

Chronology of Edwards Aquifer Developments Beginning July 2003

- July 13, 2003 SAWS Interim CEO Leonard Young writes USFWS requesting reevaluation of the take and jeopardy springflows minimums designated at Comal and San Marcos Springs.
- October 14, 2003 SAWS endorses junior – senior water rights scheme before EAA Board, effectively raising the authorized pumping limit to 572,500 acre-feet/year from 400,000 acre-feet/year beginning in 2008..
- December 16, 2003 EAA Board adopts junior – senior water rights scheme. Chairman Mike Beldon resigns and Doug Miller is elected Board Chair.
- April 13, 2004 EAA General Manager Greg Ellis announces his intent to resign before September.
- May 11, 2004 EAA Board rejects request from SCTWAC to reconsider junior – senior water rights scheme.
- October 12, 2004 Robert Potts hired as EAA General Manager to replace Greg Ellis.
- November 8, 2004 Edwards Vision discussion between SAWS, SARA, and GBRA. Alex Bresinio – LGWSP makes the most sense for SAWS among the projects under consideration.
- November 11, 2004 Filing deadline for SCTWAC resolution on junior water rights before TCEQ.
- December 7, 2004 SCTWAC resolution abatement discussion between EAA and SCTWAC. EAA pushes an increase in the pumping cap.
- December 16, 2004 SCTWAC & GBC meetings at GBRA and discussion with EAA General Manager Robert Potts. Federal facilities exempted from EAA permitting. GBRA adaptive management concept presented.
- December 17, 2004 Edwards Vision discussion between SAWS, SARA, EAA, GBRA and SCTWAC. Junior water rights pushed by SAWS, EAA and SARA. SAWS, EAA and SARA - scientific basis for pumping restrictions, springflow measures and bay and estuary and instream flow needs not established.
- January 7, 2005 Edwards Vision discussion between SAWS, SARA, EAA, GBRA and SCTWAC. Junior water rights pushed by SAWS, EAA and

- SARA. SAWS considers buy – down a waste of money.
- February 1, 2005 Edwards Vision discussion between SAWS, SARA, EAA, GBRA and SCTWAC. Junior water rights pushed by SAWS, EAA and SARA. No real agreement reached. General feeling that major legislation on the Edwards be delayed until 2007.
- February 2, 2005 Guadalupe Basin Coalition. SB 3 Omnibus water bill could be the vehicle to get improvements in Edwards Aquifer Act if the bill includes items that San Antonio wants such as basin redesignation. Region L portion of the bill could be recommended to Chairman Armbrister.
- February 11, 2005 Edwards Vision discussion between SAWS, SARA, EAA, GBRA & SCTWAC. No agreement reached. SAWS - projects too costly. Chardavoyne, “The answers are not within our grasps today. The science is not there to support current restrictions on the use of the aquifer.”
- February 17, 2005 EAA HCP facilitation meeting between SAWS, SARA, EAA, GBRA & SCTWAC. Discussion of root issues, but no consensus. Near conclusion of meeting EAA suggests that pumping limits be removed from HCP. Downstream interests do not agree.
- February 23, 2005 TCEQ considers SCTWAC resolution against EAA junior water rights. Commissioners do not send issue to SOAH, but express concern about junior impacts on downstream water rights. SCTWAC’s review is granted. TWDB and TCEQ staff will work together to study the impacts and Executive Director will file recommendations within 6 months.
- March 8, 2005 EAA Board Meeting. SAWS supports new version of draft HCP without pumping limits, but would like more time to consider it. EAA votes 11 to 4 to send draft HCP to USFWS anyway. EAA asked to poll members on preferred options for future cap scenario by Chairman Puente. Board approves choice that allows most pumping from the aquifer and least cost to permit holders; 570,000 acft/yr of regular rights and no buy – down.
- April 4, 2005 Introductory press conference for SB 3 by Armbrister in Lt. Governor’s Office. Armbrister emphasizes use of springflow and stricter critical period measures to protect downstream interests.
- April 5, 2005(?) SAWS sends GBRA Region L proposal delaying LGWSP to 2030 and delaying SAWS-LCRA project to 2060.

April 7, 2005 Senate Natural Resources staff hold negotiation session on Article 5 of SB 3 (Edwards section). EAA and SAWS oppose use of springflow in bill and other portions. A smaller group is selected to meet and discuss the bill the following day.

April 8, 2005 Senate Natural Resources staff hold negotiation session on Article 5 of SB 3. Meeting is as large as the day before. EAA and SAWS voice opposition to the use of springflow in bill and other issues. After meeting SB3, Article 5 is rewritten to eliminate most meaningful springflow references, eliminate buy – down, water down “continuous minimum springflow language”, while raising the cap.

April 12, 2005(?) SAWS alters Region L Plan delaying LGWSP to 2020 and SAWS-LCRA to 2050.

April 12, 2005 GBC, SAWS & EAA. EAA and SAWS lay out their proposal. Cap would be 572,000 acft/yr and no buy – down. References to surface water rights and springflow triggers eliminated from Article 5. No agreement reached.

April 12, 2005 Senate Natural Resources. Testimony on SB 3. Coastal Conservation Association and SAWS voice opposition to Article 5.

April 18, 2005 Meeting with SAWS, EAA, GBC on Article 5. GBC lead by Victoria accepts SAWS proposals for changes to Article 5.

April 21, 2005 Senate Natural Resources passes amended version of SB 3.

April 29, 2005 SB 3 makes it to Senate floor and is passed out. Senator Van De Putte expresses concern over 320,000 acft/yr and 288,000 acft/yr restrictions.

May 9, 2005 House Natural Resources hearing on SB 3. SAWS and CCA come out against 320,000 acft/yr and 288,000 acft/yr minimums as too restrictive on aquifer pumpers. Chardavoyne, “Certain projects may not be constructed because they are not in the best interest of the downstream interests.” SB 3 left pending. Puente and Hilderbran to negotiate on Article 5.

May 9, 2005 House Natural Resources hearing on SB 3 held at Chairman Puente’s desk. SB 3 passed out after removing the most restrictive 288,000 acft/yr level.

May 20, 2005 SAWS withdraws from LGWSP.

May 23, 2005 SB 3 fails to passed prior to House deadline. SB 3 dies.

May 24, 2005 Chairman Armbrister attempts to add Article 5 to HB 2233, but has a paperwork glitch. Claims that buy – down would cost \$750M.

May 25, 2005 Chairman Armbrister adds Article 5 to HB 2233.

May 27, 2005 House refuses to concur on Senate amendments to HB 2233 (including Article 1, Environmental Flows, and Article 5, EAA).

May 28, 2005 HB 2233 Conference Committee strips out Article 5 and other non-germane amendments.

May 29, 2005 Additional attempts to add Article 5 to other legislation fail. Edwards legislation dead for 79th Legislature, 1st Regular Session.

June 13, 2005 In *GDF Realty Investments, Ltd. v. Gale A. Norton*, the U.S. Supreme Court refuses to rule that application of the Endangered Species Act violates the constitution when it applies to species that do not cross state boundaries and do not appear to contribute to interstate commerce. In 2004, the 5th U.S. Circuit Court of Appeals rejected claims that restrictions protecting Edwards Aquifer cave bugs were an improper application of the interstate commerce clause.

June 29, 2005 During 1st called Special Session of the 79th Legislature, SB3, Article 5 (refilled as SB 24 by Armbrister) is passed out of Senate Natural Resources Committee.

July 13, 2005 During 1st called Special Session of the 79th Legislature, SB3, Article 5 (refilled as HB 41 by Puente) is passed out of House Natural Resources Committee.

July 20, 2005 1st called Special Session of the 79th Legislature ends without passing Edwards Aquifer bill.

July, 2005 Some newspapers, including the San Antonio Express-News, publish a letter by Rep. Carter Casteel (R) of New Braunfels, which raises concerns about the collapsing Region L Water Plan, SAWS announced intention to pump more out of the aquifer and to use a standard for planning less than the drought of record, and legislation to authorize more pumping out of the aquifer.

August 12, 2005 At a joint meeting of the Guadalupe Basin Coalition and South Central Texas Water Advisory Committee held in Gonzales, Texas (where the first shot in the Texas war for independence was fired on October 2, 1835), a resolution opposing SAWS Water Resource Plan 2005 Update is passed. The Plan increases SAWS reliance upon the Edwards Aquifer and adopts a planning standard less than the drought of record.

August 16, 2005 The SAWS Board adopts the Water Resource Plan 2005, which ends the organizations participation in the LGWSP, increases SAWS reliance upon the Edwards Aquifer and adopts a planning standard less than the drought of record.