

BILL ANALYSIS

Senate Research Center

S.B. 2318
By: Averitt
Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 2318 amends Chapter 11 (Water Rights) of the Water Code related to the Texas Commission on Environmental Quality's administration of surface water resources. The proposed legislation clarifies that water appropriated for specified beneficial use purposes may also be "stored or diverted" for such purposes; expands the bed and banks authorization requirements currently applicable only to discharged groundwater to include other "developed water" sources that would not be in the stream if the water had not been put into the stream because of the efforts of the developer; and specifies a physical means for determining the height of a dam for regulatory compliance purposes.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.002, Water Code, by amending Subdivision (1), and adding Subdivision (7), to redefine "commission" and to define "developed water."

SECTION 2. Amends Section 11.023(e), Water Code, to require that the amount of water appropriated for each purpose mentioned in this section be specifically appropriated, stored, or diverted for that purpose, subject to the preferences prescribed in Section 11.024 (Appropriation: Preferences) of this code.

SECTION 3. Amends Section 11.042(b), Water Code, to require a person who wishes to discharge and then subsequently divert and reuse the person's existing return flows derived from developed water, rather than privately owned groundwater, to obtain prior authorization from the Texas Commission on Environmental Quality (commission) for the diversion and the reuse of these return flows. Makes a conforming change.

SECTION 4. Amends Section 11.126(c), Water Code, to authorize the executive director, if the application proposes construction of a dam greater than six feet in height measured from the channel invert elevation to the top of the dam either for diversion or storage, to also require filing a copy of all plans and specifications and a copy of the engineer's field notes of any survey of the lake or reservoir.

SECTION 5. Effective date: September 1, 2009.