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Legal Issues with Permitting Amenity Ponds

Emily W. Rogers
Bickerstaff Heath Delgado Acosta LLP
3711 S. MoPac Expwy.
Bldg. 1, Suite 300
Austin, TX 78746
512-472-8021

erogers@bickerstaff.com



What is an amenity pond?

Small lakes used for recreational or aesthetic purposes



Location, Location, Location!

- Location determines permitting requirements:
 - Is the pond on a state water course?
 - Will the water used to fill the pond be diverted from a state water course?



State Water Course

- All water in a state water course is owned by the State. Tex. Water Code § 11.021(a).
- A permit is required to impound, store, or divert state water. Tex. Water Code § 11.022, 11.081, and 11.121.



Defining a State Water Course

- Well defined bed and banks.
- A current of water.
- Permanent source of supply.



Location and Supply Source

Location on or Source of Supply from State Water Course → Water Rights Permit Required.



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