

By: Campbell

H.B. No. 2815

Substitute the following for H.B. No. 2815:

By: Puente

C.S.H.B. No. 2815

A BILL TO BE ENTITLED

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.

(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 water rights in the area described by Section 11.553.

Sec. 11.553. JURISDICTION OF WATERMASTER. A watermaster acting under this subchapter has jurisdiction over the Concho River

1 segment of the Colorado River Basin that includes the Concho River
2 and all of its tributaries, downstream on the main stem of the
3 Concho River to a point on the Concho River upstream of the O. H.
4 Ivie Reservoir located at and including the diversion point of
5 Certificate of Adjudication No. 14-1393 (River Order No.
6 4954450000) in Concho County.

7 Sec. 11.554. WATERMASTER; APPOINTMENT OF DEPUTY
8 WATERMASTER. (a) The watermaster for the South Texas Watermaster
9 Program shall serve as the watermaster for the program.

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

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

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

15 (2) a purchaser of water from a water right holder in
16 the river basin or segment of the river basin under the program's
17 jurisdiction; or

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

20 Sec. 11.555. DUTIES AND AUTHORITY OF WATERMASTER. The
21 watermaster has the same duties and authority under the Concho
22 River Watermaster Program as the watermaster has under the South
23 Texas Watermaster Program.

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

1 (b) Except as otherwise provided by this section, Section
2 11.3261 applies to a member of the South Texas Watermaster Advisory
3 Committee appointed under this section.

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

8 Sec. 11.557. CONCHO RIVER WATERMASTER ADVISORY COMMITTEE.

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

11 (1) six members selected from a list of candidates
12 submitted by the petitioners in SOAH Docket No. 582-02-2130, TCEQ
13 Docket No. 2000-0344-WR;

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

16 (3) one member selected at the executive director's
17 discretion.

18 (b) If the city or the petitioners do not submit a list of
19 candidates under Subsection (a), after reasonable notice the
20 executive director may appoint to the advisory committee the
21 appropriate number of members selected at the executive director's
22 discretion.

23 (c) If a vacancy occurs on the advisory committee, the
24 executive director shall fill the vacancy for the unexpired term by
25 appointing a person selected in the same manner as the person being
26 replaced.

27 (d) An advisory committee member shall serve for a term of

1 two years.

2 (e) An advisory committee member serves without
3 compensation.

4 (f) The advisory committee shall:

5 (1) provide recommendations to the watermaster and
6 deputy watermaster regarding activities of benefit to the water
7 right holders in the administration and distribution of water;

8 (2) advise the watermaster and deputy watermaster on
9 complaints and enforcement matters;

10 (3) review, hold a public hearing on, and make
11 recommendations on the annual budget proposed by the watermaster;
12 and

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

15 Sec. 11.558. FEES. Fees assessed under the Concho River
16 Watermaster Program shall be of the same type and rate as those
17 assessed under the South Texas Watermaster Program.

18 Sec. 11.559. REFERENDUM. (a) On or after September 1,
19 2009, a water right holder may petition the advisory committee to
20 conduct a referendum on the continuation of the program.

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

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

27 (d) Only current water right holders are eligible to vote in

1 the referendum.

2 (e) If at least 55 percent of the votes in the referendum
3 favor discontinuing the program, the program shall be discontinued.

4 Sec. 11.560. COLORADO RIVER BASIN WATERMASTER PROGRAM. If
5 a watermaster program is established for the entire Colorado River
6 segment, the Concho River Watermaster Program is discontinued, and
7 the area described by Section 11.553 is under the jurisdiction of
8 the watermaster for the Colorado River Basin Watermaster Program.

9 Sec. 11.561. APPLICABILITY OF OTHER LAW AND COMMISSION
10 RULES. A provision of this code or a rule adopted by the commission
11 that relates to watermasters and does not conflict with the
12 provisions of this subchapter applies to the program established
13 under this subchapter.

14 SECTION 2. On the effective date of this Act, the provisions
15 of this Act supersede any conflicting orders issued by the Texas
16 Commission on Environmental Quality regarding a watermaster
17 program for the Concho River segment described by Section 11.553,
18 Water Code, as added by this Act.

19 SECTION 3. This Act takes effect September 1, 2005.