



July 19, 2004

Ray A. Wilkerson
Chairman
Lower Colorado River Authority
3700 Lake Austin Blvd
Austin, TX 78703

Re: Water for Williamson County - HB 1437

Dear Mr. Wilkerson:

The Brazos River Authority (BRA) appreciates the Lower Colorado River Authority (LCRA) facilitating the effort to define “no net loss” to comply with HB 1437 and to determine strategies to achieve the definition. We also appreciate the partnership and good working relationship we have with the LCRA in the BRA – LCRA Water Alliance (Alliance) in Williamson County. The BRA has attended and provided comment at the stakeholder meetings held in Wharton, Burnet, and Georgetown regarding HB 1437. This letter provides our written comments regarding the definition and application of “no net loss”.

I want to begin by acknowledging the BRA’s record of working with and for Williamson County entities over the past 30+ years to meet the county’s needs. Most recently BRA and LCRA have been working together to meet water needs as exhibited by the co-sponsorship through the Alliance of the Williamson County Water Supply Plan, produced in 2001. This plan defined how water supply from the Colorado River basin could meet some of Williamson County’s projected needs. As defined in the 2001 Water Supply Plan, additional water is needed by Williamson County and BRA is studying ways to increase supplies from existing reservoirs and facilities, as well as beginning to implement new groundwater supplies.

At present – BRA continues to work with and for Williamson County entities in the following ways:

- Development of new drought-proof groundwater supplies;
- Development of a regional water systems in eastern Williamson County;
- Development of regional wastewater systems and reuse initiatives;
- Partnering with LCRA in the Alliance; and,
- Participation on the statewide Water Conservation Task Force (along with LCRA) to work toward most efficient use of available water supplies.

I hope I’ve demonstrated BRA’s continuing commitment to meeting Williamson County’s water needs – as part of that commitment, we appreciate the care that LCRA is taking to best implement the provisions of HB 1437. The decisions to be reached by the LCRA Board have significant implications to Williamson County and on-going implementation issues to your water users. The following are our comments on the implementation of HB 1437 – particularly the definition of “no net loss” and criteria to be used to compare possible implementation strategies.

- a. Regarding the definition of ‘no net loss’ - HB 1437 requires there to be ‘no net loss’ from the Colorado River basin, however, it does not require ‘no loss’ – we feel it is an important distinction that ‘no net loss’ does not mean ‘no loss’. BRA advocates the meaning of ‘no net loss’ to mean no impact to the users of the water. To expand on this thought - the water to be diverted to Williamson County currently exists as firm yield in the Highland Lakes system; the users of that water are the rice growers in the lower basin who buy it as interruptible water; ‘no net loss’ to the users (ie. rice producers) would mean sufficient water for



equivalent production of rice. The definition and implementation of 'no net loss' should be applied to agricultural use in the lower basin.

BRA proposes this definition of 'no net loss':

i) The provision for alternative water supplies and/or water conservation practices that, when taken in aggregate, replace in 'real time' outflows from the Colorado Basin to Williamson County under HB1437.

(1) 'Real time' shall be considered to mean an appropriate averaging period consisting of 12 months.

(2) Alternative water supply is the volume of water conserved or supplied specifically for use by irrigators to comply with HB 1437. Outflow is the volume diverted from the Highland Lakes to Williamson County users authorized under HB 1437.

ii) The means and measures to conserve or supply replacement water for the diversions to Williamson County shall be in-place, operable, and confirmed in their ability to conserve or supply the assumed volumes of water prior to any outflow to Williamson County.

- b. Regarding the consideration of strategies to achieve no-net-loss, we make the following comments:
- i. Cost of the strategy should be a prime consideration – implement an economical solution;
 - ii. Ease of implementation of the strategy should be considered – it should be straightforward to implement the solution and simple to verify implementation;
 - iii. The effort, cost, and time required to obtain required permits for the strategy should be considered; and,
 - iv. The strategy should be able to vary in scale – as needed to match the amount of Colorado water activated for transfer.

Thank you for your careful consideration of these comments and we look forward to working with you through the remainder of this process.

Very truly yours,

BRAZOS RIVER AUTHORITY

David Wheelock, P.E.
Principal Engineer

Cc: John McLeod, LCRA