

LCRA urges users to conserve but still sells water

River authority claims it is obligated to sell water.

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AMERICAN-STATESMAN STAFF

Sunday, February 25, 2007

Two weeks ago, Joe Beal, the head of the agency that manages the Colorado River, stood on the exposed banks of Lake Travis and warned that more than 1 million people might be forced to cut their water use if the Central Texas drought doesn't break.

"We're going to have to pull together and conserve this water," Beal said on that cold, windy day. "We're going to have to stretch it to make it last. But if the drought persists, we may have mandatory restrictions."

But on Wednesday, shortly after one board member of the Lower Colorado River Authority asked Beal whether the agency could apply for disaster aid, the LCRA approved a contract to sell almost 815 million gallons of water from Lake Travis each year to a proposed 6,000-home subdivision that would straddle Blanco and Burnet counties.

In 20 years, the subdivision will probably have more than eight times as many residents as Blanco, the biggest city in Blanco County, does today.

The contract raises questions about just how dire the water situation is. And it draws attention to a justification that LCRA offers as it sells water to Hill Country subdivisions: that it has to.

"If rain falling on a piece of land ends up in the Colorado River, then the LCRA is obligated to give the owner of that land water," LCRA spokesman Robert Cullick said.

The river authority says it is obligated by the state to sell water to anyone willing to pay it in time of drought and who has a conservation plan and a drought contingency plan.

(For example, Rancho San Miguel, the proposed subdivision, has said it will start with an initial consumption of 162 gallons of water per day per person; through conservation methods, it aims to limit consumption to 146 gallons per day per person by 2016. Its drought contingency plan outlines watering restrictions in case lake levels get low.)

"Water in the lakes and rivers belongs to the people of Texas," Beal said. "Is it appropriate that the LCRA stand between the citizens of the state who have a right to that water and that water?"

The LCRA says its position is couched in water codes and in case law.

But it declined to cite that case law because it does not want to reveal its legal strategy.

The state rule that gives the LCRA control of the river says the agency "may" sell water, not that it must.

"It's a determination by them to read the law as requiring them to justify the sales they're doing," said Rick Lowerre, an Austin environmental attorney.

The LCRA was created in 1934 after a series of floods and droughts made the river unpredictable and unreliable as a source of water. Its mission is to "provide reliable, low-cost utility and public services" and "to ensure the protection and constructive use of the area's natural resources."

The LCRA says all evidence shows that the Austin area will grow, so the agency needs people to conserve to serve new residents. For example, Beal says that even as the Blanco subdivision grows by 1,500 people a year, Austin may add as many as 40,000 people annually.

"If we say it doesn't make sense to sell water to this subdivision in Blanco, if that logic holds, then we need to shut the gate on the highway to Austin," he said.

The LCRA says that although the water sold to Rancho San Miguel may sound like a lot, it's basically a drop in the lake. The 815 million gallons represents less than 0.5 percent of the water that the LCRA estimates it can provide during droughts.

Even during the worst of droughts, the LCRA estimates that it can dole out more than 200 billion gallons of water a year. Water that will be available even in the driest of times is called firm water.

About 160 billion gallons of that water are currently spoken for: They are divided up among firm water customers, such as industrial users like power plants that use the water to cool their facilities or cities such as Lago Vista and Austin.

The river authority, then, still has billions of gallons of firm water that it can sell. Right now, about 40 billion of the 160 billion gallons are actually being used. Every 325,000 gallons of firm water sell for about \$126, according to the LCRA.

Downriver users such as rice farmers, however, can pay about \$5.50 for every 325,000 gallons for "interruptible water," or water that can be cut off in drought conditions.

In fact, interruptible users are already being told that they can't have all the Highland Lakes water they want if the drought persists. (They still have access to treated wastewater or rainwater downriver of Austin.)

The LCRA is a nonprofit, and the money pays for a range of needs, including pipeline maintenance and park rangers.

So why is the LCRA floating restrictions that could affect more than 1 million people even as it sells water to Rancho San Miguel?

"The drought is severe, but not so severe as to justify ending people's access to the water," Cullick said.
"Conservation is the most efficient way to develop new water supplies."

Restrictions could mean limits on watering yards, washing cars and filling pools, even for firm water customers, the LCRA said. Outdoor water could be limited to a hand-held hose, and the filling of ornamental ponds and pools could be barred and fines imposed. The limits could begin in late summer if the drought persists. Austin residents would be among those affected.

The lake level drop is real. Typically, about 115 billion gallons of water flow into Lake Buchanan and Lake Travis during the last three months of any year. From October to December, only about 16 billion gallons entered the lakes.

Two weeks ago, the lakes were only 54 percent full, and Lake Travis was more than 23 feet below average. LCRA officials say conservation restrictions and curtailing interruptible water will slow the depletion of the lakes.

Rice farmers, smaller cities such as Bastrop and La Grange, industries such as chemical and power plants, shrimp and oyster fishermen, hunters, birders and boaters all depend on the amount of water stored in and released from the two lakes.

"Taking water out of the lake for another development flies in the face of providing water downstream," Larry Hoffmann, a member of the Regional Clean Air and Water Association, a San Antonio citizen group, told the LCRA board.

But the LCRA says it cannot deny people water.

"How in the world can we stand between that subdivision and water and give water to Austin and users downriver?" Beal asked.

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