

Amend **SB 1169** (house committee report) as follows:

On page 1, line 10, strike "2023" and insert "2015".

Strike SECTION 2 - SECTION 8 (page 1, line 11 - page 3, line 15), replace with the following and renumber remaining sections accordingly:

SECTION 2. Amend Section 10.002, Water Code, to read as follows:

Sec. 10.002. PURPOSE. The council is created to provide the governor, lieutenant governor, speaker of the house of representatives, legislature, board, commission, political subdivisions, ~~[and] public,~~ and watermasters with the resource of a select council with expertise in water conservation.

SECTION 3. Amend Chapter 11, Water Code, by adding Subchapter L to read as follows:

SUBCHAPTER L. BRAZOS RIVER WATERMASTER PROGRAM

Sec. 11.570. DEFINITIONS. In this subchapter:

(1) "Advisory committee" means the Brazos River Watermaster Advisory Committee appointed under Section 11.572.

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

(3) "Program" means the Brazos River Watermaster Program 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. 11.571. POWERS AND DUTIES OF BRAZOS WATERMASTER

(a) The commission shall create a water division in the Brazos River basin that includes the segment of the Brazos River from Possum Kingdom Reservoir and below.

(b) The executive director shall appoint a watermaster for the water division created under Subsection (a).

(c) The duties of the watermaster appointed under this

section include:

- (1) water conservation as necessary to prevent the waste of water; and
- (2) those duties outlined in Section 11.327 of this code.

Sec. 11.572. BRAZOS RIVER WATERMASTER ADVISORY COMMITTEE.

(a) The executive director shall establish a watermaster advisory committee for the Brazos River Watermaster in accordance with Section 11.3261 of this chapter.

(b) Notwithstanding any other law, the executive director shall ensure that agricultural water users are represented on the advisory committee.

Sec. 11.573. FEES. (a) Until September 1, 2016, the compensation and expenses of the watermaster appointed under this subchapter shall be paid by those water right holders whose aggregate water rights in the segment of the basin with a watermaster equal not less than 300,000 acre feet. Each water right holder subject to this subsection shall pay the fee in proportion to the maximum permitted consumptive use allowed under their aggregate water rights.

(b) After September 1, 2016, the compensation and expenses of the watermaster shall be equitably apportioned to the water right holders in the segment of the basin with a watermaster on an annual basis, except than an annual fee assessed by the commission to fund the program shall not:

- (1) exceed \$120 for the holder of a right to appropriate water for agricultural use; or
- (2) be assessed against a person who takes water solely for domestic or livestock purposes.

(c) A state agency with a water right in the Brazos River basin is exempt from paying the fees under this section.

Sec. 11.574. REFERENDUM; BRAZOS WATERMASTER. (a) On or after September 1, 2017, a water right holder in the segment of the Brazos River basin with a watermaster may petition the advisory committee to conduct a referendum on the continuation of the program.

(b) The advisory committee shall conduct a referendum if it

receives a petition signed by at least 50 percent of the water right holders.

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

(d) Only current water right holders in the segment of the Brazos River with a watermaster are eligible to vote in the referendum.

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

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

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

Sec. 11.575. APPLICABILITY OF OTHER LAW AND COMMISSION RULES. A provision of this code or a rule adopted by the commission that relates to watermasters and does not conflict with the provisions of this subchapter applies to program established under this subchapter.