

MINUTES

**RIO GRANDE REGIONAL WATER PLANNING GROUP (RGRWPG)
(REGION "M") MEETING - 10:30 A.M. – WEDNESDAY, DECEMBER 10, 2008
LRGVDC TRANSPORTATION CENTER BOARD ROOM
510 S. PLEASANTVIEW DR., WESLACO, TX
PRESIDING: GLENN JARVIS, CHAIRMAN**

Chairman Glenn Jarvis called the meeting to order at 10:40 a.m. 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
Jim Darling, Vice Chairman
Roberto Gonzalez, Executive Committee
John Bruciak
Sonia Najera
Sonny Hinojosa
Sonia Kaniger
James R. Matz
Ray Prewett
Carlos Garza
Gary Whittington
Commissioner John Wood

Category

Other
River Authorities
Municipalities
Municipalities
Environmental
Water Districts
Water Districts
Others
Agriculture
Small Business
Industries
Counties

The following members were not in attendance:

Mary Lou Campbell, Secretary
Robert E. Fulbright, Executive Committee
Judge Jose Aranda
Charles W. Browning
Joe Guerra
Donald K. McGee
Tomas Rodriguez

Public
Agriculture
Counties
Water Utilities
Electric Generating Utility
Small Business
Municipalities

After calling the meeting to order Chairman Jarvis moved to item 2. – Consider Approval of the October 15, 2008 Meeting Minutes. ***Mr. James Matz made a motion to approve the minutes as presented. Commissioner John Wood seconded the motion, and upon a vote the motion carried unanimously.***

Chairman Jarvis then moved to item 3. – Hear Public Comment (General), there being none, the Chairman moved to item 4. – Hear Presentation and Receive Public Comments on Following

Reports: A) Surface Water Right Management Evaluation; B) Classify Irrigation Districts as WUG/WWP; C) Analyze Results of Completed Demonstration Project. Chairman Jarvis stated that these are the three items the Group was studying at the end of the last planning phase through the beginning of the next phase then turned the floor over to Mr. Jake White, NRS Consulting Engineers. Mr. White began a presentation that highlighted the three reports under consideration, and noted that copies of these reports will be on file for the public at the LRGVDC offices in McAllen for seven calendar days, until December 19. Mr. White noted that these projects are associated with the First Phase of the Third Round of Regional Planning, and the Group is currently working on the Second Phase of the Third Round of Regional Planning. Mr. White stated that what these special projects are aimed at is to develop information that is critical to a regional plan that is region specific. These were not put forth by the TWDB; they are put forth by the region and funded by TWDB. Mr. White then addressed the first report, item 4.A. – Surface Water Right Management Evaluation and stated that Dr. Bob Brandes presented this information at the May 2008 meeting and concluded to the Group verbally that there are no changes that should be made to the way water rights are currently allocated and distributed in terms of being able to properly secure irrigation and mining water rights. The official conclusion is not in the written report presented to the Group, but will be included by the December 31, 2008 deadline to submit the draft to TWDB. Mr. Bill Norris assured the Group that the written conclusion will be the same as the verbal conclusion presented in May. Chairman Jarvis then invited the audience and Group to comment on this report. No comments were submitted at that time. Commissioner John Wood voiced concern that there was very little time to make any suggested changes between the end of the comments period on December 19 to the December 31 submission deadline. Mr. White assured the Group that NRS Consulting Engineers has allowed for this contingency. Ms. Townsend reiterated that it was the draft report, and not a final report that is due December 31 and that the report had to be physically received at the TWDB office by that date, not post marked.

Mr. White then proceeded to Item 4.B. – Classification of Irrigation Districts as WUG/WWP and stated that this is an Irrigation District analysis that has four parts: development of maps of the service areas in the Irrigation Districts, evaluation of urbanization Irrigation District by Irrigation District level, analysis of conveyance system, and revision of water supply and demand data with the ultimate goal of identifying individual Irrigation Districts as WUGs. Mr. White stated that in previous plans irrigation had only been evaluated on a county wide level, and the Group felt that evaluating them on an individual basis was a good step forward. Mr. White then continued with the PowerPoint presentation and provided the Group with a detailed report of this study.

Upon conclusion of discussion on item 4.B. Mr. White moved to item 4.C. – Analyze Results of Completed Demonstration Project. Mr. White stated that this study incorporated two special studies into the Regional Water Plan to determine what impact they might have. They are the Harlingen Irrigation District Agricultural Water Conservation Demonstration Initiative and the Brownsville Public Utility Board Seawater Desalination Demonstration Project. The Harlingen project evaluated several water management strategies using a number of methods. Mr. White stated that in addition to this report there will be an appendix prepared by the Harlingen Irrigation District. In addition to on-farm, the Harlingen Irrigation District has developed a demonstration facility that provides training for canal riders and operators in canal management

to increase efficiency. The results of this study will benefit this region because the work is being performed on a study level in regional Irrigation Districts. Mr. White stated that in the second half of this study, Evaluation of the Brownsville PUB Seawater Desalination Project, the discussion of the results of the pilot project are incorporated in general terms into the special report that will be published. Mr. White stated that this project is not specifically for the Brownsville Public Utility Board, it is a region-wide and state-wide project. The results of this pilot project will allow for reevaluation of costs based on actual data. Mr. White stated that this is the first pilot project prepared for seawater desalination in the State of Texas, thus the information in previous plans was not accurate based on real life expectations.

Upon conclusion of the presentation and comments Chairman Jarvis moved to item 5. – Consider Action on Public Comments RE: Special Reports. ***Mr. Roberto Gonzalez made a motion for approval of item 4.A. – Surface Water Right Management Evaluation report subject to further comment and to be considered as a final report at the January 2009 meeting. Commissioner John Wood seconded the motion, and upon a vote the motion carried unanimously. No action was taken at this time on items 4.B. and 4.C.***

Upon conclusion of action on item 5, Chairman Jarvis moved to item 6.A. - Status Report on Contract Activities:

Item 6.A.1. – Status of Expenditures under Current Contract. Mr. Norris stated that NRS Consulting Engineers had minor issues related to reimbursement for work completed. Mr. White stated that budgets needed to be created for work completed on sub-tasks, and there were certain format requirements from TWDB that have now been finalized. Mr. Norris asked Ms. Townsend if any funds were transferable from Phase I tasks to Phase II tasks, as some studies were completed under budget. Ms. Townsend stated that it was her understanding that Phase I funds and Phase II funds were not transferable.

Item 6.A.2. – Execution of TWDB Contract for Phase II of Third Round of Regional Water Planning. Mr. Jones was recognized and informed the Group that the signed copy of the contract is on file at the LRGVDC office and copy of the contract and a summary of tasks is included in the meeting packets.

Item 6.A.3. – Discussion RE: Unfunded Projects in Recent TWDB Application. Chairman Jarvis stated that at the last meeting there was discussion on the reprioritization of item 3.9 to the second position. Ms. Sonia Kaniger, who also sits on the RGRWA stated that at the November meeting this item was discussed and each member was asked to review the list of un-funded tasks and make recommendations at the January 2009 meeting. At the conclusion of discussion it was the consensus of the Group to continue pursuit of funding for these items and to keep this item on the agenda.

Chairman Jarvis then moved to item 6.B. – Discussion RE: Status of Joint Groundwater Area Planning in GMA-16 Under HB 1763 (2005) and stated that he received a report that GMA 16 was meeting the following day and planned to adopt the BFCs to divert future conditions by county based on draw downs differentiating among the Evangeline, Chicot and Jasper Aquifers. Their deadline is still December 2010.

The Chairman then moved to item 6.C. – Reports RE: Other Water Planning Groups and stated that the other Groups were working on the same issues as the Region M Group.

The Chairman then moved to item 6.D. – Resolution Recognizing Carlos Marin. Staff prepared a framed resolution for Ms. Rosa Marin and Chairman Jarvis read the resolution out loud to the Group. Upon conclusion of the reading **Ms. Sonia Kaniger made a motion for approval of the resolution as presented. Mr. Gary Whittington seconded the motion, and upon a vote the motion carried unanimously.**

Upon conclusion of the Status Reports, Chairman Jarvis moved to item 7. – Reports from Federal and State Agencies and recognized Ms. Connie Townsend. Ms. Townsend stated that at the October meeting she received several requests for information and she would like to use this opportunity to respond to those requests.

- Mr. Jones inquired about alternate state funding possibilities to fund all or some of the tasks that were not funded through TWDB. Ms. Townsend stated that she looked into TWDB's Project Finance & Construction Assistance (PFCA) Division and found it only deals with facility planning, pre-design, design work, and construction. The Region M Group seeks funding for studies and will need to pursue venues other than the TWDB for that purpose. The exception would be for Task 3.9 regarding San Felipe Springs, Ms. Townsend advised that if this task was re-written as a watershed protection study, it would be eligible for the TWDB's Regional Facilities Planning Grant Program and would have the potential to be funded at 50%.
- Mr. Jones also inquired if construction funds were available to assist with the U.S. portion of Operation and Maintenance (O & M) costs for El Morillo Drain. Ms. Townsend stated that TWDB has Texas Water Development Funds available to fund water related construct projects; however TWDB cannot fund O & M unless it consisted of construction work.
- Mr. Tomas Rodriguez requested determination of how the TWDB Water Use section could delineate between regular per capita water use rates vs. areas that have significant increase in transient or seasonal tourist populations. From TWDB's perspective it would not be practical to create two sets of numbers in the regional water plans to show a WUG's stable population water use rate as well as tourist water use rate. However, the Group may include a discussion in the Regional Water Plan to describe the situation and express its concerns.
- Ms. Townsend mentioned the November 5, 2008 letter from IBWC to TCEQ stating IBWC's position on water accounting at Fort Quitman based on the 1906 and 1944 international treaties and hearings held at the time of the 1944 Treating. IBWC's position does not concur with Dr. Brandes' findings. It was the consensus of the Group to pursue this matter further. Mr. Erasmo Yarrito, TCEQ Deputy Watermaster, stated that TCEQ staff would also continue pursuit of this matter. Mr. Sonny Hinojosa stated that the RGRWA and Lower Rio Grande Valley Water District Manager's Association would also pursue this matter.

Regarding item 7.A.1. – Consider Action on letter to TWDB RE: Recommendation on Future Application Review Process. **Mr. Roberto Gonzalez made a motion for approval of the letter**

as presented. Mr. James Matz seconded the motion, and upon a vote the motion carried unanimously.

Regarding item 7.B. – IBWC, Mr. Rodolfo Montero was recognized and stated that IBWC staff was deeply moved by the resolution honoring the late Commissioner Carlos Marin; and that Commissioner Bill Ruth extended his apologies for not being able to attend today, and will have a statement prepared for the next meeting.

Regarding item 7.C. – TCEQ Watermaster, Mr. Erasmo Yarrito was recognized and reported the reservoir levels and stated that no charge pumping began October 26, 2008 and will continue until the reservoirs drop to conservation levels. Chairman Jarvis asked if the new five year cycle had been determined. Mr. Yarrito stated that Mr. Carlos Rubenstein will coordinate a meeting in January to determine the new cycle. Currently Mexico is of the opinion that the cycle should start the day the reservoir went above conservation level, and the IBWC is of the opinion the cycle should start the day the reservoirs return to conservation level.

Regarding item 7.D. – TPWD, Mr. Mark Lingo stated he had no report at this time.

The Chairman then moved to item 8 – Discussion and Possible Action RE: Meeting Schedule and recognized Mr. Jones. Mr. Jones reported that as discussed previously the next meeting will be January 7, 2009 at 11:00, or immediately following the RGRWA meeting scheduled for 9:00.

Chairman Jarvis then moved to item 9 – New or Old Business and recognized Mr. Roberto Gonzalez. Mr. Gonzalez stated that he would like the Group to consider Mr. Jorge Barrera as his alternate. Mr. Jones stated that according to section 8 of the By-laws, to be eligible as a Designated Alternate, a nominee must have attended no less than half the sum of all the RGRWPG meetings held in the twelve months prior to the date of submission of nomination. From December 2007 to December 2008 six meetings were held, so Mr. Barrera will need to attend a total of three meetings, which would include this meeting and two more, to be considered as an alternate.

There being no further business to come before the Board the meeting was adjourned at 1:00 p.m.

Glenn Jarvis, Chairman

Mary Lou Campbell, Secretary