

By: Frank

H.B. No. 2805

A BILL TO BE ENTITLED

AN ACT

relating to the priority applicable to certain interbasin transfers of water.

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

SECTION 1. Sections 11.085(s) and (t), Water Code, are amended to read as follows:

(s) This subsection does not apply to a transfer of water between the Red River basin and the Trinity River basin. Any proposed transfer of all or a portion of a water right under this section is junior in priority to water rights granted before the time application for transfer is accepted for filing.

(t) This subsection does not apply to a transfer of water between the Red River basin and the Trinity River basin. Any proposed transfer of all or a portion of a water right under this section from a river basin in which two or more river authorities or water districts created under Section 59, Article XVI, Texas Constitution, have written agreements or permits that provide for the coordinated operation of their respective reservoirs to maximize the amount of water for beneficial use within their respective water services areas shall be junior in priority to water rights granted before the time application for transfer is accepted for filing.

SECTION 2. (a) This Act applies only to an application for a water right or an amendment to a permit, certified filing, or

1 certificate of adjudication authorizing an interbasin transfer of  
2 water that is accepted for filing on or after the effective date of  
3 this Act.

4 (b) An application for a water right or an amendment to a  
5 permit, certified filing, or certificate of adjudication  
6 authorizing an interbasin transfer of water that is accepted for  
7 filing before the effective date of this Act is governed by the law  
8 in effect at the time the application is accepted for filing, and  
9 the former law is continued in effect for that purpose.

10 SECTION 3. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2015.