

Excerpt from Chapter 8 Legislative Recommendations, 2006 PWPA Plan

8.3 Legislative Recommendations

As the PWPG has gone through the preparation of the regional water supply plan, several items have been identified which the PWPG recommends be considered before the next planning cycle. Title 31 of the Texas Administrative Code (TAC) §357.7(a)(9) states that the Senate Bill One-sponsored regional water plans will include: “regulatory, administrative, or legislative recommendations that the regional water planning group believes are needed and desirable to: facilitate the orderly development, management, and conservation of water resources and preparation for and response to drought conditions in order that sufficient water will be available at a reasonable cost to ensure public health, safety, and welfare; further economic development; and protect the agricultural and natural resources of the state and regional water planning area.” Following is a list of recommendations for the TWDB to consider.

8.3.1 Regulatory Issues

- *Continue to evaluate the rules governing reuse to encourage the use of wastewater effluent.* The current regulatory environment provides a number of barriers to encourage the reuse of wastewater effluent. TCEQ should re-evaluate the current rules and change the rules to provide and quantify incentives for municipalities, industries and agriculture to reuse wastewater effluent.
- *TWDB should modify the criteria used to evaluate the development of irrigation demands.* The PWPG believes that the development of irrigation demand numbers should be performed individually by each planning region using a state-approved methodology.
- *TWDB/TCEQ should evaluate the issue of groundwater rights vs. surface water rights.* The current rules and planning guidelines do not differentiate between handling surface water rights and groundwater rights. A surface water right is a renewable right that can be anticipated to be available every year. A groundwater right may not be necessarily available every year, especially in the case of the Ogallala aquifer which has limited effective annual recharge. The two types of rights also are treated differently under drought of record conditions and in drought management plan recommendations.
- *TWDB should submit plans for and results of reservoir feasibility studies to the appropriate Compact Commission (Red River or Canadian River Compact Commission) for review.*

8.3.2 Legislative Issues

- *State-sponsored water availability modeling for minor aquifers.* This information is particularly important in the evaluation of the minor aquifers in the Panhandle. There was extremely limited information available regarding supplies which are anticipated to be available from the Dockum, Rita Blanca, and Whitehorse aquifers.
- *Funding for implementation of water supply strategies.* Many water supply strategies, particularly those associated with brush control, water conservation and irrigated agriculture, have limited means of implementation other than public outreach and education. It is recommended that the State sponsor programs to help implement these strategies and that the funding provided be specific to a region.
- *Manage groundwater resources through local groundwater conservation districts.* There remain certain areas of the Panhandle Water Planning Area, as well as other parts of the state, that are not within the boundaries of a groundwater district. In order to create an equal situation with regard to groundwater management, these areas should be included in a local district contained within the regional planning area.
- *Create a water conservation reserve program for irrigated acreage management.* A water conservation reserve program should be created to make it economically feasible for farmers to convert irrigated acreage to dryland.
- *Develop or improve grant and loan programs for utilities to replace/repair aging infrastructure.* Development of a program similar to the TWDB Wastewater Revolving Loan Program to address aging water infrastructure and metering programs.
- *Provide funding for expansion of the High Plains-PET network and integration into a statewide network.* This support should be administered through the network team annually, through groundwater conservation districts within the network area. The State should provide funding to allow enhancement, expansion and/or cost sharing of operating costs of the High Plains-PET network and its integration into a statewide network. This would enable more farms to use the information provided by the network to schedule irrigations, thus using the water more efficiently.
- *Evaluate policy barriers to use playa lakes for conservation purposes.* The State should evaluate the current legislative barriers to using playa lakes. The barriers should be removed or reduced to allow using the playas for aquifer recharge or other beneficial water supply purposes.
- *The PWPG requests that the State should require coordination between Regional Water Planning Groups and all State agencies, for example, regarding the development of the GAM and WAM models to ensure that the two models are not developed independently of or counter to each other.*

8.4 Recommendations for Future State Water Plans

- *TWDB should establish clear guidelines for eligibility for funding and needs assessment for very small cities, unincorporated areas.* Statements to the effect that

those "entities which fall under the planning limits retain eligibility for state funding assistance for water-related projects without having specific individual needs identified in the appropriate Regional Water Plan" would greatly enhance the ability of these small systems to provide their users with a safe and adequate supply of water.

- *TWDB should improve the monitoring and quantification of small communities, county-other, manufacturing, and livestock operator water use to provide better information for planning purposes.*
- *TCEQ should be made at least an ex-officio member of the RWPGs and be required to attend RWPG meetings to provide input on known water quality/quantity problems.*
- *Clarification of the significance of designating unique reservoir sites and stream segments.* It is recommended that the purpose of designating a unique stream segment or reservoir site be defined before the next planning cycle. It is unclear what the implications are of such a designation.
- *Allow development of alternative near-term scenarios for systems that have less than 3,300 population.* Current planning rules require a single scenario be developed for meeting near-term needs. Since future permits must be consistent with the regional plan, a single State-approved scenario may hamper the ability of a community to make its own choice among viable sources of additional water supply.
- *Alternative definitions of the reliable supply from a reservoir.* The current water plan requires the use of firm yield as the definition of water availability in a reservoir. It is recommended that in future water plans the definition of supply from a reservoir match the owner's operational criteria or definition of supply. For example, a reservoir that is used for steam-electric power generation must maintain a minimum pool level in order to effectively dissipate heat. Another example is the case where the water rights of a reservoir are less than the firm yield of the reservoir. In addition, many owners of reservoirs prefer to use the more conservative safe yield as the definition of reliable supply from their reservoirs to allow for more severe droughts than those experienced in the past.
- *Include reservoir sites in future water plans.* The PWPG proposes that the TWDB continue to include potentially feasible surface water supply projects in the Panhandle Water Planning Area, including, but not limited to, the potential Sweetwater Creek Reservoir site and the potential Lelia Lake Creek reservoir site. In addition, proposed flood control/aquifer recharge structures in the Red Deer Creek watershed should be included in future state water plans (PWPG Resolutions passed on February 29, 2000 and March 27, 2000).
- *Clarification of relationship between drought contingency planning and regional water supply planning.* Historically drought contingency planning has not been part of regional water supply planning. It is not clear what role drought contingency planning has in the regional planning process. Also, since one of the goals of drought contingency planning is demand reduction, it is particularly difficult to analyze conservation strategies because conservation is already included in the demand projections.

- *Include an economic impact analysis for the result of implementing water management strategies.* The current planning rules provide for an economic analysis of not meeting water demands. However, there is no provision for economic analysis of implementing a water management strategy. The analysis should include impacts on water suppliers, users and major economic sectors. For example, if irrigated acreage is converted to dryland production, there is no provision for developing an economic impact of implementing that water management strategy. A municipal example would be the effects of water/sewer rates charged to each homeowner if a water management strategy is developed to provide for projected future needs.
- *Salinity and brush control projects for the Canadian River and/or Red River Basin.* Although there have been salinity control projects recently implemented in the Canadian and Red River Basins, future State Water Plans should continue to plan for future salinity control projects and their funding to continue to improve water quality in the basins.
- *Interbasin/Intrabasin water transfers.* Future state water plans should provide for a detailed assessment of the potential for transporting water into the Panhandle Water Planning Area from outside regions as well as the potential for transferring groundwater from counties within the region with potentially developable supplies to counties which are showing significant deficits.
- *Brush control.* TWDB guidance is needed on how to account for brush control projects in the context of a source of "new surface water" for municipal, industrial, agricultural, and other uses. The Canadian River watershed has more than 50% cover of mixed brush species that are amenable to control for rangeland improvement and water enhancement purposes.