

Without a crisis, water issue sinks

A major drought this year would have helped Texas' long-range water prospects.

Sure, that notion is counterintuitive, but the Texas Legislature is involved.

Lawmakers are notoriously weak on long-range planning. It often takes a crisis to force legislative action on major issues.

Comprehensive legislation to address statewide water issues died during the House in the last-minute crush of business.

"It was one of those things where I think you have to have a drought and a budget surplus to pass a bill like that," said House Natural Resources Committee Chairman Robert Puente, D-San Antonio.

He added, "I think it was very good legislation. It had lots of support, but there wasn't the urgency to do it."

Environmental groups supported Senate Bill 3, the legislation originated by Senate Natural Resources Committee Chairman Ken Armbrister, D-Victoria, because it provided measures to protect the flows of rivers to bays and estuaries vital to the Gulf Coast.

The legislation also would have revised the state's rule of capture that allows unlimited pumping of groundwater that is not under the jurisdiction of a water district.

Originally, the bill would have placed a fee on water bills across the state to finance water supply projects. That idea met so much resistance that Armbrister withdrew it before taking the



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bill to the Senate floor. "Ultimately, we do have to address the way we finance our water infrastructure," Puente said last week.

Perhaps most important to Edwards Aquifer users, the bill would have lifted the annual 450,000 acre-feet pumping cap imposed on the underground reservoir.

While existing law set the pumping limit, it also required the Edwards Aquifer Authority to follow rules that resulted in the issuance of 570,000 acre-feet in annual pumping permits.

To cope with the conflicting requirements of the law, the EAA board approved a two-tiered permitting system that gives uninterrupted senior rights for pumping permits totaling 450,000 acre-feet and less secure junior rights for the remainder.

SB 3 also would have placed new restrictions on Edwards pumping during periods of drought to protect the spring flows and downstream interests.

Puente noted that since the aquifer level remains high, the Legislature's failure to address the situation is not likely to have much immediate effect.

But downstream users who worry about potential overpumping from the aquifer will now turn their attention to the Texas Commission on Environmen-

tal Quality, where an appeal of the EAA's two-tiered permitting system is pending.

If the rule is deemed to be in violation of the law governing the Edwards, the EAA would have to come up with as much as \$200 million to buy back the water rights that were issued in excess of 450,000 acre-feet.

Lawmakers can reconsider the matter in 2007.

Beginning in 2008, the pumping limit will drop to 400,000 acre-feet. That should apply some pressure on lawmakers.

The next big regional water controversy will involve the San Antonio Water System board, which this month is scheduled to act on a staff recommendation to pull out of an \$800 million project to bring water from the lower Guadalupe River to San Antonio.

The project is one of several that SAWS is exploring at great cost, and the plan faces major environmental hurdles.

But if the utility pulls out of the deal, the political implications are huge.

Downstream users fear San Antonio will be signaling its intent to mine the Edwards Aquifer to their detriment and at the expense of regional planning.

SAWS officials are putting the finishing touches on a new examination of the situation that will be unveiled in coming weeks.

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