



March 17, 2017

Via Electronic Submission to:

<http://www.tceq.texas.gov/about/comments.html> (ADJ 5476)

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

Re: Central Texas Water Coalition's Comments Regarding Application of Lower Colorado River Authority to Amend Certificate of Adjudication No. 14-5476; Application No. 14-5476D; Proposed Changes to Authorizations in Lower Colorado Basin; Matagorda and Wharton Counties

Dear Ms. Bohac:

On behalf of the Central Texas Water Coalition, Inc. ("CTWC"), we appreciate the opportunity to submit these comments regarding the application from the Lower Colorado River Authority ("LCRA" or Applicant") to amend Certificate of Adjudication No. 14-5476 (the "Application"). CTWC is a nonprofit organization that advocates for the preservation and conservation of the Highland Lakes' water supply and water levels for the benefit of human health and safety, and to preserve the Highland Lakes' role as an irreplaceable economic engine for the State of Texas. Our organization includes water suppliers that rely upon firm water contracts with the LCRA to provide water from the Highland Lakes for municipal purposes; domestic water users who hold firm water contracts from LCRA for use of water from the Highland Lakes; lakefront property owners in the Highland Lakes region; and citizens of Central Texas whose drinking water is supplied by the Highland Lakes. If granted, the proposed amendments would authorize changes to LCRA's water rights that would threaten the water availability in the upper basin by allowing changes in the way that surface water is managed in this river basin. For this reason, CTWC requests the TCEQ's evaluation of these comments prior to granting such amendments.

CENTRAL TEXAS WATER COALITION
P O BOX 328, SPICEWOOD, TX 78669
www.CentralTexasWaterCoalition.org

Central Texas Water Coalition is a 501(c)(4) non-profit, non-tax deductible organization.

Comments on LCRA Application

1. **The Firm Yield of Lakes Buchanan and Travis Must be Re-Calculated Before this Application is Granted.** This Application seeks to use a very senior water right for run-of-river water at the most downstream reaches of the river basin. Granting such a use would impact the evaluation of available inflows to Lakes Buchanan and Travis, therefore directly impacting the calculation of Firm Yield for these two lakes. As prior TCEQ proceedings on LCRA applications have demonstrated, the inflows to the Highland Lakes have declined in recent years, and the resulting impacts on lake elevations and water supplies have been devastating. It is clear that the calculation of Firm Yield for these upper reservoirs has far-reaching consequences for surface water management in this entire basin. The Firm Yield determination in LCRA's 2015 Water Management Plan was perhaps more accurate than the prior Firm Yield determination, but it remains highly questionable as a basis for such significant, perhaps life-threatening, management decisions. Before allowing such radical changes in the authorized uses and places of use for this senior run-of-river water right, the Applicant should be required to use the most current hydrologic data to re-calculate the Firm Yield of Lakes Buchanan and Travis. The results of the new Firm Yield determination should form the first step in any further evaluation of this LCRA Application.
2. **CTWC's Recent Studies Indicate that the Firm Yield Determination in LCRA's 2015 Water Management Plan is Over-Stated.** Use of the most current hydrologic data is critical to the accuracy of a Firm Yield determination, and the record-breaking declines in inflows to the Highland Lakes should be included in all water modeling that attempts to predict the yields of these reservoirs in times of drought. This is not the case for the current Firm Yield number, and further analyses should be performed to incorporate all of the inflow data obtained in the last decade. In addition, CTWC's hydrological studies indicate that the current Drought of Record of the 1950s was exceeded by the extreme drought from 2008-2015, and the actual Firm Yield of the Highland Lakes will be significantly lower, once data from 2014-2015 is taken into account.

Further, under LCRA's current Water Management Plan, it is critical to include LCRA's contracted commitments to interruptible water customers as part of its water demands and allocations, to the extent that such demands are recognized and included in the 2015 Water Management Plan. Ignoring this aspect of LCRA's water management is unwise, as the volumes of water are enormous, and have a very material impact on the Firm Yield of the Highland Lakes when they are taken into account utilizing the provisions of the 2015 Water Management Plan.

All of these factors indicate that currently used water availability numbers for the basin should be regarded with skepticism, not optimism. As such, potential new demands on run-of-river water from the Highland Lakes will put more stress on a system that already has major water availability issues.

3. **The Application and Draft Amendment Lack Sufficient Clarity; Water Accounting Issues Should be Addressed.** This Application, as well as other LCRA applications pending before the TCEQ, appears to be another attempt to establish a “system-wide” management of the water in the Lower Colorado River. With the massive water rights that the LCRA has acquired over time, there are numerous authorizations for LCRA to impound, divert, convey, store, and use water at a variety of diversion rates, for a variety of uses, in a variety of diversion amounts, at almost unlimited places of diversion and use. To further complicate the situation, there are a number of different priority dates in these state-issued water rights. Before this Application is granted, the TCEQ should assure that the priority of all existing water rights in the basin remains intact, despite the proposed changes requested by the Applicant. In addition, all of the details on water usage must be clearly specified in every provision of each water right. The current documents are far too vague on the amounts of water at issue and the authorized uses. There is ambiguity regarding diversion points and diversion from the off-channel reservoir. The Application and the proposed Amendment are confusing on many of these essential components of a water right, and further work should be done to avoid such ambiguities.

In addition to these basic deficiencies, the Applicant should be required to prepare detailed water accounting plans to describe how water is being managed and to demonstrate how its management will comply with its Water Management Plan and will protect all existing water rights. These water accounting plans should be accessible to the public and enforceable by the TCEQ. Without such careful attention and specificity in the water rights that are granted, there are high risks that existing rights will be impaired and that the water that is so critically important to Central Texas will not be there.

4. **Reliance upon System-Wide Management and “System Yields” in Colorado River Water Rights is Premature.** In CTWC’s view, the scientific support and confidence in current water modeling techniques is not sufficient to allow this Applicant to proceed with water right authorizations that assume that water is available at any point in the basin. More specifically, CTWC opposes authorizations that allow the water elevations in Lakes Buchanan and Travis to decline in reliance upon the presence of run-of-river water in the downstream reaches of the basin. Such authorizations create public health hazards, as water suppliers are forced to “chase the water” with their intake pipes in the lakes, and emergency responders are left with inaccessible or absent sources of water for fire-fighting. We remain concerned that optimistic assumptions of water availability in the Highland Lakes may be entirely misplaced. As a result, the proposed Application could present an even greater threat to access to surface water in the upper basin.

Conclusion

In closing, we appreciate your consideration of our comments on this Application. In this time of increasing development, population growth, and the associated increases in non-agricultural water demands, it is important to exercise great care in all matters involving the appropriation and use of the state's precious surface water resources. The pending Application and the proposed Draft Amendment raise issues that deserve very close scrutiny prior to their approval. While we have not asked for a public hearing on this matter, we would like to be placed on the Commission's mailing list as an Interested Person for this Application. Please send mailed notices to the address on the letterhead, or please send email notices, communications and correspondence to me at jokarrtedder.ctwc@gmail.com. (Email communications are welcome as a substitute for mailings.) Thank you for taking additional time to review this Application, as it presents serious threats to the public health and safety, as well as the economic welfare, of Central Texas. Please assure that if an Amendment is considered, it is drafted so that it is fully protective of the existing water rights and water supply contracts held by the entities in the upstream reaches of this river basin.

Sincerely,

Jo Karr Tedder

Jo Karr Tedder, President
Central Texas Water Coalition

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