

Amend CSSB 3 (committee printing) as follows:

(1) In SECTION 1.08 of the bill, proposed Subdivision (1), Subsection (j), Section 11.0236, Water Code, strike "administration, enforcement, and allocation process" (page 4, lines 30 and 31) and substitute "rights administration and enforcement and water allocation processes [~~process~~]".

(2) In SECTION 1.16 of the bill, proposed Subsection (e-1), Section 11.147, Water Code, between "inflows." and "The commission" (page 10, line 10) insert:

With respect to an amended water right, the provision may not allow the commission to adjust a condition of the amendment other than a condition that applies only to the increase in the amount of water to be stored, taken, or diverted authorized by the amendment. This subsection does not affect an appropriation of or an authorization to store, take, or divert water under a permit or amendment to a water right issued before September 1, 2005.

(3) In SECTION 1.16 of the bill, proposed Subdivision (1), Subsection (e-1), Section 11.147, Water Code, strike "or the water right as amended" (page 10, line 20) and substitute "or of that requirement contained in the amended water right and applicable only to the increase in the amount of water authorized to be stored, taken, or diverted under the amended water right".

(4) Strike SECTION 1.33 of the bill (page 15, line 66, through page 16, line 3) and substitute the following:

SECTION 1.33. The changes in law made by this article relating to a permit for a new appropriation of water or to an amendment to an existing water right that increases the amount of water authorized to be stored, taken, or diverted apply only to:

(1) water appropriated under a permit for a new appropriation of water the application for which is pending with the Texas Commission on Environmental Quality on the effective date of this article or is filed with the commission on or after that date; or

(2) the increase in the amount of water authorized to be stored, taken, or diverted under an amendment to an existing water right that increases the amount of water authorized to be stored, taken, or diverted and the application for which is pending

with the Texas Commission on Environmental Quality on the effective date of this article or is filed with the commission on or after that date.

(5) In Article 2 of the bill, in the introductory language to SECTION 2.32 (page 26, line 7), strike "(28)" and substitute "(29)".

(6) In Article 2 of the bill, in SECTION 2.32, after added Subdivision (28), Section 36.001, Water Code (page 26, between lines 27 and 28), insert the following:

(29) "Evidence of historic use" means evidence that is material and relevant to a determination of the amount of groundwater beneficially used without waste by a permit applicant during the relevant time period set by district rule that regulates groundwater based on historic use. Evidence in the form of oral or written testimony shall be subject to cross-examination. The Texas Rules of Evidence govern the admissibility and introduction of evidence, except that evidence not admissible under the Texas Rules of Evidence may be admitted if it is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs, or if agreed to by stipulation of the parties.

(7) In Article 2 of the bill, between SECTIONS 2.34 and 2.35 of the bill (page 26, between lines 45 and 46), insert a new SECTION, appropriately numbered, to read as follows:

SECTION 2.\_\_\_\_. Subchapter B, Chapter 36, Water Code, is amended by adding Section 36.022 to read as follows:

Sec. 36.022. GROUNDWATER CONSERVATION DISTRICT FOR STATE-OWNED LAND. (a) The commission may create a district composed of all state-owned land that is not inside the boundaries of a confirmed groundwater conservation district on the date the statewide district is created.

(b) The members of the commission shall serve as the board of directors of the district.

(c) The district has all powers and duties of a district provided by Subchapter D.

(d) The following laws do not apply to the district created under this section:

(1) Section 12.081;

(2) Sections 36.011-36.021;

(3) Subchapters C, E, F, G, H, I, J, and K; and

(4) Chapter 49.

(e) At least 30 days before the district is created under this section, the commission shall publish notice of the intention to create the district setting forth the general powers and duties of the district in a newspaper having general circulation in each county with land to be included in the territory of the district.

(8) In Article 2 of the bill, SECTION 2.35, amended Subsection (d), Section 36.1071, Water Code, strike "shall train districts" (page 27, line 6) and substitute "shall train the district".

(9) In Article 2 of the bill, SECTION 2.38, added Paragraph (C), Subdivision (3), Subsection (c), Section 36.108, Water Code (page 29, line 63), strike "and".

(10) In Article 2 of the bill, SECTION 2.38, added Paragraph (D), Subdivision (3), Subsection (c), Section 36.108, Water Code (page 29, line 66), between "management area" and the underscored period, insert the following:

; and

(E) if applicable, one representative who holds a permit from a district to use groundwater outside the boundaries of the district

(11) In Article 2 of the bill, SECTION 2.38, added Subsection (h), Section 36.108, Water Code (page 30, line 20), between "area" and the underscored period, insert ", which may include protection of spring flow in the area".

(12) In Article 2 of the bill, between SECTIONS 2.44 and 2.45 (page 36, between lines 28 and 29), insert a new SECTION, appropriately numbered, to read as follows:

SECTION 2.\_\_\_\_. Section 36.302(d), Water Code, is amended to read as follows:

(d) The state auditor may perform the review under Subsection (a) following the first anniversary of the initial approval [~~certification~~] of the plan [~~by the Texas Water Development Board~~] under Section 36.1072 and at least as often as once every seven years after that date, subject to a risk assessment and to the legislative audit committee's approval of including the review in the audit plan under Section 321.013, Government Code.

(13) In Article 2 of the bill (page 36, line 51, through page 37, line 6), strike SECTION 2.47.

(14) In Article 2 of the bill, strike SECTIONS 2.58 and 2.59 (page 38, lines 30-44).

(15) In SECTION 3.01 of the bill, proposed Subsection (e), Section 13.554, Water Code, strike "the effective date of this Act" (page 39, line 63) and substitute "September 1, 2005".

(16) In Article 4 of the bill, SECTION 4.01, added Section 8812.023, Special District Local Laws Code (page 48, lines 10-15), strike Subsection (c) and substitute the following:

(c) The ballot for the election must be printed to permit voting for or against the following proposition: "The creation of the Victoria County Groundwater Conservation District and the imposition of an ad valorem tax in the district at a rate not to exceed two cents for each \$100 of assessed valuation."

(17) In Article 5 of the bill, SECTION 5.02, amended Subsection (c), Section 1.14, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, strike "withdrawals from the aquifer may not exceed the sum of all issued and pending regular permits filed if annexation occurs" (page 50, lines 16-17) and substitute "withdrawals from the aquifer may not exceed the sum of all regular permits issued or for which an application has been filed and issuance is pending action by the authority as of January 1, 2005. If annexation occurs, the amount of permitted withdrawals may be adjusted to include permits issued for wells in the annexed area as of January 1, 2005".

(18) In Article 5 of the bill, SECTION 5.05, added Subsection (b), Section 1.26, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993 (page 51, lines 22-26), strike:

(b) Not later than January 1, 2006, the authority shall, by

rule, adopt and enforce a critical period management plan with withdrawal reduction criteria at no less than the following amounts whether according to the index well levels or Comal Springs flow as may be applicable:

and substitute:

(b) Not later than January 1, 2006, the authority shall, by rule, adopt and enforce a critical period management plan with withdrawal reduction percentages at no less than the amounts indicated in Tables 1 and 2 whether according to the index well levels or Comal Springs flow as may be applicable, for a maximum total in critical period Stage IV of 40 percent of the permitted withdrawals under Table 1 and 30 percent under Table 2:

(19) In Article 5 of the bill, SECTION 5.05, added Subsection (b), Section 1.26, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993 (page 51, lines 36-37), strike "For a maximum total of 40 percent of the permitted withdrawals in critical period Stage IV.".

(20) In Article 5 of the bill, SECTION 5.05, added Subsection (b), Section 1.26, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993 (page 51, lines 47-48), strike "For a total of 30 percent of the permitted withdrawals in critical period Stage IV.".

(21) In Article 5 of the bill, SECTION 5.05, added Subsection (d), Section 1.26, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993 (page 51, line 57), strike "From the effective date of this subsection" and substitute "Beginning September 1, 2005".

(22) In Article 5 of the bill, SECTION 5.05, Subsection (e), added Section 1.26A, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, following "critical period management" (page 52, line 49), add "recommendations".

(23) In Article 5 of the bill, SECTION 5.05, Subsection (f), added Section 1.26A, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993 (page 52, line 69, through page 53, line 3), strike "The expert science team shall submit its withdrawal recommendations to the Edwards Aquifer Area Stakeholders Committee, the Environmental Flows Commission, and the

authority.".

(24) Renumber the sections of the bill appropriately.