

TCEQ Interoffice Memorandum

To: Commissioners' Work Session

Thru:  Richard A. Hyde, P.E., Deputy Director, Office of Compliance and Enforcement

From:  Ramiro Garcia, Jr., Area Director, Border and South Central Texas

Date: September 28, 2011

Subject: Implementation of HB 2694 – Watermaster Evaluation

Issue Criteria and Process for Evaluation of River basins without a Watermaster

Background and Current Practices

HB 2694 of the 82nd Legislature requires the Commission to determine the criteria or risk factors to be considered by the executive director when evaluating river basins without a watermaster to determine whether a watermaster should be appointed. These evaluations must be conducted for each river basin at least once every five years. The findings and recommendations must be included in the commission's biennial report to the legislature.

Question 1: What are the criteria that should be considered when evaluating a river basin?

1. Is there a court order to create a watermaster?
2. Has a petition been received requesting a watermaster?
3. Have senior water rights been threatened?
 - a. History of senior calls or water shortages within the river basin
 - b. Number of water right complaints received on an annual basis in each river basin

Question 2: If a watermaster is determined to be necessary, what implementation considerations should be made?

1. Geographic reach of river basin (counties included within river basin)
2. Number of permitted water rights within the river basin, including
 - a. Term permits / Regional temporary permits
 - i) Including use type for each permit
 - ii) Including geographic location of each permit
3. Location of USGS stream flow gages within the basin
4. The existence of a river compact in the river basin

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5. Schedule for evaluating the river basins (including any impact to environmental flows process or Regional Water Planning – see chart)
6. Texas Water Development Board Summary of Regional Water Plans
7. Cost factors that will impact the level of Watermaster Program fees, including
 - a. Number and type of FTEs required to manage Watermaster Program functions (ie. manager, administrative assistant, watermaster specialists)
 - b. Most efficient office location for new FTEs and office space availability for new FTEs within current TCEQ Regional Offices
 - c. Estimated costs of developing new program (ie. outreach, travel, field equipment, vehicles, computers/printers, office supplies/equipment, etc.)
8. Possible Risks include:
 - a. Fees associated with the Watermaster Program
 - b. Requirement to meter diversions where no requirement previously existed
 - c. Perception that state is attempting to take water away from water right holders
 - d. Public concern over state control of system that has historically been self-policed

River Basins without Watermasters:

1. Canadian River Basin
2. Red River Basin
3. Sulphur River Basin
4. Cypress Creek Basin
5. Sabine River Basin
6. Neches River Basin
7. Neches-Trinity Coastal Basin
8. Trinity River Basin
9. Trinity-San Jacinto Coastal Basin
10. San Jacinto River Basin
11. San Jacinto-Brazos Coastal Basin
12. Brazos River Basin
13. Brazos-Colorado Coastal Basin
14. Colorado River Basin
15. Colorado-Lavaca Coastal Basin

Schedule for Evaluating River Basins

In accordance with the statute, basins will be evaluated at least once every five years.

The executive director proposes the following schedule:

1. Year 1 (2012)
 - a. Brazos River Basin
 - b. Brazos-Colorado Coastal Basin
 - c. Colorado River Basin

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- d. Colorado-Lavaca Coastal Basin
2. Year 2 (2013)
 - a. Trinity River Basin
 - b. Trinity-San Jacinto Coastal Basin
 - c. San Jacinto River Basin
 - d. San Jacinto-Brazos Coastal Basin
3. Year 3 (2014)
 - a. Sabine River Basin
 - b. Neches River Basin
 - c. Neches-Trinity Coastal Basin
4. Year 4 (2015)
 - a. Canadian River Basin
 - b. Red River Basin
5. Year 5 (2016)
 - a. Sulphur River Basin
 - b. Cypress Creek Basin

Question 3: What is the process for evaluating the river basins?

In alignment with the proposed schedule, the executive director will evaluate approximately three river basins per year on a five-year cycle. This will ensure that each river basin is evaluated at least once every five years. Office of Compliance and Enforcement (OCE) will work with the Office of Water (OW) to develop a report of the criteria data listed in Question 1.

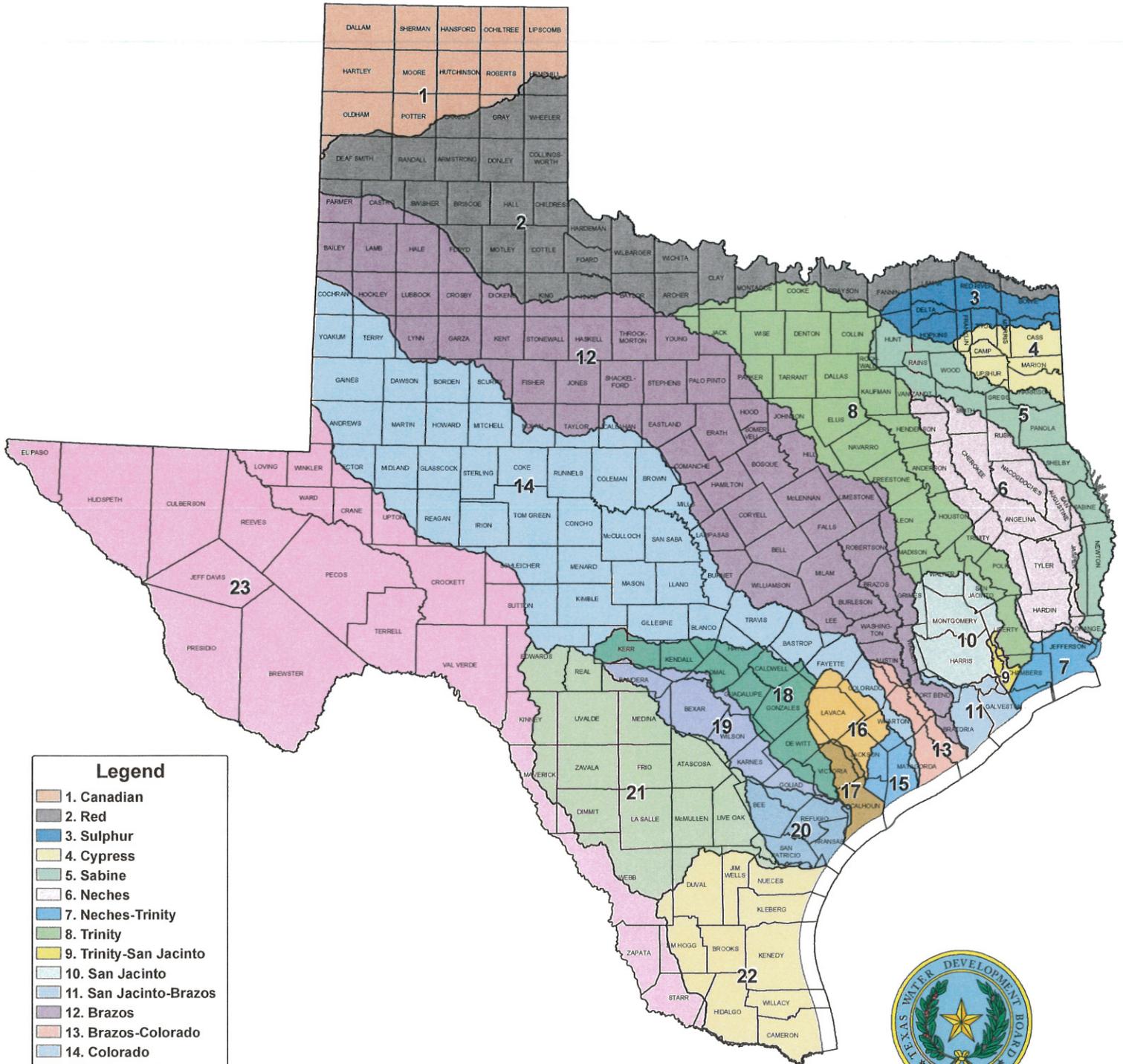
Question 4: What is the communication strategy for this project?

The executive director seeks commission guidance regarding the appropriate level of public comment to include during development of evaluation data. Staff is prepared to present annual reports to the commission for consideration once data has been developed or staff will include public participation during the data development process as directed by the commission.

Possible options include:

1. Stakeholder meeting during the evaluation period
2. Stakeholder meeting after evaluation of basin but before presentation to Commissioners
3. Stakeholder meeting after evaluation of basin and presentation to Commissioners

Major River Basins In Texas



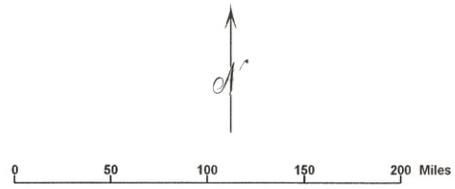
Legend

- 1. Canadian
- 2. Red
- 3. Sulphur
- 4. Cypress
- 5. Sabine
- 6. Neches
- 7. Neches-Trinity
- 8. Trinity
- 9. Trinity-San Jacinto
- 10. San Jacinto
- 11. San Jacinto-Brazos
- 12. Brazos
- 13. Brazos-Colorado
- 14. Colorado
- 15. Colorado-Lavaca
- 16. Lavaca
- 17. Lavaca_Guadalupe
- 18. Guadalupe
- 19. San Antonio
- 20. San Antonio-Nueces
- 21. Nueces
- 22. Nueces-Rio Grande
- 23. Rio Grande



DISCLAIMER
 No claims are made to the accuracy or completeness of the data nor to its suitability for a particular use. The scale and compilation of all information shown herein is approximate.

Map updated by Mark Hayes, GISP
 Texas Water Development Board
 GIS Data & Cartography section
 April 2009



Watermaster Program Evaluation Schedule

Proposed Evaluation by	Major River Basins without a Watermaster Program	Corresponding Regional Water Planning Groups	E-flows status
2012	Brazos River Brazos -Colorado Coastal	Brazos G, Region H, Lower Colorado K, Llano Estacado O, Region F, Lavaca P	TCEQ to adopt e-flow standard by 9/2013
	Colorado Colorado-Lavaca Coastal		TCEQ to adopt e-flow standard by 9/2012
2013	Sabine Neches Neches-Trinity coastal	North East Texas D, East Texas I, Region H	TCEQ adopted e-flow standard
2014	Trinity Trinity-San Jacinto Coastal San Jacinto San Jacinto-Brazos Coastal	Region C, East Texas I, Brazos G, Region H	TCEQ adopted e-flow standard
2015	Canadian Red River	Panhandle A, Region B, North East Texas D, Llano Estacano O, Region C, Brazos G	NA
2016	Sulphur Cypress Creek	Region C, North East Texas D	NA