



Edwards pumping battle is revived

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More than a decade after state lawmakers created a Rubik's cube of a water puzzle for South and Central Texas to solve, a new fight is brewing over who gets to sip from the huge underground reservoir.

In an effort to resolve contradictions in the 13-year-old law and to meet a 2008 deadline for cutting back use, legislators are expected to delve into the law to make changes — and that's got forces lining up to battle once again.

Those who draw water directly from the Edwards Aquifer want to raise the pumping cap — the maximum amount, established by the Legislature, that can be poured through kitchen taps or sprayed on corn fields in a given year.

One small problem, though: The Legislature, at the same time it set the pumping cap, also guaranteed minimum amounts of water to landowners and utilities based on their historic usage. Those guaranteed amounts exceed the cap. By a lot.

So unless the Legislature fixes the problem it created, Edwards users must buy back some of those guaranteed rights to make up the difference. Raising the cap could save them hundreds of millions of dollars.

On the other side of the debate are those who rely indirectly on the Edwards — drawing from rivers fed by springs emanating from the aquifer. They want lawmakers to guarantee that those who pump from the aquifer cut back heavily on use when aquifer levels drop — more heavily than those pumpers would like.

"We're trying to find some kind of compromise on this thing," said Bill West, general manager of the Guadalupe-Blanco River Authority. "The clock is ticking as far as the start of the Legislature and there are a lot of folks who would like to see some kind of resolution before the gavel falls in the ledge."

State Rep. Robert Puente, D-San Antonio and chairman of the House Natural Resources Committee, said he would file early next month, before the session starts, a copy of a bill that failed to pass in the last session "as a starting point."

Raising the cap

The board of the Edwards Aquifer Authority has unanimously adopted a position that calls for the pumping cap to be raised from the current 450,000 acre-feet a year to 549,000 acre-feet — the sum of all permits the authority was legally bound to issue to historical users of the resource.

It also calls for a "pumping floor" of 340,000 acre-feet — the amount that pumpers would be limited to if everyone in the region were in maximum drought restrictions for the entire year. Downstream users think it should be even less.

There's a huge incentive hanging over the heads of everyone to work out a resolution.

The legislation as written calls for the pumping cap to fall — not rise — to 400,000 acre-feet on Jan. 1, 2008. Edwards permit holders and water rights holders in the Guadalupe River basin would split the costs of buying back those 50,000 acre-feet. With pumping rights selling for more than \$5,000 an acre-foot, that tab would exceed \$250 million.

The San Antonio Water System also supports raising the pumping cap, said Greg Flores, SAWS vice president of communications and external relations.

But West, speaking for those downstream users, said there would have to be tradeoffs.

"While we aren't overly excited about raising the cap to 549,000 acre-feet, pumping that much when it's raining and the aquifer is full doesn't have the consequences of overpumping during dry periods," he said.

Consequently, West said, downstream interests can live with raising the cap if there's a focus on what happens when aquifer levels start declining.

"The floor issue is the most critical of the two," he said. "In the regional water planning process, we agreed to 340,000 acre-feet and agreed not to fuss about it and to focus on bringing alternative (water) supplies into the region. Now that most of the alternative supplies are not on-line and aren't coming, then whatever that floor number is has come back to the top of the issue list."

SAWS last year dropped out of a proposed project with the GBRA that would have brought water to San Antonio from the mouth of the Guadalupe and increased its Edwards rights acquisition program. That has sparked fears by regional neighbors that the utility is not lessening its dependence on the Edwards as much as envisioned a decade ago.

Tougher restrictions

Downstream interests say that in exchange for their support in raising the cap, they want tougher drought restrictions written into the law that better protect springflows, reducing the 340,000 acre-foot minimum floor on pumping even more. They also want a legal commitment to working with the U.S. Fish and Wildlife Service to firmly establish the springflow needs of the endangered species by 2012.

"Comal Springs went dry at a pumping level of 321,000 acre-feet a year in the drought of the 1950s," said Thomas Taggart, chairman of the Guadalupe Basin Coalition, which represents interests around and downstream of the springs. "Clearly, the aquifer under many conditions won't support 340,000 acre-feet of pumping."

"What we're proposing is a process to address that floor number," said West, whose board supported the coalition's resolution calling for certain conditions in exchange for supporting a rise in the cap. "Not to debate, fight, flip a coin or whatever as to what that number should be, but to

agree to a process, a process that has served itself well in the western states over just as complicated issues as the Edwards."

Flores said SAWS thinks that protecting springflows "is extremely important," and utility officials support the Fish and Wildlife process but don't want to see it written into the Edwards law.

Under regional drought rules that have been in place for about a decade, cutbacks starting at 5 percent are placed on pumpers when aquifer levels fall to 650 feet above sea level at the index well in San Antonio.

But under the proposal that downstream interests want written into law, 10 percent reductions would start at an aquifer level of 675 feet, and by the time the aquifer fell to 650 feet, cutbacks would reach 25 percent. The cutbacks would reach 40 percent when the level fell to 630 feet or more if an emergency panel composed of state and local officials deemed it necessary.

Critics say that plan aims to leave most of the water in the aquifer most of the time just to protect against the risk of a severe drought.

"During periods of extended drought, 60 to 70 percent of the Guadalupe River flow sometimes is springflow," said Jerry James, director of environmental services in Victoria.

James said negotiations should be made with the memory that provisions in the law regulating the Edwards were reactions by the state to a Sierra Club lawsuit seeking protection of rare spring species.

"It's not so much that San Antonio needs to give up this so that somebody else can have that," James said. "It's more geared toward 'we all need to do what we can to try to keep that whole system of water moving for everyone's benefit and for the protection of those endangered species' or else the Edwards region could be back in an Endangered Species Act lawsuit."

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