

# Evaluation of Water Basins in Texas without a Watermaster

**S**ection 5.05 of House Bill 2694, the TCEQ's Sunset bill from the 82nd legislative session, requires the agency to evaluate, at least once every five years, the water basins that do not have a watermaster program to determine whether one should be established. The statute requires that the commissioners establish criteria for the evaluation.

## Overview of Watermaster Programs

A watermaster office is a TCEQ office headed by a watermaster and staffed with personnel who regulate and protect *water rights* under the provisions of Chapter 11 of the Texas Water Code (TWC). Watermaster programs are created and authorized to take actions under TWC Sections 11.326, 11.3261, 11.327, 11.3271, 11.329, and 11.551–11.559. Rules governing this program are under 30 Texas Administrative Code Chapters 303, 304, 295, and 297.

Watermasters and their staffs have the authority to protect water rights by:

- reviewing diversion notifications
- authorizing appropriate diversions
- deterring illegal diversions
- providing real-time monitoring of area streamflows
- investigating alleged violations of Chapter 11
- mediating conflicts and disputes among water users

TWC Chapter 11, sets forth the mechanisms by which a watermaster program can be established:

- by the executive director in a *water division* established by the commission under Section 11.325
- by court appointment
- by the commission, upon receipt of a petition of 25 or more *water-right holders* in a river basin or

segment of a river basin, or on its own motion, if the commission finds that senior water rights have been threatened.

In addition, the Legislature has the authority to create a watermaster.

The TCEQ has an existing watermaster program in each of these areas:

- Rio Grande, which serves the Rio Grande Basin and coordinates releases from the Amistad and Falcon reservoir systems. Established by a 1956 court appointment.
- South Texas, which serves the Lavaca, Nueces, San Antonio, and Guadalupe river basins, as well as the adjacent coastal basins. Established in 1988, based on a water-division creation order signed in 1988 and amended in 1998.
- Concho River, which serves a portion of the Concho River segment of the Colorado River Basin. Created by the Legislature in 2005.

## Criteria and Schedule

At an agency work session on September 28, 2011, the commissioners established the following criteria to consider in performing the evaluations:

- Is there a court order to create a watermaster?
- Has a petition been received requesting a watermaster?
- Have senior water rights been threatened based on the following:
  - ◆ a history of senior calls or water shortages within the river basin?
  - ◆ the number of water right complaints received on an annual basis in each river basin?

The commissioners also approved an evaluation schedule so that all areas without a watermaster may be evaluated at least once every five years:

- Fiscal 2012
  - ◆ Brazos River Basin
  - ◆ Brazos–Colorado Coastal Basin
  - ◆ Colorado River Basin
  - ◆ Colorado–Lavaca Coastal Basin
- Fiscal 2013
  - ◆ Trinity River Basin
  - ◆ Trinity–San Jacinto Coastal Basin
  - ◆ San Jacinto River Basin
  - ◆ San Jacinto–Brazos Coastal Basin
- Fiscal 2014
  - ◆ Sabine River Basin
  - ◆ Neches River Basin
  - ◆ Neches–Trinity Coastal Basin
- Fiscal 2015
  - ◆ Canadian River Basin
  - ◆ Red River Basin
- Fiscal 2016
  - ◆ Sulphur River Basin
  - ◆ Cypress River Basin

## Evaluation Activities in Fiscal 2013

For the fiscal 2013 evaluation, the agency performed the following:

- Updated the web page for the evaluation process, with an opportunity for stakeholders to receive automated updates by e-mail. (See <[www.tceq.texas.gov/permitting/water\\_rights/wmaster/evaluation](http://www.tceq.texas.gov/permitting/water_rights/wmaster/evaluation)>.)
- Mailed initial outreach letters (Figure D-1) to the stakeholders in each area on March 1, 2013, and accepted comments until April 5, 2013. Stakeholders included all water-right holders, county judges and extension agents, river authorities, agricultural interests, industries, environmental organizations, and other interested parties.
- Held five stakeholder meetings from May 21 through June 4, 2013, in Fort Worth, Corsicana, Conroe, Houston, and Liberty. A total of 32 people attended the meetings. At each meeting the manager of the Watermaster Section, the South Texas watermaster, and a TCEQ regional office representative were present to deliver information and answer questions.

Below is a summary of the 32 comments received through June 14, 2013, as part of the agency’s stakeholder process.

- Of the comments received from the stakeholders on the establishment of a watermaster program:
  - ◆ 25 were opposed
  - ◆ 3 were in favor
  - ◆ 4 were neutral

The TCEQ evaluated the basins based on the criteria outlined in 2011. The findings of this evaluation are highlighted below.

- There were no court orders to appoint a watermaster for any of these basins.
- There were no active or approved petitions to appoint a watermaster for any of these basins.
- There was no history of threatened water rights or water shortages in these basins, other than certain cities being on watering restrictions due to enacting their drought contingency plans.

The TCEQ did note that there were some water-rights related complaints and investigations conducted in the three preceding fiscal years.

- In the Trinity River Basin, 53 investigations were conducted in fiscal 2010, 59 in fiscal 2011, and 23 in fiscal 2012. The investigations in 2010 and 2011 included county-specific initiatives not in response to complaints.
- In the San Jacinto River Basin, there were 7 investigations in fiscal 2010, 10 in FY 2011, and 9 in FY 2012.
- The estimated costs to the agency to conduct these activities, which are outside a watermaster area, were:
  - ◆ 2010, Trinity Basin: \$20,255; San Jacinto Basin: \$2,537
  - ◆ 2011, Trinity Basin: \$21,705; San Jacinto Basin: \$3,624
  - ◆ 2012, Trinity Basin: \$8,337; San Jacinto Basin: \$3,262

The cost to conduct the required evaluations of these basins in 2013:

- Office of Water: \$105,831, which included salary and fringe benefits, postage, and travel
- Office of Legal Services staff time: \$140
- Office of Compliance and Enforcement: \$2,189, which included staff time, travel time, and equipment use
- Representatives from OCR and IGR participated in the evaluation process but incurred no cost

## Agenda Presentation

At the commission's agenda meeting on August 16, 2013, TCEQ personnel gave a presentation and recommendation related to the evaluation conducted in fiscal 2013. Included was a list of considerations for the commissioners to discuss, as outlined below:

- No watermaster program be established in either the Trinity or the San Jacinto river basins or associated coastal basins.
- A watermaster program that includes all four basins evaluated. Approximate first-year cost: \$548,693. Approximate costs for subsequent years: \$403,771.
- A watermaster program that includes only the Trinity River Basin and Trinity–San Jacinto Coastal Basin. Approximate first-year cost: \$456,566. Approximate costs for subsequent years: \$339,439.
- A watermaster program that includes only the San Jacinto River Basin and San Jacinto–Brazos Coastal Basin. Approximate first-year cost: \$225,703. Approximate costs for subsequent years: \$163,639.

## Evaluation Activities in Fiscal 2014

For the fiscal 2014 evaluation, the agency:

- Updated the Web page for its evaluation process, with an opportunity for stakeholders to receive automated updates by e-mail. (See <[www.tceq.texas.gov/permitting/water\\_rights/wmaster/evaluation](http://www.tceq.texas.gov/permitting/water_rights/wmaster/evaluation)>.)
- Mailed initial outreach letters (Figure D-2) to the stakeholders in each area on March 5, 2014, and accepted comments until April 4, 2014. Stakeholders included all water-right holders, county judges and extension agents, river authorities, agricultural interests, industries, environmental organizations, and other interested parties.
- Held three stakeholder meetings from June 3 through June 5, 2014, in Tyler, Lufkin, and Beaumont. Final stakeholder comments were due on June 13. A total of 52 people attended the meetings. In each meeting, the manager of the Watermaster Section and a TCEQ regional-office representative were present to deliver information and answer questions.

All of the 18 comments received from the stakeholders through June 13, 2014, opposed establishment of a watermaster program.

The TCEQ evaluated the basins based on the criteria outlined in 2011, and found:

- There were no court orders to appoint a watermaster for these basins.
- There were no active or approved petitions to appoint a watermaster for these basins.
- Except for the two priority calls in 2011, the TCEQ is not aware of any water shortages or issues; however, certain cities have implemented watering restrictions based on their drought contingency plans.

The TCEQ did note some complaints and investigations related to water rights in the three preceding fiscal years:

- In the Sabine River Basin, 38 investigations were conducted in fiscal 2011, 52 in fiscal 2012, and 42 in fiscal 2013.
- In the Neches River Basin, there were 23 investigations in fiscal 2011, 68 in fiscal 2012, and 36 in fiscal 2013.
- In Neches-Trinity Coastal Basin, there were no investigations in fiscal 2011, 8 in fiscal 2012, and 6 in fiscal 2013.
- The estimated costs to the agency to conduct these activities, which are located outside a watermaster area, were:
  - ◆ 2011: Sabine River Basin, \$7,183; Neches River Basin, \$6,312; and Neches-Trinity Coastal Basin, no costs
  - ◆ 2012: Sabine River Basin, \$11,304; Neches River Basin, \$9,947; and Neches-Trinity Coastal Basin, \$1,602
  - ◆ 2013: Sabine River Basin, \$9,205; Neches River Basin, \$7,965; and Neches-Trinity Coastal Basin, \$1,295

The costs to conduct the required evaluations of these basins in 2014:

- Office of Water: \$105,537.22, which included salary and fringe benefits, postage, and travel
- Office of Legal Services staff time: \$140.00
- Office of Compliance and Enforcement: \$1,245.78, which included staff time, travel time, and equipment use
- Representatives from OCR and IGR participated in the evaluation process but incurred no costs.

## Agenda Presentation

At the commission's agenda meeting on August 20, 2014, TCEQ personnel gave a presentation and recommendation related to the evaluation conducted in fiscal 2014. Included was a list of considerations for the commissioners to discuss, as outlined below:

- No watermaster program to be established in any of the basins.
- A watermaster program that includes all three basins evaluated. Approximate first-year cost: \$478,300. Approximate costs for subsequent years: \$361,800.
- A watermaster program for only one basin, either the Sabine River Basin or the Neches River Basin. Approximate first-year cost: \$295,300. Approximate costs for subsequent years: \$234,000.

## Executive Director's Recommendation in Fiscal 2013 and 2014

With no court orders or petitions to create a watermaster, or a repeated history of threatened water rights, the ED recommended that the Commission not move forward on

its own motion with the creation of a watermaster program in any of the basins being reviewed in fiscal 2013 and fiscal 2014: Trinity River, San Jacinto River, Trinity–San Jacinto Coastal, San Jacinto–Brazos Coastal, Sabine River, Neches River, nor Neches-Trinity Coastal.

While the statute requires the agency to evaluate the need for a watermaster in those basins without a watermaster program at least every five years, there is no prohibition against evaluating a basin sooner, as needed. The executive director can review this decision and evaluate additional threats to senior water rights as they occur and also consider area stakeholder input. It is important to have stakeholder support in articulating the threat and the need to establish a new regulatory program, as stakeholders will be responsible for paying a new fee to support the new program.

As stated above, the ED is always open to any additional information stakeholders may want to submit, and 25 water-right holders may petition the agency at any point to consider creation a watermaster program. Once it has received a petition from 25 water-right holders, the commission will refer the issue to the State Office of Administrative Hearings for a complete administrative hearing and recommendation to the commissioners for consideration.

Figure D-1

**Outreach Letters to Stakeholders, FY 2013**

Bryan W. Shaw, Ph.D., *Chairman*  
 Carlos Rubinstein, *Commissioner*  
 Toby Baker, *Commissioner*  
 Zak Covar, *Executive Director*

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

*Protecting Texas by Reducing and Preventing Pollution*

March 1, 2013

Re: Preliminary Watermaster Evaluation for the San Jacinto River Basin

Dear Stakeholder:

The Texas Commission on Environmental Quality (TCEQ) is currently evaluating four river basins, including the San Jacinto River Basin, to determine whether there is a need to establish a watermaster program to manage surface water rights. The purpose of this letter is to notify you, seek written input on the evaluation, and to identify the information the agency should consider during this process.

According to Sections 11.326(g) and (h) of the Texas Water Code, the Executive Director (ED) must evaluate all river basins that do not currently have a watermaster to determine whether one should be appointed. The ED must report the findings from the evaluation and make recommendations to the TCEQ Commissioners. The Commissioners may direct the ED to move forward with or revise the recommendation or they may take no action on the recommendation. The evaluation findings and recommendations are to be included in the agency's Biennial Report to the Texas Legislature.

In an effort to include the public and develop the best recommendations, we are soliciting input from stakeholders, including water right holders, domestic and livestock users, river authorities, agricultural, industrial, and environmental organizations, the general public, and other interested parties. This request for written input is the first opportunity to participate in this process. As part of the evaluation, we also plan to mail notifications to all current water right holders within the San Jacinto River Basin of stakeholder meetings expected to be held in the spring of 2013. The input received from stakeholders will be discussed at the TCEQ Commissioners' Agenda tentatively scheduled for late summer.

As a water right holder in the San Jacinto River Basin or other identified stakeholder, you are being contacted during this initial outreach. If you are aware of any other person who might be interested but did not receive this initial outreach letter, please forward this information to them. We welcome and encourage input from any interested stakeholders.

We will consider the following criteria when evaluating a basin:

- (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?*

If the establishment of a watermaster program is recommended and approved, a budget would be established each year, and the watermaster program would be administered using fees

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Figure D-1 cont.

**Outreach Letters to Stakeholders, FY 2013**

collected from water right holders in the watermaster area. The amount assessed to each water right holder is determined each year based on the watermaster program's anticipated operating costs by establishing a base fee (currently \$50) and then adding the water right permitted amount multiplied by a rate factor depending on the type of use.

The enclosed fact sheet includes general information about the watermaster program. TCEQ requests and appreciates your input on this evaluation. In particular, we ask that you provide written input regarding the possible threat to senior water rights (item 3 above) as well as proposals for implementing a possible watermaster program.

In order that we may best review your comments, please include the following information in your letter:

1. The river or other water body you are discussing.
2. Your affiliation (for example, a water right holder with water right permit number if known, an exempt domestic and livestock user, an adjacent landowner, an interested party, environmental organization, etc.).

Please send written comments by April 5, 2013 to my attention at the following address: TCEQ, Water Availability Division, Watermaster Section, MC-160, P.O. Box 13087, Austin, Texas 78711-3087. You may also send an email to: [watermaster@tceq.texas.gov](mailto:watermaster@tceq.texas.gov).

If you have any questions or additional comments, please feel free to contact my staff in the Watermaster Section: Cindy Hooper at (210) 403-4080 or Michael Redda at (512) 239-4631. In addition, you may sign up to receive email updates: <https://public.govdelivery.com/accounts/TXTCEQ/subscriber/new>.

Additional information on the evaluation process is available on TCEQ's website: [www.tceq.texas.gov/goto/watermaster](http://www.tceq.texas.gov/goto/watermaster).

We value your comments on the evaluation process, including the criteria being used, as well as information to assist the agency in its evaluation of your basin. Thank you for your participation.

Sincerely,



Amy Settemeyer, Manager  
Watermaster Section, MC-160  
Water Availability Division  
Texas Commission on Environmental Quality

Enclosure

Figure D-1 cont.

**Outreach Letters to Stakeholders, FY 2013****Watermaster Evaluation Fact Sheet - 2013****Background**

On May 28, 2011, the Texas Legislature adopted the Texas Commission on Environmental Quality (TCEQ) Sunset legislation, House Bill 2694, which includes a requirement for the TCEQ to evaluate and issue a report for all river and coastal basins that do not have a watermaster. The report will assess whether or not there is a need to appoint a watermaster. This evaluation is required at least once every five years, and the TCEQ developed a schedule to consider several basins each year. During 2012, the TCEQ evaluated the Brazos River Basin, the Brazos-Colorado Coastal Basin, the Colorado River Basin, and the Colorado-Lavaca Coastal Basin. For 2013, TCEQ will evaluate the Trinity River Basin, the Trinity-San Jacinto Coastal Basin, the San Jacinto River Basin, and the San Jacinto-Brazos Coastal Basin.

**What is a Watermaster Program?**

Watermaster programs manage surface water and operate from field offices within their designated basin(s) performing the following functions:

- ❖ A watermaster continuously monitors streamflows, reservoir levels, and water use within a basin.
- ❖ As needed, holders of impoundment rights may notify the watermaster when they plan to release sold water. The watermaster can then monitor usage downstream to ensure that the released water reaches the buyer.
- ❖ Before starting their pumps, opening their sluice gates, or starting to divert water in any other way, all water right holders must notify the watermaster and state how much water they plan to divert.
- ❖ The watermaster determines whether a diversion will remove water that rightfully belongs to another user and could notify the user with lower priority to reduce or stop pumping if needed.
- ❖ When streamflows diminish, the watermaster allocates available water among the water right holders according to each user's priority date.
- ❖ If a water-right holder does not comply with the water right or with TCEQ rules, the executive director may direct a watermaster to adjust the control works, including pumps, to prevent the owner from diverting, taking, storing, or distributing water until the water right holder complies. Additionally, a watermaster may take more formal action such as a Notice of Violation, Notice of Enforcement, or Field Citation, which could generate assessed penalties.

There are currently three watermaster programs in Texas. The Rio Grande Watermaster coordinates releases from the Amistad and Falcon reservoir system for irrigation, municipal, and industrial uses. The South Texas Watermaster serves the Nueces, San Antonio, Guadalupe, and Lavaca river basins, as well as the adjacent coastal basins. The Concho Watermaster, currently a division of the South Texas Watermaster, serves the Concho River segment of the Colorado River Basin.

**Advantages of a Watermaster Program.**

TCEQ watermasters can provide valuable services to the water users in the basins they oversee. In addition to their monitoring of river conditions:

Figure D-1 cont.

## Outreach Letters to Stakeholders, FY 2013

- ❖ Watermasters can coordinate diversions in the basin, ensuring that all water users get the best overall value from the water available to them.
- ❖ With their real-time monitoring of local streamflows, watermasters can quickly identify and stop illegal diversions.
- ❖ Watermasters may be able to anticipate a shortage before it reaches the crisis point, thus enabling local users to work together to develop a strategy that will meet everyone's most basic needs.
- ❖ When disputes arise among water users, the watermaster can often help the users settle the matter, thereby avoiding costly litigation.
- ❖ Watermasters can provide valuable technical assistance.
- ❖ A watermaster program affords a long-term solution for managing water rights in a river basin.

### ***Program Costs and Fees.***

According to state law, permitted water-right holders in a watermaster area must pay the costs associated with a watermaster program through an annual fee. Certain domestic and livestock uses are exempted by law from water rights permitting and therefore any fees associated with the watermaster program.

The total amount assessed per water right holder is comprised of both a base fee charged on each account and an annual fee based on the volume of water that may be diverted for each authorized use. The current base fee is \$50 per account and generally does not change from year to year. The use fee is calculated each year and is based on the proposed operating budget for each watermaster program.

In addition to the cost of the watermaster program itself, most users will be required to add a meter to their pumps. Depending on the specific technology, a meter may cost \$400 or more. However, metering may lead to enough of a savings in pumping costs to offset the cost of the meter. In other words, the user might find that he or she had been running the unmetered pumps longer than it took to get the needed volume of water.

### **Participating in the Process**

We encourage input on this evaluation process. If you are interested in the evaluation of the Trinity River Basin, Trinity-San Jacinto Coastal Basin, San Jacinto River Basin, San Jacinto-Brazos Coastal Basin, or if you have any questions on this process, please contact us:

**By Letter:** Amy Settemeyer, Manager, Watermaster Section (MC-160), P.O. Box 13087, Austin, Texas 78711-3087

**By Email:** [watermaster@tceq.texas.gov](mailto:watermaster@tceq.texas.gov)

**By Phone:** Call a Watermaster Program Liaison: Cindy Hooper at (210) 403-4080 or Michael Redda at (512) 239-4631.

**Web Site:** [www.tceq.texas.gov/goto/watermaster](http://www.tceq.texas.gov/goto/watermaster)

Figure D-1 cont.

**Outreach Letters to Stakeholders, FY 2013**

Bryan W. Shaw, Ph.D., *Chairman*  
 Carlos Rubinstein, *Commissioner*  
 Toby Baker, *Commissioner*  
 Zak Covar, *Executive Director*

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY***Protecting Texas by Reducing and Preventing Pollution*

May 7, 2013

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

Dear Stakeholder:

The purpose of this letter is to invite you to attend stakeholder meetings and to provide updates regarding the Texas Commission on Environmental Quality's (TCEQ) review of the need for a watermaster in the Trinity River Basin, Trinity-San Jacinto Coastal Basin, San Jacinto River Basin, and San Jacinto-Brazos Coastal Basin. According to Section 11.326(g) and (h) of the Texas Water Code, the TCEQ must evaluate all river basins in the state that do not currently have a watermaster program to determine whether one should be appointed or not. In 2013, we are evaluating the four basins above.

On March 1, 2013 we mailed letters to all water right holders, county judges, extension agents, and other interested parties in the basins and requested input for our evaluation of these basins. We will be holding the following stakeholder meetings to discuss the evaluation and the watermaster program, and welcome additional comments:

6:00 p.m. – May 21, 2013  
 Liberty Independent School District  
 Auditorium  
 1629 Grand Avenue  
 Liberty, Texas 77575

6:00 p.m. – May 23, 2013  
 City of Corsicana  
 Library Civic Room  
 100 N 12th Street  
 Corsicana, Texas 75110

6:00 p.m. – May 28, 2013  
 Houston-Galveston Area Council  
 3555 Timmons Lane  
 2<sup>nd</sup> Floor – Conf. Room A  
 Houston, Texas 77027

6:00 p.m. – May 30, 2013  
 City of Conroe  
 300 West Davis Street, Suite 240  
 Conroe, Texas 77301

6:00 p.m. – June 4, 2013  
 TCEQ Region 4 Office  
 2309 Gravel Drive  
 Fort Worth, Texas 76118

We will be accepting additional comments in response to the stakeholder meetings through **5:00 p.m. on June 14, 2013**, which will be the close of the comment period. Please mail your comments to the Watermaster Section, MC 160, P.O. Box 13087, Austin, Texas 78711-3087 or email them to [watermaster@tceq.texas.gov](mailto:watermaster@tceq.texas.gov).

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Figure D-1 cont.

**Outreach Letters to Stakeholders, FY 2013**Stakeholder  
Page 2

If you have any questions, please feel free to contact my staff in the Watermaster Section: Cindy Hooper at (210) 403-4080 or Michael Redda at (512) 239-4631. In addition, you may sign up to receive email updates at <<https://public.govdelivery.com/accounts/TXTCEQ/subscriber/new>>. Additional information on the watermaster evaluation process is available at <[www.tceq.texas.gov/goto/watermaster](http://www.tceq.texas.gov/goto/watermaster)>.

We value your input on the evaluation process, including the draft options, as well as information to assist the agency in its evaluation of your basin. Thank you for your participation as we go through this very important process.

Sincerely,



Amy Settemeyer, Manager  
Watermaster Section, MC-160  
Water Availability Division  
Texas Commission on Environmental Quality

Figure D-2

**Outreach Letters to Stakeholders, FY 2014**

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
 Toby Baker, *Commissioner*  
 Zak Covar, *Commissioner*  
 Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 5, 2014

Re: Preliminary Watermaster Evaluation for the Neches River Basin

Dear Stakeholder:

The Texas Commission on Environmental Quality (TCEQ) is currently evaluating three basins, including the Neches River Basin, to determine whether there is a need to establish a watermaster. The purpose of this letter is to notify you and seek written input on the process, to identify the information the agency should consider during our evaluation.

According to Sections 11.326(g) and (h) of the Texas Water Code the Executive Director (ED) must evaluate all river basins that do not currently have a watermaster to determine whether one should be appointed. The ED must report the findings from the evaluation and make recommendations to the TCEQ Commissioners, who may direct the ED to move forward with or revise the recommendation or they may take no action on the recommendation. The evaluation findings and recommendations are to be included in the agency's Biennial Report to the Legislature.

In an effort to include the public and develop the best recommendations, we are soliciting input from stakeholders, including water right holders, domestic and livestock users, river authorities, agricultural, industrial, and environmental organizations, the general public, and other interested parties. This request for written input is the first opportunity to participate in this process. As part of the evaluation, we also plan to mail notifications to all current water right holders within the Neches River Basin of stakeholder meetings expected to be held in the spring of 2014. The input received from stakeholders will be discussed at the TCEQ Commissioners' Agenda tentatively scheduled for later this summer.

As a water right holder in the Neches River Basin or other stakeholder, you are being contacted during this initial outreach. If you are aware of any other person who might be interested but did not receive this initial outreach letter, please forward this information to them. We welcome and encourage input from any interested stakeholders.

We will consider the following criteria when evaluating a basin:

- (1) *Has there been a court order to create a watermaster?*
- (2) *Has TCEQ received a petition requesting a watermaster?*

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Figure D-2 cont.

**Outreach Letters to Stakeholders, FY 2014**

- (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?*

If the establishment of a watermaster is recommended and approved, a budget would be established each year, and the watermaster program would be administered using fees collected from water right holders in the watermaster area. The amount assessed to each water right holder would be determined each year based on the watermaster's program budget by establishing a base fee (currently \$50) and then adding the water right permitted amount multiplied by a rate factor depending on the type of use.

The enclosed fact sheet includes general information about the watermaster program as well as the evaluation process. TCEQ requests and appreciates your input on this evaluation. In particular, we ask that you provide written input regarding the possible threat to senior water rights (item 3 above) as well as proposals for implementing a possible watermaster program.

In order that we may best review your comments, please include the following information in your letter:

1. The river or other waterbody you are discussing.
2. Your affiliation (for example, a water right holder with water right permit number if known, a domestic and livestock user, an adjacent landowner, an interested party, environmental organization).

Please send written comments by April 04, 2014 to my attention at the following address: TCEQ, Water Availability Division, Watermaster Section, MC-160, P.O. Box 13087, Austin, Texas 78711-3087. You may also send an email to: [watermaster@tceq.texas.gov](mailto:watermaster@tceq.texas.gov).

If you have any questions or additional comments, please feel free to contact my staff in the Watermaster Section: Cindy Hooper at (210) 403-4080 or Michael Redda at (512) 239-4631. In addition, you may sign up to receive email updates: <https://public.govdelivery.com/accounts/TXTCEQ/subscriber/new>.

Additional information on the evaluation process is available on TCEQ's website: [www.tceq.texas.gov/goto/watermaster](http://www.tceq.texas.gov/goto/watermaster).

We value your comments on the evaluation process, including the criteria being used, as well as information to assist the agency in its evaluation of your basin. Thank you for your participation.

Sincerely,



Amy Settemeyer, Manager  
Watermaster Section, MC-160  
Water Availability Division  
Texas Commission on Environmental Quality

Enclosure

Figure D-2 cont.

**Outreach Letters to Stakeholders, FY 2014****Watermaster Evaluation Fact Sheet - 2014****Background**

On May 28, 2011, the Texas Legislature adopted the Texas Commission on Environmental Quality (TCEQ) Sunset legislation, HB 2694, which includes a requirement for the TCEQ to evaluate and issue a report for all river and coastal basins that do not have a watermaster. The report will assess whether or not there is a need to appoint a watermaster. This assessment is required at least once every five years, and the TCEQ developed a schedule to consider several basins each year. During 2012, the TCEQ evaluated the Brazos River Basin, the Brazos-Colorado Coastal Basin, the Colorado River Basin, and the Colorado-Lavaca Coastal Basin, and in 2013 the Trinity River Basin, the Trinity-San Jacinto Coastal Basin, the San Jacinto River Basin, and the San Jacinto-Brazos Coastal Basin. For 2014 TCEQ will evaluate Sabine River Basin, Neches River Basin, and Neches-Trinity Coastal Basin.

**What is a Watermaster Program?**

Watermaster programs operate from field offices within their designated basin(s) and perform the following functions:

- ❖ A watermaster continuously monitors streamflows, reservoir levels, and water use within a basin.
- ❖ As needed, holders of impoundment rights may notify the watermaster when they plan to release sold water. The watermaster can then monitor usage downstream to ensure that the released water reaches the buyer.
- ❖ Before starting their pumps, opening their sluice gates, or starting to divert water in any other way, all water right holders must notify the watermaster and state how much water they plan to divert.
- ❖ The watermaster determines whether a diversion will remove water that rightfully belongs to another user and could notify the user with lower priority to reduce or stop pumping if needed.
- ❖ When streamflows diminish, the watermaster allocates available water among the water right holders according to each user's priority date.
- ❖ If a water-right holder does not comply with the water right or with TCEQ rules, the executive director may direct a watermaster to adjust the control works, including pumps, to prevent the owner from diverting, taking, storing, or distributing water until the water right holder complies.

There are currently three watermaster programs in Texas. The Rio Grande Watermaster coordinates releases from the Amistad and Falcon reservoir system for irrigation, municipal, and industrial uses. The South Texas Watermaster serves the Nueces, San Antonio, Guadalupe, and Lavaca river basins, as well as the adjacent coastal basins. The Concho Watermaster, currently a division of the South Texas Watermaster, serves the Concho River segment of the Colorado River Basin.

***Advantages of a Watermaster Program.***

TCEQ watermasters can provide valuable services to the water users in the basins they oversee. In addition to their monitoring of river conditions:

- ❖ Watermasters can coordinate diversions in the basin, ensuring that all water users get the best overall value from the water available to them.

Figure D-2 cont.

## Outreach Letters to Stakeholders, FY 2014

- ❖ With their real-time monitoring of local streamflows, watermasters can quickly identify and stop illegal diversions.
- ❖ Watermasters may be able to anticipate a shortage before it reaches the crisis point, thus enabling local users to work together to develop a strategy that will meet everyone's most basic needs.
- ❖ When disputes arise among water users, the watermaster can often help the users settle the matter, thereby avoiding costly litigation.
- ❖ Watermasters can provide valuable technical assistance.
- ❖ A watermaster program affords a long-term solution for managing water rights in a river basin.

### **Program Costs and Fees.**

According to state law, water-right holders in a watermaster area must pay the costs associated with a watermaster program through an annual fee. Certain domestic and livestock uses are exempted from water rights permitting and any fees associated with the watermaster program.

The total amount assessed per water right holder is comprised of both a base fee charged on each account and an annual fee based on the volume of water that may be diverted for each authorized use. The current base fee is \$50 per account and generally does not change from year to year. The use fee is calculated each year and is based on the proposed operating budget for each watermaster program.

In addition to the cost of the watermaster program itself, most users will be required to add a meter to their pumps. Depending on the specific technology, a meter may cost \$400 or more. However, metering may lead to enough of a savings in pumping costs to offset the cost of the meter. In other words, the user might find that he or she had been running the unmetered pumps longer than it took to get the needed volume of water.

### **Participating in the Process**

We encourage input on this process. If you are interested in the evaluation of the Sabine River Basin, Neches River Basin, Neches-Trinity Coastal River Basin, or if you have any questions on this process, please contact us:

**By Letter:** Amy Settemeyer, Manager, Watermaster Section (MC-160), P.O. Box 13087, Austin, Texas 78711-3087

**By Email:** [watermaster@tceq.texas.gov](mailto:watermaster@tceq.texas.gov)

**By Phone:** Call a Watermaster Program Liaison: Cindy Hooper at (210) 403-4080 or Michael Redda at (512) 239-4631.

**Web Site:** [www.tceq.texas.gov/goto/watermaster](http://www.tceq.texas.gov/goto/watermaster)

Figure D-2 cont.

**Outreach Letters to Stakeholders, FY 2014**

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
 Toby Baker, *Commissioner*  
 Zak Covar, *Commissioner*  
 Richard A. Hyde, P.E., *Executive Director*

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY***Protecting Texas by Reducing and Preventing Pollution*

April 30, 2014

Re: Stakeholder Meetings - Watermaster Evaluation for the Sabine River Basin, Neches River Basin and Neches-Trinity Coastal Basin

Dear Stakeholder:

The purpose of this letter is to invite you to attend stakeholder meetings and to provide updates regarding the Texas Commission on Environmental Quality's (TCEQ) review of the need for a watermaster in the Sabine River Basin, Neches River Basin and Neches-Trinity Coastal Basin. According to Section 11.326(g) and (h) of the Texas Water Code, the TCEQ must evaluate all river basins in the state that do not currently have a watermaster program to determine whether one should be appointed or not. In 2014, we are evaluating the three basins above.

On March 5, 2014, we mailed letters to all water right holders, county judges, extension agents, and other interested parties in the basins and requested input for our evaluation of these basins. We will be holding the following stakeholder meetings to discuss the evaluation and the watermaster program, and welcome additional comments:

6:00 p.m. – June 3, 2014  
 TCEQ Region 5 Office  
 2916 Teague Drive  
 Tyler, TX 75701-3734

6:00 p.m. – June 4, 2014  
 Angelina College  
 Community Services, Room 104  
 3500 South First Street  
 Lufkin, TX 75904

6:00 p.m. – June 5, 2014  
 TCEQ Region 10 Office  
 3870 Eastex Freeway  
 Beaumont, TX 77703-1830

We will be accepting additional comments in response to the stakeholder meetings through **5:00 p.m. on June 13, 2014**, which will be the close of the comment period. Please mail your comments to the Watermaster Section, MC 160, P.O. Box 13087, Austin, Texas 78711-3087 or email them to [watermaster@tceq.texas.gov](mailto:watermaster@tceq.texas.gov).

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Figure D-2 cont.

**Outreach Letters to Stakeholders, FY 2014**

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If you have any questions, please feel free to contact my staff in the Watermaster Section: Cindy Hooper at (210) 403-4080 or Michael Redda at (512) 239-4631. In addition, you may sign up to receive email updates at <<https://public.govdelivery.com/accounts/TXTCEQ/subscriber/new>>. Additional information on the watermaster evaluation process is available at <[www.tceq.texas.gov/goto/watermaster](http://www.tceq.texas.gov/goto/watermaster)>.

We value your input on the evaluation process, including the draft options, as well as information to assist the agency in its evaluation of your basin. Thank you for your participation as we go through this very important process.

Sincerely,



Amy Settemeyer, Manager  
Watermaster Section, MC-160  
Water Availability Division  
Texas Commission on Environmental Quality