



TCEQ warns aquifer rules could limit holders' take

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AUSTIN — The state's top environmental agency Wednesday recommended that the Edwards Aquifer Authority reconsider its rules that allow aquifer users to take extra water when the aquifer is full.

Going against staff recommendations, the three commissioners of the Texas Commission on Environmental Quality concluded that the authority's rules could reduce springflows from the aquifer, slightly reducing the amount that rights holders could take from the Guadalupe River in dry times.

The resolution approved by the board was strictly advisory and the authority is not required to act on it. The board was asked by downstream users to take up the matter.

The authority two years ago set up the disputed "junior-senior" permit structure to resolve a problem created by its enabling legislation. Longtime users were guaranteed minimum amounts by lawmakers, but those amounts exceeded the 450,000-acre-foot-cap that legislation placed on annual pumping by almost 100,000 acre-feet.

Under the junior-senior scenario, a percentage of each pumper's rights — collectively amounting to 100,000 acre-feet — cannot be used once aquifer levels in San Antonio fall below 665 feet above sea level.

Downstream users represented by the South Central Texas Water Advisory Committee claim that the increased use by junior permit holders would mean less water is available in drought.

Studies by the agency and the Texas Water Development Board found that maximum use of the junior rights reduced springflows from the aquifer by 5,931 acre-feet. They determined that the city of Victoria would be able to divert 2,432 acre-feet less.

"We think that a mountain has been made out of a molehill with respect to these rules," the authority's attorney, Hunter Burkhalter, told the commission. He said the actual impact on downstream users would be almost undetectable.

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Online at:

<http://www.mysanantonio.com/news/environment/stories/MYSA011206.08B.pumping.17544fec.html>