

Texas Water Law Institute  
The University of Texas School of Law  
Continuing Legal Education

November 2-4, 2016  
Austin, Texas

## 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](mailto: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.



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

## Title search: Legal Issues with Permitting Amenity Ponds

Also available as part of the eCourse

[Hot Topics in Water Law: Amenity Ponds, Prior Appropriation, Desired Future Conditions and the Bush Report](#)

First appeared as part of the conference materials for the  
2016 Texas Water Law Institute session  
"Legal Issues with Permitting Amenity Ponds"