

Proposed Additional Findings of Fact and Conclusions of Law

Submitted by the Central Texas Water Coalition

The Central Texas Water Coalition (CTWC) respectfully requests the following Findings of Fact and Conclusions of Law be incorporated into the Proposed Order. In addition, we respectfully request the opportunity to supplement and/or revise the Findings and Conclusions below at the conclusion of the proceedings that will be conducted on Monday, February 17, 2014:

Findings of Fact

- The elevation of the water supply in Lake Travis has a direct impact on the access to water for fighting home fires and wildfires. As the lake levels decline, this essential water supply is harder to access and utilize. Current water levels in Lake Travis hinder firefighters' ability to access water for potentially life-saving fire protection. Because the lake levels are low, only one of 18 potential water access points on Lake Travis remains available to the Pedernales Fire Department. (Testimony of Chief Gerry Deming, Pedernales Fire Dept., Trans. ____). Small public water systems are not an adequate substitute for water from the lake because they lack the infrastructure needed for fireflows in times of emergency. Under current conditions, it may take an hour or more of travel time to deliver additional water to fight a fire. (Id.). In 2011, with all water access points available, 56 structures were lost in a fire event. (Id.). If a similar fire were to occur today, the fire department would have inadequate access to water. (Id.). If lake levels continue to decline, even if only a few feet, no firefighting water access points will remain. (Id).
- Small public water systems lack the capability to provide fire flows, and the time needed to obtain water for firefighting in these rural areas is so long that devastating consequences are likely. Without lake water or other sources adequate to fight fires, public health and safety is placed in grave danger.
- Windermere Oaks Water Supply Corporation (WOWSC) is a public water system for 235 residents near Spicewood, Texas. (Testimony of George Burriss, WOWSC, Trans. _____). Surface water from Lake Travis is the only water supply available to this community, as groundwater is not an option. (Id.). WOWSC holds a firm water contract from the LCRA for its municipal use, and its intake structure is mounted on a barge in the lake. (Id.). The elevation of the water in Lake Travis has a direct impact on WOWSC's ability to obtain and supply drinking water for its customers. (Id.). As lake levels have declined, WOWSC has expended significant amounts of time and resources to re-engineer and re-build its intake. (Id.). This water system has already taken measures to address drought conditions, including the changes to its water intake barge and implementing conservation practices. (Id.). If lake levels continue to decline, WOWSC

will no longer be able to pump water from Lake Travis to supply potable water to its customers. (Id.).

- The Colorado Water Issues Committee (CWIC) requested a contested case hearing in this proceeding on behalf of its members, who have entered into agricultural interruptible contracts with the LCRA. These contracts may be issued on a yearly basis, if the combined storage in Lakes Buchanan and Travis is sufficient to allow LCRA to issue agricultural interruptible contracts under the terms of its Water Management Plan.
- Agricultural interruptible contracts from LCRA are not state-issued water rights. Rather, they are interruptible contracts that may be offered by LCRA to agricultural customers downstream of the Highland Lakes.
- Under the LCRA's 2010 Water Management Plan, one of the criteria for LCRA's declaration of a drought worse than the drought of record (DWDR) is met when the combined storage of Lakes Travis and Buchanan falls to 600,000 acre-feet.
- Combined storage is currently at approximately 762,000 acre-feet. Based on credible witness testimony, those who rely on water from Lake Travis are already experiencing harm and an imminent threat to human health and safety at this level of storage due to the lack of water available for firefighting and the imminent risk that water systems will no longer be able to access their water supply. Therefore, lake levels at a combined storage of 600,000 acre-feet will certainly result in an imminent threat. Thus, it is reasonable to use the 600,000 acre-foot benchmark as a level at which there is an imminent threat to human health and safety.

Conclusions of Law

- Under current conditions, there is insufficient access to water from Lake Travis to fight fires. This is clearly an emergency condition which presents an imminent threat to the public health and safety.
- If lake levels continue to decline, Windermere Oaks Water Supply Corporation (WOWSC) will no longer be able to supply water to its customers for drinking, cooking, and hygiene. Based upon current conditions, this could occur in 2014 unless additional steps are taken to prevent it. The availability of clean water for drinking, cooking, and washing is essential to public health. This emergency condition presents an imminent threat to the public health and safety.
- Agricultural interruptible contracts from LCRA are not state-issued water rights. Rather, they are contracts that may be offered by LCRA to agricultural customers when there is a

sufficient supply of water in Lakes Buchanan and Travis to assure that 100% of firm water demands are met, 100% of the time, and that potential releases of stored interruptible water will not impair the provision of water to LCRA's firm water customers.

- Based upon the most recent hydrologic data, a trigger level of 850,000 acre-feet combined storage is clearly inadequate to address the current threat to human health and safety. The likelihood of reaching the 600,000 acre-foot threshold within the year 2014 is too high to consider allowing interruptible releases before the lakes recover to much higher storage volumes.
- Based upon the most recent hydrologic data, a trigger level of 1.1 million acre-feet is also inadequate to address the current threat to human health and safety. This trigger level is only adequate to mitigate the threat through 2014 and perhaps delay the even more devastating consequences that threaten public health and safety today.
- Under current and anticipated conditions, a trigger level of 1.4 million acre feet of combined storage in the Highland Lakes is a prudent and reasonable level that provides firm customers an adequate margin for the public's health and safety and should be adopted.