

## **GBRA to lobby Legislature for river diversions project** *Hoping legislature will offer support on water projects*

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When the next session of the Texas Legislature convenes in January, the developers of the Lower Guadalupe Water Supply Project will be in Austin fighting for changes they say are vital to their \$600-million-plus undertaking.

One change they'll be seeking will be a revision in the state's "interbasin transfer law," which now stands as a major roadblock to their plans to export river water by the billions of gallons from the Guadalupe River near Tivoli to San Antonio.

"We collectively have a team that's coordinated and ready to go see that we can pass that legislation," said Bill West, general manager of the Guadalupe-Blanco River Authority.

GBRA, the San Antonio Water System and the San Antonio River Authority are partners in the water supply project.

Additionally, the partners say they will be asking lawmakers to adopt a new planning process aimed at determining the true environmental needs of rivers, bays and estuaries - and at ensuring those needs are met when new water projects are developed.

The proposed new planning process has been developed by the Texas Water Conservation Association, a professional organization of water managers representing cities, industry, agriculture, river authorities and groundwater districts. **Interbasin transfer**

Laws now on the books regulating interbasin transfers, or exports of water from one river basin to another, are designed to ensure that the water needs of one basin aren't disregarded in favor of the needs of another.

The Texas Water Development Board says the Lower Guadalupe Water Supply Project would involve an interbasin transfer from the Guadalupe River Basin to the San Antonio River Basin.

The project uses water rights held by GBRA that date to the 1950s. Under laws regulating interbasin transfers, GBRA would have to surrender the seniority of those water rights.

If that were to happen, GBRA wouldn't have access to that water for the Lower Guadalupe project until after every other water rights holder along the lower river had claimed water they needed for themselves. That would result in less water being available through the project and would make the development considerably less reliable as an alternative source for San Antonio, which has long relied exclusively on the Edwards Aquifer.

In fact, developers have said losing the senior rights could threaten the feasibility of the entire project.

The GBRA's board of directors has said the Water Development Board's position "ignores the physical reality that the San Antonio River is a tributary of the Guadalupe River. The two rivers merge prior to entering the Gulf of Mexico and are therefore in the same basin."

But the Water Development Board considers the San Antonio River Basin as ending at its confluence with the Guadalupe. The six-mile run of the rivers to San Antonio Bay beyond the confluence is designated as the Guadalupe River Basin. That's the portion from which GBRA would divert water for the project.

The water board also argues that state laws prevent the boundaries of the basins from being redrawn in order to allow an interbasin transfer of water and that the law can't be changed without action by the Texas Legislature.

"We're going to go to Austin with a bill to get the legislature to acknowledge that the interbasin transfer rule shouldn't apply to us in this particular situation," said Greg Rothe, general manager of the San Antonio River Authority.

West said the proposed legislation will be very specific to the Lower Guadalupe project only.

He said making the legislation specific will give it a better chance of passing because other areas of the state, including East Texas, are eager to keep the interbasin transfer clause in the law to protect their water from other basins.

West said the three partners feel confident they can convince the legislature to adopt the change.

"But it's going to take lots of shoe leather, lots of lobby time, lots of arm twisting, lots of work," said West.

### **Environment plan**

Rothe said the project's partners will also go to the legislature to seek the adoption of a new planning process that deals with environmental needs impacted by water projects.

He said the proposed new process would result in studies being conducted to develop solid figures showing how much water rivers, bays and estuaries need to remain healthy.

"There's really a dearth of good science," said Rothe. "There's a great need for additional studies there."

He said the developers hope the legislature "would direct funds and energy in the direction of getting that better science."

The proposed new planning process, recently developed by the Texas Water Conservation Association, will include developers and environmentalists and other water "stakeholders" working together, Rothe said.

"We'd have all the stakeholders at the table. We would hire good scientists. We would get good science. We would think about what we're trying to accomplish on the environment, set up goals and objectives - and understand how much water was necessary to meet those goals and objectives."

He said if the conservation association's plan is adopted for the state's water planning process, it could be used in the development of the next version of the state water plan, which is already under way and scheduled to take five years to complete.

"In the next round of planning as we adjust water projects, we would ... try to reconfigure our projects if necessary to try to meet (environmental) objectives," Rothe said.

The proposed new planning process is an answer to the type of water-use permit now being sought by the San Marcos River Foundation, he said.

That river foundation is asking the state to grant it a permit for 1.1 million acre-feet of Guadalupe River water, which it would leave in the river to ensure the health of the bays and estuaries.

The environmental group's request is based on a Texas Parks and Wildlife Department study that indicated the bays and estuaries need 1.1 million acre-feet annually to remain healthy.

But the developers of the Lower Guadalupe project believe the Parks and Wildlife study overstates the true needs of the bays and estuaries - and that approval of the San Marcos River Foundation permit would result in very little water being left unallocated in the river for human needs.

"We recognized that we couldn't just say that's not the answer," Rothe said. "We needed to have a better answer. So we went about the business with the TWCA (water conservation association) membership

and ultimately adopted a policy statement that describes this new planning process that we think is the much better alternative."

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