

1-1 By: Ashby, Larson (Senate Sponsor - Creighton) H.B. No. 1964
 1-2 (In the Senate - Received from the House April 11, 2019;
 1-3 April 15, 2019, read first time and referred to Committee on Water
 1-4 & Rural Affairs; May 19, 2019, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; May 19, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the procedure for action on certain applications for an
 1-18 amendment to a water right.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 11.122, Water Code, is amended by adding
 1-21 Subsection (b-3) to read as follows:

1-22 (b-3) In addition to an application that meets the
 1-23 requirements of Subsection (b) and for which the commission has
 1-24 determined that notice or an opportunity for a contested case
 1-25 hearing is not required under another statute or a commission rule,
 1-26 an application for an amendment to a water right is exempt from any
 1-27 requirements of a statute or commission rule regarding notice and
 1-28 hearing or technical review by the executive director or the
 1-29 commission and may not be referred to the State Office of
 1-30 Administrative Hearings for a contested case hearing if the
 1-31 executive director determines after an administrative review that
 1-32 the application is for an amendment that:

1-33 (1) adds a purpose of use that does not substantially
 1-34 alter:

1-35 (A) the nature of the right from a right
 1-36 authorizing only nonconsumptive use to a right authorizing
 1-37 consumptive use; or

1-38 (B) a pattern of use that is explicitly
 1-39 authorized in or required by the original right;

1-40 (2) adds a place of use located in the same basin as
 1-41 the place of use authorized by the original right; or

1-42 (3) changes the point of diversion, provided that:

1-43 (A) the authorized rate of diversion is not
 1-44 increased;

1-45 (B) the original point of diversion and the new
 1-46 point of diversion are located in the same contiguous tract of land;

1-47 (C) the original point of diversion and the new
 1-48 point of diversion are from the same source of supply;

1-49 (D) there are no points of diversion from the
 1-50 same source of supply associated with other water rights that are
 1-51 located between the original point of diversion and the new point of
 1-52 diversion;

1-53 (E) there are no streamflow gauges located on the
 1-54 source of supply between the original point of diversion and the new
 1-55 point of diversion that are referenced in the original water right
 1-56 or in another water right authorizing a diversion from the same
 1-57 source of supply; and

1-58 (F) there are no tributary watercourses that
 1-59 enter the watercourse that is the source of supply located between
 1-60 the original point of diversion and the new point of diversion.

1-61 SECTION 2. This Act applies to an application to amend a

2-1 water right that is filed with the Texas Commission on
2-2 Environmental Quality on or after the effective date of this Act or
2-3 is pending as of the effective date of this Act.

2-4 SECTION 3. This Act takes effect immediately if it receives
2-5 a vote of two-thirds of all the members elected to each house, as
2-6 provided by Section 39, Article III, Texas Constitution. If this
2-7 Act does not receive the vote necessary for immediate effect, this
2-8 Act takes effect September 1, 2019.

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