



Amy Settemeyer, Manager, Watermaster Section

# **WATER RIGHTS MANAGEMENT IN TEXAS**

# TOPICS FOR TODAY

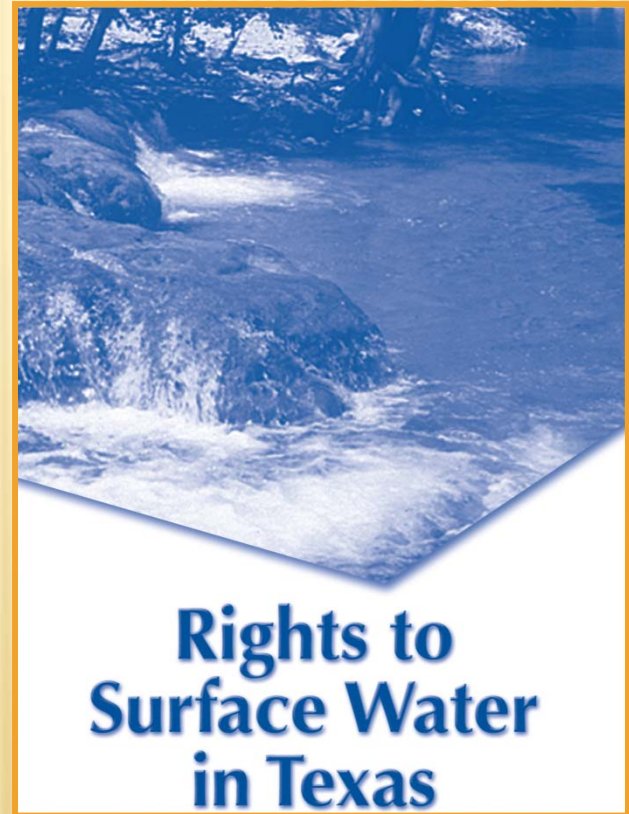
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- ✕ Water Rights Management
  - + Watermaster Areas
  - + Non-watermaster Areas (TCEQ Regional Offices)
- ✕ Watermaster Evaluations
- ✕ Drought Response
  - + Priority Calls



# WATER RIGHTS MANAGEMENT IN TEXAS

- ✕ TCEQ manages surface water rights in Texas:
  - + Authorization/Permitting
  - + Enforcement



# STATE WATER

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The water of every river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watercourse in the state.

Watermaster Programs  
TCEQ Regional Offices

# ON THE GROUND MANAGEMENT OF WATER

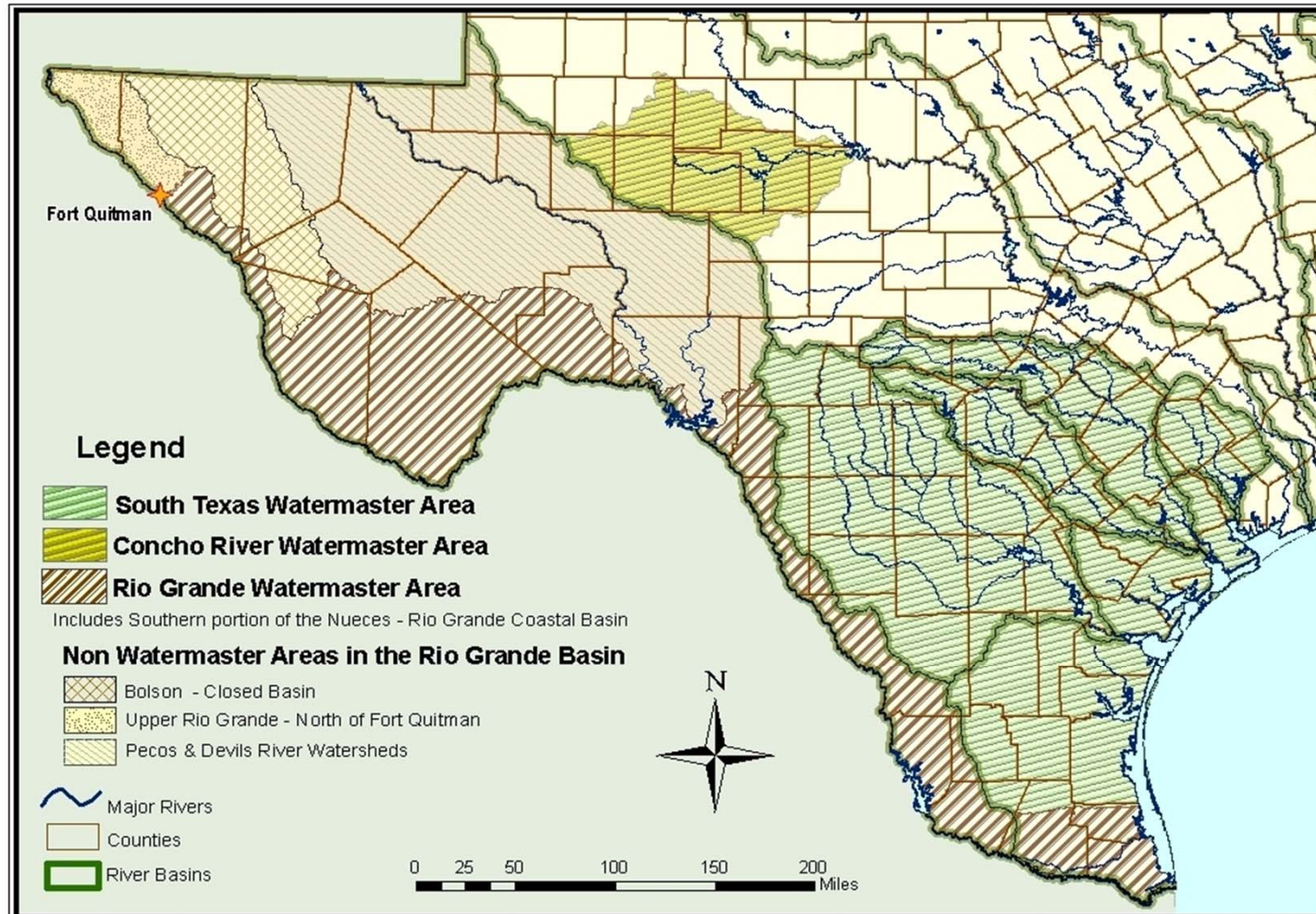


# WATERMASTER PROGRAMS

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- ✘ Watermasters ensure compliance by monitoring stream flows, reservoir levels, water use, and coordinating diversions.
- ✘ Current Watermaster Programs in Texas:
  - + Rio Grande Watermaster
  - + South Texas Watermaster
  - + Concho River Watermaster

# WATERMASTER PROGRAMS



TEXAS WATERMASTER AREAS



## DIFFERENCES BETWEEN THE WATERMASTER PROGRAMS

- ✘ South Texas and Concho Watermaster
  - + Run of the River – water right holders take their permitted diversions or impoundments as water flows along the watercourses.
- ✘ Rio Grande Watermaster
  - + Store and Release (for river segments below Amistad) – water is stored in Amistad and Falcon, and then released downstream when requested by water right holders according to their allocations of available water.
- ✘ All programs require prior approval from the Watermaster prior to any diversions.



# WATERMASTER PROGRAMS

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- ✘ Funded with annual fees paid by the water right holders within the program jurisdiction.
- ✘ Annual fees/budget must be approved by the Commission.
- ✘ Hands-on monitoring of surface water rights
- ✘ Ability to enforce priority system of surface water rights resulting in protection of domestic and livestock rights and senior water rights.
- ✘ Ability to quickly respond to complaints and inquiries.
- ✘ Ability to facilitate negotiations between concerned parties to ensure equitable distribution of water (Run of the River systems).

# RIO GRANDE WATERMASTER

- ✗ Allocations: How do they work?
  - + Starting with the total amount of water in storage for the U.S., as reported by the IBWC on the last Saturday of the month:
    - ✗ Deduct 225,000 acre-feet for the DMI reserve
    - ✗ Deduct 4,600 acre-feet for dead storage
    - ✗ Deduct an amount equal to the total balances of all Class A&B water right accounts (irrigation, mining)
    - ✗ Establish the operating reserve at 75,000 acre-feet
    - ✗ Allocate excess water to Class A&B accounts
  - OR-
  - ✗ If needed, restore the operating reserve through negative allocations of Class A&B accounts



# RIO GRANDE WATERMASTER

## ✕ Account Balance Summary

- + 90 – 110% account usage charge (mandated conservation)
- + Account reduced to zero for non-use in a two year period.
- + Account reduced to zero for non-payment in a one year period.
- + Water right may be canceled if not used over a period of ten consecutive years.

# RIO GRANDE WATERMASTER

## ✕ Class A & B Conversions to DMI

- + Class A&B Water Rights can be converted to Domestic, Municipal and/or Industrial use.
- + Class A rights have a conversion factor of 0.5 (Example: 1,000 AF of Class A converts to 500 AF of DMI).
- + Class B rights have a conversion factor of 0.4 (Example: 1,000 AF of Class B converts to 400 AF of DMI).



## TCEQ REGIONAL OFFICES – OUTSIDE OF A WATERMASTER

- ✗ Active water management
- ✗ Addressing diversions outside of a watermaster area
- ✗ Issuing temporary water rights permits
- ✗ Responding to priority calls
- ✗ Training of staff

## REGIONAL INVOLVEMENT DURING NORMAL CONDITIONS

- ✖ Active water management
  - + Monitoring basin conditions regularly to “follow the water”
- ✖ Addressing diversions outside of a watermaster area on a complaint basis
- ✖ Issuing temporary water rights permits



# WATERMASTER EVALUATIONS

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# WATERMASTER EVALUATIONS

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- ✖ TCEQ's Sunset Bill (HB 2694) directed the TCEQ to:
  - + Evaluate each river basin or coastal basin that does not have a watermaster at least once every five years.
  - + Assess whether or not there is a need to appoint a watermaster in that basin.
  - + Report our findings to the Legislature.



# 2012 WATERMASTER EVALUATIONS

- ✘ Brazos and Colorado River Basins and Brazos-Colorado and Colorado-Lavaca Coastal Basins
- ✘ Received Commission feedback.
- ✘ Evaluated priority calls, complaints, history of petitions.
- ✘ On October 31, 2012, the Commission acknowledged receipt of the Executive Director's report and recommendation that the Commission not move forward on its own motion to create a watermaster.

# 2013 WATERMASTER EVALUATIONS

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- ✕ Trinity River Basin
- ✕ San Jacinto River Basin
- ✕ Trinity-San Jacinto Coastal Basin
- ✕ San Jacinto-Brazos Coastal Basin



# BRAZOS RIVER PETITION

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- ✘ On January 10, 2013, the Executive Director received a petition from 37 water right holders on the Brazos River asking for the appointment of a Watermaster for the entire river basin.
- ✘ On February 13, 2013, the Commission referred the petition to the State Office of Administrative Hearings for a complete administrative hearing and recommendation to the Commissioners for consideration.

# DROUGHT RESPONSE

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# DROUGHT

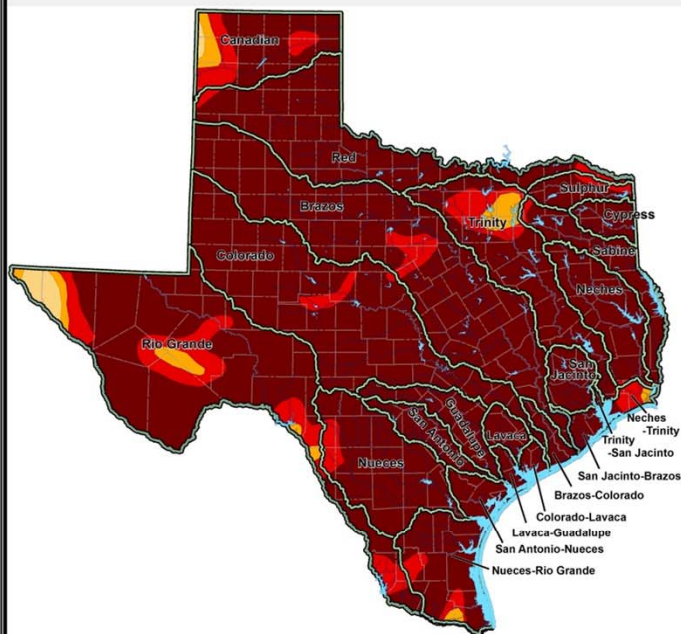
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- ✖ Texas has experienced extreme drought conditions since 2011.
- ✖ At the beginning of October 2011, 99% of the state, including all or part of every county, was experiencing severe to exceptional drought.
- ✖ As of May 21, 2013, 67% of the state is experiencing severe to exceptional drought.

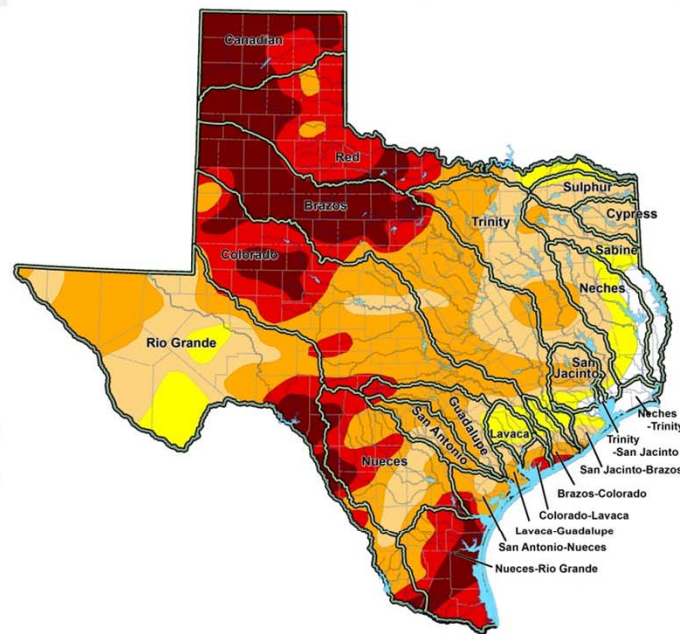
# DROUGHT MAP

## Texas Drought Monitor

October 4, 2011



May 21, 2013



### Drought Severity Index

- Nothing -
- D0 - Abnormally Dry
- D1 - Drought - Moderate
- D2 - Drought - Severe
- D3 - Drought - Extreme
- D4 - Drought - Exceptional

Drought Monitor Dataset developed by the  
National Drought Mitigation Center (NDMC)  
U.S. Department of Agriculture (USDA) and  
National Oceanic & Atmospheric Administration (NOAA)



# DROUGHT - ACTIONS

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- ✘ The Governor's Drought Proclamation suspended all rules and regulations that may inhibit or prevent prompt response.
- ✘ Formed TCEQ Drought Team – multidisciplinary staff from TCEQ as well as other state agency partners
- ✘ Established Drought Information Webpage – includes guidance for public water systems, water rights information, and emergency procedures.

# DROUGHT INFORMATION WEBPAGE

**TEXAS COMMISSION  
ON ENVIRONMENTAL QUALITY**

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## Texas Drought Information

Large sections of the state are experiencing exceptional or extreme drought. These prolonged, dry conditions put a strain on water supplies for all uses. Here is information to help you make better decisions about water use, including surface and groundwater regulations, and emergency procedures.

- [Texas Wildfire Information](#)
- [Governor Rick Perry Issues Disaster Proclamation](#) 
- [Map of Drought Conditions](#) [Exit...](#)
- [Map of Texas Vegetation Conditions](#) [Exit...](#)
- [Development of a Rule for Drought or Water Shortage Conditions](#)
- [Drought Overview Presentation](#) 

### Drought and Public Water Systems

- [List of Texas PWSs Limiting Water Use to Avoid Shortages](#) **UPDATE!**
- [Map of Water Systems under Water Use Restriction](#) **UPDATE!**
- [PWS Drought Reporting Form](#)
- [Drought Contingency Plans](#)
- [Educational Materials Available to Water Systems](#)

### Emergency Management for Public Water Systems

-  [Video of Emergency Planning Workshop Presentation](#) [Exit...](#)
- [Emergency Planning Workshops for Public Utility Operators](#)
- [Emergency and Temporary Use of Wells for Public Water Supplies](#)
- [Emergency Interconnection Procedure for Public Water Systems](#) 
- [List of Licensed Water Haulers](#) 
- [Requests for Drinking Water Assistance from Local Governments](#)

>> [Questions or Comments: ac@tceq.texas.gov](#)

### Drought Impact on Texas Surface Water

April 24, 2012 **UPDATE!**



### PWS Drought Reporting Form

Public water systems should use the current stage of their drought contingency plan.

### Water Conservation

### Emergency Planning Workshops for Public Utility Operators

### News Releases

April 4: [TCEQ eases restrictions on water rights](#)

February 17: [TCEQ eases some restrictions on water rights](#)

February 8: [TCEQ eases some restrictions on water rights](#)

January 27: [TCEQ Eases Some Restrictions on Water Rights](#)



# DROUGHT – WATER RIGHTS

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- ✕ Guided by priority doctrine
  - + Domestic and livestock users have superior rights to any permitted surface water right holders
  - + Between permitted water right holders, first in time is first in right.



# DROUGHT – PRIORITY CALLS

- ✘ If a water right holder is not getting water they are entitled to, they can call upon the TCEQ to take action to enforce the priority doctrine – a senior call.
- ✘ In responding to senior calls in 2011, approximately 1,200 water right permits were completely or partially suspended during the drought.
- ✘ All calls were rescinded by April 2012.

# DROUGHT – PRIORITY CALLS

- ✘ In 2012, TCEQ received 12 priority calls in non-watermaster areas.
- ✘ A senior call was received in the Brazos River Basin, which resulted in the suspension of all or portions of 778 water rights and the adjustment of 21 water rights.
- ✘ The call was rescinded on Jan. 24, 2013.

## LESSONS LEARNED RESPONDING TO PRIORITY CALLS

- ✘ The Executive Director created a Task Force with key staff in order to respond to priority calls with a goal of 10 days.
- ✘ TCEQ has begun an initiative to increase the response rate in water use reports, which includes outreach and may include enforcement action.



# LESSONS LEARNED RESPONDING TO PRIORITY CALLS

- ✘ A protocol was developed to determine levels at which a suspended junior water right could divert should a significant rainfall event occur, while still protecting the senior call.
  - + This protocol will be incorporated in the original order in the future.
- ✘ Proactive basin management is essential.
  - + Routine USGS gage monitoring
    - ✘ Identified key gages for other basins to prepare for future calls
    - ✘ Identified locations for regular flow measurements
  - + Reservoir level monitoring
- ✘ Developed enhanced mapping abilities.
- ✘ Developed standardized investigation template for improving efficiency and consistency.

# QUESTIONS?

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- ✦ Amy Settemeyer, Watermaster Section Manager  
512-239-2588  
[amy.settemeyer@tceq.texas.gov](mailto:amy.settemeyer@tceq.texas.gov)