



# Watermaster Assessment Fee

This document is for general guidance only; it does not take the place of any laws or regulations.

## What Is This Fee?

The Watermaster Assessment Fee is an annual fee to recover costs incurred by the Texas Commission on Environmental Quality (TCEQ) in the administration of water rights within a watermaster area. Two watermaster programs have been established: (1) the Rio Grande Watermaster, who serves the Rio Grande River Basin below Fort Quitman, excluding the Pecos and Devils Rivers; and (2) the South Texas Watermaster, who serves the Guadalupe, San Antonio, and Nueces River Basins.

In those areas, Texas' watermasters oversee a system of agreed priorities for water supplies to major categories of users—municipal, industrial, domestic, and agricultural. The watermasters and their staffs work to ensure orderly and fair allocation of a precious and scarce state resource, according to a complex system of legal rights and requirements. Expenses are limited to costs associated with streamflow measurement and monitoring, water accounting, assessment billing and collection in connection with a watermaster's operation, and other duties a watermaster may have to do.

**Legal Authority:** The Texas Water Code (TWC) requires that affected water right holders in the watermaster areas be assessed to cover the cost of the two watermaster programs currently operating (South Texas and Rio Grande). Specifically, TWC Section 11.329 authorizes the fee. Rules implementing this section appear in 30 Texas Administrative Code (TAC) Sections 303.71–.73 for the Rio Grande water division and 304.61–.63 for all other watermaster areas outside of the Rio Grande, including the South Texas Watermaster.

## How Is This Fee Calculated?

The watermaster budgets are developed with input from water right holders. Assessment rates are calculated to fulfill the total budget requirements. The TCEQ approves the total amount to be assessed.

Assessment rates for water use and storage are calculated based on the following formula:

$$\text{Municipal Assessment Rate} = \frac{I - M(N)}{(RF_1)(AF_1) + AF_1 + (RF_2)(AF_2) + (RF_3)(AF_3) \dots (RF_n)(AF_n)}$$

Where:

**I:** Income needed to meet the adopted budget

**M:** Base charge per account

**N:** Total no. of accounts to be assessed in the water division

**n:** Code number corresponding to a category or type of use

**RF<sub>n</sub>:** Rate factor for each of the following categories of use:

municipal—RF <sub>1</sub> = 1.00	industrial—RF <sub>2</sub> = 1.00
irrigation—RF <sub>3</sub> = 0.80	mining—RF <sub>4</sub> = 1.00
hydroelectric—RF <sub>5</sub> = 0.05	recreation—RF <sub>6</sub> = 1.00
recharge—RF <sub>7</sub> = 0.50	salt water—RF <sub>8</sub> = 0.10
spreader dam diversion—RF <sub>9</sub> = 0.40	secondary use—RF <sub>10</sub> = 0.50
on-channel storage—RF <sub>s</sub> = 0.40	

**AF<sub>n</sub>:** Total water diversion authorization to be assessed for each of the above categories of use (defined in the table below).

<b>Municipal:</b> the total amount of water authorized for diversion under a water right for this purpose.
<b>Industrial, Mining, Recreation, or Salt Water Diversions:</b> the total amount of water authorized for consumptive use for each of these categories of use under a water right; in the event there is no specific authorization for consumptive use, the assessment is based on the total amount of water authorized for diversion under the water right.
<b>Irrigation, Hydroelectric, Recharge, Spreader Dam Diversions, or Secondary Use:</b> the total amount of water authorized for diversion for each of these categories of use under a water right.
<b>On-Channel Storage:</b> the total amount authorized for impoundment under a water right; this category only includes on-channel reservoirs authorized under the Texas Water Code, 11.121.

## **Has There Been a Change in How the Fee Is Calculated?**

No, there has been no change in the formula used to calculate the fee.

## **What Is the Due Date of the Fee? Where Do I Send the Payment?**

The due date is 30 days after the “invoice date” shown on your billing statement; your payment must reach the TCEQ in time to be credited to your account by the due date. Return your payment with the payment coupon (the top portion of the billing statement) to the mailing address shown on the back of the coupon. Use the envelope provided for your convenience. Be sure to turn the coupon over so that TCEQ’s mailing address shows through the envelope’s window.

**Tip—to Help You Avoid Late Fees.** Send your payment in “good order” as described in the preceding paragraph, and mail it **7 to 10 working days before** the due date.

## **Will I Be Charged Late Fees?**

If payment is not received in time to be credited to your account by the due date, the TCEQ will charge penalties and interest, as provided for in Chapter 12 of the agency rules. A penalty of 5 percent of the fee due will be assessed if the fee is not paid by the due date. If not paid within 30 days after the due date, an additional 5 percent penalty will be assessed.

After the bill is 60 days overdue, the TCEQ will assess interest charges until the balance is paid. Interest is charged at the variable rate of prime plus 1 percent. The prime rate for the calendar year is the prime rate published in the *Wall Street Journal* on the first business day of the calendar year.

**Limit on Retroactive Charges.** Late charges will not be applied retroactively to outstanding fees assessed before March 1, 1997.

## **Can I Lose my Water Right for Nonpayment of Assessment Fees?**

Accounts that are delinquent after one year will have their water balance reduced to zero, and diversions will not be authorized until all assessments due are paid. Accounts that remain inactive for 10 consecutive years can be considered for cancellation by the TCEQ.

## **What If I Think the Billing Is Incorrect?**

If you want to dispute the amount of your fee, you must do so in writing. The TCEQ may not adjust the amount due if your request for adjustment is *received*

more than one year after the date on which the fee was paid in full. You can telephone TCEQ offices to clarify questions you may have about your fee amount. (For phone numbers, see the heading “Where Do I Send Correspondence or Get More Information?”)

In the correspondence, please provide your account name, account number, and the description of the suspected error.

## **Why Do I Have to Return the Coupon with My Payment?**

The payment coupon (the top portion of your bill) contains an optical character reader (OCR) line. When we receive your payment, a computer reads your account number from that OCR line. Automated processing allows the agency to keep up with the large number of transactions handled. Without the coupon, your transaction cannot be handled by the faster, automated process. Processing “by hand” can be time-consuming (for example, see “If I Have More than One Account ...”), and your account may not be credited in time to avoid late fees.

## **If I Have More Than One Account, May I Send One Check for the Total Amount?**

You may send all your payments in one envelope, but please enclose a separate check for each coupon. If the number of checks does not equal the number of coupons, we won’t know which accounts to credit your payment to. We will not be able to process your transactions by the faster, automated process; instead, we will have to contact you by phone to find out how the payment should be credited. Processing “by hand” can become time-consuming (for example, playing “telephone tag”), and your account may not be credited in time to avoid late fees.

## **Where Do I Send Correspondence and Forms or Get More Information?**

**About Overall Program Operations.** Contact one of the offices listed below for general account information, fee account balances, water balances, agent designations, water contracts, temporary permits, address changes, and reports.

### **Lower Rio Grande Water Right Holders**

Texas Commission on Environmental Quality  
Region 15—Harlingen Office  
Attn: Rio Grande Watermaster  
1804 West Jefferson Ave.  
Harlingen, TX 78550-5247  
956/430-6056 or 1-800-609-1219

***Middle and Upper Rio Grande Water Right Holders***

Texas Commission on Environmental Quality  
Rio Grande Watermaster Eagle Pass Office  
1152 Ferry Street  
Eagle Pass, TX 78852  
830/773-5059 or 1-800-609-1219

***Water Right Holders in the South Texas Watermaster Area***

Texas Commission on Environmental Quality  
Region 13—San Antonio Office  
Attn: South Texas Watermaster  
14250 Judson Rd.  
San Antonio, Texas 78233-4480  
210/490-3096 or 1-800-733-2733

**For Account Balance Information.** Contact one of the watermaster offices listed above, or call:

Texas Commission on Environmental Quality  
Financial Administration Division  
Revenues Section  
512/239-0354

**For TCEQ rules, publications, and other information:**

You can find the official version of TCEQ rules in the Texas Administrative Code on the Secretary of State's Web site ([www.sos.state.tx.us](http://www.sos.state.tx.us)).

Other ways to obtain a copy of the rules, and of TCEQ publications, include the following:

- go to the TCEQ's Web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us) and click on the link to "Rules" or "Publications";
- fax orders to the TCEQ's publications unit at 512/239-4488, or order by voice at 512/239-0028; or
- write to TCEQ Publications, MC 195, PO Box 13087, Austin, TX 78711-3087.