

BILL ANALYSIS

Senate Research Center

S.B. 1631
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Natural Resources
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Lower Colorado River Authority (LCRA) has the rights to more than 2.1 million acre-feet of water per year. This water is the drinking supply for more than one million people and is critical to Central Texas. A 1989 court settlement determined the water rights for the Highland Lakes and required LCRA to submit a water management plan to the Texas Commission on Environmental Quality (TCEQ). This water management plan governs the operation of the Highland Lakes and prescribes how to allocate water during water supply shortages.

During the most recent drought, concerns were raised regarding whether the current water management plan provides enough protection of the drinking water for those customers, who according to the court settlement, are entitled to have their water supplied 100 percent of the time without shortage through a repeat of the drought of record. For the past two years, the LCRA board has asked TCEQ for, and TCEQ has granted, an emergency order to modify and strengthen the current water management plan to ensure that water is available 100 percent of the time for these users.

S.B. 1631 attempts to put the terms of the 1989 court settlement into law and give protection to the drinking water for those customers who pay a premium for the guarantee of having water, even during a drought.

As proposed, S.B. 1631 amends current law relating to water management planning by the Lower Colorado River Authority.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Lower Colorado River Authority in SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amend Chapter 8503, Special District Local Laws Code, by adding Sections 8503.032 and 8503.033, as follows:

Sec. 8503.032. WATER MANAGEMENT PLAN. (a) Defines, in this section and Section 8503.033, "firm water" and "interruptible water."

(b) Requires the Lower Colorado River Authority (LCRA) to interrupt or curtail the supply of water under LCRA's certificates of adjudication 14-5478 and 14-5482, as amended, pursuant to commitments that are specifically subject to interruption or curtailment, to the extent necessary to allow LCRA to satisfy all demands for water under such permits pursuant to all firm, uninterruptible commitments.

(c) Requires supply of interruptible water to be cut off entirely before LCRA curtails supplies of firm water or requests that firm water customers institute voluntary drought contingency measures.

(d) Requires LCRA's water management plan to:

(1) ensure that firm water supplies are available to meet all existing and projected demands of firm water customers to the extent provided by:

(A) the April 20, 1988, Final Judgment and Decree adjudicating water rights in the Lower Colorado River Basin ("1988 Final Judgment and Decree");

(B) any orders issued by the Texas Commission on Environmental Quality (TCEQ) or predecessor agencies subsequent to the 1988 Final Judgment and Decree approving LCRA's water management plan for the operation of Lakes Travis and Buchanan;

(C) water rights adjudicated by the 1988 Final Judgment and Decree, and issued by TCEQ, as amended; and

(D) the provisions of the Water Code, rules of TCEQ, or other law; and

(2) cease all water releases of interruptible water when the combined storage of Lakes Travis and Buchanan is at or below 850,000 acre-feet.

Sec. 8503.033. FIRM WATER PROTECTION. Provides that Section 8503.032 does not, and the legislature does not intend to, diminish, decrease, limit, impair, or modify, in any manner that is detrimental to firm water customers, LCRA's commitments or contractual obligations to firm water customers or firm water customers' rights, entitlements, protections, prioritization, or status as either are set forth in:

(1) the April 20, 1988, Final Judgment and Decree adjudicating water rights in the Lower Colorado River Basin ("1988 Final Judgment and Decree");

(2) any orders issued by TCEQ or predecessor agencies subsequent to the 1988 Final Judgment and Decree approving LCRA's water management plan for operation of Lakes Travis and Buchanan;

(3) any water management plan of LCRA approved by TCEQ;

(4) any permits or certificates of adjudication or amendments of these issued by TCEQ subsequent to the 1988 Final Judgment and Decree;

(5) any existing water supply agreements or other agreements between LCRA and firm water customers;

(6) any rules, policies, or similar guidance documents of LCRA;

(7) any rules, policies, or similar guidance documents of TCEQ;

(8) the Water Code, this code, or any other law; or

(9) any other document.

SECTION 2. Requires LCRA to adopt or amend its rules and its water management plan as required to implement Sections 8503.032 and 8503.033, Special District Local Laws Code, as added by this Act.

SECTION 3. Effective date: September 1, 2013.