

MINUTES

**RIO GRANDE REGIONAL WATER AUTHORITY (RGRWA)
BOARD OF DIRECTORS MEETING
9:00 A.M. – TUESDAY, JUNE 17, 2008
LRGVDC TRANSPORTATION CENTER BOARD ROOM
510 S. PLEASANTVIEW DRIVE, WESLACO, TX
PRESIDING: JIM DARLING, PRESIDENT**

The Rio Grande Regional Water Authority (RGRWA) and the First Rio Grande Regional Water Authority Economic Development Corporation (FRGRWAEDC) Board of Directors held a joint meeting at 9:00 a.m. on Tuesday, June 17, 2008 at the LRGVDC Transportation Center Board Room in Weslaco, Texas. In attendance were:

RGRWA Board Members

President: Mr. Jim Darling, Hidalgo County
Vice-President: Ms. Sonia Kaniger, Irrigation Dist.
Secretary-Treasurer: Mr. Joe Barrera, Irrigation Dist.
Ms. Karran Westerman, Zapata County
Mr. Ricardo Gutierrez, Starr County
Mr. Mario Santos, Webb County
Mr. Frank Torres, Willacy County
Mr. John Bruciak, Cameron County
Mr. Wayne Halbert, Irrigation Districts
Mr. Jimmie Steidinger, Irrigation Districts
Mr. Jo Jo White, Irrigation Districts
Mr. Bobby Sparks, Irrigation Districts
Mr. Sonny Hinojosa, Irrigation Districts
Mr. D. V. Guerra, Public

Others

Mr. Carlos Rubinstein, TCEQ
Mr. Ruben Quintanilla, TCEQ
Ms. Daize Patrick, IBWC
Mr. Francisco Martinez, IBWC
Mr. Charles Browning, NAWSC
Ms. Cheryl Flores, TWDB
Mr. Gilbert Rodriguez, TCEQ
Mr. John Trevino, EDA
Mr. Ken Jones, LRGVDC
Ms. Debby Morales, LRGVDC

FRGRWAEDC Board Members

Mr. Jim Darling
Ms. Sonia Kaniger
Mr. Joe Barrera
Mr. Ricardo Gutierrez
Ms. Nora Garcia
Mr. Charles Browning

President Jim Darling called the meeting to order at 9:02 a.m. and announced that a quorum of the RGRWA and the FRGRWAEDC was present. The President then moved to item 2. - Consider approval of May 28, 2008 Meeting Minutes. **Mr. Joe Barrera made a motion for approval of the minutes as presented. Mr. Jimmie Steidinger seconded the motion, and upon a vote the motion carried unanimously.**

The President then moved to agenda item 3. – Public Comment; Mr. Ken Jones announced that no one had signed up for Public Comment. President Darling then asked the Board's permission to

address item 4. – Executive Session at the end of the meeting, and moved to item 5. – Presentation RE: Over Adjudication of Water Rights, unfortunately Mr. Othal E. Brand was unable to attend the meeting. President Darling however asked Mr. Carlos Rubinstein, TCEQ Watermaster, to speak on this topic. Let it be noted that while Mr. Rubinstein is very familiar with this issue, he is not affiliated with, nor does he speak on behalf of Mr. Brand; nor does Mr. Rubinstein advocate for or against the observations contained herein. Mr. Rubinstein stated that the discussions that Mr. Brand and he have had centered on Mr. Brand's belief that when the court case was adjudicated, the District was allocated two and a half feet of water rights per acre for irrigation purposes, and that there is the perception that because the court also held 60,000 acre feet in reserve for municipal purposes, there could be an overlay of adjudication. There is also the perception that if water rights continue to be converted for municipal purposes it would be detrimental to class "B" water right holders in particular, the concept being that there was an overlap. Mr. Brand has asked for a great deal of information and the TCEQ Watermaster's Office provided all they had available. The Watermaster's program has not taken a position on this issue. It is Mr. Rubinstein's view that if there was or was not an over adjudication it has little effect on the system because the buckets the Watermaster's office hold water reserve for do not hold a one for one reserve for municipal purposes, since that one is reestablished monthly the effect is a net zero to the system, so Mr. Rubinstein does not see where that would be a detriment. Mr. Rubinstein also does not see where continued conversion of water rights "A" or "B" would cause any one user to go out of business. The court established the user groups based on the information that it had at the time, and it established the preferential treatment of "A" rights both in the allocation process where it is the 1.7 versus the 1 for class "B". Then there is the conversion factor of 50% and 40% when it is converted to class "B". Mr. Rubinstein does not think the recent legislation that was passed which gives municipalities first water refusal is a detriment to class "B" water rights because it only applies to Irrigation Districts. In summary, while much information has been reviewed staff has not been able to get to a position that is clearly cut. The other issue that is of concern is the premise that assuming an error of the court was made in the court case itself, that the Watermaster or Watermaster Program has the authority to correct it, they clearly do not. When this issue has been narrowed down, it starts with the premise that when the original adjudication began there could have been an overlap of the 60,000 but the way the system is managed, since it does not hold a one for one ratio of water in storage it is not a detriment to the irrigation districts; and, that is further exemplified when 90-92% of storage capacity in the reservoirs is reached, every single water right account is full. Perhaps Mr. Brand has been looking at the way water has been used versus water rights; those are good things to look at, however one cannot do so by only looking at the end numbers; one must be cognizant of what the weather was like, the decision the irrigators made, the crops the farms choose to grow, and whether there was a timely rain; so many things go into affecting any comparison on a yearly basis of actual water use versus authorized water rights. No action taken

President Darling then moved to item 6. – Consider Resolution of support RE: Cameron Irrigation District #6 and recognized Mr. Ken Jones. Mr. Jones stated that staff received this request for a resolution of support to design and install a vertical turbine pump and a natural gas powered engine to be located adjacent to the existing river pumping plant. The request for funds from NAD Bank was just under one million dollars. **Mr. Joe Barrera made a motion for approval of this resolution as presented. Mr. John Bruciak seconded the motion, and upon a vote the motion carried unanimously.**

The President then moved to item 7. - Report from TCEQ Watermaster, and recognized Mr. Erasmo Yarrito who gave the reservoir level report. Mr. Rubinstein added information regarding the Mexican reservoir levels and the status of the Treaty Water deliveries.

Upon conclusion of the Watermaster's report, President Darling moved to item 8. – Report from IBWC; Commissioner Carlos Marin was unable to attend and no report was provided.

President Darling moved to item 9. - Status Reports.

Regarding item 9.A. – Financial Report, President Darling recognized Mr. Jones who announced the balances and stated that there was \$122.44 in administrative expenses that required Board approval. **Mr. Wayne Halbert made a motion for approval of the administrative expenses. Mr. D. V. Guerra seconded the motion, and upon a vote the motion carried unanimously.**

Regarding item 9.B. – Report from Rio Grande Regional Water Planning Group (RGRWPG). Mr. Glenn Jarvis was unable to attend, however President Darling stated that the Group's application for funding had been presented to TWDB.

At this time Mr. Ricardo Gutierrez arrived and was given the Oath of Office and Sworn in by Texas State Representative Eddie Lucio III.

President Darling then moved to item 10. – Committee Reports.

Regarding item 10.A. – Community Outreach, there was no new information to report.

Regarding item 10.B. – Finance and Planning, Chairman Darling recognized Mr. Joe Barrera, Chairman of the Finance Committee. Mr. Barrera reported that on item 10.B.1. – Status of Assessments the Board received \$53,100.45 to date of the \$72,800 billed. Mr. Barrera suggested a second mailing and double checking who should receive the invoices may be in order to collect the balance.

Regarding item 10.C. – Personnel and Professional Services, there was nothing new to report.

Regarding item 10.D. – Legislation, there was no new information to report at this time.

Regarding item 10.E. – El Morillo Drain, there was nothing new to report at this time.

Regarding item 10.F. – Committee Appointments President Darling stated that a Proposed Committee List was in the Board folders and invited the members to consider joining any committee they were interested in. Mr. Sonny Hinojosa volunteered to serve on the El Morillo Drain Committee and the Ad Hoc Groundwater Management Committee. It was the consensus of the Board to accept the proposed committee appointments with the addition of Mr. Hinojosa.

At 9:34 a.m. the Board adjourned to Executive Session for attorney consultation. At 9:58 a.m. the Board returned to open session.

President Darling then moved to item 11. – New or Old Business, there being none the meeting was adjourned at 9:59.

Jim Darling, President, RGRWA

ATTEST:

Joe Barrera, Secretary-Treasurer, RGRWA