

**South Texas Water Master Advisory Committee**

**Minutes**

**7/8/14**

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The meeting was called to order at 1:30 pm by Chairman Mario Escobar. Everyone introduced themselves.

Steve Raabe moved and Bryan Serold seconded to approve the minutes from the July 10, 2013 meeting. The motion carried.

**Watermaster Program Update.**

Mr. Ramos reported on the number of site visits and investigations completed by Watermaster personnel within the Watermaster area. He also stated the Watermaster program is on target with its performance measures.

Mr. Ramos reported that water rights have been curtailed in the Upper Guadalupe River watershed. There are currently no curtailments in the rest of the South Texas Watermaster area due to recent rain activity. He reported that Lake Corpus Christi filled very rapidly following heavy rain in the Nueces River watershed.

Mr. Ramos reported that a new Watermaster Deputy was hired and is located in the Corpus Christi area. He reported that the South Texas Watermaster is receiving more complaints from persons who are not water right permit holders. He also encouraged water right permit holders to get their diversion declarations in to the Watermaster office in a timely manner.

Amy Settemeyer reported that a new watermaster program is being set up in the Brazos River Basin.

Mr. Ramos reported that the US 5<sup>th</sup> Circuit Court of Appeals ruled in favor of the State and reversed the US District Court ruling in the TAP vs. TCEQ Whooping Crane lawsuit.

**FY 14 Budget**

Cindy Hooper presented the proposed FY15 budget. The FY15 Operating Budget needs totaled \$644,260.56. The assessment necessary based on 97.5% collection rate is \$660,780.06. Ms. Hooper noted that the LAR Capital line item remained the same at \$28,000.00 for the purchase of a new vehicle that was included in the legislative authorization. There was an increase in the Salary line item due to reclassification of the Deputy positions to bring them in line with comparable staff within the TCEQ. The professional services line item saw an increase due to TXWAS database development and maintenance. Training was increased to conform to agency policy. She also reported that the municipal rate is proposed to be \$0.2090 and the irrigation rate is proposed to be \$0.1672.

Chuck Ahrens moved and Kenny Draper seconded to recommend approval of the FY15 Budget as presented. The motion carried.

#### New Members – New Expiration of Terms of Office.

Amy Settemeyer reported that Watermaster advisory committee member's terms expire on August 31<sup>st</sup> of odd number years. This means that the terms of all current members of the South Texas Watermaster Advisory Committee expire on August 31, 2015. Mr. Ramos noted that Texas Water Resources was added to the WAC to represent the oil and gas industry.

It was pointed out that the South Watermaster Advisory Committee bylaws limit any one person's service as chair to two one-year terms. The committee members requested that an agenda item be placed on the next meeting agenda to consider changes to the bylaws particularly with respect to the term limitation for the chair.

#### Next Meeting

The next regular meeting of the committee will be in July 2015.

There being no further business the meeting was adjourned.

**South Texas Water Master Advisory Committee**

**Minutes**

**7/10/13**

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The meeting was called to order at 1:30 pm by Chairman Mario Escobar. Everyone introduced themselves.

Steve Raabe moved and Pat Brzozowski seconded to approve the minutes from the July 11, 2012 meeting. The motion carried.

**Watermaster Program Update.**

Esteban (Steve) Ramos reported that some areas in the Watermaster Area had seen some rains but the critical areas had not. Mr. Ramos presented a table showing the number of site visits by Watermaster personnel in each county within the Watermaster area. He also stated the Watermaster program is on target with its performance measures.

There is a recent deputy vacancy and it is hoped to be filled in the next month or two. The position will be located in San Antonio and will serve the area west of San Antonio.

Mr. Ramos reported that approximately 60 temporary water permits have been issued for mining use in the Guadalupe-San Antonio basin. Watermaster staff has been educating contractors on the need for temporary permits to use surface water for road construction.

In response to a question, Mr. Ramos reported that the proto-type water rights operations model is still under development by a team from the University of Texas.

**FY 14 Budget**

Cindy Hooper presented the proposed FY14 budget. The FY14 Operating Budget needs totaled \$600,648.76. The assessment necessary based on 97.5% collection rate is \$616,050.01. Ms. Hooper noted that the LAR Capital line item increased by \$28,000.00 for the purchase of a new vehicle that was included in the legislative authorization. The Fringe line item was increased by \$12,998.00. Ms. Hooper stated that the Fringe amount is set by the Comptroller's office. She also reported that the municipal rate is proposed to be \$0.1945 and the irrigation rate is proposed to be \$0.1556.

Kenny Draper moved and Pat Brzozowski seconded to recommend approval of the FY14 Budget as presented. The motion carried.

**New Members – New Expiration of Terms of Office.**

Amy Settemeyer reported that Watermaster Advisory Committee members' terms expire on August 31<sup>st</sup> of odd number years. This means that the terms of all members of the South Texas Watermaster Advisory Committee expire on August 31, 2013. Mr. Ramos will send an email to the existing members to poll them on their willingness to continue serving. Mr. Ramos indicated that Con Mims with the Nueces River Authority expressed an interest in serving on the committee and that there is interest from the mining water use area also. Ms. Settemeyer reminded the committee that appointments to the committee are made by the TCEQ Executive Director.

**Updates to TCEQ Enforcement Initiation Criteria**

Amy Settemeyer reported that the TCEQ Commissioners requested input on proposed revisions to the Enforcement Initiation Criteria. A draft will be circulated to the committee for comments. The TCEQ hopes to begin revising the criteria either by the start of FY 14 or the start of calendar year 2014.

#### Performance Measures

Amy Settemeyer reported on the performance measures for the South Texas Watermaster Program. She indicated the performance measures are set by the Texas Legislature. The South Texas Watermaster Program is responsible for 8,000 diversion site investigations. The Watermaster must report the status to the legislature and explain variances from the performance measures.

#### Next Meeting

The next regular meeting of the committee will be in July 2014 but it possibly could meet sooner if it wanted to convene to discuss comments to the proposed Enforcement Initiation Criteria.

There being no further business the meeting was adjourned.

## South Texas Water Master Advisory Committee

### Minutes

7/11/12

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Esteban (Steve) Ramos, South Texas Water Master, welcomed the members and guests.

The meeting was called to order at 1:30 pm by Chairman Mario Escobar. A quorum of the committee was present. Everyone introduced themselves.

Steve Raabe moved and Pat Brzozowski seconded to approve the minutes from July 18, 2011 meeting. The motion carried.

#### Watermaster Program Overview and Update

Steve Ramos presented an overview of the watermaster program. The watermaster programs have moved from the office of Compliance and Enforcement to the Office of Water, Water Availability Division under Kellye Rila, and new Watermaster Manager, John Gillen. Mr. Ramos introduced the new staff members of the South Texas Watermaster Program.

Mr. Ramos reported on the activities of the watermaster staff including notices of violation, complaint investigations and site visits. 2011 was the driest one-year drought on record.

The TCEQ provided the watermaster with a Mickey Leland intern to assist in administration of the program. The TXWAS information database implementation is continuing. Trained two new deputies.

#### Budget

Cindy Hooper, Watermaster Liaison, presented the proposed FY13 budget. The FY13 Operating Budget needs totaled \$557,905.87. The assessment necessary based on 97.5% collection rate is \$572,211.15. The watermaster program is self-funded and water rights are assessed a fee to fund the program which includes a \$50 base fee plus a per acre foot fee based on type of water use. Ms. Hooper explained that the FY13 budget is decreasing from the FY12 budget. The decrease is primarily due to salary savings due to replacing retired employees with new staff. Ms. Hooper explained that in prior years the liaisons had other duties in the agency other than support of the watermaster program; however, starting in the FY13 budget they will now exclusively support the watermaster program. The South Texas Watermaster Program will be assessed for one liaison. The next biggest line item increase was in fuel due to rising fuel costs. The committee expressed appreciation for the staff's efforts in controlling costs but emphasized the desire to have appropriate and sufficient equipment for the program to execute their jobs. In response to a question from the committee, Mr. Ramos explained that the program has specific performance measures that are set by the Legislative Budget Board.

Kellye Rila reported that a proto-type water rights operation model is being developed for the Guadalupe basin using TCEQ and outside (Microsoft) funding. The model will be GIS based. If the development is successful then it will be applied to other basins.

Bryan Serold moved and Kenny Draper seconded to recommend approval of the FY13 Budget as presented. The motion carried.

## New Business

Pat Brzozowski asked if the watermaster program has any education programs to educate the public and water right holders on the legal use of state water. Ms. Rila stated that the agency receives more requests for information during drought periods. She also stated that the agency has conducted a series of drought workshops which included significant information on water rights. The agency issues press releases. The recent agency effort in assessing the need for a watermaster in other areas of the state was a great opportunity to educate on water rights. Ms. Rila stated that they would be happy to hold any educational meetings if requested.

There being no further business the meeting was adjourned.

## South Texas Water Master Advisory Committee Minutes

7/18/11

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Ramiro Garcia, Area Director, welcomed the members and guests.

The meeting was called to order at 1:30 pm by Chairman Mario Escobar. Everyone introduced themselves.

Steve Raabe moved and Pat Brzozowski seconded to approve the minutes from July 20, 2010 meeting. The motion carried.

### Watermaster Program Overview and Update.

Ramiro Garcia reported that the South Texas Water master Program had three personnel vacancies: the South Texas Watermaster and two deputies. Mr. Garcia stated that the posting of the South Texas Watermaster position closes today.

Mr. Garcia reported that TCEQ is acting on eight priority calls throughout the state. He noted the proliferation of oil and gas well exploration. He stated that temporary permits are not sufficient to supply fracing demand and are not reliable enough. No temporary permits are being issued currently.

Mr. Garcia reported the Watermaster Program had been using an older database to track permits. The program is now using a new "Cold Fusion" program that is web-based and is working well. The maintenance of this program is now a line item in the watermaster budget.

Mr. Garcia reported the TCEQ sunset bill requires a review of non-watermaster areas every five years and the TCEQ is currently reviewing the Brazos basin.

### New Members – New Expiration of Terms of Office.

Watermaster advisory committee member's terms expire on August 31<sup>st</sup> of odd number years. This means that the terms of all members of the South Texas Watermaster Advisory Committee expire on August 31, 2011. The current members expressed their preference for service on the committee:

Wesley Hamfft resigned and recommended Ian Taylor to replace him. The San Antonio Water System wants to continue to be on the committee but may change who they would like to serve.

All other remaining members expressed a desire to continue to serve. Bryan Serold noted that Kenny Draper with Coletto Creek Power was recommended to be a new member. Amy Settemeyer asked Mr. Draper to re-send his resume so she can submit it to the Executive Director. There are two vacancies: one municipality and one industry

Wesley Hamfft assumed the chairmanship temporarily to preside over officer elections. The officers elected were: Chairman Mario Escobar, Vice-chair Ann Kercheville and Secretary Steve Raabe.

## Budget

Amy Settemeyer presented the proposed FY12 budget. The FY12 Operating Budget needs totaled \$580,540.43. The assessment necessary based on 97% collection rate is \$598,494.00. Ms. Settemeyer noted that the Professional/Technical Services line item increased by \$75,360.00 for the database maintenance. The Fringe line item was reduced by \$40,550.00. In response to a question as to why the decrease, Ms. Settemeyer responded that the Fringe amount is set by the Comptroller's office. She also reported that the South Texas Watermaster Program received two new vehicles from TCEQ at no cost to the program.

Bryan Serold moved and Frank Granieri seconded to recommend approval of the FY12 Budget as presented. The motion carried.

## New Business

Pat Brzozowski asked for a report noting when deputies visit each basin, temporary permits issued and notices of violations.

Steve Raabe asked if the South Texas Watermaster is planning for the implementation of the SB3 environmental flow standards. It was reported that Kellye Rilea will be leading an internal work group to address this.

There being no further business the meeting was adjourned.

**South Texas Watermaster Advisory Committee Minutes**  
**July 20, 2010**

**Members present:**

Charles Ahrens  
Stuart Barron  
Patrick Brzozowski  
Mario Escobar  
Wesley Hamff  
Ann Kercheville  
Richard Ocker  
Steve Raabe  
Bryan Serold

**Members not attending:**

Gustavo Gonzales  
Frank Granieri  
Lynn Short

**TCEQ Staff in attendance:** Cesar Alvarado, Albert Garces, Ramiro Garcia, Tracy Miller, Amy Settemeyer

**Others attending:** Doug?, Philip Richard, Ian Taylor, James Lee Murphy

Interim Watermaster, Ramiro Garcia, Jr., welcomed the members and guests. He introduced TCEQ staff in attendance.

The meeting was called to order at 1:32 p.m. by Chair, Mario Escobar. Members and guests introduced themselves.

The minutes from 2009 meeting were reviewed and approved.

Ramiro Garcia, Jr. provided a program update. He indicated that the hope was to have a new watermaster in place by October or November.

**Discussion of Budget:**

Tracy Miller asked if there were any questions on the budget.

WAC members wanted to know if the new watermaster will require additional training. It was explained that the training is expected to be mostly "on-the-job" training, but that yes, there would be training available for the new watermaster.

A question was raised regarding how many vehicles the program has and how old each of them is. A request was made for a schedule of vehicle replacement. Additionally, WAC members would like to see a line item of the Facilities, Furniture, and Equipment budget category to show what vehicle expenses are being made each year. There is an overall concern that vehicles be maintained

and replaced, if necessary, on an appropriate schedule to provide reliable vehicles for the deputies to perform their necessary duties.

A final question was raised as to whom Committee comments reach. It was explained that the TCEQ staff listens to the WAC members' comments and concerns and addresses them as best they can, and still maintain an operating budget to sustain the program. Staff then present the assessment orders to the commission and provide Committee support or concern in the backup materials.

A motion was made and seconded to approve the budget. The budget was approved.

**New business:**

Steve Raabe mentioned that he was at the Bay & Basin Area Environmental Flows meeting in June. He commended Albert on the presentation that was given. A discussion on Domestic and Livestock (D&L) users followed. Members asked if the Watermaster has any authority to keep a list of the exempt D&Ls. It was also asked if TCEQ has the authority to seek the D&L users out and require the D&Ls to register with the Watermaster. TCEQ staff explained that under statute the agency does not have the authority to require D&Ls to register with the Watermaster office but staff indicated that it would be researched to see if it was plausible to attempt to keep track of the D&L users when they are located.

**Discussion of Members:**

Wesley Hamff will be retiring soon and will recommend replacement for WAC Committee. This will likely be his replacement at New Braunfels Utilities, Ian Taylor.

A discussion of the vacant positions was held. Currently, there are 3 vacant positions. Bryan Serold stated he would contact Kenny Draper who was mentioned as a possible replacement for the CP & L position. A decision was made that the Watermaster program would send a letter to solicit nominations for the vacancies.

Members decided to keep Mario Escobar as the Chair and Steve Raabe as the Secretary. Patrick Brzozowski will be the new Vice Chair.

The meeting adjourned at 2:36 p.m.

**South Texas Water Master Advisory Committee**

**Minutes**

**7/22/09**

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Watermaster, Al Segovia was not able to attend the meeting due to illness. Tracy Miller welcomed the members and guests.

The meeting was called to order at 11:05 p.m. by Chair, Mario Escobar.

Watermaster Deputy, Albert Garces updated the Committee and guests about the extreme drought conditions in South Texas, the Upper Guadalupe and Medina Rivers. All temporary permits in the Hill Country are cut off and temporary permits in other areas of the South Texas Watermaster jurisdiction are being evaluated on a case-by-case basis. Some junior water rights are either suspended or curtailed from diversion.

It was moved and seconded to approve the minutes from July 2, 2008. The motion carried.

New Members – New Expiration of Terms of Office.

Senate Bill 3 revised the Texas Water code to specify that watermaster advisory committee member's terms expire on August 31<sup>st</sup> of odd number years. This means that the terms of all members of the South Texas Watermaster Advisory Committee expire on August 31, 2009.

Mario Escobar was re-elected as Chair of the WAC. The current WAC Members agreed to serve on the WAC for another two year term. Absent WAC members will be contacted to confirm their participation on the committee. Current members will receive letters from Austin confirming their additional term. New terms will expire August 31, 2011.

Stuart Barron suggested the committee meeting more than once a year due to the current drought. Chuck Ahrens agreed to additional meetings.

Budget

Tracy Miller asked if anyone had questions about the FY 2010 budget. She also mentioned that being it being a bienium year STWM funds can be carried forward to 2011.

Tracy Miller presented the proposed FY10 budget. The FY10 Operating Budget needs totaled \$544,027.60. The assessment necessary based on 97% collection rate is \$560,853.00.

Chuck Ahrens asked Tracy about the reduction in the proposed salary budget and she stated that the reduction was due to the program no longer paying for the full time staff person working on database program development.

Chuck Ahrens also asked if the STWM program was adequately staffed to which Tracy answered that staffing levels at TCEQ are "capped" by the legislature and no further staff could be added at this time.

The topic about sending Rio Grande Watermaster staff to assist with STWM staff was mentioned. Tracy Miller replied that if Rio Grande staff were able to assist with STWM program, all travel funds would be paid by Central office and not the STWM program.

Tracy touched on Rider 33. Rider allows excess Watermaster funds received to be requested from Comptroller for use by the program. Additional back fees collected may be placed back into budget to cover additional budget needs.

Stuart Barron asked if Al Segovia would be able to operate the program sufficiently with the reduced level of spending proposed. Tracy Miller said that costs were calculated very carefully and that although the anticipated expenditures are minimal, there is confidence that the program will not suffer from the reduced costs.

Wesley Hamff asked about previous fund balances. Tracy explained about fund balance and that attempts to receive those funds have been unsuccessful. Although there were lobbying efforts this year from the CRWAC, the legislature did not release funds from Fund 158 which is usable by the state to cover deficits in the state budget.

Lynn Short moved and Charles Ahrens seconded to recommend approval of the FY10udget. The motioned carried.

#### New Business

Chuck Ahrens mentioned that he may not remain on the Committee but that SAWS wished to remain represented and would provide a replacement for SAWS.

Stuart Barron recommended a motion for WAC to meet on September 22, 2009 to discuss drought issues. No quorum required.

Meeting adjourned at 11:33 pm. Wesley Hamff motioned and Frank Granieri seconded motion. Motion carried.

**South Texas Water Master Advisory Committee**

**Minutes**

**7/2/08**

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Al Segovia welcomed the members and guests. Mr. Segovia stated due to the extreme drought conditions in south Texas, the Upper Guadalupe and Medina Rivers are critical areas. All temporary permits in the Hill Country are cut off and temporary permits in other areas of the South Texas Watermaster jurisdiction are being evaluated on a case-by-case basis.

The meeting was called to order at 1:43 pm by Chairman Mario Escobar.

Wesley Hamff moved and Steve Raabe seconded to approve the minutes from June 12, 2007 meeting. The motion carried.

New Members – New Expiration of Terms of Office.

Senate Bill 3 revised the Texas Water code to specify that watermaster advisory committee member's terms expire on August 31<sup>st</sup> of odd number years. This means that the terms of all members of the South Texas Watermaster Advisory Committee expire on August 31, 2009.

New members were introduced as follows: Stuart Barron – City of Kerrville, Jim Murphy – Guadalupe-Blanco River Authority and Gustavo Gonzales – City of Corpus Christi.

Budget

Al Segovia and Tracy Miller presented the proposed FY09 budget. The FY09 Operating Budget needs totaled \$571,626.41. The assessment necessary based on 97% collection rate is \$589,305.00.

Lynn Short moved and Charles Ahrens seconded to recommend approval of the FY09 Budget. The motion carried.

New Business

A.J. Jones, non-voting member from Concho River Watermaster Advisory Committee, offered to contact key legislators and elected officials in an effort to resolve the inability to carryover unexpended watermaster funds between bieniums.

Steve Raabe moved and Lynn Short seconded to support A.J. Jones in contacting legislators and other elected officials regarding the inability to carryover unexpended watermaster funds between bieniums. The motion carried.

Meeting adjourned at 2:23 pm.

**South Texas Water Master Advisory Committee**

**Minutes**

**6/12/07**

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Al Segovia welcomed the members and guests.

The meeting was called to order at 1:34 pm by Lynn Short.

Minutes from last meeting were not available.

Nominations were solicited for officers.

Fred Blumberg moved and Chuck Ahrens seconded to elect:

Mario Escobar - Chair

Wesley Hamff - Vice Chair

Steve Raabe - Secretary

Motion passed unanimously.

Re-elect members with expiring terms.

Wesley Hamff moved and Lynn Short seconded to recommend re-election of the following members:

Fred Blumberg, Steve Raabe, Ann Kercheville, Chuck

Ahrens, Frank Granieri

Motion carried.

Discussion of Possible New Members.

Fred Blumberg will retire in July 2007. GBRA will recommend his replacement. Potential candidates for vacancies were discussed. When commitments to serve have been acquired, they will be presented for recommendation at the next South Texas Water Master Advisory Committee meeting.

Presentation on Water Right Enforcement.

Al Segovia gave a presentation on Water Right Enforcement.

Budget

Al Segovia and Tracy Callen presented the proposed FY08 budget. The FY08 Operating Budget needs totaled \$525,268.27. The assessment necessary based on 98% collection rate is \$535,988.00.

Fred Blumberg moved and Wesley Hamff seconded to recommend approval of the FY08 Budget.

Discussion of New Deputy in Lavaca Area

Patrick Brzozowski, Lavaca-Navidad River Authority requested an additional deputy to serve the most eastern section of the water master area. No action was taken on the request.

Meeting adjourned @ 3:18 pm.

## **SOUTH TEXAS WATERMASTER ADVISORY COMMITTEE MEETING**

**June 14, 2002**

### **Meeting Minutes**

**The South Texas Watermaster Committee met at 1:30 p.m. at the offices of the TNRCC Region 13, San Antonio.**

**Chairman Fred Blumberg called the meeting to order and took roll call. The following members were present: Fred Blumberg, Eduardo Garaña, Jack Nelson, Herb Mueller, Richard Ocker, Jim Brown, Steve Raabe, Pete Anaya, and Wesley Hamff.**

**Chair, Fred Blumberg announced that there was a quorum present. He then called for a motion to approve the minutes from the October 25, 2001 meeting. Motion to accept was made by Jim Brown and seconded by Wesley Hamff. Herb Mueller requested that the minutes be amended to correct the name of Roy Penshorn. The minutes were then unanimously approved and accepted as amended, (with the exception of Mr. Pete Anaya who was not present at the time the vote was cast).**

**Watermaster, Al Segovia then announced that a member of the committee, Mr. Hector Herrera, had passed away in January.**

**Mr. Jim McFarland of the TNRCC then gave a presentation on the new computer database that will replace the current Watermaster Focus program. The new system will include a table to display special conditions contained in a permit and will allow changes to be made more easily to the data. The implementation of the new database is an ongoing project that should be complete within the next 12 months.**

**Ms. Pat Hooper of the TNRCC then gave a presentation on the Watermaster fund balances and how they are processed by the TNRCC as a result of a legislative mandate. She also spoke of possible legislative action requests and interpretations of Article 6, Rider 16 of the State Appropriations Act.**

**This presentation was followed by a discussion on clarifying the definition of a “fund balance”. The TNRCC is interpreting the act to say that unexpended fund balances must be spent by the end of the following year, and that the Watermaster program cannot access its existing balances. In summary, this interpretation results in the money previously paid by the water rights holders not being available as a source of income for the program. This then drives the rates required *to* generate enough revenue to meet the expenses of the**

program to a higher level than they should be.

This discussion was followed by a discussion about meeting with the Rio Grande Watermaster Advisory Committee as they do not agree with the TNRCC's interpretation of this portion of the Act. Mr. Jack Nelson stated that there is a need to get an Attorney General's ruling on the interpretation of the legislative intent on the rewrite of Rider 16. A discussion then followed regarding whether budget approval was really within the scope of the committee or if the committee was only supposed to be concerned with approving the assessments.

Watermaster, Al Segovia then gave a presentation on the 2003 proposed budget. Al Segovia and Richard Garcia explained the workings of the TNRCC. Jim Brown expressed his frustrations over how the budget is prepared. Questions were raised by Steve Raabe as to what happens to interest that is accumulated in the Watermaster account and the administrative charge that is included in the budget. Ed Garaña stated that he would like for the budget presentation to show the past two years of actual expenditures so that the committee could have something with which to compare the current budget proposal to. Fred Blumberg asked about the rate effects of reducing the budget by \$204,426.00.

Ms. Tracy Callen of the TNRCC then presented an explanation of the STWM portion of the appropriations bill.

A motion was then made by Jack Nelson to request an attorney General's opinion on the legislative intent on the use of the unexpended fund balance in the Watermaster operation budget. This motion was seconded by Jim Brown and was passed with a unanimous vote.

A motion was then made by Jack Nelson to have the Watermaster re-calculate the assessment based upon the inclusion of the \$204,426.00 fund balance for Fiscal Year 2001 and with the estimated \$18,859.00 fund balance for Fiscal Year 2002 as revenue sources and to adopt a budget proposal of \$518,574.00. This motion was seconded by Jim Brown and was passed unanimously by all of the members present.

A motion was then made by Jim Brown to authorize the Chair of the committee to draft and send a letter to the Executive Director in regard to the utilization of the fund balances as passed by the previous vote. This motion was then seconded by Steve Raabe. In the discussion that followed, the motion was amended so that the letter to the Executive Director should request that the fund balances be included as sources of income for the program. If the Executive Director did not feel that he could do that, the Executive Director should request an Attorney General's opinion on the Appropriations bill. This letter is also to include language from the Watermaster Committee: (a) strongly supporting the Watermaster program; (b) concurring with the work plan and a budget of \$518,574.00; and (c) expressing the strong feeling that failing to use the fund balances as sources of income amounts to requiring all water rights holders to pay twice for services provided by the program. This issue was then called to a vote and the motion was unanimously approved as amended.

**A motion was then made by Jack Nelson and seconded by Wesley Hamff to recommend to the Executive Director that he fill the position recently vacated by the late Mr. Hector Herrera with Mr. Mario Escobar. This motion was unanimously approved.**

**A motion was then made by Fred Blumberg to send the Executive Director biographies on three candidates. This motion was seconded by Steve Raabe and was approved unanimously.**

**Wesley Hamff moved to adjourn. It was seconded by Pete Anaya and passed unanimously.**

**The meeting was adjourned at 4:15 p.m. on June 14, 2002.**

**Duly approved at a meeting of the South Texas Watermaster Advisory Committee this 6<sup>th</sup> day of March, 2003.**

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**Fred Blumberg, Chair**

**Attest:**

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**Lynn Short, Secretary**

## **SOUTH TEXAS WATERMASTER ADVISORY COMMITTEE MEETING**

October 25, 2001

### **Meeting Minutes**

The South Texas Watermaster Committee met at 1:30 p.m. at the offices of the TNRCC Region 13, San Antonio.

Chairman Fred Blumberg called the meeting to order and took roll call. The following members were present: Fred Blumberg, Lynn Short, Hector Herrera, Jim Brown, Jack Nelson, Wesley C. Hamff, Eduardo Garaña, Hugh Charlton, Ken Whitewood, Herb Mueller, and Steve Raabe.

South Texas Watermaster, Al Segovia announced that the Regional Director, Richard Garcia, sent his apologies for being unable to attend the meeting.

Chair, Fred Blumberg announced that there was a quorum present. He then called for a motion to approve the minutes from the June 28, 2001 meeting. No changes were recommended. The minutes were approved and accepted.

Al Segovia then introduced Michael Hartman, Deputy from Stockdale, who gave a short presentation on the roles and responsibilities of the Field Operations staff. Michael introduced Connie Taylor, Deputy from Bandera; Rob White, Deputy from San Antonio; John Hoyton, Deputy from Uvalde; and Albert Garces, Senior Deputy from Beeville. Michael explained that he and the other deputies were responsible for conducting approximately 10,000 site inspections per year. This equates to approximately 168 site inspections per month per deputy. He explained that the deputies use a Doppler meter to check the permittee's meters and to gauge streamflow. He said they also set staff gauges for the permittees. He further explained that the deputies also respond to a large number of complaints each year. He explained that this was a time consuming process because the deputy first had to conduct an initial investigation and gather data regarding the complaint. They then bring the data to the office and compare it to existing records to determine if there was a violation. A complaint report was then prepared that included pictures and a sketch of the site. This report was then sent to the Austin office and copied to each of the parties involved. Michael said that another function of the deputies was to advise Pat Guzman about current streamflows so that the Watermaster can make a determination about whether to approve or disallow temporary permits which are administered directly from the Watermaster's office.

Al Segovia then gave a brief update on the proposed San Angelo – Concho River program. He said that there had been some problems regarding assessments for Riparian or Domestic and Livestock rights. As a result of this controversy, the hearing regarding the formation of this new program area has been delayed until December.

Jim Brown commented that he believes that Domestic and Livestock (D&L) use is on the agenda for the next legislative session.

Al Segovia then introduced Pat Guzman, Assistant Watermaster. Al explained that Pat was his Program Administrator. Pat then introduced her Office Assistant, Caesar Alvarado. She explained that Caesar and herself receive and report the Declarations of Intent to Pump. They then enter them into the database. She said they also record meter readings, send out the assessments, produce an end of the year report, do the purchasing for the program, work on the budget, work on special projects, answer rightholders' questions, and assist the deputies.

Al Segovia then introduced Pat Hooper, Liaison with the Field Operations Division of the TNRCC. Pat distributed a guidance document and discussed a new law affecting advisory committees. She stated that the Watermaster Advisory Committee appeared to be in compliance with the new law except that we needed to post our agenda and minutes on the TNRCC's website.

Fred Blumberg stated that an actual copy of the new law should be made available to the Committee in case a question regarding this matter arises in the future.

Fred Blumberg then asked for an update regarding current and proposed training for the Watermaster staff. Al Segovia responded to this request by providing a brief discussion of the Programs Professional Development Plan. He also discussed proposed software training and special seminars for his staff if funding is available in the budget. He said he would also like to provide special training on Dam Safety and Water Quality Sampling for his staff.

Fred Blumberg said that he was concerned about increasing the workload of the deputies by getting them involved with water quality sampling. Al Segovia responded by saying that he thought his staff could help with this sampling without jeopardizing their main responsibilities if they did so on an emergency call-out basis only.

Jim Brown asked if that would create a redundancy with the Clean Rivers Program. Fred Blumberg responded that he didn't think it would because the deputies would not be out there doing the sampling all of the time.

Ed Garaña stated that he had some concern about the Watermaster staff conducting dam inspections because of the liability associated with assessing dam safety. He commented that it also seemed as though the TNRCC's Dam Safety Division was getting smaller and smaller. He stated that he was concerned that the State was trying to shift this responsibility to the Watermaster Program. Pat Hooper responded that the intent of the idea was for the deputies to simply provide information to the Dam Safety Division concerning the general condition of some of the dams in their jurisdiction, not to actually conduct the inspection. Fred Blumberg countered that he wants to make sure that the rightholders are getting what they pay for.

Fred Blumberg added that he would like to see the deputies get more training on understanding the Texas Water Code and on the rules and regulations. He commented that this was important because during complaint investigations the Watermaster staff was often called upon to interpret the law. Al Segovia announced that he was trying to get some attorneys down to provide this training. He agreed that water law was difficult to interpret. He stated that he tries to keep his deputies from having to make decisions regarding the law in the field. He says he prefers for them to gather the data and bring it back to the office for review.

Al Segovia then discussed the WAM (Water Availability Model) and the new "Water Rights Integrated Database". He said that traditionally the Watermaster kept their data in the Focus database and that the rest of the agency used other applications for this purpose. With the

integrated database, he explained that each division will have access to the same data. He explained that the agency is currently downloading information from the Watermaster's database for inclusion in the new integrated database.

Fred Blumberg asked that at the next meeting, maybe we could have somebody present to discuss the status of this project with the committee.

Fred Blumberg then asked for a report on the fund balance issue that was brought up in a letter drafted by Jim Brown. Al introduced Becky O'Brien with the Budgeting and Planning Division of the TNRCC. Ms. O'Brien then attempted to address the individual points brought forward in Jim Brown's letter. Following this discussion, Jim Brown asked for a letter of response to his original letter.

Fred Blumberg then announced that Robert Saenz of Alice, Texas had announced his resignation from the Watermaster Advisory Committee. He also announced that Mr. Richard Ocker of Corpus Christi, Texas had not been active on the Committee for some time and might need to be replaced. Fred Blumberg also stated that the Committee had never made a recommendation to the Executive Director concerning a replacement for John Wester, who was a previous representative from Central Power & Light Company in Victoria.

Jim Brown commented that the list of appointments needs to be updated.

Fred Blumberg recommended that Mr. Saenz be replaced by Pete Anaya, City Manager of Alice, Texas and that Mario Escobar of Uvalde, Texas replace Mr. Ocker.

Hugh Charlton called for a point of order at that time. He pointed out that Mr. Escobar was not on the posted agenda and, therefore, could not be considered at this meeting.

Connie Taylor, a deputy from Bandera asked the Committee why none of the appointees were female. Fred Blumberg answered that the Committee just made recommendations to the Executive Director and that if someone brought forward the name of a female water right holder willing to serve on the Committee, that the Committee would certainly consider her.

Pete Anaya was then introduced and presented a brief biography of himself for the Committee to consider.

Jack Nelson then made a motion to recommend Pete Anaya to replace Robert Saenz. Hector Herrera seconded. The motion was voted on and passed unanimously.

Pat Hooper announced that Mr. Ocker had recently been re-appointed until 2003, therefore, should not be replaced.

Fred Blumberg announced that the Committee needed to decide on whether or not to fill the vacancy that was created when John Wester resigned.

Hugh Charlton asked if the proposed San Angelo program could affect the appointments. Fred Blumberg said it could. Al Segovia added that it might also affect the assessments.

Fred Blumberg asked if there were any additional items that to be considered for the next agenda.

Jack Nelson asked that we keep the fund balance issue on the agenda.

Al Segovia asked if there were any comments from the audience.

Roy Penshorn, an irrigation rights holder from Blanco County asked for clarification about the meter that must be installed at the diversion point. Al Segovia answered that it must be a meter that measures accurately within a plus or minus 5% range and that it must have a non-resettable totalizer on it.

David Moor asked about an 82 – 92 acre-feet / mile of river D&L right for river front owners. He said that David Curtis of the Fish & Game Department told him that was an old Federal Fish and Game policy. Al Segovia said he would check on this.

Fred Blumberg asked if there was any more business to consider. There being none, Jim Brown moved to adjourn. It was seconded by Hector Herrera and passed unanimously.

Duly approved at a meeting of the South Texas Watermaster Advisory Committee this\_13th\_day of\_June, 2002.

\_\_S/ Fred Blumberg\_  
Fred Blumberg, Chair

Attest:

\_ S/ Lynn Short\_\_\_\_  
Lynn Short, Secretary

## **SOUTH TEXAS WATERMASTER ADVISORY COMMITTEE MEETING**

June 28, 2001

### **Meeting Minutes**

The South Texas Watermaster Committee met at 1:30 p.m. at the offices of the TNRCC Region 13, San Antonio.

Chairman Fred Blumberg called the meeting to order and took roll call. The following members, substitutes and guests were present: Fred Blumberg, Lynn Short, Hector Herrera, Jim Brown, Pat Brzozowski, Wesley C. Hamff, Robert Saenz, James Blair, Greg Carter, and Herb Mueller. Pat Hooper was present to represent TNRCC-Austin. Watermaster staff present were Al Segovia and Pat Guzman.

South Texas Watermaster, Al Segovia announced that the Regional Director, Richard Garcia, sent his apologies for being unable to attend the meeting.

Al Segovia distributed copies of the FY 2002 Proposed Budget. Watermaster staff provided an overview of the budget and answered questions.

The proposed FY 2002 budget totaled \$422,344.00, which included no indirect charges by TNRCC this year, represents an \$84,415.00 reduction from the projected FY 2001 operating budget.

With a projected fund balance of \$122,218.00 carried forward from FY 2001, assessment collections of \$450,126.00 will be required to fund the proposed budget and provide a \$150,000.00 fund balance for FY 2003.

The attached is the proposed FY 2002 operating budget.

# SOUTH TEXAS WATERMASTER FY 2002 PROPOSED BUDGET

June 2001

	Projected 2001 Budget	Actual 2001 Expenses	Projected 2002 Budget
Salaries - Base(08 Staff)	\$258,648	\$258,648	\$268,994
Salaries - Longevity	\$2,160	\$2,160	\$2,580
Salaries - Merits/Promotions	\$6,401	\$4,967	\$6,748
Fringe (Estimated at 22% of base salaries)	\$56,903	\$56,903	\$59,179
Professional Services	\$0	\$0	\$0
Temporary Services	\$10,175	\$3,000	\$4,425
Travel In-State	\$5,550	\$3,404	\$4,005
Training	\$2,860	\$2,550	\$2,480
Rent	\$36,600	\$24,427	\$33,050
Postage	\$4,300	\$4,300	\$4,300
Telephone & Utilites	\$13,500	\$10,046	\$10,500
Supplies	\$17,510	\$19,983	\$20,000
Maintenance & Repairs	\$9,000	\$5,281	\$5,000
Capital	\$36,000	\$31,000	\$0
Other	\$1,083	\$1,083	\$1,083
<b>TOTAL OPERATING BUDGET</b>	<b>\$460,690</b>	<b>\$427,752</b>	<b>\$422,344</b>
Indirect Budget (10% of Total Operating Budget)	\$46,069	\$42,775	\$0
<b>TOTAL BUDGET</b>	<b>\$506,759</b>	<b>\$470,527</b>	<b>\$422,344</b>
<b>STWM FUND 1580</b>			
	FY 2001	FY2001	FY2002
Est Beginning Fund Balance(Carry Over) 2001	\$110,381	\$144,282	\$122,218
Est Assessment Collections	\$468,632	\$448,464	\$450,126
<b>TOTAL</b>	<b>\$579,013</b>	<b>\$592,746</b>	<b>\$572,344</b>
Est STWM Expenses	\$506,759	\$470,527	\$422,344
Est Fund Balance (Carry Over)	\$72,254	\$122,218	\$150,000

\*\*\*\* 98% of \$459,312 needed  
to collect \$450,126 assessment \*\*\*\*

- \* Two vehicles will be bought and paid for by the agency (not Watermaster ) in FY '01 from Agency funds.
- \* One vehicle will be purchased from Fiscal year '01 from Watermaster funds
- \* These vehicles are replacing high mileage vehicles
- \* 10% administrative charge will not be charged for Fy '02
- \* Salaries have been increased by 4% with Fringe as per legislative pay increase
- \* Merits and Promotions are provided for but may not be used depending on TNRCC limitations

\*\*\* RATES REDUCTION FROM .154721 TO .144500

Using a 98% collection rate, the total assessments for FY 2002 will need to be \$459, 312.00. This assessment value will result in a base rate reduction from \$0.154721 to \$0.144500.

The attached are the proposed FY 2000 South Texas Watermaster assessment rates.

### **SOUTH TEXAS WATERMASTER 2002 ASSESSMENT RATES**

BASE RATE	-	.144500
MUNICIPAL RATE	-	.144500
INDUSTRIAL	-	.144500
IRRIGATION	-	.115600
MINING	-	.144500
HYDRO/NPR	-	.007200
HYDRO/PR	-	.028900
RECREATION	-	.144500
RECHARGE	-	.072300
SECONDARY	-	.072300
SALTWATER	-	.007200
SPREADER DAMS	-	.057800
DOM./LIVESTOCK	-	.144500
STORAGE	-	.057800
NON-CONSUMP.	-	.028900

Jim Brown asked about the fund balance and questioned where the interest accrual on this balance was credited. Mr. Brown suggested that the committee pose this question to either the TNRCC or the State Comptroller. Mr. Brown volunteered to draft a letter to that effect for consideration at the next meeting.

Jim Brown asked if the absence of indirect charges in the proposed FY 2002 was a one-time occurrence. Al Segovia answered yes, but that the indirect charges would probably not impact the assessment rate by more than \$0.01. He added that the indirect charges are a legitimate expense because many services were provided to the South Texas Watermaster by the TNRCC.

Fred Blumberg asked why there was no indirect charge this year. Pat Guzman responded that she thought the agency was struggling with whether or not they should carry a fund balance. Al Segovia added that at first the agency told him to prepare the budget with no fund balance, but later directed him to include one.

Fred Blumberg asked if the committee could have a TNRCC representative come to a future meeting to explain the agency's new recordkeeping procedures.

Greg Carter, a representative of Central Power & Light Company, asked for a brief overview of legislative changes that might affect water rights holders. He also asked for clarification of the Watermaster's jurisdiction over salt water diversions.

Al Segovia explained that SB289 exempted small, privately owned, non-priority hydroelectric rightholders, (<2.5 megawatts), from assessments. Al added that this made very little effect on the base assessment rate. He said he had to carry the assessment figures out to six decimal places to see an effect.

Al Segovia also commented that the TNRCC Sunset Bill had no effect on the Watermaster program. He then explained the Watermaster program's position in the agency's organizational chart.

Jim Brown asked about the status of the San Angelo Watermaster program. Al explained that there were currently two methodologies being explored for the San Angelo program. One being the provision of a satellite deputy stationed there who would report to Al. The other being the implementation of full-blown Watermaster program there. He added that the TNRCC would be conducting hearings on this in the future.

Jim Brown asked how the addition of the Lavaca basin had affected the assessment rate. Al Segovia said it amounted to about a ½ cent increase although there were no additional deputies added. Jim Brown asked if they could have a separate rate. Al responded no, there were no provisions for a separate rate in the program.

Al Segovia stated that he had talked to Greg Ellis with the Edwards Aquifer Association about the water right buydowns that were stipulated in SB 1477. Ellis told him that he did not see this happening for another two years.

Al Segovia thanked former members Becky Cedillo, John Wester, and Ed Garana for their past service.

Because there was no quorum present, a vote could not be taken to approve the budget. A consensus was acquired, however, that the committee make a recommendation to the Executive Director to approve the Watermaster budget as submitted.

The committee members then reviewed the minutes from the March 14<sup>th</sup> meeting. Since there was no quorum present, they could not be approved.

Fred Blumberg passed around an attendance list and asked attendees to indicate any changes to their address as they signed it.

Fred Blumberg discussed those members whose terms expire this summer and asked if they had indicated if they wanted to be re-appointed.

- Fred Blumberg said yes.
- Jim Brown said yes.
- Robert Saenz said yes.
- Jim Brown said Kenneth Whitewood said no, but he submitted the name of a Mr. Rhoades of Center Point, Texas as a potential replacement.
- Al Segovia stated that nothing had been heard from Paul Garrison.
- Al Segovia added that although Richard Ocker was not present he would probably seek re-appointment.
- Al Segovia also stated that Mr. Mario Escobar of Uvalde had indicated he would like to serve on the committee.

Fred Blumberg mentioned that during two of the last three meetings that there was no quorum present. He reminded the members that the members must themselves be present. Proxies could not be accepted. He asked if he should send a letter to the members explaining the importance of their attendance.

Hector Herrera stated that a letter would be appropriate. Fred Blumberg agreed to prepare one.

Jim Brown indicated that he did not have a copy of the committee's bylaws.

Pat Guzman distributed copies to all of the members who requested one.

Robert Saenz asked when the committee should make a recommendation to the Executive Director regarding the re-appointments.

Fred Blumberg indicated that we should do so soon.

Pat Hooper added that the Austin office could prepare letters for those who agreed.

The committee then began discussing the next meeting.

Fred Blumberg stated that if the next meeting were in the Fall or Winter, he would like to:

- Bring all of the Watermaster staff in for an introduction and explanation of their duties and responsibilities.
- Discuss additional training opportunities for the deputies and the possibility of escaping agency caps on training expenses.
- Have a briefing on the fund balance and interest accrual issue.
- Provide maps of the service areas.
- Have a briefing on the new software and recordkeeping procedures.

Fred Blumberg added that this would be especially important if the new appointees are present.

Al Segovia briefly discussed data migration process throughout the agency. He said an effort was being made to meld all of the available databases together so that the data could be accessed

by multifunctional workgroups and even by people other than TNRCC employees. He said that they were trying to standardize all of the data and that TNRCC AUSTIN would probably manage the entire database administration function.

Jim Brown asked if the data as well as public information concerning the Watermaster program would be available to the public via the Internet.

Pat Hooper answered that the minutes of the meetings have to be posted on the TNRCC website.

Robert Saenz asked if the agendas needed to be posted to satisfy Open Meetings Act requirements.

Pat Hooper indicated that she would have to check on whether the meeting agendas were required to be posted.

Fred Blumberg asked if the TNRCC liaison could be present at the regular meetings of the Watermaster committee because the committee often had questions regarding agency caps and other matters. Pat Hooper said she would check with management.

Fred Blumberg asked if an annual audit was available for review. Pat Hooper answered, "No".

The committee then set the tentative date for the next meeting as 1:00 p.m., October 25, 2001 at the Watermaster office in San Antonio.

There being no further business, and with no quorum present, the meeting was adjourned by consensus of the members present.

Duly approved at a meeting of the South Texas Watermaster Advisory Committee  
this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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Fred Blumberg, Chair

Attest:

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Lynn Short, Secretary