

MINUTES

MEETING OF THE
RIO GRANDE REGIONAL WATER PLANNING GROUP (RGRWPG) (REGION "M")
10:30 A.M. WEDNESDAY, SEPTEMBER 2, 2009
LRGVDC TRANSPORTATION CENTER BOARD ROOM
510 S. PLEASANTVIEW DR., WESLACO, TX
PRESIDING: GLENN JARVIS, CHAIRMAN

1. Call to Order and Roll Call

Chairman Glenn Jarvis called the meeting to order at 10:38 a.m. and announced that the meeting had been posted as required by statute and a quorum was present. The following voting members were in attendance:

Board Members

Glenn Jarvis, Chairman
Mary Lou Campbell, Secretary
Robert E. Fulbright, Executive Committee
John Bruciak
Charles W. Browning
Joe Guerra
Sonny Hinojosa
Sonia Lambert
James R. Matz
Donald K. McGhee
Carlos Garza
Gary Whittington
Commissioner John Wood

Category

Other
Public
Agriculture
Municipalities
Water Utilities
Electric Generating Utility
Water Districts
Water Districts
Others
Small Business
Small Business
Industries
Counties

The following members were not in attendance:

Jim Darling, Vice Chairman
Roberto Gonzalez
Judge Jose Aranda
Sonia Najera
Tomas Rodriguez
Ray Prewett

River Authorities
Municipalities
Counties
Environmental
Municipalities
Agriculture

2. Consider Approval of August 5, 2009 Meeting Minutes

Mr. James Matz made a motion for approval of the minutes as presented. Mr. Gary Whittington seconded the motion, and upon a vote the motion carried unanimously. Upon conclusion of action on the minutes Chairman Jarvis announced the resignation of Judge Jose Aranda and noted that advertising for his replacement in the County Category will be on the next agenda.

3. Hear Public Comment

There being no public comments Chairman Jarvis moved to the next item.

4. Status Reports

A. Report on TWDB Contract Activities

1. Status of Deliverables and Expenditures under Current Contract

Mr. Jake White was recognized and informed the Group that on the contract for Phase II of the 3rd Round of Planning, staff is working with the Arroyo Colorado Watershed Coordinator to incorporate some of their comments into Chapter 1. Staff has also received expanded information on the Border Fence regarding endangered species. Mr. White stated that Chapter 1 is approximately 90% completed at this time with only minor revisions remaining. Chapter 2 is on Population Water Demand and ties in to Chapter 4 on Water Management Strategies (WMS).

2. Ratify Executive Committee Action RE: Initial Draft Reports

Chairman Jarvis stated that the Initial Draft Reports the Executive Committee acted upon are the three studies from the special projects. The Chairman received a final copy of Study No. 1, Evaluation of Alternate Water Supply Management Strategies Regarding the Use and Classification of Existing Water Rights on the Lower and Middle Rio Grande. A draft copy is in the folders and Mr. White offered to provide copies of the final. Chairman Jarvis noted that the only recommendation made as a result of this study was not to alter how the Rio Grande is run under the rules. According to the results of the study it will not make a difference if for instance irrigation rights were not converted to municipal use using the conversion factor, there would not be a significant enough difference over the next 50 years to try and change any of the current operational rules, which would be very difficult.

However, the study does indicate that the Group should continue to pursue the Fort Quitman accounting issue because it would increase the firm yield significantly. This study has been filed with the TWDB and contains responses to all the comments from the TWDB. The next step will be to incorporate it into the next water plan. Upon conclusion of discussion ***Ms. Sonia Lambert made a motion to ratify the executive committee action on the Initial Draft Reports. Mr. Don McGhee seconded the motion, and upon a vote the motion carried unanimously.***

Chairman Jarvis then addressed Study No. 2, Classify Individual Irrigation Districts as Water User Groups (WUGs) or Wholesale Water Providers (WWPs) and noted that this study has been submitted to the TWDB and comments have been received. Mr. White stated that the significant comments are in section 7 and pertain to the designation of Irrigation Districts as WWPs or WUGs. The Chairman stated that the Group needs to discuss the TWDB's determination that "no evidence exists to allow the qualification of Irrigation Districts as Municipal Water User Groups. Designation as Wholesale Water Providers, which is more appropriate under the Regional Water Planning rules will achieve all stated goals of the regional water planning group, including qualification for TWDB financial assistance programs". Mr. White informed the Group that it is the TWDB's stance that Wholesale Water Provider is the designation. It is up to the Group to pursue this change; however, in the past there has been some resistance from the Group to change Irrigation Districts to WWPs for a number of reasons. Chairman Jarvis asked Mr. White to clarify the original purpose for this item. Mr. White stated the intent of this item was to have more of an in depth and detailed Regional Plan to include entities that convey and deliver a substantial amount of water, so staff can evaluate more specific projects to alleviate the agricultural deficit. Irrigation Districts were previously classified as County/Other.

Chairman Jarvis stated that we, as an RPG, do not understand the TWDB's concept of a WUG. It is understandable to have certain categories in order to standardize the Water Plan and it is important in water planning not to duplicate demand. In this instance there is duplication because the actual demand on the river is the Irrigation Districts' demand since in most instances they pump the water under their own water rights. But the actual use of the water is by cities and water supply corporations. So if an Irrigation District was a WUG there would be duplication of demand because it would be the same water, just in a raw state when the district takes it from the river and delivers it to the city, then that same water is treated and delivered to the city's customers. Mr. Charles Browning added that once a month there is an adjustment made to charge the appropriate account and credit the irrigation districts.

Chairman Jarvis commented that there needs to be some kind of accommodation to the TWDB rules which are patterned after larger river authorities that control a whole river; the system at the Rio Grande is set up differently because it is an international river. The Group's initial purpose for this study was to identify irrigation districts under the rules to better recognize their particular needs, which include a system to deal with the same water demanded by cities. Another goal was to enhance the irrigation districts position in obtaining funding for conservation projects; applying a municipal need into that scenario adds more weight to the need to improve these systems because not only irrigation water is being delivered, raw water for municipal use would also be delivered.

Ms Townsend stated that being a WWP would provide those same benefits to irrigation districts. Mr. White countered that it is the definition of being classified as a WWP that is the problem. The designation of Wholesale Water Provider creates further repercussions beyond what the Group does with TWDB. There are repercussions with TCEQ and others. Ms. Townsend stated that when analyzing the actual definitions irrigation districts truly fit the definition of a WWP. Chairman Jarvis stated that when looking at the definition, "wholesale" denotes the sale of a product to someone other than the ultimate user, when in actuality irrigation districts are retail sellers of raw water. Ms. Townsend acknowledged that the scenarios the Region M has are different than the Regions upstate, but the TWDB staff stands firm that WWP is the best fit in regard to TWDB rules and in water planning.

Mr. Hinojosa stated that categorizing irrigation districts as WWPs would cause problems with TCEQ. The survey TCEQ asked WWPs to complete is incredibly detailed and asked for information on the end user, per capita and population information and to monitor the water usage. An Irrigation District just delivers the water to a municipality for their treatment and for their end users. Ms. Townsend asked if an Irrigation District would have to complete the same or similar paper work if classified as a WUG. Mr. Hinojosa stated that the WUG survey was much less complicated.

Ms. Townsend suggested the Group conduct face to face discussions with TWDB staff members on this matter to better clarify their position. Chairman Jarvis stated that an impasse had been reached and suggested the formation of a committee to participate in discussions as Ms. Townsend suggested. Irrigation districts cannot be classified as WUG's and the only other category available besides WWP is County/Other. Under County/Other the individual management strategies of each district cannot be analyzed. It was the consensus of the Group to form the Classification of Individual Irrigation Districts Committee with Mr. Sonny Hinojosa as Chair, and Mr. Charles Browning, Ms. Sonia Lambert and Chairman Jarvis as the remaining members.

3. Revisions to Population/Water Demand Projections (Non-Steam-electric)

Mr. White summarized the results of the Population Projection surveys received and stated that while the Group will take this information into consideration, ultimately it is the Group's decision which figures will be used. Chairman Jarvis stated that this item will carry over to the next agenda, no action taken on this time.

4. Drought of Record and Future Water Planning

Mr. White noted that on page 12 of Study #1, Figure 3-1 illustrates that the most severe drought was from the 1990s-early 2000s rather than the drought of the 1950's. Expanding the WAM to include this drought would be a fairly costly and difficult process; however Chairman Jarvis stated that the result of this study justifies further evaluation. Mr. Erasmo Yarrito stated that TCEQ has a line item in its budget for items such as this, but was unsure of the amount. The Chairman asked if it would carry more weight if TCEQ realized the Region M Group was taking the position of confirming the drought of record is the 1995-2005 drought. Mr. Yarrito stated he would look into it. It was the consensus of the Group to keep this item on the agenda. No action taken at this time.

B. Discussion RE: Status of Joint Groundwater Area Planning in GMA-16 Under HB 1763 (2005).

Chairman Jarvis stated there has been some activity in Dimmit County regarding desired future conditions. This relates to item 4.E.2. – Report on San Felipe Springs Study because San Felipe Spring is in that Groundwater Area. This also indicates that the Group should expedite the study on San Felipe Springs, which the RGRWA has authorized funding. The Chairman noted that there seems to be more focus on this item lately and the Desired Future Conditions could impact the amount of water coming into the Rio Grande. Chairman Jarvis noted the need for the Groundwater Management area the San Felipe Spring to be included in this agenda item.

C. Discussion of IBWC Water Accounting at Fort Quitman

The Chairman stated that In Study #1 Dr. Brandes recommends pursuit of this acquisition which could add approximately 16,000 AF per year to the firm yield. TCEQ has an Intern that will conduct research on this item and TAMU has completed some work through interns; efforts are being made to coordinate the work though these two intern programs.

D. Report RE: Other Water Planning Groups

1. Reports from Liaisons with Regions E, J, L, & N

Chairman Jarvis stated that there was no new information to report at this time.

E. Report on LRGVDC/RGRWA Activities

1. Report on Water Conservation Plans and Drought Management Plans Filed with Region

Chairman Jarvis noted that Adams Gardens I.D., Harlingen I.D., City of Laredo, Hidalgo County I. D. #2 and Maverick County Water Control and Improvement District #1 had submitted Water Conservation Plans and Drought Management Plans since the last meeting.

2. Report on San Felipe Springs Study and Funding Provided by RGRWA

Chairman Jarvis noted the need to determine the particulars of transferring funds for this study. No action taken

5. Reports from Federal and State Agencies

A. TWDB

Ms. Townsend stated that the majority of her topics had been covered under previous agenda items.

B. IBWC

Mr. Roberto Montero was recognized and stated he did not have an official brief from Commissioner Ruth, however he gave the Group an update on several projects currently under way.

C. TCEQ

1. TCEQ Watermaster

a. Status of Water Availability Model (WAM) for Mexico
No new information was available at this time.

b. Status of Study of Irrigated Acres and Crops Grown
Mr. Yarrito stated that staff plans to send new surveys to clients and would provide updates as they become available. Mr. Yarrito then summarized the reservoir levels.

D. TPWD

No TPWD representative was in attendance and no report was available at this time.

6. Discussion and Possible Action RE: Meeting Schedule

It was the consensus of the Group to next meet on Wednesday, October 7, 2009.

7. New or Old Business

There being no further business to come before the Group the meeting was adjourned at 12.33 p.m.

Glenn Jarvis, Chairman

Mary Lou Campbell, Secretary