

1-1 By: Campbell (Senate Sponsor - Duncan) H.B. No. 2815  
1-2 (In the Senate - Received from the House May 20, 2005;  
1-3 May 20, 2005, read first time and referred to Committee on Natural  
1-4 Resources; May 23, 2005, reported favorably by the following vote:  
1-5 Yeas 7, Nays 0; May 23, 2005, sent to printer.)

1-6 HOUSE COMMITTEE SUBSTITUTE FOR H.B. NO. 2815 RECEIVED IN THE FORM OF  
1-7 ENGROSSED RIDER IN LIEU OF A FULL ENGROSSMENT

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the Concho River Watermaster Program.  
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-12 SECTION 1. Chapter 11, Water Code, is amended by adding  
1-13 Subchapter K to read as follows:  
1-14 SUBCHAPTER K. CONCHO RIVER WATERMASTER PROGRAM  
1-15 Sec. 11.551. DEFINITIONS. In this subchapter:  
1-16 (1) "Advisory committee" means the Concho River  
1-17 Watermaster Advisory Committee appointed under Section 11.557.  
1-18 (2) "Executive director" means the executive director  
1-19 of the Texas Commission on Environmental Quality.  
1-20 (3) "Program" means the Concho River Watermaster  
1-21 Program.  
1-22 (4) "Water right holder" means a person who holds a  
1-23 certificated right in water under the jurisdiction of the  
1-24 watermaster acting under this subchapter.  
1-25 (5) "Water user" means a person, including a water  
1-26 right holder, who uses water under the jurisdiction of the  
1-27 watermaster acting under this subchapter.  
1-28 Sec. 11.552. CONCHO RIVER WATERMASTER PROGRAM. The Concho  
1-29 River Watermaster Program is established to ensure compliance with  
1-30 water rights in the area described by Section 11.553.  
1-31 Sec. 11.553. JURISDICTION OF WATERMASTER. A watermaster  
1-32 acting under this subchapter has jurisdiction over the Concho River  
1-33 segment of the Colorado River Basin that includes the Concho River  
1-34 and all of its tributaries, downstream on the main stem of the  
1-35 Concho River to a point on the Concho River upstream of the O. H.  
1-36 Ivie Reservoir located at and including the diversion point of  
1-37 Certificate of Adjudication No. 14-1393 (River Order No.  
1-38 4954450000) in Concho County.  
1-39 Sec. 11.554. WATERMASTER; APPOINTMENT OF DEPUTY  
1-40 WATERMASTER. (a) The watermaster for the South Texas Watermaster  
1-41 Program shall serve as the watermaster for the program.  
1-42 (b) The watermaster shall appoint a deputy watermaster, who  
1-43 must reside in the area described by Section 11.553.  
1-44 (c) The watermaster or deputy watermaster may not be:  
1-45 (1) a water right holder in the river basin or segment  
1-46 of the river basin under the program's jurisdiction;  
1-47 (2) a purchaser of water from a water right holder in  
1-48 the river basin or segment of the river basin under the program's  
1-49 jurisdiction; or  
1-50 (3) a landowner of any land adjacent to the river or  
1-51 segment of the river under the program's jurisdiction.  
1-52 Sec. 11.555. DUTIES AND AUTHORITY OF WATERMASTER. The  
1-53 watermaster has the same duties and authority under the Concho  
1-54 River Watermaster Program as the watermaster has under the South  
1-55 Texas Watermaster Program.  
1-56 Sec. 11.556. APPOINTMENT OF NONVOTING MEMBER OF SOUTH TEXAS  
1-57 WATERMASTER ADVISORY COMMITTEE. (a) The executive director shall  
1-58 appoint a person who resides in the area described by Section 11.553  
1-59 to the South Texas Watermaster Advisory Committee.  
1-60 (b) Except as otherwise provided by this section, Section  
1-61 11.3261 applies to a member of the South Texas Watermaster Advisory

2-1 Committee appointed under this section.

2-2 (c) A member of the South Texas Watermaster Advisory  
 2-3 Committee appointed under this section may attend all meetings of  
 2-4 that committee and enter into discussions at the meetings, but the  
 2-5 person may not vote at the meetings.

2-6 Sec. 11.557. CONCHO RIVER WATERMASTER ADVISORY COMMITTEE.

2-7 (a) The Concho River Watermaster Advisory Committee consists of 13  
 2-8 members appointed by the executive director as follows:

2-9 (1) six members selected from a list of candidates  
 2-10 submitted by the petitioners in SOAH Docket No. 582-02-2130, TCEQ  
 2-11 Docket No. 2000-0344-WR;

2-12 (2) six members selected from a list of candidates  
 2-13 submitted by the City of San Angelo; and

2-14 (3) one member selected at the executive director's  
 2-15 discretion.

2-16 (b) If the city or the petitioners do not submit a list of  
 2-17 candidates under Subsection (a), after reasonable notice the  
 2-18 executive director may appoint to the advisory committee the  
 2-19 appropriate number of members selected at the executive director's  
 2-20 discretion.

2-21 (c) If a vacancy occurs on the advisory committee, the  
 2-22 executive director shall fill the vacancy for the unexpired term by  
 2-23 appointing a person selected in the same manner as the person being  
 2-24 replaced.

2-25 (d) An advisory committee member shall serve for a term of  
 2-26 two years.

2-27 (e) An advisory committee member serves without  
 2-28 compensation.

2-29 (f) The advisory committee shall:

2-30 (1) provide recommendations to the watermaster and  
 2-31 deputy watermaster regarding activities of benefit to the water  
 2-32 right holders in the administration and distribution of water;

2-33 (2) advise the watermaster and deputy watermaster on  
 2-34 complaints and enforcement matters;

2-35 (3) review, hold a public hearing on, and make  
 2-36 recommendations on the annual budget proposed by the watermaster;  
 2-37 and

2-38 (4) provide assistance as requested by the  
 2-39 watermaster, deputy watermaster, or water right holders.

2-40 Sec. 11.558. FEES. Fees assessed under the Concho River  
 2-41 Watermaster Program shall be of the same type and rate as those  
 2-42 assessed under the South Texas Watermaster Program.

2-43 Sec. 11.559. REFERENDUM. (a) On or after September 1,  
 2-44 2009, a water right holder may petition the advisory committee to  
 2-45 conduct a referendum on the continuation of the program.

2-46 (b) The advisory committee shall conduct a referendum if it  
 2-47 receives a petition signed by at least 50 percent of the water right  
 2-48 holders.

2-49 (c) A referendum under this section must be held on a  
 2-50 uniform election date, as provided by Section 41.001, Election  
 2-51 Code.

2-52 (d) Only current water right holders are eligible to vote in  
 2-53 the referendum.

2-54 (e) If at least 55 percent of the votes in the referendum  
 2-55 favor discontinuing the program, the program shall be discontinued.

2-56 Sec. 11.560. COLORADO RIVER BASIN WATERMASTER PROGRAM. If  
 2-57 a watermaster program is established for the entire Colorado River  
 2-58 segment, the Concho River Watermaster Program is discontinued, and  
 2-59 the area described by Section 11.553 is under the jurisdiction of  
 2-60 the watermaster for the Colorado River Basin Watermaster Program.

2-61 Sec. 11.561. APPLICABILITY OF OTHER LAW AND COMMISSION  
 2-62 RULES. A provision of this code or a rule adopted by the commission  
 2-63 that relates to watermasters and does not conflict with the  
 2-64 provisions of this subchapter applies to the program established  
 2-65 under this subchapter.

2-66 SECTION 2. On the effective date of this Act, the provisions  
 2-67 of this Act supersede any conflicting orders issued by the Texas  
 2-68 Commission on Environmental Quality regarding a watermaster  
 2-69 program for the Concho River segment described by Section 11.553,

3-1 Water Code, as added by this Act.

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

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