

By: Murr

H.B. No. 3644

A BILL TO BE ENTITLED

AN ACT

relating to transfer of irrigation water rights allowed by the Edwards Aquifer Authority.

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

SECTION 1. Section 1.34(c), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(c) A permit holder may lease permitted water rights, but a holder of a permit for irrigation use may not lease more than 50 percent of the irrigation rights initially permitted. The user's remaining irrigation water rights must be used in accordance with the original permit and must pass with transfer of the irrigated land. However, the authority by rule may establish a procedure by which the holder of a permit for irrigation use, or his or her assignor, may change the place or purpose of use of the irrigation water right and sell or lease such right in the event circumstances arise in which continued agricultural activities on the land are substantially impaired.

SECTION 2. The change in law made by this Act to Section 1.34, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, applies only to a transfer, and the contracts or other transaction documents of any kind related thereto, including documents related to the extension of credit, hereinafter collectively referred to as "transfer", effective on or after the effective date of this Act. The change in law made by this Act to

1 Section 1.34, Chapter 626, Acts of the 73rd Legislature, Regular
2 Session, 1993, does not affect the validity of a transfer effective
3 before the effective date of this Act. A transfer effective before
4 the effective date of this Act is governed by the provisions of
5 Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993,
6 and the rules of the Edwards Aquifer Authority in effect at the time
7 the transfer became effective. Transfers effective before the
8 effective date of this Act, that have not been rescinded, and are
9 not subject to pending litigation are hereby conclusively validated
10 in all respects.

11 SECTION 3. This Act takes effect September 1, 2019.