

Amend **SB 3** on third reading in ARTICLE 2 of the bill by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of that article accordingly:

SECTION 2.____. Subchapter C, Chapter 11, Water Code, is amended by adding Section 11.098 to read as follows:

Sec. 11.098. USE OF WATER BY CERTAIN FACILITIES. (a) This section applies only to a facility described by Section 26.551(7):

(1) for which:

(A) an application for a permit under Section 382.0518, Health and Safety Code, was received by the commission on or before July 1, 2003; and

(B) a permit under Section 382.0518, Health and Safety Code, was not issued before September 1, 2005; and

(2) that is located:

(A) over an aquifer designated as a sole source aquifer under the federal Safe Drinking Water Act (42 U.S.C. Section 300f et seq.); and

(B) in a priority groundwater management area designated by the Texas Commission on Environmental Quality.

(b) An operator of a facility described by Subsection (a) may not use appropriated surface water in connection with the operation of the facility.