

Judges recommend surprise threshold for cutoff of water to Colorado River farmers

Posted: 6:24 p.m. Friday, Feb. 21, 2014

BY [ASHER PRICE](#) - AMERICAN-STATESMAN STAFF

Setting up a potential win for Austin and a blow to downriver farmers, a pair of administrative law judges on Friday recommended a higher threshold than expected for the release of water from the Highland Lakes.

The surprise recommendation goes beyond what the board of the Lower Colorado River Authority sought in an emergency drought request made to the state environmental agency.

Because of “emergency conditions” that “present an imminent threat to the public health and safety,” the river authority should not release water to downriver farmers if the combined storage of lakes Travis and Buchanan, the chief reservoirs of Central Texas, is below 1.4 million acre-feet on March 1, the judges recommended.

An acre-foot is roughly equal to the amount of water used by three average households in a year.

If state environmental commissioners adopt the recommendation at their meeting Wednesday, they will deal the latest in a string of setbacks to the rice farmers and confirm the primacy of Austin and smaller cities that depend on the lakes for their drinking water.

In the past two years, the LCRA, which oversees the management of the river, had set an 850,000-acre-foot cutoff. In November, the board opted, in a contentious vote, for a harder-to-reach threshold of 1.1 million acre-feet.

On Feb. 12, the state environmental commissioners decided to turn to the judges for guidance, mainly at the behest of downriver farmers — who had hoped the judges would recommend the more permissive 850,000 acre-foot cutoff.

Instead, the judges did just the opposite, leaving the farmers stunned and the lakesiders gleeful.

The farmers say the LCRA should release water for crop cultivation before allowing homeowners to use water on their lawns.

“We are concerned that the (judges) have determined a threat to people’s lawns is a threat to human health and safety,” said Ronald Gertson, chairman of the Colorado Water Issues Committee, a group representing rice farmers in three counties.

But Central Texas Water Coalition President Jo Karr Tedder said the judges’ decision validates how precarious the drinking water situation is around the greater Austin area. The coalition is composed of communities and businesses clustered around the lakes.

On paper, whatever the Texas Commission on Environmental Quality adopts Wednesday appears to be moot. Currently, the lakes contain 761,811 acre-feet of water, or about 38 percent of their capacity.

But the reality is the decision is about setting the political and legal stage for future cutoffs of water releases — even though the judges urged that their recommendation not be read as precedent.

http://www.mystatesman.com/news/news/local/judges-recommend-surprise-threshold-for-cutoff-of-/ndX7X/?icmp=statesman_internallink_textlink_apr2013_statesmanstbtomystatesman_launch