

SUBCHAPTER A: INTRODUCTORY PROVISIONS

§§304.1 - 304.3

Effective May 3, 2006

§304.1. Applicability.

Other than the Rio Grande Water Division, the provisions of this chapter are applicable to each water division created by the commission or watermaster program created by or under Texas Water Code, Chapter 11, each watermaster appointed by the executive director under Texas Water Code, Chapter 11, and to all water rights, permits, authorizations, orders, and any other matters related to water rights within each water division, segments of a water division, or watermaster program. Water rights and matters inside the Rio Grande Water Division are governed by Chapter 303 of this title (relating to Operation of the Rio Grande). All other rules promulgated by the commission are also applicable to the water rights subject to this chapter unless in conflict with the provisions of this chapter, in which event the provisions of this chapter will govern.

Adopted April 12, 2006

Effective May 3, 2006

§304.2. Appointment of Watermaster.

Under Texas Water Code, Chapter 11, the executive director may appoint one watermaster for each water division, segment of a water division, watermaster program, or the same person may be appointed watermaster for two or more water divisions or segments. In a water division in which the office of watermaster is vacant, the executive director has the powers of a watermaster.

Adopted April 12, 2006

Effective May 3, 2006

§304.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise. In addition, the definitions in §297.1 of this title (relating to Definitions) are applicable to this chapter.

(1) **Account**--The record of diversion, transport, and use of state water and watercourses maintained by the watermaster for each purpose of use authorized for each owner's separate portion of a water right, or the record of impoundment and releases for each owner's separate portion of an on-channel reservoir authorized under a water right, except those reservoirs exempted in accordance with Texas Water Code, §11.142. An account will also be established for each separate arrangement by a contractual buyer to purchase state water.

(2) **Agent**--A person that is designated by a water right holder to act on behalf of a water right holder in regard to diversion use, transport, or impoundment of state water in a watercourse, payment of a watermaster assessment, or, for a contractual buyer, in regard to diversion, transport, use, or impoundment of state water.

(3) **Allocation**--The division of available flow between water right holders by the watermaster. This also includes regulation of diversions by water right holders in order to meet demands for exempt domestic and livestock users.

(4) **Assessment**--The cost to be levied by the commission to water right holders to finance watermaster operations.

(5) **Contractual buyer**--A person that impounds, or diverts water under a contractual permit, or under a particular water right under contract with the holder of that water right, where such contract has been accepted for filing by the executive director.

(6) **Declaration of intent**--A statement submitted by a diverter to the watermaster describing an intent under a specific water right or contractual purchase arrangement to divert or transport water in a watercourse, or to make a dedicated release of stored water, for a specified period of time and in association with an authorized facility.

(7) **Dedicated release**--The release of lawfully stored water from a reservoir, under a specific water right, for specific authorized uses downstream.

(8) **Diversion facility**--Any dam, pump, canal, or other such device used to take water, for other than exempt uses, from a watercourse or impoundment.

(9) **Diverter**--Any water right holder, agent, or contractual buyer who impounds, takes, diverts, transports water in a watercourse, or makes a dedicated release of state water.

(10) **Measuring device**--A device designed for the measurement of rates of flow or quantities of water.

(11) **Report of diversion, transport of water, release, or impoundment**--A report that the diverter is required to submit to the watermaster after recording the amount of water actually diverted, transported in a watercourse, or released during the period of a declaration of intent, or a report for the impoundment of water, as well as any additional information required by the watermaster. The watermaster may specify a report period that is different from the declaration of intent period.

(12) **Return water or return flow**--That portion of state water diverted from a water supply and beneficially used and which is not consumed as a consequence of that use and returns to a watercourse. Return flow includes sewage effluent.

(13) **Salt water diversion**--Diversion of state water from the Gulf of Mexico or its bays and arms, or any watercourse or reservoir subject to tidal influence, or when the water right specifies diversion of salt or brackish water; and where, for such cases, the diversion has no significant adverse effect on the supply of water for other authorized diverters, and the diversion does not require protection from junior appropriators.

(14) **Transport**--The discharge, conveyance, and subsequent diversion of water in a watercourse under Texas Water Code, §11.042.

(15) **Water division**--A specific area of the state, designated by the commission under Texas Water Code, §11.325 for the purpose of administering water rights. The term "water division" includes the entire water division and any segments thereof.

(16) **Watermaster**--The person appointed by the executive director under Texas Water Code, Chapter 11, to administer water rights in a given water division, segment of a water division, or group of water divisions.

(17) **Water right**--A right acquired under the laws of the state and the rules of the Texas Commission on Environmental Quality to impound, divert, transport, or use state water. Contractual permits and water contracts are not included under this definition.

(18) **Water right holder**--A person or entity that owns a water right. In the case of divided interests, this term will apply to each separate owner.

Adopted April 12, 2006

Effective May 3, 2006