

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 17, 2012

Re: Preliminary Watermaster Evaluation for the Brazos River Basin

Dear Stakeholder:

In accordance with Section 5.05 of House Bill (HB) 2694 of the 82nd Legislature (the Sunset legislation), the Texas Commission on Environmental Quality (TCEQ) is required to evaluate all river basins in the state without a watermaster program every five years to determine the need to appoint a watermaster. The authority provided in TWC § 11.327 allows the watermaster to manage surface water resources in a way that protects senior and superior rights while balancing the needs of all water right holders under their jurisdiction.

The Executive Director (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 can take no action on the recommendation. The evaluation findings and recommendations must be included in the agency's Biennial Report to the Legislature.

The purpose of this letter is to notify you of the evaluation process and to seek written input from stakeholders on that process as well as what the agency should consider during our evaluation of the Brazos River Basin.

Our request for written input is the first opportunity to participate in this process. As part of the evaluation process, TCEQ also plans to mail notifications to all current water right holders within the Brazos River Basin for stakeholder meetings expected to be held in the spring of 2012. Stakeholders will include all water right holders, domestic and livestock users, river authorities, agricultural, industrial and environmental organizations, and other interested parties. The input received from these stakeholder meetings will be included in the ED's presentation and recommendation to the Commissioners, tentatively scheduled for later this summer.

As a water right holder in the Brazos River Basin or a representative of the general public or environmental concerns, 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.

The ED 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 is recommended and approved, a budget would be established each year, and the watermaster program would be administered using fees collected from water rights holders in the watermaster area. The amount assessed to each water right holder would be determined annually based on the watermaster's program budget 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 as well as the evaluation process.

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.

Please send written comments by **March 31, 2012** to my attention at the following address: TCEQ, Water Availability Division, Watermaster Section, MC-160, P.O. Box 13087, Austin, Texas 78711-3087. Alternatively, you may send an electronic mail to: waterm12@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 at <https://public.govdelivery.com/accounts/TXTCEQ/subscriber/new> to receive email updates. Additional information on the evaluation process is available at the following 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,

A handwritten signature in black ink that reads "Ricky Anderson". The signature is written in a cursive, flowing style.

Ricky Anderson, Manager
Watermaster Section
Water Availability Division

Enclosure