

TCEQ Interoffice Memorandum

To: Office of the Chief Clerk

From: Kim Nygren
Deputy Director
Water Availability Division

Date: August 19, 2024

Subject: Agenda backup – 2024 Watermaster Evaluation
Docket No.: TCEQ Docket No. 2024-0916-MIS

The following documents are attached as backup for the **September 11, 2024 agenda**:

- Interoffice Memoranda with Appendices and
- Public comments

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

Thank you.

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To: Commissioners

Thru: Laurie Gharis, Chief Clerk

KK Kelly Keel, Executive Director

SS Steven Schar, Deputy Executive Director

CML Cari-Michel La Caille, Director, Office of Water

CP Craig Pritzlaff, Director, Office of Compliance and Enforcement

From: Kim Nygren, Deputy Director, Water Availability Division *KN*

Date: August 19, 2024

Subject: Evaluation of whether a Watermaster Program should be appointed in the following basins: Neches River and Sabine River Basins

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 the 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).

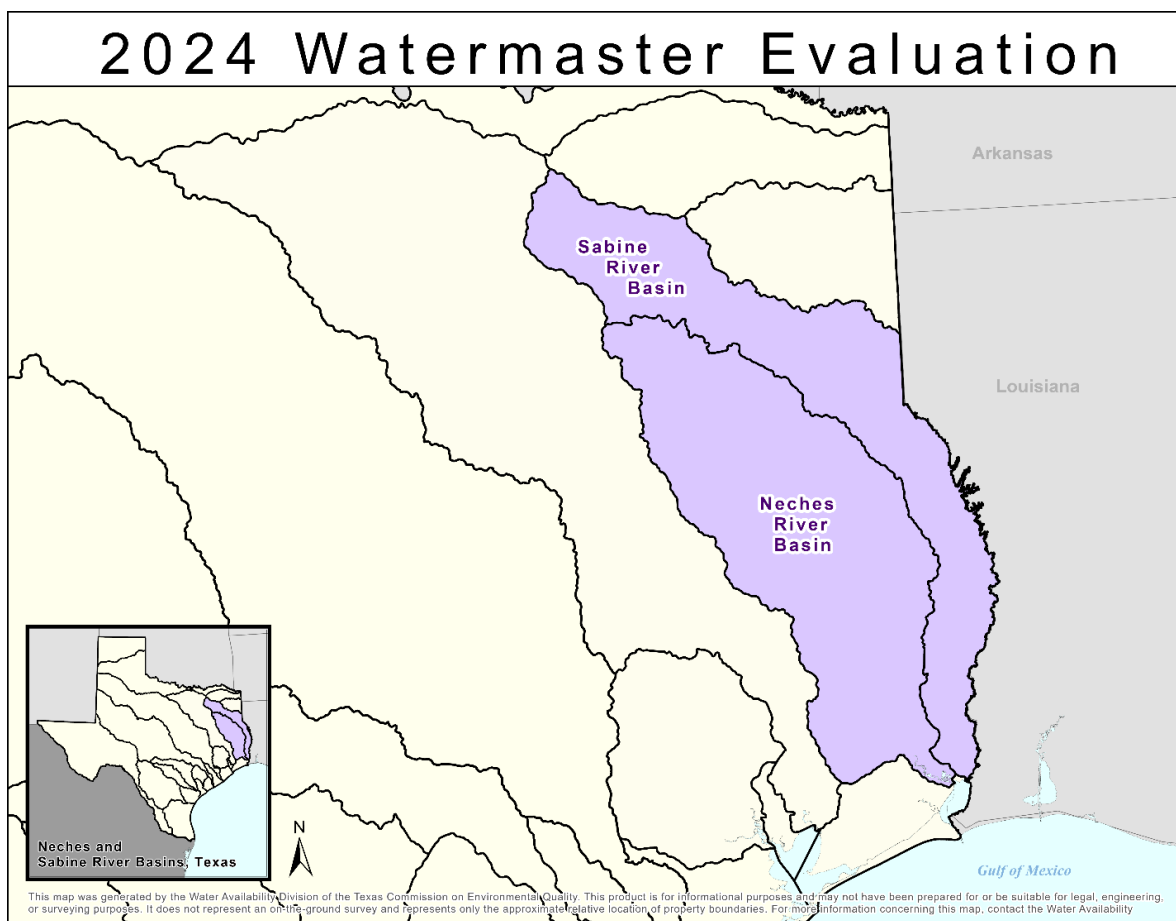
⁷ TWC § 11.326(h)(2).

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2024 Basin Evaluations

In 2024, the ED evaluated the Neches and Sabine River Basins for the five-year period of Fiscal Years (FY) 2019-2023. The total estimated cost for the ED's 2024 evaluation activities is \$69,973.77.⁸ This is the third evaluation of these basins by the ED. The previous evaluation of these basins occurred in 2014 and 2019. 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 Neches and Sabine River Basins



⁸ See Appendix D: 2024 Watermaster Evaluation Costs (including the total costs of the 2024 evaluation for the following basins: Neches and Sabine River Basins).

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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.⁹

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."¹⁰ 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

⁹ TWC § 11.451.

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

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are not assessed a watermaster fee.¹¹ 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.¹²

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.”¹³ 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.¹⁴ 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

¹¹ See TWC § 11.329(a); see also 30 TAC § 297.21(a).

¹² TWC § 11.329(a).

¹³ 30 TAC § 304.3(18).

¹⁴ Order Appointing a Watermaster for the Concho River Segment, TCEQ Docket No. 2000-0344-WR, Aug. 17, 2004.

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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.¹⁵

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. The Sabine River Compact is the only interstate compact that applies to the basins considered in this evaluation and will be discussed further in the watermaster evaluation below.

¹⁵ *Id.*

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TCEQ's adopted environmental flow standards apply to new appropriations of water.¹⁶ 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 (USGS) 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

¹⁶ 30 TAC § 298.10.

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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.¹⁷
- **Stakeholder Meetings:** Stakeholder meetings were held at three locations in the basins evaluated, and one meeting was held virtually. Notification of stakeholder meetings was posted on the evaluation webpage and the TCEQ Calendar and mailed to all stakeholders.¹⁸ 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 7, 2024. The comment period for this evaluation closed on July 1, 2024.

Evaluation of the Neches and Sabine River Basins

The ED's evaluation findings for the Neches and Sabine River 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.

¹⁷ See Appendix F: TCEQ Letters to Stakeholders.

¹⁸ Id.

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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 2019 to FY 2023.

History of Complaints

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

Table 1. Summary of Complaints from FY 2019 to FY 2023

Basin	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	Total
Neches River Basin	2	4	1	5	3	15
Sabine River Basin	2	1	0	3	6	12

From FY 2019 to FY 2023, TCEQ regional offices received and investigated a total of 15 water rights complaints in the Neches River Basin and 12 water rights complaints in the Sabine River Basin.

Of the 15 complaints in the Neches River Basin, 10 resulted in no violations or enforcement actions, four resulted in violations or enforcement actions that have since been resolved, and one resulted in violations or enforcement actions that are currently still unresolved or pending.

Of the 12 complaints in the Sabine River Basin, nine resulted in no violations or enforcement actions, two resulted in violations or enforcement actions that have since been resolved, and one resulted in violations or enforcement actions that are currently still unresolved or pending.

The graphs below summarize complaints in the Neches and Sabine Basins.

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

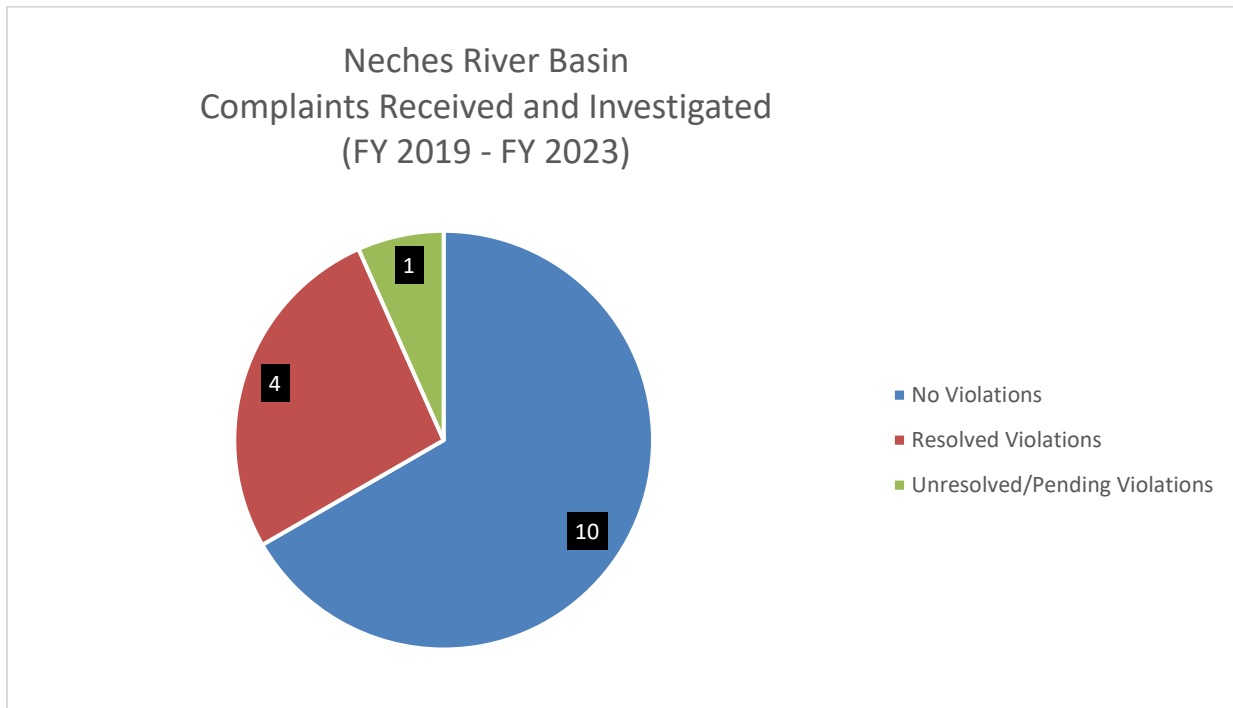
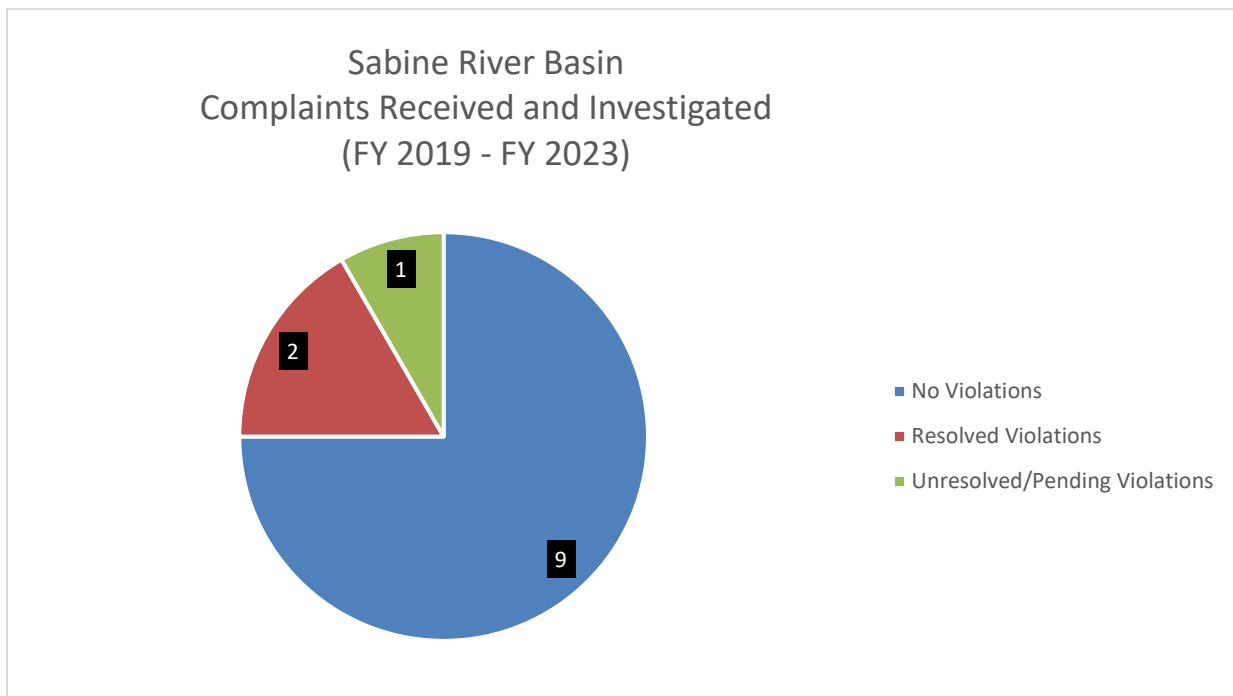


Figure 3. Graph of Complaints Investigated in the Sabine River Basin



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Table 2. Summary of Investigations* from FY 2019 to FY 2023

Basin	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	Total
Neches River Basin	101	208	176	181	367	1,033
Sabine River Basin	30	42	39	39	119	269

*Investigation types do not include temporary permits nor complaints.

From FY 2019 to FY 2023, TCEQ regional offices conducted a total of 1,033 water rights-related investigations in the Neches River Basin and 269 water rights-related investigations in the Sabine River Basin.

Of the 1,033 investigations in the Neches River Basin, 1,008 resulted in no violations or enforcement actions, 18 resulted in violations or enforcement actions that have since been resolved, and seven resulted in violations or enforcement actions that are currently still unresolved or pending.

Of the 269 investigations in the Sabine River Basin, 203 resulted in no violations or enforcement actions, 52 resulted in violations or enforcement actions that have since been resolved, and 14 resulted in violations or enforcement actions that are currently still unresolved or pending.

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 Neches and Sabine River Basins. Although the numbers are not included in Table 2, Figure 4, or Figure 5, there were 971 investigations conducted for temporary permits in the Neches River Basin and 107 investigations conducted for temporary permits in the Sabine River Basin.

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

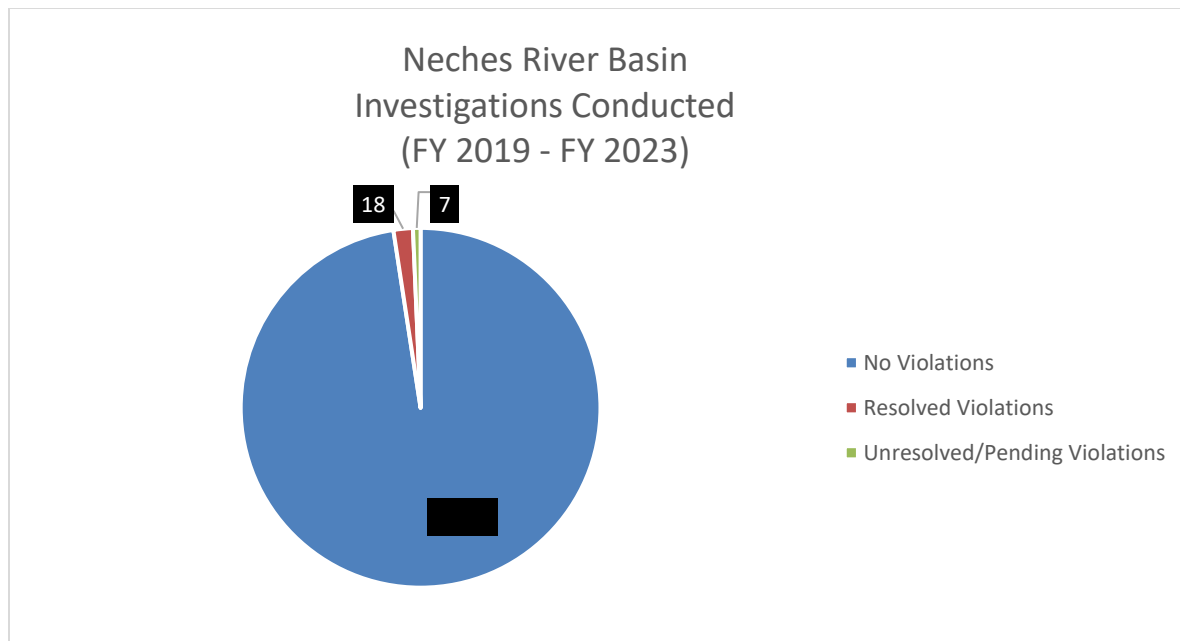
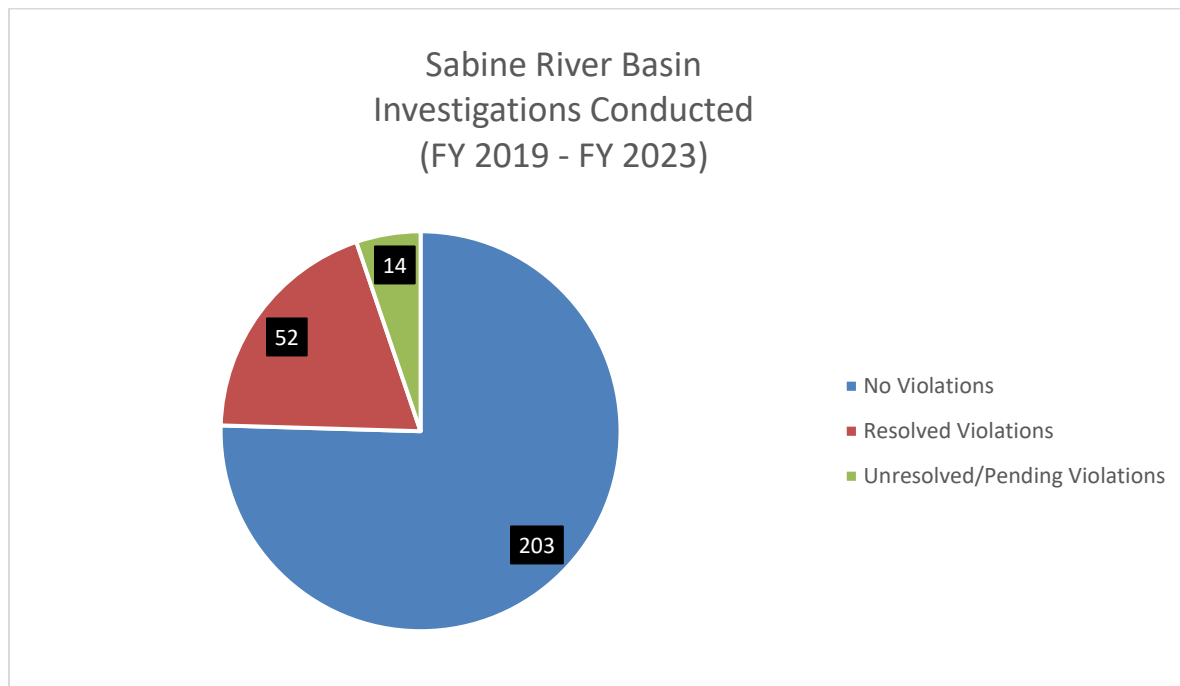


Figure 5. Graph of Investigations Conducted in the Sabine River Basin



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Implementation Considerations

A summary of implementation considerations is provided below.¹⁹

Geographic Reach of the Basin and Water Right Information

The Neches River Basin includes all or a portion of 21 counties and 239 water rights.

The Sabine River Basin includes all or a portion of 21 counties and 193 water rights.

Existence of River Compacts

The State of Texas is a member of an interstate river compact in the Sabine River Basin. Interstate river compact commissions have been established to administer each of the compacts. The primary function of the compact commissions is to ensure that each member state receives its equitable share of the waters, as allocated by the applicable interstate compact. TCEQ is responsible for administering water rights to ensure the provisions of the Sabine River Compact are met.

Environmental Flows

TCEQ adopted environmental flow standards for the Neches and Sabine River Basins and Sabine Lake Bay in 2011.²⁰ TCEQ ensures that freshwater inflows to 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.²¹

Cost Factors

The total estimated costs for the ED to manage water rights for FY 2019-2023 in the Neches River Basin was \$71,066.98 and the Sabine River Basin was \$13,669.94.

The ED considered four options when evaluating potential watermaster program costs for the Neches and Sabine River Basins. These options were presented to stakeholders

¹⁹ See Appendix E: Implementation Considerations for the Neches and Sabine River Basins

²⁰ 30 TAC Chapter 298, Subchapter C

²¹ TWC §§ 11.02362(p) and 11.1471(f)

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at meetings held throughout key areas in the basins and virtually. A more detailed discussion of costs is included in Appendix E.

Option 1: No watermaster recommended for the Neches and Sabine River Basins.

Option 2: Create a Watermaster Program encompassing the Neches and Sabine River Basins. Year 1 has an estimated cost of \$870,041 with a cost of \$637,635 for subsequent years.

Option 3: Create a Watermaster Program encompassing just the Neches River Basin. Year 1 has an estimated cost of \$670,797 with a cost of \$497,763 for subsequent years.

Option 4: Create a Watermaster Program encompassing just the Sabine River Basin. Year 1 has an estimated cost of \$668,460 with a cost of \$495,435 for subsequent years.

Stakeholder Involvement

On March 7, 2024, the initial outreach letter was mailed to stakeholders initiating the comment period for the evaluation. On May 7, 2024, a letter announcing stakeholder meetings was mailed to the stakeholders. Stakeholder meetings were conducted in-person in Lufkin, Tyler, and Beaumont on June 10, June 11, and June 12, 2024, respectively. In addition, a virtual stakeholder meeting was conducted on June 13, 2024.

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.

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Table 3. Summary of Written Comments for Neches and Sabine River Basins

Basin	Comments Received				
	Total	In Favor		Opposed	
		Water Right Holders	Other	Water Right Holders	Other
Neches River	9	1	1*	7	0
Sabine River	7	0	1*	6	0

*One stakeholder commented on both basins.

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. For the evaluated basins, there were no court orders to create a watermaster and no petitions from water right holders requesting a watermaster. There were no priority calls in the Neches River or Sabine River Basins.

Complaints and investigations in the Sabine River Basin were relatively few in number and the majority did not result in violations or enforcement action. In the Neches River Basin, investigations were more numerous. The TCEQ regional office proactively monitored conditions in the Neches River Basin (flow monitoring activities), resulting in an increased number of investigations (1,033). However, only 25 resulted in violations or enforcement actions. In general, the water rights-related investigations covering routine flow monitoring activities are not expected to result in violations or enforcement actions.

The ED 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 Neches and Sabine River Basins.

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

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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.

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List of Appendices

Appendix A: Watermaster Programs

Appendix B: Current Water Rights Management

Appendix C: Basin Evaluation Schedule

Appendix D: 2023 Watermaster Evaluation Costs

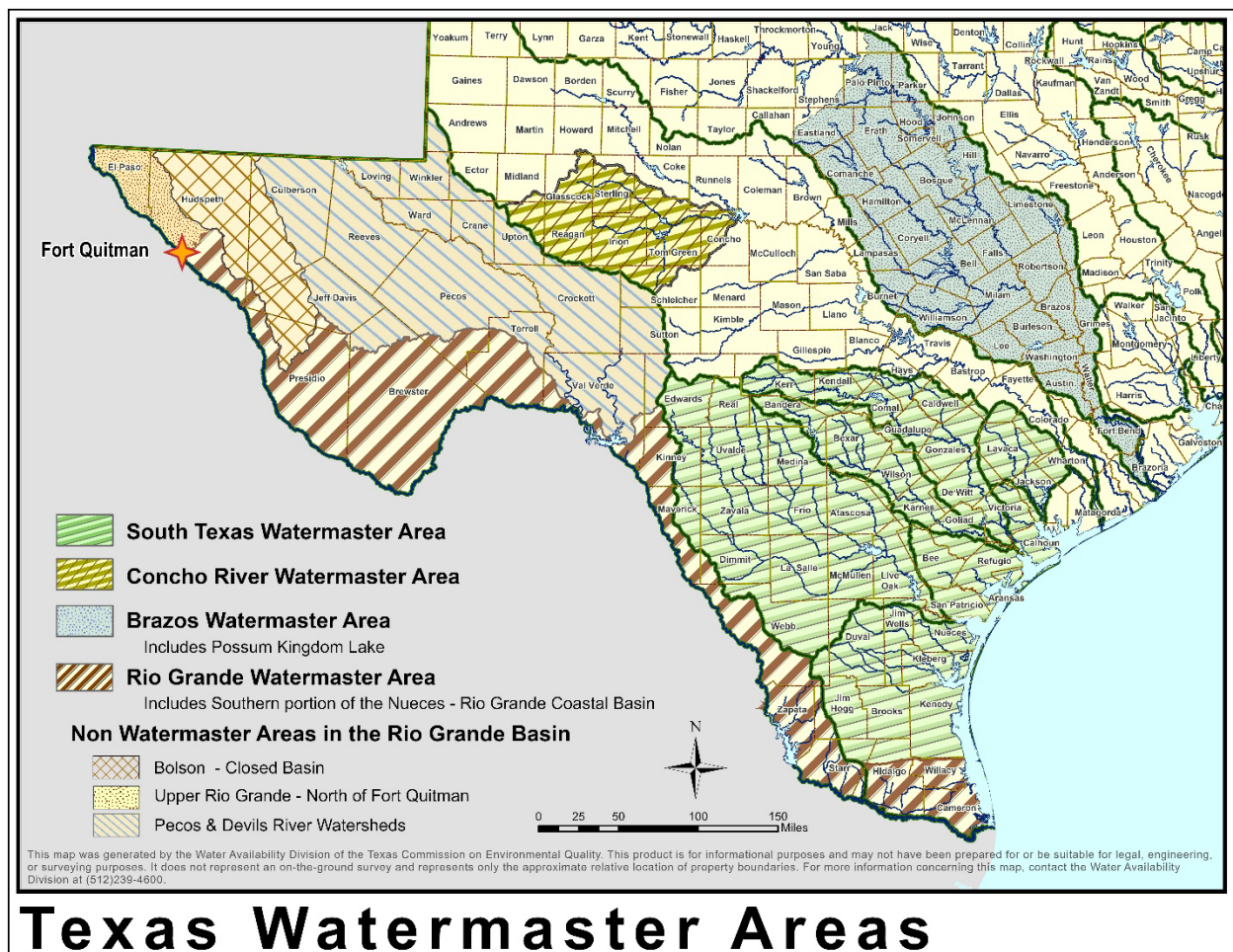
Appendix E: Implementation Considerations

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 the 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 streamflow conditions, monitoring water rights and diversions, investigating water right complaints, and meeting with water right holders and other interested persons. Water use data is collected and daily investigation activities are documented. Watermaster staff issue field citations, notices of violations, and notices of enforcement.

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's Office of Compliance and Enforcement (OCE) has field staff in the regional offices to 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 OCE field staff from the regional offices conduct water rights-related initiatives (including streamflow 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 streamflow diminishes, 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 ED 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 and/or 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 OCE field staff based on one of the following two scenarios:

1. **Normal Conditions** – No Suspension in Effect: Water diversions outside watermaster areas are currently addressed by OCE field staff on a complaint response basis. No daily information on diversions is 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 streamflow 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 streamflow 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: 2024 Watermaster Evaluation Costs

The costs for the Executive Director's evaluation of the Neches and Sabine River Basins are summarized below.

Costs Associated to the Evaluation

Total Estimated Costs for TCEQ Evaluation Activity: \$69,973.77

Office of Water Costs

- OW Staff time: \$64,465.28
 - 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 2024 through August 2024 (seven months).
 - Assumed mid-level B23.
 - Fringe (27.5 % of base salary): \$13,904.28
- Postage: \$614.90
- Travel: \$1,804.08
- Meeting Room Rental Cost: \$50.00
- Total: \$66,934.26

Office of Legal Services Costs

- OLS staff time: \$127.68
 - Calculated staff attorney review time of 3 hours
- Total: \$127.68

Office of Compliance and Enforcement Costs

- OCE staff time: \$2,911.83
 - Time spent preparing information and attending meetings plus travel time, calculated using regular labor: 93 hours
- Total: \$2,911.83

Appendix D: 2024 Watermaster Evaluation Costs

Other Agency Programs

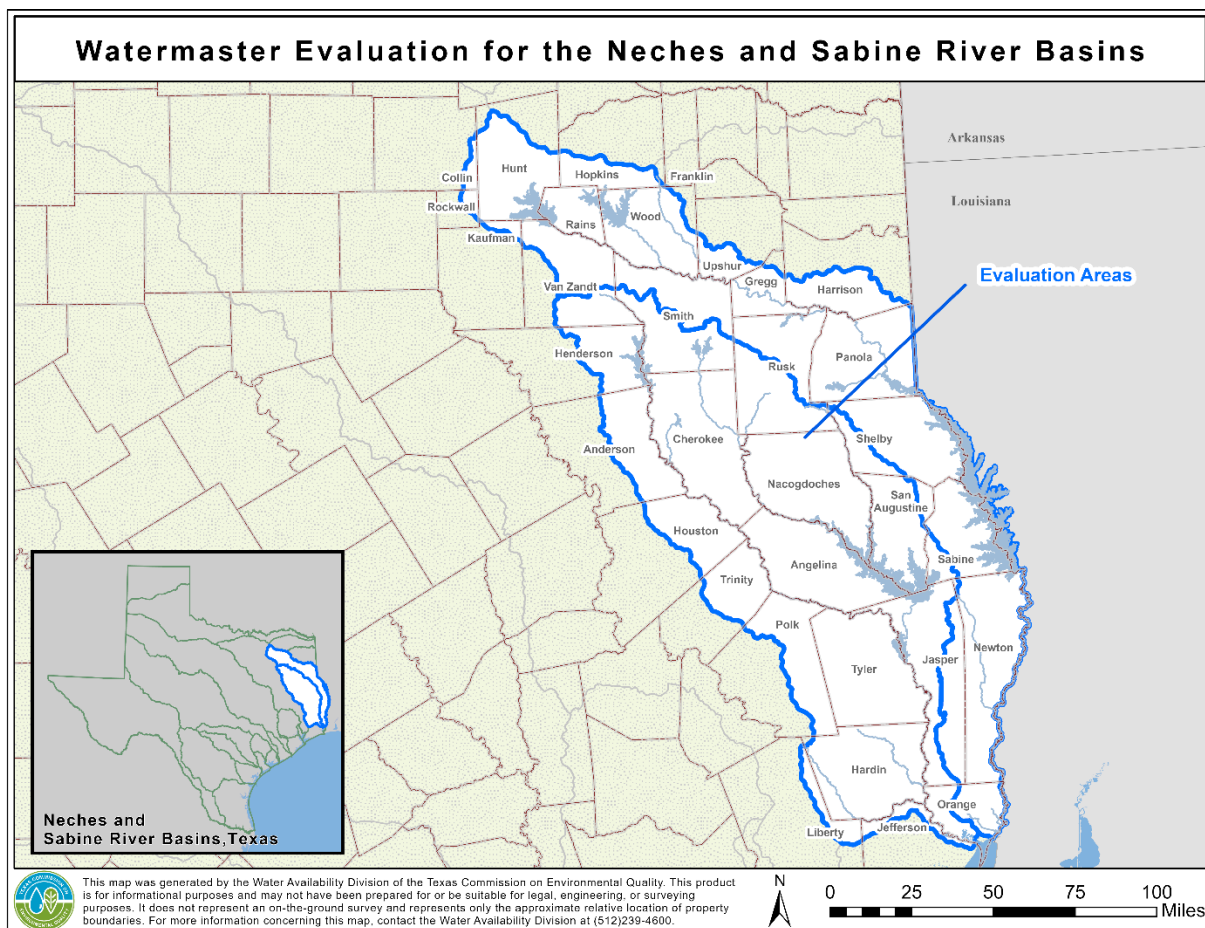
Other agency staff were provided an opportunity to participate, but no significant costs were associated with their involvement.

Appendix E: Implementation Considerations for the Neches and Sabine River Basins

Geographic Reach of the Basins and Water Right Information

The Neches River and Sabine River Basins are located in the eastern part of the state (Figure 1). The Neches River Basin includes all or a portion of 21 counties and 239 water rights, and the Sabine River Basin includes all or a portion of 21 counties and 193 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. Neches River Basin and Sabine River Basin



Appendix E: Implementation Considerations for the Neches and Sabine River Basins

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

<i>Neches</i>		<i>Sabine</i>	
<i>County</i>	<i>No. of Water Rights</i>	<i>County</i>	<i>No. of Water Rights</i>
Anderson*	23	Collin*	0
Angelina	11	Franklin*	0
Cherokee	29	Gregg*	16
Hardin*	3	Harrison*	22
Henderson*	12	Hopkins*	5
Houston*	18	Hunt*	5
Jasper*	6	Jasper*	0
Jefferson*	14	Kaufman*	0
Liberty*	2	Newton*	4
Nacogdoches	30	Orange*	3
Newton*	0	Panola	19
Orange*	4	Rains	6
Polk*	6	Rockwall*	0
Rusk*	10	Rusk*	18
Sabine*	1	Sabine*	1
San Augustine*	5	San Augustine*	0
Shelby*	3	Shelby*	4
Smith*	33	Smith*	32
Trinity*	2	Upshur*	7
Tyler	19	Van Zandt*	20
Van Zandt*	15	Wood*	46

*Counties with an asterisk are 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 Neches River and Sabine River Basins. These options were presented to stakeholders at meetings held throughout the basins.

Appendix E: Implementation Considerations for the Neches and Sabine River Basins

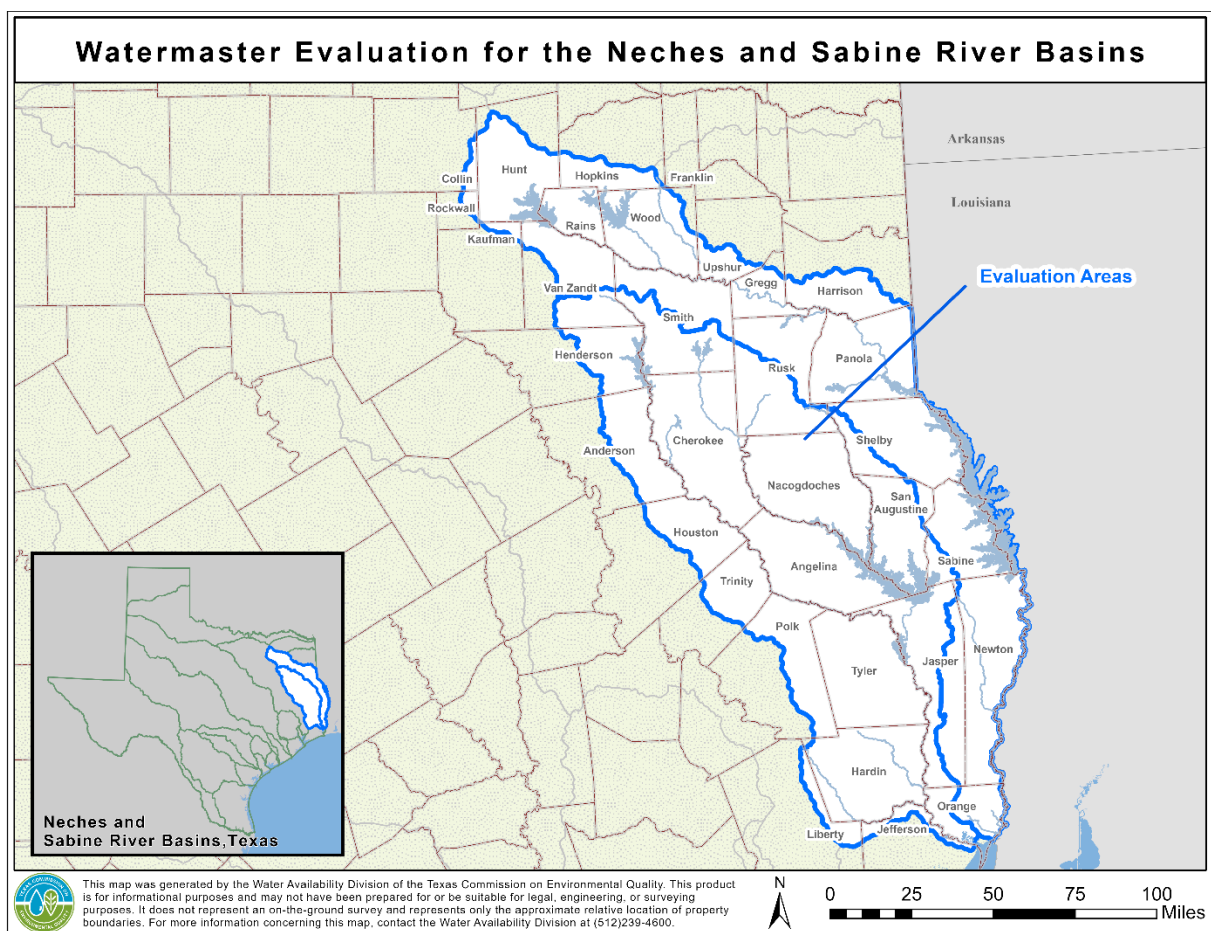
Option 1: No watermaster recommended for the Neches and Sabine River Basins.

Option 2: Create a Watermaster Program encompassing the Neches and the Sabine River Basins (Figure 2).

Number of permitted water rights: 430 (Table 2)

Counties: 33 (29 have permitted water rights)

Figure 2. Watermaster Program for the Neches and Sabine River Basins (Option 2)



Appendix E: Implementation Considerations for the Neches and Sabine River Basins

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

County Name	Number of Water Rights	County Name	Number of Water Rights
Anderson*	23	Newton*	4
Angelina	11	Orange*	7
Cherokee	29	Panola	19
Collin*	0	Polk*	6
Franklin*	0	Rains	6
Gregg*	16	Rockwall*	0
Hardin*	3	Rusk*	28
Harrison*	22	Sabine*	2
Henderson*	12	San Augustine*	5
Hopkins*	5	Shelby*	7
Houston*	18	Smith*	65
Hunt*	5	Trinity*	2
Jasper*	6	Tyler	19
Jefferson*	14	Upshur*	7
Kaufman*	0	Van Zandt*	35
Liberty*	2	Wood*	46
Nacogdoches	30		

* The number of water rights compared to the water rights by county may differ slightly as some water rights are authorized in multiple counties. Counties with an asterisk are located in multiple basins.

Year 1 has an estimated cost of \$870,041, with a cost of \$637,635 for each subsequent year. Actual assessments would vary based on the estimated expected return rate. Table 3 summarizes expected expenditures for Option 2. Costs include:

- Watermaster, Assistant Watermaster, one administrative assistant, and one watermaster specialist/field deputy located in either the TCEQ Beaumont or Tyler regional office.
- One senior specialist/field deputy located in the TCEQ Beaumont or Tyler regional office.

Appendix E: Implementation Considerations for the Neches and Sabine River Basins

Table 3. Cost Estimate (Option 2)

	Year 1	Year 2	Assumptions
Salaries			
Watermaster	\$83,387	\$85,055	1 Watermaster (Program Supervisor VII, B25) (\$83,387/year with 2% increase by year 2)
Assistant Watermaster	\$77,981	\$79,541	1 Assistant Watermaster (Watermaster Specialist V, B24) (\$77,981/year with 2% increase by year 2)
Administrative Assistant V	\$48,951	\$49,930	1 Administrative Assistant V, A17 (\$48,951/year with 2% increase by year 2)
Watermaster Specialist IV	\$68,443	\$69,812	1 Watermaster Specialist IV, B22 (\$68,443/year with 2% increase by year 2)
Watermaster Specialist II	\$52,844	\$53,901	1 Watermaster Specialist II, B18 (\$52,844/year with 2% increase by year 2)
2 Watermaster Liaisons	\$8,734	\$8,909	50% of Liaison Salaries paid by watermaster programs. Second, determined by percentage of water rights among all watermaster programs. In this instance, assumption is 11.2% of all water rights (with 2% increase by year 2)
Watermaster Purchaser	\$6,312	\$6,439	Purchaser Salary determined by percentage of water rights among all watermaster programs. In this instance, assumption is 11.2% of all water rights (with 2% increase by year 2)
Total Salaries	\$346,653.01	\$353,586	
Fringe	\$112,732	\$114,986	Agency Standard is 32.52% of Salaries
Additional Insurance and Retirement	\$5,200	\$5,304	Table of standard costs for FTEs - 1.5% of salaries
SORM fee	\$209	\$209	11.2% of total SORM \$1,869 - B&P provides total SORM or \$100 per FTE average.
SWCAP fee	\$1,646	\$1,646	11.2% of total SWCAP \$14,700 - 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	\$15,000	\$15,000	5 FTEs (\$2,500/each; however, this amount assumes some employees will travel more than others) plus \$500 additional per FTE for new WM travel

Appendix E: Implementation Considerations for the Neches and Sabine River Basins

	Year 1	Year 2	Assumptions
Training	\$5,000	\$5,000	5 FTEs (\$1,000/each; however, this amount assumes some employees will require more training than others)
Rent - Building	\$34,000	\$34,000	Rent space for 5 FTEs at TCEQ regional office in Beaumont and Tyler
Postage	\$2,600	\$1,300	Based on CRWM amount plus 2 initial program startup mailouts
Phone/Utilities	\$9,798	\$5,124	Based on CRWM amount plus additional FTE equipment (\$4,050 for year 1)
Supplies - Consumables	\$1,000	\$1,000	Estimated program startup amount
Other Operating Expenses	\$17,333	\$17,679	Table of standard costs for FTEs - 5% of salaries
Fuels/Lubricants	\$10,500	\$10,500	Based on CRWM amount plus additional FTEs
Rent - Machine & Other	\$1,000	\$1,000	
Facilities, Furniture, and Equipment	\$37,370	\$11,300	Based on CRWM amount plus additional FTE equipment and 3 flowtrackers @ \$8,690 for year 1
Capital Equipment - IT	\$10,000	\$0	5 computers at \$1,500, \$500 remote work accessories per FTE
Capital - Vehicles	\$200,000	\$0	4 vehicles at \$50,000 including dash cameras and GPS units
Total	\$870,041	\$637,635	

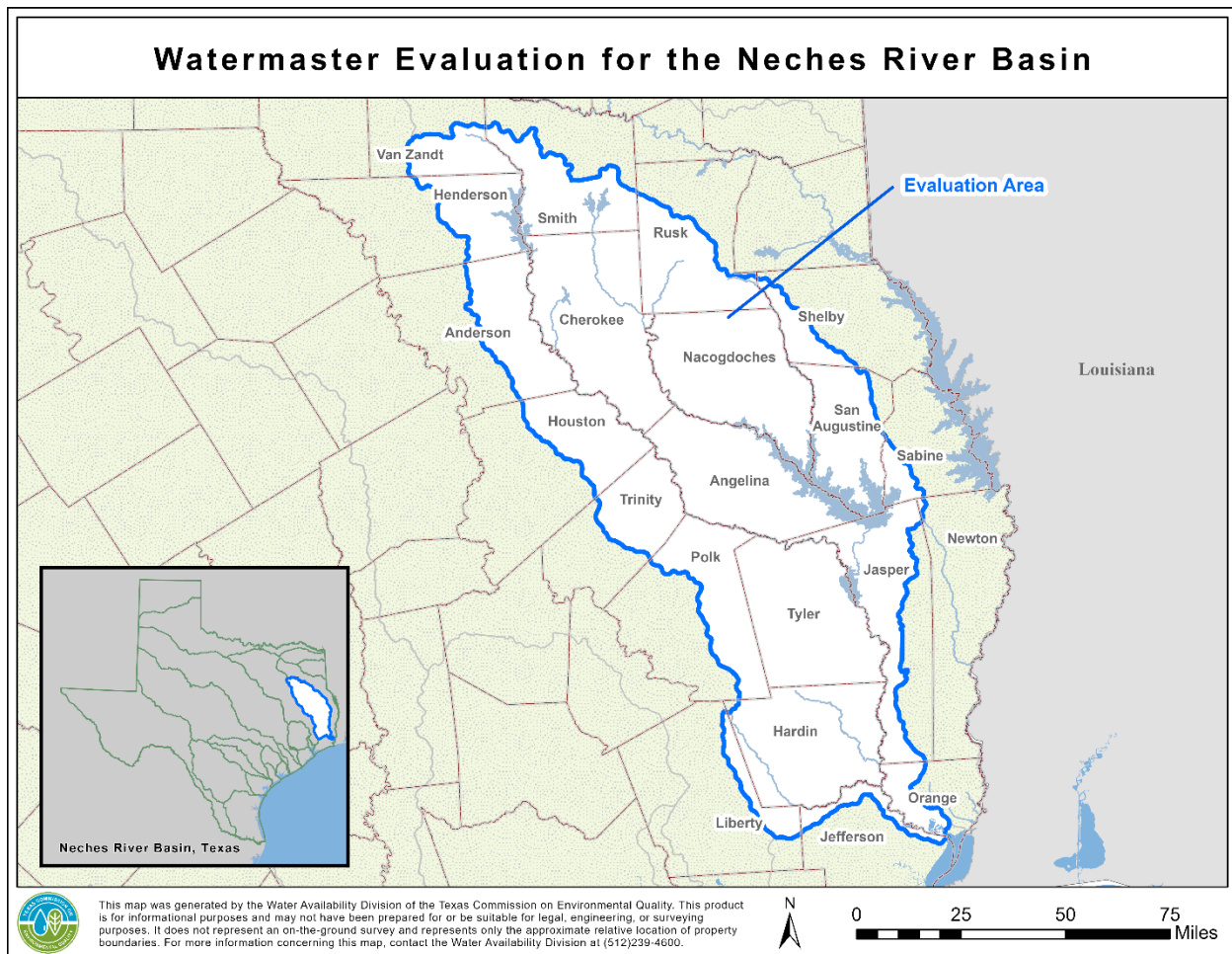
Appendix E: Implementation Considerations for the Neches and Sabine River Basins

Option 3: Create a Watermaster Program encompassing the Neches River Basin (Figure 3).

Number of permitted water rights: 239 (Table 4)

Counties: 21 (20 have permitted water rights)

Figure 3. Watermaster Program for Neches River Basin (Option 3)



Appendix E: Implementation Considerations for the Neches and Sabine River Basins

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

County Name	Number of Water Rights	County Name	Number of Water Rights
Anderson*	23	Orange*	4
Angelina	11	Polk*	6
Cherokee	29	Rusk*	10
Hardin*	3	Sabine*	1
Henderson*	12	San Augustine*	5
Houston*	18	Shelby*	3
Jasper*	6	Smith*	33
Jefferson*	14	Trinity*	2
Liberty*	2	Tyler	19
Nacogdoches	30	Van Zandt*	15
Newton*	0		

* The number of water rights compared to the water rights by county may differ slightly as some water rights are authorized in multiple counties. Counties with an asterisk are located in multiple basins.

Year 1 has an estimated cost of \$670,797, with a cost of \$497,763 for each subsequent year. Actual assessments would vary based on the estimated expected return rate. Table 5 summarizes estimated expenditures for Option 3.

Costs include:

- Watermaster, Assistant Watermaster, and administrative assistant located in either the TCEQ Beaumont or Tyler regional office.
- One watermaster specialist/field deputy located in the TCEQ Beaumont or Tyler regional office.

Appendix E: Implementation Considerations for the Neches and Sabine River Basins

Table 5. Cost Estimate (Option 3)

	Year 1	Year 2	Assumptions
Salaries			
Watermaster	\$83,387	\$85,055	1 Watermaster (Program Supervisor VII, B25) (\$83,387/year with 2% increase by year 2)
Assistant Watermaster	\$77,981	\$79,541	1 Assistant Watermaster (Watermaster Specialist V, B24) (\$77,981/year with 2% increase by year 2)
Administrative Assistant IV	\$43,987	\$44,866	1 Administrative Assistant IV, A15 (\$43,987/year with 2% increase by year 2)
Watermaster Specialist II	\$52,844	\$53,901	1 Watermaster Specialist II, B18 (\$52,844/year with 2% increase by year 2)
2 Watermaster Liaisons	\$5,069	\$5,170	50% of Liaison Salaries paid by watermaster programs. Second, determined by percentage of water rights among all watermaster programs. In this instance, assumption is 6.5% of all water rights (with 2% increase by year 2)
Watermaster Purchaser	\$3,663	\$3,737	Purchaser Salary determined by percentage of water rights among all watermaster programs. In this instance, assumption is 6.5% of all water rights (with 2% increase by year 2)
Total Salaries	\$266,931	\$272,270	
Fringe	\$86,806	\$88,542	Agency Standard is 32.52% of Salaries
Additional Insurance and Retirement	\$4,004	\$4,084	Table of standard costs for FTEs - 1.5% of salaries
SORM fee	\$121	\$121	6.5% of total SORM \$1,869 - B&P provides total SORM or \$100 per FTE average.
SWCAP fee	\$956	\$956	6.5% of total SWCAP \$14,700 - 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	\$12,000	\$12,000	4 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	\$4,000	\$4,000	4 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 4 FTEs at TCEQ regional office in Beaumont and Tyler
Postage	\$1,400	\$700	Based on CRWM amount plus 2 initial program startup mailouts

Appendix E: Implementation Considerations for the Neches and Sabine River Basins

	Year 1	Year 2	Assumptions
Phone/Utilities	\$7,752	\$4,676	Based on CRWM amount plus additional FTE equipment (\$2,900 for year 1)
Supplies - Consumables	\$800	\$800	Estimated program startup amount
Other Operating Expenses	\$13,347	\$13,614	Table of standard costs for FTEs - 5% of salaries
Fuels/Lubricants	\$7,000	\$7,000	Based on CRWM amount plus additional FTEs
Rent - Machine & Other	\$1,000	\$1,000	
Facilities, Furniture, and Equipment	\$26,680	\$8,000	Based on CRWM amount plus additional FTE equipment and 2 flowtrackers @ \$8,690 for year 1
Capital Equipment - IT	\$8,000	\$0	4 computers at \$1,500, \$500 remote work accessories per FTE
Capital - Vehicles	\$150,000	\$0	3 vehicles at \$50,000 including dash cameras and GPS units
Total	\$670,797	\$497,763	

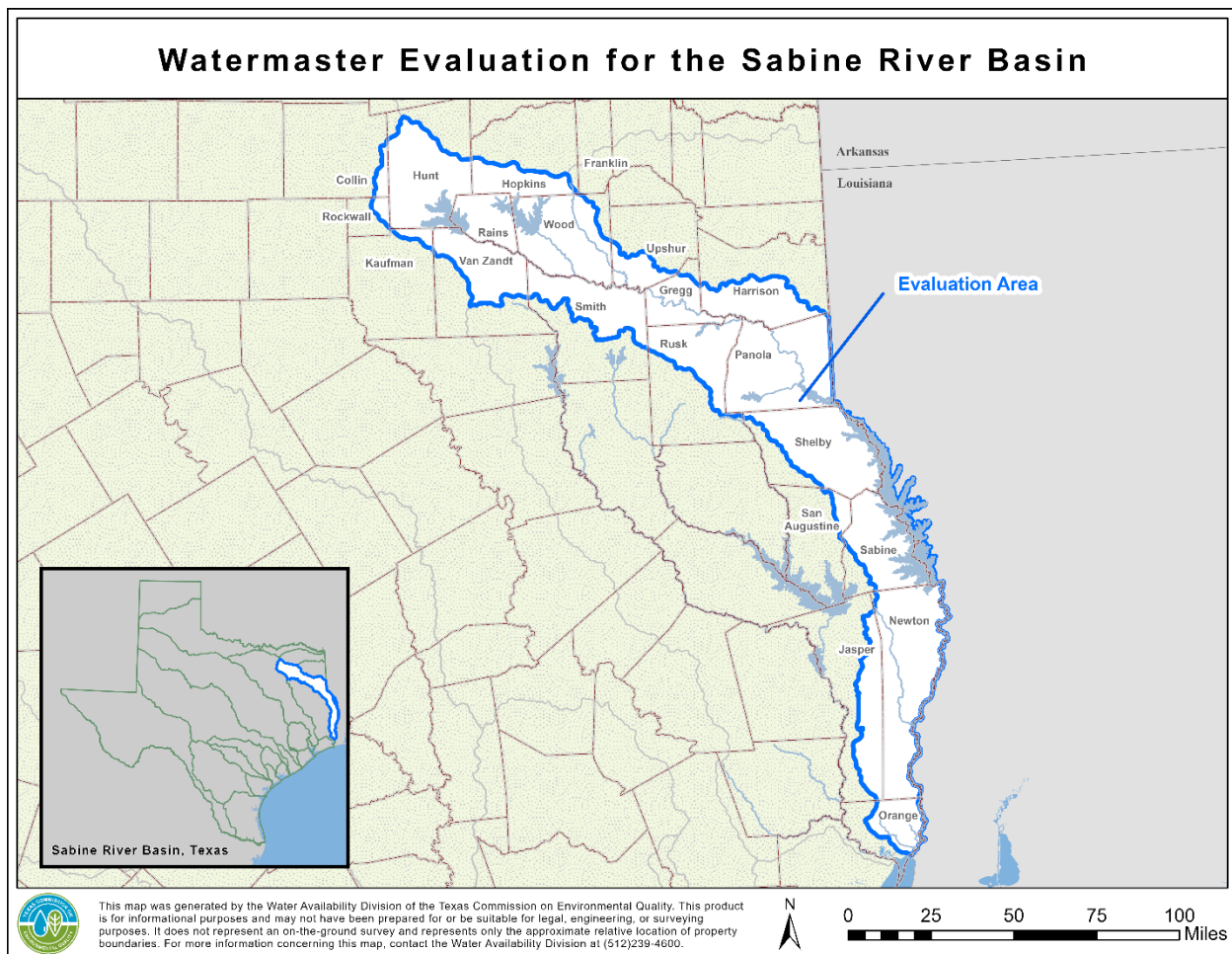
Appendix E: Implementation Considerations for the Neches and Sabine River Basins

Option 4: Create a Watermaster Program encompassing the Sabine River Basin (Figure 4).

Number of permitted water rights: 193 (Table 6)

Counties: 21 (15 have permitted water rights)

Figure 4. Watermaster Program for Sabine River Basin (Option 4)



Appendix E: Implementation Considerations for the Neches and Sabine River Basins

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

County Name	Number of Water Rights	County Name	Number of Water Rights
Collin*	0	Rains	6
Franklin*	0	Rockwall*	0
Gregg*	16	Rusk*	18
Harrison*	22	Sabine*	1
Hopkins*	5	San Augustine*	0
Hunt*	5	Shelby*	4
Jasper*	0	Smith*	32
Kaufman*	0	Upshur*	7
Newton*	4	Van Zandt*	20
Orange*	3	Wood*	46
Panola	19		

* The number of water rights compared to the water rights by county may differ slightly as some water rights are authorized in multiple counties. Counties with an asterisk are located in multiple basins.

Year 1 has an estimated cost of \$668,460, with a cost of \$495,435 for each subsequent year. Actual assessments would vary based on the estimated expected return rate. Table 7 summarizes estimated expenditures for Option 4.

Costs include:

- Watermaster, Assistant Watermaster, and administrative assistant located in either the TCEQ Beaumont or Tyler regional office.
- One watermaster specialist/field deputy located in the TCEQ Beaumont or Tyler regional office.

Appendix E: Implementation Considerations for the Neches and Sabine River Basins

Table 7. Cost Estimate (Option 4)

	Year 1	Year 2	Assumptions
Salaries			
Watermaster	\$83,387	\$85,055	1 Watermaster (Program Supervisor VII, B25) (\$83,387/year with 2% increase by year 2)
Assistant Watermaster	\$77,981	\$79,541	1 Assistant Watermaster (Watermaster Specialist V, B24) (\$77,981/year with 2% increase by year 2)
Administrative Assistant IV	\$43,987	\$44,866	1 Administrative Assistant IV, A15 (\$43,987/year with 2% increase by year 2)
Watermaster Specialist II	\$52,844	\$53,901	1 Watermaster Specialist II, B18 (\$52,844/year with 2% increase by year 2)
2 Watermaster Liaisons	\$4,211	\$4,295	50% of Liaison Salaries paid by watermaster programs. Second, determined by percentage of water rights among all watermaster programs. In this instance, assumption is 5.4% of all water rights (with 2% increase by year 2)
Watermaster Purchaser	\$3,043	\$3,104	Purchaser Salary determined by percentage of water rights among all watermaster programs. In this instance, assumption is 5.4% of all water rights (with 2% increase by year 2)
Total Salaries	\$265,453.62	\$270,763	
Fringe	\$86,326	\$88,052	Agency Standard is 32.52% of Salaries
Additional Insurance and Retirement	\$3,982	\$4,061	Table of standard costs for FTEs - 1.5% of salaries
SORM fee	\$101	\$101	5.4% of total SORM \$1,869 - B&P provides total SORM or \$100 per FTE average
SWCAP fee	\$794	\$794	5.4% of total SWCAP \$14,700 - 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	\$12,000	\$12,000	4 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	\$4,000	\$4,000	4 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 4 FTEs at TCEQ regional office in Beaumont and Tyler

Appendix E: Implementation Considerations for the Neches and Sabine River Basins

	Year 1	Year 2	Assumptions
Postage	\$1,300	\$650	Based on CRWM amount plus 2 initial program startup mailouts
Phone/Utilities	\$7,752	\$4,676	Based on CRWM amount plus additional FTE equipment (\$2,900 for year 1)
Supplies - Consumables	\$800	\$800	Estimated program startup amount
Other Operating Expenses	\$13,273	\$13,538	Table of standard costs for FTEs - 5% of salaries
Fuels/Lubricants	\$7,000	\$7,000	Based on CRWM amount plus additional FTEs
Rent - Machine & Other	\$1,000	\$1,000	
Facilities, Furniture, and Equipment	\$26,680	\$8,000	Based on CRWM amount plus additional FTE equipment and 2 flowtrackers @ \$8,690 for year 1
Capital Equipment - IT	\$8,000	\$0	4 computers at \$1,500, \$500 remote work accessories per FTE
Capital - Vehicles	\$150,000	\$0	3 vehicles at \$50,000 including dash cameras and GPS units
Total	\$668,460	\$495,435	

Appendix F: TCEQ Letters to Stakeholders

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 7, 2024

Re: Watermaster Evaluation for the Neches River and Sabine River 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 12, 2024 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. xxxx)

Your initial comments will assist the TCEQ in developing the information for presentation at stakeholder meetings planned for June 2024. You will receive additional information on these stakeholder meetings which will be held in Lufkin, Beaumont, and Tyler *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.

Español al reverso

Sincerely,

Jose A. Davila

Jose A. Davila, Manager
Watermasters Section
Water Availability Division

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Appendix F: TCEQ Letters to Stakeholders

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

7 de marzo de 2024

Re: Evaluación para el comisionado del agua de las cuencas del Río Neches y Río Sabine

Estimados grupos de interés:

La Comisión de Calidad Ambiental de Texas (TCEQ, por sus siglas en inglés) está evaluando en la actualidad las cuencas mencionadas anteriormente bajo el Código de Agua de Texas §§11.326 (g) y (h) para determinar si existe la necesidad de establecer un comisionado del agua, conocido como "Watermaster". Puede encontrar más información sobre este proceso en: www.tceq.texas.gov/goto/watermaster.

El propósito de esta carta es notificarle y solicitar su opinión sobre el proceso. Envíe por correo electrónico o por correo postal cualquier comentario inicial que tenga antes del 12 de abril de 2024 a:

- Correo electrónico: watermaster@tceq.texas.gov
- Correo regular: Iliana Spaeth, Enlace de la Sección Watermaster, TCEQ, MC-160, P.O. Box 13087, Austin, Texas 78711-3087.

En sus comentarios, por favor identifique:

- Cuenca/cuerpo de agua sobre el que estás comentando
- Afiliación (ejemplos: usuario doméstico/ganadero, titular del derecho de agua N° xxxx)

Sus comentarios iniciales ayudarán a la TCEQ a desarrollar la información para su presentación en las reuniones de las partes interesadas previstas para junio de 2024. Usted recibirá información adicional sobre estas reuniones de partes interesadas que se llevarán a cabo en Lufkin, Beaumont y Tyler y virtualmente a través de Microsoft Teams en un momento posterior.

Su interés y participación en este proceso es valioso para la TCEQ. Si tiene alguna pregunta, comuníquese conmigo al (830) 773-5059.

Sinceramente

Jose A. Davila

José A. Dávila, Gerente
Sección Watermasters
División de Disponibilidad de Agua

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Appendix F: TCEQ Letters to Stakeholders

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 7, 2024

Re: Stakeholder Meetings: Watermaster Evaluation for the Neches and Sabine River 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. Three of these stakeholder meetings will be held in-person and one will be held virtually in Microsoft Teams.

Monday, June 10, 2024 from 6-7 PM

Angelina County Extension
Conference Room
2201 S Medford Drive
Lufkin, TX 75901

Tuesday, June 11, 2024 from 6-7 PM

TCEQ Region 5 Office
2916 Teague Drive
Tyler, TX 75701

Wednesday, June 12, 2024 from 6-7 PM

TCEQ Region 10 Office
3870 Eastex Freeway
Beaumont, TX 77703

Thursday, June 13, 2024 from 7:00-8:00 PM

Teams Link: <https://bit.ly/3xtFOAc>

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 July 1, 2024. 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 cursive script that reads "Jose A. Davila".

Jose A. Davila, Manager
Watermasters Section
Water Availability Division

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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.

Thursday, June 13, 2024 from 7:00-8:00 PM

Phone Number: [+1 512-826-8070](tel:+15128268070)

Phone Conference ID: 160 098 315#

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 Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

7 de Mayo, 2024

Re: Reuniones de partes interesadas: Evaluación para el comisionado del agua de las cuencas del Río Neches y Sabine

Estimada parte interesada:

La Comisión de Calidad de Texas (TCEQ) 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

TCEQ sostendrá cuatro reuniones de partes interesadas para proveer información acerca del proceso de evaluación, contestar preguntas, y recibir comentarios del público. Tres de estas reuniones serán presenciales y una será virtual a través de Microsoft Teams.

Lunes, 10 de Junio, 2024, de 6-7 PM

Angelina County Extension
Conference Room
2201 S Medford Drive
Lufkin, TX 75901

Martes, 11 de Junio, 2024, de 6-7 PM

TCEQ Region 5 Office
2916 Teague Drive
Tyler, TX 75701

Miércoles, 12 de Junio, 2024, de 6-7 PM

TCEQ Region 10 Office
3870 Eastex Freeway
Beaumont, TX 77703

Jueves, 13 de Junio, 2024, de 7:00-8:00 PM

Liga en Teams: <https://bit.ly/3xtFOAc>

Instrucciones de como unirse a la reunión virtual 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. TCEQ estará recibiendo comentarios del público hasta el 1 de Julio, 2024. Por favor envíe sus comentarios por correo electrónico a watermaster@tceq.texas.gov. También puede enviar sus comentarios por correo a Iliana 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 me en watermaster@tceq.texas.gov o (830) 773-5059. Si usted necesita servicios de traducción al español durante estas reuniones, por favor háganoslo saber en los contactos antes mencionados antes del **31 de Mayo, 2024**.

Gracias por su participación en este proceso.

Sinceramente,

Jose A. Davila

José A. Dávila, Gerente
Sección Watermasters
División de Disponibilidad del Agua

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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.

Jueves, 13 de Junio 2024 de 7:00-8:00 PM

Número Telefónico: [+1 512-826-8070](tel:+15128268070)

Clave Telefónica de Conferencia: 160 098 315#

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: [Ross Canant](#)
To: [watermaster](#)
Cc: [Mike Martin](#); [Michael O'Sullivan](#); [REDACTED]; [Russell Jackson](#)
Subject: Watermaster -- Sabine River Basin
Date: Thursday, March 14, 2024 5:32:48 PM

Hamrick Lake Inc., having reviewed the material from the 2019 review, opposes the appointment of a watermaster for the Sabine River basin for the following reasons:

- 1) The 2019 material showed relatively few problems associated with this basin. I believe this remains the case.
- 2) No petitions had been entered as of 2019, I doubt this has changed significantly.
- 3) The cost to investigate issues in this basin were 10% of the cost of maintaining a watermaster. Those costs are borne by the water rights holders. We do not wish to fund a high cost, low duty public office.
- 4) All water rights holders solicited in 2019 voted no to appointing a watermaster. I believe that will still be the case.

Thank you for soliciting and reviewing our input.

Ross Canant
President, Hamrick Lake Inc.

[REDACTED]

[REDACTED]

Winona, TX 75792

From: [Billy Campbell](#)
To: [watermaster](#)
Subject: Response to Evaluation for Neches and Sabine River Basins
Date: Monday, March 11, 2024 12:41:03 PM

I am responding to a request for input from Mr Davila, Manager, Watermasters Section, Water Availability Division, TCEQ or whom else this may concern.

I am contacting you in regards to Pleasant Retreat Acres Lake as President of our Association.

Upon receiving your letter, I have looked in to the process on your web site and would like to know who has petitioned for this to take place or what senior rights holder is experiencing a threat that would dictate such a program being put in place? More importantly, what gives any government agency the right to dictate what we are doing with water we have collected on our own private ground, as long as we are operating within the laws of this great state? Your agency has been involved on a case of ours ongoing now for over a year on sediment filling our small 15 acre lake from a construction site upstream that you have deemed the contractor's responsibility to which we have seen no resolution

No water is being pulled from this small tract; it is for recreational fishing, provision of food for families when needed and contributing to the natural system needed to sustain wildlife in our area. We do not feel a government "watermaster" is required or desire any such program to be put in place at this time. Thank you for the opportunity to provide input on the matter, please reach out to me directly with questions or additional information.

Billy Campbell
President, Pleasant Retreat Acres HOA
[REDACTED]
Tyler, TX 75709
[REDACTED]

From: [REDACTED]
To: [watermaster](#)
Subject: Neches River Basin Watermaster Evaluation
Date: Friday, March 15, 2024 4:12:22 PM

Ms. Spaeth,

Please find following my comments in opposition to the establishment of a watermaster for the Neches River Basin. These comments are provided on behalf of Craig Barber and myself, Jeremy Grant Barber, who jointly hold Water Right 3275.

The Neches River watershed is a largely rural setting, much of which would be considered a low-income area. A majority (n. 125) of the 199 diversionary water rights are low volume agricultural users, while the remaining minority are primarily industrial and municipal entities who utilize 99.6% of water diverted in the watershed. The top 10 diversionary water rights alone account for 90.5% of potentially diverted water in the watershed. The fiscal burden for the water right holders in the Neches watershed, where a watermaster program would likely cost \$800,000 to \$1,000,000 annually, would be shouldered by the majority of water right holders who use the least amount of water. In addition, those who exercise their right to divert water would also be required to install and maintain costly watermaster-approved water meters, provide advance notice to the watermaster program when exercising their right is necessary, and pay a use tax on the water they have secured the right to utilize. These costs and procedures are burdensome to independent farmers and ranchers who have already seen their livelihoods come under attack from unmitigated inflation (e.g., rising fuel, feed, and equipment costs), climate alarmists, and corporate/municipal interests beyond the Neches watershed.

Thank you for the opportunity to provide comments pertaining to this matter. If you require additional information, my contact information is provided below.

Thank you,
J. Grant Barber

J.G. Barber Consulting
[REDACTED]
Bullard, Texas 75757
[REDACTED]

From: [Kelley Holcomb](#)
To: [watermaster](#)
Subject: Neches River Basin Water Master
Date: Thursday, March 14, 2024 10:59:27 AM
Attachments: [Neches Basin Watermaster Comment Letter-Executed 2024-03-14.pdf](#)

Dear Sirs:

Please find the attached comment letter from the Angelina & Neches River Authority regarding the evaluation of the need for a watermaster in the Neches River Basin.

Kelley Holcomb | General Manager

Angelina & Neches River Authority

Direct: 936-633-7543 | Mobile: 936-635-0413

www.anra.org | kholcomb@anra.org

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

“It’s not what we disagree about that separates us, it’s that which we refuse to agree”



March 14, 2024

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

Re: Watermaster Evaluation for the Neches River Basin

Ms. Spaeth:

Thank you for the opportunity to comment on the evaluation of the Neches River Basin's need for a watermaster. In 2014, seven major water rights holders submitted a joint letter opposing the appointment of a watermaster for the Neches River Basin. That letter documented key facts regarding various aspects of the status of water rights and the entities who hold those rights. See attached.

It is the position of the Angelina & Neches River Authority (Authority) that those facts generally remain true and in effect as of the date of this letter. Therefore, given the additional regulatory oversight and cost burden associated with a watermaster, the Authority is opposed to the appointment of a watermaster for the Neches River Basin at this time.

If I may be of any further service, please contact me at 936-633-7543, or via email at kholcomb@anra.org.

Respectfully,


Kelley Holcomb
General Manager

attachment



April 4, 2014

*Via Email (watermaster@tceq.texas.gov)
and First-Class Mail*

Ms. Amy Settemeyer, Manager
Watermaster Section (MC-160)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: Opposition to Appointment of a Watermaster in the Neches River Basin

The Lower Neches Valley Authority (“LNVA”), the Upper Neches River Municipal Water Authority (“UNRMWA”), the City of Beaumont (“Beaumont”), the City of Lufkin (“Lufkin”), the City of Nacogdoches (“Nacogdoches”), the City of Tyler (“Tyler”), and the Angelina & Neches River Authority (“ANRA”), each a wholesale water supplier in the Neches River Basin (collectively the “Neches Water Suppliers”), believe there is no need for a watermaster in the Neches River Basin and therefore oppose the establishment of a watermaster.

The Neches Water Suppliers

In the Neches River Basin (“Basin”) above the saltwater barrier, the Texas Commission on Environmental Quality (“Commission”) has authorized diversion of approximately 1,700,000¹ acre-feet of water per year, and permitted 10 major water supply reservoirs. The Neches Water Suppliers collectively hold water rights for over 98% of the fresh water² permitted in the Basin. Exhibit A to this letter is a table that identifies the particulars of the various water rights held by the entities that make up the Neches Water Suppliers.

¹ According to the August 2012 Water Availability Model, authorized freshwater diversions total 1,709,006 acre-feet per year.

² The Neches Water Supplier’s water rights are all located upstream of the salt water barrier.

Watermaster Evaluation

The Neches Water Suppliers do not support the appointment of a watermaster for the Basin for several reasons. First, the Basin holds a relatively small number of permits, which allows management and coordination with relative ease. Second, ongoing agreements among parties are effective in providing sufficient water to rights holders. Third, there is no evidence, either by senior calls or water rights holder complaints, of senior water rights being threatened in the basin. Fourth, Commission staff oversight does and will continue to adequately manage the water rights in the Basin, and the conditions in the Basin do not justify the expense of a watermaster program.

1. Having relatively few rights within the Basin facilitates management and coordination.

The water rights in the Basin were adjudicated in the mid-1980s. There are only approximately 240 water rights³ currently active in the entire Basin.

2. Ongoing cooperative agreements and established rules are effective.

There are agreements and cooperative relationships in place that allow for coordination throughout the Basin, as needed. For example, when LNVA and Lufkin sought to amend their water rights in 2010, a Settlement Agreement among LNVA, Lufkin, UNRMWA, Tyler, Nacogdoches, County of Nacogdoches, Angelina-Neches River Authority, City of Jacksonville, City of Whitehouse, and City of Dallas facilitated that amendment and created a sound framework for their respective interests throughout the Basin. LNVA and Lufkin hold rights to the largest main stem reservoir, Sam Rayburn Reservoir, and B.A. Steinhagen Reservoir while others hold rights and have interests in developing water resources upstream and on various tributaries, such as UNRMWA's water rights in Lake Palestine, Nacogdoches County's development of Lake Naconiche as a future water supply, ANRA's development of Lake Columbia, and Tyler's interest in potential reuse.

With respect to the lower Basin, LNVA and Beaumont recently entered a contract that effectively coordinates their respective interests and LNVA and Lufkin have long coordinated their respective interests in Sam Rayburn Reservoir. With respect to the upper Basin, ANRA has development agreements with seventeen local water suppliers for the development of the Lake Columbia project. In short, the Neches Water Suppliers have worked together to reach agreements and coordinate as appropriate in managing their respective supplies, allowing upper and lower Basin interests to maximize the use, and reuse, of their water supplies in the Basin.

In addition to the full adjudication of water rights and the development of cooperative relationships and formal agreements, the Basin has the benefit of adopted environmental flow requirements associated with future surface water permitting that have been effective since May 15, 2011. Accordingly, the health of the Neches River and Sabine Lake estuary can be protected and the system of water rights managed within a known framework that does not require the expense of a watermaster.

³ Estimated from the TCEQ Water Rights Database, downloaded March 28, 2014.

3. Senior rights in the Basin are not threatened.

The Neches Water Suppliers hold some of the most senior water rights in the Basin (seven of the ten oldest) and have not experienced threats to their various rights. The effectiveness of the existing relationships, rules, and Commission oversight to avoid threats is demonstrated by the near-absence of senior priority calls. There has been only one priority call on junior water rights in the Basin, which was made by LNVA in the fall of 2011, during very hydrologic extreme conditions. The Commission's staff handled that singular event appropriately and capably. As a result of that singular event, lessons were learned and conversations were had among the Neches Water Suppliers and with Commission staff that increase the information and tools available to facilitate coordination and response in any future case of shortage. Notably, despite the perseverance of the drought in the State, no additional priority calls have been made in the Basin. In addition, the Neches Water Suppliers are unaware of any domestic and livestock user having made a priority call or complaint based on an inability to divert surface water in the Basin. There has never been a petition to create a watermaster in the Basin.

4. Commission oversight adequately addresses the needs of the Basin.

The Neches Water Suppliers also recognize that, since 2011, the Commission's Drought Response Task Force has evolved to increase the Commission's ability to effectively respond to shortages and priority calls, particularly in river basins where such circumstances are relatively few and far between, like the Neches. Rainfall and hydrological conditions and inter-entity relationships in the Basin are such that the Commission's oversight and resources are and will be sufficient for senior water rights, like those held by the Neches Water Suppliers, to be protected and water resources to be effectively managed.

As significant water right holders in the Neches River Basin, particularly with storage rights, the Neches Water Suppliers would bear the brunt of funding obligations for a watermaster program. Yet, such a program is simply not needed.

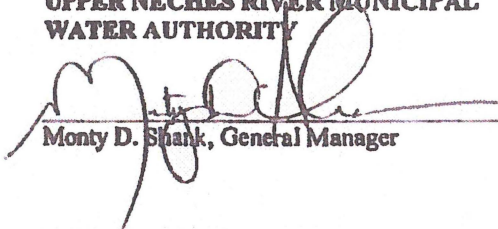
Conclusion

The Neches Water Suppliers do not support the establishment of a watermaster in the Neches River Basin. Conditions in the Basin simply do not require extensive Commission resources. Those conditions include rainfall and hydrological characteristics coupled with the relatively small number of water rights and existing agreements, relationships, regulatory frameworks that allow for effective water rights management and cross-entity coordination, as needed. Senior water rights are not threatened in these conditions and therefore a watermaster is not needed and the expense associated with such a program would not be justified.

The Neches Water Suppliers appreciate the opportunity to share these comments with the Commission and ask that you give them careful consideration. Please let us know if you have any questions regarding these comments or our respective water rights or experiences by contacting any of the undersigned.

Respectfully,

**UPPER NECHES RIVER MUNICIPAL
WATER AUTHORITY**



Monty D. Shank, General Manager

**LOWER NECHES VALLEY
AUTHORITY**



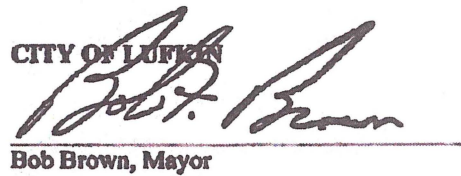
Scott Hall, General Manager

CITY OF BEAUMONT



Dr. Hani Tohme, Director of Water Utilities

CITY OF LUFKIN



Bob Brown, Mayor

CITY OF NACOGDOCHES



Jim Jeffers, City Manager

CITY OF TYLER



Mark McDaniel, City Manager

**ANGELINA & NECHES RIVER
AUTHORITY**



Kelley Holcomb, General Manager

EXHIBIT A

Neches Water Supplier	Certificates of Adjudication/Permits	Priority Dates	Authorized Annual Diversions	Reservoir Storage
LNVA	No. 06-4411	8/12/1913; 12/32/1924; 11/12/1963	1,173,876 ac-ft	Sam Rayburn B.A. Steinhagen
UNRMWA	No. 06-3254	4/30/1956; 3/9/1967; 12/16/1968; 9/15/1969; 9/14/1970; 3/21/1983	238,110 ac-ft	Lake Palestine
ANRA	No. 06-4228	1/22/1985	85,507 ac-ft	Lake Columbia
Beaumont	No. 06-4415	4/5/1915; 1/8/1925	56,467 ac-ft	
Tyler	No. 06-3237; No. 06-4853	11/10/1915; 12/19/1947; 5/25/1953; 8/8/1956; 10/10/1978	42,525 ac-ft	Lake Tyler/Tyler East Lake Bellwood
Lufkin	No. 06-4393; No. 06-4394; No. 06-4411	9/5/1957; 11/12/1963; 8/18/1975	47,100 ac-ft	Sam Rayburn Lake Kurth
Nacogdoches	No. 06-4864	1/5/1970	22,000 ac-ft	Lake Nacogdoches
Total			1,665,585 ac-ft	

From: [Ewing, Justin](#)
To: [watermaster](#)
Subject: Watermaster evaluation for Neches and Sabine
Date: Tuesday, March 12, 2024 8:40:44 AM

Luminant Mining Company has seven water rights permits in the Sabine watershed with one application pending.

Permits

5219

5492

5747

5889

5932

5703

5834

Luminant Mining Company does not believe that a watermaster is needed at this time.

Thanks

Justin Ewing, Ph.D.

Environmental Manager- Compliance

Luminant, Environmental Services – Mining

6555 Sierra Dr. | Irving, TX 75039

Office: 214-875-9130 | Fax: 214-875-8699

Cell: 214-406-2744

justin.ewing@luminant.com

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March 13, 2024

RECEIVED
MAR 15 2024
Water Availability Division

Iliana Spaeth, Watermaster Section Liaison
TCEQ, MC-160
P.O. Box 13087
Austin, TX 78711-3087

RE: Watermaster Evaluation for the Neches
River and Sabine River Basins

Dear Ms. Spaeth:

The Lower Neches Valley Authority (LNVA) received your notice of Stakeholder Meetings: Watermaster Evaluation for the Neches River and Sabine River Basins dated March 13, 2024. You requested written comments in order to provide better documentation of the sentiment across the region. I hope these comments are timely.

LNVA is the owner of Certificate of Adjudication 06-4411 which includes run of river rights as well as storage rights. Additionally, LNVA owns and operates the Neches River Saltwater Barrier at Beaumont. The nature of our operation at the Saltwater Barrier includes the accounting and coordination of reservoir release from Sam Rayburn Reservoir and Lake BA Steinhagen, both Federal reservoirs operated by the US Army Corps of Engineers, to meet all the needs in the lower Neches River. That coordinated release includes the release of stored water and run-of-river pass-through flows to satisfy the demand for the City of Beaumont and LNVA in addition to environmental flows to the Sabine Lake Estuary. All other water rights holders below Lake BA Steinhagen are also downstream of the Saltwater Barrier making them 100% reliable but at times saline. Due to the fact that, LNVA is actively managing water availability to ensure all the demands in the lower basin are met we see no need at this time to create a Watermaster in the Neches River Basin.

Sincerely,

A handwritten signature in black ink that reads "Scott Hall". The signature is stylized with a large, looped "S" and a cursive "Hall".

Scott Hall
General Manager

From: [Toni Trimble](#)
To: [watermaster](#)
Subject: Neches River and Sabine River Basin
Date: Monday, March 18, 2024 10:02:25 AM

Hello

I am responding for Ralph Trimble the holder of water Right No. 3899 for agriculture
Agricultural-irrigation.

As long as the watermaster is taking care of agriculture and not the needs of large cities I would be in favor. The
water supply for cities should be taken care of by cities not the out lying areas. They should build lakes in stead of
using the ground water or the rivers. This is just a lazy way of approaching their problem.

Thank You

Toni Trimble



From: [Michael Anderson](#)
To: [Michael Anderson](#)
Cc: [watermaster](#)
Subject: Re: Watermaster evaluation for neches river and Sabine River basin
Date: Wednesday, March 20, 2024 1:27:17 PM
Attachments: [Water Permit - Grand Saline.pdf](#)

I am sorry, but I failed to include the fact that I am using the water for domestic/livestock and recreational purposes. The permit number is 4293. I have attached an old copy of my permit. Thanks.

Michael S. Anderson
[REDACTED]

> On Mar 20, 2024, at 1:20 PM, Michael Anderson <Michael@andersonoffice.net> wrote:

> Hello:

>

> I am interested in this process as it applies to the Sabine River basin. I have a permitted lake in the basin and this affects me. Please send me all relevant information regarding this including info on stakeholders meetings and the like. Thanks.

>

> Michael S. Anderson

> [REDACTED]

2634
1084-728PERMIT TO
APPROPRIATE STATE WATER

APPLICATION NO. 4857

PERMIT NO. 4293

TYPE: \$11.121

Permittee: CLIFFORD L. BARLOW

Address: Box 3
Grand Saline, Texas 75140

Filed: April 16, 1985

Granted: January 22, 1986

County: Van Zandt

Watercourse: Unnamed tributary of the Sabine River
the Sabine River Watershed: Sabine River Basin

WHEREAS, the Texas Water Commission finds that jurisdiction of the application is established; and

WHEREAS, a public hearing has been held and an Order has been entered by the Commission;

NOW, THEREFORE, this permit to appropriate and use State water is issued to Clifford L. Barlow, subject to the following terms and conditions:

1. IMPOUNDMENT

Permittee is authorized to maintain an existing dam and reservoir on an unnamed tributary of the Sabine River and impound therein not to exceed 360 acre-feet of water. The dam is located in the G. P. Rogers Survey, Abstract No. 1091, Van Zandt County, Texas. A point on the centerline of the dam is S 80° E, 2112 feet from the NW corner of the said G. P. Rogers Survey.

2. USE

Permittee is authorized to use the impounded waters for recreational purposes with no right of diversion from the impoundment for other than domestic and livestock purposes.

This permit is issued subject to all superior and senior water rights in the Sabine River Basin.

Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

All other matters requested in the application which are not specifically granted by this permit are denied.

This permit is issued subject to the Rules of the Texas Water Commission and to the right of continual supervision of state water resources exercised by the Commission.

TEXAS WATER COMMISSION

DATE ISSUED:

March 21, 1986

ATTEST:

Mary Ann Warner
Mary Ann Warner, Chief Clerk

Paul Hopkins
Paul Hopkins, Chairman

Ralph Hoising
Ralph Hoising, Commissioner

John O. Mouchins
John O. Mouchins, Commissioner

M 1884-729

FILED FOR RECORD THIS 2 DAY OF April 1986 AT 9:41 O'CLOCK AM
ELIZABETH EVERITT, CLERK COUNTY COURT, VAN ZANDT COUNTY, TEXAS BY *Alpine* DEPUTY

From: [Wilson B.](#)
To: [watermaster](#)
Subject: Watermaster Evaluation for the Neches River and Sabine River Basins
Date: Wednesday, March 20, 2024 1:35:35 PM

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

Re: Watermaster Evaluation for the Neches River and Sabine River Basins
Stakeholder Comments for Water Rights Permit # 4646

Dear Ms. Spaeth,

Thank you for the opportunity to provide comments on the Watermaster discussion. In regards to the Sabine River Basin we operate 1 private lake with the above referenced water rights permit.

We believe a Watermaster program for the Sabine River basin would be an unnecessary endeavor at this time. If implemented, the incremental effect of additional regulation and oversight as well as the resulting cost increases for compliance would be an unwelcome development.

We respectfully submit that the TCEQ's staff should not recommend the establishment of a water master program for the Sabine River Basin at this time.

Respectfully,

Wilson Bicknell

From: [Kevin Gee](#)
To: [watermaster](#)
Cc: [Christopher Key](#)
Subject: Watermaster Evaluation for the Neches River Basin
Date: Friday, March 22, 2024 9:15:23 AM
Attachments: [Neches Basin Watermaster Comment Letter - Lufkin.pdf](#)

Please see attached.

Kevin T. Gee, PE

City of Lufkin

City Manager

936-633-0211

kgee@cityoflufkin.com

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Pursuing excellence in meeting the needs of the Citizens

Kevin T Gee, PE
City Manager



300 East Shepherd
Lufkin, Texas 75902-0190
(936)-633-0414
kgee@cityoflufkin.com

March 22, 2024

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

Re: Watermaster Evaluation for the Neches River Basin

Ms. Spaeth:

Thank you for the opportunity to provide local input during the evaluation of the need for a watermaster in the Neches River Basin. The City of Lufkin does not support the establishment of a watermaster. I refer you to our previous joint regional correspondence attached and dated April 4, 2014 for more information. Those facts remain generally true and continue as our position. I ask that you share these comments with the Commission and request careful consideration.

Sincerely,

A handwritten signature in blue ink that reads "Kevin T. Gee".

Kevin T. Gee, PE

Attachment



April 4, 2014

*Via Email (watermaster@tceq.texas.gov)
and First-Class Mail*

Ms. Amy Settemeyer, Manager
Watermaster Section (MC-160)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: Opposition to Appointment of a Watermaster in the Neches River Basin

The Lower Neches Valley Authority (“LNVA”), the Upper Neches River Municipal Water Authority (“UNRMWA”), the City of Beaumont (“Beaumont”), the City of Lufkin (“Lufkin”), the City of Nacogdoches (“Nacogdoches”), the City of Tyler (“Tyler”), and the Angelina & Neches River Authority (“ANRA”), each a wholesale water supplier in the Neches River Basin (collectively the “Neches Water Suppliers”), believe there is no need for a watermaster in the Neches River Basin and therefore oppose the establishment of a watermaster.

The Neches Water Suppliers

In the Neches River Basin (“Basin”) above the saltwater barrier, the Texas Commission on Environmental Quality (“Commission”) has authorized diversion of approximately 1,700,000¹ acre-feet of water per year, and permitted 10 major water supply reservoirs. The Neches Water Suppliers collectively hold water rights for over 98% of the fresh water² permitted in the Basin. Exhibit A to this letter is a table that identifies the particulars of the various water rights held by the entities that make up the Neches Water Suppliers.

¹ According to the August 2012 Water Availability Model, authorized freshwater diversions total 1,709,006 acre-feet per year.

² The Neches Water Supplier’s water rights are all located upstream of the salt water barrier.

Watermaster Evaluation

The Neches Water Suppliers do not support the appointment of a watermaster for the Basin for several reasons. First, the Basin holds a relatively small number of permits, which allows management and coordination with relative ease. Second, ongoing agreements among parties are effective in providing sufficient water to rights holders. Third, there is no evidence, either by senior calls or water rights holder complaints, of senior water rights being threatened in the basin. Fourth, Commission staff oversight does and will continue to adequately manage the water rights in the Basin, and the conditions in the Basin do not justify the expense of a watermaster program.

1. Having relatively few rights within the Basin facilitates management and coordination.

The water rights in the Basin were adjudicated in the mid-1980s. There are only approximately 240 water rights³ currently active in the entire Basin.

2. Ongoing cooperative agreements and established rules are effective.

There are agreements and cooperative relationships in place that allow for coordination throughout the Basin, as needed. For example, when LNVA and Lufkin sought to amend their water rights in 2010, a Settlement Agreement among LNVA, Lufkin, UNRMWA, Tyler, Nacogdoches, County of Nacogdoches, Angelina-Neches River Authority, City of Jacksonville, City of Whitehouse, and City of Dallas facilitated that amendment and created a sound framework for their respective interests throughout the Basin. LNVA and Lufkin hold rights to the largest main stem reservoir, Sam Rayburn Reservoir, and B.A. Steinhagen Reservoir while others hold rights and have interests in developing water resources upstream and on various tributaries, such as UNRMWA's water rights in Lake Palestine, Nacogdoches County's development of Lake Naconiche as a future water supply, ANRA's development of Lake Columbia, and Tyler's interest in potential reuse.

With respect to the lower Basin, LNVA and Beaumont recently entered a contract that effectively coordinates their respective interests and LNVA and Lufkin have long coordinated their respective interests in Sam Rayburn Reservoir. With respect to the upper Basin, ANRA has development agreements with seventeen local water suppliers for the development of the Lake Columbia project. In short, the Neches Water Suppliers have worked together to reach agreements and coordinate as appropriate in managing their respective supplies, allowing upper and lower Basin interests to maximize the use, and reuse, of their water supplies in the Basin.

In addition to the full adjudication of water rights and the development of cooperative relationships and formal agreements, the Basin has the benefit of adopted environmental flow requirements associated with future surface water permitting that have been effective since May 15, 2011. Accordingly, the health of the Neches River and Sabine Lake estuary can be protected and the system of water rights managed within a known framework that does not require the expense of a watermaster.

³ Estimated from the TCEQ Water Rights Database, downloaded March 28, 2014.

3. Senior rights in the Basin are not threatened.

The Neches Water Suppliers hold some of the most senior water rights in the Basin (seven of the ten oldest) and have not experienced threats to their various rights. The effectiveness of the existing relationships, rules, and Commission oversight to avoid threats is demonstrated by the near-absence of senior priority calls. There has been only one priority call on junior water rights in the Basin, which was made by LNVA in the fall of 2011, during very hydrologic extreme conditions. The Commission's staff handled that singular event appropriately and capably. As a result of that singular event, lessons were learned and conversations were had among the Neches Water Suppliers and with Commission staff that increase the information and tools available to facilitate coordination and response in any future case of shortage. Notably, despite the perseverance of the drought in the State, no additional priority calls have been made in the Basin. In addition, the Neches Water Suppliers are unaware of any domestic and livestock user having made a priority call or complaint based on an inability to divert surface water in the Basin. There has never been a petition to create a watermaster in the Basin.

4. Commission oversight adequately addresses the needs of the Basin.

The Neches Water Suppliers also recognize that, since 2011, the Commission's Drought Response Task Force has evolved to increase the Commission's ability to effectively respond to shortages and priority calls, particularly in river basins where such circumstances are relatively few and far between, like the Neches. Rainfall and hydrological conditions and inter-entity relationships in the Basin are such that the Commission's oversight and resources are and will be sufficient for senior water rights, like those held by the Neches Water Suppliers, to be protected and water resources to be effectively managed.

As significant water right holders in the Neches River Basin, particularly with storage rights, the Neches Water Suppliers would bear the brunt of funding obligations for a watermaster program. Yet, such a program is simply not needed.

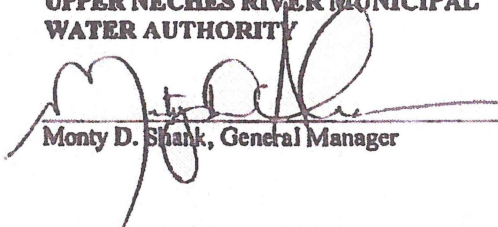
Conclusion

The Neches Water Suppliers do not support the establishment of a watermaster in the Neches River Basin. Conditions in the Basin simply do not require extensive Commission resources. Those conditions include rainfall and hydrological characteristics coupled with the relatively small number of water rights and existing agreements, relationships, regulatory frameworks that allow for effective water rights management and cross-entity coordination, as needed. Senior water rights are not threatened in these conditions and therefore a watermaster is not needed and the expense associated with such a program would not be justified.

The Neches Water Suppliers appreciate the opportunity to share these comments with the Commission and ask that you give them careful consideration. Please let us know if you have any questions regarding these comments or our respective water rights or experiences by contacting any of the undersigned.

Respectfully,

**UPPER NECHES RIVER MUNICIPAL
WATER AUTHORITY**



Monty D. Shank, General Manager

**LOWER NECHES VALLEY
AUTHORITY**



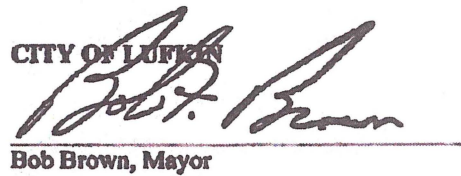
Scott Hall, General Manager

CITY OF BEAUMONT



Dr. Hani Tohme, Director of Water Utilities

CITY OF LUFKIN



Bob Brown, Mayor

CITY OF NACOGDOCHES



Jim Jeffers, City Manager

CITY OF TYLER



Mark McDaniel, City Manager

**ANGELINA & NECHES RIVER
AUTHORITY**



Kelley Holcomb, General Manager

EXHIBIT A

Neches Water Supplier	Certificates of Adjudication/Permits	Priority Dates	Authorized Annual Diversions	Reservoir Storage
LNVA	No. 06-4411	8/12/1913; 12/32/1924; 11/12/1963	1,173,876 ac-ft	Sam Rayburn B.A. Steinhagen
UNRMWA	No. 06-3254	4/30/1956; 3/9/1967; 12/16/1968; 9/15/1969; 9/14/1970; 3/21/1983	238,110 ac-ft	Lake Palestine
ANRA	No. 06-4228	1/22/1985	85,507 ac-ft	Lake Columbia
Beaumont	No. 06-4415	4/5/1915; 1/8/1925	56,467 ac-ft	
Tyler	No. 06-3237; No. 06-4853	11/10/1915; 12/19/1947; 5/25/1953; 8/8/1956; 10/10/1978	42,525 ac-ft	Lake Tyler/Tyler East Lake Bellwood
Lufkin	No. 06-4393; No. 06-4394; No. 06-4411	9/5/1957; 11/12/1963; 8/18/1975	47,100 ac-ft	Sam Rayburn Lake Kurth
Nacogdoches	No. 06-4864	1/5/1970	22,000 ac-ft	Lake Nacogdoches
Total			1,665,585 ac-ft	



UPPER NECHES RIVER MUNICIPAL WATER AUTHORITY

March 18, 2024

RECEIVED

MAR 21 2024

Water Availability Division

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

Re: Watermaster Evaluation for the Neches River Basin

Rear Ms. Spaeth:

We appreciate the opportunity to comment on TCEQ's evaluation of the Neches River Basin's need for a watermaster.

Please find attached a copy of our 2019 letter dated May 22, 2019, whereby the Upper Neches River Municipal Water Authority (UNRMWA or Authority) expressed its opinion that there is no need for a Watermaster within the basin. The facts and reasons for that opinion which are contained in that letter remain accurate, appropriate, and applicable as of this date.

Therefore, the Authority sees no need for the additional regulatory oversight and expense of a watermaster for the Neches River Basin.

If there are questions, or if any additional information is necessary, please contact me at 903-876-2237, or via email at mdsunra@dctexas.net.

Respectfully

A handwritten signature in black ink, appearing to read "Monty D. Shank".

Monty D. Shank
General Manager

MDS/glb

Enc.

RECEIVED

MAR 21 2024

Water Availability Division

COPY



UPPER NECHES RIVER MUNICIPAL WATER AUTHORITY

May 22, 2019

Ms. Laurie Gharis, Manager (MC-160)
Watermaster Section, Water Availability Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
watermaster@tceq.texas.gov

VIA ELECTRONIC MAIL
AND FIRST CLASS MAIL

Re: Watermaster Evaluation for the Neches River Basin

Dear Ms. Gharis:

This letter is submitted on behalf of the Upper Neches River Municipal Water Authority ("UNRMWA") in response to a Texas Commission on Environmental Quality (the "Commission") letter dated May 3, 2019 regarding the above-referenced matter. Specifically, this letter is submitted to notify you and the Commission that UNRMWA does not support the creation of a Watermaster for the Neches River Basin (the "Basin"), for the reasons identified herein.

UNRMWA is a conservation and reclamation district, authorized pursuant to Article XVI, §59 of the Texas Constitution and established pursuant to TEX. REV. CIV. STATS. ANN. art. 8280-157. UNRMWA is the owner of Certificate of Adjudication No. 06-3254, as amended (the "Certificate"), authorizing the impoundment of state waters of the Neches River in Lake Palestine and a small reservoir created by the Downstream Diversion Dam at Rocky Point and diversion and use of up to 238,100 acre-feet of water per year for domestic, municipal, industrial, irrigation, mining and recreation purposes subject to a range of priority dates. Blackburn Crossing Dam, which forms Lake Palestine, is located in Anderson and Cherokee Counties. UNRMWA has constructed, operates, and maintains facilities necessary to store and divert water under the Certificate and has entered into numerous contracts to supply water made available under this right in its service area covering all or parts of Anderson, Cherokee, Henderson, and Smith Counties in East Texas.

Watermaster Assessment

UNRMWA does not recommend the creation of a Watermaster for the Basin for several reasons, with such reasons fully supporting a decision by TCEQ to not establish a Watermaster for the Basin. First, the Basin holds a relatively small number of permits to manage. Second, to the best of UNRMWA's knowledge, there has never been a priority call on junior water rights in the upper portion of the Basin. Only Lower Neches Valley Authority ("LNVA") has made a call, and that call involved the lower portion of the Basin. Third, there has never been a petition filed pursuant to Texas Water Code Section 11.451 to create a Watermaster in the Basin. And fourth,

UNRMWA is unaware of any domestic and livestock user having claimed an inability to divert surface water even in light of the severe drought conditions of 2009 and 2011.

Agreements and cooperative relationships exist that allow for coordination throughout the Basin, as needed. For example, when LNVA and the City of Lufkin amended their water rights in 2010, a Settlement Agreement with UNRMWA, City of Tyler, City of Nacogdoches, County of Nacogdoches, Angelina-Neches River Authority, City of Jacksonville, City of Whitehouse, and City of Dallas created a sound framework for their respective interests throughout the Basin.

In addition to the full adjudication of water rights and the development of cooperative relationships and formal agreements, the Basin has the benefit of adopted environmental flow requirements associated with future surface water permitting that have been effective since May 15, 2011. Accordingly, the health of the Neches River and Sabine Lake estuary can be protected and the system of water rights managed within a known framework that does not require the expense of a Watermaster.

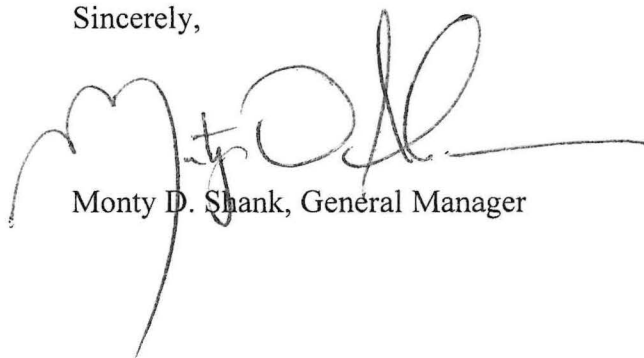
Since 2011, the Commission's Drought Response Task Force has evolved to increase the Commission's ability to effectively respond to shortages and priority calls, particularly in river basins where such circumstances are relatively few and far between, like the Neches. Rainfall and hydrological conditions and cooperative relationships in the Basin are such that the Commission's existing oversight and resources are sufficient for senior water rights to be protected and water resources to be effectively managed.

Conclusion

A Watermaster program in the Basin would require the Commission, and UNRMWA, to invest in a program that is simply not needed. There is no need to have a manager oversee diversions where there have been no disputes and no significant senior calls, if any, for a Watermaster to address.

UNRMWA appreciates the opportunity to provide these comments as an interested stakeholder and significant water rights holder in the Basin. UNRMWA 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 Basin. Should you have any questions regarding these comments or any of the above-listed surface water rights, please feel free to call any of the undersigned, at your convenience.

Sincerely,



Monty D. Shank, General Manager

cc: Ms. Sara R. Thornton

From: [Gary Coker](#)
To: [watermaster](#)
Subject: Water Master Evaluation for Neches River and Sabine River Basins
Date: Wednesday, March 27, 2024 11:40:40 AM

Hello,

My name is Gary Coker, Park Superintendent at Mission Tejas State Park located in Grapeland, Texas. I am in receipt of your letter dated March 7, 2024.

The waterbody on which I am commenting is a small 1-2 acre impoundment located within the boundaries of Mission Tejas State Park. The impoundment was constructed in 1934 by the Civilian Conservation Corps as a feature for the park. The sole use of the impoundment is for recreational fishing for visitors to the park. No water is being pumped or removed by other means for any other use. The impoundment is fed by stormwater runoff through intermittent streams located within the park (ravines). When sufficient precipitation causes the water to flow over the spillway, the water continues downgradient to San Pedro Creek (a tributary of the Neches River). In periods of drought, the impoundment can shrink to less than 0.5 acres. When at normal levels, the impoundment has coon tail moss and button willows near the shorelines in some areas. It is periodically stocked with channel catfish by TPWD Inland Fisheries. In the past, rainbow trout have been stocked during the colder months but for several years, the oxygen levels have been insufficient for these stockings. As the intermittent streams and the impoundment are located under moderate to dense forest canopy, organic matter such as leaves, limbs, etc. tend to accumulate within the stream channels and the bottom of the impoundment. Common fish/amphibian species include sunfish, largemouth bass, channel catfish, red-eared sliders, southern leopard frogs, and other species common to small impoundments in East Texas. A number of aquatic insects and birds are also commonly observed around the impoundment along with snakes (both venomous & non-venomous).

Efforts have been made by park staff/volunteers to clean out refuse from ravines along CR 1585 (adjacent to northeastern portion of park boundary) resulting from illegal dumping in the past.

Organization Name: Texas Parks & Wildlife Dept.

Water Right No.: 3300

Water Right Type: 6

River Basin: 6

Use Code: 7

Thanks,

Gary Coker, Park Superintendent

Mission Tejas State Park

Phone: 936-687-2394

From: [Jamie East](#)
To: [watermaster](#)
Cc: [Travis Williams](#); [Holly Smith](#); [Mark Mann](#)
Subject: Sabine River Authority Comments on Watermaster Evaluation
Date: Thursday, March 28, 2024 2:17:48 PM
Attachments: [Outlook-muztz3bk.png](#)
[20240328_SabineRiverAuthority_WatermasterComments.pdf](#)

Dear Ms. Spaeth,

The Sabine River Authority of Texas provides these attached comments in response to the March 7, 2024, letter from the TCEQ with the subject "Watermaster Evaluation for the Neches River and Sabine River Basins." As the major water right holder in the Sabine River Basin, SRA appreciates this opportunity to provide its input and perspective as to whether a watermaster is needed in the Sabine River Basin at this time.

Very best regards,

James "Jamie" East
Water Resources Director
Sabine River Authority of Texas
409-746-2192
jeast@sratx.org





(409) 746-2192
FAX (409) 746-3780



SABINE RIVER AUTHORITY of /exas

P.O. BOX 579
ORANGE, TEXAS
77631

March 28, 2024

Iliana Spaeth, Watermaster Program Liaison
Texas Commission on Environmental Quality
Water Availability Division
Watermaster Section, MC-160
P.O. Box 13087
Austin, Texas 78711-3087

RE: Comments for Consideration When Evaluating the Need for a Watermaster in the Sabine River Basin

Dear Ms. Spaeth:

The Sabine River Authority of Texas ("SRA") provides these comments in response to the March 7, 2024, letter from the Texas Commission on Environmental Quality ("TCEQ" or "Commission") with the subject "Watermaster Evaluation for the Neches River and Sabine River Basins." As the major water right holder of Certificates of Adjudication's 05-4658, 05-4662, 05-4669, and 05-4670 in the Sabine River Basin, SRA appreciates this opportunity to provide its input and perspective as to whether a watermaster is needed in the Sabine River Basin at this time.

Referencing the web link in the March 7, 2024, letter, TCEQ will consider the following criteria when evaluating whether a watermaster should be appointed:

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

To SRA's knowledge, there has not been a court order to create a watermaster in the Sabine River Basin, nor has the TCEQ received a petition requesting a watermaster. That leaves only the criterion questioning whether senior water rights have been "threatened" in the Sabine River Basin.

The Commission has an established standard for evaluating whether senior water rights have been threatened. In 2004, the TCEQ evaluated whether a watermaster should be appointed for the Concho River Segment in response to petitions that had been filed in that watershed, and in that proceeding it adopted the following definition for "threat":

“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. *See Order Appointing a Watermaster for the Concho River Segment, TCEQ Docket No. 2000-0344-WR; SOAH Docket No. 582-02-2130, TCEQ (Aug. 17, 2004) at Conclusion of Law 4 (the “Concho Final Order”).*

The Commission subsequently utilized this definition from the Concho Final Order to determine whether there was a “threat” to senior water rights in the current context in its 2012 evaluation of the need for watermaster programs for the Brazos and Colorado River Basins pursuant to Section 11.326(g) of the Texas Water Code. *See L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, Tex. Comm'n on Env'tl. Quality, Docket No. 2012-1395-MIS, Evaluation of river basins for the need for Watermaster programs - Work Session follow up.*¹

Based on the definition of “threat” adopted by the Commission, senior water rights in the Sabine River Basin are not “threatened.”

The history of senior calls, water shortages, and annual water right complaints indicate that senior water rights in the Sabine River Basin have not been threatened to the degree where a watermaster program is warranted. There is no evidence of any people or groups conveying an actual intent to harm senior water rights. To SRA’s knowledge, there is no evidence in the Sabine River Basin of:

- a) less water available than appropriated water rights (except for a brief period in the Little Sandy Creek Watershed, discussed below);
- b) disregard of prior appropriation by junior water right holders;
- c) storage of water by junior water right holders to which senior water rights holders are legally entitled; or
- d) diversion, taking, or use of water in excess of the quantities to which other holders of water rights are lawfully entitled.

SRA is aware of only one senior water right priority call in the Sabine River Basin—the January 4, 2012, priority call on the Little Sandy Creek Watershed. In a letter dated January 4, 2012, TCEQ notified Sabine Basin water rights holders that it had suspended water rights with a priority date of January 1, 1903, and later (excluding municipal, power generation, domestic and livestock uses), term water rights, and temporary water rights permits in the Little Sandy Creek Watershed of the Sabine River Basin in response to a priority call by the senior water rights holder in the Little Sandy Creek Watershed. *See Letter from Mark Vickery, Exec. Dir., Tex. Comm'n on Env'tl. Quality to Water Right Holder (January 4, 2012).*² This call was rescinded only 43 days later, on February 16, 2012, indicating that the enforcement tools of the TCEQ’s Executive Director were adequate to resolve the situation.³ The characteristics of the Sabine River Basin indicate that future water shortages or priority calls in the

¹ TCEQ Interoffice Memorandum, October 11, 2012, available at https://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/backup/Agendas/2012/10-31-2012/2012-1395-MIS.pdf (referenced 3/12/2024).

² Re: Suspensions of Permitted State Surface Water Diversions in the Little Sandy Creek Watershed of the Sabine River Basin, available at <https://www.tceq.texas.gov/assets/public/response/drought/water-right-letters/01-04-12-suspension-littlesandy.pdf> (referenced 3/12/2024).

³ Additionally, if this type of situation occurs again in the future, the Executive Director can now utilize the capabilities of the TCEQ regional Tiger Team to quickly address the issue. A Tiger Team is a special group of TCEQ staff from the regional office with extensive experience in streamflow measurement that can do a rapid response to a priority call or complaint. They can do quick field investigations after a priority call is received, and then review all water rights above the location of the call, separate them into data ranges and compile

Basin (if they occur) can be resolved by the TCEQ Executive Director, as it was for the Little Sandy Creek Watershed call.

Little Sandy Creek is only a small tributary of the Sabine River in Wood County; there has never been a priority call on the main stem of the Sabine River. No water shortage on the Sabine River Basin, even during the historic 2011 drought,⁴ has resulted in a dispute over water that was not resolved by TCEQ, SRA, and other water rights holders in the Sabine Basin.

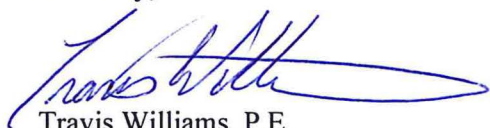
It is also important to note the difference in characteristics of basins where watermaster programs have been established in Texas in comparison to the Sabine River Basin. The Sabine River Basin is located in a much different ecoregion when compared to the ecoregions where watermaster programs have been established. The Sabine River Basin is located in the wettest area of the state. Watermaster programs have normally been requested, recommended, and/or established in dryer regions of the state; no watermaster programs have ever been established in the eastern part of Texas where precipitation is much higher. The hydrology in the established watermaster program areas is flashy, meaning that normal river flows are smaller but increase quickly due to rain events. This type of hydrology is more conducive to watermaster enforcement, because if a priority call is requested in a flashy ecoregion, most of the water will already be stored or diverted by the time the TCEQ has time to respond to the call (resulting in a futile call). In those areas, watermaster enforcement is needed because the watermaster program generates more detailed information on diversions and can anticipate shortages.

Additionally, the percentage of water rights based on storage is higher in the Sabine River Basin than in basins where watermaster programs have been established. Most water users in the Sabine River Basin use stored water or run-of-river water rights backed up by stored water. This means that many Sabine Basin water rights are not dependent on stream flow to make it through low flow periods.

Based upon our observations, above, SRA respectfully submits that a watermaster program is not warranted in the Sabine River Basin. The only evidence of a senior water right not being able to divert occurred in a limited area (the Little Sandy Creek Watershed) and that priority call was quickly and adequately resolved by the TCEQ Executive Director. SRA is confident that any future water shortage or priority call in the Sabine River Basin (if they occur) can likewise be adequately resolved by the TCEQ Executive Director.

Thank you for your time and consideration of these comments. Please do not hesitate to contact us should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Travis Williams", with a stylized flourish extending from the end.

Travis Williams, P.E.
SABINE RIVER AUTHORITY OF TEXAS
Assistant General Manager - Operations

permitted diversion amounts and rates and estimated loss rates to determine whether suspension or adjustment of water rights could potentially result in sufficient flows passing the location of the call in an amount that the senior water right holder(s) could beneficially use.

⁴ The 2011 drought in Texas was unprecedented in its intensity. It was the most intense one-year drought in Texas since at least 1895 when statewide records begin, and was probably among the five worst droughts overall. The 2011 Texas Drought: A Briefing Packet for the Texas Legislature, October 31, 2011, John W. Nielsen-Gammon, Professor of Atmospheric Sciences and Texas State Climatologist, Executive Summary, <https://oaktrust.library.tamu.edu/handle/1969.1/158245>, (referenced 3/12/2024).

From: [John Moore](#)
To: [watermaster](#)
Subject: Watermaster Evaluation for Sabine River Basin Comment
Date: Thursday, April 11, 2024 11:44:07 AM

To Whom it May Concern:

You have requested comment regarding the Watermaster Evaluation for the Sabine River Basin. Little Sandy Hunting & Fishing Club holds Water Right No: 4771. We have been part of the Sabine River Basin since 1907.

Here is our comment:

We do not approve of the proposed Watermaster for the Sabine River Basin.

Yours truly,

John A. Moore, President

Little Sandy Hunting & Fishing Club, Inc.

From: [Andrea Broughton](#)
To: [watermaster](#)
Cc: [Frank Davis](#); [Judge Neal Franklin](#)
Subject: Watermaster Evaluation for Neches and Sabine River Basins
Date: Friday, April 12, 2024 8:51:37 AM
Attachments: [WATERMASTER SMITH COUNTY.pdf](#)

Good Morning

Please find attached letter from Smith County in response to request for comments regarding Watermaster Evaluation for Neches and Sabine River Basins.

Thank you
Andrea

Andrea Broughton, CFM PE
Smith County - Road and Bridge



903-590-4803
PO Box 990
Tyler, TX 75710

Fax 903-590-4802
1700 W. Claude St.
Tyler, TX 75702

COUNTY OF SMITH
Road and Bridge Department
April 11, 2024

Dear Mr. Davila

In response to the letter dated March 7, 2024, Smith County is in support of establishing a watermaster for the Neches River and Sabine River Basins. Smith County is a stakeholder in both the Neches and Sabine Basins. We are affiliated with these basins as their tributaries meander through our county. As our county continues to develop, we need to stay aware of the status change in streamflows, water rights and the latest basin information to be a partner in the compliance with TCEQ.

We appreciate the opportunity to participate in this process and look forward to attending the stakeholder meeting in June 2024.

Sincerely,

B. Frank Davis, Jr., P.E., R.P.L.S.

County Engineer

From: [T Warren](#)
To: [watermaster](#)
Subject: Fw: Failure Notice
Date: Wednesday, April 17, 2024 7:52:11 PM

[<watermaster](#)

----- Forwarded message -----

Please let me know when the meeting in Tyler is please.

Sorry my comment late but WE do not believe we need a water master. We have made it 200 yrs managing our rural water. Cities need regulation but in the Neches Basin we do not need one. With due respect.

Gary Warren and Toni Lewis



Thank you

[Sent from Yahoo Mail for iPad](#)

From: [Temple, Ellen](#)
To: [watermaster](#)
Subject: Comment on watermaster for the Neches River Basin
Date: Monday, June 10, 2024 10:02:15 PM

I just attended an excellent presentation discussion about the watermaster evaluation process. I would support Option #3 –a watermaster for the Neches River Basin—in the hope that keeping track of named streams and rivers in our East Texas area—Lufkin and Angelina County where I live—would give us some conservation oversight that local city and county governments do not offer.

Right now there appears to be very little oversight as the area is developed and the streams and the river and its bottoms are bulldozed and silted in. Developers and highway contractors and loggers either don't know about effective silt barriers or simply refuse to use them. Our area has only one TCEQ inspector out of Beaumont, and we understand that Lufkin and Angelina County have more violations than any of the other communities in our part of the Neches River Watershed.

Please consider appointing a watermaster to oversee our area and to educate the community, the developers, the highway contractors and loggers about the importance of protecting our springs, streams, creeks and the Neches River and its bottomland hardwood forests.

Thank you.

Ellen Temple

[REDACTED]
[REDACTED]