

RIO GRANDE WATERMASTER ADVISORY COMMITTEE MEETING

December 7, 2021

1804 W Jefferson Avenue, Harlingen, TX.

and via

Microsoft Teams

10:30 A.M

MINUTES

I. Chair, Sonny Hinojosa called the meeting to Order. Four Committee members were present and three members via Teams. TCEQ Officials and Staff were also present and on Teams.

II. Self-introductions were made.

III. 1944 Water Treaty Update: Commissioner Bobby Janecka.

Commissioner Janecka said that he is wanting to have discussions with the new IBWC Commissioner and colleagues in Washington on some specific enforcement mechanisms that need to incur before missing a 5 year cycle. Commissioner Janecka asked if there were any scenarios where we might consider accepting Rio San Juan water. Sonny Hinojosa discussed the negative impacts of accepting Rio San Juan water. The stakeholders were asked to come up with some feasible options or alternatives that can be presented to IBWC that might be acceptable to Mexico. These options need to include us utilizing and/or not utilizing Rio San Juan water. Sonny asked about the ability to implement Minute 234 other than at the end of a 1st cycle that ends in a deficit of deliveries. This would work within the framework of the Treaty and its Minutes as opposed to trying to include utilizing the Rio San Juan water that is not one of the Mexican tributaries that the delivery accounting should come from. There is also a possibility of working on language for an additional Minute that would implement the option that is most feasible. IBWC mentioned some stakeholders meetings will be held after the first of the year to discuss water quality and the Border 2025 initiative.

Tom McLemore asked about the excessive amount of water going out to the Gulf of Mexico daily. Is it U.S. or Mexico water? Sonia Lambert said it is hard to believe Mexico would voluntarily spill this large amount of water into the Gulf of Mexico daily without using the water as a negotiation tool of some sort. Earl Lott answered we should include the U.S. utilizing this water in the negotiations with Mexico. Anthony Stambaugh said it is difficult to tell if the excessive amount spilling into the Gulf is U.S. or Mexico water. They try to determine if it is U.S. water, if so they have mechanisms in place to try to get the water utilized. If the water is Mexico's there is a different practice in place. Sonia said neither country is claiming the excessive amount of water being spilled into the Gulf. Sonia asked why aren't we communicating with Mexico to determine whose water it is so we are not wasting so much water on a daily basis. Also asked, does either country know whose water it is. Jose Davila said the Watermaster does not have the authority to negotiate water on the spot, the Commissioner can negotiate that water with IBWC. Also mentioned was going negative to the Gulf. Sonny Hinojosa said there is nothing negative about going negative to the Gulf, if we pick up that water and it is determined to be Mexico's water after IBWC does the water accounting, it is a transfer of water in storage from one Country to the other. It

would certainly save a lot of water if the U.S. was allowed to utilize the water if needed. Sonny also asked about the accounting of the water, currently Mexico has not agreed with the rating table. Kim Nygren said they have talked to IBWC about this issue. IBWC has not given TCEQ a length of time to get that accomplished. Mexico's and U.S. rating table are not the same technology, the current rating table being used is from 2014. Sonny said it is very frustrating that we are using an outdated rating table not knowing if we are releasing the correct amount of water. A large portion of the water going to the Gulf could be U.S. water that is being lost.

IV. Unallocated Water Remainder during Allocation Process: Earl Lott

Earl Lott spoke on the unallocated water remaining during the allocation process. In the past, once one pass was made through the system the remaining water was carried over to the following month. They are tweaking the program to make an additional pass through the system hoping it will allocate most of the water.

V. Minutes of July 6, 2021, Meeting: Troy Allen

No action taken due to lack of a quorum

VI. WAC member terms expiring FY22: Jose Davila

Jose Davila said the current appointments expire in November 2023, we need to start the work on the renewals soon. Sonia Lambert asked why all the appointments expire the same time. Jose said he would look into that. Sonia asked if they could be changed to staggered terms like all other Boards are set up.

VII. Watermaster Program Updates and Reports:

A) Quarterly Financial Reports: Jose Davila

Jose Davila discussed FY21 expenditures at the end of the 4th Qtr. The savings in FY20 and FY21 were set aside to cover the purchase of two vehicles, office furniture and other equipment. The other expenditures were on track with the budget. Jose discussed the FY22 1st Qtr income, the collection rate is 87% (\$754,513.09) plus no charge revenue of \$5,992.55. The expenditures are on track for FY22 1st Qtr.

B) Watermaster Report: Anthony Stambaugh

Anthony Stambaugh reported that as of November 27, 2021, the US storage in both reservoirs was 36.83% impounding 1,249,186 acre-feet. The system over all is 25.98% of conservation capacity impounding 1,530,000 acre-feet. Amistad is 34.32% impounding 1,210,000 acre-feet. Falcon is 15.77% impounding 417,000. Mexico storage in both reservoirs was 11.44% impounding 289,492 acre-feet.

C) Report on Mexico water deliveries: Jose Davila

Jose Davila reported as of November 27, 2021, Mexico had delivered 61,930 acre-feet. The first year of the cycle ended on October 24, 2021. The amount delivered the first year of the cycle was 61,160 acre-feet. As of November 27, 2021, Mexico has a prorated cycle deficit of 288,840 acre-feet under the minimum expected delivery. For the current year Mexico has a prorated cycle deficit of 31,184 acre-feet under the minimum expected delivery.

D) El Morillo Drain update: Anthony Stambaugh

Anthony Stambaugh reported as of this morning the El Morillo drain currently has one pump running with no water spilling over the weir. The salinity this morning was 1,175 ppm. The U.S. release out of Falcon is 20 CMS and Mexico is 7 CMS.

VIII. TWPD Falcon Lake Study: Kim Nygren

Kim Nygren discussed the Bills that were introduced in the 86th and 87th Legislation Session that included language about Parks and Wildlife and TCEQ work on a study to determine the optimum water level for recreational fishing and the factors that contribute to the rise and fall of the water levels. These Bills did not pass. Parks and Wildlife reached out to TCEQ a couple months ago wanting to work together on the study. The appropriations bill for Texas Parks and Wildlife requires they use money from a particular strategy to conduct this study. They are currently doing a data study, this is all TCEQ currently knows. Sonia Lambert asked if the language the irrigation districts requested be included in the Bill is still being considered. We want to make sure the original intent of the reservoir is included in the study.

IX. Public Comments and Concerns:

Sonia Lambert asked Anthony Stambaugh about an erroneous account number her staff submitted in the monthly water report. This error was not found until after the month closed. Sonia said her understanding is, we have 20 days after the close of month to make a correction. When TCEQ was called, Sonia was told the month had closed and they would work with them to correct the error next month. Sonia said they might not pump enough water the following month to get the account credited since this is the last month of the year. Sonia also asked why the watermaster staff did not see that account was empty. Anthony explained the process of imputing the information. Anthony said they normally send a courtesy email notifying the allottee that the account does not have sufficient water. Sonia did not receive an email until after the month had closed. The question is why does the watermaster rules only apply to TCEQ and not the allottee. Anthony answered their interpretation of the rule is, it applies to errors made on the watermaster side. If the allottee make an error there is nothing in the rules that say there is a window of time to correct the error. The watermaster will work with the party that made the error to try to get it corrected as soon as he finds out. Since it was the 18th of the month they were already past the preferred day to send the report out which is the 15th. He will try to rectify the issue the following month. If the error is found prior to the month closing by the allottee or TCEQ it will be corrected. Sonia asked again, so once the month is closed there is no opportunity for the allottee to correct an error? Kim Nygren chimed in saying after the month has closed they would have to get the coding contractor to do some recoding to get the error corrected. It is not just a simple re-entry of things to correct the error, this entails a lot of hours of work. This is why they try to correct the error the following month. Sonny Hinojosa asked, if the error was on the watermaster side you still could not go back and correct it? Kim answered, not easily but if it is a error on the watermaster side they will go to the contractor and take their time to get it fixed. Tom McLemore asked what is the reason for the 20 day rule if you cannot make a correction. Anthony answered he thinks the rule applies to the allottee noticing there is an error in the watermaster report. TCEQ can be notified in writing within 20 days and if it is determined it was the TCEQ's mistake, that is the window for TCEQ to reach out to the contractor to correct the error. Glenn Anizan also asked the question about the 20 days being equal for both sides.

Sonia asked why is the monthly report going out so late each month? Sonia question this because there is an open market for water currently and the farmers need to know if they will be receiving an allocation as soon as possible so they are not spending money

purchasing contract water if it is not needed. Getting a report on the 15th of the month is extremely important to us so we can share that information. Anthony said their goal is to have the report out by the 15th of the month, with new staff it has been a challenge. Jose Davila said for the month of October there was a glitch in the report and it took the programmer a while to correct it.

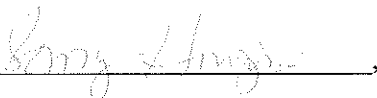
X. Future Meetings:

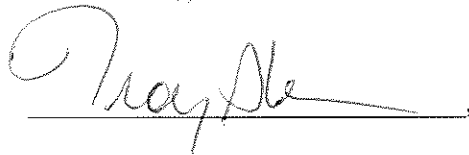
The next meet is scheduled for March.

XI. Adjourn:

The meeting adjourned at 11:50 a.m.

THESE MINUTES WERE READ AND APPROVED ON THIS, THE 26 DAY OF July, 2022

, CHAIR.

, SECRETARY