

TCEQ Interoffice Memorandum

To: Office of the Chief Clerk

From: Kim Nygren
Deputy Director
Water Availability Division

Date: August 18, 2023

Subject: Agenda backup – 2023 Watermaster Evaluation
Docket No.: TCEQ Docket No. 2023-0626-MIS

The following documents are attached as backup for the **September 6, 2023 agenda**:

- Interoffice Memoranda with Appendices and
- Public comments

Please let me know if you have any questions or wish to discuss.

Thank you.

TCEQ Interoffice Memorandum

To: Commissioners

Thru: Laurie Gharis, Chief Clerk

KK Kelly Keel, Interim Executive Director

SS Steven Schar, Interim Deputy Executive Director

Cari-Michel La Caille, Director, Office of Water

Craig Pritzlaff, Director, Office of Compliance and Enforcement

From: Kim Nygren, Deputy Director, Water Availability Division

Date: August 18, 2023

Subject: Evaluation of whether a watermaster should be appointed in the following basins: Trinity River, San Jacinto River, Trinity-San Jacinto Coastal, and Neches-Trinity Coastal

The Texas Commission on Environmental Quality (TCEQ) currently has four watermaster programs in 10 of Texas' 23 river basins¹ that actively manage water.² The Executive Director (ED) is required by statute³ to evaluate basins without a watermaster at least every five years⁴ to determine if a watermaster should be appointed. The ED's evaluation is based on the criteria and risk factors determined by the Commission.⁵ The ED is required to report the findings of that evaluation and make recommendations to the Commission.⁶ The Commission then includes those evaluation findings in TCEQ's biennial report to the Texas Legislature.⁷

¹ See Appendix A: Watermaster Programs.

² See Appendix B: Current Water Rights Management.

³ Texas Water Code (TWC) § 11.326.

⁴ TWC § 11.326(g)(1); *see also* Appendix C: Basin Evaluation Schedule.

⁵ TWC § 11.326(h)(1).

⁶ TWC § 11.326(g)(2).

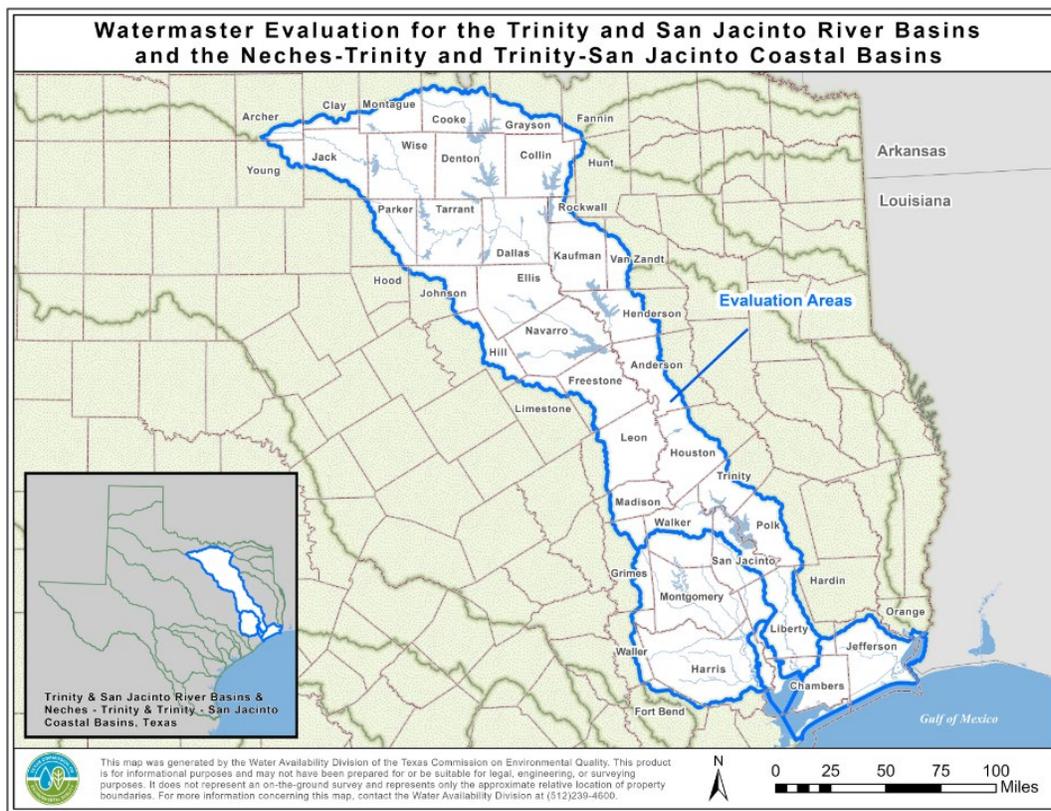
⁷ TWC § 11.326(h)(2).

TCEQ Interoffice Memorandum

2023 Basin Evaluations

In 2023, the ED evaluated the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins for the five-year period of Fiscal Years (FY) 2018-2022. The total estimated cost for the ED’s 2023 evaluation activities is \$67,775.37.⁸ This is the third evaluation of these basins by the ED. The previous evaluations of these basins occurred in 2013 and 2018.⁹ This memorandum begins with a general discussion of the evaluation criteria and the evaluation process followed by the evaluations of the specific basins.

Figure 1. Map of the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins



⁸ See Appendix D: 2023 Watermaster Evaluation Costs (including the total costs of the 2023 evaluation for the following basins: Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins).

⁹ The Neches-Trinity Coastal Basin was evaluated in 2014 and added to the 2018 evaluation cycle with the Trinity River Basin because of the inter-relationships between water rights in this coastal basin and water rights in the Trinity River Basin.

TCEQ Interoffice Memorandum

Evaluation Criteria

The Commission outlined the following evaluation criteria in the Commission's September 28, 2011 Work Session:

1. *Is there a court order to create a watermaster?*
2. *Has a petition been received requesting a watermaster?*
3. *Have senior water rights been threatened, based on:*
 - a. *Either the history of senior calls or water shortages within the basin or*
 - b. *The number of water right complaints received on an annual basis in each basin?*

A brief discussion of each evaluation criterion follows.

Is There a Court Order to Create a Watermaster?

Court orders to create a watermaster are considered in the evaluation.

Has a Petition Been Received Requesting a Watermaster?

In evaluating this criterion, the ED considers petitions that meet statutory and rule requirements. Twenty-five or more holders of water rights in a river basin or segment of a river basin may submit a petition to TCEQ requesting that a watermaster be appointed.¹⁰

Who may Petition the Commission Requesting a Watermaster?

Determined and adjudicated water rights holders may petition for the creation of a watermaster, whereas domestic and livestock users (D&L) may not. D&Ls are individuals that "directly divert and use water from a stream or watercourse for domestic and livestock purposes . . . without obtaining a permit."¹¹ While D&Ls are protected in watermaster areas because they are considered to be superior to appropriated water rights, they are not required to register with the Commission and

¹⁰ TWC § 11.451.

¹¹ 30 Tex. Admin. Code (TAC) § 297.21(a).

TCEQ Interoffice Memorandum

are not assessed a watermaster fee.¹² Only holders of water rights that have been “determined or adjudicated and are to be administered by the watermaster” are required to reimburse the Commission for the compensation and expenses of a watermaster - and D&Ls are not “determined or adjudicated” rights.¹³

How are Undivided Water Rights Considered?

The term “water right holder” is defined as “[a] person or entity that owns a water right. In the case of divided interests, this term will apply to each separate owner.”¹⁴ Accordingly, for undivided water rights, the term “water right holder” does not grant a right separately to each owner. Therefore, each owner of an undivided water right should not be counted as a separate petitioner. For example, a married couple who owns an undivided water right should be counted as one water right holder, not as two separate water right holders.

Have Senior Water Rights Been Threatened?

Definition of a Threatened Water Right

A definition for “threat” is required in order to evaluate whether senior water rights have been threatened. During the September 14, 2012 Commission Work Session discussing the watermaster evaluation process, the Commission directed the ED to utilize the definition of “threatened water right” from a 2004 Commission Order appointing a watermaster for the Concho River.¹⁵ The 2004 Commission Order was issued in response to petitions for the appointment of a watermaster in the Concho River watershed. The Commission officially approved use of the definition in the ED’s evaluations at the Commission’s October 31, 2012 Agenda. The definition adopted by the Commission is as follows:

“Threat” to the rights of senior water rights holders as used in Chapter 11, Subchapter I, of the Water Code implies a set of circumstances creating the

¹² See TWC § 11.329(a); see also 30 TAC § 297.21(a).

¹³ TWC § 11.329(a).

¹⁴ 30 TAC § 304.3(18).

¹⁵ Order Appointing a Watermaster for the Concho River Segment, TCEQ Docket No. 2000-0344-WR, Aug. 17, 2004.

TCEQ Interoffice Memorandum

possibility that senior water rights holders may be unable to fully exercise their rights – not confined to situations in which other people or groups convey an actual intent to harm such rights. Specifically, in time of water shortage, the rights of senior water rights holders in the basin are threatened by the situation of less available water than appropriated water rights; the disregard of prior appropriation by junior water rights holders; the storage of water; and the diversion, taking, or use of water in excess of the quantities to which other holders of water rights are lawfully entitled.¹⁶

Evaluation Process

As part of the evaluation process, the Commission directed the ED to develop information (in addition to the evaluation criteria) to support implementation considerations during the September 28, 2011 Work Session. The Commission also directed the ED to involve stakeholders in the evaluation process. An explanation of the implementation considerations and stakeholder involvement follows.

Implementation Considerations

The Commission identified specific implementation considerations at the September 28, 2011 Work Session. These considerations include river compacts, environmental flows, the geographic reach of river basins, the number of permitted water rights within the basin, and cost factors for both current water management and potential watermaster programs. Implementation considerations specific to the basins in this evaluation are discussed in detail in later sections below. In this section, the development of the implementation criteria is discussed more generally.

There are five interstate river compacts: Canadian River Compact; Pecos River Compact; Red River Compact; Sabine River Compact; and Rio Grande Compact. None of these interstate river compacts apply to the basins considered in the evaluation. Therefore, they are not discussed further in the watermaster evaluations below.

¹⁶ *Id.*

TCEQ Interoffice Memorandum

TCEQ's adopted environmental flow standards apply to new appropriations of water.¹⁷ Water rights for new appropriations of water in the basins covered in this evaluation will include appropriate permit special conditions that are adequate to protect any adopted standards. These permit special conditions are based on daily United States Geological Survey gage flow data at measurement points in the adopted rules and include detailed record keeping requirements for the water right holder. A watermaster in basins with environmental flow standards administers permits with special conditions to protect environmental flow standards in the same manner as water rights are administered in non-watermaster basins. TCEQ does not have authority to restrict diversions by water right holders to protect streamflow solely for the environment unless the water right includes such a requirement.

The remaining implementation considerations: the geographic reach of river basins, the number of permitted water rights within the basin, and cost factors for both current water management and potential watermaster programs, are fully discussed later in this memorandum.

Stakeholder Involvement

The ED's evaluation included a robust stakeholder process consistent with Commission direction. Stakeholders included:

- All water right holders in the basins evaluated (including river authorities, cities, agricultural interests, and industries);
- County judges;
- County extension agents; and
- Other interested parties in the basin (including environmental interests and D&L users that requested to participate in the evaluation).

The ED facilitated stakeholder activities and involvement with the following:

- **Webpage:** The ED maintained a public webpage exclusively dedicated to the watermaster evaluation process. The webpage provided information about

¹⁷ 30 TAC § 298.10.

TCEQ Interoffice Memorandum

watermaster programs, the evaluation process, stakeholder letters, and other information developed during the evaluation.

- **Outreach Letter:** An initial outreach letter was sent to all stakeholders providing information about the evaluation process and seeking initial comments.¹⁸
- **Stakeholder Meetings:** Stakeholder meetings were held at two locations in the basins evaluated, and two meetings were held virtually. Notification of stakeholder meetings were posted on the evaluation webpage and mailed to all stakeholders.¹⁹ At stakeholder meetings, staff from the Office of Water presented information about water management practices, evaluation requirements, the evaluation process, the processes for establishing watermaster programs, the functions of a watermaster, and evaluation options considered. Additionally, staff addressed stakeholder questions.
- **Public Comments:** Stakeholders were provided with the opportunity to provide comments at stakeholder meetings or to submit comments in writing (including via email) during the public comment period. The public comment period opened with the mailing of the initial outreach letter on March 10, 2023. The comment period for this evaluation closed on June 30, 2023.

Evaluation of the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

The ED's evaluation findings for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins are discussed below, including the criteria established by the Commission, the implementation considerations, and a discussion of stakeholder involvement.

History of Court Orders to Create a Watermaster

Currently, there are no court orders to create a watermaster program within the basins under consideration.

¹⁸ See Appendix F: TCEQ Letters to Stakeholders.

¹⁹ Id.

TCEQ Interoffice Memorandum

History of Petitions Requesting a Watermaster

Currently, there are no active or approved petitions to create a watermaster program within the basins under consideration.

Have Senior Water Rights been Threatened?

History of Priority Calls or Water Shortages

There were no priority calls received from FY 2018 to FY 2022.

History of Complaints

See the following table for a summary of complaints by year.

Table 1. Summary of Complaints from FY 2018 to FY 2022

| Basin | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | Total |
|-----------------------------------|----------------|----------------|----------------|----------------|----------------|--------------|
| Trinity River Basin | 5 | 7 | 4 | 5 | 13 | 34 |
| San Jacinto River Basin | 2 | 5 | 1 | 1 | 4 | 13 |
| Trinity-San Jacinto Coastal Basin | 0 | 0 | 0 | 0 | 0 | 0 |
| Neches-Trinity Coastal Basin | 0 | 0 | 0 | 0 | 0 | 0 |

From FY 2018 to FY 2022 TCEQ regional offices received and investigated a total of 34 water rights complaints in the Trinity River Basin, 13 water rights complaints in the San Jacinto River Basin, and zero in the Trinity-San Jacinto and Neches-Trinity Coastal Basins.

Of the 34 complaints in the Trinity River Basin, 28 resulted in no violations or enforcement actions, four resulted in violations or enforcement actions that have since been resolved, and two resulted in violations or enforcement actions that are currently still unresolved or pending.

Of the 13 complaints in the San Jacinto River Basin, 12 resulted in no violations or enforcement actions and one resulted in a violation or enforcement action that is currently still unresolved or pending.

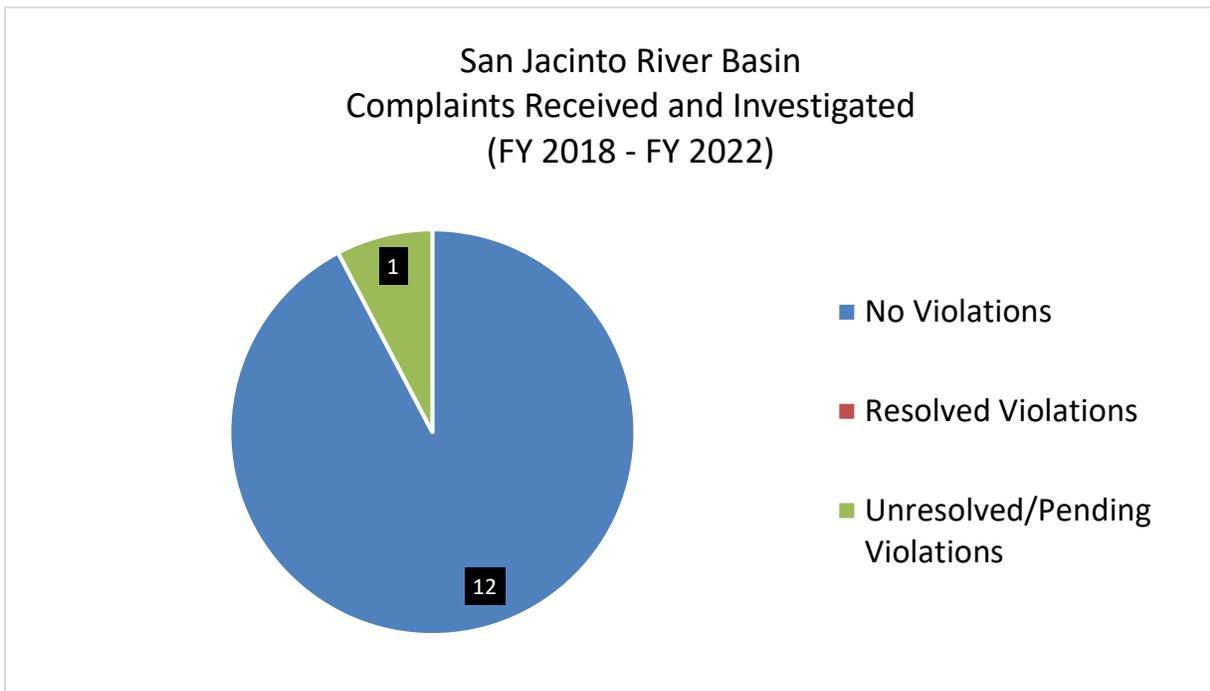
The graphs below summarize complaints in the Trinity and San Jacinto Basins.

TCEQ Interoffice Memorandum

Figure 2. Graph of Complaints Investigated in the Trinity River Basin



Figure 3. Graph of Complaints Investigated in the San Jacinto River Basin



TCEQ Interoffice Memorandum

Table 2. Summary of Investigations* from FY 2018 to FY 2022

| Basin | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | Total |
|-----------------------------------|---------|---------|---------|---------|---------|-------|
| Trinity River Basin | 8 | 19 | 11 | 6 | 19 | 63 |
| San Jacinto River Basin | 2 | 1 | 4 | 1 | 3 | 11 |
| Trinity-San Jacinto Coastal Basin | 0 | 0 | 0 | 0 | 0 | 0 |
| Neches-Trinity Coastal Basin | 0 | 0 | 0 | 0 | 0 | 0 |

*Investigation types do not include temporary permits nor complaints.

From FY 2018 to FY 2022, TCEQ regional offices conducted a total of 63 water rights-related investigations in the Trinity River Basin, 11 water rights-related investigations in the San Jacinto River Basin, and zero water-rights related investigations in the Trinity-San Jacinto and Neches-Trinity Coastal Basins.

Of the 63 investigations in the Trinity River Basin, 51 resulted in no violations or enforcement actions, eight resulted in violations or enforcement actions that have since been resolved, and four resulted in violations or enforcement actions that are currently still unresolved or pending.

All of the 11 investigations in the San Jacinto River Basin resulted in no violations or enforcement actions.

Note, some water rights-related investigations cover activities that are not expected to result in violations or enforcement actions, such as permit reviews and routine flow monitoring.

The graphs below summarize investigations conducted in the Trinity River and San Jacinto River Basins. Although the numbers are not included in Table 2, Figure 4, or Figure 5, there were 31 investigations conducted for temporary permits in the Trinity River Basin, 25 investigations conducted for temporary permits in the San Jacinto River Basin, two investigations conducted for temporary permits in the Trinity-San Jacinto Coastal Basin, and 14 investigations conducted for temporary permits in the Neches-Trinity Coastal Basin.

TCEQ Interoffice Memorandum

Figure 4. Graph of Investigations Conducted in the Trinity River Basin

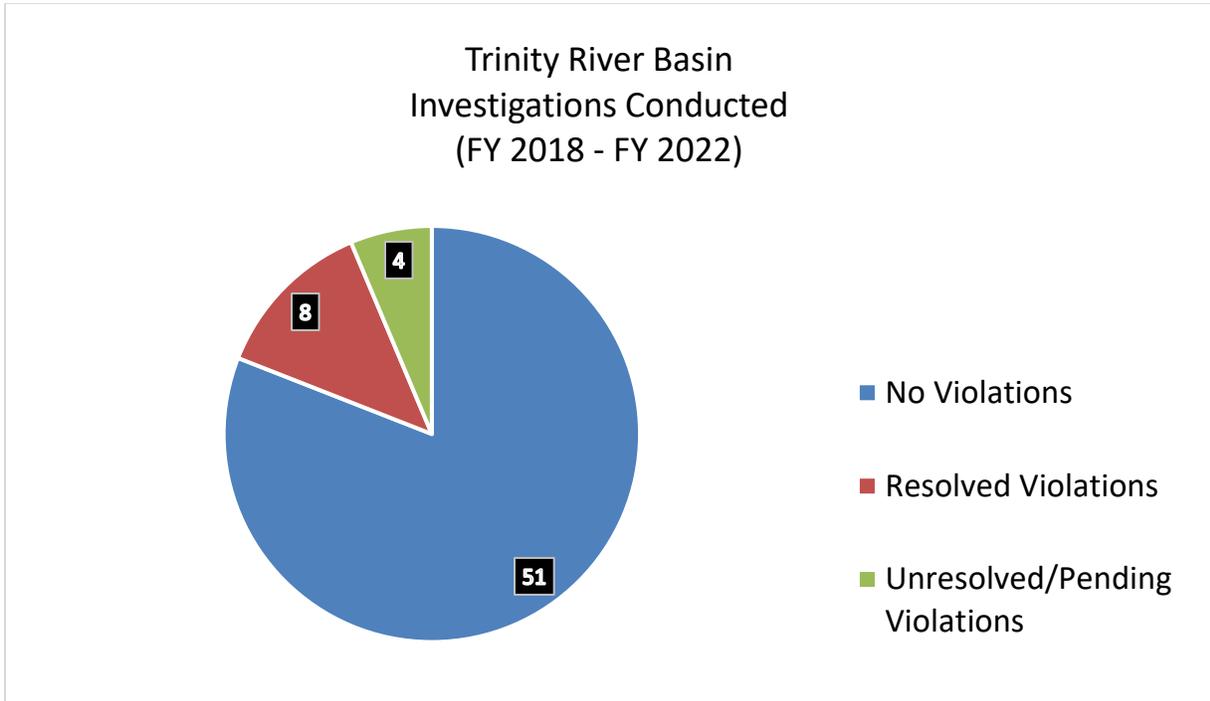
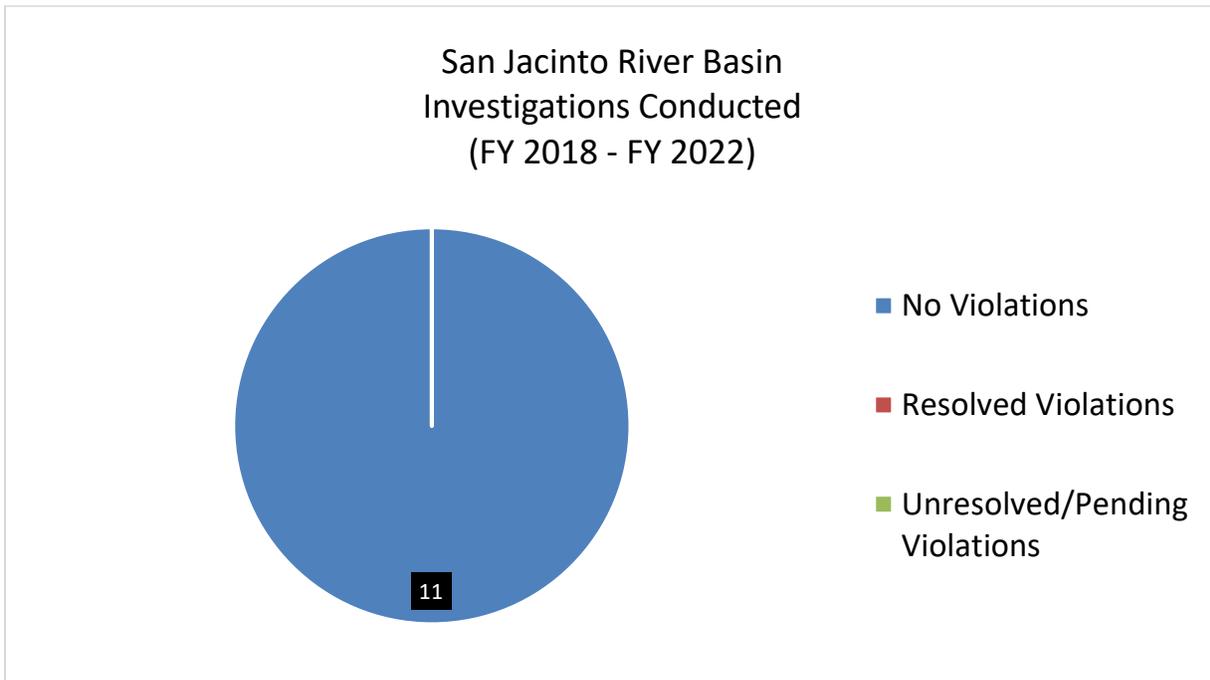


Figure 5. Graph of Investigations Conducted in the San Jacinto River Basin



TCEQ Interoffice Memorandum

Implementation Considerations

A summary of implementation considerations is provided below.²⁰

Geographic Reach of the Basin and Water Right Information

The Trinity River Basin includes all or a portion of 38 counties and 713 water rights. The San Jacinto River Basin includes all or a portion of eight counties and 161 water rights. The Trinity-San Jacinto Coastal Basin includes all or a portion of three counties and 20 water rights. The Neches-Trinity Coastal Basin includes all or a portion of four counties and 115 water rights.

Environmental Flows

TCEQ adopted environmental flow standards for the Trinity and San Jacinto River Basins, Galveston Bay, the Sabine and Neches Rivers, and Sabine Lake Bay in 2011.²¹ The local basin stakeholder groups did not recommend standards for specific locations in the Trinity-San Jacinto and Neches-Trinity Coastal Basins. However, TCEQ includes permit special conditions in any new appropriations in these basins based on the adopted standards. TCEQ also ensures that freshwater inflows to Galveston Bay and its associated estuaries and the Sabine-Neches estuary are protected when permitting new water rights. TCEQ's adopted environmental flow standards are subject to an adaptive management process and specific standards could be considered during future rulemakings.²²

Cost Factors

The total estimated costs for the ED to manage water rights for FYs 2018-2022 in the Trinity River Basin was \$11,870.26, San Jacinto River Basin was \$20,500.03, Trinity-San Jacinto Coastal Basin was \$767.10, and Neches-Trinity Coastal Basin was \$1,103.61.

The ED considered four options when evaluating potential watermaster program costs for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-

²⁰ See Appendix E: Implementation Considerations for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

TCEQ Interoffice Memorandum

Trinity Coastal Basins. These options were presented to stakeholders at meetings held throughout the key areas in basins and virtually. A more detailed discussion of costs is included in Appendix E.

Option 1: No watermaster recommended for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins.

Option 2: Create a Watermaster Program encompassing the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins. Year 1 has an estimated cost of \$1,236,637 with a cost of \$931,746 for subsequent years.

Option 3: Create a Watermaster Program encompassing just the Trinity River Basin and the Neches-Trinity Coastal Basin. Year 1 has an estimated cost of \$1,123,118 with a cost of \$828,194 for subsequent years.

Option 4: Create a Watermaster Program encompassing just the San Jacinto River Basin and the Trinity-San Jacinto Coastal Basin. Year 1 has an estimated cost of \$449,469 with a cost of \$342,064 for subsequent years.

Stakeholder Involvement

On March 10, 2023, the initial outreach letter was mailed to stakeholders initiating the comment period for the evaluation. On May 12, 2023, a letter announcing stakeholder meetings was mailed to the stakeholders. Stakeholder meetings were conducted in-person in Corsicana and Houston on June 5 and June 6, 2023, respectively. In addition, two stakeholder meetings were conducted virtually on June 7 and June 8, 2023.

Written comments were received during the evaluation period. Most comments oppose implementing a watermaster program; with comments primarily focusing on the lack of need and the additional expense of a watermaster program. One commentor advocated for modifying the evaluation criteria to focus on the risk of future water shortages and impacts to environmental flows. This same commentor supported establishing watermaster programs in all basins.

TCEQ Interoffice Memorandum

Table 3. Summary of Written Comments for Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

| Basin | Comments Received | | | | |
|-----------------------------|-------------------|---------------------|-------|---------------------|-------|
| | Total | In Favor | | Opposed | |
| | | Water Right Holders | Other | Water Right Holders | Other |
| Trinity River | 13 | 0 | 1 | 12 | 0 |
| San Jacinto River | 4 | 1 | 1 | 2 | 0 |
| Trinity-San Jacinto Coastal | 5 | 0 | 1 | 4 | 0 |
| Neches-Trinity Coastal | 5 | 0 | 1 | 3 | 1 |

Executive Director’s Recommendation

The ED considered the evaluation criteria outlined by the Commission in the September 28, 2011, Work Session and addressed implementation considerations for the establishment of a watermaster program. For the evaluated basins, there were no court orders to create a watermaster and no petitions from water right holders requesting a watermaster program. There were no priority calls in the Trinity River Basin, San Jacinto River Basin, Trinity-San Jacinto Coastal, or Neches-Trinity Coastal Basins. There were no complaints or investigations in the Trinity-San Jacinto or Neches-Trinity Coastal Basins.

Complaints and investigations in the Trinity and San Jacinto River Basins were relatively few in number and the majority did not result in violations or enforcement action.

The Executive Director does not believe that the criteria for recommending the creation of a watermaster program have been met. Accordingly, the ED does not recommend that the Commission move forward on its own motion with the creation of a watermaster program for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins.

TCEQ Interoffice Memorandum

Twenty-five or more holders of water rights in a river basin or segment of a river basin may petition the Commission to appoint a watermaster. The Commission may refer a valid petition to the State Office of Administrative Hearings for a complete administrative hearing and recommendation to the Commissioners for consideration.

While the statute requires the ED to evaluate the need for a watermaster at least every five years; there is no prohibition against evaluating a basin sooner, on an as needed basis, if threats to senior water rights occur. The ED can also consider stakeholder input, and the ED is always open to additional information from stakeholders. It is important to have stakeholder support in articulating the threat and the need to establish a new program as water right holders will be responsible for paying a new fee to support the new regulatory program.

TCEQ Interoffice Memorandum

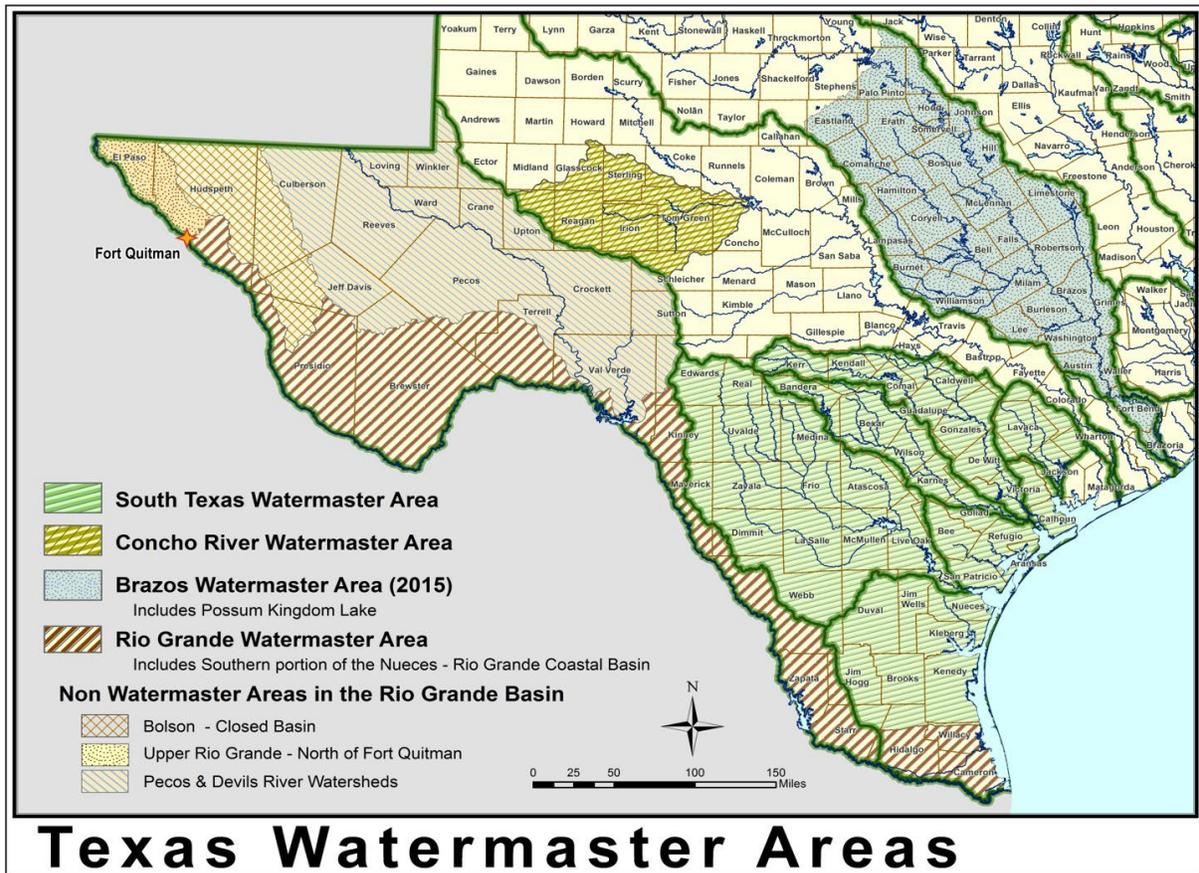
List of Appendices

- Appendix A: Watermaster Programs
- Appendix B: Current Water Rights Management
- Appendix C: Basin Evaluation Schedule
- Appendix D: 2023 Watermaster Evaluation Costs
- Appendix E: Implementation Considerations
- Appendix F: TCEQ Letters to Stakeholders

Appendix A: Watermaster Programs

There are four watermaster programs in Texas:

1. **Rio Grande**, which serves the Rio Grande Basin below Fort Quitman, Texas (excluding the Pecos and Devils Rivers),
2. **South Texas**, which serves the Nueces, San Antonio, Lavaca, and Guadalupe River Basins, as well as the adjoining coastal basins,
3. **Concho River**, currently a division of the South Texas Watermaster, which serves the Concho River segment of the Colorado River Basin, and
4. **Brazos**, which serves the Brazos River Basin, downstream of Possum Kingdom reservoir, including said reservoir.



Appendix B: Current Water Rights Management

Surface water rights are managed by TCEQ either through an established watermaster program or through one of the 16 Regional Offices in non-watermaster areas. TCEQ is responsible for the protection of senior water rights regardless of whether a watermaster program has been established in the affected area.

Day-to-day Water Rights Management

Watermaster Areas

Watermasters proactively manage water rights in their areas and allocate available water according to water right priorities on a real-time operational basis. In a watermaster area, a water rights holder must notify the watermaster of how much water they plan to divert, before the water right holder diverts authorized water. After receiving a declaration of intent (DOI) to divert water, the watermaster determines whether a diversion will remove water that rightfully belongs to another user. As needed, the watermaster will notify any users with more junior priority dates to reduce pumping or to stop pumping altogether if necessary.

Day-to-day activities performed by watermaster staff include monitoring rivers, taking stream flow measurements, setting stream flow markers, meeting with water right holders and other interested persons, investigating complaints, writing notices of violations and in some cases notices of enforcement, collecting water use data, and recording their daily investigation activities.

Watermasters can respond quickly to identify and to stop unauthorized diversions because of their real-time monitoring of local streamflow conditions. Also, because watermasters have information on which water is being diverted under a water right at any given time, they are able to better anticipate a shortage before it reaches a critical situation, thus enabling the watermaster and local users to work together to develop a strategy that will best meet everyone's water needs.

Appendix B: Current Water Rights Management

Non-Watermaster Areas

TCEQ regional offices conduct active water management activities in areas of the state outside the jurisdiction of a watermaster program to increase agency awareness of potential impacts to surface water and to provide information critical for the agency's evaluation and determination of priority calls for surface water. This water management includes monitoring United States Geological Survey (USGS) gages, using flow data from applicable TCEQ Surface Water Quality Monitoring sites, and coordinating with and reaching out to other TCEQ program areas and outside stakeholders.

The regional offices conduct water rights-related initiatives (including flow monitoring, stream assessments, and on-site investigations) when necessary. Other than these initiatives, water rights investigations are complaint driven, unless conducted to ensure compliance with a priority call.

Water Rights Management during Senior or Priority Calls

Watermaster Areas

When stream flows diminish, a watermaster allocates available water among the users according to priority dates, consistent with TWC §11.027. For domestic and livestock users (D&Ls), the watermaster will respond to a priority call or complaint. 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 water right holder's control works, including pumps, to prevent them from diverting, taking, storing, or distributing water until they comply.

Non-Watermaster Areas

In order to provide the best possible response to drought conditions and facilitate response to water right priority calls, the agency created the Drought Response Task Force. The Task Force includes staff with water rights expertise from multiple offices and is focused on responding to priority calls. The Task Force coordinates TCEQ response to priority calls and may recommend that water rights be suspended in response to a call.

Appendix B: Current Water Rights Management

Handling Unauthorized Diversions

Watermaster areas

Watermaster staff work in the field on a day-to-day basis checking on authorized diversions. This consistent presence enables the watermaster office to quickly identify potential unauthorized diversions. If found, watermaster offices handle unauthorized diversions by issuing field citations or notices of violation or by referring the matter directly to enforcement based on the nature of the violation(s).

Non-Watermaster areas

Investigations of possible unauthorized diversions within non-watermaster areas occur most often as a result of complaints. Suspected unauthorized water diversions outside watermaster areas are currently addressed by the Office of Compliance and Enforcement (OCE) based on one of the following two scenarios:

1. **Normal Conditions** - No Suspension in Effect: Water diversions outside watermaster areas are currently addressed by regional field staff on a complaint response basis. No daily information on diversions are currently received or reviewed by OCE field staff. Investigations of water right holders are currently non-routine and are initiated only in response to reported conditions.
2. **Priority Call Conditions** - Suspension in Effect in Response to a Priority Call: Tools used by OCE during times of curtailment in response to a priority call include frequent tracking of available flow gages, observations by flyovers and “boots on the ground” to monitor river conditions, and coordination with sister agencies to obtain and to track information. OCE tracks flow gages during these priority call conditions using the “follow the water” concept and is able to identify specific segments of a river to more closely monitor for potentially unauthorized diversions. In doing so, staff may perform investigations of water right holders as well as non-permitted persons.

Whether in normal conditions or in priority call conditions, OCE addresses potentially unauthorized diversions and may issue field citations or notices of violation and/or enforcement based on the nature of the violation(s).

Appendix C: Basin Evaluation Schedule

Texas Water Code (TWC) §11.326(g)(1) requires the Executive Director to evaluate basins without a watermaster at least every five years to determine if a watermaster should be appointed. The Executive Director conducted the first cycle of evaluations from 2012 through 2016 and the second cycle of evaluations from 2017 through 2021. The third cycle of evaluations began in 2022 and will run through 2026.

Cycle 1

| Year | Basin |
|------|-------------------------------------------------------------------------------------------------------------------------|
| 2012 | Brazos River Basin Brazos-Colorado Coastal Basin Colorado River Basin Colorado-Lavaca Coastal Basin |
| 2013 | Trinity River Basin Trinity-San Jacinto Coastal Basin San Jacinto River Basin San Jacinto-Brazos Coastal Basin |
| 2014 | Sabine River Basin Neches River Basin Neches-Trinity Coastal Basin |
| 2015 | Canadian River Basin Red River Basin |
| 2016 | Cypress Creek Basin Sulphur River Basin |

Cycle 2

| Year | Basin |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2017 | Brazos River Basin (Upper Only) San Jacinto-Brazos Coastal Basin Brazos-Colorado Coastal Basin Colorado River Basin Colorado-Lavaca Coastal Basin |
| 2018 | Trinity River Basin San Jacinto River Basin Trinity-San Jacinto Coastal Basin Neches-Trinity Coastal Basin |
| 2019 | Sabine River Basin Neches River Basin |
| 2020 | Canadian River Basin Red River Basin |
| 2021 | Cypress Creek Basin Sulphur River Basin |

Appendix C: Basin Evaluation Schedule

Cycle 3

| Year | Basin |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2022 | Brazos River Basin (Upper Only) San Jacinto-Brazos Coastal Basin Brazos-Colorado Coastal Basin Colorado River Basin Colorado-Lavaca Coastal Basin |
| 2023 | Trinity River Basin San Jacinto River Basin Trinity-San Jacinto Coastal Basin Neches-Trinity Coastal Basin |
| 2024 | Sabine River Basin Neches River Basin |
| 2025 | Canadian River Basin Red River Basin |
| 2026 | Cypress Creek Basin Sulphur River Basin |

Appendix D: 2023 Watermaster Evaluation Costs

The costs for the Executive Director's evaluation of the Trinity River and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins are summarized below.

Costs Associated to the Evaluation

Total Estimated Costs for TCEQ Evaluation Activity: \$67,775.37

Office of Water Costs

- OW Staff time: \$59,021.28
 - Multiple staff participated in this evaluation for a portion of their time, equating to 1.0 full time equivalent (FTE) for the duration of the project.
 - Calculated salary for 1.0 FTE from February 2023 through August 2023 (seven months).
 - Assumed mid-level B23.
 - Fringe (32.5 % of base salary): \$14,476.92
- Postage: \$1,040.60
- Travel: \$1,291.44
- Meeting Room Rental Cost: \$30.00
- Total: \$61,383.32

Office of Legal Services Costs

- OLS staff time: \$98.74
 - Calculated staff attorney review time of 3 hours
- Total: \$98.74

Office of Compliance and Enforcement Costs

- OCE staff time: \$6,293.31
 - Time spent preparing information and attending meetings, calculated using regular labor: 201 hours
- Total: \$6,293.31

Appendix D: 2023 Watermaster Evaluation Costs

Other Agency Programs

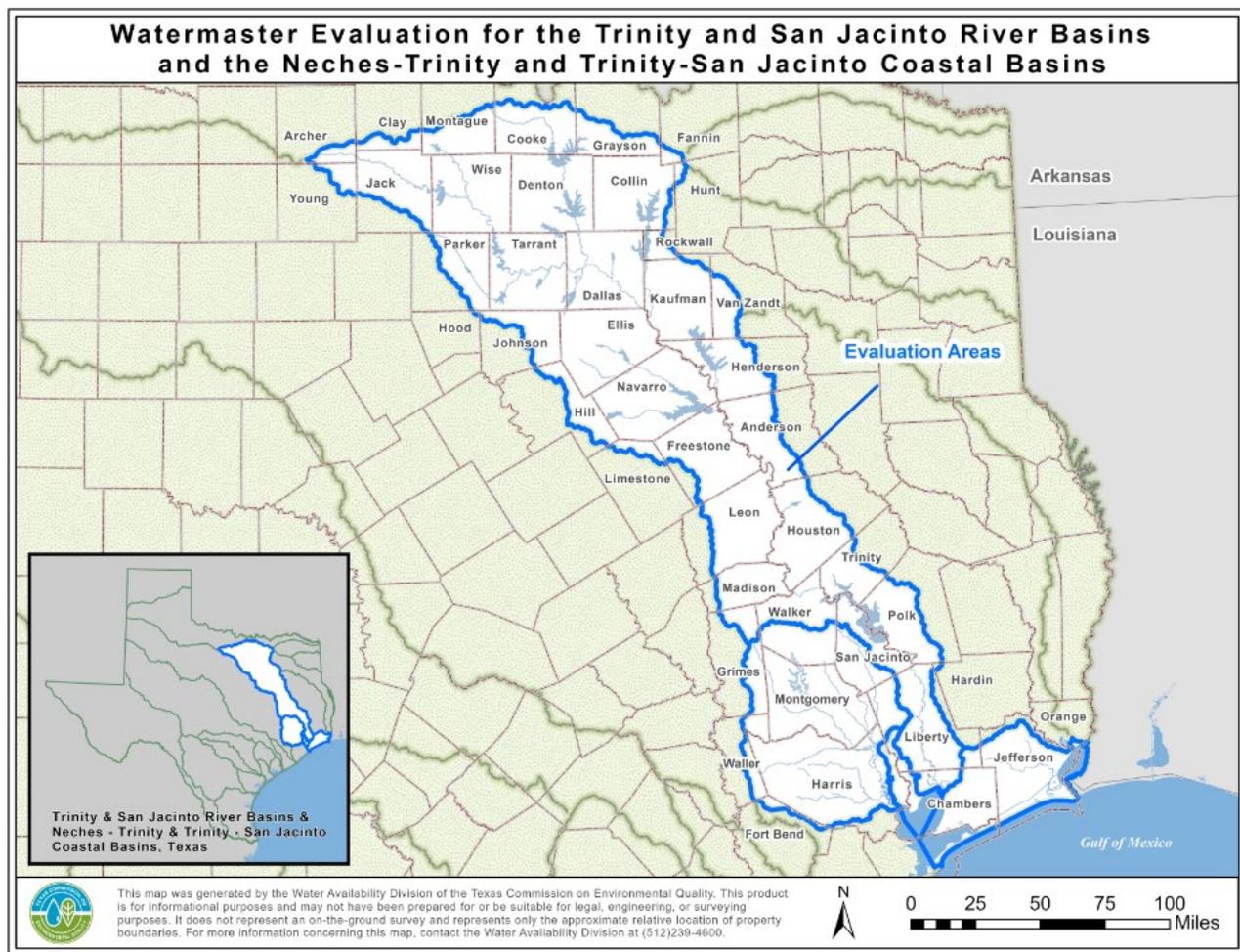
Other agency staff were provided an opportunity to participate, but no significant costs were associated with their involvement.

Appendix E: Implementation Considerations for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basin

Geographic Reach of the Basins and Water Right Information

The Trinity River Basin includes all or a portion of 38 counties and 713 water rights. The San Jacinto River Basin includes all or a portion of eight counties and 161 water rights. The Trinity-San Jacinto Coastal Basin includes all or a portion of three counties and 20 water rights. The Neches-Trinity Coastal Basin includes all or a portion of four counties and 115 water rights (Table 1). The number of total water rights compared to the water rights by county may differ slightly as some water rights are authorized in multiple counties.

Figure 1. Trinity River Basin, San Jacinto River Basin, Trinity-San Jacinto Coastal Basin, and Neches-Trinity Coastal Basin



Appendix E: Implementation Considerations for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

Table 1. Number of Permitted Water Rights by Basin and County.

| <i>Trinity</i> | | | | <i>San Jacinto</i> | | <i>Trinity-San Jacinto</i> | | <i>Neches-Trinity</i> | |
|----------------|-----------------------------------|---------------|--------------------|--------------------|--------------------|----------------------------|--------------------|-----------------------|--------------------|
| <i>County</i> | <i>No. of Water Rights (WR's)</i> | <i>County</i> | <i>No. of WR's</i> | <i>County</i> | <i>No. of WR's</i> | <i>County</i> | <i>No. of WR's</i> | <i>County</i> | <i>No. of WR's</i> |
| Anderson* | 28 | Jack* | 9 | Fort Bend* | 4 | Chambers* | 2 | Chambers* | 36 |
| Archer* | 0 | Johnson* | 11 | Grimes* | 3 | Harris* | 8 | Jefferson* | 79 |
| Chambers* | 4 | Kaufman* | 21 | Harris* | 78 | Liberty* | 10 | Liberty* | 0 |
| Clay* | 0 | Leon* | 12 | Liberty* | 2 | | | Orange* | 0 |
| Collin* | 61 | Liberty* | 20 | Montgomery | 62 | | | | |
| Cooke* | 14 | Limestone* | 1 | San Jacinto* | 1 | | | | |
| Dallas | 103 | Madison* | 2 | Walker* | 8 | | | | |
| Denton | 55 | Montague* | 6 | Waller* | 3 | | | | |
| Ellis | 27 | Navarro | 30 | | | | | | |
| Fannin* | 0 | Parker* | 15 | | | | | | |
| Freestone* | 22 | Polk* | 12 | | | | | | |
| Grayson* | 4 | Rockwall* | 5 | | | | | | |
| Grimes* | 3 | San Jacinto* | 7 | | | | | | |
| Hardin* | 0 | Tarrant | 132 | | | | | | |
| Henderson* | 35 | Trinity* | 5 | | | | | | |
| Hill* | 6 | Van Zandt* | 1 | | | | | | |
| Hood* | 1 | Walker* | 8 | | | | | | |
| Houston* | 25 | Wise | 26 | | | | | | |
| Hunt | 0 | Young* | 0 | | | | | | |

*County located in multiple basins.

Watermaster Program Options and Costs

The ED considered four options (numbered 1, 2, 3, and 4, below) when evaluating watermaster program costs for the Trinity River, San Jacinto River, Trinity-San Jacinto Coastal, and the Neches-Trinity Coastal Basins. These options were presented to stakeholders at meetings held throughout the key areas in basins and virtually in June 2023.

Appendix E: Implementation Considerations for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

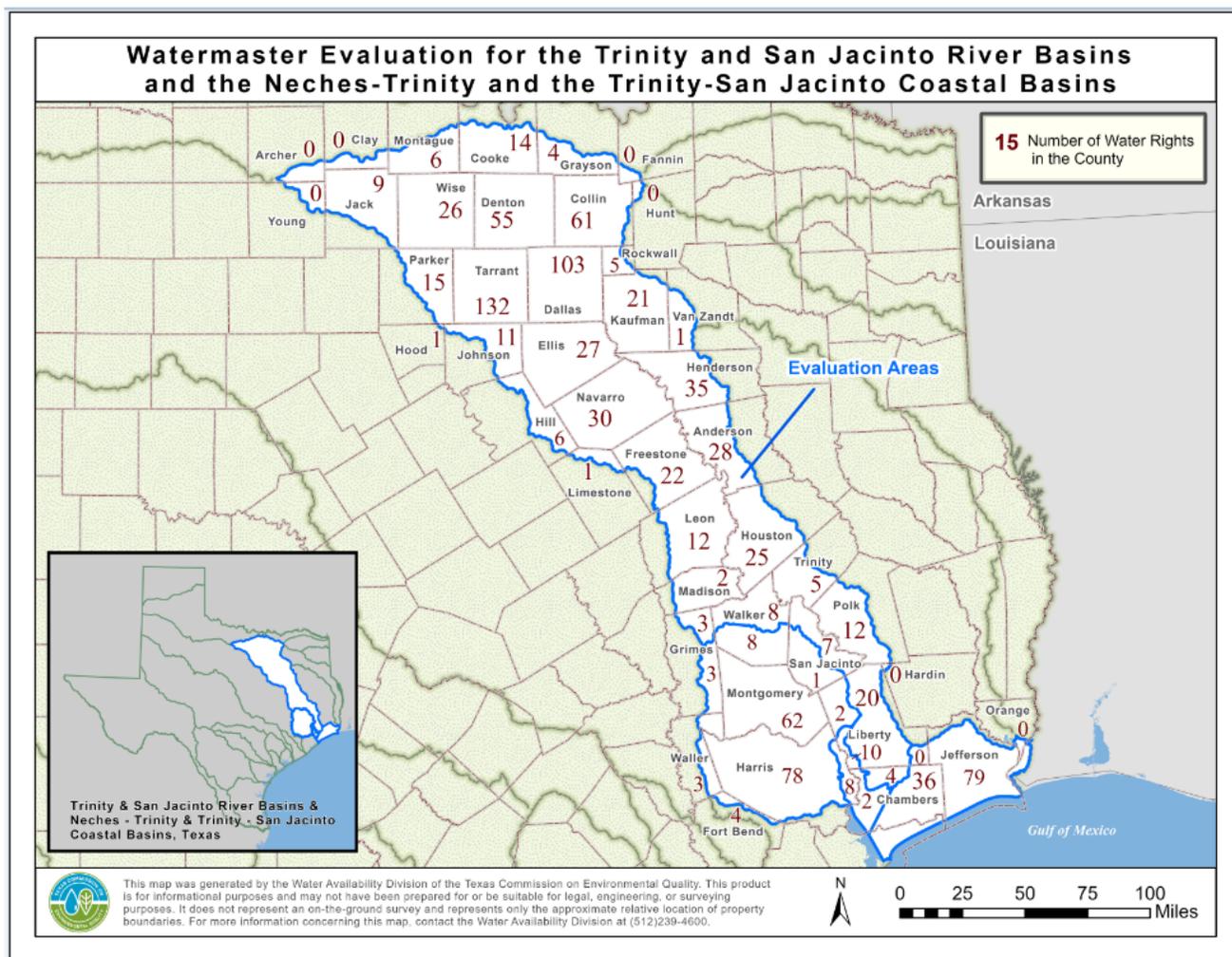
Option 1: No watermaster recommended for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins.

Option 2: Create a Watermaster Program encompassing the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins.

Number of permitted water rights: 1,006

Counties: 44 (37 have permitted water rights)

Figure 2. Watermaster Program for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins (Option 2)



Appendix E: Implementation Considerations for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

Table 2. Number of Permitted Water Rights by County (Option 2)

| <i>County</i> | <i>Number of Water Rights</i> | <i>County</i> | <i>Number of Water Rights</i> |
|---------------|-------------------------------|---------------|-------------------------------|
| Anderson* | 28 | Jefferson* | 79 |
| Archer* | 0 | Johnson* | 11 |
| Chambers* | 42 | Kaufman* | 21 |
| Clay* | 0 | Leon* | 12 |
| Collin* | 61 | Liberty* | 32 |
| Cooke* | 14 | Limestone* | 1 |
| Dallas | 104 | Madison* | 2 |
| Denton | 55 | Montague* | 6 |
| Ellis | 27 | Montgomery | 62 |
| Fannin* | 0 | Navarro | 30 |
| Fort Bend* | 4 | Orange* | 0 |
| Freestone* | 22 | Parker* | 15 |
| Grayson* | 4 | Polk* | 12 |
| Grimes* | 6 | Rockwall* | 5 |
| Hardin* | 0 | San Jacinto* | 8 |
| Harris* | 84 | Tarrant | 132 |
| Henderson* | 35 | Trinity* | 5 |
| Hill* | 6 | Van Zandt* | 1 |
| Hood* | 1 | Walker* | 16 |
| Houston* | 25 | Waller* | 3 |
| Hunt | 0 | Wise | 26 |
| Jack* | 9 | Young* | 0 |

* County located in multiple basins.

Year 1 has an estimated cost of \$1,236,637 with a cost of \$931,746 for each subsequent year. Actual assessments would vary based on the estimated expected return rate. Table 3 summarizes expected expenditures for Option 2.

Appendix E: Implementation Considerations for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

Table 3. Cost Estimate (Option 2)

| | Year 1 | Year 2 | Assumptions |
|---------------------------------------------------|--------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Salaries | | | |
| Watermaster | \$85,148 | \$87,702 | 1 Watermaster (Program Supervisor VI, B23) (\$85,148/year with 3% increase by year 2) |
| Assistant Watermaster | \$75,548 | \$77,814 | 1 Assistant Watermaster (Watermaster Specialist V, B23) (\$75,548/year with 3% increase by year 2) |
| Administrative Assistant | \$36,976 | \$38,085 | 1 Administrative Assistant V, A17 (\$36,976/year with 3% increase by year 2) |
| Watermaster Specialist IV | \$66,029 | \$68,010 | 1 Watermaster Specialist IV, B21 (\$66,029/year with 3% increase by year 2) |
| 4 Watermaster Specialists II | \$202,202 | \$208,268 | 4 Watermaster Specialist II, B17 (\$50,550/year with 3% increase by year 2) |
| 2 Watermaster Liaisons | \$18,131 | \$18,675 | 50% of Liaison Salaries paid by watermaster programs. Second, determined by percentage of water rights among all watermaster programs. In this instance, assumption is 24% of all water rights (with 3% increase by year 2) |
| Watermaster Purchaser | \$9,485 | \$9,770 | Purchaser Salary determined by percentage of water rights among all watermaster programs. In this instance, assumption is 24% of all water rights (with 3% increase by year 2) |
| Total Salaries | \$493,519.10 | \$508,325 | |
| Fringe | \$160,492 | \$165,307 | Agency Standard is 32.52% of Salaries |
| Additional Insurance and Retirement | \$7,403 | \$7,625 | Table of standard costs for FTEs - 1.5% of salaries |
| State Office of Risk Management (SORM) fee | \$483 | \$483 | 24% of total SORM \$2,013. B&P provides total SORM or \$100 per FTE average. |
| Statewide Cost Allocation Plan (SWCAP) fee | \$3,145 | \$3,145 | 24% of total SWCAP \$13,105. B&P provides total SWCAP or \$600 per FTE average. |
| Professional/Temp Services | \$80,000 | \$80,000 | Higher in first two years to add water accounts and functionality into the accounting system for program. |
| Travel In-State | \$24,000 | \$24,000 | 8 FTEs (\$2,500/each; however, this amount assumes some employees will travel more than others) plus \$500 additional per FTE for new WM travel |
| Training | \$8,000 | \$8,000 | 8 FTEs (\$1,000/each; however, this amount assumes some employees will require more training than others) |
| Rent - Building | \$30,000 | \$30,000 | Rent space for TCEQ regional offices in Fort Worth, Houston, and Beaumont |

Appendix E: Implementation Considerations for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

| | | | |
|---------------------------------------------|--------------------|------------------|--------------------------------------------------------------------------------------------------------|
| Postage | \$4,800 | \$2,400 | Based on South Texas Watermaster (STWM) amount plus 2 initial program startup mailouts |
| Phone/Utilities | \$18,610 | \$10,260 | Based on STWM amount plus additional FTE equipment (\$8,350 for year 1) |
| Supplies - Consumables | \$2,000 | \$2,000 | Estimated program startup amount |
| Other Operating Expenses | \$24,676 | \$23,383 | Table of standard costs for FTEs - 5% of salaries |
| Fuels/Lubricants | \$25,000 | \$25,000 | Based on STWM amount |
| Rent - Machine & Other | \$3,188 | \$3,188 | Based on STWM amount |
| Facilities, Furniture, and Equipment | \$47,320 | \$38,630 | Based on STWM amount plus additional flowtrackers @ \$8,690/each (\$26,070/year 1 and \$17,380/year 2) |
| Capital Equipment - IT | \$16,000 | \$0 | 8 computers at \$1,500, \$500 remote work accessories per FTE |
| Capital - Vehicles | \$288,000 | \$0 | 6 vehicles at \$48,000 including dash cameras and GPS units |
| Total | \$1,236,637 | \$931,746 | |

Costs include:

- Watermaster, one assistant watermaster, and one administrative assistant located in the TCEQ Houston Regional Office.
- Five watermaster specialists/field deputies (one of which would be a senior investigator) located in the TCEQ Fort Worth, Houston, and Beaumont Regional Offices.

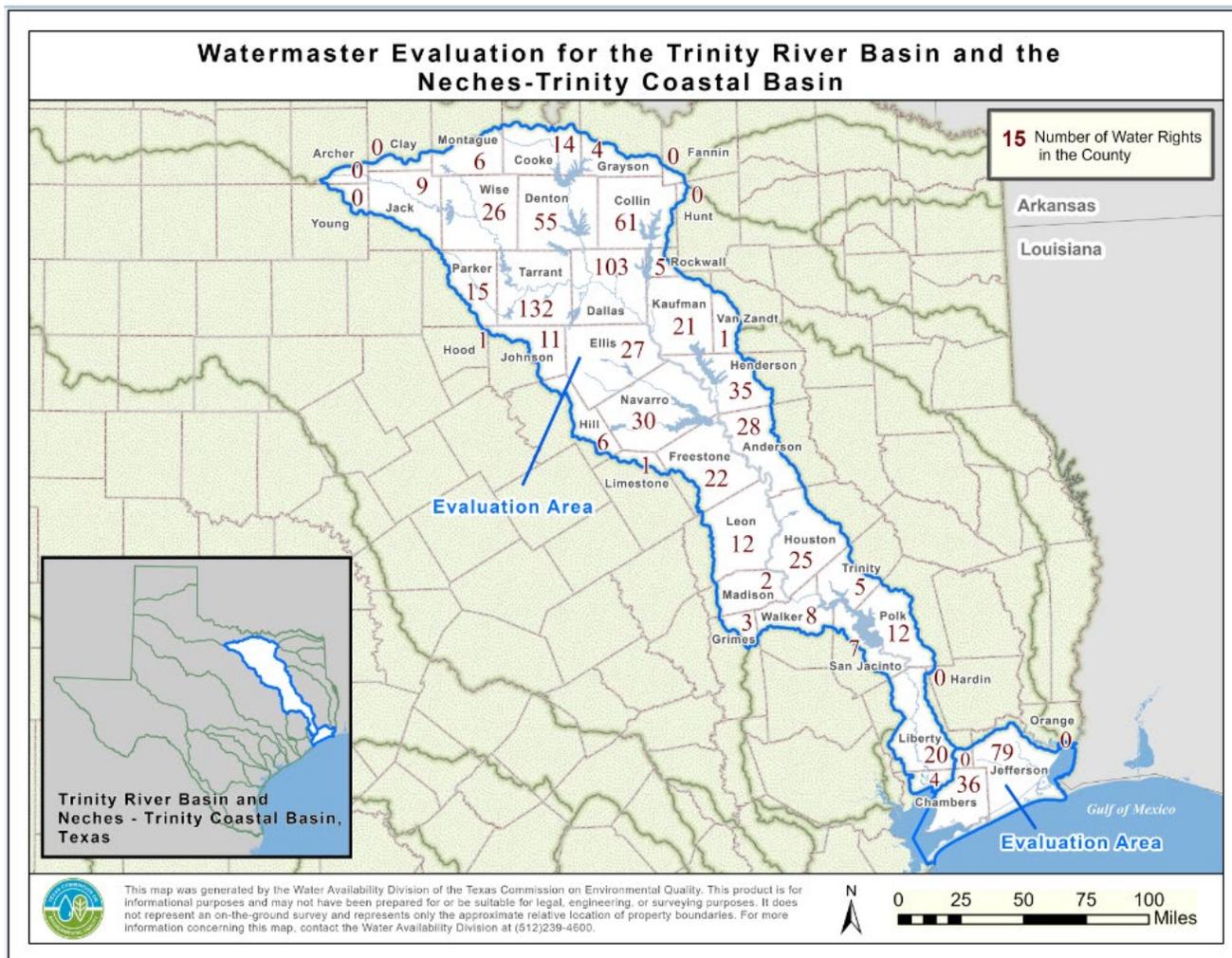
Option 3: Create a Watermaster Program encompassing the Trinity River Basin and the Neches-Trinity Coastal Basin.

Number of permitted water rights: 827

Counties: 40 (33 have permitted water rights)

Appendix E: Implementation Considerations for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

Figure 3. Watermaster Program for the Trinity River Basin and the Neches-Trinity Coastal Basin (Option 3)



Appendix E: Implementation Considerations for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

Table 4. Number of Permitted Water Rights by County (Option 3)

| County | Number of Water Rights | County | Number of Water Rights |
|------------|------------------------|--------------|------------------------|
| Anderson* | 28 | Jefferson* | 79 |
| Archer* | 0 | Johnson* | 11 |
| Chambers* | 40 | Kaufman* | 21 |
| Clay* | 0 | Leon* | 12 |
| Collin* | 61 | Liberty* | 20 |
| Cooke* | 14 | Limestone* | 1 |
| Dallas | 104 | Madison* | 2 |
| Denton | 55 | Montague* | 6 |
| Ellis | 27 | Navarro | 30 |
| Fannin* | 0 | Orange | 0 |
| Freestone* | 22 | Parker* | 15 |
| Grayson* | 4 | Polk* | 12 |
| Grimes* | 3 | Rockwall* | 5 |
| Hardin* | 0 | San Jacinto* | 7 |
| Henderson* | 35 | Tarrant | 132 |
| Hill* | 6 | Trinity* | 5 |
| Hood* | 1 | Van Zandt* | 1 |
| Houston* | 25 | Walker* | 8 |
| Hunt | 0 | Wise | 26 |
| Jack* | 9 | Young* | 0 |

* County located in multiple basins.

Year 1 has an estimated cost of \$1,123,118, with a cost of \$828,194 for each subsequent year. Actual assessments would vary based on the estimated expected return rate. Table 5 summarizes estimated expenditures for Option 3.

Appendix E: Implementation Considerations for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

Table 5. Cost Estimate (Option 3)

| | Year 1 | Year 2 | Assumptions |
|--------------------------------------------|-----------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Salaries | | | |
| Watermaster | \$85,148 | \$87,702 | 1 Watermaster (Program Supervisor VI, B23) (\$85,148/year with 3% increase by year 2) |
| Assistant Watermaster | \$75,548 | \$77,814 | 1 Assistant Watermaster (Watermaster Specialist V, B23) (\$75,548/year with 3% increase by year 2) |
| Administrative Assistant | \$36,976 | \$38,085 | 1 Administrative Assistant V, A17 (\$36,976/year with 3% increase by year 2) |
| Watermaster Specialist IV | \$66,029 | \$68,010 | 1 Watermaster Specialist IV, B21 (\$66,029/year with 3% increase by year 2) |
| 3 Watermaster Specialist II | \$151,651 | \$156,201 | 3 Watermaster Specialist II, B17 (\$50,550/year with 3% increase by year 2) |
| 2 Watermaster Liaisons | \$15,110 | \$15,563 | 50% of Liaison Salary paid by watermaster programs. Second, determined by percentage of water rights among all watermaster programs. In this instance, assumption is 20% of all water rights (with 3% increase by year 2) |
| Watermaster Purchaser | \$7,904 | \$8,141 | Purchaser Salary determined by percentage of water rights among all watermaster programs. In this instance, assumption is 20% of all water rights (with 3% increase by year 2) |
| Total Salaries | \$438,366 | \$451,517 | |
| Fringe | \$142,557 | \$146,833 | Agency Standard is 32.52% of Salaries |
| Additional Insurance and Retirement | \$6,575 | \$6,773 | Table of standard costs for FTEs - 1.5% of salaries |
| SORM fee | \$403 | \$403 | 20% of total SORM \$2,013. B&P provides total SORM or \$100 per FTE average. |
| SWCAP fee | \$2,621 | \$2,621 | 20% of total SWCAP \$13,105. B&P provides total SWCAP or \$600 per FTE average. |
| Professional/Temp Services | \$60,000 | \$60,000 | Higher in first two years to add water accounts and functionality into the accounting system for program. |
| Travel In-State | \$21,000 | \$21,000 | 7 FTEs (\$2,500/each; however, this amount assumes some employees will travel more than others) plus \$500 additional per FTE for new WM travel |
| Training | \$7,000 | \$7,000 | 7 FTEs (\$1,000/each; however, this amount assumes some employees will require more training than others) |

Appendix E: Implementation Considerations for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

| | | | |
|---------------------------------------------|--------------------|------------------|--------------------------------------------------------------------------------------------------------|
| Rent - Building | \$30,000 | \$30,000 | Rent space for TCEQ regional offices in Fort Worth, Houston, and Beaumont |
| Postage | \$4,400 | \$2,200 | Based on BWM amount plus 2 initial program startup mailouts |
| Phone/Utilities | \$17,460 | \$10,260 | Based on STWM amount plus additional FTE equipment (\$7,200 for year 1) |
| Supplies - Consumables | \$2,000 | \$2,000 | Estimated program startup amount |
| Other Operating Expenses | \$21,918 | \$20,770 | Table of standard costs for FTEs - 5% of salaries |
| Fuels/Lubricants | \$25,000 | \$25,000 | Based on STWM amount |
| Rent - Machine & Other | \$3,188 | \$3,188 | Based on STWM amount |
| Facilities, Furniture, and Equipment | \$38,630 | \$38,630 | Based on STWM amount plus additional flowtrackers @ \$8,690/each (\$17,380/year 1 and \$17,380/year 2) |
| Capital Equipment - IT | \$14,000 | \$0 | 7 computers at \$1,500, \$500 remote work accessories per FTE |
| Capital - Vehicles | \$288,000 | \$0 | 6 vehicles at \$48,000 including dash cameras and GPS units |
| Total | \$1,123,118 | \$828,194 | |

Costs include:

- Watermaster and administrative assistant located in the TCEQ Fort Worth Regional Office.
- One assistant watermaster located in the TCEQ Houston Regional Office.
- Four watermaster specialists/field deputies (one of which would be a senior watermaster specialist) located in the TCEQ Fort Worth and Beaumont Regional Offices.

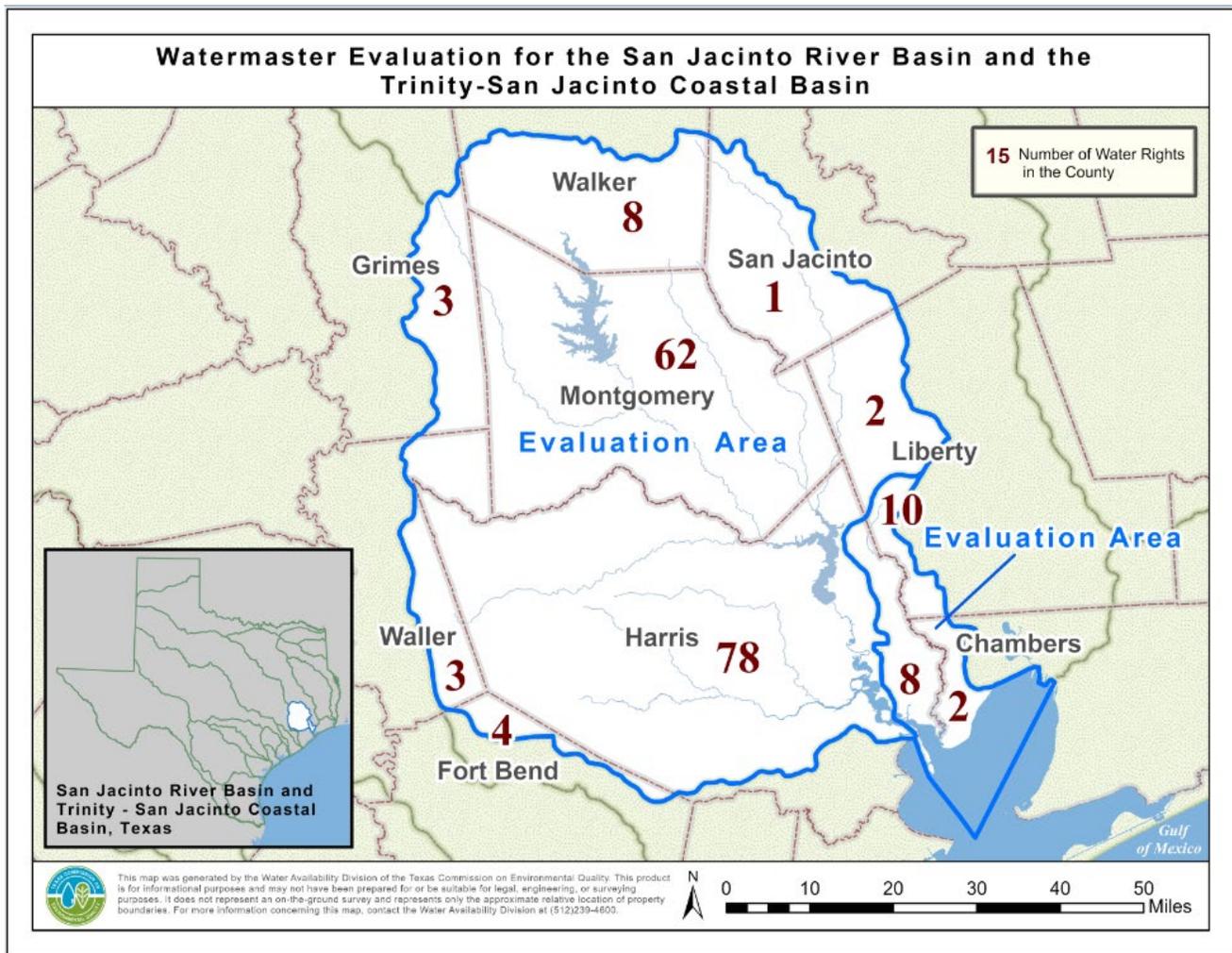
Option 4: Create a Watermaster Program encompassing the San Jacinto River Basin and the Trinity-San Jacinto Coastal Basin.

Number or permitted water rights: 179

Counties: 9 (9 have permitted water rights)

Appendix E: Implementation Considerations for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

Figure 4. Watermaster Program for the San Jacinto River Basin and the Trinity-San Jacinto Coastal Basin (Option 4)



Appendix E: Implementation Considerations for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

Table 6. Number of Permitted Water Rights by County (Option 4)

| <i>County</i> | <i>Number of Water Rights</i> | <i>County</i> | <i>Number of Water Rights</i> |
|---------------|-------------------------------|---------------|-------------------------------|
| Chambers* | 2 | Montgomery | 62 |
| Fort Bend* | 4 | San Jacinto* | 1 |
| Grimes* | 3 | Walker* | 8 |
| Harris* | 84 | Waller* | 3 |
| Liberty* | 12 | | |

* County located in multiple basins.

Year 1 has an estimated cost of \$449,469, with a cost of \$342,064 for each subsequent year. Actual assessments would vary based on the estimated expected return rate. Table 7 summarizes estimated expenditures for Option 4.

Table 7. Cost Estimate (Option 4)

| | Year 1 | Year 2 | Assumptions |
|----------------------------------|---------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Salaries | | | |
| Watermaster | \$85,148 | \$87,702 | 1 Watermaster (Program Supervisor VI, B23) (\$85,148/year with 3% increase by year 2) |
| Administrative Assistant | \$32,400 | \$33,372 | 1 Administrative Assistant III, A13 (\$32,400/year with 3% increase by year 2) |
| Watermaster Specialist II | \$50,550 | \$52,067 | 1 Watermaster Specialist II, B17 (\$50,550/year with 3% increase by year 2) |
| Watermaster Liaison | \$3,777 | \$3,891 | 50% of Liaison Salary paid by watermaster programs. Second, determined by percentage of water rights among all watermaster programs. In this instance, assumption is 5% of all water rights (with 3% increase by year 2) |
| Watermaster Liaison | \$1,976 | \$2,035 | Purchaser Salary determined by percentage of water rights among all watermaster programs. In this instance, assumption is 5% of all water rights (with 3% increase by year 2) |
| Total Salaries | \$173,852 | \$179,067 | |

Appendix E: Implementation Considerations for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

| | | | |
|---------------------------------------------|------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Fringe | \$56,537 | \$58,233 | Agency Standard is 32.52% of Salaries |
| Additional Insurance and Retirement | \$2,608 | \$2,686 | Table of standard costs for FTEs - 1.5% of salaries |
| SORM fee | \$101 | \$101 | 5% of total SORM \$2,013. B&P provides total SORM or \$100 per FTE average. |
| SWCAP fee | \$655 | \$655 | 5% of total SWCAP \$13,105. B&P provides total SWCAP or \$600 per FTE average. |
| Professional/Temp Services | \$50,000 | \$50,000 | Higher in first two years to add water accounts and functionality into the accounting system for program. |
| Travel In-State | \$9,000 | \$9,000 | 3 FTEs (\$2,500/each; however, this amount assumes some employees will travel more than others) plus \$500 additional per FTE for new WM travel |
| Training | \$3,000 | \$3,000 | 3 FTEs (\$1,000/each; however, this amount assumes some employees will require more training than others) |
| Rent - Building | \$11,000 | \$11,000 | Rent space for TCEQ regional office in Houston |
| Postage | \$1,300 | \$650 | Based on CRWM amount plus 2 initial program startup mailouts |
| Phone/Utilities | \$5,700 | \$3,100 | Based on CRWM amount plus additional FTE equipment (\$2,600 for year 1) |
| Supplies - Consumables | \$2,000 | \$2,000 | Estimated program startup amount |
| Other Operating Expenses | \$8,693 | \$8,237 | Table of standard costs for FTEs - 5% of salaries |
| Fuels/Lubricants | \$7,000 | \$7,000 | Based on CRWM amount |
| Rent - Machine & Other | \$835 | \$835 | Based on CRWM amount |
| Facilities, Furniture, and Equipment | \$15,190 | \$6,500 | Based on CRWM amount plus additional flowtracker @ \$8,690 for year 1 |
| Capital Equipment - IT | \$6,000 | \$0 | 3 computers at \$1,500, \$500 remote work accessories per FTE |
| Capital - Vehicles | \$96,000 | \$0 | 2 vehicles at \$48,000 including dash cameras and GPS units |
| Total | \$449,469 | \$342,064 | |

Appendix E: Implementation Considerations for the Trinity and San Jacinto River Basins and the Trinity-San Jacinto and Neches-Trinity Coastal Basins

Costs include:

- Watermaster, one assistant watermaster, and one senior watermaster specialist located in the TCEQ Houston Regional Office.

Appendix F: TCEQ Letters to Stakeholders

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 10, 2023

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

Dear Stakeholder:

The Texas Commission on Environmental Quality (TCEQ) is currently evaluating the above listed basins under Texas Water Code §§11.326(g) and (h) to determine whether there is a need to establish a watermaster. More information on this process can be found at: www.tceq.texas.gov/goto/watermaster.

The purpose of this letter is to notify you and seek your input on the process. Please email *or* mail any initial comments you have by April 14, 2023 to:

- Email: watermaster@tceq.texas.gov
- Regular Mail: Iliana Spaeth, Watermaster Section Liaison, TCEQ, MC-160, P.O. Box 13087, Austin, Texas 78711-3087.

In your comments, please identify:

- Basin/waterbody on which you are commenting
- Affiliation (examples: domestic/livestock user, holder of Water Right No. X)

Your initial comments will assist the TCEQ in developing the information for presentation at stakeholder meetings planned for June 2023. You will receive further information on these stakeholder meetings which will be held in Corsicana and Houston *and* virtually through Microsoft Teams at a later time.

Your interest and participation in this process is valuable to the TCEQ. If you have any questions, please contact Iliana Spaeth at (512) 239-4181.

Sincerely,


Jose A. Davila, Manager
Watermasters Section
Water Availability Division

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

How is our customer service? tceq.texas.gov/customersurvey
printed on recycled paper

Appendix F: TCEQ Letters to Stakeholders

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 12, 2023

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

Dear Stakeholder:

The Texas Commission on Environmental Quality (TCEQ) is currently evaluating the above listed basins to determine whether there is a need to establish a watermaster. More information on the evaluation process and watermaster programs can be found on the TCEQ's website at: www.tceq.texas.gov/goto/watermaster. Stakeholder input is an important part of this process.

Stakeholder Meetings

TCEQ will hold four stakeholder meetings to provide information about the evaluation process, answer questions, and take public comment. Two of these stakeholder meetings will be held in-person and two will be held virtually in Microsoft Teams.

Monday, June 5, 2023 from 6-7 PM
Corsicana Public Library
Nancy Roberts Meeting Room
100 N 12th Street
Corsicana, Texas 75110

Tuesday, June 6, 2023 from 6-7 PM
Houston-Galveston Area Council
2nd Floor - Conference Room A
3555 Timmons Lane
Houston, Texas 77027

Wednesday, June 7, 2023 from 6-7 PM
Teams Link: <https://bit.ly/3LaHxgI>

Thursday, June 8, 2023 from 6-7 PM
Teams Link: <https://bit.ly/41Hnc1o>

Instructions on how to join the virtual meetings can be found on the reverse. *Please try to join the meeting 10 minutes before the start time.*

Public Comment

You can also submit comments without attending the stakeholder meetings. The TCEQ will be taking public comment through June 30, 2023. Please email your comments to watermaster@tceq.texas.gov. You can also mail your comments to Iliana Spaeth, Watermasters Section Liaison, MC 160, P.O. Box 13087, Austin, Texas 78711-3087.

Questions

If you have any questions about the process, stakeholder meetings, or submitting comments, please contact Iliana Spaeth at watermaster@tceq.texas.gov or (512) 239-4181.

Thank you for your participation in this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose A. Davila".

Jose A. Davila, Manager
Watermasters Section
Water Availability Division

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

How is our customer service? tceq.texas.gov/customersurvey

printed on recycled paper

Appendix F: TCEQ Letters to Stakeholders

HOW TO JOIN A MICROSOFT TEAMS MEETING

You can join a Microsoft Teams meeting from your desktop, laptop, tablet or smart phone. You can also use your phone to call into a Microsoft Teams meeting.

Desktop or Laptop (PC or Mac)

- Ensure that your device has a microphone, speakers, and a camera to fully participate (participating on camera is optional).
- The recommended Internet browser app for Microsoft Teams Meetings is either Google Chrome or Microsoft Edge (PC only).
- Open Google Chrome or Microsoft Edge and type the meeting link (see reverse) and hit "Enter."
 - If you have Microsoft Teams on your desktop/laptop, select "Open Microsoft Teams" or "Open Teams" in the browser window so that the meeting will open in the app. Allow the app to use your microphone and camera.
 - If you do not have Microsoft Teams on your desktop/laptop, select "Continue on this browser" or "Join on the web instead" in the browser window so that the meeting will open in a browser tab. Enter your name to be displayed in the Participant list and allow the browser to use your microphone and camera.

Tablet or Smart Phone

- You will need to download the Microsoft Teams app. Make sure you set up your profile in Microsoft Teams after downloading the app. There is no cost to download the app or use it for these meetings.
- Open your internet browser and type in meeting link (see reverse) and hit "Enter." You will be prompted with "Open this page in 'Teams'". Click "Open." The app on your tablet or phone will open. Click the blue, "Join Now" button.

Phone

An audio-only tollfree phone number is available for this meeting. Please see the call-in information below.

Wednesday, June 7, 2023 from 6-7 PM
Phone Number: [+1 512-826-8070](tel:+15128268070)
Phone Conference ID: 426 417 694#

Thursday, June 8, 2023 from 6-7 PM
Phone Number: [+1 512-826-8070](tel:+15128268070)
Phone Conference ID: 908 842 080#

Although registration is not required, individuals interested in attending are requested to submit a registration form, which can be found on TCEQ's website under the "Which Basins are Being Evaluated Now?" section: www.tceq.texas.gov/goto/watermaster

Appendix F: TCEQ Letters to Stakeholders

Jon Niemann, Chairman
Emily Lindley, Commissioner
Bobby Janacka, Commissioner
Erin E. Chancellor, Interim Executive Director



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

12 de Mayo, 2023

Re: Reuniones de partes interesadas: Evaluación para el comisionado del agua de las cuencas del Río Trinity, Río San Jacinto y cuencas costeras de los ríos Trinity-San Jacinto y Neches-Trinity.

Estimada parte interesada:

La Comisión de Calidad de Texas (TCEO) está evaluando las cuencas de río mencionadas arriba para determinar si se necesita establecer un comisionado del agua, conocido como "Watermaster". Mas información en el proceso de evaluación y de comisionados del agua puede ser localizada en la página de internet en: www.tceq.texas.gov/goto/watermaster. La opinión de las partes interesadas es una parte importante de este proceso.

Reuniones de partes interesadas

TCEO sostendrá cuatro reuniones de partes interesadas para proveer información acerca del proceso de evaluación, contestar preguntas, y recibir comentarios del público. Dos de estas reuniones serán presenciales y dos serán virtuales a través de Microsoft Teams.

Lunes, 5 de Junio, 2023, de 6-7 PM
Biblioteca Pública de Corsicana
Sala de Reuniones Nancy Roberts
100 N 12th Street
Corsicana, Texas 75110

Martes, 6 de Junio, 2023, de 6-7 PM
Consejo de Área Houston-Galveston
Piso 2 - Sala de Conferencias A
3555 Timmons Lane
Houston, Texas 77027

Miércoles, 7 de Junio, 2023, de 6-7 PM
Liga en Teams: <https://bit.ly/3LaHxgL>

Jueves, 8 de Junio, 2023, de 6-7 PM
Liga en Teams: <https://bit.ly/41Hnelo>

Instrucciones de como unirse a las reuniones virtuales se encuentran al reverso. Por favor trate de unirse a la junta 10 minutos antes del inicio.

Comentario Público

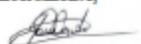
Usted también puede enviar comentarios sin asistir a las reuniones de partes interesadas. TCEO estará recibiendo comentarios del público hasta el 30 de Junio, 2023. Por favor envíe sus comentarios por correo electrónico a watermaster@tceq.texas.gov. También puede enviar sus comentarios por correo a Diana Spaeth, Watermasters Section Liaison, MC 160, P.O. Box 13087, Austin, Texas 78711-3087.

Preguntas

Si tiene preguntas acerca del proceso, de las reuniones de partes interesadas, o de como enviar comentarios, por favor contacte a Diana Spaeth en watermaster@tceq.texas.gov o (512) 239-4181. Si usted necesita servicios de traducción al español durante estas reuniones, por favor háganoslo saber en los contactos antes mencionados antes del 26 de Mayo, 2023.

Gracias por su participación en este proceso.

Sinceramente,


Jose A. Davila, Gerente
Sección Watermasters
División de Disponibilidad del Agua

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

How is our customer service? tceq.texas.gov/customer/survey

printed on recycled paper.

Appendix F: TCEQ Letters to Stakeholders

COMO UNIRSE A UNA REUNION EN MICROSOFT TEAMS

Usted puede unirse a una reunión de Microsoft Teams desde su computadora de escritorio o portátil, tableta o teléfono Smart. Usted también puede llamar a reunión de Microsoft Teams.

Computadora de escritorio o portátil (PC o Mac)

- Cerciórese que su dispositivo cuente con micrófono, bocinas, y videocámara para poder participar plenamente (Participar por videocámara es opcional).
- Las aplicaciones de navegación por Internet recomendadas para reuniones de Microsoft Teams son Google Chrome o Microsoft Edge (PC solamente).
- Inicie Google Chrome o Microsoft Edge e ingrese la liga de la reunión (vea al reverso) y presione "Enter."
 - Si usted tiene Microsoft Teams en su computadora de escritorio/portátil, seleccione "Open Microsoft Teams" o "Open Teams" en la ventana navegadora y la reunión iniciará en la aplicación. Permita que la aplicación use el micrófono y la videocámara.
 - Si usted no tiene Microsoft Teams en su computadora de escritorio/portátil, seleccione "Continue on this browser" o "Join on the web instead" en la ventana navegadora y la reunión iniciará en la pestaña del navegador. Ingrese su nombre para que se muestre en la lista de participantes y permita que el navegador use el micrófono y la videocámara.

Tableta or Teléfono Smart

- Usted necesitará descargar la aplicación de Microsoft Teams. Cerciórese de preparar su perfil en Microsoft Teams después de descargar la aplicación. No hay costo alguno por descargar la aplicación o por usarla en estas reuniones.
- Inicie su navegador de Internet e ingrese la liga de la reunión (vea al reverso) y presione "Enter." Siguiendo aparecerá "Open this page in Teams". Presione "Open." La aplicación en su tableta o teléfono iniciará. Presione el botón azul "Join Now".

Teléfono

Un número telefónico gratuito está disponible para esta reunión por audio solamente. Por favor vea la información para llamar abajo.

Miércoles, 7 de Junio, 2023, de 6-7 PM
Número Telefónico: [+1 512-826-8070](tel:+15128268070)
Clave Telefónica de Conferencia: 426 417 694#

Jueves, 8 de Junio, 2023, de 6-7 PM
Número Telefónico: [+1 512-826-8070](tel:+15128268070)
Clave Telefónica de Conferencia: 908 842 080#

Aunque el registro no es requerido, personas interesadas en asistir se les pide que remitan una forma de registro, la cual se encuentra en la página de internet de TCEQ bajo la sección "Which Basins are Being Evaluated Now?" www.tceq.texas.gov/goto/watermaster. Para acceder a la forma en español seleccione "español" en la parte de arriba a la derecha en la forma.

From: [Iliana Spaeth](#)
To: [Iliana Spaeth](#)
Subject: Watermaster Evaluation for the Trinity River, San Jacinto River, Trinity-San Jacinto-Coastal, and the Neches-Trinity Coastal Basins
Date: Friday, July 28, 2023 3:53:07 PM
Attachments: [image001.png](#)

From: Bart Bartkowiak [REDACTED]
Sent: Thursday, April 6, 2023 10:06 AM
To: watermaster <watermaster@tceq.texas.gov>
Subject: Watermaster Evaluation for the Trinity River, San Jacinto River, Trinity-San Jacinto-Coastal, and the Neches-Trinity Coastal Basins

The City of Beaumont pulls water from the Neches River to provide water to the citizens of Beaumont. We do hold water rights on the Neches River and have the ability with those to pull up to 50MGD from the river.

Currently we work with LNVA and feel that is going well. We are not having any issues and do not see a need for a watermaster for the Neches.

Thanks



Bart Bartkowiak
Director of Public Works

[REDACTED] Web www.beaumonttexas.gov
Fax 409-880-3712
Address 801 Main Street Beaumont, TX 77701

From: [Iliana Spaeth](#)
To: [Iliana Spaeth](#)
Subject: Trinity River Basin - Agriculture User Water Right #5039
Date: Friday, July 28, 2023 4:08:52 PM
Attachments: [Water Use Report.pdf](#)

From: Curtis Green [REDACTED]
Sent: Wednesday, March 15, 2023 2:46 PM
To: watermaster <watermaster@tceq.texas.gov>
Subject: Trinity River Basin - Agriculture User Water Right #5039

To Whom It May Concern,

I would like to be involved in this discussion since we are Water Right Holder #5039 and operate our farming operation using a Trinity River tributary. Please keep me on the list and continue sending information.

Thanks
Curtis Green
Blue Sky Sod Farm/Green Scaping Properties, LP
2401 Handley Ederville Road
Fort Worth, TX 76118
[REDACTED]

From: [Iliana Spaeth](#)
To: [Iliana Spaeth](#)
Date: Friday, July 28, 2023 3:54:40 PM

From: Jeff Branick [REDACTED]
Sent: Tuesday, March 14, 2023 1:24 PM
To: watermaster <watermaster@tceq.texas.gov>
Subject:

Sir or Mam-The Neches-Trinity Coastal Basin is that portion of Jefferson and Chambers Counties draining directly to the coast including the Taylor Bayou watershed. The majority of the water rights issued in the coastal basin are for irrigation.

The Taylor Bayou Saltwater Barrier, operated by the Sabine Neches Navigation District, protects the freshwater in the bayou from saltwater intrusion thus benefitting local rice and other agriculture crops dependent on that water supply. Water diverted from the Neches and Trinity Rivers by the Lower Neches Valley Authority for irrigation within the coastal basin becomes a source water as return flows are released from irrigated fields into the coastal bayous.

We are not aware of any shortages or conflicts between water rights holders in the Neches-Trinity Coastal Basin that would necessitate a watermaster for this basin.

Jeff Branick

County Judge

Jefferson County Courthouse

1149 Pearl St.

Beaumont, Texas 77701

[REDACTED]

Fax: (409)839-2311

From: [Iliana Spaeth](#)
To: [Iliana Spaeth](#)
Subject: Watermaster Evaluation
Date: Friday, July 28, 2023 3:55:06 PM

From: Jacob Broussard [REDACTED]
Sent: Thursday, March 16, 2023 9:26 AM
To: watermaster <watermaster@tceq.texas.gov>
Subject: Watermaster Evaluation

Good Morning,

We received a letter dated March 10, 2023 in reference to whether we needed a watermaster. The Basin and Water Rights numbers associated with the letter are:

Water Rights # 4481, Hillabrandt Bayou
Water Rights #4488, Hillabrandt Bayou
Water Rights #4477, Taylors Bayou
Water Rights #3975, Mayhaw Bayou
Water Rights #4485 Bayou Din
Water Rights #4486 Bayou Din

All of these water rights are located in the Neches-Trinity Coastal Basin.

We do not need watermasters because many of these locations we use just a minimal amount of water per year making it very easy to determine the acre-feet diverted. In the rice farming areas where we use more acre-feet of water per year, we have very well kept canal systems and a Water Conservation Plan that is evaluated every year to maintain efficiency and accurate reporting.

Thanks,

Jacob L. Broussard
[REDACTED]

CHAMBERS-LIBERTY COUNTIES NAVIGATION DISTRICT

211 Miller Street
P.O. Box 518
Anahuac, Texas 77514



Phone: (409)267-3541
Fax: (409)267-4042
Website: www.clcnd.org

April 14, 2023

Ms. Iliana Spaeth,
Watermaster Section Liaison
Texas Commission on Environmental Quality
MC-160
P.O. Box 13087
Austin, Texas 78711-3087
watermaster@tceq.texas.gov

**VIA ELECTRONIC FILING
AND FIRST-CLASS MAIL**

Re: Watermaster Evaluation for the Trinity River Basin
Water Right holder Permit No. 08-4279
Steakholder Comments

Dear Ms. Spaeth,

This letter is submitted on behalf of the Chambers-Liberty Counties Navigation District ("CLCND"), in response to the Texas Commission on Environmental Quality's ("Commission") letter dated March 10, 2023, regarding the above-referenced matter.

CLCND respectfully submit that the TCEQ's staff should not recommend the establishment of a watermaster program for the Trinity River basin at this time.

1. To our knowledge, there have been no court orders to create a watermaster in the Trinity River Basin.
2. To our knowledge, TCEQ has not received a petition requesting a watermaster.
3. To our knowledge, there have been no senior water rights threatened, based on either the history of senior calls or water shortages within the Trinity River basin.

No factual basis exists for the imposition of a watermaster on all or any portion of the Trinity River. However, in the event that our region continues to grow at an accelerated rate, there may be a time in the future when a watermaster plan for the Trinity River becomes necessary to protect the senior water rights in the Trinity River, including ours

which are located in the very lower end of the basin in Chambers County. For the foregoing reasons, the appointment of a watermaster program for the Trinity River basin is unnecessary at this time and we would not support an effort to create one.

Thank you for the opportunity to provide these comments as interested stakeholder and significant water rights holder in the Basin. Should you have any questions regarding these comments, please feel free to call at your convenience.

Respectfully submitted,

A handwritten signature in blue ink that reads "Claudia Sandoval". The signature is written in a cursive, flowing style.

Claudia Sandoval,
General Manager

FORD J. FROST, MANAGER
E-MAIL frost-ht@swbell.net
(713) 520-7331 Fax

FPL FARMING, LTD.
FROST VENTURES, L.L.C.
GENERAL PARTNER

2930 Revere Street, Suite 300
Houston, Texas 77098
(713) 658-8000 Voice

May 22, 2023

Jose Davila Watermaster Section Manager
Water Availability Division MC 160
Austin, TX 78711-3087

RECEIVED
MAY 26 2023
Water Availability Division

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

Dear Mr. Davila:

FPL Farming Ltd, ("FPL") is the holder of Water Rights Permit 3925 and as such has been familiar with the operation of that water right for over fifty years. FPL believes that the establishment of a Watermaster for the Trinity-San Jacinto Coastal Basin is **unnecessary**. There has never been a problem. The establishment of a Watermaster would add undue expense and administrative hassle for small and larger water rights holders. Until the need is demonstrated, a Watermaster is not necessary.

Very truly yours,

FPL Farming, LTD., a Texas Limited Partnership,
acting by and through Frost Ventures, L.L.C.,
as General Partner



Ford J. Frost, Manager

FJF/rlj

Enclosures

FORD J. FROST, MANAGER
E-MAIL frost-ht@swbell.net
(713) 520-7331 Fax

FPL FARMING, LTD.

FROST VENTURES, L.L.C.
GENERAL PARTNER

2930 Revere Street, Suite 300
Houston, Texas 77098
(713) 658-8000 Voice

May 22, 2023

Jose Davila Watermaster Section Manager
Water Availability Division MC 160
Austin, TX 78711-3087

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

Dear Mr. Davila:

FPL Farming Ltd, ("FPL") is the holder of Water Rights Permit 3919 and as such has been familiar with the operation of that water right for over fifty years. FPL believes that the establishment of a Watermaster for the Trinity-San Jacinto Coastal Basin is **unnecessary**. There has never been a problem. The establishment of a Watermaster would add undue expense and administrative hassle for small and larger water rights holders. Until the need is demonstrated, a Watermaster is not necessary.

Very truly yours,

FPL Farming, LTD., a Texas Limited Partnership,
acting by and through Frost Ventures, L.L.C.,
as General Partner



Ford J. Frost, Manager

RECEIVED
MAY 26 2023
Water Availability Division

FJF/rlj

Enclosures

FORD J. FROST, MANAGER
E-MAIL frost-ht@swbell.net
(713) 520-7331 Fax

FVL, LTD.
FVL MANAGEMENT, L.L.C.
GENERAL PARTNER

2930 Revere Street, Suite 300
Houston, Texas 77098
(713) 658-8000 Voice

May 22, 2023

RECEIVED
MAY 26 2023
Water Availability Division

Jose Davila Watermaster Section Manager
Water Availability Division MC 160
Austin, TX 78711-3087

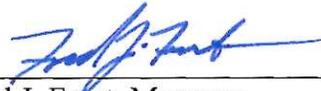
Re: Watermaster Evaluation for the Trinity River, San Jacinto River, Trinity-San Jacinto Coastal, and the Neches-Trinity Coastal Basin

Dear Mr. Davila:

FVL Ltd, ("FVL") is the holder of Water Rights Permit 3924 (Optionee) and as such has been familiar with the operation of that water right for over fifty years. FVL believes that the establishment of a Watermaster for the Trinity-San Jacinto Coastal Basin is **unnecessary**. There has never been a problem. The establishment of a Watermaster would add undue expense and administrative hassle for small and larger water rights holders. Until the need is demonstrated, a Watermaster is not necessary.

Very truly yours,

FVL, Ltd., a Texas Limited Partnership, acting
by and through FVL Management, L.L.C.,
as General Partner



Ford J. Frost, Manager

FJF/rlj

Enclosures

FORD J. FROST, MANAGER
E-MAIL frost-ht@swbell.net
(713) 520-7331 Fax

FVL, LTD.
FVL MANAGEMENT, L.L.C.
GENERAL PARTNER

2930 Revere Street, Suite 300
Houston, Texas 77098
(713) 658-8000 Voice

May 22, 2023

Jose Davila Watermaster Section Manager
Water Availability Division MC 160
Austin, TX 78711-3087

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

Dear Mr. Davila:

FVL Ltd, ("FVL") is the holder of Water Rights Permit 3924 and as such has been familiar with the operation of that water right for over fifty years. FVL believes that the establishment of a Watermaster for the Trinity-San Jacinto Coastal Basin is **unnecessary**. There has never been a problem. The establishment of a Watermaster would add undue expense and administrative hassle for small and larger water rights holders. Until the need is demonstrated, a Watermaster is not necessary.

RECEIVED
MAY 26 2023
Water Availability Division

Very truly yours,

FVL, Ltd., a Texas Limited Partnership, acting
by and through FVL Management, L.L.C.,
as General Partner



Ford J. Frost, Manager

FJF/rlj

Enclosures

From: [Iliana Spaeth](#)
To: [Iliana Spaeth](#)
Subject: Watermaster Evaluation for the Trinity River Basin
Date: Friday, July 28, 2023 3:39:03 PM

From: James Gebing [REDACTED]
Sent: Wednesday, May 31, 2023 4:10 PM
To: watermaster <watermaster@tceq.texas.gov>
Cc: Jim Gebing [REDACTED]
Subject: Watermaster Evaluation for the Trinity River Basin

To:
Jose A Davila
Manager Watermasters Section Water Availability Division

Re: Watermaster Evaluation for the Trinity River Basin

We recently received your letter notifying us of upcoming meetings on the proposed Watermaster program. We plan on attending one of the virtual sessions but also wanted to thank you for the opportunity to provide input/comments on this upcoming Watermaster proposal. Our community of Safari Waters Ranch has 3 private lakes with two existing water right permits:

- Safari Dam/Lake: Dam # TX00179. Water Right Permit: ADJ-5042
- Trophy Dam/Lake: Dam # TX06160. Water Right Permit: 5018

It is our opinion, that a Watermaster program for the Trinity River system would create additional layers of water resource management and oversight that are unnecessary and would lead to additional expenses for private landowners and small businesses. We also believe a Watermaster program puts too much power in the hands of a small regulatory body, increases costs unnecessarily and caters to powerful, influential big business.

Thank you for seeking out property owner input and including our feedback in the decision-making process.

Respectfully,

Jim Gebing
Lakes Chairperson for Safari Waters Ranch

[REDACTED]
[REDACTED]

Jim Gebing

[REDACTED]

From: [Iliana Spaeth](#)
To: [Iliana Spaeth](#)
Subject: Watermaster - Trinity River
Date: Friday, July 28, 2023 3:54:14 PM

From: RIG Office [REDACTED]
Sent: Monday, March 20, 2023 2:42 PM
To: watermaster <watermaster@tceq.texas.gov>
Subject: Watermaster - Trinity River

Good afternoon,

I am replying to a letter we received in the mail regarding Watermaster Evaluation for the Trinity. The company is Triple R Ranch and our affiliation is a livestock user. We do not need to establish a watermaster at this time. Please let me know if you need further information.

Thank you,

Christie Nash

Office Manager
Raleigh Investment Group, L.P.
Triple R Ranch, L.P.
Trailhouse Park, LLC
Wildwood L.U.H., LLC
[REDACTED]
1120 FM 1389 South
Combine, TX 75159



Regional. Reliable. Everyday.

April 12, 2023

Iliana Spaeth, Watermaster Section Liaison
Texas Commission on Environmental Quality MC-160
P.O. Box 13087
Austin, Texas 78711-3087
watermaster@tceq.texas.gov

Re: Watermaster Evaluation for the Trinity River Basin

Dear Ms. Spaeth:

This letter is submitted on behalf of the North Texas Municipal Water District ("NTMWD"), in response to the Texas Commission on Environmental Quality (the "Commission") letter dated March 10, 2023, regarding the above-referenced matter. Specifically, this letter is submitted to notify you and the Commission that NTMWD does not support the creation of a Watermaster for the Trinity River Basin (the "Basin"), for the reasons identified herein.

Water Rights

NTMWD owns water rights within the Basin¹. Particularly, NTMWD's water rights include the right to store water in and divert state water from Lavon Lake, which serves as a primary water supply source for the approximately 2 million people within NTMWD's service area.

Watermaster Assessment

NTMWD does not support the creation of a Watermaster for the Basin, for a variety of reasons. To the best of the NTMWD's knowledge, there has never been a priority call on junior water rights in the Basin. Nor has there been a court order to create a Watermaster or a petition filed pursuant to Texas Water Code Section 11.451 to create a Watermaster in the Basin. NTMWD is unaware of any domestic and livestock user having claimed an inability to divert surface water in the Basin that the work of a Watermaster would be expected to alleviate, even considering the severe drought conditions of 2009 and 2011 and the most recent drought in 2022.

Collaboration of the Basin Stakeholders

The Basin is somewhat unique compared to other river basins in the state given how the various surface water rights are managed. There is not one major water provider that controls the flow of the Trinity River, but instead a group of collective interests that have worked together to help manage their respective supplies. These interests are largely represented by the City of Dallas ("Dallas"), City of Houston ("Houston"), San Jacinto River Authority ("SJRA"), Tarrant Regional Water District ("TRWD"), and Trinity River Authority ("TRA") (collectively, the "Basin Stakeholders"). TRA and Houston own and operate the largest main stem reservoir in the Basin, Lake Livingston. Dallas has numerous reservoirs in the upper portions of the Basin, on both the Elm Fork Trinity River and East Fork Trinity River. TRWD owns and operates reservoirs in the middle of the Basin on both Richland Creek and Cedar Creek. NTMWD holds rights out of Lavon

¹ NTMWD holds rights in Certificate of Adjudication 08-2410 and Water Use Permits 12152 and 12548, as amended.

Lake on the East Fork Trinity River. SJRA and other interests hold major rights in the Basin below Lake Livingston. Nonetheless, the Basin Stakeholders have worked well together over time for many decades, and without impairment of their respective water rights.

These major water providers have effectively collaborated on management of the water supplies in the Basin in at least two instructive ways. First, in 1959, a series of agreements were finalized that allowed for the construction of Lake Livingston by Houston and TRA without impairing the senior water rights of the other Basin Stakeholders. These agreements were evidenced through either terms and conditions included in the water rights issued for Lake Livingston or they were included in agreements with downstream of Lake Livingston senior water right holders. These terms, conditions and agreements have, collectively, allowed upper and lower Basin interests to maximize the use, and reuse, of their water supplies in the Basin.

The Basin Stakeholders have also worked collaboratively over many years to evaluate water quality and water supply issues in the Basin. A water quality compact among the Basin Stakeholders allows for a collective evaluation of pollutant loadings for treated effluent discharges in the upper portion of the Basin, and a specialized water quality model developed by the Basin Stakeholders has been successfully employed to facilitate water quality assessments and permitting. The Basin Stakeholders have also entered into an interlocal agreement which allows for their collective evaluation of water management strategies and the development of recommendations regarding environmental flows, future permitting, and system operations within the Basin.

Finally, water rights and environmental flow conditions have been agreed upon by the Basin Stakeholders and established by the Commission for all major indirect reuse projects in the Basin. In addition, the environmental flow requirements associated with future surface water permitting have been adopted through Commission rulemaking such that environmental flows and the health of the Trinity and Galveston bay and estuary systems can be protected without the need and expense of a Watermaster.

Conclusion

A Watermaster program in the Basin would require the Commission, and NTMWD and other Basin Stakeholders to invest in a program that, quite simply, is not needed. There is no need to have a manager oversee diversions when the Basin Stakeholders operate as efficiently as noted herein and where there have been no disputes and no significant senior calls, if any, for a Watermaster to address.

NTMWD appreciates the opportunity to provide these comments as an interested stakeholder and water rights holder in the Trinity River Basin. NTMWD trusts that the Commission will carefully consider these comments in its assessment of this matter, particularly as it seeks to evaluate the need for a Watermaster in the Trinity River Basin. Should you have any questions regarding these comments, please feel free to call at your convenience.

Sincerely,



BILLY GEORGE

Deputy Director – Water and Wastewater

cc: Galen Roberts
Sara Thornton



National Wildlife Federation Texas Coast and Water Program

April 14, 2023

Jose A. Davila, Manager
Watermasters Section
Water Availability Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

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

Dear Mr. Davila:

The National Wildlife Federation—a nonprofit organization with long history of involvement in water rights issues in Texas and a strong interest in protection of environmental flows and effective water rights management—provides these initial comments on the above-referenced watermaster evaluation. As explained below, the National Wildlife Federation (NWF) recommends appointment of a watermaster for these basins. NWF also recommends the revision of the evaluation criteria and risk factors considered in determining the appropriateness of the appointment of watermasters in basins where they are lacking. The criteria and factors currently in use were developed in 2011 and require updating.

Need for Revision of Evaluation Criteria

The current evaluation criteria used in undertaking the required assessment were identified in a Commission Work Session in 2011 as follows:

1. Is there a court order to create a watermaster?
2. Has a petition been received requesting a watermaster?
3. Have senior water rights been threatened, based on: a. Either the history of senior calls or water shortages within the basin or b. The number of water right complaints received on an annual basis in each basin?¹

The current criteria are entirely retrospective, considering only actions already taken (entry of court order or filing of petition) or problems that have previously arisen because of unavailability of water to water right holders. The Commission is directed by the Texas Water Code to “determine the criteria or risk factors” to be considered in the evaluation.² Fixing water management in specific basins only after serious water availability problems have created water supply crises is not an adequate approach for

¹ As summarized in the Memorandum from Kim Nygren to the Commissioners: Evaluation of whether a Watermaster Program should be appointed in the following basins: Upper Brazos River, San Jacinto-Brazos Coastal, Colorado River, Brazos-Colorado Coastal, and Colorado-Lavaca Coastal, August 17, 2022, pp. 3-5.

² Tex. Water Code § 11.326 (h)(1).

evaluating risk. Although the current criteria certainly represent valid bases for appointing watermasters, they are inadequate for evaluating the risk of future problems: driving based only on looking in the rearview mirror is not a good approach for assessing and avoiding developing problems. The time has come to revisit and improve those criteria.

Water is far too precious to be managed in this backward-looking manner. Without the necessary watermaster programs, TCEQ does not have the capacity to stay abreast of developing water shortages. Realtime water use and diversion information is not available to staff outside of watermaster areas. Staff are already fully committed in addressing ongoing water rights challenges. When droughts strike, it simply is not realistic to expect those fully committed staff to be able swiftly, and comprehensively, to address drought conditions in basins without watermaster programs. Those conditions are challenging enough in areas with watermasters. Those criteria also fail meaningfully to address the issue of ensuring compliance with increasingly complex environmental flow requirements.

The evaluation criteria should be expanded to include an assessment of additional factors, including the level of consumptive rights granted relative to water availability during future drought periods, the level of existing use relative to water availability reasonably expected during future drought periods, and the ready availability of information needed to ensure protection of existing rights and compliance with environmental flow requirements. Those expanded criteria would allow a prospective approach that considers the “risk” of future problems consistent with statutory direction. The current criteria do a poor job of evaluating risk.

Basin-specific Issues

The Trinity River Basin is heavily appropriated, with water rights issued for more water than is reliably available. Water rights have been, and continue to be, issued authorizing over-drafting of reservoirs and extensive reuse of interruptible return flows. That has resulted in a highly complex water rights puzzle, making proper management of those rights extremely challenging. That challenge will only increase as weather extremes continue to intensify with inevitable droughts worse than the current drought of record.

Millions of Texans and vast amounts of economic activity rely on water from the Trinity River Basin and on the health of the river and the Galveston Bay estuarine system. Proactive oversight is needed of the water rights relied upon to meet those competing, and growing, demands. As water rights have been amended and new rights granted, the level of complexity has continued to grow. It is time that the state has the capacity to monitor that use on an ongoing basis and ensure priority of use is appropriately honored.

In addition, full compliance with environmental flow protections requires access by water right holders to near real-time information about flow levels and the diversion plans of other water right holders affecting flow at key measurement points. For newer rights subject to the environmental flow standards, that information is needed for accurately assessing what flow-protection levels properly apply at a given time (subsistence, base, or pulse) and to comply with those requirements. Appointing a watermaster would help to address those information needs. To be meaningful, the Commission’s evaluation of

environmental flow issues in reviewing the need for watermasters must consist of much more than a statement that environmental flow standards have been adopted.³

Similarly, the San Jacinto River Basin is heavily appropriated and is subject to similar environmental flow considerations. The two coastal basins also include numerous water rights. However, contrary to the statements in the 2018 Watermaster Review memo, environmental flow standards have not been adopted for those coastal basins.⁴ Regardless, the oversight and information provided by a watermaster program would improve protection of water rights and compliance with environmental flow requirements.

Your consideration of this initial input in the review process is appreciated. Please keep us informed as the review process moves forward.

Sincerely,



Jennifer Walker
Director, Texas Coast and Water Program
National Wildlife Federation



www.nwf.org | www.texaslivingwaters.org

³ That was the extent of the discussion of environmental flow issues in the 2018 watermaster evaluation for these basins. Memorandum from Kim Wilson to Commissioners on Evaluation of whether a Watermaster Program should be appointed in the following basins: Trinity River, San Jacinto River, Trinity-San Jacinto Coastal and Neches-Trinity Coastal, August 3, 2018, at p. 12. In addition, that discussion incorrectly indicates flow standards have been adopted for the two coastal basins.

⁴ *Id.* A review of the referenced standards shows that environmental flow standards for the two coastal basins have not yet been adopted.

From: [Hector Ortiz](#)
To: [Iliana Spaeth](#)
Subject: RE: Copy of Watermaster Evaluation Letter
Date: Wednesday, April 26, 2023 2:47:24 PM
Attachments: [image003.gif](#)
[image002.jpg](#)

Thanks Iliana. I am the General Manager of Dallas County Park Cities Municipal Water District. We hold Certificate of Adjudication #08-2363. I have discussed the issue with the City of Dallas, City of Grapevine and Upper Trinity Regional Water District and agree with their position that, at this time, there is not a need for a watermaster for the Trinity River Basin. Therefore, TCEQ's staff should not recommend the establishment of a watermaster program.

Should you have any further questions, please contact me at [REDACTED]

Sincerely,

Hector Ortiz
General Manager
Dallas County Park Cities
Municipal Utility District
[REDACTED]

From: Iliana Spaeth <Iliana.Spaeth@tceq.texas.gov>
Sent: Wednesday, April 26, 2023 13:59
To: Hector Ortiz [REDACTED]
Cc: Iliana Spaeth <Iliana.Spaeth@tceq.texas.gov>
Subject: Copy of Watermaster Evaluation Letter

Good afternoon Mr. Ortiz,

Per your request, a copy of the March 10, 2023 letter is attached.
Please let me know if you have any questions concerning the watermaster evaluation process.

Thank you,

Iliana Spaeth | Watermaster Liaison
Watermasters Section
Water Availability Division
512-239-4181 | iliana.spaeth@tceq.texas.gov



From: [Iliana Spaeth](#)
To: [Iliana Spaeth](#)
Subject: Riverwalk Flower Mound
Date: Friday, July 28, 2023 3:53:48 PM

From: Rebecca Reach [REDACTED]
Sent: Tuesday, March 21, 2023 8:02 AM
To: watermaster <watermaster@tceq.texas.gov>
Cc: Michael Morgan [REDACTED] Christina Duarte [REDACTED]
Subject: Riverwalk Flower Mound

Good morning,

I am writing to inform you of the opposition of enacting a watermaster of the system which is part of the Trinity River watershed by the Board of Directors for the River Walk Association. Currently the local municipality is taking care of the additional oversight.

Thank you,



Rebecca Reach
1512 Crescent Drive STE 112
Carrollton, TX 75006

[REDACTED]
E: [REDACTED]

If this is an afterhours emergency, please call 1-888-740-2233.

This email and any attached files are confidential and intended solely for the intended recipient(s). If you are not the named recipient you should not read, distribute, copy or alter this email. Any views or opinions expressed in this email are those of the author and do not represent those of the company. Warning: Although precautions have been taken to make sure no viruses are present in this email, the company cannot accept responsibility for any loss or damage that arise from the use of this email or attachments.

SEVEN J STOCK FARM, INC.

**211 Highland Cross Drive, Suite 100
Houston, Texas 77073-1733
(281) 874-2101 Fax (281) 874-2107**

**19300 Highway 21 West
Crockett, Texas 75835
(936) 624-3100 Fax (936) 624-2005**

April 6, 2023

Iliana Spaeth, Watermaster Section Liason
Texas Commission on Environmental Quality
MC-160
P. O. Box 13087
Austin, TX 78711-3087

RECEIVED

APR 12 2023

Water Availability Division

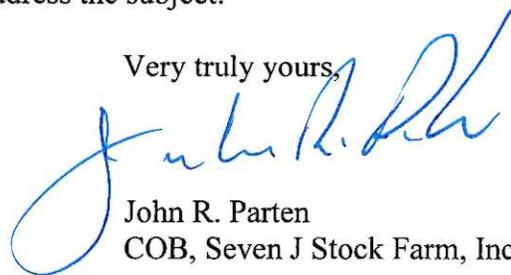
Dear Ms. Spaeth:

Seven J Stock Farm is a holder of Senior Water Rights on the Trinity River in Houston County. I have personally been associated with the river and the diversion point for over 70 years.

During the entire time I have been associated with the river, we have never had a watermaster, we have never needed a watermaster and we have been free from the expense of funding a watermaster. Unlike some of Texas' other river basins, we do not see the need for a watermaster in the Trinity Basin for the foreseeable future. We therefore urge you to avoid creating another layer of unnecessary bureaucracy in our basin.

Thank you for the opportunity to address the subject.

Very truly yours,



John R. Parten
COB, Seven J Stock Farm, Inc.

CC: JAP
/JRP



April 12, 2023

Ms. Iliana Spaeth,
Watermaster Section Liaison, Water Availability Division
Texas Commission on Environmental Quality
P.O. Box 13087
M.C. 160
Austin, Texas 78711-3087
watermaster@tceq.texas.gov

VIA ELECTRONIC FILING
AND FIRST-CLASS MAIL

Re: Watermaster Evaluation for the San Jacinto River Basin and Trinity-San Jacinto Coastal Basin

Dear Ms. Spaeth:

This letter is submitted on behalf of the San Jacinto River Authority (“SJRA”) and the City of Houston (“Houston”), collectively, in response to the Texas Commission on Environmental Quality’s (“Commission”) letter dated March 10, 2023, regarding the above-referenced matter. Specifically, this letter is submitted to notify you and the Commission that SJRA and Houston (collectively, the “Parties”) do not support the creation of a Watermaster for the San Jacinto River Basin or the Trinity-San Jacinto Coastal Basin (collectively, the “Basins”), for the reasons identified herein.

1. Water Rights of the Parties

The Parties own a significant number of water rights within the Basins that include the rights to store water in and divert state water from major reservoirs located in the San Jacinto River Basin, along with multiple run-of-river rights. Indeed, the Parties hold nearly 80% of the approximately 1,450,000 acre-feet of authorized diversion rights in the San Jacinto River Basin per the Commission’s water rights database,¹ and serve customers in the adjacent Trinity-San Jacinto Coastal Basin.

¹ For example: SJRA and Houston collectively hold rights in Certificates of Adjudication 10-4963 and Water Use Permits 5807 and 5808; SJRA holds rights in Certificates of Adjudication 10-4964 and Water Use Permits 5809 and 13183; Houston holds rights in Certificate of Adjudication 10-4965 and Water Use Permits 5826 and 5827, with amendments, as applicable.

Ms. Iliana Spaeth
March 31, 2023
Page 2

2. Collaboration of the Parties

The Parties have worked collaboratively over many years to address water supply issues in the Basins. As the joint owners of Lake Conroe water rights, the Parties manage a critical water supply to meet growing demands throughout the region. This effort has included SJRA's provision of surface water supplies to certain customers to reduce reliance upon groundwater.

Furthermore, the Parties coordinate efforts to maintain compliance with the Lake Houston Reservoir Accounting Plan, managing the Parties' portfolio of supplies and maintaining compliance with their collective water rights in and through Lake Houston. In addition, both Houston and SJRA actively participate in the Region H Planning meetings and regularly coordinate with one another on projects of common interest.

Finally, water rights and environmental flow conditions have been agreed upon and established by the Commission in the Basins. As such, the environmental flow requirements associated with future surface water permitting have been adopted through Commission rulemaking, such that environmental flows and the health of bay and estuary systems can be protected without the need and expense of a Watermaster.

3. Watermaster Assessment

To the best of the Parties' knowledge, there has never been a priority call on junior water rights in the Basins, nor has there been a petition filed pursuant to Texas Water Code Section 11.451 to create a Watermaster in the Basins. Furthermore, even during severe drought conditions including the most recent drought, the Parties are unaware of any domestic and livestock user having claimed an inability to divert surface water in the Basins which would be the responsibility of the Watermaster to alleviate. Consequently, establishing a Watermaster program in the Basins would be an imprudent use of resources, as there is no current nor anticipated threat to water rights and thus no need for one.

In Conclusion, a Watermaster program in the Basins would require the Commission, and the Parties, to invest in a program that, quite simply, is not needed and will result in burdensome costs associated with state supervision. There is no need to have a manager oversee diversions when the Parties operate as efficiently as noted herein and where there have been no disputes and no known significant senior calls for a Watermaster to address.

The Parties appreciate the opportunity to provide these comments as interested stakeholders and significant water rights holders in the Basins. The Parties trust that the Commission will carefully consider these comments in its assessment of this matter, particularly as it seeks to evaluate the need for a Watermaster in the Basins. The Parties look forward to stakeholder meetings later in the year and reserve the right to supplement these comments at that time, or by subsequent correspondence. Should you have any questions regarding these comments

Ms. Iliana Spaeth
March 31, 2023
Page 3

or any of the above-listed surface water rights, please feel free to call either of the undersigned, at your convenience.

Sincerely,

CITY OF HOUSTON:

DocuSigned by:

A93C410B72B3453...

**By: Carol Haddock, P.E., Director
Houston Public Works**

SAN JACINTO RIVER AUTHORITY:


By: Jace Houston, General Manager

TEXAS BRINE COMPANY, LLC
4800 San Felipe, Suite 9910
Houston, Texas 77056

April 14, 2023

Mr. Jose A. Davila
Manager
Watermasters Section
Water Availability Division
Texas Commission on Environmental Quality

Via: email at watermaster@tceq.texas.gov

Dear Mr. Davila:

Please accept this letter in response to your March 10, 2023 notice soliciting input on the evaluation of several water basins and the potential appointment of a watermaster for the Trinity, San Jacinto and/or Neches Rivers (and related coastal areas).

Texas Brine Company, LLC is the current holder of agricultural water rights on the San Jacinto River registered with the TCEQ under Water Right Number 3979.

Given those rights, and our interest in preserving the quality and quantity of water in the San Jacinto river basin, we are pleased to acknowledge our interest in establishing a watermaster for this basin.

Our interest in this measure is inspired, in part, by the long and successful history of the Rio Grande River watermaster program and we would encourage the agency to use that success as the model for the San Jacinto River.

We look forward to your forthcoming proposals and public education efforts on this matter and would appreciate your continuing notices as they become available.

Sincerely,

Theodore M. Grabowski
President
Texas Brine Company, LLC

Trinity River Authority of Texas



General Office

March 14, 2023

Mr. Jose Davila
Manager, Watermaster Section, MC-160
Water Availability Section
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: Watermaster Evaluation for the Trinity River Basin
Stakeholder Comments
Trinity River Authority of Texas, Tarrant Regional Water District, and City of Houston

Dear Mr. Davila:

We write on behalf of the Trinity River Authority of Texas (Authority), the Tarrant Regional Water District (District) and the City of Houston (City) in response to the solicitation of comments concerning the watermaster evaluation for the Trinity River basin. The Authority, District, and City (collectively, the "Parties") are major holders of Trinity River water rights, pursuant to multiple certificates of adjudication. Under those permits, the Parties are authorized to divert in excess of 2,000,000 acre-feet of water from the Trinity River and its tributaries annually. The Authority and City also serve as a local sponsor of the United States Army Corps of Engineers' Wallisville Saltwater Barrier project, together with the Chambers-Liberty Counties Navigation District. That project helps to ensure water quality in the lower Trinity River basin and prevents the need for releases from Lake Livingston to address saltwater intrusion.

The Parties have a clear interest in both the management of water rights within the Trinity River basin and the potential appointment of a watermaster. The Parties have worked collaboratively over many years to address water supply issues in the Basin. As the owners of Trinity River water rights, the Parties manage a critical water supply to meet growing demands throughout the region. For the reasons stated herein, we respectfully submit that the TCEQ's staff should not recommend the establishment of a watermaster program for the Trinity River basin at this time.

Background

Pursuant to 2011 amendments to Texas Water Code Chapter 11, the TCEQ's staff is charged with evaluating basins without watermasters at least once every five years to determine whether a watermaster should be appointed, and to report staff findings and recommendations to the Commission. TEX. WATER CODE § 11.326(g). The Commission must "determine the criteria or risk factors to be considered" by the staff in evaluating the need for a watermaster, and must include the findings and recommendations in the TCEQ's biennial report to the legislature. TEX. WATER CODE § 11.326(h).

P.O. Box 60
Arlington, Texas 76004
Metro 817-467-4343
Tele Fax 817-417-0367

Mr. Jose Davila
March 14, 2023
Page 2

TCEQ identifies three factors under consideration when evaluating the necessity of a watermaster for the Trinity River basin:

- Has there been a court order to create a watermaster?
- Has the TCEQ received a petition requesting a watermaster?
- 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?

The Parties furnish the following responses to those questions.

Evaluation Criteria

1. *Has there been a court order to create a watermaster?*

Texas Water Code Chapter 11, Subchapter H, provides that courts may appoint a watermaster under limited circumstances. To the knowledge of the Parties, no such suit has been initiated for any portion or segment of the Trinity River, and consequently, no court has issued an order creating a watermaster for any portion of the basin.

2. *Has the TCEQ received a petition requesting a watermaster?*

Texas Water Code Chapter 11, Subchapter I, authorizes the TCEQ to appoint a watermaster for a river basin or segment on a petition of 25 or more water rights holders, "if the commission finds that the rights of senior water rights holders in the basin or segment of the basin are threatened." TEX. WATER CODE § 11.451. To the Parties' knowledge, no such petition has been presented to the TCEQ. Moreover, and as discussed in detail below, it is not evident that senior water rights have ever been "threatened" in the Trinity River basin as that term is understood by the TCEQ.

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?*

In prior evaluations of the need for a watermaster, the TCEQ's staff has been directed to utilize the definition of a "threatened" water right found in a 2004 TCEQ Order.¹

Historically, there has been no instance in which senior water rights in the Trinity River basin

¹ TCEQ defines threatened as a threat to the rights of senior water rights holders as used in Chapter 11, Subchapter I, of the Water Code implies a set of circumstances creating the possibility that senior water rights holders may be unable to fully exercise their rights – not confined to situations in which other people or groups convey an actual intent to harm such rights. Specifically, in time of water shortage, the rights of senior water rights holders in the basin are threatened by the situation of less available water than appropriated water rights; the disregard of prior appropriation by junior water rights holders; the storage of water; and the diversion, taking, or use of water in excess of the quantities to which other holders of water rights are lawfully entitled.

Mr. Jose Davila
March 14, 2023
Page 3

have been “threatened” as described above. The Parties are not aware of any history of senior calls in the basin. This is especially noteworthy, given the drought of 2010 through 2014. For a large part of the Trinity basin, that drought was worse than the drought of 1956, recognized as the worst year during the drought of record in terms of both temperature and precipitation. Even in the face of such extreme climatic and hydrologic conditions, there was not a single senior call by any Trinity River water rights holder. The presence and operation of the Wallisville Saltwater Barrier project also protects lower basin senior water rights holders’ ability to divert freshwater even under low-flow conditions.

Likewise, there is no history of water shortages in the Trinity River basin that have threatened water rights holders. Even during the drought of 2010 through 2014, there was no evidence that there was less water available than all appropriated water rights. The situation in the Trinity River basin is easily distinguished from that observed in 2009, 2011 and 2013 in the Brazos River basin and in 2011 in the Colorado River basin, which staff concluded evidenced “threats” to senior rights. The Parties are also not aware of any history of water right complaints in the Trinity River basin.

According to the evaluation criteria provided, no factual basis exists for the imposition of a watermaster on all or any portion of the Trinity River.

Permittees in the Trinity River basin have worked together to implement long-term solutions for managing water rights. For instance, since 1998, major water rights holders including the cities of Dallas and Houston, along with the Authority, the District and the North Texas Municipal Water District, have worked under a series of agreements to investigate water quantity issues in the basin, and to resolve potential disputes regarding water rights. Especially noteworthy is the series of settlement agreements reached by parties throughout the basin regarding the disposition and ownership of return flows.

For the foregoing reasons, the appointment of a watermaster for all or any portion of the Trinity River basin is unnecessary and untimely. It is possible that future circumstances could dictate a different conclusion. Those circumstances are, however, not likely to exist in the foreseeable future.

Please contact either of us with any questions.

Respectfully submitted,



J. KEVIN WARD
General Manager
Trinity River Authority of Texas

Linda Christie on behalf of
Linda Christie on behalf of (Apr 13, 2023 11:31 CDT)

DAN BUHMAN
General Manager
Tarrant Regional Water District

DocuSigned by:

A93C410B72B3453...

CAROL HADDOCK, P.E.
Director
Houston Public Works

From: [Iliana Spaeth](#)
To: [Iliana Spaeth](#)
Subject: Watermaster
Date: Friday, July 28, 2023 4:04:56 PM

From: Jerry Shadden [REDACTED]
Sent: Monday, April 10, 2023 10:32 AM
To: watermaster <watermaster@tceq.texas.gov>
Subject: Watermaster

Trinity Bay Conservation District was opposed to the previous time the Watermaster was proposed. We did not think it was necessary in our area. Saltwater barriers were installed for this purpose. We would vote against the appointment of a Watermaster again.

Thanks.

--

Jerry Shadden
Trinity Bay Conservation District
General Manager

[REDACTED]
[REDACTED]
[REDACTED]

Physical Address: 2500 Hwy. 124, Stowell, Texas 77661

Mailing Address: PO Box 599, Stowell, Texas 77661

This email and any content within is for discussion purposes only and shall not constitute a binding obligation of the Trinity Bay Conservation District. This email may contain privileged and/or confidential information. It is not intended for transmission to, or receipt by any unauthorized person(s). If you have received this electronic mail transmission in error, please delete it from your system without copying it, and notify the sender by reply e-mail. Opinions, conclusions and other information in this message that do not relate to official business of Trinity Bay Conservation District shall be understood as neither given nor endorsed by it.



P.O. Drawer 305 • Lewisville, TX 75067

(972) 219-1228 • Fax (972) 221-9896

April 25, 2023

Ms. Iliana Spaeth (MC-160)
Watermaster Section Liaison
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

VIA FIRST CLASS MAIL
AND EMAIL

**RE: 2023 Watermaster Evaluation for the Trinity River Basin
Stakeholder Comments - Upper Trinity Regional Water District**

Dear Ms. Spaeth:

On behalf of the Upper Trinity Regional Water District (District), a conservation and reclamation district of the State of Texas, I appreciate the opportunity to provide input in response to the March 10, 2023 solicitation of comments concerning the preliminary watermaster evaluation for the Trinity River Basin. The District provides treated water service on a wholesale basis to towns, cities and utility districts in portions of Denton and Collin counties - - with plans to serve a portion of Grayson, Wise and Cooke counties, all within the Trinity River Basin.

The District provides wholesale water service to its members and customers through two water treatment plants, the Thomas E. Taylor Regional Water Treatment Plant and the Tom Harpool Regional Water Treatment Plant and a system of pipelines and pump stations. The District obtains raw water from Lewisville Lake, Ray Roberts Lake and Jim Chapman Lake. These water resources are supported by various contractual agreements between the District and the water rights holders (Cities of Dallas, Denton and Commerce). Also, the District holds a permit for reuse of water imported to the Trinity River Basin from Jim Chapman Lake.

The District also holds a water right for Lake Ralph Hall currently under construction in the Sulphur River Basin. Water from Lake Ralph Hall will be imported to the Trinity River Basin for use by the District with plans to secure an additional permit to reuse water imported from Lake Ralph Hall.

The District has a clear interest in both the management of water rights within the Trinity River Basin and the potential appointment of a watermaster. For the reasons stated herein, the District respectfully submits that the TCEQ's staff should not recommend the establishment of a watermaster program for the Trinity River Basin at this time.

Background

Pursuant to 2011 amendments to Texas Water Code Chapter 11, the TCEQ's staff is charged with evaluating basins without watermasters at least once every five years to determine whether a watermaster should be appointed and to report staff findings and recommendations to the

Commission. In 2013 and 2018, TCEQ evaluated the Trinity River Basin for consideration of a watermaster and the result of the evaluation was an appointment of watermaster was not necessary. We are currently in the third cycle of watermaster evaluations.

It is our understanding that the TCEQ staff will consider certain key questions when evaluating the necessity of a watermaster for the Trinity River Basin. The District offers the following responses to three key questions:

Evaluation Criteria

Has there been a court order to create a watermaster?

Texas Water Code Chapter 11, Subchapter H, provides that courts may appoint a watermaster under limited circumstances. To the knowledge of the District, no such suit has been initiated for any portion or segment of the Trinity River, and consequently, no court has issued an order creating a watermaster for any portion of the basin.

Has the TCEQ received a petition requesting a watermaster?

Texas Water Code Chapter 11, Subchapter I, authorizes the TCEQ to appoint a watermaster for a river basin or segment on a petition of 25 or more water rights holders, "if the commission finds that the rights of senior water rights holders in the basin or segment of the basin are threatened." TEX. WATER CODE § 11.451. To the District's knowledge, no such petition has been presented to the TCEQ. Moreover, and as discussed in detail below, it is not evident that senior water rights have ever been "threatened" in the Trinity River Basin as that term is understood by the TCEQ.

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?

In prior evaluations of the need for a watermaster, TCEQ's staff has been directed to utilize the definition of a "threatened" water right found in a 2004 TCEQ Order. That definition provides:

"Threat" to the rights of senior water rights holders as used in Chapter 11, Subchapter I, of the Water Code implies a set of circumstances creating the possibility that senior water rights holders may be unable to fully exercise their rights. Such threat is not confined to situations in which other people or groups convey an actual intent to harm such rights. Specifically, in time of water shortage, the rights of senior water rights holders in the basin can be threatened by over-appropriation - - less available water than appropriated water rights. There can be a disregard of prior appropriation by junior water rights holders; the storage of water; and the diversion, taking, or use of water in excess of the quantities to which other holders of water rights are lawfully entitled.



To the District's knowledge, there has not been a significant example in which senior water rights in the Trinity River Basin have been "threatened" as described above. Likewise, there is no history of water shortages in the Trinity River Basin that have threatened water rights holders. The District is also not aware of any history of significant water right complaints in the Trinity River Basin.

For the foregoing reasons, the appointment of a watermaster for all or any portion of the Trinity River Basin is unnecessary and untimely. If in the future a need develops, the watermaster question can be addressed at that time in the right context.

Should you have any questions regarding these comments please contact me at 972-219-1228 or by email at [REDACTED]

Respectfully submitted,



Larry N. Patterson, P.E.
Executive Director

LNP/lis

c: Ronna Hartt, Assistant Director Operations & Water Resources



March 28, 2023

Allan and Julia Schmitt (Malda Hanna et al)

[REDACTED]

[REDACTED]

TCEQ

Jose A. Davila

Watermaster Section

Dear Mr. Davila:

We are opposed to establishing a Watermaster for Kemp Lake, Kaufman County, Trinity River Basin. Our lake has been fine for nearly 100 years. It is carefully maintained and has a "Good" condition with TCEQ evaluations. We do not need any additional oversight or reporting requirements.

This lake is used for domestic/livestock production.

Water Right: Application 2417A Permit 2229A

Stream: Tributary of Cedar Creek Lake

Thank you for requesting our input.

Sincerely,

Allan B. Schmitt

Allan B. Schmitt

RECEIVED

MAR 31 2023

Water Availability Division