

## **SABINE RIVER COMPACT**

The State of Texas and the State of Louisiana, parties signatory to this Compact (hereinafter referred to as "Texas" and "Louisiana," respectively, or individually as a "State," or collectively as the "States"), having resolved to conclude a compact with respect to the waters of the Sabine River, and having appointed representatives as follows:

**FOR TEXAS:** Henry L. Woodworth, Interstate Compact Commissioner for Texas; and John W. Simmons, President of the Sabine River Authority of Texas;

**FOR LOUISIANA:** Roy T. Sessums, Director of the Department of Public Works of the State of Louisiana;

and consent to negotiate and enter into the said Compact having been granted by Act of the Congress of the United States approved November 1, 1951 (Public Law No. 252; 82d Congress, First Session), and pursuant thereto the President having designated Louis W. Prentiss as the representative of the United States, the said representatives for Texas and Louisiana, after negotiations participated in by the representative of the United States, have for such Compact agreed upon Articles as hereinafter set forth. The major purposes of this Compact are to provide for an equitable apportionment between the States of Louisiana and Texas of the waters of the Sabine River and its tributaries, thereby removing the causes of present and future controversy between the States over the conservation and utilization of said waters; to encourage the development, conservation and utilization of the water resources of the Sabine River and its tributaries; and to establish a basis for cooperative planning and action by the States for the construction, operation and maintenance of projects for water conservation and utilization purposes on that reach of the Sabine River touching both States, and for apportionment of the benefits therefrom.

### **ARTICLE I**

#### **AS USED IN THIS COMPACT:**

- (A.) The Word "Stateline" means the point on the Sabine River where its waters in downstream flow first touch the States of both Louisiana and Texas.
- (B.) The term "waters of the Sabine River" means the waters either originating in the natural drainage basin of the Sabine River, or appearing as streamflow in said River and its tributaries, from its headwater source down to the mouth of the River where it enters into Sabine Lake.
- (C.) The term "Stateline flow" means the flow of waters of the Sabine River as determined by the Logansport gauge located on the U.S. Highway 84, approximately four (4) river miles downstream from the Stateline. This flow, or the flow as determined by such substitute gauging station as may be established by the Administration, as

hereinafter defined, pursuant to the provisions of Article VII of this Compact, shall be deemed the actual Stateline flow.

- (D.) The term "Stateline reach" means that portion of the Sabine River lying between the Stateline and Sabine Lake.
- (E.) The term "the Administration" means the Sabine River Compact Administration established under Article VII.
- (F.) The term "Domestic use" means the use of water by an individual, or by a family unit or household for drinking, cooking, laundering, sanitation, and other personal comforts and necessities; and for the irrigation of an area not to exceed one acre, obtained directly from the Sabine River or its tributaries by an individual or family unit not supplied by a water company, water district, or municipality.
- (G.) The term "stock water use" means the use of water for any and all livestock and poultry.
- (H.) The term "consumptive use" means use of water resulting in its permanent removal from the stream.
- (I.) The terms "'domestic' and 'stock water' reservoir" mean any reservoir for either or both of such uses having a storage capacity of fifty (50) acre feet or less.
- (J.) "Stored water" means water stored in reservoirs (exclusive of domestic or stock water reservoirs) or water withdrawn or released from reservoirs for specific uses and the identifiable return flow from such uses.
- (K.) The term "free water" means all waters other than "stored waters" in the Stateline reach including, but not limited to that appearing as natural stream flow, and not withdrawn or released from a reservoir for specific uses. Waters released from reservoirs for the purpose of maintaining stream flows as provided in Article V, shall be "free water." All reservoir spills or releases of stored waters made in anticipation of spills, shall be free water.
- (L.) Where the name of the State or the term "State" is used in this Compact, it shall be construed to include any person or entity of any nature whatsoever of the States of Louisiana or Texas using, claiming, or in any manner asserting any right to the use of the waters of the Sabine River under the authority of that State.
- (M.) Wherever any State or Federal official or agency is referred to in this Compact, such reference shall apply equally to the comparable official or agency succeeding to their duties and functions.

## ARTICLE II

Subject to the provisions of Article X, nothing in this Compact shall be construed as applying to, or interfering with, the right or power of either signatory State to regulate within its boundaries the appropriation, use and control of water, not inconsistent with its obligations under this Compact.

### **ARTICLE III**

**Subject to the provisions of Article X, all rights to any of the waters of the Sabine River which have been obtained in accordance with the laws of the States are hereby recognized and affirmed; provided, however, that withdrawals, from time to time, for the satisfaction of such rights, shall be subject to the availability of supply in accordance with the apportionment of water provided under the terms of this Compact.**

### **ARTICLE IV**

**Texas shall have free and unrestricted use of all waters of the Sabine River and its tributaries above the Stateline subject, however, to the provisions of Articles V and X.**

### **ARTICLE V**

**Texas and Louisiana hereby agree upon the following apportionment of the waters of the Sabine River:**

- (A.) All free water in the Stateline reach shall be divided equally between the two States, this division to be made without reference to the origin.**
- (B.) The necessity of maintaining a minimum flow at the Stateline for the benefit of water users below the Stateline in both States is recognized, and to this end, it is hereby agreed that:
  - (1) Reservoirs and permits above the Stateline existing as of January 1, 1953, shall not be liable for maintenance of the flow at the Stateline.**
  - (2) After January 1, 1953, neither State shall permit or authorize any additional uses which would have the effect of reducing the flow at the Stateline to less than 36 cubic feet per second.**
  - (3) Reservoirs on which construction is commenced after January 1, 1953, above the Stateline shall be liable for their share of water necessary to provide a minimum flow at the Stateline of 36 cubic feet per second; provided that no reservoir shall be liable for a greater percentage of this minimum flow than the percentage of the drainage area above the Stateline contributing to that reservoir, exclusive of the watershed of any reservoir on which construction was started prior to January 1, 1953. Water released from Texas' reservoirs to establish the minimum flow of 36 cubic feet per second shall be classed as free water at the Stateline and divided equally between the two States.****
- (C.) The right of each State to construct impoundment reservoirs and other works of improvement on the Sabine River or its tributaries located wholly within its boundaries is hereby recognized.**
- (D.) In the event that either State constructs reservoir storage on the tributaries below Stateline after January 1, 1953, there shall be deducted from that State's share of the flow in the Sabine River all reductions in flow resulting from the operation of the tributary storage and conversely such State shall be entitled to the increased flow resulting from the regulation provided by such storage.**

- (E.) Each State shall have the right to use the main channel of the Sabine River to convey water stored on the Sabine River or its tributaries located wholly within its boundaries, downstream to a desired point of removal without loss of ownership of such stored waters. In the event that such water is released by a State through the natural channel of a tributary and the channel of the Sabine River to a downstream point of removal, a reduction shall be made in the amount of water which can be withdrawn at the point of removal equal to the transmission losses.
- (F.) Each State shall have the right to withdraw its share of the water from the channel of the Sabine River in the Stateline reach in accordance with Article VII. Neither State shall withdraw at any point more than its share of the flow at that point except that pursuant to findings and determination of the Administration as provided under Article VII of this Compact, either State may withdraw more or less of its share of the water at any point providing that its aggregate withdrawal shall not exceed its total share. Withdrawals made pursuant to this paragraph shall not prejudice or impair the existing rights of users of Sabine River waters.
- (G.) Waters stored in reservoirs constructed by the States in the Stateline reach shall be shared by each State in proportion to its contribution to the cost of storage. Neither State shall have the right to construct a dam on the Stateline reach without the consent of the other State.
- (H.) Each State may vary the rate and manner of withdrawal of its share of such jointly stored waters on the Stateline reach, subject to meeting the obligations for amortization of the cost of the joint storage. In any event, neither State shall withdraw more than its pro-rata share in any one year (a year meaning a water year, October 1 to September 30) except by authority of the Administration. All jointly stored water remaining at the end of a water year shall be reapportioned between the States in the same proportion as their contribution to the cost of storage.
- (I.) Except for jointly stored water, as provided in (H.) above, each State must use its apportionment of the natural stream flows as they occur, and there shall be no allowance of accumulation of credits or debits for or against either State. The failure of either State to use the stream flow or any part thereof, the use of which is apportioned to it under the terms of this Compact, shall not constitute a relinquishment of the right to such use in the future; conversely, the failure of either State to use the water at the time it is available does not give it the right to the flow in excess of its share of the flow at any other time.
- (J.) From the apportionment of waters of the Sabine River as defined in this Article, there shall be excluded from such apportionment all waters consumed in either State for domestic and stock water uses. Domestic and stock water reservoirs shall be so excluded.
- (K.) Each State may use its share of the water apportioned to it in any manner that may be deemed beneficial by that State.

## ARTICLE VI

- (A.) The States, through their respective appropriate agencies or subdivisions, may

construct jointly, or cooperate with any agency or instrumentality of the United States, in the construction of works on the Stateline reach for the development, conservation, and utilization for all beneficial purposes of the waters of the Sabine River.

- (B.) All monetary revenues growing out of any joint State ownership, title, and interest in works constructed under Section (A.) above and accruing to the States in respect thereof, shall be divided between the States in proportion to their respective contributions to the cost of construction; provided, however, that each State shall retain undivided all its revenues from recreational facilities within its boundaries incidental to the use of the waters of the Sabine River, and from its severally State-owned recreational facilities constructed appurtenant thereto.
- (C.) All operation and maintenance costs chargeable against any joint State ownership, title, and interest in works constructed under Section (A.) above, shall be assessed in proportion to the contribution of each State to the original cost of construction.

## ARTICLE VII

- (A.) There is hereby created an inter-State administrative agency to be designated as the "Sabine River Compact Administration" herein referred to as the "Administration."
- (B.) The Administration shall consist of two members from each State and of one member as representative of the United States, chosen by the President of the United States who is hereby requested to appoint such a representative. The United States Member shall be ex-officio chairman of the Administration without vote and shall not be a domiciliary of or reside in either State. The appointed members for Texas and Louisiana shall be designated within thirty days after effective date of this compact.
- (C.) The Texas members shall be appointed by the Governor for a term of six years; provided, however, that one of the original Texas members shall be appointed for a term to establish a half-term interval between the expiration dates of the terms of such members, and thereafter one such member shall be appointed each three years for the regular term. The Louisiana members shall be residents of the Sabine Watershed and shall be appointed by the Governor for a term of four years, which shall run concurrent with the term of the Governor. Each State member shall hold office subject to the laws of his State or until his successor has been duly appointed and qualified. (As amended by Public Law 87-418, March 16, 1962, and by Public Law 102-575, October 30, 1992).
- (D.) Interim vacancy, for whatever cause, in the office of any member of the Administration shall be filled for the unexpired term in the same manner as hereinabove provided for regular appointment.
- (E.) Within sixty days after the effective date of this Compact, the Administration shall meet and organize. A quorum for any meeting shall consist of three voting members of the Administration. Each State member shall have one vote, and every decision, authorization, determination, order, or other action, shall require the concurring votes of at least three members.

**(F.) The Administration shall have power to:**

- (1) Adopt, amend, and revoke by-laws, rules, and regulations, and prescribe procedures for administration of and consistent with the provisions of this Compact;**
- (2) Fix and determine from time to time the location of the Administration's principal office;**
- (3) Employ such engineering, legal, clerical, and other personnel without regard to the civil service laws of either State, as the Administration may determine necessary or proper to supplement State-furnished assistance as hereinafter provided, for the performance of its functions under this Compact; provided that such employees shall be paid by and be responsible to the Administration and shall not be considered to be employees of either State.**
- (4) Procure such equipment, supplies, and technical assistance as the Administration may determine to be necessary or proper to supplement State-furnished assistance as hereinafter provided, for the performance of its functions under this Compact;**
- (5) Adopt a seal which shall be judicially recognized.**

**(G.) In cooperation with the chief official administering water rights in each State and with appropriate Federal agencies, the Administration shall have and perform powers and duties as follows:**

- (1) To collect, analyze, correlate, compile and report on data as to water supplies, stream flows, storage, diversions, salvage and use of the waters of the Sabine River and its tributaries, and as to all factual data necessary or proper for the administration of this Compact;**
- (2) To designate as official stations for the administration of this Compact such existing water gauging stations (and to operate, maintain, repair and abandon the same), and to locate, establish, construct, operate, maintain, repair and abandon additional such stations as the Administration may from time to time find and determine necessary or appropriate;**
- (3) To make findings as to the deliveries of water at Stateline, as hereinabove provided, from the stream-flow records of the Stateline gauge which shall be operated and maintained by the Administration or in cooperation with the appropriate Federal Agency, for determination of the actual Stateline flow, unless the Administration shall find and determine that, because of changed physical conditions, or for any other reason, reliable records are not obtainable thereat; in which case, such existing Stateline station may, with the approval of the Administration, be abandoned, and, with such approval, a substitute Stateline station established in lieu thereof;**

- (4) To make findings as to the quantities of reservoir storage, (including joint storage) and releases therefrom; diversions, transmission losses and as to incident stream-flow changes; and as to the share of such quantities chargeable against or allocable to the respective States;**
  - (5) To record and approve all points of diversion at which water is to be removed from the Sabine River or its tributaries below the Stateline; provided that, in any case, the State agency charged with the administration of the water laws for the State in which such point of diversion is located shall first have approved such point for removal or diversion; provided further that any such point of removal or diversion once jointly approved by the appropriate State agency and the Administration shall not thereafter be changed without the joint amendatory approval of such State agency and the Administration;**
  - (6) To require water users at their expense to install and maintain measuring devices of approved type in any ditch, pumping station, or other water diversion works on the Sabine River or its tributaries below the Stateline, as the Administration may determine necessary or proper for the purposes of this Compact; provided that the chief official of each State charged with the administration of water rights therein shall supervise the execution and enforcement of the Administration's requirements for such measuring devices;**
  - (7) To investigate any violation of this Compact and to report findings and recommendations thereon to the chief official of the affected State charged with the administration of water rights, or to the Governor of such State as the Administration may deem proper;**
  - (8) To acquire, hold, occupy and utilize such personal and real property as may be necessary or proper for the performance of its duties and functions under this Compact;**
  - (9) To perform all functions required of the Administration by this Compact, and to do all things necessary, proper, or convenient in the performance of its duties hereunder.**
- (H.) Each State shall provide such available facilities, supplies, equipment, technical information, and other assistance, as the Administration may require to carry out its duties and functions, and the execution and enforcement of the Administration's orders shall be the responsibility of the agents and officials of the respective States charged with the administration of water rights therein. State officials shall furnish pertinent factual and technical data to the Administration upon its request.**
- (I.) Findings of fact made by the Administration shall not be conclusive in any court or before any agency or tribunal, but shall constitute prima facie evidence of such facts.**
- (J.) In the case of a tie vote on any of the Administration's determinations, orders or other actions subject to arbitration, then arbitration shall be a condition precedent to any right of legal action. Either side of a tie vote may, upon request, submit the question to arbitration. If there shall be arbitration, there shall be three arbitrators: one**

named in writing by each side, and the third chosen by the two arbitrators so elected. If the arbitrators fail to select a third within ten days, then he shall be chosen by the Representative of the United States.

- (K.) The salaries, if any, and the personal expenses of each member of the Administration shall be paid by the Government which he represents. All other expenses incident to the Administration of this Compact, and which are not paid by the United States, shall be borne equally by the States. Ninety days prior to the Regular Session of the Legislature of either State, the Administration shall adopt and transmit to the Governor of such State for his approval its budget covering anticipated expenses for the forthcoming biennium, and the amount thereof payable by such State. Upon approval by its Governor, each State shall appropriate and pay the amount due by it to the Administration. The Administration shall keep accurate accounts of all receipts and disbursements, and shall include a statement thereof, together with a certificate of audit by a certified public accountant, in its annual report. Each State shall have the right to make an examination and audit of the accounts of the Administration at any time.
- (L.) The Administration shall, whenever requested, provide access to its records by the Governor of either State, or by the chief official of either State charged therein with the administration of water rights. The Administration shall annually on or before January 15 of each year make and transmit to the Governors of the signatory States, and to the President of the United States a report of the Administration's activities and deliberations for the preceding year.

#### ARTICLE VIII

- (A.) This Compact shall become effective when ratified by the Legislature and approved by the Governors of both States, and when approved by the Congress of the United States.
- (B.) The provisions of this Compact shall remain in full force and effect until modified, altered, or amended in the same manner as hereinabove required for ratification thereof. The right so to modify, alter, or amend this Compact is expressly reserved. This Compact may be terminated at any time by mutual consent of the signatory States. In the event this Compact is terminated as herein provided, all rights then vested hereunder shall continue unimpaired.
- (C.) Should a court of competent jurisdiction hold any part of this Compact to be contrary to the constitution of any signatory State or of the United States of America, all other severable provisions of this Compact shall continue in full force and effect.

#### ARTICLE IX

This Compact is made and entered into for the sole purpose of effecting an equitable apportionment and providing beneficial uses of the waters of the Sabine River, its tributaries, and its watershed, without regard to the boundary between Louisiana and Texas, and nothing herein contained shall be construed as an admission on the part of either State or any agency, commission, department or subdivision thereof, respecting the location of said



boundary; and neither this Compact nor any data compiled for the preparation or administration thereof shall be offered, admitted, or considered in evidence in any dispute, controversy, or litigation bearing upon the matter of the location of said boundary.

The term "Stateline," as defined in this Compact, shall not be construed to define the actual boundary between the State of Texas and the State of Louisiana.

#### **ARTICLE X**

Nothing in this Compact shall be construed as affecting in any manner any present or future rights or powers of the United States, its agencies or instrumentalities in, to, and over the waters of the Sabine River Basin.

IN WITNESS WHEREOF, the Representatives have executed this Compact in three counterparts hereof, each of which shall be and constitute an original; one of which shall be forwarded to the Administrator, General Services Administration of the United States of America, and one of which shall be forwarded to the Governor of each State.

**DONE IN THE City of Logansport, in the State of Louisiana, this 26th day of January, 1953.**

**HENRY L. WOODWORTH, Representative for the State of Texas**

**JOHN W. SIMMONS, Representative for the State of Texas**

**ROY T. SESSUMS, Representative for the State of Louisiana**

**APPROVED: LOUIS W. PRENTISS, Representative of the United States**

**BY-LAWS**  
**of**  
**Sabine River Compact Administration**

**ARTICLE I**  
**THE ADMINISTRATION**

1. The Administration shall be that administration referred to in Article VII of the Sabine River Compact.
2. The credentials of each Member shall be filed with the Secretary of the Administration.
3. Each Member shall advise the office of the Administration in writing the address to which all official notices and other communications of the Administration shall be sent and shall further promptly advise the office of the Administration in writing of any change in such address.

**ARTICLE II**  
**OFFICERS**

1. The officers of the Administration shall be: Chairman, Vice-Chairman, Secretary, and Treasurer.
2. The Representative of the United States shall be the Chairman of the Administration. The Chairman shall preside at meetings of the Administration. The Chairman's duties shall be such as are usually imposed upon such officers, and such as may be assigned by these By-Laws, or by the Administration from time to time; provided, however, that the Representative of the United States shall not have the right to vote.
- 2A. The Vice-Chairman shall be a member of the Administration and shall be elected by the Administration. The Vice-Chairman, once elected, shall serve a term expiring with their appointment or until such time as replaced by the Administration. The Vice-Chairman shall preside at any meeting in the absence of the Chairman and shall perform all duties of the Chairman. In the case of a vacancy in the office of Vice-Chairman, the Administration shall proceed as expeditiously as possible to elect a new Vice-Chairman.
3. The Secretary may be a Member of the Administration. The Secretary shall be elected by the Administration. The Secretary shall serve for such term and receive such salary and perform such duties as the Administration may direct. In the case of vacancy in the office of Secretary, the Administration shall proceed as expeditiously as possible to elect a new Secretary.
4. The Treasurer may be a Member of the Administration. The Treasurer shall receive,

hold and disburse all funds of the Administration; and the Treasurer shall furnish a bond for the faithful performance of the Treasurer's duties in such amount as the Administration may direct. The cost of such bond shall be paid by the Administration. The Treasurer shall keep an accurate account of all funds of the Administration in a well bound book.

### **ARTICLE III PRINCIPAL OFFICE**

1. There shall be a principal office of the Administration located in the office of the Secretary of the Administration and such other offices as may be designated by the Administration from time to time as necessary.
2. The principal office shall be open for business on such hours and on such days as the Administration may from time to time direct.
3. All permanent books and records of the Administration shall be kept in the principal office of the Administration in a fireproof vault.

### **ARTICLE IV MEETINGS**

1. The annual meeting of the Administration shall be held during the month of November of each year.
2. A schedule of regular meetings shall be adopted by the Administration from time to time together with the place where such meetings shall be held.
3. Special Meetings of the Administration may be called by the Chairman at any time. Upon written request of any two Members of the Administration, setting forth the matters to be considered at such Special Meetings, it shall be the duty of the Chairman to call a Special Meeting and designate the place of such Special Meeting. In the case of a vacancy in the office of Chairman or inability of the Chairman to act, the Vice-Chairman may call special meetings at the written request of any two Members of the Administration and designate the place of such Special Meetings.
4. The acting Chairman shall receive topics for discussion or for action prior to six (6) weeks before the upcoming meeting; however, the acting Chairman has the discretion to add or omit any agenda item(s) as necessary to promote the orderly and efficient transaction of Administration business. The Administration may amend a meeting's agenda prior to its approval at the commencement of the meeting with a majority vote of the Members of the Administration in attendance. Once an agenda is approved by the Administration, it can only be subsequently amended by unanimous consent.
5. Notice of all Meetings of the Administration shall be sent by the Secretary, or in the case of a vacancy in the Office of the Secretary to act, by the Chairman, to all Members of the Administration and, for informational purposes, to the Secretary of State of the States of Louisiana and Texas, by ordinary mail at least ten days in

**advance of each such meeting, and such notice shall state the purpose thereof.**

- 6. All meetings of the Administration shall be held at such place as shall be agreed upon by the Members of the Administration.**
- 7. Minutes of the Administration shall be preserved in a suitable manner. Minutes, until approved, shall not be official, and shall be furnished only to Members of the Administration, its employees, and committees.**
- 8. A quorum for any meeting shall consist of three voting Members of the Administration. Each State Member shall have one vote, and every decision, authorization, determination, order, or other action, shall require the concurring votes of at least three members.**
- 9. At each regular meeting or annual meeting of the Administration, the order of business, unless agreed otherwise, shall be as follows:**

**Call to Order  
Approve Agenda  
Reading of Unapproved Minutes  
Approval of Unapproved Minutes  
Report of Chairman  
Report of Secretary  
Report of Treasurer  
Report of Committees  
Unfinished Business  
New Business  
Adjournment**

- 10. All meetings of the Administration except Executive Sessions shall be open to the public. Executive Sessions shall be open only to Members of the Administration and such advisors as may be designated by each Member and employees as permitted by the Administration; provided, however, that the Administration may call witnesses before it when in such Sessions.**
- 11. Any meeting of the Administration may be recessed from time to time and from the place set for the meeting to another place.**

## **ARTICLE V COMMITTEES**

- 1. There shall be the following standing committees:**  
  
**Budget Committee  
Engineering Committee  
Legal Committee**
- 2. The standing committees shall have the following duties:**

- a. **The Budget Committee shall prepare the annual budget and shall advise the Administration on all fiscal matters that may be referred to it.**
  - b. **The Engineering Committee shall advise the Administration on all engineering matters that may be referred to it, and shall compile all pertinent engineering data and records.**
  - c. **The Legal Committee shall advise the Administration on all legal matters that may be referred to it.**
3. **Members of the Committees may or may not be Members of the Administration. The number of Members of each committee shall be determined from time to time by the Administration. The two Members of the Administration from each State shall designate the member or members on each Committee representing their State.**
  4. **The Chairman shall be ex-officio member of all Committees.**
  5. **The Chairman of each Committee shall be elected by the members of the Committee from its membership.**
  6. **The Administration may from time to time create special committees, composed of such members and others, and assigned such tasks as the Administration may determine.**
  7. **Formal committee reports shall be made in writing and filed with the Administration.**

## **ARTICLE VI RULES AND REGULATIONS**

1. **The Administration shall adopt rules and regulations consistent with the Sabine River Compact, and, in addition thereto, shall prescribe procedures for approval of all points of diversion of water from the Sabine River and for such other matters as may properly come before the Administration.**
2. **Rules and regulations of the Administration may be compiled, and copies may be prepared for distribution to the public under such terms and conditions as the Administration may prescribe.**

## **ARTICLE VII FISCAL**

1. **All funds of the Administration shall be received by the Treasurer and deposited by him to the credit of the Administration in a depository or depositories designated by the Administration.**
2. **Disbursements of funds in the hands of the Treasurer shall be made by check, signed by him, upon voucher approved by the Members of the Administration.**

3. On or before the 30th of June of each year, the Administration shall adopt and transmit a budget pursuant to the Sabine River Compact covering anticipated expenses for the forthcoming fiscal year, and the amount thereof payable by each State.
4. All receipts and disbursements of the Administration shall be audited annually by a qualified independent certified public accountant to be selected by the Administration.
5. The Administration shall include a statement of receipts and disbursements, together with a certificate of an audit report by a certified public accountant in its annual report.
6. An up-to-date inventory of all the property of the Administration shall be kept at the principal office of the Administration.
7. The fiscal year of the Administration shall begin September 1 of each year, and end August 31 of the next succeeding year.

#### **ARTICLE VIII ANNUAL REPORT**

1. The Administration shall make and transmit to the Governors of the States signatory to the Sabine River Compact and to the President of the United States a report of the Administration's activities and deliberations for the preceding year, which shall be made on or before January 15 of each year.
2. The annual report shall include, among other things, the following:
  - a. The estimated budget
  - b. Report of annual audit
  - c. All hydrologic data which the Administration deems pertinent
  - d. Statements as to cooperative studies of water supplies made during the preceding year
  - e. All findings of fact made by the Administration during the preceding year
  - f. Such other pertinent matters as the Administration may require

#### **ARTICLE IX SEAL**

1. The Administration shall have a seal which shall be a circular seal with the words "Sabine River Compact Administration" imprinted around the border.
2. The seal of the Administration shall be kept at the principal office of the Administration.
3. The seal shall be affixed to all contracts or other official instruments in writing, and

**no such instrument or contract in writing shall be binding upon the Administration without such seal affixed thereto.**

**ARTICLE X  
MISCELLANEOUS**

- 1. All contracts or other instruments in writing to be signed for and on behalf of the Administration, except matters relating to the receipt or disbursement of funds, shall be signed by those officers as designated by the Administration from time to time.**
- 2. The Administration shall designate as official stations such existing water-gauging stations, and establish such additional water-gauging stations as may from time to time be necessary or appropriate for the Administration of the Sabine River Compact, provided such designation shall include a gauging station located at stateline, as defined in said Compact. Provided, further, such stateline station may, with the approval of the Administration, be abandoned; and with such approval, a substitute stateline station established in lieu thereof.**

**ARTICLE XI  
AMENDMENTS TO BY-LAWS**

**Amendments to the By-Laws may be made at any meeting of the Administration, provided notice of the proposed amendment shall have been given in the notice of the meeting.**

**Amended June 1, 2017.**

## **RULES AND REGULATIONS**

**(As Amended October 25, 2013)**

**The following rules and regulations, adopted December 13, 1955, and amended June 14, 1985, and further amended October 23, 2013, shall have binding force, subject to the provisions of the Sabine River Compact. They shall be constructed and enforced by the Sabine River Compact Administration in the manner best calculated to fairly and impartially accomplish the purposes for which the Compact was adopted:**

- 1. Each State will provide annual surface water-use data for the stateline reach of the Sabine River Basin by April 15 of the following year. In addition, each State will provide daily or weekly surface water-use data for specific areas in the Stateline reach, when requested by the Administration in response to an official complaint that water-use by one State is preventing the other State from diverting or using its share of the joint water supply.**
- 2. By December 31, 1985 each signatory State shall have submitted to the Administration documentation of each existing water use from the Sabine River and tributaries within the area subject to Compact administration. The documentation for each water-use project shall include the purpose of use, the location of the diversion point, the rate and method of diversion, the maximum quantity of water to be derived annually, the measuring device approved and/or in use, any other pertinent features or special conditions of the project and, where available, a description of the legal bases for the water use authorization. This documentation shall also be provided to the other State.**
- 3. The Administration, through the procedures described herein, shall approve points of diversion and diversion measuring devices, and advise each State when the Administration considers new water uses in each State to have significant potential to cause a Compact violation based upon historic flow conditions.**
  - a. All water-use projects in Texas or Louisiana initiated after the effective date of these rules or not timely submitted pursuant to Rule No. 2 above and subject to Compact Administration, shall be submitted by the appropriate State to the Administration for review. The information submitted shall include a description of the legal basis for the water use, the purpose of use, the location of the diversion point, the rate and method of diversion, the maximum quantity of water to be diverted annually, the measuring device approved and/or in use, and any other pertinent features or special conditions of the project.**
  - b. The water-use projects first shall be reviewed by the Secretary of the Administration. The Secretary will determine if all required information has been submitted by the State in which the project is located and will provide all such information to the other State for comments. Comments**



by the other State shall be submitted to the Secretary, with a copy to the State which submitted the project. The Secretary shall submit complete water- use project data and any State comments to the Engineering Committee members.

- c. The Engineering Committee will review the water-use projects and report its findings directly to the Compact Administration if the project is undisputed, or to a joint session of the Engineering and Legal Committees if a portion of the project is questioned. If the Engineering Committee concludes that a project may have a significant potential for causing a Compact violation, it shall specify the flow conditions under which a potential violation could occur. The Engineering and Legal Committees will jointly report to the Compact Administration on any projects reviewed by them.
  - d. The Administration will vote on whether to approve diversion points and measuring devices, and on whether to inform the States that the Administration considers a water-use project to create a significant potential for causing a Compact violation. The findings of the Commission shall be provided to each State.
4. All points of diversion, if not in violation of the Sabine River Compact, shall be approved by the Administration. Disapproval shall not be used in an attempt to interfere with the right of either State to regulate within its boundaries the appropriation, use, and control of water not inconsistent with its obligation under the Compact.
  5. The Administration shall deem a water-use project to create a significant potential for causing a Compact violation only if such project would exceed the amount estimated by the Administration as available for each State to use, considering the location of the diversion point, the flows of water available, and existing water uses. In furtherance of this advisory function, the Engineering Committee shall collect available flow and basin model data to estimate a range of flows available for use by each State in various reaches of the stateline based upon historical flow figures. A finding by the Administration regarding the potential of a water-use project to create a Compact violation shall in no way be deemed to interfere with the rights of Texas and Louisiana to apportion water within their respective states. However, the State in which such water-use project is located may be required by the Administration to monitor and report on a more frequent basis the diversions and flows in the affected reach of the streams in order to provide a higher degree of assurance of compliance with the terms of the Compact.
  6. In accordance with ARTICLE VII(G) (6) of the Sabine River Compact, it shall be the policy of the Sabine River Compact Administration to require measuring equipment for all diverters subject to the terms of the Compact. Such measuring equipment shall be properly equipped with meters and devices of standard types to accurately measure the quantity of water diverted within generally accepted industry standards for accuracy, or as established

by the American Water Works Association. The measuring equipment so installed shall be properly maintained and shall be calibrated on a frequency as required for such equipment by the Administration. Metering devices shall be installed and maintained at the user's expense. The chief official of each state charged with the administration of water rights therein shall supervise the execution and enforcement of the Administration's standards for and requirements to install such metering devices.

7. The Administration may order a public hearing on any matter pending before it when it feels the public interest will be best served thereby.
8. All hearings shall be public, and the Administration shall hear any interested party and give due consideration to any pleadings, statements, or other offerings made by him. The Administration may waive formal rules of evidence.
9. Hearings by the Administration on any matter shall be conducted at such times and places as may be ordered by the Administration.
10. The Administration shall prepare and issue a notice of hearing after a resolution or order is entered in the minutes, setting the matter to be heard by public hearing. The notice of hearing shall be delivered or mailed to all interested parties at least fifteen days in advance of such hearing.
11. In the event anyone should desire to protest or oppose any matter pending before the Administration, a protest or opposition shall be filed with the Administration at least five days before the date on which the subject has been set for hearing.
12. Investigations of violations of the Compact shall be made by any member to the Administration or by any committee or employee therefore as directed by the Administration.
13. **Stateline Flow**
  - a. "Beckville Gauge" means the United States Geological Survey gauge, Station No. 08022040-Sabine River near Beckville, Texas.
  - b. The flow at Stateline is to be estimated based on the flow rate at the Beckville Gauge for flow rates at the Beckville Gauge ranging from 7 cfs to 24 cfs, as:  $Q_{\text{Stateline}} = 5.39 + 1.42 Q_{\text{Beckville Gauge}}$ . For example, a discharge of 21.56 cfs at the Beckville Gauge would yield a discharge at Stateline of  $5.39 + (1.42)(21.56)$  which equals 36 cfs.