

CHAPTER 1065

H.B. No. 3233

AN ACT

relating to interbasin transfers of state water.

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

SECTION 1. Sections 11.085(b), (e), (g), (l), (n), and (v),  
Water Code, are amended to read as follows:

(b) The application must include:

(1) the contract price of the water to be transferred;

(2) a statement of each general category of proposed  
use of the water to be transferred and a detailed description of the  
proposed uses and users under each category; and

(3) the cost of diverting, conveying, distributing,  
and supplying the water to, and treating the water for, the proposed  
users[~~, and~~

~~[(4) the projected effect on user rates and fees for  
each class of ratepayers].~~

(e) In addition to the public meetings required by  
Subsection (d) [~~of this section~~], if the application is contested  
in a manner requiring an evidentiary hearing under the rules of the  
commission, the commission shall give notice and hold an  
evidentiary hearing, in accordance with commission rules and  
applicable state law. An evidentiary hearing on an application to  
transfer water authorized under an existing water right is limited  
to considering issues related to the requirements of this section.

(g) The applicant shall cause the notice of application for

1 an interbasin transfer to be published in two different weeks  
2 within a 30-day period [~~once a week for two consecutive weeks~~] in  
3 one or more newspapers having general circulation in each county  
4 located in whole or in part in the basin of origin or the receiving  
5 basin. The published notice may not be smaller than 96.8 square  
6 centimeters or 15 square inches with the shortest dimension at  
7 least 7.6 centimeters or three inches. The notice of application  
8 and public meetings shall be combined in the mailed and published  
9 notices.

10 (1) The commission may grant, in whole or in part, an  
11 application for an interbasin transfer only to the extent that:

12 (1) the detriments to the basin of origin during the  
13 proposed transfer period are less than the benefits to the  
14 receiving basin during the proposed transfer period, as determined  
15 by the commission based on consideration of the factors described  
16 by Subsection (k); and

17 (2) the applicant for the interbasin transfer has  
18 prepared a drought contingency plan and has developed and  
19 implemented a water conservation plan that will result in the  
20 highest practicable levels of water conservation and efficiency  
21 achievable within the jurisdiction of the applicant.

22 (n) If the transfer of water is based on a contractual sale  
23 of water, the new water right or amended permit, certified filing,  
24 or certificate of adjudication authorizing the transfer shall  
25 contain a condition for a term or period not greater than the term  
26 of the contract, including any extension or renewal of the contract  
27 [~~term~~].

1 (v) The provisions of this section, except Subsection (a),  
2 do not apply to:

3 (1) a proposed transfer which in combination with any  
4 existing transfers totals less than 3,000 acre-feet of water per  
5 annum from the same permit, certified filing, or certificate of  
6 adjudication;

7 (2) a request for an emergency transfer of water;

8 (3) a proposed transfer from a basin to its adjoining  
9 coastal basin;

10 (4) a proposed transfer from the part of the  
11 geographic area of [a basin to] a county or municipality, or the  
12 part of the retail service area of a retail public utility as  
13 defined by Section 13.002, [the municipality's retail service area]  
14 that is [~~partially~~] within the basin of origin for use in that part  
15 of the geographic area of the county or municipality, or that  
16 contiguous part of the retail service area of the utility, [and the  
17 municipality's retail service area] not within the basin of origin;  
18 or

19 (5) a proposed transfer of water that is:

20 (A) imported from a source located wholly outside  
21 the boundaries of this state, except water that is imported from a  
22 source located in the United Mexican States;

23 (B) for use in this state; and

24 (C) transported by using the bed and banks of any  
25 flowing natural stream located in this state.

26 SECTION 2. The changes in law made by this Act apply only to  
27 an application for an interbasin transfer filed with the Texas

1 Commission on Environmental Quality on or after the effective date  
2 of this Act. An application filed before the effective date of this  
3 Act is governed by the law in effect on the date the application was  
4 filed, and the former law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2013.

David Beutner  
President of the Senate

Joe Straus  
Speaker of the House

I certify that H.B. No. 3233 was passed by the House on May 7, 2013, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 3233 was passed by the Senate on May 21, 2013, by the following vote: Yeas 30, Nays 0.

Latsyn Spaw  
Secretary of the Senate

APPROVED: 14 JUNE '13  
Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:11 AM O'CLOCK  
JUN 14 2013

[Signature]  
Secretary of State