

By: Campbell

H.B. No. 2815

A BILL TO BE ENTITLED

AN ACT

relating to the Concho River Watermaster.

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

Sec. 11.551. DEFINITIONS. In this subchapter:

(1) "Board" means the advisory board appointed under Section 11.555.

(2) "Judge" means the presiding judge of the 119th District Court.

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

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

Sec. 11.552. JURISDICTION OF WATERMASTER. A watermaster appointed under this subchapter has jurisdiction over the Concho River segment that includes the Concho River and all of its tributaries, downstream on the main stem of the Concho River to a point on the Concho River upstream of the O.H. Ivie Reservoir located at and including the diversion point of Certificate of Adjudication No. 14-1393 (River Order No. 4954450000) in Concho

1 County.

2 Sec. 11.553. APPOINTMENT OF WATERMASTER. (a) The
3 presiding judge of the 119th District Court shall appoint a
4 watermaster.

5 (b) A person appointed as a watermaster under this section
6 may not be:

7 (1) a water right holder in the river basin or segment
8 of the river basin to be under the watermaster's jurisdiction;

9 (2) a purchaser of water from a water right holder in
10 the river basin or segment of the river basin to be under the
11 watermaster's jurisdiction; or

12 (3) a landowner of any land adjacent to the river or
13 segment of the river to be under the watermaster's jurisdiction.

14 Sec. 11.554. DUTIES AND AUTHORITY OF WATERMASTER. (a) The
15 watermaster shall:

16 (1) divide the water of the river or other sources of
17 supply under the watermaster's jurisdiction in accordance with the
18 authorized water rights; and

19 (2) regulate or cause to be regulated the controlling
20 works of reservoirs and diversion works in time of water shortage,
21 as is necessary because of the rights existing in the water under
22 the watermaster's jurisdiction, or as is necessary to prevent the
23 waste of water or its diversion, taking, storage, or use in excess
24 of the quantities to which the water rights holders are lawfully
25 entitled.

26 (b) Subject to approval by the judge, the watermaster may
27 hire a staff to assist the watermaster in the watermaster's duties

1 under this section.

2 (c) The watermaster shall act under the supervision of the
3 judge, and the judge may remove or replace the watermaster for
4 cause, as determined by the judge.

5 Sec. 11.555. ADVISORY BOARD. (a) The judge shall appoint a
6 seven-member advisory board. The members must be representative of
7 the various entities using the water under the jurisdiction of the
8 watermaster.

9 (b) An advisory board member shall serve for a term of two
10 years.

11 (c) An advisory board member serves without compensation
12 but may be reimbursed for expenses incurred relating to service on
13 the board.

14 (d) The board shall:

15 (1) provide recommendations to the watermaster
16 regarding activities of benefit to the water rights holders in the
17 administration and distribution of water;

18 (2) review, hold a public hearing on, and make
19 recommendations on the annual budget proposed by the watermaster;
20 and

21 (3) provide assistance as requested by the watermaster
22 or by water rights holders.

23 Sec. 11.556. BUDGET. (a) The budget for the watermaster is
24 funded by fees assessed under Section 11.557.

25 (b) The watermaster shall prepare a draft of the proposed
26 budget each year and present the draft to the board for review.

27 (c) The board shall hold a public hearing on the proposed

1 budget.

2 (d) Following the hearing under Subsection (c), the board
3 shall present the budget and the board's recommendations on the
4 budget to the judge. The judge's decision on the budget is final.

5 (e) The first year's budget may not exceed \$132,000. An
6 increase in subsequent years must be recommended by a vote of at
7 least five board members and be approved by the judge.

8 Sec. 11.557. FEES. (a) The judge shall assess fees as
9 provided by this section to pay the costs and expenses of the
10 watermaster and the watermaster's staff.

11 (b) Each water user, including users of water for domestic
12 or livestock purposes, shall pay an annual \$50 fee.

13 (c) In addition to the fee imposed under Subsection (b),
14 each water right holder shall pay an annual fee of \$0.50 per
15 adjudicated acre-foot of water.

16 (d) The balance of the annual budget may be met by an
17 additional fee assessed on each water right holder, based on the
18 holder's preceding year's usage multiplied by a rate determined by
19 the board. The board shall collect the fee monthly or at an
20 interval ordered by the judge.

21 (e) The board shall hold in a fund any money collected in
22 excess of that needed to meet the annual budget to be applied to
23 future years.

24 (f) If a water right holder does not timely pay a fee under
25 this section, the judge after notice and a hearing may withhold or
26 limit allocations of water to that person until the fees are paid in
27 full.

1 Sec. 11.558. REFERENDUM. (a) On or after the fourth
2 anniversary of the date a watermaster is appointed under this
3 subchapter, a water right holder may petition the board to conduct a
4 referendum on the continuation of the office of Concho River
5 Watermaster.

6 (b) The board shall conduct a referendum if it receives a
7 petition signed by at least 50 percent of the water rights holders.

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

11 (d) Only current water rights holders are eligible to vote
12 in the referendum.

13 (e) If at least 55 percent of the votes in the referendum
14 favor discontinuing the office of Concho River Watermaster, the
15 office and board shall be discontinued and the judge shall
16 distribute all fees collected but not expended to the water rights
17 holders, proportioned according to their water usage for the
18 preceding year. Any assets accumulated by the watermaster or board
19 in performance of their duties under this subchapter shall be sold,
20 and the judge shall distribute any net proceeds in the manner
21 provided under this subsection for the distribution of excess fees.

22 SECTION 2. As soon as practicable after the effective date
23 of this Act, the presiding judge of the 119th District Court shall
24 appoint:

25 (1) a person to serve as watermaster under Subchapter
26 K, Chapter 11, Water Code, as added by this Act; and

27 (2) the initial members of the advisory board

H.B. No. 2815

1 established under Section 11.555, Water Code, as added by this Act.

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