

**PRACTICAL WATER LAW  
CONSIDERATIONS:  
AMENITY LAKES, SWCD RESERVOIRS  
AND DOWNSTREAM FLOOD PROTECTION**

**UTCLE 28<sup>TH</sup> ANNUAL  
LAND USE CONFERENCE**

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Jackson Walker LLP



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**INTRODUCTION: OWNERSHIP  
AND CONTROL OF SURFACE WATER**

- Subdivision Amenity Lakes
- Soil & Water Conservation District “Floodwater Retarding Structures”
- Detention Ponds and Water Code 11.086 (Flood Liability)

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# AMENITY LAKES



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# AMENITY LAKES



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# AUGUST LAKES KATY, TX



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## AMENITY LAKES - BACKGROUND

- Surface Water: Owned by the State of Texas
- Exempt Uses Include (Less than 200 AF Storage)
  - Domestic & Livestock Ponds
  - Wildlife Exempt
- Example: Rural “Stock Ponds”

*Water Code 11.142*

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Title search: Practical Water Law Considerations: Amenity Lakes, SWCD Reservoirs and Downstream Flood Protection

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"Practical Water Law Considerations: Amenity Lakes, SWCD Reservoirs and Stormwater Detention Ponds"