

By: Ashby

H.B. No. 1964

A BILL TO BE ENTITLED

AN ACT

relating to the procedure for action on certain applications for an amendment to a water right.

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

SECTION 1. Section 11.122, Water Code, is amended by adding Subsection (b-3) to read as follows:

(b-3) In addition to an application that meets the requirements of Subsection (b) and for which the commission has determined that notice or an opportunity for a contested case hearing is not required under another statute or a commission rule, an application for an amendment to a water right is exempt from any requirements of a statute or commission rule regarding notice and hearing or technical review by the executive director or the commission and may not be referred to the State Office of Administrative Hearings for a contested case hearing if the executive director determines after an administrative review that the application is for an amendment that:

(1) adds a purpose of use that does not substantially alter:

(A) the nature of the right from a right authorizing only nonconsumptive use to a right authorizing consumptive use; or

(B) a pattern of use that is explicitly authorized in or required by the original right;

1 (2) adds a place of use located in the same basin as
2 the place of use authorized by the original right; or

3 (3) changes the point of diversion, provided that:

4 (A) the authorized rate of diversion is not
5 increased;

6 (B) the original point of diversion and the new
7 point of diversion are located in the same contiguous tract of land;

8 (C) the original point of diversion and the new
9 point of diversion are from the same source of supply;

10 (D) there are no points of diversion from the
11 same source of supply associated with other water rights that are
12 located between the original point of diversion and the new point of
13 diversion;

14 (E) there are no streamflow gauges located on the
15 source of supply between the original point of diversion and the new
16 point of diversion that are referenced in the original water right
17 or in another water right authorizing a diversion from the same
18 source of supply; and

19 (F) there are no tributary watercourses that
20 enter the watercourse that is the source of supply located between
21 the original point of diversion and the new point of diversion.

22 SECTION 2. This Act applies to an application to amend a
23 water right that is filed with the Texas Commission on
24 Environmental Quality on or after the effective date of this Act or
25 is pending as of the effective date of this Act.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2019.