



March 2, 2015

VIA E-FILING

Ms. Bridget C. Bohac, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Central Texas Water Coalition Comments in Support of Issuance of an Emergency Order to the Lower Colorado River Authority; Agenda Item No. 9; March 4, 2015 Commissioners Agenda (Docket No. 2015-0220-WR)

Dear Ms. Bohac:

On behalf of the Central Texas Water Coalition, Inc. (CTWC), we appreciate the opportunity to submit these comments regarding Agenda Item No. 9 on the Commissioners Agenda of Wednesday, March 4, 2015: the Emergency Order amending the Lower Colorado River Authority's (LCRA's) 2010 Water Management Plan (Permit No. 5838). The CTWC urges the Commissioners to affirm the Executive Director's Emergency Order of February 18, 2015, incorporating the clarifying language proposed below.

CTWC is a nonprofit organization that advocates for the preservation and conservation of the Highland Lakes' water supply for the benefit of human health and safety. Our organization includes municipal water suppliers and domestic water users who hold firm water contracts from LCRA for use of water from the Highland Lakes, as well as other entities and individuals that rely upon the presence of water in Lakes Buchanan and Travis for their health and welfare. In our view, the factual information provided to the TCEQ in LCRA's request for emergency relief dated December 22, 2014 presented a clear, and alarming, basis for emergency relief. In response, the Executive Director's issuance of the February 18, 2015 Emergency Order was clearly justified, satisfying all of the legal requirements for issuance of this emergency relief, as compellingly demonstrated in the Order's Findings of Fact and Conclusions of Law.

In recent years, the CTWC has repeatedly questioned the basis for LCRA's extraordinarily special treatment of the Garwood Irrigation Company, one of the four downstream irrigation operations in the lower Colorado River. LCRA purchased all of the "run-of-river" water rights of the four irrigation operations many years ago, yet the LCRA continues to provide stored water to the Garwood rice farming operations in this time of unprecedented, continuing drought. The clear terms of LCRA's state-issued water rights require that interruptible supplies be curtailed or suspended as necessary to meet firm demands through the worst of drought conditions. By its own terms, the Garwood contract is interruptible. It is our belief that neither the Garwood Irrigation Company, Pierce Ranch, nor any other interruptible water customer can override the terms of state-issued water rights through a private contract with

LCRA, and that therefore, none of these downstream irrigation operations should be exempt when curtailment or suspension of interruptible supplies becomes necessary. However, it appears that LCRA continues to treat two of its interruptible water customers as firm water customers; and the Executive Director's most recent Emergency Order appears to validate this practice by omitting the Garwood Irrigation Company from the list of interruptible customers affected by this Emergency Order. In this time of horrendous continuing drought, minimal water storage in the lakes, and no expectation of near-term drought relief, we do not understand how LCRA can continue its practice of providing stored water to interruptible customers at the expense of LCRA's firm customers.

For these reasons, and to provide clarification of the potentially vague language appearing in the Executive Director's Emergency Order, the CTWC respectfully requests that Ordering Provision No. 1 (on Page 12 of the Emergency Order) be revised to read as follows:

1. "LCRA's 2010 WMP is amended **so that LCRA shall not provide any ~~to alleviate LCRA from any obligation to provide~~ interruptible stored water to customers within the Garwood, Gulf Coast, Lakeside, and Pierce Ranch irrigation operations for the duration of this emergency order."**

For the reasons discussed above, CTWC respectfully requests that the Commission affirm the Executive Director's Emergency Order, but modify the Order to clearly state that the **LCRA's 2010 WMP is amended so that LCRA shall not provide stored water to any of its interruptible customers for the duration of this Emergency Order.**

Thank you for your attention to these critical issues in this historic drought. We appreciate all of the hard work by the TCEQ and by the LCRA in addressing and responding to this emergency situation.

Sincerely,

Jo Karr Tedder

Jo Karr Tedder, President

Central Texas Water Coalition

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