

AGENCY STRATEGIC PLAN

For the 2005-2009 Period

By

RIO GRANDE COMPACT COMMISSION

Joe G. Hanson

**Term Expires
June 9, 2007**

El Paso, Texas

July 2, 2004

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Signed: _____
Administrator

Approved: _____
Commissioner

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STATEWIDE ELEMENTS

THE MISSION OF TEXAS STATE GOVERNMENT

Texas state government must be limited, efficient, and completely accountable. It should foster opportunity and economic prosperity, focus on critical priorities, and support the creation of strong family environments for our children. The stewards of the public trust must be men and women who administer state government in a fair, just, and responsible manner. To honor the public trust, state officials must seek new and innovative ways to meet state government priorities in a fiscally responsible manner.

THE PHILOSOPHY OF TEXAS STATE GOVERNMENT

The task before all state public servants is to govern in a manner worthy of this great state. We are a great enterprise, and as an enterprise we will promote the following core principles:

- First and foremost, Texas matters most. This is the overarching, guiding principle by which we will make decisions. Our state, and its future, is more important than party, politics or individual recognition.
- Government should be limited in size and mission, but it must be highly effective in performing the tasks it undertakes.
- Decisions affecting individual Texans, in most instances, are best made by those individuals, their families, and the local government closest to their communities.
- Competition is the greatest incentive for achievement and excellence. It inspires ingenuity and requires individuals to set their sights high. And just as competition inspires excellence, a sense of personal responsibility drives individual citizens to do more for their future, and the future of those they love.
- Public administration must be open and honest, pursuing the high road rather than the expedient course. We must be accountable to taxpayers for our actions.
- State government has a responsibility to safeguard taxpayers dollars by eliminating waste and abuse, and providing efficient and honest government.

Finally, state government should be humble, recognizing that all its power and authority is granted to it by the people of Texas, and those who make decisions wielding the power of the state should exercise their authority cautiously and fairly.

NATURAL RESOURCES AND AGRICULTURE

PRIORITY GOAL

To provide leadership and policy guidance for state, federal, and local initiatives that conserve and protect Texas' natural resources (air, water, land, wildlife, and mineral resources) in a consistent manner that encourages sustainable economic development while minimizing harmful effects to these resources.

Benchmarks: No appropriate benchmark was identified for the Rio Grande Compact Commission. The benchmarks for the Rio Grande Compact Commission will be determined later.

AGENCY MISSION

The mission of the Rio Grande Compact Commission is to ensure that the State of Texas receives its fair share of the waters of the Rio Grande and its tributaries. The Rio Grande Compact was negotiated as a result of over thirty years of negotiations and studies that resulted in specific delivery obligations by the states of New Mexico and Colorado. In addition, our mission includes negotiating with the other compact states for programs to increase water deliveries and enhance water quality.

AGENCY PHILOSOPHY

The Rio Grande Compact Commission will conduct its activities and investigations pursuant to the highest ethical standards. The Commission conducts its accounting of all natural waters derived from within the Rio Grande basin and also all waters transferred from other basins. This accounting will continue to be done in accordance with the highest standards of accounting and engineering practices, in order to assure that the Rio Grande will continue to be an adequate and reliable water supply for Texas.

EXTERNAL/INTERNAL ASSESSMENT

Overview of Rio Grande Compact Commission

The Rio Grande Compact is authorized by Chapter 42 of the Texas Water Code. The Compact was signed by the Commissioners of Texas, New Mexico and Colorado on March 18, 1938. It was ratified by the Texas legislature on March 1, 1939, and ratified by the Congress of the United States as Public Act No. 96, 76th Congress, and approved by the President of the United States on May 31, 1939. Thus, the Compact represents both state and federal law.

The Rio Grande Compact Commission (RGCC) protects the State of Texas' rights under the Compact. The RGCC ensures that the upstream states of New Mexico and Colorado comply with the Compact. In addition the RGCC negotiates with New Mexico and Colorado to implement programs to increase the quantity and improve the quality of water made available to Texas.

The Rio Grande Compact applies to the Rio Grande and its tributaries from the headwaters in the San Juan Mountains of southern Colorado to Fort Quitman, Texas. The river flows in a general north to south direction into Texas. The waters are primarily used to supply irrigation water to irrigation districts and provide municipal water for cities, including El Paso, Texas. The waters are also being used for recreation purposes. As times and conditions change within the Rio Grande Basin, more and more water is being converted from irrigation to municipal purposes. The Rio Grande is becoming a major water supply for the City of El Paso.

Organization of RGCC

The RGCC consists of one Commissioner appointed by the Governor and an Office Manager. Chapter 42 of the Texas Water Code states that the Texas Commission on Environmental Quality (TCEQ) will cooperate with the Commissioner in the performance of his duties and shall furnish him any available data and information that he needs. The Water Supply Division of the TCEQ works with the Commissioner in the performance of his duties. In accordance with state law the Office of the Attorney General (OAG) provides legal assistance to the RGCC.

The RGCC office is located at 401 East Franklin, Suite 510, El Paso, Texas 79901, telephone number (915) 834-7075. Extensive interstate and intra state travel is required to attend compact meetings, conduct site investigations, attend legal proceedings, and present budget requests. Location of the RGCC office in El Paso allows the Commissioner to be close to the water users and the river basin. The assistance historically provided by the OAG and TCEQ has met the needs of the RGCC. I recommend the TCEQ and OAG continue to provide the technical and legal services critical to the RGCC. The citizens of Texas using the waters of the Rio Grande and its tributaries rely on the RGCC to ensure that Texas receives its equitable share of the water. The RGCC is the state agency most capable of working with New Mexico, Colorado and federal agencies to protect the quantity and quality of water delivered to Texas from the Rio Grande and its tributaries.

No changes in the services provided by the RGCC are anticipated due to changes in state or federal law.

Capital Improvement Needs

The RGCC has a minimal amount of capital assets, mainly in the form of office furniture, personal computers, printers, and fax machine. It is anticipated that no funds will be requested for additional capital assets in the next biennium.

Legal Issues

Texas, New Mexico and Colorado have continually had disputes over the Rio Grande Compact. In October 1935, during the Compact formulation period, Texas filed suit in the United States Supreme Court against New Mexico and the Middle Rio Grande Conservancy District seeking to have the court enjoin diversions that were diminishing the quality and quantity of water available from Elephant Butte Reservoir. The Supreme Court dismissed the case in October of 1939 in light of the ratification and acceptance of the agreement embodied in the Compact.

In October 1951, with New Mexico's accrued water debt exceeding 330,000 acre-feet, Texas again filed suit in the Supreme Court against New Mexico and the Middle Rio Grande Conservancy District in New Mexico, charging violation of the Compact and requesting enjoinder of diversions until the accrued water debt was reduced to 200,000 acre-feet. This suit was dismissed by the Supreme Court in February of 1957 because it failed to include the United States as an indispensable party.

In October of 1966, with Colorado's accrued debt exceeding 900,000 acre-feet, Texas and New Mexico filed suit in the Supreme Court for violation of the Compact. In May of 1968, the case was stayed on the condition that Colorado hereafter would meet its delivery obligations. As a result, Colorado consistently delivered water in accordance with its annual requirements during this period and reduced its accrued debit. The lawsuit was dismissed by agreement in 1985 after Elephant Butte Reservoir spilled, eliminating all of Colorado's remaining debt.

The U. S. Fish and Wildlife Service (USFWS) has listed the Rio Grande silvery minnow and the southwestern willow flycatcher as endangered species within the Rio Grande Compact areas. The RGCC has chosen to take an active role in this matter to ensure Texas' water deliveries are not impacted. The listing of the Rio Grande silvery minnow as an endangered species has necessitated the development of a recovery plan to rehabilitate the species. The USFWS created a Rio Grande silvery minnow recovery team to develop a plan to recover the species, while minimizing the social and economic impacts. The engineer advisors to the compact Commissioners for each state are voting members of the recovery team. Considerable effort was expended to develop a recovery plan for the silvery minnow which has been approved by the USFWS. However, the Regional Director of the USFWS has directed the recovery team to revise the recovery plan to develop more specific criteria for down listing or delisting the silvery minnow as an endangered species. The Engineer Advisors are participating in this effort. Also, the USFWS has designated the critical habitat area for the silvery minnow. The area includes the Rio Grande above Elephant Butte Reservoir. The RGCC must ensure that water deliveries under the Rio Grande Compact are not impacted by any recovery plan or the habitat designation. Litigation funds have been expended on this issue for technical experts. Litigation may be required to ensure Texas' rights under the Rio Grande Compact are protected.

The USFWS has also listed the southwestern willow flycatcher as an endangered species. An issue has developed regarding the nesting of these birds within the habitat that has developed within the reservoir area of Elephant Butte Reservoir. As the drought continues within the Rio Grande basin, Elephant Butte continues to drop significantly in reservoir storage (currently less than 15% of storage capacity). As the reservoir recedes, willows, salt cedars, and other habitat becomes established within the reservoir pool area. The southwestern willow flycatchers are nesting in significant numbers within this area. When Elephant Butte refills, the issue will arise concerning the inundation of the habitat being used by the southwestern willow flycatcher. The RGCC is very concerned about this issue and any impacts it might have on preventing the refilling of Elephant Butte Reservoir. Texas relies on Elephant Butte Reservoir to store waters received via the Rio Grande Compact. The Engineer Advisors for the three states are currently working and will continue to work with the USFWS and the Bureau of Reclamation regarding this issue.

Additionally, formal notice has been received from Forest Guardians (an environmental organization) of their intent to file suit to enforce provisions of the federal Clean Water Act, the Endangered Species Act, and the National Environmental Policy Act (NEPA) related to the ongoing implementation of the Upper Colorado River Basin, Rio Grande, Costilla Creek, and Pecos River Compacts. The RGCC will have to monitor the pending lawsuit and perhaps take further action if

additional lawsuits are brought. Water deliveries to Texas pursuant to the Rio Grande Compact must be protected.

Also, efforts are under way in New Mexico through federal legislation to restore the Rio Grande to its natural condition. This legislation would likely remove many of the projects (dams, reservoirs, low flow conveyance channel, etc.) implemented over the years to maximize water deliveries to Texas. The RGCC will have to closely monitor these efforts to ensure Texas' rights are not adversely impacted. The Bureau of Reclamation has completed the transfer of the operation and maintenance functions of the Rio Grande Project to the Elephant Butte Irrigation District of New Mexico and the El Paso County Water Improvement District No.1 of Texas. Also, transfer of the ownership of the canals, distribution, and drainage works has been transferred to the districts. The Bureau of Reclamation retains ownership of Elephant Butte Dam, Caballo Dam, and the diversion dams on the river.

Active Litigation

The TCEQ initiated water rights adjudication proceedings for the Rio Grande and its tributaries in Texas from Fort Quitman to the Texas-New Mexico state line. The proceedings were indefinitely continued due to federal litigation to quiet title to the water rights associated with waters of the Rio Grande from Elephant Butte Reservoir to Fort Quitman, Texas. However, this federal litigation has been stayed and the TCEQ adjudication is going forward regarding the rights of Texas water users. Also, adjudication efforts are ongoing in New Mexico below Elephant Butte Reservoir. The role of the federal government and its assertions that it owns the water rights associated with the Rio Grande Project will require the involvement of the RGCC in these proceedings to ensure that Texas' rights are not adversely impacted.

The federal court quiet title litigation, while stayed, continues to be a concern to all parties associated with the Compact. The State of Texas was not named as a party in the case filed by the United States, but filed motion to intervene. Colorado also filed motion to intervene in the lawsuit. The federal court attempted mediation of the lawsuit, which was not successful. The federal court in Albuquerque dismissed the case, however the case was appealed to the Tenth Circuit United States Court of Appeals and a final ruling was issued May 2002. The Appeals Court remanded the case for further proceedings to consider whether the federal proceedings should be stayed as opposed to dismissed. The Court ruled that the suit be stayed. The issues of the litigation involve ownership of the water (state or federal) and the operation of the Rio Grande Project and the distribution of the waters of this Project to the water users in Texas and New Mexico. The El Paso WID # 1 has filed a counter suit against the United States asserting damages from the historical operation of the Rio Grande Project. Resolution of the issues involved in this litigation are critical to securing a dependable supply of quality water for Texas.

The RGCC is very concerned that Texas interests are not receiving an equitable distribution of the waters from Elephant Butte Reservoir associated with the Rio Grande Project. The Texas

legislature appropriated money during the FY-02/03 biennium to the OAG to investigate the delivery of waters to Texas from Elephant Butte Reservoir under the Rio Grande Compact and the possibility of filing suit against New Mexico. The OAG was given continued authority in the FY-04/05 biennium to continue the investigation. Texas' rights to the waters in Elephant Butte Reservoir and the Rio Grande Project must be protected, even if it requires litigation.

RGCC Fiscal Appropriations

Appropriations to the RGCC for FY-04/05 are \$127,686 for each year of the biennium. This represents a 21% reduction from the \$160,740 and \$160,741 appropriated for the FY-02/03 biennium and represents a 27% reduction from the \$174,080 and \$174,081 appropriated for FY-00/01 biennium. Additional funds are expended by the TCEQ and the OAG to provide technical and legal support to the RGCC. The reduced appropriations for the FY-04/05 biennium required the elimination of the engineering position in the El Paso office and a 17% reduction in the commissioners salary to enable the RGCC to maintain the minimum operations necessary to meet the day to day operations of the Compact. The day to day costs associated with the administration of the Compact and operation and maintenance of the stream gaging stations continue to increase annually. The RGCC has been unable to replace any computers, printers, or fax machines since 1996. The Office Manager currently uses a personally purchased computer, printer, and fax machine to conduct business for the RGCC. The RGCC has not been able to obtain any engineering support to address technical negotiations with New Mexico regarding Elephant Butte Reservoir. The RGCC relies solely on the TCEQ for this and all other technical support. The RGCC must have funds available to maintain the stream flow gaging stations needed to generate the water accounting used in calculating the annual delivery obligations. Adequate budgets for the technical and legal support agencies are critical to the effectiveness of the RGCC.

Historically, funds were appropriated to the RGCC for expenses associated with litigation with New Mexico and Colorado regarding the Rio Grande Compact. However, during the 94-95 biennium these funds were eliminated and the OAG was authorized to spend a set amount of its own appropriation to defend Texas' interests in any of the 5 river compacts it has with other states if Texas' interests were threatened. It is very important to continue to provide this appropriation for litigation. There is always the possibility that litigation with New Mexico or Colorado will be required due to violations of the Compact.

Appropriations for the RGCC are from General Revenue. The engineering position was eliminated and the Commissioner's salary was reduced to meet the day to day activities of the RGCC for FY-04 & 05. There are no funds available to work with the other Compact states on programs to increase the quality or quantity of water available to Texas. It is important to realize that the upstream states have full-time technical staff dedicated to improving their situation, usually at the expense of the other states. If Texas is not prepared to fund additional resources or to address these situations, then the water supply to far west Texas is threatened, both in quality and quantity.

Service Populations of the RGCC

The RGCC serves to ensure that the citizens of far west Texas receive their equitable share of the waters of the Rio Grande. The waters are used for irrigation purposes in Texas and New Mexico. The City of El Paso currently depends on the surface waters of the Rio Grande for approximately 50% of its water supply. This amount has historically increased every year. The Rio Grande is the most likely water supply for any future growth in the El Paso area.

Technological Developments

The RGCC has acquired personal computers, printers, and fax machines to administer the office. The computers, printers, and fax machine have not been upgraded since 1996. No significant capital purchases are anticipated by the RGCC in the next six years.

Economic Variables

The water supply of the Rio Grande basin has been insufficient to supply all the water needs for agriculture and municipal water users. A reliable water supply is critical for continued economic development in west Texas. The RGCC must use all available resources to ensure that Texas receives its full equitable entitlement of quality water. We must continue to work with the other Compact states to improve the quality of water delivered to Texas. This will require additional resources.

Impact of Federal Statutes/Regulations

The chair of the interstate Rio Grande Compact Commission (New Mexico, Texas, Colorado) is appointed by the President of the United States. However, the chair has no vote in any matter brought before the Commission.

The RGCC historically works closely with the U. S. Army Corps of Engineers and the Department of the Interior Bureau of Reclamation. Recently, the RGCC has begun working closely with the USFWS regarding the Rio Grande silvery minnow, southwestern willow flycatcher, and other environmental issues. The listing by the USFWS of the Rio Grande silvery minnow and southwestern willow flycatcher as endangered species has impacted water deliveries and water operations on the Rio Grande. The RGCC must ensure that these listings do not impact water deliveries to Texas.

The RGCC works with these federal agencies to develop programs and studies that would improve the quality and quantity of waters available from the Rio Grande. The RGCC is currently working closely with federal agencies to develop a comprehensive water model for the upper Rio Grande. The model would be used for compact water accounting, as well as a decision making tool to operate facilities up and down the river. The model would assist in evaluating the effects of "what if" scenarios. Currently, the model will extend from the headwaters in Colorado to Fort Quitman, Texas.

Environmental Initiatives

The RGCC has been proactive in the development of a riverside park that combined a 350-acre moist soil managed wetland and public parkland facility. This unique project will combine a public park for the enjoyment of the public and a wetland managed for large concentrations of migratory waterfowl and neotropical songbirds on City of El Paso parkland using tertiary treated effluent. The partnership of cooperatives that developed this park is diverse and drew together disparate interests focused on improving the quality of life along the river in El Paso. The RGCC spent two years organizing the partnership among the International Boundary and Water Commission, City of El Paso, Ducks Unlimited, Inc., U. S. Fish and Wildlife Service, U. S. Bureau of Reclamation, U. S. National Park Service, and University of Texas at El Paso - Center for Environmental Resource Management, to implement this wetland and park project.

Self-Evaluation and Opportunities for Improvement

The RGCC has expended tremendous amounts of time and effort to ensure that Texas receives its share of quality water allocated by the Rio Grande Compact. The RGCC has pursued lengthy litigation that has resulted in Colorado's compliance with the Compact. Since the last Supreme Court action, both upstream states have eliminated all water debt. Currently, both Colorado and New Mexico have very small water credits.

The RGCC must continue to pursue efforts to facilitate agreements relating to delivery of water to the water users associated with the Rio Grande Project. The issues associated with the federal lawsuits discussed earlier are critical to economic prosperity of this region. The RGCC is working with all parties associated with this effort in an attempt to resolve the issues in a manner acceptable to all parties. If resolution is not achieved, lengthy litigation is expected.

Performance Benchmarking

The RGCC will coordinate with the States of New Mexico and Colorado to review their policies and procedures for administrating the Rio Grande Compact. Significant policies and procedures which would enhance the ability of the RGCC to administer the compact will be incorporated into the operation of the RGCC.

The output measure: Number of accountings prepared and resolved annually will be used to evaluate the progress of the RGCC.

RIO GRANDE COMPACT COMMISSION AGENCY GOAL

The Rio Grande Compact Commission (RGCC) will ensure delivery and maximize the availability of Texas' equitable share of quality water from the Rio Grande and its tributaries as apportioned by the Rio Grande Compact.

OBJECTIVES AND OUTCOME MEASURES STRATEGIES AND OUTPUT MEASURES MEASURES DEFINITIONS

Goal: The RGCC will ensure delivery and maximize the availability of Texas' equitable share of quality water from the Rio Grande and its tributaries as apportioned by the Rio Grande Compact.

Objective: To ensure the delivery and maximize the availability of 100% of Texas' equitable share of quality water annually as apportioned by the Rio Grande Compact.

Outcome: The percentage received of Texas' equitable share of quality water annually as apportioned by the Rio Grande Compact.

Short Definition: Using the water accounting report prepared by the engineer advisors and approved by the Commission, water delivered to Texas will be computed. The water delivered, including any current credits or debits of past over/under-deliveries allowable under the compact, will be divided by the actual amount of water Colorado and New Mexico are required to deliver under the terms of the compact, as determined by the water accounting report. The accounting of water delivered to Texas is computed during the third quarter and will be for the previous calendar year.

Purpose/Importance: Measure is intended to show the extent to which Texas is receiving its share of waters as apportioned by the compact, and serves as an indicator of Colorado's and New Mexico's compliance with compact terms. Performance of less than target in any given year may indicate that the compact signatories have not met their delivery obligation for that year and that Texas did not receive its equitable share. Performance of less than target could result in Texas initiating legal proceedings/action, and can also serve as an indicator of increased resource needs to rectify under-delivery.

Source/Collection: Annual water accounting report prepared by the engineer advisors and approved by the Commission.

Method of Calculation: Measure is calculated by dividing the actual amount of water received by Texas, including any current credits or debits of past over/under-deliveries allowable under the compact (as determined by the annual accounting), by the amount of water the signatory states were required to deliver (as determined by the annual accounting), and converting to a percentage.

Data Limitations: Accounting of water is conducted at the annual meeting (3rd quarter) of the

Commission. The accounting is for the previous calendar year, therefore information reported in a given year indicates actual performance for the prior year.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Higher than target

Strategy: Prepare and resolve the annual accounting of water deliveries to Texas by Colorado and New Mexico as apportioned by the Rio Grande Compact.

Output 1: Number of Accountings Prepared and Resolved Annually.

Short Definition: Using the water accounting report prepared by the engineer advisors and approved by the Commission, the number of water accountings will be computed. The water accounting will be considered complete when approved by the Commission. The accounting is normally completed during the third quarter and will be for the previous calendar year.

Purpose/Importance: Measure is intended to show that the water accounting for the year has been completed and serves as an indicator of Colorado's and New Mexico's compliance with compact terms. Performance of less than target in any given year indicates that the water accounting was not approved by the Commission and key issues are in dispute. Performance of less than target could serve as an indicator of increased resource needs to ensure protection of our water deliveries.

Source/Collection: Annual water accounting report prepared by the engineer advisors and approved by the Commission.

Method of Calculation: Measure is tabulated by counting the actual number of water accountings completed and approved by the Commission.

Data Limitations: Accounting of water is conducted by the engineer advisors and approved by the Commission during the third quarter. The accounting is for the previous calendar year, therefore information reported in a given year indicates actual performance for the prior year.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Higher than target

Output 2: Acre-Feet of Quality Water Received by Texas Annually as Apportioned by the Rio Grande Compact.

Short Definition: Using the water accounting report prepared by the engineer advisors and approved by the Commission, the acre-feet of water will be reported. The water accounting will be considered complete when finalized by the Commission. The accounting is normally completed during the third quarter and will be for the previous calendar year.

Purpose/Importance: Measure is intended to show the amount of water Texas received for the year. Performance of less than target in any given year may indicate that Colorado and/or New Mexico failed to meet its compact delivery for that year and could serve as an indicator of increased resource needs to ensure protection of our water deliveries.

Source/Collection: Annual water accounting report prepared by the engineer advisors and approved by the Commission.

Method of Calculation: Measure is tabulated based on Colorado's and New Mexico's actual delivery of water as determined by the accounting approved by the Commission.

Data Limitations: Accounting of water is conducted by the engineer advisors and approved by the Commission during the third quarter. The accounting is for the previous calendar year, therefore information reported in a given year indicates actual performance for the prior year.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Higher than target

Output 3: Number of Projects Implemented.

Short Definition: Using the records of the Rio Grande Compact Commissioner and the Engineer Advisor from the TNRCC, the number of special projects implemented to maximize Texas' water resources will be calculated.

Purpose/Importance: Measure is intended to show projects which are being implemented to maximize Texas' water resources. Performance of less than target in any given year indicates that the RGCC should look for additional ways to maximize Texas' water resources.

Source/Collection: Records of the Rio Grande Compact Commission and the Engineer Advisor from the TNRCC.

Method of Calculation: Measure is calculated by adding each project the RGCC implements to maximize Texas' water resources.

Data Limitations: None

Calculation Type: Cumulative

New Measure: No

Desired Performance: Higher than target

Efficiency: Average cost per acre foot of quality water received by Texas as apportioned by the Rio Grande Compact.

Short Definition: Using the water accounting report prepared by the engineer advisors and approved by the Commission, the number of acre-feet of water received will be computed. This number will be divided by the total expenditures for the RGCC to determine the actual cost per acre-foot of water received. The average cost per acre-foot will be computed when the water accounting is finalized by the Commission and the annual costs of the RGCC for the fiscal year are complete. The water accounting is completed during the third quarter and will be for the previous calendar year.

Purpose/Importance: Measure is intended to show the cost of ensuring the water deliveries to Texas. Costs higher than target could mean that water deliveries are not being met by Colorado and/or New Mexico and could serve as an indicator of increased resource needs to ensure protection of our water deliveries.

Source/Collection: Annual water accounting report prepared by the engineer advisors and approved by the Commission and the financial reports prepared for the RGCC.

Method of Calculation: Measure is calculated by dividing the amount of water delivered to Texas by the annual costs to administer the Rio Grande Compact.

Data Limitations: Water deliveries are from the accounting approved by the Commission during the third quarter. The expenditures for the RGCC are from fiscal reports prepared by the RGCC.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Less than target

EXPLANATORY MEASURE: Number of active interstate disputes regarding the Rio Grande Compact which could result in litigation involving Texas, Colorado, and/or New Mexico.

Short Definition: Using the records of the RGCC, the number of active Compact disputes being addressed by the Commission during the fiscal year will be reported. A dispute is considered to exist when an issue of differing Compact interpretation is brought before the Commission and resolution is not achieved. The issues will be reported annually.

Purpose/Importance: Measure is intended to show the number of disputes being addressed by the Commission which could result in litigation with New Mexico or Colorado.

Source/Collection: Records maintained by the RGCC of disputes addressed by the Commission.

Method of Calculation: Measure is tabulated as the actual disputes addressed by the Commission.

Data Limitations: None

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: N/A

APPENDIX I

Description of the Planning Process for the Rio Grande Compact Commission

The Agency Strategic Plan was prepared through coordination with the agency's technical adviser from the TCEQ and the legal adviser from the OAG. The coordination involved all parties directly involved with the RGCC.

APPENDIX II

Discussion of Current Year Activities

The RGCC will focus on river operations and water deliveries during the current year. It appears water supplies will be very limited due to drought conditions in Colorado, New Mexico, and west Texas. It appears the water levels in Elephant Butte Reservoir will be at their lowest levels since the drought of the 1950's. It appears that water allocations to Texas' users will be significantly curtailed in 2004. The RGCC will be meeting with appropriate parties to ensure all Texas' rights are protected. Also, endangered species continue to impact the operations of the Rio Grande. The Rio Grande silvery minnow and southwestern willow flycatcher (listed endangered species) are the subject of federal court litigation in New Mexico. The RGCC must meet with federal and New Mexico interests periodically to ensure that river operations developed to protect the silvery minnow and southwestern willow flycatcher do not impact water deliveries to Texas under the Rio Grande Compact.

The RGCC will continue to monitor the federal quiet title litigation. The issues of the litigation involve ownership of the water (state or federal) and the operation of the Rio Grande Project and the distribution of the waters of this Project to the water users in Texas and New Mexico. The State of Texas was not named as a party in the case filed by the United States, but filed motion to intervene. The federal court attempted mediation of the lawsuit, which was not successful. The federal court in Albuquerque dismissed the case, however the case was appealed to the Tenth Circuit United States Court of Appeals and a final ruling was issued in May 2002. The Appeals Court remanded the case for further proceedings to consider whether the federal proceedings should be stayed as opposed to dismissed. The case has been stayed pending the results of adjudication proceedings in Texas and New Mexico. The El Paso County WID # 1 filed a counter suit against the United States asserting damages from the historical operation of the Rio Grande Project. Resolution of the issues involved in this litigation are critical to securing a dependable supply of quality water for Texas.

The RGCC is very concerned that Texas' interests are not receiving an equitable distribution of the waters from Elephant Butte Reservoir associated with the Rio Grande Project. The RGCC will be working with the OAG to investigate the delivery of waters to Texas from Elephant Butte Reservoir under the Rio Grande Compact and the possibility of filing suit against New Mexico. Texas' rights to the waters in Elephant Butte Reservoir and the Rio Grande Project must be

protected, even if it requires litigation.

The TNRCC has initiated water rights adjudication proceedings for the Rio Grande and its tributaries in Texas from Fort Quitman to the Texas-New Mexico state line. Also, adjudication efforts have commenced in New Mexico below Elephant Butte Reservoir. The RGCC will monitor these proceedings to ensure that Texas' rights are not adversely impacted.

APPENDIX III

Workforce Plan

The workforce of the RGCC consists only of a Commissioner appointed by the Governor and an Office Manager. The position for an Engineer Advisor was eliminated. The TCEQ provides technical and administrative support and the OAG provides legal assistance to the RGCC. The TCEQ and OAG would be responsible for staffing and training appropriate support staff necessary to provide the required support to the RGCC.

APPENDIX IV

Report on Customer Service

The RGCC ensures that Texas receives its equitable share of water pursuant to the Rio Grande Compact. The member states of the Compact are Colorado, Texas, and New Mexico. The Rio Grande Compact applies to the Rio Grande and its tributaries from the headwaters in Colorado to Fort Quitman, Texas. The RGCC works with Colorado and New Mexico and numerous federal agencies to ensure water deliveries to Texas are maintained in accordance with the Compact. The waters are primarily used to supply water for irrigation purposes. The waters are also used for municipal and recreation purposes.

The primary customer base for the RGCC consists of irrigation farmers within the basin and the city of El Paso. The RGCC provides quality service to its customers by maintaining an office in El Paso, Texas with staff available to answer questions and provide information. The RGCC meets periodically with its customers to provide timely information regarding Compact issues and water deliveries, provides staff available on a daily basis to respond to requests for information and answer questions related to the Compact. The RGCC strives to respond to information requests and questions within a one day time period where practical. Staff of the TCEQ and OAG serve as Engineer Advisor and Legal Advisor to the Compact and are also available to provide information to our customers. Complaints concerning the RGCC are provided directly to the Commissioner and are promptly addressed.

The RGCC maintains a data base for distributing information related to the Compact to its customers. The RGCC has established a website within the website of the TCEQ. The RGCC will

be coordinating with the TCEQ to maintain this website. The website maintains information regarding the RGCC and web links to the U. S. Geological Survey for streamflow information. Information regarding Commission meetings, strategic plans, and other topics related to the RGCC are also maintained

Customers may request information and/or file any complaints with the office of the Commissioner. The contacts for the RGCC agency customers relations is:

Joe G. Hanson, Commissioner
Tammy Beeman, Staff Services Officer V
P. O. Box 1917
El Paso, Tx 79950
Telephone (915) 834-7075
Fax (915) 834-7080
E-mail tbeeman@swbell.net

APPENDIX VI

**OUTCOME PROJECTIONS
for
RIO GRANDE COMPACT Commission**

2005-2009

OUTCOME	2005	2006	2007	2008	2009
	100	100	100	100	100

Percent received of
Texas' equitable
share of quality
water annually as
apportioned by the
Rio Grande Compact.

APPENDIX VII HUB GOAL

GOAL: RGCC will establish and carry out policies governing purchasing and public works contracting that foster meaningful and substantive inclusion of historically underutilized businesses.

OBJECTIVE: To include historically underutilized businesses (HUBs) in at least 20 percent of the total value of contracts and subcontracts awarded annually by the agency in purchasing and public works contracting by fiscal year 2005.

OUTCOME MEASURE: The percentage of total dollar value of purchasing and public works contracts and subcontracts awarded to HUBs.

STRATEGY: Develop and implement a plan for increasing the use of historically underutilized businesses through purchasing and public works contracts and subcontracts.

OUTPUT MEASURES:

1. Number of HUBs contractors and subcontractors contacted for bid proposals.
2. Number of HUB contracts and subcontracts awarded.
3. Dollar value of HUB contracts and subcontracts awarded.

NOTE: The budget of the RGCC is small in comparison with typical state agencies. The RGCC has only contracted with the U. S. Geological Survey. The U.S. Geological Survey does contract with HUBs. To the extent the RGCC enters into additional contracts for services, HUBs will be utilized in accordance with this goal.

APPENDIX VIII

**AGENCY INFORMATION RESOURCES
STRATEGIC PLAN**

For the 2005-2009 PERIOD

By

RIO GRANDE COMPACT COMMISSION

**Herman Settemeyer, Information Resources Manager
Rio Grande Compact Commission
July 2, 2004**

**Herman Settemeyer,
Information Resource Manager**

**Joe G. Hanson
Rio Grande Compact Commissioner**

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INTRODUCTION EXECUTIVE SUMMARY

The primary resource tools used by the Rio Grande Compact Commission in the performance of their duties are telephone service, fax transmission service, and personal computer use for word processing including some small processing of data. The Rio Grande Compact Commission owns personal computers, printers, and fax machine. These items have not been upgraded since 1996.

It is anticipated that the RGCC will not need any additional support from Information Resources within the next five years other than the inclusion of updated software for the personal computers.

The Rio Grande Compact Commission consists of one Commissioner appointed by the Governor of Texas to serve a six year term and a Staff Service Officer (Office Manager).

Technical support to the RGCC is provided by the TCEQ.

PLANNING FACTORS AND ASSUMPTIONS

The major application system includes the telephone, fax machine and personal computer for word and data processing. It is anticipated that few if any changes will be made to the current system within the next five years other than individual upgrading of the existing personal computer system and upgrading the existing software. No upgrades have occurred since 1996. It is not anticipated that any new software programs will need to be acquired.

The RGCC relies on the TCEQ for technical support and as such, technology available to the TCEQ is used to provide assistance to the RGCC. No specific IT programs are maintained by the TCEQ for the RGCC.

PLANNING GOALS AND OBJECTIVES

Rio Grande Compact Commission

Agency Goal: The Rio Grande Compact Commission will ensure delivery of Texas' equitable share of quality waters from the Rio Grande and its tributaries as apportioned by the Rio Grande Compact.

IR Goal: Provide the necessary telephone, fax transmission and personal computer service for administering the Rio Grande Compact.

IR Objective: Maintain telephone, fax transmission, and personal computer service with appropriate additions in hardware and upgrade software to efficiently administer the Rio Grande Compact.

IR Strategy: Re-evaluate work stations and associated software when needed.

IR Strategy: Re-evaluate telephone and fax transmission equipment and service when needed.