SECTION 2. This Act takes effect September 1, 2019.