APPENDIX D

Evaluation of Water Basins in Texas without a Watermaster

Section 5.05 of House Bill 2694, the TCEQ's Sunset bill from the 82nd legislative session, requires the agency to evaluate, at least once every five years, the water basins that do not have a watermaster program to determine if one should be established. The statute required that the commissioners establish criteria for the evaluation.

Overview of Watermaster Programs

A TCEQ watermaster office is headed by a watermaster and staffed with personnel who regulate and protect water rights under the provisions of Chapter 11 of the Texas Water Code (TWC). Watermaster programs are created and authorized to take actions under TWC Sections 11.326, 11.3261, 11.327, 11.3271, 11.329, and 11.551–11.559. Rules governing this program are under Title 30, Texas Administrative Code, Chapters 295, 297, 303, and 304.

Watermasters and their staffs have the authority to protect water rights by:

- reviewing diversion notifications
- authorizing appropriate diversions
- deterring illegal diversions
- providing real-time monitoring of area stream flows
- investigating alleged violations of Chapter 11
- mediating conflicts and disputes among water users

TWC Chapter 11 sets forth the mechanisms for establishing a watermaster program:

- by the executive director in a water division established by the commission under Section 11.325
- by court appointment
- by the commission, upon receipt of a petition of 25 or more water-right holders in a river basin or segment of a river basin, or on its own motion, if the commission finds that senior water rights have been threatened.

In addition, the Legislature has the authority to create a watermaster.

The TCEQ has an existing watermaster program in each of these areas:

- Rio Grande, which serves the Rio Grande Basin and coordinates releases from the Amistad and Falcon reservoir systems. Established by a 1956 court appointment.
- South Texas, which serves the Lavaca, Nueces, San Antonio, and Guadalupe river basins, as well as the adjacent coastal basins. Established in 1988, based on a water-division creation order that was signed that year and amended in 1998.
- Concho River, which serves a portion of the Concho River segment of the Colorado River Basin. Created by the Legislature in 2005.
- Brazos, which serves the Lower Brazos River Basin including and below Possum Kingdom Lake. On April 12, 2014, the commission issued an order directing that a watermaster be appointed for this basin. The program was fully implemented on June 1, 2015.

Criteria and Schedule

In 2011, the commissioners established the following criteria to consider during evaluations:

- Is there a court order to create a watermaster?
- Has a petition been received requesting a watermaster?
- Have senior water rights been threatened based on the following:
  - a history of senior calls or water shortages within the river basin?
  - the number of water right complaints received annually in each river basin?

The agency completed the first five-year cycle in Fiscal 2016. The second cycle began in Fiscal 2017 to evaluate the river basins below:

Fiscal 2017

Brazos River Basin (Upper)
Brazos–Colorado Coastal Basin
San Jacinto-Brazos Coastal Basin
Colorado River Basin
Colorado–Lavaca Coastal Basin

Fiscal 2018

Trinity River Basin
Neches–Trinity Coastal Basin
San Jacinto River Basin
Trinity–San Jacinto Coastal Basin

Fiscal 2019

Sabine River Basin
Neches River Basin

Fiscal 2020

Canadian River Basin
Red River Basin

Fiscal 2021

Sulphur River Basin
Cypress Creek Basin

Evaluation Activities in Fiscal 2017

For the **Upper Brazos River**, **San Jacinto-Brazos Coastal**, **Brazos-Colorado Coastal**, **Colorado River**, and **Colorado-Lavaca Coastal Basins**:

- Updated the webpage explaining the evaluation process, inviting stakeholders in these basins to participate and get automated updates by email.

  (See <www.tceq.texas.gov/permitting/water_rights/wmaster/evaluation>.)

- Mailed initial outreach letters on March 3, 2017 (Figure D-1), to the stakeholders in each area, including all water-right holders, county judges and extension agents, river authorities, agricultural interests, industries, environmental organizations, and other interested parties. Requested initial comments by March 24, 2017. The comment period was open until July 31, 2017.

- Held nine stakeholder meetings in May and June. At each meeting, the manager of the Watermaster Section and a TCEQ regional office representative were present to deliver information and answer questions.

Comments

Upper Brazos River and **San Jacinto-Brazos Coastal**—Of the 16 stakeholder comments received related to these basins:

- 13 were opposed to establishing a watermaster program
- 3 were in favor
- 0 were neutral

Colorado River—Of the 107 stakeholder comments received related to this basin:

- 78 were opposed to establishing a watermaster program
- 28 were in favor
- 1 was neutral

Evaluation Findings

The TCEQ evaluated the basins based on the established criteria. The findings are highlighted below:

- There were no court orders to appoint a watermaster for any of the basins in this cycle.
- **Upper Brazos Basin**: There was a petition received on Jan. 7, 2013, requesting a watermaster. That matter was referred to the State Office of Administrative Hearings. After SOAH presented their proposal for decision, the commission issued an order partially granting the petition to create a watermaster in the Brazos River Basin downstream of and including Possum Kingdom Lake. There have been no additional petitions for a watermaster in either the Upper Brazos River Basin or the San Jacinto-Brazos Coastal Basin.
- **Colorado River Basin**: The agency had received three petitions for a watermaster in this basin, all related to the San Saba River. Two of the petitions were withdrawn and one did not move forward because it did not meet statutory criteria.

Threats to Senior Water Rights

In evaluating whether senior water rights have been threatened, staff considered if any priority calls were received and the history of complaints and investigations related to water rights management.

Upper Brazos Basin: Within the Upper Brazos Basin, we received no priority calls during the evaluation period. The TCEQ regional offices received and investigated a

total of 33 complaints and completed 66 investigations related to water rights management. A majority of these were completed with no violations or enforcement actions.

Colorado River Basin: Due to extreme drought conditions from 2012 through 2016, the executive director responded to eight priority calls in the upper Colorado River Basin. Seven of the calls came from among the 29-individual domestic and livestock users on the San Saba River. The eighth call was from a water right holder on the Colorado River. The executive director did not suspend water rights in response to that call.

The executive director also did not suspend water rights in response to six of the calls on the San Saba because:

- any theoretical additional water in the stream resulting from such curtailment would either not have reached the location of the users who made the calls in sufficient quantities to be beneficially used; or
- there was still sufficient water in the river to meet the needs of those making the priority calls.

The executive director did suspend water rights in the San Saba River in response to one call in August of 2013.

Over the five-year period, the TCEQ regional offices received and investigated a total of 157 complaints and completed 1,329 investigations related to water rights management in these basins. Most of these were within the San Saba Watershed: 88 of the 157 complaints and 1,142 of the 1,329 investigations. A majority of these resulted in no violations or enforcement actions.

Costs to the Agency

Estimated costs to conduct the investigation activities for Fiscal 2012 through 2016:

Upper Brazos River and **San Jacinto-Brazos Coastal Basins** were $23,854.58 and $3,941.62, respectively.

Colorado River, **Brazos-Colorado** and **Colorado-Lavaca Coastal Basins** were $374,627.50. Of these total costs, $329,754.51 were directly related to managing water rights in the San Saba watershed. The total estimated costs for managing priority calls in the San Saba were an additional $107,947.47.

The cost of the required evaluations for these basins in 2017:

- Office of Water: $163,774.13, which included salary and fringe benefits, postage, and travel
- Office of Legal Services staff time: $277.44
- Office of Compliance and Enforcement: $2,129.08, which included staff time, travel time, and equipment use
- Staff in the TCEQ's Intergovernmental Relations Division participated in the evaluation process, but incurred no cost.

At the commission's agenda meeting on Nov. 1, 2017, TCEQ personnel gave a presentation and made recommendations related to the fiscal 2017 evaluation.

Evaluation Activities in Fiscal 2018

For the **Trinity River**, **San Jacinto River**, **Trinity-San Jacinto Coastal**, and **Neches-Trinity Coastal basins**:

- Updated the webpage explaining the evaluation process, inviting stakeholders in these basins to participate and get automated updates by email.

  (See <www.tceq.texas.gov/permitting/water_rights/wmaster/evaluation>.)

- Mailed initial outreach letters on March 9, 2018 (Figure D-2), to the stakeholders in each area, including all water-right holders, county judges and extension agents, river authorities, agricultural interests, industries, environmental organizations, and other interested parties. Requested comments by June 29, 2018.
- Held five stakeholder meetings in May and June. The manager of the Watermaster Section and TCEQ regional-office representatives were present to deliver information and answer questions. Final stakeholder comments were due on June 29, 2018.

Comments and Evaluation Findings

We received 26 comments from the stakeholders through June 29, 2018. Of those, all but one comment opposed establishing a watermaster program.

The TCEQ evaluated the basins based on the established criteria, and found:

- There were no court orders or active or approved petitions to appoint a watermaster.
- There was no history of threatened water rights or water shortages, other than certain cities being on watering restrictions because of their drought contingency plans.
- The TCEQ did note some complaints and investigations related to water rights from fiscal 2013 through 2017. A combined total of 62 complaints were investigated in these basins.

Costs to the Agency

Estimated costs to conduct these activities in fiscal years 2013 through 2017:

Trinity River Basin, $49,109, **San Jacinto River Basin**, $15,854, **Trinity-San Jacinto Coastal Basin**, $1,346, and **Neches-Trinity Coastal Basin**, $2,543.

The costs to conduct the required evaluations of these basins in 2018:

- Office of Water: $149,989.71, which included salary and fringe benefits, postage, and travel
- Office of Legal Services staff time: $104.04
- Office of Compliance and Enforcement: $252.86, which included staff time, travel time, and equipment use
- Staff from the TCEQ's Intergovernmental Relations Division participated in the evaluation process, but incurred minimal costs.

At the commission's agenda meeting on Aug. 22, 2018, TCEQ personnel gave a presentation and made recommendations related to the fiscal 2018 evaluation.

Executive Director's Recommendation in Fiscal 2017 and 2018

With no court orders or petitions to create a watermaster, and no repeated history of threatened water rights, the executive director recommended that the commission not move forward on its own motion to create a watermaster program in any of the basins reviewed in fiscal 2017 and fiscal 2018.

While the statute requires the agency to evaluate the need for a watermaster in those basins without a watermaster program at least every five years, there is no prohibition against evaluating a basin sooner, as needed. The executive director can review this decision and evaluate additional threats to senior water rights as they occur and consider area stakeholder input.

Since stakeholders will be responsible for paying annual fees to support a new regulatory program, it is important to have their support in articulating the threat and the need to establish such a program.

Figure D-1. Outreach Letters to Stakeholders, FY2017

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 3, 2017

Re: Watermaster Evaluation for the Upper Brazos River, San Jacinto-Brazos Coastal, Brazos-Colorado Coastal, Colorado River, and the Colorado-Lavaca Coastal Basins

Dear Stakeholder:

The Texas Commission on Environmental Quality (TCEQ) is currently evaluating the Upper Brazos River, San Jacinto-Brazos Coastal, Brazos-Colorado Coastal, Colorado River, and the Colorado-Lavaca Coastal Basins to determine whether there is a need to establish a watermaster. A watermaster currently exists in the Brazos Basin downstream of, and including, Possum Kingdom Reservoir. The evaluation of the Brazos Basin is limited to the Upper Brazos Basin upstream of Possum Kingdom. The purpose of this letter is to notify you and to seek written input on the process, which will help the agency to identify information that should be considered during our evaluation.

According to Subsections 11.326(g) and (h) of the Texas Water Code, the Executive Director (ED) must evaluate all river basins at least once every five years 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 will direct the ED to move forward with the recommendation, 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 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 your first opportunity to participate in this process. As part of the evaluation, we plan to mail notifications of stakeholder meetings to all stakeholders within these five basins expected to be held in June. The input received from stakeholders will be discussed at the TCEQ Commissioners' Agenda tentatively scheduled for late summer.

As a stakeholder in these basins, 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 will consider the following criteria when evaluating a basin:

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

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Figure D-1. **Outreach Letters to Stakeholders, FY2017** *cont.*

Re: Watermaster Evaluation

Page 2

March 3, 2017

(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 right holders in the watermaster area. The enclosed fact sheet includes general information about the watermaster programs including the fees associated to a 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.

Please include the following information in your letter:

1. The river or waterbody you are discussing.
2. Your affiliation (for example, a water right holder with a water right permit (including number if known), a domestic and livestock user, an adjacent landowner, an interested party, or environmental organization).

Please send written comments by March 24, 2017 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: Brooke McGregor at (512) 239-2025. In addition, you may sign up to receive email updates at: 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

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

Enclosures

Figure D-1. **Outreach Letters to Stakeholders, FY2017** *cont.*

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 28, 2017

Re: Stakeholder Meetings: Watermaster Evaluation for the Upper Brazos River, San Jacinto-Brazos Coastal, Brazos-Colorado Coastal, Colorado River, and the Colorado-Lavaca Coastal Basins

Dear Stakeholder:

Under Texas Water Code §11.326(g) and (h), the Texas Commission on Environmental Quality (TCEQ) must evaluate river basins without watermasters every five years to determine whether a watermaster should be appointed. In 2017, the TCEQ is evaluating the Upper Brazos River, San Jacinto-Brazos Coastal, Brazos-Colorado Coastal, Colorado River, and the Colorado-Lavaca Coastal Basins. Stakeholder input is an important part of this process and the TCEQ will be taking public comment through **5:00 p.m. on June 30, 2017**.

Stakeholder Meetings
The purpose of this letter is to invite you to attend stakeholder meetings where the TCEQ will provide additional information about this process and take public comment.

6:00 p.m. – May 30, 2017
West Central Texas Council of Governments
Large Conference Room
3702 Loop 322
Abilene, Texas 79602

6:00 p.m. – May 31, 2017
Mallet Event Center
2320 S Hwy. 385
Levelland, Texas 79336 (Lubbock area)

6:00 p.m. – June 1, 2017
Dora Roberts Community Center
Ballroom
100 Whipkey Drive
Big Spring, Texas 79720

6:00 p.m. – June 6, 2017
Concho Valley Council of Governments
Meeting Room
2801 W. Loop 306, Suite A
San Angelo, Texas 76904

6:00 p.m. – June 7, 2017
San Saba High School Cafeteria
104 South 8th Street
San Saba, Texas 76877

6:00 p.m. – June 8, 2017
City of Waco Operations Center
Training Room
1415 N. 4th Street
Waco, Texas 76707

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Figure D-1. **Outreach Letters to Stakeholders, FY2017** *cont.*

Stakeholder Meeting
Page 2
April 28, 2017

6:00 p.m. – June 13, 2017
Boling Community Center
Main Auditorium
6839 County Rd 162
Boling, Texas (lower Colorado basin)

6:00 p.m. – June 14
Brazos Crossing Administrative Building
Lamar CISD Board Room
3911 Ave I
Rosenberg Texas, 77471

6:00 p.m. – June 15, 2017
Hill Country University Center
HEB Community Events Room
2818 E. U.S. Highway 290
Fredericksburg, Texas

Information about the Process
The TCEQ mailed letters on March 3, 2017, to all water right holders, county judges, extension agents, and other interested parties providing information about the process. Information about the process is also available on the TCEQ's website: www.tceq.texas.gov/goto/watermaster.

If you have any questions about the process, you contact myself or staff as follows:

- Amy Settemeyer (512) 239-2588
- Brooke McGregor (512) 239-2025
- Stephen Kinal (512) 239-4010

Additionally, you can sign up to receive email updates at:
https://public.govdelivery.com/accounts/TXTCEQ/subscriber/new>.

Public Comment
The TCEQ will be taking public comment through **5:00 p.m. on June 30, 2017.** Please mail your comments to the Watermaster Section, MC 160, P.O. Box 13087, Austin, Texas 78711-3087 or by email to watermaster@tceq.texas.gov.

Stakeholder input is a very important part of the evaluation process and the TCEQ encourages your participation. Thank you for your participation as we go through this very important process.

Sincerely,

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

Figure D-1. **Outreach Letters to Stakeholders, FY2017** *cont.*

Watermaster Evaluation Fact Sheet - 2017

Background

On May 28, 2011, the Texas Legislature adopted the Texas Commission on Environmental Quality (TCEQ) Sunset legislation, HB 2694, which includes a requirement for the TCEQ to evaluate and issue a report for all river and coastal basins that do not have a watermaster. The report will assess whether or not there is a need to appoint a watermaster and is required at least once for every basin every five years. The TCEQ developed a schedule to consider several basins each year, resulting in the creation of a five-year cycle. The first cycle began in 2012 and was completed in 2016. In that five-year time, all basins that did not have a watermaster program were evaluated. The second cycle will begin this year in 2017, when the TCEQ will evaluate the Upper Brazos River Basin, San Jacinto-Brazos Coastal Basin, Brazos-Colorado Coastal Basin, Colorado River Basin, and the Colorado-Lavaca Coastal Basin.

What is a Watermaster Program?

Watermaster programs operate from field offices within their designated basin(s) and perform the following functions:

- A watermaster continuously monitors streamflows, reservoir levels, and water use within a basin.
- As needed, holders of impoundment rights may notify the watermaster when they plan to release sold water. The watermaster can then monitor usage downstream to ensure that the released water reaches the buyer.
- Before starting their pumps, opening their sluice gates, or starting to divert water in any other way, all water right holders must notify the watermaster and state how much water they plan to divert.
- The watermaster determines whether a diversion will remove water that rightfully belongs to another user and could notify a user with more junior water rights to reduce or stop pumping if needed.
- When streamflows diminish, the watermaster allocates available water among the water right holders according to each user's priority date.
- If a water-right holder does not comply with the water right or with TCEQ rules, the executive director may direct a watermaster to adjust the control works, including pumps, to prevent the owner from diverting, taking, storing, or distributing water until the water right holder complies.

There are currently four watermaster programs in Texas:

- The Rio Grande Watermaster coordinates releases from the Amistad and Falcon reservoir system.
- The South Texas Watermaster serves the Nueces, San Antonio, Guadalupe, and Lavaca river basins, as well as the adjacent coastal basins.
- The Concho Watermaster, currently a division of the South Texas Watermaster, serves the Concho River segment of the Colorado River Basin.
- The Brazos Watermaster, covers Possum Kingdom reservoir and areas downstream of the reservoir in the Brazos River Basin.

Figure D-1. **Outreach Letters to Stakeholders, FY2017** *cont.*

Advantages of a Watermaster Program

In addition to their monitoring of river conditions, TCEQ watermasters can provide valuable services to the water users in the basins they oversee:

- Watermasters can coordinate diversions in the basin, ensuring that all water users get the best overall value from the water available to them.
- With their real-time monitoring of local streamflows, watermasters can quickly identify and stop illegal diversions.
- Watermasters may be able to anticipate a shortage before it reaches the crisis point, thus enabling local users to work together to develop a strategy that will meet the users' most basic needs.
- When disputes arise among water users, the watermaster can often help the users settle the matter, thereby avoiding costly litigation.
- Watermasters can provide valuable technical assistance.
- A watermaster program affords a long-term solution for managing water rights in a river basin.

Program Costs and Fees

According to state law, water-right holders in a watermaster area must pay the costs associated with a watermaster program through an annual fee. Certain domestic and livestock uses are exempted from water rights permitting and any fees associated with the watermaster program.

The total amount assessed per water right holder is comprised of a $50 per account base fee and an annual use fee that is based on the volume of water that may be diverted for each authorized use. The use fee is calculated each year and is based on the proposed operating budget for each watermaster program.

In addition, users will be required to add a meter to their pumps, which may cost $400 or more (depending on the technology of the meter). However, by using a meter, the user might find that he or she had been running the unmetered pumps longer than necessary, which may lead to water savings.

Participating in the Process

We encourage your input in this process. If you are interested in the evaluation of the Upper Brazos River Basin, San Jacinto-Brazos Coastal Basin, Brazos-Colorado Coastal Basin, Colorado River Basin, or the Colorado-Lavaca Coastal Basin or if you have any questions on this process, please contact:

By Letter: Amy Settemeyer, Manager, Watermaster Section (MC-160), P.O. Box 13087, Austin, Texas 78711-3087

By Email: watermaster@tceq.texas.gov

By Phone: Call the Watermaster Program Liaison: Brooke McGregor at (512) 239-2025

Web Site: www.tceq.texas.gov/goto/watermaster

Figure D-2. **Outreach Letters to Stakeholders, FY2018**

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 9, 2018

Re: Watermaster Evaluation for the Trinity River, San Jacinto River, Trinity-San Jacinto Coastal, and Neches-Trinity Coastal Basins

Dear Stakeholder:

The Texas Commission on Environmental Quality (TCEQ) is currently evaluating the Trinity River, San Jacinto River, Trinity-San Jacinto Coastal, and Neches-Trinity Coastal Basins to determine whether a watermaster should be appointed. The purpose of this letter is to notify you and to seek written input on the process, which will help the agency to identify information that should be considered during our evaluation.

According to Subsections 11.326(g) and (h) of the Texas Water Code, the Executive Director (ED) must evaluate all river basins at least once every five years 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 will direct the ED to move forward with the recommendation, 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 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. As part of the evaluation, we plan to mail notifications of stakeholder meetings to all stakeholders within these five basins expected to be held in June. The input received from stakeholders will be discussed at the TCEQ Commissioners' Agenda tentatively scheduled for late summer.

As a stakeholder in these basins, 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 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?

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Figure D-2. **Outreach Letters to Stakeholders, FY2018** *cont.*

Re: Watermaster Evaluation

Page 2

March 9, 2018

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 right holders in the watermaster area. The enclosed fact sheet includes general information about the watermaster programs including the fees associated to a 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.

Please include the following information in your letter:

1. The river or waterbody you are discussing.
2. Your affiliation (for example, a water right holder with a water right permit (including number if known), a domestic and livestock user, an adjacent landowner, an interested party, or environmental organization).

This request for written input is your first opportunity to participate in this process. Comments will be accepted through the end of June. In order to help us plan for our June stakeholder meetings, please any send written comments you have at this time by April 6, 2018. Comments should be sent 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: Brooke McGregor at (512) 239-2025. You may also contact me directly at (512) 239-2588.

In addition, you may sign up to receive email updates at: 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

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

Enclosures

Figure D-2. **Outreach Letters to Stakeholders, FY2018** *cont.*

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Stephanie Bergeron Perdue, *Interim Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 7, 2018

Re: Stakeholder Meetings: Watermaster Evaluation for the Trinity River, San Jacinto River, Trinity-San Jacinto Coastal and the Neches-Trinity Coastal Basins

Dear Stakeholder:

Under Texas Water Code §11.326(g) and (h), the Texas Commission on Environmental Quality (TCEQ) must evaluate river basins without watermasters every five years to determine whether a watermaster should be appointed. In 2018, the TCEQ is evaluating the Trinity River, San Jacinto River, Trinity-San Jacinto Coastal and the Neches-Trinity Coastal Basins. Stakeholder input is an important part of this process and the TCEQ will be taking public comment through **5:00 p.m. on June 29, 2018**.

Stakeholder Meetings

The purpose of this letter is to invite you to attend stakeholder meetings where the TCEQ will provide additional information about this process and take public comment.

6:00 p.m. – June 5, 2018
TCEQ Region 10 Office
3870 Eastex Fwy.
Beaumont, Texas 78710

6:00 p.m. – June 6, 2018
The Conroe Tower
Top of the Tower
300 West Davis St.
Conroe, Texas 77301

6:00 p.m. – June 7, 2018
Houston-Galveston Area Council
2nd Floor - Conference Room A
3555 Timmons Ln.
Houston, Texas 77027

6:00 p.m. – June 12, 2018
Corsicana Public Library
Nancy Roberts Meeting Room
100 North 12th St.
Corsicana, Texas 75110

6:00 p.m. – June 13, 2018
TCEQ Region 4 Office
2309 Gravel Dr.
Fort Worth, Texas 76118

Information about the Process

The TCEQ mailed letters on March 9, 2018, to all water right holders, county judges, extension agents, and other interested parties providing information about the process. Information about the process is also available on the TCEQ's website: www.tceq.texas.gov/goto/watermaster.

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Figure D-2. **Outreach Letters to Stakeholders, FY2018** *cont.*

Stakeholder Meeting
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If you have any questions about the process, you contact myself or staff as follows:

- Amy Settemeyer (512) 239-2588
- Brooke McGregor (512) 239-2025
- Stephen Kinal (512) 239-4010

Additionally, you can sign up to receive email updates at:
https://public.govdelivery.com/accounts/TXTCEQ/subscriber/new>.

Public Comment

The TCEQ will be taking public comment through **5:00 p.m. on June 29, 2018.** Please mail your comments to the Watermaster Section, MC 160, P.O. Box 13087, Austin, Texas 78711-3087 or by email to watermaster@tceq.texas.gov. Thank you for your participation as we go through this very important process.

Sincerely,

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

Figure D-2. **Outreach Letters to Stakeholders, FY2018** *cont.*

Watermaster Evaluation Fact Sheet - 2018

Background

On May 28, 2011, the Texas Legislature adopted the Texas Commission on Environmental Quality (TCEQ) Sunset legislation, HB 2694, which includes a requirement for the TCEQ to evaluate and issue a report for all river and coastal basins that do not have a watermaster. The report will assess whether or not a watermaster should be appointed and is required at least once every five years for every basin. The TCEQ developed a schedule to consider several basins each year, resulting in the creation of a five-year cycle. The first cycle began in 2012 and was completed in 2016. In that five-year time, all basins that did not have a watermaster program were evaluated. The second cycle began in 2017. This year, the TCEQ will evaluate the Trinity River, San Jacinto River, Trinity-San Jacinto Coastal, and Neches-Trinity Coastal Basins.

What is a Watermaster Program?

Watermaster programs operate from field offices within their designated basin(s) and perform the following functions:

- A watermaster continuously monitors streamflows, reservoir levels, and water use within a basin.
- As needed, holders of impoundment rights may notify the watermaster when they plan to release sold water. The watermaster can then monitor usage downstream to ensure that the released water reaches the buyer.
- Before starting their pumps, opening their sluice gates, or starting to divert water in any other way, all water right holders must notify the watermaster and state how much water they plan to divert.
- The watermaster determines whether a diversion will remove water that rightfully belongs to another user and could notify a user with more junior water rights to reduce or stop pumping if needed.
- When streamflows diminish, the watermaster allocates available water among the water right holders according to each user's priority date.
- If a water-right holder does not comply with the water right or with TCEQ rules, the executive director may direct a watermaster to adjust the control works, including pumps, to prevent the owner from diverting, taking, storing, or distributing water until the water right holder complies.

There are currently four watermaster programs in Texas:

- The Rio Grande Watermaster coordinates releases from the Amistad and Falcon reservoir system.
- The South Texas Watermaster serves the Nueces, San Antonio, Guadalupe, and Lavaca river basins, as well as the adjacent coastal basins.
- The Concho Watermaster, currently a division of the South Texas Watermaster, serves the Concho River segment of the Colorado River Basin.
- The Brazos Watermaster, covers Possum Kingdom reservoir and areas downstream of the reservoir in the Brazos River Basin.

Figure D-2. **Outreach Letters to Stakeholders, FY2018** *cont.*

Advantages of a Watermaster Program

In addition to their monitoring of river conditions, TCEQ watermasters can provide valuable services to the water users in the basins they oversee:

- Watermasters can coordinate diversions in the basin, ensuring that all water users get the best overall value from the water available to them.
- With their real-time monitoring of local streamflows, watermasters can quickly identify and stop illegal diversions.
- Watermasters may be able to anticipate a shortage before it reaches the crisis point, thus enabling local users to work together to develop a strategy that will meet the users' most basic needs.
- When disputes arise among water users, the watermaster can often help the users settle the matter, thereby avoiding costly litigation.
- Watermasters can provide valuable technical assistance.
- A watermaster program affords a long-term solution for managing water rights in a river basin.

Program Costs and Fees

According to state law, water-right holders in a watermaster area must pay the costs associated with a watermaster program through an annual fee. Certain domestic and livestock uses are exempted from water rights permitting and any fees associated with the watermaster program.

The total amount assessed per water right holder is comprised of a $50 per account base fee and an annual use fee that is based on the volume of water that may be diverted for each authorized use. The use fee is calculated each year and is based on the proposed operating budget for each watermaster program.

In addition, users will be required to add a meter to their pumps, which may cost $400 or more (depending on the technology of the meter). However, by using a meter, the user might find that he or she had been running the unmetered pumps longer than necessary, which may lead to water savings.

Participating in the Process

We encourage your input in this process. If you are interested in the evaluation of the Trinity River, San Jacinto River, Trinity-San Jacinto Coastal, or Neches-Trinity Coastal Basins or if you have any questions on this process, please contact:

By Letter: Amy Settemeyer, Manager, Watermaster Section (MC-160), P.O. Box 13087, Austin, Texas 78711-3087

By Email: watermaster@tceq.texas.gov

By Phone: Call the Watermaster Program Liaison: Brooke McGregor at (512) 239-2025

Web Site: www.tceq.texas.gov/goto/watermaster