

RESOLUTION NO. 02-2005-01

**A JOINT RESOLUTION OF THE SOUTH CENTRAL
TEXAS WATER ADVISORY COMMITTEE AND
THE GUADALUPE BASIN COALITION
REQUESTING THE SAN ANTONIO WATER
SYSTEM BOARD OF DIRECTORS TO POSTPONE
ACTION ON THE SAN ANTONIO WATER SYSTEM
WATER RESOURCE PLAN 2005 UPDATE**

WHEREAS, diverse economic and social interests are dependent on the Edwards Aquifer (“Aquifer”) for water supply; and

WHEREAS, the Aquifer has been declared by the Texas Legislature to be “a distinctive natural resource in this state” and “a unique aquifer”; and

WHEREAS, the Edwards Aquifer Authority Act, enacted in 1993 by the Texas Legislature, created the Edwards Aquifer Authority, and requires the Authority to limit “[a]uthorizations to withdraw water from the aquifer ... to ... (1) protect the water quality of the aquifer; (2) protect the water quality of the surface streams to which the aquifer provides springflow; (3) achieve water conservation; (4) maximize the beneficial use of water available for withdrawal from the aquifer; (5) protect aquatic and wildlife habitat; (6) protect species that are designated as threatened or endangered under applicable federal or state law; and (7) provide for instream uses, bays, and estuaries”; and

WHEREAS, the Edwards Aquifer Authority Act created the South Central Texas Water Advisory Committee (the “Advisory Committee”), with members appointed by the governing bodies of the counties of Atascosa, Caldwell, Calhoun, Comal, DeWitt, Goliad, Gonzales, Guadalupe, Hays, Karnes, Medina, Nueces, Refugio, San Patricio, Uvalde, Victoria and Wilson, and the governing bodies of the cities of San Antonio, Victoria, and Corpus Christi, to “advise the [Edwards Aquifer Authority Board of Directors] on downstream water rights and issues” and to “assess the effect on downstream water rights of the management of the aquifer” by the Edwards Aquifer Authority; and

WHEREAS, the Guadalupe Basin Coalition (the “Coalition”) is a voluntary association of businesses, chambers of commerce, governmental entities, and other entities and interests in counties along the Guadalupe, San Marcos, Comal and Blanco rivers that are bonded by a common concern for the sustainable viability of these rivers, both economically and environmentally; and

WHEREAS, Comal Springs in New Braunfels and San Marcos Springs in San Marcos are the lifeblood of the Guadalupe River, contributing 373,000 acre-feet of water to the Guadalupe River in an average year, and during portions of the 1996 drought the springs accounted for 70% or more of the flow of the Guadalupe River reaching Victoria and nearly 40% of what reached San Antonio Bay; and

WHEREAS, the State of Texas has directed San Antonio to obtain a supplemental surface water supply since the publication of the first State Water Plan in 1961, and in every revision to the State Water Plan thereafter;

WHEREAS, an ad-hoc task force of staff members of the San Antonio Water System (“SAWS”) appointed by the President/CEO of SAWS has developed a proposed Water Resource Plan 2005 Update (the “Water Plan Update”) for consideration by the SAWS Board of Directors; and

WHEREAS, the Advisory Committee and the Coalition, in a joint meeting on August 11, 2005, received a presentation on the Water Plan Update from representatives of SAWS; and

WHEREAS, the SAWS recommendations in the Water Plan Update include the following:

1. SAWS should “solidify and increase its Edwards Aquifer supply”;
2. SAWS should “actively participate” in studies directed at increasing the recharge to the Edwards Aquifer in the Nueces River Basin;
3. SAWS should terminate proposed projects to develop additional water supplies from the Simsboro aquifer and the lower Guadalupe River;
4. SAWS should postpone proposed projects to develop additional water supplies from the Carrizo-Wilcox aquifer and the Colorado River;
5. SAWS should continue evaluation of other “potential water supply projects,” including the proposed “Recharge and Recirculation” project; and

WHEREAS, the Advisory Committee and the Coalition have serious concerns about the SAWS Water Plan Update, including the following:

1. The Water Plan Update, in determining the availability of water from the Edwards Aquifer, dispenses with reliance on the drought of record, a fundamental precept of water planning for the Region L State Water Planning Region and other State Water Planning Regions, thereby transferring the risk from SAWS to the remaining communities of the region that are dependent upon the Edwards Aquifer; and
2. The Water Plan Update, in dispensing with reliance on the drought of record, ignores the requirement in the Edwards Aquifer Authority Act that “continuous springflows at San Marcos and Comal springs” be protected by the Edwards Aquifer Authority as of January 1, 2012, and appears to accept the periodic cessation of springflows at San Marcos and Comal springs as a necessity in SAWS’ water supply planning; and

3. The Water Plan Update, in focusing on affordability of water supply for the customers of SAWS, ignores the substantial investments made by many water suppliers in the Edwards Aquifer Region, including the Bexar Metropolitan Water District and the cities of New Braunfels, San Marcos and Schertz, to develop alternate water supplies, and the accompanying impact of those investments on water supply affordability in those communities and areas; and
4. The Water Plan Update, in determining the cost of Edwards Aquifer water compared to the cost of other water supplies, assumes that no payments would be due to the owners of EAA permit rights in connection with the impending reduction in total EAA permit rights to 400,000 acre feet per year on January 1, 2008, and in doing so, assumes an amendment to the EAA Act is in place that the Texas Legislature has not enacted; and
5. The Water Plan Update ignores the impact of the current Edwards Aquifer Authority transfer rules, which were predicated on the 1998 SAWS Water Plan; and
6. The Water Plan Update optimistically estimates per capita per day use of 116 gallons, which may not be realistic or achievable within the projected timeframe, and therefore may significantly underestimate SAWS' future demands; and
7. The increased reliance on the Edwards Aquifer in the Water Plan Update would detrimentally affect the remainder of the region that also relies on the Aquifer, and thereby fails to reassure SAWS' regional neighbors that SAWS will take care to avoid imposing on the water supplies of other Aquifer users, and instead shows that San Antonio is returning to an earlier pattern of mistakes by once again postponing the date by which SAWS will have a meaningful surface water supply; and
8. The Water Plan Update, rather than taking the opportunity for SAWS to present unifying leadership with respect to the water needs of the South Texas Region, casts SAWS in the role of isolationist in a way that increases tensions and suggests a competitive rather than cooperative relationship with other communities and areas in the region.

NOW, THEREFORE, BE IT RESOLVED BY THE SOUTH CENTRAL TEXAS WATER ADVISORY COMMITTEE AND THE GUADALUPE BASIN COALITION THAT:

Section 1. The South Central Texas Water Advisory Committee and the Guadalupe Basin Coalition respectfully request that the San Antonio Water System Board of Directors postpone action on the Water Plan Update for a sufficient period of time to:

A. Reexamine the concept of affordability to SAWS customers as the predominant criteria for water supply project consideration, and recognize the impacts of the Water Plan Update on affordability and sustainability of water supplies for all communities of the South Central Texas region; and

B. Recognize the major role that all large cities, including San Antonio, have on statewide progress to achieve adequate water supplies, and the need for consistency in statewide water resource planning; and

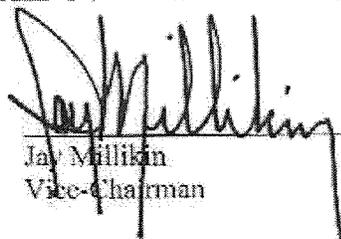
C. Consider the potential consequences of optimistic, as opposed to conservative, water supply planning with respect to increased use of the Edwards Aquifer, including extended periods of severe water use restrictions, inability to adequately provide for industrial, commercial and residential growth, and the potential for the "blunt ax" of oversight by federal courts and agencies under the Endangered Species Act to deprive the South Central Texas region of the ability to plan its own water supply future.

**PASSED AND APPROVED BY THE SOUTH CENTRAL TEXAS WATER
ADVISORY COMMITTEE THIS 11th DAY OF AUGUST, 2005.**



Gary Middleton *by Mark Taylor*
Chairman

**PASSED AND APPROVED BY THE GUADALUPE BASIN COALITION
THIS 11th DAY OF AUGUST, 2005.**



Jay Millikin
Vice-Chairman