

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