

By: Flores

H.B. No. 2250

A BILL TO BE ENTITLED

AN ACT

relating to the duties of the Rio Grande watermaster.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.3271, Water Code, is added to read as follows:

Sec. 11.3271. DUTIES OF RIO GRANDE WATERMASTER. (a) This section applies to the watermaster with jurisdiction for the Rio Grande.

(b) The watermaster shall divide the water of the streams or other sources of supply of the division in accordance with the adjudicated water rights.

(c) The watermaster shall regulate or cause to be regulated the controlling works of reservoirs and diversion works in time of water shortage, as is necessary because of the rights existing in the streams of his division, or as is necessary to prevent the waste of water or its diversion, taking, storage, or use in excess of the quantities to which the holders of water rights are lawfully entitled.

(d) The watermaster may regulate the distribution of water from any system of works that serves users whose rights have been separately determined.

(e) The watermaster's duties shall not include activities that relate to other programs of the commission, except as provided in this section. The watermaster's duties shall include activities

1 that relate to situations of imminent threat to public health and
2 safety or the environment. The commission by rule shall define
3 situations of imminent threat under this section, and the rules
4 must address terrorism response.

5 (f) The watermaster, under a permit issued by and in
6 accordance with rules prescribed by the commission, may store for
7 release at a later time water in transit in a reservoir en route to
8 the place of use or point of diversion by the purchaser. In this
9 section, "water in transit" means water, not including state water,
10 that a person has pumped from an underground reservoir from the
11 point of discharge into the river to the place of use or the point of
12 diversion by a person who has contracted with the owner of the water
13 in transit to purchase, provided that the contract specify that the
14 contract is for the purchase and delivery of a specified amount of
15 water less the carriage losses incurred in transit, as described
16 and measured by commission rules.

17 SECTION 2. (a) This Act takes effect September 1, 2003.

18 (b) As soon as practicable after September 1, 2003, the
19 Texas Natural Resources Conservation Commission shall adopt rules
20 necessary for the implementation of this Act and shall expedite any
21 application for a permit to be issued under Section 11.3271, Water
22 Code, as added by this Act.