

MINUTES

**RIO GRANDE REGIONAL WATER PLANNING GROUP (RGRWPG) (REGION "M")
MEETING @ 10:30 A.M. – WEDNESDAY AUGUST 31, 2006
MISSION CITY HALL – COMMISSIONERS MEETING ROOM
1201 E. 8TH STREET – MISSION, TEXAS**

PRESIDING: GLENN JARVIS, CHAIRMAN

Chairman Glenn Jarvis called the meeting to order, and announced that the meeting had been posted as required by statute, and then stated that a quorum was present. The following voting members were in attendance:

Board Members

Glenn Jarvis, Chairman, Law Offices
Jim Darling, McAllen City Attorney
Mary Lou Campbell, Secretary, Sierra Club
John Bruciak, Brownsville PUB
Karen Chapman
Charles W. Browning, Jr.
Sonia Kaniger, CCID #2
Donald K. McGhee
Ray Prewett, Texas Citrus Mutual
Xavier Villarreal,

Category

Other
River Authorities
Public
Municipalities
Environmental
Water Utilities
Water Districts
Small Business
Agriculture
Small Business

The following members were not in attendance:

Robert Fulbright
Roberto Gonzalez
Judge Jose Aranda, Maverick Co.
VACANT
Sonny Hinojosa, HCID #2
James R. Matz
Adrian Montemayor
Garry Whittington
Commissioner John Wood, Cameron County

Agriculture
Municipalities
Counties
Electric Generating Utility
Water Districts
Others
Municipalities
Industries
Counties

Chairman Jarvis asked the Group's permission to take item 5.C – TCEQ Watermaster Report out of order as Mr. Carlos Rubinstein could not stay for the full meeting. Mr. Rubinstein read the statistical report of the reservoir levels and added that TCEQ Watermaster's office believed that if the weather pattern did not change that the region's reservoir levels would be at 50% of capacity next year. Mr. Rubinstein reported that Mexico's water debt was at 200,000 – 220,000 acre feet deficit, which was considered current and not a treaty violation, he added that an accounting of the debt would take place in October 2007. Mr. Rubinstein informed the Group

that Mexico was installing a rubber dam around the Marte R. Gomez Dam south of Rio Grande City, which would increase its height another three meters.

Mr. Rubinstein was pleased to inform the Group of news regarding the Water Table for the Border Governor's Conference, which involved the six Mexican Border States and the four U. S. Border States. He stated that the Mexican Representatives from Tamaulipas and Chihuahua were currently two individuals who would be likely allies to the U. S., and who also had CNA experience. Mr. Rubinstein reported that these new representatives had been discussing how Tamaulipas had been damaged by the last drought, and expressed that anything that benefits the water situation in Tamaulipas would also benefit this region. It was expected that the four Mexican states impacted by waters from Chihuahua would sign a joint agreement in the near future that would determine water availability within their portion of the basin and provide fairer distribution of waters. Mr. Rubinstein had been informed that an eight point plan would be shared with the U. S. as soon as it was signed, and that their goal was to then take their Four State Plan back to CNA as an example of how to manage water.

Mr. Rubinstein concluded his report with information regarding the Border Governor's Conference. He explained that the Water Table at the Border Governor's Conference was a Sub-table of the Environment, but last year had become a Table in and of itself. The Table Committee completed three declarations that were accepted by the conference; they were as follows:

- 1) Identification of a Water Conservation Demonstration Project on the Rio Grande that would conserve water that would otherwise flow to the Gulf of Mexico unused, such as the Brownsville Weir Dam.

Mr. Rubenstein added that California and Baja California were interested in this project's results as they were considering the same type of project for their river delta; and that all ten states and the Governor signed off on this declaration making it final.

- 2) Commendation of the IBWC for their coordination efforts for the Water Summit in 2005; at the same time the Table strongly encouraged the IBWC to make progress regarding the recommendations that were made.

Mr. Rubinstein explained that originally the declaration recommended that the U.S. and Mexico work together to define "Extraordinary Drought". However, California objected to the original verbiage due to how it could possibly impact the American Canal, so the committee created language that would satisfy all: Mr. Rubinstein stated that defining "Extraordinary Drought" was the highest recommendation of the Summit

- 3) Encouragement of the North American Development Bank to return to the purpose for which it was created: to improve economic development for the Border by facilitating and expediting projects along the Border.

Mr. Rubinstein stated that in Governor Perry's closing comments, he highlighted not only the resolution of the water deficit and its success for the Border, but also two of the Water Table's declarations: the Water Conservation Demonstration Project on the Rio Grande, and the declaration that strengthened economic development.

Chairman Jarvis asked Mr. Rubinstein about a Water Rights enforcement case that the Watermaster's office had pursued. Mr. Rubinstein explained that the Watermaster's office had an enforcement case that had gone all the way to the federal court. He explained that a sand gravel pit operation set up along the Rio Grande in the Del Rio and Eagle Pass area, the operation acquired a temporary water right permit, limited to 10 acre feet, to divert water from the Rio Grande. As the operation proceeded there was infiltration of water from the Rio Grande.

The gravel pit operation thought they had hit an isolated water source, thus presuming that a water right permit was no longer necessary. The Watermaster's office explained to the operation that they had actually tapped into underflow from the Rio Grande and still required the temporary water right permit. The operation continued to divert water from the pit without a permit, and in order to prove to them that the water they were accessing was from the Rio Grande, TCEQ Watermaster staff installed a staff gauge on the river and another in the pit. Then staff increased the releases from Amistad. The river rose as expected, as did the water in the pit. Staff decreased the release amounts from Amistad and the river level dropped, as did the level in the pit. Mr. Rubinstein stated that this was a unique incident as not many water rights enforcement cases go before the court. The operation paid in excess of \$60,000 to acquire water rights and a penalty amount in excess of \$5,000. This case was significant because of what staff had to accomplish to prove that the operation was actually using underflow, and because of the fact that the Watermaster's office pushed the case all the way through to enforcement. Chairman Jarvis asked if the case had been settled. Mr. Rubinstein stated that the Watermaster's office filed an agreed order, but the operation had fought it; however, the company agreed to the order the day before it expired. Had they not, then the case would have gone to litigation. Ms. Karen Chapman asked if the Watermaster's office would have noticed the water diversion if the company had not applied for a permit. Mr. Rubinstein stated that staff had received an air quality complaint prior to the temporary permit being issued, and the investigative staff from Laredo had noted the water diversion from the pond and reported it to Eagle Pass, and also the Watermaster's office had staff traveling the river regularly and eventually would have discovered the operation.

Mr. Rubinstein praised his staff for their efficiency on water releases which were running at 92% to 94%. He also attributed this high percentage to the cooperation between the Watermaster's office and the Irrigation District offices by way of communicating availability of extra water in the river. Chairman Jarvis asked what the percentage would be if push water was taken into account. Mr. Rubinstein explained the methodology of the calculation and stated that push water called for a variance of 8-15% over demand. Chairman Jarvis asked if that included carriage losses. Mr. Bob Brandes stated that would suggest that actual losses are only 4-6%, to which Mr. Rubinstein concurred.

Upon conclusion of the Water Master's report, the Chairman moved to item 2. – Consider Approval of July 12, 2006 Meeting Minutes. ***Mr. Ray Prewitt made a motion to approve as presented. Mr. John Bruciak seconded the motion, and upon a vote the motion carried unanimously.***

Upon conclusion of action on item 2, the Chairman moved to item 3. – Hear Public Comment. As there were no Public Comments the Chairman then moved to item 4. – Discussion and Possible Action on Setting Regional Priorities to be Included in the Scope of Work and Budget for a Grant Application to the TWDB to Revise or Update the RGRWPG Water Plan for the Next Planning Cycle. Chairman Jarvis suggested a general explanation of each item in the Task Budget and recognized Mr. Bill Norris, NRS Consulting Engineers. Mr. Norris reminded the Group that the Power Point presentation that was shown at the Public Hearing on August 17, 2006 was in the folders, and that the Scope of Work priorities were set up as the TWDB requested. Mr. Norris then turned the floor over to Mr. Jake White, NRS Consulting Engineers. Mr. White stated that this document is predominantly the same scope that was presented to the

Group in July, but formatted to work with the competitive distribution of funds, as this Group would have to compete for funds with other regional water groups for the upcoming biennium (2007 – 2009). Ms. Carolyn Brittin, TWDB, was recognized and introduced Ms. Kathleen Ligon who was the new TWDB Project Manager for the Group, replacing Mr. Robert Flores. Ms. Brittin stated that this funding cycle was for special projects that the group needed to develop the water plan after this second two year period. The second amount of funding was for all the steps needed to develop the plan, similar to what was done in the current cycle. The TWDB's objective was for the Group to acquire funding to examine changed conditions or where the group needed more information to make decisions for the next cycle.

Mr. White began discussion on Task 1. - Development of maps showing service areas of municipalities and water supply corporations, irrigation districts, and regional supplies. Mr. Ray Prewett asked if these would be maps that were not available elsewhere, and how would they be kept up today. Mr. Norris suggested that the Rio Grande Regional Water Authority (RGRWA) being an implementation group would be the most likely entity to take that task. Mr. Norris explained that these would not be newly drawn maps, but a computerized compilation of documents as overlays from the irrigation districts, water supply corporations and municipalities; and they would be available on common software, not a proprietary system, that most people could use.

Task 2. - Review and Revision of Population and Water Demand. Mr. White stated that as the Group had discussed at the last meeting this Scope considered the possibility of Irrigation Districts and Environmental Flows as Water User Groups (WUGs). Chairman Jarvis stated that the nomenclature on Environmental Flows did not fit in as a WUG, and that it was inconsistent. He stated that an Environmental Flow was an issue that was taken into account when issuing water rights because it was not a "beneficiary" user itself. Mr. Norris stated that the quantification of Rio Grande Environmental Flow requirements was not necessary to the study. Ms. Brittin stated that the requirement for planning was to evaluate the water management strategy, which was evaluated based on what the Environmental Flow research would be. Mr. Randy Blankinship suggested that through an environmental set aside Environmental Flows could be quantified and provided for, but that how to meet that environmental need would still have to be determined. Mr. Blankinship suggested that without that in place; this would be an alternate method, because in many ways it did meet the criteria of a WUG. The Environmental Flows were needed in order for estuaries to function to connect with the Gulf of Mexico, and for terrestrial water life species. Mr. Blankinship suggested considering the environmental needs through the water management strategies, but unless those needs were absolutely identified and could be quantified against that strategy, opportunities would be missed regarding meeting those environmental needs. One way to do that would be to identify them in the planning process separately as a WUG in lieu of having a state wide process for an environmental set aside. Mr. Bob Brandes stated there was probably not a legal mechanism in place to call an Environmental Flow a WUG. There was no classification of water use in the Rio Grande Water Rights system that says "Environmental Flows"; there were only classifications for irrigation, mining, domestic, industrial and municipal use. Mr. Brandes stated that he could not see how Environmental Flows could be classified as a WUG and create a demand. Mr. Norris stated that staff was not determining the demand, that demand would be determined from the study then create it as a separate WUG. Ms. Brittin cautioned that when the Group considered demands it

was going to have to convince the TWDB what the change condition was related to those demands.

Chairman Jarvis stated that at prior meetings the Group determined that they wanted to do more work with Water Management Evaluation and advanced work on Groundwater to begin the process of collecting data on what had been done in the past. The Chairman was considering the possibility of a movement to create more Groundwater Districts. The Chairman expressed concern that there was no focus on either of those priorities in the way the Scope of Work was formatted.

Mr. Norris suggested a reprioritization of the different elements, and upon conclusion of review of Scope of Work and thorough discussion of all the elements it was the consensus of the Group that the priorities should be as such:

Priority #1) Surface Water Right Management Project;
Priority #2) Irrigation Districts as a WUG, including putting maps together and associated savings with water conservation;
Priority #3) On-Farm;
Priority #4) GAM / WAM Relationship;
Priority #5) Regional Approach to Project Implementation; and,
Priority #6) Aquatic Weed.

Mr. Norris stated that staff would reformat the document to put these priorities back into a project basis, as opposed to the current chapter basis. Mr. Jones suggested that the revised document be distributed to the Group for review then have the Executive Committee take action on it. ***Mr. Charles Browning made a motion to revise the scope of work based on prioritization discussed by the Group, and circulate the revision to the Group for review and approval by the Executive Committee before September 14, 2006. Mr. John Buciak seconded the motion, and upon a vote the motion carried unanimously.***

The Chairman then moved to agenda item 5. – Reports from Federal and State Agencies, Subtopic A. – TWDB. Ms. Carolyn Brittin introduced Carla Guthrie, TWDB Bays & Estuaries Program. Ms. Brittin spoke briefly about the State Water Plan, and encouraged the group to review the Regional Summary and make sure it was consistent of the Group's adopted plan and encouraged feed back from the Group. Ms. Brittin stated that the final draft would be going to the Texas Water Development Board in November and a public meeting was planned for September 20th at the Holiday Inn in McAllen, TX at 6:00 p.m.

Subtopic B. – IBWC, Mr. Ken Jones stated that a written report from Mr. Carlos Marin was included in the folders, and that Mr. Carlos Rubinstein had touched on most of those topics at the beginning of the meeting. Chairman Jarvis stated another recommendation the Group made was that if the region has a deficit year the Group should have meetings to keep focus on the problem.

Subtopic C. – TCEQ Watermaster, this report was given at the beginning of the meeting.

Subtopic D. – TPWD. Mr. Randy Blankinship was recognized and reported that at the last meeting there was a question regarding fresh water inflow in the Rio Grande Monterrey Estuary. Mr. Blankinship then introduced Dave Buzan, TPWD Coastal Studies Program Chief,

who then gave a detailed presentation regarding an Update on Rio Grande Estuary Inflow Needs Study.

At the conclusion of Mr. Buzan's presentation Chairman Jarvis then moved to item 6. – Status Reports. Regarding subtopic A.1. – Reports from Liaisons with Regions E, J, L, & N the Chairman stated that they were all discussing similar topics to Region M, the Del Rio Groundwater situation. Mr. Jim Darling stated that the theory was that when they start pumping it would affect our 50/50 water. Ms. Karen Chapman stated that she might be able to find a speaker to address this issue at the next Board meeting. Chairman Jarvis suggested this item be added to the next meeting agenda.

Upon conclusion of status reports Chairman Jarvis moved to item 7. – Discussion and Possible Action RE: Meeting Schedule. It was the consensus of the Group that the next meeting be held in the first or second week of December, and that the Group would be polled at the end of November to determine which date would be best.

The Chairman then moved to item 8. – RGRWPG Membership, item A. – Consider Resignation of Kathleen Garrett and Authorize Public Notification for Replacement in the Electric Generating Utility Category. Mr. Jones stated that Ms. Garret's letter of resignation was in the folders and that according to the by-laws public notice must be posted in newspapers in each county located in the Region M area soliciting nominations for a successor. ***Ms. Mary Lou Campbell made a motion to authorize public notification for a replacement for Ms. Garrett. Mr. John Bruciak seconded the motion, and upon a vote the motion carried unanimously.***

Regarding item 8.B. – Consider Reappointment of Existing Voting Members Eligible for Second 5 Year Term. Mr. Jones stated that according to the by-laws each member of the Group was eligible to serve a second term of two years. ***Mr. Donald McGee made a motion to reappoint the existing Board Members for a second two year term. Mr. Charles Browning seconded the motion, and upon a vote the motion carried unanimously.***

Upon conclusion of action on item 8, Chairman Jarvis then moved to item 9. – New or Old Business, as there was no new or old business to discuss, the Chairman declared the meeting adjourned.

Glenn Jarvis, Chairman

Mary Lou Campbell, Secretary