

ORDINANCE NO. 26-_____

AN ORDINANCE OF THE CITY OF DENTON, A TEXAS HOME-RULE MUNICIPAL CORPORATION, AUTHORIZING THE CITY MANAGER, OR THEIR DESIGNEE, TO PROTEST WATER RIGHTS APPLICATIONS FILED WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY OR ITS SUCCESSOR AGENCY; RATIFYING PAST WATER RIGHTS APPLICATION PROTESTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, state surface water is held in trust by the State of Texas for the use and benefit of the public and can only be appropriated pursuant to state law; and

WHEREAS, water rights are granted by the Texas Commission on Environmental Quality (“TCEQ”) pursuant to Chapter 11 of the Texas Water Code; and

WHEREAS, a water right allows the holder to appropriate a specified amount of state surface water in particular locations, for stated purposes, and within a defined area; and

WHEREAS, the City is a water rights holder in Lewisville Lake and Ray Roberts Lake pursuant to Certificates of Adjudication Nos. 08-2348 and 08-2335, respectively; and

WHEREAS, Lewisville Lake and Ray Roberts Lake are the City’s primary sources of water supply; and

WHEREAS, the health, safety, and welfare of the public in Denton and surrounding areas in Denton County depend on the City’s appropriation of state water pursuant to its water rights; and

WHEREAS, the City relies on its water rights when making large investments in water infrastructure, planning for growth, and making commitments to its wholesale customers; and

WHEREAS, the City’s economy depends on the availability of reliable sources of water supply; and

WHEREAS, water rights may have an impact on water quality and the availability of flows for use by fish and wildlife; and

WHEREAS; water rights applications filed with the TCEQ may impair Denton’s water rights and otherwise interfere with their use; and

WHEREAS, water rights applications may involve, without limitation, new or amended water rights permits, interbasin transfer permits, and bed and banks permits; and

WHEREAS, to protest water rights applications, the City must, among other actions, evaluate impacts to water supply, prepare arguments and submit filings, such as hearing requests, to the TCEQ Office of the Chief Clerk, and negotiate settlements and permit conditions with applicants and the TCEQ, as appropriate; and

WHEREAS; the time available to protest a water rights application can be short, depending on when the City receives actual notice, the circumstances surrounding the application, and the details of the application; and

WHEREAS, depending on the circumstances, there may not be sufficient time for the City Council to consider whether to protest an application at one of its meetings; and

WHEREAS, to protect and maintain the integrity of the City’s water supplies, the City’s long-range water supply planning, and the local environment, the Denton City Manager, or their designee, needs the ability to efficiently and expeditiously prepare and submit filings, as needed; and

WHEREAS, the City Council finds it is in the public interest to delegate authority to the City Manager, or their designee, to protest water rights applications filed with the TCEQ or its successor agency; and

WHEREAS, the City Council finds the delegation of its authority to the City Manager, or their designee, under this Ordinance will lead to the efficient implementation of City initiatives conducted pursuant to the policies and direction of the City Council; and

WHEREAS, the City Manager, or their designee, will notify the City Council of any protests and related negotiations pursued under this Ordinance by submitting an Informal Staff Report.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The recitations contained in the preamble of this Ordinance are incorporated herein by reference as findings of the City Council.

SECTION 2. The City Council hereby authorizes the City Manager, or their designee, to take all actions as they find reasonable and appropriate to accomplish the intents and purposes of this Ordinance to protest water rights applications filed with the TCEQ or its successor agency.

SECTION 3. Upon protesting a water rights application, the City Manager, or their designee, shall notify the City Council of the protest details and related negotiations through the creation and timely submission of Informal Staff Reports.

SECTION 4. All actions taken by the General Manager of Water Utilities and Street Operations prior to the effective date of this Ordinance to protest water rights applications filed with the TCEQ are hereby ratified and authorized by the City Council.

SECTION 5. Any provision of any prior ordinance of the City which conflicts with any provision of this Ordinance is hereby repealed to the extent of the conflict, but all other provisions of the City ordinance which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. This Ordinance shall become effective immediately upon its passage and approval.

The motion to approve this Ordinance was made by _____ and seconded by _____, the Ordinance was passed and approved by the following vote [____ - ____]:

	Aye	Nay	Abstain	Absent
Mayor Chris Watts:	_____	_____	_____	_____
Jordan Villarreal, District 1:	_____	_____	_____	_____
Nick Stevens, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____

Joe Holland, District 4: _____
George Ferrie, At Large Place 5: _____
Jill Jester, At Large Place 6: _____

PASSED AND APPROVED this the _____ day of _____, 2026.

CHRIS WATTS, MAYOR

ATTEST:
KRISTI FOGLE, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: Christopher Mullins