Bryan W. Shaw, Ph.D., *Chairman*
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Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 1, 2013

Re: Preliminary Watermaster Evaluation for the Trinity River Basin

Dear Stakeholder:

The Texas Commission on Environmental Quality (TCEQ) is currently evaluating four river basins, including the Trinity River Basin, to determine whether there is a need to establish a watermaster program to manage surface water rights. The purpose of this letter is to notify you, seek written input on the evaluation, and to identify the information the agency should consider during this process.

According to Sections 11.326(g) and (h) of the Texas Water Code, the Executive Director (ED) must evaluate all river basins that do not currently have a watermaster to determine whether one should be appointed. The ED must report the findings from the evaluation and make recommendations to the TCEQ Commissioners. The Commissioners may direct the ED to move forward with or revise the recommendation or they may take no action on the recommendation. The evaluation findings and recommendations are to be included in the agency's Biennial Report to the Texas Legislature.

In an effort to include the public and develop the best recommendations, we are soliciting input from stakeholders, including water right holders, domestic and livestock users, river authorities, agricultural, industrial, and environmental organizations, the general public, and other interested parties. This request for written input is the first opportunity to participate in this process. As part of the evaluation, we also plan to mail notifications to all current water right holders within the Trinity River Basin of stakeholder meetings expected to be held in the spring of 2013. The input received from stakeholders will be discussed at the TCEQ Commissioners' Agenda tentatively scheduled for late summer.

As a water right holder in the Trinity River Basin or other identified stakeholder, you are being contacted during this initial outreach. If you are aware of any other person who might be interested but did not receive this initial outreach letter, please forward this information to them. We welcome and encourage input from any interested stakeholders.

We will consider the following criteria when evaluating a basin:

(1) Has there been a court order to create a watermaster?

(2) Has TCEQ received a petition requesting a watermaster?

(3) Have senior water rights been threatened, based on either the history of senior calls or water shortages within the basin or the number of water right complaints received on an annual basis in each basin?

If the establishment of a watermaster program is recommended and approved, a budget would be established each year, and the watermaster program would be administered using fees

collected from water right holders in the watermaster area. The amount assessed to each water right holder is determined each year based on the watermaster program's anticipated operating costs by establishing a base fee (currently $50) and then adding the water right permitted amount multiplied by a rate factor depending on the type of use.

The enclosed fact sheet includes general information about the watermaster program. TCEQ requests and appreciates your input on this evaluation. In particular, we ask that you provide written input regarding the possible threat to senior water rights (item 3 above) as well as proposals for implementing a possible watermaster program.

In order that we may best review your comments, please include the following information in your letter:

1. The river or other water body you are discussing.

2. Your affiliation (for example, a water right holder with water right permit number if known, an exempt domestic and livestock user, an adjacent landowner, an interested party, environmental organization, etc.).

Please send written comments by April 5, 2013 to my attention at the following address: TCEQ, Water Availability Division, Watermaster Section, MC-160, P.O. Box 13087, Austin, Texas 78711-3087. You may also send an email to: watermaster@tceq.texas.gov.

If you have any questions or additional comments, please feel free to contact my staff in the Watermaster Section: Cindy Hooper at (210) 403-4080 or Michael Redda at (512) 239-4631. In addition, you may sign up to receive email updates: https://public.govdelivery.com/accounts/TXTCEQ/subscriber/new.

Additional information on the evaluation process is available on TCEQ's website: www.tceq.texas.gov/goto/watermaster.

We value your comments on the evaluation process, including the criteria being used, as well as information to assist the agency in its evaluation of your basin. Thank you for your participation.

Sincerely,

Amy Settemeyer, Manager
Watermaster Section, MC-160
Water Availability Division
Texas Commission on Environmental Quality

Enclosure