

6.05 WATER SALE AND USE

Purpose

This policy provides support for the role of the Brazos River Authority as the premier water authority in the stewardship, development, and protection of natural resources and in the goal of service to its customers. The Brazos River Authority can acquire water by purchasing, leasing, and/or developing to meet the needs of its customers. The Brazos River Authority encourages the proper planning for and the wise use of the water resources of the Brazos River Basin. The Brazos River Authority encourages all entities to contract for reasonable needs.

Purchase, Sale, or Other Exchange of Water or Water Rights

The Brazos River Authority may purchase, acquire, sell, transfer, lease, or otherwise exchange water or water rights under an agreement with a person or entity that contains terms that are considered advantageous to the Brazos River Authority. The Brazos River Authority will sell water to customers to meet their short-term needs as well as the long-term goals of their regional plans. (TEX. WATER CODE § 49.2261.)

Water Acquisition

The Brazos River Authority will purchase the water rights of other entities or individuals to supplement existing Brazos River Authority water rights when necessary to meet long-term demands. In addition, the Brazos River Authority may purchase or lease land for developing groundwater when deemed appropriate. (Chapter 13, Acts of the 41st Legislature, 2nd Called Session, 1929 (as amended), §§ 2-4; TEX. WATER CODE § 49.2261.)

Water Contracting

In order to achieve equitable pricing among the Brazos River Authority's customers and efficiency in supplying water to those customers, all customers, as a condition of modifying, amending, and/or assigning their contracts or the terms thereof, shall convert all contracts to the standard contractual form in effect at the time of the request, subject to any and all State and Federal mandates.

Selling Preferences

In selling water, the Brazos River Authority shall give preference to the following uses in the order named:

- (1) domestic and municipal uses, including water for sustaining human life and the life of domestic animals, it being the public policy of the state and for the benefit of the greatest number of people that in the appropriation of water as herein defined, the appropriation of water for domestic and municipal uses shall be and remain superior to the rights of the state to appropriate the same for all other purposes;
- (2) agricultural uses and industrial uses, which means processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, including the development of power by means other than hydroelectric;
- (3) mining and recovery of minerals;
- (4) hydroelectric power;
- (5) navigation;
- (6) recreation and pleasure; and
- (7) other beneficial uses. (TEX. WATER CODE § 11.024.)

A “beneficial use” means the use of the amount of water which is economically necessary for a purpose authorized by chapter 11 of the *Texas Water Code*, when reasonable intelligence and reasonable diligence are used in applying the water to that purpose and shall include conserved water. (TEX. WATER CODE § 11.002(4).)

Authority for Policy 6.05

Chapter 13, Acts of the 41st Legislature, 2nd Called Session, 1929 (as amended), §§ 2-4.

TEX. WATER CODE §§ 11.024, 49.2261.