

**TNRCC WATERMASTER OPERATIONS**  
**Presented at the Drought Management Forum**  
**August 17, 2000**  
**San Marcos, Texas Activity Center**

**INTRODUCTION**

There is no person or entity that is looking forward to the end of the current drought more than the South Texas Watermaster and his staff. During any natural or man-made crisis, you can plan and prepare all you want, but getting through the ordeal is difficult.

There are currently two watermaster operations in Texas. The Rio Grande Watermaster has been in operation for many years, and the South Texas Watermaster has been in operation for about ten years. Both operations were created under Section 11.326 of the Texas Water Code. The STWM operates under Chapter 304 of the TNRCC Rules and Regulations. His area of jurisdiction is the Nueces, San Antonio, Guadalupe, and Lavaca River Basins.

As stated in the Water Code, the overall duties of the watermaster and his staff are: to regulate the controlling works of reservoirs and the diversion facilities of water rights holders during times of water shortage; to prevent the waste of water; and to prevent water rights holders from using quantities in excess of their lawful water rights. In reality they do much more, working with individual water rights owners to answer questions, providing assistance on conservation measures, and guiding some applicants through the process of getting or amending water rights.

**CURRENT OPERATIONS**

The STWM currently has a staff of seven people, including five (5) field deputy watermasters, four of who essentially work out of their homes and their trucks, much like game wardens. These deputies are responsible for making most of the field investigations and working with individual water rights holders. The office staff handles administrative duties, phone calls, and the daily declarations and monthly use reports.

Each water right holder is required to make a declaration of intent stating the amount of water that will be diverted, the diversion rate for each point of diversion, and the starting and ending times. For large rights, these declarations are made at the beginning of each month with subsequent follow up phone calls when diversions are started or stopped unexpectedly. In GBRA's case, we are in almost daily contact with the STWM, especially during the summer months. At the end of the month, each water right holder must report its actual diversions based upon meter readings, or in the case of hydro operations, actual calculations based on kWh production.

The water rights holders in the affected river basins fund Watermaster operations. The annual budget for the STWM is approximately \$500,000. The fees from the 1219 accounts are paid on the basis of the type of water right. For example, municipal and

industrial water rights are assessed at about \$0.16 per acre-foot; irrigation rights are assessed at \$0.13 per acre-foot; and priority hydro is assessed at \$0.03 per acre-foot. Storage rights such as Canyon Reservoir are assessed at \$0.06 per acre-foot of permitted diversions. GBRA pays about 21% of the total fees paid to the STWM each year.

### **ALLOCATION DURING DROUGHT**

TNRCC regulations in Section 304.21 state that allocation of water between water rights holders shall be on the basis of seniority, in such a way as to maximize the beneficial use of state water, minimize the potential impairment of senior rights by the diversion by junior rights holders, and prevent waste or use in excess of the quantities to which holders are legally entitled.

When available flow is not sufficient to meet the demands of existing declarations of intent for downstream senior water rights, for demands of domestic and livestock purposes, or for other minimum streamflow requirements, the watermaster may:

1. cancel or modify any existing declaration of intent;
2. order reservoir operators to allow inflows to pass to honor such downstream demands;
3. order that diverters limit or cease diversions to the extent necessary to honor these downstream demands; or
4. take any other actions necessary to ensure that these downstream demands are met in accordance with Texas laws.

Obviously it is not as simple as it sounds. During drought periods, the deputies are working up and down the basins, looking at flow rates and comparing those rates to the requested declarations for diversion. As flows decline, the deputies must make decisions about which diverters must be cut back or cut off. It is usually done in steps or stages. First, the deputies ask diverters to voluntarily cut back on their rate of diversion so that others can continue to pump. Later, diverters will be cut off because of streamflow restrictions in their permits. Eventually, diverters are cut off because of the priority date on the face of the permit.

Under Texas water law, these steps are taken without regard to the type of beneficial use. For example junior municipal rights may be decreased or cut off, to satisfy the demands of senior downstream irrigation rights. In the upper Guadalupe basin, this is occurring because 200 of the 260 water rights are senior to the surface water rights held by the City of Kerrville. In reality, the watermaster has worked with downstream diverters to try to maximize the amount of time that municipalities can divert. However, there is a point at which the appropriate water rights doctrine must be implemented.

### **CURRENT SITUATION**

With the current situation, the STWM is making suspensions and/or restrictions on the Nueces, San Antonio, Medina, Blanco, San Marcos, and upper Guadalupe Rivers. As of last Friday, nineteen (19) junior water rights have been suspended on the upper

Guadalupe River, and all others are on some type of pumping limitation. As of now, the lower Guadalupe River has not been affected in terms of ability to divert.

### **SUMMARY AND OPINION**

The problems in the upper Guadalupe River basin have been excentuated this summer because many more senior water rights are being exercised. Until recently, many senior irrigation rights were not being utilized. In the past few years, many of those senior rights have been purchased, leased or transferred to people or entities that are actually using the water. The Watermaster has the difficult job of trying to honor those beneficial uses with the available flow.

I think that Watermaster Al Segovia and his staff are doing an excellent job under difficult circumstances. I do not know anyone who wants to trade places with them. I am also very much a proponent of the watermaster system. In those river basins without watermaster operations, the water rights holders must depend upon the central staff in Austin to try to sort out disputes and reduce abuse. There is simply not sufficient trained staff to do that adequately.

The watermaster system is not perfect. The STWM and his staff need more training, and they need more support. For example, they should not have to deal with lawyers hired by an unhappy water rights holder to try to find loopholes that will allow his or her client to continue to divert. The Watermaster also needs improved technical support in terms of stream gauging, monitoring and computer equipment. The one thing the Watermaster does not need is a more dedicated staff; he already has that.