

June 4, 1986

To: Texas Water Commission

From: Renato Ramirez

Re: Operation of the Rio Grande Watermaster

The Rio Grande River is a billion dollar asset which has heretofore been viewed as the southern border of the State of Texas.

The management of this billion dollar asset has been with the sole objective of protecting the economic interests of a few individuals who happen to be the owners of water rights and to a lesser extent to protect the interests of Medina Electric in the generation of hydro-power through the two dams. The cost of managing the asset has been borne by all taxpayers. The cost of constructing the two dams (Amistad and Falcon) was borne by all taxpayers.

Expenses incurred by the International Boundary and Water Commission are paid by federal tax monies. The costs incurred by the Texas Water Commission are paid by state tax monies. Benefits generated by the billion dollar asset accrue to a few owners of water rights who make more money selling water rights than they do farming. Owners of water rights in the valley are even selling their rights to water to users in the upper and middle Rio Grande River.

Four aspects of the Rio Grande River deserve your attention. These are the disposition of the water, the quality of the water, the management of the flow of the water, and the municipal uses of river yield for drinking purposes. An analysis of these four aspects of the river has important implications for the operations of the Rio Grande Watermaster.

With regard to the disposition of the water generated by the river watershed, the watermaster is supervising the allocation of millions of dollars worth of water. The watermaster's concern is that water users divert only the water to which they are entitled. Secondly, the efficiency of the storage, transport and electric generation of the system should be optimized. It is imperative that a system of accountability be implemented to insure that only those people authorized to divert water are in fact diverting water and that losses for evaporation, percolation and spills be measured and recorded.

There is strong evidence that illegal diversion of water is taking place. In one visit to Zapata, Mr. Paul Kutchinski, then the watermaster, issued several citations to oilfield service companies for illegal diversion of water. It is interesting to note that shortly after Mr. Kutchinski requested additional

deputies to enforce water regulation all along the river, valley owners of water rights had him removed from his post.

Mr. Kutchinski believes there is substantial illegal diversion of water from the watershed.

We have heard much about the inefficiency of Lake Falcon with regard to evaporation. We believe that the losses through percolation in the canals, through evaporation in the canals, and through spills into the gulf should be measured to determine if the system is operating at peak efficiency. We also believe that the policy that you use or lose your water rights leads to waste in irrigation.

We strongly recommend an independent evaluation of the system of accountability currently utilized to insure proper diversion of water and to measure losses in the system.

The quality of water in the Rio Grande River has been deteriorating as the bordertowns have grown and developed industrially. Nuevo Laredo, a city of 300,000 people, dumps over 20,000 acre-feet of raw sewage per year into the river. That amounts to approximately 30 cubic feet per second.

The health threat posed by that volume of raw effluent is undeniable. The health threat is worsening as Nuevo Laredo has become industrialized. Human waste is bio-degradable. Industrial waste, [REDACTED], may not be. The efficiency of the bio-degradation is linked to the oxygen content of the resulting flow of water. When Amistad releases token amounts of water, the concentration of raw effluent is so high in relation to the available oxygen in the water that the water reaching subdivisions such as Rio Bravo and San Ygnacio is of a very poor quality and taxes the water treatment plant.

For health reasons, it is imperative that a minimum flow be maintained from Amistad to insure efficient biodegradation of raw effluent. And that is really dealing with the symptoms and not with the problem of failure to clean up the river.

Owners of water rights frequently refer to the 1944 treaty with Mexico when justifying the current water management policies of the Texas Water Commission. Yet little is heard of the condition of the treaty that the river be kept clean. We all know that Mexico's current financial woes make it impossible for Mexico to build sewer treatment plants in the Mexican towns along the river. Since the problem requires interaction with a foreign government, the solution must come from our Federal government.

The health of Texans all along the Rio Grande River make it imperative that you involve our U.S. Senators and Representatives in cleaning up the Rio Grande River.

The third aspect about water that deserves your attention is the management of the flow of water. That aspect is the most emotional. Owners of water rights, desiring for maximum return on their investment in water rights, would make Lake Falcon the last-in, first-out lake to minimize the loss through evaporation. Unfortunately, that policy has resulted in wide fluctuations in the water level at Falcon and has, for all practical purposes, annihilated Zapata County's economic base. Owners of water rights have a one track mind with regard to the management of the water flow--the dollar value of evaporation losses to the rights owner.

Zapata County residents have a different view. The lion's share of the cost of building Lake Falcon was borne by Zapata county residents. Some 50,000 acres of prime river bed land was condemned by the Federal government to facilitate the construction of the dam. Our homes were taken for token payments. In my family's case, the funds from our home in old Zapata were less than half of what we had to pay for an inferior home in the new town. In the litigation for water rights, our riparian rights were denied to us because, having taken our farm land, a court concluded we had no need for water rights. After our town was moved to some rocky hills, Zapata county residents gritted their teeth and forged a new life based on Lake Falcon.

We do get emotional when owners of water rights whose interest is another dollar would sacrifice the health and economic welfare of our entire community.

Zapata County residents clearly do not have a difference with the valley residents; it is their health as well as ours about which we are emotional. We have strong differences with the few owners of water rights whose concern for selling another acre-foot of water would deny our families a source of drinking water which does not threaten our health. We believe that we deserve a little inefficiency in evaporation for the sake of our families' health and economic welfare. And we believe that we are not asking for much.

We are asking that at levels below 280' in Lake Falcon, a water management policy for the winter months should be adopted to raise the level of Lake Falcon to 280'.

In other words, in November of every year, if the level of Lake Falcon is below 280', water should be moved from Amistad to prepare for the large April releases from Falcon. We know that each April, irrigation needs for the valley require over one million acre-feet of water. We also know that November through May are limited rainfall months.

If Lake Falcon is below 280', impounded water at Falcon is not enough to satisfy the valley's needs. Therefore, we know that water will have to be transported from Amistad in February-March in order to satisfy valley irrigation needs.

For example, this year the releases from Amistad during February-March were in the order of 5000 to 6000 cubic feet per second. Zapata County residents believe this water should have been brought down in November at an accelerated rate. The evaporation losses during the winter are minimal. Additionally, the loss of electric generating capability would have been avoided.

Gentlemen, we do not believe we are asking for much, but we are very emotional about what we are asking for. It is the health of all Texans along the river that justifies being emotional.

Finally, Zapata County recently had to spend close to \$200,000 to purchase water rights to provide drinking water for its growing population. It is incongruous that taxpayers who bear the cost of the billion dollar asset that provides the water have to pay private individuals for the rights to drinking water. It is analagous to having to pay for the air we breathe. If a few individuals could get a state court to adjudicate the air rights in our state, we would have to pay for the right to breathe.

We believe that drinking water is an inalienable right of all individuals and that municipalities should not have to buy water rights to provide their residents with drinking water.

To sum up, the people in Zapata ask for a clean river, for accountability in the use of the river, for the inalienable right to drinking water, and for the management of the flow of the river yield in a manner equitable to the entire population along the river, not just for the owners of water rights.