

AN ACT

relating to the Concho River Watermaster Program.

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

SECTION 1. Chapter 11, Water Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. CONCHO RIVER WATERMASTER PROGRAM

Sec. 11.551. DEFINITIONS. In this subchapter:

(1) "Advisory committee" means the Concho River Watermaster Advisory Committee appointed under Section 11.557.

(2) "Executive director" means the executive director of the Texas Commission on Environmental Quality.

(3) "Program" means the Concho River Watermaster Program, a division of the South Texas Watermaster established by the Texas Commission on Environmental Quality and operating pursuant to rules and regulations promulgated by the Texas Commission on Environmental Quality.

(4) "Water right holder" means a person who holds a certificated right in water under the jurisdiction of the watermaster acting under this subchapter.

(5) "Water user" means a person, including a water right holder, who uses water under the jurisdiction of the watermaster acting under this subchapter.

Sec. 11.552. CONCHO RIVER WATERMASTER PROGRAM. The Concho River Watermaster Program is established to ensure compliance with

1 water rights in the area described by Section 11.553.

2 Sec. 11.553. JURISDICTION OF WATERMASTER. The geographical
3 and jurisdictional boundaries of a watermaster acting under this
4 subchapter shall be the Concho River segment of the Colorado River
5 Basin that includes the Concho River and all of its tributaries,
6 downstream on the main stem of the Concho River to a point on the
7 Concho River prior to reaching, and upstream of the O. H. Ivie
8 Reservoir located at and including the diversion point of
9 Certificate of Adjudication No. 14-1393 (River Order No.
10 4954450000) in Concho County.

11 Sec. 11.554. WATERMASTER; APPOINTMENT OF DEPUTY
12 WATERMASTER. (a) The watermaster for the South Texas Watermaster
13 Program shall serve as the watermaster for the program.

14 (b) The watermaster shall appoint a deputy watermaster, who
15 must reside in the area described by Section 11.553.

16 (c) The watermaster or deputy watermaster may not be:

17 (1) a water right holder in the river basin or segment
18 of the river basin under the program's jurisdiction;

19 (2) a purchaser of water from a water right holder in
20 the river basin or segment of the river basin under the program's
21 jurisdiction; or

22 (3) a landowner of any land adjacent to the river or
23 segment of the river under the program's jurisdiction.

24 Sec. 11.555. DUTIES AND AUTHORITY OF WATERMASTER. The
25 watermaster has the same duties and authority under the Concho
26 River Watermaster Program as the watermaster has under the South
27 Texas Watermaster Program.

1 Sec. 11.556. APPOINTMENT OF NONVOTING MEMBER OF SOUTH TEXAS
2 WATERMASTER ADVISORY COMMITTEE. (a) The executive director shall
3 appoint a person who resides in the area described by Section 11.553
4 to the South Texas Watermaster Advisory Committee.

5 (b) Except as otherwise provided by this section, Section
6 11.3261 applies to a member of the South Texas Watermaster Advisory
7 Committee appointed under this section.

8 (c) A member of the South Texas Watermaster Advisory
9 Committee appointed under this section may attend all meetings of
10 that committee and enter into discussions at the meetings, but the
11 person may not vote at the meetings.

12 Sec. 11.557. CONCHO RIVER WATERMASTER ADVISORY COMMITTEE.

13 (a) The Concho River Watermaster Advisory Committee consists of 13
14 members appointed by the executive director as follows:

15 (1) six members selected from nominations received,
16 one representing the City of Paint Rock and one representing each of
17 the following stream segments or tributaries of the Concho River:
18 Spring Creek, Dove Creek, South Concho, Middle Concho, and main
19 stem of the Concho below Certificate of Adjudication No. 14-1337
20 (River Order No. 5460010000);

21 (2) six members selected from a list of candidates
22 submitted by the City of San Angelo; and

23 (3) one member selected at the executive director's
24 discretion.

25 (b) If the executive director does not receive nominations
26 or a list of candidates as specified under Subsection (a), after
27 reasonable notice the executive director may appoint to the

1 advisory committee the appropriate number of members selected at
2 the executive director's discretion.

3 (c) If a vacancy occurs on the advisory committee, the
4 executive director shall fill the vacancy for the unexpired term by
5 appointing a person selected in the same manner as the person being
6 replaced.

7 (d) An advisory committee member shall serve for a term of
8 two years.

9 (e) An advisory committee member serves without
10 compensation.

11 (f) The advisory committee shall:

12 (1) provide recommendations to the watermaster and
13 deputy watermaster regarding activities of benefit to the water
14 right holders in the administration and distribution of water;

15 (2) advise the watermaster and deputy watermaster on
16 complaints and enforcement matters;

17 (3) review, hold a public hearing on, and make
18 recommendations on the annual budget proposed by the watermaster so
19 as to cover all costs of the Concho River Watermaster Program; and

20 (4) provide assistance as requested by the
21 watermaster, deputy watermaster, or water right holders.

22 (g) Actions of the advisory committee in which a vote is
23 taken must receive a two-thirds affirmative vote of the members
24 present to be approved.

25 Sec. 11.558. FEES. Fees assessed under the Concho River
26 Watermaster Program shall be of the same type and rate as those
27 assessed under the South Texas Watermaster Program but may be

1 adjusted as necessary to pay all expenses of the Concho River
2 Watermaster Program. All costs of the Concho River Watermaster
3 Program shall be assessed solely upon the water right holders
4 subject to the Concho River Watermaster Program.

5 Sec. 11.559. REFERENDUM. (a) On or after September 1,
6 2009, a water right holder may petition the advisory committee to
7 conduct a referendum on the continuation of the program.

8 (b) The advisory committee shall conduct a referendum if it
9 receives a petition signed by at least 50 percent of the water right
10 holders.

11 (c) A referendum under this section must be held on a
12 uniform election date, as provided by Section 41.001, Election
13 Code.

14 (d) Only current water right holders are eligible to vote in
15 the referendum.

16 (e) If at least 60 percent of the votes in the referendum
17 favor discontinuing the program, the program shall be discontinued.

18 (f) A referendum under this section cannot be held more than
19 once every four years.

20 (g) For purposes of this section, a water right holder shall
21 be considered as one water right holder regardless of the number or
22 amount of water rights held under a permit or certificate of
23 adjudication.

24 Sec. 11.560. COLORADO RIVER BASIN WATERMASTER PROGRAM. If
25 a watermaster program is established for the entire Colorado River
26 Basin, the Concho River Watermaster Program is discontinued, and
27 the area described by Section 11.553 is under the jurisdiction of

1 the watermaster for the Colorado River Basin Watermaster Program.

2 Sec. 11.561. APPLICABILITY OF OTHER LAW AND COMMISSION
3 RULES. A provision of this code or a rule adopted by the commission
4 that relates to watermasters and does not conflict with the
5 provisions of this subchapter applies to the program established
6 under this subchapter.

7 SECTION 2. On the effective date of this subchapter, the
8 provisions of this subchapter supersede any conflicting orders
9 issued by the Texas Commission on Environmental Quality regarding a
10 watermaster program for the Concho River segment described by
11 Section 11.553, Water Code, as added by this subchapter.

12 SECTION 3. The provisions added by this subchapter take
13 effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 2815 was passed by the House on May 20, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2815 on May 27, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2815 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor