

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: \_\_\_\_\_

1 Amend C.S.S.B. No. 3 (senate committee printing) as follows:

2 (1) In SECTION 3.02 of the bill, between Subdivisions (2) and  
3 (3) of the section (page 20, between lines 25 and 26), insert the  
4 following subdivision and renumber the subsequent subdivisions of  
5 the section accordingly:

6 (3) Marvin Nichols reservoir, to be located on the  
7 Sulphur River upstream from its confluence with White Oak Creek;  
8 the dam will be located in Titus and Red River Counties and the  
9 reservoir will also impound water in Franklin County;

10 (2) Between SECTIONS 3.03 and 3.04 of the bill (page 21,  
11 between lines 11 and 12), insert the following sections and  
12 renumber the subsequent section of Article 3 of the bill  
13 accordingly:

14 SECTION 3.04. RESTRICTION ON ELIGIBILITY TO HOLD WATER  
15 RIGHTS; LIABILITY FOR CONSTRUCTION, OPERATION, AND MAINTENANCE  
16 COSTS. (a) This section applies only to a proposed reservoir  
17 listed in Section 3.02(3) of this Act that is to be located in the  
18 Region D Regional Water Planning Area.

19 (b) The right to appropriate at least 20 percent of the  
20 quantity of water that is authorized to be appropriated from each  
21 proposed reservoir must be held by one or more entities located in  
22 the regional water planning area in which the reservoir is to be  
23 located.

24 (c) If one or more entities located outside the regional  
25 water planning area in which a proposed reservoir is to be located  
26 are to hold the right to appropriate a majority of the quantity of

1 water that is authorized to be appropriated from the reservoir,  
2 that entity or those entities must pay all of the costs of  
3 constructing, operating, and maintaining the reservoir until such  
4 time as one or more entities located in the regional water planning  
5 area in which the reservoir is to be located begins diverting  
6 water. At such time, the entity or entities making a diversion  
7 shall pay a pro-rata share of the cost of operating and maintaining  
8 the reservoir.

9 SECTION 3.05. STUDY COMMISSION ON REGION C WATER SUPPLY. (a)

10 The Study Commission on Region C Water Supply is established. The  
11 study commission consists of six members as follows:

12 (1) three members appointed by the Region C Regional  
13 Water Planning Group; and

14 (2) three members appointed by the Region D Regional  
15 Water Planning Group.

16 (b) A member of the study commission may be, but is not  
17 required to be, a voting member of the regional water planning  
18 group that appointed the member.

19 (c) The members of the study commission shall select a  
20 presiding officer from among the members.

21 (d) Members of the study commission are not entitled to  
22 compensation for service on the study commission but may be  
23 reimbursed for travel expenses incurred while conducting the  
24 business of the study commission, as provided for in the General  
25 Appropriations Act.

26 (e) The study commission shall:

27 (1) review the water supply alternatives available to  
28 the Region C Regional Water Planning Area, including obtaining  
29 additional water supply from Wright Patman Lake, Toledo Bend

1 Reservoir, Lake Texoma, Lake o' the Pines, and other existing and  
2 proposed reservoirs;

3 (2) in connection with the review under Subdivision (1)  
4 of this subsection, analyze the socioeconomic effect on the area  
5 where the water supply is located that would result from the use of  
6 the water to meet the water needs of the Region C Regional Water  
7 Planning Area, including:

8 (A) the effects on landowners, agricultural and  
9 natural resources, businesses, industries, and taxing entities of  
10 different water management strategies; and

11 (B) in connection with the use by the Region C  
12 Regional Water Planning Area of water from Wright Patman Lake, the  
13 effect on water availability in that lake and the effect on  
14 industries relying on that water availability;

15 (3) determine whether water demand in the Region C  
16 Regional Water Planning Area may be reduced through additional  
17 conservation and reuse measures so as to postpone the need for  
18 additional water supplies;

19 (4) evaluate measures that would need to be taken to  
20 comply with the mitigation requirements of the United States Army  
21 Corps of Engineers in connection with any proposed new reservoirs,  
22 including identifying potential mitigation sites;

23 (5) consider whether the mitigation burden described by  
24 Subdivision (4) of this subsection may be shared by the Regions C  
25 and D Regional Water Planning Areas in proportion to the allocation  
26 to each region of water in any proposed reservoir;

27 (6) review innovative methods of compensation to  
28 affected property owners, including royalties for water stored on  
29 acquired properties and annual payments to landowners for

1 properties acquired for the construction of a reservoir to satisfy  
2 future water management strategies;

3 (7) evaluate the minimum number of surface acres  
4 required for the construction of proposed reservoirs in order to  
5 develop adequate water supply; and

6 (8) identify the locations of proposed reservoir sites  
7 in the Regions C and D Regional Water Planning Areas using  
8 satellite imagery with sufficient resolution to permit land  
9 ownership to be determined.

10 (f) The study commission may not be assisted by any person  
11 that is a party to or is employed by a party to a contract to  
12 perform engineering work with respect to site selection,  
13 permitting, design, or construction of the proposed Marvin Nichols  
14 reservoir.

15 (g) The Texas Water Development Board, on request of the  
16 study commission, may provide staff support or other assistance  
17 necessary to enable the study commission to carry out its duties.  
18 The Texas Water Development Board shall provide funding for the  
19 study commission, including funding of any studies conducted by the  
20 study commission, from the regional planning budget of the board.

21 (h) Not later than December 1, 2010, the study commission  
22 shall deliver a report to the governor, lieutenant governor, and  
23 speaker of the house of representatives that includes any:

24 (1) studies completed by the study commission;

25 (2) legislation proposed by the study commission;

26 (3) a recommendation as to whether Marvin Nichols should  
27 remain a designated reservoir site; and

28 (4) other findings and recommendations of the study  
29 commission.

1           (i) The study commission is abolished and this section  
2 expires December 31, 2011.