

BILL ANALYSIS

H.B. 2009
By: Flores
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Rio Grande Watermaster is responsible for allocating, monitoring and controlling the use of surface water in the Rio Grande Basin from Fort Quitman to the mouth of the Rio Grande. Unlike elsewhere in Texas where water is a flow resource, surface water in the Rio Grande below Lake Amistad is a stock resource meaning that water accumulates in Lake Amistad and Falcon Lake reservoirs and is released on demand. Amistad and Falcon reservoirs are considered one system with water frequently released from the upstream dam (Amistad) to replenish Falcon reservoir and meet the demands in the Lower Rio Grande Valley.

The Rio Grande Watermaster is the authorized agent allowed to request releases of United States water held in storage at Amistad/Falcon. In addition to the existing authority of watermasters, HB 2009 makes clear that the Rio Grande Watermaster is the official recorder and central repository for all instruments in connection with water rights relating to the water in the lower, middle, or upper Rio Grande.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 of this bill.

ANALYSIS

SECTION 1. Section 11.3271(j) is redesignated as Section 11.3272, Water Code. OFFICIAL RECORDING OF INSTRUMENTS WITH RIO GRANDE WATER MASTER. Requires the Rio Grande Watermaster (the Watermaster) to maintain a central repository that includes certified copies of all instruments, including deeds, deeds of trusts and liens that are authorized or required under any law or rule to be filed in connection with water rights relating to water in the lower, middle, and upper basin of the Rio Grande and that are subject to a permit, certified filing or certificate of adjudication.

An instrument filed with the Watermaster shall be filed in the same manner as required by other law for the same type of instrument and has the same legal and administrative status and consequences as a filing under other law. An instrument filed under this section is construed by a court, financial institution or other person in the same manner as an instrument filed under another law. The Watermaster may collect fees for recording written instruments. The Texas Commission on Environmental Quality (TCEQ), by rule, may prescribe the procedures necessary for the proper implementation of this section; however it may not adopt a rule that limits or compromises the function of the Watermaster as the official recorder and central repository for all instruments described by this section.

SECTION 2. A rule adopted by TCEQ before, on or after the effective date of this Act that excludes from being recorded with the Watermaster written instruments under Sec. 11.3272, or that makes the Watermaster the filing authority for only certified copies instead of the official recorded, is void.

SECTION 3. Section 11.3271(j), Water Code, added by Chapter 281, Acts of the 78th Legislature, Regular Session 2003, is repealed.

SECTION 4. Change in law by this Act does not affect the validity of an instrument or lien that was recorded before the effective date of this Act.

EFFECTIVE DATE

September 1, 2005.

H.B. 2009 79(R)

