

BILL ANALYSIS

Senate Research Center
79R13793 RMB-F

C.S.S.B. 1741
By: Staples
Natural Resources
4/22/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, Chapter 11.085 (Interbasin Transfers), Water Code, requires all or a portion of a water right to become junior in priority to water rights granted before the time application for transfer is accepted for filing when transferred out of the basin of origin.

C.S.S.B. 1741 amends the Water Code by adding subsections to allow interbasin water transfers based on contractual sales to maintain senior priority. C.S.S.B. 1741 enumerates criteria that must be satisfied to protect the basin of origin.

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 adding Subdivision (15) to define "on-channel reservoir."

SECTION 2. Amends Section 11.085, Water Code, by amending Subsection (s) and adding Subsections (w) and (x), as follows:

(s) Creates an exception to this subsection, as provided by Subsections (w) and (x).

(w) Provides that a proposed transfer of a water right that is based on a contractual sale of water is not subject to Subsection (s) if certain conditions are satisfied.

(x) Authorizes the term of contract under Subsection (w) to be extended after the expiration of the contract if certain conditions are satisfied.

SECTION 3. Makes application of Section 11.085, Water Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2005.