

1-1 By: Taylor of Collin S.B. No. 226
 1-2 (In the Senate - Filed November 16, 2016; January 30, 2017,
 1-3 read first time and referred to Committee on Agriculture, Water &
 1-4 Rural Affairs; April 6, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 5, Nays 2;
 1-6 April 6, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15		X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 226 By: Perry

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the procedure for action on certain applications for an
 1-20 amendment to a water right.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 11.122, Water Code, is amended by adding
 1-23 Subsection (b-1) to read as follows:

1-24 (b-1) In addition to an application that meets the
 1-25 requirements of Subsection (b) and for which the commission has
 1-26 determined that notice or an opportunity for a contested case
 1-27 hearing is not required under another statute or a commission rule,
 1-28 an application for an amendment to a water right is exempt from any
 1-29 requirements of a statute or commission rule regarding notice and
 1-30 hearing or technical review by the executive director or the
 1-31 commission and may not be referred to the State Office of
 1-32 Administrative Hearings for a contested case hearing if the
 1-33 executive director determines after an administrative review that
 1-34 the application is for an amendment that:

1-35 (1) adds a purpose of use that does not substantially
 1-36 alter:

1-37 (A) the nature of the right from a right
 1-38 authorizing only nonconsumptive use to a right authorizing
 1-39 consumptive use; or

1-40 (B) a pattern of use that is explicitly
 1-41 authorized in or required by the original right;

1-42 (2) adds a place of use located in the same basin as
 1-43 the place of use authorized by the original right; or

1-44 (3) changes the point of diversion, provided that:

1-45 (A) the authorized rate of diversion is not
 1-46 increased;

1-47 (B) the original point of diversion and the new
 1-48 point of diversion are located in the same contiguous tract of land;

1-49 (C) the original point of diversion and the new
 1-50 point of diversion are from the same source of supply;

1-51 (D) there are no points of diversion from the
 1-52 same source of supply associated with other water rights that are
 1-53 located between the original point of diversion and the new point of
 1-54 diversion;

1-55 (E) there are no streamflow gauges located on the
 1-56 source of supply between the original point of diversion and the new
 1-57 point of diversion that are referenced in the original water right
 1-58 or in another water right authorizing a diversion from the same
 1-59 source of supply; and

1-60 (F) there are no tributary watercourses that

2-1 enter the watercourse that is the source of supply located between
2-2 the original point of diversion and the new point of diversion.

2-3 SECTION 2. This Act applies to an application to amend a
2-4 water right that is filed with the Texas Commission on
2-5 Environmental Quality on or after the effective date of this Act or
2-6 is pending as of the effective date of this Act.

2-7 SECTION 3. This Act takes effect immediately if it receives
2-8 a vote of two-thirds of all the members elected to each house, as
2-9 provided by Section 39, Article III, Texas Constitution. If this
2-10 Act does not receive the vote necessary for immediate effect, this
2-11 Act takes effect September 1, 2017.

2-12 * * * * *