

# MINUTES

## MEETING OF THE RIO GRANDE REGIONAL WATER PLANNING GROUP (RGRWPG) (REGION "M")

10:30 A.M. WEDNESDAY, DECEMBER 16, 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 10:40 a.m. and announced that the meeting had been posted as required by statute and a quorum was not yet present; however voting members were en route and expected to arrive shortly. The following voting members were in attendance:

#### Board Members

Glenn Jarvis, Chairman  
Robert E. Fulbright, Executive Committee  
Sonia Najera  
Charles W. Browning  
Sonny Hinojosa  
Sonia Lambert  
Donald K. McGhee  
Gary Whittington  
Commissioner John Wood

#### Category

Other  
Agriculture  
Environmental  
Water Utilities  
Water Districts  
Water Districts  
Small Business  
Industries  
Counties

#### The following members were not in attendance:

Jim Darling, Vice Chairman  
Mary Lou Campbell, Secretary  
Roberto Gonzalez, Executive Committee  
John Bruciak  
James R. Matz  
Tomas Rodriguez  
Ray Prewett  
Carlos Garza  
vacant  
vacant

River Authorities  
Public  
Municipalities  
Municipalities  
Others  
Municipalities  
Agriculture  
Small Business  
Counties  
Electric Generating Utility

### 3. Hear Public Comment

Pending the arrival of voting members to make a quorum Chairman Jarvis addressed non-action items. There being no public comments Chairman Jarvis moved to the next item.

### 4. Presentation RE: Joint Planning Process Update

Mr. Bill Hutchison, TWDB was recognized and gave a presentation on Joint Planning Process that included an overview of joint groundwater management, desired future conditions and the status of Groundwater Management Areas (GMAs) 13 & 16 which intersect with Region M.

Upon conclusion of Mr. Hutchison's presentation Ms. Connie Townsend, TWDB, commented that the MAG System is not as up-to-date as the TWDB's regional water planning process and that during this round of planning the Regional Planning Groups (RPGs) have the ability to decide to use the MAG System or set their own Groundwater Availability (GWA) numbers. During the next planning period the GMAs will set GWA for these regions, which is why it is important for RPGs and GMAs to interact. The two entities need to open dialog and come to a consensus on setting the numbers for their respective regions.

Chairman Jarvis asked if the State Water Plan numbers referred to in the presentation came from the Water Availability Model (WAM). Mr. Jake White, NRS Consulting Engineers, stated that those numbers did come from the WAM but was not sure what the assumptions were developing the availability, but it was GWA based; based on an assumption of acceptable drawdown. The Chairman stated that the Group's basic decision or policy statement was that there would be no drawdown. Mr. Don McGhee remembered that 100 feet would be the drawdown. Mr. Hutchison found it difficult to believe that the availability numbers would represent zero drawdown based on the size of the aquifers. Mr. Hutchison encouraged the Group to coordinate with GMAs 13 and 16 on these assumptions as the Group moved forward in this process. The GMA meetings are public, and for GMA 16 Mr. Mike Mahoney is the coordinator and Mr. Monty Steward is the contact.

Mr. Charles Browning stated that the Group did an analysis to determine from the Groundwater Availability Model (GAM) what the recharge rate was for the aquifer. The Region M policy statement was not to pump more than what the recharge rate was. Mr. Browning stated that Mr. Hutchison's statement was accurate to a point. Recharge does not occur equally throughout the year, and if pumping is taking place there will be drawdown. When pumping does not take place there will be recovery and the net affect is zero, although it may occur at different times of the year.

Chairman Jarvis stated that the Group did not explore groundwater in the current Regional Water Plan (RWP) because this region's main source is surface water. However, in the next round of planning the Group would like to further examine groundwater because of quality issues, and develop more information with brackish water and the desalination projects, which was the purpose for this presentation.

Ms. Sonia Najera asked what the broad variables were that the model takes into consideration. Mr. Hutchison state that in this instance if pumping is increased there will be three affects: 1) lower water levels (drawdown), 2) change to inflow patterns by inducing surface flow or inducing surface flow from surrounding areas, 3) reduce natural outflow. TWDB staff is primarily interested in understanding the dynamics of increasing pumping over a wide range to understand what the impacts would be.

Mr. Don McGhee asked if there was any integration of projected numbers and influence from Mexico and their pumping habits. Mr. Hutchison stated that the Central and Southern Gulf Coast Models end at the river; however, staff was developing a model that extended across the Boarder using best "guestimates" of pumping activity in Mexico. Mr. Browning asked if hard data was actually available on pumping activity in Mexico. Mr. Hutchison

stated that hard data was not available in this area and staff has not had the resources to research it. However, based on satellite images staff can approximate pumping activities. Mr. McGhee stated that brackish wells in Mexico are permitted for a certain amount of acre feet annually; this information could help with pumping estimates. Chairman Jarvis stated that the Mexican section of the IBWC was creating water well inventories and locating wells all along the Rio Grande which would also be useful in attaining data.

Chairman Jarvis asked if the Carrizo-Wilcox Aquifer in GMA 13 goes into Mexico. Mr. Hutchison stated that the aquifer does; however, the model does not. Mr. Hutchison added that further north there is a great deal of attention in the Kinney County area, it is on the edge of two models and staff is developing a new model, which will include Maverick County.

The Chairman stated that the Region M Group should communicate with the coordinators in GMA areas 13 and 16 regarding the information we have and get their comments. Dialog should be started regarding what the Region M Regional Water Plan indicates and what they are working on. Mr. Jake White stated he would make contact with both GMAs prior to the next Region M meeting.

## **2. Consider Approval of November 4, 2009 Meeting Minutes**

A quorum of voting members was attained during the presentation and Chairman Jarvis moved back to item 2. ***Mr. Don McGhee made a motion for approval of the minutes as presented. Ms. Sonia Lambert seconded the motion, and upon a vote the motion carried unanimously.***

## **5. Presentation RE: Use of Water Budget Analyses to Determine Desired Future Conditions**

Dr. Ronald T. Green was recognized and began his presentation entitled "Calculating the Water Budget in Support of Establishing Desired Future Conditions", which relates closely with the previous presentation by Mr. Hutchison. Dr. Green stated that the Southwest Research Institute is a private not-for-profit applied research institute that was recognized for providing independent analyses. Following Mr. Hutchison's presentation Dr. Green stated he would talk about Region M and water budget analyses in adjoining areas and extend down to the Region M area as may be appropriate. Dr. Green stated this presentation will demonstrate how to establish Desired Future Conditions using a Water Budget Analysis for those situations where the WAM has an unacceptably high level of uncertainty. Dr. Green advised that the TWDB will consider using data from a Water Budget Analysis and other types of information in lieu of using a GAM.

Upon conclusion of the presentation Mr. Don McGhee asked if there was any influence in water samples with abandoned wells integrating water between different strata. Dr. Green answered that one of the biggest issues with water quality in the Carrizo-Wilcox Aquifer is abandoned wells and improperly abandoned wells. Residents in that area are not sensitive to water quality and it is difficult to determine contamination unless it is severe, in regard to salinity.

Chairman Jarvis asked Dr. Green to comment on any impact or influence Amistad Reservoir had in relation to what has been discussed. Dr. Green stated that he had heard stories that Amistad Reservoir had an effect all the way to Uvalde County and noted that it was interesting that two or three months before the reservoir was completed the springs

went dry for the first time on record. However looking at the specific hydraulic situation in Kinney County Dr. Green does not believe Amistad Reservoir has a direct affect on Kinney County because there is a groundwater divide that separates the western part of Kinney County from Val Verde County. But the reservoir certainly has had an impact on Val Verde County and the hydrology south of that area.

#### **6. Presentation RE: Rio Grande/Rio Bravo Watershed Alliance**

Upon conclusion of Dr. Green's presentation Mr. Jay Johnson Castro was recognized. Mr. Johnson Castro informed the Group that he is the Executive Director of the Rio Grande International Study Center based in Laredo Community College, which is a non-profit organization. The organization's mission statement is: "to preserve, protect and foster respect for the Rio Grande – Rio Bravo, its watershed, environment and cultures through research, education and bi-national stewardship and alliances with individuals, agencies and organizations". Mr. Johnson Castro stated that the watershed is in eight states: three in the United States and five in Mexico, and there is very little communication between these states. The Rio Grande International Study Center was formed as a bi-national entity and has proposed a Rio Grande – Rio Bravo Watershed Alliance. Mr. Johnson Castro hopes that in the future the Alliance and the Region M Group will be able to collaborate more closely.

Chairman Jarvis asked if Mr. Johnson Castro had networked on the Forgotten River Reach upstream of Presidio to restore the river. Mr. Johnson Castro stated that it is obvious there has been an imbalance regarding funding, and that this project absolutely needs to be completed. Mr. Johnson Castro stated that through a collective voice entities in the region need to make our demand clear for this project.

#### **7. Consider Interlocal Agreement with RGRWA RE: Funding of San Felipe Springs Work Task**

Action noted under item 8.

#### **8. Consider Approval of Contract Amendment RE: San Felipe Springs work Task**

It was the consensus of the Group to address items 7 and 8 together. At the conclusion of discussion ***Mr. Bob Fulbright made a motion to approve the Interlocal Agreement with RGRWA and the Contract Amendment regarding the San Felipe Springs Work Task. Commissioner John Wood seconded the motion, and upon a vote the motion carried unanimously.***

#### **9. Consider Nominating Committee Recommendation**

##### **A. County Category**

##### **B. Electric Generating Utility**

Mr. Jones was recognized and informed the Group that no nominations had been received in the timeframe noted on the newspaper advertisements placed in the eight counties covered by the RGRWPG and stated that the Group would be keeping with the by-laws if nominations were taken from the floor. Mr. Charles Browning suggested Mr. Brad Bierdstadt from Magic Valley Electric Cooperative and a Board member of the Valley Partnership or Mr. John Herrera, who is Mr. Bierdstadt's Supervisor at Magic Valley Electric Cooperative, may be interested. Mr. Jones will contact these individuals to determine their interest.

## **10. Status Reports**

### **A. Report on TWDB Contract Activities**

1. **Status of Deliverables and Expenditures under Current Contract**

Mr. Ken Jones was recognized and reported in regard to Expenditures, as of November 30, 2009 the balance of the Local Funds was \$36,365.07 and the balance of the \$174,398.00 TWDB Grant was \$17,800.20.

2. **Review and Discussion of Chapters 1 and 2 of Draft Initial Regional Water Plan**

Mr. White was recognized and stated that rough drafts of Chapters 1 and 2 were posted on the Region M website and notice was sent to all members via email two weeks previous. Staff is seeking comments on these chapters from the Group. Mr. White noted that one comment was received related to updating Chapter 1 to include the year 2007 in the report as it related to the Brownsville Weir.

Chairman Jarvis commented that in the past the Group has reviewed the Regional Water Plan page by page in detail for the Group to make comments. Mr. White agreed that was the best option. At the conclusion of discussion it was the consensus of the Group to hold a workshop for Chapters 1 & 2 at 9:30 a.m. January 14, prior to the Board meeting. Binders will be provided for the Initially Prepared Plan (IPP) chapters to be inserted as they become available and/or are updated.

3. **Drought of Record and Future Water Planning**

This is a recurring agenda item; no action needed, but it will stay on the agenda in case new information becomes available; this item will be included in the next round of planning.

4. **Status on Classification of Irrigation Districts as WUGs/WWPs**

Mr. White reminded the Group that at the last meeting there was discussion regarding the verbiage used in the amendment to classify individual Irrigation Districts as a subsidiary of the County Wide classification. Mr. White stated that the Texas Administrative Code defines Irrigation Districts as subdivisions of reporting units. Consequently, staff has modified the amendment to reflect individual Irrigation Districts as subdivisions of the County Wide Irrigation Water User Group. Mr. White stated that this was the only outstanding issue on this item.

5. **Follow-up on WIF Loan Program**

Mr. White distributed a list of Frequently Asked Questions on the Water Infrastructure Fund (WIF) Loan Program and stated that at the last meeting the Group requested staff look at different ways to notify WUGs of the steps required in terms of how the Regional Water Plan is linked in the WIF. Mr. White informed the Group that if a WUG desired to utilize the WIF program, the proposed project must be defined in the Regional Water Plan in enough detail to encompass all aspects of said project. Mr. White stated that NRS staff could send a synopsis of the WIF program to all the WUGs in this Region and possibly contact Mr. Steve

Taylor of the Rio Grande Guardian as that publication has wide distribution through the internet.

**B. Discussion RE: Status of Joint Groundwater Area Planning in GMA's 4, 5, 7 13 & 16 Under HB 1763 (2005)**

Chairman Jarvis stated that after the presentations give today the Group has a better understanding of what GMA's are and will proceed with coordinating with GMAs 13 and 16 on what their numbers are.

**C. Discussion of IBWC Water Accounting at Fort Quitman**

Chairman Jarvis reported that Mr. Herman Settemeyer informed him that the intern doing this research is developing very interesting information on the Water Accounting at Fort Quitman. More sources of information have been found and it looks very positive. The Chairman commented that it was interesting that the research is to the point that information has been found that the Rio Grande Valley did try to keep the legislation that approved the Rio Grande Compact from passing in Texas and there was mention of 200,000 acre feet from the upper river, and it is significant because 200,000 acre feet is the number associated with the average annual flow at Fort Quitman. A report should be available for the January meeting. Chairman Jarvis added that evidence was found that Mexico did try to acquire the water upstream from Fort Quitman to El Paso and that Mexico's waiver of water in that reach changed during the negotiations of the 1944 Treat, which is very strong evidence of who that water belongs to.

**D. Reports RE: Other Water Planning Groups**

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

Chairman Jarvis noted that all other Water Planning Groups are addressing the same types of issues as the Region M Group.

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

No new plans have been received since the last meeting.

**F. Report from By-laws Committee RE: By-laws Update**

Chairman Jarvis stated that inconsistencies in the by-laws were brought up at the last meeting; however, the By-laws Committee has not had the opportunity to meet. Mr. Charles Browning, Committee Chair recommended tabling this item until the Committee could meet and discuss recommended changes. Chairman Jarvis suggested focusing on sections 5 and 7 regarding absenteeism and attendance of alternates; and also recommended an overall review of the by-laws to determine if there are any other inconsistencies that need to be addressed. It was also recommended to change the format of the document to incorporate existing amendments into the body of the text as opposed to the current manner of attaching amendments to the back of the document on separate pages.

## **11. Reports from Federal and State Agencies**

### **A. TWDB**

Ms. Townsend pointed out a set of maps of Regional Planning Groups, Major and Minor Aquifers in Texas, Groundwater Conservation Districts and Major River Basins in Texas. Ms. Townsend suggested keeping these maps permanently in the Board binders as reference material.

1. Discussion RE: Groundwater Management

This item was thoroughly discussed during the presentations.

2. Discussion RE: Consultant Training Session

Chairman Jarvis stated that training was a topic that was raised at the last meeting. Ms. Townsend suggested that the Group may want to consider having training after the Initially Prepared Plan (IPP) is submitted and offered training for new members and/or refresher training for veteran members.

Chairman Jarvis added that he had received an email message regarding the Infrastructure Financing Report (IFR) Survey process. Ms. Townsend stated that Mr. Steward Norvell sent that message most likely to introduce the topic prior to the IPPs being submitted. The IFR is to be completed after the IPP is submitted. When the final Plan has been reviewed the IFR survey will be included in the Plan.

### **B. IBWC**

Mr. Rodolfo Montero was recognized stated that Commissioner Bill Ruth wanted to advise the Group that the Mexican Section Commissioner has indicated that CILA will take over the El Morillo Drain pumping operations as of January 1, 2010. Mr. Montero then provided updates on several IBWC projects.

### **C. TCEQ**

1. Status of Water Availability Model (WAM) for Mexico

Mr. Erasmo Yarrito stated that TCEQ staff has developed a proposal for approximately \$3MM. Staff is moving forward with that estimate and will include it in the next biennium budget in 2011 to begin the project in 2012.

Mr. Yarrito stated that the irrigated acres report was mailed to all WUGs last month and staff anticipates receiving feedback in the next month or two. Mr. Yarrito then gave a report on the reservoir levels and the water deliveries from Mexico. He also reported that in accordance with a 2005 agreement with Mexico staff from both countries are to meet on an annual basis to review the deliveries; that meeting will take place in February 2010.

Regarding the Border Initiative, Mr. Yarrito reported that three monitors for salinity have been installed in Starr County and staff plans to install two more, one upstream and one downstream of the El Morillo Drain.

Mr. Yarrito stated that TCEQ staff is trying to bring the Rio Grande Valley Summit down to the Valley. Representative Eddie Lucio III is in charge of this committee and has been meeting with TCEQ staff monthly. The Summit is scheduled for

September, 2010 at TSTC. Water will be the focus of this summit and Mr. Yarrito invited the Group to submit ideas for discussion.

Mr. Sonny Hinojosa stated that several years ago when this region was in sever drought, both countries were provided \$40MM from NAD bank for infrastructure improvements. Through a minute order Mexico completed some improvements on their infrastructure and that water was supposed to be assured to reach the Rio Grande so the U.S. could receive 1/3 of it. Mr. Hinojosa asked if that water is accounted for and is included anywhere on a special report. Mr. Yarrito stated he would look into that and come back with an answer.

Chairman Jarvis asked about the status of the pipeline from Falcon to Matamoros. Mr. Montero stated that the most recent status report stated that hook up of the pipeline was still pending. Chairman Jarvis asked Mr. Montero if there were any discussions on the IBWC level regarding how that would impact the water accounting under the treaty. Mr. Montero was unaware of such discussions.

#### **D. TPWD**

Mr. Mark Lingo stated that TPWD staff had been very busy with the Red Tide outbreak and stated Mr. Willie Cupit should be available with a report in January.

#### **12 Discussion and Possible Action RE: Meeting Schedule**

It was the consensus of the Group to plan a workshop at 9:30 a.m. before the next meeting scheduled for Thursday, January 14, 2010 at 11:00 a.m.

#### **13. New or Old Business**

There being no further business to come before the Group, Chairman Jarvis adjourned the meeting at 1:33 p.m.

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Glenn Jarvis, Chairman

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Mary Lou Campbell, Secretary